

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
6278 SENATE HEALTH, EDUCATION AND SOCIAL SERVICES

682

Adopted

6-2134E
Bannister
3/9/90

Original sponsor(s): SEN. ZHAROFF

1 IN THE SENATE

BY THE HESS COMMITTEE

2 CS FOR SENATE BILL NO. 464 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring an architect's certification for
7 the roofs of certain new public schools; and provid-
8 ing for an effective date."

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

10 * Section 1. AS 14.11 is amended by adding a new section to read:

11 Sec. 14.11.128. CERTIFICATION OF SCHOOL ROOF DESIGN. The archi-
12 tect responsible for the principal design of a new public school shall
13 certify in writing that the roof has been designed to prevent an
14 accumulation of snow and ice that would cause structural damage or
15 failure.

16 * Sec. 2. This Act does not apply to the construction of a new public
17 school if a contract for the construction of the school has been entered
18 into before the effective date of this Act.

19 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).
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FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Requiring new public schools
 built in certain communities...
 Sponsor: Zharoff
 Requestor: Senate HESS

Agency Affected: Education
 BRU: _____
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 3/5/90
 Approved by Commissioner: William G. Demmert Date: 3/5/90
 Agency: Education

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99515 (907) 486-5259

DURING SESSION:

P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

KID

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

3 March, 1990

pitch

MEMORANDUM

TO: Senator Paul Fisher, Chairman
Senate HESS Committee

FROM: Senator Fred Zharoff

RE: SB 464: "An act requiring new public schools built in certain communities to have sloped roofs; and providing for an effective date".

I appreciate your having scheduled SB 464 and I am submitting the attached back up for your committee's review.

This measure was introduced to address potential structural failures of flat roofs on schools. In the past year, two roofs on schools in Senate District "N" have experienced structural damage, with one of them resulting in a total collapse.

The most recent occurrence happened several weeks ago in Dillingham when a 20 foot laminated beam failed under a heavy snow load on the roof of the gym. Fortunately the roof did not collapse, and the health and safety of the students were not jeopardized.

Last year the community of Aleknagik suffered a potential catastrophe when the roof on its school collapsed without warning, trapping and injuring a junior high student. Fortunately, the collapse occurred when very few students were at the school, and a regional athletic event scheduled for that evening had been cancelled because of bad weather. Had the gym been filled with students and spectators, the potential for loss of life and serious injury would have been significant.

Given the increased snow levels of the past few years, and the likelihood of diminished funding as the state revenues decrease, I feel it is prudent to consider a policy decision which would prohibit the construction of new schools with flat roofs.

Thank you for your consideration of this measure.

1

The architect responsible for principal design of a school must certify in writing that the roof has been designed to prevent the accumulation of snow and ice which could cause structural damage or failure.



Senate Health, Education and
Social Services Committee

Senator Paul Fischer, Chairman

Possible new language on Subsection (2):

The Commissioner finds just cause, in writing,
that a sloped roof would not be appropriate.

The Department finds that a sloped roof would
cause an additional financial burden that could not
be met with existing resources?

?????

dcm/ 3/7/90

Original sponsor(s): SEN. ZHAROFF

1 IN THE SENATE

BY THE HESS COMMITTEE

2 CS FOR SENATE BILL NO. 464 (HESS)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act requiring new public schools to have sloped
7 roofs; and providing for an effective date."

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

9 * Section 1. AS 14.11 is amended by adding a new section to read:

10 Sec. 14.11.128. SLOPING ROOFS REQUIRED FOR NEW SCHOOL CONSTRUC-
11 TION. A new public school that is built in the state must have a roof
12 that is sloped adequately to prevent an accumulation of snow that can
13 cause the roof to collapse. This section does not apply to the con-
14 struction of a school if

15 (1) a person who is licensed as an architect under AS 08.48
16 states in writing the person's opinion that a sloped roof would cause
17 a safety hazard; or

18 (2) the cost of the sloped roof would cause the budget for
19 the construction of the school to exceed the ability of the school
20 district or regional educational attendance area to finance the
21 construction of the school.

22 → * Sec. 2. This Act does not apply to the construction of a new public
23 school if a contract for the construction of the school has been entered
24 into before the effective date of this Act.

25 → * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).
26
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28
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STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 1800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 8, 1990

SUBJECT: Suggested change to CSSB 464 (HESS)
(Work Order No. 6-2134E)

TO: Senator Paul Fischer
Chair, Senate HESS Committee

FROM: Theresa L. Bannister *TB*
Legislative Counsel

This memo accompanies the draft of CSSB 464 (HESS) that you requested. Please notice that with the revision, sec. 1 of the bill is no longer consistent with sec. 2. Section 1 is now directed at the design for the school, while in the previous version it was directed at the construction of the school.

The purpose of sec. 2 is to prevent the bill from impairing existing contracts and violating the federal and state constitutional prohibitions against impairment of contracts. To avoid impairment, sec. 2 in the preceding version stated that the bill didn't apply to existing construction contracts. However, since the bill is now directed at school design contracts and since the design contract usually precedes the construction contract, sec. 2 no longer prevents the bill from affecting existing design contracts.

I do not have sufficient technical information to determine whether the new version of the bill would significantly affect the design of a school or impose a burden on the architect. Although I presume an architect is required to design a safe school anyway, the bill does impose a new certification obligation on the architect, which may not be contained in existing school design contracts. Therefore, it is probably advisable to rewrite sec. 2 to make it consistent with sec. 1 and therefore avoid a possible violation of the constitutional provisions against impairment of contracts.

Senator Paul Fisher
Page 2
March 8, 1990

To correct the problem, sec. 2 could be rewritten to read:

* Sec. 2. This Act does not apply to the design of a new public school if a contract for the design of the school has been entered into before the effective date of this Act.

Please also note that it would be advisable to indicate in the bill the person to whom the architect must make the certification (e.g. the Department of Education).

If I can assist you with these matters, please advise.

TLB:pl
WKP3/031

Enclosure

Snow damages

Anch Times
2/21/90

school gym roof in Dillingham

Classes still on, but other events in limbo

By JOHN WOLFE
Times Writer

Heavy snow has damaged the roof on a gymnasium at Dillingham High School, prompting school officials to consider cancelling some events.

"We had a 20-foot glue-lam beam fail under snow load," said Principal Larry Price. "It's dropped about six inches."

Unusually high snowfall last year may have strained the roof, causing it to fail under a smaller load this year, Price said. The school's gym, locker rooms and band room are closed, although classrooms are open and school remains in session. Price said no students are in danger.

"We've got it all trussed up and braced," he said. "It's all under control."

An insurance adjustor and structural engineer were scheduled to survey the damage today.

Because the community is a hub for southwestern Alaska, closure of the gym could disrupt youth conferences and a regional band festival, Price said. The band festival, scheduled Feb. 26-28, is threatened because its 200 expected participants were to stay at the school.

Combined enrollment at the

'We've got it all trussed up and braced.'

— Larry Price
school principal

Dillingham middle school and high school is 225.

The elementary school next door provides the obvious alternative, said Price, but it is not equipped with showers.

Custodians discovered water leaking into the building Sunday, Price said. A construction company shored up the sagging beam, which is about 20 inches thick.

Roof collapses are an issue in the area, according to Price, because last winter, the Aleknagik School gym roof caved in under record snow loads. Aleknagik School is about 25 miles north of Dillingham.

Bob Hopkins, a National Weather Service meteorologist in Anchorage, said there are 45 inches of snow on the ground in Dillingham now, "which is a lot for them." On Feb. 16, there

See Roof, page B-8

JUNEAU EMPIRE
3/2/90

Alaska

Snow collapses fire station roof in Nikiski: A roof on the Nikiski Fire Department's Station No. 2 collapsed early today under the weight of heavy snow, trapping a pumper and an ambulance inside.

two firefighters inside the adjoining sleeping quarters were awakened about 3:30 a.m. when the flat roof of the equipment bay fell under the weight of about five feet of snow.

Harris said no one was hurt and the department could still respond with equipment from the other station. Harris said he expected to have the wreckage cleared and the station back in business within 24 hours. There was no immediate damage estimate.

Roof

Continued from page B-1

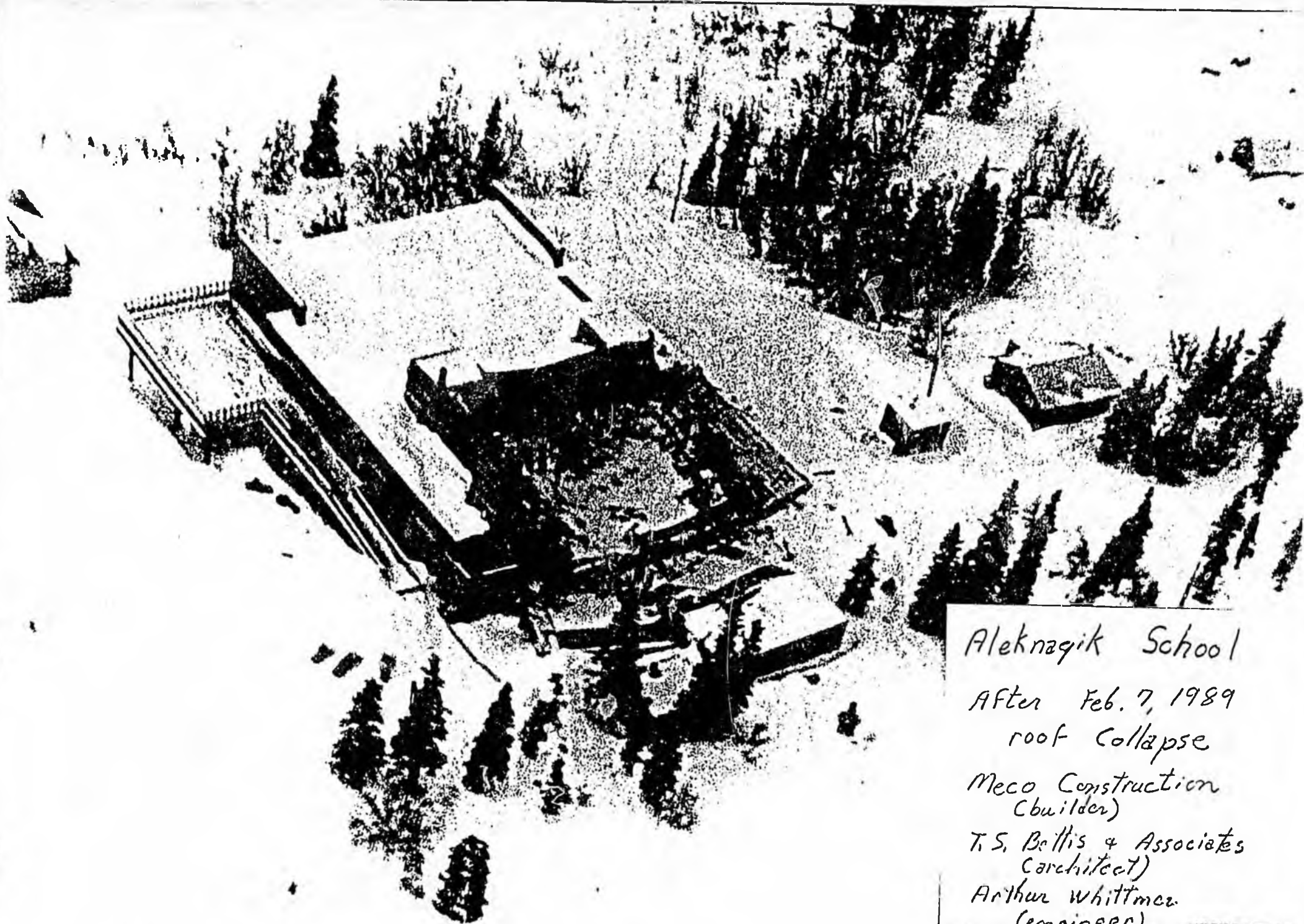
were 11 more inches, which have since settled or blown away from the unofficial measuring station there.

Average snowfall in Dillingham is 73 inches, although last year's snowfall was a record 150.5 inches, said Jim W...

RECONSTRUCTION OF GYM / STRUCTURAL ENHANCEMENTS
ALEKNAGIK, ALASKA

REQUEST FOR
EMERGENCY FUNDS
ALEKNAGIK SCHOOL

REQUESTED BY
SOUTHWEST REGION SCHOOL DISTRICT
DILLINGHAM, ALASKA
MARCH 15, 1989



Aleknagik School

After Feb. 7, 1989
roof collapse

Meco Construction
(builder)

T.S. Bellis & Associates
(architect)

Arthur Whittmer
(engineer)

by - Sen. Zharoff

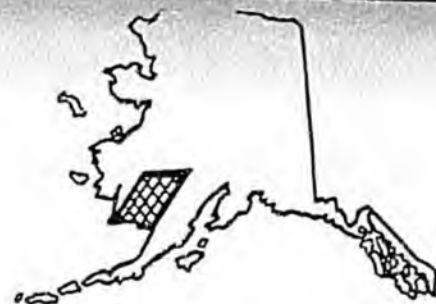
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Southwest Region Schools

P.O. Box 196
Dillingham, Alaska 99576
Phone (907) 842-5288



March 15, 1989

TO THE 1989 LEGISLATURE

On February 7, 1989, the gym roof of the Aleknagik School collapsed during after school gym activities. The School District has hired John L. Aho, Ph. D of CH2M Hill to assist the District in identifying the cause of the accident and the safety of the remaining portion of the building.

