

ALASKA LEGISLATIVE COMMITTEE REPORTS 1967-2

214.89

HHESS

HB

418

-

HB

424

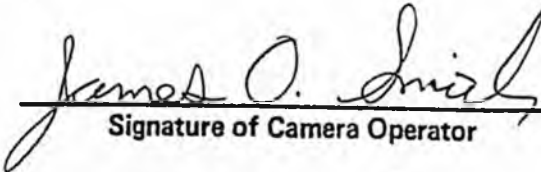
88

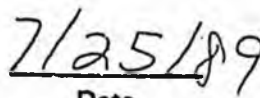


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

H B

4 1 8

HOUSE
COMMITTEE REPORT

(7)

Date referred: 3/26/86

FURTHER REFERRALS: JUDICIARY

HEALTH, EDUCATION AND
SOCIAL SERVICES

DATE: April 14, 1986

Committee has considered B 418

"An Act relating to liability for providing emergency medical care."

and recommends:

- do pass
- do not pass
- do pass with attached amendment(s)
- no recommendation
- replace with _____ same title
- _____ new title

and recommends _____

further referral to the _____ Committee

- and attaches:
- letter of intent
 - first fiscal note
 - new fiscal note
 - zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Neil Kopron

Wesley Guenther NO REC

Allye Winley - if provisions
are not already included
in statute.

Lacie Hurley NO REC

Adrian Taylor Do Not Pass

[Signature] amend
no rec

David W. Kopron NO REC

Neil Kopron co-chair
Chairman
Wesley Guenther

Introduced: 5/1/85
Referred: Labor & Commerce,
Health, Education & Social Services
and Judiciary

1 IN THE HOUSE

BY MARROU

2

HOUSE BILL NO. 418

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to liability for providing emergency
7 medical care."

8

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

9

* Section 1. AS 08.64.366 is amended to read:

10

Sec. 08.64.366. LIABILITY FOR SERVICES RENDERED BY A PHYSICIAN-

11

TRAINED MOBILE INTENSIVE CARE PARAMEDIC. An [NO] act or omission of a

12

physician-trained mobile intensive care paramedic done or omitted in

13

good faith while rendering emergency [LIFESAVING] service to a person

14

who is in need of immediate aid in order to avoid serious harm or

15

[DANGER OF] loss of life does not [SHALL] impose any liability upon

16

the physician-trained mobile intensive care paramedic, the supervising

17

physician, a hospital, the officers, members of the staff, nurses, or

18

other employees of a hospital or upon a federal, state, borough, city

19

or other local governmental unit or upon other employees of a govern-

20

mental unit; however, this section does not relieve a physician or a

21

hospital of a duty otherwise imposed by law upon the physician or

22

hospital for the designation or training of a physician-trained mobile

23

intensive care paramedic or for the provision or maintenance of equip-

24

ment to be used by the physician-trained mobile intensive care para-

25

medic.

26

* Sec. 2. AS 18.08.086(a) is amended to read:

27

(a) A [NO] person certified under AS 18.08.082, or a person or

28

public agency that [WHICH] employs, sponsors or controls the activ-

29

ities of persons certified under AS 18.08.082, who administers

1 emergency medical services to an injured or sick person is not [MAY
2 BE] liable for civil damages as a result of an act or omission in
3 administering those services, if done in good faith and if the [LIFE
4 OF THE] injured or sick person is in immediate danger of serious harm
5 or death. This subsection does not preclude liability for civil
6 damages that are [WHICH IS] the proximate result of gross negligence
7 or intentional misconduct, nor preclude imposition of liability on a
8 person or public agency that [WHICH] employs, sponsors, or controls
9 the activities of persons certified under AS 18.08.082 if the act or
10 omission is a proximate result of a breach of duty to act created
11 under this chapter. For the purposes of this subsection, "gross
12 negligence" means reckless, wilful, or wanton misconduct.

MEMORANDUM

TO: HOUSE HESS COMMITTEE MEMBERS
FROM: NANCY BENNETT, COMMITTEE STAFF
RE: TODAY'S AGENDA
DATE: APRIL 14, 1986

WE HAVE THREE BILLS ON TODAY'S CALENDAR

HB 418 - relating to liability for emergency medical services

this bill provides that a person who renders emergency medical services to a person in need of immediate treatment to avoid serious harm or loss of life is not liable for an act or omission.

SB 8 - relating to a personal safety curriculum in public schools

includes "personal safety" in the Department of Education health education curriculum section (SA 14.30.360). Personal safety is to include identification and prevention of child abuse, child abduction, neglect, sexual abuse and domestic violence. The state Board of Education is to develop curriculum guidelines in cooperation with the Council on Domestic Violence and Sexual Assault. The Departments of Education and Health and Social Services are to provide technical assistance on request.

SB 80 - the number of psychiatrists or psychologists appointed for a criminal defendant

This bill was heard in the HESS Committee last week.

Alaska State Legislature

COMMITTEES:

Committee on Community and Regional Affairs
Committee on Transportation
Special Committee on Oil and Gas
Special Committee on Fisheries
Finance Sub-committee on Fish and Game




Andre Marrou
Representative

District 5

Kenai	Sterling
Soldotna	Anchor Point
Homer	Port Graham
Seldovia	English Bay
Kachemak	S. Kolavok
Kasilof	Halibut Cove
Sitichik	Clam Gulch

April 14, 1986

To: Co-Chairs and Members of the House Hess Committee
From: Andre Marrou, Representative 

Subject: HB 418, No Liability for EMTs

HB 418 would exempt emergency medical technicians from liability while performing emergency services.

This liability exemption is currently available only in lifesaving situations. EMTs are trained to help and should not be hindered by the threat of being sued. As you can readily surmise, quickly and accurately determining if a given emergency situation is a matter of life and death is a judgement call. It is an unnecessary burden upon those who help us in emergency situations.

The Department of Health and Social Services supports this bill. In fact, everybody who's contacted us supports this bill.

Please support this bill.

health association of alaska

319 Seward St., Juneau, Alaska 99801 • (907) 586-1790
REPRESENTING ACUTE, LONG TERM AND OUTPATIENT FACILITIES

Chairman of the Board
Michael Herring
South Peninsula Hospital
Homer

Chairman-Elect
R. Dale Reynolds
Charter North Hospital
Anchorage

Immediate Past Chairman
Edward Zeine
Gordova Community
Hospital
Gordova

Secretary/Treasurer
Michael Lockwood
Central Peninsula
General Hospital
Soldotna

Delegate to the American
Hospital Association
A.M. Camosso
Providence Hospital
Anchorage

Alternate Delegate to the
American Hospital Assoc.
Sister Barbara Haase
Ketchikan General Hospital
Ketchikan

Delegate to the American
Health Care Association
Tom Boling
Our Lady of Compassion
Care Center
Anchorage

Alternate Delegate to the
American Health Care
Association
Ronald Oithoff
Denali Center
Fairbanks

Delegate to the Association
of Western Hospitals
C. Keith Campbell
Seward General Hospital
Seward

Alternate Delegate to the
Association of Western
Hospitals
Jane Sabes
Sitka Sound Regional
Hospital
Nome

Delegate to the National
Congress of Hospital
Governing Boards
Maxine Robertson
Ketchikan General Hospital
Ketchikan

Alternate Delegate to the
National Congress of
Hospital Governing
Boards
Sharon Jean
Central Peninsula
General Hospital
Soldotna

Physician Member of
the Board
Morris Horning, M.D.
Anchorage

President
Dennis DeWitt
Juneau

FORMERLY

alaska
state
hospital
association

April 11, 1986

APR 11 RECD

Honorable Andre Harrod
State House of Representatives
Pouch #118 5100)
Juneau, Alaska 99801

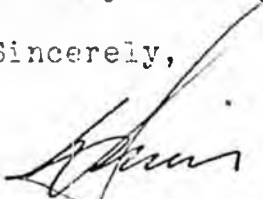
Dear Representative Harrod,

The Health Association of Alaska has reviewed your House
Bill 418 and wishes to indicate our support.

An additional problem in this area has been brought to our
attention which you may wish to address in this bill. We
are informed that a great concern of the paramedics is the
burden of carrying a defense to establish that the immunity
indeed applies. Thus, if the Attorney General or some other
appropriate entity could be assigned to provide the
necessary legal defense, we believe that they would be relieved
of a great concern.

Thank you for your consideration of this issue.

Sincerely,


Dennis L. DeWitt
Executive Director

cc: C. Keith Campbell
Representative Max Gruenberg
Representative Niilo Koponen

FEB 7 1986

Position Paper

House Bill No. 418

For An Act entitled: "An Act relating to liability for providing emergency medical care."

This act amends AS 08.64.366. (Liability for Services Rendered by a Physician Trained Mobile Intensive Care Paramedic), and AS 18.08.086 (a) (immunity from liability for state certified emergency medical technicians) to expand the immunity from liability provisions, from covering only care given to persons in life threatening situations, to include rendering emergency care to any person "who is in need of immediate aid in order to avoid serious harm or loss of life."

The Department of Health and Social Services supports passage of this bill because currently state licensed Mobile Intensive Care Paramedics and State certified Emergency Medical Technicians (EMT's) are only immune from liability (except in cases of gross negligence or intentional misconduct) when rendering care to persons in serious, life threatening situations. In actual fact, these cases constitute only a small percentage of the total cases treated by emergency medical responders. By broadening this immunity from liability, the paramedics and EMT's will have some immunity from liability when rendering care to nearly all cases, whether or not they are judged to be life threatening.

POSITION

The Department of Health and Social Services supports passage of this bill.

Recommended by: Elizabeth A. Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date: 2/5/86

Approved by: John F. Pugh
John F. Pugh, Commissioner
Department of Health and
Social Services

Date: 2/7/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: Jan. 31, 1986

REQUEST

Bill/Resolution No.: House Bill No. 418
 Title: "An act relating to liability for providing emergency medical care."
 Sponsor: Representative Marrou
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Health & Social Services
 BRU: Public Health
 Components: Public Health,
Health Services Administration BRU

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS :

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

Prepared by: Elizabeth Ward, M.N., Director *E. Ward*
 Division: Division of Public Health

Phone: 465-3090
 Date: Jan. 31, 1986 *JCC*

Approved by Commissioner: *J. R. Poy*
 Agency: Health & Social Services

Date: 2/7/86

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Homer Volunteer Fire Dept., Inc.

604 EAST PIONEER AVENUE • HOMER, ALASKA 99603

PHONE (907) 235-6108

April 4, 1985

Representative Andre Marrou
Pouch V
Juneau, Alaska 99811

Dear Andre,

I appreciate that you are taking the time to look into the situation concerning the "Good Samaritan Act" for volunteers.

I have enclosed a copy of a 1981 memorandum from Wilson Condon, Attorney General to Helen Beirne, H.S.S. Commissioner concerning this subject. I am not aware of any changes in the law since that date that would affect the opinion presented.

My concern is based on two premises:

- 1) That volunteers when performing as part of an organized ambulance or rescue service have a pre-existing duty to respond to emergency calls and therefore do not fall under the "Good Samaritan Act".
- 2) The immunity provided by the Alaska Statutes for certified EMT's applies only in cases when "rendering emergency life saving service to a person who is in immediate danger of loss of life" and therefore excludes protection for EMT's when rendering aid to people who are not in danger of losing their lives.

Basically, volunteers are caught in a sort of Catch 22 situation. Because they are part of a formal service, they have a duty to respond; because they have a duty to respond, they are not protected by the "Good Samaritan Act"; because the "Good Samaritan Act" does not apply, the State passed an immunity law. However, the immunity law is limited to true life threatening situations (only a small part of our calls and service). Therefore, the volunteers have little protection. Furthermore, most volunteers do not fall under

the sovereign immunity afforded to government employees.

One of two things is needed to correct this situation:

- 1) Specifically identify in the law that volunteers who are part of an organized service are covered by the "Good Samaritan Act", or
- 2) Expand the immunity law for EMT's from "rendering emergency life saving service to a person who is in immediate danger of loss of life" to "rendering emergency service to a person who is in immediate need of aid in order to avoid serious harm or death".

In fact both alternatives could be implemented. The first would protect all volunteers who provide medical aid. The second would specifically protect EMT's. By doing both, the laws would be more consistent with each other.

If there is anything I can do, please don't hesitate to contact me.

Sincerely,



Robert Purcell
Administrator

MEMORANDUM

State of Alaska

TO: Helen D. Beirne
Commissioner
Department of Health and
Social Services

DATE: April 20, 1981


FILE NO: J-66-642-81

JUL 29 1981

TELEPHONE NO: 465-3603

FROM: WILSON L. CONDON
ATTORNEY GENERAL

SUBJECT: Immunity/Liability -
Emergency Medical
Technicians and Para-
medics

By: Elizabeth Shaw 
Assistant Attorney General

You have asked this office to review statutes dealing with the liability to be imposed on emergency medical technicians (EMT's) and paramedics when they perform their services in a negligent manner. Although the statutes do provide a shield to liability in certain circumstances, there is no total immunity from liability.

