

ALASKA LEGISLATURE COMMITTEE FILES 1997-1998 00/2

9541 SENATE HEALTH EDUCATION & SOCIAL SERVICES 178

17	Michigan	38,727	4.1	44	Idaho	7,075	6.2
18	South Dakota	3,022	4.2		Alabama	26,116	6.2
	South Carolina	15,301	4.2	46	Indiana	***	6.4
	Hawaii	4,979	4.2	47	Wyoming	3,071	6.5
21	California	***	4.3	48	Tennessee	34,167	6.6
22	Maine	5,433	4.4	49	Oklahoma	21,855	6.7
	New Hampshire	5,041	4.4	50	Arkansas	17,458	7.1
24	Ohio	49,968	4.5	51	Nevada	13,061	9.0
25	Virginia	30,016	4.6				
26	Kansas	12,093	4.7		<i>United States</i>	<i>1,191,000</i>	<i>4.6</i>
	Utah	8,999	4.7				

Source: Monthly Vital Statistics Report, Vol 43, No. 13, October 23, 1995, Centers for Disease Control and Prevention/National Center for Health Statistics. Note: All statistics are for 1994 except: California (1987), Indiana (1987), and Louisiana (1983). Rates are per 1,000 population in specified area. All data are by State of occurrence rather than by State of residence.



## DIVORCE AND CHILDREN

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The divorce rate has risen steadily over the past few decades. In 1960 there were 393,000 divorces granted. Today, between 1.1 and 1.2 million divorces are granted each year. Three-fifths of these divorces involve parents with children under the age of eighteen.

- According to a 1993 survey by the Family Research Council, 94 percent of all Americans believe divorce has a negative effect on children.
- According to a ten-year study by Judith Wallerstein, divorce is almost always more traumatic for the children than the parents, and the effects are long lasting.
- Wallerstein found that children of divorced parents usually receive less discipline compared to children from intact families, suffer worse health, tend to display more antisocial behavior, suffer from emotional and sexual problems, and have a more negative outlook on life.
- Research by Peter Hill, a professor at St. George's Hospital Medical School in London, found that adolescents from divorced families are more likely to have behavior problems, psychological stress and academic trouble.
- The 1987 American Chicle Poll found that four out of ten children from age eight to seventeen say one of their worst fears is that their parents might divorce.
- According to a USA Today poll, 54 percent of adults think divorce should be made harder to obtain, and 76 percent of children agree. Three out of four children also think that most couples who have divorced didn't try hard enough to save their marriages.
- Children raised in divorced families typically view marriage less favorably, according to a 1992 study done by Marlene Jennings, Connie Salts, and Thomas Smith, Jr. from Auburn University.
- According to research by Dr. Silvio Silvestri from the Center for Adult Children of Divorce, female children of divorced families are five times more likely to go through a divorce themselves. Male children are three times more likely to divorce.

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## A HARD LOOK AT NO-FAULT DIVORCE

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*by*

*David M. Wagner*

Let me make a statement that ought to shock, but won't: There's a tremendous amount of divorce in the United States today. The ratio of divorces to marriages rose from a hair over 25% in 1960 to almost 50% in 1985; the 50% mark was reached and exceeded by some of the intervening years. Has our divorce law reflected -- or even, helped cause -- this trend?

Any society's divorce laws reflect what it thinks the family is. In this country, we've gone from considering the family a haven from the harsh and acquisitive world of the marketplace, to considering it merely a tool -- and not always a good one -- for the enhancement of the individual lives of its members. American divorce law reflects this change.

The key to the American divorce revolution has been the "no fault" principle. The law used to require evidence of "fault," such as adultery, cruelty, or desertion, before divorce would be granted. The fault requirement had its roots in the view of marriage as sacramental and indissoluble.

It is sometimes said that the modern era has transformed marriage from a status to a contract. But, in fact, no-fault divorce has made the marriage bond less reliable than almost any business contract. Here's how.

Classic Anglo-American contract law holds that a promise that does not in any way limit the promisor's future conduct is no promise at all, and a contract based on such a promise is no contract at all (it may be called an "illusory contract"). An example might be, "I promise to deliver 100 widgets to your warehouse next week, provided I still feel like it." Now suppose the promisor then adds: "If I don't feel like delivering the widgets, I will instead send you \$1." In combination, those two sentences add up to a valid promise, because while the promisor is still free to withhold the widgets, he is not free to withhold them and still avoid paying the dollar.

The trend of modern divorce law is to turn the wedding vow into the legal equivalent of the "promise" to deliver the widgets. Legal incidents and sequelae of divorce -- maintenance payments, child support, the sheer hassle of the process -- function somewhat like the \$1 promise. But the trend has been toward removing the barriers to divorce and lightening the burdens of its incidents and sequelae. Present-day divorce law reflects the modern culture's horror of limiting one's future.

The demand for permanent non-encumbrance of the isolated individual turns up also in the proposals of leading family law scholars. For instance, Professor Herma Hill Kay defines marriage as depending on "the continuing existence of a mutual loving commitment between the spouses...." She concludes that "once the marriage is no longer viable, neither its legal existence nor its related incidents should become weapons

used to obtain revenge for the breakdown or to extort a favorable settlement." By requiring "mutual loving commitment" before recognizing a commitment deserving of legal protection, Kay collapses marriage itself into a mere outward symbol of a romantic relationship. Marriage becomes nothing more than notarized dating.

This trend is marketed as a defense of individual freedom and self-determination, but it is not. Guaranteeing the right to keep all options open in perpetuity comes at the cost of eliminating one of the most important freedoms: the freedom to make a binding commitment and to enjoy that commitment's protections.

Without legal back-up for the promises exchanged in the wedding ceremony, all marriages, not just marginal ones, are at risk. After all, marriages do not start out marginal: almost all marriages are solid on their first day. But after the honeymoon comes a long process of learning to live together harmoniously. That process either will or will not go forward successfully, and one of the factors affecting it will be the nature of the applicable divorce law. The more protection the law gives to the marriage contract, the more rational it will be to invest effort in the marriage. The less protection the law gives the marriage contract, the more rational it will be to withhold such efforts, and instead take a look-out-for-number-one approach.

To be sure, many things besides divorce law make a difference in whether or not spouses will expend the effort needed to make their marriages work. But the presence or absence, or ease or difficulty, of the divorce option is one of the most significant factors governing the question of whether it is rational to try hard to build a good marriage -- or, in economic terms, to invest heavily in marriage-specific capital.

It is time to recognize that no-fault divorce has worked a revolution that the American people would have rejected if its implications had been spelled out at the beginning: abandoned wives, fatherless children, fathers dunned for money yet denied any relationship with their children -- all of these yielding a harvest of loneliness, lovelessness, and cynicism. It is time for the no-fault revolution to be reversed.

Ideally, fault should be restored to its place as an absolute requirement for divorce. While a fault requirement might seem useful only where one party seeks to preserve the marriage, and an unnecessary burden where the divorce is consensual, the question to be focused on is whether or not we are giving the party seeking to preserve the marriage a strong enough bargaining tool. If the illusion of mutual consent can be created by a mere signature on a standard form, it will be easy for an at-fault party to bargain for such "consent."

In the alternative, we should confine no-fault divorce to those cases where both parties affirm that the marriage is irretrievably broken, and both desire a no-fault divorce.

Any reintroduction of fault admittedly carries a risk of reintroducing the old-fashioned "mess" factors: private eyes, adulterous couples caught *in flagrante* by flash cameras, etc. However, the present system cannot claim to be mess-free. Indeed, new kinds of "mess" -- e.g., ill-founded and irresponsible allegations of child abuse -- have crept into the system. Hostility has not been eliminated: it has merely been transferred from divorce itself to collateral issues such as child custody.

If legislatures simply cannot be convinced that no-fault divorce is not a human right, then perhaps they can require instead that fault be considered in the distribution of marital assets, in the setting of alimony, and in child custody. The effect would be to diminish the at-fault party's incentive to seek divorce in the first place. In particular, fault could be considered in equitable distribution or in alimony. Equitable distribution, which has played a much larger role in divorce law since the no-fault revolution, is currently carried out without regard to fault, with the result that an at-fault party will typically walk away with much more than

he or she is, arguably, morally entitled to.

In addition, alimony, when granted, should be divested of the obnoxious modern rationale of "rehabilitation," which implies that women's domestic work is some sort of a crime. The traditionalist ideal of marriage as a lifelong status and the feminist ideal of spousal equality begin to merge once one conceives of alimony as a tool for evening out the disparate earning potentials of divorcing spouses by making the better-off party fulfill -- as far as can be done through money damages -- the implied covenants of traditional marriage.

The concept of marriage as an inferior, unenforceable type of contract has been vigorously challenged recently in legal academia. Georgetown University's Milton C. Regan, in his book *Family Law and the Pursuit of Intimacy*, makes a case for returning to the concept of marriage as a status. Reviewing Regan's book for *The Cornell Law Review*, George Mason University Law School Professor Margaret Brinig makes another proposal: why not revive the concept of *covenant*? She writes:

Legally, a covenant frequently is an especially solemn form of contract, one that cannot be broken without significant penalties. A covenant, or promise under seal, will support a gift to a third party where a simple contract would not. Covenant implies donative intent, conferring a benefit upon another. Since the other will act (for our good) regardless of our own behavior, it implies that once we make an initial assent, much of our behavior is constrained by the covenant. When the covenant is made, more than the two people are involved. The imprimatur of the state (or God) is placed upon the solemn promise.

Status and covenant are both better ways to think about marriage than anything found in American statute books and courtrooms today. Our law has deprived marrying couples of the option of making a *legally* binding, lifelong commitment to family life; our society has made a fundamental option in favor of short-term individual self-fulfillment, at the expense of the commitments and connectedness that are foundational for civilized life. Even as we watch, civilization recedes steadily, as the first post-family generation reaches adulthood. We may not have much time left to recover our moorings.

--7/94

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*David M. Wagner, Esq., is Director of Legal Policy for the Family Research Council.*

**SB**

**321**

SENATOR  
MIKE MILLER

Mailing Address:  
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Senate  
SB 321

While in Juneau  
State Capitol  
Juneau, Alaska  
99801-1182  
Ph: (907) 465-4976  
Fax: (907) 465-3883

Senate District O

## **“An Act relating to assisted living homes.”**

**Assisted living homes, formerly called adult foster care homes, and facilities that provide a home-like environment for seniors and people who have a disability and need assistance with everyday living activities. The program is under the Department of Administration, Division of Senior Services.**

**This program is regulated by the old general assistance regulations that need to be revisited and updated to be in line with the standard of care that is practiced by the other Assisted Living Programs. The cost of care is grossly outdated and has not been adjusted to the current care standards or to reflect the cost of providing a level of care.**

**The purpose of this legislation is to increase the daily rate paid to Assisted Living Homes by the State for vulnerable adults that are unable to provide safely for their own medical, emotional and personal care needs.**

**Currently the rate paid by the State is \$34.50 per day. SB 321 would increase the daily rate to a minimum of \$70 per day based on individual care. There has not been a rate increase since 1983.**

**I respectfully request your consideration in passing SB 321.**

CS FOR SENATE BILL NO. 321( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTIETH LEGISLATURE - SECOND SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATOR MILLER

A BILL  
FOR AN ACT ENTITLED

1 "An Act relating to assisted living homes; and providing for an effective date."

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

3 \* Section 1. AS 47.07.070 is amended by adding a new subsection to read:

4 (h) This section does not apply to the minimum daily reimbursement rate  
5 specified by law under AS 47.24.017 or AS 47.25.195(f) for assisted living homes.

6 \* Sec. 2. AS 47.24.017 is amended by adding a new subsection to read:

7 (d) If the protective services under this section include the placement of a  
8 vulnerable adult in an assisted living home at the state's expense, the minimum dai,  
9 reimbursement rate to the assisted living home for the vulnerable adult is \$70. The  
10 department may, under its regulations, provide for a daily rate higher than \$70 if the  
11 additional care provided to the vulnerable adult in the assisted living home justifies the  
12 additional reimbursement. In this subsection, "assisted living home" means an assisted  
13 living home licensed under AS 47.33.

14 \* Sec. 3. AS 47.25.195(b) is amended to read:

15 (b) Except as provided in (f) of this section, a [A] health facility receiving

1 a payment under this chapter is subject to the requirements of AS 47.07.070 -  
2 47.07.075.

3 \* Sec. 4. AS 47.25.195(c) is amended to read:

4 (c) Except as provided in (f) of this section. if [IF] insufficient money is  
5 appropriated to fund medical assistance under AS 47.25.120 - 47.25.300 when taking  
6 into consideration projected use and the health facility payment rates established in  
7 accordance with (b) of this section, the department may, by regulation, establish at any  
8 time in the fiscal year a prospective pro rata reduction of the facilities' established  
9 payment rates that will be paid by the department for services provided by facilities  
10 under AS 47.25.120 - 47.25.300.

11 \* Sec. 5. AS 47.25.195(d) is amended to read:

12 (d) Notwithstanding (a) - (c) of this section, the department may enter into  
13 agreements with a facility to provide services at a payment rate lower than the rate  
14 established in accordance with (b) of this section, except that the department may  
15 not enter into an agreement with an assisted living home to provide services at a  
16 daily reimbursement rate lower than \$70.

17 \* Sec. 6. AS 47.25.195(e) is amended to read:

18 (e) For purposes of this section,

19 (1) "assisted living home" means an assisted living home licensed  
20 under AS 47.33;

21 (2) "health facility" includes a hospital, skilled nursing facility,  
22 intermediate care facility, intermediate care facility for the mentally retarded,  
23 rehabilitation facility, inpatient psychiatric facility, home health agency, rural health  
24 clinic, and outpatient surgical clinic.

25 \* Sec. 7. AS 47.25.195 is amended by adding a new subsection to read:

26 (f) Notwithstanding other provisions of this section and the provisions of  
27 AS 47.07, if the assistance provided to a needy person under AS 47.25.120 - 47.25.300  
28 includes the initiation or continuation of placement of the person in an assisted living  
29 home at the state's expense, the department's minimum daily reimbursement rate to  
30 the assisted living home for the person is \$70. This minimum rate is not subject to  
31 reduction under (c) of this section. The department may, under its regulations and

1 under the procedures of AS 47.07.070 - 47.07.075, provide for a daily rate higher than  
2 \$70 if the care provided to the needy person in the assisted living home justifies the  
3 higher reimbursement. A daily rate higher than \$70 for assisted living homes may be  
4 reduced under (c) of this section, but not below \$70.

5 \* **Sec. 8. APPLICABILITY.** The minimum daily reimbursement rate set under  
6 AS 47.24.017(d), enacted by sec. 2 of this Act, and AS 47.25.195(f), enacted by sec. 7 of this  
7 Act, applies to services provided on or after July 1, 1998, and is not dependent on the  
8 adoption of regulations of the Department of Health and Social Services.

9 \* **Sec. 9.** This Act takes effect July 1, 1998.

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. CS SB 321 (HES)**

Revision Date: \_\_\_\_\_  
 Title: Relating to assisted living homes  
 Sponsor: Miller  
 Requestor: Senate (HES)

Dept. Affected: Health and Social Services  
 BRU: Medical Assistance Admin  
 Component: Health Purchasing Group  
 COMPONENT SERIAL NO. 243  
 Sec also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

FUND SOURCE	FY99	FY00	FY01	FY02	FY03	FY04
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (please specify)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

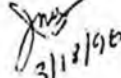
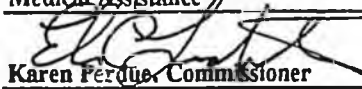
POSITIONS	FY99	FY00	FY01	FY02	FY03	FY04
FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost:                     \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

Under Section 7 of Committee Substitute for Senate Bill 321 would allow, but not require, the Department to pay assisted living facility rates above \$70 per day if established under the procedures of AS 47.07.070-47.07.075, which establishes a cost-based rate setting process under the Medicaid Rate Advisory Commission for Medicaid-enrolled health facilities.

The Department does not anticipate a cost of this provision, as the Department does not anticipate using the Medicaid Rate Advisory Commission to establish assisted living facility rates.


 Prepared by: Jon Sherwood  
 Division: Medical Assistance  
 Approved by Commissioner:   
 Agency: Department of Health & Social Services

Phone: 465-3355  
 Date: 03/18/98  
 Date: 3/18/98

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**FISCAL NOTE**

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. SB 321**

Revision Date: \_\_\_\_\_  
 Title: "An act related to assisted living homes..."  
 \_\_\_\_\_  
 Sponsor: Senator Mike Miller  
 Requestor: (S) HES

Department Affected: Administration  
 BRU: Senior Services  
 Component: Protection, Community Services, Administration  
 \_\_\_\_\_  
**COMPONENT SERIAL NO. 2083**

**EXPENDITURES/REVENUES:** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	1,819.0	1,819.0	1,819.0	1,819.0	1,819.0	1,819.0
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1,819.0</b>	<b>1,819.0</b>	<b>1,819.0</b>	<b>1,819.0</b>	<b>1,819.0</b>	<b>1,819.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE:** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,819.0	1,819.0	1,819.0	1,819.0	1,819.0	1,819.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
OTHER						
<b>TOTAL</b>	<b>1,819.0</b>	<b>1,819.0</b>	<b>1,819.0</b>	<b>1,819.0</b>	<b>1,819.0</b>	<b>1,819.0</b>

Estimate of any current year (FY 98) cost: \$ none

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary.)

This bill would require the Department of Administration to increase the rate paid to assisted living homes under the existing general relief assistance program to a base rate of \$70 a day. The current payment system administered by the Division of Senior Services is based on three levels of client need and related services provision by assisted living homes. An assisted living home rate schedule is attached which describes the rates which this bill would require the state to pay for assisted living services in the six regions of the state at each of the three levels of care starting with a base rate of \$70 a day in Anchorage. The six regions are paid according to geographical cost of living differentials. Taking into account geographical cost differentials and a system of three levels of care beginning with a base rate of \$70 a day, a budget of \$1,819.0 is needed annually to fund this bill.

Recommendation: This bill is consistent with the existing adult protective services program objective to provide financial assistance to eligible vulnerable adults who are in need of assisted living resources for both protection and supportive services under AS47.24. The current base rate of \$30 a day is not adequate to meet rising costs of providing assisted living care. A rate increase is overdue. This bill would require substantial funding which has not been approved by OMB. This bill would allow for improving the current system of general relief payment by increasing rates to an adequate amount based on levels of care statewide. The bill needs to be amended to include the Department of Administration. The supporting statute is AS47.24 Protection of Vulnerable Adults.

Prepared by: Dwight Becker  
 Division: Senior Services

Phone: 269-3674  
 Date: 2/23/98

Approved by Commissioner: Mark Bover *Mark Bover*  
 Agency: Department of Administration Date: 2/23/98

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1998 LEGISLATIVE SESSION

ANALYSIS: (continued)

Calculation of General Relief Payment by State

The general relief payment made by the state is the amount needed to supplement the client's contribution to meet the rate indicated in the specific geographic region and according to the level of services provided. The average contribution of the clients is the adult public assistance payment standard of \$856 per month or \$28.14 per day. Normally client's are not able to contribute during the first month of placement, as they have no money and have normally not qualified for benefits. They must apply for benefits. Therefore, about 20% of the total of 29,200 days paid by the state are paid at the full rate without any contribution by clients.

Services provided by General Relief Program

80 clients per month x 365 days = 29,200 days of service per year

Days of Service by Region

Anchorage	65% of 29,200 days =	18,980 days
Palmer/Wasilla	5%	= 1,460
Southeast	5%	= 1,460
Northern	15%	= 4,380
Western	5%	= 1,460
N/Western	5%	= 1,460
		<u>29,200 days</u>

Cost per Region which includes both State and Client Payments

Anchorage	\$80.00 per day average	x	18,980	=	1,518,400
Palmer/Wasilla	83.23	x	1,460	=	121,515
Southeast	80.00	x	1,460	=	116,800
Northern	92.02	x	4,380	=	403,048
Western	106.42	x	1,460	=	155,373
N. Western	110.42	x	1,460	=	<u>161,213</u>
<b>Total</b>					<b>\$ 2,476,349</b>

Client Contribution Towards Payment for Assisted Living

\$856 payment standard per mo. x 12 mo. / 365 days = \$28.14 per day

(20% of the days are not contributed towards due to emergency situations and due to the time period needed for client to become eligible for benefits)

80% of 29,200 days x \$28.14 per day = \$657,350

The General Relief Assistance payment by the State as required by this bill.

