

ALASKA LEGISLATURE COMMITTEE FILES 1985-1988 00/2

3346

HJUD

HB

424

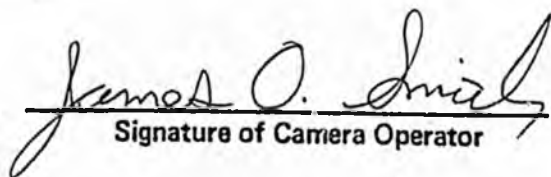
22

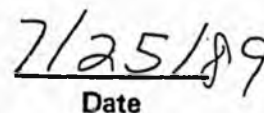


RECORDS CERTIFICATION



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


Signature of Camera Operator


Date

H B

H B H

Version #3
Bannister
4/1/86

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; amending
8 Rule 504 of the Alaska Rules of Evidence; and provid-
9 ing for an effective date."

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

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

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

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

21 CHAPTER 15. BEHAVIORAL SCIENCE PROFESSIONALS.

22 ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE.

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

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

28 (b) Each professional member must

29 (1) be licensed in the behavioral science profession

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

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

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

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

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

26 Sec. 08.15.040. MEETINGS. (a) In addition to the meeting
27 required by AS 08.01.0 (3), the board may hold additional meetings at
28 the call of the chairperson or a majority of the board members.

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

1 allowed under (a) of this section.

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

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

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

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

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

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

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

18 (7) establish standards for supervisors and supervision;

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

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

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

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

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

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

12 (c) Each standards committee may act as a liaison between the
13 board and educational institutions and perform other functions that
14 the board requests.

15 (d) A recommendation of a standards committee is not final until
16 the board approves the recommendation.

17 (e) A decision of the board relating to a behavioral science
18 profession regulated by the board is not effective unless it is ap-
19 proved by the members of the standards committee for the behavioral
20 science profession.

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

24 ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

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

28 (1) has a master's degree or doctorate from an accredited
29 educational institution approved by the board, or the person has

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 ARTICLE 3. GENERAL PROVISIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 person

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

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

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

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

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

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

15 (A) professional incompetence;

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

19 (C) physical or mental disability;

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

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

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

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

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

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

9 (B) limit practice to prescribed areas;

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

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

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

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

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

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

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

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

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

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

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

12 (A) a psychologist or psychological associate;

13 (B) a physician or psychiatrist;

14 (C) an attorney or judge;

15 (D) a member of the clergy;

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

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

24 (3) for a nonprofit health organization.

25 (b) In this section,

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

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

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

7 Sec. 08.15.990. DEFINITIONS. In this chapter

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

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

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

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

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

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

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

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

25 (1) collect fees and issue receipts;

26 (2) maintain records and files;

27 (3) issue and receive application forms;

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

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

3 (6) publish notice of examination;

4 (7) arrange space for holding examinations;

5 (8) notify applicants of results of examinations;

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

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

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

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

14 (13) answer routine inquiries;

15 (14) maintain files relating to individual licensees;

16 (15) arrange for printing and advertising;

17 (16) purchase supplies;

18 (17) employ secretarial help when needed;

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

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

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

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

1 AS 08.64, a registered nurse under AS 08.68, an optometrist under
2 AS 08.72, a registered pharmacist under AS 08.80, a registered phys-
3 ical therapist under AS 08.84, or a psychologist under AS 08.86, shall
4 use as professional identification appropriate letters or a title
5 after that person's name which represents that person's specific field
6 of practice. The letters or title shall appear on all signs, station-
7 nery or other advertising in which the person offers or displays
8 personal professional services to the public. In addition, a person
9 engaged in the practice of medicine or osteopathy under AS 08.64.-
10 380(2), or a person engaged in any manner in the healing arts who
11 diagnoses, treats, tests, or counsels other persons in relation to
12 human health or disease and uses the letters "M.D." or the title
13 "doctor" or "physician" or another [ANY OTHER] title that [WHICH]
14 tends to show that the person is willing or qualified to diagnose,
15 treat, test, or counsel another person, shall clarify the letters or
16 title by adding the appropriate specialist designation, if any, such
17 as "dermatologist", "radiologist", "audiologist", "naturopath", or the
18 like.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 religious healing practitioners, and surgeons;

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

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

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

19 or

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

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

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

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

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

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

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

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

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

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



Official Business

Alaska State Legislature

House

Pouch V
State Capitol
Juneau, Alaska 99811

February 25, 1986

Representative M. Mike Miller
Chairman House Judiciary
P.O. Box V
Juneau, AK 99811

RE: CSHB424 (L&C)-An act establishing the Board of Behavioral Science; amending Rule 504 of the Alaska Rules of Evidence and providing for an effective date.

Dear Mike:

The above-referenced bill was originally scheduled to be heard in Labor & Commerce, Judiciary, & Finance. This bill was heard in Labor & Commerce and passed out with the understanding that it would be referred to House HESS so that it could be heard at the same time as HB317 which is a bill establishing a board of social workers. These bills need to be heard in the same committee at the same time to determine their fate. However, the committee substitute was scheduled to be heard in Judiciary before going to HESS. HB317 is to be heard in HESS on March 6th. Should we not be able to have HB424 heard at that time due to the fact that it has not been heard in Judiciary, the purpose of requesting it being sent to HESS is defeated.

