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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO. SB 331

Revision Date: _____ Department: Commerce and Economic Development
 Title: An Act regulating licensed professional counselors;... BRU: Occupational Licensing
 Component: Operations
 Sponsor: Senate HES Committee by Request
 Requestor: Senate HES Committee 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: 3-7-98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO.: SB 331

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 <i>does not</i> include funding for legal services, expert witnesses or other miscellaneous case costs.	3.0
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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
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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.

SENATE COMMITTEE REPORT
First Committee of Referral

DATE: 2/25/98

FURTHER: Judiciary

Date of 5-Day Notice: 3/5/98
 (in accordance with Uniform Rule 23)

DATE TURNED
 IN TO OFFICE: 3/23/98

Health, Education and Social Services Committee considered SENATE BILL NO. 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."

and recommends:

- be replaced with _____ CS SB 331 (HES)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>[Signature]</i>	✓		
		<i>[Signature]</i>	X		
		<i>[Signature]</i>			✓
		<i>[Signature]</i>	✓		
CHAIR: <i>[Signature]</i>	→	CHAIR:			

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

Department	Date	Zero	Fiscal
Commerce	3/3/98		*80,100

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

0-LS1580F
Lauterbach
3/16/98

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

21 **Article 2. Licensing Requirements.**

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

24 (1) profess to be a licensed professional counselor or a licensed
25 counselor; or

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

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

31 **Sec. 08.29.110. Qualifications for licensure.** (a) The board shall issue a

1 professional counselor license to a person who applies for the license, submits the
2 required fee, submits two letters of recommendation from professional counselors who
3 are familiar with the applicant's practice of professional counseling, and presents
4 evidence satisfactory to the board that the person

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

6 (2) has not been convicted of a felony or of a crime involving moral
7 turpitude; however, if the applicant has been convicted of a felony or of a crime
8 involving moral turpitude, the applicant may rebut the presumption that the applicant
9 is unfit to practice professional counseling by submitting evidence of sufficient
10 rehabilitation and present fitness to perform the duties of a licensed professional
11 counselor;

12 (3) is not under investigation in this or another jurisdiction for an act
13 that would constitute a violation of this chapter;

14 (4) has passed a written examination as required by the board; the
15 board may provide that passing a nationally recognized examination for professional
16 counselors is sufficient to meet the examination requirement of this paragraph;

17 (5) has successfully completed either

18 (A) an earned doctoral degree in counseling or a related
19 professional field from a regionally accredited institution of higher education;
20 or

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

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

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

3 **Sec. 08.29.120. Licensure by credential.** (a) Except as provided in (b) of
4 this section, the board may issue a license under this chapter to a person who is
5 licensed in another jurisdiction to practice professional counseling if the board finds
6 that the other jurisdiction has substantially the same or higher licensure requirements
7 as this state.

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

12 **Sec. 08.29.130. Licensure of foreign-educated applicants.** The board may
13 issue a license under this chapter to a person who has completed an educational
14 program in a college or university in a foreign country if the applicant

15 (1) meets the requirements of AS 08.29.110 except for
16 AS 08.29.110(a)(5); and

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

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

25 **Article 3. Miscellaneous Provisions.**

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

30 (1) a communication to a potential victim, the family of a potential
31 victim, law enforcement authorities, or other appropriate authorities concerning a clear

1 and immediate probability of physical harm to the client, other individuals, or society;

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

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

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

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

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

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

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

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

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

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

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

24 (3) has five years of counseling experience;

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

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

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

1 **Sec. 08.29.220. Disclosure statement.** A client may not be charged a fee for
2 professional counseling services unless, before the performance of the services, the
3 client was furnished a copy of a professional disclosure statement that contained

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

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

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

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

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

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

21 **Article 4. General Provisions.**

22 **Sec. 08.29.400. Grounds for denial of license or for disciplinary sanctions.**
23 The board may impose a disciplinary sanction under AS 08.01.075 on a person
24 licensed under this chapter or deny a license to a person when the board finds that the
25 person

26 (1) is using or has used alcohol, drugs, or other substances to an extent
27 that impairs the licensee's ability to engage in the practice of professional 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 the diagnosis and
24 treatment, other than through the use of projective techniques, of mental and emotional
25 disorders that are referenced in the standard diagnostic nomenclature for individual,
26 group, and organizational therapy, whether cognitive, affective, or behavioral, within
27 the context of human relationships and systems; within the scope of that diagnosis and
28 treatment, "practice of professional counseling" includes

29 (A) the professional application of evaluation techniques,
30 treatments, and therapeutic services to individuals and groups for the purpose
31 of treating the emotional and mental disorders;

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

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

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

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

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

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

16 (1) Board of Clinical Social Work Examiners;

17 (2) Board of Dental Examiners;

18 (3) Board of Dispensing Opticians;

19 (4) State Medical Board;

20 (5) Board of Nursing;

21 (6) Board of Examiners in Optometry;

22 (7) Board of Pharmacy;

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

24 (9) Board of Professional Counselors;

25 (10) Board of Psychologist and Psychological Associate Examiners; and

26 (11) [(10)] Board of Veterinary Examiners.

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

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

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

30 (3) A psychotherapist is (A) a person authorized to practice medicine
31 in any state or nation, or reasonably believed by the patient to be so, while engaged

1 in the diagnosis or treatment of a mental or emotional condition, including alcohol or
2 drug addiction, (B) a person licensed or certified as a psychologist or psychological
3 examiner under the laws of any state or nation or reasonably believed by the patient
4 so to be, while similarly engaged, [OR] (C) a person licensed as a marital or family
5 therapist under the laws of a state or nation or reasonably believed by the patient so
6 to be, while similarly engaged, or (D) a person licensed as a professional counselor
7 under the laws of a state or nation, or reasonably believed by the patient so to be.
8 while similarly engaged.

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

12 (1) applies by December 31, 1999;

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

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

19 (4) meets the requirements of AS 08.29.110(a)(1) - (3), enacted by sec. 1 of
20 this Act, and is not subject to denial of a license under AS 08.29.400, enacted by sec. 1 of this
21 Act;

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

24 (6) pays the required fee.

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

29 (b) Notwithstanding AS 08.29.010(a), enacted by sec. 1 of this Act, a counselor
30 appointed to the Board of Professional Counselors is not required to be a licensed professional
31 counselor until March 1, 2000, but must, at the time of appointment, meet the requirements

1 of AS 08.29.110(a)(1), (2), and (5).

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

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

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

0-LS1580VB
Lauterbach
3/5/98

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

21 **Article 2. Licensing Requirements.**

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

24 (1) profess to be a licensed professional counselor or a licensed
25 counselor; or

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

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

31 **Sec. 08.29.110. Qualifications for licensure.** (a) The board shall issue a

1 professional counselor license to a person who applies for the license, submits the
2 required fee, submits two letters of recommendation from professional counselors who
3 are familiar with the applicant's practice of professional counseling, and presents
4 evidence satisfactory to the board that the person

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

6 (2) has not been convicted of a felony or of a crime involving moral
7 turpitude; however, if the applicant has been convicted of a felony or of a crime
8 involving moral turpitude, the applicant may rebut the presumption that the applicant
9 is unfit to practice professional counseling by submitting evidence of sufficient
10 rehabilitation and present fitness to perform the duties of a licensed professional
11 counselor;

12 (3) is not under investigation in this or another jurisdiction for an act
13 that would constitute a violation of this chapter;

14 (4) has passed a written examination as required by the board; the
15 board may provide that passing a nationally recognized examination for professional
16 counselors is sufficient to meet the examination requirement of this paragraph;

17 (5) has successfully completed either

18 (A) an earned doctoral degree in counseling or a related
19 professional field from a regionally accredited institution of higher education;
20 or

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

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

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

3 **Sec. 08.29.120. Licensure by credential.** (a) Except as provided in (b) of
4 this section, the board may issue a license under this chapter to a person who is
5 licensed in another jurisdiction to practice professional counseling if the board finds
6 that the other jurisdiction has substantially the same or higher licensure requirements
7 as this state.

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

12 **Sec. 08.29.130. Licensure of foreign-educated applicants.** The board may
13 issue a license under this chapter to a person who has completed an educational
14 program in a college or university in a foreign country if the applicant

15 (1) meets the requirements of AS 08.29.110 except for
16 AS 08.29.110(a)(5); and

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

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

25 **Article 3. Miscellaneous Provisions.**

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

30 (1) a communication to a potential victim, the family of a potential
31 victim, law enforcement authorities, or other appropriate authorities concerning a clear

1 and immediate probability of physical harm to the client, other individuals, or society;

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

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

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

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

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

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

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

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

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

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

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

24 (3) has five years of counseling experience;

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

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

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

1 **Sec. 08.29.220. Disclosure statement.** A client may not be charged a fee for
2 professional counseling services unless, before the performance of the services, the
3 client was furnished a copy of a professional disclosure statement that contained

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

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

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

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

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

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

21 **Article 4. General Provisions.**

22 **Sec. 08.29.400. Grounds for denial of license or for disciplinary sanctions.**
23 The board may impose a disciplinary sanction under AS 08.01.075 on a person
24 licensed under this chapter or deny a license to a person when the board finds that the
25 person

26 (1) is using or has used alcohol, drugs, or other substances to an extent
27 that impairs the licensee's ability to engage in the practice of professional 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 the appraisal and
24 treatment of mental and emotional disorders that are referenced in the standard
25 diagnostic nomenclature for individual, group, and organizational therapy, whether
26 cognitive, affective, or behavioral, within the context of human relationships and
27 systems; "practice of professional counseling" includes

28 (A) the professional application of appraisal techniques and
29 treatments of therapeutic services to individuals and groups for the purpose of
30 treating the emotional and mental disorders;

31 (B) an applied understanding of the dynamics of the individual

1 and of group interactions, along with the application of therapeutic and
2 counseling techniques for the purpose of resolving intrapersonal and
3 interpersonal conflict and changing perceptions, attitudes, and behaviors in the
4 area of human relationships;

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

8 * Sec. 2. AS 08.01.050(d) is amended to read:

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

13 (1) Board of Clinical Social Work Examiners;

14 (2) Board of Dental Examiners;

15 (3) Board of Dispensing Opticians;

16 (4) State Medical Board;

17 (5) Board of Nursing;

18 (6) Board of Examiners in Optometry;

19 (7) Board of Pharmacy;

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

21 (9) Board of Professional Counselors;

22 (10) Board of Psychologist and Psychological Associate Examiners; and

23 (11) [(10)] Board of Veterinary Examiners.

