

ALASKA LEGISLATURE

1829

HOUSE and SENATE FINANCE COMMITTEE FILES, 1997-1998

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO.: SB 331

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

Personal Services

1 - Occupational Licensing Examiner I, Range 12, GGU, PPT, 6-months	20.3
1 - Investigator III, Range 18, GGU, PPT, 6 months	29.1

Travel

4 - In-State Board meetings, assuming each meeting is held for two days plus one day for travel. This cost is based on two Anchorage meetings, one in Fairbanks, and one in Juneau.	8.0
- Out-of-State event to attend a national affiliate conference.	1.0
- Investigator travel.	1.0

Contractual

Funding for communications, public notices, printing, postage, and other standard contractual costs. This funding <i>does not</i> include funding for legal services, expert witnesses or other miscellaneous case costs.	3.0
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----

This fiscal note assumes that any examination costs will either be paid directly
to a testing company or pass through with no additional costs to the State.

Supplies

Provides daily operating and desk top supplies to the program and new positions.	2.0
----------------------------------------------------------------------------------	-----

Equipment (one-time costs)

Provides one-time work station, furniture and equipment set-up for the new positions.	15.7
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TOTAL: **\$80.1**

Revenue

The costs identified in this fiscal note represent Direct costs to the new licensing program.

Licensing programs in Occupational Licensing are mandated by AS 08.01.065 to support their costs through licensing fees. For example, 250 licensed professional counselors can anticipate to pay:

Direct biennial costs of:	\$144.5	plus,
Administrative Indirect cost:	<u>24.0</u>	(based on 0.68% indirect costs similar to a program with a comparable number of licensees)
Total Biennial Costs:	\$168.5	divided by 250 licensees
 Initial Biennial License Fee:	 \$674.00	

Following the initial biennial licensing period, licensing fees will be evaluated and set to reflect costs. If costs are reduced, fees will be adjusted to reflect the reduced costs. However, if costs increase because of enforcement or litigation, fees will be adjusted accordingly. Licensing boards *do not* receive general fund subsidies for their operations. The programs are 100% program-receipt funded.

Changes Present in HCS CSSB 331()

Page 3 deletion from version L:

Old paragraph (2) with language relating to felony convictions and crimes involving moral turpitude was deleted. According to Legislative counsel, the language was redundant with Sec. 08.29.400(2). Even with this deletion, any counselor who has been convicted of a felony and not found by the board to have been sufficiently rehabilitated to merit the public trust may be denied an initial license or license renewal.

Page 3, line 17:

The phrase, "approved by the board" was added to provide an additional safeguard for clients that the accredited program is appropriate training for licensure.

Page 4, line 8:

The phrase, "and the person has complied with the sanctions" was added to clarify that a professional counselor may not receive a license by credential unless sanctions are satisfied (presuming they are imposed).

Page 4, lines 11 – 13:

Paragraph (1) was added to clarify that a foreign-educated applicant must have completed a doctorate or master's degree educational program in counseling or a related professional field in order to be eligible for licensure. Paragraph (2) releases foreign-educated applicants from having to have earned their degree from a regionally accredited program in the United States.

Page 6, lines 25 – 27:

The old paragraph (1) under Sec. 08.29.400 was reworked to specify that a counselor must have "an addiction to, or severe dependency on, alcohol or other drugs that impairs the person's ability to engage safely in the practice of professional counseling." This language is similar to existing statutes relating to the licensure of Marriage and Family Therapists and Psychologists.

For questions call:

Beth

X2705

Alaska State Legislature



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

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

Senate Committee on Health, Education and Social Services

SB 331

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

Sponsor Statement

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

This legislation is good for consumers and good for counselors. SB 331 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 provides 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.

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 require licensure for their service providers. 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.

Currently 44 other states already license or certify professional counselors. There are over 48,000 Licensed Professional Counselors nationwide. Within Alaska there are hundreds of people who are eligible for this license. Because most individuals who are eligible for licensure are already working with clients who are appropriate under this license, licensing them should not significantly impact other licensed mental health professionals.

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

A full sectional analysis is available from my office.

Alaska State Legislature

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



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

Senate Committee on Health, Education and Social Services

CSSB 331 (FIN)

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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 Kule 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.

ANNE L. HENRY, M.A., C.H.T.
5750 Glacier Hwy., Bldg. D, Rm. 12, Box 10
Juneau, AK 99801
Telephone: (907) 780-6345

May 1, 1998

Dear Representative Therriault,

I am writing to ask you to priority schedule SB331 for a hearing in the House Finance Committee. This is a consumer protection bill that impacts hundreds of counselors throughout Alaska. And those hundreds (we estimate 600) of counselors work with thousands of clients.

SB331 has been moving very quickly through the Senate in the last month. It has a lot of support. It passed the Senate floor with a unanimous vote. Here is a short history of this bill.

*Over the last year and a half the bill was drafted with the help of the local Senator Duncan and his very generous and knowledgeable staff.

*Representative Hanley helped us in finding a sponsor, Senator Gary Wilken.

The SENATE

*SB331 was introduced as a Senate HESS bill. In the **HESS Committee**, Senator Lemar requested that we rewrite the bill to include joining boards with the Marital and Family Therapists. We quickly rewrote it, but the MFT board refused to support it without much further research and development. Senator Lemar and Senator Wilken agreed to let the bill continue.

*Senator Taylor's **Judiciary Committee** heard the bill. The focus there being the inclusion of Licensed Professional Counselors under Rule 504--Client/Therapist privilege--an important part of the consumer protection of SB331. The Alaska Psychological Association requested that we change some of the bill's language. The committee passed the bill without amendment.

*We on our own worked with the Alaska Psychological Association, to put together a CS that they could if not support, at least not oppose.

*Senator Sharp's **Finance Committee** scheduled the bill, adopted the CS and quickly passed it in a hearing that lasted 15-20 minutes. We have been educating people, and there was no opposition.

The HOUSE

*Finally, prior to the above hearing, we began to work with Representative Green in an effort to reduce referrals in the House. He went over SB331 with a fine toothed comb, really looking for potential pitfalls in the bill. A new CS was put together, and having satisfying his concerns, Representative Green said he would not request a referral to the **Judiciary Committee**.

SB331 is a bill that is good for all Alaskan's. It protects people who seek services in times of personal vulnerability, provides recourse for incompetent or unethical services, and insures confidentiality and privilege. For counselors, SB331 will save some peoples jobs, insure others, and keep good experienced counselors in the state. And, we pay for it.

Please schedule and support the passage of SB331 in the House Finance Committee.

Thank you,
Anne L. Henry, MA

SB

331

SFIN

FILE

SENATE FINANCE COMMITTEE REPORT

DATE: 4/18/98

FURTHER: REPORTED OUT OF
4/27/98

DATE TURNED
IN TO OFFICE: 4/27/98

Finance Committee considered

SENATE BILL NO. 331

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

and recommends:

- be replaced with _____ CS SB 331 (FIN)
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

- Senate Bill:**
- same title
 - new title
- House Bill:**
- same title
 - technical title
 - new: SCR# _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>[Signature]</i>	✓	<i>[Signature]</i>	✓		
<i>[Signature]</i>	✓				
Co-Chair: _____		Co-Chair: <i>[Signature]</i>	✓		
Co-Chair: _____		Co-Chair: <i>[Signature]</i>	✓		

NEW FISCAL NOTE(S):

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTE(S):*

Department	Date	Zero	Fiscal
DCED	3/23/98		80.1
	4/27		
forthcoming CS			

APPROPRIATION -- no fiscal note

*include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

No. 1
 Bill Version: CSSB 331 (HES)
 (S) Publish Date: 3-23-98

Revision Date: _____
 Title: An Act regulating licensed professional counselors;...

Department: Commerce and Economic Development
 BRU: Occupational Licensing
 Component: Operations

Sponsor: Senate HES Committee by Request
 Requestor: Senate HES Committee

COMPONENT SERIAL NO. 1844

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	49.4	49.4	49.4	49.4	48.4	49.4
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	3.0	3.0	3.0	3.0	3.0	3.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	15.7					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	80.1	64.4	64.4	64.4	64.4	64.4

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES	144.5	0.0	128.8	0.0	128.8	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	80.1	64.4	64.4	64.4	64.4	64.4
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	80.1	64.4	64.4	64.4	64.4	64.4

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME	2	2	2	2	2	2
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

SB 331 creates a five member Board of Professional Counselors to regulate use of the titles 'licensed professional counselor' and 'licensed counselor'. The department estimates there will be at least 250 applicants seeking licensure under this program. As a new regulatory program under centralized licensing (AS 08), the program will be subject to the self-sufficiency funding mandate through licensing fees under AS 08.01.065. An explanation of the costs shown are detailed on the attached page.

Prepared by: Jennifer Strickler, Administrative Manager
 Division: Occupational Licensing
 Approved by Commissioner: Deborah B. Sedwick
 Agency: Commerce and Economic Development

Phone: 465-2144
 Date: 3/3/98
 Date: 3-7-98

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FISCAL NOTE

STATE OF ALASKA
1998 LEGISLATIVE SESSION

BILL NO.: SB 331
#1

ANALYSIS: (Continued)

DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

Personal Services

- | | |
|------------------------------------------------------------------------|------|
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PPT, 6-months | 20.3 |
| 1 - Investigator III, Range 18, GGU, PPT, 6 months | 29.1 |

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- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 4 - In-State Board meetings, assuming each meeting is held for two days
plus one day for travel. This cost is based on two Anchorage meetings,
one in Fairbanks, and one in Juneau. | 8.0 |
| - Out-of-State event to attend a national affiliate conference. | 1.0 |
| - Investigator travel. | 1.0 |

Contractual

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| Funding for communications, public notices, printing, postage, and other
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services, expert witnesses or other miscellaneous case costs. | 3.0 |
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to a testing company or pass through with no additional costs to the State.

Supplies

- | | |
|----------------------------------------------------------------------------------|-----|
| Provides daily operating and desk top supplies to the program and new positions. | 2.0 |
|----------------------------------------------------------------------------------|-----|

Equipment (one-time costs)

- | | |
|------------------------------------------------------------------------------------------|------|
| Provides one-time work station, furniture and equipment set-up for the new
positions. | 15.7 |
|------------------------------------------------------------------------------------------|------|

TOTAL: \$80.1

Revenue

The costs identified in this fiscal note represent Direct costs to the new licensing program.

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Subject: POSITION STATEMENT-LICENSED PROFESSIONAL COUNSELORS
Date: Thu, 16 Apr 1998 20:54:24 -0700
From: Sheila Clarson <sclarson@Alaska.NET>
Organization: Psychology Resources
To: akpa@UAA.ALASKA.EDU
CC: macmor@alaska.net

This is the AKPA position statement which will be faxed to the Senate Judiciary Committee tomorrow am. I'd be happy to hear any feedback before or after that, since we will certainly need to follow up on this issue. Our lobbyist doesn't think that there is enough time for it to get through the legislature this year and we are willing to work with the Counselors group on revising wording we can accept.
Sheila Clarson

TO: Senate Judiciary Committee
FROM: The Alaska Psychological Association
RE: Senate Bill 331

The Alaska Psychological Association (AKPA) does not support the Bill to license professional counselors as it is currently written. AKPA does support the licensing of professional counselors as a means of providing consumer protection and insuring appropriate standards of practice. However, in its current form this bill would allow a very broad scope of practice which goes beyond the usual training in counselor education programs and essentially duplicates licenses already in existence.

Training in individual intelligence testing, objective and projective personality assessment techniques are specialized components of psychology training programs, but not counselor training. As a result AKPA has concerns about a bill that would allow a scope of practice for which providers are not appropriately trained. Wording that limits the use of these assessment procedures would be supported by AKPA. For example, "consistent with each counselor's formal education and training, licensed professional counselors may administer and utilize appropriate assessment instruments which measure and/or diagnose problems and/or dysfunctions within the course of human growth and development as part of the counseling process or in the development of a treatment plan. Appraisal activities shall not include the use of projective techniques, nor the use of psychological or clinical tests designed to identify or classify abnormal or pathological human behavior, nor the use of individually administered intelligence tests".

Similarly, counselor training programs focus on skills which address normal life stage and adjustment problems. Specialized training in the treatment of serious emotional and mental disorders is a focus of clinical training programs and clinical internships. AKPA supports specifying the limits of independent practice of counselors to be consistent with their training.

Finally, licensing of a profession should reflect the unique skills and services provided. SB 331 does not differentiate between the qualifications and services appropriately offered by psychologists and psychological associates and those offered by professional counselors despite significant differences in professional preparation.

PROPOSED COMMITTEE SUBSTITUTE FOR SB 331
FROM SEN. WILKEN

0-LS1580AK
Lauterbach
4/22/98

*Sen Phillips made us adapt
ADOPTED what objection*

CS FOR SENATE BILL NO. 331()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY

**Offered:
Referred:**

**Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY
REQUEST
A BILL**

FOR AN ACT ENTITLED

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

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * Section 1. AS 08 is amended by adding a new chapter to read:

6 **Chapter 29. Licensed Professional Counselors.**

7 **Article 1. Board of Professional Counselors.**

8 **Sec. 08.29.010. Board creation; membership.** (a) There is established the
9 Board of Professional Counselors consisting of five members appointed by the
10 governor, one of whom is a public member and four of whom are licensed professional
11 counselors.