Therefore, my request of you is immediate. Would you consider waiving the bill through Judiciary so that it could be heard in House HESS on March 6th, or would you request that it be heard after it is heard in House HESS?

I submit the following reasons to you for considering this an acceptable request:

- 1) I believe it was referred to Judiciary because of an amendment to Rule 504 which pertains to privilege of confidentiality.

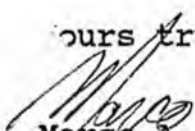
2) HB424 still would have 2 committees of referral if it were waived by Judiciary. House HESS has 3 members which are also members of your Judiciary Committee. Therefore, Judiciary would, in fact, be represented when it was heard in HESS. Those members are Representatives Gruenberg, Pettyjohn, and Taylor.

3) Finally, I would like to give you a brief history of this bill. Work was begun on bills establishing boards for social workers, marital and family therapists, and professionals counsellors in 1982 and in 1984 it was recommended by Senator Josephson that these groups should try to work on a joint board. The governor has expressed a preference for this approach. During the interim this past year, the three groups met with Peter Froehlich of the AG's office and he drafted a proposed substitute to the bill. The AG's office continues to work with us on this and I have attached letters from Froehlich and from Barbara Dale supporting this fact. In the meantime, the social workers have continued to usher their own board bill through. They are still supportive of a joint board, particularly knowing the governor's preference for such a board.

Obviously, both bills could not be passed without overlap. Should the social workers bill be passed, then counsellors and marital and family therapists would be left with no alternative but to try to push their own bills or face the situation of being left without a board and a state licensing system. We would like the opportunity to have both bills reviewed together and come up with the best possible bill. Losing that opportunity in House HESS would be tragic.

Therefore, I ask that you either waive the bill through or request that it be heard after it is heard in House HESS. We must let House HESS know of your decision by tomorrow, February 26th. Would you please consider this request and let me know of your decision today? Thank you.

Sincerely,


Marco A. Pignalberi
Representative

MAP:mep



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

MEMORANDUM

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

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

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

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

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

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

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

cc: Ray Gillespie
Jim Ayers

MEMORANDUM

State of Alaska

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

DATE: February 12, 1986

FILE NO: 377-068-86

TELEPHONE NO: 465-3600

FROM: Harold M. Brown
Attorney General

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

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

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

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

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

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

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

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

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

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
Page 4

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 final 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 Navarre
Chair, House Labor & Commerce
Committee
Ak. House of Representatives

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

Hon. Loren H. Lounsbury, 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, 1986
Page 5

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

U
J
J

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

Original sponsor: Pignalberi

1 IN THE HOUSE BY THE LABOR AND COMMERCE
COMMITTEE
2 CS FOR HOUSE BILL NO. 424(L&C)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - SECOND SESSION
5 A BILL
6 For an Act entitled: "An Act establishing the Board of Behavioral Science;
7 amending Rule 504 of the Alaska Rules of Evidence;
8 and providing for an effective date."
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
10 * Section 1. LEGISLATIVE FINDINGS, PURPOSE. (a) The legislature finds
11 that the practice of the behavioral science professions affects the safety
12 and welfare of the public and requires regulation and control by the state
13 in the public interest.
14 (b) The purpose of this Act is to establish a regulatory board and
15 procedures to ensure that the public is protected from the unprofessional,
16 improper, and unauthorized practice of the behavioral science professions.
17 This Act shall be liberally construed to carry out this purpose.
18 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:
19 (24) Board of Behavioral Science (AS 08.15.010).
20 * Sec. 3. AS 08.01.050(a) is amended to read:
21 (a) The department shall provide the following administrative
22 and budgetary services when appropriate:
23 (1) collect fees and issue receipts;
24 (2) maintain records and files;
25 (3) issue and receive application forms;
26 (4) notify applicants of acceptance or rejection of appli-
27 cants as determined by the board;
28 (5) designate dates examinations are to be held and notify
29 applicants;

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

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

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

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

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

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

21 CHAPTER 15. BEHAVIORAL SCIENCE PROFESSIONALS.

22 ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE.

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

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

29 (b) Each professional member must

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

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

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

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

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

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

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

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

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

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

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

29 (6) perform the administrative duties required by

1 AS 08.01.070;

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

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

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

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

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

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

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

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

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

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

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

10 ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

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

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

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

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

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

23 (C) three courses in human development;

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

25 (E) one course in research;

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

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

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

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

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

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

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

16 (2) pays the fee established by the department under
17 AS 08.01.065;

18 (3) furnishes the evidence required by AS 08.15.110(a)(1)
19 and (2);

20 (4) submits to the board a statement of intent to practice
21 and a plan for supervision.

