

SB

331

HFIN

FILE

HOUSE COMMITTEE REPORT

(11)

Date Referred to Committee: April 30, 1998

FURTHER REFERRALS:

Date of Committee Action: 5/4/98

The FINANCE Committee considered:

CSSB 33(FIN)

CS FOR SENATE BILL NO. 331(FIN)

PROFESSIONAL COUNSELOR LICENSING

“An Act regulating licensed professional counselors; regulating use of the titles 'licensed professional counselor' and 'licensed counselor'; amending Rule 504(a)(3), Alaska Rules of Evidence; and providing for an effective date.”

recommends it be replaced with the following committee substitute HCS CSSB 331(FIN) the same title a new title

additional referral to _____ Committee

attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal note(s) _____

fiscal note(s) DCED, 3/23/98

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Ken Herrault</i>	Herrault			X	
<i>Elda Mulder</i>	Mulder			X	
<i>Ben Grussendorf</i>	Grussendorf	X			
<i>W. Kelly</i>	Kelly			✓	
<i>David Davis</i>	Davis	X			
<i>St. Davies</i>	Davies	X			
<i>W. Kohring</i>	Kohring		X		

CHAIR'S SIGNATURE *Ken Herrault*

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
 Bill Version: CSSB 331 (HES)
 (S) Publish Date: 3-23-98

Revision Date: _____
 Title: An Act regulating licensed professional counselors;...
 Sponsor: Senate HES Committee by Request
 Requestor: Senate HES Committee

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations
 COMPONENT SERIAL NO. 1844

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	49.4	49.4	49.4	49.4	49.4	49.4
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	3.0	3.0	3.0	3.0	3.0	3.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	15.7					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	80.1	64.4	64.4	64.4	64.4	64.4
CAPITAL EXPENDITURES						
CHANGE IN REVENUES	144.5	0.0	128.8	0.0	128.8	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	80.1	64.4	64.4	64.4	64.4	64.4
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	80.1	64.4	64.4	64.4	64.4	64.4

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME	2	2	2	2	2	2
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SB 331 creates a five member Board of Professional Counselors to regulate use of the titles 'licensed professional counselor' and 'licensed counselor'. The department estimates there will be at least 250 applicants seeking licensure under this program. As a new regulatory program under centralized licensing (AS 08), the program will be subject to the self-sufficiency funding mandate through licensing fees under AS 08.01.065. An explanation of the costs shown are detailed on the attached page.

Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
 Approved by Commissioner: Deborah B. Sedwick
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 3/3/98
 Date: 3-4-98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO.: SB 331

#1

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

Personal Services

- | | |
|--|------|
| 1 - Occupational Licensing Examiner I, Range 12, GGU,
PPT, 6-months | 20.3 |
| 1 - Investigator III, Range 18, GGU, PPT, 6 months | 29.1 |

Travel

- | | |
|---|-----|
| 4 - In-State Board meetings, assuming each meeting is held for two days
plus one day for travel. This cost is based on two Anchorage meetings,
one in Fairbanks, and one in Juneau. | 8.0 |
| - Out-of-State event to attend a national affiliate conference. | 1.0 |
| - Investigator travel. | 1.0 |

Contractual

Funding for communications, public notices, printing, postage, and other standard contractual costs. This funding *does not* include funding for legal services, expert witnesses or other miscellaneous case costs. 3.0

This fiscal note assumes that any examination costs will either be paid directly to a testing company or pass through with no additional costs to the State.

Supplies

Provides daily operating and desk top supplies to the program and new positions. 2.0

Equipment (one-time costs)

Provides one-time work station, furniture and equipment set-up for the new positions. 15.7

TOTAL: \$80.1

Revenue

The costs identified in this fiscal note represent Direct costs to the new licensing program.

