

**State of Alaska
Department of Commerce, Community &
Economic Development Division of Corporations,
Business, and Professional Licensing**

**Board of Psychologists & Psychological Associate
Examiners**



Public Meeting Packet

**BOARD MEETING
AUGUST 17-18, 2023
VIA ZOOM**



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Chapter 39.52. ALASKA EXECUTIVE BRANCH ETHICS ACT

Article 01. DECLARATIONS

Sec. 39.52.010. Declaration of policy.

(a) It is declared that

(1) high moral and ethical standards among public officers in the executive branch are essential to assure the trust, respect, and confidence of the people of this state;

(2) a code of ethics for the guidance of public officers will

(A) discourage those officers from acting upon personal or financial interests in the performance of their public responsibilities;

(B) improve standards of public service; and

(C) promote and strengthen the faith and confidence of the people of this state in their public officers;

(3) holding public office or employment is a public trust and that as one safeguard of that trust, the people require public officers to adhere to a code of ethics;

(4) a fair and open government requires that executive branch public officers conduct the public's business in a manner that preserves the integrity of the governmental process and avoids conflicts of interest;

(5) in order for the rules governing conduct to be respected both during and after leaving public service, the code of ethics must be administered fairly without bias or favoritism;

(6) no code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment; and

(7) compliance with a code of ethics is an individual responsibility; thus all who serve the state have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates.

(b) The legislature declares that it is the policy of the state, when a public employee is appointed to serve on a state board or commission, that the holding of such offices does not constitute the holding of incompatible offices unless expressly prohibited by the Alaska Constitution, this chapter and any opinions or decisions rendered under it, or another statute.

Article 02. CODE OF ETHICS

Sec. 39.52.110. Scope of code.

(a) The legislature reaffirms that each public officer holds office as a public trust, and any effort to benefit a personal or financial interest through official action is a violation of that trust. In addition, the legislature finds that, so long as it does not interfere with the full and faithful discharge of an officer's public duties and responsibilities, this chapter does not prevent an officer from following other independent pursuits. The legislature further recognizes that

(1) in a representative democracy, the representatives are drawn from society and, therefore, cannot and should not be without personal and financial interests in the decisions and policies of government;

- (2) people who serve as public officers retain their rights to interests of a personal or financial nature; and
 - (3) standards of ethical conduct for members of the executive branch need to distinguish between those minor and inconsequential conflicts that are unavoidable in a free society, and those conflicts of interests that are substantial and material.
- (b) Unethical conduct is prohibited, but there is no substantial impropriety if, as to a specific matter, a public officer's
- (1) personal or financial interest in the matter is insignificant, or of a type that is possessed generally by the public or a large class of persons to which the public officer belongs; or
 - (2) action or influence would have insignificant or conjectural effect on the matter.
- (c) The attorney general, designated supervisors, hearing officers, and the personnel board must be guided by this section when issuing opinions and reaching decisions.
- (d) Stock or other ownership interest in a business is presumed insignificant if the value of the stock or other ownership interest, including an option to purchase an ownership interest, is less than \$5,000.

Sec. 39.52.120. Misuse of official position.

- (a) A public officer may not use, or attempt to use, an official position for personal gain, and may not intentionally secure or grant unwarranted benefits or treatment for any person.
- (b) A public officer may not
- (1) seek other employment or contracts through the use or attempted use of official position;
 - (2) accept, receive, or solicit compensation for the performance of official duties or responsibilities from a person other than the state;
 - (3) use state time, property, equipment, or other facilities to benefit personal or financial interests;
 - (4) take or withhold official action in order to affect a matter in which the public officer has a personal or financial interest;
 - (5) attempt to benefit a personal or financial interest through coercion of a subordinate or require another public officer to perform services for the private benefit of the public officer at any time; or
 - (6) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for partisan political purposes; this paragraph does not prohibit use of the governor's residence for meetings to discuss political strategy and does not prohibit use of state aircraft or the communications equipment in the governor's residence so long as there is no charge to the state for the use; in this paragraph, "for partisan political purposes"
- (A) means having the intent to differentially benefit or harm a
- (i) candidate or potential candidate for elective office; or
 - (ii) political party or group;
- (B) but does not include having the intent to benefit the public interest at large through the normal performance of official duties.
- (c) In addition to other provisions of this section, a public officer who is a member of the Board of Fisheries or the Board of Game may not act on a matter before the board if the public officer has not disclosed in the manner set out in AS 39.52.220 all personal or financial interests in a business or organization relating to fish or game resources.
- (d) In this section, when determining whether a public officer is considered to be performing a task on government time, the attorney general and personnel board shall consider the public officer's work schedule as set by the public officer's immediate supervisor, if any. A public officer other than the governor and lieutenant governor who, during the work days, engages in political campaign activities other than minor, inconsequential, and unavoidable campaign activities shall take approved leave for the period of campaigning.
- (e) Except for supplying information requested by the hearing officer or the entity with authority to make the final decision in the case, or when responding to contacts initiated by the hearing officer or the individual, board, or commission with authority to make the final decision in the case, a public officer may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer or individual, board, or commission with authority to make the final decision in the case assigned to the hearing officer unless the

(1) contact is made in the presence of all parties to the hearing or the parties' representatives and the contact is made a part of the record; or

(2) fact and substance of the contact is promptly disclosed by the public officer to all parties to the hearing and the contact is made a part of the record.

(f) Use of state aircraft for partisan political purposes is permitted under (b) of this section only when the use is collateral or incidental to the normal performance of official duties and does not exceed 10 percent of the total of the use of the aircraft for official purposes and partisan political purposes, combined, on a single trip. A public officer who authorizes or makes any partisan political use of a state aircraft under (b) of this section shall disclose the authorization and use under AS 39.52.210 or 39.52.220 for each trip, and the person who uses the aircraft shall reimburse the state for the proportionate share of the actual cost of the use.

Sec. 39.52.130. Improper gifts.

(a) A public officer may not solicit, accept, or receive, directly or indirectly, a gift, whether in the form of money, service, loan, travel, entertainment, hospitality, employment, promise, or in any other form, that is a benefit to the officer's personal or financial interests, under circumstances in which it could reasonably be inferred that the gift is intended to influence the performance of official duties, actions, or judgment. A gift from a person required to register as a lobbyist under AS 24.45.041 to a public officer or a public officer's immediate family member is presumed to be intended to influence the performance of official duties, actions, or judgment unless the giver is an immediate family member of the person receiving the gift.

(b) Notice of the receipt by a public officer of a gift with a value in excess of \$150, including the name of the giver and a description of the gift and its approximate value, must be provided to the designated supervisor within 30 days after the date of its receipt

(1) if the public officer may take or withhold official action that affects the giver; or

(2) if the gift is connected to the public officer's governmental status.

(c) In accordance with AS 39.52.240, a designated supervisor may request guidance from the attorney general concerning whether acceptance of a particular gift is prohibited.

(d) The restrictions relating to gifts imposed by this section do not apply to a campaign contribution to a candidate for elective office if the contribution complies with laws and regulations governing elections and campaign disclosure.

(e) A public officer who, on behalf of the state, accepts a gift from another government or from an official of another government shall, within 60 days after its receipt, notify the Office of the Governor in writing. The Office of the Governor shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.

(f) A public officer who knows or reasonably ought to know that a family member has received a gift because of the family member's connection with the public office held by the public officer shall report the receipt of the gift by the family member to the public officer's designated supervisor if the gift would have to be reported under this section if it had been received by the public officer or if receipt of the gift by a public officer would be prohibited under this section.

Sec. 39.52.140. Improper use or disclosure of information.

(a) A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated to the public.

(b) A current or former public officer may not disclose or use, without appropriate authorization, information acquired in the course of official duties that is confidential by law.

Sec. 39.52.150. Improper influence in state grants, contracts, leases, or loans.

(a) A public officer, or an immediate family member, may not attempt to acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects the award, execution, or administration of the state grant, contract, lease, or loan.

(b) The prohibition in (a) of this section does not apply to a state grant, contract, or lease competitively solicited unless the officer

- (1) is employed by the administrative unit awarding the grant, contract, or lease or is employed by the administrative unit for which the grant, contract, or lease is let; or
- (2) takes official action with respect to the award, execution, or administration of the grant, contract, or lease.
- (c) The prohibition in (a) of this section does not apply to a state loan if
 - (1) the public officer does not take or withhold official action that affects the award, execution, or administration of the loan held by the officer, or an immediate family member;
 - (2) the loan is generally available to members of the public; and
 - (3) the loan is subject to fixed eligibility standards.
- (d) A public officer shall report in writing to the designated supervisor a personal or financial interest held by the officer, or an immediate family member, in a state grant, contract, lease, or loan that is awarded, executed, or administered by the agency the officer serves.

Sec. 39.52.160. Improper representation.

- (a) A public officer may not represent, advise, or assist a person in any matter pending before the administrative unit that the officer serves, if the representation, advice, or assistance is
 - (1) for compensation, unless the representation, advice, assistance, and compensation are required by statute, regulation, or court rule, or is otherwise customary; or
 - (2) without compensation, but rendered to benefit a personal or financial interest of the public officer.
- (b) This section does not prohibit activities related to collective bargaining.
- (c) This section does not preclude a nonsalaried member of a board or commission from representing, advising, or assisting in any matter in which the member has a personal or financial interest regulated by the board or commission on which the member serves, except that the member must act in accordance with AS 39.52.220.

Sec. 39.52.170. Outside employment restricted.

- (a) A public employee may not render services to benefit a personal or financial interest or engage in or accept employment outside the agency which the employee serves, if the outside employment or service is incompatible or in conflict with the proper discharge of official duties.
- (b) A public employee rendering services for compensation, or engaging in employment outside the employee's agency, shall report by July 1 of each year the outside services or employment to the employee's designated supervisor. During the year, any change in an employee's outside service or employment activity must be reported to the designated supervisor as it occurs.
- (c) The head of a principal executive department of the state may not accept employment for compensation outside the agency that the executive head serves.

Sec. 39.52.180. Restrictions on employment after leaving state service.

- (a) A public officer who leaves state service may not, for two years after leaving state service, represent, advise, or assist a person for compensation regarding a matter that was under consideration by the administrative unit served by that public officer, and in which the officer participated personally and substantially through the exercise of official action. For the purposes of this subsection, "matter" includes a case, proceeding, application, contract, determination, proposal or consideration of a legislative bill, a resolution, a constitutional amendment, or other legislative measure, or proposal, consideration, or adoption of an administrative regulation.
- (b) This section does not prohibit an agency from contracting with a former public officer to act on a matter on behalf of the state.
- (c) The head of an agency may waive application of (a) of this section after determining that representation by a former public officer is not adverse to the public interest. The waiver must be in writing and a copy of the waiver must be provided to the attorney general for approval or disapproval.
- (d) An individual who formerly held a position listed in this subsection may not engage in activity as a lobbyist under AS 24.45 for a period of one year after leaving that position. This subsection does not prohibit service as a volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission. This subsection applies to the position of
 - (1) governor;

- (2) lieutenant governor;
- (3) head or deputy head of a principal department in the executive branch;
- (4) director of a division or legislative liaison within a principal department in the executive branch;
- (5) legislative liaison, administrative assistant or other employee of the Office of the Governor or Office of the Lieutenant Governor in a policy-making position;
- (6) member of a state board or commission that has the authority to adopt regulations, other than a board or commission named in AS 08.01.010;
- (7) member of a governing board and executive officer of a state public corporation.

(e) A former head of a principal department in the executive branch may not, for a period of one year after leaving service as the head of that department, serve on the governing board of a company, organization, or other entity that was regulated by that department or with which the former department head worked as part of an official duty as the department head. A former employee of the Office of the Governor in a policy-making position may not, for a period of one year after leaving employment in that office, serve on the governing board of a company, organization, or other entity with which the former employee worked as part of an official duty for the Office of the Governor.

(f) In this section, "employee of the Office of the Governor in a policy-making position" means a person who is an employee required, because of the person's position in the Office of the Governor, to file a statement under AS 39.50.020.

Sec. 39.52.190. Aiding a violation prohibited.

It is a violation of this chapter for a public officer to knowingly aid another public officer in a violation of this chapter.

Article 03. DISCLOSURE AND ACTION TO PREVENT VIOLATIONS

Sec. 39.52.210. Declaration of potential violations by public employees.

(a) A public employee who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall

(1) refrain from taking any official action relating to the matter until a determination is made under this section; and

(2) immediately disclose the matter in writing to the designated supervisor and the attorney general.

(b) A public employee's designated supervisor shall make a written determination whether an employee's involvement violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the public employee and to the attorney general. If the supervisor determines that a violation could exist or will occur, the supervisor shall,

(1) reassign duties to cure the employee's potential violation, if feasible; or

(2) direct the divestiture or removal by the employee of the personal or financial interests that give rise to the potential violation.

(c) A designated supervisor may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a public employee is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.220. Declaration of potential violations by members of boards or commissions.

(a) A member of a board or commission who is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190 shall disclose the matter on the public record and in writing to the designated supervisor and to the attorney general. The supervisor shall determine whether the member's involvement violates AS 39.52.110 - 39.52.190 and shall provide a copy of the written determination to the board or commission member and to the attorney general. If a member of the board or commission objects to the ruling of the supervisor, or if the supervisor discloses an involvement requiring a determination, the members present at a meeting, excluding the involved member, shall vote on the matter. If the supervisor or a majority of the members voting determine that a violation will exist if the member continues to participate, the member

shall refrain from voting, deliberating, or participating in the matter.

(b) The designated supervisor or the board or commission may request guidance from the attorney general, in accordance with AS 39.52.240, when determining whether a member of a board or commission is involved in a matter that may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.225. Disclosures in connection with executive clemency.

Before granting executive clemency to an applicant for executive clemency, the governor shall disclose in writing to the attorney general whether granting the clemency would benefit a personal or financial interest of the governor. The attorney general shall publish a written determination whether granting executive clemency to the applicant would violate AS 39.52.110-39.52.190. The written determination of the attorney general is not confidential, but information set out in that determination identifying a person, other than the applicant for clemency, who is a victim or witness in a criminal matter may not be made public.

Sec. 39.52.230. Reporting of potential violations.

A person may report to a public officer's designated supervisor, under oath and in writing, a potential violation of AS 39.52.110 - 39.52.190 by the public officer. The supervisor shall provide a copy of the report to the officer who is the subject of the report and to the attorney general, and shall review the report to determine whether a violation may exist. The supervisor shall act in accordance with AS 39.52.210 or 39.52.220 if the supervisor determines that the matter may result in a violation of AS 39.52.110 - 39.52.190.

Sec. 39.52.240. Advisory opinions.

(a) Upon the written request of a designated supervisor or a board or commission, the attorney general shall issue opinions interpreting this chapter. The requester must supply any additional information requested by the attorney general in order to issue the opinion. Within 60 days after receiving a complete request, the attorney general shall issue an advisory opinion on the question.

(b) The attorney general may offer oral advice if delay would cause substantial inconvenience or detriment to the requesting party.

(c) The designated supervisor or a board or commission shall make a written determination based on the advice of the attorney general. If the advice of the attorney general provides more than one way for a public officer to avoid or correct a problem found under AS 39.52.110 - 39.52.190, the designated supervisor or the board or commission shall, after consultation with the officer, determine the alternative that is most appropriate and advise the officer of any action required of the officer to avoid or correct the problem.

(d) A public officer is not liable under this chapter for any action carried out in accordance with a determination made under AS 39.52.210 - 39.52.240 if the officer fully disclosed all relevant facts reasonably necessary to the determination.

(e) The attorney general may reconsider, revoke, or modify an advisory opinion at any time, including upon a showing that material facts were omitted or misstated in the request for the opinion.

(f) A person may rely on an advisory opinion that is currently in effect.

(g) A request for advice made under (a) of this section is confidential.

(h) The attorney general shall post on the Alaska Online Public Notice System (AS 44.62.175), with sufficient deletions to prevent disclosure of the persons whose identities are confidential under (g) of this section, the advisory opinions issued under this section that the attorney general determines to be of major import because of their general applicability to executive branch officers.

Sec. 39.52.250. Advice to former public officers.

(a) A former public officer may request, in writing, an opinion from the attorney general interpreting this chapter. The attorney general shall give advice in accordance with AS 39.52.240(a) or (b) and publish opinions in accordance with AS 39.52.240(h).

(b) A former public officer is not liable under this chapter for any action carried out in accordance with the advice of the attorney general issued under this section, if the public officer fully disclosed all relevant facts reasonably necessary to the issuance of the advice.

Sec. 39.52.260. Designated supervisor's report and attorney general review.

(a) A designated supervisor shall quarterly submit a report to the attorney general which states the facts,

circumstances, and disposition of any disclosure made under AS 39.52.210 - 39.52.240.

(b) The attorney general shall review determinations reported under this section. The attorney general may request additional information from a supervisor concerning a specific disclosure and its disposition.

(c) The report prepared under this section is confidential and not available for public inspection unless formal proceedings under AS 39.52.350 are initiated based on the report. If formal proceedings are initiated, the relevant portions of the report are public documents open to inspection. The attorney general shall, however, make available to the public a summary of the reports received under this section, with sufficient deletions to prevent disclosure of a person's identity.

(d) The attorney general shall submit to the personnel board a copy of the quarterly reports received from designated supervisors under (a) of this section together with a report on the attorney general's review conducted under (b) of this section.