Neither the EMT nor the paramedic may be held liable for negligently performing life-saving emergency service to a person who is in immediate danger of loss of life. The standard is objective . . . the person actually must be in a life threatening emergency. 1/

1/ Sec. 08.64.366. LIABILITY FOR SERVICES RENDERED BY A PHYSICIAN-TRAINED MOBILE INTENSIVE CARE PARAMEDIC. No act or omission of a physician-trained mobile intensive care paramedic done or omitted in good faith while rendering emergency life-saving service to a person who is in immediate danger of loss of life shall impose any liability upon the physician-trained mobile intensive care paramedic, the supervising physician, a hospital, the officers, members of the staff, nurses, or other employees of a hospital or upon a federal, state, borough, city or other local government unit or upon other employees of a governmental unit; however, this section does not relieve a physician or a hospital of a duty otherwise imposed by law upon the physician or hospital for the designation or training of a physician-trained mobile intensive care paramedic or for the provision or maintenance of equipment to be used by the physician-trained mobile intensive care paramedic.

There may, however, be liability for negligent training or negligently maintained equipment.

Footnote continued on page 2.

[The Good Samaritan statute 2/ does not require that the person receiving emergency care be in danger of losing his ^{next page}

1/ Continued

SEC. 18.08.086. IMMUNITY FROM LIABILITY.

(a) No person certified under AS 18.08.082, or person or public agency which employs, sponsors, or controls the activities of persons certified under AS 18.08.082, who administers emergency medical services to an injured or sick person, may be liable for civil damages as a result of an act or omission in administering those services, if done in good faith and if the life of the injured or sick person is in danger. This subsection does not preclude liability for civil damages which is the proximate result of gross negligence or intentional misconduct, nor preclude imposition of liability on a person or public agency which employs, sponsors, or controls the activities of persons certified under AS 18.08.082 if the act or omission is a proximate result of a breach of duty to act created under this chapter. For the purposes of this subsection, "gross negligence" means reckless, wilful, or wanton misconduct.

Sec. 18.08.090(9) "emergency medical care" means the services utilized in responding to the perceived individual needs for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury;

The definition of "emergency medical care" includes non-life saving services. The immunity from liability provision limits the definition by adding the 'life-saving' condition.

2/ Sec. 09.65.090. CIVIL LIABILITY FOR EMERGENCY AID. (a) A person at a hospital or any other location who renders emergency care or emergency counseling to an injured, ill, or emotionally distraught person who reasonably appears to the person rendering the aid to be in immediate need of emergency aid in order to avoid serious harm or death is not liable for civil damages as a result of an act or omission in rendering emergency aid.

or her life. 'The standard is subjective . . . the person offering service must reasonably believe that the person is in need of emergency aid. The intent of such statutes is to encourage passersby to assist at scenes of accidents. 3/

It appears that the statutory scheme addresses three situations. The Good Samaritan statute shields those persons who have no duty to come to the aid of the injured or ill person in need of emergency medical care. The paramedic and the EMT, however, does not fall within the category of persons who have no duty to aid. 4/ They are shielded from liability for ordinary negligence in life threatening situations but even in life saving situations the EMT will be held liable for gross negligence or intentional misconduct.

2/ Continued

(b) This section does not preclude liability for civil damages as a result of gross negligence or reckless or intentional misconduct.

3/ Interestingly our statute provides that a Good Samaritan may be located at a hospital - presumably not the scene of an accident. It is unlikely, however, that a helping person located at a hospital will not have a pre-existing duty to perform emergency service.

4/ In *Lee v. State*, 490 P.2d 1206 (Alaska 1971) the court held that a State Trooper defendant who had shot the plaintiff while trying to extricate the plaintiff's arm from the jaws of a lioness, was not shielded from liability for ordinary negligence. The court stated that "A rescuer under a pre-existing duty to rescue would not need the added inducement of immunity from civil liability for his ordinary negligence." *Id.* at 1209, footnote 7. The court held that the Trooper had a pre-existing duty to come to the aid of the endangered plaintiff therefore the Good Samaritan shield did not apply. Although AS 09.65.-090 was amended in 1976, it does not appear to change general tort principles regarding duty.

Rather than attempting to include EMT and paramedics under a Good Samaritan statute which would distort the purpose of that statute, legislative amendment of the statutes which specifically deal with EMT's and paramedics would be the more appropriate action. It would be for the legislature to decide whether there is a need to shield EMT's and paramedics more extensively than is now provided. 5/

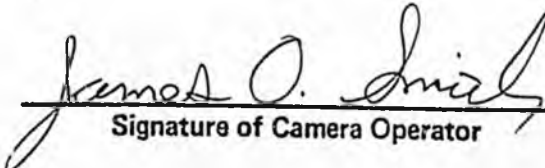
5/ AS 08.64.366 shields an EMT or paramedic from liability for ordinary negligence in a life saving situation. In non-life saving situations they may be held liable for ordinary negligence.

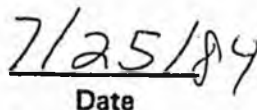
ES/jf



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

H B

4 2 3

COMMITTEE REPORT

HOUSE

(7)

FURTHER: JUDICIARY

5/3/85

Date: 1/17/86

The Committee on HEALTH, EDUCATION AND SOCIAL SERVICES has had HB 423

"An Act relating to the release of certain dangerous persons and liability for their conduct following release."

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 423 (HESS) same title
 new title
- and recommends DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation Zero Fiscal Note Attached
with analysis 2/5/86
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

[Signature]

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : _____

REQUEST

Bill/Resolution No. : CSHB 423 (HESS)
 Title : An Act relating to certain
mentally ill persons.
 Sponsor : Shultz and Marrou
 Requestor : _____
 Date of Request : 3/20/86

FISCAL DETAIL

Agency Affected : Health & Social Services
 BRU : Division of Mental Health
& Developmental Disabilities
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

REVENUE	0	0	0	0	0	0
----------------	----------	----------	----------	----------	----------	----------

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY	0	0	0	0	0	0

ANALYSIS : Attach a separate page if necessary

(See attached page)

Prepared by : Mel Henry, Ph.D., M.P.A. Phone : 465-3370
 Division : Mental Health & Developmental Disabilities Date : _____

Approved by Commissioner : John R. Poy Date : 3/21/86
 Agency : Health & Social Services

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

ANALYSIS: CSHB 423 (HESS)

The Department of Health and Social Services is currently responsible for patients covered under this bill. It is estimated that less than thirty patients are affected by this bill. The administrative procedures of the department now provide the reports to the court as required by this bill. It is our projection that there will not be any additional costs incurred by the department as a result of the passage of this bill.

Original sponsors: Shultz and Marrou

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 423 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to certain mentally ill persons."

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

8 * Section 1. AS 12.47.090 is amended by adding a new subsection to
9 read:

10 (k) If the court finds that a defendant committed under (b) or
11 (c) of this section can be adequately controlled and treated in the
12 community with proper supervision, the court may order the defendant
13 conditionally released from confinement under AS 12.47.092 for a
14 period of time not to exceed the maximum term of imprisonment for the
15 crime for which the defendant was acquitted under AS 12.47.010 or
16 12.47.020(b) or until the mental illness is cured or corrected as
17 determined at a hearing under (c) of this section.

18 * Sec. 2. AS 12.47 is amended by adding a new section to read:

19 Sec. 12.47.092. PROCEDURE FOR CONDITIONAL RELEASE. (a) A
20 defendant committed to the custody of the commissioner of health and
21 social services under AS 12.47.090(b) or (c) may be conditionally
22 released from confinement subject to the conditions and requirements
23 for treatment that the court may impose, and placed under the super-
24 vision of the Department of Health and Social Services, a local gov-
25 ernment agency, a private agency, or an adult, who agrees to assume
26 supervision of the defendant.

27 (b) The commissioner of health and social services or the com-
28 missioner's authorized representative shall submit, at a minimum,
29 quarterly written reports to the court describing the defendant's

1 progress in treatment, compliance with conditions of release, and
2 other information required by the court for defendants conditionally
3 released under this section.

4 (c) A person or agency responsible for supervision or treatment
5 under an order for conditional release shall immediately notify the
6 commissioner of health and social services upon the defendant's fail-
7 ure to appear for required medication or treatment, or for failure to
8 comply with other conditions imposed by the court.

9 (d) If the court after petition or on its own motion reasonably
10 believes that a conditionally released defendant is failing to adhere
11 to the terms and conditions of the conditional release, the court may
12 order that the conditionally released defendant be apprehended and
13 held by the Department of Health and Social Services until a hearing
14 can be scheduled with the court to determine the facts and whether or
15 not the defendant's conditional release should be revoked or modified.
16 Nothing in this subsection is intended to limit procedures available
17 for emergency situations including emergency detention under AS 47.-
18 30.705.

19 (e) The commissioner of health and social services or the condi-
20 tionally released defendant may petition the court for modification of
21 an order of conditional release. A petition by the defendant for
22 modification of conditional release may not be filed more often than
23 once every six months.

24 (f) A defendant conditionally released under AS 12.47.090(k) may
25 petition the court for discharge in accordance with AS 12.47.090(e).

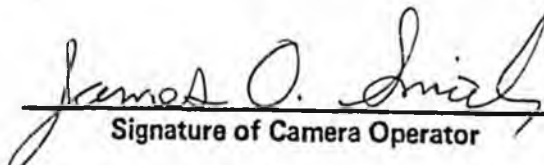
26 * Sec. 3. This Act applies to a defendant committed under former
27 AS 12.45.090 or AS 12.47.090 who is under the custody of the Department of
28 Health and Social Services on the effective date of this Act.
29

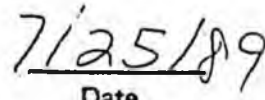


RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

H B

4 2 4

(7)

Date referred: 2/26/86

(referrals changed 2/24 & 2/26)

FURTHER REFERRALS:

FINANCE

DATE: April 8, 1986

HEALTH, EDUCATION AND
The SOCIAL SERVICES

Committee has considered HB 424

"An Act establishing the Board of Behavioral Science Examiners; amending Rule 504 of the Alaska Rules of Evidence; and providing for an effective date."

and recommends:

[] do pass

[] do not pass

[] do pass with attached amendment(s)

[] no recommendation

[] replace with CS HB 424 (HESS)

[] same title

[] new title

and recommends no recommendation

[] further referral to the _____ Committee

and attaches:

[] letter of intent

[] first fiscal note

[] new fiscal note

[] zero fiscal note

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Max J. Gumbert ^{NO REC} ~~DO NOT PASS~~
Lacie Hurley No Rec.
John J. Taylor NO PASS
Wills Kogman no rec.
Debra Munday - No Rec.

Max J. Gumbert Co-Chair
Chairman
Wills Kogman Co-Chair

Original sponsor: Pignalberi

1 IN THE HOUSE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2 CS FOR HOUSE BILL NO. 424 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Board of Behavioral Science;
7 regulating marital and family therapists; amending
8 Rule 504 of the Alaska Rules of Evidence; and provid-
9 ing for an effective date."

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

11 * Section 1. LEGISLATIVE FINDINGS, PURPOSE. (a) The legislature finds
12 that the practice of the marital and family therapy profession affects the
13 safety and welfare of the public and requires regulation and control by the
14 state in the public interest.

15 (b) The purpose of this Act is to establish a regulatory board and
16 procedures to ensure that the public is protected from the unprofessional,
17 improper, and unauthorized practice of the marital and family therapy
18 profession. This Act shall be liberally construed to carry out this
19 purpose.

20 * Sec. 2. AS 08 is amended by adding a new chapter to read:

21 CHAPTER 15. BEHAVIORAL SCIENCE PROFESSIONALS.

22 ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE.

23 Sec. 08.15.010. BOARD ESTABLISHED. There is established a Board
24 of Behavioral Science.

25 Sec. 08.15.020. MEMBERSHIP. (a) The board consists of two
26 persons from the behavioral science profession regulated by the board
27 and one member of the public.

28 (b) Each professional member must

29 (1) be licensed in the behavioral science profession

1 (2) for the four years immediately preceding appointment,
2 have been engaged in the active practice of the behavioral science
3 profession corresponding to the board position to which the person is
4 being appointed.

5 Sec. 08.15.030. BOARD APPOINTMENTS. (a) The governor shall
6 appoint the members of the board subject to confirmation by the legis-
7 lature for staggered terms of three years.

8 (b) The governor may not appoint the same person more than once
9 to fill an unexpired term on the board. A person may not serve as a
10 member of the board for more than two consecutive terms.