\$2,476,349 minus \$657,350 = \$1,818,999

Proposed Assisted living Daily Rate Payment Schedule

Region	Level 1	Level 2	Level 3
Anchorage	70.00	80.00	90.00
Palmer/Wasilla	72.80	83.23	93.58
Southeast	70.00	80.00	90.00
Northern	80.50	92.02	103.48
Western	93.08	106.42	119.66
N. Western	96.58	110.42	124.16

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO. SB 321

Revision Date: \_\_\_\_\_ Dept. Affected: Health and Social Services  
 Title: An act relating to Assisted Living Homes BRU: Community Mental Health Grants  
 Component: Services for the Chronically Mentally Ill  
 Sponsor: Miller COMPONENT SERIAL NO. 800  
 Requestor: Senate (HES) See also (SN#): \_\_\_\_\_

**Expenditures/Revenues:**

(Thousands of Dollars)

OPERATING	FY99	FY00	FY01	FY02	FY03	FY04
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS	1,661.7	1,711.6	1,762.9	1,815.8	1,870.3	1,926.4
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>1,661.7</b>	<b>1,711.6</b>	<b>1,762.9</b>	<b>1,815.8</b>	<b>1,870.3</b>	<b>1,926.4</b>

CAPITAL EXPENDITURES						
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CHANGES IN REVENUES ( )						
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**FUND SOURCE**

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health	1,661.7	1,711.6	1,762.9	1,815.8	1,870.3	1,926.4
Other (please specify)						
<b>TOTAL</b>	<b>1,661.7</b>	<b>1,711.6</b>	<b>1,762.9</b>	<b>1,815.8</b>	<b>1,870.3</b>	<b>1,926.4</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of any current year (FY98) cost: \$0.0

**ANALYSIS:** (Attach a separate page if necessary)

The Department of Health and Social Services, Division of Mental Health and Developmental Disabilities serves approximately 138 individuals in Assisted Living Home environments with a FY98 budget of \$622.2. The number of individuals receiving support for Assisted Living Home services authorized by the Adult Residential Care regulations varies each year. 7AAC 47.450 -470 governs the fee structure for Adult Residential Care and has not been revised since 1982. Adult Residential Care is now referred to as Assisted Living Home services. The lack of cost of care adjustments to the Adult Residential Care fee structure jeopardizes the future of Assist Living Homes. Assisted Living options is a cost-effective alternative to institutional care for individuals choosing to remain in their home communities. Development of the Assisted Living Home industry is very important for our Long-Term Care Plan for the State of Alaska. Also, it is a residential care approach that all disability groups support. This fiscal note is based on a zero population growth. It will fix the system as it now exists. Growth in community based services for Mental Health consumers is addressed in the "API Community Implementation Plan" dated October 31, 1997, published by J.L. Mitson & Associates. This growth is not included in this fiscal note. Growth for the developmentally disabled consumer is provided in the Community Developmental Disabilities Grants Component FY99 budget.

Prepared by: Derrill L. Johnson Phone: 465-4827 or 465-3370  
 Division: Mental Health and Developmental Disabilities Date: 02/25/98  
 Approved by Commissioner: Karen Perdue, Commissioner Date: 2/25/98  
 Agency: Department of Health & Social Services

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## ANALYSIS (cont.):

Page 2  
SB-321  
Fiscal Note

The following rationale was used to develop the needed General Fund increase to implement SB-321 as written and remains the same for the amendment proposed by the Department noted on the bill analysis:

Current Practice

DMH&DD augments the cost of care by an avg. daily rate:	\$12.35 /day *
Consumer contributes entitlements avg. monthly \$850	
Less Personal allowance	<u>\$ -75</u>
	\$775 = avg. daily rate: <u>\$25.48/day**</u>
Average paid for total care in an Assisted Living Home	\$37.83/day

\* FY98 Budget of \$622,200 divided 138 served = \$4509 divided 365 days=\$12.35/day

\*\*Consumer Entitlements (SSI/SSA/AD) = \$850 avg. - \$75 personal allowance = \$775/month  
divided 356 days = \$25.48/day

Proposed in SB-321 with Recommendations

Currently DMH&DD augments the cost of care by an avg. daily rate:	\$12.35/day
Consumer contributes entitlements avg. monthly \$850	
Less increase Personal allowance	<u>-\$100</u>
	\$750 = avg. daily rate: <u>\$24.66/day ***</u>
Average now available after the increased personal allowance:	\$37.01/day
Needed increased augmentation by DMH&DD to equal \$70/day avg.	<u>\$32.99/day ****</u>
Total to be received by the Assisted Living Home	\$70.00/day

\*\*\* Consumer Entitlements (SSI/SSA/AD) = \$850 avg. -\$100 personal allowance = \$750/month  
divided 365days= \$24.66/day

\*\*\*\* Additional daily rate funding with zero growth in the population to fix the Assisted Living Homes system as it pertains to the Department of Health and Social Services.

The Department of Health and Social Services, Division of Mental Health and Developmental Disabilities will need an increase in General Funds of \$1,661,707 (\$32.99/day x 365days = \$12,041.35 x 138 served = \$1,661,706 for FY99. These funds will utilize to bring the existing Assisted Living Home placements to a level of care that will meet their health and safety needs. The average cost of care should remain around \$70/day. Some individuals will require supports costing less than \$70/day, while others may need additional supports exceeding \$70/day. The Department believes that with funds requested and the needed regulatory changes, the Assisted Living Home industry can become a viable option. Additionally, and of equal importance, these changes will ensure the health and safety of all served. Subsequent fiscal year's calculations have been planned with zero population growth for this bill. The Department did add a three-percent inflation factor for each fiscal carried forward.

The Alaska Mental Health Trust Authority has shown interest in the idea of a multi-year system change approach to address the funding needed to fix the Assisted Living Homes service system. They have indicated interest in receiving a jointly backed proposal from the Departments and planning boards impacted by the need to maintain the existing Assisted Living Home service system.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Health & Social Services	DIVISION DMH&DD	BILL NUMBER SB 321	SPONSOR Senator Miller
SHORT TITLE OF BILL An Act Relating to Assisted Living Homes			
DEPARTMENT POSITION SEE ATTACHED.			
PREPARED BY <i>Derrill L. Johnson</i> Derrill L. Johnson	DATE 2/25/98	COMMISSIONER'S SIGNATURE	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Division of Medical Assistance Division of Senior Services	CONSTITUENT GROUP(S) AFFECTED BY BILL Alaska Mental Health Providers & Consumers Association Alaska Developmental Disabilities Association & Consumers Assisted Living Home Provider Network
ORGANIZATIONAL SUPPORT FOR BILL Alaska Mental Health Board Governor's Council on Disabilities & Special Education	ORGANIZATIONAL OPPOSITION TO BILL No Known

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

SEE ATTACHED.

ANALYSIS OF BILL/PROGRAM EFFECTS

SEE ATTACHED.

AMENDMENTS PROPOSED

Recommend that the bill be amended to read as follows:

Section I. RATE PAID FOR COST OF CARE OF RESIDENTS IN ASSISTED LIVING HOMES LICENSED UNDER AS 47.33.

The Department of Health and Social Services and the Department of Administration shall jointly develop regulations that increase the value paid to an Assisted Living Home. This value must be commensurate with the support needs of each individual being served in the home. The support needs shall be based on the level of care established through an assessment by a certified care coordinator or social services professional and be in accordance with the individual being served or their legal representatives.

### Departments Position

The Department agrees that the Assisted Living Homes compensation system needs revision and that the fee structure needs to be increased. The Department also recommends the fee structure be based on the support needs of the individual, not a fixed base rate. The value proposed in SB-321 would provide the necessary resources to accomplish the needed adjustments through the regulatory process. The regulatory process will allow all stakeholders the opportunity to be heard and a system redesigned to meet these needs. Additionally, the Department cannot make any adjustment to the Assisted Living Home compensation system without new funding.

### Background/Legislative Intent

The Division of Mental Health and Developmental Disabilities provides supports for consumers through the Assisted Living Homes system, formally referred to as Adult Residential Care Facilities. Payment for the residential supports are authorized by regulations 7AAC 47.450 - 470, governed by statutes AS 47.25.130 - 170. The fees paid for placements in Adult Residential Care Facilities, now referred to as Assisted Living Homes, has not been amended since 1982. The rates currently paid do not represent adequate compensation for the level of care expected of Assisted Living Homes. The Division currently has a budget of \$622,070 and serves approximately 138 individuals annually. Based on 365 days of annual service the Division pays out an average daily rate of \$12.35 per day for an average annual cost per consumer served of \$4508.00. The consumer also contributes to the cost of care by applying his or her entitlements toward the cost of care. The consumer's contribution averages around \$25.48 per day, if they receive SSI/SSA and Aid to the Disabled, averaging \$850.00 per month. The \$850.00 is reduced by their personal use allowance of \$75.00 per month before the daily contribution rate of \$25.48 is calculated. The total contribution received by the Assisted Living Home provider would be \$37.83 per day to provide total care to an individual paid under the Adult Residential Care regulations if they have entitlements. If the consumer is not eligible for any entitlements, then the Division could pay up to a maximum of \$40.99 per day. The Division's augmentation rates run from a low of \$1.75 per day to a high of \$40.00 per day. Very seldom does the augmentation rate for the Division ever reach the high end.

It is not realistic to think that the Assisted Living Home system will remain a viable alternative to institutional care if the compensation being paid for these services does not meet the health and safety needs of individuals residing in those homes. Additionally, the State cannot expect the Assisted Living Home industry to expand to meet the growing demands of individuals wishing to remain in their home communities, those in the rural and remote areas of the state, without a substantial increase in compensation.

The intent of this bill is to increase the compensation paid to a value that is commensurate with the support needs of each individual served in an Assisted Living Home. An increase of the base rate paid an Assisted Living Home to \$70.00 per day would equal an average daily rate increase of \$32.17 per day above the current average daily rate of \$12.35 per day that is paid by the Division. Additionally, the personal use allowance needs to be increased from its current \$75/month to \$100/month. The increase of \$25.00/month in personal allowance will be deducted from the individuals SSI/SSA and Aid to the Disabled entitlements. The personal use

allowance is necessary for individuals to cover all of their personal use needs. If the personal use allowance were adjusted to \$100/day then the Division's augmentation rate would increase from \$32.17/day to \$32.99/day. The personal use allowance increase is as necessary as the overall increase in the Assisted Living Home compensation. The two increases must be accomplished together to fix the system.

Analysis of Bill/Program Effects

This bill will enable the Assisted Living Home industry to become a financially viable business opportunity that would provide a cost-effective alternative to institutional care. It would provide individuals with local community based alternatives for support living without having to relocate to an urban environment. It would also increase the residential alternatives for all disabled populations, regardless of age or disability type. This bill would support the Division's plan for downsizing of the Alaska Psychiatric Institute and in meeting the future needs for populations that will be being diverted from the institution. Additionally, new residential alternatives need to be developed statewide for developmentally disabled individuals that would like to remain in their own community.

ALASKA CAREGIVERS ASSOC.  
Life is Fragile - Handle with Care  
A non-profit organization

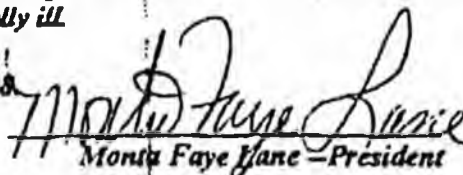
**RESOLUTION**

**INCREASE OF STATE RATE FOR CARE OF RESIDENTS IN  
ASSISTED LIVING HOMES : IN SUPPORT OF SB 321-**

- WHEREAS,** *The Alaska Caregivers Association is an organization of independently owned and operated assisted living homes that provide care for indigent residents of the state of Alaska who are unable to provide safety for their own medical, emotional and personal care needs; and*
- WHEREAS,** *the current allowable state minimum state pay rate for such care is at \$34.50 per day because the facility is designated an assisted living home rather than a nursing facility, thus reducing the hourly rate for comparable care to a very low \$1.44 per hour, and*
- WHEREAS,** *the same and in some cases, lesser level of care is reimbursed at a rate of \$240. per day or \$10 per hour if a facility is designated "nursing facility", based simply the facility as such, and*
- WHEREAS,** *the need for assisted living homes is growing due to the closing of Pioneer Homes as custodial care and residential facilities, thus increasing the numbers of indigent, low-income vulnerable elders and chronically mentally ill, and*
- WHEREAS,** *the minimum rate of reimbursement for assisted living care has not increased since 1983, while having been steadily increased for the same level of care in a facility designated as a "nursing home", thus ignoring the inflationary impact on assisted living homes, and*
- WHEREAS,** *a savings in the cost of care as provided by the state would be realized with development of assisted living home industry on a privatized basis,*
- NOW THEREFORE BE IT RESOLVED,** *that the Alaska Caregivers Association proposes legislation to increase the "minimum rate" of the state funding for assisted living home care to \$2,100. per month for care of the frail, vulnerable, indigent elderly and the chronically mentally ill.*

Adopted this 6th day of March, 1998

Anchorage Office:  
Phone: 907-258-5411  
Fax: 907-258-7022

  
Mona Faye Lane - President

Fairbanks Office:  
Phone: 907-488-9159  
Fax: 907-488-7979

**MISSION STATEMENT**

**Alaska Caregivers Association, is a non-profit organization that is open to anyone that provides competent, personal and or health care services to vulncrable adults in the State of Alaska.**

**The purpose of the association is to form a network of care providers to create a unified effort, to provide quality assisted living or foster care, gather and share information on health updates and current economic innovations. To articulate our needs and bring them to the attention of legislators and keep the public informed of our profession.**

**New members are welcome. There is a small membership fee.**

**Below is a list of our officers.**

- Monta Faye Lane--President-----1 -907-488-9159**
- Daryl Brunsvold---V-President-----1-907-488-6725**
- Leslee Orebaugh--Ex-Sec-----1-907-563-5405**
- Cathy Westling---Frbks Sec-----1-907-452-7946**
- Helen Powell-----Treasure-----1-907-451-0806**



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## Alaska Commission on Aging

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### RESOLUTION 98-8

#### *In Support of SB 321, An Act Related to Assisted Living Homes*

WHEREAS Alaskans of all ages experience long-term care needs; and

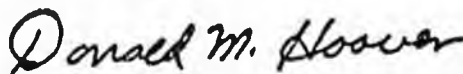
WHEREAS each individual's long-term care needs vary; and

WHEREAS Alaskans' independence and well-being is best served by linking them with long-term care services appropriate to their needs; and

WHEREAS a full spectrum of long-term care options enables this type of linking to be made, using home and community-based care, assisted living, and nursing homes as each is appropriate;

THEREFORE, BE IT RESOLVED that the Alaska Commission on Aging appreciates the spirit of SB 321, *Relating to Assisted Living Homes*, as an expression of legislative interest in the development of assisted living, Alaska's most recent form of long-term care.

Adopted this 6 th day of March, 1998.



Donald Hoover, Chair

## DMHDD Approved Assisted Living Homes

2/20/98

Name of Home	Mall Address	City	C- ZIP	Contact	C- TP	# Rm	Referral Agency	ALH Address
ABDUL-HAQO, SAUDA	1210 LATOUCHE #4	ANCHORAGE	99501	SAIDA ABDUL-HAQO	272-6850	2	ASETS	1210 LATOUCHE #4
ACOSTA, LYDIA	6811 E 11TH AVE	ANCHORAGE	99504	LYDIA ACOSTA	337-1965	2	PVT CARE	6811 E 11TH AVE
AGELESS CARE SVC - PIONEER (CHERRY	3936 ROUNDTOP CIR	ANCHORAGE	99504	ALEXANDRIA FERRY	337-8026	8	PVT CARE	8421 PIONEER DR
AGELESS CARE SVC - ROUNDTOP CIR	3936 ROUNDTOP CIR	ANCHORAGE	99504	ALEXANDRIA FERRY	337-8026	4	PVT CARE	3936 ROUNDTOP CIRCLE
ALANIZ, MANUEL	3634 E 17TH AVE	ANCHORAGE	99508	MANUEL ALANIZ	276-1048	2	ASETS	3634 E 17TH AVE
ALLEN, DeWAYNE/BARRAS, KEVIN	9599 BRAYTON DR #422	ANCHORAGE	99507	DeWAYNE ALLEN/KEVIN BARRAS	522-8516	2	ASETS	9599 BRAYTON DR #422
ANCHOR HOUSE	1023 W 26TH AVE #101	ANCHORAGE	99503	JACQUIE WINGFIELD	274-7391	50	PVTCARE&SCC	1037 & 1023 W 26TH
ARCA - BRYN MAWR	2211 ARCA DRIVE	ANCHORAGE	99508	MARGARET LOWE	277-6677	6	ARCA	5000 BRYN MAWR
ARCA - CAMROSE	2211 ARCA DR	ANCHORAGE	99508	DOUG MacELWEE	277-6677	3	ARCA	6100 CAMROSE DRIVE
ARCA - CASTLE COURT	2211 ARCA DR	ANCHORAGE	99508	DOUG MacELWEE	277-6677	3	ARCA	4939 CASTLE COURT
ARCA - COLLIE HILL WAY	2211 ARCA DRIVE	ANCHORAGE	99508	MARGARET LOWE	277-6677	3	ARCA	2636 COLLIE HILL WAY
ARCA - JAY CIRCLE	2211 ARCA DRIVE	ANCHORAGE	99508	STEVE WILLIAMS	277-6677	3	ARCA	810 JAY CIRCLE
ARCA - LIONHEART	2211 ARCA DR	ANCHORAGE	99508	STEVE WILLIAMS	277-6677	3	ARCA	5256 LIONHEART
ARCA - WINTERHAVEN	2211 ARCA DRIVE	ANCHORAGE	99508	STEVE WILLIAMS	277-6677	3	ARCA	840 WINTERHAVEN
BALTS, MARK A	6430 BRIDGET DR	ANCHORAGE	99502	MARK A BALTS	249-6623	2	ASETS	6430 BRIDGET DR
BANDELOW'S ASSISTED LIVING	8000 LITTLE DIPPER AVE #A	ANCHORAGE	99504	DEBORAH BANDELOW	338-1928	2	HOPE FH	8000 LITTLE DIPPER AVE #A
BARTHOLOMEW, LINDA	3511 E 65TH AVE	ANCHORAGE	99507	LINDA BARTHOLOMEW	349-9269	3	ASETS	3511 E 65TH AVE
BRAATEN, FONDA	PO BOX 241624	ANCHORAGE	99524	FONDA BRATTEN/P.COUNCIL	349-1439	2	HOPE FH	1317 EAST 72ND STREET
BURKE, LINDA	8921 BOULDER BAR CR	ANCHORAGE	99507	LINDA BURKE	522-8921	2	ASETS	8921 BOULDER BAY CR
COUNCIL'S	1018 WEST 71ST AVENUE	ANCHORAGE	99518	PRECIOUS OR LONNIE COUNCIL	561-5335	1	ASETS	1018 WEST 71ST AVENUE
DOUGLAS, ANA K	PO BOX 105042	ANCHORAGE	99510	ANA K. DOUGLAS	243-6814	3	ASETS	4025 HALE COURT
EASTSIDE ASSISTED LIVING	P.O. BOX 140125	ANCHORAGE	99514	EDITH KALLAND	333-8118	4	PVT CARE	149 MICHAEL CT, APT 2
FITCHETT, MARY/JOHN	8481 RIDGEWAY	ANCHORAGE	99504	MARY FITCHETT/PRECIOUS	333-0737	1	HOPE FH	8481 RIDGEWAY
GOLDMAN, CHRIS	516 N BUNN ST	ANCHORAGE	99508	CHRIS GOLDMAN	272-4455	2	ASETS	616 N BUNN ST
GOMEZ, JUAN	4034 Reka Dr #L5	ANCHORAGE	99508	JUAN GOMEZ	337-2992	2	ASETS	4034 Reka Dr #L5
GRANT, LINDA	601 NORTH BUNN	ANCHORAGE	99508	LINDA GRANT/PRECIOUS&LAURA	274-3234	3	HOPE FH	601 NORTH BUNN
GREATLAND HOME	P.O. BOX 211553	ANCHORAGE	99521	MIKE & ANGIE HUFF	333-5921	6	ASETS	8015 E 4TH AVE
GRUVER, KATHLEEN L	4111 E 20TH #10	ANCHORAGE	99508	KATHLEEN L GRUVER	338-7008	1	ASETS	4111 E 20TH #10
HANSEN, JO	3201 W 70TH PL #1	ANCHORAGE	99502	JO HANSEN/MARY BECKERMAN	245-1021	2	HOPE FH	3201 W 70TH PL #1
HENNING, BRUCE & EVA JO	620 JACK ST	ANCHORAGE	99515	EVA JO HENNING/JOAN NELSON	344-0784	2	HOPE FH	620 JACK ST
HOFFMAN, JUANITA E.	11000 HIDEWAY LAKE DR	ANCHORAGE	99516	JUANITA E. HOFFMAN/MARY BECKERMAN	346-4853	2	HOPE FH	11000 HIDEWAY LAKE DR
HOPE - BLACKBERRY	540 W INT'L AIRPORT RC	ANCHORAGE	99518	PRECIOUS P. COUNCIL	564-7479	?	PE	6050 BLACKBERRY ST
HOPE - CHEROKEE	540 W INT'L AIRPORT RD	ANCHORAGE	99518	CHRIS MILLER	561-5335	2	JPE	6830 CHEROKEE WAY
HOPE - CURVELL	540 W INT'L AIRPORT RC	ANCHORAGE	99518	PAMELA HUNSUCK	561-5335	4	HOPE	15000 CURVELL DR
HOPE - EMMANUAL	540 W INT'L AIRPORT RC	ANCHORAGE	99518-1110	RUDDY TAYLOR	561-5335	3	HOPE	5410 EMMANUAL
HOPE - FURROW RANCH	540 W INT'L AIRPORT RC	ANCHORAGE	99518-1110	LAURA RUDELL-ROGERS	564-7419	5	HOPE	3911 FURROW CREEK RD
HOPE - HIDDEN VIEW COURT	540 W INT'L AIRPORT RC	ANCHORAGE	99518	KYHLINN DECKER	561-5335	2	HOPE	8511 HIDDEN VIEW COURT
HOPE - IDAHO	504 W INT'L AIRPORT RD	ANCHORAGE	99518	JORDAN OPPERMAN	561-5335	4	HOPE	401 IDAHO
HOPE - JADE	540 W INT'L AIRPORT RD	ANCHORAGE	99518	PAM HUNSUCK	561-5335	2	HOPE	9310 JADE STREET
HOPE - JULIANA	540 W INT'L AIRPORT RD	ANCHORAGE	99518	CHERI RACE	561-5335	5	HOPE	8915 JULIANA ST
HOPE - LLOYD	540 W INT'L AIRPORT RC	ANCHORAGE	99515	VALERIE COLLINS	561-5335	2	HOPE	3016 LLOYD DRIVE
HOPE - MADELYNNE	540 W INT'L AIRPORT RC	ANCHORAGE	99508	JOAN NELSON/	561-5335	3	HOPE	7219 MADELYNNE DR
HOPE - NORTHWIND	540 W INT'L AIRPORT RD	ANCHORAGE	99518	ANDY CISCO	561-5335	2	HOPE	5321 NORTHWIND AVENUE
HOPE - NUGGET LAKE	540 W INT'L AIRPORT RC	ANCHORAGE	99518-1110	PRECIOUS P. COUNCIL	345-1536	3	HOPE	2746 NUGGET LANE
HOPE - O STREET	540 W INT'L AIRPORT RC	ANCHORAGE	99518-1110	JOAN NELSON	561-5335	3	HOPE	1407 O STREET
HOPE - OCEAN	540 W INT'L AIRPORT RC	ANCHORAGE	99518	LIN STANDKE	561-5335	10	HOPE	331 W. 121ST
HOPE - PIONEER (PALMER)	540 W INT'L AIRPORT RC	ANCHORAGE	99518	JOAN NELSON	564-7469	3	HOPE	340 PIONEER KWAY