Sec. 39.52.270. Disclosure statements.

(a) A public officer required to file a disclosure statement under this chapter shall meet the requirements of this subsection in making the disclosure. When the public officer files a disclosure statement under this chapter, the public officer signing the disclosure shall certify that, to the best of the public officer's knowledge, the statement is true, correct, and complete. The disclosure must state that, in addition to any other penalty or punishment that may apply, a person who submits a false statement that the person does not believe to be true is punishable under AS 11.56.200 - 11.56.240.

(b) A designated supervisor who receives a disclosure statement under AS 39.52.110 - 39.52.220 shall review it. If the designated supervisor believes that there is a possibility that the activity or situation reported in a disclosure statement filed under AS 39.52.110 - 39.52.190 may result in a violation of this chapter, the designated supervisor shall take appropriate steps under AS 39.52.210 - 39.52.240. Failure of the designated supervisor to proceed under AS 39.52.210 - 39.52.240 does not relieve the public officer of the public officer's obligations under those statutes.

(c) In this section, "disclosure statement" means a report or written notice filed under AS 39.52.110 - 39.52.220.

Article 04. COMPLAINTS; HEARING PROCEDURES

Sec. 39.52.310. Complaints.

(a) The attorney general may initiate a complaint, or elect to treat as a complaint, any matter disclosed under AS 39.52.210, 39.52.220, 39.52.250, or 39.52.260. The attorney general may not, during a campaign period, initiate a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for election to state office.

(b) A person may file a complaint with the attorney general regarding the conduct of a current or former public officer. A complaint must be in writing, be signed under oath, and contain a clear statement of the details of the alleged violation.

(c) If a complaint alleges a violation of AS 39.52.110 - 39.52.190 by the governor, lieutenant governor, or the attorney general, the matter shall be referred to the personnel board. The personnel board shall return a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for election to state office as provided in (j) of this section if the complaint is initiated during a campaign period. The personnel board shall retain independent counsel who shall act in the place of the attorney general under (d) - (i) of this section, AS 39.52.320 - 39.52.350, and 39.52.360(c) and (d). Notwithstanding AS 36.30.015(d), the personnel board may contract for or hire independent counsel under this subsection without notifying or securing the approval of the Department of Law.

(d) The attorney general shall review each complaint filed, to determine whether it is properly completed and contains allegations which, if true, would constitute conduct in violation of this chapter. The attorney general may require the complainant to provide additional information before accepting the complaint. If the attorney general determines that the allegations in the complaint do not warrant an investigation, the attorney general shall dismiss the complaint with notice to the complainant and the subject of the complaint.

(e) The attorney general may refer a complaint to the subject's designated supervisor for resolution under AS 39.52.210 or 39.52.220.

(f) If the attorney general accepts a complaint for investigation, the attorney general shall serve a copy of the complaint upon the subject of the complaint, for a response. The attorney general may require the subject to provide, within 20 days after service, full and fair disclosure in writing of all facts and circumstances pertaining to the alleged violation. Misrepresentation of a material fact in a response to the attorney general

is a violation of this chapter. Failure to answer within the prescribed time, or within any additional time period that may be granted in writing by the attorney general, may be considered an admission of the allegations in the complaint.

(g) If a complaint is accepted under (f) of this section, the attorney general shall investigate to determine whether a violation of this chapter has occurred. At any stage of an investigation or review, the attorney general may issue a subpoena under AS 39.52.380.

(h) A violation of this chapter may be investigated within two years after discovery of the alleged violation.

(i) The unwillingness of a complainant to assist in an investigation, the withdrawal of a complaint, or restitution by the subject of the complaint may, but need not in and of itself, justify termination of an investigation or proceeding.

(j) The personnel board shall return a complaint concerning the conduct of the governor or lieutenant governor who is a candidate for state office received during a campaign period to the complainant unless the governor or lieutenant governor, as appropriate, permits the personnel board to assume jurisdiction under this subsection. If the personnel board receives a complaint concerning the conduct of the governor or lieutenant governor who is a candidate during the campaign period, the personnel board shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the personnel board's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the personnel board mails or otherwise sends notice of the complaint to the candidate, notify the personnel board that the candidate chooses to have the personnel board proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the personnel board that the candidate is not waiving the suspension of jurisdiction, the personnel board shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(k) A campaign period under this section begins on the later of 45 days before a primary election in which the governor or lieutenant governor is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

Sec. 39.52.320. Dismissal before formal proceedings.

If, after investigation, it appears that there is no probable cause to believe that a violation of this chapter has occurred, the attorney general shall dismiss the complaint. The attorney general shall communicate disposition of the matter promptly to the complainant under AS 39.52.335(c) and to the subject of the complaint.

Sec. 39.52.330. Corrective or preventive action.

After determining that the conduct of the subject of a complaint does not warrant a hearing under AS 39.52.360, the attorney general shall recommend action to correct or prevent a violation of this chapter. The attorney general shall communicate the recommended action to the complainant and the subject of the complaint. The subject of the complaint shall comply with the attorney general's recommendation.

Sec. 39.52.335. Summary of disposition of complaints and review by personnel board.

(a) When the attorney general initiates or receives a complaint under AS 39.52.310, the attorney general shall immediately forward a copy of the complaint to the personnel board.

(b) Each month, the attorney general shall file a report with the personnel board concerning the status of each pending complaint and the resolution of complaints that have been closed since the previous report.

(c) If a complaint is dismissed under AS 39.52.320 or resolved under AS 39.52.330, the attorney general shall promptly prepare a summary of the matter and provide a copy of the summary to the personnel board and the complainant. The summary is confidential unless the

(1) dismissal or resolution agreed to under AS 39.52.320 or 39.52.330 is public; or

(2) superior court makes the matter public under (h) of this section.

(d) Within 15 days after receipt of a summary under this section, a complainant may file comments with the personnel board regarding the disposition of the complaint.

(e) At its next regular meeting that begins more than 15 days after receipt of a summary under this section, the personnel board shall review the summary and comments, if any, filed by the complainant. The personnel board may compel the attendance of the subject of the complaint or the complainant at the meeting and may compel the production of documents. Attendance may be by teleconference. The attorney general or the attorney general's designee shall be available to respond to questions from the personnel board concerning the disposition of the complaint.

(f) After review of the summary, the personnel board may issue a report on the disposition of the complaint. If the matter is confidential and the board determines that publication of the name of the subject is in the public interest, the report may include a recommendation that the matter be made public.

(g) If the summary is confidential under (c) of this section,

(1) comments filed by the complainant, if any, are confidential;

(2) the personnel board shall conduct the review of the summary in executive session; and

(3) the personnel board report, if any, is confidential; the personnel board shall make available to the public an expurgated copy of a confidential report with sufficient deletions and editing to prevent disclosure of the identity of the persons involved in the matter.

(h) If the disposition of a complaint is not made public and the personnel board report under (f) of this section includes a recommendation that the matter be made public, an interested party may file an action against the state in superior court requesting that the court make public the complaint, the attorney general's disposition of the complaint, and the personnel board report. The court may order the matter or portions of the matter made public if the court determines that

(1) the dismissal or resolution of the complaint was clearly contrary to the requirements of this chapter;

(2) one or more of the allegations in the information to be released is supported by substantial evidence;

(3) the matter concerns the public interest; and

(4) release of the information will not infringe on any protected rights or liberties of the subject.

Sec. 39.52.340. Confidentiality.

(a) Except as provided in AS 39.52.335, before the initiation of formal proceedings under AS 39.52.350, the complaint and all other documents and information regarding an investigation conducted under this chapter or obtained by the attorney general during the investigation are confidential and not subject to inspection by the public. In the case of a complaint concerning the governor, lieutenant governor, or attorney general, all meetings of the personnel board concerning the complaint and investigation before the determination of probable cause are closed to the public. If, in the course of an investigation or probable cause determination, the attorney general finds evidence of probable criminal activity, the attorney general shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the attorney general finds evidence of a probable violation of AS 15.13, the attorney general shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. The attorney general and all persons contacted during the course of an investigation shall maintain confidentiality regarding the existence of the investigation.

(b) It is not a violation of this section for a person to contact an attorney or to participate in a criminal investigation.

(c) The subject of the complaint may, in writing, waive the confidentiality protection of this section.

Sec. 39.52.350. Probable cause for hearing.

(a) If the attorney general determines that there is probable cause to believe that a knowing violation of this chapter or a violation that cannot be corrected under AS 39.52.330 has occurred, or that the subject of a complaint failed to comply with a recommendation for corrective or preventive action, the attorney general shall initiate formal proceedings by serving a copy of an accusation upon the subject of the accusation. The accusation shall specifically set out the alleged violation. After service, the accusation is a public document open to inspection. Except as provided in AS 39.52.370(c), all subsequent proceedings are open to the public.

(b) The subject of the accusation shall file an answer with the attorney general within 20 days after service of the accusation, or at a later time specified by the attorney general. If the subject of the accusation fails to timely answer, the allegations are considered admitted.

(c) If the subject of the accusation denies that a violation of this chapter has occurred, the attorney general shall refer the matter to the personnel board, which shall notify the chief administrative law judge (AS 44.64.010), who shall appoint an administrative law judge to serve as a hearing officer to conduct a hearing.

(d) If the subject of the accusation admits a violation of this chapter, the attorney general shall refer the matter to the personnel board to impose penalties under AS 39.52.410, 39.52.440, and 39.52.450, as appropriate.

Sec. 39.52.360. Hearings.

(a) The hearing officer may convene a prehearing conference to set a time and place for the hearing, and for stipulation as to matters of fact and to simplify issues, identify and schedule prehearing matters, and resolve other similar matters before the hearing.

(b) The hearing officer may administer oaths, hold hearings, and take testimony. Upon application by a party to the hearing, the hearing officer may issue subpoenas under AS 39.52.380.

(c) The attorney general shall present the charges before the hearing officer. At a hearing, the attorney general has the burden of demonstrating by a preponderance of the evidence that the subject of the accusation has, by act or omission, violated this chapter.

(d) The parties to a hearing are the attorney general and the subject of the accusation. The subject of an accusation may be represented by counsel. Each party has an opportunity to be heard and cross-examine witnesses, who shall testify under oath.

(e) The Administrative Procedure Act does not apply to hearings under this section, except as provided in AS 39.52.380.

(f) Technical rules of evidence do not apply, but the hearing officer's findings must be based upon reliable and relevant evidence. All testimony and other evidence taken at the hearing must be recorded and the evidence maintained. Copies of transcripts of the hearing record are available to the subject of the accusation at the subject's expense; however, upon request, a copy of the recording of the hearing must be furnished without charge to the subject of the accusation.

(g) At the conclusion of the formal hearing, the hearing officer may direct either or both parties to submit proposed findings of fact, conclusions of law, and recommendation to be filed within 10 days after the conclusion of the hearing.

(h) Within 30 days after the conclusion of a formal hearing, the hearing officer shall serve a written report on the personnel board and the parties, unless the personnel board grants an extension of time. The report must contain the officer's findings of fact, conclusions of law, and recommendation. The hearing officer shall submit the record to the personnel board.

Sec. 39.52.370. Personnel board action.

(a) Within 10 days after receipt of the hearing officer's report, either party may protest the officer's findings of fact, conclusions of law, and recommendation, and, if a protest is filed, shall serve a copy on the other party. Oral argument before the personnel board must be provided only if requested by either party. The board chair shall set the deadline for submission of requests for oral argument, and set the dates for submission of briefs and oral argument before the board, if requested.

(b) The board may issue subpoenas under AS 39.52.380, and may, for good cause shown, augment the hearing record, in whole or in part, or hold a hearing de novo.

(c) The personnel board shall review each report submitted by a hearing officer and shall either adopt or amend the findings of fact, conclusions of law, and recommendation of the officer. Deliberations of the personnel board must be conducted in sessions not open to the public.

(d) If the personnel board determines that a violation occurred, it may impose the penalties in AS 39.52.410, 39.52.440, and 39.52.450, as appropriate. If the board determines that no violation occurred, the board shall issue a written order of dismissal.

(e) The personnel board secretary shall promptly notify the parties and the public officer's designated supervisor of the board's action.

(f) The subject of the accusation may appeal the personnel board's decision by filing an appeal in the superior court as provided in the Alaska Rules of Appellate Procedure.

Sec. 39.52.380. Subpoenas.

(a) As provided in AS 39.52.310(g), 39.52.360(b), and 39.52.370(b), the attorney general, independent counsel retained under AS 39.52.310(c), a hearing officer, the subject of an accusation, and the personnel board may summon witnesses and require the production of records, books, and papers by the issuance of subpoenas.

(b) Subpoenas must be served in the manner prescribed by AS 44.62.430 and Rule 45 of the Alaska Rules of

Civil Procedure. Failure or refusal to obey a subpoena issued under this chapter is punishable as contempt in the manner provided by law and court rule. The superior court may compel obedience to the subpoena in the same manner as prescribed for obedience to a subpoena issued by the court.

Sec. 39.52.390. Service.

Service of an accusation must be accomplished in accordance with Rule 4 of the Alaska Rules of Civil Procedure. Service of any other pleading, motion, or other document must be accomplished in accordance with Rule 5 of the Alaska Rules of Civil Procedure.

Article 05. ENFORCEMENT; REMEDIES

Sec. 39.52.410. Violations; penalties for misconduct.

- (a) If the personnel board determines that a public employee has violated this chapter, it
- (1) shall order the employee to stop engaging in any official action related to the violation;
 - (2) may order divestiture, establishment of a blind trust, restitution, or forfeiture; and
 - (3) may recommend that the employee's agency take disciplinary action, including dismissal.
- (b) If the personnel board determines that a nonsalaried member of a board or commission has violated this chapter, it (1) shall order the member to refrain from voting, deliberating, or participating in the matter; (2) may order restitution; and (3) may recommend to the appropriate appointing authority that the member be removed from the board or commission. A violation of this chapter is grounds for removal of a board or commission member for cause. If the personnel board recommends that a board or commission member be removed from office, the appointing authority shall immediately act to remove the member from office.
- (c) If the personnel board determines that a former public officer has violated this chapter, it shall
- (1) issue a public statement of its findings, conclusions, and recommendation; and
 - (2) request the attorney general to exercise all legal and equitable remedies available to the state to seek whatever relief is appropriate.
- (d) If the personnel board finds a violation of this chapter by a public officer removable from office only by impeachment, it shall file a report with the president of the Senate, with its finding. The report must contain a statement of the facts alleged to constitute the violation.

Sec. 39.52.420. Disciplinary action for violation.

- (a) In addition to any other cause an agency may have to discipline a public employee, an agency may reprimand, demote, suspend, discharge, or otherwise subject an employee to agency disciplinary action commensurate with the violations of this chapter. This section does not prohibit the review of a disciplinary action in the manner prescribed by an applicable collective bargaining agreement or personnel statute or rule.
- (b) An agency may initiate appropriate disciplinary action in the absence of an accusation under this chapter or during the pendency of a hearing or personnel board action.

Sec. 39.52.430. Actions voidable.

- (a) In addition to any other penalty provided by law, a state grant, contract, or lease entered into in violation of this chapter is voidable by the state. In a determination under this section of whether to void a grant, contract, or lease, the interests of third parties who could be damaged may be taken into account. The attorney general shall give notice of intent to void a state grant, contract, or lease under this section no later than 30 days after the personnel board's determination of a violation under this chapter.
- (b) In addition to any other penalty provided for by law, the state may require a state loan received in violation of this chapter to become immediately payable.
- (c) Any state action taken in violation of this chapter is voidable, except that the interests of third parties and the nature of the violation may be taken into account. The attorney general may pursue any other available legal and equitable remedies.
- (d) The attorney general may recover any fee, compensation, gift, or benefit received by a person as a result of a violation of this chapter by a current or former public officer. Action to recover under this subsection must be brought within two years after discovery of the violation.

Sec. 39.52.440. Civil penalties.

The personnel board may impose on a current or former public officer civil penalties not to exceed \$5,000 for a violation of this chapter. A penalty imposed under this section is in addition to and not instead of any other penalty that may be imposed according to law.

Sec. 39.52.450. Payment of twice the financial benefit.

The personnel board may, in addition to the civil penalties described in this chapter, require a current or former public officer who has financially benefited a person in violation of this chapter to pay to the state up to twice the amount that the person realized from the violation.

Sec. 39.52.460. Criminal sanctions additional.

To the extent that violations under this chapter are punishable in a criminal action, that sanction is in addition to the civil remedies set out in this chapter.

Article 06. GENERAL PROVISIONS

Sec. 39.52.910. Applicability.

(a) Except as specifically provided, this chapter applies to all public officers within executive-branch agencies, including members of boards or commissions. This chapter does not apply to

(1) a former public officer of an executive-branch agency unless a provision specifically states that it so applies;

(2) legislators covered by AS 24.60; or

(3) the University of Alaska and an employee of the University of Alaska as to activities or employment under a contract between the employee and the university described in AS 14.40.210(a)(4).

(b) The provisions of this chapter supersede the common law on conflicts of interests that may apply to a public officer of an executive-branch agency and any personnel rules relating to conflicts of interests, excluding nepotism, adopted under AS 39.25. However, nothing in this chapter precludes a prosecution under an applicable criminal statute nor prevents enforcement of any other state law that imposes a stricter standard of ethical conduct on public officers.

(c) The provisions of this chapter are not subject to negotiation by collective bargaining under AS 23.40.

