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Alaska Human Services

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April 16, 1998

Senator Robin Taylor, Chairman
Senate Judiciary Committee
AK State Capital
Juneau, Alaska 99801-1182

Re: SB 331

Dear Senator Taylor:

As a former Nationally Certified Counselor who decided to go back and pursue a Ph.D. in Clinical Psychology, I believe I am in a unique position to comment on SB 331. The bill as it stands, allows a broader scope of practice than most professional counselors are prepared to do. Proponents of this legislation have listed the typical core curriculum for counseling programs. These courses are not sufficient to prepare a counselor to work with serious mental disorders or sophisticated psychological testing - both of which would be allowed if the legislation is passed as currently written. The traditional scope of practice for counselors, based on their curriculum, focuses on helping people with normal phase of life and adjustment issues and uses non-diagnostic testing to further the counseling process or help develop treatment plans. SB 331 would allow counselors to diagnose and work with all mental disorders and do all psychological-diagnostic testing except projective testing, which is a very minor component of psychological-diagnostic testing. The allowance to do psychological testing is especially of harmful potential, given that course work in testing is apparently not even part of the core curriculum for counselors.

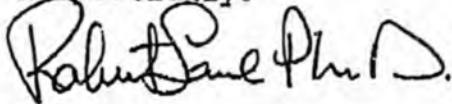
This is more than a "guild issue." As you may be aware, a case is ongoing now on the Kenai Peninsula, where an individual held himself out to be a psychologist, but in fact was a pastoral counselor, is being sued by former patients who allegedly went to him for help and ended up being further victimized. Counselors are not psychologists, when they act like they are, the public is at risk. Legislation to license counselors with a scope of practice commiserate with their education and training may well help protect the public, but I am afraid that SB 331 as it is written, does not do that. I did not even know how much I didn't know until I pursued the Ph.D. in Clinical Psychology. Counselors who say their education and training are substantially the same are likely not to know as well. Additionally such claims beg the question



Page 2

of why they aren't seeking licensure as psychological associates, clinical social workers, or marriage and family therapists if their education and training are substantially the same. I urge to insist on appropriate language for scope of practice in this legislation.

Respectfully.

A handwritten signature in cursive script that reads "Robert Lane Ph.D.".

Robert Lane, Ph.D.

Alaska State Legislature

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



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

Senate Committee on Health, Education and Social Services

SB 331

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

Sponsor Statement

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

This legislation is good for 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

CSSB 331 (HESS)

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.

Sectional Analysis

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.

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

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

- Page 1, line 8 through page 2, line 8 (Article 1) establishes a five member board, with one public member who is unrelated to the field, at least one private sector member, and at least one public sector member.
- Page 2, line 9 through 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 4, line 2 (Article 2) outlines the qualifications needed to be a Licensed Professional Counselor.
- Page 4, line 3 through 11 (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 12 through 20 (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 21 through 24 (Article 2) requires that licenses be renewed every two years based on the completion of continuing education requirements as outlined by the board.
- Page 4, line 26 through page 5, line 16 (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 17 through line 31 (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 1 through 16 (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 17 through 20 (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 22 through page 7, line 21 (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 22 through page 8, line 8 (Article 4) defines the scope of "practice for professional counseling," and "supervision." The definition for "practice of professional counseling" is very similar 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 adds Board of Professional Counselors to AS 08.01 010, a section listing which boards are covered under Chapter 01, *Centralized Licensing* under Title 8.

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

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

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

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

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

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

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

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



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

RECEIVED
MAR 28 1998

Ans'd.....

Box 153
Wrangell, Alaska 99929

RECEIVED
MAR 7 1998

Ans'd.....

Senator Robin Taylor
Chairman of Senate Judiciary Committee
Room 30, State Capitol Building
Juneau, Alaska 99801

Dear Senator Taylor,

I am the school counselor at Wrangell Public Schools. I am writing to encourage you to quickly pass Senate Bill # 331, the Counselor's Licensure Bill, through your committee. I believe that passage of this bill will be very beneficial to all Alaskans, but especially beneficial to Alaskans in small and rural communities like Wrangell.

As it does with many other professionals, licensure for counselors will give them the therapist /client privilege so very necessary to assure the public of confidential services. Passage of the bill will also provide accountability measures for counselors whereby protecting the quality of services to Alaskans.

I find that my services or my commitment can't always stop at the school door. This bill will help me be a stronger community asset. Please contact me if I can provide any additional information.

