

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3214.90

HHESS

HB 424

86/2

ing. Examinations should be objective to minimize the need for special expertise and the danger of arbitrariness in grading.

- 5) A combined board is a compromise, so no single profession will get everything it may want in a licensing system.
- 6) Efficiency in drafting and in the operation of a combined board both require that the general provisions in art. 5, on such things as renewals, credential licenses, temporary licenses, and discipline must all be set out only once uniformly for all 3 professions.
- 7) All licensing boards should have as much flexibility as possible to adopt and amend detailed regulations on the specifics of a license system.
- 8) In the interest of preserving the strong executive form of government established by the constitution, all board members should serve at the pleasure of the governor as now provided in AS 08.01.020.

I still have some concerns about parts of the CS, even as I have drafted it. These are mainly focused on the inordinate degree of minute detail regarding marriage and family therapists' eligibility to take the Alaska license exam and the stringent supervision requirements for entry level professionals in that profession only. It seems that these details should be eliminated and the subjects either dealt with in a general way in statute for all 3 professions, or in special ways for each in regulations. NASW seems to agree with this concept in their comments on supervision and approved supervisors of marriage and family therapists.

Another concern I have is the omission of psychologists and the existing board for that profession. That omission of a related and even overlapping profession, while not entirely logical, is apparently a matter of political practicality and the time constraints of this legislative session. The Board of Psychologists and Psychological Associates Examiners will be subjected to sunset review next session. So, whether or not this bill is successful this session, combining the psychologists into a true and complete Board of Behavioral Science can be taken up during that sunset review.

A third concern is that perhaps it would be more efficient and logical for the Department of Commerce and Economic

Barbara Dale, Special Assistant to
Governor for Boards & Commissions

February 12, 1986
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Development to register behavioral science professionals without a board. This approach may well be equally as effective as an expensive and somewhat cumbersome board in protecting clients from dangerously incompetent or unscrupulous professionals.

My primary concern is that SB 227, creating a new social workers board has this session been passed by the Senate and is now in the House HESS Committee before it goes to the House Finance Committee. This bill, HB 424, creating a single combined board including social workers as agreed in concept by NASW is in the House Labor and Commerce Committee before going to the House Judiciary and Finance Committees. It would be much easier to develop the combined board approach if both bills were considered at the same time by the same committee, before they separately reach the House Finance Committee.

I hope to continue to work with you, the professional organizations, the Departments of Commerce and Economic Development and Health and Social Services, and the interested legislative staff and committees in resolving the remaining issues on licensing of behavioral science professionals in the most efficient way.

PBF:md

cc: Hon. Marco Pignalberi
Ak. House of Representatives

Hon. Max Gruenberg
Co-Chair, House HESS Committee
Ak. House of Representatives

Hon. Mike Navarra
Chair, House Labor & Commerce
Committee
Ak. House of Representatives

Hon. Bettye Fahrenkamp
Chair, Senate HESS Committee
Ak. Senate

Hon. Loren H. Leunsbury, Commissioner
Dept. of Commerce & Economic Development

Hon. John Pugh, Commissioner
Dept. of Health & Social Services

Barbara Dale, Special Assistant to
Governor for Boards & Commissions

February 12, 1966
Page 3

Jim Ayers, Director
Legislative Relations
Governor's Office

Mike Price, Director
Div. of Family & Youth Services
DHSS

Nancy Dunn, Director
Div. of Occupational Licensing
DCED

*
* DELIVER TO: JPCM *
*
* ORIGINAL *
* SENT: 02/12/86 TIME: 11:28 *
* FROM: JEAN MILLER *
* SUBJECT: POM *
* PRINT DATE: 02/12/86 TIME: 11:36 41 *
*

TO: ALL REPRESENTATIVES

Const

FROM: PAT REEVES, PRESIDENT
ALASKA ASSOCIATION OF COUNSELING AND DEVELOPMENT
8240 PIONEER DRIVE
ANCHORAGE, AK 99504 PHONE: 337-1993

SUBJECT: HB 424/HB 396 - LICENSING OF COUNSELORS

PLEASE SUPPORT THE CONSOLIDATION OF HB 396 (LICENSING PROFESSIONAL COUNSELORS) WITH SB 227 INTO HB 424. ONE BOARD, COMPRISED OF REPRESENTATIVES FROM THE THREE PROFESSIONS, WOULD NOT ONLY ASSURE QUALITY SERVICES TO ALASKANS FROM THOSE TRAINED IN THEIR RESPECTIVE INDIVIDUAL PROFESSION, BUT WOULD REMOVE EXISTING "PROFESSION" AMBIGUITY AND BE COST EFFECTIVE.

*
* DELIVER TO: JFOM *
*
* ORIGINAL *
* SENT: 02/11/86 TIME: 14:24 *
* FROM: JEAN MILLER *
* SUBJECT: POM *
* PRINT DATE: 02/11/86 TIME: 14:24 *
*

11

TO: HOUSE LABOR AND COMMERCE COMMITTEE
REPRESENTATIVES NAVARRE, DAVIS, BOUCHER, KOPONEN, PEARCE, COLLINS
AND HANLEY AND
SENATORS STURGULEWSKI AND FAIKS AND REPRESENTATIVE PIGNALBERI

FROM: JEAN MAXWELL
6761 REDDIKE CIRCLE
ANCHORAGE, AK 99507 . PHONE: 522-1542

SUBJECT: HB 424 - LICENSING OF COUNSELORS

I SUPPORT THE BILL IF LICENSING OF PROFESSIONAL COUNSELORS IS
INCLUDED IN THE BILL.

*
* DELIVER TO: JPOM *
*
* ORIGINAL *
* SENT: 02/11/86 TIME: 10:02 * 41 *
* FROM: BARBARA NORRELL *
* SUBJECT: POM *
* PRINT DATE: 02/11/86 TIME: 10:02 *
*

TO: ALL REPRESENTATIVES

FROM: LAWRENCE D. BURTON, 2185 ARCADEA DRIVE, ANCHORAGE, AK
99517, 277-9117

SUBJECT: HB 424, BOARD OF BEHAVIORAL SCIENCE EXAMINERS

I WOULD LIKE YOUR SUPPORT OF HB 424. PLEASE VOTE IN FAVOR OF.

ROBERT K. FREIMUTH
President



JOSEPHINE STOLL
Secretary-Treasurer

United Food & Commercial Workers Union

Local 1496

2501 BLUEBERRY, SUITE 200 ANCHORAGE, ALASKA 99503

(907) 276-2829

March 7 1986

February 28, 1986

Marco Pignalberi
House Representative
P.O. Box V
Juneau, AK 99811

Dear Mr. Pignalberi:

I would like this opportunity to voice our support of House Bill 424 (establishing the Board of Behavioral Science Examiners).

We would like to thank you for introducing this legislation and extend our resources in getting this legislation passed.

If there is anything we can do or the AFL-CIO, please contact me.

Sincerely,

A handwritten signature in cursive script that reads "Robert K. Freimuth".

Robert K. Freimuth
President, UFCW Local 1496

Vice President, AFL-CIO

cs

cc: Forest Hayes, PHD
c/o Mat-Su Community College
P.O. Box 899
Palmer, AK 99645

BOARDS AND COMMISSIONS

ON BOARD

(ATHLETIC COMMISSION:	<u>5</u>	-----
A.E.L.S.: (ARCHITECTS ENGINEERS LAND SURVEYORS)	<u>9</u>	← (2 ARCHITECTS, 4 ENGINEERS, 2 LAND SURVEYORS 1 PUBLIC MEMBER)
BARBERS & HAIRDRESSERS:	<u>5</u>	← (2 BARBERS, 2 HAIRDRESSERS, 1 PUBLIC MEMBER)
CHIROPRACTORS:	<u>5</u>	-----
COLLECTION AGENCIES:	<u>TRADE *</u>	-----
CONTRACTORS:	<u>TRADE</u>	-----
CONCERT PROMOTERS:	<u>TRADE</u>	-----
DENTAL:	<u>7</u>	-----
DISPENSING OPTICIANS:	<u>5</u>	-----
ELECTRICAL ADMINISTRATORS:	<u>3</u>	-----
GEOLOGISTS:	<u>TRADE</u>	-----
GUIDES:	<u>7</u>	-----
MEDICAL:	<u>7</u>	-----
(MARINE PILOTS:	<u>7</u>	-----
MORTUARY SCIENCE:	<u>TRADE</u>	-----
NURSING:	<u>7</u>	-----
NURSING HOME ADMIN.:	<u>5</u>	-----
OPTOMETRY:	<u>5</u>	-----
PHARMACY:	<u>7</u>	-----
PHYSICAL THERAPY:	<u>5</u>	-----
PSYCHOLOGY:	<u>5</u>	-----
PUBLIC ACCOUNTANCY:	<u>7</u>	-----
VETERINARY:	<u>5</u>	-----

COMMENTS: "Trade"- A group which is licensed, certified, or registered without a board

STATE OF ALASKA
THE LEGISLATURE

FOUCHY, STATE CAPITOL
JUNEAU, ALASKA 99801
(907) 465-0500

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 26, 1986

SUBJECT: Sectional Analysis of CSHB 424 (L&C)
TO: Representative Marco Pignalberi
FROM: Theresa L. Bannister ⁷⁰
Legislative Counsel

Section 1 states the legislative findings and purpose of the bill.