(d) Nothing in this chapter

(1) supersedes AS 39.90.020; or

(2) precludes an immediate family member of a public employee from employment in the same agency or administrative unit as that public employee, so long as the public employee does not have authority to take or withhold official action affecting the terms or conditions of the immediate family member's employment in a manner that violates state law.

Sec. 39.52.920. Agency policies.

Subject to the review and approval of the attorney general, an agency may adopt a written policy that, in addition to the requirements of this chapter, limits the extent to which a public officer in the agency or an administrative unit of the agency may

(1) acquire a personal interest in an organization or a financial interest in a business or undertaking that may benefit from official action taken or withheld by the agency or unit;

(2) have a personal or financial interest in a state grant, contract, lease, or loan administered by the agency or unit; or

(3) accept a gift.

Sec. 39.52.930. Cooperation.

All agencies and instrumentalities of the state shall cooperate fully with the attorney general and the personnel board in the performance of their duties under this chapter.

Sec. 39.52.940. Construction.

This chapter shall be construed to promote high standards of ethical conduct in state government.

Sec. 39.52.950. Regulations.

The attorney general may adopt regulations under the Administrative Procedure Act necessary to interpret and implement this chapter.

Sec. 39.52.960. Definitions.

In this chapter, unless the context requires otherwise,

- (1) "administrative unit" means a branch, bureau, center, committee, division, fund, office, program, section, or any other subdivision of an agency;
- (2) "agency" means a department, office of the governor, or entity in the executive branch, including but not limited to the University of Alaska, public or quasi-public corporations, boards or commissions, and the Alaska Railroad Corporation;
- (3) "benefit" means anything that is to a person's advantage or self-interest, or from which a person profits, regardless of the financial gain, including any dividend, pension, salary, acquisition, agreement to purchase, transfer of money, deposit, loan or loan guarantee, promise to pay, grant, contract, lease, money, goods, service, privilege, exemption, patronage, advantage, advancement, or anything of value;
- (4) "board or commission" means a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad, but excluding members of a negotiated regulation making committee under AS 44.62.710 - 44.62.800;
- (5) "business" includes a corporation, company, firm, partnership, sole proprietorship, trust or foundation, or any other individual or entity carrying on a business, whether operated for profit or non-profit;
- (6) "child" includes a biological child, an adoptive child, and a stepchild;
- (7) "compensation" means any money, thing of value, or economic benefit conferred on or received by a person in return for services rendered or to be rendered by the person for another;
- (8) "designated supervisor" or "supervisor" means
 - (A) the commissioner of each department in the executive branch, for public employees within the department;
 - (B) the president of the University of Alaska, for university employees;
 - (C) the attorney general, for the governor and lieutenant governor;
 - (D) the executive director of a board or commission for the staff of the board or commission;
 - (E) the chair or acting chair of the board or commission, for the members and the executive director of a board or commission; and
 - (F) the governor, for commissioners and for other public officers not included in (A) - (E) of this paragraph; or
 - (G) a public officer designated by a commissioner, the university president, or the governor to act as the supervisor if the name and position of the officer designated has been reported to the attorney general;
- (9) "financial interest" means
 - (A) an interest held by a public officer or an immediate family member, which includes an involvement or ownership of an interest in a business, including a property ownership, or a professional or private relationship, that is a source of income, or from which, or as a result of which, a person has received or expects to receive a financial benefit;
 - (B) holding a position in a business, such as an officer, director, trustee, partner, employee, or the like, or holding a position of management;
- (10) "gain" includes actual or anticipated gain, benefit, profit, or compensation;
- (11) "immediate family member" means
 - (A) the spouse of the person;
 - (B) another person cohabiting with the person in a conjugal relationship that is not a legal marriage;
 - (C) a child, including a stepchild and an adoptive child, of the person;

(D) a parent, sibling, grandparent, aunt, or uncle of the person; and

(E) a parent or sibling of the person's spouse;

(12) "instrumentality of the state" means a state agency or administrative unit, whether in the legislative, judicial, or executive branch, including such entities as the University of Alaska, the Alaska Railroad, and any public or quasi-public corporations, boards, or commissions; the term includes municipalities;

(13) "nonsalaried member of a board or commission" means a member of a board or commission who is not a public employee by virtue of membership on a board or commission; receipt of per diem, nominal compensation for attendance at meetings, and travel expense reimbursement does not make a member of a board or commission a public employee for purposes of this chapter;

(14) "official action" means advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer;

(15) "organization" includes a group, association, society, political party, or other entity made up of two or more persons, whether operated for profit or nonprofit;

(16) "parent" includes a biological parent, an adoptive parent, and a step-parent of the public officer;

(17) "person" includes a natural person, a business, and an organization;

(18) "personal interest" means an interest held or involvement by a public officer, or the officer's immediate family member or parent, including membership, in any organization, whether fraternal, nonprofit, for profit, charitable, or political, from which, or as a result of which, a person or organization receives a benefit;

(19) "personnel board" or "board" means the personnel board established in AS 39.25.060;

(20) "public employee" or "employee" means a permanent, probationary, seasonal, temporary, provisional, or nonpermanent employee of an agency, whether in the classified, partially exempt, or exempt service;

(21) "public officer" or "officer" means

(A) a public employee;

(B) a member of a board or commission; and

(C) a state officer designated by the governor to act as trustee of the trust or a person to whom the trustee has delegated trust duties; in this paragraph, "trust" has the meaning given in AS 37.14.450;

(22) "source of income" means an entity for which service is performed for compensation or which is otherwise the origin of payment; if the person whose income is being reported is employed by another, the employer is the source of income; if the person is self-employed by means of a sole proprietorship, partnership, professional corporation, or a corporation in which the person, the person's spouse or child, or a combination of them, holds a controlling interest, the "source" is the client or customer of the proprietorship, partnership, or corporation; if the entity which is the origin of payment is not the same as the client or customer for whom the service is performed, both are considered the source.

7/10/07

The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The [Alaska Lawyer Referral Service](#) or your local bar association may be able to assist you in locating a lawyer.

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Ethics Disclosure Form

<p style="text-align: center;">CONFIDENTIAL REQUEST FOR ETHICS DETERMINATION</p>
--

TO: _____, Designated Ethics Supervisor

(Identify Your Department, Agency, Public Corporation, Board, Commission)

I request advice regarding the application of the Executive Branch Ethics Act (AS 39.52.010 - .960) to my situation. The situation involves the following:

I have provided additional information in the attached document(s).

I believe the following provisions of the Ethics Act may apply to my situation:

- AS 39.52.120, Misuse of Official Position
- AS 39.52.130, Improper Gifts
- AS 39.52.140, Improper Use or Disclosure of Information
- AS 39.52.150, Improper Influence in State Grants, Contracts, Leases or Loans
- AS 39.52.160, Improper Representation
- AS 39.52.170, Outside Employment Restricted
- AS 39.52.180, Restrictions on Employment after Leaving State Service
- AS 39.52.190, Aiding a Violation Prohibited

I understand that I should refrain from taking any official action relating to this matter until I receive your advice. If the circumstances I described above may result in a violation of AS 39.52.110 - .190, I intend that this request serve as my disclosure of the matter in accordance with AS 39.52.210 or AS 39.52.220.

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division, Board, Commission)

(Position Title)

(Location)

Designated Ethics Supervisor: Provide a copy of your written determination to the employee advising whether action is necessary under AS 39.52.210 or AS 39.52.220, and send a copy of the determination and disclosure to the attorney general with your quarterly report.

Ethics Disclosure Form

Receipt of Gift

TO: _____, Designated Ethics Supervisor, _____
(Agency, Public Corporation, Board, Commission or Council)

This disclosure reports receipt of a gift with value in excess of \$150.00 by me or my immediate family member, as required by AS 39.52.130(b) or (f).

- 1. Is the gift connected to my position as a state officer, employee or member of a state board or commission?
 Yes No
- 2. Can I take or withhold official action that may affect the person or entity that gave me the gift?
 Yes No

(If you answer "No" to both questions, you do not need to report this gift. If the answer to either question is "Yes," or if you are not sure, you must complete this form and provide it to your designated ethics supervisor.)

The gift is _____

Identify gift giver by full name, title, and organization or relationship, if any:

Describe event or occasion when gift was received or other circumstance explaining the reason for the gift:

My estimate of its value is \$ _____ The date of receipt was _____

The gift was received by a member of my family. Who? _____

If you checked "Yes" to question 2 above, explain the official action you may take that affects the giver (attach additional page, if necessary):

I certify to the best of my knowledge that my statement is true, correct, and complete. In addition to any other penalty or punishment that may apply, the submission of a false statement is punishable under AS 11.56.200 - AS 11.56.240.

(Signature)

(Date)

(Printed Name)

(Division)

(Position Title)

(Location)

Ethics Supervisor Determination: Approve Disapproved

Designated Ethics Supervisor*

(Date)

**Designated Ethics Supervisor: Provide a copy of the approval or disapproval to the employee. If action is necessary under AS 39.52.210 or AS 39.52.220, attach a determination stating the reasons and send a copy of the determination and disclosure to the attorney general with your quarterly report.*

Mission & Vision Statement

The Board continues with the goals and purposes of protection of the public; ensuring the public of continued competency of licensed psychology professionals; ensuring psychological care is offered by professionally qualified persons; and ensuring qualified psychology practitioners are available. The Board has approved applicants for licensure as Psychologists and Psychological Associates, as well as monitored continuing education requirements.



Board of Psychologists & Psychological Associate Examiners Meeting

Alaska Division of Corporations, Business and Professional Licensing
Aug 17, 2023 at 9:00 AM AKDT to Aug 18, 2023 at 4:25 PM AKDT

Meeting Details:

<https://us02web.zoom.us/j/83557174536?pwd=TINIM1AxR09LV3ZiV29Na3INNm9OUT09>

Meeting ID: 835 5717 4536

Passcode: 514845

Agenda

I. 9:00 am Roll Call

- A. Ethics Disclosure**
- B. Mission Statement**

II. Review/Approve Agenda

III. Review/Approve Minutes

IV. Courtesy License Update

V. 10:00 am Investigations Unit

- A. Current Investigative Report**

VI. 11:00 am Public Comment - Specific to Regulations Amendment(s)

VII. 12:00 pm Lunch Break

VIII. 1:00 pm Executive Session - State Law & Ethics Exam (Scoring and revision)

IX. Recess until 9:00 am 8/18/2023

X. 9:00 am Call to order

- A. Roll call**

XI. 9:15 am Regulations project(s)

- A. Current Project - Adopt if applicable following oral testimony**

XII. 12:00 pm Lunch break

XIII. 1:00 pm License review/action (if needed)

- A. Tabled request regarding supervision**

XIV. Administrative Business

- A. Schedule Future Meetings**
- B. Customer Correspondence**

XV. TBD

XVI. Adjourn

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Psychologists & Psychological Associate Examiners enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

Board staff member(s) _____ to remain during the session.

Off record: _____
On record: _____

Authority: AS 44.62.310(c), Government meetings public

The following subjects may be considered in executive session:

- matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;**
- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- matters involving consideration of government records that by law are not subject to public disclosure.

**State of Alaska
Department of Commerce, Community &
Economic Development Division of
Corporations, Business, and Professional
Licensing
Board of Psychologists & Psychological
Associate Examiners**



Public Comment

The board chair shall open public comment. The time allotted for comment will be divided between all individuals signed in to give comment. The group will be told how much time each person will have to speak; board staff will keep track of the time and notify the individual when they need to wrap up their comment(s).

This is not the time for the board to respond to the comments. The board can choose to respond to any comments at the end of the comment period; they can choose to send a letter with their responses to the individual; or they can choose to not respond.

Please be mindful of the time limit so that all who choose to speak will be given the same opportunities.

EXECUTIVE SESSION MOTION

I, _____, move that the Alaska State Board of Psychologists & Psychological Associate Examiners enter into executive session in accordance with AS 44.62.310(c), and Alaska Constitutional Right to Privacy Provisions, for the purpose of discussing _____

Board staff member(s) _____ to remain during the session.

Off record: _____
On record: _____

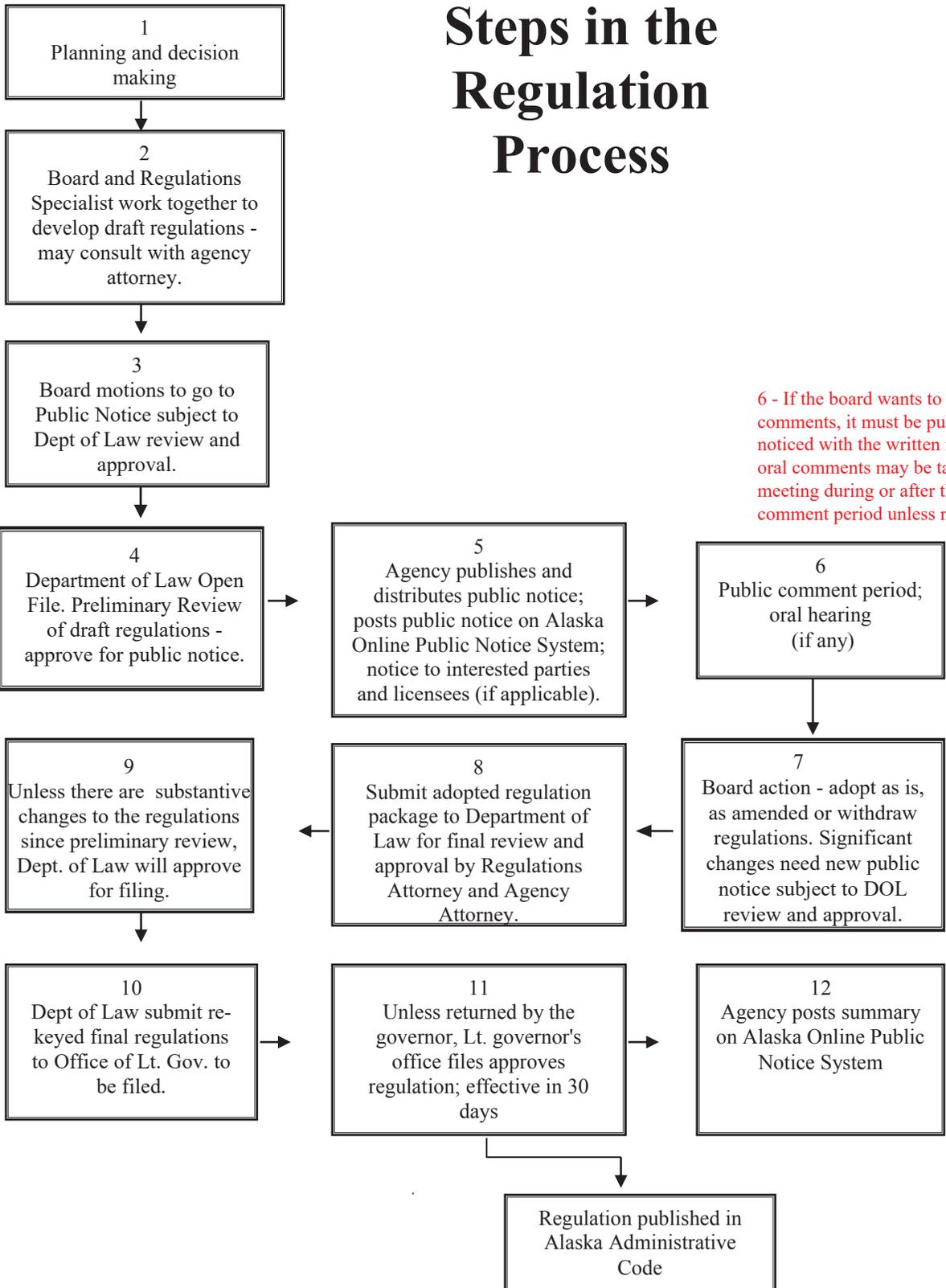
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- **matters which by law, municipal charter, or ordinance are required to be confidential;**
- matters involving consideration of government records that by law are not subject to public disclosure.

REGULATION ADOPTION PROCESS

Steps in the Regulation Process



2 - Consultation with the agency attorney would occur if the board would like assistance with a difficult or controversial subject, otherwise it's not usually necessary.

4- It is at this point that the attorney may contact the Reg Spec for more information, clarification, or changes that would need to be made.

6 - If the board wants to take oral comments, it must be public noticed with the written notice. No oral comments may be taken at a meeting during or after the public comment period unless noticed.



Chapter 60. Board of Psychologist and Psychological Associate Examiners.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 60.035(c)(4) is amended to read:

(4) provide verification of a current license **in good standing** to practice psychology **independently** in another jurisdiction **where the licensing requirements are at least equivalent to those in this state** for the scope of practice specified in the application; to meet the requirements of this paragraph, the verification must be sent directly to the department from the licensing jurisdiction and the license must [BE ACTIVE, IN GOOD STANDING, AND] cover the scope of the practice requested for the courtesy license in this state; (Eff. 2/27/2005, Register 173; am 8/23/2009, Register 191; am ___ / ___ / _____, Register _____)

Authority: AS 08.01.062 AS 08.86.070 AS 08.86.080

12 AAC 60.260(b) is amended to read:

(b) **For a licensing period ending on or before June 30, 2023 each** [EACH] psychologist or psychological associate seeking license renewal shall obtain and document an average of 20 credit hours of continuing education for each year during the concluding licensing period, **at least three of which must be in professional ethics.** [EFFECTIVE JULY 1, 1999, AT LEAST THREE OF THE TOTAL CREDIT HOURS OF CONTINUING EDUCATION REQUIRED FOR THE CONCLUDING LICENSING PERIOD MUST BE IN PROFESSIONAL ETHICS].

