

**SB**

**248**

<target><bill>SB 248</bill><subject>SB  
248</subject><comm>SFIN26</comm></target>

# ALASKA STATE LEGISLATURE

SENATOR DONALD C. OLSON



ALASKA  
STATE CAPITOL  
ROOM 514  
JUNEAU, ALASKA 99801-1182

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## **CSSB 248 (L&C) – Extend Board of Marital and Family Therapists**

Version 26-LS1404/R, February 24, 2010

STAFF: Tim Benintendi, 465-4989

### **SPONSOR STATEMENT**

This bill would extend the termination date of the Board of Marital and Family Therapists until June 30, 2014.

According to the legislative audit for this panel, there were no issues adversely affecting the public, but auditors commented on its deficit. In trying to manage that, the board has postponed making necessary and timely changes to its regulations.

The audit also commented that the Administration needs to improve support for this board and make more timely appointments.

The Committee Substitute was generated because the original bill was ordered drafted for the number of years in the last extension, which was different from the recommendation in the audit. Once I read the audit, we wanted to conform to their report.

No opposition has surfaced to this bill or the Committee Substitute.

## State of Alaska

### Office of Boards and Commissions Roster

#### MARITAL AND FAMILY THERAPY (173)

Member	Date Appointed	Reappointed	Term Expires
VACANT Therapist/Counselor			3/1/2009
John W. Downing Public 18735 Monastery Drive Eagle River, AK 99577	1/28/2008		3/1/2012
Kimberly K. Horn Public P.O. Box 33472 Juneau, AK 99803 4003 Mendenhall Loop Road Juneau, AK 99801	2/2/2009		3/1/2010
Larry J. Severson Therapist/Counselor 3150 C Street, Suite 280 Anchorage, AK 99503	3/1/2007		3/1/2011
Patricia A. White Therapist/Counselor -- Chair Patricia White, M.S., L.M.F.T. 6008 Lemon Street Juneau, AK 99801	8/22/2005	3/1/2009	3/1/2013

[Return to the fact sheet](#)

# SENATE FINANCE COMMITTEE REPORT

DATE: 2/24/10

FURTHER:

DATE TURNED  
IN TO OFFICE: \_\_\_\_\_

Finance Committee considered SENATE BILL NO. 248

## SB 248 EXTEND BD OF MARITAL & FAMILY THERAPY

"An Act extending the termination date of the Board of Marital and Family Therapy; and providing for an effective date."

and recommends:

- be replaced with  SCS or  CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous  SCS or  CS SB 248 (L+C)
- attached amendment(s)
- adopt \_\_\_\_\_ Letter of Intent
- further referral to \_\_\_\_\_ Committee

<b>SENATE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
<b>HOUSE BILL:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

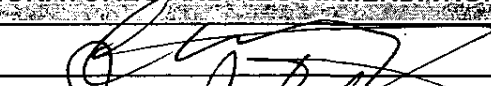
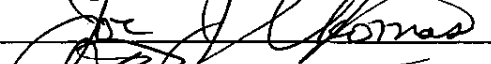





**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indel	Zero	FN#
CEC	3/23/10	✓			

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indel	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Huggins	✓			
	Thomas	✓			
	Egan	✓			
	Orsini	✓			
	Ellis	✓			
CO-CHAIR: 	Hoffman	✓			
CO-CHAIR: 	Stedman	✓			

# FISCAL NOTE

**STATE OF ALASKA**  
**2010 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: CSSB 248(L&C)  
 () Publish Date: \_\_\_\_\_

Identifier (file name): SB248CS(L&C)-CED-CBPL-3-23-10  
 Title: Extend Board of Marital & Family Therapy  
 Sponsor: Senator Olson  
 Requester: Senate Labor and Commerce  
 Dept. Affected: Commerce  
 RDU: Corp. Bus. & Prof Licensing (117)  
 Component: Corp. Bus. & Prof Licensing  
 Component Number: 2360

**Expenditures/Revenues** (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0	16.0	16.0	16.0	16.0	16.0	16.0	0.0
Travel	0.0	5.6	5.6	5.6	5.6	5.6	5.6	0.0
Contractual	0.0	1.2	1.2	1.2	1.2	1.2	1.2	0.0
Supplies	0.0	0.4	0.4	0.4	0.4	0.4	0.4	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( 1156 )</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other: RSS (1156)	0.0	23.2	23.2	23.2	23.2	23.2	23.2	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>0.0</b>

Estimate of any current year (FY2010) cost: 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

CSSB 248(L&C) extends the Board of Marital and Family Therapy to June 30, 2014. In accordance with AS 08.03.020 funding extends one year following the termination date allowing the Board to conclude its affairs. The FY2011 funding is included in the Operating Budget request and costs shown are an average of direct costs for a biennial licensing period.