Section 2 lists the Board of Behavioral Science in the centralized licensing chapter.

Section 3 directs the Department of Commerce and Economic Development to provide investigative services to the board.

Section 4 adds a behavior science professional licensed under this act to the persons who must identify themselves professionally with appropriate letters or titles.

Section 5 gives the board a sunset date of June 30, 1990.

Section 6 contains the substance of the regulatory provisions of the act.

Sec. 08.15.010 establishes the Board of Behavioral Science.

Sec. 08.15.020(a) provides for a board of two professional members and one public member for each behavioral science profession regulated

Sec. 08.15.020(b) establishes the qualifications for the professional members of the board.

Sec. 08.15.030(a) directs the governor to appoint the board members subject to legislative confirmation for staggered terms of three years.

Sec. 08.15.030(b) sets restrictions on appointments to unexpired and consecutive terms on the board.

Sec. 08.15.040 authorizes the board to hold teleconference meetings in addition to the meetings required by AS 08.01.070(3) (the citation should be AS 08.01.070(2)), and indicates who can call the teleconference meetings.

Sec. 08.15.050 itemizes the powers of the board.

Sec. 08.15.060 establishes a standards committee for each behavioral science profession regulated by the board to advise and make recommendations to the board on matters relating to the profession represented by the standards committee. Lists the areas in which a standards committee can make recommendations. Establishes the powers of a standards committee and the relationship between the board and the committee.

Sec. 08.15.070 applies the Administrative Procedure Act to the regulations and proceedings of the board. Applies certain sections of the Administrative Procedure Act to the proceedings of standards committees.

Sec. 08.15.110 establishes the qualifications for taking a marital and family therapist examination and restricts the taking of a subsequent examination after failing.

Sec. 08.15.120 authorizes the board to issue a 4-year nonrenewable license to practice marital and family therapy under supervision, establishes the criteria for issuing the license, sets certain conditions on the use and maintenance of the license, states the responsibility of the supervisor, and requires the licensee to keep certain records and submit them to the board when the board requires.

Sec. 08.15.130 establishes the conditions for a person to supervise another person in the practice of marital and family therapy; establishes the criteria for board approval as a supervisor under the section; and authorizes the board to cancel its approval under certain conditions.

Sec. 08.15.140 establishes the nature and scope of the practice of a marital and family therapist.

Sec. 08.15.210 establishes the qualifications for taking bachelor, master, and independent social worker examinations.

Sec. 08.15.240 establishes the scope of activity that a bachelor, master, or independent social worker may engage in, establishes the conditions when a social worker can practice psychotherapy, establishes the conditions when a social worker can practice social work autonomously.

Sec. 08.15.310 establishes the qualifications for taking a professional counseling examination.

Sec. 08.15.340 establishes the scope of activity that a professional counselor may engage in for a fee and itemizes certain counseling services that a professional counselor may offer.

Sec. 08.15.910 authorizes the board to issue a license to practice a behavioral science if the applicant submits the requisite application and fee and passes the written examination.

Sec. 08.15.920 authorizes the board to issue a temporary license to certain applicants who have been approved to take the examination, and specifies the duration and renewal of the temporary license.

Sec. 08.15.930 authorizes the board to issue a license to certain persons who are licensed to practice a behavioral science profession in another state and who satisfy certain other listed requirements.

Sec. 08.15.940 provides for renewal of a license after two years from the date of issuance if the person pays the fee and satisfies the board's continuing education requirements.

Sec. 08.15.950 sets the licensing and examination fees for the chapter.

Sec. 08.15.960 makes information provided by a client to a behavioral science professional confidential, and specifies when the professional may disclose such information.

Sec. 08.15.970 establishes the grounds for the board to impose disciplinary sanctions.

Sec. 08.15.980 indicates the disciplinary sanctions that the board may impose on a licensee who has committed an act listed in Sec. 08.15.970, allows the board to withdraw certain sanctions when the deficiency is remedied; allows

February 26, 1986

the board to summarily suspend a license until the board hearing if it receives evidence that the person's license to practice medicine has been suspended or revoked in another state or territory of the U.S. or province of Canada; requires the board to seek consistency in its application of disciplinary sanctions and to explain a significant departure from a decision in a prior similar matter.

Sec. 08.15.990 lists the prohibited acts for licensees and the penalty for violating the chapter or a regulation adopted under the chapter (a class B misdemeanor).

Sec. 08.15.995 lists the persons who are exempted from the coverage of the chapter.

Sec. 08.15.999 defines the terms used in the chapter.

Section 7 adds a behavioral science professional licensed by the board to the professions that must comply with the procedures and requirements established for medical malpractice actions in AS 09.55.530 - 09.55.560.

Section 8 adds a behavioral science professional to the occupations that can obtain malpractice insurance from the Medical Indemnity Corporation of Alaska.

Section 9 makes the members of the Board of Behavioral Science subject to the conflict of interest chapter, AS 39.50.

Section 10 adds the board to the list of agencies required to comply with the Administrative Procedure Act.

Section 11 indicates that a behavioral science professional licensed by the board is covered by the chapter dealing with the reporting of child abuse and neglect.

Section 12 provides for staggered terms for initial appointments to the board and licensing the initial professional members of the board.

Section 13 provides for the issuance of 2-year transitional behavioral science and bachelor social worker licenses to persons meeting certain criteria and applying within one year of the effective date of the Act, and makes the transitional licensees eligible to take the examination for a permanent license of the same category.

Representative Marco Pignalberi
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February 26, 1986

Section 14 establishes special requirements for approval of supervisors during the first year of the board.

Section 15 gives notice that the confidentiality of communications established by Sec. 08.15.960 of the Act amends Rule 504 of the Alaska Rules of Evidence.

Section 16 gives sections 1-6 and 9-16 of the Act an immediate effective date.

Section 17 makes sec. 7 of the Act effective July 1, 1986.

Section 18 makes sec. 8 of the Act effective July 1, 1987.

TLB:mkr
m3/081

Bannister
3/25/86

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, social
8 workers, and professional counselors; and providing
9 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 behavioral science professions affects the safety
13 and welfare of the public and requires regulation and control by the state
14 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 behavioral science professions.
18 This Act shall be liberally construed to carry out this purpose.

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

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

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

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

24 (1) collect fees and issue receipts;

25 (2) maintain records and files;

26 (3) issue and receive application forms;

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

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

1 applicants;

2 (6) publish notice of examination;

3 (7) arrange space for holding examinations;

4 (8) notify applicants of results of examinations;

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

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

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

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

13 (13) answer routine inquiries;

14 (14) maintain files relating to individual licensees;

15 (15) arrange for printing and advertising;

16 (16) purchase supplies;

17 (17) employ secretarial help when needed;

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

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

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

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

1 AS 08.72, a registered pharmacist under AS 08.80, a registered phys-
2 ical therapist under AS 08.84, or a psychologist under AS 08.86, shall
3 use as professional identification appropriate letters or a title
4 after that person's name which represents that person's specific field
5 of practice. The letters or title shall appear on all signs, statio-
6 nery or other advertising in which the person offers or displays
7 personal professional services to the public. In addition, a person
8 engaged in the practice of medicine or osteopathy under AS 08.64.-
9 380(2), or a person engaged in any manner in the healing arts who
10 diagnoses, treats, tests, or counsels other persons in relation to
11 human health or disease and uses the letters "M.D." or the title
12 "doctor" or "physician" or another [ANY OTHER] title that [WHICH]
13 tends to show that the person is willing or qualified to diagnose,
14 treat, test, or counsel another person, shall clarify the letters or
15 title by adding the appropriate specialist designation, if any, such
16 as "dermatologist", "radiologist", "audiologist", "naturopath", or the
17 like.