12 (b) In addition to the requirements for public members under AS 08.01.025,
13 the public member of the board may not

14 (1) ever have been a licensed professional counselor or employed in a

1 commercial or professional field related to counseling; or

2 (2) live in a household with a person who is or has been, or have an
3 immediate family member who is or has been, a licensed professional counselor or
4 employed in a commercial or professional field related to professional counseling; in
5 this paragraph, "immediate family member" means a parent, sibling, or child related
6 by blood, marriage, or adoption.

7 (c) Of the four counselor members of the board, at least one shall be employed
8 in the private sector and at least one shall be employed in the public sector.

9 **Sec. 08.29.020. Duties of the board.** (a) In addition to the duties specified
10 in AS 08.01, the board shall

11 (1) license professional counselors, establish criteria for supervisor
12 certification, and certify approved counselor supervisors under this chapter; the board
13 may provide for licensure in areas of counseling specialization;

14 (2) establish continuing education requirements for the renewal of a
15 license under this chapter;

16 (3) adopt, by regulation, a code of ethics that must be observed by
17 persons licensed under this chapter;

18 (4) establish education and training requirements that must be met
19 before a professional counselor can administer and use assessment instruments
20 described in AS 08.29.490(1)(C).

21 (b) The board may delegate to the Department of Commerce and Economic
22 Development, and the department may perform, a duty for which the board has
23 authority.

24 **Article 2. Licensing Requirements.**

25 **Sec. 08.29.100. Unlicensed use of title prohibited.** (a) A person who is not
26 licensed under this chapter may not

27 (1) profess to be a licensed professional counselor or a licensed
28 counselor; or

29 (2) make use of a title, words, letters, or abbreviations that may
30 reasonably be confused with the title of "licensed professional counselor" or "licensed
31 counselor."

1 (b) Violation of this section is a class B misdemeanor, except that a third or
2 subsequent conviction for violating this section is a class C felony.

3 **Sec. 08.29.110. Qualifications for licensure.** (a) The board shall issue a
4 professional counselor license to a person who applies for the license, submits the
5 required fee, submits two letters of recommendation from professional counselors who
6 are familiar with the applicant's practice of professional counseling, and presents
7 evidence satisfactory to the board that the person

8 (1) is at least 18 years of age;

9 (2) has not been convicted of a felony or of a crime involving moral
10 turpitude; however, if the applicant has been convicted of a felony or of a crime
11 involving moral turpitude, the applicant may rebut the presumption that the applicant
12 is unfit to practice professional counseling by submitting evidence of sufficient
13 rehabilitation and present fitness to perform the duties of a licensed professional
14 counselor;

15 (3) is not under investigation in this or another jurisdiction for an act
16 that would constitute a violation of this chapter;

17 (4) has passed a written examination as required by the board; the
18 board may provide that passing a nationally recognized examination for professional
19 counselors is sufficient to meet the examination requirement of this paragraph;

20 (5) has successfully completed either

21 (A) an earned doctoral degree in counseling or a related
22 professional field from a regionally accredited institution of higher education;
23 or

24 (B) an earned master's degree in counseling or a related
25 professional field consisting of at least 48 semester hours and at least 12 other
26 graduate semester hours in counseling during or after earning the master's
27 degree, for a total of at least 60 hours; and

28 (6) has at least 3,000 hours of supervised experience in the practice of
29 professional counseling performed over a period of at least two years under the
30 supervision of a supervisor approved under AS 08.29.210, with at least 1,000 hours of
31 direct counseling with individuals, couples, families, or groups and at least 100 hours

1 of face-to-face supervision by a supervisor approved under AS 08.29.210 unless, under
2 regulations of the board, the board allows the supervision to be by telephonic or
3 electronic means because of the remote location of the counselor.

4 (b) The board may, in its regulations, specify the areas of study that must be
5 covered in order to meet the educational requirements of (a) of this section.

6 **Sec. 08.29.120. Licensure by credential.** (a) Except as provided in (b) of
7 this section, the board may issue a license under this chapter to a person who is
8 licensed in another jurisdiction to practice professional counseling if the board finds
9 that the other jurisdiction has substantially the same or higher licensure requirements
10 as this state.

11 (b) The board may not license under this section a person who is under
12 investigation in this or another jurisdiction for an act that would constitute a violation
13 of this chapter until the investigation is complete and disciplinary sanctions, if any, are
14 imposed.

15 **Sec. 08.29.130. Licensure of foreign-educated applicants.** The board may
16 issue a license under this chapter to a person who has completed an educational
17 program in a college or university in a foreign country if the applicant

18 (1) meets the requirements of AS 08.29.110 except for
19 AS 08.29.110(a)(5); and

20 (2) demonstrates to the satisfaction of the board that the applicant's
21 experience, command of the English language, and completed academic program meet
22 the standards of a relevant academic program of an accredited educational institution
23 in the United States.

24 **Sec. 08.29.140. License renewal.** Renewal of a license under this chapter may
25 not be granted unless the licensee, within the 24 months immediately preceding the
26 renewal date, has completed the continuing education requirements established by the
27 board.

28 **Article 3. Miscellaneous Provisions.**

29 **Sec. 08.29.200. Confidentiality of communications.** (a) A person licensed
30 under this chapter may not reveal to another person a communication made to the
31 licensee by a client about a matter concerning which the client has employed the

1 licensee in a professional capacity. This section does not apply to

2 (1) a communication to a potential victim, the family of a potential
3 victim, law enforcement authorities, or other appropriate authorities concerning a clear
4 and immediate probability of physical harm to the client, other individuals, or society;

5 (2) a case conference or case consultation with other mental health
6 professionals at which the patient is not identified;

7 (3) the release of information that the client in writing authorized the
8 licensee to reveal;

9 (4) information released to the board during the investigation of a
10 complaint or as part of a disciplinary or other proceeding; or

11 (5) situations where the rules of evidence applicable to the
12 psychotherapist-patient privilege allow the release of the information.

13 (b) Notwithstanding (a) of this section, a person licensed under this chapter
14 shall report incidents of

15 (1) child abuse or neglect as required by AS 47.17;

16 (2) harm or assaults suffered by an elderly person or disabled adult as
17 required by AS 47.24.

18 (c) Information obtained by the board under (a)(4) of this section is
19 confidential and is not a public record for purposes of AS 09.25.110 - 09.25.140.

20 **Sec. 08.29.210. Supervisor certification.** (a) The board shall approve and
21 certify a person as an approved counselor supervisor for the purposes of this chapter
22 if the person

23 (1) is licensed under this chapter as a professional counselor or is a
24 licensed clinical social worker, licensed marital and family therapist, licensed
25 psychologist, or licensed psychological associate;

26 (2) submits an application for certification and the appropriate fee;

27 (3) has five years of counseling experience;

28 (4) provides to the board for its approval or disapproval a statement
29 that details the person's supervision philosophy, orientation, and experience; and

30 (5) meets other criteria that may be established by the board in
31 regulations.

1 (b) Certification under (a) of this section remains in effect, without the need
2 for renewal of the certification, until the person's licensure as a professional counselor
3 is revoked, suspended, or otherwise lapses.

4 **Sec. 08.29.220. Disclosure statement.** A client may not be charged a fee for
5 professional counseling services unless, before the performance of the services, the
6 client was furnished a copy of a professional disclosure statement that contained

7 (1) the name, title, business address, and business telephone number of
8 the professional counselor;

9 (2) a description of the formal professional education of the
10 professional counselor, including the institutions attended and the degrees received
11 from them;

12 (3) the professional counselor's areas of specialization and the services
13 available;

14 (4) the professional counselor's fee schedule listed by type of service
15 or hourly rate;

16 (5) at the bottom of the first page of the statement, the following
17 sentence: "This information is required by the Board of Professional Counselors which
18 regulates all licensed professional counselors," followed by the name, address, and
19 telephone number of the board's office.

20 **Sec. 08.29.230. Limitation of practice.** Notwithstanding that a specific act
21 is within the definition of the "practice of professional counseling," a person licensed
22 under this chapter may not perform the act if the person lacks appropriate education
23 or training related to the act.

24 **Article 4. General Provisions.**

25 **Sec. 08.29.400. Grounds for denial of license or for disciplinary sanctions.**
26 The board may impose a disciplinary sanction under AS 08.01.075 on a person
27 licensed under this chapter or deny a license to a person when the board finds that the
28 person

29 (1) is using or has used alcohol, drugs, or other substances to an extent
30 that impairs the licensee's ability to engage in the practice of professional counseling;

31 (2) has been convicted of a felony and has not been sufficiently

1 rehabilitated to merit the public trust;

2 (3) used fraud, deception, misrepresentation, or bribery in securing a
3 license under this chapter or in obtaining permission to take an examination required
4 under this chapter;

5 (4) is incompetent or has committed misconduct, fraud,
6 misrepresentation, or dishonesty in the performance of the functions of a licensed
7 professional counselor;

8 (5) violated, or assisted another individual to violate, a provision of this
9 chapter or a regulation adopted under this chapter;

10 (6) impersonated a person who holds a license under this chapter;

11 (7) has had a license to practice counseling revoked or suspended in
12 another jurisdiction upon grounds for which the license issued under this chapter could
13 be revoked or suspended; this paragraph does not apply to revocations or suspensions
14 for failure to pay a renewal fee in another jurisdiction;

15 (8) assisted another person who is not licensed under this chapter in an
16 attempt to represent the person to the public as a licensed professional counselor;

17 (9) was issued a license based on a material mistake of fact;

18 (10) used an advertisement or solicitation that is false, misleading, or
19 deceptive to the general public or the person to whom the advertisement was primarily
20 directed; or

21 (11) failed to respond within 30 days to a written communication from
22 the board concerning an investigation by the board or failed to make available to the
23 board a relevant record with respect to an investigation about the licensee's conduct
24 or background.

25 **Sec. 08.29.490. Definitions.** In this chapter,

26 (1) "practice of professional counseling" means, subject to (C) of this
27 paragraph, the application of principles, methods, or procedures of the counseling
28 profession to diagnose or treat, other than through the use of projective testing or
29 individually administered intelligence tests, mental and emotional disorders that are
30 referenced in the standard diagnostic nomenclature for individual, group, and
31 organizational therapy, whether cognitive, affective, or behavioral, within the context

1 of human relationships and systems; if otherwise within the scope of this paragraph,
2 "practice of professional counseling" includes

3 (A) the professional application of evaluation techniques,
4 treatments, and therapeutic services to individuals and groups for the purpose
5 of treating the emotional and mental disorders;

6 (B) an applied understanding of the dynamics of the individual
7 and of group interactions, along with the application of therapeutic and
8 counseling techniques for the purpose of resolving intrapersonal and
9 interpersonal conflict and changing perceptions, attitudes, and behaviors in the
10 area of human relationships; and

11 (C) consistent with regulations adopted by the board under
12 AS 08.29.020(a)(4), administration and use of appropriate assessment
13 instruments that measure or diagnose problems or dysfunctions within the
14 course of human growth and development as part of a counseling process or
15 in the development of a treatment plan;

16 (2) "supervision" means supervision in which the supervisor is available
17 to provide clinical oversight to the supervisee either in person or by a communication
18 device.

19 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:

20 (35) Board of Professional Counselors (AS 08.29.010).

21 * Sec. 3. AS 08.01.050(d) is amended to read:

22 (d) At the request of one of the following boards, the department may contract
23 with public agencies and private professional organizations to provide assistance and
24 treatment to persons licensed by the board who abuse alcohol, other drugs, or other
25 substances:

26 (1) Board of Clinical Social Work Examiners;

27 (2) Board of Dental Examiners;

28 (3) Board of Dispensing Opticians;

29 (4) State Medical Board;

30 (5) Board of Nursing;

31 (6) Board of Examiners in Optometry;

- 1 (7) Board of Pharmacy;
2 (8) State Physical Therapy and Occupational Therapy Board;
3 (9) **Board of Professional Counselors;**
4 **(10)** Board of Psychologist and Psychological Associate Examiners; and
5 **(11)** [(10)] Board of Veterinary Examiners.

6 * Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:

- 7 (21) Board of Professional Counselors (AS 08.29.010) – June 30, 2002.

8 * Sec. 5. Rule 504(a)(3), Alaska Rules of Evidence, is amended to read:

- 9 (3) A psychotherapist is (A) a person authorized to practice medicine
10 in any state or nation, or reasonably believed by the patient to be so, while engaged
11 in the diagnosis or treatment of a mental or emotional condition, including alcohol or
12 drug addiction, (B) a person licensed or certified as a psychologist or psychological
13 examiner under the laws of any state or nation or reasonably believed by the patient
14 so to be, while similarly engaged, [OR] (C) a person licensed as a marital or family
15 therapist under the laws of a state or nation or reasonably believed by the patient so
16 to be, while similarly engaged, **or (D) a person licensed as a professional counselor**
17 **under the laws of a state or nation, or reasonably believed by the patient so to be,**
18 **while similarly engaged.**

19 * Sec. 6. TRANSITIONAL PROVISION. Notwithstanding this Act, the Board of
20 Professional Counselors shall issue a license under AS 08.29, enacted by sec. 1 of this Act,
21 to an applicant who

- 22 (1) applies by December 31, 1999;
23 (2) submits documentation that the applicant holds a master's or doctorate
24 degree in counseling or a related professional field;
25 (3) submits, on a form provided by the department, documentation from an
26 employer, a supervisor, or a professional peer that the applicant has practiced professional
27 counseling in the state for at least 24 months during the five years immediately preceding the
28 date of application;
29 (4) meets the requirements of AS 08.29.110(a)(1) - (3), enacted by sec. 1 of
30 this Act, and is not subject to denial of a license under AS 08.29.400, enacted by sec. 1 of this
31 Act;

1 (5) submits two letters of recommendation from professional counselors who
2 are familiar with the applicant's work; and

3 (6) pays the required fee.

