

**Chapter 19. Board of Marital and Family Therapy.**

(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 19.210 is amended to read:

**12 AAC 19.210. Approved supervisors.** (a) The board will approve a person to be an approved supervisor **for individual supervision** under this chapter if the applicant submits

- (1) a complete, notarized application on a form provided by the department;
- (2) verification of a current license under AS 08.63.100 to practice marital and family therapy;
- (3) documentation of having practiced as a licensed marital and family therapist for five continuous years; and
- (4) documentation of having completed at least six contact hours of education related to the practice of supervising a marital and family therapist within the last two years.

(b) **The board will approve a person to be an approved supervisor for group supervision under this chapter if the applicant submits**

- (1) a complete, notarized application on a form provided by the department;**
- (2) holds a license as described under AS 08.63.120(b)(2)(A) – (F);**
- (3) documentation of having practiced as a licensed professional as listed under AS 08.63.120(b)(2)(A) – (F) for five continuous years; and**
- (4) documentation of having completed at least six contact hours of education related to the practice of supervising a marital and family therapist within the last two years.**

**(c)** To maintain approval under AS 08.63.120 and this section, a supervisor shall

document at the time of license renewal that during the concluding license period the supervisor completed at least two contact hours of continuing education related to the practice of supervising a marital and family therapist. A supervisor may also include those two contact hours of continuing education in the total continuing education contact hours required for license renewal in 12 AAC 19.310.

**(d)** [(c)] If a person does not maintain approval as an approved supervisor under AS 08.63.120 and this section because of noncompliance with the continuing education requirements of **(c)** [(b)] of this section, the person may apply to the board for reinstatement of the approval. The board will reinstate the approval if the applicant

(1) submits

(A) a complete, notarized application on a form provided by the department; and

(B) documentation of compliance with the continuing education requirements of (b) of this section; and

(2) complies with the requirements of AS 08.63.120 and (a)(2) and (3) **or (b)(2)** **and (3)** of this section.

**(e) A supervisor who participates in teletherapy must**

**(1) have completed at least four hours of training in the use of teletherapy technologies before engaging in teletherapy practice required by 12 AAC 19.405(2);**

**(2) determine that telesupervision is appropriate for a supervisee considering professional, intellectual, emotional, and physical needs;**

**(3) inform supervisees of the potential risks and benefits associated with telesupervision;**

**(4) take reasonable steps to ensure the security of their communication medium;**

**(5) commence telesupervision only after gaining appropriate education, training, or supervised experience using the relevant technology;**

**(6) be aware of the risks and responsibilities associated with telesupervision and advise supervisees in writing of these risk as well as the supervisor's and supervisees responsibilities for minimizing such risks;**

**(7) consider that communications may be synchronous or asynchronous and that technologies may augment traditional in-person supervision or be used as stand-alone supervision; and**

**(8) be aware of the potential benefits and limitations in their choices of technologies for a particular supervisee in a particular situation.** (Eff. 10/1/93, Register 127; am 3/15/97, Register 141; am 8/17/2002, Register 163; am 6/4/2005, Register 174; am 6/24/2012, Register 202; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.63.050 AS 08.63.100 AS 08.63.120

[AS 08.63.060]

12 AAC 19.300 is amended by adding a new subsection to read:

(c) An applicant renewing a license who participates in teletherapy must complete two hours of continuing education relating to teletherapy practice, which includes teletherapy ethics. (Eff. 10/1/93, Register 127; am 8/24/2002, Register 163; am 12/14/2008, Register 188; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.63.050

12 AAC 19 is amended by adding a new section to read:

**12 AAC 19.350. Application of providers for continuing education course approval.**

(a) Except as provided in 12 AAC 19.310, to be approved by the board to meet the continuing education requirements of 12 AAC 19.320, an applicant for continuing education course approval shall submit to the board, not less than seven days before the date of the proposed program presentation date,

- (1) a completed application on a form provided by the department;
- (2) the continuing education course approval fee specified in 12 AAC 02.242;
- (3) the name of the course provider;
- (4) a complete course description, including the course title and a description of the learning objectives;
- (5) a course syllabus; and
- (6) an outline of the major topics covered by the course and the number of classroom hours allowed for each topic.

(b) Approval of continuing education courses under this section is valid until December 31 of the next even numbered year.