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

25 (3) A psychotherapist is (A) a person authorized to practice medicine
26 in any state or nation, or reasonably believed by the patient to be so, while engaged
27 in the diagnosis or treatment of a mental or emotional condition, including alcohol or
28 drug addiction, (B) a person licensed or certified as a psychologist or psychological
29 examiner under the laws of any state or nation or reasonably believed by the patient
30 so to be, while similarly engaged, [OR] (C) a person licensed as a marital or family
31 therapist under the laws of a state or nation or reasonably believed by the patient so

1 to be, while similarly engaged, or (D) a person licensed as a professional counselor
2 under the laws of a state or nation, or reasonably believed by the patient so to be,
3 while similarly engaged.

4 * Sec. 4. TRANSITIONAL PROVISION. Notwithstanding this Act, the Board of
5 Professional Counselors shall issue a license under AS 08.29, enacted by sec. 1 of this Act,
6 to an applicant who

7 (1) applies by December 31, 1999;

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

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

14 (4) meets the requirements of AS 08.29.110(a)(1) - (3), enacted by sec. 1 of
15 this Act, and is not subject to denial of a license under AS 08.29.400, enacted by sec. 1 of this
16 Act;

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

19 (6) pays the required fee.

20 * Sec. 5. REGULATIONS; INITIAL BOARD MEMBERSHIP. (a) The Board of
21 Professional Counselors established under sec. 1 of this Act may proceed to adopt regulations
22 required to implement this Act, but the regulations may not take effect until the effective date
23 of the bill section being implemented by the regulations.

24 (b) Notwithstanding AS 08.29.010(a), enacted by sec. 1 of this Act, a counselor
25 appointed to the Board of Professional Counselors is not required to be a licensed professional
26 counselor until March 1, 2000, but must, at the time of appointment, meet the requirements
27 of AS 08.29.110(a)(1), (2), and (5).

28 * Sec. 6. AS 08.29.010, enacted by sec. 1 of this Act, and sec. 5 of this Act take effect
29 immediately under AS 01.10.070(c).

30 * Sec. 7. Section 4 of this Act takes effect January 1, 1999.

31 * Sec. 8. Except as provided in secs. 6 and 7 of this Act, this Act takes effect

1 March 1, 1999.

Changes Present in CSSB 331()

1. **Page 3, line 2:** The wording "*submits two letters of recommendation from professional counselors who are familiar with the applicant's practice of professional counseling,*" was added at the wish of the professional counselors and placed in that spot by Legislative Counsel.
2. **Page 3, line 12:** Language requiring professional counselors to submit a statement of professional intent was deleted and replaced with "*...is not under investigation in this or another jurisdiction for an act that would constitute a violation of this chapter.*" The language about investigations was moved from 08.29.400(3) to 08.29.110(3) at the suggestion of the Division of Occupational Licensing to better reflect the already existing Division procedure in dealing with license applicants. Separate language detailing the Division's procedures for license renewals (also included in the old 08.29.400(3)) was deleted because according to Legislative Counsel, the concept is covered in 08.29.400(5), "*...violated, or assisted another individual to violate, a provision of this chapter or a regulation adopted under this chapter.*"
3. **Page 4, line 21:** The "*Statement of Professional Intent*" section (formerly 08.29.140) was deleted at the suggestion of the Division of Occupational Licensing to eliminate situations where professional counselors would be judged for licensure based on subjective, not objective criteria. The language concerning statements of professional intent in the old 08.29.150(2) was also deleted.
4. **Page 6, line 11:** The word "*applicable*" was deleted from the fee schedule language in 08.29.220(4) at the suggestion of the Division of Occupational Licensing to again, eliminate situations where the board would be in a position to determine what fee schedule was "*applicable.*"
5. **Page 7, line 23:** The word "*diagnosis*" was replaced by the word "*appraisal*" at the request of the psychologists.
6. **Page 7, line 28:** The word "*assessments*" was replaced by the word "*appraisal techniques*" at the request of the psychologists.
7. **Page 7, line 29:** The word "*psychotherapeutic*" was shortened to "*therapeutic*" at the request of the psychologists.
8. **Page 7, line 30:** The word "*diagnosed*" was deleted at the request of the psychologists.
9. **Page 8, line 1:** The word "*psychotherapeutic*" was shortened to "*therapeutic*" at the request of the psychologists.
10. **Page 9, line 19:** Language requiring professional counselors to submit to the board a professional disclosure statement was deleted. The same information listed on the professional disclosure statement will be asked on the application.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105


MEMORANDUM

March 7, 1998

SUBJECT: Professional Counselors (SB 331, version "B")

TO: Senator Gary Wilken
Attn: Beth Hagevig

FROM: Terri Lauterbach
Legislative Counsel



Enclosed is the blank CS you requested for SB 331. It has not been through the normal review process in our office because of the time constraints imposed for the committee hearing, so please be aware that there may be flaws that need correction later.

I moved the language about denying licenses to applicants with ongoing investigations to AS 08.29.110(a)(3) (where statements of professional intent used to be). As to license renewals, the regular procedures for revoking licenses after finding a violation of the chapter would come under AS 08.29.400(5), so I don't think anything about investigations is needed for renewal situations.

The new language about professional references starts on page 3, line 2. It didn't seem to me that it belonged in the list of paragraphs contained in subsection (a) because the lead-in language is "and presents evidence satisfactory to the board that the person..." One would not present evidence of submitting a reference; one would simply submit the reference itself.

I have retained the reference to "AS 08.29.110(a)(1) - (3)" contained in Sec. 4(4) even though the substance of AS 08.29.110(a)(3) has changed, because it seemed appropriate to do so. However, I was unsure whether or not to add a reference to AS 08.29.110(a)(3) at the end of sec. 5(b). Do you want a counselor to be able to sit on the board if the counselor is the subject of an ongoing investigation?

Please let me know if you need additional modifications in the draft.

TML:glc
98-148.glc

Enclosure

Alaska State Legislature



Senator Gary Wilken, Chairman
Senator Loren Lemman, 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 counselors and good for consumers. 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 currently require that service providers have a license to qualify for their program. 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.

SB 331 also 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 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.

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

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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 Licensed 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 20 (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, and adopting a code of ethics.
- **Page 2, line 22 through 30 (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 2, line 31 through page 3, line 31 (Article 2)** outlines the qualifications needed to be a Licensed Professional Counselor.
- **Page 4, line 1 through 9 (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 10 through 18 (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 25 through 28 (Article 2)** requires that licenses be renewed every two years based on the completion of continuing education requirements as outlined by the board.
- **Page 5, line 2 through 23 (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 24 through page 6, line 7 (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 8 through 22 (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 23 through 26 (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 28 through page 7, line 30 (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 31 through page 8, line 16 (Article 4)** defines the scope of "practice for professional counseling," and "supervision." The definition for "practice of professional counseling" is nearly identical to the definition for "practice of marital and family therapy" (AS 08.63.900(5)), substituting some terms including "professional counseling" for "marital and family therapy," and the client population being served.

Section 2. 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 3. This section amends Rule 504 to include Licensed Professional Counselors in Alaska's rules regarding confidentiality between client and therapist.

Section 4. 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 Section 4.

Section 5. 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 6. This section creates the Board of Licensed Professional Counselors upon passage of this legislation.

Section 7. This section states that the "grandparenting" provision of this legislation will take effect on January 1, 1999.

Section 8. 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 6 and 7.

States Offering Licensure or Certification to Professional Counselors

State	1st Tier License/Certificate	2nd Tier License/Certificate	3rd Tier License/Certificate
Alabama	Certified Counselor Associate		
Arizona	Certified Counselor Associate		
Arkansas	Certified Counselor Associate		
California	Registered Marriage, Family & Child Counselor Intern		
Colorado	Licensed Professional Counselor		
Delaware	Licensed Associate Counselor of Mental Health	Licensed Professional Counselor of Mental Health	
District of Columbia	Licensed Professional Counselor		
Florida	Licensed Mental Health Counselor		
Georgia	Licensed Professional Counselor		
Idaho	Licensed Professional Counselor	Licensed Professional Counselor - Private Practice	
Illinois	Licensed Professional Counselor	Licensed Clinical Professional Counselor	
Indiana	Licensed Professional Counselor		
Iowa	Licensed Mental Health Counselor		
Kansas	Licensed Professional Counselor		
Kentucky	Certified Professional Counselor		
Louisiana	Licensed Professional Counselor		
Maine	Licensed Professional Counselor	Licensed Clinical Professional Counselor	
Maryland	Certified Professional Counselor		
Massachusetts	Licensed Mental Health Counselor		
Michigan	Licensed Professional Counselor		
Mississippi	Licensed Professional Counselor		
Missouri	Licensed Professional Counselor		
Montana	Licensed Clinical Professional Counselor		
Nebraska	Licensed Mental Health Practitioner	Certified Professional Counselor	Licensed Professional Counselor

States Offering Licensure or Certification to Professional Counselors

State	1st Tier License/Certificate	2nd Tier License/Certificate	3rd Tier License/Certificate
New Hampshire	Certified Mental Health Counselor		
New Jersey	Licensed Associate Counselor	Licensed Professional Counselor	Clinical Mental Health Counselor
New Mexico	Registered Mental Health Counselor	Professional Mental Health Counselor	Professional Clinical Mental Health
North Carolina	Licensed Professional Counselor		
North Dakota	Licensed Associate Counselor	Licensed Professional Counselor	
Ohio	Licensed Professional Counselor	Licensed Clinical Professional Counselor	
Oklahoma	Licensed Professional Counselor		
Oregon	Licensed Professional Counselor		
Rhode Island	Licensed Counselor in Mental Health		
South Carolina	Licensed Associate Counselor	Licensed Professional Counselor	
South Dakota	Licensed Associate Counselor	Licensed Professional Counselor	Licensed Professional Counselor - Mental Health
Tennessee	Licensed Professional Counselor	Licensed Professional Counselor - Mental Health Service Provider	
Texas	Counselor Intern	Licensed Professional Counselor	
Utah	Licensed Professional Counselor		
Vermont	Licensed Clinical Mental Health Counselor		
Virginia	Licensed Professional Counselor		
Washington	Certified Mental Health Counselor		
West Virginia	Licensed Professional Counselor		
Wisconsin	Professional Counselor in Training	Certified Professional Counselor	
Wyoming	Licensed Professional Counselor		

