

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

3502 HLAB HB 418 - HB 424

378



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.


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Date

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COMMITTEE REPORT
HOUSE

3/26

HEALTH, EDUCATION AND
SOCIAL SERVICES

JUDICIARY

(7)

FURTHER:

5/1/85

Date: Mar 24 1985

The Committee on LABOR & COMMERCE has had HB 410

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

under consideration and recommends:

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

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CHAIRMAN

Position Paper

House Bill No. 418

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

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

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

POSITION

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

Recommended by:

Elizabeth Ward
Elizabeth Ward, M.N.
Director
Division of Public Health

Date:

2/5/86

Approved by:

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

Date:

2/7/86

STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: Jan. 31, 1986

REQUEST

Bill/Resolution No.: House Bill No. 418
 Title: "An act relating to liability for providing emergency medical care."

Sponsor: Representative Marrou
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Health & Social Services
 BRU: Public Health

Components: Public Health.
Health Services Administration BRU

EXPENDITURES/REVENUES : (Thousands of Dollars)

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

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING : (Thousands of Dollars)

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

POSITIONS :

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

ANALYSIS : Attach a separate page if necessary

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

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

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

Date: 2/7/86

Distribution (by Agency preparing fiscal note):

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

Fish Review
(annulling
regulation)

vision to submit certain information to the Department of Environmental Conservation. See Senate Bill 299, page 687, identical.

Introduced May 1 and referred to Resources.

Emergency
Medical Care
(liability)

HOUSE BILL NO. 418, by Rep. Marrou. Amends AS 08.64.366, Liability for Services Rendered by a Physician-Trained Mobile Intensive Care Paramedic. Under the Marrou amendment, an act or omission of the paramedic done or omitted in good faith while rendering emergency service to a person who is in need of immediate aid in order to avoid serious harm or loss of life does not impose any liability upon the paramedic, supervising physician, a hospital, the officers, members of the staff, nurses, or other employees of a hospital or upon a federal, state, borough, city or other local governmental unit or upon other employees of a governmental unit (currently an act or omission of the paramedic done or omitted in good faith while rendering emergency lifesaving

page 780

INTRODUCTION OF BILLS (House)(cont'd)

HB 418 (cont'd)

service to a person who is in immediate danger of loss of life shall not impose any liability upon the paramedic, etc.).

Amends AS 18.08.086(a) (Emergency Medical Services, Immunity from Liability). A person certified under state law, or public agency that employs certified persons, who administers emergency medical services to injured or sick person is not liable for civil damages as a result of an act or omission if the services are given in good faith, and if the injured or sick person is in immediate danger of serious harm or death (currently if the "life of the injured or sick person is in danger.") Does not provide effective date.

Introduced May 1 and referred to Labor & Commerce, Health, Education & Social Services, Judiciary.

Postsecondary
Education
(transfer to
Revenue)

HOUSE BILL NO. 419, by Rep. Ringstad. Would terminate the Alaska Commission on Postsecondary Education and transfer the Commission's power to administer student loans to the Dept. of Revenue. Would transfer the Commission's power to regulate private postsecondary education in the state to the Board of Education. The Commissioner of Revenue would be responsible for appointing a student financial aid committee to administer loan and scholarship programs. Does not provide effective date (takes effect 90 days after Governor signs bill).

Introduced May 2 and referred to Health, Education & Social Services, Finance.

Regulations
(submission of
proposed)

HOUSE BILL NO. 420, by Rep. Pignalberi. Amends AS 24.30 (Legislature. Enactment of Statutes) by adding a new section: "If a bill that authorizes adoption of regulations is presented by the governor for introduction under AS 24.30.060(b) and the uniform rules of the legislature, the governor shall submit with the bill a draft of proposed regulations suggested to implement the bill." Does not provide effective date (takes effect 90 days after Governor signs bill).

Introduced May 2 and referred to Judiciary.

Homer Volunteer Fire Dept., Inc.

604 EAST PIONEER AVENUE • HOMER, ALASKA 99603

PHONE (907) 235-6108

April 4, 1985

Representative Andre Marrou
Pouch V
Juneau, Alaska 99811

Dear Andre,

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

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

My concern is based on two premises:

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

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

/ the sovereign immunity afforded to government employees.

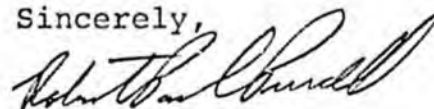
One of two things is needed to correct this situation:

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

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

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

Sincerely,



Robert Purcell
Administrator

MEMORANDUM

State of Alaska

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

DATE: April 20, 1981


FILE NO: J-66-642-81

JUL 29 1981

TELEPHONE NO: 465-3603

FROM: WILSON L. CONDON
ATTORNEY GENERAL

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

By: Elizabeth Shaw 
Assistant Attorney General

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

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

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

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

Footnote continued on page 2.

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

next page

1/

Continued

SEC. 18.08.086. IMMUNITY FROM LIABILITY.

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

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

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

2/

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

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

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

2/ Continued

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

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

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

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

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

ES/jf



RECORDS CERTIFICATION



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Signature of Camera Operator


Date

H B

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COMMITTEE REPORT

HOUSE

2/19

JUDICIARY

FINANCE

FURTHER:

(7)

5/4/88

Date: 5/13/88

The Committee on LABOR & COMMERCE has had HR 424

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

under consideration and recommends:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HR 924 (R+C) same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note ^{sent} Sep 88
- reports it back without recommendation Zero Fiscal Note Attached
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

Mike Davis

W.C. [unclear]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]
CHAIRMAN



Official Business

Alaska State Legislature

House of Representatives

Pouch V
State Capitol
Juneau, Alaska 99811

February 13, 1986

Dear Colleague:

Attached is a copy of HB424 along with a proposed Committee Substitute for the bill and a section by section analysis of the Committee Substitute.

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

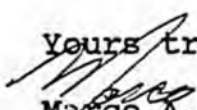
The bill before the Labor and Commerce Committee today is a result of that. This bill will enable those involved in the behavioral science professions to establish a basis for adopting professional standards in their field.

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

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

I request that you analyze it and support it.

Yours truly,


Marco A. Pignalberi
Representative

MAP:mep

Introduced: 5/4/85
Referred: Labor & Commerce,
Judiciary and Finance

1 IN THE HOUSE

BY PIGNALBERI

2

HOUSE BILL NO. 424

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

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

7

Examiners; amending Rule 504 of the Alaska Rules of

8

Evidence; 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

(26) Board of Behavioral Science Examiners (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 08.64.380-
8 (2), or a person engaged in any manner in the healing arts who diag-
9 noses, treats, tests, or counsels other persons in relation to human
10 health or disease and uses the letters "M.D." or the title "doctor" or
11 "physician" or another [ANY OTHER] title that [WHICH] tends to show
12 that the person is willing or qualified to diagnose, treat, test, or
13 counsel another person, shall clarify the letters or title by adding
14 the appropriate specialist designation, if any, such as "dermatolo-
15 gist", "radiologist", "audiologist", "naturopath", or the like.

16 * Sec. 5. AS 08.03.010(c) is amended by adding a new paragraph to read:
17 (21) Board of Behavioral Science Examiners (AS 08.15.010) --
18 June 30, 1988.

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

20 CHAPTER 15. BEHAVIORAL SCIENCE PROFESSIONALS.

21 ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE EXAMINERS.

22 Sec. 08.15.010. BOARD ESTABLISHED. There is established the
23 Board of Behavioral Science Examiners.

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

28 (b) The members of the board must be residents of the state for
29 three years before appointment.

