

SB

177



Health, Education, and Social Services Committee Alaska State Senate

SPONSOR STATEMENT

CS SB 177 (HES)—*“An Act eliminating the prohibition on the use by certain licensed professionals of titles or descriptions of services that incorporate the terms ‘psychoanalysis,’ ‘psychoanalyst,’ ‘psychotherapy,’ ‘psychotherapeutic,’ or ‘psychotherapist.’”*

AS 08 S6.180 prohibits professionals—except for licensed psychologists and clinical social workers—from using certain terms to describe their services or their titles. These terms include: “psychology,” “psychological,” “psychologist,” “psychometry,” “psychotherapy,” “psychotherapeutic,” “psychotherapist,” “psychoanalysis,” and “psychoanalyst.” This statute was written prior to the licensure of professional counselors (LPC’s) and marital and family therapists (LMFT’s), who also provide these types of psychological services. LPC’s and LMFT’s constitute a large portion of Alaska’s licensed mental health professional workforce, and are an even larger percentage of professionals working in state funded community mental health centers.

CS SB 177 (HES) was composed with the collaboration of the Alaska Board of Licensed Professional Counselors, the Alaska Psychological Association, the Alaska Board of Psychologist and Psychological Associate Examiners, the Alaska Chapter of the National Association of Social Workers, the Alaska Board of Marital and Family Therapists, and the Alaska Board of Social Work Examiners.

SB 177 updates these statutes to reflect current practice and training as well as maintaining a degree of protection to the public. The language affects licensed clinical social workers, licensed marital and family therapists, and licensed professional counselors.

Sec. 08.86.170. Use of title.

(a) Unless licensed under this chapter, a person may not use the title "psychologist" or a title, designation, or device indicating or tending to indicate that the person is a psychologist or practices psychology.

(b) Unless licensed under this chapter, a person may not use the title "psychological associate" or a title, designation, or device indicating or tending to indicate that the person is a psychological associate or practices counseling or psychometrics.

Sec. ~~08.86.180~~. Practice of psychology.

(a) Unless licensed under this chapter, a person may not practice psychology or hold out publicly as a psychologist or as practicing psychology. A person holds out as a psychologist by using a title or description of services incorporating the words "psychology," "psychological," "psychologist," "psychometry," "psychotherapy," "psychotherapeutic," "psychotherapist," "psychoanalysis," or "psychoanalyst" or when holding out publicly to be trained, experienced, or qualified to render services in the field of psychology.

(b) This section does not apply to

(1) a person employed by a governmental unit, educational institution or private agency who may be required to engage in some phase of work of a psychological nature in the course of the person's employment, if the employer maintains appropriate supervision of psychological activities and professional conduct, and if the person is performing the psychological activities as part of the duties for which the person was employed, is performing the activities solely within the facilities of the organization in which the person is employed or under the supervision of the organization in which the person is employed, and does not render or offer to render psychological services to the public for compensation in addition to the salary the person receives from the organization;

(2) a student, intern, or resident in psychology pursuing a course of study approved by the board as qualifying training and experience for a psychologist, if that person's activities constitute a part of that person's supervised course of study and that person is designated by titles such as "psychology intern" or "psychology trainee";

(3) a qualified member of another profession, in doing work of a psychological nature consistent with that person's training and consistent with the code of ethics of that person's profession, if the person does not hold out to the public by a title or description of services incorporating the words "psychology," "psychological," "psychologist," "psychometry," "psychotherapy," "psychotherapeutic," "psychotherapist," "psychoanalysis," or "psychoanalyst" or represent to be trained, experienced, or qualified to render services in the field of psychology.

(4) *[Repealed, Sec. 15 ch 65 SLA 1973].*

(5) a physician engaged in the normal practice of medicine for which the physician is licensed under AS 08.64.

(c) Nothing in this chapter authorizes a person licensed as a psychologist to engage in the practice of medicine, as defined by the laws of the state.

(d) Nothing in this section prohibits a clinical social worker from holding out to the public by a title or description of services incorporating the words "psychotherapy," "psychotherapist," or "psychotherapeutic."

Sec. 08.86.185. Practice of counseling and psychometrics. [Repealed, Sec. 24 ch 58 SLA 1980. For current law, see AS 08.86.180].