12 AAC 60.260 is amended by adding new subsections to read:

(c) For the licensing period that begins on July 1, 2023, and ends on June 30 2025, each psychologist or psychological associate seeking license renewal or reinstatement shall obtain and document completion of 20 credit hours of continuing education earned each year during the licensing period; continuing education credit hours must include a minimum of

- (1) six contact hours in cross-cultural education relating to Alaska Natives;
- (2) four contact hours in teletherapy practice as set out under 12 AAC 60.405;
- (3) three contact hours in professional ethics;
- (4) three contact hours in suicide prevention; and
- (5) two contact hours in substance abuse education.

(d) For a licensing period beginning on or after July 1, 2025, each psychologist or psychological associate seeking a first license renewal after initial issuance of the psychologist or psychological associate's license or license reinstatement shall obtain and document completion of 20 credit hours of continuing education earned each year during the concluding licensing period; continuing education credit hours include a minimum of

- (1) six contact hours in cross-cultural education relating to Alaska Natives;
- (2) four contact hours in teletherapy practice as set out under 12 AAC 60.405;
- (3) three contact hours in professional ethics;
- (4) three contact hours in suicide prevention; and
- (5) two contact hours in substance abuse education.

(e) For a licensing period beginning on or after July 1, 2025 a psychologist or psychological associate seeking a license renewal other than a first license renewal after the initial issuance of the psychologist or psychological associate's license shall obtain and document completion of 20 contact hours of continuing education earned for each year during the

concluding licensing period, at least three of which must be in professional ethics. (Eff. 4/22/83,

Register 86; am 3/27/98, Register 145; am ____/____/_____, Register _____)

Authority: AS 08.86.070

12 AAC 60 is changed by adding new sections to Article 7 to read:

Article

1. Applications (12 AAC 60.010 - 12 AAC 60.065)
2. Experience and Education (12 AAC 60.070 - 12 AAC 60.090)
3. Examinations (12 AAC 60.100 - 12 AAC 60.170)
4. Rules of Professional Conduct (12 AAC 60.180 - 12 AAC 60.220)
5. Reinstatement of Professional Privileges After Discipline (12 AAC 60.230 - 12 AAC 60.240)
6. Continuing Education (12 AAC 60.250 - 12 AAC 60.350)
7. **Teletherapy Practice (12 AAC 60.400 - 12 AAC 60.415)**
8. General Provisions (12 AAC 60.900 - 12 AAC 60.990)

Article 7. Teletherapy Practice [GENERAL PROVISIONS].

Section

- 400. Scope of teletherapy practice
- 405. Eligibility to practice teletherapy
- 410. Providing technology assisted distance professional services
- 415. Informed consent

12 AAC 60.400. Scope of teletherapy practice. (a) Services offered by licensees by electronic means who are physically separate from the recipient of the services fall within the jurisdiction of the board.

(b) The standards of traditional face-to-face services described in AS 08.86 and

12 AAC 60 apply to teletherapy or technology-assisted distance professional services.

(c) The practice of technology-assisted distance professional services does not include functions or practices that are not within the training required for licensure under this chapter in accordance with AS 08.86.164 and 12 AAC 60.180.

(d) The scope, eligibility, and standards of teletherapy practice established under 12 AAC 60.400 - 12 AAC 60.415 do not supersede the functions, practices, and definitions relating to “appropriate supervision” and “supervised experience” as described elsewhere in AS 08.86 and this chapter. (Eff. ___/___/___, Register ___)

Authority: AS 08.86.070 AS 08.86.130 AS 08.86.160

12 AAC 60.405. Eligibility to practice teletherapy. To be eligible to practice teletherapy with clients physically present in this state, a psychologist or psychological associate must meet the requirements under AS 08.01.085 and

(1) be licensed under AS 08.86.130 as a licensed psychologist or under AS 08.86.160 as a licensed psychological associate; and

(2) complete board-approved general competency training in the practice of teletherapy, totaling a minimum of four hours.

(Eff. ___/___/___, Register ___)

Authority: AS 08.01.085 AS 08.86.160 AS 08.86.170
AS 08.86.130

12 AAC 60.410. Technology assisted distance professional services. The provision of services in this state by a person licensed under AS 08.86 through digital, telephonic, or electronic means, regardless of the location of the client, constitutes the practice of psychology in

this state. Licensees are required to comply with all statutes, regulations, and rules of the state where the client is physically located. (Eff. ___/___/___, Register ____)

Authority: AS 08.01.085 AS 08.86.160 AS 08.86.170
AS 08.86.130

12 AAC 60.415. Informed consent. Licensees shall obtain informed consent of the recipient before providing distance professional services. To be effective, informed consent must be, understandable by the recipient, discuss the benefits and risks of entering into distance professional services, and address the use of telephone, online synchronous provision of psychological services, electronic billing, text, and email contact with a recipient. (Eff. ___/___/___, Register ____)

Authority: AS 08.86.070 AS 08.86.130 AS 08.86.160

12 AAC 60.990(a) is amended by adding a new paragraph to read:

(11) "distance professional services" means the mode of delivering services while physically separate from the recipient by means of technology-assisted media, including telephone, video, Internet, smartphone, tablet, desktop system, or other electronic means. (Eff. 4/22/83, Register 86; am 6/29/87, Register 102; am 3/17/91, Register 117; am 3/27/98, Register 145; am 11/21/2001, Register 160; am 12/8/2005, Register, 176; am 7/29/2009, Register 191; am ___/___/___, Register ____)

Authority: AS 08.86.070 AS 08.86.130 AS 08.86.204
AS 08.86.080

From: [Peter Cannava - Behavioral Health Clinician, Psychologist \(PCHSAK\)](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Date: Tuesday, July 11, 2023 2:31:36 PM

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July 11, 2023

Alison Osborne:

This letter is to register my opposition to much of the proposed changes in psychologist licensure laws. As a psychologist licensed for over 20 years in the state of Alaska I oppose most of the proposed changes. I oppose the Courtesy License requirements changes which might change to unfairly restrict equivalent licenses from mobility due to the many different requirements in psychologist requirements between states. I oppose the changes to continuing education requirements modification which would require topic areas of CEU from restrictive narrow and repetitive content areas which can be difficult to find and of questionable quality while more general content areas and CEU trainings such psychological assessment or psychotherapy can provide much higher quality and meaningful educational experiences. I do not oppose teletherapy scope of practice standards.

Sincerely,

Peter Cannava, PhD

From: [Val Miraglia](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Notice of proposed regulations for LPAs and PhD Psychologists
Date: Friday, July 14, 2023 9:27:04 AM

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Comments:

I have read with interest the new proposed regulations regarding renewals of the LPA license. These are the regulations I am have comments about.

12 AAC 60.260. Continuing education requirements, is proposed to be amended, to include a requirement for licensees to complete a certain number of continuing education (CE) hours on specific topics at least once during their licensure. The new provisions will apply to both existing and new licensees, requiring completion of the CE hours in the following subject areas: cross-cultural studies relating to Alaska Natives, teletherapy practices, suicide prevention, substance abuse, and professional ethics. These requirements will apply to all license renewals and reinstatements between July 1, 2023, and June 30, 2025.

I believe this is a difficult requirement to meet, especially because it is already July of 2023. In order to get all those requirements in once time they become law (which will make it sometime in September or October of 2023 or later), will leave very little time to complete these, especially in person CEUs.

And indeed, I certainly have taken many CEUs in those areas in the recent past. If it is a lifetime requirement for license renewal, why not extend the time limitation to proof that one has taken these say in the last 5 years, or 10 years? When the pandemic hit I took multiple trainings about teletherapy practices. I used to work for Southcentral Foundation so was immersed in Alaska Native culture and trainings, suicide prevention, and substance abuse. So to get these all in within the next year AGAIN would certainly be a hardship when I have already done these multiple times in the past. And you are requiring in person training now so it is not like we can sign up for online CEUs. The financial piece would be tremendous also.

I would recommend that if this is a lifetime commitment that we are able to use past trainings (if we provide proof of these), or that the requirements don't go into effect until the 2025 to 2027 renewal period to give us more time to access all these specific in person trainings.

Thank you for listening.

Val Miraglia LPA

From: [Jenny Loudon](#)
To: [Regulations and Public Comment \(CED sponsored\)](#); [Beth Rose](#)
Subject: Public comment regarding proposed changes to regulations by the psychological associate examiners
Date: Monday, July 17, 2023 4:55:17 PM

You don't often get email from jloudon.alaskaedalliance@gmail.com. [Learn why this is important](#)

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I am writing to share my concerns about the recent proposed changes in the regulations of the state board of psychologist and psychological associate examiners. The newly proposed changes provide overly rigid requirements as to the types of continuing education psychologists must take in order to maintain licensure. Specifically, they require adoption of continuing education credits in the areas of cross-cultural studies, teletherapy practices, suicide prevention, and substance abuse -- in addition to the area of ethics which is already required. This ends up as prescribing 18 out of 20 hours necessary for licensure.

This rigidity will have a deleterious impact on other areas of psychology which also require Continuing Education, simply by forcing psychologists to focus their CE in these narrow categories. In an effort to try to ensure ongoing competence in these areas, these will make it difficult for psychological providers to find the time and resources for training in other areas of importance where Alaska is working hard to gain psychological competencies. For instance, Alaska currently has only a single Certified Eating Disorder Specialist in the state (and she is a CEDS certified dietitian rather than a psychologist). Many Alaskans with eating disorders must leave the state to access necessary treatment, and even outpatient providers with some competence in this area often have very long wait lists. The Alaska Eating Disorders Alliance is working very hard to help expand capacity within our Alaskan healthcare system to better meet the needs of these patients by providing high quality educational programming. However, by requiring the vast majority of CEs to be taken in the prescribed categories of these regulations, we will actually have fewer psychologists who are able and willing to make the effort to grow their knowledge in these extremely life-threatening mental illnesses, which has the second highest mortality rate of all psychological illnesses, second only to opioid addiction.

There are many areas of psychology where Alaska needs more trained providers -- not just the areas noted within these regulations. I fear these will inadvertently cause harm to many Alaskans who need up to date training in other areas of psychological practice that are not specifically noted in the regs. I urge the Board to give psychologists the flexibility to focus their continuing education on the areas where they see the greatest area of their own skills lacking. This may include areas where **they** recognize the need to gain additional knowledge based on the clientele that they see in their individual practices. Without this, I fear, the Board will be choosing "winners" and "losers" in terms of people with certain diagnoses who will have more chances of finding competent, and trained providers, while others without those specific diagnoses will continue to suffer, and in fact, will have a harder time.

I request that the Board scratch these requirements to give psychologists more freedom to train in a variety of psychological modalities and diagnoses.



Jenny Loudon
Co-Founder, Board Vice Chair
Alaska Eating Disorders Alliance

907-308-8400 • (907) 229-3206
jloudon.alaskaedalliance@gmail.com
www.akeatingdisordersalliance.org



AKEDA provides help and inspires hope by engaging our diverse communities in education, advocacy and support for Alaskans affected by eating disorders.



From: [Susan Porter](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Re: Notice of Proposed Regulations (Alaska Board of Psychologist and Psychological Associate Examiners - 12 AAC 60)
Date: Friday, July 14, 2023 5:39:01 PM

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Hello,

With respect to 12 AAC 60.260 (c) and (d), does "contact hours" include live, interactive workshops and webinars, so that participants/attendees will not have to incur the expenses and disruptions involved with travel?

Susan M. Porter, Ph.D.
Licensed Clinical Psychologist
sporter5555@gmail.com
907-220-7780

On Tue, Jul 11, 2023 at 11:15 AM Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov> wrote:

Dear Licensee,

The Alaska Board of Psychologist and Psychological Associate Examiners proposes to update regulations relating to application requirements for courtesy licenses, continuing education requirements for license renewals and reinstatements to include required hours allocated to specific topics; and establishing new teletherapy standards of practice.

Attached are copies of the public notice and draft of the proposed regulation changes.

Thank you,

Alaska Board of Psychologist and Psychological Associate Examiners

From: [Charles Zaroff](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: 12 AAC 60.260. Continuing education requirements
Date: Saturday, July 22, 2023 11:42:57 AM

You don't often get email from charles.zaroff@aknc.com. [Learn why this is important](#)

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To whom it may concern,

I am writing in regards to the new Continuing Education requirements for psychology licensure/renewal. I appreciate the obvious time and effort that likely went into this decision. I further agree with the need for all practitioners to remain up—to-date in their knowledge of the categories being proposed. However, I am not convinced that doctoral-level practitioners need this mandate to ensure that they are practicing ethically. For instance, I myself, having obtained my degree in 2001, have obtained CEs through multiple trainings most recently on the concept of gender identity (and I would imagine, requirements in this area were perhaps debated by the board members). My point being that it is not clear to me that the new categories being proposed are sufficient in ensuring ethical practice and thus, I think this might be best left to the individual practitioner.

My two cents,

Sincerely,

Charles

Charles Zaroff, Ph.D., ABPP
Pediatric and Adult Neuropsychologist
Board Certified in Clinical Neuropsychology

Alaska Neurology Center LLC
1100 E Dimond Blvd
Anchorage, AK 99515
907-565-6000/866-977-2562 P
907-565-6001/866-201-8222 F

From: [Kathy Dinius](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Continuing Education Course
Date: Friday, August 11, 2023 11:28:05 AM

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This is in regard to the proposed Continuing Education Credits for: Six contact hours in cross-cultural education relating to Alaska Natives.

I don't know of any company that provides a continuing education program for this topic relating to Alaska Natives.

Will the State of Alaska provide a Continuing Education Course to meet that requirement. Or will the State Licensing Board tell us where we can get a course for it.

The course will need to have the option of home study, in case a person is unable to attend a live presentation.

From: [Cynthia E. Aiken](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Proposed Change In Regs of Psych. Board
Date: Sunday, August 13, 2023 11:12:15 PM
Attachments: [Comments Psych Regs..docx](#)

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Attached are my comments regarding the proposed regulations change. I have been licensed by the State Board of Psychologist and Psychological Associates continuously to practice in Alaska for the past 38 years. I received no written notification of these proposed changes. In fact I have received no correspondence regarding proposed licensing requirements and state board meetings in several years. Is this a trend of the future? I learned of these proposed changes a few weeks ago from colleagues in postings on our professional association listserv.

Cynthia E. Aiken,
MS,LPA,DAPA,MAC,FAPA
CEO/Program Sponsor
Narcotic Drug Treatment Center Inc.
907-229-8902 mobile
907-276-3637 fax
907-276-6430 x522 office
Acynalaska@cs.com

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MEMORANDUM

Date: August 13, 2023

TO: State Board of Psychologists
And Psychological Associate Examiners

SUBJECT: Comments on Proposed Regulations
Change

I have read the proposed regulations to be adopted by the Psych Board. I feel that these core continuing education requirements specified in the regulations changes should be basic requirements for individuals seeking licensure in Alaska for the first time. This could be accomplished by requiring them for initial licensure. However seasoned licensees that have been in practice in this state for decades have received these trainings many times over.

Any quality ethics training, which has been required for license renewal for decades, should cover cultural competency to include all cultures, teletherapy, suicide prevention and substance misuse education. Ethics training also includes the responsibility of individual professionals to assess and be competent and skilled in areas needed to provide services to the populations they serve. This profession contains many specialties of practice. Licensees may hold a variety of these and are required to complete specific ceu's to stay certified in these areas. Micromanaging these credits is not in the best interest of the public or the profession.

As a licensed professional, I feel the pedantic plan the board is proposing is lacking in the recognition that the field of psychology is not a one size fits all when it comes to post graduate continuing education. I will attend the zoom meeting on August 17, 2023 and look forward to hearing testimony from other licensed professionals and hope the board will reconsider the proposed regulations. In any event, I strongly disagree to have any changes take place retroactive to July 1, 2023. I have already attended several conferences and have accrued more than 20 credits required for my specialties in this licensing year.

Respectfully,
Cynthia E. Aiken,LPA (licensed since 1985)

From: [Sara Buckingham](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Public Comment Regarding Psychologist Licensing Regulations (12 AAC 60.260)
Date: Tuesday, July 18, 2023 9:21:35 AM

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Dear Alison,

I am writing to provide comments on PROPOSED CHANGES IN THE REGULATIONS OF THE STATE BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS. I submitted this through the online comment link, but did not receive notification it went through, so am sending it via email as well in the case it did not.

I appreciate the board's attempt to ensure that all Alaska psychologists and psychological associates have some level of knowledge and training in these specific content areas. I'm not necessarily opposed to these requirements for my own practice since many are relevant to the work that I do, but I do have some concerns about their implementation for our field as a whole.

1) Psychologists have a myriad of subspecialties that shape the continued education and training that is most useful to them. These credits amount to 18 of the 40 credits required over the next two years, dictating nearly half of the credits a psychologist will pursue. Not all psychologists provide psychological services that would benefit from all of these content areas. For example, some psychologists only provide assessment services and others only provide services in person. While psychologists can always complete more than the required 40 credits to ensure that they are staying up to date in their field, I worry that is not feasible for all and thus may detract from the continuing education psychologists need. Therefore, micromanaging credits might not be in the best interests of the public or the psychologists.