4 * Sec. 7. REGULATIONS; INITIAL BOARD MEMBERSHIP. (a) The Board of
5 Professional Counselors established under sec. 1 of this Act may proceed to adopt regulations
6 required to implement this Act, but the regulations may not take effect until the effective date
7 of the bill section being implemented by the regulations.

8 (b) Notwithstanding AS 08.29.010(a), enacted by sec. 1 of this Act, a counselor
9 appointed to the Board of Professional Counselors is not required to be a licensed professional
10 counselor until March 1, 2000, but must, at the time of appointment, meet the requirements
11 of AS 08.29.110(a)(1), (2), and (5).

12 * Sec. 8. AS 08.29.010, enacted by sec. 1 of this Act, and secs. 2, 4, and 7 of this Act take
13 effect immediately under AS 01.10.070(c).

14 * Sec. 9. Section 6 of this Act takes effect January 1, 1999.

15 * Sec. 10. Except as provided in secs. 8 and 9 of this Act, this Act takes effect
16 March 1, 1999.

Public
Comment
SB 331

Author: sclarson@alaska.net (Sheila Clarson) at CC2MHS1
April 26, 1998

Dear Senator Wilken:

The Alaska Psychological Association (AKPA) appreciates the willingness of the Professional Counselors to negotiate the wording of SB 331. The changes they have made address most of our concerns. We will follow up during the writing of the regulations with our remaining concern (related to level of education needed for certain kinds of testing) and do not oppose SB 331 as it is now written.

Sincerely,

Sheila M. Clarson, Ph.D.
Federal/State Advocate-Elect
Alaska Psychological Association

April 24, 1998

Dear Senator Wilken:

I am writing in support of SB331. I am a licensed clinical social worker and in my work as a mental health professional, I respect the clinical abilities of those professional counselors with whom I have worked to diagnose, treat and assess clients, using psychotherapeutic methods.

I believe they deserve to receive licensure as a professional group and strongly support the passage of SB331.

Thank you.

Sincerely,

Patricia A. Hauser, LCSW
Patricia A. Hauser, LCSW

Dear Senator Wilken:

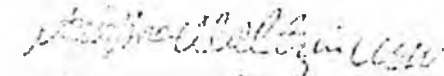
I am writing in support of SB331. I am a lifelong Alaskan and a professional licensed social worker.

I have worked for many years with master's level colleagues who hold graduate degrees in various counselling sub-professions. I consider the skill and knowledge level of such professionals to be comparable or superior to masters level social workers.

I encourage establishing licensing criteria and privileges for my peers in this category.

I urge passage of SB331.

Sincerely,


Kristina Weltzin, LCSW



of ALASKA

A Branch of the American Counseling Association

P.O. Box 21163 / Juneau Alaska 99802

March 20, 1998

Senator Gary Wilken, Chairman
Health, Education, and Social Services Committee
Room 510 Capitol Building
Juneau, Alaska 99801

Dear Senator Wilken:

I have read the letter dated 3-20-98, regarding SB 331 sent to you by Robert Lane, Ph.D., President-Elect of the Alaska Psychological Association. In his letter, Dr. Lane expressed two main concerns about SB 331. I would like to address these concerns.

The first area referenced is **Section 08.29.230, Limitation of Practice**, which reads

“Notwithstanding that a specific act is within the definition of the ‘practice of professional counseling’ a person licensed under this chapter may not perform the act if the person lacks appropriate education or training related to the act.”

Dr. Lane states that there is no reference to specific educational requirements and how the course of study would relate to limitations in services provided to consumers. In response, I would note that **Section 08.29.110. Qualifications for licensure, number (4)** reads

“has passed a written examination as required by the board; the board may provide that passing a nationally recognized examination for professional counselors is sufficient to meet the examination requirement of this paragraph;”

The national examination referred to is the National Counselor Examination which is administered by the National Board for Certified Counselors. To take this examination, applicants must have either graduated from a CACREP (Commission on Accreditation of Counseling and Related Educational Programs) approved graduate program, or have two years (equivalent of 2,000 hours) of supervised experience before taking the examination. (The Alaska bill requires an additional 1,000 hours of supervised counseling for licensure.) Graduating from a CACREP approved program requires meeting rigorous nationally accepted standards of counselor preparation. General core areas of required education to sit for the exam include Professional Orientation (including ethics), Lifestyle and Career Development, Appraisal of Individuals, Research and Evaluation, the Helping Relationship, Group Dynamics, Human Growth and Development, Social and Cultural Foundations, and Counselor Work Behaviors. Counseling Theory and Supervised Counseling (Practicums and Internships) are required coursework.

Another concern expressed by Dr. Lane is that he believes **Section 08.29.490 Definitions, Number (1)** defines counseling too broadly. However, precedent has been established in Alaska for Licensed Clinical Social Workers and Marital and Family Therapists. While not requiring specific training or education in diagnosis of mental disorders, the statutes governing these licensed professionals clearly provide for the diagnosis of mental disorders as a regular part of their practices. Most graduate behavioral-health programs now require coursework in diagnosis, using the standard nomenclature in the current Diagnostic and Statistical Manual. Professional counselors have similar education and training as these two professional groups. Like them, professional counselors learn more specific in-depth skills in their respective employment sites, under appropriate supervision. Extremely restrictive language, such as Dr. Lane suggests would unnecessarily limit the practice of professional counselors to the extent that their employability and effectiveness would be significantly impaired.

Finally, in response to concerns about counselors practicing outside their areas of training and expertise, **Section 08.29.230. Limitation of Practice**, regulates individuals who might be tempted to practice beyond their level of qualification and ability. It reads "Notwithstanding that a specific act is within the definition of the 'practice of professional counseling,' a person licensed under this chapter may not perform the act if the person lacks appropriate education or training related to the act."

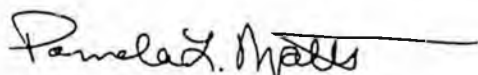
Additionally, **Section 08.29.220. Disclosure Statement**, states that

"A client may not be charged a fee for professional counseling services unless, before the performance of the services, the client was furnished a copy of a professional disclosure statement that contained (1) the name, title, business address, and business telephone number of the professional counselor, (2) a description of the formal professional education of the professional counselor, including the institutions attended and the degrees received from them; (3) the professional counselor's fee schedule listed by type of service or hourly rate; (5) at the bottom of the first page of the statement, the following sentence: 'This information is required by the Board of Professional Counselors which regulates all licensed professional counselors,' followed by the name, address, and telephone number of the board's office."

I believe that this disclosure statement provides additional protection to the consumer by requiring the Licensed Professional counselor to describe in writing, his/her education, fees, areas of expertise, and where the consumer can seek redress if s/he has complaints. It goes beyond the requirements of other licenses in terms of disclosure to the consumer.

There is no valid or logical reason for professional counselors to be limited in their employability, or for consumers to be denied the benefits of regulation and protection due to lack of licensure of professional counselors in the State of Alaska. As the representative of members of the American Counseling Association of Alaska, and on behalf of hundreds of Master's and Doctoral level counselors who currently practice counseling in the State of Alaska, I request your support for speedy passage of SB 331.

Respectfully,

A handwritten signature in cursive script that reads "Pamela L. Watts". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Pamela L. Watts, M.Coun., N.C.C.
President
American Counseling Association of Alaska

ALASKA PSYCHOLOGICAL ASSOCIATION

Advancing Psychology as a Science, Profession, and Means of Promoting Human Welfare

March 20, 1998

Senator Gary Wilken, Chairman
Senate HES Committee
AK State Capital
Juneau, Alaska 99801-1182

Re: SB 331

Dear Senator Wilken:

Thank you for seeking input from psychologists and the Alaska Psychological Association regarding SB 331, "An act regulating licensed professional counselors . . ." A number of states around the country are struggling with appropriate licensing and standards of practice for master level practitioners and we appreciate this opportunity to provide input into this process in Alaska. As you may be aware, the American Psychological Association holds that the appropriate level of education for an independent mental health practitioner is a doctorate and includes a year of postdoctoral supervision. While Alaska does license "psychological associates" at the master level, stringent educational requirements must be met and independent practice within a specified scope of practice is only allowed after two years of practice supervised by a fully licensed psychologist at the doctoral level.

Regarding the most recent draft of SB 331 we have to review, there are two areas of concern we have. The first area is section 08.29.230. While this section does require appropriate education and trainings to perform the act, no where in the bill is there reference to what specifically the education would consist of (beyond the number of hours completed) and how the course of study would relate to limitations in services provided to consumers. You might note in the licensing statutes for psychologists, there are very specific and wide ranging educational requirements that ensure appropriate education to deal with the breadth of mental disorders found in the current diagnostic manual. We can appreciate that if all "counselors" (including both those at masters and the doctoral level) had this education and appropriate post graduate training they could be psychologists and psychological associates. This does, however, point out some of the differences in our respective educations and trainings.

The second specific area of concern for us is section 08.29.490. Number (1) in this section defines counseling too broadly; the diagnosis and treatment of mental disorders are rightly within the

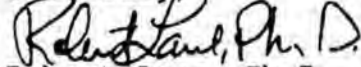
ALASKA PSYCHOLOGICAL ASSOCIATION

Advancing Psychology as a Science, Profession, and Means of Promoting Human Welfare

purview of licensed psychologist, licensed psychological associates, and licensed clinical social workers. A more appropriate definition of counseling would be, "assisting an individual, through the counseling relationship, in a manner intended to facilitate normal human growth and development, using a combination of mental health and human development principles, methods, and techniques to achieve mental, emotional, physical, social, moral, educational, spiritual and/or career development and adjustment through the life span." We would also suggest that (A) under (1) could be better worded not merely to exclude projective techniques from the scope of practice for licensed professional counselors. Better wording in this section would be, "The provision of appraisal activities which means selecting, administering, scoring, and interpreting instruments designed to assess individual's aptitudes, achievements, or interests which are used to understand, measure or facilitate such individual's normal human growth and development, but shall not include the use of projective techniques in the assessment of personality, nor the use of psychological or clinical tests designed to identify or classify abnormal or pathological human behavior, nor the use of individually administered intelligence tests. Consistent with each counselor's formal education and training, licensed professional counselors may administer and utilize appropriate assessment instruments which measure and/or diagnose problems and/or dysfunctions within the context of human growth and development as part of the counseling process or in the development of treatment plans. Nothing in this section should be construed to permit the treatment of any mental, emotional, or adjustment disorder other than marital problems, parent-child problems, child and adolescent antisocial behavior, adult antisocial behavior, other family circumstances, other interpersonal problems, phase of life problems, other life circumstance problems, occupational problems, and uncomplicated bereavement."

We members of the Alaska Psychological Association respectfully believe consumers of counseling services, the citizens of the state of Alaska, are best served by these appropriate limitations to the scope of practice of licensed professional counselors and this degree of specificity in the licensing statutes. Thank you again for this opportunity to provide input into this important process.

Sincerely,



Robert Lane, Ph.D.

President Elect

Alaska Psychological Association

March 18, 1998

Dear Senator Wilken,

I would like to lend my support to SB331. As a retired, Alaskan school counselor, teacher, and coach, I have spent a good portion of my professional career helping adolescents grow towards a healthy adulthood. Because of my training in the counseling field, I was able to effect change through individual and group counseling, working with family systems, assessing strengths and weaknesses, and being there for my students and families when I was needed. I am currently the clinical coordinator for our Permanent Housing Program at Southcentral Counseling Center, here in Anchorage. I work with seriously mentally ill, homeless adults in a high intensive program that is achieving excellent results.

The intent of SB331 is two-fold, first to provide consumer protection for Alaskans who need professional counseling services by providing a licensure process which requires formal, documented training and experience in the counseling field, and secondly, to provide master's level counselors throughout Alaska, including the bush areas, with a documented, professional license with ethical standards and a governing board to maintain those standards. The scope of practice for many counselors does not fit into the present licensure choices in Alaska, i.e. Licensed Marriage and Family Therapist (LMFT) or Licensed Clinical Social

Worker (LCSW), for example.

Alaska is one of only six states that does not offer this license. Indiana just passed this legislation to make it the forty-fourth state to license it's professional counselors. With managed care on the horizon, having a professional license will soon be the only way to stay professionally involved in the counseling field.

I understand that there has been some confusion over several key definitions with regards to this legislation. Two days ago I received a book I'd ordered from the University of Alaska-Anchorage bookstore called the American Psychiatric Glossary, Seventh Edition. In this book "diagnosis" is defined as, "The process of determining, through examination and analysis, the nature of a patients illness." This is a very straightforward process which I feel confident any trained professional counselor with the required years of experienced needed for this license, could execute. We do it every day! Another definition of interest from the same glossary and also used in it's entirety, is "psychotherapy". It is defined as, "A process in which a person who wishes to relieve symptoms or resolve problems in living or is seeking personal growth enters into an implicit or explicit contract to interact in a prescribed way with a psychotherapist." A "psychotherapist" is defined as, "A person trained to practice psychotherapy." What's striking about these definitions is there simplicity and straightforwardness. These are not magical practices but skills learned in counseling training and honed by years of

helping clients get better.

I will be unable to testify on Friday, March 20th because I will be at an all-day training at the Alaska Psychiatric Institute entitled, Countertransference and the Use of Self in Group Psychotherapy. I will continue to train and learn and hope to someday be able to be licensed for my expertise in the counseling field.

