

SB

41

<TARGET><BILL>SB 41</BILL><SUBJECT>SB
41</SUBJECT><COMM>SJUD29</COMM></TARGET>

ALASKA STATE LEGISLATURE

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North to the Future

Senator Cathy Giessel
Senate District N

Senate Bill 41 Sponsor Statement **Psychologists & Associate Criminal History Check**

Background checks are standard gatekeeping practice for most professions that serve vulnerable populations. Senate Bill 41 would mandate that applicants submit to a background check as a requirement for a license to practice as a psychologist or psychological associate in the state of Alaska.

Currently a background check is not required for a psychologist to practice in Alaska, however it is prudent that this public safety tool be implemented by the Board of Psychology as is utilized by other professional boards. There have been cases in other regions outside Alaska where unethical practitioners have been able to move from jurisdiction to jurisdiction, opening up new practices in new places, preying on the public while their past transgressions have gone unknown to the local licensing authority. Because it has never happened here to our knowledge does not mean it never will.

Without the authority to conduct background checks, the Board of Psychologists and Psychological Associate Examiners cannot fully carry out their mandate to protect the public.

Please encourage the implementation of this important tool for public safety by supporting Senate Bill 41.

[Senator Cathy Giessel@akleg.gov](mailto:Senator_Cathy_Giessel@akleg.gov)

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	SB 41
Fiscal Note Number:	1
(S) Publish Date:	2/18/2015

Identifier: SB041-DCCED-CBPL-02-13-15
Title: PSYCHOLOGIST & ASSOC CRIM HISTORY CHECKS
Sponsor: GIESSEL
Requester: (S) LABOR & COMMERCE

Department: Department of Commerce, Community and Economic Development
Appropriation: Corporations, Business and Professional Licensing
Allocation: Corporations, Business and Professional Licensing
OMB Component Number: 2360

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	4.7		20.7	20.7	22.9	22.9	25.0	
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	4.7	0.0	20.7	20.7	22.9	22.9	25.0	

Fund Source (Operating Only)

1156 Rcpt Svcs	4.7		20.7	20.7	22.9	22.9	25.0
Total	4.7	0.0	20.7	20.7	22.9	22.9	25.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues	4.7		20.7	20.7	22.9	22.9	25.0
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 12/31/15

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Sara Chambers, Director Phone: (907)465-2538
Division: Corporations, Business, and Professional Licensing Date: 02/13/2015 03:00 PM
Approved By: Catherine Reardon, Director Date: 02/13/15
Agency: Division of Administrative Services

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

SB41 expands the licensing requirements for psychologists and psychological associates to include national criminal history record checks.

SB41 was requested by the Board of Psychologist and Psychological Examiners to increase licensure requirements for the protection of the public. Applicants for initial licensure, and potentially applicants for renewal, must submit fingerprints for a national criminal history record check to be performed by the Department of Public Safety. This process will add a nominal cost to the licensure application. Fingerprinting fees are estimated at sixty dollars per licensee, based on the current fee charged by the Board of Nursing.

Services include the cost of fingerprinting applicants, which is anticipated to occur biennially, concurrent with license renewals. In addition, thirty-six new applicants are projected annually. Costs in non-renewal years are anticipated to be less than in renewal years. In the first year, \$2.5 is estimated for regulations.

Professional licensing programs within the Division of Corporations, Business and Professional Licensing are funded by Receipt Supported Services, fund source 1156 Rcpt Svcs (DGF). Licensing fees for each occupation are set per AS 08.01.065 so the total amount of revenue collected approximately equals the occupation's actual regulatory costs.



926 Aspen St • P.O. Box 73511 • Fairbanks, Alaska 99707
Phone (907) 451-8208 • Fax (907) 451-8207
www.hopecounselingcenter.org

February 27, 2015

I write this letter in strong support of SB41. I have served as a psychologist on the Board of Psychologist and Psychological Associate Examiners (Board) for the past 8 years and have lead the Board as the chairperson for the past 3 years. During my entire tenure we've attempted to complete background checks on applicants for licensure as part of our due diligence. This effort is in keeping with the Board's primary mandate to protect the public. Our efforts to complete even rudimentary background checks have been frustrated by the Board's lack of statutory authority to complete background checks on the individuals who apply for licensure as Psychologists or Psychological Associates.

Psychologists and psychological associates work with vulnerable populations. Most professions that work with vulnerable populations or are in positions of authority are subject to background checks that require finger printing. It is appropriate that the same requirement be made for psychologists and psychological associates. In recent years the Board has been processing a growing number of applications for licensure. As that number grows, so does the risk of providing a license to practice psychology to an individual with a prior history of perpetrating criminal activity on vulnerable individuals. What makes SB41 so important is that when individuals are injured by a psychologist or psychological associate, the Board is only made aware of the problem if a report is filed. From that perspective it is not possible to know what damage is actually being done and not reported. By screening out individuals applying for licensure who have a prior history of criminal activity, the chance of an individual being licensed who is likely to harm someone (reported or not) is significantly decreased.

The passage of SB41 is a fundamental tool the Board will use to protect the vulnerable populations of our State. I strongly support SB41 as it is currently written.

Respectfully,

John DeRuyter Psy.D
Clinical Psychologist
Executive Director
Hope Counseling Center Inc.

~Helping People, Healing Families~

Anne M. Brainerd, LPC, NCC, ACS
168 Crest Drive
Fairbanks, Alaska 99712
(907) 347-6695

February 17, 2015

To Whom It May Concern:

I write in support of the Board of Licensed Psychologists and Psychological Associates' work to change Alaska statutes and regulations and require background checks on all applicants for licensure.