18 * Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:
19 (21) Board of Behavioral Science (AS 08.15.010) -- June 30,
20 1990.

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

22 CHAPTER 15. BEHAVIORAL SCIENCE PROFESSIONALS.

23 ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE.

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

26 Sec. 08.15.020. MEMBERSHIP. (a) The board consists of one
27 person from each of the three behavioral science professions regulated
28 by the board and two members of the public.

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

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

28 Sec. 08.15.040. MEETINGS. (a) In addition to the meeting
29 required by AS 08.01.070(3), the board may hold additional meetings at

1 the call of the chairperson or a majority of the board members.

2 (b) The board may hold by teleconference the additional meetings
3 allowed under (a) of this section.

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

5 (1) examine applicants and issue licenses to qualified
6 applicants;

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

10 (3) establish continuing education requirements for

11 (A) license renewal, after consulting with the stan-
12 dards committee for the behavioral science profession for which
13 the continuing education requirements are established;

14 (B) supervisors approved by the board under AS 08.15.-
15 130;

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

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

20 (6) perform the administrative duties required by AS 08.-
21 01.070;

22 (7) establish standards for supervisors and supervision;

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

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

27 Sec. 08.15.060. STANDARDS COMMITTEES. (a) The board shall ap-
28 point a standards committee for each behavioral science profession
29 that it regulates, comprised of the board member from the behavioral

1 science profession and a public member of the board.

2 (b) Each standards committee may advise the board about the
3 licensing and regulation of the behavioral science profession that is
4 the subject of that standards committee and may make recommendations
5 to the board on the following items for the profession:

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

16 (c) Each standards committee may act as a liaison between the
17 board and educational institutions and perform other functions that
18 the board requests.

19 (d) A recommendation of a standards committee is not final until
20 the board approves the recommendation. Except as provided in (e) of
21 this section, the board may initiate an action or otherwise perform a
22 function that a standards committee is authorized to perform.

23 (e) A decision of the board relating to a behavioral science
24 profession regulated by the board is not effective unless it is ap-
25 proved by the members of the standards committee for the behavioral
26 science profession.

27 Sec. 08.15.070. PROCEDURES. The Administrative Procedure Act
28 (AS 44.62) applies to regulations and to board proceedings, but only
29 AS 44.62.310 - 44.62.312 apply to standards committee proceedings.

1 ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

2 Sec. 08.15.110. QUALIFICATIONS FOR EXAMINATION. (a) An appli-
3 cant for the marital and family therapist examination shall furnish
4 evidence satisfactory to the board that the applicant

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

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

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

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

14 (C) three courses in human development;

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

16 (E) one course in research;

17 (3) after receiving a degree listed in (2) of this sub-
18 section, has

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

22 (B) has been supervised by at least two board-approved
23 supervisors in the clinical contact for at least 200 hours,
24 including at least 100 hours of individual supervision and 100
25 hours of group supervision approved by the board.

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

29 (c) The board may not allow an applicant who fails an

1 examination given under this section to take a subsequent examination
2 for a period of six months from the date of the examination that the
3 applicant failed.

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

7 (1) applies on a form approved by the board;

8 (2) pays the fee established by the department under
9 AS 08.15.950;

10 (3) furnishes the evidence required by AS 08.15.110(a)(1)
11 and (2);

12 (4) submits to the board a statement of intent to practice;

13 (5) submits to the board for approval a proposed plan for
14 satisfying the supervision requirement of AS 08.15.110(a)(3)(B).

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

16 (1) under the direct supervision of a supervisor approved
17 by the board; and

18 (2) in a clinic, social service agency, or other setting
19 approved by the board.

20 (c) A licensee under this section shall use the title "marital
21 therapy associate," "family therapy associate," or other title that is
22 approved by the board.

23 (d) The board shall revoke a license for supervised practice if
24 the person fails the marital and family therapist examination.

25 (e) A licensee shall retain records of supervisory contact and
26 submit them to the board at times specified by the board.

27 Sec. 08.15.130. APPROVED SUPERVISORS. (a) Except for the
28 supervision required under AS 08.15.110(a)(2), a person may not super-
29 vise a person in the practice of marital and family therapy unless the

1 person is approved by the board.

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

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

4 (2) is licensed under this chapter to practice marital and
5 family therapy.

6 (c) Notwithstanding (b) of this section, the board shall approve
7 as a supervisor a member of a mental health profession other than the
8 marital and family therapy profession if the person meets the criteria
9 established by the board for approval of a member of another mental
10 health profession as a supervisor.

11 (d) A supervisor approved by the board shall satisfy the con-
12 tinuing education requirements established by the board.

13 (e) The board may cancel its approval of a person as a supervi-
14 sor if the person commits an act listed in AS 08.15.970, fails to
15 satisfy the continuing education requirements established by the board
16 for supervisors under AS 08.15.050(3), or otherwise violates a pro-
17 vision of this chapter.

18 (f) A person providing supervision under this section is respon-
19 sible for ensuring that the extent, kind, and quality of services
20 performed by the person being supervised are consistent with the
21 training and experience of that person.

22 Sec. 08.15.140. SCOPE OF PRACTICE. A person licensed as a
23 marital and family therapist may assess, diagnose and treat mental and
24 emotional disorders that are referenced in the standard diagnostic
25 nomenclature for marital and family therapy, whether cognitive, affec-
26 tive, or behavioral, within the context of human relationships, par-
27 ticularly marital and family systems. Marital and family therapy
28 involves rendering or offering to render for a fee

29 (1) an applied understanding of the dynamics of marital and

1 family interactions, along with the application of psychotherapeutic
2 and counseling techniques for the purpose of resolving intrapersonal
3 and interpersonal conflict and changing perceptions, attitudes, and
4 behaviors in the area of human relationships and family life; and

5 (2) the professional application of assessments and treat-
6 ments of psychotherapeutic services to individuals, couples, or fam-
7 ilies for the purpose of treating the diagnosed emotional and mental
8 disorders.

9 ARTICLE 3. SOCIAL WORKERS.

10 Sec. 08.15.210. QUALIFICATIONS FOR EXAMINATION. (a) An appli-
11 cant for the bachelor social worker examination shall furnish to the
12 board

13 (1) three professional references; and

14 (2) evidence satisfactory to the board that the applicant

15 (A) has not engaged in conduct that is a ground for
16 disciplinary sanctions under AS 08.15.970; and

17 (B) has a bachelor's degree in social work from a
18 school with a social work program accredited by the Council on
19 Social Work Education.

20 (b) An applicant for the master social worker examination shall
21 satisfy the requirements of (a)(1) - (2)(A) of this section and fur-
22 nish evidence satisfactory to the board that the applicant has a
23 master's degree in social work from a school with a social work pro-
24 gram accredited by the Council on Social Work Education.

25 (c) An applicant for the independent social worker examination
26 shall satisfy the requirements of (b) of this section and furnish
27 evidence satisfactory to the board that the applicant has completed at
28 least 24 months of supervised post-graduate experience approved by the
29 board in the specialty in which the person intends to engage as a

1 private practitioner.

2 Sec. 08.15.240. SCOPE OF PRACTICE. (a) A person licensed as a
3 bachelor, master, or independent social worker may, guided by profes-
4 sional social work ethics, knowledge and intervention methods, provide
5 services that enhance, protect, or restore a person's capacity for
6 social functioning that has been impaired by physical, environmental,
7 or emotional factors.

8 (b) A social worker may practice psychotherapy only if the
9 social worker is

10 (1) licensed as an independent social worker with a clin-
11 ical specialty or as a master social worker; and

12 (2) employed and supervised in a clinical setting.