11 Sec. 08.15.035. REMOVAL OF BOARD MEMBERS. The governor may
12 remove a member of the board for good cause, including:

- 13 (1) neglect of duty;
14 (2) incompetence;
15 (3) prolonged illness that impairs the execution of board
16 duties;
17 (4) unprofessional conduct;
18 (5) conviction of a felony;
19 (6) judgment impaired by the use of alcohol or another
20 drug;
21 (7) unexcused absences from board meetings;
22 (8) conviction of a crime involving moral turpitude;
23 (9) an emotional disturbance that prevents the member from
24 carrying out board duties;
25 (10) addiction or dependence on alcohol or another drug.

26 Sec. 08.15.040. MEETINGS. (a) In addition to the meeting
27 required by AS 08.01.070(3), the board may hold additional meetings at
28 the call of the chairperson or a majority of the board members.

29 (b) The board may hold by teleconference the additional meetings

1 allowed under (a) of this section.

2 Sec. 08.15.050. POWERS OF THE BOARD. The board may

3 (1) examine applicants and issue licenses to qualified
4 applicants;

5 (2) place specialty designations on the licenses of appli-
6 cants who meet the standards determined by the board for specialty
7 designation;

8 (3) establish continuing education requirements for license
9 renewal, after consulting with the standards committee for the behav-
10 ioral science profession for which the continuing education require-
11 ments are established;

12 (4) hold hearings, and order the disciplinary sanction of a
13 person who violates this chapter or a regulation of the board;

14 (5) report annually to the governor and the department on
15 the board's proceedings;

16 (6) perform the administrative duties required by AS 08.-
17 01.070;

18 (7) establish standards for supervisors and supervision;

19 (8) adopt by regulation a code of ethics for each behav-
20 ioral science profession regulated by the board;

21 (9) enforce the provisions of this chapter and adopt regu-
22 lations necessary to implement this chapter.

23 Sec. 08.15.060. STANDARDS COMMITTEES. (a) The board shall ap-
24 point a standards committee for each behavioral science profession
25 that it regulates, comprised of one board member from the behavioral
26 science profession and the public member of the board.

27 (b) Each standards committee may advise the board about the
28 licensing and regulation of the behavioral science profession that is
29 the subject of that standards committee and may make recommendations

1 to the board on the following items for the profession:

- 2 (1) the granting of licenses;
- 3 (2) the examination for licensure;
- 4 (3) the grading of examinations;
- 5 (4) regulation changes;
- 6 (5) initiation of investigations or disciplinary proceed-
- 7 ings;
- 8 (6) penalties for violations of this chapter;
- 9 (7) licensure guidelines or criteria for licensure;
- 10 (8) supervision requirements; and
- 11 (9) continuing education requirements for license renewal.

12 (c) Each standards committee may act as a liaison between the

13 board and educational institutions and perform other functions that

14 the board requests.

15 (d) A recommendation of a standards committee is not final until

16 the board approves the recommendation.

17 (e) A decision of the board relating to a behavioral science

18 profession regulated by the board is not effective unless it is ap-

19 proved by the members of the standards committee for the behavioral

20 science profession.

21 Sec. 08.15.070. PROCEDURES. The Administrative Procedure Act

22 (AS 44.62) applies to regulations and to board proceedings, but only

23 AS 44.62.310 - 44.62.312 apply to standards committee proceedings.

24 ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

25 Sec. 08.15.110. QUALIFICATIONS FOR EXAMINATION. (a) An appli-

26 cant for the marital and family therapist examination shall furnish

27 evidence satisfactory to the board that the applicant

28 (1) has a master's degree or doctorate from an accredited

29 educational institution approved by the board, or the person has

1 completed a course of study that meets the requirements of the Ameri-
2 can Association for Marriage and Family Therapy;

3 (2) after satisfying (1) of this subsection, has

4 (A) practiced marital and family therapy within the
5 three years immediately preceding the application for the number
6 of hours of direct clinical contact required by the American
7 Association for Marriage and Family Therapy; and

8 (B) received in the clinical contact required by (A)
9 of this paragraph under supervisors approved by the board the
10 individual and group supervision required by the American Asso-
11 ciation for Marriage and Family Therapy.

12 (b) The board may not allow an applicant who fails an examina-
13 tion given under this section to take a subsequent examination for a
14 period of six months from the date of the examination that the appli-
15 cant failed.

16 Sec. 08.15.120. APPROVED SUPERVISORS. (a) Except for super-
17 vision required to satisfy AS 08.15.110(a)(1), a person may not super-
18 vise a person in the practice of marital and family therapy unless the
19 person is approved by the board.

20 (b) The board shall approve as a supervisor a person who

21 (1) applies to the board for the approval;

22 (2) is licensed under this chapter to practice marital and
23 family therapy.

24 (c) Notwithstanding (b) of this section, the board shall approve
25 as a supervisor a member of a mental health profession other than the
26 marital and family therapy profession if the person meets the criteria
27 established by the board for approval of a member of another mental
28 health profession as a supervisor.

29 (d) The board may cancel its approval of a person as a

1 supervisor if the person commits an act listed in AS 08.15.960, fails
2 to satisfy the continuing education requirements established by the
3 board for supervisors under AS 08.15.050(3), or otherwise violates a
4 provision of this chapter.

5 (e) A person providing supervision under this section is respon-
6 sible for ensuring that the extent, kind, and quality of services
7 performed by the person being supervised are consistent with the
8 training and experience of that person.

9 Sec. 08.15.130. SCOPE OF PRACTICE. A person licensed as a
10 marital and family therapist may assess, diagnose and treat mental and
11 emotional disorders that are referenced in the standard diagnostic
12 nomenclature for marital and family therapy, whether cognitive, affec-
13 tive, or behavioral, within the context of human relationships, par-
14 ticularly marital and family systems. Marital and family therapy
15 involves rendering or offering to render for a fee

16 (1) an applied understanding of the dynamics of marital and
17 family interactions, along with the application of psychotherapeutic
18 and counseling techniques for the purpose of resolving intrapersonal
19 and interpersonal conflict and changing perceptions, attitudes, and
20 behaviors in the area of human relationships and family life; and

21 (2) the professional application of assessments and treat-
22 ments of psychotherapeutic services to individuals, couples, or fam-
23 ilies for the purpose of treating the diagnosed emotional and mental
24 disorders.

25 Sec. 08.15.140. USE OF TITLE. (a) Unless licensed as a marital
26 and family therapist under this chapter, a person may not use the
27 title "marital and family therapist" or a title, designation, or
28 device indicating or suggesting that the person is a marital and
29 family therapist.

1 device indicating or suggesting that the person is a marital and
2 family therapist.

3 (b) A person who has satisfied the requirement of AS 08.15.-
4 110(a)(1) shall use the title "marital and family therapy associate",
5 or other title that is approved by the board, while practicing marital
6 and family therapy under AS 08.15.110(a)(2).

7 ARTICLE 3. GENERAL PROVISIONS.

8 Sec. 08.15.910. LICENSE BY EXAMINATION. The board shall issue a
9 license to practice a behavioral science profession to an individual
10 who

11 (1) applies on a form provided by the department;

12 (2) pays the fee established by the department under
13 AS 08.01.065; and

14 (3) passes the written examination administered by the
15 department on behalf of the board.

16 Sec. 08.15.920. TEMPORARY LICENSE. (a) The board shall issue a
17 temporary license to an individual who satisfies the requirements for
18 a permanent license, except for taking the examination, and who has
19 been approved by the board to take the examination.

20 (b) An individual may practice under a temporary license until
21 the board issues the results of the first examination given after
22 issuance of the person's temporary license and either issues or denies
23 a permanent license to the individual.

24 (c) If a licensee under this section does not take the next
25 examination given after the issuance of the temporary license, the
26 board may renew the licensee's temporary license until the board
27 issues the results of the next examination, if the licensee provides
28 satisfactory proof to the board that the licensee had good cause for
29 not taking the examination.

1 Sec. 08.15.930. LICENSE BY CREDENTIALS. The board shall, with-
2 out examination, issue a license to practice a behavioral science
3 profession to an individual who

4 (1) has an active license as a behavioral science profes-
5 sional in another state that has requirements for the license or
6 certificate that are substantially equal to or greater than the re-
7 quirements of this state;

8 (2) applies on a form provided by the department;

9 (3) pays the fee established by the department under AS 08..
10 01.065; and

11 (4) furnishes evidence satisfactory to the board that the
12 individual

13 (A) has not engaged in conduct that is a ground for
14 disciplinary sanctions under AS 08.15.960;

15 (B) is not the subject of an unresolved complaint,
16 review procedure, or disciplinary proceeding relating to the
17 behavioral science profession of the individual undertaken by a
18 professional association or regulatory authority;

19 (C) has not failed the examination of this state for
20 the behavioral science profession; or

21 (D) has not previously had a license to practice
22 revoked by this state or another jurisdiction.

23 Sec. 08.15.940. RENEWAL OF LICENSE. A license issued under this
24 chapter expires two years from the date of issue. A license may be
25 renewed by payment of the fee required by AS 08.01.065 and by satis-
26 faction of the continuing education requirements established by the
27 board for the renewal of the license.

28 Sec. 08.15.950. CONFIDENTIALITY OF COMMUNICATIONS. A behavioral
29 science professional licensed under this chapter may not disclose

1 information provided to the licensee by a client in the course of
2 their professional contact. This prohibition does not apply if the

3 (1) client provides written consent to the licensee to
4 reveal the communication;

5 (2) client is incompetent and the guardian or personal
6 representative provides written consent to the licensee to reveal the
7 communication;

8 (3) client is dead and a beneficiary of an insurance policy
9 on the client's life provides written consent to the licensee to
10 reveal the communication;

11 (4) communication discloses that a crime has been committed
12 or reveals an intent to commit a crime;

13 (5) client is a minor, the communication discloses that the
14 client was the victim of a crime or harmful act, and the licensee
15 reveals the communication only during the course of an official ex-
16 amination, trial or other proceeding in which the commission of the
17 crime or harmful act is a subject of inquiry;

18 (6) client brings charges against the licensee and the
19 licensee reveals the communication only as necessary to defend the
20 charges;

21 (7) licensee is subpoenaed to testify in court;

22 (8) licensee is collaborating or consulting with profes-
23 sional colleagues or an administrative superior on behalf of the
24 client;

25 (9) communication discloses information that the licensee
26 is required by state or federal law or regulation to disclose.

27 Sec. 08.15.960. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
28 TIONS. After a hearing, the board may impose a disciplinary sanction
29 on a person licensed under this chapter when the board finds that the

1 person

2 (1) secured a license through deceit, fraud, or intentional
3 misrepresentation;

4 (2) engaged in deceit, fraud, or intentional misrepresenta-
5 tion in the course of providing professional services or engaging in
6 professional activities;

7 (3) advertised professional services in a false or mislead-
8 ing manner;

9 (4) has been convicted of a crime that has a substantial
10 relationship to the licensee's activities and services or that affects
11 the person's ability to continue to practice competently and safely;

12 (5) failed to comply with a provision of this chapter or a
13 regulation adopted under this chapter, or an order of the board;

14 (6) continued to practice after becoming unfit due to

15 (A) professional incompetence;

16 (B) addiction or dependence on alcohol or another drug
17 that may endanger the public by impairing the person's ability to
18 practice;

19 (C) physical or mental disability;

20 (7) engaged in lewd or immoral conduct in connection with
21 the delivery of professional services;

22 (8) had a license to practice in another jurisdiction
23 suspended or revoked for any reason except a fee dispute;

24 (9) has violated a code of ethics adopted by board regula-
25 tion for the behavioral science profession for which the person is
26 licensed.

27 Sec. 08.15.970. DISCIPLINARY SANCTIONS. (a) When it finds that
28 a licensee has committed an act listed in AS 08.15.960, the board may
29 impose the following sanctions singly or in combination:

1 (1) permanently revoke a license to practice;
2 (2) suspend a license for a determinate period of time;
3 (3) censure a licensee;
4 (4) issue a letter of reprimand;
5 (5) place a licensee on probationary status and require the
6 licensee to

7 (A) report regularly to the board on matters involving
8 the basis of probation;

9 (B) limit practice to prescribed areas;

10 (C) continue professional education until a satisfac-
11 tory degree of skill has been attained in those areas determined
12 by the board to need improvement;

13 (6) impose limitations or conditions on the practice of a
14 licensee.

15 (b) The board may withdraw a limitation, condition, or proba-
16 tionary status if it finds that the deficiency that required the
17 sanction has been remedied.

18 (c) The board shall seek consistency in the application of
19 disciplinary sanctions, and the board shall explain in its findings of
20 fact or orders a significant departure from prior decisions involving
21 similar situations.