Jurisdictions Without Licensure

Alaska	Minnesota	Pennsylvania
Hawaii	Nevada	Puerto Rico
Guam	New York	Virgin Islands

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of ALASKA

A Branch of the American Counseling Association

P.O. Box 21163
Juneau, Alaska 99801

March 5, 1998

Senator Gary Wilken, Chairman
Health, Education, and Social Services Committee
Room 510, Capital Building
Juneau, Alaska 99801

Dear Senator Wilken:

I am writing on behalf of the American Counseling Association of Alaska in support of SB 331, Licensure of Professional Counselors. This bill is beneficial to Alaskans for a number of reasons. Some of the ways we would benefit are:

- > **Availability of licensed mental health providers who practice statewide, including rural and bush areas where often, no other licensed mental health providers are available.**
- > **Public assurance that Licensed Professional Counselors (LPC's) have met at least a minimum standard of education and experience.**
- > **Public protection in the form of a licensure board to whom complainants could register grievances and be assured that these concerns would be investigated and if found to be legitimate, action taken to remedy the situation or in some way censure or revoke the license of the offending counselors. (Note: the Board of Marriage and Family Therapy has expressed interest in working with Professional Counselors to develop a composite board for the purpose of efficiency and economy, so this would not necessitate the development of a completely separate, new board.**
- > **Greater opportunities for employment for graduates of the Alaska university system. Currently, graduates of some Master's level behavioral-health university programs are denied employment because they are not eligible for any of the other more specialty-oriented licenses. Others who are currently employed, are being denied opportunities for advancement due to a lack of licensure. Some have even been threatened with job loss for this reason. The changing world of managed care has increased this pressure on our behavioral-healthcare providers.**
- > **Licensed Professional Counselors have greater opportunities for mobility should they decide to move out-of-state. Forty-four other states have counselor licensure or credentialing. Alaska is one of six that do not. Many states have reciprocity, accepting licensure from other states having similar licensure requirements.**

These are just a few of the reasons why licensure for Professional Counselors makes sense for Alaskans. At present, there are approximately 600 counselors who would be eligible for this license. It is estimated that approximately 200 would seek licensure in the first year the bill is passed. **I urge you to support the passage of SB 133 for the benefit of Alaskans. Thank you!**

Sincerely,

Pamela L. Watts, M.Coun., N.C.C.
President

March 1, 1998

Senator Gary Wilken
Alaska State Legislature
State Capitol, Room 510
Juneau, AK 99801-1182

Dear Senator Wilken:

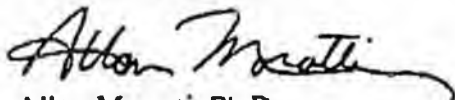
I am writing to you on behalf of the Executive Board of the Alaska School Counselor Association (ASCA). As the elected representatives of Alaska's largest counseling association, we wish to announce our support for your sponsorship of Senate Bill 331. Even though our primary focus is the advancement of school counseling in the state, we are keenly interested in all aspects of mental health services for Alaskans.

The majority of our membership is practicing school counselors who are well aware of the limited options for referring individual students and their families for counseling services outside of the educational setting. Often times, many of the families we work with do not have the financial means nor health insurance to pay for the professional services rendered by licensed psychologists and psychiatrists. We believe licensure of master's level counselors in Alaska will help to provide a wider breadth of mental health services to all regions of the state. In addition, it would ensure a minimum level of competency for practicing professional counselors thereby giving more protection to the consumer.

It is our opinion that passage of Senate Bill 331 will enhance the image of counseling throughout the state by recognizing the advanced level of training all master's level counselors possess, placing them on a par with professionals who possess similar levels of training and expertise (i.e., master level social workers, marriage and family therapists, and some psychological associates). Furthermore, since there are approximately 500 to 600 counselors in Alaska, Senate Bill 331 will facilitate the delivery of more mental health services to all areas of the state because licensure will allow counselors to practice in areas currently closed to them for lack of an occupational license. Such licensing allows an agency, and individuals in some cases, to receive payment from third party providers for services rendered by their mental health professionals.

In closing, I wish to reiterate our support for Senate Bill 331 and am available to speak on behalf of Executive Board if needed. On the adjoining page there is a listing of our Executive Board members and their addresses. Thank you for helping to bring high quality mental services to our state.

Respectfully yours,



Allan Morotti, Ph.D.
Executive Board Member--Region 2
Alaska School Counselor Association



March 6, 1998

The Honorable Gary Wilken
Chairman
Health, Education, and Social Services Committee
Room 510 - State Capitol
Juneau, AK 99801-1182

Dear Mr. Chairman:

I am writing to express the strong support of the American Counseling Association for S.B. 331, legislation that would establish licensure for professional counselors in the state of Alaska. This legislation is vitally important to the health, safety, and well-being of the people of Alaska.

Licensure of the Counseling Profession is Essential to Protect Public Health and Safety

Counselor licensure guarantees that individuals who offer counseling services to the public have the minimum education, training, and supervised experience necessary to provide effective assistance to persons in need of counseling.

The American Counseling Association began pursuing licensure legislation during the early 1970's after it became clear that public regulation was the only effective approach to protecting the public from unethical or unqualified individuals who hold themselves out to the public as "counselors". The American Counseling Association, like other professional organizations such as the American Psychological Association and the American Medical Association, does investigate consumer complaints against our members and takes disciplinary action against those who are found to have violated our code of ethics and standards of practice. It became clear in the early 1970's that this private mechanism was not sufficient to protect the public, both because it did not offer sufficiently timely relief and sanctions, and most importantly, because ACA had no authority to act on complaints against individuals who are not members of the association. Hence, public regulation was considered necessary, particularly since the damage that could be inflicted on a consumer by an unqualified or unethical counseling practitioner can be far greater than improper practices by other professions that are typically regulated by the state, such as accountants and security guards.

By establishing a licensure board that would be empowered to investigate and act on consumer complaints, S.B. 331 would provide consumers in Alaska with a direct and confidential means of obtaining redress when they are victimized by a counselor who acts improperly or unethically. Currently under Alaska law, the only way a consumer can act against an incompetent or unethical counselor is by filing a civil lawsuit. This avenue is not only expensive and time-consuming, it requires the consumer to surrender their privacy and make all of the intimate details of their discussions with the counselor public information.

The Honorable Gary Wilken

March 6, 1998

Page 2

I want to emphasize that consumers typically seek professional counseling in times of personal or family crisis; they may be too overwhelmed by events and emotions to carefully and closely evaluate the qualifications of individuals who present themselves as "professional counselors". By establishing minimum educational, clinical supervision, ethical, and other requirements for practice as a licensed professional counselor, S.B. 331 would prevent unscrupulous or incompetent individuals from preying upon Alaska residents in crisis.

The damage that can be inflicted by unscrupulous or untrained individuals who profess to be "counselors" is significant. Many of the problems and circumstances for which consumers seek counseling carry with them some risk that the individual will cause harm to themselves, family members, or others. Improper assessment of these risks and improper treatment can have severe consequences--the death of or injury to the consumer or other person. Counselor licensure guarantees that professional counselors offering their services to the public will have the minimum qualifications necessary to assess and treat individuals who are at risk of causing harm to themselves or others.

An untrained, unethical or incompetent counselor can cause great harm to the emotional and psychological well-being of an individual who seeks counseling. Consumers who seek counseling are highly vulnerable to the thoughts, feelings, actions, and interventions of the person they consult for assistance. Counselor licensure ensures that the professional counselors to whom Alaska residents turn for help are qualified to provide meaningful assistance and that their conduct is ethical and within the bounds of their expertise.

Consumers who seek counseling also expose deep personal concerns and information to their counselor. The improper use or disclosure of this information can have devastating psychological, social, and economic effects on an individual. By requiring licensed professional counselors to protect the confidentiality of client communications, S.B. 331 guarantees that this information will not be improperly disclosed.

Counselor Licensure is Critical to Meeting the Mental Health Needs of Alaska Residents

S.B. 331 will also expand the availability of quality, affordable mental health care to the people of Alaska.

The absence of state regulation of counseling in Alaska has shut many highly-trained professional counselors out of the health care marketplace, artificially limiting the supply of qualified mental health practitioners in the state. State licensure has become a prerequisite for obtaining third-party payment for services and participation in managed care panels. The American Counseling Association is not aware of a single health insurance or managed care plan in the nation that reimburses a professional counselor who is unlicensed. A license is also now needed to secure employment in most health-related institutions and community agencies. For example, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), one of the leading accreditation bodies for managed care plans, health care institutions, and other agencies, requires that all clinical professionals employed by the entity applying for accreditation be licensed and publicly regulated.

As a result, the supply of qualified mental health professionals available to Alaska residents has been artificially suppressed. Many highly-trained professional counselors in the state are not able to offer their services to the public except on a limited, out-of-pocket basis. This has reduced access to quality mental health care and inflated the cost of care in the state.

The Honorable Gary Wilken
March 6, 1998
Page 3

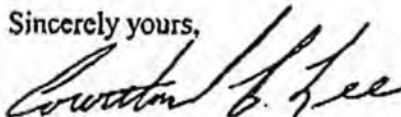
Professional Counseling is Regulated in Most Jurisdictions in the United States

Professional counselors are now licensed or certified by 44 other states, as well as by the District of Columbia. Licensure legislation is now pending in the legislatures of three other states. Enactment of counselor licensure seems likely in two of these states, New York and Pennsylvania, by end of 1998.

S.B. 331 is based on the general framework that these other states have used in regulating the profession. The educational and other requirements for licensure under S.B. 331 are comparable to those of other states that have enacted laws regulating the counseling profession.

I strongly urge you to support S.B. 331 and make Alaska the 45th state to regulate the counseling profession. The legislation is urgently needed to protect consumers from unscrupulous practitioners and to expand their access to ethical and highly-trained mental health professionals.

