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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: September 18, 2023

RE: Filed Permanent Regulations: Board of Psychologists and Psychological Associate Examiners

Board of Psychologists and Psychological Associate Examiners - Application requirements, telehealth practices (12 AAC 60)

Attorney General File:	2023200088
Regulation Filed:	9/18/2023
Effective Date:	10/18/2023
Print:	248, January 2024

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Alison Osborne, Regulations Specialist
Stefanie Davis, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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September 13, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *12 AAC 60: Board of Psychologists and Psychological Associate
Examiners - Applicant and education requirements, telehealth practices*
Our file: 2023200088

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Psychologists and Psychological Associate Examiners against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Psychologists and Psychological Associate Examiners after the close of the public comment period.

The regulations concern the establishment of new telepsychology standards of practice and application requirements for courtesy licenses. The public notice for the regulations also contained changes to the continuing education requirements for psychologists and psychological associates, however, the board withdrew those changes following public comment and only adopted the telepsychology and courtesy license provisions.

The adopted regulations provide eligibility requirements and define the scope of services for delivering psychological service while physically separate for the recipient through electronic means. In addition, the adopted regulations require applicants for a courtesy license to be licensed in another jurisdiction where the licensing requirements are at least equivalent to the licensing requirements in Alaska.

The July 12, 2023 public notice and the August 24, 2023, certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Digitally signed by
Rebecca C. Polizzotto
Date: 2023.09.13
09:16:57 -08'00'
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/kmd

CC w/enclosure: Alison Osborne, Regulations Specialist
Department of Commerce, Community and Economic Development

Kevin M. Dilg, Assistant Attorney General
Department of Law

Harriet Milks, Assistant Attorney General
Department of Law

Alaska State Board of Psychologist and Psychological Associate Examiners Certification
Order

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF BOARD OF PSYCHOLOGIST AND
PSYCHOLOGICAL ASSOCIATE EXAMINERS

The attached four pages of regulations relating to application requirements for courtesy licenses, and establishing new telepsychology standards of practice are certified to be a correct copy of the regulation changes that the Board of Psychologist and Psychological Associate Examiners adopted at its August 18, 2023 meeting, under the authority of AS 08.01.062, AS 08.86.070, AS 08.86.080, AS 08.86.085, AS 08.86.130, AS 08.86.160 AS 08.86.170, and AS 08.86.204 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Psychologist and Psychological Associate Examiners paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

8/24/2023

Date: _____

DocuSigned by:
Erin Johnson
754C9C58B924474

Dr. Erin Johnson, chair

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on September 18, 2023 at 12:15 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

Nancy Dahlstrom

for Nancy Dahlstrom, Lieutenant Governor

Effective: October 18, 2023

Register: 24th January 2024

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Chapter 60. Board of Psychologist and Psychological Associate Examiners.

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 10 / 18 / 2023, Register 248)

Authority: AS 08.01.062 AS 08.86.070 AS 08.86.080

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

Article 7

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. Telepsychology Practice (12 AAC 60.400 - 12 AAC 60.415)
8. General Provisions (12 AAC 60.900 - 12 AAC 60.990)

The title of Article 7 is changed to read:

Article 7. Telepsychology Practice [GENERAL PROVISIONS].

Section

400. Scope of telepsychology practice

405. Eligibility to practice telepsychology

410. Providing technology assisted distance professional services

415. Informed consent

Article 7 is amended by adding a new section to read:

12 AAC 60.400. Scope of telepsychology 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 telepsychology 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 telepsychology 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. 10 / 18 / 2023, Register 248)

Authority: AS 08.86.070 AS 08.86.130 AS 08.86.160

Article 7 is amended by adding a new section to read:

12 AAC 60.405. Eligibility to practice telepsychology. To be eligible to practice telepsychology 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 general competency training in the practice of telepsychology, totaling a minimum of four hours. (Eff. 10 / 10 / 2023, Register 248)

Authority: AS 08.01.085 AS 08.86.160 AS 08.86.170
AS 08.86.130

Article 7 is amended by adding a new section to read:

12 AAC 60.410. Technology assisted distance professional services. The provision of professional 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. 10 / 10 / 2023, Register 248)

Authority: AS 08.01.085 AS 08.86.160 AS 08.86.170
AS 08.86.130

Article 7 is amended by adding a new section to read:

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

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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.

10 / 18 / 2023, Register 248)

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 psychological 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 10 / 18 / 2023, Register 248)

Authority: AS 08.86.070 AS 08.86.130 AS 08.86.204

AS 08.86.080