22 Sec. 08.15.980. PROHIBITED ACTS AND PENALTY. (a) A person may
23 not

24 (1) practice a behavioral science profession regulated by
25 this chapter for which the person is not licensed under this chapter;

26 (2) use a title prohibited to the person under AS 08.15.140
27 or indicating or representing that the person practices or is licensed
28 to practice a behavioral science profession regulated by this chapter
29 for which the person is not licensed under this chapter;

1 (3) advertise that the person practices a behavioral sci-
2 ence profession regulated by this chapter for which the person is not
3 licensed under this chapter.

4 (b) A person who violates (a) of this section is guilty of a
5 class B misdemeanor.

6 Sec. 08.15.985. EXEMPTIONS. (a) This chapter does not apply to
7 a person who practices a behavioral science profession regulated by
8 this chapter

9 (1) consistent with the accepted standards and code of
10 ethics of the person's profession and as part of the person's duties
11 as

12 (A) a psychologist or psychological associate;

13 (B) a physician or psychiatrist;

14 (C) an attorney or judge;

15 (D) a member of the clergy;

16 (E) a student, intern, or resident pursuing a course
17 of study approved by the board as appropriate training for a
18 behavioral science profession regulated by the board, if the
19 activities of the student, intern, or resident constitute a part
20 of a supervised course of study and the student, intern, or
21 resident is designated by a title that indicates that the person
22 is training to be a behavioral science professional;

23 (2) in a community of less than 6,000 persons; or

24 (3) for a nonprofit health organization.

25 (b) In this section,

26 (1) "community" means a municipality or an unincorporated
27 group of individuals residing in the same geographic area as a social
28 unit;

29 (2) "nonprofit" organization means an association of

1 persons where no part of the income or profit of the organization is
2 distributable to the members, except as reimbursement for expenses
3 incurred by a member on behalf of the organization; "nonprofit" organ-
4 ization includes a corporation organized under AS 10.20 and a corpora-
5 tion that is exempt under 26 U.S.C. 501 from payment of federal income
6 tax.

7 Sec. 08.15.990. DEFINITIONS. In this chapter

8 (1) "advertise" includes issuing or causing to be dis-
9 tributed a card, sign or device to a person, or causing, permitting or
10 allowing a sign or marking on or in a building or structure, or in a
11 newspaper, magazine, or directory, or on radio or television, or using
12 other means designed to secure public attention;

13 (2) "behavioral science professional" means a marriage and
14 family therapist;

15 (3) "board" means the Board of Behavioral Science;

16 (4) "supervision" means face-to-face consultation, direc-
17 tion, review, evaluation and assessment of the practice of the person
18 being supervised, including direct observation and the review of case
19 presentations, audio tapes and video tapes.

20 * Sec. 3. AS 08.01.010 is amended by adding a new paragraph to read:

21 (24) Board of Behavioral Science (AS 08.15.010).

22 * Sec. 4. AS 08.01.050(a) is amended to read:

23 (a) The department shall provide the following administrative
24 and budgetary services when appropriate:

25 (1) collect fees and issue receipts;

26 (2) maintain records and files;

27 (3) issue and receive application forms;

28 (4) notify applicants of acceptance or rejection of appli-
29 cants as determined by the board;

1 (5) designate dates examinations are to be held and notify
2 applicants;

3 (6) publish notice of examination;

4 (7) arrange space for holding examinations;

5 (8) notify applicants of results of examinations;

6 (9) issue licenses and certificates or temporary licenses
7 or certificates as authorized by the board;

8 (10) issue duplicate licenses or certificates upon proof by
9 the licensee of loss of the original and payment by the licensee of a
10 fee of \$2 except as otherwise provided in this title;

11 (11) notify licensees of renewal dates at least 30 days
12 before the expiration date of their licenses;

13 (12) compile and maintain current a register of licenses;

14 (13) answer routine inquiries;

15 (14) maintain files relating to individual licensees;

16 (15) arrange for printing and advertising;

17 (16) purchase supplies;

18 (17) employ secretarial help when needed;

19 (18) perform other services that [WHICH] may be requested by
20 the board;

21 (19) provide investigative services to the boards estab-
22 lished under AS 08.04, AS 08.15, AS 08.20, AS 08.36, AS 08.64, AS 08.-
23 68, AS 08.70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86,
24 for the purpose of assisting those boards in matters of professional
25 discipline and in responding to consumer complaints.

26 * Sec. 5. AS 08.02.010(a) is amended to read:

27 (a) A behavioral science professional licensed under AS 08.15, a
28 [A] person licensed in the state as a chiropractor under AS 08.20, a
29 dentist under AS 08.36, a medical practitioner or osteopath under

1 AS 08.64, a registered nurse under AS 08.68, an optometrist under
2 AS 08.72, a registered pharmacist under AS 08.80, a registered phys-
3 ical therapist under AS 08.84, or a psychologist under AS 08.36, shall
4 use as professional identification appropriate letters or a title
5 after that person's name which represents that person's specific field
6 of practice. The letters or title shall appear on all signs, station-
7 ery or other advertising in which the person offers or displays
8 personal professional services to the public. In addition, a person
9 engaged in the practice of medicine or osteopathy under AS 08.64.-
10 380(2), or a person engaged in any manner in the healing arts who
11 diagnoses, treats, tests, or counsels other persons in relation to
12 human health or disease and uses the letters "M.D." or the title
13 "doctor" or "physician" or another [ANY OTHER] title that [WHICH]
14 tends to show that the person is willing or qualified to diagnose,
15 treat, test, or counsel another person, shall clarify the letters or
16 title by adding the appropriate specialist designation, if any, such
17 as "dermatologist", "radiologist", "audiologist", "naturopath", or the
18 like.

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

20 (21) Board of Behavioral Science (AS 08.15.010) -- June 30,
21 1990.

22 * Sec. 7. AS 09.55.560(1) is amended to read:

23 (1) "health care provider" means a behavioral science
24 professional licensed under AS 08.15; a chiropractor licensed under
25 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-
26 censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
27 optician licensed under AS 08.71; an optometrist licensed under
28 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist
29 licensed under AS 08.84; a physician licensed under AS 08.64; a

1 podiatrist; a psychologist and a psychological associate licensed
2 under AS 08.86; and a hospital as defined in AS 18.20.130, including a
3 governmentally owned or operated hospital; a corporate entity covered
4 under AS 21.88.050(b)(12); and an employee of a health care provider
5 acting within the course and scope of employment;

6 * Sec. 8. AS 21.88.900(a)(9) is amended to read:

7 (9) "health care provider" means a behavioral science
8 professional licensed under AS 08.15; a chiropractor licensed under
9 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-
10 censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
11 optician licensed under AS 08.71; an optometrist licensed under
12 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist
13 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-
14 trist; a psychologist and a psychological associate licensed under
15 AS 08.86; and a hospital as defined in AS 18.20.130, including a
16 governmentally owned or operated hospital; a corporate entity covered
17 under AS 21.88.050(b)(12); and an employee of a health care provider
18 acting within the course and scope of employment;

19 * Sec. 9. AS 39.50.200(b) is amended by adding a new paragraph to read:

20 (48) Board of Behavioral Science (AS 08.15.010)

21 * Sec. 10. AS 44.62.330(a) is amended by adding a new paragraph to
22 read:

23 (53) Board of Behavioral Science (AS 08.15.010).

24 * Sec. 11. AS 47.17.070(9) is amended to read:

25 (9) "practitioner of the healing arts" includes chiroprac-
26 tors, dental hygienists, dentists, health aides, nurses, nurse practi-
27 tioners, optometrists, osteopaths, physical therapists, physicians,
28 physician's assistants, psychiatrists, psychologists, psychological
29 associates, behavioral science professionals licensed under AS 08.15,

1 religious healing practitioners, and surgeons;

2 * Sec. 12. INITIAL APPOINTMENTS TO THE BOARD. When making the initial
3 appointments of professional members to the Board of Behavioral Science the
4 governor shall consider an individual licensed for the purpose of AS 08.-
5 15.020 if the individual qualifies to take an examination for a license
6 under AS 08.15.110; however, the educational institutions referred to in
7 AS 08.15.110(a)(1), and the supervisors required by AS 08.15.110(a)(2)(B),
8 do not need to have been approved or authorized by the Board of Behavioral
9 Science.

10 * Sec. 13. Notwithstanding AS 08.15, as enacted by sec. 2 of this Act,
11 the Board of Behavioral Science shall issue a license to practice a behav-
12 ioral science to a person who applies within one year of the effective date
13 of this section and who on that date either

14 (1) qualifies to take an examination for a license under AS 08.-
15 15.110, except that the educational institutions referred to in AS 08.15.-
16 110(a)(1), and the supervisors required by AS 08.15.110(a)(2)(B), do not
17 need to have been approved or authorized by the Board of Behavioral
18 Science;

19 or

20 (2) is practicing the behavioral science in the state and is a
21 clinical member of a national certifying body.

22 * Sec. 14. Notwithstanding AS 08.15.120, as enacted by sec. 2 of this
23 Act, the Board of Behavioral Science shall approve as a supervisor for
24 marital and family therapy a person who

25 (1) has been a clinical member of the American Association of
26 Marriage and Family Therapy for two years or more;

27 (2) has practiced marital and family therapy for three years or
28 more; and

29 (3) applies for approval as a supervisor within one year of the
effective date of this Act.

1 * Sec. 15. AS 08.15.950, enacted by sec. 2 of this Act has the effect
2 of amending Rule 504 of the Alaska Rules of Evidence by creating for a
3 behavioral science professional licensed under secs. 2 or 13 of this Act, a
4 privilege to refuse to disclose information.

5 * Sec. 16. Sections 1 - 6 and 9 - 18 of this Act take effect immedi-
6 ately in accordance with AS 01.10.070(c).

7 * Sec. 17. Section 7 of this Act takes effect July 1, 1986.

8 * Sec. 18. Section 8 of this Act takes effect July 1, 1987.

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 424 (HESS)
 Title: An Act establishing the Board of Behavioral Science; regulating marital and family therapists; amending Rule 504...
 Sponsor: House HESS
 Requester: House HESS
 Date of Request: 4/7/86

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
 BRU: Occupational Licensing
 Components: _____

EXPENDITURES / REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		1.2	1.3	1.3	1.4	1.5
CONTRACTUAL		2.5	2.6	2.8	2.9	3.1
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		3.7	3.9	4.1	4.3	4.6

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		11.8	3.0	9.6	1.6	12.8
---------	--	------	-----	-----	-----	------

FUNDING: (Thousands of dollars)

GENERAL FUND		3.7	3.9	4.1	4.3	4.6
FEDERAL FUNDS						
OTHER						
TOTAL		3.7	3.9	4.1	4.3	4.6

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

The bill establishes a structure in which professions relating to behavioral sciences can be incorporated into one licensing board. The bill also establishes the licensing of marital and family therapists. This agency has been informed that there are approximately 20 marital and family therapists who would be affected by this legislation upon passage. (See attached for further explanation.)

Prepared by: Jennifer Strickler, Management Analyst Phone: 465-2144

Division: Occupational Licensing Date: 4-7-86

Approved by Commissioner: [Signature] Date: 4-7-86

Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (HESS)

Expenditures consists of the following:

Travel -

One face-to-face meeting in Anchorage, assuming the three board members are from each of the following locations:

<u>LOCATION</u>	<u>TRAVEL</u>	<u>PER DIEM</u>	
Anchorage	\$ -0-	\$ 80	
Juneau (one member + Licensing Examiner)	704	160	
Fairbanks	212	80	
	<u>\$ 916</u>	<u>320</u>	= \$ 1,236.00
	Total Travel Costs		<u>\$ 1,236.00</u>

Contractual -

Teleconferences:

One 6-hour teleconference meeting using the LTN System at \$50 per site/per hour. Anchorage, Juneau and Fairbanks.
 $\$50 \times 3 = \$150 \times 6 =$ \$ 900.00

One 2-hour regulation teleconference hearing using the LTN System at \$50 per site/per hour. Anchorage, Juneau & Fairbanks.
 $\$50 \times 3 = \$150 \times 2 =$ 300.00

Public Notices:

Two board meetings, printed in three newspapers each at \$20 per notice. $\$20 \times 3 = \$60 \times 2 =$ 120.00

One regulations public notice, printed in three newspapers at \$60 each = 180.00

Postage, printing, telephone and other operating costs 1,000.00

Total Contractual Costs \$ 2,500.00

Grand Total: \$ 3,736.00

REVENUES:

Licensing fees were calculated based on costs incurred over a two-year licensing period, including \$2.1 yearly on-going overhead costs (estimated from a similar existing licensing function), and considering there are 20 marital and family therapists.