Thank you for your efforts with SB331. If I may be of any assistance, please contact me at home (522-2992) or work (777-2132). My e-mail address is nemo@alaska.net.

Sincerely,

David C. Reeves M.Ed.

(N)

March 25, 1998

Senator Gary Wilken
Alaska State Legislature
State Capitol (MS 3100)
Juneau, AK 99801-1182

Pls file.
G

Re: Licensed Professional Counselor Bill (Senate Bill #331)

Dear Senator Wilken:

A few days ago Senator Adams came to visit one of my colleagues, Toni Chrestman at our office here in Nome because she wrote to him regarding the Licensed Professional Counselor bill. After witnessing that level of concern shown by a government official in response to her letter I have decided to write to you as one of my legislative representatives to let you know that I too support this bill. I am not expecting a visit but I see how seriously Senator Adams takes this bill. Therefore, I also want you to hear why I see this bill as important to Alaska's future.

LPC's have excellent credentials for providing mental health services. They must have completed a graduate Master's level program (usually CACREP accredited), and at least two years experience with more than 3,000 hours of face-to-face counseling with clients while under clinical supervision. The clinical training for LPC's often exceed requirements for completion of a social work program. Licensed Professional Counselors are trained to work with communities, families, groups, and with individuals. They assess, evaluate, and provide professional treatment services under strict ethical guidelines.

Licensure can encourage qualified graduates from Alaska universities to stay and practice in Alaska, as well as encourage qualified graduates in the lower 48 to look at Alaska as a possible location for a career in counseling. Many Master's and Doctoral level counselors who provide services in Alaska are denied professional advancement due to their inability to be licensed in any of the existing categories.

The LPC bill does not restrict other professionals who offer counseling services from doing so. Its purpose is to ensure that counseling services are offered only by people qualified to do so, while including professional counselors as qualified service providers. Another benefit of licensing professional counselors (and offering reciprocity for those already working and licensed in another state) is the benefit to rural communities of Alaska. LPC's could add to the resources now available and help make services more accessible to remote areas.

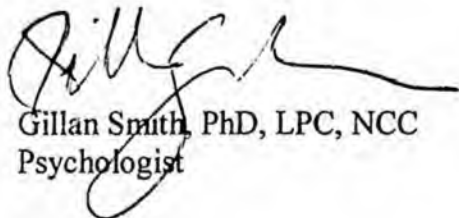
Forty-four states either license or certify professional counselors. There are over 48,000 Licensed Professional Counselors nationwide. ACAAK, or the Alaska branch of the American Counseling Association is an active professional organization. There are certain members of this body who are working hard to represent and advocate for

professional counselor licensure during this legislative session. These advocates include Anne Henry, Dave Reeves, and Pam Watts. If you are contacted by any of these professionals please know that they represent and support the Licensed Professional Counselors bill and they speak for a large body of professional counselors who wish this bill to be passed.

Presently, I am a Licensed Professional Counselor in the state of Utah and I am also a Nationally Certified Counselor. I have recently arrived in Nome to work as a psychologist with specialty in adolescent work. I have been practicing in the field of counseling for the past 10 years and I have been licensed for the past 3 years. Because I cannot presently be licensed in Alaska as an LPC I will need to wait until I complete another year of supervision and pass another national exam for psychologist licensure before I can again operate in the capacity of a licensed professional, while I reside in Alaska.

Please give this matter some careful consideration and support the passage of the Licensed Professional Counselors Bill as well as reciprocal licensure for LPC's who have come to make Alaska their home.

Sincerely,

A handwritten signature in black ink, appearing to read "Gillan Smith", with a long horizontal flourish extending to the right.

Gillan Smith, PhD, LPC, NCC
Psychologist

PO Box 1693
Nome, AK 99762
W (907) 443-5206
H (907) 443-4664

Author: dihle1@mail.isd.k12.ak.us (Lynette Dihle; Riverbend School: Juneau; Alaska) at C2MHS1

Date: 3/19/98 8:23 PM

Priority: Normal

TO: Beth Hagevig at LAA_CAP

Subject: Yes on SB 331

I am writing to request your support of SB 331, a bill that would extend licensure to professional counselors.

The need for mental health services has been well documented. Because of this need 44 of the states offer some form of licensure for professional counselors. This not only offers additional services to the consumer, but also protects the consumer since licensed professional counselors are required to adhere to the same rigorous standards of licensed clinical social workers, licensed marriage and family therapists and licensed psychological associates.

I will insert some personal information so that you may understand the rigors involved in being a professional counselor and the difficulties experienced in the lack of licensure for professional counselors. My educational background is a Master of Science in Mental Health Counseling from Montana State University in Bozeman awarded in 1995. The program was at least 60 semester graduate credits including extensive exams, practicums, and an internship. The program is comparable to a masters in social work, a masters in marriage and family counseling, and a psychological associate. Subsequently, I worked in Juneau as a clinician and received supervision from a licensed clinical social worker. I am now eligible to be licensed in Montana, however, that does not serve me well in Alaska. Personally, I have found it very limiting that there are no licensed professional counselors in Alaska since I am not eligible for third part payment from insurance companies. Currently, I work as a counselor in the schools.

My husband, Nils Dihle also completed the program and is currently limited in employment opportunities due to the lack of licensed professional counselors in Alaska.

The staff of the American Counseling Association represent my views on health care and other counseling related issues. They are at your disposal to discuss with you these matters. Please feel free to contact Linda Tysl at 1-800-347-6647.

Lynette Dihle
Riverbend School
463-1819, ext. 229

March 23, 1998

N

Senator Gary Wilken
Alaska State Legislature
State Capitol (MS 3100), Room 510
Juneau, AK 99801-1182

Re: Licensed Professional Counselor Bill, SB#331

Dear Senator Wilken:

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

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

G
File

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

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

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

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

Sincerely,



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

7/16

March 6, 1998

Senator Gary Wilken
Alaska State Senate
Juneau, Alaska

Dear Senator Wilken:

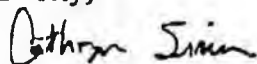
I am writing in support of the Licensed Professional Counselor Bill, SB 331. I am an Alaskan resident and a professional counselor working in Anchorage. Prior to my arrival in Alaska, I worked for 3 years as a Certified Mental Health Counselor in the state of Washington. Washington's certification legislation is essentially equivalent to SB331. I therefore am in a unique position to recognize the benefits of this type of legislation both to mental health consumers and to service providers.

Forty three states now have legislation to license professional counselors. This legislation provides consumer protection and professional standards of care for their residents. Though Alaska has instituted licensure for social workers and marriage and family therapists, there are many highly trained professional counselors who do not fit into either of these narrow categories. At the same time, insurance companies and managed care providers require that service providers be licensed. While legislation is lacking for licensed professional counselors, consumers have fewer choices and higher costs for their mental health needs. They also have no protection from counselors practicing without appropriate training and have no established grievance procedures when they believe they have been victims of fraudulent, unethical or negligent practices. SB331 would provide consumers with more options in service providers, help them identify professionals that meet national standards, and protect them from exploitation. This will be especially true for consumers in rural areas where options are typically few and legal recourse may be more difficult to access.

From the stand point of counselors, this legislation will allow professionals to remain in Alaska rather than leave to work in states that already have licensure legislation in place. The lack of such legislation makes professional counselors largely unemployable in Alaska except in very specific settings that do not depend on insurance payments or managed care.

Professional counselor licensing is definitely in the best interest of Alaskans. I urge your support of SB331.

Sincerely,



Cathryn Simon, Nationally Certified Counselor, M.S.
12320 Tracy Road, Apt. A
Anchorage, AK 99516

March 6, 1998

Senator Gary Wilkins
Judiciary Committee
Alaska State Senate
Juneau, Alaska 99801

Dear Senator Wilkins,

I strongly urge you to support Senate Bill No. 331 providing for licensure of professional counselors. There are many competent practicing therapists who do not currently qualify for licensure with existing state and national licensing organizations. These counselors greatly expand the number of options available to the public. In therapy, one size does not fit all, therefore it benefits the public to have a variety of legitimate treatment options available.

There is presently no board to govern counseling practice so there is no way to ensure that a given practitioner is competent. Licensure would protect the public by ensuring that a practitioner was qualified to do what he or she claimed. In addition, if a client had a complaint about a practitioner, the client could direct this complaint to a governing body which could institute disciplinary action if necessary. Currently, clients have no such recourse. Senate Bill No. 331 would remedy these problems.

The Licensed Professional Counselor is a designation recognized by 44 other states in the United States. I strongly urge you to support that licensure in Alaska.

Sincerely,

Sylvia Kidd

Sylvia Kidd, M.A.
P.O. Box 211223
Auke Bay, Alaska 99821

(N)

Author: seawolf@seaknet.alaska.edu at CC2MHS1

Date: 3/9/98 1:51 PM

Priority: Normal

TO: Beth Hagevig at LAA_CAP

Subject: SB331

Dear Senator Wilken,

I am writing in support of professional licensure for counselors in Alaska. I am a licensed professional counselor of mental health in the state of Delaware, and I now live and have a small private practice in Haines Alaska. I work with individuals, couples, and families on a variety of issues. It seems to me that people providing mental health services should be held accountable for their work in the state in which they practice. Also, clients deserve to have a choice in whom they see for this type of service, and some recourse if they are not satisfied. Alaska is one of a few remaining states to institute licensing for counselors. I believe that it is appropriate to establish credibility for counselors, and to protect the public with this licensre bill.

Thank-you for your consideration.

Peggy R. Lubin

National Certified Counselor

Author: Gary_Clement@mail.ci.juneau.ak.us at CC2MHS1
Date: 3/9/98 9:46 AM
Priority: Normal
TO: Beth Hagevig at LAA_CAP
Subject: LPC Bill

Gary Clement
PO Box 21811
Juneau, AK 99802-1811
(907) 586-3480 Home
"""" 463-7053 Work

Pass the "Licensed Professional Counselor" Bill!

I am a Mental Health Clinical at Juneau Mental Health. I have worked 3 1/2 years doing psychotherapy along side Licensed Clinical Social Workers and Licensed Clinical Psychologist. I have MORE credentials than any of them, because Alaska is one of only 6 states that does not recognize my training and experience as a professional, by licensing my degrees and training.

I have a BS in psychology/sociology, MS in counseling and MS in Public administration with major in labor relations and human resource management. I graduated with my masters in counseling 20 years ago. I have worked as a counselor and psychotherapist for that 20 years. I have been trained and mentor by psychiatrist, psychologist and social workers directly for at least 11 of those 20 years. I am trained in several methods of mental health therapy.

I am on state registers for Mental health clinician to the III level. The highest clinical position. Counselor, probation officer, youth counselor and many administrative and personnel registers. I am on the Social worker register to the IV level. The highest clinical level. I have been offered jobs as a social worker III in rural areas where I would be totally responsible for all clinical work. I have been considered for the director of two mental health clinics in this state. I have psychiatrist, social workers, medical doctors and even psychologist who respect my skills and refer patients to me. The court system has chosen my training and skills over others to provide services. I could have been (grand fathered) in to Marriage and family license but I was in school (again) at the time. Most licensed under MFT in Alaska now, could NOT be re-licensed because like me their degrees are not in the exact area required. I have extensive experience in couples and marriage therapy. I also can not be licensed as Psychological Associate because my degree is counseling. Which is more clinical and less testing. I have extensive training and experience in testing, though clinical treatment is my area of interest and expertise.

My certifications are:

National Certified Counselor (NCC) #41398
Certified Rehabilitation Counselor (CRC) #15832 National
Chemical Dependency Counselor II #1887 State of Alaska
Master Addictions Counselor #14353 (MAC) National
Certified Criminal Justice Specialist (CCJS) National

Inspire of all this and much more to tedious to mention I can not be licensed in Alaska. WHY?

If I sound disgruntled, it is because I am. I am tired of having to justify my skills. I have 25 years of training and experience, I have always worked side by side with other licensed professionals in the mental health field. I am respected by those who know my work. I NEED to demonstrate what is obvious to my peers, with a license.

Gary D. Clement MS, NCC, MPA

March 18, 1998

The Honorable Senator Wilkens
Capital Building, Room 510
Juneau, Ak. 99801

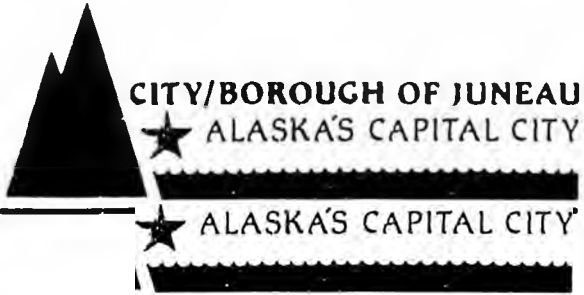
Dear Senator Wilkens:

I recently moved up here from Colorado, have a Masters in Counseling, and was planning on acquiring my LPC. I was very disappointed the learn that in this state it was not possible to become licensed. This was very disconcerting to me since I believe that 44 out of the 50 states have LPC as an option. And, frankly it never occurred to me that Alaska would not be one of them! I have found this to be limitation in furthering my career. I believe that consumers of mental health services have the right of choice. Please consider these issues when determining whether or not to license Counselors.