Sincerely yours,



Courtland C. Lee, Ph.D., NCC
President
American Counseling Association

Briefing Paper

Professional Counselors as Providers of Mental Health Care

Licensed professional counselors provide quality mental health and substance abuse care to millions of Americans and are recognized as an important provider of preventive behavioral health services and services in rural areas. Roughly 80% of managed behavioral health care companies either employ or contract with licensed professional counselors (*Business Insurance*, 1994), and counselors comprise a large percentage of the workforce employed in community mental health centers, agencies, and organizations.

The practice of professional counseling includes, but is not limited to, the diagnosis and treatment of mental and emotional disorders, including addictions; psychoeducational techniques aimed at the prevention of such disorders; consultation to individuals, couples, families, groups, and organizations; and research into more effective therapeutic treatment modalities. Counselors are trained in the provision of counseling and therapy, as well as the etiology of mental illness and substance abuse disorders.

State Licensure Requirements

Over 80,000 professional counselors are licensed or certified in 44 states and the District of Columbia. Licensure requirements typically include:

Education 48 to 60 hours of graduate-level training, including a master's or doctoral degree in counseling from a regionally-accredited institution of higher education.

Experience completion of 3,000 hours of supervised clinical experience, performed within two years.

Examination passage of the National Counselor Examination (NCE) or a similar state-developed exam.

Ethics adherence to a strict Code of Ethics in professional practice.

In states without licensure or certification laws, professional counselors may be certified by the National Board for Certified Counselors (NBCC).

Severity of Illnesses Treated by Mental Health Professionals

<i>Discipline</i>	<i>Chronically and Persistently Mentally Ill</i>	<i>Moderate to Severely Impaired (DSM-IV)</i>	<i>Life, Stress and Coping Problems</i>
Professional Counselors	11%	36%	40%
Psychiatrists	29%	40%	30%
Psychologists	11%	36%	29%
Social Workers	9%	41%	35%
Marriage and Family Therapists	12%	36%	39%

Services Offered by Mental Health Professionals

<i>Services</i>	<i>All Therapists</i>	<i>Professional Counselors</i>	<i>Psychiatrists</i>	<i>Psychologists</i>	<i>Social Workers</i>	<i>Marriage and Family Therapists</i>
Individual Therapy	93%	96%	95%	94%	97%	98%
Group Therapy	28%	49%	13%	24%	35%	36%
Bilingual/Bicultural	9%	10%	1%	10%	8%	14%
Child/adolescent therapy	58%	63%	40%	60%	60%	64%
Substance abuse treatment	30%	29%	29%	31%	28%	37%
Psychological testing	29%	10%	1%	61%	0%	14%

Duration of Treatment

<i>Number of Sessions</i>	<i>All Therapists</i>	<i>Professional Counselors</i>	<i>Psychiatrists</i>	<i>Psychologists</i>	<i>Social Workers</i>	<i>Marriage and Family Therapists</i>
0-3 sessions	2.8%	9%	3%	4%	2%	1%
4-6 sessions	10%	18%	6%	7%	11%	5%
7-10 sessions	28%	34%	22%	23%	32%	33%
11-15 sessions	29%	17%	27%	22%	20%	32%
15+ sessions	34%	26%	37%	40%	34%	24%

Clients Treated by Mental Health Professionals

<i>Discipline</i>	<i>% of caseload at or below poverty level</i>	<i>% of clients who are white</i>	<i>% of clients who are African-American</i>	<i>% of clients who are Asian</i>	<i>% of clients who are Hispanic</i>
Professional Counselors	15%	78%	7%	1.4%	10%
Psychiatrists	7%	86%	6%	2.0%	4%
Psychologists	9%	78%	7%	2.0%	6%
Social Workers	9%	83%	11%	2%	4%
Marriage/Family Therapists	8%	83%	11%	2%	4%

Source: National survey of mental health professionals in full- or part-time private practice conducted by Practice Strategies, December 1997.

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

March 6, 1998

Dear Senator Wilken,

I am writing to you to urge your strong support of SB331. This letter is about my experience as an Alaskan Professional. I am a professional counselor with a private practice in Juneau. I hold a Masters Degree in Applied Behavioral Science, with a counseling emphasis. I graduated from an accredited university. I have been practicing in Juneau since 1992. And, I enjoy an good reputation among my colleagues and clients.

The amount of education required for my degree is equivalent to that required for a Licensed Clinical Social Worker, for a Licensed Marriage and Family Therapist, and for a Licensed Psychological Associate. We all do much the same work. The main differences between the licensed mental health groups in Alaska are the populations with which they work, and the emphasis of their educations.

My educational background does not permit me to apply for any of the mental health licenses offered in the State of Alaska. However, it does qualify me in 44 other states who recognize some form of license for Professional Counselors. Alaskans seek out and use my services, and those of my fellow unlicensed professional counselors, but clients must generally pay out of pocket.

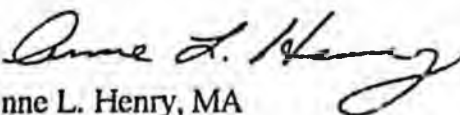
I frequently get calls from people outside who represent Employee Assistance Programs for workers here in Alaska. I get called because someone has recommended me. I recently got a call asking me if I was willing to become a Preferred Provider and do counseling for the employees at Costco. I said yes, that I had worked with a few of those folks in the past. The caller asked if I was licensed and I said "No". He then asked me if I could refer him to a counselor who was licensed because they could not work with me. This scenario happens frequently, while many of my licensed colleagues have lists of people having to wait to get in. This is a burden on the therapist, but worse, it is a hardship to Alaskans who need help.

The other side of the story is all of the Alaskan's who call asking about counseling with me and must be told that they will have to pay for service to work with me because I am not a "Preferred Provider" with their EAP. Then I refer them to some other equally educated and equally experienced licensed counselor's waiting list.

There is inequity here that hurts me as an individual along with many other Alaskan professional providers of mental health services. But, most importantly, it hurts even more Alaskans who need and want the services of Professional Counselors.

This is a relatively simple "housekeeping" bill that is a good for Alaska and Alaskans.

Thank you, and I again urge strong support of this bill.


Anne L. Henry, MA

March 5, 1998

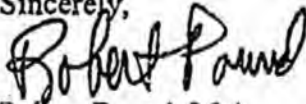
Dear Senator Wilken,

This letter is written in Support of Senate Bill 331 which provides for the licensing of Professional Counselors. I have been a resident of the State of Alaska for six years, and I have a Masters Degree in Counseling. Previous to living in Alaska, I lived in Colorado, where I was licensed as a Professional Counselor and experienced the benefits of this license as a professional and observed the positive impact it had on consumers in that state.

The bill we are requesting here in Alaska is very similar to the one there. I can remember the relief on the faces of clients when they were given copies of statements of my experience and education that were required by the bill. They also felt safer with the knowledge that they had a set channel provided for them if they felt that their treatment was in any way harmful to them. It also provided me access to jobs that I would not have been able to get if I had not had a license.

I strongly urge your support of this bill and the positive effect it will have on the efforts of this state to provide treatment for people with mental health problems.

Sincerely,



Robert Pound M.A.
3725 Spinnaker Drive
Anchorage, Alaska 99516

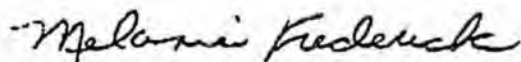
2/6/98

Dear Senator Wilken,

I am writing this letter in support of Senate Bill 331, which provides for the licensing of Professional Counselors. As a Licensed Social Worker and the Vice President of the Alaska Chapter of the National Association of Social Workers, I have had the privilege of knowing many people with Masters Degrees who do not fit in any of the present licensing categories. Many of these are highly skilled and have the ability to provide quality services to people in need of counseling. This bill would provide recognition and the chance to provide services in a wider array of treatment options. Also, with managed care coming to Alaska, it would provide more Alaskans with access to positions that they would not otherwise have access to without a license.

Another important aspect of this bill would be a means to ensure that clients have recourse to a grievance procedure in the event that they feel they have received less than the best care possible. Providing consumers with a greater number of options for services will allow them to access the care they want to receive.

Sincerely,



Melanie Frederick LCSW

Vice President

Alaska Chapter of the National Association of Social Workers.

4020 Folker St.

Anchorage, Alaska 99508

March 8, 1998

Senator Gary Wilken
119 N. Cushman, Suite 213
Fairbanks, AK 99709

Dear Senator Wilken,

I urge your support for SB331, a bill which will provide for the licensing of Professional Counselors. There are many professionals in the state, like myself, who have advanced degrees and considerable experience but do not fit into existing licensing tracks for Social Workers and Psychologists. With the approach of managed care, licensing and credentialing is taking on heightened importance. Licensing Professional Counselors will improve access to mental health care for the residents of this state.

Sincerely,



Jim McLaughlin, M.Ed.

Author: MEarly@envircon.state.ak.us (Early, Marti) at CC2MHS1

Date: 2/24/98 10:34 AM

Priority: Normal

TO: Beth Hagevig at LAA_CAP

Subject: licensing counselors

Dear Ms. Hagevig,

I am writing you to let you know about difficulties I have had in using unlicensed counselors. I have used four different counselors over about 5 years, all unlicensed, and during those times I had different health insurance carriers.

I chose the counselors because of their personal skills and areas of expertise, not because of their licensure. Since Juneau is a small town and I happen to know or know something about many of the counselors, my relationship and associations, or lack of, with them was a big factor. I was in crisis and wanted to make sure I would go to someone who could truly help me, maintain confidentiality, have an understanding of my situation, but not know me too well.

The first time I went to counseling I was unable to get insurance for my visits. This caused me to go less frequently than I otherwise would have. I was fortunate enough to have the money to go for a reasonable amount of time. I don't know what people do who don't have the money. The second time was a group setting, let by two unlicensed counselors, also unpaid for by my insurance. Again, I was quite fortunate to be able to pay for the sessions myself.

The most recent times I have gone I have had the state's health care coverage, with their list of favorites. I have yet to see whether the visits to the counselor I went to, who is not licensed, will be reimbursed. I went to a doctor first, and the counseling visits were under his supervision.

The counsellors I went to over the years have been well-trained and quite helpful, and I see no reason to exclude practitioners with Masters degrees from licensing.