FY 87: Assuming there will be 20 licensees: $\$590 \times 20 =$	\$ 11.8	
		\$ 3.7 - FY 87
		2.1 - overhead
		3.9 - FY 88
		<u>2.1 - overhead</u>
		<u>\$11.8</u>

**STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE**

Revision Date: 4/8/86

REQUEST

Bill/Resolution No.: CSHB 424 (HESS)
 Title: An Act establishing the Board of Behavioral Science; regulating marital and family therapists; amending Rule 504...
 Sponsor: House HESS
 Requester: House HESS
 Date of Request: 4/8/86

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.
 BRU: Occupational Licensing
 Components: _____

EXPENDITURES / REVENUES: (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		-0-	-0-	-0-	-0-	-0-
TRAVEL		1.2	1.3	1.3	1.4	1.5
CONTRACTUAL		2.5	2.6	2.8	2.9	3.1
SUPPLIES		-0-	-0-	-0-	-0-	-0-
EQUIPMENT		-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES		-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		3.7	3.9	4.1	4.3	4.6

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		12.0	.8	12.0	.6	14.4
---------	--	------	----	------	----	------

FUNDING: (Thousands of dollars)

GENERAL FUND		3.7	3.9	4.1	4.3	4.6
FEDERAL FUNDS						
OTHER						
TOTAL		3.7	3.9	4.1	4.3	4.6

POSITIONS:

FULL-TIME		-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary.

The bill establishes a structure in which professions relating to behavioral sciences can be incorporated into one licensing board. The bill also establishes the licensing of marital and family therapists. This agency has been informed that there are approximately 80 marital and family therapists who would be affected by this legislation upon passage. (See attached for further explanation.)

Prepared by: Jennifer Strickler, Management Analyst

Phone: 465-2144

Division: Occupational Licensing

Date: 4-8-86

Approved by Commissioner: [Signature]

Date: 4-8-86

Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (HESS)

Expenditures consists of the following:

Travel -

One face-to-face meeting in Anchorage, assuming the three board members are from each of the following locations:

<u>LOCATION</u>	<u>TRAVEL</u>	<u>PER DIEM</u>	
Anchorage	\$ -0-	\$ 80	
Juneau (one member + Licensing Examiner)	704	160	
Fairbanks	212	80	
	<u>\$ 916</u>	<u>+ \$ 320</u>	= <u>\$ 1,236.00</u>
	Total Travel Costs		\$ 1,236.00

Contractual -

Teleconferences:

One 6-hour teleconference meeting using the LTN System at \$50 per site/per hour. Anchorage, Juneau and Fairbanks.
 $\$50 \times 3 = \$150 \times 6 =$ \$ 900.00

One 2-hour regulation teleconference hearing using the LTN System at \$50 per site/per hour. Anchorage, Juneau & Fairbanks.
 $\$50 \times 3 = \$150 \times 2 =$ 300.00

Public Notices:

Two board meetings, printed in three newspapers each at \$20 per notice. $\$20 \times 3 = \$60 \times 2 =$ 120.00

One regulations public notice, printed in three newspapers at \$60 each = 180.00

Postage, printing, telephone and other operating costs 1,000.00

Total Contractual Costs \$ 2,500.00

Grand Total: \$ 3,736.00

REVENUES:

Licensing fees were calculated based on costs incurred over a two-year licensing period, including \$2.1 yearly on-going overhead costs (estimated from a similar existing licensing function), and considering there are 80 marital and family therapists.

FY. 87: Assuming there will be 80 licensees: $\$150 \times 80 =$	\$ 12.0	
		\$ 3.7 - FY 87
		2.1 - overhead
		3.9 - FY 88
		2.1 - overhead
		<u>\$11.8</u>
		-12.0
		.2 balance



Official Business

Alaska State Legislature

House

Pouch V
State Capitol
Juneau, Alaska 99811

March 6, 1986

Dear Colleague:

Attached is a copy of CSHB424(L&C) and an index of enclosures.

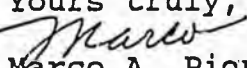
Work was begun on this legislation in 1982 and a bill was introduced in 1984 to establish a board for marital and family therapists. During Senate HESS committee hearings that year, the Committee requested that marital and family therapists work with social workers and professional counselors to attempt to develop a joint bill.

The bill before the HESS Committee today is a result of that. This bill will enable those involved in the behavioral science professions to establish a basis for adopting professional standards in their field.

A number of states, including California, Florida, Georgia, and Virginia, have established behavioral science boards and, according to a report done October 1, 1982 by the Commission on Professional and Occupational Licensures, Michigan Department of Licensing and Regulation, "One item of note in the survey of other states is the trend towards the combined behavioral science practitioner regulatory agency... In Alaska, the Department of Commerce and Economic Development, according to a recent report, is exploring the feasibility of a board of mental health practitioners which would license qualified practitioners by a consistent set of standards it believes to be in the public interest."

This is the bill creating that board which will establish the framework for identifying basic qualifications, credentials and competence levels for those calling themselves professional behavioral scientists.

I request that you analyze it and support it.

Yours truly,

Marco A. Pignalberi
Representative

MAP:mep

House HESS Committee

P A C K E T C O N T E N T S

CSHB 424 (L&C)

Pignalberi - March 6, 1986

<u>Tab</u>	<u>Description</u>	<u>Date</u>
A	Anchorage Daily News Editorial	4/15/85
B	CSHB 424 (L&C) text	2/18/86
C	Sectional Analysis of CSHB 424 (L&C)	2/26/86
D	Department of Health and Social Services Position Paper, with Fiscal Note	3/5/86
E	Department of Commerce and Economic Development Fiscal Note and Analysis	2/14/86
F	Barbara Dale, Special Staff Assistant to the Governor: Boards and Commissions Memorandum to Representative Pignalberi	2/13/86
G	Attorney General Memorandum by Peter Froehlich to Barbara Dale	2/12/86
H	POM by Pat Reeves, President. Alaska Association of Counseling and Development	2/12/86
I	POM by Jean Maxwell	2/11/86
J	POM by Lawrence D. Burton	2/11/86
K	United Food & Commercial Workers Union letter of support	2/28/86
L	Boards and Commissions List	

4-15-85

Anchorage Daily News



Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly
Publisher

Howard Weaver
Managing Editor

Steve Lindbeck
Editorial Page Editor

Katherine Fanning, Editor and Publisher 1971 to 1983
Lawrence Fanning, Editor and Publisher 1967 to 1971

Alaska's Only Morning Newspaper • Founded In 1946 by Norman C. Brown

State should set firm licensing standards

One effort deserving eleventh-hour support in the legislature this year is a move to institute licensing standards and procedures for family and marriage therapists, social workers and other clinical therapists.

Legislation is being crafted to provide professional standards and enforcement that will both give the public some assurance of competence in the field and offer practicing professionals a means of establishing their credentials and competence.

Requirements for coursework and supervised professional experience would be based on standards developed by national professional associations. And a licensing procedure would allow qualified professionals to be covered more frequently under health insurance plans, and thus encourage competent practitioners to come to Alaska to practice.

Our state needs them. Problems of family violence, sexual abuse, alcoholism, isolation, divorce, loneliness and unresolved conflict are rampant in Alaska. Statistics reflecting those issues — statistics of crime, violence, family breakup and the like — barrage us constantly with evidence of social disruption in our state.

Given that expenditures for mental health care in Alaska rank among the lowest in the 50 states, the least the state could do is provide an avenue for licensing of competent professionals who can help people confront problems on their own.

Offered: 2/19/86
Referred: Judiciary and
Finance

Original sponsor: Pignalberi

BY THE LABOR AND COMMERCE
COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 424(L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act establishing the Board of Behavioral Science;

7

amending Rule 504 of the Alaska Rules of Evidence;

8

and providing for an effective date."

9

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

10

* Section 1. LEGISLATIVE FINDINGS, PURPOSE. (a) The legislature finds

11

that the practice of the behavioral science professions affects the safety

12

and welfare of the public and requires regulation and control by the state

13

in the public interest.

14

(b) The purpose of this Act is to establish a regulatory board and

15

procedures to ensure that the public is protected from the unprofessional,

16

improper, and unauthorized practice of the behavioral science professions.

17

This Act shall be liberally construed to carry out this purpose.

18

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

19

(24) Board of Behavioral Science (AS 08.15.010).

20

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

21

(a) The department shall provide the following administrative

22

and budgetary services when appropriate:

23

(1) collect fees and issue receipts;

24

(2) maintain records and files;

25

(3) issue and receive application forms;

26

(4) notify applicants of acceptance or rejection of appli-

27

cants as determined by the board;

28

(5) designate dates examinations are to be held and notify

29

applicants;

- 1 (6) publish notice of examination;
- 2 (7) arrange space for holding examinations;
- 3 (8) notify applicants of results of examinations;
- 4 (9) issue licenses and certificates or temporary licenses
- 5 or certificates as authorized by the board;
- 6 (10) issue duplicate licenses or certificates upon proof by
- 7 the licensee of loss of the original and payment by the licensee of a
- 8 fee of \$2 except as otherwise provided in this title;
- 9 (11) notify licensees of renewal dates at least 30 days
- 10 before the expiration date of their licenses;
- 11 (12) compile and maintain current a register of licenses;
- 12 (13) answer routine inquiries;
- 13 (14) maintain files relating to individual licensees;
- 14 (15) arrange for printing and advertising;
- 15 (16) purchase supplies;
- 16 (17) employ secretarial help when needed;
- 17 (18) perform other services which may be requested by the
- 18 board;
- 19 (19) provide investigative services to the boards estab-
- 20 lished under AS 08.04, AS 08.15, AS 08.20, AS 08.36, AS 08.64, AS 08.-
- 21 68, AS 08.70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86,
- 22 for the purpose of assisting those boards in matters of professional
- 23 discipline and in responding to consumer complaints.

24 * Sec. 4. AS 08.02.010(a) is amended to read:

- 25 (a) A behavioral science professional licensed under AS 08.15, a
- 26 [A] person licensed in the state as a chiropractor under AS 08.20, a
- 27 dentist under AS 08.36, a medical practitioner or osteopath under
- 28 AS 08.64, a registered nurse under AS 08.68, an optometrist under
- 29 AS 08.72, a registered pharmacist under AS 08.80, a registered

1 physical therapist under AS 08.84, or a psychologist under AS 08.86,
2 shall use as professional identification appropriate letters or a
3 title after that person's name which represents that person's specific
4 field of practice. The letters or title shall appear on all signs,
5 stationery or other advertising in which the person offers or displays
6 personal professional services to the public. In addition, a person
7 engaged in the practice of medicine or osteopathy under AS 08.64.-
8 380(2), or a person engaged in any manner in the healing arts who
9 diagnoses, treats, tests, or counsels other persons in relation to
10 human health or disease and uses the letters "M.D." or the title
11 "doctor" or "physician" or another [ANY OTHER] title that [WHICH]
12 tends to show that the person is willing or qualified to diagnose,
13 treat, test, or counsel another person, shall clarify the letters or
14 title by adding the appropriate specialist designation, if any, such
15 as "dermatologist", "radiologist", "audiologist", "naturopath", or the
16 like.

17 * Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:
18 (21) Board of Behavioral Science (AS 08.15.010) -- June 30,
19 1990.

20 * Sec. 6. AS 08 is amended by adding a new chapter to read:

21 CHAPTER 15. BEHAVIORAL SCIENCE PROFESSIONALS.

22 ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE.

23 Sec. 08.15.010. BOARD ESTABLISHED. There is established a Board
24 of Behavioral Science.

25 Sec. 08.15.020. MEMBERSHIP. (a) The board consists of two
26 persons from each behavioral science profession regulated by the board
27 and one member of the public for each behavioral science profession
28 that is regulated by the board.

29 (b) Each professional member must

1 (1) be licensed in the behavioral science profession corre-
2 sponding to the board position to which the person is being appointed;

3 (2) for the four years immediately preceding appointment,
4 have been engaged in the active practice of the behavioral science
5 profession corresponding to the board position to which the person is
6 being appointed.

7 Sec. 08.15.030. BOARD APPOINTMENTS. (a) The governor shall
8 appoint the members of the board subject to confirmation by the legis-
9 lature for staggered terms of three years.

10 (b) The governor may not appoint the same person more than once
11 to fill an unexpired term on the board. A person may not serve as a
12 member of the board for more than two consecutive terms.

13 Sec. 08.15.040. MEETINGS. The board may hold teleconference
14 meetings in addition to the minimum required by AS 08.01.070(3) at the
15 call of the chairperson or a majority of the board members.