Thank You,
Respectfully,

Kathleen A. Hargraves, MA

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March 6, 1998

Senator Gary Wilkens
Senate Standing Committee
Health Education & Social Services

Jon Faine, M.A.
2575 Meadow Lane
Juneau, Alaska 99801

Dear Senator Wilkens:

I am contacting you in support of the Licensed Professional Counselor bill, scheduled for presentation on 3/9/98. I have been practicing in the field of mental health for 10 years now, and have held a master's level degree in counseling psychology since 1991. I am currently employed by the City and Borough of Juneau as a Mental Health Clinician, for the department of Health and Social Services.

I firmly believe that there are competent master's level mental health clinicians in the state of Alaska, who deserve to be recognized as licensed professionals. I am in support of this bill for several reasons. The passage of the LPC bill will provide Alaska's mental health consumers a more comprehensive range of practitioners to choose from. I believe that there is a need for master's level psychologists to be included in the scope of potential mental health service providers. In addition, passage of this bill will provide a licensing standard that will hopefully ensure a greater standard of care to benefit the mental health consumer. Finally, I believe that the need exists to represent the various orientations that master's level practitioners possess, in the mental health service delivery system that exists in the state of Alaska.

Thank you for your support in representing the Licensed Professional Counselor bill.

Sincerely,

Jon Faine, M.A.

March 1, 1998.

Senator Gary Wilken
Alaska State Legislature
State Capitol, Room 510
Juneau, AK 99801-1182

Dear Senator Wilken:

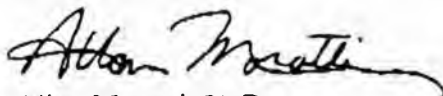
I am writing to you on behalf of the Executive Board of the Alaska School Counselor Association (ASCA). As the elected representatives of Alaska's largest counseling association, we wish to announce our support for your sponsorship of Senate Bill 331. Even though our primary focus is the advancement of school counseling in the state, we are keenly interested in all aspects of mental health services for Alaskans.

The majority of our membership is practicing school counselors who are well aware of the limited options for referring individual students and their families for counseling services outside of the educational setting. Often times, many of the families we work with do not have the financial means nor health insurance to pay for the professional services rendered by licensed psychologists and psychiatrists. We believe licensure of master's level counselors in Alaska will help to provide a wider breadth of mental health services to all regions of the state. In addition, it would ensure a minimum level of competency for practicing professional counselors thereby giving more protection to the consumer.

It is our opinion that passage of Senate Bill 331 will enhance the image of counseling throughout the state by recognizing the advanced level of training all master's level counselors possess, placing them on a par with professionals who possess similar levels of training and expertise (i.e., master level social workers, marriage and family therapists, and some psychological associates). Furthermore, since there are approximately 500 to 600 counselors in Alaska, Senate Bill 331 will facilitate the delivery of more mental health services to all areas of the state because licensure will allow counselors to practice in areas currently closed to them for lack of an occupational license. Such licensing allows an agency, and individuals in some cases, to receive payment from third party providers for services rendered by their mental health professionals.

In closing, I wish to reiterate our support for Senate Bill 331 and am available to speak on behalf of Executive Board if needed. On the adjoining page there is a listing of our Executive Board members and their addresses. Thank you for helping to bring high quality mental services to our state.

Respectfully yours,



Allan Morotti, Ph.D.
Executive Board Member--Region 2
Alaska School Counselor Association

1997-1998 ASCA Executive Board

Shawnie Olson President Region 6	Homer High School - Kenai Peninsula SD PO Box 2914 Homer, AK 99603 Email: solso@kpbod.k12.ak.us	H - 235-8808 W - 235-8168 Fax - 235-8933
Mike Burbridge Past-President/Elementary Rep Region 4	Wonder Park Elementary - Anchorage SD PO Box 671790, Chugiak, AK 99567 Email: burbridge_mike@mmail.asd.k12.ak.us	H - 688-3438 W - 337-1569 Fax - 337-2046
Paulette Schenck Secretary Region 7	Sitka High School - Sitka School District 1000 Lake, Sitka AK 99835 Email: schenck_p@sbs.sed.k12.ak.us	H - 747-5562 W - 747-3266 Fax - 747-3229
Rob LiPuma Treasurer/Career/Life Develop Region 3	Bristol Bay Native Association PO Box 672, Dillingham, AK 99576 Email: brnl@auroara.alaska.edu	H - 842-2295 W - 842-5257 Fax - 842-5932
Jon Lillevik Membership Region 6	Kenai Central High School - Kenai Peninsula SD 965 Cetecea, Kenai, AK 99611 Email: lillevik@alaska.net	H - 283-9472 W - 283-2110 Fax - 283-3230
Dr. Allan Morotti Newsletter/Research Region 2	University of Alaska-Fairbanks, School of Education 791 Goldstreak Street, Fairbanks, AK 99712 Email: ffaam1@auroara.alaska.edu	H - 457-4258 W - 474-8440 Fax - 474-5451
Joni Simpson Newsletter Region 2	Ryan Middle School - Fairbanks North Star Borough PO Box 84213, Fairbanks, AK 99708 Email: jsimpson@northstar.k12.ak.us	H - 474-8116 W - 452-4751 Fax - 451-8834
Susan Oesting Scholarship/Secondary Rep Region 4	Diamond High School - Anchorage School District 7730 Honeysuckle Drive, Anchorage, AK 99502 Email: oesting_susan@mmail.asd.k12.ak.us	H - 248-3148 W - 248-0315 Fax - 248-0350
Sharon McMullen State Network Representative Region 5	Colony Middle School - Matanuska-Susitna Borough PO Box 672715, Wasilla, AK 99687 Email: mcmullen@alaska.net	H - 376-8167 W - 746-9555 Fax - 746-9559
Cesaiye Williams Middle School Rep Region 4	Wendler Middle School - Anchorage School District 2905 Lake Otis Parkway, Anchorage, AK 99508 Email: williams_cesaiye@mmail.asd.k12.ak.us	H - 522-2818 W - 277-3591 Fax - 272-3976
Vanni Prichard Ethics/Human Rights Region 1	Alak School - North Slope Borough School District PO Box 10, Wainwright, AK 99782 Email: vprichard@arctic.nsbod.k12.ak.us	H - 763-3504 W - 763-2541 Fax - 763-2550
Sally Donaldson Web Page Coord/Public Rel Region 7	Dzantik 'I Heeni - Juneau Borough Schools 530 Park Street, Juneau, AK 99801 Email: ddonalds@ptialaska.net	H - 586-5621 W - 483-1899 Fax - 586-5618
Coney Danitz Govern. Relations/Public Policy Region 7	Dept of Education - Counseling Specialist 801 West 10 th St. - Suite 2000, Juneau, AK 99801 Email: cdanitz@educ.state.ak.us	H - 586-2084 W - 485-8681 Fax - 485-2713
Dr. Chris Jensen Consultant	UAA - Department Head, School of Education 1919 Parkview Circle, Anchorage, AK 99501 Email: alcmj@uaa.alaska.edu	H - 272-7890 W - 786-4418 Fax - 786-4444

10/27/97

RE: 9798 Officers List



March 6, 1998

The Honorable Gary Wilken
Chairman
Health, Education, and Social Services Committee
Room 510 - State Capitol
Juneau, AK 99801-1182

Dear Mr. Chairman:

I am writing to express the strong support of the American Counseling Association for S.B. 331, legislation that would establish licensure for professional counselors in the state of Alaska. This legislation is vitally important to the health, safety, and well-being of the people of Alaska.

Licensure of the Counseling Profession is Essential to Protect Public Health and Safety

Counselor licensure guarantees that individuals who offer counseling services to the public have the minimum education, training, and supervised experience necessary to provide effective assistance to persons in need of counseling.

The American Counseling Association began pursuing licensure legislation during the early 1970's after it became clear that public regulation was the only effective approach to protecting the public from unethical or unqualified individuals who hold themselves out to the public as "counselors". The American Counseling Association, like other professional organizations such as the American Psychological Association and the American Medical Association, does investigate consumer complaints against our members and takes disciplinary action against those who are found to have violated our code of ethics and standards of practice. It became clear in the early 1970's that this private mechanism was not sufficient to protect the public, both because it did not offer sufficiently timely relief and sanctions, and most importantly, because ACA had no authority to act on complaints against individuals who are not members of the association. Hence, public regulation was considered necessary, particularly since the damage that could be inflicted on a consumer by an unqualified or unethical counseling practitioner can be far greater than improper practices by other professions that are typically regulated by the state, such as accountants and security guards.

By establishing a licensure board that would be empowered to investigate and act on consumer complaints, S.B. 331 would provide consumers in Alaska with a direct and confidential means of obtaining redress when they are victimized by a counselor who acts improperly or unethically. Currently under Alaska law, the only way a consumer can act against an incompetent or unethical counselor is by filing a civil lawsuit. This avenue is not only expensive and time-consuming, it requires the consumer to surrender their privacy and make all of the intimate details of their discussions with the counselor public information.

The Honorable Gary Wilken
March 6, 1998
Page 2

I want to emphasize that consumers typically seek professional counseling in times of personal or family crisis; they may be too overwhelmed by events and emotions to carefully and closely evaluate the qualifications of individuals who present themselves as "professional counselors". By establishing minimum educational, clinical supervision, ethical, and other requirements for practice as a licensed professional counselor, S.B. 331 would prevent unscrupulous or incompetent individuals from preying upon Alaska residents in crisis.

The damage that can be inflicted by unscrupulous or untrained individuals who profess to be "counselors" is significant. Many of the problems and circumstances for which consumers seek counseling carry with them some risk that the individual will cause harm to themselves, family members, or others. Improper assessment of these risks and improper treatment can have severe consequences--the death of or injury to the consumer or other person. Counselor licensure guarantees that professional counselors offering their services to the public will have the minimum qualifications necessary to assess and treat individuals who are at risk of causing harm to themselves or others.

An untrained, unethical or incompetent counselor can cause great harm to the emotional and psychological well-being of an individual who seeks counseling. Consumers who seek counseling are highly vulnerable to the thoughts, feelings, actions, and interventions of the person they consult for assistance. Counselor licensure ensures that the professional counselors to whom Alaska residents turn for help are qualified to provide meaningful assistance and that their conduct is ethical and within the bounds of their expertise.

Consumers who seek counseling also expose deep personal concerns and information to their counselor. The improper use or disclosure of this information can have devastating psychological, social, and economic effects on an individual. By requiring licensed professional counselors to protect the confidentiality of client communications, S.B. 331 guarantees that this information will not be improperly disclosed.

Counselor Licensure is Critical to Meeting the Mental Health Needs of Alaska Residents

S.B. 331 will also expand the availability of quality, affordable mental health care to the people of Alaska.

The absence of state regulation of counseling in Alaska has shut many highly-trained professional counselors out of the health care marketplace, artificially limiting the supply of qualified mental health practitioners in the state. State licensure has become a prerequisite for obtaining third-party payment for services and participation in managed care panels. The American Counseling Association is not aware of a single health insurance or managed care plan in the nation that reimburses a professional counselor who is unlicensed. A license is also now needed to secure employment in most health-related institutions and community agencies. For example, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), one of the leading accreditation bodies for managed care plans, health care institutions, and other agencies, requires that all clinical professionals employed by the entity applying for accreditation be licensed and publicly regulated.

As a result, the supply of qualified mental health professionals available to Alaska residents has been artificially suppressed. Many highly-trained professional counselors in the state are not able to offer their services to the public except on a limited, out-of-pocket basis. This has reduced access to quality mental health care and inflated the cost of care in the state.

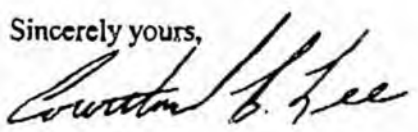
The Honorable Gary Wilken
March 6, 1998
Page 3

Professional Counseling is Regulated in Most Jurisdictions in the United States

Professional counselors are now licensed or certified by 44 other states, as well as by the District of Columbia. Licensure legislation is now pending in the legislatures of three other states. Enactment of counselor licensure seems likely in two of these states, New York and Pennsylvania, by end of 1998.

S.B. 331 is based on the general framework that these other states have used in regulating the profession. The educational and other requirements for licensure under S.B. 331 are comparable to those of other states that have enacted laws regulating the counseling profession.

I strongly urge you to support S.B. 331 and make Alaska the 45th state to regulate the counseling profession. The legislation is urgently needed to protect consumers from unscrupulous practitioners and to expand their access to ethical and highly-trained mental health professionals.

Sincerely yours,


Courtland C. Lee, Ph.D., NCC
President
American Counseling Association

BRIEFING Paper

Professional Counselors as Providers of Mental Health Care

Licensed professional counselors provide quality mental health and substance abuse care to millions of Americans and are recognized as an important provider of preventive behavioral health services and services in rural areas. Roughly 80% of managed behavioral health care companies either employ or contract with licensed professional counselors (*Business Insurance*, 1994), and counselors comprise a large percentage of the workforce employed in community mental health centers, agencies, and organizations.

The practice of professional counseling includes, but is not limited to, the diagnosis and treatment of mental and emotional disorders, including addictions; psychoeducational techniques aimed at the prevention of such disorders; consultation to individuals, couples, families, groups, and organizations; and research into more effective therapeutic treatment modalities. Counselors are trained in the provision of counseling and therapy, as well as the etiology of mental illness and substance abuse disorders.

State Licensure Requirements

Over 80,000 professional counselors are licensed or certified in 44 states and the District of Columbia. Licensure requirements typically include:

- Education** 48 to 60 hours of graduate-level training, including a master's or doctoral degree in counseling from a regionally-accredited institution of higher education.
- Experience** completion of 3,000 hours of supervised clinical experience, performed within two years.
- Examination** passage of the National Counselor Examination (NCE) or a similar state-developed exam.
- Ethics** adherence to a strict Code of Ethics in professional practice.