Travel expenses represent transportation and per diem for the 5 member board and 1 staff to meet at least 2 times each year in accordance with AS 08.63.030.

The program is required to cover costs with licensing fees under AS 08.01.065, and revenue generated by board fees are anticipated to cover its full operating costs. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Division Operations Manager Phone (907) 465-2144  
 Division: Corporations, Business & Professional Licensing Date/Time 03/23/2010 11:30AM  
 Approved by: Emil Notti, Commissioner Date 3/23/2010  
Commerce, Community, and Economic Development

# ALASKA STATE LEGISLATURE

## LEGISLATIVE BUDGET AND AUDIT COMMITTEE



Division of Legislative Audit

P.O. Box 113300  
Juneau, AK 99811-3300  
(907) 465-3830  
FAX (907) 465-2347  
legaudit@legis.state.ak.us

October 22, 2009

Members of the Legislative Budget  
and Audit Committee:

In accordance with the provisions of Title 24 and Title 44 of the Alaska Statutes, we have reviewed the activities of the Board of Marital and Family Therapy (BMFT), and the attached report is submitted for your review.

DEPARTMENT OF COMMERCE, COMMUNITY  
AND ECONOMIC DEVELOPMENT  
BOARD OF MARITAL AND FAMILY THERAPY  
SUNSET REVIEW

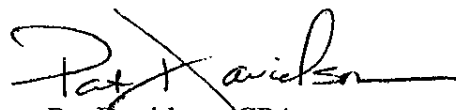
September 21, 2009

Audit Control Number  
08-20060-09

This audit was conducted as required by AS 44.66.050 and under the authority of AS 24.20.271(1). If not extended by the legislature, BMFT is required to terminate on June 30, 2010. Under AS 08.03.020, the board will have a one-year period to administratively conclude its affairs.

In our opinion, BMFT should continue to regulate marital and family therapists and associates. Except for the significant issue of postponing regulation changes, the board is operating efficiently and effectively.

The audit was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Fieldwork procedures utilized in the course of developing the findings and recommendations presented in this report are discussed in the Objectives, Scope, and Methodology.

  
Pat Davidson, CPA  
Legislative Auditor

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## OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Title 24 and Title 44 of the Alaska Statutes, we have reviewed the activities and operations of the Board of Marital and Family Therapy (BMFT). As required by state law, the legislative committees of reference are to consider this report when determining whether to extend the termination date for BMFT. Currently under AS 08.03.010(c)(11), the board will terminate on June 30, 2010. If the legislature does not extend the termination date, BMFT will have one year to conclude its administrative operations.

### Objectives

The three central, interrelated objectives of our report are:

1. To determine if the termination date of BMFT should be extended.
2. To determine if BMFT is operating in the public interest.
3. To determine if the board has exercised appropriate regulatory oversight of licensed marital and family therapists and associates.

The assessment of BMFT operations and performance was based on criteria set out in AS 44.66.050(c). Criteria set out in this statute relates to the determination of a demonstrated public need for the board.

### Scope and Methodology

Our audit assessed BMFT's operations and activities for the period spanning FY 05 through FY 09. The major areas of our review were licensing, investigations, board proceedings and duplication of efforts. We examined and evaluated the following:

1. Applicable statutes and regulations.
2. Licensee files and other related licensee information.
3. Board meeting minutes.
4. BMFT annual reports.
5. BMFT related public notices published in the *Anchorage Daily News* and the State's online notification system.

6. Case and compliant files involving or related to professionals licensed by, and applicants seeking licensure, from BMFT.
7. Board revenues and expenditures for the audit period.
8. Board member resumes and related information maintained by the Office of the Governor.

We also interviewed two board members and various division staff including the licensing examiner, investigators, and administrative staff.

## ORGANIZATION AND FUNCTION

### The Board of Marital and Family Therapy (BMFT)

BMFT was established under the provisions of Title 8, Chapter 63 of the Alaska Statutes. The board consists of five members appointed by the Governor and subject to legislative confirmation. Three members must be licensed marital and family therapists and two members must be members of the general public.