2) Because this requirement is getting voted on in August, but dates back to July 1st, there are a number of psychologists (myself included) who will be accruing a significant amount of continuing education before this requirement is put into place given that the American Psychological Association's conference is in August. If these changes are adopted, I'd suggest the requirement be phased in for a future cycle so that psychologists have time to prepare.

Finally, a suggestion - if the intent of this amendment is to ensure one-time training in each area (which appears to be the case), another way to ensure that psychologists have training in these content areas without requiring them as continuing education in this current cycle, would be to require that licensees provide proof of former training in each area (past continuing education credits, doctoral coursework within past X number of years, etc.); if any licensee could not do so for any content area, then they would need to complete the continuing education in areas they do not have prior training in during this upcoming cycle or the cycle in which they are first licensed.

Thanks for considering my comments.

Dr. Sara Buckingham
AK 125402

Sara L. Buckingham, Ph.D.

Associate Professor of Psychology

Licensed Psychologist

University of Alaska Anchorage

Pronouns: she, her ([What's this?](#))

[Crossroads Research Collective](#)

3211 Providence Drive

Anchorage, AK 99508

(907) 786-1767

[Dena'inaq etnen'aq' gheshtnu ch'q'u yeshdu](#) (audio)

'I live and work on the land of the Dena'ina.'

translation: Helen Dick, Sondra Shaginoff-Stuart, & Joel Isaak

From: kathydinius@gmail.com
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Re: Continuing Education Course
Date: Friday, August 11, 2023 4:19:17 PM

Yes, I am a Licensed Psychologist in the State of Alaska. I received the Notice of Proposed Changes in the Regulations of the State Board of Psychologist and Psychological Associate Examiners. I will need to renew my license in 2025. So the proposed changes in regulations is what I am writing about.

Thank you,
Kathleen Dinius

Sent from my iPad

> On Aug 11, 2023, at 1:33 PM, Regulations and Public Comment (CED sponsored)
<regulationsandpubliccomment@alaska.gov> wrote:

>

> Good afternoon,

>

> Can you please confirm if you are writing in regarding the proposed Psychology regulation changes located here?:
<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=211754>

>

> Thank you,

>

> Stefanie L. Davis (she/her)

> Regulations Specialist

> Department of Commerce, Community, and Economic Development

> Division of Corporations, Business and Professional Licensing

>

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> -----Original Message-----

> From: Kathy Dinius <kathydinius@gmail.com>

> Sent: Friday, August 11, 2023 11:28 AM

> To: Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov>

> Subject: Continuing Education Course

>

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<https://aka.ms/LearnAboutSenderIdentification>]

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>

> This is in regard to the proposed Continuing Education Credits for: Six contact hours in cross-cultural education relating to Alaska Natives.

>

- > I don't know of any company that provides a continuing education program for this topic relating to Alaska Natives.
- >
- > Will the State of Alaska provide a Continuing Education Course to meet that requirement. Or will the State Licensing Board tell us where we can get a course for it.
- >
- > The course will need to have the option of home study, in case a person is unable to attend a live presentation.

From: kathydinius@gmail.com
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Re: Continuing Education Course
Date: Friday, August 11, 2023 4:45:26 PM

I couldn't tell if my response got sent to you, so I am writing it again.

I am a Licensed Psychologist in the State of Alaska. I received the Notice Of Proposed Changes In The Regulations Of The State Board Of Psychologist And Psychological Associate Examiners. It is to this Notice Of Proposed Changes that I am responding. I would like the State Board to see my concern. Thank you for passing it on to them.

Kathleen Dinius PhD

Sent from my iPad

> On Aug 11, 2023, at 1:33 PM, Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov> wrote:
>
> Good afternoon,
>
> Can you please confirm if you are writing in regarding the proposed Psychology regulation changes located here?: <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=211754>
>
> Thank you,
>
> Stefanie L. Davis (she/her)
> Regulations Specialist
> Department of Commerce, Community, and Economic Development
> Division of Corporations, Business and Professional Licensing
>
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>
> -----Original Message-----
> From: Kathy Dinius <kathydinius@gmail.com>
> Sent: Friday, August 11, 2023 11:28 AM
> To: Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov>
> Subject: Continuing Education Course
>
> [You don't often get email from kathydinius@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]
>
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>
> This is in regard to the proposed Continuing Education Credits for: Six contact hours in cross-cultural education

relating to Alaska Natives.

>

> I don't know of any company that provides a continuing education program for this topic relating to Alaska Natives.

>

> Will the State of Alaska provide a Continuing Education Course to meet that requirement. Or will the State Licensing Board tell us where we can get a course for it.

>

> The course will need to have the option of home study, in case a person is unable to attend a live presentation.

Submitted By	Comment
<p data-bbox="190 235 487 262">7/18/2023 9:15:48 AM</p> <p data-bbox="190 268 418 296">Sara Buckingham</p> <p data-bbox="190 302 524 329">sbuckingham@alaska.edu</p> <p data-bbox="190 336 418 363">Chugiak, AK, US</p> <p data-bbox="190 369 418 396">Anonymous User</p>	<p data-bbox="812 235 1435 541">I appreciate the board's attempt to ensure that all Alaska psychologists and psychological associates have some level of knowledge and training in these specific content areas. I'm not necessarily opposed to these requirements for my own practice since many are relevant to the work that I do, but I do have some concerns about their implementation for our field as a whole.</p> <p data-bbox="812 548 1435 1171">1) Psychologists have a myriad of subspecialties that shape the continued education and training that is most useful to them. These credits amount to 18 of the 40 credits required over the next two years, dictating nearly half of the credits a psychologist will pursue. Not all psychologists provide psychological services that would benefit from all of these content areas. For example, some psychologists only provide assessment services and others only provide services in person. While psychologists can always complete more than the required 40 credits to ensure that they are staying up to date in their field, I worry that is not feasible for all and thus may detract from the continuing education psychologists need. Therefore, micromanaging credits might not be in the best interests of the public or the psychologists.</p> <p data-bbox="812 1178 1435 1556">2) Because this requirement is getting voted on in August, but dates back to July 1st, there are a number of psychologists (myself included) who will be accruing a significant amount of continuing education before this requirement is put into place given that the American Psychological Association's conference is in August. If these changes are adopted, I'd suggest the requirement be phased in for a future cycle so that psychologists have time to prepare.</p> <p data-bbox="812 1562 1435 1875">Finally, a suggestion - if the intent of this amendment is to ensure one-time training in each area (which appears to be the case), another way to ensure that psychologists have training in these content areas without requiring them as continuing education in this current cycle, would be to require that licensees provide proof of former training in each area (past continuing education credits, doctoral</p>

Submitted By	Comment
	<p>coursework within past X number of years, etc.); if any licensee could not do so for any content area, then they would need to complete the continuing education in areas they do not have prior training in during this upcoming cycle or the cycle in which they are first licensed.</p> <p>Thanks for considering my comments. Dr. Sara Buckingham AK 125402</p>
<p>7/12/2023 1:07:20 PM Angie Cronin angienreather@gmail.com Anchorage, AK, US Anonymous User</p>	<p>I am in favor of the proposed changes in continuing education credit; however, I would like the Board to explain how they are working to increase access to various trainings in the state. It is near impossible to find adequate in person or webinars put on by the state of AK. I am having to find outside resources for my continuing education. This is doable in the topics of ethics, suicide prevention, etc.; however, this will be very difficult to find a training on AK native populations. I am not sure how I would possibly find training on Alaska Native populations each cycle unless the board finds a way to increase our training opportunities.</p>

Laura A. Jones, Ph.D.
Licensed Clinical Psychologist
2525 Blueberry Road; Suite 107
Anchorage, Alaska 99503
(907) 277-0607 ~ fax (907) 277-0061

To: Board of Psychologist and Psychological Associate Examiners

Attn: Alison Osborne

Fax number: 907-465-2974

Date: 06/28/23

Number of pages: 2 + cover

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Juneau
JUL 31 2023
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Laura A. Jones, Ph.D.
Licensed Clinical Psychologist
2525 Blueberry Road; Suite 107
Anchorage, Alaska 99503

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Juneau
JUL 31 2023
CBPL

July 24, 2023

Alison Osborne
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806

I am writing in response to the Notice of Proposed Changes in the Regulations of the State Board of Psychologists and Psychological Associate Examiners that was published on July 12, 2023. In particular, I want to comment on the proposed changes to 12AAC 60.260 related to Continuing education requirements. I have concerns related to the extensive list of specific continuing education requirements, the particular subset of topics selected as necessary requirements, and the limited time in which these continuing education hours are to be completed.

The most surprising and burdensome issue involves the sudden transition from requiring 3 CEU's in ethics to be completed in each two-year licensing renewal period to requiring 18 designated CEU's in the upcoming licensing renewal period. Many experienced psychologists, myself included, have multi-year plans for the continuing education that we believe will be most useful in developing and maintaining our competencies in the field. To have to add 15 additional CEU's (not counting the already anticipated 3 CEU's in ethics) to the plan that I have for this licensing renewal period creates financial and time costs that create an unnecessary burden for a professional who knows what topics would be most helpful in my current professional development. Although I believe that many of the proposed specific CEU topics are not necessary for most psychologists, I would recommend that any new proposed additions to the required continuing education plans be phased in over multiple licensing renewal periods to allow busy professionals to incorporate them into the professional development plans that they have designed for their specific needs.

As a psychologist who has been licensed in Alaska for 35 years, I also believe that many of the proposed continuing education topics are areas in which I have already received extensive training and I do not believe that I (and many of my colleagues) need to have additional training in these designated topics at this point in my career. As a psychologist, I have attempted to closely follow the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, including the sections related to the Boundaries of Competence. In particular, the Code reads "*Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.*" Based on this principle, I have selected continuing education opportunities based on the areas in which I needed to ensure that I was practicing with knowledge and professional competence. I believe that the Board is overreaching in deciding that after 35 years of professional practice (which has included more than 700 hours of continuing education) I suddenly need to have specific training in a small subset of topics that may or may not be relevant to my work. I believe that I have received more than enough

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training in the areas of cross cultural studies relating to Alaska Natives, suicide prevention, and substance abuse; however, these proposed regulations do not provide me with an opportunity to demonstrate my prior knowledge, training, consultation, or study of these topics. Instead, the Board seeks to add to the burden of my planned continuing education to require that I take additional training in these specified areas.

Similarly, the Code specifies that *“Psychologists planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies new to them undertake relevant education, training, supervised experience, consultation, or study.”* Based on this principle, when I began offering telehealth services during the coronavirus pandemic, I completed APA’s Telepsychology Best Practices 101, which included topics such as Clinical Evaluation and Care: Cultural Competencies, About the Tech-Video, Email, Text Messaging & Apps, and Legal, Regulatory and Ethical Rules of the Road. Again, the proposed regulations do not provide any mechanism for me to submit this continuing education program to satisfy the newly proposed continuing education topics. If these regulations are going to be adopted, I strongly urge the Board to develop mechanisms to allow professionals to document prior education and training that would satisfy the requirements, rather than burdening professionals with repeating training that they have previously obtained.

Finally, I question the selection of the particular topics that the Board has identified as necessary for continuing education for all psychologists and psychological associates, regardless of their areas of training and specialization. I believe that many professionals would suggest different subsets of requirements based on our individual observations, experiences, and areas of concern. For example, as someone who works in private practice with many adolescent clients, I might recommend a greater focus on topics such as managing self-harm behavior, understanding sexuality and gender identity, the role of social media in adolescent lives, etc. As someone who has reviewed other therapists’ reports and testimony in forensic cases, I might recommend broader training in understanding the role of a treating therapist in forensic cases. As someone who has worked with many children and adolescents who have received inaccurate diagnoses or inappropriate treatment from therapists who are primarily trained in working with adults, I might recommend more training requirements related to working with specific populations (such as young children). I do not have a specific recommendation for the Board on the list of continuing education requirements, but I do want to raise questions about the selection of these specific topics and whether the focus should be on encouraging all psychologists and psychological associates to be sure that they *“provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.”*

Thank you for your time and attention to this matter.

Sincerely,



Laura A. Jones, Ph.D.
Licensed Clinical Psychologist

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Juneau
JUL 31 2023
CBPL

Paul L. Craig, PhD, ABPP-CN
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August 12, 2023

To: Board of Psychologists and Psychological Associate Examiners ,

From: Paul L. Craig, Ph.D., ABPP-CN

Re: Proposed Changes in the Regulations of the State Board of Psychologists and Psychological Associate Examiners

BACKGROUND:

I am submitting these comments as a psychologist licensed to practice in Alaska for 40+ years.

By way of history, my doctoral training in clinical psychology was received at the University of Wyoming (APA-accredited program) with a focus on rural-community psychology. I completed a pre-doctoral internship at the University of Minnesota Health Sciences Center in health psychology. Rotations during internship were varied and included rural health, substance abuse evaluation and treatment, neuropsychology, suicide assessment and prevention – and many more.

I have completed two post-doctoral fellowships. The first was in rural community-clinical psychology through the University of Washington School of Medicine (WWAMI Program) during which I provided supervised psychological services to the communities served by the Gateway Community Mental Health Center in SE Alaska (e.g., Metlakatla, Klawock, Petersburg, Ketchikan, Thorne Bay, etc.), many of which were inhabited primarily by people of Tlingit, Haida or Tsimshian heritage. The second fellowship was in clinical neuropsychology at the University of Oklahoma Health Sciences Center. I have been board-certified in clinical neuropsychology (ABPP) for more than 30 years.

Between the two post-doctoral fellowships, I was employed as the Director of the South Peninsula Community Mental Health Program serving Homer, Nanwalek, Port Graham, Seldovia, Ninilchik, Anchor Point, and other residents within that catchment area – many of whom were Alaska Native.

Since 1985, I have based my practice in Anchorage. For several years, I held monthly clinics in Fairbanks and Juneau. I have been invited to provide neuropsychological consultation services in sparsely-populated remote Bush villages such as Brevig Mission, Teller, and Akiachak; as well as in other larger communities throughout the State (e.g., Skagway, Kotzebue, Nome, Bethel, Kodiak, etc.). I am knowledgeable regarding Alaska and its diverse citizens.

With regard to public policy experience, I have held a variety of positions at the local and national level that may lend weight to my comments. Most importantly, I was appointed to serve on the Board of Psychologists and Psychological Associate Examiners (“the Board”) by Governor Tony Knowles from 1999 through 2002. During my term on the Board, the Regulations were amended to require three (3) hours of continuing education in ethics during each two-year licensing cycle. Likewise, the Board on which I served tightened up the rules regarding the type and nature of CE offerings that qualify for CE credit during a two-year psychology licensing period. Prior to tightening up the regulations, a few psychologists submitted absurd coursework to document their 40 hours of CE. The most egregious example I remember from 20+ years ago was a psychologist who claimed that he/she had met his/her CE requirement by attending some marketing classes sponsored by Amway that focused on how to sell “nutriceuticals” to your friends and acquaintances.

Improved guidance regarding what would qualify as CE for psychologists was needed. However, other than specifically requiring three (3) hours of ethics, each psychologist was left to independently decide what subject matter or skills they would focus on in the context of completing the CE requirements during each two-year cycle. The CE policy adopted 20+ years ago remains in existence today. The current policy for CE among psychologists remains consistent with national norms for CE requirements across all jurisdictions according to data from the Association of State and Provincial Psychology Boards’ (ASPPB) website as will be discussed on the final two pages of these comments after the heading **“NATIONAL CONTINUING EDUCATION REQUIREMENT NORMS.”**

In addition to serving on the Alaska Board of Psychologists and Psychological Associate Examiners, I was appointed under President George Bush to serve on the National Advisory Committee for Rural Health & Human Services (NACRHHS) from 2006 through 2007. The NACRHHS provided guidance regarding nationwide rural health policy directly to the Secretary of the Department of Health & Human Services – the Honorable Michael O. Leavitt.

I was a founding member of the American Psychological Association (APA) Rural Health Task Force – now a standing committee – and held several other governance roles within the APA including serving on the APA’s Board of Directors – a responsibility that included adjudicating ethics cases involving APA members.

When elected by the APA Council of Representatives to serve as an Officer (i.e., Treasurer) on the APA Board of Directors, I simultaneously served as a Trustee to the APA Insurance Trust and was a Liaison to the Board of Directors of the Association of State and Provincial Psychology Boards (ASPPB).

I have published and presented extensively in the field of psychology about topics such as ethics, the future of professional psychology, and clinical neuropsychology.

In summary, I have a reasonable level of expertise regarding professional standards, ethics, professional licensure, and the scientist-practitioner model of clinical service delivery which is built on a foundation of *competence*, including clear self-proclamation of each of our boundaries of competence.

Each psychologist knows what they know. The more challenging task is to self-identify what each of us does not know. Accurate self-appraisal is foundational to the ethical practice of psychology insofar as it provides guidance regarding boundaries of competence which is used to define scope of practice. Likewise, accurate self-appraisal informs each of us about what CE topics to pursue in order to fill any identified gaps within our scope of practice; and, to expand the scope of practice only after developing competence in new forms of psychological practice by obtaining appropriate training, supervision, and consultation before launching into areas of practice beyond the psychologist's current boundaries of competence.

NOMENCLATURE:

For the sake of brevity, I shall use "psychologists" rather than writing out "psychologists and psychological associates" in these comments. The reader should assume I am including both levels of licensure with respect to all comments stated below.