In states without licensure or certification laws, professional counselors may be certified by the National Board for Certified Counselors (NBCC).

Severity of Illnesses Treated by Mental Health Professionals

Discipline	Chronically and Persistently Mentally Ill	Moderate to Severely Impaired (DSM-IV)	Life, Stress and Coping Problems
Professional Counselors	11%	36%	40%
Psychiatrists	29%	40%	30%
Psychologists	11%	36%	29%
Social Workers	9%	41%	35%
Marriage and Family Therapists	12%	36%	39%

Services Offered by Mental Health Professionals

<i>Services</i>	<i>All Therapists</i>	<i>Professional Counselors</i>	<i>Psychiatrists</i>	<i>Psychologists</i>	<i>Social Workers</i>	<i>Marriage and Family Therapists</i>
Individual Therapy	93%	96%	95%	94%	97%	98%
Group Therapy	28%	49%	13%	24%	35%	36%
Bilingual/Bicultural	9%	10%	1%	10%	8%	14%
Child/adolescent therapy	58%	63%	40%	60%	60%	64%
Substance abuse treatment	30%	29%	29%	31%	28%	37%
Psychological testing	29%	10%	1%	61%	0%	14%

Duration of Treatment

<i>Number of Sessions</i>	<i>All Therapists</i>	<i>Professional Counselors</i>	<i>Psychiatrists</i>	<i>Psychologists</i>	<i>Social Workers</i>	<i>Marriage and Family Therapists</i>
0-3 sessions	2.8%	9%	3%	4%	2%	1%
4-6 sessions	10%	18%	6%	7%	11%	5%
7-10 sessions	28%	34%	22%	23%	32%	33%
11-15 sessions	29%	17%	27%	22%	20%	32%
15+ sessions	34%	26%	37%	40%	34%	24%

Clients Treated by Mental Health Professionals

<i>Discipline</i>	<i>% of caseload at or below poverty level</i>	<i>% of clients who are white</i>	<i>% of clients who are African-American</i>	<i>% of clients who are Asian</i>	<i>% of clients who are Hispanic</i>
Professional Counselors	15%	78%	7%	1.4%	10%
Psychiatrists	7%	86%	6%	2.0%	4%
Psychologists	9%	78%	7%	2.0%	6%
Social Workers	9%	83%	11%	2%	4%
Marriage/Family Therapists	8%	83%	11%	2%	4%

Source: National survey of mental health professionals in full- or part-time private practice conducted by Practice Strategies, December 1997.

ANNE L. HENRY, M.A., C.H.T.
5750 Glacier Hwy., Bldg. D, Rm. 12, Box 10
Juneau, AK 99801
Telephone: (907) 780-6345

March 6, 1998

Dear Senator Wilken,

I am writing to you to urge your strong support of SB331. This letter is about my experience as an Alaskan Professional. I am a professional counselor with a private practice in Juneau. I hold a Masters Degree in Applied Behavioral Science, with a counseling emphasis. I graduated from an accredited university. I have been practicing in Juneau since 1992. And, I enjoy an good reputation among my colleagues and clients.

The amount of education required for my degree is equivalent to that required for a Licensed Clinical Social Worker, for a Licensed Marriage and Family Therapist, and for a Licensed Psychological Associate. We all do much the same work. The main differences between the licensed mental health groups in Alaska are the populations with which they work, and the emphasis of their educations.

My educational background does not permit me to apply for any of the mental health licenses offered in the State of Alaska. However, it does qualify me in 44 other states who recognize some form of license for Professional Counselors. Alaskans seek out and use my services, and those of my fellow unlicensed professional counselors, but clients must generally pay out of pocket.

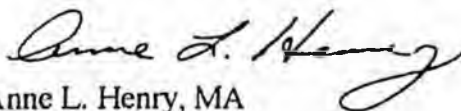
I frequently get calls from people outside who represent Employee Assistance Programs for workers here in Alaska. I get called because someone has recommended me. I recently got a call asking me if I was willing to become a Preferred Provider and do counseling for the employees at Costco. I said yes, that I had worked with a few of those folks in the past. The caller asked if I was licensed and I said "No". He then asked me if I could refer him to a counselor who was licensed because they could not work with me. This scenario happens frequently, while many of my licensed colleagues have lists of people having to wait to get in. This is a burden on the therapist, but worse, it is a hardship to Alaskans who need help.

The other side of the story is all of the Alaskan's who call asking about counseling with me and must be told that they will have to pay for service to work with me because I am not a "Preferred Provider" with their EAP. Then I refer them to some other equally educated and equally experienced licensed counselor's waiting list.

There is inequity here that hurts me as an individual along with many other Alaskan professional providers of mental health services. But, most importantly, it hurts even more Alaskans who need and want the services of Professional Counselors.

This is a relatively simple "housekeeping" bill that is a good for Alaska and Alaskans.

Thank you, and I again urge strong support of this bill.


Anne L. Henry, MA

Author: MEarly@envircon.state.ak.us (Early, Marti) at CC2MHS1
Date: 2/24/98 10:34 AM
Priority: Normal
TO: Beth Hagevig at LAA_CAP
Subject: licensing counselors

Dear Ms. Hagevig,

I am writing you to let you know about difficulties I have had in using unlicensed counselors. I have used four different counselors over about 5 years, all unlicensed, and during those times I had different health insurance carriers.

I chose the counselors because of their personal skills and areas of expertise, not because of their licensure. Since Juneau is a small town and I happen to know or know something about many of the counselors, my relationship and associations, or lack of, with them was a big factor. I was in crisis and wanted to make sure I would go to someone who could truly help me, maintain confidentiality, have an understanding of my situation, but not know me too well.

The first time I went to counseling I was unable to get insurance for my visits. This caused me to go less frequently than I otherwise would have. I was fortunate enough to have the money to go for a reasonable amount of time. I don't know what people do who don't have the money. The second time was a group setting, let by two unlicensed counselors, also unpaid for by my insurance. Again, I was quite fortunate to be able to pay for the sessions myself.

The most recent times I have gone I have had the state's health care coverage, with their list of favorites. I have yet to see whether the visits to the counselor I went to, who is not licensed, will be reimbursed. I went to a doctor first, and the counseling visits were under his supervision.

The counsellors I went to over the years have been well-trained and quite helpful, and I see no reason to exclude practitioners with Masters degrees from licensing.

Marti Early
586-5975



of ALASKA

A Branch of the American Counseling Association

P.O. Box 21163
Juneau, Alaska 99801

March 5, 1998

Senator Gary Wilken, Chairman
Health, Education, and Social Services Committee
Room 510, Capital Building
Juneau, Alaska 99801

Dear Senator Wilken:

I am writing on behalf of the American Counseling Association of Alaska in support of SB 331, Licensure of Professional Counselors. This bill is beneficial to Alaskans for a number of reasons. Some of the ways we would benefit are:

- **Availability of licensed mental health providers who practice statewide**, including rural and bush areas where often, no other licensed mental health providers are available.
- **Public assurance that Licensed Professional Counselors (LPC's) have met at least a minimum standard of education and experience.**
- **Public protection** in the form of a licensure board to whom complainants could register grievances and be assured that these concerns would be investigated and if found to be legitimate, action taken to remedy the situation or in some way censure or revoke the license of the offending counselors. (Note: the Board of Marriage and Family Therapy has expressed interest in working with Professional Counselors to develop a composite board for the purpose of efficiency and economy, so this would not necessitate the development of a completely separate, new board.
- **Greater opportunities for employment for graduates of the Alaska university system.** Currently, graduates of some Master's level behavioral-health university programs are denied employment because they are not eligible for any of the other more specialty-oriented licenses. Others who are currently employed, are being denied opportunities for advancement due to a lack of licensure. Some have even been threatened with job loss for this reason. The changing world of managed care has increased this pressure on our behavioral-healthcare providers.
- **Licensed Professional Counselors have greater opportunities for mobility** should they decide to move out-of-state. **Forty-four other states have counselor licensure or credentialing.** Alaska is one of six that do not. Many states have reciprocity, accepting licensure from other states having similar licensure requirements.

These are just a few of the reasons why licensure for Professional Counselors makes sense for Alaskans. At present, there are approximately 600 counselors who would be eligible for this license. It is estimated that approximately 200 would seek licensure in the first year the bill is passed. **I urge you to support the passage of SB 133** for the benefit of Alaskans. Thank you!

Sincerely,

Pamela L. Watts, M.Coun., N.C.C.
President



MARCUS C. DEEDE, M.D.

Peninsula Medical Center

265 Binkley Street

Seldotna, Alaska 99669

Telephone: (907) 262-9341

March 19, 1998

To: Sen. Gary Wilkens
State Legislature

Re: SB 331 Licensure of Professional Counselors

Dear Senator Wilkens:

I am writing in support of the Licensure of Professional Counselors bill. I have been made aware of the difficulty of one of our local counselors in receiving appropriate certification and licensure. This is a crucial subject because of the need for the public to have valid confidence in who they are seeing in counselling. The State has a minor but important role to play in such careful monitoring.

Some of these counselors have gone through very extensive training in order to receive the special recognition that a license gives them and I think it is a very appropriate course for the State legislature to pursue.

If I can be of any further assistance or support to your effort in this regard, please feel free to contact me.

Sincerely:

A handwritten signature in black ink, appearing to read "Marcus C. Deede, M.D.", with a long horizontal flourish extending to the right.

M.C. Deede, M.D.
Family Physician

MCD: sc



CITY/BOROUGH OF JUNEAU
ALASKA'S CAPITAL CITY

City/Borough of Juneau
Department of Health and Social Services
3406 Glacier Highway
Juneau, Alaska 99801 (907) 463-3331

March 18, 1998

Senator Gary Wilken
Room 510 Capitol Building
Juneau, Alaska 99801

Dear Senator Wilken:

I am writing to ask for your continued support of SB 331, Licensure of Professional Counselors. As Director of the City/Borough of Juneau Department of Health and Social Services, I employ Master's level professional counselors as part of our clinical teams in both the Mental Health and Chemical Dependency Divisions. These clinicians provide assessment, diagnosis, treatment planning, individual, group, couples, and family counseling services to residents of Juneau and outlying areas. Some are designated as "on-call clinicians". These are specially trained staff who respond to emergency mental health situations in the community, such as suicidal individuals, community crisis situations, individuals experiencing severe emotional distress, and other emergent situations. If it were not for the availability of professional counselors in Alaska, our pool of applicants would be (and has been at times) significantly limited. This situation leads to a necessity to look out of State for employees. I would prefer to hire Alaskans, especially since I believe we have many qualified professionals from whom to choose. A number of these people have graduated from counseling programs at Alaska universities.

As Director of the CBJ Health and Social Services Department, I am increasingly aware of the pressure placed on our agency by Medicaid, employee benefits programs, Department of Transportation, and behavioral-health program licensing/certifying organizations to hire and maintain licensed professionals to perform assessments, write reports, and provide treatment (psychotherapy) to consumers of our services. There have been numerous occasions when individuals have sought services from well-trained professional staff, but have been told by third-party payors that they must receive services from a licensed behavioral-health provider. Often these third-party payors do not stipulate whether the licensed professional is a social worker, counselor, marriage and family therapist, or psychologist, as long as that person is licensed in their state. Not having licensure for Professional Counselors limits the availability of behavioral-health services and choice for the consumer. It also limits the value of the Professional Counselor to an organization.

155 South Seward Street, Juneau, Alaska 99801

It is my belief that Senate Bill 331 provides for adequate education, experience, and supervision requirements to achieve licensure as a Professional Counselor. My experience in employing Master's level counselors has been a very positive one. I find them to be comparable to Master's level social workers in terms of their training, experience, and skill levels. These people contribute significantly to the overall operation and professionalism of our agency and I would like to continue offering them the same opportunity to apply for positions with our agency and to advance within our agency, as other behavioral-health professionals. Licensure is a key factor in terms of this being a viable option for professional counselors. It will also provide a means for consumers to address their grievances should the need arise. Senate Bill 331 benefits the consumer and the provider.

Please continue your support of this licensure effort so it can become a reality during the 1998 Legislative Session. Thank you for your consideration and support.

Sincerely,

Christine M. Blackgoat

Christine M. Blackgoat, R.N., Director
City/Borough of Juneau Department of Health and Social Services
3406 Glacier Highway
Juneau, Alaska 99801

March 6, 1998

Senator Gary Wilken
119 N. Cushman, Suite 213
Fairbanks, AK 99709

Dear Senator Wilken,

I urge your support for SB331, a bill which will provide for the licensing of Professional Counselors. There are many professionals in the state, like myself, who have advanced degrees and considerable experience but do not fit into existing licensing tracks for Social Workers and Psychologists. With the approach of managed care, licensing and credentialing is taking on heightened importance. Licensing Professional Counselors will improve access to mental health care for the residents of this state.

Sincerely,



Jim McLaughlin, M.Ed.

March 5, 1998

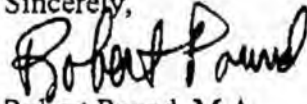
Dear Senator Wilken,

This letter is written in Support of Senate Bill 331 which provides for the licensing of Professional Counselors. I have been a resident of the State of Alaska for six years, and I have a Masters Degree in Counseling. Previous to living in Alaska, I lived in Colorado, where I was licensed as a Professional Counselor and experienced the benefits of this license as a professional and observed the positive impact it had on consumers in that state.