The board regulates licensed marital and family therapists in the State. It sets education, training, and work experience standards necessary for an individual to be licensed as a marital and family therapist or a marital and family associate. Alaska statute defines the practice of marital and family therapy as the diagnosis and treatment of mental and emotional disorders that are referenced in the standard diagnostic nomenclature for marital and family therapy. This covers all disorders, whether cognitive, affective, or behavioral, within the context of human relationships, particularly the marital and family system.

**Board of Marital and Family  
Therapy  
(As of June 30, 2009)**

Therapist

Patricia White, Chair  
Larry Severson  
Vacant

Public Member

John Downing  
Kimberly Horn

Per statute, the board's duties include:

1. Examining and issuing licenses to qualified applicants;
2. Ordering the disciplinary sanction of a person who violates the statutes or regulations related to the licensure of marital and family therapists;
3. Adopt regulations necessary to enforce BMFT statutes; and
4. Adopt a code of ethical practice for marital and family therapy.

A marital and family therapy applicant may be licensed by passing an examination given by the board, or by what is termed "credentials." In order to be licensed by credentials, an applicant must provide proof of licensure by another authority, such as a state, that has equal or more stringent licensing requirements than the State of Alaska.

In order to become licensed by examination, an applicant must have an advanced degree in marital and family therapy or an allied mental health field from a regionally accredited educational institution approved by the board for which the person completed substantially equivalent course work<sup>1</sup> in the following: (1) marital and family therapy, (2) marital and

<sup>1</sup>AS 08.63.100(b) permits the substitution of post-degree courses or practice, as approved by the board, by a person whose master or doctorate degree in marital and family therapy or allied health field but whose course of study did not include all the course or clinical practice requirements of AS 08.63.100(a)(3)(B).

family studies, (3) human development, (4) professional studies or professional ethics and law, (5) research, and (6) supervised clinical practice; meet specific supervised experience requirements;<sup>2</sup> and pass an examination as required by BMFT. BMFT utilizes a national examination developed jointly by the Association of Marital and Family Therapy Regulatory Boards and Professional Examination Service.

Department of Commerce, Community, and Economic Development (DCCED), Division of Corporations, Business and Professional Licensing (division)

The division provides administrative and investigative assistance to occupational boards including BMFT. Administrative assistance includes budgetary services and functions such as collecting fees; maintaining files; receiving and issuing application forms; and publishing notices of examinations, meetings and proposed regulations.

Alaska Statute 08.01.087 empowers DCCED with the authority to act on its own initiative or in response to a complaint. The division may:

1. Conduct an investigation if it appears a person is engaged or is about to engage in a prohibited professional practice.
2. Bring an action in Superior Court to enjoin the act.
3. Examine the books and records of an individual.
4. Issue subpoenas for the attendance of witnesses and records.

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<sup>2</sup>The following practical experience is required in addition to obtaining a degree in accordance with the requirements of AS 08.63.100(a)(3)(b):

- Practiced marital and family therapy within three years of the person's application, including 1,500 hours of direct clinical contact with couples and families.
- Has been supervised in the clinical contact for at least 200 hours, including 100 hours of individual supervision and 100 hours of group supervision approved by the board.
- Has received training related to domestic violence.

## REPORT CONCLUSIONS

The Board of Marital and Family Therapy's (BMFT) termination date should be extended until June 30, 2014.

The termination date for BMFT should be extended four years – until June 30, 2014. This extension term is half of the eight-year maximum allowed per statute in recognition that BMFT has not met its statutory responsibility for initiating regulation changes. BMFT has not pursued regulation changes because it has been in a deficit position for over 10 years and has not wanted to further weaken its financial position by incurring the costs associated with changing regulation (discussed in Recommendation No. 1).

BMFT's financial deficit has gradually decreased from FY 05 through FY 09. The deficit at the beginning of FY 05 was \$75,400 versus a deficit of \$29,200 at the beginning of FY 09. The deficit has been a continual challenge for the board. The board believes the low number of licenses is the result of the high cost of licensure (\$775).

The number of licensees continues to decrease. There were 94 licenses in FY 04 compared to 84 in FY 09. It has taken approximately 10 years for this small group to pay down a \$200,000 deficit.