Preliminary engineering reports indicates the roof trusses were overstressed under the design snow load. The construction drawings for the project were missing pertinent information such as the fastening system for connection of vertical and lateral load-carrying walls to the roof and floor diaphragms. This apparent oversight left the possibility open for the contractor to make his own decisions concerning these critical structural attachments. It also appears that certain items may have been overlooked by the contractor during construction. These include construction of the gymnasium north and east wall corner intersections in a manner other than the way detailed in the plan, absence for nailing of the east wall bottom plate connection for the floor diaphragm and wall plywood that was discontinuous.

Because problems has been identified after the collapse of the gym roof which could effect the stability of the remaining structure, the building cannot be re-occupied until critical structural elements are reviewed and corrections implemented.

1989 Legislature
March 15, 1989

We appeal to this legislature for emergency funding in the amount of \$1,462,000 to restore this school to its full safe use for the fall of 1989. Justifications for this request are contained herein. Your expedient attention to this matter is appreciated, as timing is of the utmost urgency.

Respectfully requested,

John Antonnen, Superintendent
Southwest Region School District

JUSTIFICATION NARRATIVE

HISTORY

In 1983, a new school was constructed in Aleknagik, Alaska. It was a one story wooden structure, supported on a driven steel pile foundation, and covered by a flat roof, designed to allegedly retain and constrain snowload build ups during the winter. The school, programmed for K-12, contained a multi-media space and additionally a gymnasium for athletic programs.

On February 7, 1989 at approximately 4.45 PM the gym roof unexpectedly and without warning collapsed, entrapping and injuring one Jr. High student. According to witnesses, the total time elapsed during the catastrophe was a mere 10 seconds. The school staff, fellow students, parents and all concerned have given continued thanks that a scheduled athletic event was not held that day due to weather constraints. Had the games come to pass, 45 children would have been eating their meals in the gymnasium at the time of the collapse, undoubtedly resulting in many serious injuries and even deaths.

Since the time of failure, the Southwest Region School District has abandoned the building, not understanding the safety status of the remaining spaces. Class schedules have been maintained, by conducting classes in makeshift spaces in nearby teacherages, an awkward and cumbersome task at best.

REBUILD PROGRAM

The Southwest Region School District desires reconstruction of the gym facility complete with finishes and equipment, plus construction of a new sloping metal roof over the entire complex, superseding the remaining flat roof. The sloping metal roof design will facilitate the shedding of snow naturally, rather than anticipate loading from accumulation. Additionally, the structural enhancements to the piling foundation, plus structural repairs to the

wall and floor systems in the remaining elements, necessitated by discoveries made during investigation of causation.

As it is imperative to have the total school facility available for the start of the 1989 fall semester, it becomes necessary to "fast-track" the rebuild effort to assure completion on or about Labor Day in September.

The fast-track process necessitates the project team be identified at the earliest possible date, to perform design, costing, procurement, and scheduling functions concurrently. Early identification of long leadtime materials, from the design process, for purchasing and delivery is key to the success probability of completion by September 1st. The exceptionally short design time, coupled with the traditionally short Alaskan construction season, leaves no latitude for time-error. As is demonstrated by the schedule exhibit on page 10 of this presentator, that team identification process is underway at this time. It is anticipated that the project team will be selected and functional by the last week of March. All tasks are on the critical path for completion by September 1st - there is no time to spare!

Historically, the fast-track process is slightly more expensive than the traditional approach, justified by earlier than normal occupancies. That trade-off has been reconciled by this School District, in that there is no alternative to reoccupying this school building in the fall, and with life safety being assured to the maximum degree possible.

FAILURE ANALYSIS

The District has engaged the services of a structural design and analysis expert, Dr. John Aho whose investigation to date has revealed that not only [1] the failure event was the result of overstressing of structural roof trusses in the gym roof, but that [2] the existing piling foundations are likely overstressed; as are other structural components for the remaining building spaces.

His preliminary calculations of the gym 's original design suggest that the gymnasium roof trusses were significantly overstressed from snow load conditions, and that through cyclic overstressing year after year, a failure occurred in one truss triggering a simultaneous chain reaction to the others. The validity of conclusions drawn from the calculations were reinforced by evidence at the site of faulty fastening methods for the supporting walls, deck and roof components.

Certain critical connectors, fastening techniques, and design details appear to be deficient in the gym and may be absent entirely in the rest of the building. This would result in the facility not functioning as an integrated structure, a detriment to the safety of the entire building.

It has already been determined that the existing piling foundation is potentially overstressed to resist the snow loads suspected to have caused the collapse. Thus, because problems that have been identified after the collapse of the gymnasium may have effects on the stability of the remaining structure, it would be prudent to examine critical structural elements in the remaining portions of the school, a task that is not yet started. It is surmised that strengthening measures will be necessary; measures such as re-roofing to shed snow load, installing additional wall to roof connections, stiffening lateral force-resisting walls and substantial bracing and secondary supporting for the pile foundation.

In summation, the preliminary findings point to overloading of structural roof, wall, and piling components from snow loads and wind loads. The failure resulted then from inadequate original design criteria, and was compounded by some faulty construction methods; not only in the gym area but throughout the whole facility.

STRUCTURAL ENHANCEMENTS

Thus, as a result of the preliminary findings, the following scope of improvements is suggested:

In addition to providing a sloped roof over the entire structure, reinforcements within the walls, ceilings, and remaining flooring systems are anticipated. The foundation piles will require reinforcement and / or alteration. The exact scope, and thus the cost, of the enhancement program is undefined. The reality of having to perform structural rehabilitation of severe magnitude to the foundation, and to the remainder of the building is recognized, however.

EXHIBITS

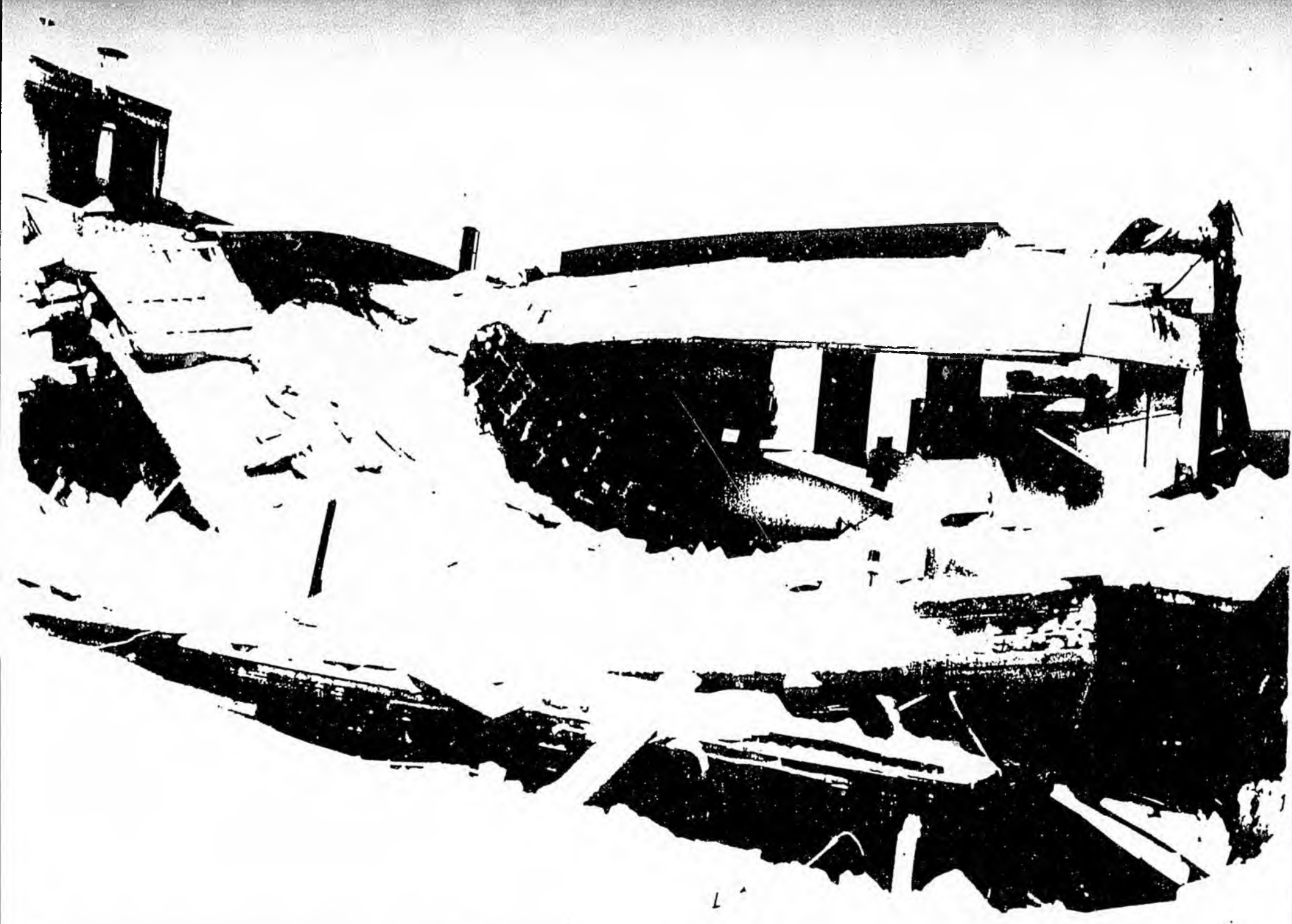
To illustrate the magnitude of the catastrophe, photos of the failure event are included. Additionally, to assist the legislators in visualizing the proposed rebuilding program, Architectural conceptual drawings are likewise ensembled, illustrating the sloped roof concept.

EXHIBITS

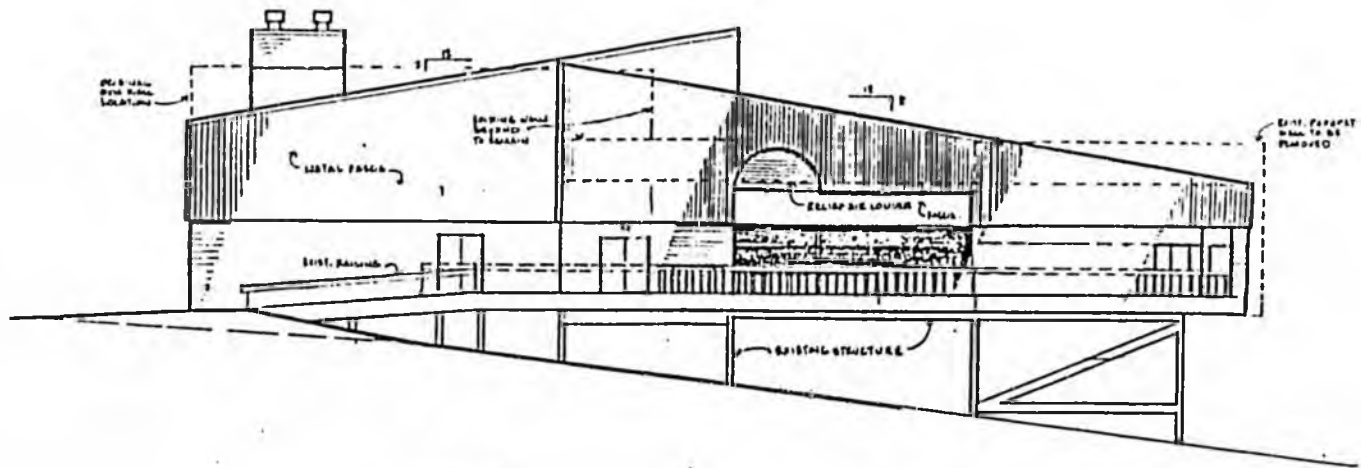
1. Photos - Damage following the collapse
2. Architectural Conceptual Drawings
 - perspective - before & after failure
 - perspective - sloped roof schemes
 - elevations - conceptual