Licensing programs in Occupational Licensing are mandated by AS 08.01.065 to support their costs through licensing fees. For example, 250 licensed professional counselors can anticipate to pay:

Direct biennial costs of:	\$144.5	plus,
Administrative Indirect cost:	<u>24.0</u>	(based on 0.68% indirect costs similar to a program with a comparable number of licensees)
Total Biennial Costs:	\$168.5	divided by 250 licensees
 Initial Biennial License Fee:	 \$674.00	

Following the initial biennial licensing period, licensing fees will be evaluated and set to reflect costs. If costs are reduced, fees will be adjusted to reflect the reduced costs. However, if costs increase because of enforcement or litigation, fees will be adjusted accordingly. Licensing boards *do not* receive general fund subsidies for their operations. The programs are 100% program-receipt funded.

0-LS1580P
Lauterbach
4/30/98

Adopted
5/4/98
PN

HOUSE CS FOR CS FOR SENATE BILL NO. 331()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY
REQUEST
A BILL

FOR AN ACT ENTITLED

1 "An Act regulating licensed professional counselors; regulating use of the titles
2 'licensed professional counselor' and 'licensed counselor'; amending Rule 504(a)(3),
3 Alaska Rules of Evidence; and providing for an effective date."

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. AS 08 is amended by adding a new chapter to read:

6 Chapter 29. Licensed Professional Counselors.

7 Article 1. Board of Professional Counselors.

8 Sec. 08.29.010. Board creation; membership. (a) There is established the
9 Board of Professional Counselors consisting of five members appointed by the
10 governor, one of whom is a public member and four of whom are licensed professional
11 counselors.

12 (b) In addition to the requirements for public members under AS 08.01.025,
13 the public member of the board may not

14 (1) ever have been a licensed professional counselor or employed in a

1 commercial or professional field related to counseling; or

2 (2) live in a household with a person who is or has been, or have an
3 immediate family member who is or has been, a licensed professional counselor or
4 employed in a commercial or professional field related to professional counseling; in
5 this paragraph, "immediate family member" means a parent, sibling, or child related
6 by blood, marriage, or adoption.

7 (c) Of the four counselor members of the board, at least one shall be employed
8 in the private sector and at least one shall be employed in the public sector.

9 **Sec. 08.29.020. Duties of the board.** (a) In addition to the duties specified
10 in AS 08.01, the board shall

11 (1) license professional counselors, establish criteria for supervisor
12 certification, and certify approved counselor supervisors under this chapter; the board
13 may provide for licensure in areas of counseling specialization;

14 (2) establish continuing education requirements for the renewal of a
15 license under this chapter;

16 (3) adopt, by regulation, a code of ethics that must be observed by
17 persons licensed under this chapter;

18 (4) establish education and training requirements that must be met
19 before a professional counselor can administer and use assessment instruments
20 described in AS 08.29.490(1)(C).

21 (b) The board may delegate to the Department of Commerce and Economic
22 Development, and the department may perform, a duty for which the board has
23 authority.

24 **Article 2. Licensing Requirements.**

25 **Sec. 08.29.100. Unlicensed use of title prohibited.** (a) A person who is not
26 licensed under this chapter may not

27 (1) profess to be a licensed professional counselor or a licensed
28 counselor; or

29 (2) make use of a title, words, letters, or abbreviations that may
30 reasonably be confused with the title of "licensed professional counselor" or "licensed
31 counselor."

1 (b) Violation of this section is a class B misdemeanor, except that a third or
2 subsequent conviction for violating this section is a class C felony.