BMFT is composed of three therapist members and two public members. From FY 05 through FY 09, BMFT seats were not filled timely. One seat was vacant for eight months and one for approximately 11 months. Additionally, one board member's term expired, but the member continued to serve for 19 months before being reappointed (discussed in Recommendation No. 3).

BMFT should continue to regulate marital and family therapists and associates. Except for the significant issue of postponing regulation changes, the board is operating efficiently and effectively. BMFT is serving the public interest by promoting the competence and integrity of those who provide services to the public as licensed marital and family therapists and associates.

Alaska Statute 08.03.010(c)(11) requires BMFT to terminate on June 30, 2010. If not extended by the legislature, under AS 08.03.020, the board will have a one-year period to administratively conclude its affairs. We recommend BMFT's termination date be extended to June 30, 2014.

Improvements are needed in administrative support to the board by staff within the Division of Corporations, Business and Professional Licensing.

There were several deficiencies in the administrative support provided to BMFT. Information contained in the annual reports was often inaccurate and incomplete. Methodologies used to account for BMFT revenues and expenditures were inconsistent and, in some cases, inaccurate. These deficiencies were caused by an unqualified staff member and a lack of written procedures for support functions (discussed in Recommendation No. 2).

## FINDINGS AND RECOMMENDATIONS

During the 2005 sunset review of the Board of Marital and Family Therapy (BMFT), we recommended BMFT and the Board of Professional Counselors be combined into a single oversight and licensing board. Department of Commerce, Community, and Economic Development's (DCCED) commissioner favored the recommendation, but chairs of both BMFT and the Board of Professional Counselors objected. No actions have been taken to combine the boards. Consequently, we are not reiterating the recommendation.

### Recommendation No. 1

BMFT should actively pursue regulation changes that are necessary to protect the public interest.

BMFT did not actively pursue regulation changes. The board adopted only one regulation change; yet, regulations were a regular agenda item, and the board minutes reflect continued consideration of several regulation changes. Board meeting minutes and statements in the annual reports reflect the board's decision to delay regulation changes. BMFT's chair stated:

*There are several recommendations for statute and regulations changes that the board would like to initiate in the future. However, the board is postponing these changes until there is no longer a financial debt, as changes incur more expenses.*

Under AS 08.63, BMFT is authorized and obligated to adopt regulations necessary to carry out its duties. The board's reluctance to initiate regulation changes raises the question of whether the board has adequately protected the public interest. Regardless of its financial position, the board is statutorily mandated to perform its regulatory function. We recommend BMFT actively consider and propose regulations necessary to protect the public interest.

### Recommendation No. 2

The Division of Corporations, Business and Professional Licensing's professional licensing administrative manager should take steps to improve administrative support.

Unqualified staff and a lack of documented procedures led to several deficiencies in administrative support by division staff. Specifically:

- The FY 05 and 06 annual reports did not contain the required financial data.
- FY 08 annual report contained several finance related inaccuracies resulting in the reported deficit being overstated by approximately \$14,000.

- Support for the financial amounts presented in the annual reports was not consistently maintained.
- Indirect costs for the division were treated inconsistently between fiscal periods.
- Hearing fees were inconsistently treated as direct versus indirect costs between fiscal periods.

The division's professional licensing section is responsible for performing various administrative tasks to support board activities. Per AS 08.01.050, duties include: collecting and recording fees; maintaining records and files; compiling and maintaining a current register of licensees; arranging for printing and advertising; and providing inspection, enforcement, and investigative services to occupational boards. The division is also responsible for annually reviewing fee levels of the occupational boards to determine whether the regulatory costs of the occupation are approximately equal to fee collections related to that occupation. BMFT is required by AS 08.01.070 to submit, before the end of the fiscal year, an annual performance report to the department stating the board's accomplishments, activities, and needs. The division's policy is to produce a single annual report incorporating both the board and the division's information requirements.

The deficiencies in administrative support were caused by a key administrative staff member that was unqualified and untrained for the position. This was further exasperated by a lack of accounting and reporting procedures.

Less than adequate administrative support hampers BMFT's ability to fulfill its responsibilities and may provide policymakers misleading information. We recommend professional licensing's administrative manager take steps to improve administrative support.

### Recommendation No. 3

The Office of the Governor should make the necessary appointments to keep BMFT at full membership.