Psychologists work in positions founded solely on trust. They are privy to the most intimate details of their clients' lives and, quite often, work with some of our state's most vulnerable individuals. Why, then, would we not ensure our psychologists meet the highest standards of legal behavior? It seems imprudent and illogical to require a Case Manager to have a background check [AS 47.05.300(3)] but not require a psychologist or psychological associate to do so. Furthermore, I do not believe that public trust should be based solely on who pays the bill - Alaska Statute 47.05.300 also states that a provider must have a background in order to be "eligible to receive payments, in whole or in part, from the department [of health and social services]." The health, safety and welfare of the citizens of the State of Alaska is the business of *all* providers and, therefore, should be safeguarded as such.

Respectfully submitted,



Anne M. Brainerd, LPC, NCC, ACS
Licensed Professional Counselor

LISA C. TURNER, M.S.

The Offices of
Paul E. Turner, Ph.D.
Clinical Psychologist

P.O. Box 270
Kenai, AK 99611
TEL: (907) 283-7015
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pauleturnerphd@gmail.com

February 17, 2015

Please receive this letter in support of SB 41 requiring fingerprinting for licensure as a Psychologist and Psychological Associate.

I have been a Licensed Psychological Associate since 1992. Served two terms on the licensing board, and ended my term as the chairperson. This is an issue that I have long supported, and championed during my time on the board.

The requirement for fingerprinting is a good fit with one of the primary functions of the licensing board, that is protection of the public.

Psychology is a trusted profession. Psychologist and psychological associates work with vulnerable populations. In consideration of the profession and national licensing trends, this seems a reasonable requirement. Many other professions who are in positions of authority or work with vulnerable populations are subject to a fingerprinting or criminal background check requirement. Such a requirement also further ensures public confidence in the professional community of psychologists and psychological associates.

Sincerely,

Lisa C. Turner, M.S.
Licensed Psychological Associate

Alaska Psychological Association

Advancing Psychology as a Science, a Profession, and as a Means for
Promoting Human Welfare in Alaska since 1963

February 14, 2015

Senator Giessel
Alaska State Capitol
Room 427
Juneau, AK 99801-1182

Re: SB 41 - "An Act relating to criminal history record checks for psychologists and psychological associates.

Dear Senator Giessel,

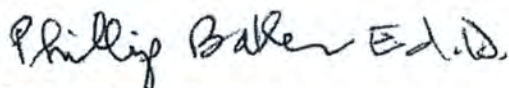
First, we want to thank you for your interest in furthering the practice of professional psychology by introducing SB 41, "An Act relating to criminal history record checks for psychologists and psychological associates; and providing for an effective date." We are in agreement with the Board of Psychologist and Psychological Associate Examiners that there should be statutory ability to do appropriate background screening as a part of the initial licensing process. In fact, most of us were surprised such authority was not already in existence.

Our bylaws require official positions adopted by the association to be given a chance for the membership as a whole to provide feedback to the association's board. We are permitted however to take preliminary positions as a "sense of the board." Accordingly, we would like to share with you that it is the sense of the board that the intent of this legislation should be supported by our association. We hope to have Dr. Phillip Baker, our State Legislative Chair, testifying telephonically at the hearing this next week.

While supporting the underlying principle of public protection, we do have some concerns with the language of the bill as written in that it lacks specificity of procedure and limitations of it's use. Perhaps some of these are issues of regulation rather than statute, but obviously the best time to look for unintended consequences is prior to final bill passage.

We look forward to engaging in further discussions with your office and in fact we have a planned legislative day in Juneau scheduled for February 26, if you are available. Our lobbyist, John Walsh, will contact your scheduler to see about setting up a meeting with you or your staff. John can also serve as a single point of contact for us in Juneau should you need that. We will continue our internal discussion and disseminate information to our members in order to facilitate a full official Alaska Psychological Association position.

We have also asked our national association, the American Psychological Association, to provide us some information on best practices related to this issue. Thank you again for your assistance to professional psychology and public protection.



The Legislative Committee
Alaska Psychological Association

Ms. Conway,

I would like to express my support for requiring fingerprinting and background checks for licensing of new psychologists and psychological associates in Alaska.

The requirements of SB41 are more than reasonable given our professional responsibilities as health care providers and the function of licensing boards to protect the public.

V/R,

jason

Jason L. Whipple, PhD, ABMP

Licensed Psychologist

Alaska Psychological Association
Advancing Psychology as a Science, a Profession, and as a Means for
Promoting Human Welfare in Alaska since 1963

February 14, 2015

Senator Giessel
Alaska State Capitol
Room 427
Juneau, AK 99801-1182

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Phillip Baker Ed.D.

The Legislative Committee
Alaska Psychological Association

PENALTIES

(See 12.55.125 for presumptive terms)

NOTE: A felony for which no classification or penalty is specifically provided is a class C felony; a

Felony Class	Criminal Charges	Penalties
Class A Felony	Manslaughter (Alaska Code § 11.41.120.)	Up to 20 years in prison and \$250,000 in fines.
	Armed Robbery (Alaska Code § 11.41.500.)	(Alaska Stat. §§ 12.55.035, 12.55.125.)
	Aggravated Assault (Alaska Code § 11.41.200.)	
Class B Felony	Robbery (Alaska Code § 11.41.510.)	Up to 10 years in prison and \$100,000 in fines.
	Burglary (Alaska Code § 11.46.300.)	(Alaska Stat. §§ 12.55.035, 12.55.125.)
	Assault (Alaska Code § 11.41.210.)	
Class C Felony	Assault (Alaska Code § 11.41.220.)	Usually up to 5 years in prison and \$50,000 in fines. (Alaska Stat. §§ 12.55.035, 12.55.125.)