ROLE OF THE BOARD:

The reason the Alaska Board of Psychologists and Psychological Associate Examiners was created and continues to exist is to protect the public. Psychology licensing laws do not exist to protect the profession. Alaska's licensing laws were established to assure Alaskans that each professional who engages in the practice of psychology in Alaska has been appropriately trained and possesses the fundamental knowledge and skills to practice competently, safely, and ethically within their boundaries of competence.

ALASKA LAW – A REVIEW IN RELATION TO AMENDING REGULATIONS GOVERNING PSYCHOLOGISTS AND PSYCHOLOGICAL ASSOCIATES:

The framework of Alaska law begins with the **Alaska Constitution** which is foundational and overarching from a legal perspective.

Next comes the **Alaska Statutes** which become law when a piece of legislation is passed by both branches of the Alaska Legislature and then is signed into law by the Governor. Statutory citations begin with "AS...".

Next comes regulations. The **Alaska Administration Code** contains Alaska's regulations. Regulations are created pursuant to and consistent with specific Alaska Statutes. Regulations are fully enforceable as State law. When regulations are cited, the citation begin with "AAC...".

The other governing aspects of the Alaska legal framework are the myriad decisions reached within Alaska's Courts. The greatest weight is given to the decisions reach by the Alaska Supreme Court. The Alaska Supreme Court cannot alter the Constitution, but it can nullify a specific Statute (AS...) or a specific Regulation (ACC...) when that Statute or Regulation violates some other aspect of Alaska's legal framework (e.g., the Alaska Constitution or Alaska's Statutes).

Title 44 of the Alaska Statutes enables the existence of State government. **Chapter 62** of **Title 44** is titled: **Administrative Procedures Act**. AS 44.62 contains statutory requirements – not guidelines – for enactment of Regulations.

Alaska Statute 44.62.180 titled “**Effective Date**” states:

A regulation or an order of repeal filed by the lieutenant governor becomes effective on the 30th day after the date of filing... [or]... (4) a later date is prescribed by the state agency in a written instrument submitted with, or as part of, the regulation or order of repeal (emphasis added).

The “date of filing” is some date in the future on which the Lt. Governor decides she will sign and file her copy of the regulation. The only way for the Board of Psychologists and Psychological Associate Examiners to establish a different effective date is to explicit select a “later date” that will fall well after the default effective date (i.e., 30 days after the Lt. Governor decides to file the regulation).

AS 44.62.180 does not contain language stating that an effective date prior to 30 days after the Lt. Governor files the regulation can be selected by the Board.

Later in Chapter 44, the AS 44.62.240 explicitly prohibits the Board from selecting an earlier date; *and*, from including any language in an amendment to a regulation that attempts to reach into the past in order to retroactively regulate any period of time that has already elapsed. Reaching back to July 1, 2023 in an amendment to a regulation is explicitly forbidden by Alaska law.

AS 44.62.240 titled “**Limitation on retroactive action**” states:

If a regulation adopted by an agency under this chapter is primarily legislative, the regulation has prospective effect only. A regulation adopted under this chapter that is primarily an “interpretative regulation” has retroactive effect only if the agency adopting it has adopted no earlier inconsistent regulation and has followed no earlier course of conduct inconsistent with the regulation. Silence or failure to follow any course of conduct is considered earlier inconsistent conduct (emphasis added).

To contextualize the Alaska Statutes’ limitation on “retroactive action”, it is important to refer to the currently effective regulations governing psychologists and psychological associates. These can be found on the Alaska Department of Commerce’s website.

<https://www.commerce.alaska.gov/web/portals/5/pub/PsychologistStatutes.pdf>

The Board of Psychologist and Psychological Examiners promulgated and has enforced the existing regulations regarding Continuing Education (CE). The existing regulations require 40 hours of CE every two-year licensing interval which shall include three (3) hours of CE focused on ethics. Other than three hours of ethics, the selection of content of the CE courses is left to the discretion of each psychologist. However, when selecting CE course topics, each psychologist must abide by the competence requirements contained in 12 AAC 60.185. Training and skill develop with respect to multicultural competence is a legal requirement under 12 AAC 60.185 – a longstanding regulation.

12 AAC 60.185. ETHICS AND STANDARDS. (a) The ethics to be adhered to by licensed psychologists and licensed psychological associates are the Ethical Principles of Psychologists and Code of Conduct (June 2003), with the 2010 amendments, effective June 1, 2010, with the 2016 amendment, effective January 1, 2017, of the American Psychological Association, Inc. Ethical Principles of Psychologists and Code of Conduct is adopted by reference in this section (emphasis added).

The *Ethical Principals of Psychologists and Code of Conduct* cited in 12 AAC 60.185 are easily found on the American Psychological Association website:

<https://www.apa.org/ethics/code/ethics-code-2017.pdf>

Ethical Standard 2 is titled “**Competence.**” The first Standard presented under the category of “Competence” is Standard 2.01 which is titled “**Boundaries of Competence**”. It addresses how a psychologist should select topics to “study” and what a psychologist is required to know before serving diverse populations. Standard 2.01, paragraphs (a) and (b) state:

(a) Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.

(b) Where scientific or professional knowledge in the discipline of psychology establishes that an understanding of factors associated with age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status is essential for effective implementation of their services or research, psychologists have or obtain the training, experience, consultation, or supervision necessary to ensure the competence of their services, or they make appropriate referrals... ”

Under existing Alaska law (see 12 AAC 60.18), when selecting content of CE courses, each psychologist is mandated to review their current scope of practice, including

anticipated changes in the scope of practice, and to select CE courses that will assure competence when providing services to Alaskans.

Likewise, 2.01(b) explicitly requires all psychologists practicing in Alaska to receive diversity training to assure that they are behaving competently, ethically, and respectfully whenever they deliver psychological services to any one of many diversity categories of Alaskans.

PROPOSED AMENDMENTS:

12 AAC 60.035(c)(4)

I support this proposed amendment.

12 AAC 60.260(b) & 12 AAC 60.260(c)

These amendments are contrary to the requirements of Alaska law because they include retroactivity. Both amendments are recommended for removal – in toto – from the amendments for the various reasons discussed below.

Amendment 12 AAC 60.035(c)(4) violates AS 44.62.240 by explicitly stating that it is retroactive to at least July 1, 2023.

From July 1, 2023 though the eventual effective date, licensed psychologists have been required to abide by the current regulations pertaining to continuing education requirements for psychologists. The Board may not reach back and retroactively change a regulation governing continuing education that is already in effect. The amendment may only be applied from the actual effective date forward or some other “later date” specified in the amendment.

To correct this error, the amendment could be rewritten to state “For licensing periods beginning after June 30, 2025, each...” Parenthetically, my recommendation is that both of these amendments be deleted entirely. But if they are not deleted, they will need to be rewritten to avoid retroactivity which is prohibited by the enabling statutes.

If the Board does not specify June 30, 2025, then 30 days after Lt. Governor Dahlstrom signs and files the amendments the regulations will become effective. This will cause the current two-year licensing period to be bifurcated with respect to CE requirements (i.e., the requirements before the effective date and the different requirements after the effective date).

Bifurcation of the current licensing period is destined to create a quagmire for the Board that it will inevitably come to regret. Bifurcation would require the Board to ask each psychologist to report CE courses completed before *and* after the effective date. That will leave an unanswered question about how the Board will attempt to prorate CE requirements that are met prior to and following the effective date. For example, if the

amendments are filed near the beginning of October and have an effective date of November 1, 2023, then four of the 24 months within the current two-year licensing period would have elapsed before the amendments are in effect. If a psychologist has completed 30 hours of CE (75% of the total of required hours) prior to November 1, 2023, would it be the Board's opinion that this psychologist must meet the remaining 10 hours of CE requirements by distributing subsequent CE hours on a prorated basis across all of the various required subjects (e.g., suicide prevention, substance abuse, etc.)? If so, 25% of three hours in a subject would equal 45 minutes, and so forth. Or, would the Board defer to each psychologist to pick and chose among the remaining subject areas without proration of required hours in each of the newly selected CE topics?

If the current two-year licensing period is bifurcated by an effective date, it will create other many other sources of chaos for the Board and for licensed psychologists. To demonstrate one example of such chaos, assume a psychologist ("Dr. John Doe") had a neuropsychological research article published in a peer-reviewed scientific journal on August 1, 2023. That publication meets 20 hours of Dr. Doe's CE requirements during the current two-year licensure period. Assume Dr. Doe completed a three-hour ethics class on August 10, 2023. Now, here comes the chaos. Assume Dr. Doe has already prepaid the airfare, hotel charges, and conference fees to attend the remaining 17 hours of CE classes in Florida. Those 17 hours of CE were selected by Dr. Doe because they pertain to recent advancements in the neuropsychological assessment of long-Covid patients. Dr. Doe has not yet received training about the neuropsychological research completed with that patient population and wants to abide by the requirements of 12 AAC 60.185 governing boundaries of competence. Once again, assume that the effective date of the amendments is November 1, 2023. The conference in Florida is scheduled for November 15-18, 2023. Dr. Doe would be materially penalized by the amendments because Dr. Doe signed up for CE under the effective regulations but will not be able to use these CE credits for re-licensure because the credits will be earned after the effective date and do not fit within the categories specified in the Board's proposed amendments. If Dr. Doe cannot afford to take another 15 hours away from his practice to attend more CEs after November 18th, then he would need to cancel his registration for the Florida conference, and forgo participation in the CE offerings that would meet his ethical obligations under 12 AAC 60.185 regarding competence when expanding scope of practice. Consequently, Dr. Doe will not be able to provide services to Alaska's long-Covid patients referred to him due to the boundaries of competence requirements of 12 AAC 60.185. Under the guise of protecting the public, the Board would unintentionally be damaging segments of the public by adopting the regulations as written - especially if they are effective immediately (i.e., on the 30th day after signature and filing by the Lt. Governor).

The simple, fair, and statutorily compliant way to resolve the retroactive problem is to use the language suggested above: "For licensing periods beginning after June 30, 2025, each..."

Even if the Board assumes that AS 44.62.240 does not apply to its regulations, and that retroactivity is an option available to the Board (an assumption that will not carry water

when contested in an Alaska Court), amendment 12 AAC 60.260(b) remains seriously flawed as written. Namely, its retroactivity reaches back 50 years or more. I am certain this is not the intention of the Board, but it is the meaning of the words used in the amendment. Specifically, the amendment states “For a licensing period ending on or before June 30, 2023...” That phrase reaches back to the first day of licensure of psychologists in Alaska. The first two-year licensing period in Alaska, and all licensing periods that followed during the past 50 years or more, ended “...on or before June 30, 2023.” I cannot imagine that the Board wants to reach back to the genesis of licensure in Alaska through this amendment. Nonetheless, the wording used in the amendment states that the amendment goes back to the beginning of time, or at least to the beginning of licensure in Alaska. Even one day of retroactivity is prohibited by the enabling Statute regarding regulations. Again, I am certain that Board does not mean what it wrote with regarding to 50 years of retroactivity, but that is precisely what the words used by the Board actually mean.

Within the Administrative Procedures Act pertaining to promulgation of regulations, AS 42.62.060(a) and (b) both discuss the involvement of the Department of Law with respect to preparing regulations for public review. AS 42.62.060(b)(1) requires the Department of Law to review a proposed amendment for “*its legality, constitutionality, and consistency with other regulations.*” Similarly, AS 42.62.060(b)(3) requires the Department of Law to review proposed regulatory amendments for “*its clarity, simplicity of expression, and absence of possibility of misapplication.*” Perhaps the Department of Law review process has not yet occurred. If it has occurred, the Board would be well-advised to seek a second opinion from the Department of Law about these amendments.

As stated elsewhere in these comments, I agree with the Board’s recommendation regarding the ongoing requirement that three hours of CE during each two-year licensing period be focused on professional ethics. This ethics requirement is consistent with longstanding CE requirements in Alaska, and is consistent with national norms for CE requirements across all jurisdictions. Three hours of ethics CE each licensing period should continue to be public policy in Alaska.

With regard to the new content requirements involving an additional 15 hours of CE training beyond the required three hours of ethics training, these requirements should be deleted – in toto – from the amendments for the following reasons.

As previously discussed in these comments, psychologists practicing in Alaska are legally required to abide by *The Ethical Principles of Psychologists and Code of Conduct* adopted by the American Psychological Association.

Standard 2 of the Code addresses “*Competence.*” Standard 2.02 states:

“*Psychologists undertake ongoing efforts to develop and maintain their competence.*”

Clearly, Standard 2.02 supports the need for continuing education among all psychologists.

No psychologist who is practicing ethically claims competence in all possible areas of psychological practice. Throughout my career, I have striven to develop and maintain competence in my area of specialty practice – clinical neuropsychology – including receiving training in ethics in my field, publishing research regarding norms involving Alaska Natives, etc. However, there are very clear boundaries to my professional competence. You will never hear me telling a consumer that I provide “teletherapy.” That is not my area of practice competence and never will be.

Proposed amendment AAC 60.260(c) incorrectly presumes that the Board knows best what areas of competence each psychologist needs to focus on when pursuing CE. This presumption does not take into account the CE training already received by each psychologist; it does not account for the professional experience of each psychologist; it does not take into account each psychologist’s area of practice; and, it does not account for each psychologist’s self-declared boundaries of competence.

The Board’s arbitrary and capricious selection of topics contains poorly selected words that are inconsistent with the current use of language within the profession. The amendments refers to “teletherapy” rather than “telehealth.” Telehealth is the term that was adopted by the American Psychological Association many years ago to cover the waterfront of “tele” services provided by psychologists. Teletherapy is an archaic – overly narrow – word that does not begin to capture the range of “tele” services provided by psychologists.

Likewise, the amendments uses the term “cross-cultural” rather than “multicultural” – the current term used by psychologists. Several decades ago, “cross-cultural” was determined by our profession to be a term that is all too frequently used by a self-perceived dominant culture to illuminate differences between “us” and “them.” In order to progress beyond the language and concepts subserving the implicit biases of a dominant culture’s view of the world, the term “multicultural” was adopted as the term of choice to acknowledge the diversity of cultures that comprise the society in which all of us live. Each culture is unique. The unique aspects of each culture must be understood by other cultures if a specific culture is to be treated respectfully by those who hail from one or more other cultures. Multiculturalism supplanted the concept of “cross-cultural” in American psychology several decades ago.

Psychologists licensed to practice in Alaska have two things in common. First, they have all met the minimum training requirements to apply for licensure. Second, they have all passed the licensure test. Beyond those two points of commonality, there are many differences among Alaskan psychologists. Some licensed psychologists have been practicing in remote Alaska Native communities for decades. Others have been practicing primarily in urban settings populated by a plethora of cultures speaking more than 100 languages. Some psychologists have been in Alaska for six months; some for six years; and, a few for sixty years or more. The experiences gleaned, continuing education received, scientific research published, courses taught, and related factors vary dramatically from psychologist to psychologist throughout Alaska.

The CE content areas prescribed by the proposed amendments presumes that all psychologists in Alaska are inadequately trained in very specific domains and that the Board knows best what CE content areas will fill those gaps. This presumption is naïve, misguided, and interferes with each psychologist meeting their obligation to abide by the *The Ethical Principals of Psychologists and Code of Conduct*. By requiring psychologists to focus on the subjects prescribed by the Board, psychologists are being put in a position where they may not be able to take sufficient CE courses within their actual scope of practice.

(C)(1) requires “six contact hours in cross-cultural education relating to Alaska Natives.” I am a very strong supporter of multicultural training, including training relating to providing services to Alaska Natives. However, limiting multicultural CE training to subjects relating to Alaska Natives is inconsistent with the demographic reality of Alaska in 2023. I support training in diversity in all of its iterations – including training regarding delivering psychological services to Alaska Natives for those psychologists who are not trained in that regard - to optimize multicultural understanding and respect. The amendments as written do not address Alaska’s diversity in 2023.

Each day, children in Anchorage enter our schools speaking more than 100 languages and identify with even more cultures.

The 2023 *Anchorage School District (ASD) Diversity Report* can be found at:

<https://www.asdk12.org/cms/lib/AK02207157/Centricity/Domain/1204/Ethnicity%202022-2023.pdf>

The ASD Diversity Report reveals that a minority of ASD students are White (41%). 17% are Asian or Pacific Islanders. 10% are Alaska Natives. Hispanics comprise almost 12% of the ASD student body. African Americans comprise about 4.5%. Those who identify as being from two or more races comprise 16% of the ASD student body. The student body reflects the demographics of the community at large.

Although diversity data vary from community to community, from Ketchikan to Kodiak and beyond, Alaska is inhabited by a plethora of cultures from all over the world. The cultures who have lived in Alaska the longest are the various cultures collectively referred to as Alaska Native. Alaska is more demographically diverse than any other State in the nation. Today, there is not a majority race or culture in Alaska. All psychologists who are were not raised in Athabascan, Tsimshian, Haida, Tlingit, Siberian Yupik, Chupik, Yupiq, Aleut, Alutiiq, Inupiaq or some other Alaska Native culture who intend to deliver psychological services to members of one or more of these cultures should acquire appropriate multicultural training about the culture in question before providing these services as required by *The Ethical Principals of Psychologists and Code of Conduct*. None of the people comprising the many other cultures living in Alaska have ancestors who have lived in Alaska as long as Alaska Native people. However, the geographical location of ancestors does not diminish the importance of knowing about a

person's culture (e.g., Laotian, Samoan, Somalian, etc.) before attempting to provide services to a person raised in a culture that differs from the culture in which the psychologist was raised.