## DMHDD Approved Assisted Living Homes

2/20/98

Name of Home	Mall Address	City	C- ZIP	Contact	C- TP	# Re	Referral Agency	ALH Address
HOPE - ROOSEVELT	540 W INT'L AIRPORT RC	ANCHORAGE	99518-1110	JON VOLLEN	564-7468	2	HOPE	2104 ROOSEVELT DR #8
HOPE - RUBY	540 W INT'L AIRPORT RC	ANCHORAGE	99502	FRANC HARRINGTON	561-5335	2	HOPE	2741 RUBY DRIVE
HOPE - SHENANDOAH	540 W INT'L AIRPORT RD.	ANCHORAGE	99518	ANDY CISCO	561-5335	2	HOPE	12230 SHENADOAH ROAD
HOPE - SHERRIE	540 W INT'L AIRPORT RC	ANCHORAGE	99518	BILL SEEMANN	564-7411	5	HOPE	3424 SHEERIE ST
HOPE - SHORECREST	540 W INT'L AIRPORT RC	ANCHORAGE	99518	RUDDY TAYLOR	561-5335	4	HOPE	9300 SHORECREST
HOPE - SOLAR DRIVE	540 W INT'L AIRPORT RC	ANCHORAGE	99518	FRANC HARRINGTON	564-7420	4	HOPE	8520 SOLAR DRIVE
HOPE - STELLER/KUSTAKA	540 W INT'L AIRPORT RC	ANCHORAGE	99518	JOHN VOLLEN	561-5335	4	HOPE	8650 KUSHTAKA
HOPE - STRAWBERRY	540 W INT'L AIRPORT RC	ANCHORAGE	99518	FRANC HARRINGTON	564-7420	4	HOPE	7723 ARLENE
HOPE - SUNRISE	540 W INT'L AIRPORT RC	ANCHORAGE	99518	BILL SEEMANN	564-7411	5	HOPE	1677 SUNRISE DRIVE
HOPE - THOMAS CIRCLE	540 W INT'L AIRPORT RD	ANCHORAGE	99518	JEFF RANDOLPH	564-7485	2	HOPE	321 THOMAS CIRCLE
HOPE - TICONDEROGA	540 W INT'L AIRPORT RC	ANCHORAGE	99518	ROBIN SIEVERSON	564-7405	2	HOPE	7230 TICONDEROGA
HOPE - TRAFFORD	540 W INT'L AIRPORT RD.	ANCHORAGE	99518	JORDAN OPPERMAN	561-5335	2	HOPE	7001 TRAFFORD DRIVE
HOPE - TURPIN	540 W INT'L AIRPORT RC	ANCHORAGE	99508	CHERI RACE	561-5335	2	HOPE	1406 TURPIN STREET
HOPE - WEST 53RD	540 W INT'L AIRPORT RC	ANCHORAGE	99518	SHELLY MOREHOUSE	564-6803	3	HOPE	650 WEST 53RD AVE
HOPE - WEST 79TH	540 W INT'L AIRPORT RD.	ANCHORAGE	99508	JOHN VOLLEN	561-5335	3	HOPE	3510 WEST 79TH AVE.
HOPE - WHALE BAY CIRCLE	540 W INT'L AIRPORT RC	ANCHORAGE	99518	JORDAN OPPERMAN	564-7482	2	HOPE	10011 WHALE BAY CIRCLE
HUFF, MIKE & ANGIE	8000 E 4th	ANCHORAGE	99504	MIKE/ANGIE HUFF	333-5921	2	ASETS	8000 E 4th
KUYS ASSISTED LIVING HOME	1540 RUSSIAN JACK DR.#1C	ANCHORAGE	99508	KENYON(BOB)KEYS/C. MILLER	337-2817	1	HOPE FH	1540 RUSSIAN JACK DR.#1C
KNIGHT, MARGARET	1635 CRESCENT	ANCHORAGE	99508	F.HARRINGTON/R. SIVERSON	564-7420	3	HOPE FH	1635 CRESCENT DR
LAVENDER CARIBOU, TLC	1000 WEST 77TH AVE	ANCHORAGE	99518	MARY LOUISE LAVENDER	522-2633	1	HOPE FH	1000 WEST 77TH AVE
LEE, VELVA AND KEVIN	2520 SEBRING CIRCLE	ANCHORAGE	99516	V. LEE/CHRIS MILLER	345-6805	2	HOPE FH	2520 SEBRING CIRCLE
LYDIA'S HOME CARE	511 W 121st CDDIRCLE	ANCHORAGE	99515	LYDIA WHITE	344-2345	2	HOPE FH	511 W 121st CIRCLE
MADDEN, CHERYL K/MICHAEL W	2802 W 30TH APT #5	ANCHORAGE	99503	CHERYL K & MICHAEL W MADDEN	243-2699	1	HOPE FH	2802 W 30TH APT #5
McGREW, MARY & JOHNNY	3543 ALEXANDER AVE	ANCHORAGE	99508	MARY E MCGREW	276-6751	2	ASETS	3543 ALEXANDER AVE
MELINDA'S	4476 REKA DR	ANCHORAGE	99508	MELINDA ROBINSON	333-6317	1	HOPE FH	4476 REKA DR
NEW CONCEPT	354 S FLOWER	ANCHORAGE	99508	CINDY S. PHILBY	338-1557	16	PVTCARE&SCC	354 SOUTH FLOWER
NEW CONCEPT II	354 S FLOWER	ANCHORAGE	99508	CINDY S. PHILBY	338-1557	16	PVTCARE&SCC	702 NORTH BUNN
PARKSIDE CARE - ROSEWOOD	309 E 24TH AVE	ANCHORAGE	99503	LESLEE OREBAUGH	563-5405	16	PVTCARE&SCC	3722 PARSONS
PARKSIDE CARE- PARKSIDE	309 E 24TH AVE	ANCHORAGE	99503	LESLEE OREBAUGH	563-5405	16	PVTCARE&SCC	309 E 24TH AVE
PASOL HOME	2902 W 31ST	ANCHORAGE	99517	PETER C. PASOL	243-5859	2	ASETS	2902 W 31ST
PINECREEK	309 E 24TH AVE	ANCHORAGE	99503	JULIE BERRYMAN/KARA MILLER	258-9993	16	PVTCARE&SCC	341 N BUNN
RHOADES, DAWNETTE	13331 BADGER LANE	ANCHORAGE	99516	DAWNETTE RHOADES	345-2134	1	ASETS	13331 BADGER LANE
RIETH, BETTY	3410 EIDE #1	ANCHORAGE	99503	BETTY RIETH/ NELSON	561-4705	2	HOPE FH	3410 EIDE STREET #1
ROBINSON, VERNON/KELLY	3221 PUSSYWILLOW ST	ANCHORAGE	99504	VERNON/KELLY ROBINSON	338-4608	2	ASETS	3221 PUSSYWILLOW ST
ROTHFUSS, A.F.	9910 CHELATNA CIR	ANCHORAGE	99515	ALBERT (ALLEN) F. ROTHFUSS	344-7692	2	ASETS	9910 CHELATNA CIR
SHELDON, TAMRA A	P.O. BOX 21-2711	ANCHORAGE	99521	TAMRA A. SHELDON	337-1800	2	ASETS	1116 STATE ST, APT #3 & #4
STERNS ASSISTED LIVING	3802 DEBORAH LANE	ANCHORAGE	99504	BRUCE FARNSWORTH/CHRIS MILLER	333-6903	2	HOPE FH	3802 DEBORAH LANE
TANADA HOUSE	PO BOX 140988	ANCHORAGE	99514	SUZANNE BEYER	333-2866	16	PVTCARE&SCC	4010 E 8TH AVE
THORPE, MARGE	1311 W 80TH AVE	ANCHORAGE	99518	MARGE THORPE	522-4261	2	ASETS	1311 W 80TH AVE
TIMMER, JOSEPHINE	6141 GROSS DRIVE	ANCHORAGE	99507	JOSEPHINE E TIMMER	563-9472	1	ASETS	6141 GROSS DRIVE
TINGLER, JANICE	PO BOX 112821	ANCHORAGE	99511	JANICE TINGLER	276-3711	2	ASETS	2201 MINERVA WAY
WIGGS ADULT FOSTER HOME	1006 BENCH COURT	ANCHORAGE	99504	CITA WIGGS	333-3473	3	ASETS	1006 BENCH COURT
WILLARD, LISA	2440 COTTONWOOD	ANCHORAGE	99508	DREW MCCARTHY	561-5335	1	HOPE FH	2440 COTTONWOOD
WILSON HOME	2581 LYVONA LANE	ANCHORAGE	99502	SCOTT WEESE/CHRIS MILLER	248-2382	2	HOPE FH	2581 LYVONA LANE
BCS - BAUTISTA HOUSE	BOX 2188	BETHEL	99559	GLORIA HAWKINS	543-2762	12	BCS	381 4TH AVE
BCS - MALONE HOME	BOX 2188	BETHEL	99559	GLORIA HAWKINS	543-2762	8	BCS	1801 CHIEF EDDIE HOFFMAN
CRISIS RESPITE CENTER - CF	P.O. BOX 528	BETHEL	99559	Phil White	543-6107	6	YKHC	162 TRAILER COURT

## DMHDD Approved Assisted Living Homes

2/20/98

Name of Home	Mail Address	City	C- ZIP	Contact	C- TP	# Res	Referral Agency	ALH Address
ROBRECHT, FREDERICK J., JR	PO BOX 520524	BIG LAKE	99652	FREDERICK J ROBRECHT, JR	892-6574	2	ASETS	STREET OF TRANQUILITY
WILSON, DAVID A	P.O. BOX 671474	CHUGIAK	99567	DAVID A WILSON	688-7148	1	HOPE FH	24445 HEARTHSTONE DR
BEAKLY, JOHN	PO BOX 70	CRAIG	99921	JOHN BEAKLY/MELANIE BARRET	826-3048	1	COMM.CONC.	210 BEACH ROAD
HOPE - YUGUUKUT HOME (DILLINGHAM)	PO BOX 715	DILLINGHAM	99576	JOHN CARRA	842-2117	4	HOPE	2301 SOCKEY CIRCLE
WARNER, DARLA & MICHAEL	2224 GREAT WESTERN #1	DOUGLAS	99824	D.MARCELL/SOSH @REACH	364-3404	1	REACH	2224 GREAT WESTERN ST. #1
ADAMS, FRANKIE F	9411WEST KANAGA LOOP	EAGLE RIVER	99577	FRANKIE F. ADAMS	696-7437	2	ASETS	9411 WEST KANAGA LOOP
MACOMBER, PATRICIA	19003 CITATION ROAD	EAGLE RIVER	99577	PAT MACOMBER/JEFF RANDOLF	694-8687	2	HOPE FH	19003 CITATION CIRCLE
DOUBLE A & COMPANYdba A FRAME	1970 PORCUPINE LANE	FAIRBANKS	99712	DEBBIE LOUPE/M.MATTHEWS	488-4115	2	FRA	1970 PORCUPINE LANE
FCMHC ADULT GROUP HOME - CR	122 1ST AVE, SUITE 5	FAIRBANKS	99701	JOHN E. KOCSIS	452-5673	11	FCMHC	1300 MOORE STREET
FRA - COWLES HOUSE	805 AIRPORT ROAD	FAIRBANKS	99701	EMILY F. ENNIS	456-8901	5	FRA	1426 22ND STREET
FRA - RUBY HOUSE	805 AIRPORT ROAD	FAIRBANKS	99701	EMILY F. ENNIS	456-8901	4	FRA	2505 RUBY AVE
JOHNSON, LOREN/GERI	4201 KACHEMAK WAY	HOMER	99603	LOREN OR GERI JOHNSON	235-6327	2	PVT CARE	4201 KACHEMAK WAY
JAMI - SHATTUCK HOUSE CR	BOX 22090	JUNEAU	99802	JANIS CARTER, JAMI	463-6828	10	JAMI	306 W 8TH STREET
REACH - MARK ALAN HOME	PO BOX 34197	JUNEAU	99803	KATE WOLFE	586-8228	5	REACH	1814 MARK ALAN DR
REACH - NORTHLAND HOME	PO BOX 34197	JUNEAU	99803	KATE WOLFE	586-8228	5	REACH	9377 NORTHLAND DR
SHEWEY, JEANNIE	1800 NORTHWOOD N-111	JUNEAU	99801	JEANNIE SHEWEY/SHOSH	780-6228	1	REACH	1800 NORTHWOOD DR. N-#11
OLSEN'S	PO BOX 9476	KETCHIKAN	99901	WAYNE & MARY ANN OLSEN	225-2001	2	COMM CONNC	4604 N TONGASS HWY
HOPE - VIEWCREST (KODIAK)	1623 MILL BAY ROAD	KODIAK	99615	PATRICK KROSS	486-5011	4	HOPE	3194 VIEWCREST
LAKE STREET HOUSE	PO BOX 256	KOTZEBUE	99752	KAREN REEVE	442-2224	4	MANILAO ASSOC	HOUSE 818 LAKE STREET
FLIGHT STREET HOME	2106 FLIGHT STREET	NORTH POLE	99705	SHARON KINAMON/D.MAHAFFEY	488-6395	5	PRIVATE CARE	2106 FLIGHT STREET
CHARLES BOARDING HOME	HC 02 BOX 7766	PALMER	99645	FORREST CHARLES	745-3412	19	PVT CARE	MILE 5.5 OLD GLEN HWY
HILL, MARY J	HC5 BOX 9722A	PALMER	99645	MARY J HILL	745-8322	2	SELS - MAT-SU	13900 CURRICABARK RD
HOPE - RESOLUTION BAY (WASILLA)	340 PIONEER PARKWAY	PALMER	99645	JOAN NELSON	561-7469	2	HOPE	2750 RESOLUTION BAY
RODGERS RANCH	PO BOX 1460	PALMER	99645	JIM RODGERS	745-0559	2	SELS - MAT SU	16655 CRANBERRY
HOPE - DIAMOND (SEWARD)	PO BOX 1933	SEWARD	99664	DONNA ZIEBER	224-3540	4	HOPE	2508 DIAMOND
SLAC GROUP HOME	PO BOX 1045	SEWARD	99664	KIMBERLY E. SORIANO	224-5257	5	SEWARD LIFE ACT	1400 CHAMPERLAIN DRIVE
ASHLEY'S HOME	P.O. BOX 2795	SOLDOTNA	99669	CHARLES MYRICK	260-3569	1	RURAL HI	44135 SHIRLEY'S WAY
HUGHES, WANDA G	HC2 BOX 4107	SOLDOTNA	99669	WANDA G. HUGHES	262-9378	1	PVT CARE	48370 CHARLAND DRIVE
KENNEL, NANCY JEAN	35520 FERN FOREST	SOLDOTNA	99669	NANCY JEAN KENNEL	262-0633	1	RURAL HI	35520 FERN FOREST
HORIZONS UNLIMITED #1	PO BOX 1801	VALDEZ	99686	SUE BRADY	835-4504	3	HORIZONS	136 FORAKER STREET
HORIZONS UNLIMITED #2	PO BOX 1801	VALDEZ	99686	SUE BRADY	835-4504	3	HORIZONS	330 MENDELINA
HORIZONS UNLIMITED #3	PO BOX 1801	VALDEZ	99686	SUE BRADY	835-4504	4	HORIZONS	3411 EAGLE STREET
DeHART, LIANNE	P.O. BOX 875065	WASILLA	99687	LIANNE DeHART/JORDAN C. PERMAN	745-5065	1	HOPE FH	6300 EAST BOGARD RD
FULL CIRCLE	PO BOX 870166	WASILLA	99687	ELAINE CARANE	373-3110	3	DDARES, INC	1160 SUSITNA DRIVE
JENNY'S HOME	PO BOX 872040	WASILLA	99687	JENNY McFARLIN/VALORIE COLLINNS	357-8049	2	HOPE FH	1040 PITTMAN RD
THE BONDING PLACE	PO BOX 877222	WASILLA	99687-7222	THE RON/MARY BOND/BILL SIEMAN	373-3788	1	HOPE FH	NHN TRIMOTOR STREET