3 **Sec. 08.29.110. Qualifications for licensure.** (a) The board shall issue a
4 professional counselor license to a person who applies for the license, submits the
5 required fee, submits two letters of recommendation from professional counselors who
6 are familiar with the applicant's practice of professional counseling, and presents
7 evidence satisfactory to the board that the person

8 (1) is at least 18 years of age;

9 (2) is not under investigation in this or another jurisdiction for an act
10 that would constitute a violation of this chapter;

11 (3) has passed a written examination as required by the board; the
12 board may provide that passing a nationally recognized examination for professional
13 counselors is sufficient to meet the examination requirement of this paragraph;

14 (4) has successfully completed either

15 (A) an earned doctoral degree in counseling or a related
16 professional field from a regionally accredited institution of higher education
17 approved by the board; or

18 (B) an earned master's degree in counseling or a related
19 professional field consisting of at least 48 semester hours and at least 12 other
20 graduate semester hours in counseling during or after earning the master's
21 degree, for a total of at least 60 hours; and

22 (5) has at least 3,000 hours of supervised experience in the practice of
23 professional counseling performed over a period of at least two years under the
24 supervision of a supervisor approved under AS 08.29.210, with at least 1,000 hours of
25 direct counseling with individuals, couples, families, or groups and at least 100 hours
26 of face-to-face supervision by a supervisor approved under AS 08.29.210 unless, under
27 regulations of the board, the board allows the supervision to be by telephonic or
28 electronic means because of the remote location of the counselor.

29 (b) The board may, in its regulations, specify the areas of study that must be
30 covered in order to meet the educational requirements of (a) of this section.

31 **Sec. 08.29.120. Licensure by credential.** (a) Except as provided in (b) of

1 this section, the board may issue a license under this chapter to a person who is
2 licensed in another jurisdiction to practice professional counseling if the board finds
3 that the other jurisdiction has substantially the same or higher licensure requirements
4 as this state.

5 (b) The board may not license under this section a person who is under
6 investigation in this or another jurisdiction for an act that would constitute a violation
7 of this chapter until the investigation is complete and disciplinary sanctions, if any, are
8 imposed and the person has complied with the sanctions.

9 **Sec. 08.29.13v. Licensure of foreign-educated applicants.** The board may
10 issue a license under this chapter to a person who

11 (1) has completed a doctorate or master's degree educational program
12 in counseling or a related professional field in a foreign college or university approved
13 by the board;

14 (2) meets the requirements of AS 08.29.110 except for
15 AS 08.29.110(a)(4); and

16 (3) demonstrates to the satisfaction of the board that the applicant's
17 experience, command of the English language, and completed academic program meet
18 the standards of a relevant academic program of an accredited educational institution
19 in the United States.

20 **Sec. 08.29.140. License renewal.** Renewal of a license under this chapter may
21 not be granted unless the licensee, within the 24 months immediately preceding the
22 renewal date, has completed the continuing education requirements established by the
23 board.

24 **Article 3. Miscellaneous Provisions.**

25 **Sec. 08.29.200. Confidentiality of communications.** (a) A person licensed
26 under this chapter may not reveal to another person a communication made to the
27 licensee by a client about a matter concerning which the client has employed the
28 licensee in a professional capacity. This section does not apply to

29 (1) a communication to a potential victim, the family of a potential
30 victim, law enforcement authorities, or other appropriate authorities concerning a clear
31 and immediate probability of physical harm to the client, other individuals, or society;

1 (2) a case conference or case consultation with other mental health
2 professionals at which the patient is not identified;

3 (3) the release of information that the client in writing authorized the
4 licensee to reveal;

5 (4) information released to the board during the investigation of a
6 complaint or as part of a disciplinary or other proceeding; or

7 (5) situations where the rules of evidence applicable to the
8 psychotherapist-patient privilege allow the release of the information.

9 (b) Notwithstanding (a) of this section, a person licensed under this chapter
10 shall report incidents of

11 (1) child abuse or neglect as required by AS 47.17;

12 (2) harm or assaults suffered by an elderly person or disabled adult as
13 required by AS 47.24.

14 (c) Information obtained by the board under (a)(4) of this section is
15 confidential and is not a public record for purposes of AS 09.25.110 - 09.25.140.

