

THE ALASKA BOARD OF MARITAL AND FAMILY THERAPY



Meeting of January 28th, 2016
Juneau, Alaska

Board Packet

BOARDS & COMMISSIONS ROSTER

Board of Marital and Family Therapy (173)

Member	Date Appointed	Reappointed	Term Expires
John W. Downing (Eagle River) Public	1/28/2008	3/1/2012	3/1/2016
Linda R. King, L.M.F.T. (Chugiak) Therapist/Counselor	8/10/2012	3/1/2013	3/1/2017
Kennith McCarty, L.M.F.T. (Eagle River) Therapist/Counselor	3/1/2010	3/1/2013	3/1/2017
Leon T. Webber, D.Mn., LMFT (Anchorage) Therapist/Counselor	3/1/2011	3/1/2015	3/1/2019
Joann Young, RN, CCM (Anchorage) Public	3/1/2011	3/1/2014	3/1/2018

2016 STATE HOLIDAY CALENDAR³

JANUARY

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State Holidays

Date	Holiday
01/01	New Year's Day
01/18	MLK Jr.'s Birthday
02/15	Presidents' Day
03/28	Seward's Day
05/30	Memorial Day
07/04	Independence Day

 Holiday

State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Rev. 06/22/2015

State Holidays

Date	Holiday
09/05	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/24	Thanksgiving Day
12/25	Christmas Day (observed 12/26)

AGENDA ITEM #2

Review Agenda

**ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
STATE OFFICE BUILDING
333 WILLOUGHBY AVE, JUNEAU, AK 99801
CONFERENCE ROOM C**

**TENTATIVE MEETING AGENDA
Thursday, January 28th, 2016**

**Conference Call #: 1-800-315-6338
Access Code #: 59859**

<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON(S)</u>
1.	9:00 a.m. Call to Order/Roll Call	Leon Webber, Chair
2.	9:01 a.m. Review Agenda	Chair
3.	9:02 a.m. Review/Approve Minutes from October 23rd, 2015	Chair
4.	9:10 a.m. Ethics Report	Chair
5.	9:15 a.m. Board Business	Chair
	<ul style="list-style-type: none"> • Applications <ul style="list-style-type: none"> ○ Katherine Bradley – Credentials ○ Steven Houseworth – Credentials ○ Frances Saxton-Opatz – Credentials • Report of Contact Form (<i>draft</i>) • Review Goals and Objectives 	
6.	10:00 a.m. Investigations Report	Sonia Lipker, Investigator
7.	10:15 a.m. Old Business	Chair
	<ul style="list-style-type: none"> • Telehealth • Supervision template • Title 47 Inclusion • Pro-Active Resolve/Investigations • Support of Suicide Prevention 	
8.	10:30 a.m. Correspondence	Chair
9.	11:00 a.m. New Business	Chair
	<ul style="list-style-type: none"> • Review revised CE application • AMFTRB Examination update 	
10.	12:00 p.m. Lunch	Chair
11.	1:45 p.m. Public Comment	
12.	2:00 p.m. Budget Report	Sara Chambers/Martha Hewlett
13.	2:30 p.m. Administrative Business	Chair
	<ul style="list-style-type: none"> • Board Task List • TAs and Receipts • Board Evaluations 	
14.	3:00 p.m. Adjourn	Chair

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

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

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

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

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

AGENDA ITEM #3

Review/Approve Minutes (10/23/15)

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

BOARD OF MARITAL AND FAMILY THERAPY

MINUTES OF THE MEETING

Friday, October 23rd, 2015

These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Marital and Family Therapy was held on Friday, October 23rd, 2015 beginning at 9:00 a.m. The meeting was held at the Robert B. Atwood Building, Suite 1560 in Anchorage, Alaska.

Agenda Item 1 Call to Order/Roll Call Time: 9:00 a.m.

The meeting was called to order by Chair, Leon Webber at 9:00 a.m.

Board Members Present, constituting a quorum:

Leon Webber, Chair
Linda King, Licensed Marital and Family Therapist,
Kennith McCarty, Licensed Marital and Family Therapist
JoAnn Young, Public Member

Attending from the Division of Corporations, Business and Professional Licensing were:

Laura Carrillo, Licensing Examiner
Martha Hewlett, Administrative Officer
Sonia Lipker, Investigator (*via telephone*)

Present from the Public:

No one from the public was present

Agenda Item 2 Review Agenda**Time: 9:02 a.m.**

Mr. Webber prompted the Board to review the agenda and stated that a few items would be added for discussion: a letter from Mercy Dennis to be added to public comment; a response from Attorney, Harriet Milks to be added to agenda #7; a “Report of Contact” form for Board members to report communications with outside parties, i.e.: legislators, media, and the Department of Law. Joann Young commented to the Board that conversion of semester to quarter hours was available for review, to which Ms. Carrillo added that there was a conversion in the MFT statutes and regulations. Ms. Carrillo added that two additional applications were ready to be reviewed under agenda item #6 for Susanne Jenemann and Karla Gelhar, and that a discussion regarding title protection under AS 08.63.220 would be added to agenda item #7. Also to be added to agenda item #7 was discussion on military status applications per AS 08.01.064(a)(c)(e). Mr. McCarty also suggested discussion of a previously approved continuing education course in which the delivery format does not appear to be “live”—this item was added to agenda item #6.

On a motion duly made by Linda King, seconded by Joann Young, and approved unanimously, it was:

RESOLVED to accept the amended agenda.

Agenda Item 3 Review Minutes**Time: 9:08 a.m.**

Hearing nothing further on reviewing the agenda, Mr. Webber moved to discussion on reviewing the minutes from the Board’s July 17th meeting. Mr. Webber provided clarification on the “final thought from the Chair”, in which he meant that while it is expected for Board members to have individual differences, each individual represents the Board in public.

The Board then discussed the subsequent meeting dates, of which the next meeting was scheduled for January 28th, 2016. Mr. Webber commented that he may not be able to attend the meeting due to a conflicting travel schedule.

On a motion duly made by Ken McCarty, seconded by Linda King, and approved unanimously, it was:

RESOLVED to accept the minutes from the July 15th, 2015 meeting.

Agenda Item 4 Ethics Report**Time: 9:14 a.m.**

There were no ethics to report.

Agenda Item 5 Investigative Report**Time: 9:14 a.m.***Sonia Lipker joined the meeting telephonically at 9:14 a.m.*

Ms. Lipker joined the room to present the Board's investigative report, which included activity from June 23rd, 2015 through September 30th, 2015. During this period, two matters had opened and one had closed. Linda King inquired to Sonia about the investigative process, which Sonia summarized as having a complaint stage and an investigative stage. The Board then discussed investigation fees in relation to the Board's budget.

*Sonia Lipker eft the meeting telephonically at 9:27 a.m.***Agenda Item 6 Board Business****Time: 9:28 a.m.**

Applications and CE Review – Hearing nothing further on the investigative report, Mr. Webber prompted the Board to begin discussion of continuing education and license applications. Mr. Webber reminded the Board that Mr. McCarty desired to discuss a previously approved continuing education course that did not seem to adhere to the “live” delivery method. Ms. Carrillo distributed the applications to the Board for review. Mr. McCarty inquired to Ms. Carrillo how a reviewer would be able to decipher whether the course being presented is live or distance, to which Ms. Carrillo stated that there currently is not a checkbox to distinguish the delivery format. Ms. Carrillo commented that she could create a new check sheet for the continuing education application, but understood the Board was still in the process of having this application revised. She further commented that other CE applications ask providers to specify the type of delivery format, and that the Board could discuss similar changes for the revised application.