1 (c) Each professional member must

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

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

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

11 (b) Before appointment, the governor shall request a list of
12 eligible candidates for a board position from the professional organi-
13 zations in the state that represent the behavioral science professions
14 required for the board position.

15 (c) The governor shall annually designate one member of the
16 board to serve as chairperson of the board.

17 (d) The governor may not appoint the same person more than once
18 to fill an unexpired term on the board. A person may not serve as a
19 member of the board for more than two consecutive terms.

20 Sec. 08.15.040. MEETINGS. The board shall hold three meetings
21 each year and may hold special meetings at the call of the chairperson
22 or a majority of the board members.

23 Sec. 08.15.050. REMOVAL OF BOARD MEMBERS. The governor may
24 remove a member of the board for good cause, including:

25 (1) neglect of duty;

26 (2) incompetence;

27 (3) prolonged illness that impairs the execution of board
28 duties;

29 (4) unprofessional conduct;

- 1 (5) conviction of a felony;
- 2 (6) judgment impaired by the use of alcohol or drugs;
- 3 (7) unexcused absences from board meetings;
- 4 (8) conviction of a crime involving moral turpitude;
- 5 (9) an emotional disturbance that prevents the member from
- 6 carrying out board duties;
- 7 (10) addiction or severe dependency on alcohol or another
- 8 drug.

9 Sec. 08.15.060. POWERS AND DUTIES OF THE BOARD. (a) The board
10 shall

11 (1) examine applicants and issue licenses to qualified
12 applicants;

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

15 (3) establish continuing education requirements for license
16 renewal in each behavioral science profession regulated by the board
17 after consulting with the standards committee for the behavioral
18 science profession for which the continuing education requirements are
19 being established;

20 (4) adopt a code of ethical practice for each behavioral
21 science profession regulated by the board after a review of the ethi-
22 cal standards set out by the national behavioral science professional
23 organizations for the behavioral science profession for which the code
24 is being adopted;

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

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

29 (7) forward minutes of board meetings to the department

1 within 20 days of each meeting;

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

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

6 (b) The board may seek and obtain grants, gifts, an. other
7 funds, excluding loans, from private and public foundations and insti-
8 tutions to carry out the provisions of this chapter.

9 Sec. 08.15.070. STANDARDS COMMITTEE. (a) The board shall
10 appoint a standards committee for each behavioral science profession
11 that it regulates under this chapter.

12 (b) Each standards committee shall be comprised of three board
13 members representing a behavioral science profession regulated by the
14 board and a public member of the board.

15 (c) Each standards committee shall advise the board about the
16 licensing and regulation of the behavioral science profession that is
17 the subject of that particular standards committee.

18 (d) Each standards committee shall recommend to the board the
19 following items for the behavioral science profession that it repre-
20 sents:

21 (1) by a majority vote, the approval or disapproval of the
22 granting of licenses;

23 (2) approval of the examination for licensure;

24 (3) the grading of examinations;

25 (4) policy and regulation changes;

26 (5) investigations, hearings, or assessment of violations
27 of this chapter;

28 (6) penalties for violations of this chapter;

29 (7) the contents of examinations;

1 (8) ethical standards;
2 (9) licensure guidelines or criteria for licensure and
3 supervision requirements.

4 (e) Each standards committee shall perform the following duties:

5 (1) review applications, handle routine inquiries, and
6 provide information to the general public;

7 (2) act as a liaison between the board and educational
8 institutions;

9 (3) assist the board in keeping a registry of licensees,
10 supervisors, supervisees, and license renewals;

11 (4) assist the board in establishing continuing education
12 requirements for licensing renewal, and supervisor requirements;

13 (5) develop and administer proceedings for the license
14 application process;

15 (6) other duties relating to licensure that the board
16 delegates to the standards committee.

17 (f) A decision of a standards committee is not final until the
18 board approves the decision. The board may initiate an action or
19 otherwise perform a duty that a standards committee is authorized to
20 perform.

21 (g) A decision of the board relating to a behavioral science
22 profession regulated by the board is not effective unless approved by
23 two or more members of the standards committee for that behavioral
24 science.

25 Sec. 08.15.080. PROCEDURES. The Administrative Procedure Act
26 (AS 44.62) applies to regulations and proceedings under this chapter.

27 ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

28 Sec. 08.15.090. QUALIFICATIONS FOR LICENSE TO PRACTICE. (a)
29 The board shall issue a license to practice marital and family therapy

1 to a person who

2 (1) applies on a form provided by the board;

3 (2) pays the fee required under AS 08.15.140;

4 (3) furnishes evidence satisfactory to the board that the
5 person

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

8 (B) holds a master's degree, doctorate, or the equiva-
9 lent, from an accredited educational institution approved by the
10 board, for which the person completed a course of study that
11 included one year of supervised marital and family therapy clin-
12 ical practice with 500 hours of supervised client contact and

13 (i) three courses in marital and family therapy;

14 (ii) three courses in marital and family studies;

15 (iii) three courses in human development;

16 (iv) one course in professional studies or profes-
17 sional ethics and law;

18 (v) one course in research;

19 (C) after receiving a degree listed in (B) of this
20 paragraph, has

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

25 (ii) has been supervised in the clinical contact
26 for at least 200 hours, including 100 hours of individual
27 supervision and 100 hours of group supervision approved by
28 the board; and

29 (D) has passed a written or oral examination

1 administered by the board.

2 (b) The board shall credit an applicant with the hours the
3 applicant has earned in supervised practice under AS 08.15.100 towards
4 satisfaction of the hours of supervision required under this section.

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

9 (d) A license issued under this section expires two years from
10 the date of issue. It may be renewed by payment of the fee required
11 under AS 08.15.140 and by satisfaction of the continuing education
12 requirements established by the board for the renewal of licenses
13 issued under this section.

14 Sec. 08.15.100. LICENSE FOR SUPERVISED PRACTICE. (a) The board
15 shall issue a four-year license for the supervised practice of marital
16 and family therapy to a person who meets the requirements of AS 08.-
17 15.090(a)(1), (2), and (3)(A) - (B).

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

19 (1) under the direct supervision of a supervisor approved
20 by the board; and

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

23 (c) A license for supervised practice expires four years from
24 the date of issuance and may not be renewed.

25 (d) A licensee under this section shall submit to the board for
26 its approval a proposed plan for satisfying the supervision require-
27 ments of AS 08.15.090(a)(3)(C).

28 (e) A licensee under this section shall use the title "marital
29 therapy associate," "family therapy associate," or other title that is

1 approved by the board.

2 (f) The board shall revoke a license for supervised practice if
3 the person fails the examination required under AS 08.15.100 two times
4 while the person is licensed under this section.

5 Sec. 08.15.110. TEMPORARY LICENSE FOR THE PRACTICE OF MARITAL
6 AND FAMILY THERAPY. (a) The board shall issue a temporary license
7 for the practice of marital and family therapy to an applicant who
8 satisfies the requirements of AS 08.15.090(a)(1), (2) and (3)(A),(B)
9 and (C) and has been approved by the board to take the marital and
10 family therapy examination.

11 (b) A person may practice under a temporary license until the
12 board issues the results of the first marital and family therapy
13 examination given after issuance of the person's temporary license and
14 either issues or denies a license under AS 08.15.090 to the person.