## Division of Senior Services Licensed Assisted Living Homes

03/04/1998

Administrator	First	Home Name	Physical Address	City	ZIP	Phone	Capacity
Alfaro	Thania	Thania's Adult Foster Care	1747 Wickersham Drive	Anchorage	99507	563-6028	4
Bruce	Sheri	Health Care Bridges	2521 Tradewind Dr.	Anchorage	99516	345-0496	5
Burch	Barbara	Burch's Adult Assisted Living Home	1941 Olympic Drive	Anchorage	99515	344-9312	5
Castillo	Juliet	Lakeview Home	4030 Defiance Street	Anchorage	99504	338-2712	3
Collins-I	Richard	Golden Years-Cleveland Avenue	1701 Cleveland Ave	Anchorage	99517	561-5053	16
Collins-II	Richard	Golden Years-69th Avenue	2721 W 69th Avenue	Anchorage	99502	243-0068	16
Collins-III	Rick	Golden Years-Trena Street	5520 Trena Street	Anchorage	99507	694-7072	5
Cuanan	Florence	Immaculate Concepcion Home	7110 Miranda Drive	Anchorage	99507	522-5671	5
DeMoss	Jack	Chevigny House Elder Care	6400 Chevigny Street	Anchorage	99502	243-5100	2
Drayton-I	Candace	Dignified Home Life Care-I	371 Bolin St. Apt B	Anchorage	99504	333-2838	5
Drayton-II	Candace	Dignified Home Life Care II	371 Bolin St. Apt A	Anchorage	99504	333-2838	5
Edmunds	Pat	Hand in Hand Care	3200 Upland Drive	Anchorage	99504	337-7823	5
Franks	Sorina	Our Lady of Carmen Assisted Living Home	8101 E 2nd Avenue	Anchorage	99504	337-6631	1
Jennings	Mila	Turnagain Adult Foster Home	2812 West 29th	Anchorage	99503	243-4115	5
Johnson	Mertis	Easy Living AFC	7710 Maryland Avenue	Anchorage	99504	333-1846	5
Marlow	Kelly	Burch's Assisted Living Home II	3120 West 71st Avenue	Anchorage	99502	245-2250	4
Nolan	Irene		11740 Chinook Drive	Anchorage	99516	345-6420	4
Norment	Lina	St. Martin's Adult Foster Home	8330D Spruce Street	Anchorage	99507	522-3917	5
Pedraza	Roswitha	Sunset Home Care for Alzheimer	4020 Galactica	Anchorage	99514	245-1111	5
Perez	Patricia	St. Augustine's Assisted Living Home	610 Clippership Court	Anchorage	99515	345-9690	3
Rabb	Marilyn	Amazing Grace Family Living	3401 Korovin Bay Circle	Anchorage	99515	522-7644	3
Regacho	Rodolfo	Elena's Place	8551 Arctic Blvd., Apt. A	Anchorage	99515	344-4713	2
Rivera	Nora	Adela Assisted Living Home	7940 Ladasa Place	Anchorage	99509	522-2783	5
Rodriguez	Stephanie	Helping Hands Assisted Living	1601 Birchwood Street	Anchorage	99508	277-9430	4
Samet	Sue	Providence Horizon House	4140 Folker Street	Anchorage	99508	261-4140	65
Scott	Ellen	Scott's Home Care	3200 Corona Circle	Anchorage	99517	243-4394	2
Valdez	Carol	Holy Family Adult Foster Home	3200 Witherspoon Circle	Anchorage	99504	338-7570	5

## Division of Senior Services Licensed Assisted Living Homes

03/04/1998

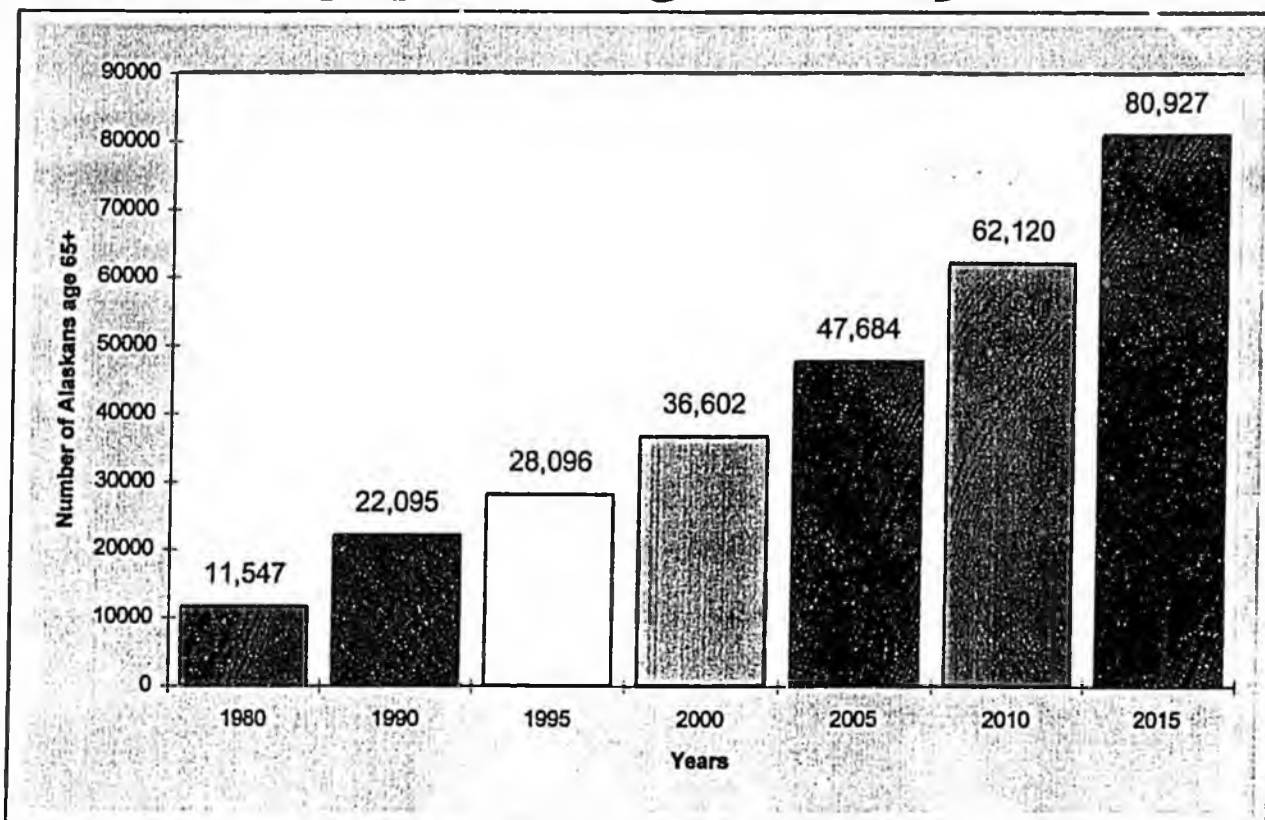
Administrator	First	Home Name	Physical Address	City	ZIP	Phone	Capacity
Valdez	Eva	Our Lady of Lourdes	1931 Greendale Drive	Anchorage	99504	333-4692	5
Vowell	John	Anchorage Pioneer's Home	923 West 11th Avenue	Anchorage	99501	276-3414	224
Knodel	Doreen	N. Slope Borough Sr Hlth Svcs A.L. Progra	5452 Northstar Street	Barrow	99723	852-0276	5
Hervey	Ruthann	Ruthie's Eldercare of Alaska	20636 Jehovah Jireh Stre	Chugiak	99567	688-2002	3
Stull, R.N.	Anna	Chugiak Assisted Living Apartments	22424 N Birchwood Loop	Chugiak	99567	688-8999	25
Wolfe	Sheila A.	Bear Mountain Manor	21331 Settlers Drive	Chugiak	99657	688-9001	5
Luckhurst	Patty		2334 Aleknagik Lake Roa	Dillingham	99576	842-5167	1
Davis-I	Armegene	Jean's Place	17244 Santa Maria Dr	Eagle River	99577	694-1481	3
Davis-II	Armegene	Jean's Place II	17528 Meadow Creek	Eagle River	99577	694-1480	3
Cash	Debbie	Debbie's Fireside Home	3291 Jefferson Drive	Fairbanks	99709	479-7100	4
Dawkins	Mary	Tri-Love Care	827 22nd Avenue	Fairbanks	99701	458-8213	3
Montano	Eileen	Fairbanks Pioneers' Home	2221 Eagan Avenue	Fairbanks	99701	456-4372	101
Oligney	Lucille	Oligney Assisted Living Home	70 Steelhead Road	Fairbanks	99709	479-5007	5
Pierce	Thelma	Summer Shades Residential Care	319 6th Avenue	Fairbanks	99701	456-5909	8
Powell	Helen	Rocking Years	1913 Jack Street	Fairbanks	99709	451-0806	5
Regitano	John	Alaska Forget-Me-Not	3100 South Cushman Str	Fairbanks	99701	452-1648	7
Robinson	Selma	Robinson Assisted Living	509 Wilcox	Fairbanks	99709	479-5206	3
Townsend	Judith	The Center of Care	120 Pepperdine Drive	Fairbanks	99709	479-4557	5
Westling	Cathy	Downtown Care	110 2nd Avenue	Fairbanks	99701	456-7780	10
LaVigueur-acting	Margaret	Homer Assisted Living Residence	250 Herndon Avenue	Homer	99603	235-7655	40
Lockyer	Patty	Sweet Retreat Home for Assisted Living	4157 West Hill Road	Homer	99603	235-1222	3
Young-Williams	Valerie	Road Runners' Retreat ALH	59475 East End Road	Homer	99603	235-3678	5
Holt	Douglas E.	Juneau Pioneers' Home	4675 Glacier Highway	Juneau	99801	780-6422	48
Smith	Linda	Linda's House	5952 Montgomery Street	Juneau	99801	780-6754	5
Edmands	Larry	Hazel J. Edmands Elder Care	53030 Aurora Avenue	Kasilof	99610	262-0496	5
Dalhaug	Dee	Park Avenue Manor	3815 Baranof Avenue	Ketchikan	99901	247-8747	3
Thompson	Phyllis	Ketchikan Pioneers' Home	141 Bryant Street	Ketchikan	99901	225-4111	47

Division of Senior Services Licensed Assisted Living Homes

03/04/1998

Administrator	First	Home Name	Physical Address	City	ZIP	Phone	Capacity
Scott	Lydia	Kotzebue Sr. Citizens Cultural Ctr.	5th & Benson Street	Kotzebue	99752	442-3590	20
Colette	Barbara	Mom And Pops	363 Park Way	North Pole	99705	488-4751	3
Lane-I	Monta Faye	Arctic Hearth I	109 East 5th Street	North Pole	99705	488-9159	5
Lane-II	Monta Faye	Arctic Hearth II	118 East 5th Street	North Pole	99705	488-8880	4
Shoemaker	Betty	Country Manor	1941 Christine Drive	North Pole	99705	488-0983	5
Allen	Wandamae		618 E. Eklutna Street	Palmer	99645	745-0540	1
Angle	Heidi	Heidi's Place	Mile 4, Bodenbug Loop	Palmer	99645	745-1731	5
Hartman	Debbie	Debbie's Place	Mile 12 Old Glen Highway	Palmer	99645	746-6147	2
Hartman	Karen	Karen's Place	940 South Dimond	Palmer	99645	746-4023	4
Mangus	John	Our House	3201 Sparrow Court	Palmer	99645	745-0733	7
Marley	Norma	Enchanted Garden Assisted Living	last house Maud Road	Palmer	99645	745-4605	3
McRoberts	Lyn	Lyn's Place	17865 Pine Needle Way	Palmer	99645	745-4252	5
O'Connor	Bill	Palmer Pioneers' Home	250 East Fireweed	Palmer	99645	745-4241	82
Rasch	Sarah	Assisted Country Living	Mile 1.5 Maude Road	Palmer	99645	745-8402	3
Weinrick	April	Avalon Haven	1205 Tranquility	Palmer	99645	746-4220	3
Kaster	Cheryl	The Source	21632 Morning Drive	Peters Cre	99577	688-6222	16
Eldridge	Suzanne	Questa Woods Assisted Living	QW Subdiv #2, Block 4, L	Seward	99664	224-5830	5
Schutter	Lois	Schutter's Adult Care Home	210 Bear Drive	Seward	99664	224-3690	6
Smith	Julia	Sitka Pioneers' Home	120 Katlian Street	Sitka	99835	747-3213	102
Cunningham	Betty	Country Living	35410 Hi Court	Sterling	99672	262-6543	4
Spires	Emmila	Myrtle Marie Moudy Assisted Home	#1 Veterans Way	Talkeetna	99676	733-2340	3
Roberts	Kathy	Tanana Regional Elders Residence	Front Street	Tanana	99777	366-7244	14
Melcher R.N.	Phyllis	Patty's Eldercare	780 McMillan Court	Wasilla	99654	357-3983	3
Sehm	Linda & Dou	A Helping Hand Eldercare	2571 Tait Drive	Wasilla	99687	373-7940	5
Bjorge	Linda	Bjorge Enterprises	127 Church Street	Wrangell	99929	374-2766	4

## *Senior population growth skyrockets*



### *Alaska's Projected Senior Population Growth 1980-2015*

The number of Alaskans age 65+ is *growing dramatically*. Alaska must prepare now for the impacts of this rapidly accelerating growth.

*Alaska is second in the nation in the proportional growth of our senior population* – with a 42% increase in people age 65+ in only 6 years (1990-96). Only Nevada had a greater rate (45%) in the same period of time

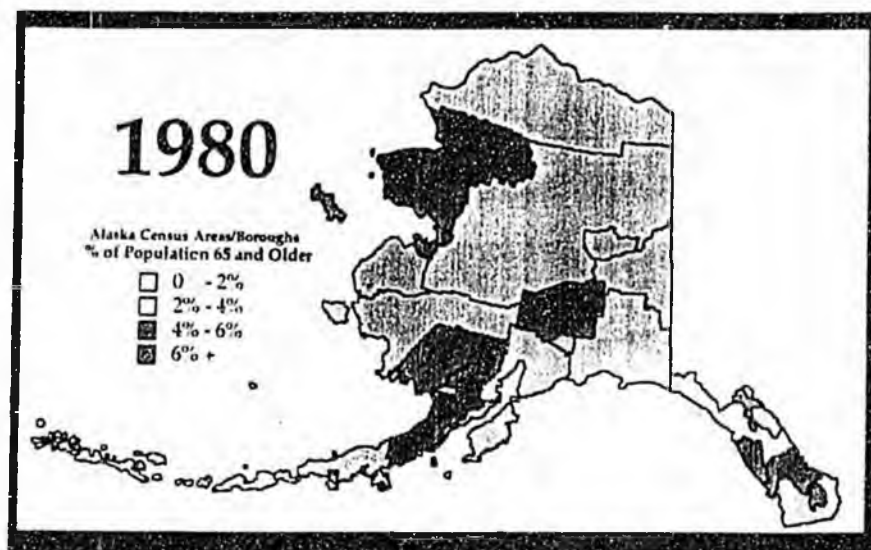
Equally impressive is the anticipated long-term growth of Alaska's senior population. In 1980, there were 11,547 people over the age of 65. Using moderate growth projections, population experts agree this number may reach

80,927 by the year 2015. This is a 600% increase in only 35 years.

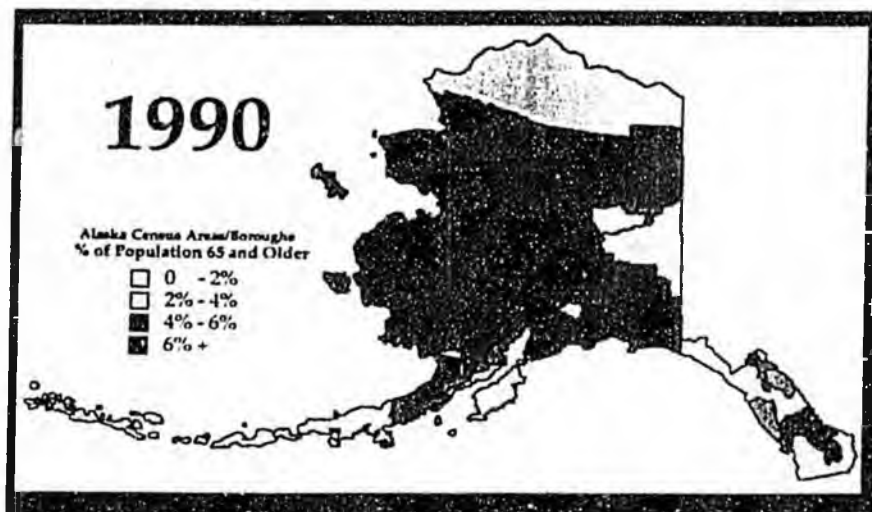
The impact of this trend ripples across the social and economic fabric of our state. As Alaskans we are challenged to develop our communities to be hospitable and supportive to growing numbers of seniors, who in turn enrich our communities socially and financially.

The increased number of Alaskan seniors is a credit to our state's successful public health programs, a more stable Alaskan economy which makes it feasible for seniors to retire here, and community based programs which assist seniors to stay at home in their community of choice.

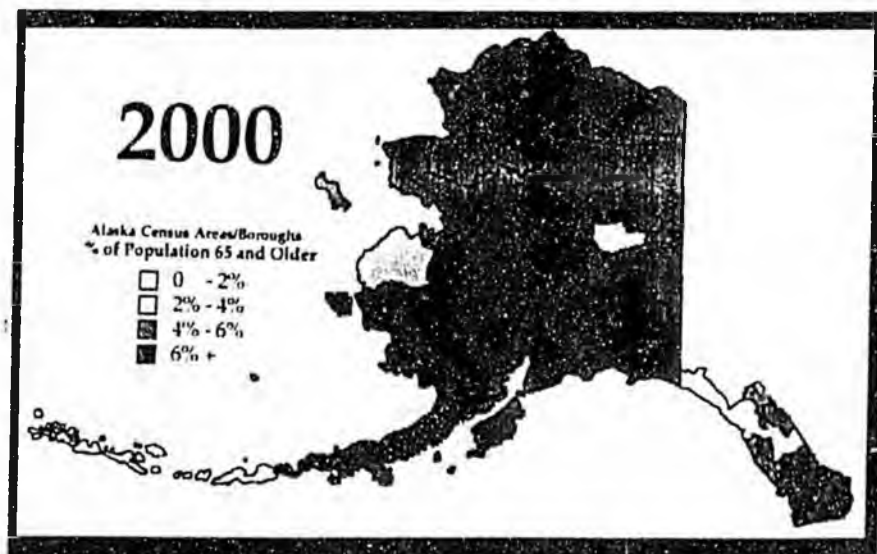
## The Graying of Alaska 1980-2000



In 1980, 3% of Alaskans (11,547 people) were 65 years of age and older. There were *no* census areas reported where more than 6% of the population was 65 years of age and older.



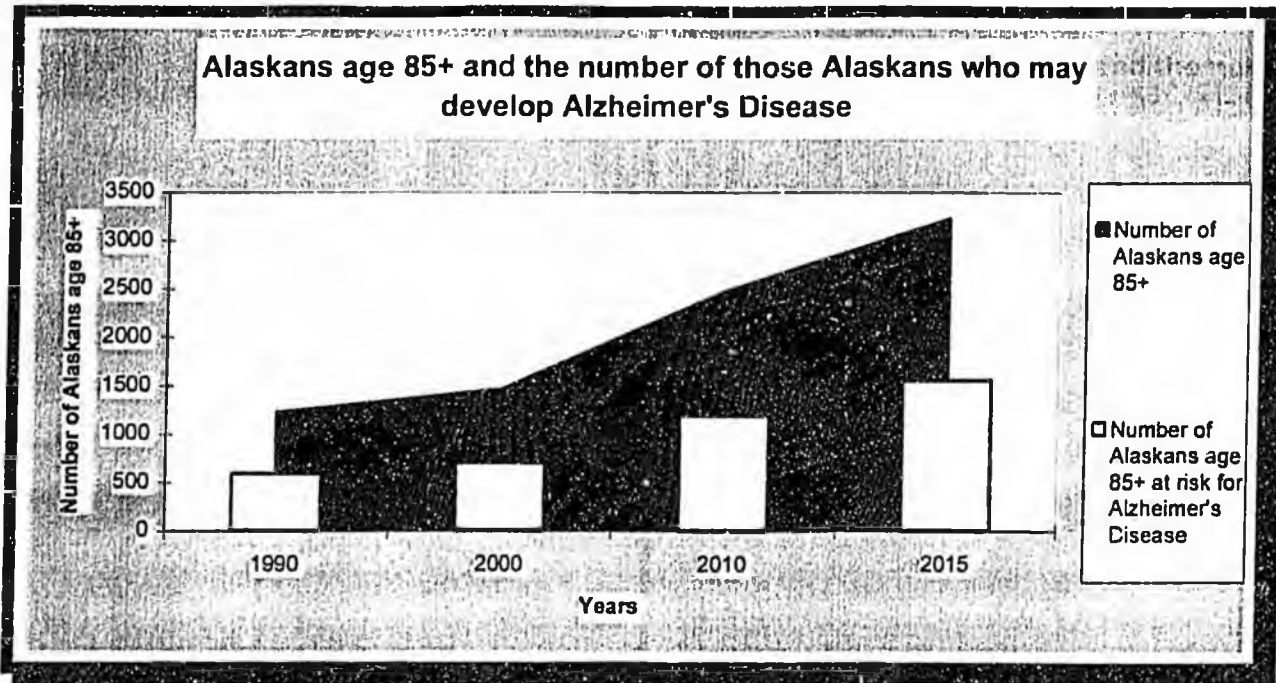
By 1990, 4% of Alaskans (22,469 people) were 65 years of age and older.



