

442

HHES S

HB 834

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HB 847

HB

834

Mr. Beirne moved again that the board consist of 3 optometrist, 1 ophthalmologist and 1 lay member. A vote was taken. Motion carried.

Mr. Beirned moved that the wording of his motion be amended to say one person shall be a licensed physcian who is board certified in the field of ophthalmology. There were no objections.

Mr. Chatterton moved to accept the work draft copy for a Committee Substitute including the amendments that were adopted today. There were no objections. Mr. Chatterton moved to table HB 664. Mr. Parr objected on Mr. Cottens behalf in his absence stating he had spoken to Mr. Cotten and Mr. Cotten had told him he was not in favor of tabling the bill. A vote was taken. There were two in favor of tabling HB 664 and 4 opposed. The motion failed.

A motion was made to pass the bill out with individual recommendations There were no objections

Next to be discussed was HB 834. Audio testimony was taken from Nome. First to testify was Ms. Lynn Chambers, Planner for Nome Eskimo Community. Ms. Chambers asked if a Sponsor Substitute for HB 834 had been submitted on amendments made bringing the total amount of money needed to \$800,000. Mr. Parr stated no. Ms. Chambers stated when they began to plan the center in late January they had not yet developed a budget and in the time crunch Representative Nakak submitted \$500,000 for 20 kids and actually \$800,000 is need to build a structure of 9,000 sq. ft. providing living, eating, recreation, and counciling space for 26 kids. Ms. Chambers stated the home will provide long term care for kids with behavioral or emotional problems or juveniles who are ordered by the court to be detained for non violent crimes. Ms. Chambers urged the passage of HB 834 with a "do pass" recommendation.

Next to testify was Mr. George Edwards District Attorney. Mr. Edwards stated the three basic problems are 1) the limitation of court option that is created because there is no facility. 2) intrusion of juveniles civil rights, human rights and constitutional rights, 3) lack of an appropriate option. Mr. Edwards supports the bill.

Testifying next was Mr. Darryl Triggs, Norton Sound Health Corporation Vice President. Mr. Triggs stated Norton Sound Health Corporation supports the bill. He stated they believe a program like this could help alleviate some of the problems Norton Sound has with adults now. If children can be stopped before they reach adulthood, existing problems will be alleviated.

Next to testify was Mr. Mike Mulisky, high school counselor Nome High School. Mr. Mulisky stated what they most need is a coordinated approach working with kids who are particularly drop outs. Mr. Mulisky stated HB 834 appears to be a good plan and they support the bill.

Mr. Gerald Trigg President of Nome Eskimo Community, was next to testify. Mr. Trigg stated he wholeheartedly supports HB 834 He stated neither the Nome jail or Receiving Home can provide long term care for kids.

Next to testify was Mr. Leo Rasmussen Mayor of Nome. Mr. Rasmussen stated the city council has reviewed the program and they support the bill.

Mr. Mike Tranfol Nome Community Center, was next to testify. Mr. Tranfol testified in support of the bill. He stated from his experience working with juveniles he finds most of them are raised in homes with little or no structure. A program of this nature would help.

Mr. John J. Schaffer was next to testify. Mr. Schaffer testified in support of the bill. He stated there is a real need for a facility of this type in Northwest Alaska. He stated having a facility close to home makes a lot of sense to him making treatment available earlier, treatment would have a better chance to be successful.

Testifying next was Mr. Vernon Kuzruk. Mr. Kuzruk testified in support of the bill. He stated there is a dire need for this type of facility in this area.

A note was read to the committee from Mr. John Van Whimple supporting the bill.

No action was taken on this bill today.

Meeting adjourned at 4:50 P.M.

Regional
Employment Center
Health Center
Education Center
Convention Center



H1B834
End of the
Iditarod Trail

NOME ESKIMO COMMUNITY • P. O. BOX 949 • NOME, ALASKA 99762 • PHONE (907) 443-2246

Youth Residential Homes - 78 for NW Alaska - Rationale

Dear W., for your information
Attached are two copies of a brief
description & budget for the youth
center we discussed on the phone.

I'm working on letters of support today
and will get them in the mail
to you by the end of the week.

I'll be approaching the city Council
Monday night about land.

Please excuse the hand written
note. The plane just came in & I
wanted to take it out to the airport.

I'll try to call you Thursday.
Thanks.

Agnes

promoting individual and community improvement

YOUTH RESIDENTIAL CENTER

The Nome Eskimo Community, with planning assistance from Social Service agencies in Nome, is planning a facility to provide long-term residential care for teenagers, ages 12 through 17. The Center will provide positive reinforcement care for 26 teenagers who have behaviorial/emotional problems and juveniles who are ordered by the Court System to be detained for non-violent crimes.

There is not such a home anywhere in Northwest Alaska. In Nome there is the Nome Receiving Home to care for 5 children ages 0 to 18 for no more than 90 days. There are a few foster homes available in Nome, however, of these there are none available for teenagers with behaviorial problems. These teenagers are sent either to Anchorage or outside of Alaska. Juvenile delinquents often end up in Nome's jail pending court action; if they are ordered to be detained, they are sent, of necessity, outside this geographical area.

The Center will be open to teenagers from Northwest Alaska, who have been referred by the Department of Health & Social Services, Division of Corrections, and Division of Social Services; and the Alaska Court System.

Projected use by the Division of Social Services from the Kotzebue and Nome areas is an average of 10 spaces filled at all times. Projections from the Division of Corrections, from the same area, is an average of 15 spaces. The Alaska Court System anticipates 5.

The facility will be staffed by a professional director, 2 full-time professional child psychologists, 3 sets of experienced house parents to alternate time off, 2 sets of parents present at all times. 1 full time cook and 1 part time cook. The resident teenagers will be assigned chores for housekeeping and as cook assistants. The staff will meet State of Alaska, Department of Health & Social Services, licensing requirements.

The professional staff will review each child's record and plan therapeutic activities designed to help the child adjust. The residents will continue their education at Nome Beltz High School, supervised to and from school by the house parents.

It is expected that after the first year's operation, the cost of operating the Youth Center will be met by payments for the care of children by the Division of Social Services, the Division of Corrections. It is the intention of the Youth Center, to negotiate a rate with the Division of Social Services for the actual cost of care. Information provided by the first year's operation will be used to determine this actual cost.

The facility will have two wings off a central area. One wing for 13 girls, the other for 13 boys. Each wing will have 2 bedrooms for 4 children, 2 bedrooms for 2 children, 1 bedroom for 1 child, and bathroom facilities. Each wing will also have an apartment (without kitchen) for house parents. The central area will contain the utility room, kitchen, dining room, T.V. and living room, study/library room, recreation room, 2 counseling rooms, and the main office. Total space for the facility will be approximately 9,000 square feet.

Other local services available to the Youth Center, include: Norton Sound Regional Hospital; Norton Sound Health Corporation, Division of Family Services; State of Alaska, Division of Social Services and Division of Corrections; and Nome Community Center.

Vista Volunteers of America are being contacted, asking them to provide three or four dedicated young people, trained in child care and development, to provide the center with this additional child care.

Planning Participants

Lynn Chambers, Nome Eskimo Community
Gene Shafer, Division of Corrections
Nate Perry, Division of Social Services
Jan Sabo, Division of Social Services
Ernest Collins, Division of Social Services
Myra Bettis, Division of Social Services
Steve Harrison, PhD Norton Sound Health Corporation, Division of Family Services
Sue Cygon, Nome Receiving Home
Barbara Shaffer, Nome Receiving Home
Bonnie McCourquodale, Nome Community Center
Carol Parin, Nome Community Center
Mark Bergemann, Nome Beltz High School
Judge William Sanders, Alaska Court System

Operating Budget

Staff

Director	40,000	
2 Psycologists @ 40,000	80,000	
1 Secretary/Bookkeeper	18,000	
6 House Parents @ 20,000	120,000	
1.5 Cooks @ 20,000	30,000	
		288,000

Fringe Benefits @ 20% 57,600

Utilities

(Electricity, Heat, Water) .42 per sq foot
\$3750 month 45,000

Transportation

Vehicle	13,000	
Gas, oil, repairs, insurance @ 750 month	9,000	
		22,000

Office Operation

Supplies \$150 month	1,800	
Communications \$150 month	1,800	
		3,600

Child Care

Clothing and personal use	2,000	
Library-Acquisition	6,000	
Recreation equipment and supplies	5,000	
		13,000

Food Service \$5,800 month 70,000

Housekeeping 2,000

Insurance-liability 2,500

Average cost per child per day \$70.00 \$503,700

Construction Budget

Construction, including material

\$70 per sq. foot, 9,000 sq. foot \$630,000

Furnishings

\$18 per sq. foot, 9,000 sq. foot 162,000
\$792,000

Does not include land. Asking Nome City Council for land grant.
Estimated value of land \$40,000.

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Estimated value of land \$40,000.



CITY OF NOME

P.O. BOX 281 - NOME, ALASKA 99762
TELEPHONE (907) 443-5242

February 16, 1978

Honorable Al Nakak
Representative
State of Alaska
Pouch V
Juneau, Alaska 99811

Dear Mr. Nakak:

The Nome Eskimo Community is proposing building and operating a Youth Residential Center in Nome and this letter is to express the City of Nome's approval and support of their effort.

There is a definite need for this facility in Northwest Alaska as we do not feel that children in this area should be removed from their environment. It would be far less detrimental to place them in a home here.

Yours very truly,

F. G. Breeden
City Manager

FGB:mo



Trial Courts

State of Alaska

SECOND JUDICIAL DISTRICT

BOX 100

NOME, ALASKA 99762

WILLIAM H. SANDERS, Judge

February 8, 1978

Representative Al Nakak
House of Representatives
Assembly - Room 103
Juneau, AK 99811

Dear Representative Nakak:

The Nome area at this time is without adequate facilities to take care of many of our teenagers from age 12 to 17 who for some reason or other have to live away from their home.

Many of these children come from broken homes, homes where one or more parents are unfit, or for some reason unable to take care of said child or children. Also, some of these teenagers are delinquent, but are not serious enough offenders to send away to an institution. They need a place for rehabilitation.

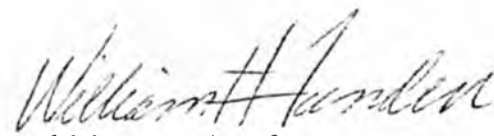
It is much better that we provide homes for these children that are without homes, in the Nome area. The transition from their homes or villages is much easier if they have a foster home in Nome.

Many times we have to send youngsters away to other communities simply because we do not have a proper home where they can live in this area. Sometimes the shock of going to another area or culture such as Anchorage is as devastating on the child as leaving the child in the home where his parent abuses him or where he is unable to receive guidance. I certainly recommend that a youth residential center be

Representative Al Nakak
February 8, 1978
Page 2

established in Nome and in Kotzebue to take care of the children without an adequate homelife in these areas.

Respectfully,

A handwritten signature in cursive script, reading "William H. Sanders".

William H. Sanders
Superior Court Judge

WHS:jm



CITY OF NOME

POLICE DEPARTMENT
BOX 281
NOME, ALASKA 99762
(907) 443-2341



2. 8. 1978

Honorable Al Nakek
Representative
State of Alaska
Juneau

Dear Sir:

We have received a plan from Ms. Lynn Chambers of the Nome Eskimo Community having to do with construction and operation of a youth residential center for the Northwest area. The idea is sound and makes good sense.