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

23 (1) under the direct supervision of a supervisor approved
24 by the board; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ARTICLE 3. SOCIAL WORKERS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 ARTICLE 4. PROFESSIONAL COUNSELORS.

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

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

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

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

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

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

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

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

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

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

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

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

28 ARTICLE 5. GENERAL PROVISIONS.

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

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

- 3 (1) applies on a form provided by the department;
4 (2) pays the fee established by the department under
5 AS 08.01.065; and
6 (3) passes the written examination administered by the
7 department on behalf of the board.

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

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

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

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

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

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

1 this state;

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

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

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

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

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

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

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

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

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

23 (1) application;

24 (2) examination;

25 (3) credential review;

26 (4) license;

27 (5) temporary license;

28 (6) license for supervised practice;

29 (7) renewal of license;

1 (8) renewal of temporary license.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (A) professional incompetence;

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

21 (C) physical or mental disability;

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

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

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

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

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

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

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

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

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

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

16 (1) a psychologist or psychological associate;

17 (2) a physician or psychiatrist;

18 (3) an attorney or judge;

19 (4) a member of the clergy;

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

27 Sec. 08.15.999. DEFINITIONS. In this chapter,

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

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

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

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

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

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

14 * Sec. 7. AS 09.55.500(1) is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (2) has practiced marital and family therapy for three years or
4 more; and

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

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

10 * Sec. 15. AS 08.15.960, enacted by sec. 6 of this Act, has the effect
11 of amending Rule 504 of the Alaska Rules of Evidence by creating for a
12 behavioral science professional licensed under secs. 6, 12, or 13 of this
13 Act a privilege to refuse to disclose information.

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

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

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

Introduced: 3/25/85
Referred: Labor & Commerce,
Health, Education & Social
Services and Finance

BY KOPONEN, LARSON, HURLEY,
GRUENBERG, GOLL AND DAVIS

1 IN THE HOUSE

2 HOUSE BILL NO. 317

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the practice of social work and
7 establishing the Board of Social Worker Examiners;
8 and providing for an effective date."

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

10 * Section 1. PURPOSE. The purpose of this Act is to assure the consu-
11 mer that persons providing services under the title "social worker" have
12 completed professional social work education, adhere to a code of profes-
13 sional ethics, and are subject to review by the Board of Social Work Exami-
14 ners.

15 * Sec. 2. AS 08.01.010 is amended by adding a new paragraph to read:
16 (25) Board of Social Worker Examiners (AS 08.87.010).

17 * Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:
18 (21) Board of Social Worker Examiners (AS 08.87.010) --
19 June 30, 1989.

20 * Sec. 4. AS 08 is amended by adding a new chapter to read:

21 CHAPTER 87. SOCIAL WORKERS.

22 ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

23 Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is
24 created a Board of Social Worker Examiners consisting of five members,
25 including three master social workers, one of whom is an independent
26 social worker, one bachelor social worker, and one public member.
27 Professional members shall be licensed under this chapter. The public
28 member may not be licensed as a social worker or employed by a li-
29 censed social worker. To the extent possible members shall be

1 appointed from different geographic regions of the state. A member
2 who has served two successive full terms may not be reappointed until
3 four years after the expiration of the second term.

4 Sec. 08.87.020. TERM OF OFFICE. Each member of the board serves
5 for a term of four years and until the member's successor is appointed
6 and qualified. An appointment to a vacancy is for the unexpired
7 portion of the term.

8 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least
9 two times a year. The board may hold special meetings at the call of
10 the chair or of a majority of the board members. ' , ' ,

11 Sec. 08.87.040. ELECTION OF OFFICERS. The board shall elect
12 from among its members a chairperson and a secretary. Officers serve
13 for a term not exceeding two years.

14 Sec. 08.87.050. REMOVAL OF BOARD MEMBERS. The governor may
15 remove a member of the board for cause. The board may (by regulation)
16 provide that unexcused absences from meetings are cause for removal.

17 Sec. 08.87.060. PER DIEM AND TRAVEL. Board members receive no
18 compensation but are entitled to per diem and travel expenses author-
19 ized for members of boards and commissions under AS 39.20.180.

20 Sec. 08.87.070. POWERS AND DUTIES OF THE BOARD. The board shall

21 (1) provide for the examination of eligible applicants for
22 licenses under this chapter;

23 (2) submit an annual report of its proceedings to the
24 governor, including recommended changes to this chapter and a state-
25 ment of money received and disbursed;

26 (3) establish standards for specialty designations for the
27 private practice of social work and authorize speciality designations
28 on licenses issued under this chapter;

29 (4) after a hearing, impose disciplinary sanctions against

1 a person who violates this chapter, an order of the board, or a regu-
2 lation of the board;

3 (5) adopt regulations relating to requirements for the
4 supervision of persons engaged in social work under this chapter who
5 are not master social workers;

6 (6) adopt regulations requiring proof of continued compe-
7 tency before a license is renewed;

8 (7) adopt regulations to carry out the purposes of this
9 chapter.