By the year 2000, it is estimated that 6% of Alaska's population (36,602 people) will be 65 years of age and older.

The Graying of Alaska is a graphic created by Information Insight, Fairbanks, AK, and has been reproduced with their permission and distributed by the Alaska Commission on Aging, Juneau, AK. (907) 465-4798.

## Alaska's population of seniors age 85+ rises sharply



In 1995, scientists estimated the average person age 65 could expect to attain an additional 17.4 years (1995 *A Profile of Older Americans*, AARP). Thus, the average senior might live to be 83 years old. Everyone hopes these added years of retirement will find healthy, active seniors enjoying life to the fullest. It is equally realistic to assume that some people within this segment of the senior population are likely to be in need of community based services. The Commission on Aging must also plan for the needs of this age 85 + population, as they continue to age.

Incidence of Alzheimer's Disease has been estimated to be 48% of the total population over age 85 (Estimated Prevalence of Alzheimer's Disease in the United States," Denis A. Evans, et al., *The Milbank Quarterly*, Vol. 68, No.2, 1990). By 2015, the number of people over age 85 who may be affected by Alzheimer's Disease could reach 1,500 or more. This age group will comprise 17% of the total number of Alaskans over the age of 60 (9,064 people) who may have Alzheimer's Disease in the year 2015.

### ***Future Issues of "Living Longer, Growing Stronger"***

Topics to be covered over the next few months are listed below. If you have a story idea related to one of these topics, please contact Barbara Knapp (465-4798).

- March: Alaska's Community Long Term Care
- April :Assisted Living Homes in Alaska
- May: Older Alaskan's Month & Successful Aging
- June: The Science of Aging
- July: Alaska's Pioneers' Homes
- August: Fighting Fraud through the senior network
- September: Senior Employment
- October: Preparing for retirement
- November: Long-term care resources & Veteran's issues

**Please** feel free to copy and distribute the information in this issue to:

- seniors
- advocacy groups
- friends
- city planners
- decision makers

## ***Generations of sharing***



Meet Martha Sam (right), and her 91 year old mom, Lily Northway (center), members of the "Sandwich Generation." Betty Denny (left), is the Project Director of the Upper Tanana Development Corporation (UTDC) Elders Program, who brings home-delivered meals to Lily when she can't make it to the senior center in Tok.

Lily, who is 91 years old, has always lived in Northway, which is nestled in the Alaska Range half-way between the city of Tok and the Canadian border. The village is named for her late-husband's family. With a total population of less than 500 people, there are five generations of Northways represented in the village now.

Walter, who passed-on recently at the age of 114 years, and Lily have lived with Martha for too many years. While Martha has helped care for them, she also raised nine children, participated in lives many more grandchildren and worked full-time driving the UTDC Senior Citizens van.

The "Sandwich Generation" is a term recently coined to describe children like Martha who actively care for their children (one grandson still lives with her), and parents at the same time.

As Alaska's elder population reaches the mark of 85+ years, Martha will have lots of company. Younger elders must find ways to balance the needs of their children with those of their parents.

## ***How to inform your community of senior issues:***

- ◆ Use stories, figures and charts from "Alaskan Seniors: Living Longer, Growing Stronger" in your agency newsletter. To report a local slant on the issues contact the director of your local senior center and the nearest city Planning Department.
- ◆ A press kit containing the information contained in "Alaskan Seniors: Living Longer, Growing Stronger," has been distributed to radio, television and print media across the state. To initiate a story in your area, contact the media and refer to this information packet.
- ◆ Write or speak to community groups about the growth of the senior population and the impact this growth makes in your community. You are welcome to use and distribute any of the information you have found within this information packet.

## ***Spotlight on Alaska's senior volunteer efforts:***

Every day, seniors across Alaska are making positive differences in the lives of people in their home communities. You can learn more about Alaska's senior volunteers every month in "Living Longer, Growing Stronger."

In addition to filling vital roles in our communities, volunteering seniors enrich programs with valuable time and skills that many programs just can't afford to buy.

### ***More Volunteers In Anchorage:***

The AnchorAge Senior Center relies on a wide variety of volunteers every day. Executive Director Billie Lewis counts on 500 volunteers each year to assist in every aspect of the Anchorage program.

Billie depends on volunteers in the administrative offices who assist with secretarial functions and putting together publications such as the monthly newsletters. Others volunteer in the art and crafts rooms, or selling items hand crafted by seniors in the gift shop.

If you like to be outside, a cadre of volunteers maintain the lawn and gardens at the AnchorAge Senior Center. And if

eating is your favorite pastime consider joining the volunteers working in the Center's restaurant, "The Arctic Rose Café."

AnchorAge Senior Center volunteers logged 23,700 hours of service last year. At the current minimum wage (\$5.65 ) these hours of service would be valued at \$133,905.

### ***Update on Alaska Community Services Inc.:***

A significant portion of the volunteer hours logged by Alaska Community Services (ACS) were not reported last month.

Additional hours of Foster Grandparents in the North Slope Borough, statewide RuralCAP programs, and Anchorage area Foster Grandparents and Senior Companions need to be combined with the hours of service reported from ACS and Volunteers of America.

The additional hours of service by seniors increases the FY97 total of the two organizations to 239,374 volunteer hours.

1998	Organizations	FY97 Hours of volunteer service	Value at Minimum Wage (\$5.65)
January	Alaska Community Services, Inc. and Volunteers of America	239,374 hours	\$1,352,463
February	AnchorAge Senior Center	23,700 hours	\$ 133,905
	<b>Total volunteer contributions</b>	<b>263,074 hours</b>	<b>\$1,486,368</b>

To learn about other volunteer opportunities in your area, contact public and private schools, Head Start Centers or other pre-school programs, local senior centers, assisted-living homes, nursing homes, or correctional facilities. To obtain a list of senior centers in your area or information on senior issues contact: Barbara Knapp, Alaska Commission on Aging, PO Box 110209, Juneau, AK 99811-0209 (907) 465-4798.

# **FAX-Back... to...1-907-465-4716**

We will be pleased to have you join us with future monthly issues, each highlighting a different aspect of *Alaskan Seniors: Living Longer, Growing Stronger*. To make these issues informative and useful, please take a few moments to let us know how we might better meet your needs.

1. Did you use the information contained in this issue? YES NO If yes, how?

Did you pass other information along to seniors? YES NO If yes, what & how?

2. Did you receive any inquiries from the media as the result of Media packets distributed by ACoA? YES NO

Did you hear or read any stories about this month's topic by any media? If yes, where?  
YES NO

3. Did you initiate local media contacts as the result of this issue? If yes please indicate whether you contacted print, radio or TV.

4. Would you like to use Internet Web-site to receive monthly information packets?  
YES NO

Would you be interested in receiving future issues by email or FAX? If yes please give FAX number and/or email address:

If you have received this by FAX, were the graphics clear enough to reproduce?

Do you have a story idea or a person to contact for a story, for an upcoming issue of "Living Longer, Growing Stronger" (see the topics for upcoming issues elsewhere in this issue)? Please include your phone number.

5. What can we do to improve this information packet to make it more usable for you?

FAX your response to: 1-907-465-4716; email to: Barbara\_Knapp@ADMIN.state.ak.us  
or mail to: ACoA, PO Box 110209, Juneau, AK 99811-0209

**S B**

**3 3 1**

# FISCAL NOTE

**STATE OF ALASKA**  
**1998 LEGISLATIVE SESSION**

**BILL NO. SB 331**

Revision Date: \_\_\_\_\_ Department: Commerce and Economic Development  
 Title: An Act regulating licensed professional counselors;... BRU: Occupational Licensing  
 Component: Operations  
 Sponsor: Senate HES Committee by Request  
 Requestor: Senate HES Committee COMPONENT SERIAL NO. 1844

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
PERSONAL SERVICES	49.4	49.4	49.4	49.4	49.4	49.4
TRAVEL	10.0	10.0	10.0	10.0	10.0	10.0
CONTRACTUAL	3.0	3.0	3.0	3.0	3.0	3.0
SUPPLIES	2.0	2.0	2.0	2.0	2.0	2.0
EQUIPMENT	15.7					
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>80.1</b>	<b>64.4</b>	<b>64.4</b>	<b>64.4</b>	<b>64.4</b>	<b>64.4</b>
<b>CAPITAL EXPENDITURES</b>						
<b>CHANGE IN REVENUES</b>	<b>144.5</b>	<b>0.0</b>	<b>128.8</b>	<b>0.0</b>	<b>128.8</b>	<b>0.0</b>

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	80.1	64.4	64.4	64.4	64.4	64.4
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>80.1</b>	<b>64.4</b>	<b>64.4</b>	<b>64.4</b>	<b>64.4</b>	<b>64.4</b>

Estimate of any current year (FY 98) cost: \$ 0.0

POSITIONS	FY 99	FY 00	FY 01	FY 02	FY 03	FY 04
FULL-TIME						
PART-TIME	2	2	2	2	2	2
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

SB 331 creates a five member Board of Professional Counselors to regulate use of the titles 'licensed professional counselor' and 'licensed counselor'. The department estimates there will be at least 250 applicants seeking licensure under this program. As a new regulatory program under centralized licensing (AS 08), the program will be subject to the self-sufficiency funding mandate through licensing fees under AS 08.01.065. An explanation of the costs shown are detailed on the attached page.

Prepared by: Jennifer Strickler, Administrative Manager Phone: 465-2144  
 Division: Occupational Licensing Date: 3/3/98  
 Approved by Commissioner: Deborah B. Sedwick Date: 3-7-98  
 Agency: Commerce and Economic Development

# FISCAL NOTE

STATE OF ALASKA  
1998 LEGISLATIVE SESSION

BILL NO.: SB 331

ANALYSIS: (Continued)

## DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT FISCAL NOTE CALCULATIONS

### Personal Services

1 - Occupational Licensing Examiner I, Range 12, GGU, PPT, 6-months	20.3
1 - Investigator III, Range 18, GGU, PPT, 6 months	29.1

### Travel

4 - In-State Board meetings, assuming each meeting is held for two days plus one day for travel. This cost is based on two Anchorage meetings, one in Fairbanks, and one in Juneau.	8.0
- Out-of-State event to attend a national affiliate conference.	1.0
- Investigator travel.	1.0

### Contractual

Funding for communications, public notices, printing, postage, and other standard contractual costs. This funding <i>does not</i> include funding for legal services, expert witnesses or other miscellaneous case costs.	3.0
---	-----

This fiscal note assumes that any examination costs will either be paid directly  
to a testing company or pass through with no additional costs to the State.

### Supplies

Provides daily operating and desk top supplies to the program and new positions.	2.0
--	-----

### Equipment (one-time costs)

Provides one-time work station, furniture and equipment set-up for the new positions.	15.7
--	------

**TOTAL:** **\$80.1**

Revenue

The costs identified in this fiscal note represent Direct costs to the new licensing program.

Licensing programs in Occupational Licensing are mandated by AS 08.01.065 to support their costs through licensing fees. For example, 250 licensed professional counselors can anticipate to pay:

Direct biennial costs of:	\$144.5	plus,
Administrative Indirect cost:	<u>24.0</u>	(based on 0.68% indirect costs similar to a program with a comparable number of licensees)
<b>Total Biennial Costs:</b>	<b>\$168.5</b>	divided by 250 licensees
Initial Biennial License Fee:	<b>\$674.00</b>	

Following the initial biennial licensing period, licensing fees will be evaluated and set to reflect costs. If costs are reduced, fees will be adjusted to reflect the reduced costs. However, if costs increase because of enforcement or litigation, fees will be adjusted accordingly. Licensing boards *do not* receive general fund subsidies for their operations. The programs are 100% program-receipt funded.

**SENATE COMMITTEE REPORT**  
**First Committee of Referral**

DATE: 2/25/98

FURTHER: Judiciary

Date of 5-Day Notice: 3/5/98  
 (in accordance with Uniform Rule 23)

DATE TURNED  
 IN TO OFFICE: 3/23/98

Health, Education and Social Services Committee considered      SENATE BILL NO. 331

"An Act regulating licensed professional counselors; regulating use of the titles 'licensed professional counselor' and 'licensed counselor'; amending Rule 504(a)(3), Alaska Rules of Evidence; and providing for an effective date."

and recommends:

- be replaced with \_\_\_\_\_ CS SB 331 (HES)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR# \_\_\_\_\_

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
		<i>[Signature]</i>	<input checked="" type="checkbox"/>		
		<i>[Signature]</i>	<input checked="" type="checkbox"/>		
		<i>[Signature]</i>			<input checked="" type="checkbox"/>
		<i>[Signature]</i>	<input checked="" type="checkbox"/>		
CHAIR: <i>[Signature]</i>	<input checked="" type="checkbox"/>	CHAIR:			

**NEW FISCAL NOTE(S):**

Department      Date      Zero      Fiscal

Department	Date	Zero	Fiscal
Commerce	3/3/98		*80,100

**PREVIOUS FISCAL NOTE(S):\***

Department      Date      Zero      Fiscal

Department	Date	Zero	Fiscal

APPROPRIATION -- no fiscal note

\*include fiscal notes accompanying Governor's bill

0-LS1580F  
Lauterbach  
3/16/98

**CS FOR SENATE BILL NO. 331( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY**  
**REQUEST**  
**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act regulating licensed professional counselors; regulating use of the titles**  
2 **'licensed professional counselor' and 'licensed counselor'; amending Rule 504(a)(3),**  
3 **Alaska Rules of Evidence; and providing for an effective date."**

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

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

6 **Chapter 29. Licensed Professional Counselors.**

7 **Article 1. Board of Professional Counselors.**

8 **Sec. 08.29.010. Board creation; membership. (a) There is established the**  
9 **Board of Professional Counselors consisting of five members appointed by the**  
10 **governor, one of whom is a public member and four of whom are licensed professional**  
11 **counselors.**

12 **(b) In addition to the requirements for public members under AS 08.01.025,**  
13 **the public member of the board may not**

14 **(1) ever have been a licensed professional counselor or employed in a**

1 commercial or professional field related to counseling; or

2 (2) live in a household with a person who is or has been, or have an  
3 immediate family member who is or has been, a licensed professional counselor or  
4 employed in a commercial or professional field related to professional counseling; in  
5 this paragraph, "immediate family member" means a parent, sibling, or child related  
6 by blood, marriage, or adoption.

7 (c) Of the four counselor members of the board, at least one shall be employed  
8 in the private sector and at least one shall be employed in the public sector.

9 **Sec. 08.29.020. Duties of the board.** (a) In addition to the duties specified  
10 in AS 08.01, the board shall

11 (1) license professional counselors, establish criteria for supervisor  
12 certification, and certify approved counselor supervisors under this chapter; the board  
13 may provide for licensure in areas of counseling specialization;

14 (2) establish continuing education requirements for the renewal of a  
15 license under this chapter;

16 (3) adopt, by regulation, a code of ethics that must be observed by  
17 persons licensed under this chapter.

18 (b) The board may delegate to the Department of Commerce and Economic  
19 Development, and the department may perform, a duty for which the board has  
20 authority.

## 21 **Article 2. Licensing Requirements.**

22 **Sec. 08.29.100. Unlicensed use of title prohibited.** (a) A person who is not  
23 licensed under this chapter may not

24 (1) profess to be a licensed professional counselor or a licensed  
25 counselor; or

26 (2) make use of a title, words, letters, or abbreviations that may  
27 reasonably be confused with the title of "licensed professional counselor" or "licensed  
28 counselor."

29 (b) Violation of this section is a class B misdemeanor, except that a third or  
30 subsequent conviction for violating this section is a class C felony.

31 **Sec. 08.29.110. Qualifications for licensure.** (a) The board shall issue a

1 professional counselor license to a person who applies for the license, submits the  
2 required fee, submits two letters of recommendation from professional counselors who  
3 are familiar with the applicant's practice of professional counseling, and presents  
4 evidence satisfactory to the board that the person

5 (1) is at least 18 years of age;

6 (2) has not been convicted of a felony or of a crime involving moral  
7 turpitude; however, if the applicant has been convicted of a felony or of a crime  
8 involving moral turpitude, the applicant may rebut the presumption that the applicant  
9 is unfit to practice professional counseling by submitting evidence of sufficient  
10 rehabilitation and present fitness to perform the duties of a licensed professional  
11 counselor;

12 (3) is not under investigation in this or another jurisdiction for an act  
13 that would constitute a violation of this chapter;

14 (4) has passed a written examination as required by the board; the  
15 board may provide that passing a nationally recognized examination for professional  
16 counselors is sufficient to meet the examination requirement of this paragraph;

17 (5) has successfully completed either

18 (A) an earned doctoral degree in counseling or a related  
19 professional field from a regionally accredited institution of higher education;  
20 or

21 (B) an earned master's degree in counseling or a related  
22 professional field consisting of at least 48 semester hours and at least 12 other  
23 graduate semester hours in counseling during or after earning the master's  
24 degree, for a total of at least 60 hours; and

25 (6) has at least 3,000 hours of supervised experience in the practice of  
26 professional counseling performed over a period of at least two years under the  
27 supervision of a supervisor approved under AS 08.29.210, with at least 1,000 hours of  
28 direct counseling with individuals, couples, families, or groups and at least 100 hours  
29 of face-to-face supervision by a supervisor approved under AS 08.29.210 unless, under  
30 regulations of the board, the board allows the supervision to be by telephonic or  
31 electronic means because of the remote location of the counselor.

1 (b) The board may, in its regulations, specify the areas of study that must be  
2 covered in order to meet the educational requirements of (a) of this section.

3 **Sec. 08.29.120. Licensure by credential.** (a) Except as provided in (b) of  
4 this section, the board may issue a license under this chapter to a person who is  
5 licensed in another jurisdiction to practice professional counseling if the board finds  
6 that the other jurisdiction has substantially the same or higher licensure requirements  
7 as this state.

8 (b) The board may not license under this section a person who is under  
9 investigation in this or another jurisdiction for an act that would constitute a violation  
10 of this chapter until the investigation is complete and disciplinary sanctions, if any, are  
11 imposed.

12 **Sec. 08.29.130. Licensure of foreign-educated applicants.** The board may  
13 issue a license under this chapter to a person who has completed an educational  
14 program in a college or university in a foreign country if the applicant

15 (1) meets the requirements of AS 08.29.110 except for  
16 AS 08.29.110(a)(5); and

17 (2) demonstrates to the satisfaction of the board that the applicant's  
18 experience, command of the English language, and completed academic program meet  
19 the standards of a relevant academic program of an accredited educational institution  
20 in the United States.

21 **Sec. 08.29.140. License renewal.** Renewal of a license under this chapter may  
22 not be granted unless the licensee, within the 24 months immediately preceding the  
23 renewal date, has completed the continuing education requirements established by the  
24 board.

### 25 **Article 3. Miscellaneous Provisions.**

26 **Sec. 08.29.200. Confidentiality of communications.** (a) A person licensed  
27 under this chapter may not reveal to another person a communication made to the  
28 licensee by a client about a matter concerning which the client has employed the  
29 licensee in a professional capacity. This section does not apply to

30 (1) a communication to a potential victim, the family of a potential  
31 victim, law enforcement authorities, or other appropriate authorities concerning a clear

1 and immediate probability of physical harm to the client, other individuals, or society;

2 (2) a case conference or case consultation with other mental health  
3 professionals at which the patient is not identified;

4 (3) the release of information that the client in writing authorized the  
5 licensee to reveal;

6 (4) information released to the board during the investigation of a  
7 complaint or as part of a disciplinary or other proceeding; or

8 (5) situations where the rules of evidence applicable to the  
9 psychotherapist-patient privilege allow the release of the information.

10 (b) Notwithstanding (a) of this section, a person licensed under this chapter  
11 shall report incidents of

12 (1) child abuse or neglect as required by AS 47.17;

13 (2) harm or assaults suffered by an elderly person or disabled adult as  
14 required by AS 47.24.

15 (c) Information obtained by the board under (a)(4) of this section is  
16 confidential and is not a public record for purposes of AS 09.25.110 - 09.25.140.