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

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

24 Sec. 08.15.120. LICENSURE BY CREDENTIALS. The board shall issue
25 a license to practice marital and family therapy to a person who

26 (1) is licensed as a marital and family therapist in another
27 state that has requirements for the license or certificate that are
28 substantially equal to or greater than the requirements of this state;
29 and

1 (2) meets the requirements of AS 08.15.090(a)(1), (2), and
2 (3)(A).

3 Sec. 08.15.130. APPROVED SUPERVISORS. (a) Except for super-
4 vision under AS 08.15.090(a)(3)(B), a person may not supervise a
5 person in the practice of marital and family therapy unless the person
6 is approved by the board.

7 (b) The board shall approve as a supervisor a person who
8 (1) applies to the board for the approval;
9 (2) is licensed under this chapter to practice marital and
10 family therapy; and

11 (3) meets the minimum standards established for supervisors
12 by the American Association of Marriage and Family Therapy.

13 (c) Notwithstanding (b) of this section, the board shall approve
14 as a supervisor a member of a mental health profession other than the
15 marital and family therapy profession if the person meets the criteria
16 established by the board for approval of a member of another mental
17 health profession as a supervisor.

18 (d) The board shall establish continuing education requirements
19 for marital and family therapy supervisors approved by the board.

20 (e) A supervisor approved under this section shall satisfy the
21 continuing education requirements established by the board.

22 (f) The board may cancel its approval of a person as a super-
23 visor if the person commits an act listed in AS 08.15.170, fails to
24 satisfy the continuing education requirements established by the
25 board, or otherwise violates a provision of this chapter.

26 ARTICLE 3. GENERAL PROVISIONS.

27 Sec. 08.15.140. FEES. The following fees shall be imposed under
28 this chapter:

29 (1) application\$ 25

1 (2) examination125
 2 (3) credential review125
 3 (4) license under AS 08.15.090200
 4 (5) temporary license200
 5 (6) license for supervised practice200
 6 (7) renewal of license under AS 08.15.090200
 7 (8) renewal of temporary license200

8 Sec. 08.15.150. PRIVILEGED COMMUNICATION. A person licensed
 9 under this chapter may not reveal to another person a communication
 10 made to the licensee by a client about a matter concerning which the
 11 client has employed the licensee in a professional capacity. This
 12 section does not apply to a case conference with other licensees or if
 13 the client in writing authorizes the licensee to reveal a communica-
 14 tion.

15 Sec. 08.15.160. MALPRACTICE INSURANCE. Persons licensed under
 16 this chapter shall maintain insurance against liability for negligence
 17 in the practice of the behavioral science profession for which they
 18 are licensed.

19 Sec. 08.15.170. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
 20 TIONS. After a hearing, the board may impose a disciplinary sanction
 21 on a person licensed under this chapter when the board finds that the
 22 person

23 (1) secured a license through deceit, fraud, or intentional
 24 misrepresentation;

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

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

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

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

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

7 (A) professional incompetence;

8 (B) addiction or severe dependency on alcohol or
9 another drug that impairs the person's ability to practice
10 safely;

11 (C) physical or mental disability;

12 (7) engaged in lewd or immoral conduct in connection with
13 the delivery of professional services to clients.

14 Sec. 08.15.180. DISCIPLINARY SANCTIONS. (a) When it finds that
15 a licensee has committed an act listed in AS 08.15.170, the board may
16 impose the following sanctions singly or in combination:

17 (1) permanently revoke a license to practice;

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

19 (3) censure a licensee;

20 (4) issue a letter of reprimand;

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

23 (A) report regularly to the board on matters involving
24 the basis of probation;

25 (B) limit practice to those areas prescribed;

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

29 (6) impose limitations or conditions on the practice of a

1 licensee.

2 (b) The board may withdraw a limitation, condition, or proba-
3 tionary status if it finds that the deficiency that required the sanc-
4 tion has been remedied.

5 (c) The board may summarily suspend a license before final
6 hearing or during the appeals process if the board finds that the
7 licensee poses a clear and immediate danger to the public welfare and
8 safety if the licensee continues to practice. A person whose license
9 is suspended under this section is entitled to a hearing by the board
10 no later than seven days after the effective date of the order. The
11 person may appeal the suspension after the hearing to the superior
12 court.

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

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

20 Sec. 08.15.190. PROHIBITED ACTS. Unless a person is licensed
21 under this chapter, the person may not

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

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

28 (3) advertise that the person practices a behavioral sci-
29 ence profession regulated by this chapter for which the person is not

1 licensed under this chapter.

2 Sec. 08.15.200. PENALTIES. A person who violates AS 08.15.190
3 is guilty of a class B misdemeanor.

4 Sec. 08.15.210. EXEMPTIONS. (a) This chapter does not apply to
5 a person who practices a behavioral science profession regulated by
6 this chapter consistent with the accepted standards and code of ethics
7 of the person's profession and as part of the person's duties as

8 (1) a psychologist or psychological associate;

9 (2) a physician or psychiatrist;

10 (3) an attorney or judge;

11 (4) a member of the clergy;

12 (5) an employee of a governmental unit, educational insti-
13 tution, or nonprofit agency who is required to practice the behavioral
14 science profession during the employment, if

15 (A) the employer maintains appropriate supervision of
16 the person's practice of the behavioral science profession activ-
17 ities;

18 (B) the person practices the behavioral science pro-
19 fession as part of the duties for which the person is employed;

20 (C) the person practices the behavioral science pro-
21 fession in the facility where the person is employed or under the
22 supervision of the governmental unit, educational institution, or
23 nonprofit agency where the person is employed; and

24 (D) the person does not render or offer to render the
25 services of the behavioral science profession to the public for
26 compensation in addition to the salary the person receives from
27 the governmental unit, educational institution, or nonprofit
28 agency;

29 (6) a student, intern, or resident pursuing a course of

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

7 (b) A person exempt under this section may not use a title or
8 description stating or implying that the person is a behavior science
9 professional licensed under this chapter.

10 Sec. 08.15.220. DEFINITIONS. In this chapter, unless the con-
11 text indicates otherwise,

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

17 (2) "board" means the Board of Behavioral Science Exami-
18 ners;

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

22 (4) "practice of marital and family therapy" means the
23 diagnosis and treatment of mental and emotional disorders that are
24 referenced in the standard diagnostic nomenclature for marital and
25 family therapy, whether cognitive, affective, or behavioral, within
26 the context of human relationships, particularly marital and family
27 systems; marital and family therapy involves

28 (A) the professional application of assessments and
29 treatments of psychotherapeutic services to individuals, couples,

1 and families for the purpose of treating the diagnosed emotional
2 and mental disorders;

3 (B) an applied understanding of the dynamics of mari-
4 tal and family interactions, along with the application of psycho-
5 therapeutic and counseling techniques for the purpose of resolv-
6 ing intrapersonal and interpersonal conflict and changing
7 perceptions, attitudes, and behaviors in the area of human rela-
8 tionships and family life;

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

13 * Sec. 7. AS 09.5 .560(1) is amended to read:

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

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

27 (9) "health care provider" means a behavioral science
28 professional licensed under AS 08.15, a chiropractor licensed under
29 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist

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

10 * Sec. 9. AS 39.50.200(b) is amended by adding a new paragraph to read:
11 (48) Board of Behavioral Science Examiners (AS 08.15).

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

14 (53) Board of Behavioral Science Examiners (AS 08.15.010).

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

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

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

25 (1) two members for a term of two years;

26 (2) one member for a term of three years;

27 (3) one member for a term of four years.

