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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 terms 'Licensed Professional Counselor' and 'Licensed Counselor'; amending Rule 500, 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.

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CSSB 331 (FIN)

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Sectional Analysis

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

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

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

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

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

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

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

Section 5. This section amends 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.