Marti Early
586-5975

ALASKA PSYCHOLOGICAL ASSOCIATION

Advancing Psychology as a Science, Profession, and Means of Promoting Human Welfare

March 20, 1998

Senator Gary Wilken, Chairman
Senate HES Committee
AK State Capital
Juneau, Alaska 99801-1182

Re: SB 331

Dear Senator Wilken:

Thank you for seeking input from psychologists and the Alaska Psychological Association regarding SB 331, "An act regulating licensed professional counselors . . ." A number of states around the country are struggling with appropriate licensing and standards of practice for master level practitioners and we appreciate this opportunity to provide input into this process in Alaska. As you may be aware, the American Psychological Association holds that the appropriate level of education for an independent mental health practitioner is a doctorate and includes a year of postdoctoral supervision. While Alaska does license "psychological associates" at the master level, stringent educational requirements must be met and independent practice within a specified scope of practice is only allowed after two years of practice supervised by a fully licensed psychologist at the doctoral level.

Regarding the most recent draft of SB 331 we have to review, there are two areas of concern we have. The first area is section 08.29.230. While this section does require appropriate education and trainings to perform the act, no where in the bill is there reference to what specifically the education would consist of (beyond the number of hours completed) and how the course of study would relate to limitations in services provided to consumers. You might note in the licensing statutes for psychologists, there are very specific and wide ranging educational requirements that ensure appropriate education to deal with the breadth of mental disorders found in the current diagnostic manual. We can appreciate that if all "counselors" (including both those at masters and the doctoral level) had this education and appropriate post graduate training they could be psychologists and psychological associates. This does, however, point out some of the differences in our respective educations and trainings.

The second specific area of concern for us is section 08.29.490. Number (1) in this section defines counseling too broadly; the diagnosis and treatment of mental disorders are rightly within the

P.O. Box 241292, Anchorage, AK, 99524-1292, Phone and Fax (907) 344-8878

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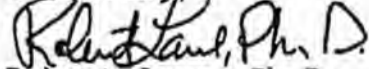
ALASKA PSYCHOLOGICAL ASSOCIATION

Advancing Psychology as a Science, Professionb, and Means of Promoting Human Welfare

purview of licensed psychologist, licensed psychological associates, and licensed clinical social workers. A more appropriate definition of counseling would be, "assisting an individual, through the counseling relationship, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods, and techniques to achieve mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment through the life span." We would also suggest that (A) under (1) could be better worded not merely to exclude projective techniques from the scope of practice for licensed professional counselors. Better wording in this section would be, "The provision of appraisal activities which means selecting, administering, scoring, and interpreting instruments designed to assess individual's aptitudes, achievements, or interests which are used to understand, measure or facilitate such individual's normal human growth and development, but shall not include the use of projective techniques in the assessment of personality, nor the use of psychological or clinical tests designed to identify or classify abnormal or pathological human behavior, nor the use of individually administered intelligence tests. Consistent with each counselor's formal education and training, licensed professional counselors may administer and utilize appropriate assessment instruments which measure and/or diagnose problems and/or dysfunctions within the context of human growth and development as part of the counseling process or in the development of treatment plans. Nothing in this section should be construed to permit the treatment of any mental, emotional, or adjustment disorder other than marital problems, parent-child problems, child and adolescent antisocial behavior, adult antisocial behavior, other family circumstances, other interpersonal problems, phase of life problems, other life circumstance problems, occupational problems, and uncomplicated bereavement."

We members of the Alaska Psychological Association respectfully believe consumers of counseling services, the citizens of the state of Alaska, are best served by these appropriate limitations to the scope of practice of licensed professional counselors and this degree of specificity in the licensing statues. Thank you again for this opportunity to provide input into this important process.

Sincerely,



Robert Lane, Ph.D.

President Elect

Alaska Psychological Association

P.O. Box 241292, Anchorage, AK, 99524-1292, Phone and Fax (907) 344-8878



MAR 19 5 05 PM '98 PENINSULA MEDICAL CENTER 907 262-9341

MARCUS C. DEEDE, M.D.

Peninsula Medical Center
265 Binkley Street
Seldovia, Alaska 99669

Telephone: (907) 262-9341

March 19, 1998

To: Sen. Gary Wilkens
State Legislature

Re: SB 331 Licensure of Professional Counselors

Dear Senator Wilkens:

I am writing in support of the Licensure of Professional Counselors bill. I have been made aware of the difficulty of one of our local counselors in receiving appropriate certification and licensure. This is a crucial subject because of the need for the public to have valid confidence in who they are seeing in counselling. The State has a minor but important role to play in such careful monitoring.

Some of these counselors have gone through very extensive training in order to receive the special recognition that a license gives them and I think it is a very appropriate course for the State legislature to pursue.

If I can be of any further assistance or support to your effort in this regard, please feel free to contact me.

Sincerely:

M.C. Deede, M.D.
Family Physician

MCD: sc



**CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY**

City/Borough of Juneau
Department of Health and Social Services
3406 Glacier Highway
Juneau, Alaska 99801 (907) 463-3331

March 18, 1998

Senator Gary Wilken
Room 510 Capitol Building
Juneau, Alaska 99801

Dear Senator Wilken:

I am writing to ask for your continued support of SB 331, Licensure of Professional Counselors. As Director of the City/Borough of Juneau Department of Health and Social Services, I employ Master's level professional counselors as part of our clinical teams in both the Mental Health and Chemical Dependency Divisions. These clinicians provide assessment, diagnosis, treatment planning, individual, group, couples, and family counseling services to residents of Juneau and outlying areas. Some are designated as "on-call clinicians". These are specially trained staff who respond to emergency mental health situations in the community, such as suicidal individuals, community crisis situations, individuals experiencing severe emotional distress, and other emergent situations. If it were not for the availability of professional counselors in Alaska, our pool of applicants would be (and has been at times) significantly limited. This situation leads to a necessity to look out of State for employees. I would prefer to hire Alaskans, especially since I believe we have many qualified professionals from whom to choose. A number of these people have graduated from counseling programs at Alaska universities.

As Director of the CBJ Health and Social Services Department, I am increasingly aware of the pressure placed on our agency by Medicaid, employee benefits programs, Department of Transportation, and behavioral-health program licensing/certifying organizations to hire and maintain licensed professionals to perform assessments, write reports, and provide treatment (psychotherapy) to consumers of our services. There have been numerous occasions when individuals have sought services from well-trained professional staff, but have been told by third-party payors that they must receive services from a licensed behavioral-health provider. Often these third-party payors do not stipulate whether the licensed professional is a social worker, counselor, marriage and family therapist, or psychologist, as long as that person is licensed in their state. Not having licensure for Professional Counselors limits the availability of behavioral-health services and choice for the consumer. It also limits the value of the Professional Counselor to an organization.

155 South Seward Street, Juneau, Alaska 99801

It is my belief that Senate Bill 331 provides for adequate education, experience, and supervision requirements to achieve licensure as a Professional Counselor. My experience in employing Master's level counselors has been a very positive one. I find them to be comparable to Master's level social workers in terms of their training, experience, and skill levels. These people contribute significantly to the overall operation and professionalism of our agency and I would like to continue offering them the same opportunity to apply for positions with our agency and to advance within our agency, as other behavioral-health professionals. Licensure is a key factor in terms of this being a viable option for professional counselors. It will also provide a means for consumers to address their grievances should the need arise. Senate Bill 331 benefits the consumer and the provider.

Please continue your support of this licensure effort so it can become a reality during the 1998 Legislative Session. Thank you for your consideration and support.

Sincerely,

Christine M. Blackgoat

Christine M. Blackgoat, R.N., Director
City/Borough of Juneau Department of Health and Social Services
3406 Glacier Highway
Juneau, Alaska 99801

Author: Gary_Clement@mail.ci.juneau.ak.us at CC2MHS1
Date: 3/10/98 10:28 AM
Priority: Normal
TO: Beth Hagevig at LAA_CAP
Subject: More LPC

Gary Clement
586-3480 h
463-7053 w

Diagnosis and Psychotherapy

The hearing on the LPC Bill indicates the political will to pass the bill. Now the issue of language is prominent. Conflict exist in the license bill of the Psychologist, Social Workers and MFT. All claim to do psychotherapy and diagnosis of patents in clinical mental health settings. This is true, they all do. As a mental health clinician at CBJ's mental health center I work side by side with LCSW's and clinical psychologist.

We ALL use the same guideline for diagnosis, the DSM-IV (Diagnostic and Statistical Manual of Mental Disorders, fourth edition) by the American Psychiatric Association. This is not produced or owned by psychologist. They use it the same as the rest of us. I have extensive training in diagnosis using this instrument, as do the clinical social workers at CBJ Mental Health. I DIAGNOSE mental disorders every day I work. I am paid to diagnose and my diagnosis are used by Medical doctors, courts and other therapist.

Psychotherapy: Wolberh (The Technique of Psychotherapy) defines psychotherapy as "a form of treatment for problems of an emotional nature in which a trained person deliberately establishes a professional relationship with a patient with the object of removing, modifying or retarding existing symptoms, of mediating disturbed patterns of behavior, and promoting positive personality growth and development." Some examples are Client-centered psychotherapy, gestalt therapy, bioenergetics, psychodrama, analytic psychology, behavior therapy, biofeedback training, family therapy, group psychotherapy, cognitive therapy, transactional analysis, solution focus therapy and the list goes on. As you can see no single mental health care "group" has a monopoly on the treatment of personality problems, maladjustment, or mental disorders. We are all professionals trained in the diagnosis and treatment of mental disorders. The approach to treatment is diverse and the treatment modality changes with new insights. The political correctness of which modality is "IN" changes according to what "group" is in the power. This is the case through history. It should be noted, LPC is the fasts growing force in the national mental health treatment community.

Over 60% of the psychotherapy and diagnosis in America is done by masters level clinicians such as LPC's and MSW's. Most mental health clinicians and private practitioners in Juneau and through out Alaska are masters level. Most of those are likely to desire to be licensed as LPC. Psychologist do not have a corner on psychotherapy (treatment) or diagnosis. Though they might like to have it because by limiting available providers they can control the "market" and increase income.