Repealed or Renumbered

Psychotherapy means:

the treatment of mental or emotional problems by psychological means

the treatment of psychological disorders or maladjustments by a psychological technique, as psychoanalysis, group therapy, or behavioral therapy. Psychotherapy does not include physiological interventions, such as drug therapy or electroconvulsive therapy, although it may be used in combination with such methods. Behavior therapy aims to help the patient eliminate undesirable habits or irrational fears through the use of principles of conditioning

a set of techniques believed to cure or to help solve behavioral and other psychological problems in humans. The common part of these techniques is direct personal contact between therapist and patient, mainly in the form of talking. Due to the nature of these communications, there are significant issues of patient privacy and/or client confidentiality.

A generic term for the treatment of mental illness or emotional disturbances primarily by verbal or nonverbal communication.

The treatment of mental and emotional disorders through the use of psychological techniques designed to encourage communication of conflicts and insight into problems, with the goal being relief of symptoms, changes in behavior leading to improved social and vocational functioning, and personality growth.

(Partial) List of Psychotherapeutic Modalities

- Analytical psychology
- Autogenic psychotherapy
- Behavior therapy
- Biodynamic psychotherapy
- Bioenergetic analysis
- Biosynthesis
- Jungian psychotherapy
- Rogersian psychotherapy
- Cognitive analytic psychotherapy
- Cognitive behavioural psychotherapy
- Concentrative movement therapy
- Core proces psychotherapy
- Daseins analytic psychotherapy
- Encounter groups
- Existential analysis
- Family therapy
- Freudian psychotherapy
- Gestalt therapy
- Group therapy
- Humanistic psychology
- Logotherapy
- Neuro-Linguistic Programming
- Person centred psychotherapy
- Personal construct psychology (PCP)
- Positive psychotherapy
- Postural integration
- Primal integration
- Primal therapy
- Psychoanalysis
- Psychodrama
- Psychodynamic psychotherapy
- Psycho-Organic analysis
- Psychosynthesis
- Pulsing
- Rational emotive behaviour psychotherapy
- Reichian psychotherapy
- Rolfing
- Sophia analysis
- Systemic therapy
- T Groups
- Transactional analysis
- Transpersonal psychotherapy

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 177(HES)
 (S) Publish Date: 2/6/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Commerce
 Title Practice of Psychology RDU Corp, Bus & Prof Licensing (117)
 Component Corp, Bus & Prof Licensing
 Sponsor Health, Education & Social Services
 Requester Health, Education & Social Services Component No. 2360

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other 1156 - Receipt Supported Services						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

SB177 eliminates certain titles or description of services from requiring licensure by the Board of Psychologist and Psychological Associate Examiners. New funds are not required to implement the provisions of this bill.

Prepared by: Jennifer Strickler, Chief Phone (907) 465-2144
 Division Corporations and Licensing Date/Time 1/24/06 4:44 PM
 Approved by: William C. Noll, Commissioner Date 1/24/2006
 Agency Commerce, Community and Economic Development

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: CSSB 177(HES)
 (S) Publish Date: 2/15/06
 Dept. Affected: Health & Social Services

Revision Date/Time (Note if correction):
 Title USE OF THE TERMS PSYCHOTHERAPY, PSYCHOTHERAPEUTIC, C PSYCHOTHERAPIST

RDU Health Care Services
 Component Medicaid Services

Sponsor SENATE (HES) BY REQUEST

Requester _____ Component No. 2077

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (0)						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1037 GF/Mental Health						
Other(Specify Type-do not abbreviate)						
Other(Specify Type-do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: _____

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill eliminates the prohibition on the use of the terms 'psychoanalysis', 'psychoanalyst', 'psychotherapy', 'psychotherapeutic' or 'psychotherapist' in descriptions of services or titles by licensed clinical social workers, licensed marital and family therapists, or licensed professional counselors.

This bill is not expected to have an effect on any aspect of the Medicaid program.

Prepared by: Dwayne Peeples, Director
 Division Health Care Services
 Approved by: Karleen Jackson, Commissioner
 Agency Department of Health and Social Services

Phone 907-465-5830
 Date/Time 02/02/2006
 Date 02/07/2006

Dear Legislator:

An issue has been brought up to me again by members of the Community Mental Health Center (CMHC) providers association. They are concerned because one of the primary services that they provide is "psychotherapy". There is confusion among them and others because the statutes regarding licensed psychologists says that only they and social workers may call themselves "psychotherapists", and use the terms "psychotherapy" and "psychotherapeutic" to describe the work that they do. This statute was written prior to the licensing of professional counselors (LPC) and marital and family therapists (LMFT) who currently make up close to half of the licensed mental health professionals practicing in the state and an even larger percentage working in state funded community mental health centers (CMHC).