The bill we are requesting here in Alaska is very similar to the one there. I can remember the relief on the faces of clients when they were given copies of statements of my experience and education that were required by the bill. They also felt safer with the knowledge that they had a set channel provided for them if they felt that their treatment was in any way harmful to them. It also provided me access to jobs that I would not have been able to get if I had not had a license.

I strongly urge your support of this bill and the positive effect it will have on the efforts of this state to provide treatment for people with mental health problems.

Sincerely,



Robert Pound M.A.
3725 Spinnaker Drive
Anchorage, Alaska 99516

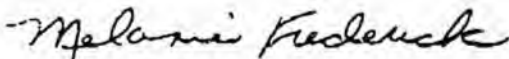
2/6/98

Dear Senator Wilken,

I am writing this letter in support of Senate Bill 331, which provides for the licensing of Professional Counselors. As a Licensed Social Worker and the Vice President of the Alaska Chapter of the National Association of Social Workers, I have had the privilege of knowing many people with Masters Degrees who do not fit in any of the present licensing categories. Many of these are highly skilled and have the ability to provide quality services to people in need of counseling. This bill would provide recognition and the chance to provide services in a wider array of treatment options. Also, with managed care coming to Alaska, it would provide more Alaskans with access to positions that they would not otherwise have access to without a license.

Another important aspect of this bill would be a means to ensure that clients have recourse to a grievance procedure in the event that they feel they have received less than the best care possible. Providing consumers with a greater number of options for services will allow them to access the care they want to receive.

Sincerely,



Melanie Frederick LCSW

Vice President

Alaska Chapter of the National Association of Social Workers.

4020 Folker St.

Anchorage, Alaska 99508

Author: Gary_Clement@mail.ci.juneau.ak.us at CC2MF:51

Date: 3/10/98 10:28 AM

Priority: Normal

TO: Beth Hagevig at LAA_CAP

Subject: More LPC

Gary Clement

586-3480 h

463-7053 w

Diagnosis and Psychotherapy

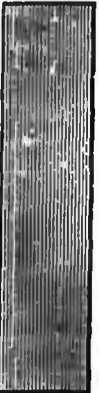
The hearing on the LPC Bill indicates the political will to pass the bill. Now the issue of language is prominent. Conflict exist in the license bill of the Psychologist, Social Workers and MFT. All claim to do psychotherapy and diagnosis of patents in clinical mental health settings. This is true, they all do. As a mental health clinician at CBJ's mental health center I work side by side with LCSW's and clinical psychologist.

We ALL use the same guideline for diagnosis, the DSM-IV (Diagnostic and Statistical Manual of Mental Disorders, fourth edition) by the American Psychiatric Association. This is not produced or owned by psychologist. They use it the same as the rest of us. I have extensive training in diagnosis using this instrument, as do the clinical social workers at CBJ Mental Health. I DIAGNOSE mental disorders every day I work. I am paid to diagnose and my diagnosis are used by Medical doctors, courts and other therapist.

Psychotherapy: Wolberh (The Technique of Psychotherapy) defines psychotherapy as "a form of treatment for problems of an emotional nature in which a trained person deliberately establishes a professional relationship with a patient with the object of removing, modifying or retarding existing symptoms, of mediating disturbed patterns of behavior, and promoting positive personality growth and development." Some examples are Client-centered psychotherapy, gestalt therapy, bioenergetics, psychodrama, analytic psychology, behavior therapy, biofeedback training, family therapy, group psychotherapy, cognitive therapy, transactional analysis, solution focus therapy and the list goes on. As you can see no single mental health care "group" has a monopoly on the treatment of personality problems, maladjustment, or mental disorders. We are all professionals trained in the diagnosis and treatment of mental disorders. The approach to treatment is diverse and the treatment modality changes with new insights. The political correctness of which modality is "IN" changes according to what "group" is in the power. This is the case through history. It should be noted, LPC is the fasts growing force in the national mental health treatment community.

Over 60% of the psychotherapy and diagnosis in America is done by masters level clinicians such as LPC's and MSW's. Most mental health clinicians and private practitioners in Juneau and through out Alaska are masters level. Most of those are likely to desire to be licensed as LPC. Psychologist do not have a corner on psychotherapy (treatment) or diagnosis. Though they might like to have it because by limiting available providers they can control the "market" and increase income.

I had the opportunity to seek a Ph.D... in clinical psychology a few years ago. I declined the opportunity because the schools of psychology wanted to train me to do research and testing. I wanted to learn more skills to make me a better clinical psychotherapist. I took another rout to achieve my goal. I have achieved my goal, I now work as a mental health clinician (psychotherapist) for a clinic, I have also operated a private therapy business. I want a license to demonstrate my skills, as other professionals, my peers, have.



From the TelePort of: Byron McCord, M.D.

Date: Thursday, March 19, 1998

Number of Pages: 1

To: Beth

Fax Number: 907 465-2705

Memo: Dear Senator Wilkens,

I support SB 331 for it can only add order and quality to the level of professional counseling in our state. Both the legal system and the public will benefit from this certification process.

Thank you for your time.

Byron McCord, M.D.

March 17, 1998

Senator Gary Wilken, Chairman of the Health, Education, and Social Services Committee
Capitol Building, Room 510
Juneau, AK 99801

Dear Senator Wilken:

I am writing in avid and great support of Senate Bill 331, the Licensure of Professional Counselors. As a school counselor in rural Southeast Alaska, I see it as imperative for the mental health wellness of Alaskans that professional counselor licensure be allowed and developed in this state.

Counseling in rural Alaska lends its challenges in many regards. It is difficult for families and communities to muster the support from urban areas due to the distance, expense, and time it absorbs so readily and easily. As a school counselor, I have many referrals that cannot be handled due to the lack of counselors and money available which, in turn, has a tremendous negative impact on the school performance of a child and the family and community dynamics in general. Allowing for professional counselor licensure to occur will open up doors across the entire state. With proper supervision, master-level counselors can provide the desperately needed counseling services to rural Alaskans. Since this would allow for supervision to occur without necessarily being face-to-face, Alaskan counselors would not have to seek education and development outside of their community, and would readily choose to remain in their rural environments. Thus, the support and services to rural, isolated villages would increase dramatically to fulfill the current unmet need. In my own personal situation as a graduate of the University of Alaska Fairbanks, my inability to receive supervision in a practical, affordable manner where I am currently located is forcing me to consider a move outside of Anchorage and possibly outside of Alaska for further professional development and education.

So as not to compromise the public's safety, consumers would certainly have protection by the creation of a board to pursue any desired legal recourse due to unethical, negligent, or fraudulent behaviors. As an aside, the birth of a composite board among Alaska's professional licensures also seems to be a sensible, cost-reducing move, should that be considered in the near future. Practically speaking, the adoption of a professional counseling licensure that already exists in 44 states in the Union would be a historic step in the very needed continuing development of counseling and mental health services in Alaska.

I implore the Senate to deeply consider and pass Senate Bill 331 to allow for the best and most comprehensive services to reach all Alaskans. In a world of decreasing funds and possibilities, let us make a move to increase options and quality services.

Sincerely,



Colleen Ketcham, M.Ed.

cc: Senator Jerry Mackie, Chairman of the Community and Regional Affairs Committee and
Representative Albert Koukesh
Rooms 427 and 114, Capitol Building, Juneau, AK 99801

Mary Lou Follett, ANP, RNCS, MS, MA

March 18, 1998

Dear Senator Wilken,

I am writing to you in support of SB331. I am a Licensed Nurse Practitioner and a masters level Professional Counselor. I run a dual practice here in Juneau.

When I first came to Alaska, Nurse Practitioners were required to work under the supervision of doctors. We struggled against the popular belief that doctors were the highest authority in all things medical, finally winning the right to diagnose patients and practice independently. It was a major victory for all Alaskans. Especially for those in remote areas where there are no doctors. We are an essential, competent component of Alaska's health professionals.

Similarly, the Professional Counselors seeking licensure are battling with the misconception that psychologists are the highest authority regarding mental health issues. Since the day Jung left Freud, many different approaches to dealing with mental health issues have developed. For instance, the medical world is seeing a shift toward dealing "chemically" with mental health problems, bypassing "psychological" issues altogether.

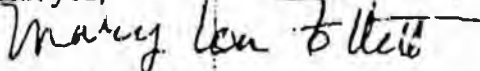
Counselors are often the "front-line" mental health professionals, especially in rural communities. They need the ability to evaluate and diagnose, in order to know when to refer to someone whose training is more appropriate to the client. Just as I refer patients and counseling clients when they require services that I do not provide. Doctors were at first fearful about Nurse Practitioners being given "diagnostic" privilege, but time has shown that it works for all.

I often refer clients to Professional Counselors. They are well educated, well trained, experienced, competent, caring and cost effective for most Alaskans. I trust their work, their ethics, and their ability to discern when to refer clients.

Because of my medical practice, my clients and I are protected under Rule 504. I was very surprised to learn that all mental health professionals and their clients are not protected. Virtually all consumers believe that their conversations with counselors are privileged. This privilege of confidentiality is an essential component to the counseling relationship.

SB331 will give Alaska's already practicing Professional Counselors the ability to continue to diagnose, and for the first time Alaskan consumers and their "Licensed" Professional Counselors will be protected under Rule 504. This is a good bill for all Alaskan's.

Thank you,


Mary Lou Follett

(907) 780-5288 • Fax (907) 780-5288
5750 Glacier Highway • Suite D-12, Box 10
Juneau, Alaska 99801

March 18, 1998

Senator Gary Wilken
Alaska Legislature

RE: SB 331 Licensure of Professional Counselors

Dear Senator:

I am writing to ask your support on SB 331. This legislation is sorely needed in our state for several reasons. I have been in private practice as a Clinical Pastoral Counselor since July of 1993. I have a Ph.D. in Pastoral Counseling but am unable to get licensing by the state of Alaska. I am licensed by the National Christian Counseling Association. Not having a state license hinders my effectiveness in many areas but primarily with testimony in the court system and in getting third party payments.

There is a current court case on the Kenai Peninsula where a local preacher is being sued for fraud because it is alleged that he has passed himself off as a psychologist. In fact he has no college degrees at all. This bill could go a long way in preventing such abuses and protecting the public. It would create a grievance board that could investigate at the request of a citizen.

Forty four other states have passed bills allowing for the licensure of professional counselors with very effective results.

I give you all my support and encouragement to pass this bill.

Sincerely,

Lloyd H. Cary Ph.D
Clinical Pastoral Counselor

March 17, 1998

Dear Senator Wilken,

In regard to the psychologists comments about SB331, I have these comments. Of the 44 states that license professional counselors, at least 43% use the word "diagnose" and "diagnosis" in the definition of practice. Forty-three percent also use the term "psychotherapy". In the definitions of Alaska Statutes for Clinical Social Work, the words "diagnosis" and "psychotherapy" are used (Sec. 08.95.990). In the definitions of Alaska Statutes for Marital and Family Therapy, the words "diagnosis" and "psychotherapy" are used (Sec. 08.63.900). This is standard terminology for the practice of virtually all mental health practitioners.

In order to avoid the dreaded turf battle in front of the legislature, professional counselors have already conceded many points to the psychologists. Including the use of some language in the "definition of professional counseling". We now use the word "therapy" instead of "psychotherapy". We now use the word "evaluate" instead of "assess". The psychologists want us to not use the word "diagnose". Initially, we took that word out, but Catherine Reardon said if we do diagnose people we must have the word in the definition or we are committing a class B misdemeanor.

Many professions require the ability to diagnose in order to be effective. For example, if you take your car to a good repair shop because there is a rattle under the hood, what do you expect?

1. What you expect is that the mechanic will ask you some questions, maybe take the car for a spin around the block, look under the hood--evaluate the problem.
2. After evaluating the problem, your mechanic will give you a diagnosis--complete with an estimate for the repair work.
3. Then, after you agree to pay for the repair, your mechanic begins to fix, or "treat" the problem with your car.

There are three steps here that are logical and essential to fix your car, assessment, diagnosis and treatment. The psychologists proposal that professional counselors not be allowed to diagnose would be like telling your mechanic begin with the right front tire and start working back through the car, hoping he will stumble on the problem somewhere along the way.

The psychologists also suggest that it is necessary for a psychologist or social worker to diagnose clients and then send them back to the counselors. This is like taking your car to a special, high paid "diagnostician" to find out what to call your car's problem. If you live in a remote location, this means scheduling an appointment--probably weeks away, waiting, and then spending lots of money on a trip to the nearest (not necessarily best) specialist. Then you would have to take your car to the mechanic, who is now just a technician, who would fix the car. And what if the special "diagnostician" missed something, like that the diagnosed rattling water pump was actually caused by a problem much deeper in the engine. The mechanic could not diagnose that problem, or fix it. He would have to send you back to the special "diagnostician". Is this practical, ethical or good for the public?