In my opinion, a child in trouble is a product, nevertheless, of his own environment and must learn to cope with life as it is and where it is. Sending a youngster to some far off place with the idea of re education and rehabilitation, even though the child shows much progress there, he must return eventually to the starting place and right back into the situation which caused the original problem.

A local Youth Residential Center, properly operated, could very well be the answer to this very real social issue.

As the police chief of Nome for almost three years I recognize this need, if from nothing more than my own observations, and you may rely on my support for this project.

Best Regards,


Cecil Johnson
Police Chief

*for 26 bed
youth home*

Planning Participants:

Gene Schaeffer- Division of Corrections- Probation Officer

Lynn Chambers- President Nome Eskimo Community

Nate Perry- Division of Social Services

Jan Sabo- Division of Social Services

Ernie Collins- Division of Social Services

Myra Bettis- Division of Social Services

Steve Harrison-Norton Sound Health Corporation- Family Services

Sue Cygans- Nome Receiving Home

Barbara Shaffer- Nome Receiving Home- Board of Directors

Carol Perrins- Nome Community Center

Bonnie McCorquodale- Nome Community Center

Mark Bergeman- Nome Beltz High School Assistant Principal

Judge William Sanders

LARSON, TIMBERS & VAN WINKLE
ATTORNEYS AT LAW
P. O. BOX 61
NOME, ALASKA 99762
TELEPHONE 907 - 443-5227

February 22, 1978

The Honorable Al Nakak
House of Representatives
Pouch V
Juneau, AK 99811

RE: Proposed Nome Youth Home/HB834

Dear Al:

The purpose of my letter is to lend some support for HB834. In fact, I would hope the bill can be amended to bring the grant to \$800,000.00 for a 26 bed home (rather than \$500,000.00 for the 20 bed home suggested in 834). You know as well as I the crucial need for such a facility in Nome, consequently I won't belabor the point. I'd simply like you to have this letter in your file, and when discussing the matter you can make reference to my name, or indicate to whoever necessary that the lawyer who is principally in charge of representing juveniles in this area sees a desperate need for a youth home and vigorously supports the present proposal.

Sincerely,

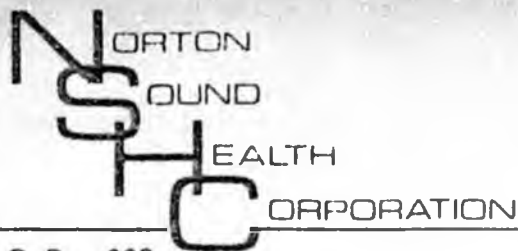
LARSON, TIMBERS & VAN WINKLE



John D. Van Winkle

JDVW/aw

cc: Lynn Chambers
Nome Eskimo Community
P.O. Box 949
Nome, AK 99762



Delegate of Alaska Federation of Natives

P.O. Box 609

Nome, Alaska 99762

443-2261

February 15, 1978

Ms. Lynn Chambers
Planner
Nome Eskimo Community
Box 949
Nome, Alaska 99762

Dear Lynn:

Concerning the proposed Youth Residential Center for Northwest Alaska that your agency would like to develop, the Norton Sound Health Corporation Family Services Department supports your proposal completely. The need for such a facility is easily supported by the numbers of young people we are forced to send elsewhere for treatment currently. These children are sent outside or to Anchorage and Fairbanks, far distances from any relative or other familiar face. This alone is not the best situation for successful treatment of young people. And of time these children disappear onto the streets of Anchorage and Fairbanks to the dismay of their families.

Because of the inappropriate treatment settings now available to our youth we need to provide them with a center closer to home where they will not feel so astranged and also a place from where the transition back home will be much easier for them.

Sincerely,

A handwritten signature in cursive script that reads 'Sharon Walluk'.

Sharon Walluk
Associate Director

DARROLL HARGRAVES
Superintendent



February 27, 1978

TO WHOM IT MAY CONCERN:

I have read the proposal for a youth residential center in Nome prepared with input from various agencies in the community.

The need this proposal addresses dictates that attention be given to providing services for teenagers with behavioral/emotional problems.

In the public schools we have oftentimes been witness to the devastation brought upon the lives of our young people. Some of this has been caused simply because of a lack of good home facilities and adequate concern on the part of parents, or possibly the complete absence of parents.

Conceivably, a youth residential center in Nome could alleviate many of the problems experienced in schools, legal agencies, and courts. Certainly a youth residential center as proposed here would be preferable to detaining juveniles in the local jail.

The Nome School District stands ready to cooperate with all sponsoring agencies in providing needed services for such a facility. Services rendered by the School District might include the enrolling of students in the regular public school program and/or providing services within the facility itself through a home instructional program.

I hereby support and request consideration on the part of all concerned parties for this proposal to establish and maintain a youth residential center in the City of Nome.

Sincerely,

Darroll Hargraves

/skb

HB

840

Research Br. 3/8

FROM

UTAH FOUNDATION

Number 77-14
August 29, 1977

30 East First South, Suite 201
Salt Lake City, Utah 84111

UTAH 'WORK FOR WELFARE' PROGRAM IS ATTRACTING NATIONAL ATTENTION

Utah's prolonged skirmish with Federal welfare officials over the state's basic philosophy that recipients of public assistance should, when possible, work for what they get, appears to be going Utah's way.

The Work Experience and Training (WEAT) program which the state funded without Federal assistance for 18 months not only has received official approval (and financial support) from the U. S. Department of Health, Education, and Welfare, but also is attracting increasing attention across the nation. Some people feel that the newest welfare proposals of the Carter administration are very much in harmony with the philosophy of the Utah program.

A recent article in U. S. News and World rt focussed national attention on Utah's WEAT program, but state officials already knew of the widespread interest in this experiment. Inquiries, seeking details about the operation of the program and its results, have been received from more than a score of states across the country, and from such organizations as the Council of State Governments and the National Conference of State Legislatures.

The belief that able-bodied people should work has been deeply ingrained in Utah tradition from earliest pioneer days. Since the development of the huge Federal public assistance programs, there have been frequent conflicts between the Utah philosophy and that of Federal administrators, depending on what administration was in power in Washington at any given time.

As recently as ten years ago, Utah's desire to require able-bodied welfare recipients to work in return for their public assistance grants ran into stiff opposition from Federal officials. Utah transferred many persons from the rolls of Federally-assisted programs to the wholly-state-funded General Assistance programs, assuming full cost of support rather than sacrifice principle.

A major break came late in 1972, with the ruling of the U. S. Supreme Court in the case of

New York State vs. Dublino. The Court held, in essence, that states may require able-bodied welfare clients to work for their grants. Many states, including Utah, immediately began studying the Dublino decision to determine its practical effect on state welfare policy and programs.

In line with this development, Utah's 1974 Legislature included in its general appropriations bill a statement of legislative intent, to:

"Require that all employable welfare recipients---primarily adult males and mothers of school-age children---must report regularly and accept jobs or job training, or take part in a community work force. Refusal will mean loss of aid. Those recipients classified as unemployable shall be exempt. If this policy is not enforceable administratively, the Department of Social Services shall prepare legislation to implement such policy.

"The Department of Social Services is authorized to transfer funds between programs to implement such policy."

The department thereupon set about establishing what has become the Work Experience and Training (WEAT) program. It applies to the Federally-supported Aid to Families with Dependent Children (AFDC), largest of the government's public assistance programs, and to the state's own General Assistance program which is outside Federal regulation. The Aid to Families with Dependent Children program has its own Work Incentive (WIN) program designed to put welfare clients to work. This program, heavily criticized in its earlier years when it was strongly training-oriented, appears to be much more successful recently as the accent has been shifted to job-placement. In any event, the WEAT operation is careful to avoid interference with the Federal WIN program.

It is mandatory for adults seeking aid under AFDC to register for the Work Incentive (WIN) program unless they are automatically exempt from work requirements (e.g. those who are physically disqualified, mothers with children under six years of age). WIN registrants are appraised by a special team composed of people

ily Services Division, and are assigned to one of three categories: full-time work, "components" for client preparation, and "unassigned recipients" who are not considered readily employable.

The WEAT program deals only with those in the last-named status. This avoids direct conflict with the WIN program, but also, obviously, adds to the difficulties of the WEAT program by providing it with only the least work-qualified of the Aid to Families with Dependent Children clients.

The other limitation on the WEAT program comes from the prohibition against using welfare clients in private industry, in competition with the regular work force. This limits potential "sponsors" (employers) in the WEAT program to governmental agencies (Federal, state, and local) and to private non-profit institutions. The welfare--or "workfare", as they are coming to be known--workers are generally employed on needed sponsors' projects for which no funds are available to hire regular workers.

Those deemed eligible for the WEAT program are expected to work at least 24 hours (three 8-hour days) a week, leaving two days a week for seeking regular employment. If a client has a job interview on a scheduled WEAT work day, he or she is excused without penalty.

Some of those assigned to the WEAT program decline to participate, and the sanction specified in the statement of legislative intent is applied. Aid is withheld from those refusing to participate, but not from the dependent children in their families, who continue to be provided for through appropriate channels.

Some who start on the program fail to perform satisfactorily on the job and are dropped from the program and from adult assistance grants. "Satisfactory performance" does not relate to a level of technical skill or production quota, but only requires that the worker show up on the job regularly and make an honest effort.

Some people are removed from the program for reasons beyond their control, such as illness or long school vacations which require the presence of a parent in the home, for example.

Those who do stay with the program are making a remarkable record, and this is what has created the growing national interest in WEAT.

The published account in U. S. News and World Report noted that in the six-month period

sors of WEAT (projects on which they worked, 210 found other full-time employment, and an additional 109 working mothers found enough income-producing work to reduce the amount of public assistance required to support their families.

In the first six months of 1977, this record was improved:

Twenty-four persons were hired by sponsors for whom they had been working; the number finding other full-time employment jumped to 323 (a 48% increase); and the number of working mothers who earned enough to reduce their public assistance grants went up 16% to 125. An additional 108 WEAT participants were reclassified, due to improvement in their employability rating, and were moved into WIN components.

WEAT program sponsors are located at more than 300 sites throughout the state, and efforts are made to place program participants with sponsors close to their place of residence. Only rarely is it necessary to excuse a welfare client from participation in the WEAT program because there is no work project in his or her area of residence. A travel allowance may be provided a program participant when justified.

Reaction of sponsors to the program varies, as might be expected, but is described by state welfare officials as "generally good, sometimes enthusiastic." Letters received from sponsors appear to bear this out. The Utah Department of Transportation wrote in March, 1977, that work done for its District 2 maintenance section under the WEAT program since July, 1975, represents a savings in labor cost of more than \$87,000 or the equivalent of six full-time regular employees.

The size of the WEAT program is limited by its very nature and it cannot by itself be expected to make a direct substantial reduction in the total cost of public assistance. Nevertheless, significant savings are effected, and the moral effects of the program--both on individual participants and on the attitude of the public toward the welfare program--may be more significant in the long run. It is noteworthy that the Utah head of the Welfare Rights organization has expressed approval of the WEAT approach.

Utah officials feel the program vindicates their basic belief that such a "workfare" program is legal as well as philosophically sound. It now appears that the Utah experiment may prove to be a landmark in the development of U. S. public assistance policy and procedure.

POSITION PAPER

HOUSE BILL NO. 840

"An Act relating to work requirements for recipients of public assistance".

This Bill would develop a new mechanism to require those persons receiving AFDC, General Relief, and General Relief Medical who are not exempt under 45.U.S.C. 602(19)(A)(i), (ii), (iv-vi) to work for no compensation in positions developed in the non-profit sector.