16 **Sec. 08.29.210. Supervisor certification.** (a) The board shall approve and
17 certify a person as an approved counselor supervisor for the purposes of this chapter
18 if the person

19 (1) is licensed under this chapter as a professional counselor or is a
20 licensed clinical social worker, licensed marital and family therapist, licensed
21 psychologist, or licensed psychological associate;

22 (2) submits an application for certification and the appropriate fee;

23 (3) has five years of counseling experience;

24 (4) provides to the board for its approval or disapproval a statement
25 that details the person's supervision philosophy, orientation, and experience; and

26 (5) meets other criteria that may be established by the board in
27 regulations.

28 (b) Certification under (a) of this section remains in effect, without the need
29 for renewal of the certification, until the person's licensure as a professional counselor
30 is revoked, suspended, or otherwise lapses.

31 **Sec. 08.29.220. Disclosure statement.** A client may not be charged a fee for

1 professional counseling services unless, before the performance of the services, the
2 client was furnished a copy of a professional disclosure statement that contained

3 (1) the name, title, business address, and business telephone number of
4 the professional counselor;

5 (2) a description of the formal professional education of the
6 professional counselor, including the institutions attended and the degrees received
7 from them;

8 (3) the professional counselor's areas of specialization and the services
9 available;

10 (4) the professional counselor's fee schedule listed by type of service
11 or hourly rate;

12 (5) at the bottom of the first page of the statement, the following
13 sentence: "This information is required by the Board of Professional Counselors which
14 regulates all licensed professional counselors," followed by the name, address, and
15 telephone number of the board's office.

16 **Sec. 08.29.230. Limitation of practice.** Notwithstanding that a specific act
17 is within the definition of the "practice of professional counseling," a person licensed
18 under this chapter may not perform the act if the person lacks appropriate education
19 or training related to the act.

20 **Article 4. General Provisions.**

21 **Sec. 08.29.400. Grounds for denial of license or for disciplinary sanctions.**

22 The board may impose a disciplinary sanction under AS 08.01.075 on a person
23 licensed under this chapter or deny a license to a person when the board finds that the
24 person

25 (1) has an addiction to, or severe dependency on, alcohol or other drugs
26 that impairs the person's ability to engage safely in the practice of professional
27 counseling;

28 (2) has been convicted of a felony and has not been sufficiently
29 rehabilitated to merit the public trust;

30 (3) used fraud, deception, misrepresentation, or bribery in securing a
31 license under this chapter or in obtaining permission to take an examination required

1 under this chapter;

2 (4) is incompetent or has committed misconduct, fraud,
3 misrepresentation, or dishonesty in the performance of the functions of a licensed
4 professional counselor;

5 (5) violated, or assisted another individual to violate, a provision of this
6 chapter or a regulation adopted under this chapter;

7 (6) impersonated a person who holds a license under this chapter;

8 (7) has had a license to practice counseling revoked or suspended in
9 another jurisdiction upon grounds for which the license issued under this chapter could
10 be revoked or suspended; this paragraph does not apply to revocations or suspensions
11 for failure to pay a renewal fee in another jurisdiction;

12 (8) assisted another person who is not licensed under this chapter in an
13 attempt to represent the person to the public as a licensed professional counselor;

14 (9) was issued a license based on a material mistake of fact;

15 (10) used an advertisement or solicitation that is false, misleading, or
16 deceptive to the general public or the person to whom the advertisement was primarily
17 directed; or

18 (11) failed to respond within 30 days to a written communication from
19 the board concerning an investigation by the board or failed to make available to the
20 board a relevant record with respect to an investigation about the licensee's conduct
21 or background.