17 **Sec. 08.29.210. Supervisor certification.** (a) The board shall approve and  
18 certify a person as an approved counselor supervisor for the purposes of this chapter  
19 if the person

20 (1) is licensed under this chapter as a professional counselor or is a  
21 licensed clinical social worker, licensed marital and family therapist, licensed  
22 psychologist, or licensed psychological associate;

23 (2) submits an application for certification and the appropriate fee;

24 (3) has five years of counseling experience;

25 (4) provides to the board for its approval or disapproval a statement  
26 that details the person's supervision philosophy, orientation, and experience; and

27 (5) meets other criteria that may be established by the board in  
28 regulations.

29 (b) Certification under (a) of this section remains in effect, without the need  
30 for renewal of the certification, until the person's licensure as a professional counselor  
31 is revoked, suspended, or otherwise lapses.

1           **Sec. 08.29.220. Disclosure statement.** A client may not be charged a fee for  
2 professional counseling services unless, before the performance of the services, the  
3 client was furnished a copy of a professional disclosure statement that contained

4                   (1) the name, title, business address, and business telephone number of  
5 the professional counselor;

6                   (2) a description of the formal professional education of the  
7 professional counselor, including the institutions attended and the degrees received  
8 from them;

9                   (3) the professional counselor's areas of specialization and the services  
10 available;

11                   (4) the professional counselor's fee schedule listed by type of service  
12 or hourly rate;

13                   (5) at the bottom of the first page of the statement, the following  
14 sentence: "This information is required by the Board of Professional Counselors which  
15 regulates all licensed professional counselors," followed by the name, address, and  
16 telephone number of the board's office.

17           **Sec. 08.29.230. Limitation of practice.** Notwithstanding that a specific act  
18 is within the definition of the "practice of professional counseling," a person licensed  
19 under this chapter may not perform the act if the person lacks appropriate education  
20 or training related to the act.

#### 21                   **Article 4. General Provisions.**

22           **Sec. 08.29.400. Grounds for denial of license or for disciplinary sanctions.**  
23 The board may impose a disciplinary sanction under AS 08.01.075 on a person  
24 licensed under this chapter or deny a license to a person when the board finds that the  
25 person

26                   (1) is using or has used alcohol, drugs, or other substances to an extent  
27 that impairs the licensee's ability to engage in the practice of professional counseling;

28                   (2) has been convicted of a felony and has not been sufficiently  
29 rehabilitated to merit the public trust;

30                   (3) used fraud, deception, misrepresentation, or bribery in securing a  
31 license under this chapter or in obtaining permission to take an examination required

1 under this chapter;

2 (4) is incompetent or has committed misconduct, fraud,  
3 misrepresentation, or dishonesty in the performance of the functions of a licensed  
4 professional counselor;

5 (5) violated, or assisted another individual to violate, a provision of this  
6 chapter or a regulation adopted under this chapter;

7 (6) impersonated a person who holds a license under this chapter;

8 (7) has had a license to practice counseling revoked or suspended in  
9 another jurisdiction upon grounds for which the license issued under this chapter could  
10 be revoked or suspended; this paragraph does not apply to revocations or suspensions  
11 for failure to pay a renewal fee in another jurisdiction;

12 (8) assisted another person who is not licensed under this chapter in an  
13 attempt to represent the person to the public as a licensed professional counselor;

14 (9) was issued a license based on a material mistake of fact;

15 (10) used an advertisement or solicitation that is false, misleading, or  
16 deceptive to the general public or the person to whom the advertisement was primarily  
17 directed; or

18 (11) failed to respond within 30 days to a written communication from  
19 the board concerning an investigation by the board or failed to make available to the  
20 board a relevant record with respect to an investigation about the licensee's conduct  
21 or background.

22 **Sec. 08.29.490. Definitions.** In this chapter,

23 (1) "practice of professional counseling" means the diagnosis and  
24 treatment, other than through the use of projective techniques, of mental and emotional  
25 disorders that are referenced in the standard diagnostic nomenclature for individual,  
26 group, and organizational therapy, whether cognitive, affective, or behavioral, within  
27 the context of human relationships and systems; within the scope of that diagnosis and  
28 treatment, "practice of professional counseling" includes

29 (A) the professional application of evaluation techniques,  
30 treatments, and therapeutic services to individuals and groups for the purpose  
31 of treating the emotional and mental disorders;

1 (B) an applied understanding of the dynamics of the individual  
2 and of group interactions, along with the application of therapeutic and  
3 counseling techniques for the purpose of resolving intrapersonal and  
4 interpersonal conflict and changing perceptions, attitudes, and behaviors in the  
5 area of human relationships;

6 (2) "supervision" means supervision in which the supervisor is available  
7 to provide clinical oversight to the supervisee either in person or by a communication  
8 device.

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

10 (35) Board of Professional Counselors (AS 08.29.010).

11 \* Sec. 3. AS 08.01.050(d) is amended to read:

12 (d) At the request of one of the following boards, the department may contract  
13 with public agencies and private professional organizations to provide assistance and  
14 treatment to persons licensed by the board who abuse alcohol, other drugs, or other  
15 substances:

16 (1) Board of Clinical Social Work Examiners;

17 (2) Board of Dental Examiners;

18 (3) Board of Dispensing Opticians;

19 (4) State Medical Board;

20 (5) Board of Nursing;

21 (6) Board of Examiners in Optometry;

22 (7) Board of Pharmacy;

23 (8) State Physical Therapy and Occupational Therapy Board;

24 (9) Board of Professional Counselors;

25 (10) Board of Psychologist and Psychological Associate Examiners; and

26 (11) [(10)] Board of Veterinary Examiners.

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

28 (21) Board of Professional Counselors (AS 08.29.010) -- June 30, 2002.

29 \* Sec. 5. Rule 504(a)(3), Alaska Rules of Evidence, is amended to read:

30 (3) A psychotherapist is (A) a person authorized to practice medicine  
31 in any state or nation, or reasonably believed by the patient to be so, while engaged

1 in the diagnosis or treatment of a mental or emotional condition, including alcohol or  
2 drug addiction, (B) a person licensed or certified as a psychologist or psychological  
3 examiner under the laws of any state or nation or reasonably believed by the patient  
4 so to be, while similarly engaged, [OR] (C) a person licensed as a marital or family  
5 therapist under the laws of a state or nation or reasonably believed by the patient so  
6 to be, while similarly engaged, or (D) a person licensed as a professional counselor  
7 under the laws of a state or nation, or reasonably believed by the patient so to be.  
8 while similarly engaged.

9 \* Sec. 6. TRANSITIONAL PROVISION. Notwithstanding this Act, the Board of  
10 Professional Counselors shall issue a license under AS 08.29, enacted by sec. 1 of this Act,  
11 to an applicant who

12 (1) applies by December 31, 1999;

13 (2) submits documentation that the applicant holds a master's or doctorate  
14 degree in counseling or a related professional field;

15 (3) submits, on a form provided by the department, documentation from an  
16 employer, a supervisor, or a professional peer that the applicant has practiced professional  
17 counseling in the state for at least 24 months during the five years immediately preceding the  
18 date of application;

19 (4) meets the requirements of AS 08.29.110(a)(1) - (3), enacted by sec. 1 of  
20 this Act, and is not subject to denial of a license under AS 08.29.400, enacted by sec. 1 of this  
21 Act;

22 (5) submits two letters of recommendation from professional counselors who  
23 are familiar with the applicant's work; and

24 (6) pays the required fee.

25 \* Sec. 7. REGULATIONS; INITIAL BOARD MEMBERSHIP. (a) The Board of  
26 Professional Counselors established under sec. 1 of this Act may proceed to adopt regulations  
27 required to implement this Act, but the regulations may not take effect until the effective date  
28 of the bill section being implemented by the regulations.

29 (b) Notwithstanding AS 08.29.010(a), enacted by sec. 1 of this Act, a counselor  
30 appointed to the Board of Professional Counselors is not required to be a licensed professional  
31 counselor until March 1, 2000, but must, at the time of appointment, meet the requirements

1 of AS 08.29.110(a)(1), (2), and (5).

2 \* Sec. 8. AS 08.29.010, enacted by sec. 1 of this Act, and secs. 2, 4, and 7 of this Act take  
3 effect immediately under AS 01.10.070(c).

4 \* Sec. 9. Section 6 of this Act takes effect January 1, 1999.

5 \* Sec. 10. Except as provided in secs. 8 and 9 of this Act, this Act takes effect  
6 March 1, 1999.

0-LS1580\B  
Lauterbach  
3/5/98

**CS FOR SENATE BILL NO. 331( )**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTIETH LEGISLATURE - SECOND SESSION**

**BY**

**Offered:  
Referred:**

**Sponsor(s): SENATE HEALTH, EDUCATION AND SOCIAL SERVICES COMMITTEE BY  
REQUEST**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act regulating licensed professional counselors; regulating use of the titles  
2 'licensed professional counselor' and 'licensed counselor'; amending Rule 504(a)(3),  
3 Alaska Rules of Evidence; and providing for an effective date."

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

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

6 **Chapter 29. Licensed Professional Counselors.**

7 **Article 1. Board of Professional Counselors.**

8 **Sec. 08.29.010. Board creation; membership.** (a) There is established the  
9 Board of Professional Counselors consisting of five members appointed by the  
10 governor, one of whom is a public member and four of whom are licensed professional  
11 counselors.

12 (b) In addition to the requirements for public members under AS 08.01.025,  
13 the public member of the board may not

14 (1) ever have been a licensed professional counselor or employed in a

1 commercial or professional field related to counseling; or

2 (2) live in a household with a person who is or has been, or have an  
3 immediate family member who is or has been, a licensed professional counselor or  
4 employed in a commercial or professional field related to professional counseling; in  
5 this paragraph, "immediate family member" means a parent, sibling, or child related  
6 by blood, marriage, or adoption.

7 (c) Of the four counselor members of the board, at least one shall be employed  
8 in the private sector and at least one shall be employed in the public sector.

9 **Sec. 08.29.020. Duties of the board.** (a) In addition to the duties specified  
10 in AS 08.01, the board shall

11 (1) license professional counselors, establish criteria for supervisor  
12 certification, and certify approved counselor supervisors under this chapter; the board  
13 may provide for licensure in areas of counseling specialization;

14 (2) establish continuing education requirements for the renewal of a  
15 license under this chapter;

16 (3) adopt, by regulation, a code of ethics that must be observed by  
17 persons licensed under this chapter.

18 (b) The board may delegate to the Department of Commerce and Economic  
19 Development, and the department may perform, a duty for which the board has  
20 authority.

## 21 **Article 2. Licensing Requirements.**

22 **Sec. 08.29.100. Unlicensed use of title prohibited.** (a) A person who is not  
23 licensed under this chapter may not

24 (1) profess to be a licensed professional counselor or a licensed  
25 counselor; or

26 (2) make use of a title, words, letters, or abbreviations that may  
27 reasonably be confused with the title of "licensed professional counselor" or "licensed  
28 counselor."

29 (b) Violation of this section is a class B misdemeanor, except that a third or  
30 subsequent conviction for violating this section is a class C felony.

31 **Sec. 08.29.110. Qualifications for licensure.** (a) The board shall issue a

1 professional counselor license to a person who applies for the license, submits the  
2 required fee, submits two letters of recommendation from professional counselors who  
3 are familiar with the applicant's practice of professional counseling, and presents  
4 evidence satisfactory to the board that the person

5 (1) is at least 18 years of age;

6 (2) has not been convicted of a felony or of a crime involving moral  
7 turpitude; however, if the applicant has been convicted of a felony or of a crime  
8 involving moral turpitude, the applicant may rebut the presumption that the applicant  
9 is unfit to practice professional counseling by submitting evidence of sufficient  
10 rehabilitation and present fitness to perform the duties of a licensed professional  
11 counselor;

12 (3) is not under investigation in this or another jurisdiction for an act  
13 that would constitute a violation of this chapter;

14 (4) has passed a written examination as required by the board; the  
15 board may provide that passing a nationally recognized examination for professional  
16 counselors is sufficient to meet the examination requirement of this paragraph;

17 (5) has successfully completed either

18 (A) an earned doctoral degree in counseling or a related  
19 professional field from a regionally accredited institution of higher education;  
20 or

21 (B) an earned master's degree in counseling or a related  
22 professional field consisting of at least 48 semester hours and at least 12 other  
23 graduate semester hours in counseling during or after earning the master's  
24 degree, for a total of at least 60 hours; and

25 (6) has at least 3,000 hours of supervised experience in the practice of  
26 professional counseling performed over a period of at least two years under the  
27 supervision of a supervisor approved under AS 08.29.210, with at least 1,000 hours of  
28 direct counseling with individuals, couples, families, or groups and at least 100 hours  
29 of face-to-face supervision by a supervisor approved under AS 08.29.210 unless, under  
30 regulations of the board, the board allows the supervision to be by telephonic or  
31 electronic means because of the remote location of the counselor.

1 (b) The board may, in its regulations, specify the areas of study that must be  
2 covered in order to meet the educational requirements of (a) of this section.

3 **Sec. 08.29.120. Licensure by credential.** (a) Except as provided in (b) of  
4 this section, the board may issue a license under this chapter to a person who is  
5 licensed in another jurisdiction to practice professional counseling if the board finds  
6 that the other jurisdiction has substantially the same or higher licensure requirements  
7 as this state.

8 (b) The board may not license under this section a person who is under  
9 investigation in this or another jurisdiction for an act that would constitute a violation  
10 of this chapter until the investigation is complete and disciplinary sanctions, if any, are  
11 imposed.

12 **Sec. 08.29.130. Licensure of foreign-educated applicants.** The board may  
13 issue a license under this chapter to a person who has completed an educational  
14 program in a college or university in a foreign country if the applicant

15 (1) meets the requirements of AS 08.29.110 except for  
16 AS 08.29.110(a)(5); and

17 (2) demonstrates to the satisfaction of the board that the applicant's  
18 experience, command of the English language, and completed academic program meet  
19 the standards of a relevant academic program of an accredited educational institution  
20 in the United States.

21 **Sec. 08.29.140. License renewal.** Renewal of a license under this chapter may  
22 not be granted unless the licensee, within the 24 months immediately preceding the  
23 renewal date, has completed the continuing education requirements established by the  
24 board.

### 25 **Article 3. Miscellaneous Provisions.**

26 **Sec. 08.29.200. Confidentiality of communications.** (a) A person licensed  
27 under this chapter may not reveal to another person a communication made to the  
28 licensee by a client about a matter concerning which the client has employed the  
29 licensee in a professional capacity. This section does not apply to

30 (1) a communication to a potential victim, the family of a potential  
31 victim, law enforcement authorities, or other appropriate authorities concerning a clear

1 and immediate probability of physical harm to the client, other individuals, or society;

2 (2) a case conference or case consultation with other mental health  
3 professionals at which the patient is not identified;

4 (3) the release of information that the client in writing authorized the  
5 licensee to reveal;

6 (4) information released to the board during the investigation of a  
7 complaint or as part of a disciplinary or other proceeding; or

8 (5) situations where the rules of evidence applicable to the  
9 psychotherapist-patient privilege allow the release of the information.

10 (b) Notwithstanding (a) of this section, a person licensed under this chapter  
11 shall report incidents of

12 (1) child abuse or neglect as required by AS 47.17;

13 (2) harm or assaults suffered by an elderly person or disabled adult as  
14 required by AS 47.24.

15 (c) Information obtained by the board under (a)(4) of this section is  
16 confidential and is not a public record for purposes of AS 09.25.110 - 09.25.140.

17 **Sec. 08.29.210. Supervisor certification.** (a) The board shall approve and  
18 certify a person as an approved counselor supervisor for the purposes of this chapter  
19 if the person

20 (1) is licensed under this chapter as a professional counselor or is a  
21 licensed clinical social worker, licensed marital and family therapist, licensed  
22 psychologist, or licensed psychological associate;

23 (2) submits an application for certification and the appropriate fee;

24 (3) has five years of counseling experience;

25 (4) provides to the board for its approval or disapproval a statement  
26 that details the person's supervision philosophy, orientation, and experience; and

27 (5) meets other criteria that may be established by the board in  
28 regulations.

29 (b) Certification under (a) of this section remains in effect, without the need  
30 for renewal of the certification, until the person's licensure as a professional counselor  
31 is revoked, suspended, or otherwise lapses.

1           **Sec. 08.29.220. Disclosure statement.** A client may not be charged a fee for  
2 professional counseling services unless, before the performance of the services, the  
3 client was furnished a copy of a professional disclosure statement that contained

4                   (1) the name, title, business address, and business telephone number of  
5 the professional counselor;

6                   (2) a description of the formal professional education of the  
7 professional counselor, including the institutions attended and the degrees received  
8 from them;

9                   (3) the professional counselor's areas of specialization and the services  
10 available;

11                   (4) the professional counselor's fee schedule listed by type of service  
12 or hourly rate;

13                   (5) at the bottom of the first page of the statement, the following  
14 sentence: "This information is required by the Board of Professional Counselors which  
15 regulates all licensed professional counselors," followed by the name, address, and  
16 telephone number of the board's office.

17           **Sec. 08.29.230. Limitation of practice.** Notwithstanding that a specific act  
18 is within the definition of the "practice of professional counseling," a person licensed  
19 under this chapter may not perform the act if the person lacks appropriate education  
20 or training related to the act.

#### 21                                   **Article 4. General Provisions.**

22           **Sec. 08.29.400. Grounds for denial of license or for disciplinary sanctions.**  
23 The board may impose a disciplinary sanction under AS 08.01.075 on a person  
24 licensed under this chapter or deny a license to a person when the board finds that the  
25 person

26                   (1) is using or has used alcohol, drugs, or other substances to an extent  
27 that impairs the licensee's ability to engage in the practice of professional counseling;

28                   (2) has been convicted of a felony and has not been sufficiently  
29 rehabilitated to merit the public trust;

30                   (3) used fraud, deception, misrepresentation, or bribery in securing a  
31 license under this chapter or in obtaining permission to take an examination required

1 under this chapter;

2 (4) is incompetent or has committed misconduct, fraud,  
3 misrepresentation, or dishonesty in the performance of the functions of a licensed  
4 professional counselor;

5 (5) violated, or assisted another individual to violate, a provision of this  
6 chapter or a regulation adopted under this chapter;

7 (6) impersonated a person who holds a license under this chapter;

8 (7) has had a license to practice counseling revoked or suspended in  
9 another jurisdiction upon grounds for which the license issued under this chapter could  
10 be revoked or suspended; this paragraph does not apply to revocations or suspensions  
11 for failure to pay a renewal fee in another jurisdiction;

12 (8) assisted another person who is not licensed under this chapter in an  
13 attempt to represent the person to the public as a licensed professional counselor;

14 (9) was issued a license based on a material mistake of fact;

15 (10) used an advertisement or solicitation that is false, misleading, or  
16 deceptive to the general public or the person to whom the advertisement was primarily  
17 directed; or

18 (11) failed to respond within 30 days to a written communication from  
19 the board concerning an investigation by the board or failed to make available to the  
20 board a relevant record with respect to an investigation about the licensee's conduct  
21 or background.

22 **Sec. 08.29.490. Definitions.** In this chapter,

23 (1) "practice of professional counseling" means the appraisal and  
24 treatment of mental and emotional disorders that are referenced in the standard  
25 diagnostic nomenclature for individual, group, and organizational therapy, whether  
26 cognitive, affective, or behavioral, within the context of human relationships and  
27 systems; "practice of professional counseling" includes

28 (A) the professional application of appraisal techniques and  
29 treatments of therapeutic services to individuals and groups for the purpose of  
30 treating the emotional and mental disorders;

31 (B) an applied understanding of the dynamics of the individual

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

5 (2) "supervision" means supervision in which the supervisor is available  
6 to provide clinical oversight to the supervisee either in person or by a communication  
7 device.

8 \* Sec. 2. AS 08.01.050(d) is amended to read:

9 (d) At the request of one of the following boards, the department may contract  
10 with public agencies and private professional organizations to provide assistance and  
11 treatment to persons licensed by the board who abuse alcohol, other drugs, or other  
12 substances:

13 (1) Board of Clinical Social Work Examiners;

14 (2) Board of Dental Examiners;

15 (3) Board of Dispensing Opticians;

16 (4) State Medical Board;

17 (5) Board of Nursing;

18 (6) Board of Examiners in Optometry;

19 (7) Board of Pharmacy;

20 (8) State Physical Therapy and Occupational Therapy Board;

21 (9) Board of Professional Counselors;

22 (10) Board of Psychologist and Psychological Associate Examiners; and

23 (11) [(10)] Board of Veterinary Examiners.