DAMAGED ROOF TRUSSES NEAR
WEST INTERIOR WALL - 2/23/89

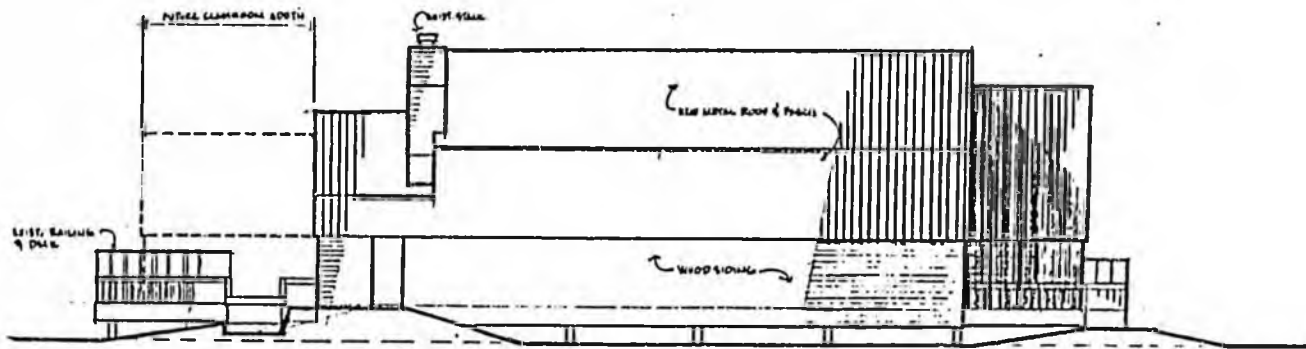




GYMNASIUM DAMAGE AREA LOOKING WEST -2/23/89



© NORTH ELEVATION OPTION #2
 0 10 20
 FEET



© EAST ELEVATION OPTION #2
 0 10 20
 FEET

Wynn Associates, Inc.
 ARCHITECTS & PLANNERS

ALEKNAGIK SCHOOL REBUILT
 CONCEPTUAL DESIGN
 PLEASANTVILLE

ELEVATIONS
 OPTION #2

COST ESTIMATES

The District has retained the services of a professional construction cost estimating company, HMS, Inc. of Anchorage to prepare estimates for the cost of replacement. The majority of the following cost presentation is derived from their initial and only report at the time of this presentation. The HMS estimate by itself, is incomplete due to additional deficiencies being discovered as the demolition work progresses. Thus, other costs are included; formulations by the District's construction management consultant, Stonebraker & Associates, also of Anchorage.

Further explanation of cost derivations are as follows:

1. Demolition - Includes the cleanup costs of the school site; selectively uncovering materials significant to determining causation, salvaging and storing reusables, and removing the unusable debris to the dumpsite, some distance away.
1. Construction - Estimated for construction start in Spring 1989, completion in Fall 1989, utilizing Title 36 labor rates, and fast-tracking techniques. It includes the gym equipment, bleachers, and finishes but excludes design and administrative costs. The \$375,000 structural enhancement estimate reflects anticipated renovations to the piling foundation and in the remaining portions of the building.
2. Design & Administrative - Assumes design cost at higher than normal, as related to rebuild / renovation / fast tracking approach. Administrative cost estimate assumes full services of a professional project manager / construction manager for the District, as related to the fast track approach.
3. Insurance Proceeds - Insurance proceeds to be derived will be based on the replacement costs of the building before the failure event and will not consider any design improvements therefrom. There will be no insurance proceeds to the cost contribution of the sloped roof over the remaining portion of the building, to the piling foundation fix, or to the remedial structural enhancements for the rest of the building. Those

costs will be to the District's account and represent the majority of this emergency funding request.

REBUILD PROJECT ESTIMATE

DEMOLITION

Clean-up of Debris \$ 90,000

CONSTRUCTION:

Gym Replacement - New Sloped Roof Design \$ 725,472
Sloped Roof Over Remaining Building 402,016
Structural Enhancements - Remaining Building 375,000
\$1,502,488

DESIGN & ADMINISTRATION

Architectural & Engineering \$ 160,000
Owner Administration & Project Management 200,597
360,597
Subtotal \$1,863,085
Contingency \$ 186,309

Project Estimate = \$2,139,394

INSURANCE PROCEEDS ANTICIPATED

Demolition \$ 30,000
Gym replacement with flat roof [const] \$ 562,826
Design & Owner Administration 84,424
\$ 677,250

REQUESTED AMOUNT FROM 1989 LEGISLATION

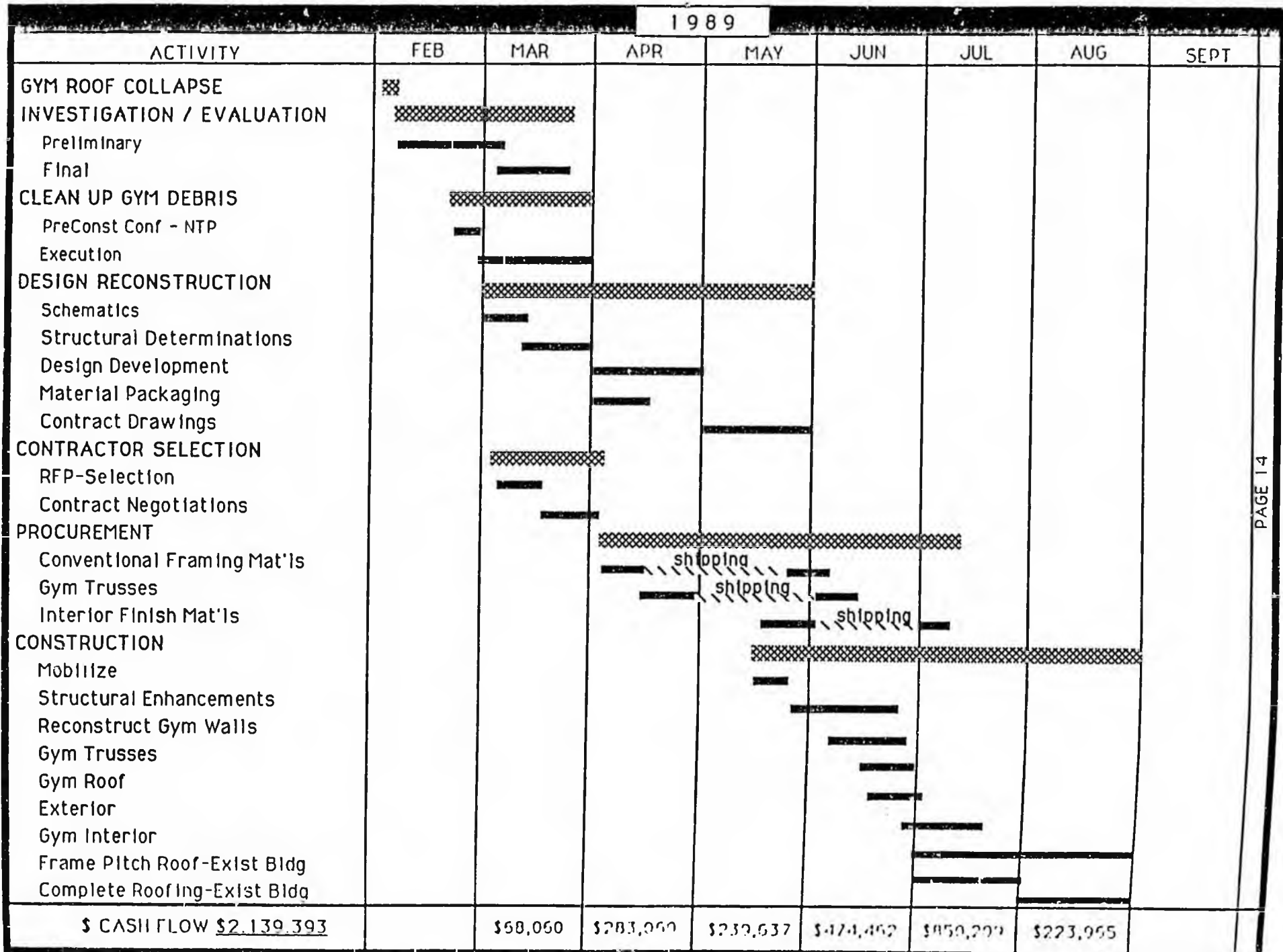
Rebuild Project Estimate \$ 2,139,394
Anticipated Insurance Proceeds (-) 677,250
\$ 1,462,144

REQUEST = \$ 1,462,000

SCHEDULE

The attached schedule shows the overall project tasks and targeted timeframes for completion by September 1, 1989.. It demonstrates the concurrency of events by Designer / Contractor / Owner / Manager necessarily dictated by the short overall time frame. Associated with an accelerated completion schedule is an accelerated cash flow requirement, tabulated and shown by month on the bottom of the schedule.

ALEGNAGIK SCHOOL - RECONSTRUCTION PROJECT SCHEDULE



SUMMARY

Southwest Region School District faces two problems. First is the rebuilding of the gym and the second is the engineering finding that because of design and construction problems, there have been substantial effects on the stability of the remaining structure. The remaining portion of the Aleknagik School is not safe to house the current educational program. The two requests for funds that the District makes in this proposal are substantial structural enhancements of the foundation and remaining building, and the addition of a sloped roof over the entire building.

Insure proceeds will only pay to replace what was previously designed and constructed. Without the additional funds for construction enhancement and a sloped roof over the entire building, the District will not be able to house students at Aleknagik.

The paramount reason for this request for State funds, in addition to the insurance proceeds is for the assured safety of the Southwest Region students. We request the 1989 legislature to issue a grant in the amount of \$1,462,000 in the Capital Improvement Projects bill to perform reconstruction and renovation described in this proposal.

Respectfully requested,

John Antonnen
Superintendent

S B

471



SENATOR FRED F. ZHAROFF
ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259
DURING SESSION:
P. O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

March 13, 1990

TO: SENATOR PAUL FISCHER

FROM: SENATOR FRED F. ZHAROFF

RE: SCHEDULING SENATE BILL 471

MAR 13 1990

Again, I would like to request a committee hearing of Senate Bill 471, an act amending the definition of vocational training or retraining course, at your earliest convenience.

The intent of this legislation is to allow the Department of Labor to consider substance abuse counseling training as vocational training for all purposes including unemployment insurance. Attached is a summary of the bill.

If you have any questions regarding this issue, please contact myself or my staff person, Penelope Goforth, at 465-3473.

Thank you for your prompt attention and action.

3/26

Fiscal
Note
Attached
Requested
3 times



SENATOR FRED F. ZHAROFF

ALASKA STATE LEGISLATURE

P. O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

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DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

March 12, 1990

SUMMARY OF SENATE BILL 471

It has come to my attention that some people are experiencing unnecessary difficulties maintaining their eligibility for Unemployment Insurance while involved in a training program to become certificated Substance Abuse Counselors. In particular, one case has gone through the Department of Labor appeal process and subsequently to the Superior Court of the State of Alaska.

The department determined that this person was ineligible for Unemployment Insurance benefits for two main reasons; the first was that he could not obtain a vocational training waiver because the school offering the training course was not approved by the Department and the second, that substance abuse counseling is not considered a trade skill or craft under the Unemployment Insurance policy. This bill seeks to remedy both issues.

Inserting the phrase "or as a substance abuse counselor" into statute will have the effect of mandating the Department of Labor to include this specific type of employment in Unemployment Insurance policy. This will also open the door for training entities to meet the requirements established for an approved vocational training institute.

Substance abuse counseling is a skill that is highly in demand in our state. There is a great need to encourage our residents, especially in the rural areas, who have a commitment to their communities to receive this training. We cannot on the one hand continue to spend millions of dollars to combat the substance abuse rampant in our towns and villages while on the other propagate obstacles to individuals who wish to assist in this effort.

Both private for-profit as well as state funded programs throughout Alaska employ over 1000 trained counselors. And the need for more counselors is growing. Employment opportunities will continue to be readily available to those who are trained in this field.



SENATOR FRED F. ZHAROFF
ALASKA STATE LEGISLATURE

P.O. BOX 405, KODIAK, ALASKA 99615 (907) 486-5259

DURING SESSION:

P.O. BOX V, JUNEAU, ALASKA 99811 • (907) 465-3473 • 465-3474

DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • PRIBILOF ISLANDS • SHUMAGIN ISLANDS

February 13, 1990

TO: SENATOR PAUL FISCHER

FROM: SENATOR FRED F. ZHAROFF 

RE: SCHEDULING SENATE BILL 471

I would like to request a committee hearing of Senate Bill 471, an act amending the definition of vocational training or retraining course, at your earliest convenience.

The intent of this legislation is to allow the Department of Labor to consider substance abuse counseling training as vocational training for all purposes including unemployment insurance.

If you have any questions regarding this issue, please contact myself or my staff person, Penelope Goforth, at 465-3473.

Thank you for your prompt attention and action.

POSITION PAPER
FOR
SENATE BILL NO. 471

An Act amending the definition of vocational training or retraining course; and providing for an effective date."


ANALYSIS

Individuals who are receiving unemployment compensation may, under certain circumstances, be allowed to participate in a "vocational training or retraining course" without it effecting their eligibility or receipt of unemployment compensation. The current interpretation of AS 23.20.520(23) has excluded recipients of state funded training in the field of alcohol and drug counseling from this opportunity. SB 471 broadens the range of vocational training or retraining opportunities allowed by the Department of Labor to include substance abuse counselor training.