10 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

11 Sec. 08.87.100. LICENSING OF SOCIAL WORKERS. (a) A person is
12 eligible for a license as a bachelor social worker (LBSW) if the
13 person

14 (1) is in good professional standing and is fit to practice
15 social work as determined under regulations of the board;

16 (2) has satisfactorily completed the state examination for
17 the license;

18 (3) provides three references acceptable to the board;

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

22 (b) A person is eligible for a license as a master social worker
23 (LMSW) if the person meets the requirements of (a)(1) - (3) of this
24 section and has a master's degree in social work from a school with a
25 social work program accredited by the Council on Social Work Educa-
26 tion.

27 (c) A person is eligible for a license as an independent social
28 worker (LISW) if the person meets the requirements of (a)(1) - (3) of
29 this section, has a master's degree in social work from a school with

1 a social work program accredited by the Council on Social Work Educa-
2 tion, and has completed at least 24 months of supervised post-graduate
3 experience approved by the board in the field of specialty in which
4 the person intends to engage as a private practitioner.

5 Sec. 08.87.110. SCOPE OF PRACTICE. (a) A person licensed as a
6 bachelor, master, or independent social worker may provide services
7 that enhance, protect, or restore people's capacity for social func-
8 tioning whether impaired by physical, environmental, or emotional
9 factors, guided by professional social work ethics, knowledge and
10 intervention methods. The services provided may include

- 11 (1) identifying and evaluating social problems;
- 12 (2) developing statistics and data on social problems;
- 13 (3) assisting people and organizations to solve problems
14 relating to social functioning;
- 15 (4) client advocacy;
- 16 (5) developing community resources relating to social
17 services;
- 18 (6) planning and administering social services programs;
- 19 (7) therapeutic counseling;
- 20 (8) consultation regarding social service programs and the
21 provision of social services;
- 22 (9) training and supervising social workers under AS 08.-
23 87.070(5).

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

28 (c) A person may practice social work autonomously only if

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

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

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

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

9 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board may provide
10 for licensing a person as a bachelor, master or independent social
11 worker without examination if the person

12 (1) holds a degree in social work from a school with a
13 social work program accredited by the Council on Social Work Educa-
14 tion;

15 (2) has an active license to practice social work in an-
16 other licensing jurisdiction with requirements at the time of the
17 original licensure that were similar to or higher than those of this
18 state;

19 (3) is not the subject of an unresolved complaint, review
20 procedure, or disciplinary proceeding undertaken by a professional
21 social worker association or regulatory authority;

22 (4) has not failed the examination of this state;

23 (5) has not previously had a license to practice social
24 work revoked in this or another jurisdiction;

25 (6) submits proof of continued competence as required by
26 regulation of the board; and

27 (7) pays all required fees.

28 Sec. 08.87.130. LICENSE RENEWAL REQUIRED. A license issued
29 under this chapter lapses after 24 months unless it is renewed.

1 Sec. 08.87.140. FEES. The following fees are imposed under this
2 chapter:

- 3 (1) application.....\$ 100
- 4 (2) initial license by examination..... 150
- 5 (3) license by credentials..... 100
- 6 (4) license renewal..... 200
- 7 (5) reexamination..... 150

8 ARTICLE 3. PROHIBITIONS AND PENALTIES.

9 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
10 licensed under this chapter, a person may not use the title "social
11 worker" or a title, designation, or device indicating or tending to
12 indicate that the person is a social worker or practices social work.
13 A person may not use the letters "LBSW" as part of a title unless the
14 person is licensed as a bachelor social worker under this chapter. A
15 person may not use the letters "LMSW" as part of a title unless the
16 person is licensed as a master social worker under this chapter. A
17 person may not use the letters "LISW" as part of a title unless the
18 person is licensed as an independent social worker under this chapter.
19 Except as provided in (b) of this section, a person may not use the
20 title "social worker intern" or "social worker student."

21 (b) A student enrolled in an accredited social work program may
22 use the title "social worker intern" or "social worker student" if the
23 person's activities constitute a part of the person's supervised
24 course of study.

25 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
26 worker licensed under this chapter may not disclose information pro-
27 vided to the social worker by a client in the course of their profes-
28 sional contact. This prohibition does not apply if the

- 29 (1) client provides written consent to the social worker to

1 reveal the communication;

2 (2) client is incompetent and the guardian or personal
3 representative provides written consent to the social worker to reveal
4 the communication;

5 (3) client is dead and a beneficiary of an insurance policy
6 on the client's life provides written consent to the social worker to
7 reveal the communication;

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

10 (5) client is a minor, the communication discloses that the
11 client was the victim of a crime or harmful act, and the social worker
12 reveals the communication only during the course of an official exam-
13 ination, trial or other proceeding in which the commission of the
14 crime or harmful act is a subject of inquiry;

15 (6) client brings charges against the social worker and the
16 social worker reveals the communication only as necessary to defend
17 the charges;

18 (7) licensee is subpoenaed to testify in court concerning
19 adult abuse, child abuse, or child neglect;

20 (8) licensee is collaborating or consulting with profes-
21 sional colleagues or an administrative superior on behalf of the
22 client.