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

1 licensed for the purpose of AS 08.15.020 if the person would be entitled to
2 a license under AS 08.15.090(a)(1) - (3)(A) - (B). The Board of Behavioral
3 Science Examiners shall issue a license to practice marital and family
4 therapy to each professional member appointed under this section.

5 (c) A license issued under this chapter is subject to the same re-
6 newal requirements as a license issued under AS 08.15.090 as enacted by
7 sec. 6 of this Act.

8 * Sec 13. (a) Notwithstanding AS 08.15.090 enacted by sec. 6 of this
9 Act the board shall issue a license to practice marital and family therapy
10 to a person who

11 (1) satisfies the requirements of AS 08.15.090(a)(1) - (3)(A)
12 enacted by sec. 6 of this Act;

13 (2) holds a master's or doctorate degree from an accredited
14 educational institution either in

15 (A) marital and family therapy; or

16 (B) an appropriate course of study approved by the board
17 and substantially equivalent to the following: three courses in
18 marital and family studies; three courses in marital and family ther-
19 apy; three courses in marital and family studies; three courses in
20 human development; one course in research; one course in professional
21 studies or professional law and ethics; and one year of supervised
22 clinical practice;

23 (3) either

24 (A) within three years of the person's application, has
25 practiced marital and family therapy including at least 1,500 hours of
26 direct clinical contact with couples and families, and has been super-
27 vised in the clinical contact for at least 200 hours, including 100
28 hours of individual supervision; or

29 (B) is a clinical member of the American Association of

1 Marriage and Family Therapy; and

2 (4) has practiced marital and family therapy as a resident of
3 the state immediately preceding the application.

4 (b) A license under this section is subject to the same renewal
5 requirements as a license issued under AS 08.15.090 as enacted by sec. 6 of
6 this Act.

7 (c) The board shall liberally construe the requirements of (a) of
8 this section for the purposes of licensing every person as a marital and
9 family therapy professional who merits licensing by virtue of their educa-
10 tion, training, and experience in the field of marital and family therapy.

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

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

15 (2) has practiced marital and family therapy for three years or
16 more; and

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

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

22 * Sec. 15. AS 08.15.150, enacted by sec. 6 of this Act has the effect
23 of amending Rule 504 of the Alaska Rules of Evidence by creating for a
24 behavioral science professional licensed under secs. 6, 12 or 13 of this
25 Act, a privilege to refuse to disclose information.

26 * Sec. 16. This Act takes effect July 1, 1985.

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5

DATE: 2/11/86

CALL PETER FROELICH -- 465-3600

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APPROVED: _____

PROPOSED CS FOR HOUSE BILL NO. 424

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTEENTH LEGISLATURE - SECOND SESSION

A BILL

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."

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

* Section 1. LEGISLATIVE FINDINGS, PURPOSE. (a) The legislature finds that the practice of the behavioral science professions affects the safety and welfare of the public and requires regulation and control by the state in the public interest.

(b) The purpose of this Act is to establish a regulatory board and procedure to ensure that the public is protected from the unprofessional, improper, and unauthorized practice of the behavioral science professions. This Act shall be liberally construed to carry out this purpose.

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

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

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

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

(1) collect fees and issue receipts;

(2) maintain records and files;

(3) issue and receive application forms;

(4) notify applicants of acceptance or rejection of applicants as determined by the board;

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

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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

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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 Examiners (AS 08.15.010) --

19 June 30, 1990.

20 * Sec. 6. AS 00 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

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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

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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

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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; and

DEPARTMENT OF HEALTH
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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).

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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

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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 psycho therapeutic
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

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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 bachelor's degree in social work from a school
4 with a social work program accredited by the Council on Social Work
5 Education.

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 bachelor's degree in social work from a school
11 with a social work program accredited by the Council on Social Work
12 Education.

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

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

23 (c) A social worker may practice social work autonomously only
24 if

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

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

29 (3) the license bearing a designation of speciality is

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1 prominently displayed in the place the person engages in private
2 practice; and

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

5 ARTICLE 4. PROFESSIONAL COUNSELORS.

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

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

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

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

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

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

29 (b) "Counseling services" includes engaging in methods and

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1 techniques that include

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

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

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

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

25 ARTICLE 5. GENERAL PROVISIONS.

26 Sec. 08.15.910. LICENSE BY EXAMINATION. The board shall issue a
27 license to practice a behavioral science profession to an applicant
28 who

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

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

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

5 Sec. 08.15.920. TEMPORARY LICENSE. (a) The board shall
6 temporary license to an applicant who satisfies all the require-
7 for permanent licensure except for passing the examination and who has
8 been approved by the board to take the examination.

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

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

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

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

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

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

29 (3) pays the fee established by the department under

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1 AS 08.01.065; and

2 (4) furnishes evidence satisfactory to the board that the
3 applicant

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

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

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

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

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

17 Sec. 08.15.950. FEES. The department shall, by regulations
18 adopted under AS 08.01.065, establish fees for behavioral science
19 professionals for the following:

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

28 Sec. 08.15.960. CONFIDENTIALITY OF COMMUNICATIONS. A behavioral
29 science professional licensed under this chapter may not disclose

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1 information provided to the licensee by a client in the course of
 2 their professional conduct. 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 license is
 26 required by state or federal laws or regulations to disclose.

27 Sec. 08.15.970. 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

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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 felony or other crime that
10 affects the person's ability to continue to practice competently and
11 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 dependency on alcohol or another drug
17 that impairs the person's ability to practice safely;

18 (C) physical or mental disability;

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

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

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

25 Sec. 08.15.980. DISCIPLINARY SANCTIONS. (a) When it finds that
26 a licensee has committed an act listed in AS 08.15.170, the board may
27 impose the following sanctions singly or in combination:

28 (1) permanently revoke a license to practice;

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

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1 (3) censure a licensee;
 2 (4) issue a letter of reprimand;
 3 (5) place a licensee on probationary status and require the
 4 licensee to

5 (A) report regularly to the board on matters involving
 6 the basis of probation;

7 (B) limit practice to those areas prescribed;

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

11 (6) impose limitations or conditions on the practice of a
 12 licensee.

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

16 (c) The board may suspend a license upon receipt of a certified
 17 copy of evidence that a license to practice medicine in another state
 18 or territory of the United States or province of Canada has been
 19 suspended or revoked. The suspension remains in effect until a hear-
 20 ing can be held by the board.

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

25 Sec. 08.15.990. PROHIBITED ACTS AND PENALTY. (a) Unless a
 26 person is licensed under this chapter, the person may not

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

29 (2) use a title indicating or representing that the person

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1 practices or is licensed to practice a behavioral science profession
2 regulated by this chapter for which the person is not licensed under
3 this chapter;

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

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

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

13 (1) a psychologist or psychological associate;

14 (2) a physician or psychiatrist;

15 (3) an attorney or judge;

16 (4) a member of the clergy;

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

24 Sec. 08.15.999. DEFINITIONS. In this chapter, unless the con-
25 text indicates otherwise,

26 (1) "advertise" includes issuing or causing to be dis-
27 tributed a card, sign or device to a person, or causing, permitting or
28 allowing a sign or marking on or in a building or structure, or in a
29 newspaper, magazine, or directory, or on radio or television, or using

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1 other means designed to secure public attention;

2 (2) "board" means the Board of Behavioral Science Examin-
3 ers;

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

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

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

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

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

25 (9) "health care provider" means a behavioral science
26 professional licensed under AS 08.15; a chiropractor licensed under
27 AS 08.20; a dental hygienist licensed under AS 08.32; a dentist li-
28 censed under AS 08.36; a nurse licensed under AS 08.68; a dispensing
29 optician licensed under AS 08.71; an optometrist licensed under

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1 AS 08.72; a pharmacist licensed under AS 08.80; a physical therapist
 2 licensed under AS 08.84; a physician licensed under AS 08.64; a podia-
 3 trist; a psychologist and a psychological associate licensed under
 4 AS 08.86; and a hospital as defined in AS 18.20.130, including a
 5 governmentally owned or operated hospital; a corporate entity covered
 6 under AS 21.88.050(b)(12); and an employee of a health care provider
 7 acting within the course and scope of employment;

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

9 (48) an occupational licensing board or commission (AS 08).