The Board continued to discuss delivery formats for continuing education. Linda King commented that half of the credits required for renewal can be obtained through non-live formats. Mr. McCarty expressed concern that courses should clearly be indicated as live or not live; the former being considered live if there is an opportunity to interact, and the latter being when the participant is able to participate in a punctuated manner without interacting. Ms. Carrillo suggested that the Board clarify live vs. non-live in “Definitions” under AS 08.63.900. Mr. McCarty disagreed with needing to clarify definitions on the basis that the Board has the authority to preside over matters per their discretion. For example, Mr. McCarty stated that if an unlicensed instructor with historical knowledge wants to present a course, s/he cannot present on historical knowledge alone, but can do so—at the Board's discretion—if accompanied by a licensed co-instructor.

Upon reviewing a CE application, JoAnn Young expressed concern that an instructor is not a licensed marital and family therapist. Ms. Carrillo commented that in the statutes and regulations, instructors aren't required to be licensed.

The Board continued to review the applications, and Ms. Carrillo commented to the Board that some documents may appear to be an informal scanned or faxed version, but that this is because the Division has transitioned to an electronic records system.

On a motion duly made by Ken McCarty, seconded by JoAnn Young, and approved unanimously, it was:

RESOLVED to approve the course, "Emotionally Focused Therapy 4 Day Externship" submitted by Shawn Marie Carpenter on behalf of the Alaska Marital and Family Therapy Association.

On a motion duly made by Ken McCarty, seconded by Linda King, and approved unanimously, it was:

RESOLVED to approve the course, "Circle of Life Parenting DVD Training" submitted by Laurie Lopez on behalf of Sprout Family Services.

On a motion duly made by JoAnn Young, seconded by Linda King, and approved unanimously, it was:

RESOLVED to approve Greta Gard for licensure as a Marital and Family Therapy Associate.

On a motion duly made by JoAnn Young, seconded by Linda King, and approved unanimously, it was:

RESOLVED to approve Curry Long to take the National Marital and Family Therapy Examination .

On a motion duly made by JoAnn Young, seconded by Ken McCarty, and approved unanimously, it was:

RESOLVED to approve Karla Gelhar for licensure as a Marital and Family Therapist by examination.

On a motion duly made by JoAnn Young, seconded by Linda King, and approved unanimously, it was:

RESOLVED to approve Kimberly Daggs to take the National Marital and Family Therapy Examination.

On a motion duly made by Linda King, seconded by JoAnn Young, and approved unanimously, it was:

RESOLVED to approve Susan Jenemann for licensure as a Marital and Family Therapy Associate pending administrative confirmation of the Associate Plan for Supervision.

Mr. McCarty then addressed his concern regarding a previously approved course that he does not interpret as live. The concern was that part of the content may be delivered in a “live” format, but may just involve watching a video with no discussion or interaction. Ms. Carrillo commented that for continuing education auditing purposes, if a certificate of completion states that the participant completed the training at a physical location, rather than on a website, it would administratively be perceived as “live”. In other words, live participation occurs when an individual is physically present at the venue in which the course is being presented.

Mr. McCarty opined that attending a course that involves watching a pre-recorded video is not considered live. Mr. Webber commented that even if an hour and a half long course involved a presentation of 15-minute video, it would facilitate understanding and growth in the area, and likely provide an opportunity for discussion amongst participants. Mr. McCarty disagreed, stating that in cases where the video involves the presenter of the course, the course is then not live because the instructor is not physically present. The Board continued to discuss delivery formats of continuing education courses.

Review Goals and Objectives – The Board acknowledged that the Goals and Objectives were included in the recent annual report.

List the board’s FY15 goals and objectives and how they were met:

1. The board will develop a strategy to address the need for distance therapy and distance supervision.

The board contacted the national organization AAMFT, the APA, and different MFT boards nationwide. We had replies from 16 of the 50 State boards we contacted. Along with the responses from other inquires and research we have put together a proposal for legislation of statues and regulations.

2. The BMFT will continue to review statutes and regulations to be consistent with the practice of marital and family therapy.

The Board will continue to recommend other statutes and regulations as needed.

3. The board will continue to review applications of marriage and family therapists by credentials, by examination, for supervisor status and for associates in an established manner. This is a major function of the BMFT meetings.

The board is satisfied with our process of reviewing applications.

4. The board will continue its responsibility to improve the process of approving continuing education, including supervision and continuing education, while maintaining professional standards.

The licensing examiner worked with the board to tweak some parts of the application processes. At this time, the application process is satisfactory.

5. The board will continue to work closely with the investigator assigned at their request. At every meeting, the investigator assigned to this board will give a report on their work related to the BMFT. The board will continue to be updated on the functions of the investigator's office.

The investigator reported at each board meeting.

6. The board will implement brief evaluations after each board meeting.

The Board has been consistent in completing the evaluations. The evaluation form have been reviewed by the Board at its next meeting.

7. The board will continue to work with the Division of Corporations, Business and Professional Licensing with the goal to continue to reduce fees as is reasonable to maintain a balanced budget.

The Division of Corporations, Business and Professional Licensing has continued to work with the board to clarify budget needs including building expenses and hopefully reducing fees while maintaining a balanced budget. Meeting in Anchorage instead of traveling to meet in other cities is one of the ways that the Board had helped to reduce its expenses.

8. The board will continue to work with the Governor's office to fill vacant board seats in a timely manner. The board will have an opening in March 2014. The board encourages the Governor's office to reappoint this person or appoint a new member in a timely manner.

The Governor's Office filled two boards' vacancies in March of 2014 in a timely manner. The next vacant seat will occur in March of 2016, as Father John Downing's term will expire. The Board will work with the office of the Governor to fill the vacancy in a timely manner.

9. The BMFT will work to standardize and streamline the process for approval of continuing education while maintaining the integrity of the mission of the board, which is to approve training relevant to the profession in a changing post-modern world.

The Board has been using electronic means to review the continuing education applications so as to be able to deliver the Boards decision in a timely manner.

10. The board will continue collaborative relations with the Division of Corporations, Business and Professional Licensing.

The board has continued to collaborate with the Division of Corporation, Business and Professional Licensing, especially with the Licensing Examiner whose assistance has been irreplaceable to the functioning of the board.

11. The board will be a presence and an information source for Legislators and Executive branches of the state government.

A form will be provided to board members to be completed after each contact made with a legislator or legislative office on behalf of the Board. The Board member will submit the completed form to the licensing examiner within three days. This report will be available to the Board upon request and will be included in the following Board meeting. As of the end of FY 2015 our Board has not had to fill this form out.

12. The board will continue to review, research and consider new technological advances as it pertains to therapy, supervision and training.

These issues will be addressed in the coming legislative session, especially with regards to distance supervision and distance therapy.

13. The board will explore the concept of challenges and issues of labor mobility and how MFTs may be affected in Alaska.

The board will be seeking support from the administration and Legislature in changing statutes and regulations to encourage labor mobility for applicants transferring into Alaska prior to receiving licensing.

14. The board will work to introduce changes necessary to require licensing as an MFT associate before acquiring clinical and supervision hours. The board will address the issue of previous experience and labor mobility before this change.

(See #13)

15. The board will research and consider ways of insuring MFT licensees have knowledge of their statutes and regulations. A mail out is an example of one way that the Board can get this knowledge out to its licenses.

During FY 2015, the Board did not do any mail outs due to the regulations project.

16. The board will continue their affiliation and full membership with the Association of Marital and Family Therapy Regulation Board (AMFTRB). Attendance at the annual meetings is crucial to provide an Alaskan perspective and to stay informed of what is occurring nationwide that will affect Alaska.

The Board sent one representative, Linda King to the AAMFT annual conference in Milwaukee.