22 **Sec. 08.29.490. Definitions.** In this chapter,

23 (1) "practice of professional counseling" means, subject to (C) of this
24 paragraph, the application of principles, methods, or procedures of the counseling
25 profession to diagnose or treat, other than through the use of projective testing or
26 individually administered intelligence tests, mental and emotional disorders that are
27 referenced in the standard diagnostic nomenclature for individual, group, and
28 organizational therapy, whether cognitive, affective, or behavioral, within the context
29 of human relationships and systems; if otherwise within the scope of this paragraph,
30 "practice of professional counseling" includes

31 (A) the professional application of evaluation techniques,

1 treatments, and therapeutic services to individuals and groups for the purpose
2 of treating the emotional and mental disorders;

3 (B) an applied understanding of the dynamics of the individual
4 and of group interactions, along with the application of therapeutic and
5 counseling techniques for the purpose of resolving intrapersonal and
6 interpersonal conflict and changing perceptions, attitudes, and behaviors in the
7 area of human relationships; and

8 (C) consistent with regulations adopted by the board under
9 AS 08.29.020(a)(4), administration and use of appropriate assessment
10 instruments that measure or diagnose problems or dysfunctions within the
11 course of human growth and development as part of a counseling process or
12 in the development of a treatment plan;

13 (2) "supervision" means supervision in which the supervisor is available
14 to provide clinical oversight to the supervisee either in person or by a communication
15 device.

16 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

17 (35) Board of Professional Counselors (AS 08.29.010).

18 * Sec. 3. AS 08.01.050(d) is amended to read:

19 (d) At the request of one of the following boards, the department may contract
20 with public agencies and private professional organizations to provide assistance and
21 treatment to persons licensed by the board who abuse alcohol, other drugs, or other
22 substances:

23 (1) Board of Clinical Social Work Examiners;

24 (2) Board of Dental Examiners;

25 (3) Board of Dispensing Opticians;

26 (4) State Medical Board;

27 (5) Board of Nursing;

28 (6) Board of Examiners in Optometry;

29 (7) Board of Pharmacy;

30 (8) State Physical Therapy and Occupational Therapy Board;

31 (9) Board of Professional Counselors;

- 1 (10) Board of Psychologist and Psychological Associate Examiners; and
2 (11) [(10)] Board of Veterinary Examiners.

3 * Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:

4 (21) Board of Professional Counselors (AS 08.29.010) -- June 30, 2002.

5 * Sec. 5. Rule 504(a)(3), Alaska Rules of Evidence, is amended to read:

6 (3) A psychotherapist is (A) a person authorized to practice medicine
7 in any state or nation, or reasonably believed by the patient to be so, while engaged
8 in the diagnosis or treatment of a mental or emotional condition, including alcohol or
9 drug addiction, (B) a person licensed or certified as a psychologist or psychological
10 examiner under the laws of any state or nation or reasonably believed by the patient
11 so to be, while similarly engaged, [OR] (C) a person licensed as a marital or family
12 therapist under the laws of a state or nation or reasonably believed by the patient so
13 to be, while similarly engaged, or (D) a person licensed as a professional counselor
14 under the laws of a state or nation, or reasonably believed by the patient so to be,
15 while similarly engaged.

16 * Sec. 6. TRANSITIONAL PROVISION. Notwithstanding this Act, the Board of
17 Professional Counselors shall issue a license under AS 08.29, enacted by sec. 1 of this Act,
18 to an applicant who

19 (1) applies by December 31, 1999;

20 (2) submits documentation that the applicant holds a master's or doctorate
21 degree in counseling or a related professional field;

22 (3) submits, on a form provided by the department, documentation from an
23 employer, a supervisor, or a professional peer that the applicant has practiced professional
24 counseling in the state for at least 24 months during the five years immediately preceding the
25 date of application;

26 (4) meets the requirements of AS 08.29.110(a)(1) and (2), enacted by sec. 1
27 of this Act, and is not subject to denial of a license under AS 08.29.400, enacted by sec. 1 of
28 this Act;

29 (5) submits two letters of recommendation from professional counselors who
30 are familiar with the applicant's work; and

31 (6) pays the required fee.

1 * **Sec. 7. REGULATIONS; INITIAL BOARD MEMBERSHIP.** (a) The Board of
2 Professional Counselors established under sec. 1 of this Act may proceed to adopt regulations
3 required to implement this Act, but the regulations may not take effect until the effective date
4 of the bill section being implemented by the regulations.