BMFT is made up of five members – two representatives from the general public and three licensed professionals. One public seat was vacant for eight months, and one licensed position was vacant for over 11 months. We also noted one professional member served 19 months past the date her seat expired. The board's seats were vacant because of a lack of applicants.

Alaska Statute 08.63.020 requires the Office of the Governor to appoint both public and professional board members. Maintaining board membership that includes both public and professional members ensures balanced representation. The lack of sufficient BMFT members prevents the board from conducting business with the appropriate public and professional input and perspective.

Accordingly, we recommend that BMFT and the Office of the Governor work to fill appointments to all board seats, with particular emphasis on public member seats, designed to represent the State's citizenry.

(Intentionally left blank)

## **ANALYSIS OF PUBLIC NEED**

The following analyses of board activities relate to the public need factors defined in AS 44.66.050(c). These analyses are not intended to be comprehensive, but address those areas we were able to cover within the scope of our review.

***Determine the extent to which the board, commission, or program has operated in the public interest.***

BMFT has operated in the public interest by licensing only qualified individuals. The board has established licensing requirements and minimal practice standards that licensed marital and family therapists (MFTs) are to adhere to in the course of practice. BMFT has also established regulations governing its duties and licensure requirements, enforced the laws for issuing licenses in a uniform and consistent manner, held meetings, and administered examinations in accordance with statutory requirements.

In FY 08, the board changed an existing regulation to require a more detailed description of continuing education courses claimed on renewal applications. This will help the board determine, with greater efficiency, whether a course is an approved continuing education activity, or that it contributes directly to an MFT's professional competency.

As discussed in Recommendation No. 1, the board determined that it could not initiate all necessary regulation changes due to the associated expense and its ongoing financial deficit. By delaying regulation changes, BMFT failed to operate in the public interest.

***Determine the extent to which the operation of the board, commission, or agency program has been impeded or enhanced by existing statutes, procedures, and practices that it has adopted, and any other matter, including budgetary, resource, and personnel matters.***

Alaska statutes require BMFT to consist of three board-licensed therapists and two members of the public. There were instances that board seats were vacant or not appointed in a timely manner (discussed in Recommendation No. 3).

Under AS 08.01.065(c), the Department of Commerce, Community, and Economic Development (DCCED) must "*establish fee levels... so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation.*" The board reviews and provides feedback for changes in fees proposed by DCCED's Division of Corporations, Business and Professional Licensing. In 1998, the license fee was increased from \$300 to \$775 to cover a financial deficit caused by a few expensive investigations.

Licensing fees for BMFT remained at \$775 from FY 05 through FY 09 while the number of licensees declined.

<b>State of Alaska</b> <b>Board of Marital and Family Therapy</b> <b>Schedule of Revenues and Expenditures</b> <b>FY 05 through FY 09</b> (Unaudited)					
	<u>FY 05</u>	<u>FY 06</u>	<u>FY 07</u>	<u>FY 08</u>	<u>FY 09</u>
Revenue	\$ 68,600	\$ 2,200	\$ 63,200	\$ 5,700	\$ 63,100
Direct Expenditures					
Personal Services	7,800	9,900	12,700	19,400	13,600
Travel	1,700	5,600	4,300	6,200	5,900
Contractual	2,100	1,500	1,000	1,200	1,100
Supplies & Equipment	0	0	100	0	200
Total Direct Expenditures	11,600	17,000	18,100	26,800	20,800
Indirect Expenditures	5,200	4,100	5,500	5,200	4,900
Total Expenditures	16,800	21,100	23,600	32,000	25,700
Net Income (Loss)	51,800	(18,900)	39,600	(26,300)	37,400
Beginning Surplus (Deficit)	(75,400)	(23,600)	(42,500)	(2,900)	(29,200)
Ending Surplus (Deficit)	\$ (23,600)	\$ (42,500)	\$ (2,900)	\$ (29,200)	\$ 8,200

The division's professional licensing section evaluates fee levels by analyzing costs and revenues on a biennial roll forward or cumulative basis. As reflected by the summary schedule above, BMFT renews licenses in odd-numbered fiscal years resulting in higher revenues during odd-numbered years.

BMFT showed a surplus at the end of FY 09 but will likely show a deficit in FY 10 because expenditures typically outweigh revenues during non-renewal years. We expect the FY 10 deficit to be less than the \$29,200 deficit reported at the end of FY 08, the end of the last license renewal cycle.