13 (c) A social worker may practice social work autonomously only
14 if

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

16 (2) the board has approved the specialty in which the
17 person may engage as a private practitioner and authorizes designation
18 of the speciality on the person's license;

19 (3) the license bearing a designation of speciality is
20 prominently displayed in the place where the person engages in private
21 practice; and

22 (4) the person limits the private practice of social work
23 to the designated specialty.

24 Sec. 08.15.250. LICENSE REQUIRED FOR USE OF TITLE. A person may
25 not use the letters "LBSW" as part of a title unless the person is
26 licensed as a bachelor social worker under this chapter. A person may
27 not use the letters "LMSW" as part of a title unless the person is
28 licensed as a master social worker under this chapter. A person may
29 not use the letters "LISW" as part of a title unless the person is

1 licensed as an independent social worker under this chapter.

2 ARTICLE 4. PROFESSIONAL COUNSELORS.

3 Sec. 08.15.310. QUALIFICATIONS FOR EXAMINATION. (a) An appli-
4 cant for the professional counseling examination shall furnish evi-
5 dence satisfactory to the board that the applicant

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

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

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

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

19 Sec. 08.15.340. SCOPE OF PRACTICE. (a) A person licensed as a
20 professional counselor may render or offer to render for a fee to
21 individuals, groups, organizations, or the public a counseling service
22 involving the application of principles, methods, or procedures of
23 counseling to assist individuals in achieving more effective personal,
24 social, educational, career, and vocational development and adjust-
25 ment.

26 (b) "Counseling service" includes engaging in methods and tech-
27 niques that include:

28 (1) "appraisal," which means selecting, administering,
29 scoring and interpreting instruments designed to assess an

1 individual's aptitudes, attitudes, abilities, achievement, interests,
2 and personal characteristics, and the use of nonstandardized methods
3 and techniques for understanding human behavior in relation to coping
4 with, adapting to, or changing life situations;

5 (2) "consulting," which means the application of scientific
6 principles and procedures in counseling, guidance and human develop-
7 ment to provide assistance in understanding and solving a current or
8 potential problem that the person being counseled may have in relation
9 to another party, whether an individual, group or organization;

10 (3) "counseling," which means assisting an individual,
11 group, or organization through the counseling relationship, to develop
12 understanding of intrapersonal and interpersonal problems, to define
13 goals, to make decisions, plan a course of action reflecting the
14 needs, interests and abilities of the person being counseled, and to
15 use informational and community resources as these procedures are
16 related to personal, social, educational, career, and vocational
17 development and adjustment;

18 (4) "referral," which means evaluating information to
19 identify needs or problems of the person being counseled and to deter-
20 mine the advisability of referral to other specialists, informing the
21 person being counseled of the judgment, and communicating as requested
22 or appropriate to referral sources.

23 ARTICLE 5. GENERAL PROVISIONS.

24 Sec. 08.15.910. LICENSE BY EXAMINATION. The board shall issue a
25 license to practice a behavioral science profession to an individual
26 who

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

28 (2) pays the fee established by the department under

29 AS 08.15.950; and

1 (3) passes the written examination administered by the
2 department on behalf of the board.

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

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

11 (c) If a licensee under this section does not take the next
12 examination given after the issuance of the temporary license, the
13 board may renew the licensee's temporary license until the board
14 issues the results of the next examination, if the licensee provides
15 satisfactory proof to the board that the licensee had good cause for
16 not taking the examination.

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

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

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

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

27 (3) pays the fee established by the department under
28 AS 08.15.950; and

29 (4) furnishes evidence satisfactory to the board that the

1 individual

2 (A) has not engaged in conduct that is a ground for
3 disciplinary sanctions under AS 08.15.970;

4 (B) is not the subject of an unresolved complaint,
5 review procedure, or disciplinary proceeding relating to the
6 behavioral science profession of the individual undertaken by a
7 professional association or regulatory authority;

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

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

12 Sec. 08.15.940. RENEWAL OF LICENSE. A license issued under this
13 chapter expires two years from the date of issue. A license may be
14 renewed by payment of the fee required by AS 08.15.950 and by satis-
15 faction of the continuing education requirements established by the
16 board for the renewal of the license

17 Sec. 08.15.950. FEES. The department shall establish fees for
18 behavioral science professionals for the following:

- 19 (1) application;
20 (2) examination;
21 (3) credential review;
22 (4) license;
23 (5) temporary license;
24 (6) license for supervised practice;
25 (7) renewal of license;
26 (8) renewal of temporary license.

27 Sec. 08.15.960. CONFIDENTIALITY OF COMMUNICATIONS. A behavioral
28 science professional licensed under this chapter may not disclose
29 information provided to the licensee by a client in the course of

1 their professional contact. This prohibition does not apply if the

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

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

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

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

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

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

20 (7) communication is revealed during the discovery of
21 evidence in a court action or is offered for introduction into evi-
22 dence in a court action;

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

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

28 Sec. 08.15.970. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
29 TIONS. After a hearing, the board may impose a disciplinary sanction

1 on a person licensed under this chapter when the board finds that the
2 person

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

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

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

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

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

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

16 (A) professional incompetence;

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

20 (C) physical or mental disability;

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

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

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

28 (10) has been held liable in a civil action for malpractice
29 in the behavioral science profession for which the person is licensed.

1 Sec. 08.15.975. DISCIPLINARY SANCTIONS. (a) When it finds that
2 a licensee has committed an act listed in AS 08.15.97 the board may
3 impose the following sanctions singly or in combinati

4 (1) permanently revoke a license to practice;

5 (2) suspend a license for a determinate period of time;

6 (3) censure a licensee;

7 (4) issue a letter of reprimand;

8 (5) place a licensee on probationary status and require the
9 licensee to

10 (A) report regularly to the board on matters involving
11 the basis of probation;

12 (B) limit practice to prescribed areas;

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

16 (6) impose limitations or conditions on the practice of a
17 licensee.

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

21 (c) The board may summarily suspend a license before a hearing
22 or during the appeal process if the board finds that the licensee
23 poses a clear and immediate danger to the public health and safety if
24 the licensee continues to practice. A person whose license is sus-
25 pended under this section is entitled to a hearing by the board no
26 later than 48 hours after the effective date of the order. After the
27 hearing the person may appeal the suspension to a court of competent
28 jurisdiction.

29 (d) The board shall seek consistency in the application of

1 disciplinary sanctions, and the board shall explain in its findings of
2 fact or orders a significant departure from prior decisions involving
3 similar situations.

4 Sec. 08.15.980. PROHIBITED ACTS AND PENALTY. (a) A person may
5 not

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

8 (2) use a title prohibited to the person under AS 08.15.-
9 120(c) or 08.15.250, or indicating or representing that the person
10 practices or is licensed to practice a behavioral science profession
11 regulated by this chapter for which the person is not licensed under
12 this chapter;

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

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

18 Sec. 08.15.985. EXEMPTIONS. (a) This chapter does not apply to
19 a person who practices a behavioral science profession regulated by
20 this chapter

21 (1) consistent with the accepted standards and code of
22 ethic of the person's profession and as part of the person's duties
23 as

24 (A) a psychologist or psychological associate;

25 (B) a physician or psychiatrist;

26 (C) an attorney or judge;

27 (D) a member of the clergy;

28 (E) a student, intern, or resident pursuing a course
29 of study approved by the board as appropriate training for a

1 behavioral science profession regulated by the board, if the
2 activities of the student, intern, or resident constitute a part
3 of a supervised course of study and the student, intern, or
4 resident is designated by a title that indicates that the person
5 is training to be a behavioral science professional;

6 (2) in a community of less than 5,000 persons; or

7 (3) for a regional or local health organization that re-
8 ceives a grant under AS 18.28.

9 (b) In this section, "community" means a municipality or an
10 unincorporated group of individuals residing in the same geographic
11 area as a social unit.