23 Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
24 TIONS. After a hearing, the board may impose a disciplinary sanction
25 on a person licensed under this chapter when the board finds that the
26 licensee

27 (1) secured a license through deceit, fraud, or intentional
28 misrepresentation;

29 (2) engaged in deceit, fraud, or intentional

1 misrepresentation in the course of providing professional services or
2 engaging in professional activities;

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

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

8 (5) intentionally or negligently engaged in or permitted
9 the performance of social work by persons under the licensee's super-
10 vision that does not conform to minimum professional standards regard-
11 less of whether actual injury occurred;

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

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

15 (A) professional incompetence;

16 (B) addiction or severe dependency on alcohol or other
17 drugs that may endanger the public by impairing the licensee's
18 ability to practice;

19 (C) physical or mental disability;

20 (8) engaged in lewd or immoral conduct in connection with
21 the deliver, of professional service;

22 (9) has been held liable for malpractice in a civil action;

23 (10) has had a license revoked in another jurisdiction.

24 Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a. When it finds that
25 a licensee is guilty of an offense under AS 08.87.240, the board may
26 impose the following sanctions singly or in combination:

27 (1) permanently revoke a license to practice;

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

29 (3) censure a licensee;

1 (4) issue a letter of reprimand to the licensee;
2 (5) place a licensee on probationary status and require the
3 licensee to
4 (A) report regularly to the board upon matters involv-
5 ing the basis of probation;
6 (B) limit practice to those areas prescribed;
7 (C) continue professional education until a satisfac-
8 tory degree of skill has been attained in those areas that are
9 the basis of probation;
10 (6) impose limitations or conditions on the practice of a
11 licensee;
12 (7) refuse to renew a license.
13 (b) The board may withdraw probationary status if it finds that
14 the deficiencies that required the sanction have been remedied.
15 (c) The board may summarily suspend a license before final
16 hearing or during the appeal process if the board finds that the
17 licensee poses a clear and immediate danger to the public health and
18 safety if the licensee continues to practice. A person whose license
19 is suspended under this section is entitled to a hearing by the board
20 no later than seven days after the effective date of the order. The
21 person may appeal the suspension after a hearing to a court of compe-
22 tent jurisdiction.
23 (d) The board may reinstate a license that has been suspended or
24 revoked if the board finds after a hearing that the applicant is able
25 to practice with reasonable skill and safety.
26 (e) The board shall seek consistency in the application of
27 disciplinary sanctions. The board shall explain significant departure
28 from prior decisions involving similar situations in findings of fact
29 or orders.

1 Sec. 08.87.240. PENALTY. (a) A person who violates this chap-
2 ter is guilty of a class B misdemeanor.

3 (b) The board may seek to enjoin or restrain a person not li-
4 censed under this chapter or whose license is suspended, revoked or
5 expired from violating this chapter.

6 ARTICLE 4. GENERAL PROVISIONS.

7 Sec. 08.87.300. DEFINITION. In this chapter "board" means the
8 Board of Social Worker Examiners.

9 * Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:
10 (53) Board of Social Worker Examiners (AS 08.87.010).

11 * Sec. 6. Within 30 days after the effective date of this Act the
12 governor shall appoint initial members to the Board of Social Worker Exam-
13 iners. Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,
14 initial members must consist of three persons who have a master's degree in
15 social work from a school with a social work program accredited by the
16 Council on Social Work Education, at least one of whom is engaged in the
17 private practice of social work, one person with a bachelor's degree in
18 social work from a school with a social work program accredited by the
19 Council on Social Work Education, and one public member. Notwithstanding
20 AS 08.87.020 as enacted in sec. 4 of this Act, one initial member shall
21 serve a one-year term, one initial member shall serve a two-year term, one
22 initial member shall serve a three-year term, one initial member shall
23 serve a four-year term, and one initial member shall serve a five-year
24 term, as determined by the governor.

25 * Sec. 7. (a) Notwithstanding AS 08.87.100(a) as enacted in sec. 4 of
26 this Act, a person may apply for and receive an original license as a
27 bachelor social worker if the person

28 (1) holds a degree in social work from a school with a social
29 work program that is not accredited by the Council on Social Work Education

1 or a bachelor's or master's degree in a field related to social work and
2 has been practicing under the title "social worker" for at least 24
3 consecutive months before July 1, 1987; or

4 (2) meets the requirements of AS 08.87.100(a)(1), (3) and (4).

5 (b) A person who does not meet the requirement under AS 08.87.100-
6 (a)(2) but otherwise meets the requirements of AS 08.87.100(b) may apply
7 for and receive an original license as a master social worker.

8 (c) A person who does not meet the requirements under AS 08.87.-
9 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
10 for and receive an original license as an independent social worker.

11 (d) An application for a license under this section must be filed
12 before July 1, 1987.

13 * Sec. 8. This Act takes effect July 1, 1985.