I had the opportunity to seek a Ph.D... in clinical psychology a few years ago. I declined the opportunity because the schools of psychology wanted to train me to do research and testing. I wanted to learn more skills to make me a better clinical psychotherapist. I took another rout to achieve my goal. I have achieved my goal, I now work as a mental health clinician (psychotherapist) for a clinic, I have also operated a private therapy business. I want a license to demonstrate my skills, as other professionals, my peers, have.



From the TelePort of: Byron McCord, M.D.

Date: Thursday, March 19, 1998

Number of Pages: 1

To: Beth

Fax Number: 907 465-2705

Memo: Dear Senator Wilkens,

I support SB 331 for it can only add order and quality to the level of professional counseling in our state. Both the legal system and the public will benefit from this certification process.

Thank you for your time.

Byron McCord, M.D.

March 17, 1998

Senator Gary Wilken, Chairman of the Health, Education, and Social Services Committee
Capitol Building, Room 510
Juneau, AK 99801

Dear Senator Wilken:

I am writing in avid and great support of Senate Bill 331, the Licensure of Professional Counselors. As a school counselor in rural Southeast Alaska, I see it as imperative for the mental health wellness of Alaskans that professional counselor licensure be allowed and developed in this state.

Counseling in rural Alaska lends its challenges in many regards. It is difficult for families and communities to muster the support from urban areas due to the distance, expense, and time it absorbs so readily and easily. As a school counselor, I have many referrals that cannot be handled due to the lack of counselors and money available which, in turn, has a tremendous negative impact on the school performance of a child and the family and community dynamics in general. Allowing for professional counselor licensure to occur will open up doors across the entire state. With proper supervision, master-level counselors can provide the desperately needed counseling services to rural Alaskans. Since this would allow for supervision to occur without necessarily being face-to-face, Alaskan counselors would not have to seek education and development outside of their community, and would readily choose to remain in their rural environments. Thus, the support and services to rural, isolated villages would increase dramatically to fulfill the current unmet need. In my own personal situation as a graduate of the University of Alaska Fairbanks, my inability to receive supervision in a practical, affordable manner where I am currently located is forcing me to consider a move outside of Angoon and possibly outside of Alaska for further professional development and education.

So as not to compromise the public's safety, consumers would certainly have protection by the creation of a board to pursue any desired legal recourse due to unethical, negligent, or fraudulent behaviors. As an aside, the birth of a composite board among Alaska's professional licensures also seems to be a sensible, cost-reducing move, should that be considered in the near future. Practically speaking, the adoption of a professional counseling licensure that already exists in 44 states in the Union would be a historic step in the very needed continuing development of counseling and mental health services in Alaska.

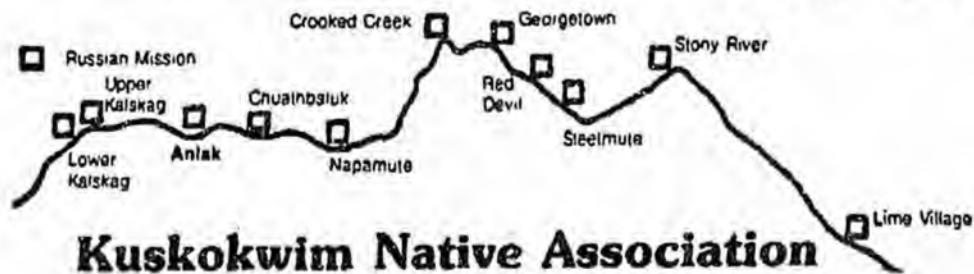
I implore the Senate to deeply consider and pass Senate Bill 331 to allow for the best and most comprehensive services to reach all Alaskans. In a world of decreasing funds and possibilities, let us make a move to increase options and quality services.

Sincerely,



Colleen Ketcham, M.Ed.

cc: Senator Jerry Mackie, Chairman of the Community and Regional Affairs Committee and
Representative Albert Kookesh
Rooms 427 and 114, Capitol Building, Juneau, AK 99801



Kuskokwim Native Association

Community Counseling Center

March 16, 1998

Senator Gary Wilken,

This quick letter is in reference to S.B. 331 concerning licensure of professional counselors in the State of Alaska. I believe it is imperative that this bill is passed. Although I am a trained marriage and family therapist and could be licensed already in the state as an MFT, I fully and unconditionally support passage of this bill. It is important that consumers know their needs are being met by qualified counselors and therapists. This bill will help this happen.

It has been brought to my attention there is concern on the part of some that:

- 1) This bill will exclude some people. This is not the case for master's level counselors/therapists. This bill is inclusive. I was barred for some jobs in my home state of Montana (even though my training was almost identical to that of "mental health counselors") because I was a MFT and therefore know what it is like to be excluded. I would not support a bill that would exclude.
- 2) Some parties are concerned with words such as "psychotherapy" and "diagnosis." Avoiding a huge philosophical debate, I am trained and qualified to do both of the above as is the case in most states that license professional counselors. In the bush and rural areas of Alaska, we are the only ones available to do this as psychologists and psychiatrists are generally not available. If we are not licensed, eventually this will severely impact services in bush and rural Alaska, once the insurance companies mandate this in Alaska.

Thank you for your effort and support on this important bill that will impact the care of Alaska's people!

Sincerely,

Mark A. Wegner, M.S.
Clinical Director

Author: CathrynMFS@aol.com at CC2MHS1

Date: 3/17/98 1:21 AM

Priority: Normal

TO: Beth Hagevig at LAA_CAP

Subject: SB331

Dear Beth,

Please copy and forward this letter to Senator Wilken and to the members of the Health, Education and Social Services Committee.

March 16, 1998

Senator Gary Wilken
Alaska State Senate
Juneau, AK

Dear Senator Wilken:

I am writing in support of SB331 that would allow licensure for professional counselors. This bill is long overdue for our state and will increase the availability of services to mental health consumers. At present there are many individuals in need of services who are going without treatment because there are not enough providers who are licensed and who can accept medicaid payments. This bill would allow professional counselors who are already trained and qualified to fill this gap in services.

I would also stress that professional counselors have the training necessary to diagnose, assess and evaluate mental health needs. The state has already approved marriage and family therapists and social workers to perform these functions. The requirements which ensure they are qualified to diagnose and evaluate are the same requirements which professional counselors must fulfill in their master's programs. In my own master's program, students who are now Licensed Marriage and Family Therapists attended the exact same classes on diagnosis and evaluation as I did. In fact, the core curriculums for Marriage and Family Therapy and for Mental Health Counseling were virtually identical. It would only be consistent to allow the same level of licensure to professionals with the same level of training and expertise.

There will not be a cost to the taxpayer for this legislation because the counselors themselves will pay for it via the collection of annual yearly professional dues. Also, the operating cost of a regulatory board can be reduced by combining the boards which oversee the various helping professions. For example, in the state of Washington, one board oversees the professional counselors, the social workers and the marriage and family therapists.

I urge you to support SB331 as it is proposed, giving equal recognition for equally trained professionals whether they are counselors, social workers or marriage and family counselors.

Sincerely,

Cathryn Simon, Nationally Certified Counselor, M.S.
12320 Tracy Rd., Apt A
Anchorage, AK 99516
345-2498

March 17, 1998

Dear Senator Wilken,

In regard to the psychologists comments about SB331, I have these comments. Of the 44 states that license professional counselors, at least 43% use the word "diagnose" and "diagnosis" in the definition of practice. Forty-three percent also use the term "psychotherapy". In the definitions of Alaska Statutes for Clinical Social Work, the words "diagnosis" and "psychotherapy" are used (Sec. 08.95.990). In the definitions of Alaska Statutes for Marital and Family Therapy, the words "diagnosis" and "psychotherapy" are used (Sec. 08.63.900). This is standard terminology for the practice of virtually all mental health practitioners.

In order to avoid the dreaded turf battle in front of the legislature, professional counselors have already conceded many points to the psychologists. Including the use of some language in the "definition of professional counseling". We now use the word "therapy" instead of "psychotherapy". We now use the word "evaluate" instead of "assess". The psychologists want us to not use the word "diagnose". Initially, we took that word out, but Catherine Reardon said if we do diagnose people we must have the word in the definition or we are committing a class B misdemeanor.

Many professions require the ability to diagnose in order to be effective. For example, if you take your car to a good repair shop because there is a rattle under the hood, what do you expect?

1. What you expect is that the mechanic will ask you some questions, maybe take the car for a spin around the block, look under the hood--evaluate the problem.
2. After evaluating the problem, your mechanic will give you a diagnosis--complete with an estimate for the repair work.
3. Then, after you agree to pay for the repair, your mechanic begins to fix, or "treat" the problem with your car.

There are three steps here that are logical and essential to fix your car, assessment, diagnosis and treatment. The psychologists proposal that professional counselors not be allowed to diagnose would be like telling your mechanic begin with the right front tire and start working back through the car, hoping he will stumble on the problem somewhere along the way.

The psychologists also suggest that it is necessary for a psychologist or social worker to diagnose clients and then send them back to the counselors. This is like taking your car to a special, high paid "diagnostician" to find out what to call your car's problem. If you live in a remote location, this means scheduling an appointment--probably weeks away, waiting, and then spending lots of money on a trip to the nearest (not necessarily best) specialist. Then you would have to take your car to the mechanic, who is now just a technician, who would fix the car. And what if the special "diagnostician" missed something, like that the diagnosed rattling water pump was actually caused by a problem much deeper in the engine. The mechanic could not diagnose that problem, or fix it. He would have to send you back to the special "diagnostician". Is this practical, ethical or good for the public?

The psychologists insist that exempting professional counselors from the practice of diagnosing will save the public from harm. We estimate that there are about 600 professional counselors now serving the Alaskan public. While there are surely occasional "bad calls" in their diagnosis, there are with any professional mental health discipline. If psychologists or social workers were immune to occasional "bad calls", if the "bad calls" were restricted only to people unsupervised by them, or if there were an outcry from an outraged public, then it might make sense to heed the fears expressed by the psychologists. But, without such evidence, one must ask, is this concern out of fear for the health and

well-being of Alaskans, or the health and well-being of pocket books. Is this about egos, control and educational elitism, or is it about the good of the people.