17. The board will continue its goals to increase board education to improve its function by sending delegates to national conferences and/or trainings such as the American Association for Marriage and Family Therapy's yearly conference, Board Regulator and CLEAR.

The Board sent one representative, Leon Webber to the CLEAR conference in New Orleans, Louisiana.

18. The board will continue to review and explore title vigilance.

The board regularly reviews and is open to explore issues relating to title vigilance.

19. The board will be a presence and information source for Legislators and Executive branches of the state government.

The board will continue to represent its mission, goals, and mandates, as it interacts with legislators and executive branches coming legislative session.

List the board's FY16 goals and objectives. Include any strengths, weaknesses, opportunities, and threats, as well as any resources needed:

Goal 1. The Board of Marital and Family Therapy will develop a strategy to address the need for distance therapy and distance supervision.

Objective 1: Continue to seek input from the National Organization, AAMFT, the APA and various MFT boards.

Objective 2: Continue to work toward the completion of the drafted regulations until the desired outcome is accomplished.

Goal 2. The Board of Marital and Family Therapy will continue to review statutes and regulations to be consistent with the practice of marital and family therapy.

Objective 1: Continue to research and recommend changed to Regulation as needed

Goal 3. The board will continue to review applications of marriage and family therapists by credentials, by examination, for supervisor status and for associates in an established manner.

Objective 1: The Board will work with the licensing Examiner to utilize the secured website so that completed applications can be reviewed and approved in a timely manner.

Goal 4. The board will continue its responsibility to improve the process of approving continuing education, while maintaining professional standards.

Objective 1: The Board will work with the licensing Examiner to utilize the secured website so that completed applications can be reviewed and approved in a timely manner.

Goal 5. The board will continue to work closely with the investigator assigned at their request.

Objective 1: Continue to be updated on the functions of the investigator's office.

Goal 6. The board will implement brief evaluations from each board member at each meeting.

Objective 1: A report will be drafted by Board Secretary Joann Young and presented to the Board at the end of each fiscal year.

Goal 7. The board will continue to work with the Division of Corporations, Business and Professional Licensing with the goal to continue to reduce fees as is reasonable to maintain a balanced budget.

Objective 1: Continue to clarify budget needs.

Objective 2: Continue to review expenses at each regular scheduled Board meeting.

Goal 8. The board will continue to work with the Governor's office to fill vacant board seats in a timely manner.

Objective 1: Continue to encourage the Governor's office to reappoint current members or appoint a new member in a timely manner.

Objective 2: Father John Downing's term will expire in March 2016, the Board will assist and encourage

the office of the Governor to fill that vacancy as soon as possible.

Goal 9. The board will continue collaborative relations with the Division of Corporations, Business and Professional Licensing.

Objective 1: Continue to respond and correspond with the Licensing Examiner in a timely manner with the licensing examiner.

Goal 10. The board will be a presence and information source for Legislators and Executive branches of the state government.

Objective 1: Complete forms provided to board members after each contact made with a legislator or legislative office on behalf of the Board. Return said form to the Licensing Examiner within 3 business day.

Goal 11. The board will continue to review, research and consider new technological advances as it pertains to therapy, supervision and training.

Objective 1: Continue to address these issues during the legislative session.

Objective 2: Seek support, awareness, and endorsements by legislative members and the Governor.

Objective 3: The Board will address changing the terminology of, "face-to-face" to, "real-time".

Goal 12. The board will explore the concept of challenges and issues of labor mobility and how MFTs may be affected in Alaska.

Objective 1: The board will explore the concept of challenges and issues of labor mobility

Goal 13. The board will continue to require licensing as an MFT associate before acquiring clinical and supervision hours.

Objective 1: Continue to address the issue of previous experience and labor mobility before this change.

Objective 2: Continue to review current statutes and regulations and propose changes necessary to match national trends.

Goal 14. The board will research and consider ways of insuring MFT licensees have knowledge of their statutes and regulations.

Objective 1: Send mail outs to licensees to up-date and inform them of current statutes and regulations.

Goal 15. The board will continue their affiliation and full membership with the Association of Marital and Family Therapy Regulation Board (AMFTRB).

Objective 1: The Board has approved Board member Linda King to attend the AAMFT conference in Sept in Austin TX

Goal 16. The board will continue its goals to increase board education to improve its function by sending delegates to national conferences and/or trainings such as the American Association for Marriage and Family Therapy's yearly conference, Board Regulator and CLEAR.

Objective 1: the Board has approved Board member Leon Webber to attend the AMFTRB conference and CLEAR training conference in Boston

Goal 17. The board will continue to review and explore title vigilance

Objective 1: Continue to regularly review and be open to exploring issues relating to title vigilance.

Agenda Item 7 Old Business

Time: 10:31 a.m.

Regulations:

Hearing nothing further on Goals and Objectives, Mr. Webber addressed regulation changes. Ms. Carrillo clarified that the regulation changes intended for discussion were those listed on the tentative agenda, and for which Mr. McCarty and Linda King prepared updates. Ms. Carrillo noted that in terms of feedback from public comment, regulations for license by examination, license by credentials, instructor qualifications, the course approval fee change, the continuing education application and ethics definition changes had positive or no feedback. The regulation changes that did have negative feedback from public comment were license for supervised practice, 12 AAC 19.200 and continuing education requirements, 12 AAC 19.310. It was noted that most of the concerns were provided in writing by Mercy Dennis, but several other licensees expressed the same sentiment towards the said regulations.

Ms. Carrillo asked the Board for a status update of these regulations. Mr. Webber responded that after having recently returned from the regulatory meeting in Boston, he learned that some state Boards are prohibited from lobbying for statute change since legislative contact is usually delegated to associations. He stated that because the Alaska Board has been having a difficult time accessing legislators, he had spoken with Division Operations Manager, Sara Chambers, about getting assistance with facilitating legislative involvement. Sara Chambers advised that to do so, the Board would have to select a single Board member to work with her on drafting language. Mr. Webber stated that, specifically, teletherapy is a priority statute that needs to get through to the legislators. He further commented that the Board's draft on teletherapy was used by the Texas Board during the regulatory meeting. Mr. McCarty suggested moving this discussion to New Business, to which Mr. Webber agreed.

12 AAC 19.310 – Continuing Education Requirements – The Board moved to discussion on continuing education requirements. Ms. Carrillo commented that if the Board could clarify re-wording and placement of changes, she could send the draft to the Regulations Specialist. As part of a task from the previous meeting, Linda King and Mr. McCarty met to discuss several changes, including continuing education. It was suggested that 12 AAC 19.310(a)(b) and (c) be amended to read:

“At least

(1) two contact hours in professional ethics;

- (2) *two contact hours in **addictions**;*
- (3) *two contact hours in cross cultural education; and*
- (4) *two contact hours related to issues of domestic violence”*

Linda King stated that the reasoning behind the suggestion of replacing “substance abuse” with “addictions” is to allow a more broad area of focus, since clients may be in need of help with other addictions, such as sexual addictions or video games.

On a motion duly made by JoAnn Young, seconded by Linda King, and approved unanimously, it was:

RESOLVED to approve 12 AAC 19.310 as amended.

12 AAC 19.200 – License for Supervised Practice – The Board moved to discussion on associate licensure. Linda King informed the Board that she and Mr. McCarty discussed amending 12 AAC 19.200(f) to read:

*“A marital and family therapy associate candidate seeking licensure in this state must attain marital and family associate licensure status prior to accruing hours **in Alaska**. No therapy or counseling may begin **in Alaska** before the applicant is registered and approved.”*

Linda King commented that the logic behind this change was to make the requirements for supervised practice unequivocal; that those who wish to accrue supervision hours must first become a licensed Marital and Family Therapy Associate in Alaska before being licensed as a Marital and Family Therapist.