Offered: 1/29/86
Referred: Rules

Original sponsor: Fahrenkamp by request

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2

CS FOR SENATE BILL NO. 227 (Finance)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the practice of social work and
7 establishing the Board of Social Worker Examiners;
8 and providing for an effective date."

9

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

10

* Section 1. PURPOSE. The purpose of this Act is to assure the consu-
11 mer that persons providing services under the title "social worker" have
12 completed professional social work education or training, adhere to a code
13 of professional ethics, and are subject to licensure by the Board of Social
14 Work Examiners.

15

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

16

(25) Board of Social Worker Examiners (AS 08.87.010).

17

* Sec. 3. AS 08.03.010(c) is amended by adding a new paragraph to read:

18

(21) Board of Social Worker Examiners (AS 08.87.010) --

19

June 30, 1990.

20

* Sec. 4. AS 08 is amended by adding a new chapter to read:

21

CHAPTER 87. SOCIAL WORKERS.

22

ARTICLE 1. BOARD OF SOCIAL WORKER EXAMINERS.

23

Sec. 08.87.010. CREATION AND MEMBERSHIP OF BOARD. There is
24 created a Board of Social Worker Examiners consisting of five members,
25 including three licensed master social workers, one of whom is li-
26 censed as an independent social worker, one licensed bachelor social
27 worker, and one public member. The public member may not be licensed
28 as a social worker, employed by a licensed social worker, or have a
29 financial interest in the social work profession. To the extent
S

1 possible members shall be appointed from different geographic regions
2 of the state. A member who has served two successive full terms may
3 not be reappointed until four years after the expiration of the second
4 term.

5 Sec. 08.87.020. TERM OF OFFICE. Each member of the board serves
6 for a term of four years and until the member's successor is appointed
7 and qualified. An appointment to a vacancy is for the unexpired term.

8 Sec. 08.87.030. BOARD MEETINGS. The board shall meet at least
9 once a year.

10 Sec. 08.87.040. ELECTION OF OFFICERS. The board shall elect
11 from among its members a chairperson and a secretary. Officers serve
12 for a term not exceeding two years.

13 Sec. 08.87.050. REMOVAL OF BOARD MEMBERS. The governor may
14 remove a member of the board for cause. Unexcused absences from
15 meetings are cause for removal as determined by the board.

16 Sec. 08.87.060. PER DIEM AND TRAVEL. Board members receive no
17 compensation but are entitled to per diem and travel expenses authorized
18 for members of boards and commissions under AS 39.20.180.

19 Sec. 08.87.070. POWERS AND DUTIES OF THE BOARD. The board shall

20 (1) provide for the examination of eligible applicants for
21 licenses under this chapter;

22 (2) submit an annual report of its proceedings to the
23 governor, including recommended changes to this chapter and a state-
24 ment of money received and disbursed;

25 (3) adopt nationally recognized specialty designations for
26 the private practice of social work and authorize speciality designations on licenses issued under this chapter;

27 (4) after a hearing, impose disciplinary sanctions against
28 a person who violates this chapter, an order of the board, or a
29

1 regulation of the board;

2 (5) adopt regulations relating to requirements for the
3 supervision of persons engaged in social work under this chapter who
4 are not licensed master social workers;

5 (6) adopt regulations requiring proof of continued compe-
6 tency before a license is renewed;

7 (7) adopt regulations to carry out the purposes of this
8 chapter.

9 Sec. 08.87.080. ADMINISTRATIVE PROCEDURES. The Administrative
10 Procedure Act (AS 44.62) applies to regulations and proceedings under
11 this chapter.

12 ARTICLE 2. LICENSING OF SOCIAL WORKERS.

13 Sec. 08.87.100. LICENSING OF SOCIAL WORKERS. (a) A person is
14 eligible for a license as a bachelor social worker (LBSW) if the
15 person

16 (1) is in good professional standing and is fit to practice
17 social work as determined under regulations of the board;

18 (2) has satisfactorily completed the state examination for
19 the license;

20 (3) provides three professional references to the board;

21 (4) has a bachelor's degree in social work from a school
22 with a social work program accredited by the Council on Social Work
23 Education.

24 (b) A person is eligible for a license as a master social worker
25 (LMSW) if the person meets the requirements of (a)(1) - (3) of this
26 section and has a master's degree in social work from a school with a
27 social work program accredited by the Council on Social Work Educa-
28 tion.

29 (c) A person is eligible for a license as an independent social

1 worker (LISW) if the person meets the requirements of (a)(1) - (3) of
2 this section, has a master's degree in social work from a school with
3 a social work program accredited by the Council on Social Work Educa-
4 tion, and has completed at least 24 months of supervised post-graduate
5 experience approved by the board in the field of specialty in which
6 the person intends to engage as a private practitioner.

7 Sec. 08.87.110. SCOPE OF PRACTICE. (a) A person licensed as a
8 bachelor, master, or independent social worker may provide services
9 that enhance, protect, or restore people's capacity for social func-
10 tioning whether impaired by physical, environmental, or emotional
11 factors, guided by professional social work ethics, knowledge and
12 intervention methods.