24 \* Sec. 3. Rule 504(a)(3), Alaska Rules of Evidence, is amended to read:

25 (3) A psychotherapist is (A) a person authorized to practice medicine  
26 in any state or nation, or reasonably believed by the patient to be so, while engaged  
27 in the diagnosis or treatment of a mental or emotional condition, including alcohol or  
28 drug addiction, (B) a person licensed or certified as a psychologist or psychological  
29 examiner under the laws of any state or nation or reasonably believed by the patient  
30 so to be, while similarly engaged, [OR] (C) a person licensed as a marital or family  
31 therapist under the laws of a state or nation or reasonably believed by the patient so

1 to be, while similarly engaged, or (D) a person licensed as a professional counselor  
2 under the laws of a state or nation, or reasonably believed by the patient so to be,  
3 while similarly engaged.

4 \* Sec. 4. TRANSITIONAL PROVISION. Notwithstanding this Act, the Board of  
5 Professional Counselors shall issue a license under AS 08.29, enacted by sec. 1 of this Act,  
6 to an applicant who

7 (1) applies by December 31, 1999;

8 (2) submits documentation that the applicant holds a master's or doctorate  
9 degree in counseling or a related professional field;

10 (3) submits, on a form provided by the department, documentation from an  
11 employer, a supervisor, or a professional peer that the applicant has practiced professional  
12 counseling in the state for at least 24 months during the five years immediately preceding the  
13 date of application;

14 (4) meets the requirements of AS 08.29.110(a)(1) - (3), enacted by sec. 1 of  
15 this Act, and is not subject to denial of a license under AS 08.29.400, enacted by sec. 1 of this  
16 Act;

17 (5) submits two letters of recommendation from professional counselors who  
18 are familiar with the applicant's work; and

19 (6) pays the required fee.

20 \* Sec. 5. REGULATIONS; INITIAL BOARD MEMBERSHIP. (a) The Board of  
21 Professional Counselors established under sec. 1 of this Act may proceed to adopt regulations  
22 required to implement this Act, but the regulations may not take effect until the effective date  
23 of the bill section being implemented by the regulations.

24 (b) Notwithstanding AS 08.29.010(a), enacted by sec. 1 of this Act, a counselor  
25 appointed to the Board of Professional Counselors is not required to be a licensed professional  
26 counselor until March 1, 2000, but must, at the time of appointment, meet the requirements  
27 of AS 08.29.110(a)(1), (2), and (5).

28 \* Sec. 6. AS 08.29.010, enacted by sec. 1 of this Act, and sec. 5 of this Act take effect  
29 immediately under AS 01.10.070(c).

30 \* Sec. 7. Section 4 of this Act takes effect January 1, 1999.

31 \* Sec. 8. Except as provided in secs. 6 and 7 of this Act, this Act takes effect

1 March 1, 1999.

## Changes Present in CSSB 331( )

1. **Page 3, line 2:** The wording "*submits two letters of recommendation from professional counselors who are familiar with the applicant's practice of professional counseling,*" was added at the wish of the professional counselors and placed in that spot by Legislative Counsel.
2. **Page 3, line 12:** Language requiring professional counselors to submit a statement of professional intent was deleted and replaced with "*...is not under investigation in this or another jurisdiction for an act that would constitute a violation of this chapter.*" The language about investigations was moved from 08.29.400(3) to 08.29.110(3) at the suggestion of the Division of Occupational Licensing to better reflect the already existing Division procedure in dealing with license applicants. Separate language detailing the Division's procedures for license renewals (also included in the old 08.29.400(3)) was deleted because according to Legislative Counsel, the concept is covered in 08.29.400(5), "*...violated, or assisted another individual to violate, a provision of this chapter or a regulation adopted under this chapter.*"
3. **Page 4, line 21:** The "*Statement of Professional Intent*" section (formerly 08.29.140) was deleted at the suggestion of the Division of Occupational Licensing to eliminate situations where professional counselors would be judged for licensure based on subjective, not objective criteria. The language concerning statements of professional intent in the old 08.29.150(2) was also deleted.
4. **Page 6, line 11:** The word "*applicable*" was deleted from the fee schedule language in 08.29.220(4) at the suggestion of the Division of Occupational Licensing to again, eliminate situations where the board would be in a position to determine what fee schedule was "*applicable.*"
5. **Page 7, line 23:** The word "*diagnosis*" was replaced by the word "*appraisal*" at the request of the psychologists.
6. **Page 7, line 28:** The word "*assessments*" was replaced by the word "*appraisal techniques*" at the request of the psychologists.
7. **Page 7, line 29:** The word "*psychotherapeutic*" was shortened to "*therapeutic*" at the request of the psychologists.
8. **Page 7, line 30:** The word "*diagnosed*" was deleted at the request of the psychologists.
9. **Page 8, line 1:** The word "*psychotherapeutic*" was shortened to "*therapeutic*" at the request of the psychologists.
10. **Page 9, line 19:** Language requiring professional counselors to submit to the board a professional disclosure statement was deleted. The same information listed on the professional disclosure statement will be asked on the application.

# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105


## MEMORANDUM

March 7, 1998

**SUBJECT:** Professional Counselors (SB 331, version "B")

**TO:** Senator Gary Wilken  
Attn: Beth Hagevig

**FROM:** Terri Lauterbach  
Legislative Counsel



Enclosed is the blank CS you requested for SB 331. It has not been through the normal review process in our office because of the time constraints imposed for the committee hearing, so please be aware that there may be flaws that need correction later.

I moved the language about denying licenses to applicants with ongoing investigations to AS 08.29.110(a)(3) (where statements of professional intent used to be). As to license renewals, the regular procedures for revoking licenses after finding a violation of the chapter would come under AS 08.29.400(5), so I don't think anything about investigations is needed for renewal situations.

The new language about professional references starts on page 3, line 2. It didn't seem to me that it belonged in the list of paragraphs contained in subsection (a) because the lead-in language is "and presents evidence satisfactory to the board that the person..." One would not present evidence of submitting a reference; one would simply submit the reference itself.

I have retained the reference to "AS 08.29.110(a)(1) - (3)" contained in Sec. 4(4) even though the substance of AS 08.29.110(a)(3) has changed, because it seemed appropriate to do so. However, I was unsure whether or not to add a reference to AS 08.29.110(a)(3) at the end of sec. 5(b). Do you want a counselor to be able to sit on the board if the counselor is the subject of an ongoing investigation?

Please let me know if you need additional modifications in the draft.

TML:glc  
98-148.glc

Enclosure

# Alaska State Legislature



Senator Gary Wilken, Chairman  
Senator Loren Lemman, Vice Chairman  
Senator Lyda Green  
Senator Jerry Ward  
Senator Johnny Ellis

State Capitol  
Room 510  
Juneau, Alaska 99801  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

SB 331

An Act regulating licensed professional counselors; regulating use of the titles 'Licensed Professional Counselor' and 'Licensed Counselor'; amending Rule 504(a)(3), Alaska Rules of Evidence; and providing for an effective date.

### Sponsor Statement

The Licensed Professional Counselor bill establishes a board to license and regulate experienced Masters and Doctoral level professional counselors whose education and experience do not fall within the existing behavioral health specializations of Licensed Clinical Social Worker, Licensed Marriage and Family Therapist, Psychologist, or Psychological Associate.

This legislation is good for counselors and good for consumers. For counselors, the option to obtain a license in their field puts them on par with other professionals in the behavioral health field, and opens doors to employee assistance programs that currently require that service providers have a license to qualify for their program. Furthermore, the opportunity to obtain licensure in their field increases job security and enhances employment opportunities for professional counselors who wish to practice beyond the scope of a private practice. This bill does not bar professional counselors who are already practicing without a license and who wish to continue doing so, from continuing their practice within the State of Alaska.

SB 331 also benefits the Alaskan consumer by identifying competent counselors who have met standards of quality established by the Legislature and the board. It institutes grievance procedures and legal recourse for clients of Licensed Professional Counselors who believe they are victims of fraudulent, unethical or negligent practices. With employee assistance needs met, SB 331 has the potential to give consumers more choice in the selection of mental health service providers.

Currently 44 other states already license or certify professional counselors. There are over 48,000 Licensed Professional Counselors nationwide. Within Alaska there are hundreds of people who are eligible for this license. Because most individuals who are eligible for licensure are already working with clients who are appropriate under this license, licensing them should not significantly impact other licensed mental health professionals.

The fees that Licensed Professional Counselors pay will cover the cost of the board and licensing process.

A full sectional analysis is available from my office.

# Alaska State Legislature

Senator Gary Wilken, Chairman  
Senator Loren Leman, Vice Chairman  
Senator Lyda Green  
Senator Jerry Ward  
Senator Johnny Ellis



State Capitol  
Room 510  
Juneau, Alaska 99801  
(907) 465-3762

## Senate Committee on Health, Education and Social Services

### SB 331

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The fees that Licensed Professional Counselors pay will cover the cost of the board and licensing process.

**Section 1.** This section amends AS 08 by creating a chapter licensing professional counselors based on specific outlined criteria. It also specifies the general make-up, duties and prerogatives of the Board of Licensed Professional Counselors.

- **Page 1, line 8 through page 2, line 8 (Article 1)** establishes a five member board, with one public member who is unrelated to the field, at least one private sector member, and at least one public sector member.
- **Page 2, line 9 through 20 (Article 1)** outlines the duties of the board, consistent with language in AS 08.01, with the addition of duties that relate specifically to licensing professional counselors, supervisor criteria and certification, establishing continuing education requirements, and adopting a code of ethics.
- **Page 2, line 22 through 30 (Article 2)** specifies that this is a "title" restriction bill, not a "practice" restriction bill. This language prohibits the use of the titles "Licensed Professional Counselor" or "Licensed Counselor" by unlicensed counselors. Violation of this prohibition is a class B misdemeanor.
- **Page 2, line 31 through page 3, line 31 (Article 2)** outlines the qualifications needed to be a Licensed Professional Counselor.
- **Page 4, line 1 through 9 (Article 2)** gives the board the ability to license an individual from another state if that other state's licensing requirements are equal to or greater than those of Alaska.
- **Page 4, line 10 through 18 (Article 2)** gives the board the ability to license an applicant who is educated in a foreign country providing the individual meets the requirements listed in AS 08.29.110 (excepting AS 08.29.110(a)(5)),

has earned a degree that is equal to one earned through an accredited United States program, and speaks the English language.

- **Page 4, line 25 through 28 (Article 2)** requires that licenses be renewed every two years based on the completion of continuing education requirements as outlined by the board.
- **Page 5, line 2 through 23 (Article 3)** prohibits Licensed Professional Counselors from revealing to another person communications made to them by clients about a matter which the client has divulged to the counselor in a professional capacity. This section also lists exceptions where the standard practice of confidentiality of communications may not apply.
- **Page 5, line 24 through page 6, line 7 (Article 3)** allows the board to certify licensed mental health workers as supervisors for the purpose of supervising professional counselors who are seeking their 3,000 hours of supervised experience as mentioned in Section 08.29.110(6).
- **Page 6, line 8 through 22 (Article 3)** requires Licensed Professional Counselors supply each client with a disclosure statement including information listed in 1-5 of Sec. 08.29.220 before the performance of services and before the client may be charged a fee.
- **Page 6, line 23 through 26 (Article 3)** prohibits Licensed Professional Counselors from performing practices that are not covered within the scope of their training or education. This is true even if that practice is stated in the definition of the "practice of professional counseling."
- **Page, 6, line 28 through page 7, line 30 (Article 4)** provides grounds for denial of a license or for disciplinary sanctions by the board against a Licensed Professional Counselor or new applicant.
- **Page 7, line 31 through page 8, line 16 (Article 4)** defines the scope of "practice for professional counseling," and "supervision." The definition for "practice of professional counseling" is nearly identical to the definition for "practice of marital and family therapy" (AS 08.63.900(5)), substituting some terms including "professional counseling" for "marital and family therapy," and the client population being served.

**Section 2.** This section amends AS 08.01.050(d) to include the Board of Licensed Professional Counselors to the list of boards that can contract out for treatment of licensed people who abuse alcohol, drugs or other substances.

**Section 3.** This section amends Rule 504 to include Licensed Professional Counselors in Alaska's rules regarding confidentiality between client and therapist.

**Section 4.** Under this transitional provision, an individual who meets the following criteria may be "grandparented" into being a licensed professional counselor. The individual must meet all of the requirements listed Section 4.

**Section 5.** This section allows the board to establish regulations required in order to implement the licensing of professional counselors, providing those regulations will not take effect until the effective date of this bill. Board members appointed to the first board are not required to be licensed until March 1, 2000, but must meet the requirements of this chapter when they are appointed.

**Section 6.** This section creates the Board of Licensed Professional Counselors upon passage of this legislation.

**Section 7.** This section states that the "grandparenting" provision of this legislation will take effect on January 1, 1999.

**Section 8.** This section states that this legislation upon passage will take effect on March 1, 1999. This date does not apply to the dates listed in Sections 6 and 7.

## States Offering Licensure or Certification to Professional Counselors

State	1st Tier License/Certificate	2nd Tier License/Certificate	3rd Tier License/Certificate
Alabama	Certified Counselor Associate		
Arizona	Certified Counselor Associate		
Arkansas	Certified Counselor Associate		
California	Registered Marriage, Family & Child Counselor Intern		
Colorado	Licensed Professional Counselor		
Delaware	Licensed Associate Counselor of Mental Health	Licensed Professional Counselor of Mental Health	
District of Columbia	Licensed Professional Counselor		
Florida	Licensed Mental Health Counselor		
Georgia	Licensed Professional Counselor		
Idaho	Licensed Professional Counselor	Licensed Professional Counselor - Private Practice	
Illinois	Licensed Professional Counselor	Licensed Clinical Professional Counselor	
Indiana	Licensed Professional Counselor		
Iowa	Licensed Mental Health Counselor		
Kansas	Licensed Professional Counselor		
Kentucky	Certified Professional Counselor		
Louisiana	Licensed Professional Counselor		
Maine	Licensed Professional Counselor	Licensed Clinical Professional Counselor	
Maryland	Certified Professional Counselor		
Massachusetts	Licensed Mental Health Counselor		
Michigan	Licensed Professional Counselor		
Mississippi	Licensed Professional Counselor		
Missouri	Licensed Professional Counselor		
Montana	Licensed Clinical Professional Counselor		
Nebraska	Licensed Mental Health Practitioner	Certified Professional Counselor	Licensed Professional Counselor

## States Offering Licensure or Certification to Professional Counselors

State	1st Tier License/Certificate	2nd Tier License/Certificate	3rd Tier License/Certificate
New Hampshire	Certified Mental Health Counselor		
New Jersey	Licensed Associate Counselor	Licensed Professional Counselor	Clinical Mental Health Counselor
New Mexico	Registered Mental Health Counselor	Professional Mental Health Counselor	Professional Clinical Mental Health
North Carolina	Licensed Professional Counselor		
North Dakota	Licensed Associate Counselor	Licensed Professional Counselor	
Ohio	Licensed Professional Counselor	Licensed Clinical Professional Counselor	
Oklahoma	Licensed Professional Counselor		
Oregon	Licensed Professional Counselor		
Rhode Island	Licensed Counselor in Mental Health		
South Carolina	Licensed Associate Counselor	Licensed Professional Counselor	
South Dakota	Licensed Associate Counselor	Licensed Professional Counselor	Licensed Professional Counselor - Mental Health
Tennessee	Licensed Professional Counselor	Licensed Professional Counselor - Mental Health Service Provider	
Texas	Counselor Intern	Licensed Professional Counselor	
Utah	Licensed Professional Counselor		
Vermont	Licensed Clinical Mental Health Counselor		
Virginia	Licensed Professional Counselor		
Washington	Certified Mental Health Counselor		
West Virginia	Licensed Professional Counselor		
Wisconsin	Professional Counselor in Training	Certified Professional Counselor	
Wyoming	Licensed Professional Counselor		

### Jurisdictions Without Licensure

Alaska	Minnesota	Pennsylvania
Hawaii	Nevada	Puerto Rico
Guam	New York	Virgin Islands

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of ALASKA

A Branch of the American Counseling Association

P.O. Box 21163  
Juneau, Alaska 99801

March 5, 1998

Senator Gary Wilken, Chairman  
Health, Education, and Social Services Committee  
Room 510, Capital Building  
Juneau, Alaska 99801

Dear Senator Wilken:

I am writing on behalf of the American Counseling Association of Alaska in support of SB 331, Licensure of Professional Counselors. This bill is beneficial to Alaskans for a number of reasons. Some of the ways we would benefit are:

- > **Availability of licensed mental health providers who practice statewide, including rural and bush areas where often, no other licensed mental health providers are available.**
- > **Public assurance that Licensed Professional Counselors (LPC's) have met at least a minimum standard of education and experience.**
- > **Public protection in the form of a licensure board to whom complainants could register grievances and be assured that these concerns would be investigated and if found to be legitimate, action taken to remedy the situation or in some way censure or revoke the license of the offending counselors. (Note: the Board of Marriage and Family Therapy has expressed interest in working with Professional Counselors to develop a composite board for the purpose of efficiency and economy, so this would not necessitate the development of a completely separate, new board.**
- > **Greater opportunities for employment for graduates of the Alaska university system. Currently, graduates of some Master's level behavioral-health university programs are denied employment because they are not eligible for any of the other more specialty-oriented licenses. Others who are currently employed, are being denied opportunities for advancement due to a lack of licensure. Some have even been threatened with job loss for this reason. The changing world of managed care has increased this pressure on our behavioral-healthcare providers.**
- > **Licensed Professional Counselors have greater opportunities for mobility should they decide to move out-of-state. Forty-four other states have counselor licensure or credentialing. Alaska is one of six that do not. Many states have reciprocity, accepting licensure from other states having similar licensure requirements.**

These are just a few of the reasons why licensure for Professional Counselors makes sense for Alaskans. At present, there are approximately 600 counselors who would be eligible for this license. It is estimated that approximately 200 would seek licensure in the first year the bill is passed. **I urge you to support the passage of SB 133 for the benefit of Alaskans. Thank you!**

Sincerely,

Pamela L. Watts, M.Coun., N.C.C.  
President

March 1, 1998

Senator Gary Wilken  
Alaska State Legislature  
State Capitol, Room 510  
Juneau, AK 99801-1182

Dear Senator Wilken:

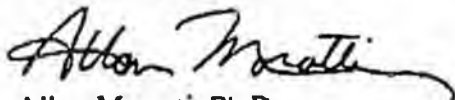
I am writing to you on behalf of the Executive Board of the Alaska School Counselor Association (ASCA). As the elected representatives of Alaska's largest counseling association, we wish to announce our support for your sponsorship of Senate Bill 331. Even though our primary focus is the advancement of school counseling in the state, we are keenly interested in all aspects of mental health services for Alaskans.

The majority of our membership is practicing school counselors who are well aware of the limited options for referring individual students and their families for counseling services outside of the educational setting. Often times, many of the families we work with do not have the financial means nor health insurance to pay for the professional services rendered by licensed psychologists and psychiatrists. We believe licensure of master's level counselors in Alaska will help to provide a wider breadth of mental health services to all regions of the state. In addition, it would ensure a minimum level of competency for practicing professional counselors thereby giving more protection to the consumer.

It is our opinion that passage of Senate Bill 331 will enhance the image of counseling throughout the state by recognizing the advanced level of training all master's level counselors possess, placing them on a par with professionals who possess similar levels of training and expertise (i.e., master level social workers, marriage and family therapists, and some psychological associates). Furthermore, since there are approximately 500 to 600 counselors in Alaska, Senate Bill 331 will facilitate the delivery of more mental health services to all areas of the state because licensure will allow counselors to practice in areas currently closed to them for lack of an occupational license. Such licensing allows an agency, and individuals in some cases, to receive payment from third party providers for services rendered by their mental health professionals.

In closing, I wish to reiterate our support for Senate Bill 331 and am available to speak on behalf of Executive Board if needed. On the adjoining page there is a listing of our Executive Board members and their addresses. Thank you for helping to bring high quality mental services to our state.