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

12 (53) Board of Behavioral Science Examiners (AS 08.15.010).

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

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

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

23 (1) three members for a term of one year;

24 (2) three members for a term of two years;

25 (3) three members for a term of three years.

26 (b) In making the initial appointments of professional members to the
 27 Board of Behavioral Science Examiners, the governor shall consider a person
 28 licensed for the purpose of AS 08.15.020 if the person qualifies to take
 29 the examination for the license. The Board of Behavioral Science Examiners

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1 shall issue a two-year temporary license to each professional member ap-
2 pointed under this section.

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

6 (1) qualifies to take the examination for a permanent license; or

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

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

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

18 (2) has been practicing social work under the supervision of a
19 person eligible to be licensed under this Act for at least two years, and
20 successfully completes the examination required by AS 08.87.100(a)(2); or

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

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

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

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

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

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

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

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

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

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

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1 shall issue a temporary license to each professional member appointed under
2 this section.

3 * Sec. 13. (a) The board shall issue a two-year temporary license to
4 practice a behavioral science to a person who qualifies to take the exami-
5 nation for a permanent license.

6 (b) The board shall issue a temporary bachelor social worker license
7 to a person that

8 (1) holds a degree in social work from a school with a social
9 work program that is not accredited by the Council on Social Work Education
10 or a bachelor's or master's degree in a social sciences field related to
11 social work as defined by the board, and has been practicing under the
12 title "social worker" for at least 24 consecutive months before July 1,
13 1988; or

14 (2) has been practicing social work under the supervision of a
15 person eligible to be licensed under this Act for at least two years, and
16 successfully completes the examination required by AS 08.87.100(a)(2); or

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

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

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

24 (2) has practiced marital and family therapy for three years or
25 more; and

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

28 (b) A person approved as a supervisor under this section is subject
29 to the continuing education requirements and cancellation provisions of

SECTION-BY-SECTION ANALYSIS

SECTION 1:

Legislative Findings; Purpose -- No change from HB 424. NASW commented that "since all behavioral science professionals are not included, this statement is not true."

SECTION 2:

AS 08.01.010 on the applicability of AS 08.01 (centralized licensing) is amended to add new board. No change from HB 424.

SECTION 3:

AS 08.01.050(a)(19) on the administrative duties of department is amended to add investigations for the new board. No change from HB 424.

SECTION 4:

AS 08.02.010(a) on professional designations is amended to add the newly licensed professions. No change from HB 424. NASW commented that the existing list should be shortened.

SECTION 5:

AS 08.03.010(c) on sunset of boards is amended to add the new board. No change from HB 424.

SECTION 6:

AS 08 on occupational licensing is amended to add a chapter for the new board.

ARTICLE 1. BOARD OF BEHAVIORAL SCIENCE.

AS 08.15.010. Board established. No change from HB 424, except word "Examiners" dropped from board name.

AS 08.15.020. Membership. Committee substitute provides for equal representation on 9 person board instead of on 12 person board as in HB 424. Committee substitute also deletes 3 year residency requirement. NASW comments that that representation should be based on the number of licensees in each profession. NASW also comments about concern that the requirement that professional board members have 4 years experience in the profession affects the highest level of social work licensees.

AS 08.15.030. Board Appointments. Committee substitute reduces terms from 4 to 3 years. Committee substitute deletes requirement that governor get list of nominees from professional organizations. Committee substitute deletes requirement that governor annually designate the chair of the board.

AS 08.15.040. Meetings. Committee substitute reduces required number of meetings from 3 per year to

the standardized requirement of 1 per year with an unlimited number of teleconference meetings authorized. Both NASW and AAMFT comments suggest a minimum of 2 meetings per year.

(Committee substitute deletes what was designated AS 08.15.050 in HB 424 concerning removal of board members only for cause. This deletion means that AS 08.01.020, which provides that board members serve at the pleasure of the governor.)

AS 8.15.050. Powers of Board. Committee substitute changes "shall" to "may", at the suggestion of AAMFT and NASW, deletes unnecessary power to adopt ethical code, and deletes power to seek and obtain outside funding.

AS 08.15.060. Standards Committee. Committee substitute reduces professional members on each standards committee from 3 to 2 to correspond with reduction in AS 08.15.020. Committee substitute retains "shall" at suggestion of both NASW and AAMFT. Committee substitute consolidates and eliminates unnecessary and repetitious powers of standards committees. NASW suggests that the full board be bound to follow standards committee recommendations "unless there is clear and verifiable evidence for

disapproval."

AS 08.15.070. Procedures. Committee substitute exempts standards committees from all of AS 44.62, except open meetings.

ARTICLE 2. MARITAL AND FAMILY THERAPISTS.

AAMFT has asked that the committee substitute be returned to the repetitive format of HB 424 so that such provisions as, license by exam, temporary license, credential license, prohibited acts, and exemptions would be repeated for each profession. However, in the interests of brevity, simplicity, and efficiency these provisions are set out once for all 3 professions in Art. 5. General Provisions.

AS 08.15.110. Qualifications for Examination. Committee substitute amends what was designated AS 08.15.090 (qualifications for license) in HB 424 to include only those requirements unique to this profession.

NASW has commented that the meaning of "or the equivalent" in (a)(2) and of professional studies in (a)(2)(D) are unclear and the committee substitute therefore deletes those terms as unnecessary.

AAMFT has suggested changes to (a)(3)(B) to require 2 supervisors and at least 100 hours of individual supervision. These changes have been made.

NASW has pointed out that applicants can be credited for the same supervised practice hours twice, once for their degree and once for their license.

AS 8.15.120. License for Supervised Practice. Committee substitute condenses what was designated as AS 08.15.100 in HB 424, requirements which were adopted by the reference in HB 424 to AS 08.15.090(a)(1) -- (3)(B) and adopts by reference AS 08.15.110(a)(1) and (2) which were designated as AS 08.15.090(a)(1) -- (3)(B).

NASW suggests that this special nonrenewable 4 year license for supervised practice be made renewable every four years but AAMFT wants it kept 4 year nonrenewable. All other licenses are 2 year renewable licenses under AS 08.15.940 in Art. 5, General Provisions.

AAMFT requested the addition in the committee substitute of AS 08.15.120(a)(4) concerning filing a plan of supervision and 08.15.120(f) and (g), concerning the details of supervision.

NASW objects to AS 08.15.120(b) and (c) as inappropriate restrictions upon a supervised licensee.

AS 08.15.130. Approved Supervisors. NASW has made the excellent suggestion that this section (and implicitly perhaps sec. 120) would be better left to regulations adopted by the board. Even though we agree with this suggestion or at least the setting out of uniform supervision requirement in Art. 5, General Provisions, we have left secs. 120 and 130 alone in this draft for further discussion.