5 (b) Notwithstanding AS 08.29.010(a), enacted by sec. 1 of this Act, a counselor
6 appointed to the Board of Professional Counselors is not required to be a licensed professional
7 counselor until March 1, 2000, but must, at the time of appointment, meet the requirements
8 of AS 08.29.110(a)(1) and (4).

9 * **Sec. 8.** AS 08.29.010, enacted by sec. 1 of this Act, and secs. 2, 4, and 7 of this Act take
10 effect immediately under AS 01.10.070(c).

11 * **Sec. 9.** Section 6 of this Act takes effect January 1, 1999.

12 * **Sec. 10.** Except as provided in secs. 8 and 9 of this Act, this Act takes effect
13 March 1, 1999.

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
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 (S) Publish Date: 3-23-98

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Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
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 Agency: Commerce and Economic Development

Phone: 465-2144
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 Date: 3-7-98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO.: SB 331

ANALYSIS: (Continued)

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Changes Present in HCS CSSB 331()

Page 3 deletion from version L:

Old paragraph (2) with language relating to felony convictions and crimes involving moral turpitude was deleted. According to Legislative counsel, the language was redundant with Sec. 08.29.400(2). Even with this deletion, any counselor who has been convicted of a felony and not found by the board to have been sufficiently rehabilitated to merit the public trust may be denied an initial license or license renewal.

Page 3, line 17:

The phrase, "approved by the board" was added to provide an additional safeguard for clients that the accredited program is appropriate training for licensure.

Page 4, line 8:

The phrase, "and the person has complied with the sanctions" was added to clarify that a professional counselor may not receive a license by credential unless sanctions are satisfied (presuming they are imposed).

Page 4, lines 11 – 13:

Paragraph (1) was added to clarify that a foreign-educated applicant must have completed a doctorate or master's degree educational program in counseling or a related professional field in order to be eligible for licensure. Paragraph (2) releases foreign-educated applicants from having to have earned their degree from a regionally accredited program in the United States.

Page 6, lines 25 – 27:

The old paragraph (1) under Sec. 08.29.400 was reworked to specify that a counselor must have "an addiction to, or severe dependency on, alcohol or other drugs that impairs the person's ability to engage safely in the practice of professional counseling." This language is similar to existing statutes relating to the licensure of Marriage and Family Therapists and Psychologists.

For questions call:

Beth

X2705

Alaska State Legislature



Senator Gary Wilken, Chairman
Senator Loren Leman, Vice Chairman
Senator Lyda Green
Senator Jerry Ward
Senator Johnny Ellis

State Capitol
Room 510
Juneau, Alaska 99801
(907) 465-3762

Senate Committee on Health, Education and Social Services

SB 331

An Act regulating licensed professional counselors; regulating use of the titles 'Licensed Professional Counselor' and 'Licensed Counselor'; amending Rule 504(a)(3), Alaska Rules of Evidence; and providing for an effective date.

Sponsor Statement

The Licensed Professional Counselor bill establishes a board to license and regulate experienced Masters and Doctoral level professional counselors whose education and experience do not fall within the existing behavioral health specializations of Licensed Clinical Social Worker, Licensed Marriage and Family Therapist, Psychologist, or Psychological Associate.

This legislation is good for consumers and good for counselors. SB 331 benefits the Alaskan consumer by identifying competent counselors who have met standards of quality established by the Legislature and the board. It institutes grievance procedures and provides legal recourse for clients of Licensed Professional Counselors who believe they are victims of fraudulent, unethical or negligent practices. With employee assistance needs met, SB 331 has the potential to give consumers more choice in the selection of mental health service providers.

For counselors, the option to obtain a license in their field puts them on par with other professionals in the behavioral health field, and opens doors to employee assistance programs that require licensure for their service providers. Furthermore, the opportunity to obtain licensure in their field increases job security and enhances employment opportunities for professional counselors who wish to practice beyond the scope of a private practice. This bill does not bar professional counselors who are already practicing without a license and who wish to continue doing so, from continuing their practice within the State of Alaska.