On a motion duly made by JoAnn Young, seconded by Linda King, and approved unanimously, it was:

RESOLVED to approve 12 AAC 19.200 as amended.

Mr. McCarty stated that other jurisdictions don’t create restrictions on associates owning and operating their own business. Mr. McCarty added that he had spoken with licensing examiner, Karl Marx, who stated that the Board of Psychologist and Psychological Associate Examiners had spent a lot of time defining what a supervisor’s role would be in a clinical setting owned by an associate, where the supervisor must have access to records and the possibility of entering a meeting. The supervisor would do her/his due diligence in supervising under such circumstances. Mr. McCarty suggested removing the proposed change to 12 AAC 19.200(c), which reads:

“A holder of a license for the supervised practice of marital and family therapy may practice under supervision in a clinic, social service agency, or private marital and family therapy practice. No holder of a license for supervised practice may own or operate a private practice for marital and family therapy services

On a motion duly made by Linda King, seconded by Ken McCarty, and approved unanimously, it was:

RESOLVED to strike out the proposed changes to 12 AAC 19.200(c).

Statutes:

AS 08.63.220 - License required if designations used – Mr. McCarty then brought to the Board’s attention the occurrence of individuals who are using the designation, “MFT”, which he believes to be a violation of this statute, and consequently is a class B misdemeanor. Ms. Carrillo disagreed because the statute specifically states that an individual cannot indicate or imply that they are licensed, which, by using “MFT” rather than “LMFT” doesn’t seem to imply licensure. Mr. Webber added that in his understanding, an individual who is not licensed as a marital and family therapist can say that they practice marital and family therapy, but that they can’t call themselves and Marital and Family Therapist. Ms. Carrillo commented that she had spoken with licensing supervisor, Dawn Hannasch about designations, and that it didn’t appear that using “MFT” is a violation, so long as the individual is not using the key word, “licensed”. Mr. McCarty disagreed and stated that using “MFT” is still misleading. Ms. Carrillo agreed that it may be misleading, but may not be a violation. Mr. McCarty stated that the big picture is protecting the title of Marital and Family Therapists.

Agenda Item 8 Budget Report/Division Updates Time: 11:20 a.m.

Janey Hovenden, Division Director, and Administrative Officer, Martha Hewlett Joined the room telephonically at 11:20 a.m.

Sara Chambers, Division Operations Manager joined the room telephonically at 11:26 a.m.

Ms. Carrillo distributed the FY15 Year-End reports that Sonia Lipker brought to the meeting. Martha Hewlett discussed direct and indirect expenditures, travel procedures, mileage and per diem, as well as a collocation code breakdown of expenses. Ms. Hewlett also added that the Board sees an increase in revenues during renewal years. Mr. McCarty asked about the current number of licensees, as he was concerned that this number has decreased, causing the Board’s budget to be negatively impacted. Division Operations Manager, Sara Chambers responded to the Board with the license count for FY15 at 119 licensees, which is

13 more than in FY14 (12% increase). Mr. McCarty then addressed fees. Director, Janey Hovenden stated that the Board will be up for fee analysis within the next 6 months, and that Ms. Chambers created a tool to analyze fees. Ms. Chambers stated that improvements in fee analysis should bring more clarity to the Board's budget situation. Ms. Chambers also added that increasing fees isn't necessarily a reflection of annual expenses but may be an effort to relieve debt.

Mr. Webber than asked Ms. Chambers if she could speak to the difficulty in proceeding with statutory changes; Mr. Webber learned while in Boston that it is considered illegal in some states for Boards to contact legislators to lobby for statute changes. Ms. Chambers recognizes the challenge in initiating contact with legislators to have bills sponsored for statutory changes, and offered to assist with this process. Mr. Webber referenced a letter sent by Ms. Chambers, in which it was recommended that the Board appoint a member to work with her to maneuver around the political process. Mr. Webber asked Ms. Chambers if it would be ideal to have two Board members work with her rather than one, to Ms. Chambers stated she agreed, so long as the Board clearly appoints the participating members on record.

Janey Hovenden, Sara Chambers, and Martha Hewlett left the room telephonically at 11:48 a.m.

Agenda Item 7 Old Business

Time: 11:49 a.m.

Quarter-Semester Conversion – Hearing nothing further on the budge report, the Board resumed discussion on Old Business. Ken McCarty addressed the need for a conversion table for quarter to semester hours. Ms. Carrillo stated that this conversion was in the statutes under AS 08.63.100. Ms. King added that the semester conversion was under B of the said statute. The need for converting hours arose from an applicant who had both semester and quarter hours, where the Board was unsure as to how to convert the hours. JoAnn Young did some research and was able to obtain a conversion table from Pacific University:

Converting Semester hours to Quarter Hours (multiply semester hours by 1.5 to obtain quarter hours)

- 1 semester hour = 1.5 quarter hours
- 2 semester hours = 3.0 quarter hours
- 3 semester hours = 4.5 quarter hours
- 4 semester hours = 6.0 quarter hours
- 5 semester hours = 7.5 quarter hours

The Board clarified that they wanted to make sure that Ms. Carrillo or another examiner is making sure that the applicant has the minimum required education, especially if they attend a mixture of semester and quarter hours, or just quarter hours.

Portability for Military Spouses – Hearing nothing further on converting quarter hours to semester hours, Mr. McCarty addressed portability for military spouses. Mr. McCarty suggested that if an associate is being transferred to an Alaska military base, their current (out-of-state) supervisor should be allowed to apply as an Alaska-approved supervisor so that the associate can continue accruing hours. Mr. McCarty further stated that he had been in contact with Harriet Milks from the Department of Law, who will be looking further into this situation. Ms. Carrillo pointed to the military courtesy license handout, AS 08.01.63, which allows Boards to adopt regulations pertaining to military-type applications. It was noted that the application serves more so as an expedited application rather than creating exceptions for military spouses. Mr. Webber reiterated that all requirements must be met as if applying under regular circumstances. Ms. Carrillo also pointed to the hand out in which Ms. Milks states that 08.01.64 allows the board to adopt regulations that gives service members some leniency for licensure, such as accepting outside training so long as the requirements are similar.

The Board discussed whether this change would be incorporated into the regulation pertaining to associate licensure, or into the regulation pertaining to supervisors. Linda King stated that portability would fit under supervised practice. The Board continued to discuss portability, and recognized that this is a nation-wide challenge.

Agenda Item 9 Lunch Break

Time: 12:08 p.m.

Chair, Leon Webber called for lunch at 12:08 p.m.

Off Record at 12:08 p.m.

On Record at 1:02 p.m.

Agenda Item 10 New Business

Time: 1:02 p.m.

Update on AAMFT– Linda King informed the Board that the business meeting received more attendees than ever before with 300 people. She also stated that this was the first time in history that the AAMFT was unable to pass their bylaws and that their membership was down by 101. The AAMFT noted a 50% increase in student retention, or an increase in students moving onto the level of fellow Ms. King also noted that there's a new bill for Medicare inclusion, HR 2959, 1630, and that the organization is developing an advocacy Family Team concept for a more intensive hill visit in September. Other updates provided by Ms. King included that the VA will maintain its requirement that MFT's must have

graduated from a COAMFT school to qualify for employment; AAMFT is launching a handbook with an emphasis on professionalism and brand recognition that is projected to be complete by 2019; there is development of a Marital and Family Therapy Glossary; there will Leadership Symposium in Sante Fe during March 3-5th, 2016; 11% increase in COAMFT programs, average age of person attending conference went from 43 to 40 within the last year, and that there's a book on the history of AAMFT 75th anniversary.