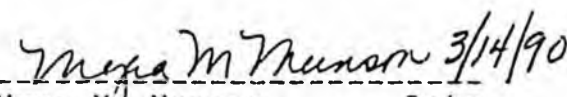
There is a growing need for trained alcohol and drug counselors in Alaska. Employment opportunities continue to be readily available because of the large number of positions in this field (as of December 1987, there were 956 staff in state funded programs). However, there remains a lack of trained Alaskans to fill vacancies in this growing field. In addition to state funded programs, eleven private-for-profit programs also operate treatment programs employing trained counselors. These private programs include all the major hospitals in the state. Individuals receiving training in this field may also find jobs in related health and social services positions as well.

POSITION

The Department of Health and Social Services is fully supportive of the intent contained in SB 471. Its passage will facilitate the process of developing a cadre of trained personnel to work in programs that are responsible for carrying out the provisions of AS 47.37, the Uniform Intoxication and Treatment Act.



Matthew C. Felix Date
State Coordinator



Myra M. Munson Date
Commissioner

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Health & Social Services
 Title: "An Act amending the definition of
vocational training or retraining course." BRU: Alcohol & Drug Abuse Services
 Sponsor: Zharoff Components: Grants
 Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

SB 471 will not have an FY90 fiscal impact.

Prepared by: Matthew C. Felix *Matthew Felix* Phone: 586-6201
 Division: Alcoholism & Drug Abuse *2/8/90* Date: _____
 Approved by Commissioner: Myra M. Munson *Myra M. Munson* Date: 3/15/90
 Agency: Health & Social Services

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

S B

474

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Administration
 Title: An Act relating to estimated BRU: Finance
benefit payments and penalties for*
 Sponsor: Senator Duncan Components: _____
 Requestor: _____

*delay in timely payments in the TRS/PERS systems.

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	2,387.6	111.5	111.5	111.5	111.5	111.5
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	2,387.6	111.5	111.5	111.5	111.5	111.5
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUND	2,387.6	111.5	111.5	111.5	111.5	111.5
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL	2,387.6	111.5	111.5	111.5	111.5	111.5

POSITIONS:

FULL-TIME	0	1	1	1	1	1
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

See attached pages.

Prepared by: Keith Busch, Director Phone: 465-2240
 Division: Finance Date: 4/4/90
 Approved by Commissioner: Frank S. Baxter Date: 4/4/90
 Agency: Department of Administration

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE ANALYSIS
For SB 474

The bill provides for a payment of 75% of the estimated benefit to the retiree of the Teachers' Retirement System or the Public Employees' Retirement System. It also includes a penalty to the employer of \$100 per day. The payment of 75% of the estimated benefit and penalty begins 30 days after the first pay period benefits accrue. To receive payment the delay must be caused by failure of the employer to supply or verify employment information about the member.

The financial consequences of this legislation could be significant. During periods of normal retirement, employment verification is completed within 30 days for 80% of the applicants. Another 17% are completed within 60 days, with the remainder being difficult to research and normally completed within a 90 day period. Even though we have significantly streamlined the process for employees without breaks in service, many employees can take a number of hours of research.

Verification of employment involves a detailed analysis of employment history to determine length of service and any periods of leave without pay and breaks in service. Employment history records are only available in the form of microfiche and paper files, many of which must be retrieved from archives. Once the records are retrieved, the analysis must be performed. Frequently the information required is not readily apparent in the documentation available and must be calculated. Adding a full-time position to work on verifications would reduce the time required for processing as this task is presently normally performed by employees when they are not working on payroll.

Cost Analysis FY 92 - FY 96

One Accounting Technician II	\$ 39.0
Penalty Pay for 5% Retirees for 60 days	<u>72.5</u>
Total Estimated Cost	\$111.5

With the Retirement Incentive Program the number of retirees soar, and we can not process timely. Traditionally retirement incentive programs have been very popular with a high number of employees participating. This consequently creates a backlog in the verification process.

Presently the Division of Finance is estimating as many as 1,200 employees may retire under the proposed Retirement Incentive Program in FY 91. The division is budgeting four nonpermanent positions to work retirement verifications during this period with the possibility of adding an additional three positions if the program is expanded. During this time period, we estimate that retirement employment verification will be completed within 30 days for 25% of the applicants. Another 60% are completed within 60 days with the remainder being the most difficult to research and normally completed within a 90-day period. A few cases will exceed 90 days. To add any more positions to work on verifications during the RIP timeframe would not significantly reduce the time required for processing. Additional employees would be standing in line to use the resources and equipment available.

CONTINUATION OF FISCAL NOTE ANALYSIS
For SB 474

A survey of the Social Security Administration and other western states indicate that the State of Alaska timeframe from application for retirement to receiving compensation is approximately the same amount of time. The survey also indicated that some respondents require that the applicant apply for benefits and prove eligibility well in advance of retirement.

There is another potential problem. If large groups of employees retire at the same time, either knowingly or unknowingly they create a workload beyond an employer's ability to respond. It may therefore, be necessary to overstaff the payroll section in order to be prepared for this eventuality.

The effect of a \$100 a day penalty to the State in 1991 for late retirement verifications is summed up in the following table.

	Verification Requests	Number of retiree verifications processed per period.				Verifications Processed Late
		Less than 30 Days (.25)	30 to 60 Days (.60)	60 to 90 Days (.10)	Over 90 Days (.05)	
JUL	50	12	30	5	3	38
AUG	60	15	36	6	3	45
SEP	150	37	90	15	8	113
OCT	300	75	180	30	15	225
NOV	550	137	330	55	28	413
DEC	50	12	30	5	3	38
JAN	20	5	12	2	1	15
FEB	20	5	12	2	1	15
MAR	20	5	12	2	1	15
APR	20	5	12	2	1	15
MAY	20	5	12	2	1	15
JUN	20	5	12	2	1	15
Total	<u>1,280</u>	<u>318</u>	<u>768</u>	<u>128</u>	<u>66</u>	<u>962</u>
Average number of days late			16	46	76	
Total application days late			12,288	5,888	5,700	
Cost at \$100 per day			<u>\$1,228.8</u>	<u>\$588.8</u>	<u>\$570.0</u>	
Total estimated penalty pay in FY 91				<u><u>\$2,387.6</u></u>		

S B

481

FEB 28 1990

February 15, 1990

Legislators, HESS Committee
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

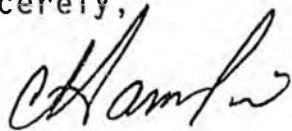
Committee Members:

I have reviewed SB 481 and HB 305 referring to the certification of marriage and family therapists. I believe it is in the best interest of the citizens of the state to provide this process for professionals in this field.

I strongly urge passage of this bill during the current session. Prompt attention to this bill will substantially improve the state's commitment to the welfare of its families.

Thank you for your consideration and efforts toward the passage of this bill.

Sincerely,



Clint Hamlin,
VOA ARCH, Supervisor

FEB 20 1990

February 15, 1990

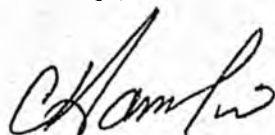
Paul A. Fischer
Chairman, HESS Committee, Senate
Alaska State Legislature
P.O. Box V
Juneau, Alaska 99811

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Sincerely,



Rachel Hines
Secondary Schoolteacher, Alaska School District

FEB 20 1990

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Sincerely,



Joe Griffith



Alaska Association for Marriage and Family Therapy

A DIVISION OF THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY

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FEB 26 1990

19 February 1990

Dear Senator or Representative:

Please excuse this general letter. I wish I had the time to sit down with you and talk with you personally about the need for regulating the profession of marriage and family therapy in the State of Alaska.

Enclosed you will find copies of House Bill 305 and Senate Bill 481, which would set up somewhat differing ways of regulating the profession. Also, you will find enclosed a copy of the Alaska Association for Marriage and Family Therapy Newsletter and letters from organizations and individuals around the State urging the passage of legislation in this field.

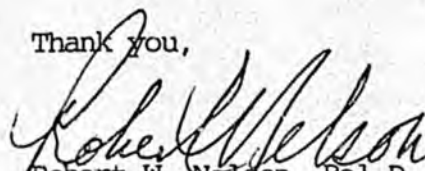
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The Alaskan public deserves to know that its State government establishes standards and regulates the profession of marriage and family therapists.

I urge you to read this material. I will send some additional information to you in a few weeks. Please consider this legislation carefully and feel free to contact me if you have any questions.

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Robert W. Nelson, Rel.D.
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AN OPEN LETTER TO ALASKA LEGISLATORS

Dear Legislator:

On behalf of the members of the Alaska Division of the American Association for Marriage and Family Therapy (AkAMFT), I am writing to introduce our organization and the profession it represents. As a prelude to a fuller discourse, some highlights are listed below.

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The AAMFT requires that all its members, regardless of discipline of origin, acquire specific and rigorous training including academic work and supervised clinical experience in marriage and family therapy. The AAMFT's membership requirements have become the standards acceptance throughout the United States by which the independent practice of marriage and family therapy is regulated. Currently, 20 states regulate the practice of marriage and family therapy through either licensing or certification. The training of marriage and family therapists is overseen by AAMFT's commission of accreditation for marriage and family therapy education. This commission has been reorganized since 1978 by the U. S. Department of Education as the sole accrediting body for marriage and family therapy education in the United States. In 1986, the Clearinghouse on Licensure Enforcement and Regulation (CLEAR), an affiliate of the council of state governments published a study which reviewed the credentialing of the behavioral science professions. According to that study, an important criteria for determining the existence of a profession is that there is a well-defined body of knowledge and set of skills which thus becomes the basis for defining a profession's scope of practice. In the review conducted by CLEAR, the scope of practice and sample of current regulatory laws of social work, psychology, and marriage and family therapy were examined. CLEAR concluded that while there was some overlap, all mental health professions provide services such as psychotherapy, each of the professions identified unique skills or practiced principles.

It is noteworthy that this non-biased source comprised of state regulators, believes that there is a separate profession of marriage and family therapy. A considerable body of research suggests that marriage and family therapy is an efficient and effective treatment alternative to traditional

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States with Licensure or Certification for Marriage and Family Therapists:

Arizona	California
Colorado	Connecticut
Florida	Georgia
Maine	Massachusetts
Michigan	Minnesota
Nevada	New Jersey
North Carolina	Oregon
Rhode Island	South Carolina
Tennessee	Utah
Washington State	Wyoming

News from the National Office: Two states pass MFT regulatory laws

Two more states, Oregon and Maine, have passed legislation to regulate the profession of marriage and family therapy. These successes raise the number of states with regulation for marriage and family therapy to 20 (see chart above for complete listing of states).

The Maine Legislature Joint Standing Committee on Business Legislation initially considered a title protection law for marriage and family therapists, professional counselors, and clinical professional counselors. During the committee's hearing on the proposed legislations, representatives of the three professional groups provided important testimony outlining the need to protect consumers from unprofessional and unqualified practitioners. In one instance, the legislators were told of a state licensed mental health professional who had had his license revoked but continued to practice as "a marriage counselor." Based upon such testimony and other

cigarettes and alcoholic beverages. Family therapy and family therapists would receive reimbursement for their services.

AkAMFT Announces 1990 Board Election Results:

Kathleen Holmes, AkAMFT's Nomination Committee Chairperson has announced the election results for AkAMFT board position. The three-year position recently vacated by Leon Webber will be filled by Lowell Roddy. Lowell is currently at the chaplain's office at Fort Richardson and has been involved with AAMFT for many years.

AkAMFT Board Members and Officers:

Randall G. Jones, M.A., President
4001 Dale Street, Suite 101
Anchorage, AK 99508

Robert Nelson, Rel.D., President-Elect
4502 Cassin Drive
Anchorage, AK 99507

John Pagan, M.S., Past President
2550 Denali Street, Suite 905
Anchorage, AK 99503

Vivian Finlay, M.Ed., Treasurer
P. O. Box 872433
Wasilla, AK 99687

Sara Griffith, M.Ed., Secretary
9292 Hiland Road
Eagle, AK 99577

Tim Sander, M.Ed.
P. O. Box 60635
Fairbanks, AK 9706

Lowell Roddy, M.Ed.
131-B Iliamna Avenue
Anchorage, AK 99505

Rhoda Vandervoort, M.A.
2131 Tudor Hills Court
Anchorage, AK 99507



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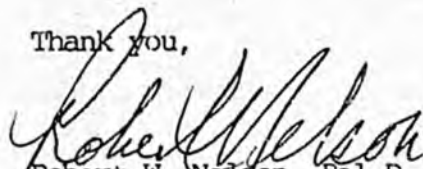
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Alaska Association for Marriage and Family Therapy

A DIVISION OF THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY

NEWSLETTER

SPECIAL BULLETIN FOR STATE LEGISLATORS

This special bulletin of the Alaska Marital and Family Therapists is being distributed to all state legislators and their staff. This is AkAMFT's way of thanking legislators for taking time to learn more about the practice and profession of marriage and family therapy; acquainting them with the many ways with which our profession impacts family life at both the national and state levels; and encouraging an atmosphere of mutual cooperation and assistance between AkAMFT and Alaska legislators.