13 (b) A social worker may practice psychotherapy only if the
14 social worker is licensed as an independent social worker with a
15 clinical specialty or as a master social worker and is 'employed' and
16 supervised in a clinical setting.

17 (c) A social worker may practice social work autonomously only
18 if

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

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

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

26 (4) the person limits the private practice of social work
27 to the designated specialty.

28 Sec. 08.87.120. LICENSE BY CREDENTIALS. The board shall provide
29 for licensing a person as a bachelor, master or independent social

1 worker without examination if the person

2 (1) holds a degree in social work from a school with a
3 social work program accredited by the Council on Social Work Educa-
4 tion.

5 (2) has an active license to practice social work in an-
6 other licensing jurisdiction with requirements at the time of the
7 original licensure that were similar to or higher than those of this
8 state;

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

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

13 (5) has not previously had a license to practice social
14 work revoked in this or another jurisdiction;

15 (6) submit: proof of continued competence as required by
16 regulation of the board; and

17 (7) pays all required fees.

18 Sec. 08.87.130. LICENSE RENEWAL REQUIRED. A license issued
19 under this chapter shall be renewed in accordance with AS 08.01.100.

20 Sec. 08.87.140. FEES. An applicant for examination, reexamina-
21 tion, or issuance or renewal of a license shall pay the fees estab-
22 lished by the department under AS 08.01.065.

23 ARTICLE 3. PROHIBITIONS AND PENALTIES.

24 Sec. 08.87.200. LICENSE REQUIRED FOR USE OF TITLE. (a) Unless
25 licensed under this chapter, a person may not use the title "social
26 worker" or a title, designation, or device indicating or tending to
27 indicate that the person is a social worker or practices social work.
28 A person may not use the letters "LBSW" as part of a title unless the
29 person is licensed as a bachelor social worker under this chapter. A

1 person may not use the letters "LMSW" as part of a title unless the
2 person is licensed as a master social worker under this chapter. A
3 person may not use the letters "LISW" as part of a title unless the
4 person is licensed as an independent social worker under this chapter.
5 Except as provided in (b) of this section, a person may not use the
6 title "social worker intern" or "social worker student."

7 (b) A student enrolled in an accredited social work program may
8 use the title "social worker intern" or "social worker student" if the
9 person's activities constitute a part of the person's supervised
10 course of study.

11 (c) A person who is not licensed under this chapter may use the
12 title "associate social worker" or a similar title while the person is
13 providing services as a social worker to the state or a political
14 subdivision of the state under the supervision of a social worker li-
15 censed under this chapter.

16 Sec. 08.87.210. CONFIDENTIALITY OF COMMUNICATIONS. A social
17 worker licensed under this chapter or an associate social worker may
18 not disclose information provided to the social worker by a client in
19 the course of their professional contact. This prohibition does not
20 apply if the

21 (1) client provides written consent to the social worker to
22 reveal the communication;

23 (2) client is incompetent and the guardian or personal
24 representative provides written consent to the social worker to reveal
25 the communication,

26 (3) client is dead and a beneficiary of an insurance policy
27 on the client's life provides written consent to the social worker to
28 reveal the communication;

29 (4) communication discloses that a crime has been committed

1 or reveals an intent to commit a crime;

2 (5) client is a minor, the communication discloses that the
3 client was the victim of a crime or harmful act, and the social worker
4 reveals the communication only during the course of an official exam-
5 ination, trial or other proceeding in which the commission of the
6 crime or harmful act is a subject of inquiry;

7 (6) client brings charges against the social worker and the
8 social worker reveals the communication only as necessary to defend
9 the charges;

10 (7) social worker is subpoenaed to testify in court;

11 (8) social worker is collaborating or consulting with
12 professional colleagues or an administrative superior on behalf of the
13 client;

14 (9) communication discloses information that the social
15 worker is required by state or federal laws or regulations to dis-
16 close.

17 Sec. 08.87.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
18 TIONS. After a hearing, the board may impose a disciplinary sanction
19 on a person licensed under this chapter when the board finds that the
20 licensee

21 (1) secured a license through deceit, fraud, or intentional
22 misrepresentation;

23 (2) engaged in deceit, fraud, or intentional misrepresenta-
24 tion in the course of providing professional services or engaging in
25 professional activities;

26 (3) advertised professional services in a false or mislead-
27 ing manner;

28 (4) has been convicted of a crime that has a substantial
29 relationship to the licensee's activities and services or that affects

the licensee's ability to continue to practice competently and safely;

5) intentionally or negligently engaged in or permitted the performance of social work by persons under the licensee's supervision that does not conform to minimum professional standards regardless of whether actual injury occurred;

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

(7) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) addiction or dependence on alcohol or other drugs that may endanger the public by impairing the licensee's ability to practice;

(C) physical or mental disability;

(8) engaged in lewd conduct in connection with the delivery of professional service;

(9) has been held liable for malpractice in a civil action;

(10) has had a license revoked in another jurisdiction.