(c) An applicant who has a change in condition required under (a)(3) – (6) of this section during the approval period described in (b) of this section must reapply to the board for continuing education credit approval not later than seven days after the course is presented.

(d) The applicant shall keep records of attendance of all courses provided for a minimum of two years after the expiration date of the approved course, and may be audited at the discretion of the board.

(e) The American Association of Marriage and Family Therapy will be exempt of the

continuing education fee requirements.

(f) For the purposes of this section, an “applicant” is defined as a licensee, provider, or sponsor of a proposed CEU course. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.63.050 AS 08.63.100

12 AAC 19 is amended by adding new sections to read:

**Article 4. Teletherapy Practice.**

**Section**

400. Scope of teletherapy practice

405. Eligibility to practice teletherapy

410. Providing technology assisted distance professional services

415. Safety and confidentiality of communications

420. Informed consent

**12 AAC 19.400. Scope of teletherapy practice.** Services offered by licensees of this board across a distance by electronic means fall within the jurisdiction of the board as with traditional face-to-face services described in AS 08.63 and 12 AAC 19 will apply to these services. Teletherapy or technology-assisted services refers to the scope of marital and family therapy practice of diagnosis, evaluation, consultation, intervention, and treatment of behavioral, social, and interpersonal disorders through synchronous or asynchronous two-way electronic communication, including but not limited to telephone, videoconferencing, email, text, instant messaging, and social media. 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 08.63.240. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.63.050 AS 08.63.100 AS 08.63.110

**12 AAC 19.405. Eligibility to practice teletherapy.** To be eligible to practice teletherapy with clients physically present in this state, an individual must

(1) be licensed in good standing under AS 08 63.100 as a marital and family therapist or AS 08.63.110 as a marital and family therapy associate;

(2) complete the following initial training in all topics regarding teletherapy, totaling a minimum of four hours

(A) appropriateness of teletherapy;

(B) teletherapy theory and practice;

(C) modes of teletherapy delivery;

(D) legal and ethical issues;

(E) handling online emergencies;

(F) best practices and informed consent. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.63.050 AS 08.63.100 AS 08.63.110

**12 AAC 19.410. Providing technology assisted distance professional services.** (a) The provision of any service as the practice of marital and family therapy defined under AS 08.63.900(5) to a client physically present in this state through digital, telephonic, electronic, or other means, regardless of the location of the provider of such service, shall constitute the practice of marital and family therapy in this state and shall require licensure of the service

provider under the statutes and regulations of this state for marital and family therapy.

(b) The provision of any service defined as the practice of marital and family therapy by a provider of such service in this state through digital, telephonic, electronic, or other means, regardless of the location of the client receiving such services, shall constitute the practice of marital and family therapy in this state and shall require licensure of the provider under the applicable provisions of the statutes and regulations of this state for marriage and family therapists. Additionally, licensees are required to comply with all statutes, regulations, and rules of the state where the client is physically located.

(c) When providing technology-assisted distance professional services, licensees determine that clients are intellectually, emotionally, and physically capable of using the application and that the application is appropriate for the needs of the client.

(d) When technology-assisted distance professional services are deemed inappropriate by the licensee or client, licensees consider referral to a clinician local to the client for in-person services. If the client refuses referral, licensee must document rationale for continuing to provide distance professional services.

(e) Each time a technology-assisted, distance professional services session takes place the licensee verifies the client's identity and duly notes the same in the progress note.

(f) Licensees are encouraged to refer to the *Association of Marital and Family Therapy Regulatory Boards (AMFTRB) Teletherapy Guidelines*, adopted September 2016, regarding delivery of distance professional services.

(g) At the onset of services, licensees are required develop a safety plan naming local resources in the community of the distance client should emergency care be needed. Safety plan must include contact phone numbers. Local resources may be family members, law enforcement,

health aid, religious leader, or tribal leader but should preferably be someone trusted by the client to be available during distance professional services. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.63.050 AS 08.63.100 AS 08.63.110

**Editor's note:** A copy of the *Association of Marital and Family Therapy Regulatory Boards (AMFTRB) Teletherapy Guidelines*, dated September 2016, adopted by reference in 12 AAC 19.410, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806; phone (907) 465-2551, or website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMaritalFamilyTherapy.aspx>.