***Determine the extent to which the board, commission, or agency has recommended statutory changes that are generally of benefit to the public interest.***

The board recommended a change to its supervised clinical contact hours during FY 08 to make supervision less of a burden for MFTs. The board recommended that AS 08.63.100(a)(3)(c)(ii) which requires 200 supervised hours (including 100 hours of individual supervision and 100 hours of group supervision approved by the board) be revised to require 200 individual or group hours (including at least 100 hours of individual supervision). This recommendation is intended to remove potential barriers to MFT licensure in rural Alaska, where options for supervision may be more limited. DCCED has forwarded the recommended statutory change to the Governor's office for consideration.

***Determine the extent to which the board, commission, or agency has encouraged interested persons to report to it concerning the effect of its regulations and decisions on the effectiveness of service, economy of service, and availability of service that it has provided.***

The location, date, and time of upcoming BMFT meetings and notices of proposed changes in regulations are posted on the State's online public notice system, and published in the *Anchorage Daily News* with adequate time for interested individuals to attend or to submit written comment for review. Though the public does not constitute a significant presence at the board's meetings, minutes do reflect time for public comment.

***Determine the extent to which the board, commission, or agency has encouraged public participation in the making of its regulations and decisions.***

The board proposed one regulation change in FY 08. This proposal was posted on the State's online public notification system and published in the *Anchorage Daily News* with adequate time for interested individuals to attend or to submit written comment for review. Additionally, the division's regulations specialist maintains a list of interested parties and contacts these individuals when regulation changes are proposed. As noted above, adequate time is set aside during board meetings for public comment.

***Determine the efficiency with which public inquiries or complaints regarding the activities of the board, commission, or agency filed with it, with the department to which a board or commission is administratively assigned, or with the office of victims' rights or the office of the ombudsman have been processed and resolved.***

From May 2004 through February 2009, professional licensing's investigative unit examined four MFT related complaints, one of which resulted in a case investigation. Two were complaints of ethics violations, one was for negligence, and one was a report of unlicensed practice. Two complaints were from clients or patients, and two were from members of the general public.

We reviewed three of the four complaint files, including the one which resulted in a case investigation. We conclude the investigation process for BMFT related complaints was carried out in an effective and efficient manner.

No BMFT complaints or investigations were carried out by the Office of Victim's Rights, Human Rights Commission or the Office of the Ombudsman.

***Determine the extent to which a board or commission that regulates entry into an occupation or profession has presented qualified applicants to serve the public.***

The board licenses applicants that have applied for licensure by credentials or by examination. Each applicant is required to meet stringent licensing requirements including the necessary educational background and adequate work experience. Continuing education is required and monitored by BMFT to promote a high level of performance and to help ensure the profession's integrity. BMFT meeting minutes show that a significant portion of each meeting was spent considering licensing applications and ensuring that the licensing requirements were satisfied prior to issuing a license. License activity for the last five fiscal years is presented below.

Type of License	Newly Issued					Total Licensees as of June 30, 2009
	FY 05	FY 06	FY 07	FY 08	FY 09	
Marital and Family Therapist	3	2	1	6	5	83
Marital and Family Associate	1	0	0	0	2	1

The total number of BMFT licensees has decreased from 94 in FY 04 to 84 in FY 09.

***Determine the extent to which state personnel practices, including affirmative action requirements, have been complied with by the board, commission, or agency to its own activities and the area of activity or interest.***

We did not find evidence that BMFT was not in compliance with state personnel practices, including affirmative action.

***Determine the extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency, board, or commission to better serve the interests of the public and to comply with the factors enumerated in this subsection.***

As discussed in Recommendation No. 2, the administrative support provided by the division's professional licensing section was not accurate, comprehensive or consistent. The administrative staff should provide the necessary and required information so that BMFT can perform its functions and serve the public interest effectively and efficiently.

As discussed in Recommendation No. 3, the Office of the Governor should take steps to expedite appointments to the board.

***Determine the extent to which the board, commission, or agency has effectively attained its objectives and purposes and the efficiency with which the board, commission, or agency has operated.***

Except for BMFT's reluctance to pursue all necessary regulation changes, the board effectively met its objectives. Furthermore, except for its vacant board positions, BMFT operated efficiently.

***Determine the extent to which the board, commission, or agency duplicates the activities of another governmental agency or the private sector.***

BMFT uses the information produced by national associations when licensing and regulating MFTs while taking into consideration Alaska's unique needs. There was no substantial duplication of efforts between BMFT and national MFT organizations.