Sec. 08.87.230. DISCIPLINARY SANCTIONS. (a) If it finds that a licensee has committed an act set out in AS 08.87.220, the board may impose the following sanctions singly or in combination:

(1) permanently revoke a license to practice;

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

(3) censure a licensee;

(4) issue a letter of reprimand to the licensee;

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

(A) report regularly to the board upon matters involving the basis of probation;

(B) limit practice to those areas prescribed;

1 (C) continue professional education until a satisfac-
2 tory degree of skill has been attained in those areas that are
3 the basis of probation;

4 (6) impose limitations or conditions on the practice of a
5 licensee;

6 (7) refuse to renew a license.

7 (b) The board may withdraw probationary status if it finds that
8 the deficiencies that required the sanction have been remedied.

9 (c) The board may summarily suspend a license before final
10 hearing or during the appeal process if the board finds that the
11 licensee poses a clear and immediate danger to the public health and
12 safety if the licensee continues to practice. A person whose license
13 is suspended under this section is entitled to a hearing by the board
14 no later than seven days after the effective date of the order. The
15 person may appeal the suspension after a hearing to a court of compe-
16 tent jurisdiction.

17 (d) The board may reinstate a license that has been suspended or
18 revoked if the board finds after a hearing that the applicant is able
19 to practice with reasonable skill and safety.

20 (e) The board shall seek consistency in the application of
21 disciplinary sanctions. The board shall explain significant departure
22 from prior decisions involving similar situations in findings of fact
23 or orders.

24 Sec. 08.87.240. CRIMINAL PENALTY. A person who violates AS 08.-
25 87.200 or 08.87.210 of this chapter is guilty of a class B misdemea-
26 or.

27 Sec. 08.87.250. INJUNCTIVE RELIEF. The board may apply to the
28 superior court for an order enjoining a person not licensed under this
29 chapter or whose license is suspended, revoked, or expired from

1 violating this chapter.

2 ARTICLE 4. GENERAL PROVISIONS.

3 Sec. 08.87.300. DEFINITION. In this chapter "board" means the
4 Board of Social Worker Examiners.

5 * Sec. 5. AS 44.62.330(a) is amended by adding a new paragraph to read:

6 (53) Board of Social Worker Examiners (AS 08.87.010).

7 * Sec. 6. Within 60 days after the effective date of this Act the
8 governor shall appoint initial members to the Board of Social Worker Exam-
9 iners. Notwithstanding AS 08.87.010 as enacted in sec. 4 of this Act,
10 initial members must consist of three persons who have a master's degree in
11 social work from a school with a social work program accredited by the
12 Council on Social Work Education, at least one of whom is engaged in the
13 private practice of social work, one person with a bachelor's degree in
14 social work from a school with a social work program accredited by the
15 Council on Social Work Education, and one public member. Notwithstanding
16 AS 08.87.020 as enacted in sec. 4 of this Act, one initial member shall
17 serve a one-year term, one initial member shall serve a two-year term, one
18 initial member shall serve a three-year term, and two initial members shall
19 serve four-year terms, as determined by the governor.

20 * Sec. 7. (a) Notwithstanding AS 08.87.100(a) as enacted in sec. 4 of
21 this Act, a person may apply for and receive a license as a bachelor social
22 worker if the person

23 (1) holds a degree in social work from a school with a social
24 work program that is not accredited by the Council on Social Work Education
25 or a bachelor's or master's degree in a social sciences field related to
26 social work as defined by the board, and has been practicing under the
27 title "social worker" for at least 24 consecutive months before July 1,
28 1988;

29 (2) meets the requirements of AS 08.87.100(a)(1), (3) and (4);
CSSB 227(Fin)

1 or

2 (3) has been practicing social work under the supervisor of a
3 person eligible to be licensed under this Act for at least two years, and
4 successfully completes the examination required by AS 08.87.100(a)(2).

5 (b) A person who does not meet the requirement under AS 08.87.100-
6 (a)(2) but otherwise meets the requirements of AS 08.87.100(b) may apply
7 for and receive a license as a master social worker.

8 (c) A person who does not meet the requirements under AS 08.87.-
9 100(a)(2) but otherwise meets the requirements of AS 08.87.100(c) may apply
10 for and receive a license as an independent social worker.

11 (d) An application for a license under this section must be filed
12 before July 1, 1988.

13 * Sec. 8. Notwithstanding AS 08.87.200, a person practicing social work
14 on July 1, 1986, may use a title and letters as part of the title that
15 indicate that the person is a social worker or practices social work until
16 June 30, 1988, even if the person is not licensed under AS 08.87.100 or
17 08.87.120.

18 * Sec. 9. This Act takes effect July 1, 1986.
19
20
21
22
23
24
25
26
27
28
29

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 (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: 3/5/86

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

DATE: 3/4/86

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. Price *Michael L. Price* Phone : 465-3170
 Division : Division of Family & Youth Services Date : 2/27/86 *JCC*

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)