12 Sec. 08.15.990. DEFINITIONS. In this chapter,

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

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

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

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

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

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

29 (1) "health care provider" means a behavioral science

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

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

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

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

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

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

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

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

2 (9) "practitioner of the healing arts" includes chiroprac-
3 tors, dental hygienists, dentists, health aides, nurses, nurse practi-
4 tioners, optometrists, osteopaths, physical therapists, physicians,
5 physician's assistants, psychiatrists, psychologists, psychological
6 associates, behavioral science professionals licensed under AS 08.15,
7 religious healing practitioners, and surgeons;

8 * Sec. 12. INITIAL APPOINTMENTS TO THE BOARD. When making the initial
9 appointments of professional members to the Board of Behavioral Science
10 created by sec. 6 of this Act, the governor shall consider an individual
11 licensed for the purpose of AS 08.15.020 if the individual satisfies the
12 requirements of AS 08.15.110, 08.15.210(a), (b), or (c), or 08.15.310;
13 however, the educational institutions referenced in AS 08.15.110(a)(2) and
14 08.15.310(a)(2), the supervisors required by AS 08.15.110(a)(3)(B), and the
15 supervised postgraduate experience required by AS 08.15.210(c) do not need
16 to have been approved or authorized by the Board of Behavioral Science.

17 * Sec. 13. (a) Notwithstanding AS 08.15, as enacted by sec. 6 of this
18 Act, the Board of Behavioral Science shall issue a license to practice a
19 behavioral science to a person who applies within one year of the effective
20 date of this section and who on that date either

21 (1) qualifies to take the examination for a permanent license,
22 except that the educational institutions referenced in AS 08.15.110(a)(2)
23 and 08.15.310(a)(2), the supervisors required by AS 08.15.110(a)(3)(B), and
24 the supervised postgraduate experience required by AS 08.15.210(c) do not
25 need to have been approved or authorized by the Board of Behavioral
26 Science; or

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

29 (b) In addition to the bachelor social worker licenses issued under

1 (a) of this section, and notwithstanding AS 08.15, as enacted by sec. 6 of
2 this Act, the Board of Behavioral Science shall issue a bachelor social
3 worker license to an individual who applies within one year of the
4 effective date of this section and who on that date

5 (1) holds a degree in social work from a school with a social
6 work program that is not accredited by the Council on Social Work Education
7 or a bachelor's or master's degree in a social sciences field related to
8 social work as defined by the Board of Behavioral Science, and has been
9 practicing under the title "social worker" for at least 24 consecutive
10 months before July 1, 1988; or

11 (2) has been practicing social work for at least two years under
12 the supervision of a person eligible to be licensed under this Act and
13 successfully completes the examination required by AS 08.15.910.

14 (c) An individual who is issued a license under this section is
15 subject to the renewal requirements of AS 08.15.940.

16 * Sec. 14. (a) Notwithstanding AS 08.15.130, as enacted by sec. 6 of
17 this Act, the Board of Behavioral Science shall approve as a supervisor for
18 marital and family therapy a person who

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

21 (2) has practiced marital and family therapy for three years or
22 more; and

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

25 (b) A person approved as a supervisor under this section is subject
26 to the continuing education requirements and cancellation provisions of
27 AS 08.15.130.

28 * Sec. 15. Sections 1 - 6 and 9 - 17 of this Act take effect immedi-
29 ately in accordance with AS 01.10.070(c).

1 * Sec. 16. Section 7 of this Act takes effect July 1, 1986.

2 * Sec. 17. Section 8 of this Act takes effect July 1, 1987.

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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						
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REVENUE		11.8	3.0	9.6	1.6	12.8
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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:

FULLTIME		-0-	-0-	-0-	-0-	-0-
PARTTIME						
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
 Division: Occupational Licensing

Phone: 465-2144

Date: 4-7-86

Approved by Commissioner: [Signature]
 Agency: Commerce and Economic Development

Date: 4-7-86

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			\$ 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 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>
		\$11.8

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (HESS)

FY 88: Assuming there will be 5 new licensees: $\$590 \times 5 = \$ 3.0$ \$ 3.0 balance

FY 89: Licensing fees in the third year would require adjustment since revenues would exceed the costs of the function. To maintain consistency in matching revenues with costs, licensing/renewal fees would be adjusted to \$320 per licensee.

Assuming there will be 25 licensees renewing, in addition to 5 new applicants: $\$320 \times 30 =$ \$ 9.6

	\$ 4.1 - FY 89
	2.1 - overhea
	4.3 - FY 90
	2.1 - overhea
	<u>\$ 12.6</u>
	- 3.0 - balance
	<u>\$ 9.6</u>

FY 90: Assuming there will be 5 new licensees: $\$320 \times 5 = \$ 1.6$ \$ 1.6 balance

FY 91: Assuming there will be 35 licensees renewing in addition to 5 new applicants: $\$320 \times 40 =$ \$ 12.8

	\$ 4.3 - FY 90
	2.1 - overhea
	4.6 - FY 91
	2.1 - overhea
	<u>\$ 13.1</u>
	- 1.6 - balance
	<u>\$ 11.5</u>

	\$ 12.8 - Revenue
	- 11.5 - balance
	<u>\$ 1.3</u>

Thus, in the first two years, when the number of family and marital therapists is low, the biennial fee would be \$590 (\$295 annually). However, the number of licensees is projected to increase more quickly than costs, so in FY 89 the biennial fees would drop to \$320 (\$160 annually), based on current projections.

Telegram

In reference to HB 424, we would like to hold submission of counselor portion until next year. We do not agree with the direction HB 424 is taking. It is still our feeling that HB 396 best represents the position of M H Counselors. Rather no bill this session than a poor bill. Do not support position of Marriage and Family therapists.

Bill Webb
Clinical Director
Alaska Baptist Family Services
LAA Committee Chair
AACD

MEMORANDUM

State of Alaska

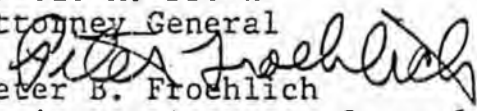
TO: Barbara Dale, Special Staff
Assistant for Boards &
Commissions
Governor's Office

DATE: March 25, 1986

FILE NO:

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

By: 
Peter B. Froehlich
Assistant Attorney General

SUBJECT: Confidentiality provisions of CSSB 227(Fin) and CSHB 424(L&C)

You have forwarded to this office several questions, raised by Representative Pignalberi, about the confidentiality provisions of CSSB 227(Fin) on social workers and CSHB 424(L&C) on behavioral science professionals, including not only social workers, but also professional counselors and marriage and family therapists.

Both of these bills contain identical confidentiality provisions. Proposed AS 08.87.210, entitled "confidentiality of communications," on pages 6 and 7 of CSSB 227(Fin) was incorporated verbatim into CSHB 424(L&C) on page 15, as proposed AS 08.15.960 and with the same title. Even though these provisions are identical, only CSHB 424(L&C) complies with Uniform Rule 39(e) by referring, in sec. 15 on page 22, to the fact that its new confidentiality provision amends Rule 504 of the Alaska Rules of Evidence, and with Uniform Rule 39(c) by stating that fact generally in the bill title.

This defect in CSSB 227(Fin) is discussed in Legislative Counsel Cramer's March 6 and 7 memos to Representative Pignalberi. A possible correction of the defect is suggested in Ms. Cramer's March 7 memo to Senator Fahrenkamp. (Copies of all three memos are attached.) That suggested approach would broaden the exception to confidentiality of client communications currently provided by paragraph (7) only for when the licensee is subpoenaed to testify in court to include all stages of all court proceedings. This would mean that a licensee would be obligated to disclose client communications given in confidence in any discovery, like depositions and interrogatories, in any court case, civil or criminal, regardless of whether the licensee or the client is even a party to the case.

Such a broad exception to confidentiality means in effect that there would be no privilege for or confidentiality of client communications as long as someone interested in gaining disclosure was willing to file a lawsuit at least peripherally related to the parties or substance of the communication. If this suggested approach were taken, neither the title nor the temporary and special provisions of CSSB 227(Fin) need be changed

Barbara Dale, Special Staff
Assistant for Boards & Commissions

March 25, 1986
Page 2

to mention amendment of court rules under Uniform Rule 39. Nonetheless CSSB 227(Fin) would still have to be returned to the Senate anyway, for concurrence in the House amendment to paragraph (7) of the confidentiality provision.