Working Committee Update: Teletherapy/Telesupervision – Mr. Webber addressed the updates from the AMFTRB trip to Boston. Mr. Webber stated that the Marital and Family Therapy profession is an “aging” profession, meaning the majority of professionals are older. Mr. Webber briefly discussed some of the challenges of older generations in regards to new technology.

Mr. Webber then discussed teletherapy and telesupervision. He noted to the Board that the teletherapy model draft was utilized at the meeting and also reiterated the challenges addressed earlier under agendas #7. Mr. Webber commented that he is one of the members for the national telehealth committee and that rural services is an issue not only in Alaska, but in other states as well.

Review applications – Ms. Carrillo commented that a verification of approved clinical contact hours form was posted on the Board's website.

Update on AKAMFT – Mr. McCarty stated that the AKAMFT had a Board meeting on October 16th, in which two members of the public were present. Mr. McCarty then addressed continuing education opportunities and formats, stating that the AKAMFT purchased new camera equipment so that instructors can go to rural areas and record a “live” session; individuals who wish to participate in this live session would have the ability to interact and receive live continuing education credit. Mr. McCarty also stated that the sessions could be recorded, such that participants could receive non-live continuing education credit.

Mr. McCarty also addressed a hand-out that is distributed to several agencies, such as court houses, domestic violence agencies, offices, etc., which promotes AKAMFT services without promoting individual LMFT's. Mr. McCarty also stated that the AKAMFT now has a website that shows a LMFT location map so that the public can view who is available to provide services throughout Alaska. Inclusion into this resource is voluntary. Mr. McCarty also addressed the ability for behavioral health professions being able to diagnose, as the Texas Psychology Board believes that MFT's should not be diagnosing. Speaking as the president of the AKAMFT, Mr. McCarty encouraged the Board to look at making this clear

within their statutes/regulations. Mr. Webber stated that Alaska MFT's are able to diagnose, and that it is clearly written in the statutes.

Mr. Webber prompted the Board to make a motion to appoint a Board member to work with Sara Chambers for getting statutory changes through to legislators. Mr. Webber stated that he would only be discussion teletherapy. Mr. McCarty expressed concern that legislators like to see clumping of statutory projects, and that introducing a change to one specific regulation may not be favorable. As such, Mr. McCarty suggested adding Title 47 to discussion with Ms. Chambers. While Mr. Webber agreed that this is important for the profession, the sunset audit specifically notes that the Board must incorporate telehealth/teletherapy. Mr. Webber stated he will ask Ms. Chambers for her advice as to whether introducing multiple statutory changes to the attention of the legislators would be feasible.

On a motion duly made by Linda King, seconded by JoAnn Young, and approved unanimously, it was:

RESOLVED to approve Mr. Webber as the representative to meet with Sara Chambers for the purpose of discussing telehealth, and to facilitate legislative involvement.

Mr. McCarty believes that it is the favor of the Board to advance the profession, and it is the responsibility of the Board to introduce bills to legislation. Mr. McCarty's understanding is that Ms. Chamber's role is as an advisor. The Board continued to discuss whether other topics, aside from telehealth, could be presented to Sara Chambers and subsequently presented to legislators.

On a motion duly made by Ken McCarty, seconded by JoAnn Young, and approved unanimously, it was:

RESOLVED to approve all discussion items previously agreed upon by the Board as statute changes be brought forward to legislators.

On a motion duly made by JoAnn Young, seconded by Linda King, and approved unanimously, it was:

RESOLVED to approve Ken McCarty as the second Board representative to meet with Leon Webber and Sara Chambers to discuss the statutory changes approved to be brought through legislation.

TASK:

Leon Webber and Ken McCarty will meet with Sara Chambers to discuss statutory changes and legislative contact.

TASK:

Ken McCarty and Laura Carrillo will locate previously written demonstrating the Board's intent to go through with a specific statutory change.

TASK:

Laura Carrillo will forward the letters to Leon Webber.

TASK:

Leon Webber will revise the letters pertaining to statutory changes.

Agenda Item 11 Public Comment**Time: 2:09 p.m.**

No one was present for public comment.

Agenda Item 12 Correspondence**Time: 2:09 p.m.**

Ms. Carrillo informed the Board that an article regarding training in effective couple's therapy was received. The Board chose not to act upon this piece of correspondence.

Agenda Item 13 Administrative Business**Time: 2:10 p.m.**

Review Annual Report – The Board acknowledged the recent annual report but did not discuss it.

Board Task List – The Board reviewed tasks from the previous meeting. Mr. McCarty inquired about a template for documenting supervision hours, and stated that he had sent the document multiple times to the Division. Mr. McCarty was unsure of whom he sent the document to, so Mr. Webber suggested sending it to Ms. Carrillo.

Mr. McCarty asked Ms. Carrillo to send a brief response indicating receipt of correspondence, to which Ms. Carrillo stated that the Board had discussed and approved a mail protocol back in January. Ms. Carrillo commented she would adhere to this protocol.

TASK:

Ken McCarty will send the template for supervision hours to Ms. Carrillo.

TA's/Receipts – The Board commented they would be sending Ms. Carrillo their receipts.

Board Evaluations –The Board completed their evaluations.

Meeting Dates – Ms. Carrillo asked the Board if they wanted to set subsequent meeting dates after their January 28th, 2016 meeting.

On a motion duly made by Leon Webber, seconded by Ken McCarty and approved unanimously, it was

RESOLVED to set a meeting date for April 22nd, 2016 in Anchorage

Ms. Carrillo informed the Board that they have the option to set teleconference meetings as opposed to in-person meetings, which could help save on costs. Mr. McCarty referred to the teleconference call-in number, which he understood to be a secure line assigned to the State of Alaska. Mr. McCarty inquired to Ms. Carrillo how Board members would be able to participate in the teleconference meeting if, for example, they were out of state. Ms. Carrillo clarified that the Board member would call the same teleconference phone number.

Agenda Item 14 Adjourn

Time: 2:38 p.m.

Respectfully submitted,

Laura Carrillo, Examiner Date

Leon Webber, Chair Date

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

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

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

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

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

AGENDA ITEM #4

Ethics Report

CONFIDENTIAL**ETHICS SUPERVISOR DETERMINATION FORM****(Board or Commission Member)**

Board or Commission: _____

Member Disclosing Potential Ethics Violation: _____

I have determined that the situation described on the attached ethics disclosure form

 does or would violate AS 39.52.110 - .190. Identify applicable statute below. does not or would not violate AS 39.52.110 - .190._____
Signature of Designated Ethics Supervisor (Chair)_____
Printed Name of Designated Ethics Supervisor

Date: _____

COMMENTS (Please attach a separate sheet for additional space):

Note: Disclosure Form must be attached. Under AS 39.52.220, if the chair or a majority of the board or commission, not including the disclosing member, determines that a violation of AS 39.52.110-39.52.190 will exist if the member participates, the member shall refrain from voting, deliberating, or participating in the matter. A member will not be liable under the Ethics Act for action in accordance with such a determination so long as the member has fully disclosed all facts reasonably necessary to the determination and the attorney general has not advised the member, chair, or board or commission that the action is a violation. Forward disclosures with determinations to the State Ethics Attorney as part of your quarterly report. Quarterly reports are submitted to Litigation Assistant, Opinions, Appeals & Ethics, Department of Law, 1031 W. 4th Avenue, Suite 200, Anchorage, AK 99501.