The problem is that "psychotherapy" is a generic term much like "physical therapy". There are many modes of therapy that fall under the umbrella of this generic term and they all have to do with working with people's minds to improve health or alter behavior. Attached are several definitions of psychotherapy easily found on the internet at medical dictionary sites. Also attached is the statutory language limiting the use of the psychotherapy terms and the definition of the practice of psychology.

When billing for services at a CMHC, Medicaid recognizes "psychotherapy" as a service and Medicaid regulations allow all of the four mental health professions to bill for it. However, there is currently confusion and fear that service providers could be found to be billing fraudulently if they have LMFT or LPC staff sign and bill for those services.

It is clear that legislators in the past recognized that psychologists were not the only mental health professionals to practice psychotherapy. Before the licensing of LMFT and LPC clinicians, they amended the psychology statutes to include:

Sec. 08.86.180. (d) Nothing in this section prohibits a clinical social worker from holding out to the public by a title or description of services incorporating the words "psychotherapy," "psychotherapist," or "psychotherapeutic."

In a survey that I did two years ago, I found that there were only 8 licensed psychologists working in community mental health centers across the state. The rest of the clinical staff were mostly social workers and LPCs with a few MFTs. These numbers help to demonstrate the necessity to make changes to current law in order to recognize the reality of the current workforce, the actual practice of clinical staff, and the need to support clinical staff on whom many rely for mental health services.

Should you wish to contact me to discuss this bill, my email address is alhenry@alaska.net, and my phone numbers are: (H) 272-0816, (cell) 250-5244.

Thank you very much for considering this.

Respectfully,

Anne L. Henry
LPC Board Chair



DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

JASUN

Frank H. Murkowski, Governor
William Noll, Commissioner
Rick Urion, Director

January 13, 2006

RECEIVED
JAN 17 2006

The Honorable Fred Dyson
Alaska State Senate
State Capitol, Room 121
Juneau, AK 99801-1182

Dear Senator Dyson:

The Board of Social Work Examiners has met and discussed the merits of Senate Bill 177. After discussion and consideration of the Statutes and Regulations governing the licensing of social workers, we are in agreement that the statutory changes proposed in the amended version of SB177 (below) are consistent with the mission of the Board. The amended bill will protect the public safety while better defining the work of the practitioners who serve them.

Amend SB177 to: Delete proposed changes to Sec. 08.86.180(a) and (b). This maintains the restrictive language currently in Statute, which will prevent unlicensed individuals from using the restricted terminology. This protects the public while remedying the confusion about who is permitted to use the generic terminology to describe the work that is done by all four disciplines.

Add a change to Sec. 08.86.180: (d) Nothing in this section prohibits a licensed clinical social worker, licensed marital and family therapist or licensed professional counselor from holding out to the public by a title or description of services incorporating the words "psychotherapy", "psychotherapist", "psychotherapeutic", "psychoanalysis", or "psychoanalyst".

Thank you for your sponsorship of SB177.

Respectfully,

Denny Patella, LCSW, Chairperson
Board of Social Work Examiners



DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

JASON
SB 177

Frank H. Murkowski, Governor

William Noll, Commissioner

Kick Urion, Director

January 10, 2006

The Honorable Fred Dyson
Alaska State Senate
10928 Eagle River Road
Eagle River, AK 99577

Dear Senator Dyson:

This letter is in support of Senate Bill 177, which references the use of words such as "psychotherapy/psychotherapeutic" by licensed mental health professionals. As you know, currently terms such as "psychotherapy", "psychotherapeutic" and "psychotherapist" that are used by Psychologists may not be used by other mental health professionals. We would like to eliminate the requirement that only Psychologists licensed by their Board can use those terms.


The Webster's Dictionary defines "psychotherapy" as "the treatment of psychological disorders or maladjustments"... In the Statutes for Licensed Marriage and Family Therapists, (LMFT) Sec. 08.63.900, the "practice of marital and family therapy" (#5) is defined as (A) "the professional application of assessments and treatments of psychotherapeutic services to individuals, couples and families for the purpose of treating the diagnosed emotional and mental disorders". Therefore, the term "psychotherapeutic" is already being used and is in the Statutes for LMFTs.