Respectfully yours,



Allan Morotti, Ph.D.  
Executive Board Member--Region 2  
Alaska School Counselor Association

## 1997-1998 ASCA Executive Board

<b>Shawnie Olson</b> President Region 6	Homer High School - Kenai Peninsula SD PO Box 2914, Homer, AK 99603 Email: <a href="mailto:solso@kpbsd.k12.ak.us">solso@kpbsd.k12.ak.us</a>	H - 235-8808 W - 235-8188 Fax - 235-8923
<b>Mike Burbridge</b> Past-President/Elementary Rep Region 4	Wonder Park Elementary - Anchorage SD PO Box 671790, Chugiak, AK 99587 Email: <a href="mailto:burbridge_mike@mmail.asd.k12.ak.us">burbridge_mike@mmail.asd.k12.ak.us</a>	H - 688-3438 W - 337-1589 Fax - 337-2046
<b>Paulette Schenck</b> Secretary Region 7	Sitka High School - Sitka School District 1000 Lake, Sitka, AK 99835 Email: <a href="mailto:schenckp@sbs.ssd.k12.ak.us">schenckp@sbs.ssd.k12.ak.us</a>	H - 747-5562 W - 747-3268 Fax - 747-3229
<b>Rob LiPuma</b> Treasurer/Career/Life Develop Region 3	Bristol Bay Native Association PO Box 672, Dillingham, AK 99576 Email: <a href="mailto:brll@aurora.alaska.edu">brll@aurora.alaska.edu</a>	H - 842-2295 W - 842-5257 Fax - 842-5932
<b>Jon Lillevik</b> Membership Region 6	Kenai Central High School - Kenai Peninsula SD 965 Cetecea, Kenai, AK 99611 Email: <a href="mailto:lillevik@alaska.net">lillevik@alaska.net</a>	H - 283-9472 W - 283-2110 Fax - 283-3230
<b>Dr. Allan Morotti</b> Newsletter/Research Region 2	University of Alaska-Fairbanks, School of Education 791 Goldstreak Street, Fairbanks, AK 99712 Email: <a href="mailto:flaam1@aurora.alaska.edu">flaam1@aurora.alaska.edu</a>	H - 457-4258 W - 474-8440 Fax - 474-5451
<b>Joni Simpson</b> Newsletter Region 2	Ryan Middle School - Fairbanks North Star Borough PO Box 84213, Fairbanks, AK 99708 Email: <a href="mailto:jsimpson@northstar.k12.ak.us">jsimpson@northstar.k12.ak.us</a>	H - 474-8116 W - 452-4751 Fax - 451-8834
<b>Susan Oesting</b> Scholarship/Secondary Rep Region 4	Diamond High School - Anchorage School District 7730 Honeysuckle Drive, Anchorage, AK 99502 Email: <a href="mailto:oesting_susan@mmail.asd.k12.ak.us">oesting_susan@mmail.asd.k12.ak.us</a>	H - 248-3146 W - 248-0315 Fax - 249-0350
<b>Sharon McMullen</b> State Network Representative Region 5	Colony Middle School - Matanuska-Susitna Borough PO Box 872715, Wasilla, AK 99687 Email: <a href="mailto:mcmullen@alaska.net">mcmullen@alaska.net</a>	H - 378-8187 W - 748-9555 Fax - 748-9559
<b>Cessilye Williams</b> Middle School Rep Region 4	Wendler Middle School - Anchorage School District 2905 Lake Otis Parkway, Anchorage, AK 99508 Email: <a href="mailto:williams_cessilye@mmail.asd.k12.ak.us">williams_cessilye@mmail.asd.k12.ak.us</a>	H - 522-2818 W - 277-3591 Fax - 272-3976
<b>Vanni Prichard</b> Ethics/Human Rights Region 1	Alak School - North Slope Borough School District PO Box 10, Wainwright, AK 99782 Email: <a href="mailto:vprichard@arctic.nhsd.k12.ak.us">vprichard@arctic.nhsd.k12.ak.us</a>	H - 783-3504 W - 783-2541 Fax - 783-2550
<b>Bally Donaldson</b> Web Page Coord/Public Rel Region 7	Dzantik 'I Heeni - Juneau Borough Schools 530 Park Street, Juneau, AK 99801 Email: <a href="mailto:ddonalds@ptialaska.net">ddonalds@ptialaska.net</a>	H - 588-5821 W - 483-1899 Fax - 588-5818
<b>Coney Danitz</b> Govern Relations/Public Policy Region 7	Depart of Education - Counseling Specialist 801 West 10 <sup>th</sup> St. - Suite 2000, Juneau, AK 99801 Email: <a href="mailto:cdanitz@educ.state.ak.us">cdanitz@educ.state.ak.us</a>	H - 588-2064 W - 485-8881 Fax - 485-2713
<b>Dr. Chris Jensen</b> Consultant	UAA - Department Head, School of Education 1919 Parkview Circle, Anchorage, AK 99501 Email: <a href="mailto:ascroj@uaa.alaska.edu">ascroj@uaa.alaska.edu</a>	H - 272-7890 W - 788-4418 Fax - 788-4444



March 6, 1998

The Honorable Gary Wilken  
Chairman  
Health, Education, and Social Services Committee  
Room 510 - State Capitol  
Juneau, AK 99801-1182

Dear Mr. Chairman:

I am writing to express the strong support of the American Counseling Association for S.B. 331, legislation that would establish licensure for professional counselors in the state of Alaska. This legislation is vitally important to the health, safety, and well-being of the people of Alaska.

**Licensure of the Counseling Profession is Essential to Protect Public Health and Safety**

Counselor licensure guarantees that individuals who offer counseling services to the public have the minimum education, training, and supervised experience necessary to provide effective assistance to persons in need of counseling.

The American Counseling Association began pursuing licensure legislation during the early 1970's after it became clear that public regulation was the only effective approach to protecting the public from unethical or unqualified individuals who hold themselves out to the public as "counselors". The American Counseling Association, like other professional organizations such as the American Psychological Association and the American Medical Association, does investigate consumer complaints against our members and takes disciplinary action against those who are found to have violated our code of ethics and standards of practice. It became clear in the early 1970's that this private mechanism was not sufficient to protect the public, both because it did not offer sufficiently timely relief and sanctions, and most importantly, because ACA had no authority to act on complaints against individuals who are not members of the association. Hence, public regulation was considered necessary, particularly since the damage that could be inflicted on a consumer by an unqualified or unethical counseling practitioner can be far greater than improper practices by other professions that are typically regulated by the state, such as accountants and security guards.

By establishing a licensure board that would be empowered to investigate and act on consumer complaints, S.B. 331 would provide consumers in Alaska with a direct and confidential means of obtaining redress when they are victimized by a counselor who acts improperly or unethically. Currently under Alaska law, the only way a consumer can act against an incompetent or unethical counselor is by filing a civil lawsuit. This avenue is not only expensive and time-consuming, it requires the consumer to surrender their privacy and make all of the intimate details of their discussions with the counselor public information.

The Honorable Gary Wilken

March 6, 1998

Page 2

I want to emphasize that consumers typically seek professional counseling in times of personal or family crisis; they may be too overwhelmed by events and emotions to carefully and closely evaluate the qualifications of individuals who present themselves as "professional counselors". By establishing minimum educational, clinical supervision, ethical, and other requirements for practice as a licensed professional counselor, S.B. 331 would prevent unscrupulous or incompetent individuals from preying upon Alaska residents in crisis.

The damage that can be inflicted by unscrupulous or untrained individuals who profess to be "counselors" is significant. Many of the problems and circumstances for which consumers seek counseling carry with them some risk that the individual will cause harm to themselves, family members, or others. Improper assessment of these risks and improper treatment can have severe consequences--the death of or injury to the consumer or other person. Counselor licensure guarantees that professional counselors offering their services to the public will have the minimum qualifications necessary to assess and treat individuals who are at risk of causing harm to themselves or others.

An untrained, unethical or incompetent counselor can cause great harm to the emotional and psychological well-being of an individual who seeks counseling. Consumers who seek counseling are highly vulnerable to the thoughts, feelings, actions, and interventions of the person they consult for assistance. Counselor licensure ensures that the professional counselors to whom Alaska residents turn for help are qualified to provide meaningful assistance and that their conduct is ethical and within the bounds of their expertise.

Consumers who seek counseling also expose deep personal concerns and information to their counselor. The improper use or disclosure of this information can have devastating psychological, social, and economic effects on an individual. By requiring licensed professional counselors to protect the confidentiality of client communications, S.B. 331 guarantees that this information will not be improperly disclosed.

#### **Counselor Licensure is Critical to Meeting the Mental Health Needs of Alaska Residents**

S.B. 331 will also expand the availability of quality, affordable mental health care to the people of Alaska.

The absence of state regulation of counseling in Alaska has shut many highly-trained professional counselors out of the health care marketplace, artificially limiting the supply of qualified mental health practitioners in the state. State licensure has become a prerequisite for obtaining third-party payment for services and participation in managed care panels. The American Counseling Association is not aware of a single health insurance or managed care plan in the nation that reimburses a professional counselor who is unlicensed. A license is also now needed to secure employment in most health-related institutions and community agencies. For example, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), one of the leading accreditation bodies for managed care plans, health care institutions, and other agencies, requires that all clinical professionals employed by the entity applying for accreditation be licensed and publicly regulated.

As a result, the supply of qualified mental health professionals available to Alaska residents has been artificially suppressed. Many highly-trained professional counselors in the state are not able to offer their services to the public except on a limited, out-of-pocket basis. This has reduced access to quality mental health care and inflated the cost of care in the state.

The Honorable Gary Wilken  
March 6, 1998  
Page 3

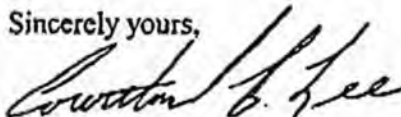
**Professional Counseling is Regulated in Most Jurisdictions in the United States**

Professional counselors are now licensed or certified by 44 other states, as well as by the District of Columbia. Licensure legislation is now pending in the legislatures of three other states. Enactment of counselor licensure seems likely in two of these states, New York and Pennsylvania, by end of 1998.

S.B. 331 is based on the general framework that these other states have used in regulating the profession. The educational and other requirements for licensure under S.B. 331 are comparable to those of other states that have enacted laws regulating the counseling profession.

I strongly urge you to support S.B. 331 and make Alaska the 45<sup>th</sup> state to regulate the counseling profession. The legislation is urgently needed to protect consumers from unscrupulous practitioners and to expand their access to ethical and highly-trained mental health professionals.

Sincerely yours,



Courtland C. Lee, Ph.D., NCC  
President  
American Counseling Association

# Briefing Paper

## Professional Counselors as Providers of Mental Health Care

Licensed professional counselors provide quality mental health and substance abuse care to millions of Americans and are recognized as an important provider of preventive behavioral health services and services in rural areas. Roughly 80% of managed behavioral health care companies either employ or contract with licensed professional counselors (*Business Insurance*, 1994), and counselors comprise a large percentage of the workforce employed in community mental health centers, agencies, and organizations.

The practice of professional counseling includes, but is not limited to, the diagnosis and treatment of mental and emotional disorders, including addictions; psychoeducational techniques aimed at the prevention of such disorders; consultation to individuals, couples, families, groups, and organizations; and research into more effective therapeutic treatment modalities. Counselors are trained in the provision of counseling and therapy, as well as the etiology of mental illness and substance abuse disorders.

### State Licensure Requirements

Over 80,000 professional counselors are licensed or certified in 44 states and the District of Columbia. Licensure requirements typically include:

**Education** 48 to 60 hours of graduate-level training, including a master's or doctoral degree in counseling from a regionally-accredited institution of higher education.

**Experience** completion of 3,000 hours of supervised clinical experience, performed within two years.

**Examination** passage of the National Counselor Examination (NCE) or a similar state-developed exam.

**Ethics** adherence to a strict Code of Ethics in professional practice.

In states without licensure or certification laws, professional counselors may be certified by the National Board for Certified Counselors (NBCC).

### Severity of Illnesses Treated by Mental Health Professionals

<i>Discipline</i>	<i>Chronically and Persistently Mentally Ill</i>	<i>Moderate to Severely Impaired (DSM-IV)</i>	<i>Life, Stress and Coping Problems</i>
Professional Counselors	11%	36%	40%
Psychiatrists	29%	40%	30%
Psychologists	11%	36%	29%
Social Workers	9%	41%	35%
Marriage and Family Therapists	12%	36%	39%

### Services Offered by Mental Health Professionals

<i>Services</i>	<i>All Therapists</i>	<i>Professional Counselors</i>	<i>Psychiatrists</i>	<i>Psychologists</i>	<i>Social Workers</i>	<i>Marriage and Family Therapists</i>
Individual Therapy	93%	96%	95%	94%	97%	98%
Group Therapy	28%	49%	13%	24%	35%	36%
Bilingual/Bicultural	9%	10%	1%	10%	8%	14%
Child/adolescent therapy	58%	63%	40%	60%	60%	64%
Substance abuse treatment	30%	29%	29%	31%	28%	37%
Psychological testing	29%	10%	1%	61%	0%	14%

### Duration of Treatment

<i>Number of Sessions</i>	<i>All Therapists</i>	<i>Professional Counselors</i>	<i>Psychiatrists</i>	<i>Psychologists</i>	<i>Social Workers</i>	<i>Marriage and Family Therapists</i>
0-3 sessions	2.8%	9%	3%	4%	2%	1%
4-6 sessions	10%	18%	6%	7%	11%	5%
7-10 sessions	28%	34%	22%	23%	32%	33%
11-15 sessions	29%	17%	27%	22%	20%	32%
15+ sessions	34%	26%	37%	40%	34%	24%

### Clients Treated by Mental Health Professionals

<i>Discipline</i>	<i>% of caseload at or below poverty level</i>	<i>% of clients who are white</i>	<i>% of clients who are African-American</i>	<i>% of clients who are Asian</i>	<i>% of clients who are Hispanic</i>
Professional Counselors	15%	78%	7%	1.4%	10%
Psychiatrists	7%	86%	6%	2.0%	4%
Psychologists	9%	78%	7%	2.0%	6%
Social Workers	9%	83%	11%	2%	4%
Marriage/Family Therapists	8%	83%	11%	2%	4%

*Source: National survey of mental health professionals in full- or part-time private practice conducted by Practice Strategies, December 1997.*

ANNE L. HENRY, M.A., C.H.T.  
5750 Glacier Hwy., Bldg. D, Rm. 12, Box 10  
Juneau, AK 99801  
Telephone: (907) 780-6345

March 6, 1998

Dear Senator Wilken,

I am writing to you to urge your strong support of SB331. This letter is about my experience as an Alaskan Professional. I am a professional counselor with a private practice in Juneau. I hold a Masters Degree in Applied Behavioral Science, with a counseling emphasis. I graduated from an accredited university. I have been practicing in Juneau since 1992. And, I enjoy an good reputation among my colleagues and clients.

The amount of education required for my degree is equivalent to that required for a Licensed Clinical Social Worker, for a Licensed Marriage and Family Therapist, and for a Licensed Psychological Associate. We all do much the same work. The main differences between the licensed mental health groups in Alaska are the populations with which they work, and the emphasis of their educations.

My educational background does not permit me to apply for any of the mental health licenses offered in the State of Alaska. However, it does qualify me in 44 other states who recognize some form of license for Professional Counselors. Alaskans seek out and use my services, and those of my fellow unlicensed professional counselors, but clients must generally pay out of pocket.

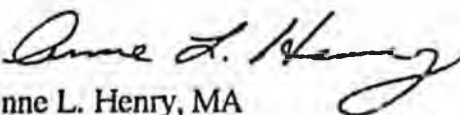
I frequently get calls from people outside who represent Employee Assistance Programs for workers here in Alaska. I get called because someone has recommended me. I recently got a call asking me if I was willing to become a Preferred Provider and do counseling for the employees at Costco. I said yes, that I had worked with a few of those folks in the past. The caller asked if I was licensed and I said "No". He then asked me if I could refer him to a counselor who was licensed because they could not work with me. This scenario happens frequently, while many of my licensed colleagues have lists of people having to wait to get in. This is a burden on the therapist, but worse, it is a hardship to Alaskans who need help.

The other side of the story is all of the Alaskan's who call asking about counseling with me and must be told that they will have to pay for service to work with me because I am not a "Preferred Provider" with their EAP. Then I refer them to some other equally educated and equally experienced licensed counselor's waiting list.

There is inequity here that hurts me as an individual along with many other Alaskan professional providers of mental health services. But, most importantly, it hurts even more Alaskans who need and want the services of Professional Counselors.

This is a relatively simple "housekeeping" bill that is a good for Alaska and Alaskans.

Thank you, and I again urge strong support of this bill.

  
Anne L. Henry, MA

March 5, 1998

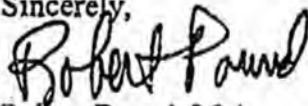
Dear Senator Wilken,

This letter is written in Support of Senate Bill 331 which provides for the licensing of Professional Counselors. I have been a resident of the State of Alaska for six years, and I have a Masters Degree in Counseling. Previous to living in Alaska, I lived in Colorado, where I was licensed as a Professional Counselor and experienced the benefits of this license as a professional and observed the positive impact it had on consumers in that state.

The bill we are requesting here in Alaska is very similar to the one there. I can remember the relief on the faces of clients when they were given copies of statements of my experience and education that were required by the bill. They also felt safer with the knowledge that they had a set channel provided for them if they felt that their treatment was in any way harmful to them. It also provided me access to jobs that I would not have been able to get if I had not had a license.

I strongly urge your support of this bill and the positive effect it will have on the efforts of this state to provide treatment for people with mental health problems.

Sincerely,



Robert Pound M.A.  
3725 Spinnaker Drive  
Anchorage, Alaska 99516

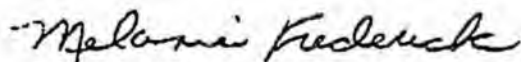
2/6/98

Dear Senator Wilken,

I am writing this letter in support of Senate Bill 331, which provides for the licensing of Professional Counselors. As a Licensed Social Worker and the Vice President of the Alaska Chapter of the National Association of Social Workers, I have had the privilege of knowing many people with Masters Degrees who do not fit in any of the present licensing categories. Many of these are highly skilled and have the ability to provide quality services to people in need of counseling. This bill would provide recognition and the chance to provide services in a wider array of treatment options. Also, with managed care coming to Alaska, it would provide more Alaskans with access to positions that they would not otherwise have access to without a license.

Another important aspect of this bill would be a means to ensure that clients have recourse to a grievance procedure in the event that they feel they have received less than the best care possible. Providing consumers with a greater number of options for services will allow them to access the care they want to receive.

Sincerely,



Melanie Frederick LCSW

Vice President

Alaska Chapter of the National Association of Social Workers.

4020 Folker St.

Anchorage, Alaska 99508

March 8, 1998

Senator Gary Wilken  
119 N. Cushman, Suite 213  
Fairbanks, AK 99709

Dear Senator Wilken,

I urge your support for SB331, a bill which will provide for the licensing of Professional Counselors. There are many professionals in the state, like myself, who have advanced degrees and considerable experience but do not fit into existing licensing tracks for Social Workers and Psychologists. With the approach of managed care, licensing and credentialing is taking on heightened importance. Licensing Professional Counselors will improve access to mental health care for the residents of this state.

Sincerely,



Jim McLaughlin, M.Ed.

Author: MEarly@envircon.state.ak.us (Early, Marti) at CC2MHS1

Date: 2/24/98 10:34 AM

Priority: Normal

TO: Beth Hagevig at LAA\_CAP

Subject: licensing counselors

Dear Ms. Hagevig,

I am writing you to let you know about difficulties I have had in using unlicensed counselors. I have used four different counselors over about 5 years, all unlicensed, and during those times I had different health insurance carriers.

I chose the counselors because of their personal skills and areas of expertise, not because of their licensure. Since Juneau is a small town and I happen to know or know something about many of the counselors, my relationship and associations, or lack of, with them was a big factor. I was in crisis and wanted to make sure I would go to someone who could truly help me, maintain confidentiality, have an understanding of my situation, but not know me too well.

The first time I went to counseling I was unable to get insurance for my visits. This caused me to go less frequently than I otherwise would have. I was fortunate enough to have the money to go for a reasonable amount of time. I don't know what people do who don't have the money. The second time was a group setting, let by two unlicensed counselors, also unpaid for by my insurance. Again, I was quite fortunate to be able to pay for the sessions myself.

The most recent times I have gone I have had the state's health care coverage, with their list of favorites. I have yet to see whether the visits to the counselor I went to, who is not licensed, will be reimbursed. I went to a doctor first, and the counseling visits were under his supervision.

The counsellors I went to over the years have been well-trained and quite helpful, and I see no reason to exclude practitioners with Masters degrees from licensing.

Marti Early  
586-5975