It is standard in the ethics of virtually all of the healing professions that when a professional discovers that a client is beyond their ability to diagnose or treat, that client is referred to a professional whose expertise exceeds their own. A general practice medical doctor does this, referring to a heart specialist, surgeon, or pediatrician. The same is already true of unlicensed professional counselors. With licensure of professional counselor there is even more protection for the public. If a Licensed Professional Counselor is found to be practicing unethically, or incompetently, then there is recourse to protect the public. Without licensing, there is only word of mouth or an expensive lawsuit.

No discipline of mental health professionals has a "monopoly" on the practice of, or the necessity of diagnosing people, or on the practice of "psychotherapy". This is a time for legislators to step up to the plate and make the call, to legislate how the public will best be served.

Thank you,

Jamie McLean, MA

Mary Lou Follett ANP, RNCS, MS, MA

March 18, 1998

Dear Senator Wilken,

I am writing to you in support of SB331. I am a Licensed Nurse Practitioner and a masters level Professional Counselor. I run a dual practice here in Juneau.

When I first came to Alaska, Nurse Practitioners were required to work under the supervision of doctors. We struggled against the popular belief that doctors were the highest authority in all things medical, finally winning the right to diagnose patients and practice independently. It was a major victory for all Alaskans. Especially for those in remote areas where there are no doctors. We are an essential, competent component of Alaska's health professionals.

Similarly, the Professional Counselors seeking licensure are battling with the misconception that psychologists are the highest authority regarding mental health issues. Since the day Jung left Freud, many different approaches to dealing with mental health issues have developed. For instance, the medical world is seeing a shift toward dealing "chemically" with mental health problems, bypassing "psychological" issues altogether.

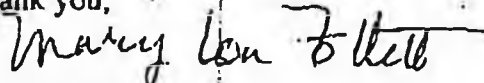
Counselors are often the "front-line" mental health professionals, especially in rural communities. They need the ability to evaluate and diagnose, in order to know when to refer to someone whose training is more appropriate to the client. Just as I refer patients and counseling clients when they require services that I do not provide. Doctors were at first fearful about Nurse Practitioners being given "diagnostic" privilege, but time has shown that it works for all.

I often refer clients to Professional Counselors. They are well educated, well trained, experienced, competent, caring and cost effective for most Alaskans. I trust their work, their ethics, and their ability to discern when to refer clients.

Because of my medical practice, my clients and I are protected under Rule 504. I was very surprised to learn that all mental health professionals and their clients are not protected. Virtually all consumers believe that their conversations with counselors are privileged. This privilege of confidentiality is an essential component to the counseling relationship.

SB331 will give Alaska's already practicing Professional Counselors the ability to continue to diagnose, and for the first time Alaskan consumers and their "Licensed" Professional Counselors will be protected under Rule 504. This is a good bill for all Alaskan's.

Thank you,


Mary Lou Follett

(907) 780-5288 • Fax (907) 780-5288
5750 Glacier Highway • Suite D-12, Box 10
Juneau, Alaska 99801

MAR 18 '98 11:25AM PENINSULA MED CENTER 50772621345 P.2

March 18, 1998

Senator Gary Wilken
Alaska Legislature

RE: SB 331 Licensure of Professional Counselors

Dear Senator.

I am writing to ask your support on SB 331. This legislation is sorely needed in our state for several reasons. I have been in private practice as a Clinical Pastoral Counselor since July of 1993. I have a Ph.D. in Pastoral Counseling but am unable to get licensing by the state of Alaska. I am licensed by the National Christian Counseling Association. Not having a state license hinders my effectiveness in many areas but primarily with testimony in the court system and in getting third party payments.

There is a current court case on the Kenai Peninsula where a local preacher is being sued for fraud because it is alleged that he has passed himself off as a psychologist. In fact he has no college degrees at all. This bill could go a long way in preventing such abuses and protecting the public. It would create a grievance board that could investigate at the request of a citizen.

Forty four other states have passed bills allowing for the licensure of professional counselors with very effective results.

I give you all my support and encouragement to pass this bill.

Sincerely,

Lloyd H. Cary Ph.D
Clinical Pastoral Counselor

Author: wintyr@ptialaska.net (Patricia Wintyr) at CC2MHS1
Date: 3/18/98 5:15 PM
Priority: Normal
TO: Beth Hagevig at LAA_CAP
Subject: SB331
Senator Gary Wilken, Chairman
Health, Education, and Social Services Committee
Room 510, Capital Building
Juneau, AK 99801

Dear Senator Wilken,

I am writing in support of SB331, Licensure of Professional Counselors. The passage of this bill would greatly benefit many Alaskans.

I am a professional counselor in private practice. I have 24 years experience, including 18 years in private practice in the Boston area. I have been practicing in Juneau for 6 years. I have a Masters degree in Human Behavior. Although I have this degree and extensive experience, I am not able to apply for any of the mental health licenses offered in Alaska. Many other highly qualified professionals are in this same position. This bill would correct that inequity.

People seeking counseling are limited to licensed social workers, marriage and family counselors, psychologists and psychiatrists, unless they want to pay out of pocket.

This narrows their choices significantly. There are not enough licensed mental health professionals to choose from for people who are seeking counseling. And if their choice is a professional counselor they cannot get third party payment. Their Employee Assistance Programs will also not cover unlicensed counselors.

Forty four (44) other states have counselor licensure or credentialing. When Alaska passes this licensure bill, licensed professional counselors from other states will find it more advantageous to seek employment in Alaska. Without licensure, Alaska is not attracting many qualified mental health professionals. Again, passage of SB331 would rectify this situation, and attract needed professional counselors.

SB331 will also protect consumers if they have any complaints and grievances about a counselor, as a Board would be in place to hear and address their complaints. Licensure would also insure that counselors have met with certain national standards for education and experience.

The licensure fees paid by the estimated two-hundred counselors would offset any expense to the state. The Licensure Board would be paid by these fees.

I urge you to support the passage of SB331. Thank you.

Sincerely yours,

Patricia Wintyr, MA

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Senator Gary Wilken

Re: Senate Bill No. 331
Licensed Professional Counselors Bill

Dear Senator Wilken:

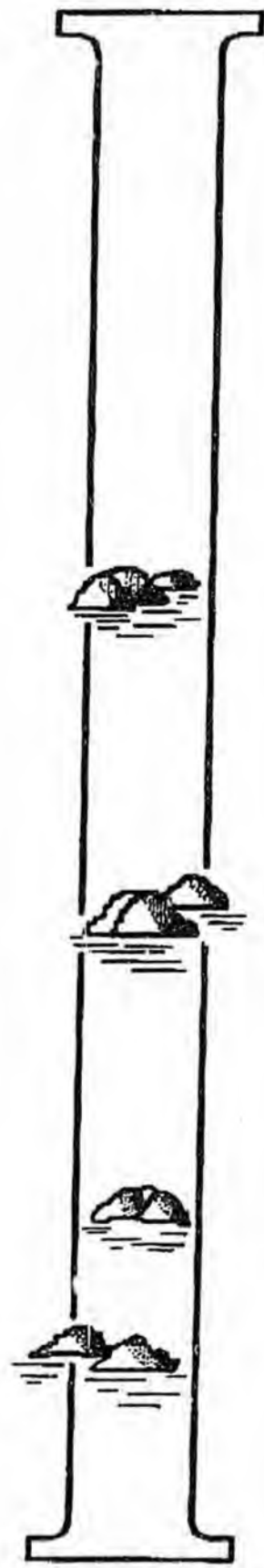
As a licensed clinical social worker and therapist at a mental health clinic, I strongly support Senate Bill No., 331 for the licensing of professional counselors in its entirety. Given the rural nature of our state, people do not always have access to mental health professionals that are currently licensed. This bill would expand the opportunities for our residents to receive mental health services from a qualified licensed professional. I see this as a real need that is not being currently adequately addressed. The passage of this bill would go a long way to meet this need.

If you have any questions about this, please feel free to contact me at (907)747-5922.

Sincerely,



Diane V. Bachen LCSW



Islands Counseling Services

1310-A Sawmill Creek Road - Sitka, Alaska 99835
 Phone (907)747-8994 ~ Fax (907)747-6801

A Division of Sitka Mental Health Clinic, Inc.

March 19, 1998

Senator Gary Wilkan
 Alaska State Legislature
 State Capitol
 Juneau, AK 99801

Dear Senator Wilkan:

I am writing to urge you to support the Licensed Professional Counselors bill (SB 331). This is a bill that is in the public interest, the professional interest, and has no significant fiscal impact on the state budget.

This bill seeks to license masters level individuals who have formal training and experience in the field of counseling. As one of the individuals who is currently working as a counselor in Alaska without a license, I do not qualify for licensure under current Alaska Statutes and Regulations for Psychologist, Psychological Associate, Clinical Social Worker, or Marriage and Family Therapist, although my educational background is certainly similar to those of licensed professionals in the state. This bill would treat masters level counselors with parity.

The licensing of professional counselors in Alaska would benefit those in bush or rural communities where access to properly trained counselors is limited. It would allow greater public access to insurance reimbursement for counseling services; many insurance companies and EAPs will only reimburse for a licensed professional.

The current wording of the bill includes the ability to "diagnose" our clients; this is a crucial segment of providing comprehensive counseling services to anyone, especially if they are using an insurance company for payment. We are definitely appropriately trained and qualified educationally and experientially to provide that aspect of service.

In closing, I want to strongly encourage you to support this bill. It will benefit the public utilization of mental health services and the professionals who provide the services without detracting from those providers who are already licensed. Please help Alaska become the 44th state to provide licensure for professional counselors!

Sincerely,



Jeanette M. Rutherford, M.A.

301 Moller Avenue

Sitka, AK 99835

Author: lrh@alaska.net (Larry Huntsperger) at CC2MHS1

Sir:

Just a note to let you know I STRONGLY SUPPORT SB331. I feel the lack of such legislation here in Alaska has contributed significantly to some of the counseling scams we have suffered from here on the Kenai Peninsula. Please do support the bill.

Larry Huntsperger
P.O. Box 2104
Soldotna, AK 99669

March 18, 1998

Dear Senator Wilken,

I would like to lend my support to SB331. As a retired, Alaskan school counselor, teacher, and coach, I have spent a good portion of my professional career helping adolescents grow towards a healthy adulthood. Because of my training in the counseling field, I was able to effect change through individual and group counseling, working with family systems, assessing strengths and weaknesses, and being there for my students and families when I was needed. I am currently the clinical coordinator for our Permanent Housing Program at Southcentral Counseling Center, here in Anchorage. I work with seriously mentally ill, homeless adults in a high intensive program that is achieving excellent results.