The psychologists insist that exempting professional counselors from the practice of diagnosing will save the public from harm. We estimate that there are about 600 professional counselors now serving the Alaskan public. While there are surely occasional "bad calls" in their diagnosis, there are with any professional mental health discipline. If psychologists or social workers were immune to occasional "bad calls", if the "bad calls" were restricted only to people unsupervised by them, or if there were an outcry from an outraged public, then it might make sense to heed the fears expressed by the psychologists. But, without such evidence, one must ask, is this concern out of fear for the health and

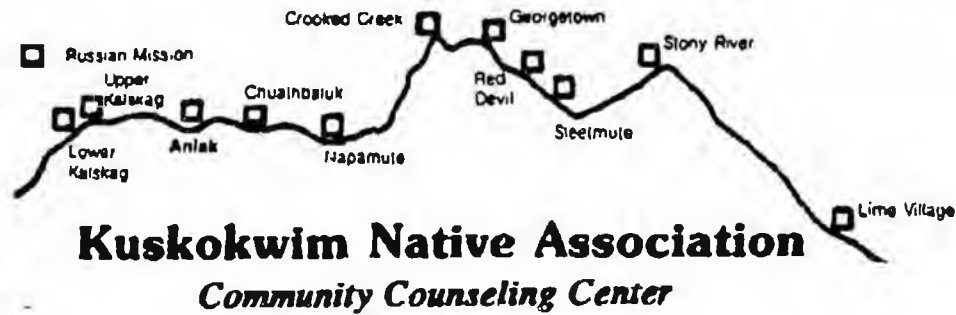
well-being of Alaskans, or the health and well-being of pocket books. Is this about egos, control and educational elitism, or is it about the good of the people...

It is standard in the ethics of virtually all of the healing professions that when a professional discovers that a client is beyond their ability to diagnose or treat, that client is referred to a professional whose expertise exceeds their own. A general practice medical doctor does this, referring to a heart specialist, surgeon, or pediatrician. The same is already true of unlicensed professional counselors. With licensure of professional counselor there is even more protection for the public. If a Licensed Professional Counselor is found to be practicing unethically, or incompetently, then there is recourse to protect the public. Without licensing, there is only word of mouth or an expensive lawsuit.

No discipline of mental health professionals has a "monopoly" on the practice of, or the necessity of diagnosing people, or on the practice of "psychotherapy". This is a time for legislators to step up to the plate and make the call, to legislate how the public will best be served.

Thank you,

Jamie McLean, MA



March 16, 1998

Senator Gary Wilken,

This quick letter is in reference to S.B. 331 concerning licensure of professional counselors in the State of Alaska. I believe it is imperative that this bill is passed. Although I am a trained marriage and family therapist and could be licensed already in the state as an MFT, I fully and unconditionally support passage of this bill. It is important that consumers know their needs are being met by qualified counselors and therapists. This bill will help this happen.

It has been brought to my attention there is concern on the part of some that:

- 1) This bill will exclude some people. This is not the case for master's level counselors/therapists. This bill is inclusive. I was barred for some jobs in my home state of Montana (even though my training was almost identical to that of "mental health counselors") because I was a MFT and therefore know what it is like to be excluded. I would not support a bill that would exclude.
- 2) Some parties are concerned with words such as "psychotherapy" and "diagnosis." Avoiding a huge philosophical debate, I am trained and qualified to do both of the above as is the case in most states that license professional counselors. In the bush and rural areas of Alaska, we are the only ones available to do this as psychologists and psychiatrists are generally not available. If we are not licensed, eventually this will severely impact services in bush and rural Alaska, once the insurance companies mandate this in Alaska.

Thank you for your effort and support on this important bill that will impact the care of Alaska's people!

Sincerely,

Mark A. Wegner, M.S.
Clinical Director

Author: CathrynMFS@aol.com at CC2MHS1
Date: 3/17/98 1:21 AM
Priority: Normal
TO: Beth Hagevig at LAA_CAP
Subject: SB331
Dear Beth,

Please copy and forward this letter to Senator Wilken and to the members of the Health, Education and Social Services Committee.

March 16, 1998

Senator Gary Wilken
Alaska State Senate
Juneau, AK

Dear Senator Wilken:

I am writing in support of SB331 that would allow licensure for professional counselors. This bill is long overdue for our state and will increase the availability of services to mental health consumers. At present there are many individuals in need of services who are going without treatment because there are not enough providers who are licensed and who can accept medicaid payments. This bill would allow professional counselors who are already trained and qualified to fill this gap in services.

I would also stress that professional counselors have the training necessary to diagnose, assess and evaluate mental health needs. The state has already approved marriage and family therapists and social workers to perform these functions. The requirements which ensure they are qualified to diagnose and evaluate are the same requirements which professional counselors must fulfill in their master's programs. In my own master's program, students who are now Licensed Marriage and Family Therapists attended the exact same classes on diagnosis and evaluation as I did. In fact, the core curriculums for Marriage and Family Therapy and for Mental Health Counseling were virtually identical. It would only be consistent to allow the same level of licensure to professionals with the same level of training and expertise.

There will not be a cost to the taxpayer for this legislation because the counselors themselves will pay for it via the collection of annual yearly professional dues. Also, the operating cost of a regulatory board can be reduced by combining the boards which oversee the various helping professions. For example, in the state of Washington, one board oversees the professional counselors, the social workers and the marriage and family therapists.

I urge you to support SB331 as it is proposed, giving equal recognition for equally trained professionals whether they are counselors, social workers or marriage and family counselors.

Sincerely,

Cathryn Simon, Nationally Certified Counselor, M.S.
12320 Tracy Rd., Apt A
Anchorage, AK 99516
345-2498

Author: wintyr@ptialaska.net (Patricia Wintyr) at CC2MHS1
Date: 3/18/98 5:15 PM
Priority: Normal
TO: Beth Hagevig at LAA_CAP
Subject: SB331
Senator Gary Wilken, Chairman
Health, Education, and Social Services Committee
Room 510, Capital Building
Juneau, AK 99801

Dear Senator Wilken,

I am writing in support of SB331, Licensure of Professional Counselors. The passage of this bill would greatly benefit many Alaskans.

I am a professional counselor in private practice. I have 24 years experience, including 18 years in private practice in the Boston area. I have been practicing in Juneau for 6 years. I have a Masters degree in Human Behavior. Although I have this degree and extensive experience, I am not able to apply for any of the mental health licenses offered in Alaska. Many other highly qualified professionals are in this same position. This bill would correct that inequity.

People seeking counseling are limited to licensed social workers, marriage and family counselors, psychologists and psychiatrists, unless they want to pay out of pocket.

This narrows their choices significantly. There are not enough licensed mental health professionals to choose from for people who are seeking counseling. And if their choice is a professional counselor they cannot get third party payment. Their Employee Assistance Programs will also not cover unlicensed counselors.

Forty four (44) other states have counselor licensure or credentialing. When Alaska passes this licensure bill, licensed professional counselors from other states will find it more advantageous to seek employment in Alaska. Without licensure, Alaska is not attracting many qualified mental health professionals. Again, passage of SB331 would rectify this situation, and attract needed professional counselors.

SB331 will also protect consumers if they have any complaints and grievances about a counselor, as a Board would be in place to hear and address their complaints. Licensure would also insure that counselors have met with certain national standards for education and experience.

The licensure fees paid by the estimated two-hundred counselors would offset any expense to the state. The Licensure Board would be paid by these fees.

I urge you to support the passage of SB331. Thank you.

Sincerely yours,

Patricia Wintyr, MA

Senator Gary Wilken

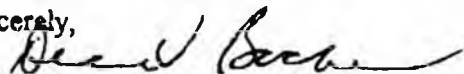
Re: Senate Bill No. 331
Licensed Professional Counselors Bill

Dear Senator Wilken:

As a licensed clinical social worker and therapist at a mental health clinic, I strongly support Senate Bill No., 331 for the licensing of professional counselors in it's entirety. Given the rural nature of our state, people do not always have access to mental health professionals that are currently licensed. This bill would expand the opportunities for our residents to receive mental health services from a qualified licensed professional. I see this as a real need that is not being currently adequately addressed. The passage of this bill would go a long way to meet this need.

If you have any questions about this, please feel free to contact me at (907)747-5922.

Sincerely,



Diane V. Bachen LCSW

Islands Counseling Services

1310-A Sawmill Creek Road - Sitka, Alaska 99835

Phone (907)747-8994 - Fax (907)747-6801

A Division of Sitka Mental Health Clinic, Inc.

March 19, 1998

Senator Gary Wilkan
Alaska State Legislature
State Capitol
Juneau, AK 99801

Dear Senator Wilkan:

I am writing to urge you to support the Licensed Professional Counselors bill (SB 331). This is a bill that is in the public interest, the professional interest, and has no significant fiscal impact on the state budget.

This bill seeks to license masters level individuals who have formal training and experience in the field of counseling. As one of the individuals who is currently working as a counselor in Alaska without a license, I do not qualify for licensure under current Alaska Statutes and Regulations for Psychologist, Psychological Associate, Clinical Social Worker, or Marriage and Family Therapist, although my educational background is certainly similar to those of licensed professionals in the state. This bill would treat masters level counselors with parity.

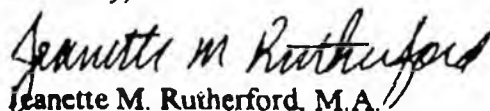
The licensing of professional counselors in Alaska would benefit those in bush or rural communities where access to properly trained counselors is limited. It would allow greater public access to insurance reimbursement for counseling services; many insurance companies and EAPs will only reimburse for a licensed professional.

The current wording of the bill includes the ability to "diagnose" our clients; this is a crucial segment of providing comprehensive counseling services to anyone, especially if they are using an insurance company for payment. We are definitely appropriately trained and qualified educationally and experientially to provide that aspect of service.



In closing, I want to strongly encourage you to support this bill. It will benefit the public utilization of mental health services and the professionals who provide the services without detracting from those providers who are already licensed. Please help Alaska become the 44th state to provide licensure for professional counselors!

Sincerely,



Jeanette M. Rutherford, M.A.

301 Moller Avenue
Sitka, AK 99835

Author: lrh@alaska.net (Larry Huntsperger) at CC2MHS1

Sir:

Just a note to let you know I STRONGLY SUPPORT SB331. I feel the lack of such legislation here in Alaska has contributed significantly to some of the counseling scams we have suffered from here on the Kenai Peninsula. Please do support the bill.

Larry Huntsperger
P.O. Box 2104
Soldotna, AK 99669 ..

March 18, 1998

Dear Senator Wilken,

I would like to lend my support to SB331. As a retired, Alaskan school counselor, teacher, and coach, I have spent a good portion of my professional career helping adolescents grow towards a healthy adulthood. Because of my training in the counseling field, I was able to effect change through individual and group counseling, working with family systems, assessing strengths and weaknesses, and being there for my students and families when I was needed. I am currently the clinical coordinator for our Permanent Housing Program at Southcentral Counseling Center, here in Anchorage. I work with seriously mentally ill, homeless adults in a high intensive program that is achieving excellent results.

The intent of SB331 is two-fold, first to provide consumer protection for Alaskans who need professional counseling services by providing a licensure process which requires formal, documented training and experience in the counseling field, and secondly, to provide master's level counselors throughout Alaska, including the bush areas, with a documented, professional license with ethical standards and a governing board to maintain those standards. The scope of practice for many counselors does not fit into the present licensure choices in Alaska, i.e. Licensed Marriage and Family Therapist (LMFT) or Licensed Clinical Social Worker (LCSW), for example.

Alaska is one of only six states that does not offer this license. Indiana just passed this legislation to make it the forty-fourth state to license it's professional counselors. With managed care on the horizon, having a professional license will soon be the only way to stay

professionally involved in the counseling field.

I understand that there has been some confusion over several key definitions with regards to this legislation. Two days ago I received a book I'd ordered from the University of Alaska-Anchorage bookstore called the American Psychiatric Glossary, Seventh Edition. In this book .diagnosis. is defined as, .The process of determining, through examination and analysis, the nature of a patients illness.. This is a very straightforward process which I feel confident any trained professional counselor with the required years of experience needed for this license, could execute. We do it every day! Another definition of interest from the same glossary and also used in it's entirety, is .psychotherapy.. It is defined as, .A process in which a person who wishes to relieve symptoms or resolve problems in living or is seeking personal growth enters into an implicit or explicit contract to interact in a prescribed way with a psychotherapist.. A .psychotherapist. is defined as, .A person trained to practice psychotherapy.. What's striking about these definitions is there simplicity and straightforwardness. These are not magical practices but skills learned in counseling training and honed by years of helping clients get better.

I will be unable to testify on Friday, March 20th because I will be at an all-day training at the Alaska Psychiatric Institute entitled, Countertransference and the Use of Self in Group Psychotherapy. I will continue to train and learn and hope to someday be able to be licensed for my expertise in the counseling field.

Thank you for your efforts with SB331. If I may be of any assistance, please contact me at home (522-2992) or work (777-2132). My e-mail address is nemo@alaska.net.

Sincerely,

David C. Reeves M.Ed.

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Senator Gary Wilken
Alaska state Senate
Juneau, Alaska.

Dear Senator Wilkens

I am writing in support of the Licensed Professional Counselors bill #SB331. Currently, 43 states either license or certify professional counselors. With managed care coming insurance providers will require licensed service providers. In the mental health field most of the providers are Masters level and yet we practice our profession without a license. Licensing would offer better quality providers by monitoring and testing providers to make sure they are qualified. There are hundreds of your constituents who are interested in this bill as consumers and or providers of mental health services.

Bill SB331 is an important bill for Anchorage and especially for rural areas that have difficulty attracting qualified practitioners. It would also encourage students of our universities to remain in Alaska rather than leaving for other states that have counselor licensure laws. It does not restrict other professionals who offer counseling services but allows the consumer more options.

Please support SB331.

Sincerely,



Bailey M. Reichard
23737 Chandelle Dr.
Chugiak Ak. 99567