This Department has considered the following in review of the Bill:

1. Federal law prohibits the denying of AFDC benefits on the basis of work requirements for situations other than those outlined in the WIN and Unemployed Father's programs. This Bill is, therefore, inconsistent with existing federal law, and enactment could jeopardize the State's receipt of federal monies for public assistance.
2. State demonstration projects authorized under the Social Security Amendments of 1977, Section 404 are required to compensate the participants for the work performed at an amount equal to the local prevailing hourly wage, up to the total amount of their welfare benefits. Based on the current minimum wage for State employees and the present average monthly AFDC grant amount, participants would be working only 12 hours a week, not 24.
3. There are no provisions for adequate support services to assist welfare recipients when on the unremunerated position. Should the State not pay or reimburse employment-related expenses, additional fiscal hardships would be imposed on an already strained family budget. Should individuals on partial grants be included in the legislation, their assistance payments would be greatly diluted if expenses are not defrayed by a public agency.
4. Due to the fact there are not provisions for in-depth screening of recipients once the basic work eligibility has been determined, there is concern that marginally employable individuals will be assigned duties which are inconsistent with their abilities. The resulting situation would be unfair to both the employer and assistance recipient. It is this negative spinoff that led one national study to conclude: "Work-for-relief efforts (merely working off one's relief payments in a makeshift job) are costly, inefficient, and resented by work supervisors as well as participants." ("The Work Incentive Program and Related Experiences", R&D Monograph 49, 1977).
5. Assuming all necessary employment functions are performed by the Department of Labor, the following administrative considerations arise:

A) if enacted for General Relief, General Relief Medical and AFDC recipients in Anchorage, Fairbanks, Juneau, Ketchikan and Sitka, the costs incurred by the Division of Public Assistance would reasonably include one eligibility worker in Fairbanks and Juneau, and 1.5 workers in Anchorage. The additional staff would determine monthly work registration status, and coordinate with the Department of Labor on each eligible recipient's work requirements;

B) as recipients are served only for one month at a time, computer linkage with DOL would be essential to administration;

C) because adjudicable issues may arise, provisions must be made for hearing procedures.

Because of the above mentioned reasons, the Department questions whether the enactment of this bill would benefit either the Alaskan taxpayer or public assistance recipient.

In summary, the Department is of the opinion that this measure may very well be a positive feature to install in the Alaska Public Assistance programs. However, the uncertainty of the Department's federal funding for the AFDC program, coupled with the above expressed concerns surrounding potential negative impacts which might result if this measure were enacted at this time, prompts the Department to conclude that any final action on this measure in the 1978 Legislative Session would be premature. Accordingly, the Department recommends that House Bill No. 840 be redirected as an expression of legislative concern in this area, and a directive to the Department of Health & Social Services to submit a complete analysis of this workfare concept, to include a definite recommendation whether to adopt such a provision, to the appropriate committee chairman of the Alaska Legislature during the first six weeks of the 1979 legislative session.

Recommended by:

Richard R. Wilson

Richard R. Wilson, Director
Division of Public Assistance

4-20-78

Date

Approved by:

Helen D. Beirne
Helen D. Beirne, Commissioner

Department of Health & Social Services

4-20-78

Date

STATE OF ALASKA THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465-3830

LEGISLATIVE AFFAIRS AGENCY

April 21, 1978

Utah "Workfare" Program (Work Experience and Training Program - WEAT)

Prepared by: Donna Rogers, Research Analyst
For: House HESS Committee

Purpose: To find work and provide training and on-the-job work experience for certain AFDC and General Assistance recipients who have not been offered training or work experience through the AFDC WIN (Work Incentive) program.

Brief History: The WIN program, due to federal reimbursement formulas, was finding jobs only for those AFDC mandatory registrants who already had marketable job skills. Persons who were not readily employable were not receiving training. The Utah legislature in '74 stated its intent that a requirement be established that "all employable welfare recipients-- primarily adult males and mothers of school age children--must report regularly and accept jobs or job training or take part in a community work force. Refusal will mean loss of aid." Proposals were submitted to the Department of Health, Education, and Welfare to gain federal approval of the resultant Utah WEAT program. Federal officials expressed concerns over the mandatory nature of the program and its penalty provisions. It was also unclear if federal authority to participate financially in a non-WIN work program even existed. The Utah proposal was redesigned and tentatively approved in 1976 with the understanding that clearer national policies could at any time cause recession of the approval. The proposal was approved as being necessary for the efficient administration of the AFDC program, due to WEAT's emphasis on training for future employment.

Who Must Register for WEAT

- a) All persons required by federal law to register for the WIN program who are not in an assigned WIN training or work experience program and are in a WEAT project area, or
- b) non-disabled persons (under age 60) who have no pre-school children and who are on General Assistance, and
- c) are working less than 20 hours per week.

Required Performance

- a) If assigned a WEAT position, the individual must work an average of 24 hours (three days) per week, or 96 hours per month.
- b) Two days each week are set aside for job search or training activities.

Excused Time

- a) A WIN assignment for training or employment excuses a person from WEAT.
- b) Illness as verified by a physician's statement.
- c) Time spent in job interviews set up by Job Service.

Penalties

- a) Failure to perform 96 hours per month without an acceptable excuse will result in the individual being removed from assistance (dependent children will not be removed from assistance).
- b) The individual will lose work expense training allowance of \$25 per month.

Other Requirements

- a) The individual will not be paid for work performed but will be reimbursed for work-related expenses (transportation, meals, etc.) at a rate of \$25 per month.
- b) Acceptance of a WEAT position is an eligibility requirement of AFDC or General Assistance for mandatory registrants.

Employer Duties

- a) The employer must provide all supplies and equipment.
- b) The job must meet health and safety standards.
- c) The employer must provide workman's compensation coverage.
- d) The employer must be either a government agency or a non-profit agency.
- e) The jobs offered must not displace regularly employed persons or strikers.
- f) The employer is responsible for supervision and training.

State Duties and Services

- a) The state will provide child care, if necessary, within funding limits.
- b) The state will provide a work expenses allowance (\$25 per month).
- c) The state, through already existing channels (Vocational Education, WIN, Job Service), will provide rehabilitation and job search services.
- d) The state will give advance notice of intent to impose a penalty and allow for appeals.
- e) There are 320 WEAT projects available for individuals throughout the state, each tailored to the local community's resources.
- f) Little state additional staff funding has been needed as existing community service and eligibility staffs are used.
- g) State coordinates closely and shares information with WIN, Job Service, and Vocational Rehabilitation.

Successes

Success depends on:

- a) The local job sponsor's willingness to work closely with the welfare client and the sponsor's realization of the educational, work experience, and social limitations the individual client has.
- b) The availability of child care.
- c) The availability of time and the aggressiveness of local eligibility worker staff to find local job sponsors, visit the job sites, refer clients, and coordinate with other existing programs.
- d) Adequate staffing.

Problems

- a) Lack of available child care funds to meet the needs of the increasing numbers of voluntary registrants for WEAT. Currently funding comes from Title XX (Social Services) and WIN funding. Ceilings in these programs limit available child care.
- b) Increasing work requirements on local eligibility staff limit the time available for active development of WEAT jobs. Utah had developed some computer data printouts which ease coordin-

ation of WIN and WEAT programs, but to more effectively pursue the goals of these programs, some additional eligibility staff in major areas of the state may be needed.

- c) Federal officials feel the current approval of WEAT for the AFDC program is on such shaky grounds that the state may be found non-compliant with federal requirements once national policies are clarified. They thus have recently urged Utah to place the WEAT program under WIN. Utah officials are concerned that the federal WIN program requirements may significantly diminish the effectiveness of the WEAT program.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

April 21, 1978

SUBJECT: Utah's Work Experience and Training Program

TO: House HESS Committee

FROM: Donna Rogers *DR*
Research Analyst

Attached please find a brief report outlining Utah's Work Experience and Training Program.

If you have questions on this material, please do not hesitate to contact me at 465-4917.

DR:jm

Attachment

STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

April 21, 1978

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
REGION X
ARCADE PLAZA BUILDING
1321 SECOND AVENUE
SEATTLE, WASHINGTON 98101

SOCIAL SECURITY ADMINISTRATION
OFFICE OF THE REGIONAL
COMMISSIONER

TESTIMONY REGARDING ALASKA HOUSE BILL NO. 840
MARCH 16, 1978

ALASKA HOUSE BILL NO. 840 WOULD ESTABLISH WORK REQUIREMENTS FOR RECIPIENTS OF PUBLIC ASSISTANCE. INCLUDED AMONG THESE RECIPIENTS WOULD BE CERTAIN PERSONS WHO ARE RECIPIENTS OF BENEFITS UNDER TITLE IV-A OF THE SOCIAL SECURITY ACT, KNOWN COMMONLY AS AID FOR FAMILIES WITH DEPENDENT CHILDREN OR AFDC.

WORK REQUIREMENTS IN RELATION TO THE RECEIPT OF ASSISTANCE UNDER THE FEDERALLY AIDED AFDC PROGRAMS HAVE BECOME A MATTER OF CONSIDERABLE PUBLIC INTEREST.

THE WORK ETHIC IS WELL ESTABLISHED AS A PART OF OUR NATIONAL LIFE. THE NEED AND WISH TO BE ECONOMICALLY PRODUCTIVE MAKES UNEMPLOYMENT A MAJOR PROBLEM IN TODAY'S SOCIETY. IT IS NOT ONLY THOSE WHO ARE POORLY EQUIPPED WHO HAVE DIFFICULTY IN FINDING EMPLOYMENT, MANY WHO ARE WELL EDUCATED AND TRAINED WITH VARIOUS SKILLS ARE ALSO FINDING THEMSELVES IN THE LINES TO CLAIM UNEMPLOYMENT COMPENSATION BENEFITS AND ON THE WELFARE ROLLS FOR VARYING LENGTHS OF TIME. IN ADDITION THERE ARE THE YOUNG PEOPLE WHO ARE SEEKING FOR THE FIRST TIME TO ENTER THE LABOR MARKET WHO ARE UNABLE TO FIND WORK AND THUS SEEK WELFARE AID.

THERE ARE NO DATA TO ESTABLISH THAT PERSONS SEEKING OR RECEIVING WELFARE AID ARE ANY LESS ANXIOUS TO WORK THAN ARE OTHER PERSONS.

WORK REQUIREMENTS UNDER FEDERAL LAW AND REGULATIONS

TITLE IV-A OF THE SOCIAL SECURITY ACT IMPOSES TWO DIFFERENT SETS OF PENALTIES, ONE FOR UNEMPLOYED FATHERS AND ANOTHER FOR ALL OTHER PRESUMED EMPLOYABLES UNDER THE WIN PROGRAM, FOR REFUSING TO REGISTER FOR EMPLOYMENT, REFUSING BONA FIDE OFFERS OF EMPLOYMENT OR TERMINATING WORK WITHOUT GOOD CAUSE.

THE AID FOR FAMILIES OF DEPENDENT CHILDREN UNEMPLOYED FATHERS PROGRAM (AFDC-UF) IS AN OPTIONAL PROGRAM AND ONE IN WHICH THE STATE OF ALASKA HAS DECLINED TO PARTICIPATE.

UNDER SECTION 407(b)(1) OF THE ACT AND 45 CFR 233.100(a)(5) THE ENTIRE FAMILY OF AN UNEMPLOYED FATHER MAY NOT RECEIVE AFDC IF THE FATHER HAS WITHOUT GOOD CAUSE, WITHIN A 30 DAY PERIOD, REFUSED A BONA FIDE OFFER OF EMPLOYMENT OR TRAINING FOR EMPLOYMENT.