AkAMFT and its members welcome future opportunities to provide assistance and information to legislators and staff in their efforts to increase the quality of life in Alaska.

Randall G. Jones, M.A.
President-AkAMFT

LEGISLATIVE UPDATE:

Since the early 1980's, the Alaska Association for Marriage and Family Therapy has been engaged in the process of developing legislation which would license the mental health profession of marriage and family therapy. Founded on the belief that licensure is one of the most effective recognized vehicles at the state level to protect the public, AkAMFT is committed to the development of licensure for all health education professionals. Currently, there are six free-standing legitimate, fully-accredited, and educationally sound mental health professions which form the major component of mental health industry, i.e., psychology, marriage and family therapy, mental health counseling, and clinical social work, making up the non-medical arm, while psychiatry and psychiatric nursing form the medical branch.

The need for licensure arises out of several factors. All mental health professions, by whatever name they call themselves "dispense strong medicine" which takes many system-psychotherapeutic forms. The various therapeutic interventions have the power to profoundly impact the family relationship or individual for better or for the worse at the deepest levels. It is the mandated responsibility of the state to protect the (mental) health of its citizens. One way the state has chosen to protect its citizens is through the vehicle licensure. Four mental health professions to this date are licensed by the state. They are: psychiatry, psychiatric nursing, psychology, and social work. Unfortunately, instances where consumers have been disadvantaged or mistreated by those claiming to be mental health professionals are well-documented. It is our strong belief that by responsibly regulating all mental health professions by means of licensure, the state could effectively close many existing gaps which allow those who are untrained and unqualified to identify themselves, by the same time as those who are highly trained, competent, and ethical in their practice. Licensure would serve to better inform the public regarding qualifications, provide

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News from the National Office: Two states pass MFT regulatory laws

Two more states, Oregon and Maine, have passed legislation to regulate the profession of marriage and family therapy. These successes raise the number of states with regulation for marriage and family therapy to 20 (see chart above for complete listing of states).

The Maine Legislature Joint Standing Committee on Business Legislation initially considered a title protection law for marriage and family therapists, professional counselors, and clinical professional counselors. During the committee's hearing on the proposed legislations, representatives of the three professional groups provided important testimony outlining the need to protect consumers from unprofessional and unqualified practitioners. In one instance, the legislators were told of a state licensed mental health professional who had had his license revoked but continued to practice as "a marriage counselor." Based upon such testimony and other

approaches for a wide variety of emotional and behavioral disorders. For this and other reasons, the federal government has recognized marriage and family therapists for some time. For many years, marriage and family therapists have been eligible mental health providers under the Civilian Health and Medical Program of the Unified Services (Champus). Additionally, marriage and family therapists are listed as one of the core mental health professions by the National Institute of Mental Health, and under federal law (Public Service Act, PL100-6900), as one of the core mental health professions, training programs in marriage and family therapy are eligible to receive clinical training grants on the same basis as programs in medicine, psychology, social work, and nursing. Thus, there is a consistent consensus among federal agencies and national committees that MFT carries distinct status as a profession.

Unfortunately, however not all who provide family therapy services have attained the necessary training for the practice of the profession, nor have they necessarily agreed to be bound by a code of ethics established by their peers. Given the fact that the State of Alaska does not regulate our profession, there exists the potential for untrained individuals to present themselves as marriage and family therapists. This is a source of concern for the qualified professionals and members of the public. Since we know that psychotherapy of any kind can do damage, the public, without the capacity to distinguish qualified professionals, remains more vulnerable to mistreatment. The lack of regulation of the profession of MFT in Alaska may present a greater loss to the public than it does to our professional membership, since many of our members can identify with other professions.

A growing number of marriage and family therapists have received the most contemporary training developed in the field. Often this training is through graduate programs in marriage and family therapy. These mental health professionals are prepared to offer effective treatment options to Alaskan families, yet these professionals are neither recognized nor regulated. Trained family therapists, although sanctioned nationally as legitimate providers in mental health services, have no such status in Alaska. The result is that in many contexts, Alaskan do not have a real option to select a qualified family therapist for treatment because most reimbursement systems do not recognize unregulated providers. This denies freedom of choice for mental health services to Alaskans who may already be disadvantaged.

We do not believe this state of affairs, with the public being exposed to unqualified and unprofessional practitioners, and potentially prohibited from legitimate treatment options has been the Governor's nor the legislators' intent. Rather, it may be due to limited awareness of the part of state officials regarding the professional of marriage and family therapy. In a state known to be in the vanguard when it comes to protecting the general welfare of its citizenry, these seems unfortunate. As mentioned, some twenty states have now recognized the need to regulate and recognize the profession of marriage and family therapy. Alaska should not be among the last to do so. We strongly urge that you consider exploring with us ways to address this issue. Members of AkMFT are available to meet with you to discuss appropriate options. AkMFT members also stand ready to act as consultants with regard to a wide variety of issues relevant to families in Alaska. We hope you find the enclosed special issue of our newsletter helpful in increasing your knowledge of our organization.

Sincerely,

Randall G. Jones, M.A.
President-AkAMFT

cigarettes and alcoholic beverages. Family therapy and family therapists would receive reimbursement for their services.

AkAMFT Announces 1990 Board Election Results:

Kathleen Holmes, AkAMFT's Nomination Committee Chairperson has announced the election results for AkAMFT board position. The three-year position recently vacated by Leon Webber will be filled by Lowell Roddy. Lowell is currently at the chaplain's office at Fort Richardson and has been involved with AAMFT for many years.

AkAMFT Board Members and Officers:

Randall G. Jones, M.A., President
4001 Dale Street, Suite 101
Anchorage, AK 99508

Robert Nelson, Rel.D., President-Elect
4502 Cassin Drive
Anchorage, AK 99507

John Pagan, M.S., Past President
2550 Denali Street, Suite 905
Anchorage, AK 99503

Vivian Finlay, M.Ed., Treasurer
P. O. Box 872433
Wasilla, AK 99687

Sara Griffith, M.Ed., Secretary
9292 Hiland Road
Eagle, AK 99577

Tim Sander, M.Ed.
P. O. Box 60635
Fairbanks, AK 9706

Lowell Roddy, M.Ed.
131-B Iliamna Avenue
Anchorage, AK 99505

Rhoda Vandervoort, M.A.
2131 Tudor Hills Court
Anchorage, AK 99507

considerations, the committee recommended that the bill be redrafted as a licensure law. The bill became law with the overwhelming support of the state legislature and the Governor.

The Oregon state legislature passed a multiple disciplinary regulatory law. The law prohibits the use of title of marriage and family therapy or professional counselor by uncertified practitioners and replaced a registration process for social workers with licensure. The law also includes provisions for privileged communication except in certain cases (such as suspected child abuse or neglect).

The original bill was the product of extensive negotiations between various mental health professional organizations in Oregon. Despite the withdrawal of one group from the bill and some change to the draft version, the bill became law with wideranging support. In other regulatory developments, Oklahoma governor, Harry Belimon, vetoed a bill designed to license marriage and family therapists in the state. At this time, the legislature is not in session. However, it is anticipated that the legislature may attempt to override the governor's veto.

Senate Marriage and Family Therapy Bill Introduced

Senator Daniel Monahan (D-NY) recently introduced the Community Mental Health Services Act, S.1591, to provide Medicare reimbursement for the services of marriage and family therapists, clinical social workers, and psychiatric nurses working in community mental health centers (CMHC). Medicare would also reimburse CMHC's for partial hospitalization services. Under current law, only hospitals may receive reimbursement for partial hospitalization services.

Enactment of this legislation would enhance access to marriage and family therapy and other mental health services for millions of elderly Americans who might benefit from mental health care, but who often do not receive services. It is especially important in states with large rural areas where access to outpatient mental health services is often severely limited and where the closest hospital providing partial hospitalization services may be hundreds of miles away. It will also have a positive impact on the ability of CMHC's in poor underserved urban communities to provide services to the Medicare eligible population.

Sponsors of the Community Mental Health Services Act include Senators Robert Dole and Spark Matsunaga (D-Hawaii) both high-ranking members of Senate Finance Committee which will consider the bill and Senator Daniel Inouye (D-Hawaii) a leader on the mental health policy. The Senate Finance Committee is expected to consider S.1591 in late September and early October as part of the budget reconciliation package for fiscal year 1990. Other mental health provisions, including Medicare reimbursement for all services provided by psychologists and social workers will also be considered as part of the package.

Other Legislative News:

AAMFT endorsed Basic Health Benefits Act, S.768, received approval from the Senate Labor and Human Resources last July. The bill, authorized by Senator Edward Kennedy, would require employers to provide health care insurance for all of their employees who work at least 17.5 hours a week. (Requirements for small employers would be phased in.) Marriage and family therapists are recognized as "equivalent mental health professionals" for reimbursement purposes under the bill's mental health provision. There has been no action on the House version bill.

The provision of family therapy and the work of marriage and family therapists are recognized as crucial components in a substance abuse treatment, by drug treatment, and Crimes Reductions Act, HR 2456, authorized by Congressmen Pete Stark (D-CA), Chair of the House Ways and Means Health Subcommittee. This innovative legislation would establish a separate addiction treatment services trust fund under Medicare to be financed through a minimal increase in excise taxes of

1 IN THE HOUSE

BY GRUENBERG AND MENARD

2

HOUSE BILL NO. 305

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act regulating the practice of marital and family
7 therapy; and providing for an effective date."

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

9 * Section 1. AS 08 is amended by adding a new chapter to read:

10 CHAPTER 63. MARITAL AND FAMILY THERAPY.

11 ARTICLE 1. BOARD OF MARITAL AND FAMILY THERAPY.

12 Sec. 08.63.010. BOARD ESTABLISHED. (a) There is established
13 the Board of Marital and Family Therapy.

14 (b) The board consists of three persons licensed under this
15 chapter and two members of the public.

16 Sec. 08.63.020. BOARD APPOINTMENTS. The governor shall appoint
17 the members of the board subject to confirmation by the legislature.

18 Sec. 08.63.030. MEETINGS. The board shall hold an annual meet-
19 ing and may hold special meetings at the call of the chair or a major-
20 ity of the board members.

21 Sec. 08.63.040. REMOVAL OF BOARD MEMBERS. The governor may
22 remove a member of the board for good cause.

23 Sec. 08.63.050. POWERS AND DUTIES OF THE BOARD. The board shall
24 (1) establish objective examination requirements and train-
25 ing and education requirements for persons who apply for a license to
26 practice martial and family therapy;

27 (2) examine applicants and issue licenses to qualified
28 applicants;

29 (3) establish continuing education requirements for license

1 renewal;

2 (4) adopt a code of ethical practice for marital and family
3 therapy;

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

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

8 (7) report annually to the governor and the department on
9 the board's proceedings each year; the report must include the number
10 of licensure applicants, the number of examinations conducted, the
11 failure rate for each examination, a financial report, and other
12 information requested by the department;

13 (8) enforce the provisions of this chapter and adopt regu-
14 lations necessary to carry out its duties under this chapter.

15 Sec. 08.63.060. AUTHORIZED SUPERVISORS. (a) A person may not
16 supervise a person under this chapter unless approved by the board to
17 be a supervisor.

18 (b) A person who supervises a licensee under this section must

19 (1) have practiced marital and family therapy for five
20 years;

21 (2) be licensed under this chapter; and

22 (3) meet the minimum standards established by the board for
23 approved supervisors.

24 Sec. 08.63.070. PROCEDURES. The Administrative Procedure Act
25 (AS 44.62) applies to regulations and proceedings under this chapter.

26 ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

27 Sec. 08.63.100. QUALIFICATIONS FOR LICENSE TO PRACTICE. (a)

28 The board shall issue a license to practice marital and family therapy
29 to a person who

- 1 (1) applies on a form provided by the board;
- 2 (2) pays the fee required under AS 08.63.200;
- 3 (3) furnishes evidence satisfactory to the board that the
- 4 person
 - 5 (A) has not engaged in conduct that is a ground for
 - 6 imposing disciplinary sanctions under AS 08.63.220;
 - 7 (B) holds a master's degree, doctorate, or the equiva-
 - 8 lent, from an accredited educational institution approved by the
 - 9 board for which the person completed a course of study that
 - 10 included instruction substantially equivalent to the following:
 - 11 (i) courses in marital and family therapy;
 - 12 (ii) courses in marital and family studies;
 - 13 (iii) courses in human development;
 - 14 (iv) a course in professional studies or
 - 15 professional ethics and law;
 - 16 (v) a course in research; and
 - 17 (vi) one year of supervised clinical practice in
 - 18 marital and family therapy;
 - 19 (C) after receiving a degree described 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) been supervised in the clinical contact for
 - 26 at least 200 hours, including 100 hours of individual super-
 - 27 vision and 100 hours of group supervision approved by the
 - 28 board; and
 - 29 (D) has passed a written or oral examination

1 administered by the board.