Sincerely submitted,


Lenny Church
School Counselor

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
Hawaii
Guam

Minnesota
Nevada
New York

Pennsylvania
Puerto Rico
Virgin Islands

This information comes from a document supplied by the American Counseling Association
Licensing Requirements and Scope of Practice for Counselors, Copyright 1997

Alaska State Legislature



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

State Capitol
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Senate Committee on Health, Education and Social Services

SB 331

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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.

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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).
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- **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.

SENATE COMMITTEE REPORT

DATE: 3/23/98

FURTHER: Finance

DATE TURNED IN TO OFFICE: 4-17-98

Judiciary 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 _____ ()

adopt previous _____ CS FOR SB 331 (HES)

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 DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>J. Ellis</i>	<input checked="" type="checkbox"/>	<i>Sean Parnell</i>	<input checked="" type="checkbox"/>		
<i>Luke Miller</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Adrian L. Taylor</i>	<input checked="" type="checkbox"/>	CHAIR:			

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
<i>CIGD-OCUP LIC.</i>			<input checked="" type="checkbox"/>

#1

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

March 23, 1998

RECEIVED

MAR 26 1998

Ans'd.....

Senator Robin Taylor
Alaska State Legislature
State Capitol (MS 3100), Room 30
Juneau, AK 99801-1182

Re: Licensed Professional Counselor Bill, SB#331

Dear Senator Taylor:

I am strongly encouraging you and my legislative representatives to support the Licensed Professional Counselor (LPC) Bill, SB#331, for several reasons, including the following:

- 1) LPC's have impeccable credentials for providing mental health/substance abuse services, including having completed a Bachelor's Degree, a 3-4 year graduate Master's level program (usually CACREP-accredited), and at least 2 years' experience with more than 3,000 hours of face-to-face work with clients while under clinical supervision. The clinical training for LPC's often exceed that required for completion of a social work program. The LPC is trained to work with communities, families, groups, and with individuals—to assess, evaluate, and provide professional treatment services under strict, ethical guidelines.
- 2) Licensure can help protect consumers by identifying qualified, professional counselors and by establishing legal recourse for clients.
- 3) Licensure can encourage qualified graduates from our university systems to stay and practice in Alaska. Most agencies that hire counselors could tap into a pool of highly qualified, employable counselors from our own state.
- 4) Many Master's and Doctoral level counselors are now providing services throughout Alaska and are denied professional advancement due to their inability to be licensed in any of the existing licensing categories, which are quite narrow in scope.
- 5) The LPC Bill is non-restrictive; it does not restrict other professionals who offer counseling services from doing so. Its purpose is to ensure that counseling services are offered only by people qualified to do so, while also ensuring the inclusion of professional counselors as qualified service providers.
- 6) Forty-four states either license or certify professional counselors. There are over 48,000 Licensed Professional Counselors nationwide.

- 7) An obvious benefit of licensing professional counselors (and offering reciprocity for those already working and licensed by another state) is found in servicing the rural areas of our state. These professionals could augment a rich pool of mental health/substance abuse providers and help make services into remote, as well as urban, areas more accessible.

The Alaska branch of the American Counseling Association (ACAak) is an active, professional organization. This group is dedicated to the advocating of its members' professional status to the Alaska legislature. Some of the members who are working diligently for the licensure passage during this legislative session include Anne Henry, Dave Reeves, and Pam Watts. If you are approached by these persons on behalf of the Licensed Professional Counselor Bill, please regard them as representatives of a large body of professional counselors and as voices for those of us who are wanting the passage of the LPC Bill this session.

At the present time, I am a Licensed Professional Counselor (State of Texas) and National Certified counselor. I have worked in bush Alaska (Nome and villages in the region) as a mental health clinician for almost four years. I have been responsive to a variety of needs, including community crisis response; individual and group therapy with adults, families, and children; community education; training; consultation; emergencies; and peer supervision. Being unable to have my licensure reciprocated in Alaska has continued to be problematic, both in terms of my own professional advancement and administratively.

Please give careful consideration to the Licensed Professional Counselor Bill, and support the passage of reciprocated licensure for the LPC's who are working to help promote a healthier Alaska.

Sincerely,



Barbara (Toni) Chrestman, MS, LPC, NCC
Mental Health Clinician
P.O. Box 1802
Nome, AK 99762
(907) 443-5206 w.
(907) 443-4940 h.