I MENTIONED THE SANCTION PROVIDED UNDER THE AFDC-UF PROGRAM TO ILLUSTRATE THAT FEDERAL LAW DOES REQUIRE EMPLOYABLE FATHERS TO ACTIVELY SEEK EMPLOYMENT AS A CONDITION OF RECEIPT OF BENEFITS. ALASKA HOUSE BILL 840 WOULD NOT AFFECT THE TREATMENT OF EMPLOYABLE MALES INSOFAR AS RECEIPT OF FEDERALLY MATCHED WELFARE BENEFITS IS CONCERNED BECAUSE THE STATE HAS NOT ELECTED TO ASSIST THEM UNDER ANY CONDITIONS. HOWEVER, ALASKA HAS BEEN PROVIDING VENDOR PAYMENTS TO THIS GROUP SINCE OCTOBER, 1977 WHEN THE GENERAL RELIEF PROGRAM WAS CHANGED DUE TO COMPLAINTS BY LEGAL AID. I UNDERSTAND THAT THESE PAYMENTS WILL BE TERMINATED SHORTLY.

UNDER SECTION 402(a)(19)(F) THE NEEDS OF ANY INDIVIDUAL WHO FAILS TO PARTICIPATE IN THE WIN PROGRAM OR TO HAVE REFUSED EMPLOYMENT WITHOUT GOOD CAUSE ARE NOT TO BE TAKEN INTO ACCOUNT IN DETERMINING THE NEED OF THE FAMILY AND THE AMOUNT OF THE AFDC ASSISTANCE PAYMENT; ASSISTANCE MUST BE FURNISHED TO THE OTHER ELIGIBLE MEMBERS IN THE FORM OF PROTECTIVE OR VENDOR PAYMENTS TO OTHER THAN THE REFUSING MEMBER. IF AN INDIVIDUAL WHO IS A RELATIVE OTHER THAN THE UNEMPLOYED FATHER RECEIVING AFDC REFUSES WITHOUT GOOD CAUSE TO PARTICIPATE IN THE WORK INCENTIVE PROGRAM OR TO ACCEPT A BONA FIDE OFFER OF EMPLOYMENT IN WHICH HE IS ABLE TO ENGAGE, HIS NEEDS ARE REMOVED FROM THE AMOUNT OF ASSISTANCE OTHERWISE PROVIDED AND AFDC IS PROVIDED TO THE REST OF THE ASSISTANCE UNIT IN THE FORM OF PROTECTIVE OR VENDOR PAYMENTS OR AS FOSTER CARE. (45 CFR 234.60 AND 233.110).

IF SUCH INDIVIDUAL WHO REFUSES IS THE ONLY CHILD IN THE FAMILY, AFDC ASSISTANCE IS DENIED TO THE ENTIRE FAMILY. (45 CFR 224.51(a)(2))

THIS DENIAL OF AID TO THE REFUSING REGISTRANT IS NOT APPLIED DURING THE 60 DAYS IN WHICH THE INDIVIDUAL OBJECTS TO RECEIVE COUNSELING OR OTHER SERVICES BUT AFDC ASSISTANCE IS PAID AS A PROTECTIVE OR VENDOR PAYMENT. (45 CFR 224.51(b))

HOWEVER, IF AN UNEMPLOYED FATHER FAILS TO REGISTER FOR WIN AND IS NOT EXEMPT FROM WIN REGISTRATION, THE ENTIRE FAMILY IS INELIGIBLE FOR AFDC (SECTION 407(b)(2)(C) OF THE ACT).

THE LAW SPECIFIES THAT EVERY INDIVIDUAL, AS A CONDITION OF ELIGIBILITY FOR AID UNDER THE AFDC PROGRAM MUST REGISTER FOR MANPOWER SERVICES, TRAINING, AND EMPLOYMENT, AS PROVIDED BY REGULATIONS OF THE SECRETARY OF LABOR UNLESS SUCH INDIVIDUAL IS:

A CHILD WHO IS UNDER AGE 16 OR ATTENDING SCHOOL FULL TIME;

A PERSON WHO IS ILL, INCAPACITATED, OR OF ADVANCED AGE;

A PERSON SO REMOTE FROM A WORK INCENTIVE PROGRAM THAT HIS EFFECTIVE PARTICIPATION IS PRECLUDED;

A PERSON WHOSE PRESENCE IN THE HOME IS REQUIRED BECAUSE OF ILLNESS OR INCAPACITY OF ANOTHER MEMBER OF THE HOUSEHOLD;

A MOTHER OR OTHER RELATIVE OF A CHILD UNDER THE AGE OF 6 WHO IS CARING FOR THE CHILD; OR

A MOTHER OR OTHER FEMALE CARETAKER OF A CHILD IF THE FATHER OR ANOTHER ADULT MALE RELATIVE IS IN THE HOME AND NOT EXCLUDED FROM THE PROGRAM.

INDIVIDUALS WHO HAVE BEEN DETERMINED TO BE EXEMPT FROM REGISTRATION ON THE BASIS OF INCAPACITY ARE REFERRED TO THE APPROPRIATE STATE VOCATIONAL REHABILITATION AGENCY.

A MOTHER OR OTHER RELATIVE OF A CHILD UNDER THE AGE OF 6, WHO IS CARING FOR THE CHILD, IS ADVISED OF HER OPTION TO REGISTER IF SHE SO DESIRES, AND OF THE FACT THAT CHILD CARE WILL BE PROVIDED IF NEEDED. OTHER EXEMPTED INDIVIDUALS MAY REGISTER, SUBJECT TO ACCEPTANCE OF SUCH REGISTRATION BY THE SECRETARY OF LABOR.

WORK RELIEF PRECLUDED UNDER FEDERALLY AIDED ASSISTANCE PROGRAMS

QUESTIONS HAVE ALSO BEEN RAISED BY STATES AS TO WHETHER A CHILD, OTHERWISE ELIGIBLE FOR AFDC, OR THE ENTIRE UNIT COULD, UNDER FEDERAL POLICIES BE DENIED AID IF AN APPLICANT OR RECIPIENT REFUSED TO "WORK OUT" IN PROJECTS OR WORK RELIEF PROGRAMS, THE ASSISTANCE TO WHICH HE WAS OTHERWISE ENTITLED UNDER TITLE IV-A OF THE ACT.

SUCH A STATE PLAN PROVISION IS CLEARLY PROHIBITED UNDER 45 CFR 233.140 WHICH SPECIFIES THAT:

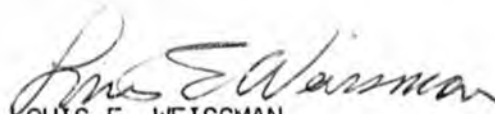
"FEDERAL FINANCIAL PARTICIPATION WILL NOT BE AVAILABLE IN EXPENDITURES MADE IN THE FORM OF PAYMENTS FOR WORK PERFORMED IN ANY MONTH AFTER JUNE 1968, EXCEPT UNDER THE WORK INCENTIVE PROGRAM AUTHORIZED BY TITLE IV, PART C OF THE SOCIAL SECURITY ACT, OR UNDER THE WORK EXPERIENCE AND TRAINING PROGRAMS AUTHORIZED BY TITLE V OF THE ECONOMIC OPPORTUNITY ACT."

ABSENT CONGRESSIONAL AUTHORITY TO THE CONTRARY, A NEEDY AND OTHERWISE ELIGIBLE CHILD AND HIS NEEDY CARETAKER RELATIVE MUST RECEIVE ASSISTANCE UNDER TITLE IV-A OF THE ACT TO WHICH HE IS OTHERWISE ENTITLED. THIS VIEW IS CONSISTENT WITH THE UNITED STATES SUPREME COURT DECISION IN THE CASE OF TOWNSEND v. SWANK. (404 U.S. 282)

WORK RELIEF REFERS TO ANY SYSTEM IN WHICH AN INDIVIDUAL IS ASSIGNED TO WORK-OFF THE ASSISTANCE GIVEN, OR TO WORK WITHOUT PAY AS A CONDITION OF

ENACTMENT OF ALASKA HOUSE BILL NO. 84) AS IT IS NOW WRITTEN WOULD BE INCONSISTENT WITH THE SOCIAL SECURITY ACT AND FEDERAL REGULATIONS. ENACTMENT OF THIS PROPOSED BILL WOULD RESULT IN A COMPLIANCE ISSUE WITH THE STATE OF ALASKA'S PUBLIC WELFARE DIVISION AND COULD PLACE THE FEDERAL FINANCIAL PARTICIPATION DOLLARS AT RISK.

THANK YOU,



LOUIS E. WEISSMAN
ACTING ASSISTANT REGIONAL COMMISSIONER
OFFICE OF FAMILY ASSISTANCE

- . APPROPRIATE HEALTH AND SAFETY STANDARDS AND TRAINING CONDITIONS MUST BE MADE
- . THE PROJECT MUST NOT RESULT IN DISPLACEMENT OF EMPLOYED WORKERS
- . COMPENSATION FOR WORK IS SPECIFIED AT AN HOURLY WAGE EQUAL TO THE LOCAL PREVAILING WORK WAGE
- . WORK CONDITIONS MUST BE REASONABLE
- . WORKMEN'S COMPENSATION MUST BE PROVIDED

(DEMONSTRATION PROJECTS MUST NOT LAST LONGER THAN TWO YEARS AND ALL MUST BE TERMINATED NOT LATER THAN SEPTEMBER 30, 1978)

THE FACT THAT THE CONGRESS FELT COMPELLED TO BROADEN SECTION 1115 OF THE ACT TO PERMIT WORK PROGRAMS SUCH AS THOSE UNDER DISCUSSION HERE IS CONSISTENT WITH THE CURRENT DEPARTMENTAL POSITION THAT SUCH PROGRAMS ARE INCONSISTENT WITH THE PROVISIONS OF THE SOCIAL SECURITY ACT ABSENT ANY OTHER SPECIFIC LEGISLATIVE AUTHORITY.

THE ONLY PROVISIONS IN FEDERAL LAW OR REGULATIONS WHEREBY A STATE MAY DENY AFDC TO INDIVIDUALS OR TO CHILDREN, ON THE BASIS OF WORK REQUIREMENTS, ARE THOSE CONTAINED IN SECTION 407 (b) (1) OF THE ACT AND 45CFR 233.100 (a) (5) PERTAINING TO THE UNEMPLOYED FATHER AND IN SECTION 402 (a) (19) (F) OF THE ACT AND 45CFR 224.21(b), 224.51(a) (1) AND 233.110 PERTAINING TO THE PROVISION OF FOSTER CARE FOR OTHER INDIVIDUALS UNDER THE WIN PROGRAM.

IN 1974 HEW PUBLISHED A REVOCATION OF §233.140 OF THE REGULATIONS; HOWEVER THIS REVOCATION WAS CHALLENGED IN A SUIT BROUGHT BY RECIPIENTS ORGANIZATIONS (NWRO v. DWIGHT) AND, THE REGULATION WAS REINSTATED.