**12 AAC 19.415. Safety and confidentiality of communications.** (a) All forms of communications with clients must be HIPPA compliant.

(b) **Synchronous distance professional services.** Licensees must endeavor to protect clients from unwanted interruptions during sessions. (Eff. \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.63.050 AS 08.63.100 AS 08.63.110

**12 AAC 19.420. Informed consent.** Informed consent should be clearly set forth, understandable, discuss the benefits and risks of entering into distance professional services, and address the use of phone, online synchronous counseling, electronic billing, text, and email contact with a client. As part of the process of establishing informed consent, licensees do the following:

(1) address issues related to the difficulty of maintaining the confidentiality of



electronically transmitted communications;

(2) inform clients of all colleagues, supervisors, and employees, such as information technology (IT) administrators, who might have authorized or unauthorized access to electronic transmissions;

(3) urge clients to be aware of all authorized or unauthorized users, including family members and fellow employees, who have access to any technology clients may use in the counseling process;

(4) inform clients of pertinent legal rights and limitations governing the practice of a profession over state lines or international boundaries;

(5) whenever possible, use encrypted websites and email communications to help ensure confidentiality;

(6) when the use of encryption is not possible, licensees notify clients of this fact and limit electronic transmissions to general communications that are not client specific;

(7) inform clients if and for how long archival storage of transaction records are maintained;

(8) discuss the possibility of technology failure and alternate methods of service delivery;

(9) inform clients of emergency procedures, such as calling 911 or a local crisis hotline when the licensee is not available;

(10) inform clients of the limits of confidentiality according to AS 08.63.200;

(11) discuss time zone differences, local customs, and cultural or language differences that might impact services delivery;

(12) inform clients when technology-assisted distance professional services are

not covered by insurance;

(13) fully disclose the licensee's licensing, credentials and areas of expertise. (Eff.

\_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.63.050 AS 08.63.100 AS 08.63.110

The article heading for Article 4 is amended to read:

**Article 5 [4]. General Provisions.**

12 AAC 19.900 is amended to read:

**12 AAC 19.900. Code of ethics.** Marital and family therapists licensed in this state, **including those practicing distance therapy or teletherapy** shall adhere to the *AAMFT Code of Ethics* of the American Association for Marriage and Family Therapy (AAMFT) (**January 1, 2015 Revision**) [(JULY 1, 2001 REVISION)]. The *AAMFT Code of Ethics* is adopted by reference in this section. (Eff. 10/1/93, Register 127; am 6/21/97, Register 142; am 8/24/2002, Register 163; am \_\_\_\_/\_\_\_\_/\_\_\_\_, Register \_\_\_\_\_)

**Authority:** AS 08.63.050

**Editor's note:** A copy of the *AAMFT Code of Ethics*, adopted by reference in 12 AAC 19.900, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, from the American Association for Marriage and Family Therapy (AAMFT), **112 South Alfred Street, Alexandria, VA 22314-3061; telephone: (703) 838-9808** [1133 15TH STREET, NW, WASHINGTON, DC 20005-2710], or at AAMFT's website at [www.aamft.org](http://www.aamft.org).

12 AAC 19.990 is amended by adding new paragraphs to read:

(5) "asynchronous" interaction means the transmission of a client's information from an originating site to a licensed professional counselor at a distant site not occurring at exactly the same time; no real-time communication is present or able;

(6) "distance professional services" means the mode of delivering services via technology-assisted media, such as but not limited to, a telephone, video, internet, a smartphone, tablet, PC desktop system, or other electronic means using appropriate encryption technology for electronic health information, occurring either synchronously or asynchronously as it pertains to professional counseling practices;

(7) "distant site" means a site or location from which services are delivered by a licensee via a technology-assisted media;

(8) "originating site" means a site where a client is located at the time counseling services are provided via technology-assisted media or where the asynchronous storage and forwarding services originate;

(9) "synchronous" interaction means a real-time interaction between a client and a counselor occurring at exactly the same time during which the client and counselor are able to communicate in real-time. (Eff. 10/1/93, Register 127; am 4/24/2016, Register 218; am \_\_\_\_/\_\_\_\_, Register \_\_\_\_)

**Authority:** AS 08.63.050