Cultural diversity is not limited to urban Alaska. Even in Utqiagvik, 22% of the student body is not Alaska Native. Only 1.5% of the students in Utqiagvik are White, leaving more than 20% of the student body who fall in other racial and cultural categories. Yes, psychologists practicing in Utqiagvik and most other remote villages need "multicultural education relating to Alaska Natives." And, these psychologists also need to know about the other cultures with whom they will be interacting.

Psychologists practicing in Alaska need training relating to Alaska Native issues. If a psychologist has not already received such training, that psychologist should pursue pertinent training as soon as practical consistent with the requirements of *The Ethical Principles of Psychologists and Code of Conduct*. Adopting a regulation that ignores other forms of multicultural and diversity training and requires each psychologist to focus their training on Alaska Natives to the exclusion of all other multicultural and diversity groups is contrary to the demographic reality of the world in which we live and practice.

There is no need or rational basis to list one or more cultural groups in the regulations given that Standard 2.01 of *The Ethical Principles of Psychologists and Code of Conduct* already addresses this issue when discussing "Boundaries of Competence." Psychologists are required by law to abide by *The Ethical Principles of Psychologists and Code of Conduct*, including Standard 2.01.

Across all races and cultures represented in Alaska, gender identification and gender dysphoria has become a major behavioral health issue among Alaska's youth. Psychologists who are evaluating and treating diverse populations need diversity training regarding a broad array of groups and issues, including gender identity issues. Specifically requiring six hours of CE training to focus on Alaska Native issues to the exclusion of all other diversity and multicultural issues is demographically and diagnostically illogical in the context of adequately protecting all Alaskans from the incompetent or unethical practice of psychology in 2023.

The proposed amendments requires completion of a list of CE topics totaling 18 CE hours. The licensure regulations allow psychologists to acquire 20 hours of CE by publishing a professional article in a peer-reviewed journal. If a psychologist earns 20 hours of CE during the current two-year licensing period by publishing an article, and then earn 18 hours in the subject areas required by the amendment, that psychologist would only be left with two (2) hours of CE to pursue within their self-identified scope of competence. Essentially, the proposed amendment could be construed as requiring a psychologist to behave unethically by not focusing on completing adequate CE in their area of specialty practice.

(C)(2) requires each psychologist to dedicate ten percent of their CE hours to the study of "teletherapy." I know with certainty that I will never be providing anybody with

something that could be construed as “teletherapy.” If I ever decide to provide telehealth services, I will obtain appropriate training and consultation before doing so. Asking any psychologist to dedicate a portion of their CE hours during a two-year licensing period to an aspect of practice in which they will not be providing services is poor public policy.

(C)(3) requires three (3) hours of CE in ethics. This requirement is already covered elsewhere in the regulations and should not be duplicated. Repeating a statement about the ethics CE requirement will only serve as a point of confusion, not clarification. Three (3) hours of ethics CE training every two years remains a good idea, and only needs to be stated once in the regulations, not twice.

(C)(4) requires three hours of CE in suicide prevention. All psychologists who are providing behavioral services to Alaskans should have training in screening for suicidal ideation and intention. For those who are working with at-risk populations who have not received recent training regard the scientific research published pertaining to suicide assessment and prevention, participating in CE course(s) regarding this subject is very important for obvious reasons. But once again, why is the Board requiring this specific focus in the context of CE requirements at this time for all psychologists practicing in Alaska. Is there evidence that indicates that all licensed psychologists in Alaska have not received recent training in suicide prevention? Will requiring additional CE training in “suicide prevention” for all licensed psychologists during the current two-year licensing period reduce the incidence of suicide among Alaskans? Sadly, I doubt it. The question could be empirically evaluated by conducting an epidemiological study comparing the incidence of completed suicides in Alaska’s population before and after implementation of such a regulation. I evaluate children at North Star Hospital every day. Many of these children are in the hospital due to suicidal behavior. My impression is that the impact of the Board’s amendment to the regulations will be nil with respect to the base rate of completed suicides in Alaska. There are actions that could be taken in Alaska that may reduce suicides in Alaska, but those actions are not within the purview of the Board of Psychologists and Psychological Associate Examiners. I applaud the Board for its intentions regarding addressing the epidemic levels of suicide in Alaska. However, requiring me – and all of my colleagues – to enroll in CE focused on “suicide prevention” will not measurably reduce suicides in Alaska. I have extensive training and experience regarding suicide and address this issue with every patient I evaluate – day after day. My CE training would be better spent meeting the requirements of Standard 2.01 of *The Ethical Principles of Psychologists and Code of Conduct*. I am certain the same can be said for all other psychologists who provides behavioral health services to Alaskans.

(C)(5) requires two contact hours in substance abuse education. In collaboration with two colleagues who are licensed to practice psychology in Alaska, I recently published a research study regarding fetal alcohol spectrum disorder. I have taught classes through the University of Alaska system regarding substance abuse. Many of my colleagues in Alaska are similarly trained and experienced. For reasons already stated, I would recommend that the Board allow each psychologist to select the subjects in which they need to develop and/or maintain competence within their area of practice. Those who are

deficient with regard to substance abuse assessment and treatment have an obligation to focus on this topic when selecting CE courses to complete.

AAC 60.260(d)

This paragraph does not contain any retroactive language. However, I would recommend it be deleted from the amendments for the same reasons stated above regarding content of the amendment.

To summarize, 12 AAC 60.260(b); 12 AAC 60.260(c); and 12 AAC 60.260(d) should be completely removed from the proposed amendments to the regulations.

NATIONAL CONTINUING EDUCATION REQUIREMENT NORMS:

According to the Association of State and Provincial Psychology Board's (ASPPB) current data, it is normative nationwide for jurisdictions to require either 20 hours of CE per year or 40 hours per two years – both of which, practically speaking, are the same requirements that apply to psychologists licensed in Alaska.

Among all jurisdictions included in the ASPPB database, 75% require some of the CE hours to focus on ethics during each licensure interval. The normative requirement is three (3) CE credits in ethics per two-years, consistent with Alaska's current requirements.

Beyond 3 hours of CE in ethics, there are no other content requirements for CE described by the ASPPB among any of its member jurisdictions. For more details regarding nationwide norms for CE requirements nationwide, see:

<https://asppbcentre.org/spotlight/continuing-education/>

If the proposed amendments are adopted as written, Alaska will become a complete outlier with respect to its CE requirements for psychologists. Adopting these amendments as proposed represents extremely poor public policy for the reasons stated above and does not improve upon the protection of the public. In fact, the proposed amendments may inadvertently harm the public by inhibiting most psychologists from adhering to *The Ethical Principles of Psychologists and Code of Conduct* by way of requiring all psychologists to focus on meeting the Board's arbitrary and capricious selection of topics rather than allowing each psychologist to select CE topics that are focused on gaps in their competence within their scope of practice.

I support the advancement of our profession. I support setting the professional bar high to protect the public from incompetence and other forms of unethical behaviors. I support multicultural competence and diversity training. However, I do not support the proposed amendments to the regulations regarding the content – other than ethics – that must be covered by CE courses for the reasons detailed in this letter.

Again, I have no doubt these amendments were written with the best of intentions. However, psychology is a profession built on a foundation of science, not intentions. Likewise, adopting regulations that prima facie violate Alaska law regarding retroactivity is ill-advised, and will be indefensible when contested in any Alaska State Court. Deviating dramatically from national norms regarding CE requirements is ill-advised. Adopting archaic nomenclature (i.e., “teletherapy” and “cross-cultural”) is also ill-advised.

SUMMARY:

With the exception of **12 AAC 60.035(c)(4)**, all of these amendments should be abandoned immediately.

Three hours of ethics CE is good public policy. Three hours of ethics are already required by regulation. Those three hours of ethics training will still be required by regulation, even if the proposed amendments 12 AAC 60.260(b), (c), and (d) are completely stricken.

Adherence to the “competence” standards included in *The Ethical Principles of Psychologists and Code of Conduct* adopted by the APA is already required by the legal framework of psychology licensing in Alaska. There is no demonstrable reason to require specific subjects to be covered in the context of CE courses beyond the requirement of three hours of CE focused on ethics. Similarly, there are many reasons *not* to impose arbitrary and capricious CE requirements beyond the three hours of ethics.

Thank you for considering my comments in your deliberations. If there are any questions about my comments, please do not hesitate to contact me.

From: [Peter Cannava - Behavioral Health Clinician, Psychologist \(PCHSAK\)](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Date: Tuesday, July 11, 2023 2:31:36 PM

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July 11, 2023

Alison Osborne:

This letter is to register my opposition to much of the proposed changes in psychologist licensure laws. As a psychologist licensed for over 20 years in the state of Alaska I oppose most of the proposed changes. I oppose the Courtesy License requirements changes which might change to unfairly restrict equivalent licenses from mobility due to the many different requirements in psychologist requirements between states. I oppose the changes to continuing education requirements modification which would require topic areas of CEU from restrictive narrow and repetitive content areas which can be difficult to find and of questionable quality while more general content areas and CEU trainings such psychological assessment or psychotherapy can provide much higher quality and meaningful educational experiences. I do not oppose teletherapy scope of practice standards.

Sincerely,

Peter Cannava, PhD

From: [Val Miraglia](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Notice of proposed regulations for LPAs and PhD Psychologists
Date: Friday, July 14, 2023 9:27:04 AM

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Comments:

I have read with interest the new proposed regulations regarding renewals of the LPA license. These are the regulations I am have comments about.

12 AAC 60.260. Continuing education requirements, is proposed to be amended, to include a requirement for licensees to complete a certain number of continuing education (CE) hours on specific topics at least once during their licensure. The new provisions will apply to both existing and new licensees, requiring completion of the CE hours in the following subject areas: cross-cultural studies relating to Alaska Natives, teletherapy practices, suicide prevention, substance abuse, and professional ethics. These requirements will apply to all license renewals and reinstatements between July 1, 2023, and June 30, 2025.

I believe this is a difficult requirement to meet, especially because it is already July of 2023. In order to get all those requirements in once time they become law (which will make it sometime in September or October of 2023 or later), will leave very little time to complete these, especially in person CEUs.

And indeed, I certainly have taken many CEUs in those areas in the recent past. If it is a lifetime requirement for license renewal, why not extend the time limitation to proof that one has taken these say in the last 5 years, or 10 years? When the pandemic hit I took multiple trainings about teletherapy practices. I used to work for Southcentral Foundation so was immersed in Alaska Native culture and trainings, suicide prevention, and substance abuse. So to get these all in within the next year AGAIN would certainly be a hardship when I have already done these multiple times in the past. And you are requiring in person training now so it is not like we can sign up for online CEUs. The financial piece would be tremendous also.

I would recommend that if this is a lifetime commitment that we are able to use past trainings (if we provide proof of these), or that the requirements don't go into effect until the 2025 to 2027 renewal period to give us more time to access all these specific in person trainings.

Thank you for listening.

Val Miraglia LPA

From: [Jenny Loudon](#)
To: [Regulations and Public Comment \(CED sponsored\)](#); [Beth Rose](#)
Subject: Public comment regarding proposed changes to regulations by the psychological associate examiners
Date: Monday, July 17, 2023 4:55:17 PM

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I am writing to share my concerns about the recent proposed changes in the regulations of the state board of psychologist and psychological associate examiners. The newly proposed changes provide overly rigid requirements as to the types of continuing education psychologists must take in order to maintain licensure. Specifically, they require adoption of continuing education credits in the areas of cross-cultural studies, teletherapy practices, suicide prevention, and substance abuse -- in addition to the area of ethics which is already required. This ends up as prescribing 18 out of 20 hours necessary for licensure.

This rigidity will have a deleterious impact on other areas of psychology which also require Continuing Education, simply by forcing psychologists to focus their CE in these narrow categories. In an effort to try to ensure ongoing competence in these areas, these will make it difficult for psychological providers to find the time and resources for training in other areas of importance where Alaska is working hard to gain psychological competencies. For instance, Alaska currently has only a single Certified Eating Disorder Specialist in the state (and she is a CEDS certified dietitian rather than a psychologist). Many Alaskans with eating disorders must leave the state to access necessary treatment, and even outpatient providers with some competence in this area often have very long wait lists. The Alaska Eating Disorders Alliance is working very hard to help expand capacity within our Alaskan healthcare system to better meet the needs of these patients by providing high quality educational programming. However, by requiring the vast majority of CEs to be taken in the prescribed categories of these regulations, we will actually have fewer psychologists who are able and willing to make the effort to grow their knowledge in these extremely life-threatening mental illnesses, which has the second highest mortality rate of all psychological illnesses, second only to opioid addiction.

There are many areas of psychology where Alaska needs more trained providers -- not just the areas noted within these regulations. I fear these will inadvertently cause harm to many Alaskans who need up to date training in other areas of psychological practice that are not specifically noted in the regs. I urge the Board to give psychologists the flexibility to focus their continuing education on the areas where they see the greatest area of their own skills lacking. This may include areas where **they** recognize the need to gain additional knowledge based on the clientele that they see in their individual practices. Without this, I fear, the Board will be choosing "winners" and "losers" in terms of people with certain diagnoses who will have more chances of finding competent, and trained providers, while others without those specific diagnoses will continue to suffer, and in fact, will have a harder time.

I request that the Board scratch these requirements to give psychologists more freedom to train in a variety of psychological modalities and diagnoses.



Jenny Loudon
Co-Founder, Board Vice Chair
Alaska Eating Disorders Alliance

907-308-8400 • (907) 229-3206
jloudon.alaskaedalliance@gmail.com
www.akeatingdisordersalliance.org



AKEDA provides help and inspires hope by engaging our diverse communities in education, advocacy and support for Alaskans affected by eating disorders.



From: [Susan Porter](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Re: Notice of Proposed Regulations (Alaska Board of Psychologist and Psychological Associate Examiners - 12 AAC 60)
Date: Friday, July 14, 2023 5:39:01 PM

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Hello,

With respect to 12 AAC 60.260 (c) and (d), does "contact hours" include live, interactive workshops and webinars, so that participants/attendees will not have to incur the expenses and disruptions involved with travel?

Susan M. Porter, Ph.D.
Licensed Clinical Psychologist
sporter5555@gmail.com
907-220-7780

On Tue, Jul 11, 2023 at 11:15 AM Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov> wrote:

Dear Licensee,

The Alaska Board of Psychologist and Psychological Associate Examiners proposes to update regulations relating to application requirements for courtesy licenses, continuing education requirements for license renewals and reinstatements to include required hours allocated to specific topics; and establishing new teletherapy standards of practice.

Attached are copies of the public notice and draft of the proposed regulation changes.

Thank you,

Alaska Board of Psychologist and Psychological Associate Examiners

From: [Charles Zaroff](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: 12 AAC 60.260. Continuing education requirements
Date: Saturday, July 22, 2023 11:42:57 AM

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To whom it may concern,

I am writing in regards to the new Continuing Education requirements for psychology licensure/renewal. I appreciate the obvious time and effort that likely went into this decision. I further agree with the need for all practitioners to remain up—to-date in their knowledge of the categories being proposed. However, I am not convinced that doctoral-level practitioners need this mandate to ensure that they are practicing ethically. For instance, I myself, having obtained my degree in 2001, have obtained CEs through multiple trainings most recently on the concept of gender identity (and I would imagine, requirements in this area were perhaps debated by the board members). My point being that it is not clear to me that the new categories being proposed are sufficient in ensuring ethical practice and thus, I think this might be best left to the individual practitioner.

My two cents,

Sincerely,

Charles

Charles Zaroff, Ph.D., ABPP
Pediatric and Adult Neuropsychologist
Board Certified in Clinical Neuropsychology

Alaska Neurology Center LLC
1100 E Dimond Blvd
Anchorage, AK 99515
907-565-6000/866-977-2562 P
907-565-6001/866-201-8222 F

From: [Kathy Dinius](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Continuing Education Course
Date: Friday, August 11, 2023 11:28:05 AM

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This is in regard to the proposed Continuing Education Credits for: Six contact hours in cross-cultural education relating to Alaska Natives.

I don't know of any company that provides a continuing education program for this topic relating to Alaska Natives.

Will the State of Alaska provide a Continuing Education Course to meet that requirement. Or will the State Licensing Board tell us where we can get a course for it.

The course will need to have the option of home study, in case a person is unable to attend a live presentation.

From: [Cynthia E. Aiken](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Proposed Change In Regs of Psych. Board
Date: Sunday, August 13, 2023 11:12:15 PM
Attachments: [Comments Psych Regs..docx](#)

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Attached are my comments regarding the proposed regulations change. I have been licensed by the State Board of Psychologist and Psychological Associates continuously to practice in Alaska for the past 38 years. I received no written notification of these proposed changes. In fact I have received no correspondence regarding proposed licensing requirements and state board meetings in several years. Is this a trend of the future? I learned of these proposed changes a few weeks ago from colleagues in postings on our professional association listserve.