We are not convinced that client communications to psychotherapists should be more privileged and confidential than client communications to other behavioral science professionals. We therefore believe that the more logical approach, and the approach most likely preferable to both licensees and their clients, is to maximize the confidentiality of client communications by excepting only subpoenaed in-court testimony. This would necessitate the changes in the title and body of the bill required for amendment of court rules, as well as a two-thirds vote in each house under Art. IV, sec. 15, of the Alaska Constitution.

In either event, the same logic and considerations that apply to the social workers who would be licensed under CSSB 227(Fin) apply equally if not more so to their fellow behavioral science professionals who would also be licensed under CSHB 424(L&C). Therefore, if the substance of the latter combined licensing bill (CSHB 424(L&C)) is not simply substituted into the former social worker only licensing bill (CSSB 227(Fin)), then, at a minimum, whichever approach is chosen for one should be also used for the other.

We hope this somewhat hasty response to the questions raised by Representative Pignalberi is helpful. We recognize that the intricacies of the relationship of statutes to court rules can be as complex as the intricacies of the relationship of the legislative to the judicial branch of government. Therefore, we would appreciate the opportunity to continue working with you, legislative counsel, the sponsors of the two bills, and legislative committees to develop and refine the most appropriate and acceptable confidentiality and privilege language. We also, of course, hope to continue working with all concerned to attain a fair and cost-efficient approach to combined licensing of all behavioral science professionals rather than an arbitrarily piecemeal approach to licensing of only social workers.

PBF:md

Attachments

Barbara Dale, Special Staff
Assistant for Boards & Commissions

March 25, 1986
Page 3

cc w/attachments:

Hon. Marco Pignalberi
Alaska House of Representatives

Hon. Bettye Fahrenkamp
Alaska Senate

Hon. John Pugh, Commissioner
Dept. of Health & Social Services

Jim Ayers, Director
Legislative Relations
Governor's Office

Mike Price, Director
Div. of Family & Youth Services
Dept. of Health & Social Services

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 6, 1986

POUCHY STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 2800

RECEIVED
Department of Law

MAR - 6 1986

SUBJECT: Court Rule amendments in HB 317,
CSHB 424 (L&C) and CSSB 227 (Fin)
Social workers and behavioral scientists

TO: Representative Marco Pignalberi

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

MM
7:39:10:11:12:13:14:15:16
hand: delivered

You have asked whether the titles to these three bills, relating to social workers and behavioral scientists, should refer to amending court rules. CSHB 424 (Labor & Commerce) contains such a reference. Since the bills amend the scope of the psychotherapist-patient privilege, set out in Rule 504 of the Rules of Evidence, the answer is yes.

Each bill contains a section making certain communications to a licensed professional confidential. In each, there is some relaxation of the privilege for court appearances. Compare Sec. 08.87.210 of CSSB 227 (Finance), Sec. 08.15.960 of HB 317, and Sec. 08.87.210 of CSHB 424 (Labor & Commerce).

The state constitution requires that a two-thirds vote of the membership of each house is necessary to adopt a change to a court rule. (Article IV, Sec. 15, Constitution of the State of Alaska.) The question is whether the prohibition against revealing communications changes the scope of a court rule.

Rule 504, which sets out the psychotherapist-patient privilege, defines psychotherapist as

- (A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, or
- (B) a person licensed or certified as a psychologist or psychological examiner

Representative Marco Pignalberi
Page 2
March 6, 1986

under the laws of any state or nation or reasonably believed by the patient to so be, while similarly engaged.

Neither social workers under CSSB 227 (Finance) or HB 317, nor behavioral scientists under CSHB 424 (Labor & Commerce) meet the definition in the Rule. Therefore, each bill extends the scope of the Rule if it grants communications to a professional privileged status. Each bill dissolves the privilege for subpoenaed court testimony (which is limited in HB 317 to cases of child or adult abuse or child neglect), but each retains the privilege for voluntary testimony, and therefore does amend the Rule of Evidence.

Under Rule 39(c), of the Uniform Rules of the Alaska State Legislature, the title must reflect the amendment to Court Rule, and under Rule 39(e)

If a bill or portion of a bill contains matter changing a supreme court rule governing practice and procedure in civil or criminal cases, the bill must contain a section expressly citing the rule and noting what change is being proposed.

If the scope of the privilege granted in the bills in question is not intended to extend into the ambit of Rule 504, then there is no need to refer to amending the rule. However, all three appear to intend to amend the Rule and therefore should both cite the Rule in the title and explain the amendment in the body of the bill.

If I may be of further assistance, please advise.

TBC:mkr
m3/129

Rule 504. Physician and Psychotherapist-Patient Privilege.

(a) **Definitions.** As used in this rule:

(1) A patient is a person who consults or is examined or interviewed by a physician or psychotherapist.

(2) A physician is a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be.

(3) A psychotherapist is (A) a person authorized to practice medicine in any state or nation, or reasonably believed by the patient so to be, while engaged in the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction, or (B) a person licensed or certified as a psychologist or psychological examiner under the laws of any state or nation or reasonably believed by the patient to so be, while similarly engaged.

(4) A communication is confidential if not intended to be disclosed to third persons other than those present to further the interest of the patient in the consultation, examination, or interview, or persons reasonably necessary for the transmission of the communication, or persons who are participating in the diagnosis and treatment under the direction of the physician or psychotherapist, including members of the patient's family.

(b) **General Rule of Privilege.** A patient has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of diagnosis or treatment of his physical, mental or emotional conditions, including alcohol or drug addiction, among himself, his physician or psychotherapist, or persons who are participating in the diagnosis or treatment under the direction of the physician or psychotherapist, including members of the patient's family.

(c) **Who May Claim the Privilege.** The privilege may be claimed by the patient, by his guardian, guardian ad litem or conservator, or by the personal representative of a deceased patient. The person who was the physician or psychotherapist

at the time of the communication is presumed to have authority to claim the privilege but only on behalf of the patient.

(d) Exceptions. There is no privilege under this rule:

(1) *Condition and Element of Claim or Defense.* As to communications relevant to the physical, mental or emotional condition of the patient in any proceeding in which the condition of the patient is an element of the claim or defense of the patient, of any party claiming through or under the patient, of any person raising the patient's condition as an element of his own case, or of any person claiming as a beneficiary of the patient through a contract to which the patient is or was a party; or after the patient's death, in any proceeding in which any party puts the condition in issue.

(2) *Crime or Fraud.* If the services of the physician or psychotherapist were sought, obtained or used to enable or aid anyone to commit or plan a crime or fraud or to escape detection or apprehension after the commission of a crime or a fraud.

(3) *Breach of Duty Arising Out of Physician-Patient Relationship.* As to a communication relevant to an issue of breach, by the physician, or by the psychotherapist, or by the patient, of a duty arising out of the physician-patient or psychotherapist-patient relationship.

(4) *Proceedings for Hospitalization.* For communications relevant to an issue in proceedings to hospitalize the patient for physical, mental or emotional illness, if the physician or psychotherapist, in the course of diagnosis or treatment, has determined that the patient is in need of hospitalization.

(5) *Required Report.* As to information that the physician or psychotherapist or the patient is required to report to a public employee, or as to information required to be recorded in a public office, if such report or record is open to public inspection.

(6) *Examination by Order of Judge.* As to communications made in the course of an examination ordered by the court of the physical, mental or emotional condition of the patient, with respect to the particular purpose for which the examination is ordered unless the judge orders otherwise. This

exception does not apply where the examination is by order of the court upon the request of the lawyer for the defendant in a criminal proceeding in order to provide the lawyer with information needed so that he may advise the defendant whether to enter a plea based on insanity or to present a defense based on his mental or emotional condition.

(7) *Criminal Proceeding.* For physician-patient communications in a criminal proceeding. This exception does not apply to the psychotherapist-patient privilege. (Added by Supreme Court Order 264 effective August 1, 1979)

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3820

MEMORANDUM

March 7, 1986

SUBJECT: CSSB 227 (Finance)
(Social workers)

TO: Senator Bettye Fahrenkamp (SP?)