NASW has also suggested that the continuing education requirement authorized by AS 08.15.050(3) and mentioned in this section be made mandatory.

AS 08.15.140. Scope of Practice. Committee substitute redesignates what was a definition in AS 08.15.-220(4).

At AAMFT's request, paragraphs (1) and (2) were switched and the lead in slightly modified.

NASW suggests changing "diagnose" to "assess" so both are used as a possible compromise.

ARTICLE 3. SOCIAL WORKERS.

NASW has suggested that SB 227 be set out here in its entirety. However, as with the similar suggestion of AAMFT, regarding Art. 2, we have avoided such a repetitious approach in the interests of brevity, simplicity, and efficiency. Only the provisions necessarily unique to each profession are set out.

AS 08.15.210. Qualifications for Examination. This section is derived from AS 08.87.100 in SB 227.

AS 08.15.240. Scope of Practice. This section is derived from AS 08.87.110 in SB 227.

ARTICLE 4. PROFESSIONAL COUNSELORS.

AS 08.15.310. Qualifications for Examination. This section is derived from AS 08.85.050 in HB 396 with the primary deletion being the requirement of filing a "statement of professional intent."

AS 8.15.340. Scope of Practice. This section is derived from AS 08.85.190(2) and (4) in HB 396.

ARTICLE 5. GENERAL PROVISIONS.

The following sections govern procedural, mechanical, and administrative matters which are the same for all 3 professions:

AAMFT has suggested that these provisions be set out separately for each profession. Most are derived from HB 424 except for the confidentiality sec. 960 which is from SB 227.

AS 08.15.910. License by Examination.

AS 08.15.920. Temporary License.

AS 08.15.930. License by Credentials. NASW has commented that "reciprocity may prove to be difficult with other states since most licenses are granted according to one's academic degree." ??

AS 08.15.940. Renewal of License. NASW has suggested that the renewal period be changed from 4 to 2 years. This change has been made to correct an error which arose from confusion with the nonrenewable 4 year supervised practice license for MFT's.

AS 08.15.950. Fees. NASW and AAMFT have both suggested that fees be set out in the statute. However, under AS 08.01.065 added by ch. 37, SLA 1985, all occupational licensing fees are to be set by Department of Commerce and Economic Development regulation,

based on actual costs and with the concurrence of the appropriate board.

AS 08.15.960. Confidentiality.

AS 08.15.970. Grounds for Imposition of Discipline Sanctions. Committee substitutes adds 2 grounds for discipline: (1) discipline in another state (from SB 227 and AS 08.64.326(a)(13) on M.D. discipline); and (2) violation of a code of ethics adopted by the board suggested by AAMFT.

AS 08.15.980. Disciplinary Sanctions. Committee substitute deletes the general summary suspension and reinstatement provisions because of procedural due process concerns, but adds a provision on suspension upon notice of discipline in another jurisdiction (from AS 08.64.331(a) on M.D. disciplines).

AS 08.15.990. Prohibited Acts and Penalties.

AS 08.15.995. Exemptions. This is another section that AAMFT suggests be set out for each profession.

AAMFT suggests deleting the list of other professions

who are exempt in favor of an exemption only for professionals licensed in a related field. This would not exempt the clergy or attorney and maybe not even physicians.

NASW has stated its opposition to the exemption in (5) for government employees. Therefore, it has been deleted with the concurrence of the Department of Health and Social Services (DHSS).

NASW has also objected to the prohibition by former (b) of the use of a professional title by exempt people. DHSS, which employs social workers, also concurs in the deletion of the provision.

AS 08.15.999. Definitions. NASW has suggested deleting the definition of "supervision" or using the same definition as in AS 08.86 on psychologists.

SECTIONS 7 -- 12 make housekeeping changes to other titles to add behavioral science profession.

SECTIONS 13 -- 15 are transitional provisions. Section 15 is a special grandfather provision for MFT approved supervisors. NASW suggests moving this provision but is properly a "Temporary and Special Act." Special grandfather provisions have been added to provide a temporary license

to bachelor level social workers who have experience but not the required academic degree. This accommodates the concerns of DHSS which has agreed to deletion of the exemption of state employees. No grandfathering into a permanent license without exam is allowed anyone. Rather a two-year temporary license is provided to allow time for the exam.

SECTION 16 states that new AS 08.15.960 would amend Rule of Evidence 504. No change from HB 424.

SECTIONS 17 -- 19 set effective dates of parts of the bill. No change from HB 424.

4-15-85

Anchorage Daily News



Winner, 1976 Pulitzer Prize Gold Medal for Public Service

Gerald E. Grilly
Publisher

Howard Weaver
Managing Editor

Steve Lindbeck
Editorial Page Editor

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

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

State should set firm licensing standards

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

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

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

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

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

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

TO: ALL REPRESENTATIVES
FROM: LAWRENCE D. BURTON, 2185 ARCADEA DRIVE, ANCHORAGE, AK
99517, 277-9117
SUBJECT: HB 424, BOARD OF BEHAVIORAL SCIENCE EXAMINERS

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

TO: ALL REPRESENTATIVES
FROM: BEULAH OLSON, P.O., BOX 296, DELTA JCT., AK 99737
RE: HB 279 - ALZHEIMERS

WE URGE YOUR SUPPORT OF THIS BILL. ALZHEIMER'S DISEASE IS THE FOURTH CAUSE OF DEATH IN OUR COUNTRY. WE SHOULD HELP BOTH THOSE WITH THIS DISEASE AND THEIR FAMILIES.

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

11

TO: HOUSE LABOR AND COMMERCE COMMITTEE

REPRESENTATIVES NAVARRE, DAVIS, BOUCHER, KOPONEN, PEARCE, COLLINS
AND HANLEY AND
SENATORS STURGULEWSKI AND FAIKS AND REPRESENTATIVE PIGNALBERTI

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

SUBJECT: HB 424 - LICENSING OF COUNSELORS

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

*
* DELIVER TO: JPOM
*
* ORIGINAL
* SENT: 02/11/86 TIME: 16:25
* FROM: JEAN MILLER
* SUBJECT: POM
* PRINT DATE: 02/11/86 TIME: 16:25
*

41

TO: ALL REPRESENTATIVES

FROM: CAROL JACOBSEN
3605 ARCTIC, NO. 443
ANCHORAGE, AK 99503

PHONE: 561-3162

SUBJECT: HB 424 - INCLUSION OF PROFESSIONAL COUNSELORS

I SUPPORT 424 WITH THE INCLUSION OF PROFESSIONAL COUNSELORS.

TO: ALL MEMBERS OF THE HOUSE

FROM: JANE WINDSOR
319 E. BENTLEY DRIVE
FAIRBANKS, AK, 99701

PHONE: 456-6035-H

RE: H CSCSSB 140 (JUD), RIGHTS OF THE TERMINALLY ILL.

MSG: SUPPORT CSSB 140 BUT AMEND BACK TO ORIGINAL DRAFT. DO NOT REQUIRE COURT APPROVAL AND GIVE OPTION TO REJECT FORCE FEEDING. SINCERELY, JANE WINDSOR, A.A.R.P. & PRES OF FAIRBANKS RETIRED TEACHERS ASSC.