STATE-ONLY WORK REQUIREMENTS

DURING THE PAST YEAR THERE WERE NUMEROUS INQUIRIES AS TO WHETHER, IN THE ABSENCE OF FEDERAL LAW, STATES COULD IMPOSE THEIR OWN WORK REQUIREMENTS AS A CONDITION OF RECEIVING AID UNDER TITLE IV-A IN ADDITION TO THESE PROVIDED IN THE ACT AS DESCRIBED ABOVE. THE ONLY ADDITIONAL INDIVIDUALS NOT COVERED UNDER CURRENT LAWS AND REGULATIONS WOULD BE RECIPIENTS IN NON-WIN AREAS. THE POSITION OF HEW TO DATE HAS BEEN THAT IN THE ABSENCE OF LEGISLATIVE AUTHORITY THE DEPARTMENT WOULD NOT ISSUE A POLICY TO SUPPORT STATE-ONLY WORK REQUIREMENTS.

CONGRESS ENACTED, AS A PART OF P.L. 95-216, THE SOCIAL SECURITY AMENDMENTS OF 1977, SECTION 404 ENTITLED STATE DEMONSTRATION PROJECTS. THIS SECTION AMENDS AND EXPANDS SECTION 1115 OF THE SOCIAL SECURITY ACT WHICH RELATES TO DEMONSTRATION PROJECTS. UNDER THIS AUTHORITY THE SECRETARY OF HEW COULD WAIVE CERTAIN STATUTORY REQUIREMENTS AND PERMIT NOT MORE THAN THREE DEMONSTRATION PROJECTS PER STATE. THESE PROJECTS COULD PROVIDE FOR PUBLIC SERVICE EMPLOYMENT. THERE ARE CERTAIN RESTRICTIONS CONNECTED WITH THIS AUTHORITY:

- A. NOT MORE THAN ONE SUCH PROJECT COULD BE CONDUCTED ON A STATEWISE BASIS.
- B. WITH RESPECT TO PUBLIC SERVICE EMPLOYMENT -

BOARD, FEBRUARY 26, 1936, BD. DOCUMENT NO. 73, 45 CFR 233.140. THE VIEW WAS BASED ON ITS CONCLUSION THAT A REQUIREMENT THAT AN INDIVIDUAL ACCEPT OTHERWISE UNRENUMERATED WORK AS A CONDITION OF ELIGIBILITY FOR AID IS, IN FACT, A REQUIREMENT THAT THE INDIVIDUAL "EARN" THE FAMILY'S ASSISTANCE BY WORK SO THAT THE WELFARE PAYMENT IS ACTUALLY COMPENSATION FOR SERVICES RENDERED AND NOT AID WITHIN THE MEANING OF U.S.C. § 506(b).

THE CORRECTNESS OF THIS INTERPRETATION OF THE STATUTE WAS CONFIRMED BY THE 1962 ENACTMENT OF 42 U.S.C. §609, THE COMMUNITY WORK AND TRAINING PROGRAM, WHICH PROVIDED SPECIFIC AUTHORIZATION FOR THE ESTABLISHMENT OF WORK RELIEF TYPE PROGRAMS IN AFDC UNTIL ITS REPEAL IN 1968 BECAUSE OF CONGRESSIONAL DISSATISFACTION WITH THE PROGRAM. UPON THIS REPEAL HEW PROMULGATED THE STILL EFFECTIVE 45 CFR 233.140 TO REESTABLISH ITS PRE-1962 RULE. SUBSEQUENT LEGISLATIVE PROPOSALS TO REINSTATE 42 U.S.C. §609 WERE REJECTED.

THIS POSITION WAS REAFFIRMED BY HEW IN 1971, WHEN BOTH CALIFORNIA AND NEW YORK PROPOSED WORK RELIEF PROGRAMS FOR AFDC RECIPIENTS AND WERE ADVISED THAT FEDERAL FUNDING WOULD NOT BE AVAILABLE IF THEIR REGULAR AFDC PLAN REQUIRED RECIPIENTS TO ACCEPT ASSIGNMENT TO WORK RELIEF. THE ONLY EXCEPTION HAS BEEN THE APPROVAL OF PLACEMENTS FOR NOT TO EXCEED 13 WEEKS UNDER THE WIN PROGRAM, ON THE GROUNDS THAT WHERE THE INDIVIDUAL HAD HAD VERY MINIMAL ATTACHMENT TO THE LABOR MARKET, ONE COULD CONSIDER "EXPOSURE TO WORK" TO BE A FORM OF TRAINING. SEE WIN HANDBOOK, CHAPTER SIX, PAGE 5, PARAGRAPH E.

RECEIVING SUCH NEEDS-RELATED CASH ASSISTANCE FOR HER OR HIS FAMILY. IT INCLUDES SYSTEMS IN WHICH THE AFDC ASSISTANCE IS SPECIFICALLY CHARACTERIZED AS PAYMENT FOR THE WORK, SYSTEMS IN WHICH HOURS OF WORK REQUIRED ARE DETERMINED BY ASSIGNING AN HOURLY VALUE TO THE WORK PERFORMED AND DETERMINING THE NUMBER OF HOURS THUS NEEDED TO "WORK OFF" THE PAYMENT, AND SYSTEMS IN WHICH ACCEPTANCE OF THE OTHERWISE UPaid WORK IS SIMPLY A CONDITION OF ELIGIBILITY FOR ASSISTANCE. IT IS UNCLEAR AS TO WHETHER THE INTENT OF ALASKA HOUSE BILL 840 IS TO LIMIT ELIGIBILITY AT INTAKE OR TO DENY AN ALREADY DETERMINED ELIGIBLE RECIPIENT UPON REFUSAL TO WORK FOR NO COMPENSATION. SUCH A DISTINCTION HOWEVER IS MOOT. SUCH WORK RELIEF CREATES A CLASS OF WORKERS WHO PERFORM WORK WITH NEITHER THE STATUS NOR THE BENEFITS GENERALLY ACCEPTED AS THE RIGHT OF EMPLOYEES. FOR EXAMPLE, AS NON-EMPLOYEES THEY ARE EXCLUDED FROM COLLECTIVE BARGAINING, FROM PENSION SYSTEMS, AND THEY CANNOT QUALIFY FOR PROMOTION. IN ADDITION, GENERALLY THE FAMILY SUFFERS AN OUT-OF-POCKET LOSS SINCE THEY CONTINUE TO RECEIVE ONLY THE AMOUNT OF THEIR REGULAR AFDC ASSISTANCE WITHOUT AN INCREMENT TO ACCOUNT FOR THE EXPENSES INCURRED AS A RESULT OF PARTICIPATION IN THE WORK RELIEF ASSIGNMENT.

FROM THE INITIAL ENACTMENT OF THE PUBLIC ASSISTANCE PROGRAMS IN 1935 HEW HAS TAKEN THE POSITION THAT REQUIRING AN INDIVIDUAL TO ACCEPT ASSIGNMENT TO A WORK RELIEF PROJECT, I.E., TO WORK OFF, OR WORK FOR, ASSISTANCE PROVIDED FOR IN TITLE IV-A OF THE ACT IS INCONSISTENT WITH THE BASIC REQUIREMENT THAT AFDC PAYMENTS BE UNRESTRICTED MONEY PAYMENTS, 42 U.S.C. §606(b). THIS PORTION IS REFLECTED IN THE MINUTES OF THE SOCIAL SECURITY

HB

847

STATE OF ALASKA
Inter-Department Route Slip

TO:
MAIL STATION NUMBER 3100

DEPARTMENT Alaska House of Representatives

ATTENTIO. Representative Charles H. Parr

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

FROM:
MAIL STATION NUMBER 0500

DEPARTMENT EDUCATION

BY Nat Cole DATE 4/11/78

STATE
of ALASKA

MEMORANDUM

TO: Honorable Charles H. Parr
Alaska House of Representatives

DATE: May 11, 1978

Thru: Rocky Plotnick
Administrative Assistant

FILE NO:

TELEPHONE NO:

FROM: Nat Cole, Deputy Commissioner
Department of Education

SUBJECT: CSHB 847

We have no objection to Sections 1-6 and 8 of this Committee Substitute. The effect of Section 7, however, is burdensome. This section would repeal the state licensure exemption presently afforded to school counselors, psychologists and psychometrists, and require those persons so employed to meet the state requirements. This would, in effect, impose upon those persons a double licensure requirement. In order for persons performing these duties to either participate in the Teachers Retirement System or qualify for tenure in a school district, they must first obtain a Type C teacher's certificate. This certificate is also, in a sense, a license. To be eligible for that license, we require at least a baccalaureate degree in our approved program of preparation, with specific training requirements. It makes much more sense that these people be trained in a four-year program of college training which has been approved by an accrediting association in the specific educational area in which they are employed, than for them to be able to pass an examination which may be totally irrelevant to what they do in the school setting.

It also seems to me that the distinction must be drawn between the relative education and experience requirements of a clinical practitioner in the above areas, and a practitioner in an education institution. As a practical matter, while we only require a baccalaureate for a Type C certificate, most colleges and universities require much more in the way of course-work and training before they will recommend a person for certification in the above areas than is presently required by Chapter 86 of Title 8.

Work draft. Please take a look at it and
give me a brief opinion. I need it this week.
I'd like to see some feed-back on the
draft.

To: Nat Cole, DOE
From: Rocky Plomin House HESS
Re: CSHB 847

MEMORANDUM

ALASKA
STATE LEGISLATURE

5-9-78

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to psychologists and psychological associates; and providing for an effective date."

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

* Section 1. AS 08.86.070(2) is amended to read:

no reaction (2) prepare, administer and grade [WRITTEN] examinations:

* Sec. 2. AS 08.86.160 is amended to read:

Sec. 08.86.160. ASSOCIATES: ENTITLEMENT TO LICENSURE. A person who passes the psychological associate examination given by the board entitled to be licensed as a psychological associate. A licensed psychological associate may not engage in private practice unless he is supervised by a licensed psychologist. *no reaction*

* Sec. 3. AS 08.86.162(3) and (4) are amended to read:

(3) has at least one year of [THREE YEARS'] experience with the past three [TEN] years, [TWO OF WHICH ARE IN ALASKA, AND INCLUDING ONE YEAR'S SUPERVISED POSTGRADUATE EXPERIENCE] acceptable to the board

(4) has the recommendation of his immediate supervisor [IF LICENSED PSYCHOLOGIST] *no reaction* or two licensed psychologists [WHO HOLD DOCTORAL DEGREES];

* Sec. 4. AS 08.86.185(a) is amended to read:

(a) Unless he is licensed under this chapter, no person may practice counseling or psychometrics, offer to practice counseling or psychometry, or represent to the public that he is a counselor, [OR] psychometrist, or psychological associate.

* Sec. 5. AS 08.86.230(5) is amended to read:

(5) "psychological associate" includes [A] counselor and psychometrist;

* Sec. 6. AS 08.86.230(10) is repealed.

No action

* Sec. 7. AS 08.86.180(b)(1) and 08.86.185(b)(1) are repealed. ←

* Sec. 8. Section 7 of this Act takes effect July 1, 1981.

STATE
of ALASKA

MEMORANDUM

TO: DATE: May 15, 1978
 Rocky Plotnick
 Administrative Assistant
 House HESS Committee

FILE NO.
 TELEPHONE NO.

FROM: Janice Gates *Janice* SUBJECT: Work Draft,
 Department of Health and CSHB 847
 Social Services

The Division of Mental Health and Developmental Disabilities and the Office of Alcoholism and Drug Abuse have reviewed the Work Draft for CSHB 847. The amendments suggested in the Work Draft do not alleviate the Department's problem with the bill, as expressed in the Position Paper for HB 847. Both the original bill and the Work Draft contain the same basic problem: the definition of "counseling" includes a very broad area of activities encompassing an extremely wide spectrum of employees. The suggested amendment does declare a moratorium on the need for public employees to comply with licensure until July 1, 1981, however after that time a basic minimal employment requirement of many jobs which encompass "counseling duties" will be licensure as a psychological associate or psychologist. This, in our opinion, imposes an unneeded and unwarranted requirement as a prerequisite to certain public employment.