16 Sec. 08.15.050. POWERS OF THE BOARD. The board may

17 (1) examine applicants and issue licenses to qualified
18 applicants;

19 (2) issue certificates to persons who meet the standards
20 determined by the board for specialty certification;

21 (3) establish continuing education requirements for license
22 renewal after consulting with the standards committee for the behav-
23 ioral science profession for which the continuing education require-
24 ments are being established;

25 (4) hold hearings, and order the disciplinary sanction of a
26 person who violates this chapter or a regulation of the board;

27 (5) report annually to the governor and the department on
28 the board proceedings each year;

29 (6) perform the administrative duties required by

1 AS 08.01.070;

2 (7) establish standards for supervisors and supervision
3 under this chapter;

4 (8) enforce the provisions of this chapter and adopt regu-
5 lations necessary to make the provisions of this chapter effective.

6 Sec. 08.15.060. STANDARDS COMMITTEES. (a) The board shall ap-
7 point a standards committee for each behavioral science profession
8 that it regulates under this chapter, comprised of the two board
9 members from the behavioral science profession and a public member of
10 the board.

11 (b) Each standards committee may advise the board about the
12 licensing and regulation of the behavioral science profession that is
13 the subject of that particular standards committee and may make rec-
14 ommendations to the board on the following items for that profession:

15 (1) the granting of licenses;
16 (2) the examination for licensure;
17 (3) the grading of examinations;
18 (4) regulation changes;
19 (5) initiation of investigations or disciplinary proceed-
20 ings;

21 (6) penalties for violations of this chapter;
22 (7) licensure guidelines or criteria for licensure;
23 (8) supervision requirements; and
24 (9) continuing education requirements for license renewal.

25 (c) Each standards committee may act as a liaison between the
26 board and educational institutions and perform other functions that
27 the board requests.

28 (d) A recommendation of a standards committee is not final until
29 the board approves the decision. The board may initiate an action or

1 otherwise perform a duty that a standards committee is authorized to
2 perform.

3 (e) A decision of the board relating to a behavioral science
4 profession regulated by the board is not effective unless it is ap-
5 proved by two or more members of the standards committee for that
6 behavioral science.

7 Sec. 08.15.070 PROCEDURES. The Administrative Procedure Act
8 (AS 44.62) applies to regulations and to board proceedings, but only
9 AS 44.62.110 -- 44.62.312 apply to standards committee proceedings.

10 ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

11 Sec. 08.15.110. QUALIFICATIONS FOR EXAMINATION. (a) An appli-
12 cant for the marital and family therapist examination shall furnish
13 evidence satisfactory the board that the applicant

14 (1) has not engaged in conduct that is a ground for impos-
15 ing disciplinary sanctions under AS 08.15.970;

16 (2) has a master's degree or doctorate from an accredited
17 educational institution approved by the board, for which the person
18 completed a course of study that included one year of supervised
19 marital and family therapy clinical practice with 500 hours of super-
20 vised client contact and

21 (A) three courses in marital and family therapy;

22 (B) three courses in marital and family studies;

23 (C) three courses in human development;

24 (D) one course in professional ethics and law;

25 (E) one course in research;

26 (3) after receiving a degree listed in (2), has

27 (A) practiced marital and family therapy within three
28 years of the person's application, including 1,500 hours of
29 direct clinical contact with couples and families; and

1 (B) has been supervised by at least two authorized
2 supervisors in the clinical contact for at least 200 hours,
3 including at least 100 hours of individual supervision and 100
4 hours of group supervision approved by the board.

5 (b) The board shall credit an applicant with the hours the
6 applicant has earned in supervised practice under AS 8.15.120 towards
7 satisfaction of the hours of supervision required under this section.

8 (c) The board may not allow an applicant who fails an examina-
9 tion given under this section to take a subsequent examination for a
10 period of six months from the date of the examination that the appli-
11 cant failed.

12 Sec. 08.15.120. LICENSE FOR SUPERVISED PRACTICE. (a) The board
13 shall issue a nonrenewable four-year license for the supervised prac-
14 tice of marital and family therapy to a person who

- 15 (1) applies on a form approved by the board;
- 16 (2) pays the fee established by the department under
17 AS 08.01.065;
- 18 (3) furnishes the evidence required by AS 08.15.110(a)(1)
19 and (2);
- 20 (4) submits to the board a statement of intent to practice
21 and a plan for supervision.

22 (b) A licensee under this section may practice only

- 23 (1) under the direct supervision of a supervisor approved
24 by the board; and
- 25 (2) in a clinic, social service agency, or other setting
26 approved by the board.

27 (c) A licensee under this section shall submit to the board for
28 its approval a proposed plan for satisfying the supervision require-
29 ment under AS 08.15.110(a)(3).

1 (d) A licensee under this section shall use the title "marital
2 therapy associate," "family therapy associate," or other title that is
3 approved by the board.

4 (e) The board shall revoke a license for supervised practice if
5 the person fails the marital and family therapist examination.

6 (f) The supervisor is responsible for ensuring that the extent,
7 kind, and quality of services performed by the supervisee are consis-
8 tent with the training experience of the licensee.

9 (g) A licensee shall retain records of supervisory contact and
10 submit them to the board at times specified by the board.

11 Sec. 08.15.130. APPROVED SUPERVISORS. (a) Except for super-
12 vision under AS 08.15.110(a)(3)(B), a person may not supervise a
13 person in the practice of marital and family therapy unless the person
14 is approved by the board.

15 (b) The board shall approve as a supervisor a person who

16 (1) applies to the board for the approval;

17 (2) is licensed under this chapter to practice marital and
18 family therapy.

19 (c) Notwithstanding (b) of this section, the board shall approve
20 as a supervisor a member of a mental health profession other than the
21 marital and family therapy profession if the person meets the criteria
22 established by the board for approval of a member of another mental
23 health profession as a supervisor.

24 (d) The board shall establish continuing education requirements
25 for marital and family therapy supervisors who are approved by the
26 board.

27 (e) The board may cancel its approval of a person as a supervi-
28 sor if the person commits an act listed in AS 08.15.170, fails to
29 satisfy the continuing education requirements established by the board

1 under AS 08.15.050(3), or otherwise violates a provision of this
2 chapter.

3 Sec. 08.15.140. SCOPE OF PRACTICE. A person licensed as a
4 marital and family therapist may assess or diagnose and treat mental
5 and emotional disorders that are referenced in the standard diagnostic
6 nomenclature for marital and family therapy, whether cognitive, affec-
7 tive, or behavioral, within the context of human relationships, par-
8 ticularly marital and family systems. Marital and family therapy
9 involves rendering or offering to render for a fee

10 (1) an applied understanding of the dynamics of marital and
11 family interactions, along with the application of psychotherapeutic
12 and counseling techniques for the purpose of resolving intrapersonal
13 and interpersonal conflict and changing perceptions, attitudes, and
14 behaviors in the area of human relationships and family life; and

15 (2) the professional application of assessments and treat-
16 ments of psychotherapeutic services to individuals, couples, and
17 families for the purpose of treating the diagnosed emotional and
18 mental disorders.

19 ARTICLE 3. SOCIAL WORKERS.

20 Sec. 08.15.210. QUALIFICATIONS FOR EXAMINATION. (a) An appli-
21 cant for the bachelor social worker (LBSW) examination shall furnish
22 evidence satisfactory to the board that the applicant

23 (1) has not engaged in conduct that is a ground for disci-
24 plinary sanctions under AS 08.15.970; and

25 (2) has a bachelor's degree in social work from a school
26 with a social work program accredited by the Council on Social Work
27 Education.

28 (b) An applicant for the master social worker examination shall
29 furnish evidence satisfactory to the board that the applicant

1 (1) has not engaged in conduct that is a ground for disci-
2 plinary sanctions under AS 08.15.970; and

3 (2) has a master's degree in social work from a school with
4 a social work program accredited by the Council on Social Work Educa-
5 tion.

6 (c) An applicant for the independent social worker examination
7 shall furnish evidence satisfactory to the board that the applicant

8 (1) has not engaged in conduct that is a ground for disci-
9 plinary sanctions under AS 08.15.970; and

10 (2) has a master's degree in social work from a school with
11 a social work program accredited by the Council on Social Work Educa-
12 tion; and

13 (3) has completed at least 24 months of supervised post-
14 graduate experience approved by the board in the field of specialty in
15 which the person intends to engage as a private practitioner.

16 Sec. 08.15.240. SCOPE OF PRACTICE. (a) A person licensed as a
17 bachelor, master, or independent social worker may provide services
18 that enhance, protect, or restore people's capacity for social func-
19 tioning whether impaired by physical, environmental, or emotional
20 factors, guided by professional social work ethics, knowledge and
21 intervention methods.

22 (b) A social worker may practice psychotherapy only if the
23 social worker is licensed as an independent social worker with a
24 clinical specialty or as a master social worker and is employed and
25 supervised in a clinical setting.

26 (c) A social worker may practice social work autonomously only
27 if

28 (1) the person is licensed as an independent social worker;

29 (2) the board has approved the specialty in which the

1 person may engage as a private practitioner and authorizes designation
2 of the speciality on the person's license;

3 (3) the license bearing a designation of speciality is
4 prominently displayed in the place the person engages in private
5 practice; and

6 (4) the person limits the private practice of social work
7 to the designated specialty.

8 ARTICLE 4. PROFESSIONAL COUNSELORS.

9 Sec. 08.15.310. QUALIFICATIONS FOR EXAMINATION. (a) A appli-
10 cant for the professional counseling examination shall furnish evi-
11 dence satisfactory to the board that the applicant

12 (1) has not engaged in conduct that is a ground for impos-
13 ing disciplinary sanctions under AS 08.15.970;

14 (2) has a master's degree or doctorate that is primarily
15 counseling in content from a regionally accredited institution ap-
16 proved by the board;

17 (3) has three years of full-time supervised experience in
18 professional counseling.

19 (b) An applicant may subtract one year of the supervised experi-
20 ence required by (a)(3) of this section for every 30 graduate semester
21 hours from an accredited institution obtained beyond the requirements
22 for a master's degree if the hours are clearly related to professional
23 counseling. However, an applicant must have at least one year of
24 required professional experience.

25 Sec. 08.15.340. SCOPE OF PRACTICE. (a) A person licensed as a
26 professional counselor may render or offer to render for a fee to
27 individuals, groups, organizations, or the public a counseling service
28 involving the application of principles, methods, or procedures of
29 counseling to assist individuals in achieving more effective personal,

1 social, educational, career, and vocational development and adjust-
2 ment.

3 (b) "Counseling services" includes engaging in methods and
4 techniques that include

5 (1) "appraisal," which means selecting, administering,
6 scoring and interpreting instruments designed to assess an individu-
7 al's aptitudes, attitudes, abilities, achievement, interests, and
8 personal characteristics, and the use of nonstandardized methods and
9 techniques for understanding human behavior in relation to coping
10 with, adapting to, or changing life situations;

11 (2) "consulting," which means the application of scientific
12 principles and procedures in counseling, guidance and human develop-
13 ment to provide assistance in understanding and solving a current or
14 potential problem that the consultee may have in relation to another
15 party, whether an individual, group or organization;

16 (3) "counseling," which means assisting an individual,
17 group, or organization through the counseling relationship, to develop
18 understanding of intrapersonal and interpersonal problems, to define
19 goals, to make decisions, plan a course of action reflecting the
20 counselee's needs, interests and abilities, and to use informational
21 and community resources as these procedures are related to personal,
22 social education, career, and vocational development and adjustment;

23 (4) "referral," which means evaluating information to
24 identify needs or problems of the counselee and to determine the
25 advisability of referral to other specialists, informing the counselee
26 of the judgment, and communicating as requested or appropriate to
27 referral sources.

28 ARTICLE 5. GENERAL PROVISIONS.

29 Sec. 08.15.910. LICENSE BY EXAMINATION. The board shall issue a

1 license to practice a behavioral science profession to an applicant
2 who

3 (1) applies on a form provided by the department;

4 (2) pays the fee established by the department under
5 AS 08.01.065; and

6 (3) passes the written examination administered by the
7 department on behalf of the board.

8 Sec. 08.15.920. TEMPORARY LICENSE. (a) The board shall issue a
9 temporary license to an applicant who satisfies all the requirements
10 for permanent licensure except for passing the examination and who has
11 been approved by the board to take the examination.

12 (b) A person may practice under a temporary license until the
13 board issues the results of the first examination given after issuance
14 of the person's temporary license and either issues or denies a perma-
15 nent license to the person.

16 (c) If a licensee under this section does not take the next
17 examination given after the issuance of the temporary license, the
18 board may renew the person's temporary license until the board issues
19 the results of the next examination, if the licensee provides satis-
20 factory proof to the board that the licensee had good cause for not
21 taking the examination.

22 (d) If a licensee under this section fails the examination, the
23 board may not renew the person's temporary license.