FOM

TO ALL SENATORS
TO ALL REPRESENTATIVES

FROM
BROTHER TOM PATMOR
P.O. BOX 124
CLAM GULCH, ALASKA 99568
RE: WASTING \$ WITH NO RESULTS
MESSAGE: I QUESTION THE WORTH OF STATE FUNDED STUDIES AND COMMISSIONS. THE INVESTIGATION LAST YEAR OF PRICE FIXING REGARDING GASOLINE PRICES HAS HAD NO IMPACT WHATSOEVER ON THE KENAI PENINSULA. A 2 1/2 YEAR STUDY BY THE BOROUGH PRECEDED IT AND FOUND NO LOGICAL EXPLANATION WHY KENAI'S PRICES ARE HIGHER THAN ANCHORAGE'S.
EOM...

TO: ALL LEGISLATORS

FROM: RON FEIGER, BOX 111766, ANCHORAGE, AK 99511, 349-1292

SUBJECT: HB 424, BOARD OF BEHAVIORAL SCIENCE EXAMINERS

WITH REFERENCE TO HB 424, I WOULD LIKE TO HAVE WORDING PROVIDED IN THIS BILL TO INCLUDE LICENSING MASTER LEVEL COUNSELORS IN ADDITION TO MARRIAGE AND FAMILY COUNSELORS. IT IS DISCRIMINATION TO RESTRICT LICENSURE ONLY TO MARRIAGE AND FAMILY COUNSELORS. COUNSELOR WHO ARE AS ACADEMICALLY PREPARED AND PROFESSIONALLY COMPETENT SHOULD BE AFFORDED EQUAL CONSIDERATION.

TO ALL SENATORS
TO ALL REPRESENTATIVES

FROM
BROTHER TOM PATMOR
P.O. BOX 124
CLAM GULCH, ALASKA 99568
RE: ALTERNATIVE TO JAN FAIKS BILL
MESSAGE: RATHER THAN GIVING OIL COMPANIES AND THEIR SUBCONTRACTORS A \$6,000 CREDIT ON THEIR TAXES FOR EVERY ALASKAN THEY HIRE, KILL TWO BIRDS WITH ONE STONE AND GIVE THEM AN ADDITIONAL \$6,000 TAX LIABILITY FOR EVERY NON-RESIDENT THEY HIRE. THIS WOULD HELP UNEEMPLOYMENT AND MAKE MONEY FOR THE STATE.
EOM...

TO: ALL LEGISLATORS

FROM: RICHARD WHEELER, P.O. BOX 90917, ANCHORAGE, AK 99509, 248-4527

SUBJECT: PRESUMPTIVE SENTENCING RULES

I WOULD LIKE TO VOICE MY SUPPORT OF DON CLOCKSIN'S MOVEMENT TO CHANGE THE PRESUMPTIVE SENTENCING LAW.

*
* DELIVER TO: JFOM *
* *
* ORIGINAL *
* SENT: 02/11/86 TIME: 12:51 *
* FROM: LANA TRUJILLO *
* SUBJECT: POM *
* PRINT DATE: 02/11/86 TIME: 12:51 *
* *

411

TO: ALL MEMBERS OF HOUSE OF REPRESENTATIVES
FROM: SHIRLEY L. DICKENS, 6509 CHEVIGNY ST., ANCHORAGE, 99502,
HM, 243-1641, WK, 562-2211
RE: SB 140, RIGHT TO LIFE

I URGE THE SUPPORT OF SB 140, BUT WITHOUT THE PROVISIONS OF A
JUDGE'S SIGNATURE OR THE FORCE FEEDING CLAUSE BECAUSE THESE TWO
PROVISIONS NULLIFY THE EFFECT OF THE BILL AND SHOULD BE OMITTED.

TO: REP. DAVIS AND COPY TO ALL REPRESENTATIVES
FROM: H. WARNER, P.O. BOX 80674, COLLEGE 99708
PHONE: 488-6058
RE: HB470 OIL AND HAZARDOUS RELEASES

PLEASE MAKE SURE THAT THE BIOLOGICALLY INERT ARSENIC SOLIDS
LOCKED IN PLACER MINING SLUDGES ARE SPECIFICALLY EXEMPTED FROM
THE HAZARDOUS WASTE MANAGEMENT PROGRAM. THE RESEARCH OF DR. DAN
HAWKINS AND U. S. PUBLIC HEALTH SERVICE SUPPORTS THIS REQUEST.

TO: ALL REPRESENTATIVES
FROM: SHIRLEY WHITTINGHAM, NATIONAL CERTIFIED COUNSELOR, MEMBER OF
ALASKA COUNSELING AND DEVELOPMENT ASSOCIATION
BOX 78624, WASILLA, 99687
PHONE: 373-1460 HOME

RE: HB 424 BD. OF BEHAVIORAL SCIENCE EXAMINERS
I SUPPORT HB 424 WITH THE INCLUSION OF PROFESSIONAL COUNSELORS.

STATE OF ALASKA 1985 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 424
 Title: Establishing the Board of Behavioral Science Examiners
 Sponsor: Rep. Pignalberi
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Econ. Dev.
 Program Category Affected: _____
Consumer Protection
 BRU, Program or Subprogram(s) Affected: _____
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
OPERATING						
100 PERSONAL SERVICES		33.1	34.8	36.5	38.4	40.3
200 TRAVEL		57.5	60.3	63.3	66.5	69.8
300 CONTRACTUAL		9.5	10.0	10.5	11.0	11.6
400 SUPPLIES		1.0	1.1	1.2	1.2	1.2
500 EQUIPMENT		3.6				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		104.7	106.2	111.5	117.1	122.9
CAPITAL						
REVENUE		***				

FUNDING: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
GENERAL FUND		104.7	106.2	111.5	117.1	122.9
FEDERAL FUNDS						
OTHER						
TOTAL		104.7	106.2	111.5	117.1	122.9

POSITIONS:

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
FULL-TIME		1	1	1	1	1
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill establishes a Board of Behavioral Science Examiners and establishes licensing of "behavioral science practitioners" with no definition of a "behavioral science practitioner". See attached for further analysis.

***Also, see attached explanation on revenues.

Prepared By: Jennifer Strickler, Mgnt Analyst Phone: 465-2144
 Division: Occupational Licensing Date: May 28, 1985

Approved by Commissioner: Loren H. Lounsbury Date: _____
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

.. HB 424 - FISCAL IMPACT

(NOTE: 5% inflation factor projected for FY '87 through
FY '90 for operating costs)

100__PERSONAL SERVICES:

1 Licensing Examiner, Range 12A,
GGU, 12 months, to be located in Juneau \$33,145.82

200 TRAVEL:

Section 08.15.020 require three (3) members from "each" behavioral science profession and one (1) member for "each" profession regulated. Since the legislation is extremely vague, and due to lack of definition of a "behavioral science practitioner", the following calculations are based on an assumption of occupations which could be considered "behavioral science practitioners." These are: 1) Marital and Family Therapists, 2) Psychologists, 3) Psychological Associates, 4) Social Workers, 5) Counselors. This would total a board of 20 members.

The following are based on the assumption that six (6) members will be from the Fairbanks area, seven (7) members from the Anchorage area, and seven (7) members from the Juneau area. Section 08.15.040 require the board to hold three meetings a year and may hold "special meetings at the call of the chairperson or a majority of the board members." We anticipate "special meetings" to be held by teleconference.