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

6 (c) A license issued under this section expires two years from
7 the date of issue. It may be renewed by payment of the fee required
8 under AS 08.63.200 and by satisfaction of the continuing education
9 requirements established by the board for the renewal of licenses
10 issued under this section.

11 Sec. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (a) The board
12 shall issue a four-year license for the supervised practice of marital
13 and family therapy to a person who meets the requirements of AS 08.-
14 63.100(a)(1), (2), and (3)(A) - (B).

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

16 (1) under the direct supervision of a supervisor approved
17 by the board under AS 08.63.060; and

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

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

22 (d) A licensee under this section shall submit to the board for
23 its approval a proposed plan for satisfying the supervision require-
24 ments of AS 08.63.100(a)(3)(C).

25 (e) A licensee under this section shall use the title "marital
26 therapy associate," "family therapy associate," or other title that is
27 approved by the board.

28 (f) The board shall revoke a license for supervised practice if
29 the person fails the examination required under AS 08.63.100 two or

1 more times.

2 Sec. 08.63.120. TEMPORARY LICENSE FOR THE PRACTICE OF MARITAL
3 AND FAMILY THERAPY. (a) The board shall issue a temporary license
4 for the practice of marital and family therapy to an applicant who
5 satisfies the requirements of AS 08.63.100(a)(1), (2) and (3)(A), (B),
6 and (C) and has been approved by the board to take the marital and
7 family therapy examination.

8 (b) A person may practice under a temporary license until the
9 board issues the results of the first marital and family therapy
10 examination given after issuance of the person's temporary license and
11 either issues or denies a license under AS 08.63.100 to the person.

12 (c) If a licensee under this section fails the marital and
13 family therapy examination, the board may not renew the person's
14 temporary license.

15 Sec. 08.63.130. LICENSURE BY CREDENTIALS. The board shall issue
16 a license to practice marital and family therapy to a person who

17 (1) is licensed or certified as a marital and family thera-
18 pist in another state that has requirements for the license or certif-
19 icate that are substantially equal to or greater than the requirements
20 of this state; and

21 (2) meets the requirements of AS 08.63.100(a)(1), (2), and
22 (3)(A).

23 ARTICLE 3. GENERAL PROVISIONS.

24 Sec. 08.63.200. FEES. The department shall establish fees under
25 AS 08.01.065 for the following procedures related to licensing under
26 this chapter:

27 (1) application;

28 (2) examination;

29 (3) credential review;

- 1 (4) license;
- 2 (5) temporary license;
- 3 (6) license for supervised practice;
- 4 (7) renewal of license.

5 Sec. 08.63.210. CONFIDENTIALITY OF COMMUNICATION. (a) A person
6 licensed under this chapter may not reveal to another person a commu-
7 nication made to the licensee by a client about a matter concerning
8 which the client has employed the licensee in a professional capacity.
9 This section does not apply to

10 (1) a case conference with other persons licensed under
11 this chapter or with clinical social workers, psychologists, psycho-
12 logical associates, physicians, or surgeons;

13 (2) the release of information that the client in writing
14 authorized the licensee to reveal; or

15 (3) information revealed as part of the discovery of evi-
16 dence related to a court proceeding or introduced in evidence in a
17 court proceeding.

18 (b) Notwithstanding (a) of this section, a person licensed under
19 this chapter shall report incidents of child abuse or neglect as
20 required by AS 47.17.020.

21 Sec. 08.63.220. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
22 TIONS. After a hearing, the board may impose a disciplinary sanction
23 on a person licensed under this chapter when the board finds that the
24 person

25 (1) secured a license through deceit, fraud, or intentional
26 misrepresentation;

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

- 1 (3) advertised professional services in a false or mislead-
2 ing manner;
- 3 (4) has been convicted of a felony or other crime that
4 affects the person's ability to practice competently and safely;
- 5 (5) failed to comply with a provision of this chapter or a
6 regulation adopted under this chapter, or an order of the board;
- 7 (6) continued to practice after becoming unfit due to
8 (A) professional incompetence;
9 (B) addiction or severe dependency on alcohol or
10 another drug that impairs the person's ability to practice safe-
11 ly;
- 12 (C) physical or mental disability;
- 13 (7) engage in lewd or immoral conduct in connection with
14 the delivery of professional services to clients.

15 Sec. 08.63.230. DISCIPLINARY SANCTIONS. (a) When it finds that
16 a licensee has violated a provision of AS 08.63.220, the board may
17 impose the following sanctions singly or in combination:

- 18 (1) permanently revoke a license to practice;
- 19 (2) suspend a license for a determinate period of time;
- 20 (3) censure a licensee;
- 21 (4) issue a letter of reprimand;
- 22 (5) place a licensee on probationary status and require the
23 licensee to
- 24 (A) report regularly to the board on matters involving
25 the basis of probation;
- 26 (B) limit practice to prescribed areas;
- 27 (C) continue professional education until a satisfac-
28 tory degree of skill has been attained in those areas determined
29 by the board to need improvement;

1 (6) impose limitations or conditions on the practice of a
2 licensee.

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

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

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

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

21 Sec. 08.63.240. LICENSE REQUIRED. (a) A person who knowingly
22 engages in the practice of marital and family therapy without obtain-
23 ing a license issued by the board and without qualifying for an exemp-
24 tion from this chapter is guilty of a class B misdemeanor.

25 (b) A person who is not licensed under this chapter or whose
26 license is suspended or revoked, or whose license has lapsed, who
27 knowingly uses in connection with the person's name the words or
28 letters ^[L.] "M.F.T.," ^[LICENCED] "Marital and Family Therapist," or other letters,
29 words, or insignia indicating or implying that the person is a

1 licensed marital and family therapist or who in any way, orally, or in
2 writing, directly or by implication, knowingly holds out as a
3 licensed marital and family therapist is guilty of a class B misde-
4 meanor.

5 Sec. 08.63.250. EXEMPTIONS. This chapter does not apply to a
6 person who

7 (1) practices marital and family therapy as an employee of
8 a federal, state, or local government or of a private nonprofit organi-
9 zation that is exempt from federal income tax; or

10 (2) is a qualified member of a recognized profession, other
11 than marital and family therapy, and does not represent to the public
12 by title or description of service as practicing marital and family
13 therapy.

14 Sec. 08.63.900. DEFINITIONS. In this chapter, unless the con-
15 text indicates otherwise,

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

21 (2) "board" means the Board of Marital and Family Therapy;

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

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

1 systems; marital and family therapy involves

2 (A) the professional application of assessments and
3 treatments of psychotherapeutic services to individuals, couples,
4 and families for the purpose of treating the diagnosed emotional
5 and mental disorders;

6 (B) an applied understanding of the dynamics of mari-
7 tal and family interactions, along with the application of
8 psychotherapeutic and counseling techniques for the purpose of
9 resolving intrapersonal and interpersonal conflict and changing
10 perceptions, attitudes, and behaviors in the area of human rela-
11 tionships and family life;

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

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

17 (31) Board of Marital and Family Therapy (AS 08.63.010).

18 * Sec. 3. AS 08.02.010(a) is amended to read:

19 (a) An audiologist licensed under AS 08.11, a person licensed in
20 the state as a chiropractor under AS 08.20, a dentist under AS 08.36,
21 a marital and family therapist under AS 08.63, a medical practitioner
22 or osteopath under AS 08.64, a registered nurse under AS 08.68, an
23 optometrist under AS 08.72, a registered pharmacist under AS 08.80, a
24 registered physical therapist or occupational therapist under AS 08.-
25 84, a psychologist under AS 08.86, or a clinical social worker li-
26 censed under AS 08.95, shall use as professional identification appro-
27 priate letters or a title after that person's name which represents
28 that person's specific field of practice. The letters or title shall
29 appear on all signs, stationery, or other advertising in which the

1 person offers or displays personal professional services to the pub-
2 lic. In addition, a person engaged in the practice of medicine or
3 osteopathy under AS 08.64.380(2) or a person engaged in any manner in
4 the healing arts who diagnoses, treats, tests, or counsels other
5 persons in relation to human health or disease and uses the letters
6 "M.D." or the title "doctor" or "physician" or another title that
7 tends to show that the person is willing or qualified to diagnose,
8 treat, test, or counsel another person, shall clarify the letters or
9 title by adding the appropriate specialist designation, if any, such
10 as "dermatologist", "radiologist", "audiologist", "naturopath", or the
11 like.

12 * Sec. 4. AS 08.03.010(c) is amended by adding a new paragraph to read:

13 (24) Board of Marital and Family Therapy (AS 08.63.010) --
14 June 30, 1993.

15 * Sec. 5. AS 21.88.900(a)(9) is amended to read:

16 (9) "health care provider" means an audiologist licensed
17 under AS 08.11; a chiropractor licensed under AS 08.20; a dental
18 hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;
19 a marital and family therapist licensed under AS 08.63; a nurse li-
20 censed under AS 08.68; a dispensing optician licensed under AS 08.71;
21 an optometrist licensed under AS 08.72; a pharmacist licensed under
22 AS 08.80; a physical therapist or occupational therapist licensed
23 under AS 08.84; a physician licensed under AS 08.64; a podiatrist; a
24 psychologist and a psychological associate licensed under AS 08.86; a
25 hospital as defined in AS 18.20.130, including a governmentally owned
26 or operated hospital; a corporate entity covered under AS 21.88.-
27 050(b)(11); an employee of a health care provider acting within the
28 course and scope of employment;

29 * Sec. 6. AS 44.62.330(a) is amended by adding a new paragraph to read:

1 (55) Board of Marital and Family Therapy (AS 08.63.010).

2 * Sec. 7. AS 47.17.070(9) is amended to read:

3 (9) "practitioner of the healing arts" includes chiro-
4 practors, dental hygienists, dentists, health aides, nurses, nurse
5 practitioners, occupational therapists, occupational therapy assis-
6 tants, optometrists, osteopaths, naturopaths, physical therapists,
7 physical therapy assistants, physicians, physician's assistants,
8 psychiatrists, psychologists, psychological associates, marital and
9 family therapists licensed under AS 08.63, audiologists licensed under
10 AS 08.11, hearing aid dealers licensed under AS 08.55, religious
11 healing practitioners, and surgeons;

12 * Sec. 8. INITIAL APPOINTMENTS. (a) In making the initial appoint-
13 ments of professional members to the Board of Marital and Family Therapy,
14 the governor shall consider a person licensed for the purpose of AS 08.63.-
15 010 if the person would be entitled to a license under AS 08.63.100(a)(1) -
16 (3)(A) - (B), enacted by sec. 1 of this Act. The Board of Marital and
17 Family Therapy shall issue a license to practice marital and family therapy
18 to the professional members appointed under this section.

19 (b) A license issued under this chapter is subject to the same re-
20 newal requirements as a license issued under AS 08.63.100 as enacted by
21 sec. 1 of this Act.

22 * Sec. 9. TRANSITIONAL LICENSING. (a) Notwithstanding AS 08.63.100,
23 enacted by sec. 1 of this Act, the board shall issue a license to practice
24 marital and family therapy to a person who

25 (1) applies for a license before July 1, 1990;

26 (2) satisfies the requirements of AS 08.63.100(a)(1) - (3)(A),
27 enacted by sec. 1 of this Act;

28 (3) holds a master's or doctorate degree from an accredited
29 educational institution either in

1 (A) marital and family therapy; or
2 (B) an appropriate course of study approved by the board;
3 and

4 (4) has practiced marital and family therapy in the state for at
5 least two years preceding application.

6 (b) A license under this section is subject to the same renewal
7 requirements as a license issued under AS 08.63.100, as enacted by sec. 1
8 of this Act.

9 (c) The board shall liberally construe the requirements of (a) of
10 this section for the purposes of licensing as a marital and family therapy
11 professional every person who merits licensing by virtue of the person's
12 education, training, and experience in the field of marital and family
13 therapy.

14 * Sec. 10. AS 08.63.240 and 08.63.250, as enacted by sec. 1 of this
15 Act, take effect July 1, 1990.

16 * Sec. 11. Except as provided in sec. 10 of this Act, this Act takes
17 effect July 1, 1989.

1 IN THE SENATE

2 SENATE BILL NO. 481

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 FOR AN ACT ENTITLED: "AN ACT REGULATING THE PRACTICE OF MARITAL AND FAMILY
7 THERAPY; AND PROVIDING FOR AN EFFECTIVE DATE."