Revised 2012

MEMORANDUM**State of Alaska
Department of Law**

TO: _____ DATE: _____
 FILE NO.: _____
 TEL. NO.: _____
 FROM: Angie White
 Litigation Assistant
 Department of Law
 Opinions, Appeals, & Ethics Section
 FAX: _____
 SUBJECT: Executive Branch Ethics Act, AS
 39.52 Quarterly Report
 [INSERT QUARTERLY DATE
 RANGE]

******SAMPLE LANGUAGE – PLEASE COPY ONLY THE PARTS THAT APPLY
 ONTO YOUR BOARD OR COMMISSION’S LETTERHEAD ******

As designated ethics supervisor and chair [executive director] for the _____, I wish to advise you that I have received no notifications of potential violations or requests for ethics determinations under the Ethics Act (AS 39.52) and have made no written determinations for this quarter.

OR

As designated ethics supervisor and chair [executive director] for the _____, I have received ___ notification(s) of a potential violation and ___ requests for ethics determinations under the Ethics Act (AS 39.52) I have attached a copy of the notices and requests along with my written determination(s) for review by the attorney general. I did [did not] receive an advisory opinion from the Attorney General.

AND

Except as addressed above, no other [board member] [commissioner] disclosed a potential conflict of interest at a recorded public meeting during this quarter.

OR

In addition to the above, at the [date] meeting, [Board member] [Commissioner] _____ disclosed a potential conflict with respect to _____ [insert brief description]_____. *Insert disposition:* [S/He refrained from participation.] or [I determined s/he could [could not] participate.] or [The Board [Commission] members voted to permit [not to permit] participation.]

State of Alaska Department of Law

Who Is My Designated Ethics Supervisor?

Every state public officer, employee or board or commission member, has a designated ethics supervisor.

Executive Agencies

The ethics supervisor for each agency is the Commissioner or a senior manager to whom the Commissioner has delegated the function. The current ethics supervisor for each agency is listed below. The ethics supervisor for a Commissioner is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor.

Boards and Commissions

The Chair of each board and commission serves as the ethics supervisor for the other members and any executive director. The ethics supervisor for the Chair is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor. If a board or commission employs staff, the executive director serves as the ethics supervisor for these employees.

Public Corporations

The Chair of the board serves as the ethics supervisor for the other members of the board and any executive director. The executive director is the ethics supervisor for employees of the corporation.

Office of the Governor

The ethics supervisor for the Governor and Lieutenant Governor is the Attorney General. By delegation from the Governor, the ethics supervisor for the staff of the offices of the Governor and Lieutenant Governor is Guy Bell, Director of Administrative Services.

University of Alaska

By delegation of the University President, the ethics supervisor for university employees is Associate General Counsel Andy Harrington.

EXECUTIVE BRANCH AGENCIES

Administration: Leslie Ridle, Deputy Commissioner

Commerce, Community & Economic Development: Jon Bittner, Deputy Commissioner

Corrections: April Wilkerson, Director of Administrative Services

Education & Early Development: Les Morse, Deputy Commissioner

Environmental Conservation: Tom Cherian, Director of Administrative Services

Fish & Game: Kevin Brooks, Deputy Commissioner

Health & Social Services: Dallas Hargrave, Human Resource Manager

Labor & Workforce Development: Michael Monagle, Director, Division of Workers Compensation

Law: Jonathan Woodman, Assistant Attorney General

Military & Veterans Affairs: Marty Meyer, Special Assistant to Commissioner

Natural Resources: John Crowther, Inter-Governmental Coordinator

Public Safety: Terry Vrabec, Deputy Commissioner

Revenue: Dan DeBartolo, Administrative Services Director

Transportation & Public Facilities:

- Highways & Public Facilities: Steve Hatter, Deputy Commissioner
- Aviation: John Binder, Deputy Commissioner
- Central Region: Rob Campbell, Regional Director
- Northern Region: Rob Campbell, Acting Regional Director
- Southcoast Region: Acting Regional Director
- Alaska Marine Highway System: Michael Neussl, Deputy Commissioner
- Headquarters: Mary Siroky, Administrative Services Director

Updated April 2015

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State of Alaska

Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - 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 Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
State of Alaska © 2015 Webmaster

State of Alaska
Department of Law
Executive Branch Ethics Act

Responsibilities of Designated Ethics Supervisors for Boards and Commissions

Boards and commissions subject to the Ethics Act have designated ethics supervisors. The chair serves as the designated ethics supervisor for board or commission members and the executive director. The executive director is the designated ethics supervisor for staff. The designated ethics supervisor for a chair is the governor, who has delegated this responsibility to Guy Bell, Administrative Director of the Office of the Governor.

Designated ethics supervisors should refer to the Manual for Designated Ethics Supervisors (April 2008), available from the state ethics attorney, regarding their responsibilities under the Ethics Act. Briefly, as designated ethics supervisor, you must --

1. Ensure that members and employees are provided copies of the guides, Ethics Information for Members of Boards and Commissions and Ethics Act Procedures for Boards and Commissions -- and keep a supply of disclosure forms.
 1. These guides, other educational materials, disclosure forms, statutes and regulations are available for review and copying on the Department of Law ethics web site. If access to this page is not available, please contact the Attorney General's office at 269-7195.
2. Review all disclosures, investigate potential ethics violations, make determinations regarding conduct, and take action.
3. Keep member or employee disclosure statements (of potential violations, receipt of gifts, and interests in grants/contracts/leases/loans) on file in your office. Disclosure of a gift received from another government must be forwarded to the Office of the Governor.
4. Submit an ethics report to the Department of Law in April, July, October and January for the preceding quarter. You will receive a reminder. There is a sample report on the ethics web page.
 1. Mail, email or fax to Kim Halstead, Litigation Assistant, Department of Law, Opinions, Appeals & Ethics Section, 1031 W. 4th Avenue, Suite 200, Anchorage, AK, 99501, ethicsreporting@alaska.gov, fax no. 907-279-2834.

You may request ethics advice from your agency's Assistant Attorney General or from the State Ethics Attorney, Jon Woodman, at 269-5100 or jonathan.woodman@alaska.gov. Please direct questions about reporting procedures to Kim Halstead at 269-7195 or kimberly.halstead@alaska.gov.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
State of Alaska © 2015 Webmaster

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

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MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

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

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Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

AGENDA ITEM #5

Board Business

MFT FY16 Goals and Objectives

List the board's FY16 goals and objectives. Include any strengths, weaknesses, opportunities, and threats, as well as any resources needed:

Goal 1. The Board of Marital and Family Therapy will develop a strategy to address the need for distance therapy and distance supervision.

Objective 1: Continue to seek input from the National Organization, AAMFT, the APA and various MFT boards.

Objective 2: Continue to work toward the completion of the drafted regulations until the desired outcome is accomplished.

Goal 2. The Board of Marital and Family Therapy will continue to review statutes and regulations to be consistent with the practice of marital and family therapy.

Objective 1: Continue to research and recommend changes to Regulation as needed

Goal 3. The board will continue to review applications of marriage and family therapists by credentials, by examination, for supervisor status and for associates in an established manner.

Objective 1: The Board will work with the licensing Examiner to utilize the secured website so that completed applications can be reviewed and approved in a timely manner.

Goal 4. The board will continue its responsibility to improve the process of approving continuing education, while maintaining professional standards.

Objective 1: The Board will work with the licensing Examiner to utilize the secured website so that completed applications can be reviewed and approved in a timely manner.

Goal 5. The board will continue to work closely with the investigator assigned at their request.

Objective 1: Continue to be updated on the functions of the investigator's office.

Goal 6. The board will implement brief evaluations from each board member at each meeting.

Objective 1: A report will be drafted by Board Secretary Joann Young and presented to the Board at the end of each fiscal year.

Goal 7. The board will continue to work with the Division of Corporations, Business and Professional Licensing with the goal to continue to reduce fees as is reasonable to maintain a balanced budget.