24 Sec. 08.15.930. LICENSE BY CREDENTIALS. The board shall, with-
25 out examination, issue a license to practice a behavioral science
26 profession to a person who

27 (1) is licensed as a behavioral science professional in
28 another state that has requirements for the license or certificate
29 that are substantially equal to or greater than the requirements of

1 this state;

2 (2) applies on a form provided by the department;

3 (3) pays the fee established by the department under
4 AS 08.01.065; and

5 (4) furnishes evidence satisfactory to the board that the
6 applicant

7 (A) has not engaged in conduct that is a ground for
8 disciplinary sanctions under AS 08.15.170;

9 (B) is not the subject of an unresolved complaint,
10 review procedure, or disciplinary proceeding undertaken by a
11 professional association or regulatory authority;

12 (C) has not failed the examination of this state; or

13 (D) has not previously had a license to practice
14 revoked in any jurisdiction..

15 Sec. 08.15.940. RENEWAL OF LICENSE. A license issued under this
16 section expires two years from the date of issue. It may be renewed
17 by payment of the fee required under AS 08.15.140 and by satisfaction
18 of the continuing education requirements established by the board for
19 the renewal of licenses issued under this section.

20 Sec. 08.15.950. FEES. The department shall, by regulations
21 adopted under AS 08.01.065, establish fees for behavioral science
22 professionals for the following:

23 (1) application;

24 (2) examination;

25 (3) credential review;

26 (4) license;

27 (5) temporary license;

28 (6) license for supervised practice;

29 (7) renewal of license;

1 (8) renewal of temporary license.

2 Sec. 08.15.960. CONFIDENTIALITY OF COMMUNICATIONS. A behavioral
3 science professional licensed under this chapter may not disclose
4 information provided to the licensee by a client in the course of
5 their professional conduct. This prohibition does not apply if the

6 (1) client provides written consent to the licensee to
7 reveal the communication;

8 (2) client is incompetent and the guardian or personal
9 representative provides written consent to the licensee to reveal the
10 communication;

11 (3) client is dead and a beneficiary of an insurance policy
12 on the client's life provides written consent to the licensee to
13 reveal the communication;

14 (4) communication discloses that a crime has been committed
15 or reveals an intent to commit a crime;

16 (5) client is a minor, the communication discloses that the
17 client was the victim of a crime or harmful act, and the licensee
18 reveals the communication only during the course of an official ex-
19 amination, trial or other proceeding in which the commission of the
20 crime or harmful act is a subject of inquiry;

21 (6) client brings charges against the licensee and the
22 licensee reveals the communication only as necessary to defend the
23 charges;

24 (7) licensee is subpoenaed to testify in court;

25 (8) licensee is collaborating or consulting with profes-
26 sional colleagues or an administrative superior on behalf of the
27 client;

28 (9) communication discloses information that the licensee
29 is required by state or federal laws or regulations to disclose.

1 Sec. 08.15.970. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
2 TIONS. After a hearing, the board may impose a disciplinary sanction
3 on a person licensed under this chapter when the board finds that the
4 person

5 (1) secured a license through deceit, fraud, or intentional
6 misrepresentation;

7 (2) engaged in deceit, fraud, or intentional misrepresenta-
8 tion in the course of providing professional services or engaging in
9 professional activities;

10 (3) advertised professional services in a false or mislead-
11 ing manner;

12 (4) has been convicted of a felony or other crime that
13 affects the person's ability to continue to practice competently and
14 safely;

15 (5) failed to comply with a provision of this chapter or a
16 regulation adopted under this chapter, or an order of the board;

17 (6) continued to practice after becoming unfit due to

18 (A) professional incompetence;

19 (B) addiction or dependency on alcohol or another drug
20 that impairs the person's ability to practice safely;

21 (C) physical or mental disability;

22 (7) engaged in lewd or immoral conduct in connection with
23 the delivery of professional services to clients;

24 (8) had a license to practice in another jurisdiction
25 suspended or revoked for any reason except a fee dispute;

26 (9) has violated a code of ethics adopted by board regula-
27 tion.

28 Sec. 08.15.980. DISCIPLINARY SANCTIONS. (a) When it finds that
29 a licensee has committed an act listed in AS 08.15.970, the board may

1 impose the following sanctions singly or in combination:
2 (1) permanently revoke a license to practice;
3 (2) suspend a license for a determinate period of time;
4 (3) censure a licensee;
5 (4) issue a letter of reprimand;
6 (5) place a licensee on probationary status and require the
7 licensee to
8 (A) report regularly to the board on matters involving
9 the basis of probation;
10 (B) limit practice to those areas prescribed;
11 (C) continue professional education until a satisfac-
12 tory degree of skill has been attained in those areas determined
13 by the board to need improvement;
14 (6) impose limitations or conditions on the practice of a
15 licensee.
16 (b) The board may withdraw a limitation, condition, or proba-
17 tionary status if it finds that the deficiency that required the
18 sanction has been remedied.
19 (c) The board may suspend a license upon receipt of a certified
20 copy of evidence that a license to practice medicine in another state
21 or territory of the United States or province of Canada has been
22 suspended or revoked. The suspension remains in effect until a hear-
23 ing can be held by the board.
24 (d) The board shall seek consistency in the application of
25 disciplinary sanctions, and the board shall explain a significant
26 departure from prior decisions involving similar situations in its
27 findings of fact or orders.
28 Sec. 08.15.990. PROHIBITED ACTS AND PENALTY. (a) Unless a
29 person is licensed under this chapter, the person may not

1 (1) practice a behavioral science profession regulated by
2 this chapter for which the person is not licensed under this chapter;

3 (2) use a title indicating or representing that the person
4 practices or is licensed to practice a behavioral science profession
5 regulated by this chapter for which the person is not licensed under
6 this chapter;

7 (3) advertise that the person practices a behavioral sci-
8 ence profession regulated by this chapter for which the person is not
9 licensed under this chapter.

10 (b) A person who violates this chapter or a regulation adopted
11 under it is guilty of a class B misdemeanor.

12 Sec. 08.15.995. EXEMPTIONS. This chapter does not apply to a
13 person who practices a behavioral science profession regulated by this
14 chapter consistent with the accepted standards and code of ethics of
15 the person's profession and as part of the person's duties as

16 (1) a psychologist or psychological associate;

17 (2) a physician or psychiatrist;

18 (3) an attorney or judge;

19 (4) a member of the clergy;

20 (5) a student, intern, or resident pursuing a course of
21 study approved by the board as appropriate training for a behavioral
22 science profession regulated by the board, if the activities of the
23 student, intern, or resident constitute a part of a supervised course
24 of study and the student, intern, or resident is designated by a title
25 that indicates that the person is training to be a behavioral science
26 professional regulated by the board.

27 Sec. 08.15.999. DEFINITIONS. In this chapter,

28 (1) "advertise" includes issuing or causing to be dis-
29 tributed a card, sign or device to a person, or causing, permitting or

1 allowing a sign or marking on or in a building or structure, or in a
2 newspaper, magazine, or directory, or on radio or television, or using
3 other means designed to secure public attention;

4 (2) "behavioral science professional" means a marriage and
5 family therapist, a social worker, or a professional counselor;

6 (3) "board" means the Board of Behavioral Science;

7 (4) "course" means a class of at least three credit hours
8 in a graduate program at an accredited educational institution or an
9 institution approved by the board;

10 (5) "supervision" means face-to-face consultation, direc-
11 tion, review, evaluation and assessment of the practice of the person
12 being supervised, including direct observation and the review of case
13 presentations, audio tapes and video tapes.

14 * Sec. 7. AS 09.55.560(1) is amended to read:

15 (1) "health care provider" means a behavioral science
16 professional licensed under AS 08.15; a chiropractor licensed under
17 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-
18 censed under AS 08.36; a nurse licensed under AS 03.68; a dispensing
19 optician licensed under AS 08.71; an optometrist licensed under
20 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist
21 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-
22 trist; a psychologist and a psychological associate licensed under
23 AS 08.86; and a hospital as defined in AS 18.20.130, including a
24 governmentally owned or operated hospital; a corporate entity covered
25 under AS 21.88.050(b)(12); and an employee of a health care provider
26 acting within the course and scope of employment;

27 * Sec. 8. AS 21.88.900(a)(9) is amended to read:

28 (9) "health care provider" means a behavioral science
29 professional licensed under AS 08.15; a chiropractor licensed under

1 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-
2 censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
3 optician licensed under AS 08.71; an optometrist licensed under
4 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist
5 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-
6 trist; a psychologist and a psychological associate licensed under
7 AS 08.86; and a hospital as defined in AS 18.20.130, including a
8 governmentally owned or operated hospital; a corporate entity covered
9 under AS 21.88.050(b)(12); and an employee of a health care provider
10 acting within the course and scope of employment;

11 * Sec. 9. AS 39.50.200(b) is amended by adding a new paragraph to read:
12 (48) an occupational licensing board or commission (AS 08).

13 * Sec. 10. AS 44.62.530(a) is amended by adding a new paragraph to
14 read.

15 (53) Board of Behavioral Science (AS 08.15.010).

16 * Sec. 11. AS 47.17.070(6) is amended to read:

17 (6) "practitioner of the healing arts" includes chiroprac-
18 tors, dentists, health aides, nurses, optometrists, osteopaths, phys-
19 ical therapists, physicians, psychiatrists, psychologists, behavioral
20 science professionals licensed under AS 08.15. religious healing
21 practitioners, and surgeons;

22 * Sec. 12. INITIAL APPOINTMENTS TO THE BOARD. (a) Notwithstanding
23 AS 08.15.030 as enacted by sec. 6 of this Act, the initial appointments of
24 members to the Board of Behavioral Science are for the following terms:

- 25 (1) three members for a term of one year;
26 (2) three members for a term of two years;
27 (3) three members for a term of three years.

28 (b) In making the initial appointments of professional members to the
29 Board of Behavioral Science, the governor shall consider a person licensed

1 for the purpose of AS 08.15.020 if the person qualifies to take the
2 examination for the license. The Board of Behavioral Science shall issue a
3 two-year temporary license to each professional member appointed under this
4 section.

5 * Sec. 13. (a) The board shall issue a two-year transitional license
6 to practice a behavioral science to a person who applies within one year of
7 the effective date of this section and who on that date either

8 (1) qualifies to take the examination for a permanent license; or
9 (2) is practicing the behavioral science in the state and is a
10 clinical member of a national certifying body.

11 (b) The board shall issue a two-year transitional bachelor social
12 worker license to a person that applies within one year after the effective
13 date of this section and who on that date

14 (1) holds a degree in social work from a school with a social
15 work program that is not accredited by the Council on Social Work Education
16 or a bachelor's or master's degree in a social sciences field related to
17 social work as defined by the board, and has been practicing under the
18 title "social worker" for at least 24 consecutive months before July 1,
19 1988; or

20 (2) has been practicing social work under the supervision of a
21 person eligible to be licensed under this Act for at least two years; or

22 (3) has practiced social work for at least 24 months total and
23 for the 24 months before July 1, 1988, has been employed in the administra-
24 tion of an agency that employs people under the title.

25 (c) Notwithstanding any provisions of new AS 08.15, a person who is
26 issued a two-year transitional license under this section is eligible to
27 take the examination for a permanent license of the same category.

28 * Sec. 14. (a) Notwithstanding AS 08.15.130 enacted by sec. 6 of this
29 Act the board shall approve as a supervisor a person who

POSITION PAPER

CS FOR HOUSE BILL NO. 424 (L & C)

For an Act entitled: "An Act establishing the Board of Behavioral Science; amending Rule 504 of the Alaska Rules of Evidence; and providing for an effective date."

This bill would establish a Behavioral Science Board composed of representatives of the American Marriage and Family Therapists, National Association of Social Workers, and Professional Counselors, which would set standards for these professions, provide for examination of eligible participants, adopt regulations for persons engaged in those professions and impose disciplinary sanctions. The bill would require that a person be licensed to use the titles: Marriage and Family Therapist, Social Worker and Professional Counselor. The bill regulates confidentiality and the disclosure of information. In relation to persons practicing social work, the bill allows for a two year transitional license for persons currently practicing who have 24 months experience, and for those who have 24 months social work experience and are currently administering programs which supervise social workers. To renew the license, these persons would be required to take an exam at the end of the two years.

The department supports a joint board approach to establishing a licensing board. The Department of Health and Social Services supports efforts to increase professional standards for social workers and other therapists. The department is currently seeking to increase the number of M.S.W. and B.S.W. employees engaged in agency social work, by taking administrative actions which encourage the hiring of these degreed professionals. In addition, the department believes that professional standards for social workers in the private sector would increase public confidence. The bill does present a number of complicated issues that have not been resolved quickly in other states. These areas require special scrutiny and analysis. This position paper first addresses two major issues, followed by a sectional analysis.