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

9 * SECTION 1. AS 08 IS AMENDED BY ADDING A NEW CHAPTER TO READ:

10 CHAPTER 63. MARITAL AND FAMILY THERAPY.

11 ARTICLE 1. DUTIES OF DEPARTMENT.

12 SEC. 08.63.010. AUTHORITY OF DEPARTMENT. THE DEPARTMENT HAS
13 JURISDICTION OVER THE PRACTICE OF MARITAL AND FAMILY THERAPY UNDER
14 THIS CHAPTER. IN ADDITION TO THE DUTIES OF THE DEPARTMENT UNDER
15 AS 08.01 THE DEPARTMENT SHALL

16 (1) ESTABLISH OBJECTIVE EXAMINATION REQUIREMENTS AND TRAIN-
17 ING AND EDUCATION REQUIREMENTS FOR PERSONS WHO APPLY FOR A LICENSE TO
18 PRACTICE MARITAL AND FAMILY THERAPY;

19 (2) EXAMINE APPLICANTS AND ISSUE LICENSES TO QUALIFIED
20 APPLICANTS;

21 (3) ESTABLISH CONTINUING EDUCATION REQUIREMENTS FOR LICENSE
22 RENEWAL;

23 (4) ADOPT A CODE OF ETHICAL PRACTICE FOR MARITAL AND FAMILI-
24 THERAPY;

25 (5) EXERCISE WITH REGARD TO MARITAL AND FAMILY THERAPY, TO
26 THE DISCIPLINARY POWERS GRANTED TO BOARDS BY AS 08.01.075;

27 (6) ESTABLISH STANDARDS FOR SUPERVISORS AND SUPERVISION
28 UNDER THIS CHAPTER;

29 (7) ENFORCE THE PROVISIONS OF THIS CHAPTER AND ADOPT

1 REGULATIONS NECESSARY TO CARRY OUT ITS DUTIES UNDER THIS CHAPTER.

2 SEC. 08.63.029. AUTHORIZED SUPERVISORS. (A) A PERSON MAY NOT
3 SUPERVISE A PERSON UNDER THIS CHAPTER UNLESS APPROVED BY THE DEPART-
4 MENT TO BE A SUPERVISOR.

5 (B) A PERSON WHO SUPERVISES A LICENSEE UNDER THIS SECTION MUST

6 (1) HAVE PRACTICED MARITAL AND FAMILY THERAPY FOR FIVE
7 YEARS;

8 (2) BE LICENSED UNDER THIS CHAPTER; AND

9 (3) MEET THE MINIMUM STANDARDS ESTABLISHED BY THE DEPART-
10 MENT FOR APPROVED SUPERVISORS.

11 SEC. 08.63.030. PROCEDURES. THE ADMINISTRATIVE PROCEDURE ACT
12 (AS 44.62) APPLIES TO REGULATIONS AND PROCEEDINGS UNDER THIS CHAPTER.

13 ARTICLE 2. MARITAL AND FAMILY THERAPY LICENSES.

14 SEC. 08.63.100. QUALIFICATIONS FOR LICENSE TO PRACTICE. (A)
15 THE DEPARTMENT SHALL ISSUE A LICENSE TO PRACTICE MARITAL AND FAMILY
16 THERAPY TO A PERSON WHO

17 (1) APPLIES ON A FORM PROVIDED BY THE DEPARTMENT;

18 (2) PAYS THE FEE ESTABLISHED BY THE DEPARTMENT;

19 (3) FURNISHES EVIDENCE SATISFACTORY TO THE DEPARTMENT THAT
20 THE PERSON

21 (A) HAS NOT ENGAGED IN CONDUCT THAT IS A GROUND FOR
22 IMPOSING DISCIPLINARY SANCTIONS UNDER AS 08.63.210;

23 (B) HOLDS A MASTER'S DEGREE, DOCTORATE, OR THE EQUIVA-
24 LENT, FROM AN ACCREDITED EDUCATIONAL INSTITUTION APPROVED BY THE
25 DEPARTMENT FOR WHICH THE PERSON COMPLETED A COURSE OF STUDY THAT
26 INCLUDED INSTRUCTION SUBSTANTIALLY EQUIVALENT TO THE FOLLOWING:

27 (I) COURSES IN MARITAL AND FAMILY THERAPY;

28 (II) COURSES IN MARITAL AND FAMILY STUDIES;

29 (III) COURSES IN HUMAN DEVELOPMENT;

1 (IV) A COURSE IN PROFESSIONAL STUDIES OR
2 PROFESSIONAL ETHICS AND LAW;

3 (V) A COURSE IN RESEARCH; AND

4 (VI) ONE YEAR OF SUPERVISED CLINICAL PRACTICE IN
5 MARITAL AND FAMILY THERAPY;

6 (C) AFTER RECEIVING A DEGREE DESCRIBED IN (B) OF THIS
7 PARAGRAPH, HAS

8 (I) PRACTICED MARITAL AND FAMILY THERAPY WITHIN
9 THREE YEARS OF THE PERSON'S APPLICATION, INCLUDING 1,500
10 HOURS OF DIRECT CLINICAL CONTACT WITH COUPLES AND FAMILIES,
11 AND

12 (II) BEEN SUPERVISED IN THE CLINICAL CONTACT FOR
13 AT LEAST 200 HOURS, INCLUDING 100 HOURS OF INDIVIDUAL SUPER
14 VISION AND 100 HOURS OF GROUP SUPERVISION APPROVED BY THE
15 DEPARTMENT; AND

16 (D) HAS PASSED A WRITTEN OR ORAL EXAMINATION ADMINIS-
17 TERED BY THE DEPARTMENT.

18 (B) THE DEPARTMENT MAY NOT ALLOW AN APPLICANT WHO FAILS AN
19 EXAMINATION GIVEN UNDER THIS SECTION TO TAKE A SUBSEQUENT EXAMINATION
20 FOR A PERIOD OF SIX MONTHS FROM THE DATE OF THE EXAMINATION THAT THE
21 APPLICANT FAILED.

22 SEC. 08.63.110. LICENSE FOR SUPERVISED PRACTICE. (A) THE
23 DEPARTMENT SHALL ISSUE A LICENSE FOR THE SUPERVISED PRACTICE OF MARI
24 TAL AND FAMILY THERAPY TO A PERSON WHO MEETS THE REQUIREMENTS OF
25 AS 08.63.100(A)(1), (2), AND (3)(A) - (B).

26 (B) A LICENSEE UNDER THIS SECTION MAY PRACTICE ONLY

27 (1) UNDER THE DIRECT SUPERVISION OF A SUPERVISOR APPROVED
28 BY THE DEPARTMENT UNDER AS 08.63.020; AND

29 (2) IN A CLINIC, SOCIAL SERVICE AGENCY, OR OTHER SETTING

1 APPROVED BY THE DEPARTMENT.

2 (C) A LICENSE FOR SUPERVISED PRACTICE EXPIRES FOUR YEARS FROM
3 THE DATE OF ISSUANCE AND MAY NOT BE RENEWED.

4 (D) A LICENSEE UNDER THIS SECTION SHALL SUBMIT TO THE DEPARTMENT
5 FOR ITS APPROVAL A PROPOSED PLAN FOR SATISFYING THE SUPERVISION RE-
6 QUIREMENTS OF AS 08.63.100(A)(3)(C).

7 (E) A LICENSEE UNDER THIS SECTION SHALL USE THE TITLE "MARITAL
8 THERAPY ASSOCIATE," "FAMILY THERAPY ASSOCIATE," OR OTHER TITLE THAT IS
9 APPROVED BY THE DEPARTMENT.

10 (F) THE DEPARTMENT SHALL REVOKE A LICENSE FOR SUPERVISED PRAC-
11 TICE IF THE PERSON HOLDING THE LICENSE FAILS THE EXAMINATION REQUIRED
12 UNDER AS 08.63.100 TWO OR MORE TIMES.

13 SEC. 08.63.120. TEMPORARY LICENSE FOR THE PRACTICE OF MARITAL
14 AND FAMILY THERAPY. (A) THE DEPARTMENT SHALL ISSUE A TEMPORARY
15 LICENSE FOR THE PRACTICE OF MARITAL AND FAMILY THERAPY TO AN APPLICANT
16 WHO SATISFIES THE REQUIREMENTS OF AS 08.63.100(A)(1), (2) AND (3)(A),
17 (B), AND (C) AND HAS BEEN APPROVED BY THE DEPARTMENT TO TAKE THE
18 MARITAL AND FAMILY THERAPY EXAMINATION.

19 (B) A PERSON MAY PRACTICE UNDER A TEMPORARY LICENSE UNTIL THE
20 DEPARTMENT ISSUES THE RESULTS OF THE FIRST MARITAL AND FAMILY THERAPY
21 EXAMINATION GIVEN AFTER ISSUANCE OF THE PERSON'S TEMPORARY LICENSE AND
22 EITHER ISSUES OR DENIES A LICENSE UNDER AS 08.63.100 TO THE PERSON.

23 (C) IF A LICENSEE UNDER THIS SECTION FAILS THE MARITAL AND
24 FAMILY THERAPY EXAMINATION, THE DEPARTMENT MAY NOT RENEW THE PERSON'S
25 TEMPORARY LICENSE.

26 SEC. 08.63.130. LICENSURE BY CREDENTIALS. THE DEPARTMENT SHALL
27 ISSUE A LICENSE TO PRACTICE MARITAL AND FAMILY THERAPY TO A PERSON WHO

28 (1) IS LICENSED OR CERTIFIED AS A MARITAL AND FAMILY THERA-
29 PIST IN ANOTHER STATE THAT HAS REQUIREMENTS FOR THE LICENSE OR

1 CERTIFICATE THAT ARE SUBSTANTIALLY EQUAL TO OR GREATER THAN THE RE-
2 QUIREMENTS OF THIS STATE; AND

3 (2) MEETS THE REQUIREMENTS OF AS 08.63.100(A)(1), (2), AND
4 (3)(A).

5 ARTICLE 3. GENERAL PROVISIONS.

6 SEC. 08.63.200. CONFIDENTIALITY OF COMMUNICATION. (A) A PERSON
7 LICENSED UNDER THIS CHAPTER MAY NOT REVEAL TO ANOTHER PERSON A COMMU-
8 NICATION MADE TO THE LICENSEE BY A CLIENT ABOUT A MATTER CONCERNING
9 WHICH THE CLIENT HAS EMPLOYED THE LICENSEE IN A PROFESSIONAL CAPACITY.
10 THIS SECTION DOES NOT APPLY TO

11 (1) A CASE CONFERENCE WITH OTHER PERSONS LICENSED UNDER
12 THIS CHAPTER OR WITH CLINICAL SOCIAL WORKERS, PSYCHOLOGISTS, PSYCHO-
13 LOGICAL ASSOCIATES, PHYSICIANS, OR SURGEONS;

14 (2) THE RELEASE OF INFORMATION THAT THE CLIENT IN WRITING
15 AUTHORIZED THE LICENSEE TO REVEAL; OR

16 (3) INFORMATION REVEALED AS PART OF THE DISCOVERY OF EVI-
17 DENCE RELATED TO A COURT PROCEEDING OR INTRODUCED IN EVIDENCE IN A
18 COURT PROCEEDING.

19 (B) NOTWITHSTANDING (A) OF THIS SECTION, A PERSON LICENSED UNDER
20 THIS CHAPTER SHALL REPORT INCIDENTS OF CHILD ABUSE OR NEGLECT AS
21 REQUIRED BY AS 47.17.020.

22 SEC. 08.63.210. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
23 TIONS. AFTER A HEARING, THE DEPARTMENT MAY IMPOSE A DISCIPLINARY
24 SANCTION ON A PERSON LICENSED UNDER THIS CHAPTER WHEN THE DEPARTMENT
25 FINDS THAT THE PERSON

26 (1) SECURED A LICENSE THROUGH DECEIT, FRAUD, OR INTENTIONAL
27 MISREPRESENTATION;

28 (2) ENGAGED IN DECEIT, FRAUD, OR INTENTIONAL MISREPRESENTA-
29 TION IN THE COURSE OF PROVIDING PROFESSIONAL SERVICES OR ENGAGING IN

1 PROFESSIONAL ACTIVITIES;

2 (3) ADVERTISED PROFESSIONAL SERVICES IN A FALSE OR MISLEAD-
3 ING MANNER;

4 (4) HAS BEEN CONVICTED OF A FELONY OR OTHER CRIME THAT
5 AFFECTS THE PERSON'S ABILITY TO PRACTICE COMPETENTLY AND SAFELY;

6 (5) FAILED TO COMPLY WITH A PROVISION OF THIS CHAPTER OR A
7 REGULATION ADOPTED UNDER THIS CHAPTER, OR AN ORDER OF THE DEPARTMENT;

8 (6) CONTINUED TO PRACTICE AFTER BECOMING UNFIT DUE TO

9 (A) PROFESSIONAL INCOMPETENCE;

10 (B) ADDICTION OR SEVERE DEPENDENCY ON ALCOHOL OR
11 ANOTHER DRUG THAT IMPAIRS THE PERSON'S ABILITY TO PRACTICE SAFE-
12 LY; OR

13 (C) PHYSICAL OR MENTAL DISABILITY; OR

14 (7) ENGAGE IN LEWD OR IMMORAL CONDUCT IN CONNECTION WITH
15 THE DELIVERY OF PROFESSIONAL SERVICES TO CLIENTS.