Board travel:

Anchorage meeting -

7 Anchorage members, transportation	-0-
Per diem @ \$80 per day x 2 days x 7	\$ 1,120.00
7 Juneau members + staff, transportation @ \$352 each	2,816.00
Per diem @ \$80 per day x 2 days x 7	1,280.00
6 Fairbanks members, transportation @ \$212 each	1,272.00
Per diem @ \$80 per day x 2 days x 6	960.00
	<hr/>
	\$ 7,448.00

Juneau meeting -

7 Anchorage members, transportation @ \$352 each	2,464.00
Per diem @ \$80 per day x 2 days x 7	1,120.00
7 Juneau members, transportation	-0-
Per diem \$80 per day x 2 days x 7	1,120.00
6 Fairbanks members, transportation @ \$564 each	3,384.00
Per diem \$80 per day x 2 days x 6	960.00
	<hr/>
	\$ 9,048.00

HB 424 - FISCAL IMPACT, continued

Fairbanks meeting -

7 Anchorage members, transportation @ \$212	\$ 1,484.00
Per diem \$90 per day x 2 days x 7	1,260.00
7 Juneau members + staff, transportation @ \$564 each	4,512.00
Per diem \$90 per day x 2 days x 7	1,440.00
6 Fairbanks members, transportation	-0-
Per diem \$90 per day x 2 days x 6	1,080.00
	<u>\$ 9,776.00</u>

Standards Committee: Section 08.15.070 mandates the board to appoint a standards committee of four (4) members for each behavioral science profession regulated, for the purposes of carrying out the duties of the chapter. The standards committee will also require funding to meet as often as the board.

The following are based on four members from each profession, assuming two members are from Anchorage, two members from Juneau and one member from Fairbanks.

Anchorage meeting = \$1,716.00 x 5 committees =	\$ 8,580.00
Juneau meeting = \$2,068.00 x 5 committees =	10,340.00
Fairbanks meeting = \$2,452.00 x 5 committees =	12,260.00
	<u>\$ 31,180.00</u>

CONTRACTUAL SERVICES:

Postage, telephone, printing, and other operating costs 5,900.00

Regulation hearing costs (at least 4 hearings) and an additional board meeting using the teleconference network for the Board, and each of the five committees.
(Base fee = \$50 x 3 = \$150)
(Anchorage, Juneau, and Fairbanks sites free during normal State work hours.) 150.00

Costs of meeting, and examination facilities. Based on three board meetings, and two examinations at \$150 per site per day x 2 days each 1,500.00

Notices of meetings and regulation projects are mandated by the Administrative Procedure Act to be published in the "newspaper of general circulation." Therefore, the following estimated costs would apply:
Advertising (public noticing) costs at \$60 each x 3 major newspapers = \$180 x 8 (4 meetings, 2 exams, & 2 regulation hearings) 1,440.00

Computer terminal use, at \$45 per month (Licensing Examiner use only) 540.00

\$ 9,530.00

HB 424 - FISCAL IMPACT, continued

400 COMMODITIES:

Stationery, typewriter ribbons, pens, pencils, and other miscellaneous desk top supplies	1,000.00
--	----------

500 EQUIPMENT: (one time costs only)

1 desks double pedestal, 70" x 36" at 747.08	747.08
1 chair, swivel with arms at 257.69	257.69
1 typewriter, IBM Selectric II at 1,304.19	1,304.19
1 chair, side without arms at 120.33	120.33
1 desk calculator	382.89
1 file cabinet, 5 drawer legal with lock at 426.63	426.63
1 table 72" x 36" at 357.38	357.38

\$ 5,596.19

GRAND TOTAL: \$ 104,724.01

*** Revenues are contingent upon the number of practitioners considered to be "Behavioral Science practitioners". It would not be feasible to make a revenue assumption at this time based on the occupations mentioned in the preceding calculations, since we are aware only of the number of psychologists and psychological associates. Although previous information have indicated approximately 20 Marital and Family Therapists, and 315 Social workers, we have no information on the number of Counselors that would be affected, or the method in which these practitioners would apply (Section 3.15.140 lists eight (8) licensing fee provisions).

MAY 9 1985

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

West
MEMORANDUM

May 9, 1985

SUBJECT: Sectional Analysis of HB 424
TO: Representative Marco Pignalberi
FROM: Theresa L. Bannister *TB*
Legislative Counsel

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

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

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

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

Section 5 gives the board a sunset date of June 30, 1988.

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

Sec. 08.15.010 establishes the Board of Behavioral Science Examiners.

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

Sec. 08.15.020(b) requires that a board member be a three-year resident of the state.

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

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

Sec. 08.15.030(b) directs the governor to solicit names of eligible candidates for board positions from appropriate professional organizations.

Sec. 08.15.030(c) directs the governor to designate the chairperson of the board each year.

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

Sec. 08.15.040 sets the frequency of regular board meetings and who can call special meetings.

Sec. 08.15.050 authorizes the governor to remove a board member for good cause and lists some items that constitute good cause.

Sec. 08.15.060 itemizes the powers and duties of the board.

Sec. 08.15.070 establishes a standards committee for each behavioral science profession regulated by the board to advise and make recommendations to the board on matters relating to the profession represented by the standards committee. The section establishes the duties of a standards committee and the relationship between the board and the committee.

Sec. 08.15.080 applies the Administrative Procedure Act to regulations and proceedings of the board.

Sec. 08.15.090 establishes the qualifications for a marital and family therapy license; restricts the taking of a subsequent examination after failing; establishes the duration and renewal of the license; and authorizes continuing education requirements for the license renewal.

Sec. 08.15.100 authorizes the board to issue a license to practice marital and family therapy under supervision, establishes the criteria for issuing the license, and sets certain conditions on the use and duration of the license.

Sec. 08.15.110 authorizes the issuance of a temporary license to practice marital and family therapy to qualified

applicants who are waiting to take the exam, and specifies certain conditions affecting the duration and renewal of the temporary license.

Sec. 08.15.120 authorizes the board under certain conditions to issue a license to a person who is licensed as a marital and family therapist in another state.

Sec. 08.15.130 prohibits a person in certain situations from supervising another person in marital and family therapy unless the person is approved by the board; establishes the criteria for approval; and authorizes the board to cancel its approval under certain conditions.

Sec. 08.15.140 sets the licensing fees for the chapter.

Sec. 08.15.150 restricts the circumstances when a marital and family therapist can reveal communications made by a client.

Sec. 08.15.160 requires a person licensed by the board to carry malpractice insurance.

Sec. 08.15.170 establishes the grounds for disciplinary actions by the board.

Sec. 08.15.180 establishes the disciplinary sanctions that the board may impose and requires the board to seek consistency in its application of sanctions.

Sec. 08.15.190 prohibits an unlicensed person from practicing marital and family therapy, representing that the person is licensed, or advertising that the person is licensed.

Sec. 08.15.200 makes a person who violates Sec. 08.15.190 guilty of a class B misdemeanor.

Sec. 08.15.210 lists the persons and occupations that are exempt from the licensing requirements of the chapter and prohibits them from representing that they are licensed marital and family therapists.

Sec. 08.15.220 is the definition section for the licensing chapter.

Section 7 adds a behavioral science professional licensed by the board to the professions that must comply with the

procedures and requirements established for medical malpractice actions in AS 09.55.530 - 09.55.560.

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

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

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

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

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

Section 13 is intended to establish special marital and family therapy licensing requirements for the first year of the act. However, to do so, the section needs a paragraph stating that the section applies only to persons who apply for a license within one year of the effective date of the Act.

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

Section 15 gives notice that the confidentiality of communications established by Sec. 08.15.150 of the act amends Rule 504 of the Alaska Rules of Evidence.

Section 16 makes the act effective July 1, 1985.

TLB:mkr
J14/107