We compared various elements of the MFT occupation to several other mental health licenses (professional counselors, social workers, and psychologists and psychological examiners). Similarities were noted in the issues treated, intervention techniques, and client populations. Regulations for MFTs and professional counselors effectively permit cross-training between the two license types. There are common issues for groups, such as professional accessibility for supervised experience, license portability, distance counseling, and background checks.

Though similarities exist, there are still distinctions between the license types and professional philosophies. Though parallels and possible duplication of efforts between these license types are present, there are sufficient practical and philosophical distinctions that it is reasonable that these professions continue to be licensed separately.

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Office of Governor Sean Parnell  
STATE OF ALASKA

December 7, 2009

Ms. Kristin Dolquist, CPA  
Audit Manager  
Division of Legislative Audit  
P.O. Box 113300  
Juneau, AK 99811-3300

**RECEIVED**  
**DEC 07 2009**  
**LEGISLATIVE AUDIT**

Dear Ms. Dolquist,

This letter is in response to your November 6, 2009 "CONFIDENTIAL" preliminary audit report on *A Sunset Review of the Department of Commerce, Community, and Economic Development, Board of Marital and Family Therapy, September 21, 2009.*

Regarding recommendation No. 3: The Office of the Governor should take steps to make the necessary appointments to keep the Board of Marital and Family Therapy (BMFT) at full membership:

The Office of the Governor concurs with this recommendation. Currently, the board has one vacant seat reserved for a licensee. Soon after assuming the position of Director of Boards and Commissions, I asked board staff to encourage the board to recruit applicants from rural Alaska, in light of the absence of applicants. I am committed to assisting the Governor in making timely appointments to allow the board to function productively.

Your report also mentioned the issue of combining BMFT with the Board of Professional Counselors (BPC) into a single oversight and licensing board. If that recommendation is proposed in the future, I am supportive of those efforts. Unless significant difficulties arise, combining boards that operate in close proximity to each other in related fields, such as BMFT and BPC, leads to a more efficient State government.

If you need additional information, please contact me at 907-465-3934.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Hooley".

Jason Hooley  
Director  
Boards and Commissions

cc: Michael Nizich, Chief of Staff, Office of the Governor

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STATE OF ALASKA  
DEPARTMENT OF  
**COMMERCE**  
COMMUNITY AND  
ECONOMIC DEVELOPMENT

Office of the Commissioner

*Sean Parnell, Governor*  
*Emil Notti, Commissioner*

December 2, 2009

RECEIVED  
DEC 03 2009  
LEGISLATIVE AUDIT

Ms. Pat Davidson, Legislative Auditor  
Legislative Audit Division  
P.O. Box 113300  
Juneau, AK 99811-3300

Dear Ms. Davidson:

Thank you for the opportunity to comment on the preliminary audit report on the Board of Marital and Family Therapy (BMFT).

Recommendation No. 1: BMFT should actively pursue regulation changes that are necessary to protect the public interest.

The department understands the board's concern in not wanting to increase its costs through new regulation projects, however, we concur the board is statutorily mandated to perform its regulatory function in protecting the public's interest. The department will encourage the BMFT to consider its responsibilities by adopting regulations in the interest of public safety.

Recommendation No. 2: The Division of Corporations, Business and Professional Licensing's professional licensing administrative manager should take steps to improve administrative support.

The department fully agrees with this recommendation. The division has undergone a number of changes in key management positions and is optimistic about improvements being made to its internal cost-accounting system and documentation of procedures.

Recommendation No. 3: The Office of the Governor should make the necessary appointments to keep BMFT at full membership.

The department agrees with this recommendation.

In summary, we support your findings and recommendations and also concur with the extension of the BMFT to June 30, 2014. Thank you again for the opportunity to comment on the preliminary audit report.

Sincerely,

Emil Notti  
Commissioner

P.O. Box 110800, Juneau, Alaska 99811-0800  
Telephone: (907) 465-2500 Fax: (907) 465-5442 Text Telephone: (907) 465-5437  
Email: [questions@commerce.state.ak.us](mailto:questions@commerce.state.ak.us) Website: <http://www.commerce.state.ak.us/>

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6008 Lemon Street  
Juneau, Alaska 99801

November 20, 2009

**RECEIVED**  
NOV 23 2009  
LEGISLATIVE AUDIT

Pat Davidson, Legislative Auditor  
Alaska State Legislature/Division of Legislative Audit  
P.O. Box 113300  
Juneau, Alaska 99811-3300

Dear Ms. Davidson:

As Chairperson of the Board of Marital and Family Therapy, I am responding to your preliminary audit report, dated November 6, 2009. I understand its confidential nature. I would like to respond to your recommendations.