Cynthia E. Aiken,
MS,LPA,DAPA,MAC,FAPA
CEO/Program Sponsor
Narcotic Drug Treatment Center Inc.
907-229-8902 mobile
907-276-3637 fax
907-276-6430 x522 office
Acynalaska@cs.com

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MEMORANDUM

Date: August 13, 2023

TO: State Board of Psychologists
And Psychological Associate Examiners

SUBJECT: Comments on Proposed Regulations
Change

I have read the proposed regulations to be adopted by the Psych Board. I feel that these core continuing education requirements specified in the regulations changes should be basic requirements for individuals seeking licensure in Alaska for the first time. This could be accomplished by requiring them for initial licensure. However seasoned licensees that have been in practice in this state for decades have received these trainings many times over.

Any quality ethics training, which has been required for license renewal for decades, should cover cultural competency to include all cultures, teletherapy, suicide prevention and substance misuse education. Ethics training also includes the responsibility of individual professionals to assess and be competent and skilled in areas needed to provide services to the populations they serve. This profession contains many specialties of practice. Licensees may hold a variety of these and are required to complete specific ceu's to stay certified in these areas. Micromanaging these credits is not in the best interest of the public or the profession.

As a licensed professional, I feel the pedantic plan the board is proposing is lacking in the recognition that the field of psychology is not a one size fits all when it comes to post graduate continuing education. I will attend the zoom meeting on August 17, 2023 and look forward to hearing testimony from other licensed professionals and hope the board will reconsider the proposed regulations. In any event, I strongly disagree to have any changes take place retroactive to July 1, 2023. I have already attended several conferences and have accrued more than 20 credits required for my specialties in this licensing year.

Respectfully,
Cynthia E. Aiken,LPA (licensed since 1985)

From: [Sara Buckingham](#)
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Public Comment Regarding Psychologist Licensing Regulations (12 AAC 60.260)
Date: Tuesday, July 18, 2023 9:21:35 AM

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Dear Alison,

I am writing to provide comments on PROPOSED CHANGES IN THE REGULATIONS OF THE STATE BOARD OF PSYCHOLOGIST AND PSYCHOLOGICAL ASSOCIATE EXAMINERS. I submitted this through the online comment link, but did not receive notification it went through, so am sending it via email as well in the case it did not.

I appreciate the board's attempt to ensure that all Alaska psychologists and psychological associates have some level of knowledge and training in these specific content areas. I'm not necessarily opposed to these requirements for my own practice since many are relevant to the work that I do, but I do have some concerns about their implementation for our field as a whole.

1) Psychologists have a myriad of subspecialties that shape the continued education and training that is most useful to them. These credits amount to 18 of the 40 credits required over the next two years, dictating nearly half of the credits a psychologist will pursue. Not all psychologists provide psychological services that would benefit from all of these content areas. For example, some psychologists only provide assessment services and others only provide services in person. While psychologists can always complete more than the required 40 credits to ensure that they are staying up to date in their field, I worry that is not feasible for all and thus may detract from the continuing education psychologists need. Therefore, micromanaging credits might not be in the best interests of the public or the psychologists.

2) Because this requirement is getting voted on in August, but dates back to July 1st, there are a number of psychologists (myself included) who will be accruing a significant amount of continuing education before this requirement is put into place given that the American Psychological Association's conference is in August. If these changes are adopted, I'd suggest the requirement be phased in for a future cycle so that psychologists have time to prepare.

Finally, a suggestion - if the intent of this amendment is to ensure one-time training in each area (which appears to be the case), another way to ensure that psychologists have training in these content areas without requiring them as continuing education in this current cycle, would be to require that licensees provide proof of former training in each area (past continuing education credits, doctoral coursework within past X number of years, etc.); if any licensee could not do so for any content area, then they would need to complete the continuing education in areas they do not have prior training in during this upcoming cycle or the cycle in which they are first licensed.

Thanks for considering my comments.

Dr. Sara Buckingham
AK 125402

Sara L. Buckingham, Ph.D.

Associate Professor of Psychology

Licensed Psychologist

University of Alaska Anchorage

Pronouns: she, her ([What's this?](#))

[Crossroads Research Collective](#)

3211 Providence Drive

Anchorage, AK 99508

(907) 786-1767

[Dena'inaq etnen'aq' gheshtnu ch'q'u yeshdu](#) (audio)

'I live and work on the land of the Dena'ina.'

translation: Helen Dick, Sondra Shaginoff-Stuart, & Joel Isaak

From: kathydinius@gmail.com
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Re: Continuing Education Course
Date: Friday, August 11, 2023 4:19:17 PM

Yes, I am a Licensed Psychologist in the State of Alaska. I received the Notice of Proposed Changes in the Regulations of the State Board of Psychologist and Psychological Associate Examiners. I will need to renew my license in 2025. So the proposed changes in regulations is what I am writing about.

Thank you,
Kathleen Dinius

Sent from my iPad

> On Aug 11, 2023, at 1:33 PM, Regulations and Public Comment (CED sponsored)
<regulationsandpubliccomment@alaska.gov> wrote:

>

> Good afternoon,

>

> Can you please confirm if you are writing in regarding the proposed Psychology regulation changes located here?:
<https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=211754>

>

> Thank you,

>

> Stefanie L. Davis (she/her)

> Regulations Specialist

> Department of Commerce, Community, and Economic Development

> Division of Corporations, Business and Professional Licensing

>

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> -----Original Message-----

> From: Kathy Dinius <kathydinius@gmail.com>

> Sent: Friday, August 11, 2023 11:28 AM

> To: Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov>

> Subject: Continuing Education Course

>

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>

> This is in regard to the proposed Continuing Education Credits for: Six contact hours in cross-cultural education relating to Alaska Natives.

>

- > I don't know of any company that provides a continuing education program for this topic relating to Alaska Natives.
- >
- > Will the State of Alaska provide a Continuing Education Course to meet that requirement. Or will the State Licensing Board tell us where we can get a course for it.
- >
- > The course will need to have the option of home study, in case a person is unable to attend a live presentation.

From: kathydinius@gmail.com
To: [Regulations and Public Comment \(CED sponsored\)](#)
Subject: Re: Continuing Education Course
Date: Friday, August 11, 2023 4:45:26 PM

I couldn't tell if my response got sent to you, so I am writing it again.

I am a Licensed Psychologist in the State of Alaska. I received the Notice Of Proposed Changes In The Regulations Of The State Board Of Psychologist And Psychological Associate Examiners. It is to this Notice Of Proposed Changes that I am responding. I would like the State Board to see my concern. Thank you for passing it on to them.

Kathleen Dinius PhD

Sent from my iPad

> On Aug 11, 2023, at 1:33 PM, Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov> wrote:
>
> Good afternoon,
>
> Can you please confirm if you are writing in regarding the proposed Psychology regulation changes located here?: <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=211754>
>
> Thank you,
>
> Stefanie L. Davis (she/her)
> Regulations Specialist
> Department of Commerce, Community, and Economic Development
> Division of Corporations, Business and Professional Licensing
>
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>
> -----Original Message-----
> From: Kathy Dinius <kathydinius@gmail.com>
> Sent: Friday, August 11, 2023 11:28 AM
> To: Regulations and Public Comment (CED sponsored) <regulationsandpubliccomment@alaska.gov>
> Subject: Continuing Education Course
>
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> The course will need to have the option of home study, in case a person is unable to attend a live presentation.

Laura A. Jones, Ph.D.
Licensed Clinical Psychologist
2525 Blueberry Road; Suite 107
Anchorage, Alaska 99503
(907) 277-0607 ~ fax (907) 277-0061

To: Board of Psychologist and Psychological Associate Examiners

Attn: Alison Osborne

Fax number: 907-465-2974

Date: 06/28/23

Number of pages: 2 + cover

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Juneau
JUL 31 2023
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Laura A. Jones, Ph.D.
Licensed Clinical Psychologist
2525 Blueberry Road; Suite 107
Anchorage, Alaska 99503

RECEIVED
Juneau
JUL 31 2023
CBPL

July 24, 2023

Alison Osborne
Division of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806

I am writing in response to the Notice of Proposed Changes in the Regulations of the State Board of Psychologists and Psychological Associate Examiners that was published on July 12, 2023. In particular, I want to comment on the proposed changes to 12AAC 60.260 related to Continuing education requirements. I have concerns related to the extensive list of specific continuing education requirements, the particular subset of topics selected as necessary requirements, and the limited time in which these continuing education hours are to be completed.

The most surprising and burdensome issue involves the sudden transition from requiring 3 CEU's in ethics to be completed in each two-year licensing renewal period to requiring 18 designated CEU's in the upcoming licensing renewal period. Many experienced psychologists, myself included, have multi-year plans for the continuing education that we believe will be most useful in developing and maintaining our competencies in the field. To have to add 15 additional CEU's (not counting the already anticipated 3 CEU's in ethics) to the plan that I have for this licensing renewal period creates financial and time costs that create an unnecessary burden for a professional who knows what topics would be most helpful in my current professional development. Although I believe that many of the proposed specific CEU topics are not necessary for most psychologists, I would recommend that any new proposed additions to the required continuing education plans be phased in over multiple licensing renewal periods to allow busy professionals to incorporate them into the professional development plans that they have designed for their specific needs.

As a psychologist who has been licensed in Alaska for 35 years, I also believe that many of the proposed continuing education topics are areas in which I have already received extensive training and I do not believe that I (and many of my colleagues) need to have additional training in these designated topics at this point in my career. As a psychologist, I have attempted to closely follow the American Psychological Association's Ethical Principles of Psychologists and Code of Conduct, including the sections related to the Boundaries of Competence. In particular, the Code reads "*Psychologists provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.*" Based on this principle, I have selected continuing education opportunities based on the areas in which I needed to ensure that I was practicing with knowledge and professional competence. I believe that the Board is overreaching in deciding that after 35 years of professional practice (which has included more than 700 hours of continuing education) I suddenly need to have specific training in a small subset of topics that may or may not be relevant to my work. I believe that I have received more than enough

Page 2

training in the areas of cross cultural studies relating to Alaska Natives, suicide prevention, and substance abuse; however, these proposed regulations do not provide me with an opportunity to demonstrate my prior knowledge, training, consultation, or study of these topics. Instead, the Board seeks to add to the burden of my planned continuing education to require that I take additional training in these specified areas.

Similarly, the Code specifies that *“Psychologists planning to provide services, teach, or conduct research involving populations, areas, techniques, or technologies new to them undertake relevant education, training, supervised experience, consultation, or study.”* Based on this principle, when I began offering telehealth services during the coronavirus pandemic, I completed APA’s Telepsychology Best Practices 101, which included topics such as Clinical Evaluation and Care: Cultural Competencies, About the Tech-Video, Email, Text Messaging & Apps, and Legal, Regulatory and Ethical Rules of the Road. Again, the proposed regulations do not provide any mechanism for me to submit this continuing education program to satisfy the newly proposed continuing education topics. If these regulations are going to be adopted, I strongly urge the Board to develop mechanisms to allow professionals to document prior education and training that would satisfy the requirements, rather than burdening professionals with repeating training that they have previously obtained.

Finally, I question the selection of the particular topics that the Board has identified as necessary for continuing education for all psychologists and psychological associates, regardless of their areas of training and specialization. I believe that many professionals would suggest different subsets of requirements based on our individual observations, experiences, and areas of concern. For example, as someone who works in private practice with many adolescent clients, I might recommend a greater focus on topics such as managing self-harm behavior, understanding sexuality and gender identity, the role of social media in adolescent lives, etc. As someone who has reviewed other therapists’ reports and testimony in forensic cases, I might recommend broader training in understanding the role of a treating therapist in forensic cases. As someone who has worked with many children and adolescents who have received inaccurate diagnoses or inappropriate treatment from therapists who are primarily trained in working with adults, I might recommend more training requirements related to working with specific populations (such as young children). I do not have a specific recommendation for the Board on the list of continuing education requirements, but I do want to raise questions about the selection of these specific topics and whether the focus should be on encouraging all psychologists and psychological associates to be sure that they *“provide services, teach, and conduct research with populations and in areas only within the boundaries of their competence, based on their education, training, supervised experience, consultation, study, or professional experience.”*

Thank you for your time and attention to this matter.

Sincerely,



Laura A. Jones, Ph.D.
Licensed Clinical Psychologist

RECEIVED
Juneau
JUL 31 2023
CBPL

Submitted By	Comment
<p>8/14/2023 3:40:29 PM Lawrence Maile, Ph.D. ljmaile@gmail.com Wasilla, AK, US Anonymous User</p>	<p>I am a psychologist practicing in Alaska since the early 90's, and grew up here. I am a 65 year resident. I have practiced inpatient psychology at Alaska Psychiatric Institute and Northstar Behavioral Health. The proposed changes in licensing are both ill advised and contrary to good practice and Alaska Statutes. Specifically, Alaska statutes prohibit retroactive changes to regulations (AS 44.62) and effective dates. Further, mandating continuing education that is above and beyond what is both available, and mandated by the Ethical Principles of Psychologists, which the Licensing regulations cite, is both a hardship, as this training is not widely available, and does not allow individual psychologist to monitor and maintain professional competency in their specialty areas. Rather, CE credits must be gotten in areas which may never impact that psychologist professional practice. For example, as a inpatient psychologist, I have never, and will never practice telehealth. These regulations mandate training in this area. These regulations neither improve practice or retention of qualified practitioners. They should be discarded with the exception of training in ethics and courtesy licensing.</p> <p>Regards, Lawrence J. Maile, Ph.D., Psychologist AA0392</p>
<p>7/18/2023 9:15:48 AM Sara Buckingham sbuckingham@alaska.edu Chugiak, AK, US Anonymous User</p>	<p>I appreciate the board's attempt to ensure that all Alaska psychologists and psychological associates have some level of knowledge and training in these specific content areas. I'm not necessarily opposed to these requirements for my own practice since many are relevant to the work that I do, but I do have some concerns about their implementation for our field as a whole.</p> <p>1) Psychologists have a myriad of subspecialties that shape the continued education and training that is most useful to them. These credits amount to 18 of the 40 credits required over the next two years, dictating nearly half of the credits a psychologist will pursue. Not all psychologists provide psychological services that would benefit from all of these content</p>

Submitted By	Comment
	<p>areas. For example, some psychologists only provide assessment services and others only provide services in person. While psychologists can always complete more than the required 40 credits to ensure that they are staying up to date in their field, I worry that is not feasible for all and thus may detract from the continuing education psychologists need. Therefore, micromanaging credits might not be in the best interests of the public or the psychologists.</p> <p>2) Because this requirement is getting voted on in August, but dates back to July 1st, there are a number of psychologists (myself included) who will be accruing a significant amount of continuing education before this requirement is put into place given that the American Psychological Association's conference is in August. If these changes are adopted, I'd suggest the requirement be phased in for a future cycle so that psychologists have time to prepare.</p> <p>Finally, a suggestion - if the intent of this amendment is to ensure one-time training in each area (which appears to be the case), another way to ensure that psychologists have training in these content areas without requiring them as continuing education in this current cycle, would be to require that licensees provide proof of former training in each area (past continuing education credits, doctoral coursework within past X number of years, etc.); if any licensee could not do so for any content area, then they would need to complete the continuing education in areas they do not have prior training in during this upcoming cycle or the cycle in which they are first licensed.</p> <p>Thanks for considering my comments. Dr. Sara Buckingham AK 125402</p>
7/12/2023 1:07:20 PM Angie Cronin angienreather@gmail.com Anchorage, AK, US Anonymous User	I am in favor of the proposed changes in continuing education credit; however, I would like the Board to explain how they are working to increase access to various trainings in the state. It is near impossible to find adequate in person or webinars put on by the state of AK. I am having to find outside resources for my

Submitted By	Comment
	continuing education. This is doable in the topics of ethics, suicide prevention, etc.; however, this will be very difficult to find a training on AK native populations. I am not sure how I would possibly find training on Alaska Native populations each cycle unless the board finds a way to increase our training opportunities.

2023 HOLIDAY CALENDAR

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 Holiday

State Holidays

Date	Holiday
01/01/23	New Year's Day (observed 01/02/2023)
01/16/23	MLK Jr.'s Birthday
02/20/23	Presidents' Day
03/27/23	Seward's Day
05/29/23	Memorial Day
07/04/23	Independence Day

State Holidays

Date	Holiday
09/04/23	Labor Day
10/18/23	Alaska Day
11/11/23	Veterans' Day (observed 11/10/2023)
11/23/23	Thanksgiving Day
12/25/23	Christmas Day

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

Other Program
Meetings

Psych &
Psych
Associate
Board
Meetings

SLEE EXAM

State of Alaska 2024 HOLIDAY CALENDAR

Other
Program
Board
Meetings

Psych &
Psych
Associate
Board
Meetings

SLEE Exam

State Holidays

Date	Holiday
01/01/2024	New Year's Day
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03/25/2024	Seward's Day
05/27/2024	Memorial Day
07/04/2024	Independence Day
09/02/2024	Labor Day
10/18/2024	Alaska Day
11/11/2024	Veterans' Day
11/28/2024	Thanksgiving Day
12/25/2024	Christmas Day

Please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



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Subject: Supervision

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Hello!

I am considering supervising a LMSW as she finishes their hours towards LCSW. My question relates to insurance reimbursement and I wonder if you could help me!

It seems that most insurance companies will not directly reimburse for services rendered by a LMSW.

Is it common practice for a supervisor to bill under their credentials for services rendered by a LMSW? In spelunking online, this seems to be the most common practice.

If there is anyone I could speak with on the board who may be able to shine light on this issue I would really appreciate it.

Thanks so much,

[REDACTED]

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[REDACTED]

Licensed Clinical Psychologist

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