Objective 1: Continue to clarify budget needs.

Objective 2: Continue to review expenses at each regular scheduled Board meeting.

Goal 8. The board will continue to work with the Governor's office to fill vacant board seats in a timely manner.

Objective 1: Continue to encourage the Governor's office to reappoint current members or appoint a new member in a timely manner.

Objective 2: Father John Downing's term will expire in March 2016, the Board will assist and encourage the office of the Governor to fill that vacancy as soon as possible.

Goal 9. The board will continue collaborative relations with the Division of Corporations, Business and Professional Licensing.

MFT FY16 Goals and Objectives

Objective 1: Continue to respond and correspond with the Licensing Examiner in a timely manner with the licensing examiner.

Goal 10. The board will be a presence and information source for Legislators and Executive branches of the state government.

Objective 1: Complete forms provided to board members after each contact made with a legislator or legislative office on behalf of the Board. Return said form to the Licensing Examiner within 3 business day.

Goal 11. The board will continue to review, research and consider new technological advances as it pertains to therapy, supervision and training.

Objective 1: Continue to address these issues during the legislative session.

Objective 2: Seek support, *awareness*, and endorsements by legislative members *and the Governor*.

Objective 3: *The Board will address changing the terminology of, "face-to-face" to, "real-time"*.

Goal 12. The board will explore the concept of challenges and issues of labor mobility and how MFTs may be affected in Alaska.

Objective 1: *The board will explore the concept of challenges and issues of labor mobility*

Goal 13. The board will continue to require licensing as an MFT associate before acquiring clinical and supervision hours.

Objective 1: *Continue to address the issue of previous experience and labor mobility before this change.*

Objective 2: *Continue to review current statutes and regulations and propose changes necessary to match national trends.*

Goal 14. The board will research and consider ways of insuring MFT licensees have knowledge of their statutes and regulations.

Objective 1: Send mail outs to licensees to up-date and inform them of current statutes and regulations.

Goal 15. The board will continue their affiliation and full membership with the Association of Marital and Family Therapy Regulation Board (AMFTRB).

Objective 1: The Board has approved Board member Linda King to attend the AAMFT conference in Sept in Austin TX

Goal 16. The board will continue its goals to increase board education to improve its function by sending delegates to national conferences and/or trainings such as the American Association for Marriage and Family Therapy's yearly conference, Board Regulator and CLEAR.

Objective 1: the Board has approved Board member Leon Webber to attend the AMFTRB conference and CLEAR training conference in Boston

Goal 17. The board will continue to review and explore title vigilance

Objective 1: Continue to regularly review and be open to exploring issues relating to title vigilance.

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

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**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

AGENDA ITEM #6

Investigations Report



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND
PROFESSIONAL LICENSING

550 West Seventh Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Main: 907.269.8160
Fax: 907.269.8195

MEMORANDUM

DATE: January 6, 2016

TO: Alaska Board of Marital and Family Therapy

THROUGH: Edward Riefle, Senior Investigator
Angela G. Birt, Chief Investigator *AB*

FROM: Sonia Lipker, Investigator *SL*

SUBJECT: Investigative Report for the January 29, 2016 meeting.

The following information was compiled as an investigative report to the Board for the period of September 30, 2015 through January 6, 2016. Including cases, complaints, and intake matters, since the last report, the Division opened zero (0) matters and closed one (1) matter. There are no open matters at this time.

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license actions resulting from those matters are not covered in this report.

INVESTIGATIVE ACTIONS CLOSED SINCE LAST MEETING:

2015-001705 Violation of Professional Ethics Closed – Advisement Letter

CLOSED CASES and COMPLAINTS: TOTAL = 1 (*does not include intakes*)

EXECUTIVE SESSION MOTION

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- (4) **matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
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Staff will then state **“The board is off the record at _____(time).”**

AGENDA ITEM #7

Old Business

1. The definition of distance therapy and distance supervision
 - *Marital and Family distance therapy and distance supervision* include the use of telecommunications and web-based applications to provide assessment, diagnosis, intervention, consultation, supervision, education and information across distance. It include providing non-face-to-face marriage and family services via technology such as but not limited to telephone, e-mail, chat and videoconferencing.

2. The requirements to determine competence of the provider
 - The marital and family therapist/supervisor should seek training or otherwise demonstrate expertise/competence in the use of technology-assisted devices, especially in the matter of protecting patient and supervisee confidentiality and security.

3. The code of ethics that marital and family therapists/supervisors need to follow when practicing distance therapy and/or distance supervision
 - Marital and family therapists/supervisors must follow the same code of ethics for distance therapy and distance supervision as they do in a traditional (face-to-face, in person) counseling/supervision setting as indicated in current statues and regulations **12 AAC 19.900. CODE OF ETHICS.**

4. Determine what new aspects of informed consent need to be addressed in regard to distance therapy and/or distance supervision
 - Marital and family therapy licensees must inform clients/supervisees of the benefits and limitations of distance delivery, including: Issues related to the difficulty of maintaining the confidentiality of electronically transmitted communications, Names of colleagues, supervisors, and employees, such as Informational Technology (IT) administrators, who may have authorized or unauthorized access to electronic transmissions; The risks of all authorized or unauthorized people who have access to any technology clients may use in the counseling process. This includes family members, friends, acquaintances, and fellow employees; Contact information and alternate methods of contact in case of technology failure; and Emergency procedures for situations when the counselor is not available.
 - All appropriate marital and family therapist/supervisor certifications must be made available online for clients/supervisees to view and refer to.

5. Confidentiality/encryption methods that should be utilized to protect the provider and client
 - The marital and family therapist/supervisor must take steps to protect client/supervisee confidentiality and security.

- The marital and family therapist/supervisor will use code words or numbers to insure identity of the client/supervisee.
- Encryption methods should be used whenever possible. If encryption is not made available the client/supervisee must be made aware of the potential for unauthorized viewing of transmissions.
- Electronic transmissions will be preserved for seven years.

6. Initial assessments should be conducted for distance therapy

- It is preferred that the first provider patient/supervisee interaction occur in person (face-to-face) to conduct an initial assessment of each client/supervisee to determine whether the distance therapy/supervision modality is appropriate, given the client's treatment needs/supervisee needs. If distance therapy/supervision is not appropriate the therapist will assist the client in determining available alternatives when possible.

7. The allotted time that supervision and therapy hours may be conducted via distance supervision and distance therapy

- **Half** of all group/individual supervision hours must be conducted face to face, in person, when supervisor and supervisee are in the same physical location.

- Therapy may be conducted exclusively through distance therapy and this will be determined by the providing AKLMFT or AKLMFTA.
8. The ability of an Alaska LMFT to practice outside of the state
- Alaska Licensees providing services to clients out of state must check with that state's MFT Board to ensure they are following proper statutes and regulations in the state that the client abides.
 - If a Provider is temporarily out of state and wishes to practice while out of state they must look at the guest/temporary practice provision of the state, which they are traveling to.
9. Emergency procedures to be put in place when doing distance therapy
- Make arrangements, as appropriate, in the consumer's/supervisee's local area to address emergency and crisis situations that may arise, and be knowledgeable of community resources that may be accessed in such situations.
10. The ability for these regulations to be modified as appropriate
- Ability / procedures in which guidance to statutes/regulations may be handled.
 - This is an every changing field of practice, which demands constant modification based upon new technologies becoming available. These

standards should be reviewed often and modified appropriately.

11. How distance therapy and supervision should be billed.
 - Paper and/or web based and/or telephonic options will be made available for payment.