The intent of SB331 is two-fold, first to provide consumer protection for Alaskans who need professional counseling services by providing a licensure process which requires formal, documented training and experience in the counseling field, and secondly, to provide master's level counselors throughout Alaska, including the bush areas, with a documented, professional license with ethical standards and a governing board to maintain those standards. The scope of practice for many counselors does not fit into the present licensure choices in Alaska, i.e. Licensed Marriage and Family Therapist (LMFT) or Licensed Clinical Social Worker (LCSW), for example.

Alaska is one of only six states that does not offer this license. Indiana just passed this legislation to make it the forty-fourth state to license it's professional counselors. With managed care on the horizon, having a professional license will soon be the only way to stay

professionally involved in the counseling field.

I understand that there has been some confusion over several key definitions with regards to this legislation. Two days ago I received a book I'd ordered from the University of Alaska-Anchorage bookstore called the American Psychiatric Glossary, Seventh Edition. In this book .diagnosis. is defined as, .The process of determining, through examination and analysis, the nature of a patients illness.. This is a very straightforward process which I feel confident any trained professional counselor with the required years of experience needed for this license, could execute. We do it every day! Another definition of interest from the same glossary and also used in it's entirety, is .psychotherapy.. It is defined as, .A process in which a person who wishes to relieve symptoms or resolve problems in living or is seeking personal growth enters into an implicit or explicit contract to interact in a prescribed way with a psychotherapist.. A .psychotherapist. is defined as, .A person trained to practice psychotherapy.. What's striking about these definitions is there simplicity and straightforwardness. These are not magical practices but skills learned in counseling training and honed by years of helping clients get better.

I will be unable to testify on Friday, March 20th because I will be at an all-day training at the Alaska Psychiatric Institute entitled, Countertransference and the Use of Self in Group Psychotherapy. I will continue to train and learn and hope to someday be able to be licensed for my expertise in the counseling field.

Thank you for your efforts with SB331. If I may be of any assistance, please contact me at home (522-2992) or work (777-2132). My e-mail address is nemo@alaska.net.

Sincerely,

David C. Reeves M.Ed.

(N)

Senator Gary Wilken
Alaska state Senate
Juneau, Alaska.

Dear Senator Wilkens

I am writing in support of the Licensed Professional Counselors bill #SB331. Currently, 43 states either license or certify professional counselors. With managed care coming insurance providers will require licensed service providers. In the mental health field most of the providers are Masters level and yet we practice our profession without a license. Licensing would offer better quality providers by monitoring and testing providers to make sure they are qualified. There are hundreds of your constituents who are interested in this bill as consumers and or providers of mental health services.

Bill SB331 is an important bill for Anchorage and especially for rural areas that have difficulty attracting qualified practitioners. It would also encourage students of our universities to remain in Alaska rather than leaving for other states that have counselor licensure laws. It does not restrict other professionals who offer counseling services but allows the consumer more options.

Please support SB331.

Sincerely,



Bailey M. Reichard
23737 Chandelle Dr.
Chugiak Ak. 99567

JOHN JENSEN, Ph.D.

1012 Second St.
Douglas, Alaska 99824
Phone/FAX 907-364-4600

March 16, 1998

(N)

Beed

Senator Gary Wilkin
State Senate
Alaska State Capitol
Juneau, Alaska 99801

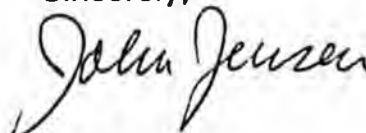
Dear Senator Wilkin,

I'm a licensed clinical psychologist and am writing to you in reference to SB 331 relating to the licensure of counselors. I have just a few points I would like to emphasize.

1. The primary value in such licensure, I believe, is that the consumers of services have a broad range of services to choose from (access), and have a means of understanding what knowledge and training is represented in the services they receive (certification).
2. This means that certification which drives people out of providing services does not benefit consumers, so I would oppose isolating the word "counselors" to apply only to those who meet certification requirements. Many modalities of treatment have emerged in the past few years that can help people in ways not common in traditional treatment. It's in the interest of the public that such providers be able to call themselves "counselors" (which is the most common umbrella term everyone can understand) and then specify their modality in their promotion of their services.
3. A secondary issue is fairness to counselors who have obtained extensive training and can provide competent services to the public. They should be able to obtain referrals and qualify for third party payments from insurers--which also broadens the services to the public since so many people are covered now by insurance providers. Certification that enables that to happen is fair to counselors and a benefit to the public.

I would be glad to testify to this effect, but hope that my letter can serve as well.

Sincerely,



John Jensen

cc. Patricia Wintyr

Author: Kathleen_Rhea@mail.ci.juneau.ak.us at CC2MHS1

Date: 3/19/98 11:14 AM

Priority: Normal

TO: Beth Hagevig at LAA_CAP

Subject: House Bill 331

I am writing in support of House Bill 331, the Licensed Professional Counselor Bill.

This Bill will increase protection for mental health consumers by identifying qualified providers. It allows for improved identification and inclusion of established, professional practitioners in the field of counseling. Licensing for counselors will further assure consumers that individuals providing counseling services are qualified.

There are highly qualified counselors in Alaska with Master's Degrees and extensive training and experience who are denied positions, advancement, and recognition in organizations that offer mental health treatment, only because their degrees are not in Psychology or Social Work. These professionals are forced to practice without licensure, to return to school for another master's degree (not offered in Psychology or Social Work in most parts of Alaska), OR remain in positions outside their field and for which they may be overqualified.

I also support the component of quality assurance and accreditation in this license.

Kathleen Rhea
Juneau



ALASKA

A Branch of the American Counseling Association

P.O. Box 21163 / Juneau Alaska 99802

March 20, 1998

Senator Gary Wilken, Chairman
 Health, Education, and Social Services Committee
 Room 510 Capitol Building
 Juneau, Alaska 99801

Dear Senator Wilken:

I have read the letter dated 3-20-98, regarding SB 331 sent to you by Robert Lane, Ph.D., President-Elect of the Alaska Psychological Association. In his letter, Dr. Lane expressed two main concerns about SB 331. I would like to address these concerns.

The first area referenced is **Section 08.29.230, Limitation of Practice**, which reads

"Notwithstanding that a specific act is within the definition of the 'practice of professional counseling' a person licensed under this chapter may not perform the act if the person lacks appropriate education or training related to the act."

Dr. Lane states that there is no reference to specific educational requirements and how the course of study would relate to limitations in services provided to consumers. In response, I would note that **Section 08.29.110, Qualifications for licensure, number (4)** reads

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

The national examination referred to is the National Counselor Examination which is administered by the National Board for Certified Counselors. To take this examination, applicants must have either graduated from a CACREP (Commission on Accreditation of Counseling and Related Educational Programs) approved graduate program, or have two years (equivalent of 2,000 hours) of supervised experience before taking the examination. (The Alaska bill requires an additional 1,000 hours of supervised counseling for licensure.) Graduating from a CACREP approved program requires meeting rigorous nationally accepted standards of counselor preparation. General core areas of required education to sit for the exam include Professional Orientation (including ethics), Lifestyle and Career Development, Appraisal of Individuals, Research and Evaluation, the Helping Relationship, Group Dynamics, Human Growth and Development, Social and Cultural Foundations, and Counselor Work Behaviors. Counseling Theory and Supervised Counseling (Practicums and Internships) are required coursework.

Another concern expressed by Dr. Lane is that he believes **Section 08.29.490 Definitions, Number (1)** defines counseling too broadly. However, precedent has been established in Alaska for Licensed Clinical Social Workers and Marital and Family Therapists. While not requiring specific training or education in diagnosis of mental disorders, the statutes governing these licensed professionals clearly provide for the diagnosis of mental disorders as a regular part of their practices. Most graduate behavioral-health programs now require coursework in diagnosis, using the standard nomenclature in the current Diagnostic and Statistical Manual. Professional counselors have similar education and training as these two professional groups. Like them, professional counselors learn more specific in-depth skills in their respective employment sites, under appropriate supervision. Extremely restrictive language such as Dr. Lane suggests would unnecessarily limit the practice of professional counselors to the extent that their employability and effectiveness would be significantly impaired.

Finally, in response to concerns about counselors practicing outside their areas of training and expertise, **Section 08.29.230, Limitation of Practice**, regulates individuals who might be tempted to practice beyond their level of qualification and ability. It reads "Notwithstanding that a specific act is within the definition of the 'practice of professional counseling,' a person licensed under this chapter may not perform the act if the person lacks appropriate education or training related to the act."

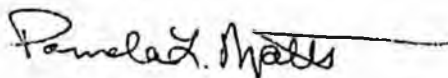
Additionally, **Section 08.29.220, Disclosure Statement**, states that

"A client may not be charged a fee for professional counseling services unless, before the performance of the services, the client was furnished a copy of a professional disclosure statement that contained (1) the name, title, business address, and business telephone number of the professional counselor, (2) a description of the formal professional education of the professional counselor, including the institutions attended and the degrees received from them; (3) the professional counselor's fee schedule listed by type of service or hourly rate; (5) at the bottom of the first page of the statement, the following sentence: 'This information is required by the Board of Professional Counselors which regulates all licensed professional counselors.' followed by the name, address, and telephone number of the board's office."

I believe that this disclosure statement provides additional protection to the consumer by requiring the Licensed Professional counselor to describe in writing, his/her education, fees, areas of expertise, and where the consumer can seek redress if s/he has complaints. It goes beyond the requirements of other licenses in terms of disclosure to the consumer.

There is no valid or logical reason for professional counselors to be limited in their employability, or for consumers to be denied the benefits of regulation and protection due to lack of licensure of professional counselors in the State of Alaska. As the representative of members of the American Counseling Association of Alaska, and on behalf of hundreds of Master's and Doctoral level counselors who currently practice counseling in the State of Alaska, I request your support for speedy passage of SB 331.

Respectfully,



Pamela L. Watts, M.Coun., N.C.C.
President
American Counseling Association of Alaska