In order that the public understand that all licensed mental health professionals are qualified to provide psychotherapeutic services, we need to ensure passage of Senate Bill 177. Currently, there is apparent contradictory information in the Statutes.

The Marriage and Family Therapy licensing Board is in support of Senate Bill 177.

Thank you for your attention to this matter.

Sincerely,


Vivian C. Finlay, Chair
Marital & Family Therapists Board

April 20, 2005

Senator Fred Dyson, Chair
& Members of Senate H&SS Committee
State Capitol Building
Juneau, Alaska

Re: Senate Bill 177

Senator Dyson,

I am writing to you in support of Senate Bill 177, which seeks to remove the unintentional, discriminatory language that was inserted into state statutes prior to the licensing of LPC and LMFT clinicians in the state of Alaska.

My strong support for the bill stems in part from the shortage of mental health professionals licensed to legally provide services to Alaska's village communities and adolescent populations, given the current wording of the statute. I lend further support given the fact that many clients take comfort in being able to choose from qualified multidisciplinary mental health providers when attempting to obtain needed services; however, due to the language in the current statute, health insurance companies may choose to limit subscriber's coverage to psychologists or clinical social workers only.

Senate Bill 177 would update the statutory language necessary to include licensed professional counselors to provide mental health services that they are clearly schooled and qualified to provide and it would also promote unity among the four professions (psychology, social work, counseling and marriage and family therapy) that are vital in providing access to behavioral healthcare for all Alaskans.

As we rapidly interface with the 21st century, so do our social challenges as a community. I thank you for your support, as one of the many professionals, who is dedicated to moving Alaska forward and supporting quality mental health clinicians and understanding their inclusive scope of practice.

In appreciation of your efforts,
Ann M. Ginn, M.Ed., LPC, LBSW

April 16, 2005

Senator Fred Dyson, Chair, and
Members of Senate HE&SS Committee
State Capitol
Juneau, Alaska

Dear Senator Dyson:

Senate Bill 177 serves a very important purpose to the public, by allowing mental health and related behavioral health professionals to legally provide the services they either already offer mentally ill Alaskans, or could offer them, if this bill is passed.

Many mental health professionals in community mental health centers, and other behavioral health agencies are technically not allowed to use some of the "psychology-related" language, or provide services referred to in this legislation, even though they are trained and qualified to do so. SB 177 would correct that situation.

For Alaskans, this would mean greater access to needed services, often at less cost to them than they currently might pay. They could receive mental health services, and have greater opportunity to use their own insurance to cover those services provided by agencies and providers qualified to perform them.

I strongly encourage you and the Committee to support this legislation, in the best interests of our state and communities.

Thank you,

Pamela Watts, Administrator
Rainforest Recovery Center (formerly Juneau Recovery Hospital)

January 26, 2006

Dear Senator,

As an LPC therapist I do support the passage of bill SB177 but do not want to see anything about combining LPC and LMFT boards attached to the bill.

LPC and LMFT disciplines and orientations and often, clients are different. LMFT therapists, as their initials state, specialize in work with families, marriages and couples. LPC's serve a broader base of clientele and our specialties within the field of counseling are diverse. My own specialty is PTSD (post traumatic stress disorder).

As an LPC I want to be responsible for the legal and other expenses in my own area of work. I do not want to take on past, current, or future debt of LMFT's and have my own licensure expense penalized.

I understand the legislature's interest in combining boards to simplify and save State money. But, this does not benefit LPC's in any way and in fact creates more liability for us.

Please do not add anything about combining boards to bill SB177.

Thank you.

Micki Halloran, MA, LPC
2605 Denali Street #203
Anchorage, Alaska 99503
State of Alaska, LPC #329
907-279-1393

Jason Hooley

From: Sen. Fred Dyson
Sent: Monday, January 30, 2006 9:13 AM
To: Jason Hooley
Subject: FW: Hess Committee

From: Ellen Cole [mailto:ecole@alaskapacific.edu]
Sent: Thursday, January 26, 2006 11:30 PM
To: Sen. Fred Dyson; Sen. Gary Wilken; Sen. Donny Olson; Sen. Lyda Green; Sen. Kim Elton
Subject: Hess Committee

Dear Senators,

I am writing to you as director of the Master of Science in Counseling Psychology (MSCP) program at Alaska Pacific University. While I am a psychologist, myself, I and my APU colleagues are responsible for training the next generation of Alaska's Licensed Professional Counselors. We support the passage of SB177 but do not support the combining of the LPC licensing board and the Marriage and Family Therapist licensing board.