Currently 44 other states already license or certify professional counselors. There are over 48,000 Licensed Professional Counselors nationwide. Within Alaska there are hundreds of people who are eligible for this license. Because most individuals who are eligible for licensure are already working with clients who are appropriate under this license, licensing them should not significantly impact other licensed mental health professionals.

The fees that Licensed Professional Counselors pay will cover the cost of the board and licensing process.

A full sectional analysis is available from my office.

Alaska State Legislature

Senator Gary Wilken, Chairman
Senator Loren Leman, Vice Chairman
Senator Lyda Green
Senator Jerry Ward
Senator Johnny Ellis



State Capitol
Room 510
Juneau, Alaska 99801
(907) 465-3762

Senate Committee on Health, Education and Social Services

CSSB 331 (FIN)

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The fees that Licensed Professional Counselors pay will cover the cost of the board and licensing process.

Section 1. This section amends AS 08 by creating a chapter licensing professional counselors based on specific outlined criteria. It also specifies the general make-up, duties and prerogatives of the Board of Professional Counselors.

- **Page 1, line 8 through page 2, line 8 (Article 1)** establishes a five member board, with one public member who is unrelated to the field, at least one private sector member, and at least one public sector member.
- **Page 2, line 9 through 23 (Article 1)** outlines the duties of the board, consistent with language in AS 08.01, with the addition of duties that relate specifically to licensing professional counselors, supervisor criteria and certification, establishing continuing education requirements, adopting a code of ethics, and establishing education and training requirements for the use of assessment instruments.
- **Page 2, line 24 through page 3, line 2 (Article 2)** specifies that this is a "title" restriction bill, not a "practice" restriction bill. This language prohibits the use of the titles "Licensed Professional Counselor" or "Licensed Counselor" by unlicensed counselors. Violation of this prohibition is a class B misdemeanor.
- **Page 3, line 3 through page 4, line 5 (Article 2)** outlines the qualifications needed to be a Licensed Professional Counselor.
- **Page 4, line 6 through 14 (Article 2)** gives the board the ability to license an individual from another state if that other state's licensing requirements are equal to or greater than those of Alaska.

- **Page 4, line 15 through 23 (Article 2)** gives the board the ability to license an applicant who is educated in a foreign country providing the individual meets the requirements listed in AS 08.29.110 (excepting AS 08.29.110(a)(5)), has earned a degree that is equal to one earned through an accredited United States program, and speaks the English language.
- **Page 4, line 24 through 27 (Article 2)** requires that licenses be renewed every two years based on the completion of continuing education requirements as outlined by the board.
- **Page 4, line 29 through page 5, line 19 (Article 3)** prohibits Licensed Professional Counselors from revealing to another person communications made to them by clients about a matter which the client has divulged to the counselor in a professional capacity. This section also lists exceptions where the standard practice of confidentiality of communications may not apply.
- **Page 5, line 20 through page 6, line 3 (Article 3)** allows the board to certify licensed mental health workers as supervisors for the purpose of supervising professional counselors who are seeking their 3,000 hours of supervised experience as mentioned in Section 08.29.110(6).
- **Page 6, line 4 through 19 (Article 3)** requires Licensed Professional Counselors supply each client with a disclosure statement including information listed in 1-5 of Sec. 08.29.220 before the performance of services and before the client may be charged a fee.
- **Page 6, line 20 through 23 (Article 3)** prohibits Licensed Professional Counselors from performing practices that are not covered within the scope of their training or education. This is true even if that practice is stated in the definition of the "practice of professional counseling."
- **Page 6, line 25 through page 7, line 24 (Article 4)** provides grounds for denial of a license or for disciplinary sanctions by the board against a Licensed Professional Counselor or new applicant.
- **Page 7, line 25 through page 8, line 18 (Article 4)** defines the scope of "practice for professional counseling," and "supervision."