We reiterate our opinion that the waiver exempting public employees who practice counseling or psychometrics to possess a license granted by the Alaska Board of Psychologists and Psychological Associate Examiners (AS 08.86.185 (b) (1) should not be repealed.

Thank you for the opportunity to comment on the Wrok Draft for CSHB 847.

"An Act relating to the practice of psychology, counseling and psychometrics."

The Department of Health and Social Services is in favor of requirements to license persons who actually provide professional psychological services, such as a clinical psychologist. The proposed repeal of AS 08.86.180 (b)(1) would implement this concept, thus eliminating a heretofore discriminatory provision which permitted the psychologist's licensure requirement to be governed by the individual psychologist's place of employment.

The Department does, however, object to requiring the broad array of services such as those encompassed in Sec. 08.86.185 to be subject to licensing by the Alaska Board of Psychologists and Psychological Associate Examiners. The proposed repeal of AS 08.86.185 (b)(1) would require all persons practicing counseling or psychometrics to possess a license granted by the Alaska Board of Psychologists and Psychological Associate Examiners. This would include all persons employed by a governmental unit, educational institution, or private agency who may be required to engage in some phase of work of a counseling or testing nature in the course of their employment, even though the employer may maintain appropriate supervision of the testing or counseling activities and of professional conduct.

Sec. 08.86.230 Definitions are so broad as to encompass the normal activities of most teachers in public schools, all special education instructors, all social workers and probation officers, all alcohol and drug abuse treatment personnel, almost all staff at the Alaska Psychiatric Institute and the Harborview Development Center, etc., as persons who practice counseling in some phase of their work.

Specifically, the following counseling services will be affected by the passage of House Bill 847:

- (a) "Governmental Unit." Most of the alcohol and drug programs in Alaska operate through direct arrangements between the State Office of Alcoholism and Drug Abuse and the governing body of the local municipality. All personnel in the projects, counseling or managerial, are employees of a governmental body.

The same fact holds true for mental health offices, family guidance clinics, offices on aging, child development centers, employment centers, and a wide range of other service-providing units. All these offices provide counseling services as defined under AS 08.86.230 (7)(B).

- (b) "Educational Institution." While nearly all school guidance counselors have undergone formal training in their specialty, a very small number of them qualify as board-certified psychologists. (Information from the Alaska Department of Education, Division of Teacher Certification, 2/78).
- (c) "Private Agency." Those alcohol and drug prevention, treatment and rehabilitation programs in Alaska which are not a direct function of a unit of

MEMORANDUM

State of Alaska *SB591*

TO: *Rocky Plotnik*

DEPT. _____
DIV. _____
SEC. _____

DATE : *5/9/78*

FROM: *Sharon Andrew*

SUBJECT: *CS HB 847*

Will get a typed copy of this over to you later. Call me if you have questions. 2535

municipal government, operate as privately organized councils of alcoholism and drug abuse. In function and purpose, they are "rehabilitation or health care organizations" [AS 08.86.230 (10)] exactly as are those programs which operate under the aegis of governmental units. All counseling services which take place in these organizations would be blocked or seriously curtailed by the passage of House Bill 847 unless arrangements suitable to the Board of Psychologist Examiners were effected.

The very broad definitions of what activities require license and the amendment proposed under House Bill 847 to require all persons who engage in any phase of these broadly defined activities to have a license will have several impacts:

- (1) The Alaska Board of Psychologists and Psychological Associate Examiners will be a very powerful group and control the availability of persons qualified (under Alaska Statute) to carry out many vital activities, e.g., public education, social services, mental health services, job counseling, etc.
- (2) The requirements of a Ph.D. degree or equally sophisticated experience and education to become licensed is not appropriate for many of the job requirements which these people now perform, i.e., a mental health aid would require a license under the act but does not perform work of a nature that would in fact require a Ph.D.
- (3) Costs for existing service will increase greatly to meet the salaries which must be paid to highly skilled professionals, i.e., board licensed psychologist even though the actual tasks performed do not require this level of professional expertise if proper supervision is provided. For example:
 - (a) There are only 52 licensed psychologists in Alaska at present, and not all of them are now engaged in active practice in that field. (State Office of Occupational Licensing, 1978).
 - (b) In 23 alcoholism and 9 drug abuse programs now in operation, there are 144 persons engaged in some form of counselling activity, including medical and social service professionals. This number represents slightly over 61% of all persons who are working in the areas of treatment, rehabilitation, education and prevention.
 - (c) There are 138 guidance counselors in the Alaskan school system, a minority of whom are board-licensed psychologists. (Department of Education, 1978).

The Department recommends against repeal of AS 08.86.185 (b)(1).

Recommended by:

Jerry L. Schrader
Jerry L. Schrader, M.D., Director
Division of Mental Health &
Developmental Disabilities

3/14/78
Date

Robert L. Cole
Robert L. Cole, Coordinator
Office of Alcoholism & Drug Abuse

3/15/78
Date

Approved by:

Helen D. Beirne
Helen D. Beirne, Commissioner
Dept. of Health & Social Services

4/11/78
Date

Sec. 1. will authorize the board to use oral examinations, as well as practical and written.

Written, objective exams are the most readily defensible in actions challenging validity. Boards using other than written exams are more frequently challenged under the A.P.A. which results in more cost to the state in defending. It isn't that good exams cannot be devised, but board members are seldom ~~very~~ competent to do so and do not have access to trained staff. The trend has been to reduce examination requirements which are more subjective because of increasing litigation in these areas both in Alaska and the other jurisdictions.

Sec. 2. specifies the type of exam to be given to psychological associates and restricts them from private practice without supervision. I am not well informed in this area. There are people in the state calling themselves various types of counselors, i.e., marriage counselors, who are not licensed psychological associates. As nearly as I can tell, they would be immediately affected. Perhaps you would like to contact John Jensen concerning this. He is

providing counseling services
independently in this area.
The telephone is listed as
364-2277.

Dec. 3 will reduce the working
experience for psychologists
over 60 years of age. This is one
year and eliminate the requirement
that experience must be in Alaska.
It will also allow those licensed
psychologists who do not have
doctoral degrees the experience
psychological associates and
recommend them for licensure.

Dec. 4 no longer clean up
which places the term "psycholo-
gical associate" in a restricted
category.

Dec. 5 has no effect except
improved readability as merely
as I can understand it.

Dec. 6 repeats the definition of
"private agency" which is
used in add. 180(c)(1) and
185(b)(1). For consistency it
should be retained until the
effective date of the repealer
provided in Dec. 8.

Sec. 7 repeals those sections of the statute which exempt psychologists and psychological associates who work for governmental, educational and private agencies under "appropriate supervision". It is my recommendation that AS 08.86.185 (b) (1) not be repealed at this time. The definition of "counseling" is so broad that I believe the elimination of this exemption will bring many private and quasi-private programs into conflict with the law. For instance, all drug abuse and alcohol abuse centers, vocational rehabilitation counseling, battered women centers, suicide centers and probably many more.

Sec. 8 delays the effective date of Sec. 7 until July 1, 1981 and should also delay the effective date of Sec. 6.

One further comment, I've been led to believe that the language of AS 08.86.230 (2) and (7) is so broad as to make the chapter very difficult to enforce from a constitutional standpoint. I don't have any recommendations for

changing these definitions, but
believe it needs to be done and
suggest an attorney be consulted
on this issue.

Copied & returned, JH
Dorothy G. Whitmore, Ed. D.

Ψ Psychology

207 E. Northern Lights Blvd., Anchorage, Alaska 99503. Phone (907) 276-2230
MAY 1, 1973

Rep. Charles H. Parr
Pouch V
Juneau, Alaska

Dear Sir:

We are aware that Rep. Clark Gruening introduced HB 847 and that this proposed legislation fails to include the additions suggested by the State Board of Psychologist and Psychological Associate Examiners. Rep. Gruening's bill does include the deletions the Board proposed.

It is suggested that the HESS Committee obtain a copy of Sen. Pat Rodey's bill, which is the complete modification of the psychological licensing law.

We urge passage of the bill in its complete form.

Thank you.

Sincerely,

Dorothy G. Whitmore

Dorothy G. Whitmore, Ed. D.
Chairman, Board of Psychologist and
Psychological Associate Examiners

DGW:amh



FRANK J. GOLD, Ed. D.

Registered Psychologist

~~XXXXXX~~ 3098 Airport Way
FAIRBANKS, ALASKA 99701
(907) 456-4409

March 13, 1978

Representative Charlie Parr
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Charlie,

I recently received a letter from Representative Clark Gruening indicating that he had introduced HB 847 (a bill requested by the Board of Psychologist & Psychological Associate Examiners which would eliminate certain section of the present licensing act).

I responded to him that his proposed legislation only eliminated problem areas; it did not modify and add those sections also requested. (See attached letter to Rep. Gruening.)

A more complete proposed bill is supposedly in the Senate HESS Committee. If it is not, then it is in the hands of Senator Pat Rodey (see attached proposed Senate bill).

I polled the Board very carefully before suggesting any changes to anyone. I believe it is the bill in Senator Rodey's hands that meets the needs of the Psychologist licensing Board. I am asking you--and the membership of the House HESS Committee (by means of copies of this letter and attached materials)--to modify Rep. Gruening's proposed legislation to duplicate that which Senator Rodey proposed.

Thanks for your assistance.

Sincerely,

Frank J. Gold, EdD

cc: Membership, House HESS

*Yes at AK House this weekend for witness Phil Decker's show.
Upstairs is really pretty w/ amazing things. If you see
Chip ever, send my regards. 7*



FRANK J. GOLD, Ed. D.

Registered Psychologist

NERI CORPUS 3098 Airport Way
FAIRBANKS, ALASKA 99701
(907) 456-4409

February 28, 1978

Representative Clark Gruening
Alaska State House of Representatives
Pouch V
Juneau, Alaska 99811

Dear Clark,

Thank you for your letter of 21 February 1978 and your introduction of HB 847.

Attached find a copy of the bill which Senator Pat Bailey sent to me (and which was to be introduced in the Senate). Note that some additions were requested as well as the deletions you recognized.

The complete modification should have the support of every psychologist in the state, we (the Board of Psychologists & Psychological Associate Examiners) met with Commissioner Marshall Lind while in Juneau and I believe his support can be expected, the clarifications requested should meet the criticisms noticed by the Attorney General's office.

Opposition can be expected from state employees (who are now exempt from licensing requirements), some opposition might be expected from the school counselors--at least until they become aware of the requested changes which would make them eligible for licensure. In short, those with a vested interest in evading the licensing requirements will probably be opposed and even the 1981 date is not going to appease.

Indeed, I would be more than happy to testify before the House Health, Education & Social Services Committee--or before any subcommittee that might hold public hearings around the state.

Again, thanks for your interest. If you had not been out of town when I was in Juneau I could have thanked you personally over a drink.

Sincerely,

Frank J. Gold

IN THE LEGISLATURE OF THE STATE OF ALASKA

TENTH LEGISLATURE - SECOND SESSION

A BILL.

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* Sec. 8. Section 7 of this Act takes effect July 1, 1981.