We do not think combining the boards would serve either profession well, nor (above all) would it serve the clients with whom we work. There is already enough confusion about the differences between the two professions. Combining the boards would only add to that confusion.

The fact of the matter is that LMFT's specialize in one very particular and focused arena of the counseling world. LPC's practice across a broader range of specialties and have very different training, theoretical orientations, and internship requirements. To become an LPC in Alaska, a graduate student must complete a 60-credit graduate program which includes a 600 hour internship. Then there are 3000 hours of post-graduate supervision and the passage of a national exam. These are rigorous requirements, and those who complete them are very proud of their accomplishments. They chose to become Professional Counselors. Marriage and Family Therapy is an equally fine profession, but it is a different one.

In addition, my understanding is that two difficulties emerge in states that have tried to combine mental health boards. First, turf wars are inevitable and create inefficiency and ill will. Second, combined boards cost more in the long run, because each discipline wants and needs to meet separately in addition to joint meetings.

I hope these comments help with your deliberations. Thank you for your attention.

Ellen Cole, Ph.D.
Professor of Psychology
Director, MSCP
Alaska Pacific University
4101 University Drive
Anchorage, Alaska 99508
tel: 907-564-8216
fax: 907-564-8396
ecole@alaskapacific.edu

Pat Crowe, LPC
PO Box 135
Kodiak, AK 99615
907-486-0846
pcrowe@ak.net

Senator Fred Dyson, Chair, and
Members of Senate HE&SS Committee
State Capitol
Juneau, Alaska

Dear Senator Dyson:

Senate Bill 177 serves a very important purpose to the public, by allowing mental health and related behavioral health professionals to legally provide the services they either already offer mentally ill Alaskans, or could offer them, if this bill is passed.

Many mental health professionals in community mental health centers, and other behavioral health agencies are technically not allowed to use some of the "psychology-related" language, or provide services referred to in this legislation, even though they are trained and qualified to do so. SB 177 would correct that situation.

For Alaskans, this would mean greater access to needed services, often at less cost to them than they currently might pay. They could receive mental health services, and have greater opportunity to use their own insurance to cover those services provided by agencies and providers qualified to perform them.

I strongly encourage you and the Committee to support this legislation, in the best interests of our state and communities.

Thank you,

Pat Crowe

Jason Hooley

From: Joan Soutar [akjbear@yahoo.com]
Sent: Sunday, January 29, 2006 2:00 PM
To: Sen. Fred Dyson; Sen. Gary Wilken; Sen. Donny Olson; Sen. Lyda Green;
Senator_Kim_Elton@legis.ak.us
Subject: SB177-comments from a LPC

Ladies and Gentlemen of the Alaska Senate,

I support passage of SB177. I do NOT support combining ahd LPC and the LMFT boards.

I have had different training, different supervision and serve different clients than do LMFT's. I believe that my LPC Board membes stand up for me and my needs.

I want the board members to focus upon LPC licensed individuals.

I need to ask why seek to combine these two boards but not add in social workers, psychologists, psychiatrists and psychological associates into one hugh board? Are you trying to save LMFT individuals in some way by combining their board with the growing number of LPS's?

When I received my initial license the cost was over \$800 for two years. Costs have gone progressively down to the \$200 I paid in October 2005. The LPC board even adjusted the date of renewal to coincide with our receipt of our Alaska Dividends which I appreciated. I believe my board works hard for me in keeping quality up and costs down. I do not want to take on expenses of individuals who hold a different license.

Sincerely,

Joan Soutar MA, LPC (#52)

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>

Jason Hooley

From: F Kenneth Freedman [fken@alaska.net]
Sent: Friday, January 27, 2006 10:57 PM
To: Sen. Fred Dyson
Subject: SB177

Follow Up Flag: Follow up
Flag Status: Completed

Dear Senator Dyson:

Here's my support for SB177 but I do not want to see the boards combined.

Thanks,

F. Kenneth Freedman, LPC