FROM: Teresa B. Cramer *JBC*
Legislative Counsel

You have requested language to ensure that Sec. 03.87.210(7) is not interpreted as attempting to amend the Rules of Evidence. I would suggest deleting the existing language on page 7, line 10 and replacing it with

(7) information is revealed as part of the discovery of evidence related to a court proceeding or introduced in evidence in a suit, action, or proceeding in a court;

If I may be of further assistance, please advise.

TC:mkr
m3/141

NOTE: SENATOR FAHRENKAMP HAS PROPOSED THIS CHANGE TO THE HOUSE H.E.S.S. COMMITTEE.

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY

POLICY STATE CAPITOL
JUNEAU ALASKA 99801
907-465-1800

MEMORANDUM

March 7, 1986

SUBJECT: Practice of social work
CSSB 227(Finance)

TO: Representative Marco Pignalberi

FROM: Teresa B. Cramer *TBC*
Legislative Counsel

You have asked for an opinion on the effect of the legislature enacting CSSB 227 (Finance) in its present form, without reference to amending court rules.

In Leege v. Martin, 379 P.2d 447 (Alaska 1963), the Alaska Supreme Court held that a bill is not effective to change rules of practice and procedure unless the bill specifically states that its purpose is to bring about that change. Therefore, CSSB 227 (Finance), which does not refer to amending court rules, is powerless to do so. The prohibition in sec. 08.87.210 against a social worker revealing communication from a client could not operate to make the communication a privileged communication under Rule 504 of the Rules of Evidence. Neither the client nor the social worker could rely on the statute as a basis for refusing to testify about the communication in a proceeding covered by the court rule although in other situations privilege could be invoked.

If I may be of further assistance, please advise.

TC:mkr
m3/136

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 license 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, 1984

APPROVED:

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

DATE:

3/6/84

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CS HB 424 (L & C)
 Title: An Act establishing the Board of Behavioral Science; amending Rule 504 of the Alaska Rules of Evidence.
 Sponsor: L & C
 Requestor: _____
 Date of Request: 2/27/86

FISCAL DETAIL

Agency Affected: Health & Social Services
 BRU: _____

 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						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		-0-	-0-	-0-	-0-	-0-
CAPITAL		-0-	-0-	-0-	-0-	-0-
REVENUE		-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

n/a

Prepared by: Michael L. Pugh *Michael Pugh* Phone: 465-3170
 Division: Division of Family & Youth Services Date: 2/27/86 *ace*

Approved by Commissioner: John R. Pugh *J.R. Pugh* Date: 3/6/86
 Agency: Department of Health & Social Services

Distribution (by Agency preparing fiscal note):

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

Counseling and Health Center



11120 Glacier Highway
Juneau, AK 99801
(907) 789-2101

UNIVERSITY OF ALASKA · JUNEAU

March 6, 1986

The Honorable Katie Hurley
House of Representatives
Chair of the HESS Committee
Fourteenth Alaska State Legislature
Second Session, 1986
Post Office Box V
Juneau, Alaska 99811

Dear Representative Hurley:

Transmitted with this letter of support for HOUSE BILL #424 is a copy of the written testimony addressing the need to establish a Behavioral Science Board, or its equivalent, in the State of Alaska. This testimony is supported by the National Board for Certified Counselors, the Alaska Association for Counseling and Development, post secondary schools offering programs to train professional counselors, the Professional Counselors in the State of Alaska and the National Certification Association for Professional Counselors.

Many voting constituents in the State support the establishment of a Behavioral Science Board, or its equivalent, to help protect the public from Unprofessional, Improper, and Unauthorized Practice of Behavioral Science professions. Honorable Hurley, there are other Professional Counselors who await to testify on behalf of this House Bill' passage.

Thank you for your continued guidance on House Bill #424.

Respectfully yours,

Jerome J. Mayfield, M.Ed., AACD
Professional Counselor

cc: HESS Committee Members

- The Honorable Max Gruenberg, House of Representatives, State of Alaska
- The Honorable Niilo Koponen " " " " " "
- The Honorable Terry Martin " " " " " "
- The Honorable Marco Pingnalberi, " " " " " "
- The Honorable Arliss Sturgulewski, Senate, State of Alaska
- President Pat Reeves, Alaska Association for Counseling Development (AACD)
- AACD MEMBERS: J. Bender, N. Young, Woody Hayes, Tele-Conference Sites

Attachment: Testimony to HESS Committee on March 6, 1986 @ 4:30p.m.
State of Alaska

PRESENTED AS: TESTIMONY TO HOUSE BILL #424
as Proposed in
THE LEGISLATURE OF THE STATE OF ALASKA
FOURTEENTH LEGISLATURE - SECOND SESSION

PRESENTED ON: March 6, 1986 - 4:30p.m. HESS Committee Hearing

PRESENTED BY: Jerome J. Mayfield, M.Ed., AACD Member
Professional Counselor - State of Alaska

CC: Honorable Marco Pignalberi, House of Representative
State of Alaska
Pat Reeves, President
Alaska Association for Counseling and Development
The Honorable Marco Pignalberi, House of Representative
State of Alaska
Special Staff Assistant B. Dale
Board of Commissions
Mr. Peter Froehlich, Assistant Attorney General
Professional File

In support of an Act to establish the Board of Behavioral Science, or its equivalent for the State of Alaska:

Be it understood that Professional Counselors in the State of Alaska who are Certified by the National Board for Certified Counselors (NBCC) should be GRANDFATHERED into the Proposed Bill (#424) whereby Behavioral Scientists are eligible to practice their professions within the State;

Be it understood that the NBCC Examination recognizes the diversity in educational preparation among candidates who apply for certification;

Be it understood that NBCC utilizes a common testing instrument to measure the knowledge of any professional counselor; and

Be it understood that by utilizing the NBCC examination and its fee structure to subsidize the state, this would eliminate administrative and financial repetition; and

Be it understood that those individuals who do not meet the educational criteria would be considered Associate/Peer Professional Counselors.

The NBCC Examination samples eight (8) topic areas deemed important for Professional Counselors, regardless of professional specialization. By using one examination and one fee structure, the State can benefit. Following are the eight (8) areas the NBCC Examination assesses. Definitions of those areas are relevant to behavioral sciences and human development.

DEFINITION OF THOSE CONTENT AREAS NBCC ASSESSES

(1) THE HELPING RELATIONSHIP:

This area includes philosophic bases of the helping relationship; consultation theory, practice, and application; and an emphasis on development of counselor and client (or consultee) self-awareness.

(2) GROUP DYNAMICS, PROCESSING AND COUNSELING:

This area includes theories and types of groups as well as descriptions of group practices, methods, dynamics, and facilitative skills.

(3) HUMAN GROWTH AND DEVELOPMENT:

This area includes studies that provide a broad understanding of the nature and needs of individuals at all developmental levels. Emphasis is placed on psychological approaches. Also included are such areas as human behavior (normal and abnormal), personality theory and learning theory.

(4) LIFESTYLES AND CAREER DEVELOPMENT:

This area includes vocational choice theory, relationship between career choice and lifestyle, sources of occupational and educational information, approaches to career decision-making process and career development exploration.

(5) PROFESSIONAL ORIENTATION:

This area includes goals and objectives of professional organizations, CODES OF ETHICS, legal consideration, standards of preparation, certification, licensing, and role identities of counselors and other personnel services specialists.

(6) APPRAISAL OF INDIVIDUALS:

This area takes under consideration factors such as ETHNIC, CULTURAL, and SEX when providing a developmental framework for understanding the individual including methods of data gathering and interpretation, individual and group testing, case study approaches, and the study of individual differences.

(7) SOCIAL AND CULTURAL FOUNDATION:

This area includes studies of change, ethnic groups, subcultures, changing roles of women and men, sexism, urban and rural societies, population, patterns, cultural mores, use of leisure time and differing life patterns. This area also includes the integration of several disciplines, i.e., Behavioral Sciences, Economic and Political Science, etc., to achieve effective results through guidance, counseling and development.

(8) RESEARCH AND ASSESSMENT:

This area includes successful completion of course work in statistics, research (parametric and non-parametric) design and development of research and demonstration proposals. Also included is understanding legislation relating to the development of research, program development and demonstration proposals, as well as understanding the development and evaluation of program objectives.