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 - (c) There are 138 guidance counselors in the Alaskan school system, a minority of whom are board-licensed psychologists. (Department of Education, 1978).

The Department recommends against repeal of AS 08.86.185 (b)(1).

Recommended by:

Jerry L. Schrader
Jerry L. Schrader, M.D., Director
Division of Mental Health &
Developmental Disabilities

3/14/78
Date

Robert L. Cole
Robert L. Cole, Coordinator
Office of Alcoholism & Drug Abuse

3/15/78
Date

Approved by:

Helen D. Beirne
Helen D. Beirne, Commissioner
Dept. of Health & Social Services

4/11/78
Date

THE LEGISLATURE OF THE STATE OF ALASKA
TENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 847 - An Act relating to the practice of psychology.

Title counseling and psychometrics

Requested by _____ Date 2/15/78

II. FISCAL DETAIL

Agency Affected Commerce & Economic Development

Program Category Affected Public Protection

Budget Request Unit(s) Affected Regulation of Occupations and Professions

EXPENDITURES (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
100 PERSONAL SERVICES			39.2	41.6	44.0	46.7
200 TRAVEL			4.0	4.2	4.5	4.8
300 CONTRACTUAL			6.6	7.0	7.4	7.8
400 COMMODITIES			2.4	2.5	2.7	2.9
500 EQUIPMENT			2.7			
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL			54.9	55.3	58.6	62.2

FUNDING (Thousands of Dollars)

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
GENERAL FUND			54.9	55.3	58.6	62.2
FEDERAL FUNDS						
OTHER (Specify)						

POSITIONS

	FY 77	FY 78	FY 79	FY 80	FY 81	FY 82
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Elimination of all exemptions to psychology licensing requirement will place within the division's enforcement jurisdiction all state wide mental health rehabilitative programs, all educational counseling programs, and all social worker programs. This is estimated to require one full-time special investigator and one part-time clerk typist III. Inflation is computed at 6% per year. Assumes an implementation date of 7/1/78. A detail of expenditures is attached.

IV. DATE 2/21/78 PREPARED BY Sharon Andrew
AGENCY Occupational Licensing
PHONE 465-2535

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

Special Investigator	@R 17G	12 Man Mos.	24,024
Clerk Typist III	@R 8-A	6 Man Mos.	<u>6,552</u>
			30,576

FICA			1,850
Health Insurance			1,480
Benefits			<u>5,275</u>
			39,181

TRAVEL			
In-State Transportation			1,320
In-State Per diem			<u>2,640</u>
			3,960

CONTRACTUAL			
Communications - Phone, tolls and telegrams			1,000
Training - Police Academy, one week			1,000
Space - 150 Sq. feet @ 1.25 per month			2,250
Vehicle - @ 195 per month			<u>2,340</u>
			6,590

COMMODITIES			
General Office Consumables			200
Fuel and lubrication for leased vehicle			<u>2,200</u>
			2,400

EQUIPMENT			
Desk, double pedestal			335
Desk, secretarial			328
Bookcase			76
File cabinet - 5 drawer legal with lock			195
Credenza			268
Chair, executive			158
Chair, secretarial			99
Side Chair - 2 @ 120			240
Tape recorder			250
Typewriter			<u>792</u>
			2,741

STATE OF ALASKA
Inter-Department Route Slip

TO:

MAIL STATION NUMBER 3100

DEPARTMENT House NEWS

ATTENTION _____

- | | |
|--|--|
| <input type="checkbox"/> Approval | <input type="checkbox"/> Note & Return |
| <input type="checkbox"/> Signature | <input type="checkbox"/> Initial & Return |
| <input type="checkbox"/> Comment | <input type="checkbox"/> Return As Requested |
| <input type="checkbox"/> Contact Me | <input type="checkbox"/> Return For Approval |
| <input type="checkbox"/> Prepare Reply | <input type="checkbox"/> Necessary Action |
| <input type="checkbox"/> For Your File | <input type="checkbox"/> Your Information |

Remarks:

FROM:

MAIL STATION NUMBER 0800

DEPARTMENT Commerce

BY Paul Knudsen DATE 3/23

Rocky —

Please notify
R. E. Johnson
2658 Porter Place
Anch 99504
when HB 847 is
scheduled.

Thank
Ch.

Rocky

① What do we have on this?

② Does board have different exams for nat
psychologists, industrial psy, school psy, etc?

③ Ditto question for psych associates -

④ What does Dr. Schneider think?

* ⑤ " " Dr. Lind " ?

⑥ " do you think?

C.

National:
Prof Exam
Service
test in Prog

same test,
lower passing
grade

2535 Sharon Andrews

mixed feelings
put a bill out
by request

Jan Cleason

Board made changes

2-10-78

Charlie,

Here are the answers to the questions you asked:

1. my entire file is attached
2. there is one exam
3. it's the same exam as above, but with a lower passing grade
4. Dr. Schraeder thinks Gold's idea is okay only with the proposed regs.
5. Dr. Lind thinks a bill should be introduced so all sides to the question can be voiced. He has mixed feelings at present.
6. I think if YOU introduce this bill it should be by request. Gold says the Board met and has made some additional changes to the ones he gave us. I learned this late today, so will have to wait to get a copy. Gold says copies have been sent to members of the Leg. so maybe you'll get them this weekend. Before a bill is drafted, I think we better look at what the Board did. I do see potential problems with this. If the definitions remain the same, I think they could be interpreted too broadly. I am concerned that school counselors would have to be licensed. Maybe that would be desirable and upgrade the quality of present counselors.

Thank-
hold for



Randy

STATE OF ALASKA
DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
POUCH D
JUNEAU, ALASKA 99811
Phone (907) 465-2544

PSYCHOLOGY PROCEDURE SHEET

AS 08.86: Alaska Law requires licensure to practice Psychology.

General Instructions: All copies of documents must be certified by a Notary Public to be true copies of the original documents. Your application and supporting documents will be returned if they are not completed and in proper form.

Foreign applicants: All foreign documents must be certified by a Notary Public and must be accompanied by certified translations by a recognized translator.

Applicants are requested to read the application and these instructions carefully, as failure to do so may cause additional correspondence and delay in the processing of your application; it may result in your having to wait for the next board meeting or examination.

REFERENCES. Attached are reference letter forms which must be forwarded by you to your list of references and then submitted directly to the Department of Commerce and Economic Development.

VERIFICATION OF OUT-OF-STATE LICENSURE. Attached is a verification form. It is your responsibility to forward this form to the state where you are presently licensed and then submit it directly to this office.

VERIFICATION OF POST DOCTORAL SUPERVISED EXPERIENCE. Attached is a Post Doctoral Supervisory Experience Verification form. This form must be submitted to your supervisor or former supervisor for completion by them and submitted directly to this office.

LICENSURE BY ENDORSEMENT: (Psychologist) The following documents must be on file in this office before you will be considered for licensure:

1. A completed notarized application, photo and a \$50 application fee.
2. Out-of-state license fee of \$50.
3. Verification of current licensure in another state.
4. a. Proof of a Doctoral Degree with primary emphasis on psychology from an accredited school.
b. Proof of one year post doctoral supervised experience;
-OR-
c. Proof that you are a diplomate in good standing with the American Boards of Examiners in Professional Psychology.
5. Five (5) reference letters.
6. Resume or Vita.

AS 08.86 requires that the examination and qualifications at the time of your licensure are essentially similar to Alaska. Therefore, the acceptance or rejection of your application will be based on these requirements.

If you are a diplomate of the American Board of Examiners in Professional Psychology you are eligible for licensure by endorsement. You must submit certified evidence that you are a diplomate.

After all documents are received in this office, they will be submitted to the Board for review. You will be notified by this Department of the Board's decision.

LICENSURE BY EXAMINATION: (PSYCHOLOGIST) The following documents must be on file in this office before you will be considered for examination:

1. A completed notarized application, photo and a \$50 application fee.
2. A \$30 examination fee.
3. Proof of a Doctoral Degree with emphasis on Psychology from an accredited school.
4. Five (5) reference letters. Attached are reference letter forms.
5. Proof of one year of post doctoral supervised experience.
6. Resume or Vita.

After all documents are received in this office, they will be submitted to the Board for review. You will be notified by this Department of the Board's decision.

LICENSURE BY EXAMINATION: (Psychological Associate) The following documents must be on file in this office before you will be considered for examination:

1. A completed notarized application, photo and application fee.
2. A \$30 examination fee.
3. Certified copy of a Masters Degree showing proof of at least 24 semester hours of course work related to counseling or another specialized area which licensure is requested.
4. Proof of practical work or previously studied theory on your Masters Degree.
5. Proof of three (3) years of experience within the past ten (10) years which must be as follows: Two (2) years of experience in Alaska; and one (1) year of supervised post graduate experience.
6. Recommendation from your immediate supervisor, if a licensed Psychologist or from two licensed Psychologists who hold Doctoral Degrees.
7. Five (5) reference letters.

An applicant for the Psychological Associate examination cannot be scheduled for the examination if he has failed the examination within the past six (6) months. The applicant must wait until his six months period has expired before he can be rescheduled for the examination.

EXAMINATIONS: Examinations are usually held in March and September of each year. The Board utilizes the written examination provided by the American Association of State Psychology Boards. These examinations are usually four hours long. The answer sheets are returned to the Professional Examination Service for grading. Examinees are notified of the results of the examination by this Department after they are received in this office. The Board has approved one (1) standard deviation below the mean as an acceptable score for licensure.

RENEWAL OF LICENSES: All permanent licenses must be renewed by June 30 on odd number years. A license which is not renewed by the due date lapses. A penalty of \$10 shall be charged in addition to all delinquent renewal fees for reinstatement of a license which remains lapsed for more than 60 days. It is illegal to practice on a lapsed license. Notification of the necessity to renew will be mailed to each licensee approximately 30 days before the renewal date. Failure to receive a renewal notice is not considered an excuse for nonrenewal.

Chapter 86. Psychologists and Psychological Associates.

Article

1. Board of Psychologist and Psychological Associate Examiners (§§ 08.86.010—08.86.050)
2. Administration of Board Affairs (§§ 08.86.070—08.86.100)
3. Licensing of Psychologists (§§ 08.86.120—08.86.150)
- 3A. Licensing of Psychological Associates (§§ 08.86.160—08.86.162)
4. Prohibitions and Penalties (§§ 08.86.170—08.86.220)
5. General Provisions (§ 08.86.230)

Article 1. Board of Psychologist and Psychological Associate Examiners.

Section	Section
10. Creation and membership of board	30. Board meetings
20. Appointment and term of office	40. Assistants
	50. Transportation and per diem

Sec. 08.86.010. Creation and membership of board. There is created a Board of Psychologist and Psychological Associate Examiners. It consists of three licensed psychologists, and two persons who have no direct financial interest in the health care industry. (§ 1 ch 136 SLA 1967; am § 1 ch 65 SLA 1973; am § 30 ch 102 SLA 1976)

Effect of amendment.

The 1976 amendment added "and two persons who have no direct financial interest in the health care industry" to the end of the second sentence.

Effective date. — Section 50, ch. 102, SLA 1976, makes the amendment to this

section effective 30 days after the effective date of this act. Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

Sec. 08.86.020. Appointment and term of office. Members of the board are appointed by the governor and confirmed by the legislature for staggered terms of three years. The terms of the public members shall be set so that they do not expire at the same time. A member serves at the pleasure of the governor. (§ 1 ch 136 SLA 1967; am § 31 ch 102 SLA 1976)

Effect of amendment. — The 1976 amendment added the present second sentence.