Section 2. This section adds Board of Professional Counselors to AS 08.01.010, a section listing which boards are covered under Chapter 01, *Centralized Licensing* under Title 8.

Section 3. This section amends AS 08.01.050(d) to include the Board of Licensed Professional Counselors to the list of boards that can contract out for treatment of licensed people who abuse alcohol, drugs or other substances.

Section 4. This section brings the Board of Professional Counselors under the sunset provision listed in AS 08.29.010. The Board's sunset date is June 30, 2002.

Section 5. This section amends Kule 504 to include Licensed Professional Counselors in Alaska's rules regarding confidentiality between client and psychotherapist.

Section 6. Under this transitional provision, an individual who meets the following criteria may be "grandparented" into being a licensed professional counselor. The individual must meet all of the requirements listed in Section 6.

Section 7. This section allows the board to establish regulations required in order to implement the licensing of professional counselors, providing those regulations will not take effect until the effective date of this bill. Board members appointed to the first board are not required to be licensed until March 1, 2000, but must meet the requirements of this chapter when they are appointed.

Section 8. This section creates the Board of Licensed Professional Counselors upon passage of this legislation.

Section 9. This section states that the "grandparenting" provision of this legislation will take effect on January 1, 1999.

Section 10. This section states that this legislation upon passage will take effect on March 1, 1999. This date does not apply to the dates listed in Sections 8 and 9.

ANNE L. HENRY, M.A., C.H.T.
5750 Glacier Hwy., Bldg. D, Rm. 12, Box 10
Juneau, AK 99801
Telephone: (907) 780-6345

May 1, 1998

Dear Representative Therriault,

I am writing to ask you to priority schedule SB331 for a hearing in the House Finance Committee. This is a consumer protection bill that impacts hundreds of counselors throughout Alaska. And those hundreds (we estimate 600) of counselors work with thousands of clients.

SB331 has been moving very quickly through the Senate in the last month. It has a lot of support. It passed the Senate floor with a unanimous vote. Here is a short history of this bill.

*Over the last year and a half the bill was drafted with the help of the local Senator Duncan and his very generous and knowledgeable staff.

*Representative Hanley helped us in finding a sponsor, Senator Gary Wilken.

The SENATE

*SB331 was introduced as a Senate HESS bill. In the **HESS Committee**, Senator Lemar requested that we rewrite the bill to include joining boards with the Marital and Family Therapists. We quickly rewrote it, but the MFT board refused to support it without much further research and development. Senator Lemar and Senator Wilken agreed to let the bill continue.

*Senator Taylor's **Judiciary Committee** heard the bill. The focus there being the inclusion of Licensed Professional Counselors under Rule 504--Client/Therapist privilege--an important part of the consumer protection of SB331. The Alaska Psychological Association requested that we change some of the bill's language. The committee passed the bill without amendment.

*We on our own worked with the Alaska Psychological Association, to put together a CS that they could if not support, at least not oppose.

*Senator Sharp's **Finance Committee** scheduled the bill, adopted the CS and quickly passed it in a hearing that lasted 15-20 minutes. We have been educating people, and there was no opposition.

The HOUSE

*Finally, prior to the above hearing, we began to work with Representative Green in an effort to reduce referrals in the House. He went over SB331 with a fine toothed comb, really looking for potential pitfalls in the bill. A new CS was put together, and having satisfying his concerns, Representative Green said he would not request a referral to the **Judiciary Committee**.

SB331 is a bill that is good for all Alaskan's. It protects people who seek services in times of personal vulnerability, provides recourse for incompetent or unethical services, and insures confidentiality and privilege. For counselors, SB331 will save some peoples jobs, insure others, and keep good experienced counselors in the state. And, we pay for it.

Please schedule and support the passage of SB331 in the House Finance Committee.

Thank you,
Anne L. Henry, MA