BECAUSE there is no undergraduate program to prepare Guidance Counselors; BECAUSE Guidance Counselors are required to complete supervised practicums as a requisite to become a Professional Counselor; and BECAUSE there is a certification process and BOARD to certify Professional Counselors, Alaska Association for Counseling Development (AACD) is asking that Professional Counselors CERTIFIED by NBCC be GRANDFATHERED into PROPOSED HOUSE BILL NO. 424.

If AACD CERTIFIED Professional Counselors are Grandfathered into House Bill #424, it is assured that the public is protected from the unprofessional, improper, and unauthorized practice of the BEHAVIORAL SCIENCE Profession. Should the Professional Counselors who are certified by the NBCC be Grandfathered into a Bill establishing a Behavioral Science Board, or its equivalent, these professionals will meet those requirements specified by the State of Alaska. The Alaska's Association for Counseling and Development (AACD) supports House Bill #424 in concept, and it is understood that post secondary institutions in the State support the intent of House Bill #424 as well.

Thank you for accepting this testimony in support of HOUSE BILL #424.

END OF TESTIMONY IN FAVOR OF HOUSE BILL #424

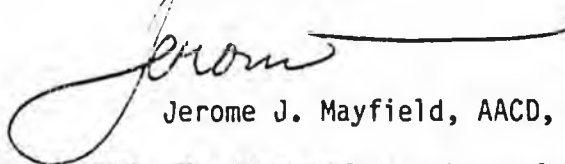
April 1, 1986

THE HONORABLE MAX GRUENBERG, REPRESENTATIVE
HOUSE OF REPRESENTATIVES - STATE OF ALASKA
FOURTEENTH ALASKA STATE LEGISLATURE
Second Session, 1986
POST OFFICE BOX V - STATE CAPITOL BUILDING

Dear Representative Gruenberg:

Reiterating my communication to you on behalf of the Legislative Affairs Committee of the Alaska Association for Counseling Development (AACD), we will support House Bill (HB) #396 and withdraw our support from HB #424.

Respectfully,



Jerome J. Mayfield, AACD, LCM

cc: HESS COMMITTEE MEMBERS, The Honorable Katie Hurley, The Honorable Marco Pingalberi, The Honorable Terry Martin, The Honorable Niilo Koponen, The Honorable Taylor, The Honorable Harley, The Honorable Pettijohn, The Honorable Arliss Sturgalewski, President Pat Reeves, AACD, Dr. Nora Young, Dr. Woody Hayes, Ms. Cynthia Terris, file

TESTIMONIAL DRAFT FOR HB #424

March 26, 1986

TO: THE HONORABLE MAX GRUENBERG & NILO KOPONEN
Co-Chairmen for Health, Education & Social Services Committee
State of Alaska Representatives
The House of Representatives
FOURTEENTH LEGISLATURE - Second Session

FROM: Jerome J. Mayfield, M.Ed., AACD, Legislative Affairs Committee *Jerome*

SUBJECT: Testimony on behalf of an Act establishing the Board of Behavioral Science to REGULATE Professional Counselors, Marriage and Family Therapists and Social Workers' Practices when Serving the public for Primary or Third Party Compensation

TESTIMONY:

Immediately, I refer your attention to the March 6, 1986, TESTIMONY regarding the Professional Counselors support of "An Act establishing the Board of Behavioral Science." Today, I am here to testify that we, the Professional Counselors, will not further support a bill for the subject cause.

Representatives, HESS Committee members, guests and other constituents, the Professional Counselors believe that our aforementioned decision is based upon reliable information. For example, it is our understanding that there are only four professionals within the State who are qualified to supervise Behavioral Science professionals in private practice; furthermore, two of the four professionals do not charge a fee. It is our understanding that the other two professionals charge \$60-\$70 dollars per supervised hour. This will add up to an astronomical amount of money for all new Behavioral Scientists entering private practice. We believe that this kind of LEGISLATURE will create a financial monopoly for a few and the public will be subjected to unprofessional, unethical, unauthorized, improper, etc., treatments.

In our best judgement, the Board of Behavioral Science Regulating the practices of Behavioral Scientists in private practices can be disastrous. This would not be in the best Economic, Political and Professional interests of Alaskans.

cc: HESS COMMITTEE MEMBERS, The Honorable Katie Hurley, The Honorable Marco Pignalberi, The Honorable Terry Martin, The Honorable Pettijohn, The Honorable Arliss Sturgaulowski, President Pat Reeves, AACD Legislative Committee, Professional Counselors, file

April 1, 1980

ALASKA ASSOCIATION FOR COUNSELING DEVELOPMENT (AACD)

(Testimonial Supportive Statements)

AACD LEGISLATIVE COMMITTEE MEMBERS (LCM):

Ms. Pat Reeves, President, AACD, LCM, Anchorage
Dr. N. Young, AACD, LCM, Fairbanks
Dr. Woody Hayes, AACD, LCM, Seward
Ms. Cynthia Terris, AACD, LCM, Fairbanks
Mr. Jerome J. Mayfield, AACD, LCM, Juneau

REASONS

The Alaska Association for Counseling Development (AACD) (Professional Counselors) discontinue its support for House Bill #424, or a bill to REGULATE three professional groups, e.g., MARRIAGE and FAMILY THERAPISTS, PROFESSIONAL COUNSELORS and SOCIAL WORKERS, to enhance Behavioral Science private practices and services to the public.

*The Professional Counselors believe the intent of a consolidated bill to establish "An Act to create a Board of Behavioral Science to REGULATE the Practices of Behavioral Scientists in Private practice lost its intent, as initially presented in HB #424, or, as proposed by the Governor.

*The Professional Counselors believe only a select few will benefit from a consolidated bill.

*The Professional Counselors believe the changed intent of HB #424 will continue to subject the public to behavioral science mal-practices, e.g., UNPROFESSIONAL, UNAUTHORIZED, IMPROPER AND UNETHICAL STANDARDS, therefore,

The PROFESSIONAL COUNSELORS withdraw SUPPORT for House Bill #424 and SUPPORT HOUSE BILL #396, as presented by REPRESENTATIVE Max Gruenberg.

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

Revision Date: 4/8/86

REQUEST

FISCAL DETAIL

Bill/Resolution No: CSHB 424 (HESS) Agency Affected: Commerce & Economic Dev.
 Title: An Act establishing the Board of Behavioral Science; regulating marital and family therapists; amending Rule 504... BRU: Occupational Licensing
 Sponsor: House HESS Components: _____
 Requester: House HESS _____
 Date of Request: 4/8/86 _____

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						
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REVENUE		12.0	.8	12.0	.6	14.4
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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 Agencies

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 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	
	\$ 916	+ \$ 320	= <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	
	\$11.8	
	-12.0	
	.2	balance

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 424 (HESS)

FY 88: Assuming there will be 10 new licensees: \$75 x 10 = \$.8	\$.2 - balance
(paying prorated biennial fee)	.8
	\$ 1.0 - balance

Licensing fees in the third year would require adjustment since revenues would exceed the costs of the function. To maintain consistency in matching revenues with costs, licensing/renewal fees would be adjusted to \$120 per licensee.

FY 89: Assuming there will be 90 licensees renewing, in addition to 10 new applicants: \$120 x 100 =	\$12.0	
		\$ 4.1 - FY 89
		2.1 - overhead
		4.3 - FY 90
		2.1 - overhead
		\$12.6
		- 1.0 - balance
		\$11.6
		-12.0
		\$.4 - balance

FY 90: Assuming there will be 10 new licensees: \$60 x 10 = \$.6		
(paying prorated biennial fee)		+ .6
		\$ 1.0 - balance

FY 91: Assuming there will be 110 licensees renewing in addition to 10 new applicants: \$120 x 120 =	\$14.4	
		\$ 4.3 - FY 90
		2.1 - overhead
		4.6 - FY 91
		2.1 - overhead
		\$13.1
		- 1.0 - balance
		\$12.1
		-14.4 - revenues
		\$ 2.3 - balance

We project that in the first two years, the biennial fee would be \$150 (\$75 annually). However, the number of licensees is projected to increase more quickly than costs, so in FY 89 the biennial fees are projected to drop to \$120 (\$60 annually).

Note that new applicants applying in the middle of the biennial period would be charged a prorated fee of \$75 or \$60, and then full fees at renewal time.