I. MAJOR DEPARTMENTAL ISSUES

A. Effect on Current State Employees:

There are currently 143 Division of Family and Youth Services social workers affected by the bill.

As of January 3, 1986, an educational review of staff qualifications of Division of Family and Youth Services' employees shows that of 143 social worker positions, 2 have Ph.D's, 32 have M.S.W. degrees, 20 have related master's degrees, 15 have B.S.W. degrees, and 57 have related bachelor's degrees. Approximately 50% of social work supervisors have M.S.W. degrees from an accredited social work school. 52% of social work employees have a BSW or above, which represents the agency's strong management effort to continue to improve the credentials of social work staff.

The bill does allow for a two year transitional license for "social workers" who do not meet all of the licensing standards, but who have degrees in social work or related fields and 24 months prior to July 1, 1988. It also allows for a two year transitional license for persons who have practiced social work for 24 months and have, for the 24 months prior to July 1, 1988, been employed in the administration of an agency which employs people under the title. All persons will be required to take an exam, to be determined by the board, at the end of this two year period. This exam requirement could result in a discriminatory situation for currently practicing social workers who practice in a specialized field and who did not attend schools of social work because none were available in Alaska. The department urges an amendment to allow already established state social workers the right to renew their licenses without exam and to continue to practice subject to disciplinary oversight of the new Board of Behavioral Sciences (as well as the supervision and monitoring by the department and "oversight" by the courts and the ombudsman).

B. Effect on State Hiring Practices, Including Local Hire and Affirmative Action Goals:

After the enactment of the bill, the department would be required to hire licensed social workers. After July 1, 1988, it may be difficult to fill all positions, whether public or private, with licensed social workers, especially in rural areas. The bill's strict educational requirements for licensure after July 1, 1988 may impede the state's long-term goals of employing paraprofessional employees and developing a career ladder for them. The department often hires Alaska Native "Social Services Associates" who may eventually become social workers. Many of these employees possess Alaska Native language skills essential to providing services in some rural areas of the state. The bill would probably prevent these persons from advancing beyond the paraprofessional level unless they leave their communities for further education.

II. SECTIONAL ANALYSIS

A. "Grandfathering"

This bill does not provide for an actual "grandfathering" of currently practicing social workers. It only allows for a two year transitional license. The details of the transitional license are in Section 13.

The department urges that Section 13 be revised to read:

Sec. 13 (a) Delete "transitional", add "renewable". The board shall issue a two year renewable license to practice a behavioral science to a person who applies within one year of the effective date of this section and who on that date either...

Sec. 13 (b)(3) amend to read "has practiced under the title of Social Worker within the last five years and is now employed in the administration of an agency that employs people under that title."

Sec. 13 (c) Delete "a two year transitional" and "to take the examination for a permanent license of the same category". Add "renew the licence without examination". Notwithstanding any provisions of new AS 08.15, a person who is issued a license under this section is eligible to renew the license without examination.

B. Financial Impact

Section 8.15.950 indicates that the department will set the fees for licensing. These fees could be very significant and costly to the state employee who does not currently pay any fee.

III. RECOMMENDATIONS

The department supports the concept of a behavioral science board which encompasses three of the counseling professions. Specifically, the department supports the licensure of social workers in both the public and private sector as an additional method to monitor quality and to protect the public, although the department believes accommodation should be made for persons currently employed as social workers. The department recommends that suggested changes in transitional licensure be made to provide for actual grandfathering of persons currently practicing.

RECOMMENDED:

Michael L. Price
Michael L. Price, Director
Division of Family
and Youth Services

DATE:

March 6, 1986

APPROVED:

John R. Pugh
John R. Pugh, Commissioner
Department of Health
and Social Services

DATE:

3/6/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date : _____

REQUEST
 Bill/Resolution No. : CSHB 424 (L&C)
 Title : An Act establishing the Board of Behavioral Science
 Sponsor : Rep. Pignalberi
 Requestor : _____
 Date of Request : _____

FISCAL DETAIL
 Agency Affected : Commerce & Econ. Dev.
 BRU : Occupational Licensing
 Components : _____

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		33.1	34.8	36.5	38.3	40.2
TRAVEL		3.6	3.8	4.0	4.2	4.4
CONTRACTUAL		21.2	29.5	8.3	8.3	8.3
SUPPLIES		1.0	1.0	1.0	1.0	1.0
EQUIPMENT		3.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		62.5	69.1	49.8	51.8	53.9

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		148.7	107.9	119.0	9.0	187.0
---------	--	-------	-------	-------	-----	-------

FUNDING : (Thousands of Dollars)

GENERAL FUND		62.5	69.1	49.8	51.8	53.9
FEDERAL FUNDS						
OTHER						
TOTAL		62.5	69.1	49.8	51.8	53.9

POSITIONS :

FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See attached analysis.

Prepared by: Jennifer Strickler, Mgmt. Analyst Phone: 465-2144
 Division: Occupational Licensing Date: 2/14/86
 Approved by Commissioner: G. J. Rake Date: 2/19/86
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (L&C)

This Bill creates a Board of Behavioral Sciences to regulate the licensing of social workers, family and marital therapists and professional counselors. An explanation of the costs follows:

Personal Services:

Request: One Licensing Examiner I, Range 12A, GGU, 12 months, to be located in Juneau:

\$33,145.82

The primary concern of this agency is that current responsibilities prohibit assuring new functions without additional staff. While it is possible that only one-half of an Examiner's time may be required to manage the function of this new Board, a full-time position is necessary because inquiries from the public are not geared towards 'part-time' services in licensing. Staff availability to respond to the public during normal State working hours is crucial to this agency's effectiveness.

Travel:

Travel costs for the nine board members are based on one face-to-face meeting and exam in Anchorage, assuming members are from Anchorage, Fairbanks and Juneau. This request also includes funding for the attendance of the division's regulations specialist.

Contractual Services:

Contractual costs consist of the following:

- one full-day teleconference meeting of the board;
- three hour-long standards committee teleconferences (one for each of the standards committees);
- one regulation hearing by teleconference; and
- public notice costs in accordance with AS 44.62.

These costs also include room rental for the meeting and exam; telephone; printing and postage costs; and funding to purchase examinations for 310 examinees in the first year.

Commodities:

This funding request covers stationery and miscellaneous desk supplies required to support the function.

Equipment (one-time costs only):

Equipment associated with the Licensing Examiner I position.

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (L&C)

Revenues were based on the following:

FY 87: Section 13 of the bill provides for a two year temporary license to be issued to practitioners in current practice. Therefore, it is anticipated that 430 will qualify for the two year license, and 310 will require licensure by examination.

740 x \$30 application fee =	\$ 22.2
430 x \$150 license fee =	64.5
310 x \$50 examination fee =	15.5 in addition to
310 x \$150 license fee =	46.5
TOTAL:	<u>148.7</u>

FY 88: It is anticipated that practitioners holding temporary licenses will be examined during this year in addition to new licensees.

430 x \$30 application fee =	12.9
430 x \$50 examination fee =	21.5
430 x \$150 license fee =	<u>64.5</u>
	98.9
50 new applicants x \$30 application fee =	\$ 1.5
50 x \$150 license fee =	7.5
TOTAL:	<u>107.9</u>

FY 89: New applicants:

50 new applicants x \$30 application fee =	\$ 1.5
50 x \$150 license fee =	7.5

Renewal:

480 paying prorated renewal fee of \$100 =	48.0
310 paying renewal fee of \$200 =	62.0

TOTAL: 119.0

FY 90: New applicants:

50 new applicants x \$30 application fee =	\$ 1.5
50 new applicants x \$150 license fee =	7.5

TOTAL: 9.0

FY 91: New applicants:

50 new applicants x \$30 application fee =	1.5
50 new applicants x \$150 license fee =	7.5
890 licensees renewing x \$200 =	<u>178.0</u>

TOTAL: 187.0



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

MEMORANDUM

TO: The Honorable Marco Pignalberi DATE: February 13, 1986
Alaska State Legislature
House of Representatives

FROM: Barbara A. Dale
Special Staff Assistant
to the Governor
Boards and Commissions SUBJECT: HB 424

While Governor Sheffield supports the licensing of social workers, the office of Boards and Commissions has a strong preference for a combined board approach to licensing behavioral health professionals.

Governor Sheffield's policy of not supporting the creation of new boards and commissions is based primarily on budget considerations. There are currently over 140 official boards, commissions, councils, and task forces, which accommodate in excess of 1245 participants.

As an example of the expenditure involved, the FY 86 authorized operating budgets of 30 of these boards, councils, and commissions are in excess of 73 million.

The Division of Occupational Licensing, which provides administrative support for 18 existing licensing boards, has shown an increase of 27% in their operating budget since FY 84. Of the 27% increase, only 12% was generated from fees.

It is this office's recommendation that proposed boards, commissions, councils, and task forces be scrutinized for their potential to be combined with like professions, and that there be consideration given to inserting intent language that would instruct Occupational Licensing to set fees that would cover the costs of licensing, administration, and investigation.

cc: Ray Gillespie
Jim Ayers

MEMORANDUM

State of Alaska

TO: Barbara Dale
Special Assistant to Governor
for Boards and Commissions

DATE: February 12, 1986

FILE NO: 377-068-86

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

By: *PBF*
Peter B. Froehlich
Assistant Attorney General
Legislation/Regulations Section

SUBJECT: Revised draft of
proposed CS for
HB 424 (Board of
Behavioral Science)

Yesterday I delivered to you and distributed copies of the revised draft of a proposed Committee Substitute for HB 424 (Board of Behavioral Science), that I had hoped to finish last week. This revision incorporates some of the suggestions made by the Alaska chapter of the National Association of Social Workers (NASW) in their January 15, 1986 letter, by the Alaska Association of Marriage & Family Therapists (AAMFT) in their February 3, 1986 letter, and the Alaska chapter of the American Association of Counseling and Development (AACD) in a January 30 telephone conversation with Chapter President Pat Reeves. All 3 groups also made some suggestions on the January 29 telephone conference call we had with them.

As you know, this continuing project is a cooperative effort by your office, ours, and the 3 professional organizations to develop HB 424 into an acceptable compromise bill combining the 3 new separate licensing boards sought by these 3 professions into one Board of Behavioral Science. The effort was initiated last summer by your predecessor, Carol Derfner, in an attempt to reconcile the governor's longstanding policy against the creation of new occupational licensing boards with the increasing demands from these 3 professional organizations for 3 separate new boards. It was decided that 1 new combined board was the next best alternative instead of separate new boards for each behavioral science profession. HB 424, following this approach, was introduced late last session by Representative Pignalberi and, although it was incomplete and imperfect, it was chosen as a vehicle for developing a combined behavioral science board bill.

A meeting of all concerned parties, including the staff of the House Labor and Commerce Committee and of the House HESS Committee, was held in Anchorage on September 13, 1985 and we went through HB 424 section-by-section, forging agreement in concept on each provision. The minutes of that meeting are attached. I drafted a proposed CS for HB 424 based on those agreements and sent it to the office of House HESS Committee Co-Chair Gruenberg whose staff had promised to distribute it along with minutes to all who had attended. I also supplied the draft to

you and to Representative Pignalberi. Although I solicited comments and suggestions so I could revise the draft, we heard nothing until the first week of the session when we were contacted by the president of NASW. You then contacted the other professional groups and again solicited their comments, this time successfully.

This redraft of the proposed CS is the result of my synthesis of those comments and of Representative Gruenberg's HB 396 (professional counselors), Senator Fahrenkamp's SB 227 (social workers), Representative Pignalberi's HB 421 (marriage and family therapists), SB 195 (governor's bill on miscellaneous occupational licensing amendments), and, of course, HB 424 (behavioral science), as it was originally introduced.

Some parts of my revised proposed CS for HB 424 may be the focus of some disagreement. Therefore I want to identify them along with some of the general principles I considered in drafting it:

- 1) On page 10 of the bill, in AS 08.15.210(b) and (c) setting the examination qualifications for master and independent level social worker licenses, the language of subsec. (a) was mistakenly repeated. The correct language is on pages 3 and 4 of CSSB 227(Fin) in AS 08.-87.100(b) and (c).
- 2) The justification for occupational licensing is protection of consumers, not protection of professionals from competition within their own profession or from other professions. Therefore, for example, I have not drafted the CS to automatically grandfather all current practitioners into permanent licenses. Rather, a current practitioner who is a clinical member of a national certifying body would be allowed within one year to apply for a two-year temporary license, until the practitioner can take and pass the same exam as other applicants. Section 13 of the bill needs some revision to accomplish this.
- 3) The costs to government of a licensing system should be minimized and should be passed on to those licensed.
- 4) Government's involvement in occupational licensing means that professional associations sacrifice some control. Therefore, as much as possible, the CS should place functions in the department rather than in the board, according to principles of centralized licens-