16 SEC. 08.63.220. LICENSE REQUIRED. (A) A PERSON WHO KNOWINGLY
17 ENGAGES IN THE PRACTICE OF MARITAL AND FAMILY THERAPY WITHOUT OBTAIN-
18 ING A LICENSE ISSUED BY THE DEPARTMENT AND WITHOUT QUALIFYING FOR AN
19 EXEMPTION FROM THIS CHAPTER IS GUILTY OF A CLASS B MISDEMEANOR.

20 (B) A PERSON WHO IS NOT LICENSED UNDER THIS CHAPTER OR WHOSE
21 LICENSE IS SUSPENDED OR REVOKED, OR WHOSE LICENSE HAS LAPSED, WHO
22 KNOWINGLY USES IN CONNECTION WITH THE PERSON'S NAME THE WORDS OR
23 LETTERS "M.F.T.," "MARITAL AND FAMILY THERAPIST," OR OTHER LETTERS,
24 WORDS, OR INSIGNIA INDICATING OR IMPLYING THAT THE PERSON IS A LI-
25 CENSED MARITAL AND FAMILY THERAPIST OR WHO IN ANY WAY, ORALLY, OR IN
26 WRITING, DIRECTLY OR BY IMPLICATION, KNOWINGLY HOLDS OUT AS A LICENSED
27 MARITAL AND FAMILY THERAPIST IS GUILTY OF A CLASS B MISDEMEANOR.

28 SEC. 08.63.230. EXEMPTIONS. THIS CHAPTER DOES NOT APPLY TO A
29 PERSON WHO

1 (1) PRACTICES MARITAL AND FAMILY THERAPY AS AN EMPLOYEE OF
2 A FEDERAL, STATE, OR LOCAL GOVERNMENT OR OF A PRIVATE NONPROFIT
3 ORGANIZATION THAT IS EXEMPT FROM FEDERAL INCOME TAX; OR

4 (2) IS A QUALIFIED MEMBER OF A RECOGNIZED PROFESSION, OTHER
5 THAN MARITAL AND FAMILY THERAPY, AND DOES NOT REPRESENT TO THE PUBLIC
6 BY TITLE OR DESCRIPTION OF SERVICE AS PRACTICING MARITAL AND FAMILY
7 THERAPY.

8 SEC. 08.63.700. DEFINITIONS. IN THIS CHAPTER, UNLESS THE CON-
9 TEXT INDICATES OTHERWISE,

10 (1) "ADVERTISE" INCLUDES ISSUING OR CAUSING TO BE DISTRI-
11 BUTED A CARD, SIGN OR DEVICE TO A PERSON, OR CAUSING, PERMITTING, OR
12 ALLOWING A SIGN OR MARKING ON OR IN A BUILDING OR STRUCTURE, OR IN A
13 NEWSPAPER, MAGAZINE, OR DIRECTORY, OR ON RADIO OR TELEVISION, OR USING
14 OTHER MEANS DESIGNED TO SECURE PUBLIC ATTENTION;

15 (2) "COURSE" MEANS A CLASS OF AT LEAST THREE CREDIT HOURS
16 IN A GRADUATE PROGRAM AT AN ACCREDITED EDUCATIONAL INSTITUTION OR AN
17 INSTITUTION APPROVED BY THE DEPARTMENT;

18 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF COMMERCE AND
19 ECONOMIC DEVELOPMENT;

20 (4) "PRACTICE OF MARITAL AND FAMILY THERAPY" MEANS THE
21 DIAGNOSIS AND TREATMENT OF MENTAL AND EMOTIONAL DISORDERS THAT ARE
22 REFERENCED IN THE STANDARD DIAGNOSTIC NOMENCLATURE FOR MARITAL AND
23 FAMILY THERAPY, WHETHER COGNITIVE, AFFECTIVE, OR BEHAVIORAL, WITHIN
24 THE CONTEXT OF HUMAN RELATIONSHIPS, PARTICULARLY MARITAL AND FAMILY
25 SYSTEMS; MARITAL AND FAMILY THERAPY INVOLVES

26 (A) THE PROFESSIONAL APPLICATION OF ASSESSMENTS AND
27 TREATMENTS OF PSYCHOTHERAPEUTIC SERVICES TO INDIVIDUALS, COUPLES,
28 AND FAMILIES FOR THE PURPOSE OF TREATING THE DIAGNOSED EMOTIONAL
29 AND MENTAL DISORDERS;

1 (B) AN APPLIED UNDERSTANDING OF THE DYNAMICS OF MARI-
2 TAL AND FAMILY INTERACTIONS, ALONG WITH THE APPLICATION OF
3 PSYCHOTHERAPEUTIC AND COUNSELING TECHNIQUES FOR THE PURPOSE OF
4 RESOLVING INTRAPERSONAL AND INTERPERSONAL CONFLICT AND CHANGING
5 PERCEPTIONS, ATTITUDES, AND BEHAVIORS IN THE AREA OF HUMAN RELA-
6 TIONSHIPS AND FAMILY LIFE;

7 (5) "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. 2. AS 08.01.010 IS AMENDED BY ADDING A NEW PARAGRAPH TO READ:

12 (32) REGULATION OF MARITAL AND FAMILY THERAPY UNDER
13 AS 08.63.

14 * SEC. 3. AS 08.02.010(A) IS AMENDED TO READ:

15 (A) AN ACUPUNCTURIST LICENSED UNDER AS 08.06, AN AUDIOLOGIST
16 LICENSED UNDER AS 08.11, A PERSON LICENSED IN THE STATE AS A CHIRO-
17 PRACTOR UNDER AS 08.20, A DENTIST UNDER AS 08.36, _A MARITAL AND FAMILY
18 THERAPIST UNDER AS 08.63, _ A MEDICAL PRACTITIONER OR OSTEOPATH UNDER
19 AS 08.64, A REGISTERED NURSE UNDER AS 08.68, AN OPTOMETRIST UNDER
20 AS 08.72, A REGISTERED PHARMACIST UNDER AS 08.80, A PHYSICAL THERAPIST
21 OR OCCUPATIONAL THERAPIST LICENSED UNDER AS 08.84, A PSYCHOLOGIST
22 UNDER AS 08.86, OR A CLINICAL SOCIAL WORKER LICENSED UNDER AS 08.95,
23 SHALL USE AS PROFESSIONAL IDENTIFICATION APPROPRIATE LETTERS OR A
24 TITLE AFTER THAT PERSON'S NAME WHICH REPRESENTS THAT PERSON'S SPECIFIC
25 FIELD OF PRACTICE. THE LETTERS OR TITLE SHALL APPEAR ON ALL SIGNS,
26 STATIONERY, OR OTHER ADVERTISING IN WHICH THE PERSON OFFERS OR DIS-
27 PLAYS PERSONAL PROFESSIONAL SERVICES TO THE PUBLIC. IN ADDITION, A
28 PERSON ENGAGED IN THE PRACTICE OF MEDICINE OR OSTEOPATHY UNDER AS 08.-
29 64.380(2) OR A PERSON ENGAGED IN ANY MANNER IN THE HEALING ARTS WHO

1 DIAGNOSES, TREATS, TESTS, OR COUNSELS OTHER PERSONS IN RELATION TO
2 HUMAN HEALTH OR DISEASE AND USES THE LETTERS "M.D." OR THE TITLE
3 "DOCTOR" OR "PHYSICIAN" OR ANOTHER TITLE THAT TENDS TO SHOW THAT THE
4 PERSON IS WILLING OR QUALIFIED TO DIAGNOSE, TREAT, TEST, OR COUNSEL
5 ANOTHER PERSON, SHALL CLARIFY THE LETTERS OR TITLE BY ADDING THE
6 APPROPRIATE SPECIALIST DESIGNATION, IF ANY, SUCH AS "DERMATOLOGIST",
7 "RADIOLOGIST", "AUDIOLOGIST", "NATUROPATH", OR THE LIKE.

8 * SEC. 4. AS 21.88.900(9) IS AMENDED TO READ:

9 (9) "HEALTH CARE PROVIDER" MEANS AN ACUPUNCTURIST LICENSED
10 UNDER AS 08.06; AN AUDIOLOGIST LICENSED UNDER AS 08.11; A CHIROPRACTOR
11 LICENSED UNDER AS 08.20, A DENTAL HYGIENIST LICENSED UNDER AS 08.32; A
12 DENTIST LICENSED UNDER AS 08.36; A MARITAL AND FAMILY THERAPIST LI-
13 CENSED UNDER AS 08.63; A NURSE LICENSED UNDER AS 08.68; A DISPENSING
14 OPTICIAN LICENSED UNDER AS 08.71; AN OPTOMETRIST LICENSED UNDER
15 AS 08.72; A PHARMACIST LICENSED UNDER AS 08.80; A PHYSICAL THERAPIST
16 OR OCCUPATIONAL THERAPIST LICENSED UNDER AS 08.84; A PHYSICIAN LI-
17 CENSED UNDER AS 08.64; A PODIATRIST; A PSYCHOLOGIST AND A PSYCHOLOGI-
18 CAL ASSOCIATE LICENSED UNDER AS 08.86; A HOSPITAL AS DEFINED IN
19 AS 18.20.130, INCLUDING A GOVERNMENTALLY OWNED OR OPERATED HOSPITAL; A
20 CORPORATE ENTITY COVERED UNDER AS 21.88.050(B)(11); AN EMPLOYEE OF A
21 HEALTH CARE PROVIDER ACTING WITHIN THE COURSE AND SCOPE OF EMPLOYMENT;

22 * SEC. 5. AS 44.62.330(A) IS AMENDED BY ADDING A NEW PARAGRAPH TO READ:

23 (55) DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT CON-
24 CERNING THE LICENSING AND REGULATION OF MARITAL AND FAMILY THERAPISTS
25 UNDER AS 08.63.

26 * SEC. 6. AS 47.17.070(9) IS AMENDED TO READ:

27 (9) "PRACTITIONER OF THE HEALING ARTS" INCLUDES ACUPUNCTUR-
28 ISTS, CHIROPRACTORS, DENTAL HYGIENISTS, DENTISTS, HEALTH AIDES,
29 NURSES, NURSE PRACTITIONERS, OCCUPATIONAL THERAPISTS, OCCUPATIONAL

1 THERAPY ASSISTANTS, OPTOMETRISTS, OSTEOPATHS, NATUROPATHS, PHYSICAL
2 THERAPISTS, PHYSICAL THERAPY ASSISTANTS, PHYSICIANS, PHYSICIAN'S
3 ASSISTANTS, PSYCHIATRISTS, PSYCHOLOGISTS, PSYCHOLOGICAL ASSOCIATES,
4 _MARITAL AND FAMILY THERAPISTS LICENSED UNDER AS 08.63, _ AUDIOLOGISTS
5 LICENSED UNDER AS 08.11, HEARING AID DEALERS LICENSED UNDER AS 08.55,
6 RELIGIOUS HEALING PRACTITIONERS, AND SURGEONS;

7 * SEC. 7. TRANSITIONAL LICENSING. (A) NOTWITHSTANDING AS 08.63.100,
8 ENACTED BY SEC. 1 OF THIS ACT, THE DEPARTMENT SHALL ISSUE A LICENSE TO
9 PRACTICE MARITAL AND FAMILY THERAPY TO A PERSON WHO

10 (1) APPLIES FOR A LICENSE BEFORE JULY 1, 1991;

11 (2) SATISFIES THE REQUIREMENTS OF AS 08.63.100(A)(1), (2), AND
12 (3)(A), ENACTED BY SEC. 1 OF THIS ACT;

13 (3) 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 DEPART-
17 MENT; AND

18 (4) HAS PRACTICED MARITAL AND FAMILY THERAPY IN THE STATE FOR AT
19 LEAST TWO YEARS PRECEDING APPLICATION.

20 (B) A LICENSE UNDER THIS SECTION IS SUBJECT TO THE SAME RENEWAL
21 REQUIREMENTS AS A LICENSE ISSUED UNDER AS 08.63.100, AS ENACTED BY SEC. 1
22 OF THIS ACT.

23 (C) THE DEPARTMENT SHALL LIBERALLY CONSTRUE THE REQUIREMENTS OF (A)
24 OF THIS SECTION FOR THE PURPOSES OF LICENSING AS A MARITAL AND FAMILY
25 THERAPY PROFESSIONAL EVERY PERSON WHO MERITS LICENSING BY VIRTUE OF THE
26 PERSON'S EDUCATION, TRAINING, AND EXPERIENCE IN THE FIELD OF MARITAL AND
27 FAMILY THERAPY.

28 * SEC. 8. AS 08.63.220 AND 08.63.230, AS ENACTED BY SEC. 1 OF THIS ACT,
29 TAKE EFFECT JULY 1, 1991.

1 * SEC. 9. EXCEPT AS PROVIDED IN SEC. 8 OF THIS ACT, THIS ACT TAKES
2 EFFECT JULY 1, 1990.