Effective date. — Section 50, ch 102, SLA 1976, makes the amendment to this

section effective 30 days after the effective date of this act. Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

Sec. 08.86.030. Board meetings. The board shall hold a regular annual meeting. The board may hold special meetings at the call of the chairman or of two board members. (§ 1 ch 136 SLA 1967)

Sec. 08.86.040. Assistants. The board may employ assistants to prepare and grade examinations and to investigate alleged violations of this chapter. (§ 1 ch 136 SLA 1967)

Sec. 08.86.050. Transportation and per diem. Notwithstanding the provisions of AS 39.20, no board member is entitled to transportation or per diem allowance. (§ 1 ch 136 SLA 1967)

Article 2. Administration of Board Affairs.

Section 70. Duties of the board 80. Board regulations 90. Administrative duties of the department	Section 100. Applicability of the Administrative Procedure Act
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Sec. 08.86.070. Duties of the board. The board shall

- (1) pass on qualifications of applicants for licenses;
- (2) prepare, administer and grade written examinations;
- (3) after hearing, suspend or revoke the license of a licensed psychologist or psychological associate who violates a regulation of the board;

(4) set fees which are charged for psychological associates. (§ 1 ch 136 SLA 1967; am §§ 2, 3 ch 65 SLA 1973)

Effect of amendment. — The 1973 amendment inserted "or psychological associate" in paragraph (3) and added paragraph (4).

Sec. 08.86.080. Board regulations. The board shall adopt regulations to carry out the purposes of this chapter. (§ 1 ch 136 SLA 1967)

Sec. 08.86.090. Administrative duties of the department. The department shall furnish administrative services for the board. (§ 1 ch 136 SLA 1967)

Sec. 08.86.100. Applicability of the Administrative Procedure Act. The Administrative Procedure Act (AS 44.62) applies to regulations and proceedings under this chapter. (§ 1 ch 136 SLA 1967)

Article 3. Licensing of Psychologists.

Section 120. Entitlement to licensure 125. Malpractice insurance 130. Qualification for examination	Section 135. Temporary license 140. Fees 150. Out-of-state license
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Sec. 08.86.120. Entitlement to licensure. A person who passes the examination given by the board is entitled to be licensed as a psychologist. (§ 1 ch 136 SLA 1967)

Sec. 08.86.125. Malpractice insurance. If medical malpractice insurance for psychologists or psychological associates becomes unavailable on the voluntary market and the director of insurance finds, after public hearing, that the unavailability is impairing the delivery of psychologist or psychological associate services to the public, the director of insurance may require all persons licensed under this chapter to carry medical malpractice insurance and to purchase their insurance from the Medical Indemnity Corporation of Alaska established under AS 21.88. If a finding of unavailability of insurance on the voluntary market and impairment of services has been made under this section, purchase of medical malpractice insurance from the Medical Indemnity Corporation of Alaska is a condition of licensure under this chapter. The provisions of this section are satisfied if the licensee's employer maintains insurance for him from the Medical Indemnity Corporation of Alaska. (§ 32 ch 102 SLA 1976)

Effective date — Section 50, ch. 102, SLA 1976, makes this section effective 30 days after the effective date of this act. Section 51 of ch. 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

Sec. 08.86.130. Qualification for examination. A person is entitled to take an examination if the board finds he

(1) has not engaged in dishonorable conduct relevant to the practice of psychology;

(2) holds a doctoral degree with primary emphasis on psychology from an accredited school;

(3) has at least one year's experience acceptable to the board. (§ 1 ch 136 SLA 1967)

Sec. 08.86.135. Temporary license. The board may issue a temporary license to a person who meets the requirements of § 130 of this chapter. A temporary license issued under this section is valid until the results of the examination following the issuance of the temporary license are published. (§ 1 ch 38 SLA 1970)

Sec. 08.86.140. Fees Each application fee, renewal fee, biennial and out-of-state license fee is \$50. The fee for a temporary license is \$10. The fee for a duplicate license is \$2. (§ 1 ch 136 SLA 1967; am § 2 ch 38 SLA 1970)

Revisor's note (1970). — In ch. 38, SLA 1970, "biannual" was used instead of "biennial" in the first sentence of this section. The correction was made in light of AS 08.01.100(a) (which requires biennial renewal) and the statement in Webster's Third New International Dictionary that the two words are "sometimes" synonymous. Such a usage was clearly the intent of ch. 38, SLA 1970.

Sec. 08.86.150. Out-of-state license. A person who is licensed or certified as a psychologist by an authority other than Alaska is entitled to be licensed in Alaska without examination if

(1) he holds a doctoral degree with primary emphasis on psychology from an accredited school;

(2) the examination and qualification requirements for his out-of-state license or certificate were essentially similar to the examination and qualification requirements for licensure in Alaska at the time he was licensed; or

(3) he is a diplomate in good standing of the American Board of Examiners in Professional Psychology;

(4) he completes and returns the proper application forms, and pays the out-of-state certificate fee. (§ 1 ch 136 SLA 1967)

Article 3A. Licensing of Psychological Associates.

Section

160. Associates: Entitlement to licensure

Section

162. Associates: Qualification for examination

Sec. 08.86.160. Associates: Entitlement to licensure. A person who passes the examination given by the board is entitled to be licensed as a psychological associate. (§ 5 ch 65 SLA 1973)

Sec. 08.86.162. Associates: Qualification for examination. A person is entitled to take a psychological associate examination if the board finds that he:

(1) has not engaged in dishonorable conduct related to the practice of counseling or psychometry;

(2) holds a master's degree from an accredited or approved educational institution, with at least 24 credit hours of course work directly related to counseling or another specialized area in which licensure is requested, including a practicum;

(3) has at least three years' experience within the past ten years, two of which are in Alaska, and including one year's supervised postgraduate experience acceptable to the board;

(4) has the recommendation of his immediate supervisor if a licensed psychologist, or two licensed psychologists who hold doctoral degrees;

(5) has not within the preceding six months failed an examination given by the board. (§ 5 ch 65 SLA 1972)

Article 4. Prohibitions and Penalties.

Section	Section
170. Use of title	200. Confidentiality of communication
180. Practice of psychology	210. Penalty
185. Practice of counseling and psychometrics	220. Limits or conditions on license; discipline
190. Name under which person practices	

Sec. 08.86.170. Use of title. (a) Unless he is licensed under this chapter, no person may use the title "psychologist" or a title, designation, or device indicating or tending to indicate that he is a psychologist or practices psychology.

(b) Unless he is licensed under this chapter, no person may use the title "psychological associate" or a title, designation, or device indicating or tending to indicate that he is a psychological associate or practices counseling or psychometrics. (§ 1 ch 136 SLA 1967; am § 6 ch 65 SLA 1973)

Effect of amendment. — The 1973 amendment added subsection (b).

Sec. 08.86.180. Practice of psychology. (a) Unless he is licensed under this chapter, no person may practice psychology, or offer to practice psychology, or represent to the public that he is a psychologist or that he practices psychology.

(b) This section does not apply to

(1) a person employed by a governmental unit, educational institution or private agency who may be required to engage in some phase of work of a psychological nature in the course of his employment, if the employer maintains appropriate supervision of psychological activities and professional conduct;

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

(3) a qualified member of another profession, such as a social worker, or pastoral counselor, in doing work of a psychological nature consistent with his training and consistent with the code of ethics of his profession;

(4) Repealed by § 15 ch 65 SLA 1973.

(5) a person practicing medicine, if he is licensed to practice medicine.

(c) Nothing in this chapter authorizes a person licensed a psychologist to engage in the practice of medicine, as defined by the laws of the state. (§ 1 ch 136 SLA 1967; am § 10 ch 69 SLA 1970; am §§ 7, 15 ch 65 SLA 1973)

Effect of amendment. — The 1973 amendment deleted "or" preceding "educational institution" in paragraph (1) of subsection (b) inserted "or private agency" and the proviso, and repealed paragraph (4) of that

subsection.

Legislative committee report.—For report on ch. 69, SLA 1970 (HB 564), see 1970 House Journal Supplement No. 2, p. 7.

Sec. 08.86.185. Practice of counseling and psychometrics. (a) Unless he is licensed under this chapter, no person may practice counseling or psychometrics, offer to practice counseling or psychometry, or represent to the public that he is a counselor or psychometrist.

(b) This section does not apply to:

(1) a person employed by a governmental unit, educational institution or private agency who may be required to engage in some phase of work of a counseling nature in the course of his employment, if the employer maintains appropriate supervision of psychological activities and professional conduct;

(2) a student, intern or resident in psychology pursuing a course of study approved by the board as qualified training and experience for counseling, if his activities constitute a part of his supervised course of study;

(3) pastoral counselors.

(c) Nothing in this chapter authorizes a person licensed as a psychological associate to engage in the practice of medicine, as defined by the laws of the state. (§ 8 ch 65 SLA 1973)

Sec. 08.86.190. Name under which person practices. (a) A licensed psychologist may practice psychology only under his own name.

(b) A licensed psychological associate may practice counseling or psychometry only under his own name. (§ 1 ch 136 SLA 1967; am § 9 ch 65 SLA 1973)

Effect of amendment. — The 1973 amendment added subsection (b).

Sec. 08.86.200. Confidentiality of communication. No psychologist or psychological associate may reveal to another person a communication made to him by a client of his about a matter concerning which the client has employed the psychologist or psychological associate in a professional capacity. This section does not apply to a case conference with other psychologists, psychological associates or with physicians and surgeons, or in the case in which the client in writing authorized the psychologist or psychological associate to reveal a communication. (§ 1 ch 136 SLA 1967; am § 10 ch 65 SLA 1973)

Effect of amendment. — The 1973 amendment, in the first sentence, inserted "or psychological associate" twice and, in the second sentence, inserted "psychological associates" and "or psychological associate."

Sec. 08.86.210. Penalty. A person who violates §§ 170, 180, 185, or 190 of this chapter is guilty of a misdemeanor. (§ 1 ch 136 SLA 1967; am § 11 ch 65 SLA 1973)

Effect of amendment. — The 1973 amendment inserted "185."

Sec. 08.86.220. Limits or conditions on license; discipline. (a) Upon a finding that by reason of demonstrated problems of competence, experience, education, or health the authority to practice psychology or as a psychological associate under this chapter should be limited or conditioned or the practitioner disciplined, the board may reprimand, censure, place on probation, restrict practice by time, specialty, procedure or facility, require additional education or training, or revoke or suspend a license.

(b) The Administrative Procedure Act (AS 44.62) applies to any action taken by the board under this section. (§ 32 ch 102 SLA 1976)

Effective date. — Section 50, ch. 102, SLA 1976, makes this section effective 30 days after the effective date of this act. Section 51 of ch 102 makes the act effective May 29, 1976, in accordance with AS 01.10.070(c).

Article 5. General Provisions.

Section

230. Definitions

Sec. 08.86.230. Definitions. In this chapter

- (1) "psychologist" means a person who practices psychology;
- (2) "to practice psychology" means to apply established principles of learning, motivation, perception, thinking, and emotional relationships to problems of personnel evaluation, group relations, and behavior adjustment, including
 - (A) counseling and guidance;
 - (B) using psychotherapeutic techniques with persons or groups of persons who have adjustment problems in the family, at school, or at work;
 - (C) measuring and testing of personality, intelligence, aptitudes, emotions, and attitudes and skills;
 - (D) conducting research on human behavior;
- (3) "board" means the Board of Psychologist and Psychological Associate Examiners;