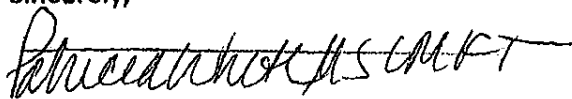
I met with the board on November 13, 2009 by telephone, and we discussed the findings of your preliminary audit.

Overall, I believe the audit to be comprehensive and fair. The difficulty the BMFT has encountered with such a large deficit has been adequately understood and the placing of responsibility on not only the BMFT, but the Division and the Office of the Governor was appreciated.

In regards to recommendation # 1: The board has decided to review the minutes of each board meeting within the audit time frame to ascertain any instances of not protecting the public interest. The licensing examiner will review the minutes and bring them to our next BMFT meeting which is in March of 2010, in Juneau. The BMFT will then begin a process of review. I suspect a completion date could be by October of 2010.

The other two recommendations have pointed out the shortcomings of the Division and the Office of the Governor, and as I have mentioned is appreciated and I understand that the BMFT has no authority to suggest change to either entity. If I do not understand this process correctly please offer correction. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia White MS LMFT". The signature is written in black ink and is positioned above the printed name.

Patricia White, MS, LMFT

# FISCAL NOTE

**ALASKA  
LEGISLATIVE SESSION**

Fiscal Note Number: 1  
 Bill Version: CSSB 248(L&C)  
 (S) Publish Date: 2/24/10

Identifier (file name): SB248-CED-CBPL-2-5-10 Dept. Affected: DCCED  
 Title Extend Board of Marital & Family Therapy RDU Corp, Bus, & Prof Licensing (117)  
 Component Corp, Bus, & Prof Licensing  
 Sponsor Senator Olson  
 Requester Senate Labor and Commerce Component Number 2360

**Expenditures/Revenues (Thousands of Dollars)**

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
<b>OPERATING EXPENDITURES</b>								
Personal Services	0.0	16.0	16.0	16.0	16.0	16.0	16.0	16.0
Travel	0.0	5.6	5.6	5.6	5.6	5.6	5.6	5.6
Contractual	0.0	1.2	1.2	1.2	1.2	1.2	1.2	1.2
Supplies	0.0	0.4	0.4	0.4	0.4	0.4	0.4	0.4
Equipment	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures								
Grants & Claims								
Miscellaneous								
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>

<b>CAPITAL EXPENDITURES</b>								
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<b>CHANGE IN REVENUES ( 1156 )</b>		<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
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**FUND SOURCE (Thousands of Dollars)**

1002 Federal Receipts								
1003 GF Match								
1004 GF								
1005 GF/Program Receipts								
1037 GF/Mental Health								
Other: RSS (1156)	0.0	23.2	23.2	23.2	23.2	23.2	23.2	23.2
<b>TOTAL</b>	<b>0.0</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>	<b>23.2</b>

Estimate of any current year (FY2010) cost: 0.0

**POSITIONS**

Full-time								
Part-time								
Temporary								

**ANALYSIS:** (Attach a separate page if necessary)

SB 248 extends the Board of Marital and Family Therapy to June 30, 2015. In accordance with AS 08.03.020 funding extends one year following the termination date allowing the Board to conclude its affairs. The FY2011 funding is included in the Operating Budget request and costs shown are an average of direct costs for a biennial licensing period.

Travel expenses represent transportation and per diem for the 5 member board and 1 staff to meet at least 2 times each year in accordance with AS 08.63.030.

The program is required to cover costs with licensing fees under AS 08.01.065, and revenue generated by board fees are anticipated to cover its full operating costs. New funds are not required to implement this bill.

Prepared by: Jennifer Strickler, Division Operations Manager Phone (907) 465-2144  
 Division Corporations, Business & Professional Licensing Date/Time 2/01/2010 5:00PM  
 Approved by: Emil Notti, Commissioner Date 2/5/2010  
Commerce, Community, and Economic Development