12. Penalties for unauthorized practice of distance therapy and distance supervision
 - Will be accountable under the current statutes and regulations **Sec. 08.63.220.**

At some point we will need to consider whether the Board will issue **temporary licenses**. I suggest we address temporary licensing at the board meeting after April. This will give us time to review the need, current uses and the existing LMFT statutes and regulations in other states.

Submitted by

Leon Webber, D.Mn,LMFT

With assistance from

Kirsten Penland, Primary Researcher

April 3, 2015



THE STATE
of **ALASKA**

GOVERNOR BILL WALKER

Department of Commerce, Community,
and Economic Development

BOARD OF MARITAL AND FAMILY THERAPY
Laura Carrillo, Licensing Examiner

P.O. Box 110806
Juneau, AK 99811-0806
Phone: 907.465.2588
Fax: 907.465.2974

December 6, 2014

Dear Alaska Association of Marital and Family Therapists (AAMFT),

In response to your letter dated April 25th, 2014, the Alaska Board of Marital and Family Therapy would like to offer the following statement:

The Alaska Board of Marital and Family Therapy is in support of the efforts to reduce licensing fees for licensed marital and family therapists and associates, which has been a salient issue discussed at our regular Board meetings. We have brought forward suggestions on ways to help reduce the cost of licenses, however, implementation of such changes have yet to be made.

The Board, in the past, has submitted a letter of support for inclusion of the Alaska Board of Marital and Family Therapy to Alaska Statute Title 47 – Welfare, Social Services and Institutions, and will submit another letter of support when this bill or a similar bill is brought to legislative attention.

We are also in support of protecting licensed therapists who are in good standing in regards to regulatory investigations of single license incidents.

Sincerely,

Alaska Board of Marital and Family Therapy



Alaska Association of Marriage and Family Therapists

Ken McCarty, LMFT, President

Phone: 907 694-5550 • Fax: 907 694-5570 • E-Mail: ken.m@discoverycovealaska.com
www.akamft.org

April 25, 2014

Alaska MFT Regulatory Board

Dear Regulatory Board,

We appreciate the advocacy provided to the Marriage and Family Therapy profession by the Alaska Regulatory Board. The Board of the Alaska Association of Marriage and Family Therapists would like to submit the following for your consideration:

1) Reduction of License Fees

We have become aware that the Regulatory Board has a significant surplus of funds that were generated from the license fees of the past. It is our understanding that the surplus funds were erroneously assessed to MFT Licensees due to inaccurate accounting by the Division of Licensing. Therefore, it is deemed appropriate by the Association that future license fees should demonstrate a significant reduction, as fees should only represent Statute-allowed operational budgeting.

2) Letter of support in the pursuit of inclusion of MFT's in Title 47 list of providers

The Association is in support of inclusion of MFT's in Title 47. The Regulatory Board has submitted a letter of support in the past. The Association requests that a letter of continued support be submitted if the Regulatory Board desires to expand the presence of MFT's to Title 47.

3) Letter of support in protection of MFT's in good standing in regard to Regulatory Investigation of single licensee incidents

It is the understanding of the Association that license fee increases are significantly weighted upon Regulatory Investigation fees imposed to the Regulatory Board. The Association requests that the Regulatory Board consider the following:

- A. Statute that allows for all fines be directed back through the Regulatory Board expenses rather directly to the State General Fund, and
- B. All MFT licensees must have liability insurance with Regulatory Investigation fee coverage to at least \$35,000, and

Board Members: Ken McCarty, President; Audra York, Treasurer; Laura Patin, Secretary; Sally Goble, Member at Large; Adrienne Gregory, Member at Large; Dixie Hood, Member at Large; Ashley Barrera, Pre-Clinical Member

- C. Investigation conducted by the Division of Licensing on behalf of the Regulatory Board ends upon a decision by the Board to retain or terminate a license. Any further investigation regarding a criminal acts by a licensee should not be the responsibility of the Regulatory Board and therefore should not be imposed upon the Board and licensees in good standing.

Thank you again for your service and consideration of these issues.

Sincerely,

A handwritten signature in black ink that reads "Ken McCarty LMFT". The signature is written in a cursive style with a long horizontal stroke at the end.

Ken McCarty, LMFT

President of the Alaska Association of Marriage and Family Therapists

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

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AGENDA ITEM #8

Correspondence

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AGENDA ITEM #9

New Business



THE STATE

of

ALASKA *Department of Commerce, Community, and Economic Development*
Division of Corporations, Business and Professional Licensing
Board of Marital and Family Therapy

State Office Building, 333 Willoughby Avenue, 9th Floor

PO Box 110806, Juneau, AK 99811-0806

Phone: (907) 465-2550 · Fax: (907) 465-2974

Email: license@alaska.govWebsite: ProfessionalLicense.Alaska.Gov/BoardOfMaritalFamilyTherapy

Continuing Education Provider's Approval Form

In order for the Board of Marital and Family Therapy to review programs offered by providers for continuing education, the attached form must be filled out and submitted to the above address for Board review.

You must attach:

1. Course/seminar/workshop agenda with hourly break-down of each topic
2. Description of the learning purposes and objectives
3. List of instructors and their qualifications (resume or CV)

In accordance with 12 AAC 19.320(a), to be accepted by the Board, continuing education must contribute directly to the professional competency of a marital and family therapist and must be directly related to the skills and knowledge required to implement marital and family therapy principles and methods. The definition of the "practice of marital and family therapy" means:

... the diagnosis and treatment of mental and emotional disorders that are referenced in the standard diagnostic nomenclature for marital and family therapy, whether cognitive, affective, or behavioral, within the context of human relationships, particularly marital and family systems; marital and family therapy involves:

- (a) *the professional application of assessments and treatments of psycho-therapeutic services to individuals, couples, and families for the purpose of treating the diagnosed emotional and mental disorders.*
- (b) *an applied understanding of the dynamics of marital and family interactions, along with the application of psychotherapeutic and counseling techniques for the purpose of resolving intrapersonal and interpersonal conflict and changing perceptions, attitudes, and behaviors in the area of human relationships and family life.*

Therefore, your continuing education program must be in accordance with the regulations as stated above. Please fill out the attached form and return it to this office at the address provided. Attach other information, i.e., syllabus, workshop outline, that is pertinent for the Board to review regarding your program. Once the information has been received, the board will review and you will be notified by letter of the Board's decision.

- Instructors presenting information concerning counseling or the treatment of clients must hold an advanced degree (masters or higher) in a mental health field.
- Instructors whose topics are related to the professional continuing education of professional counselors/MFTs but **not** directly concerning counseling or the treatment of clients are not required to hold advanced degrees in a mental health fields, but must demonstrate completion of appropriate education and training with regard to the topic presented. The Board will consider such cases on a case-by-case basis.
- Topics must be relevant to the continuing education of professional counselors/MFTs. Programs designed for members of the general public, paraprofessional counselors or lay members of a church or other helping organizations to do counseling of individuals do not qualify for Board approval.

This form must be filled out completely for it to be considered by the Board.

All questions must be answered.



THE STATE

of

ALASKA

Department of Commerce, Community, and Economic Development
 Division of Corporations, Business and Professional Licensing

Board of Marital and Family Therapy

State Office Building, 333 Willoughby Avenue, 9th Floor

PO Box 110806, Juneau, AK 99811-0806

Phone: (907) 465-2550 • Fax: (907) 465-2974

Email: license@alaska.govWebsite: ProfessionalLicense.Alaska.Gov/BoardOfMaritalFamilyTherapy**Continuing Education Provider's Approval Form****SPONSORING ORGANIZATION OR PROVIDER**

Name			
Address			
Email		Phone	
Person Submitting Form		Phone	

COURSE, SEMINAR OR WORKSHOP

Title			
Location		Dates	

Delivery Type(s)

Live (in-person) Classroom Distance Online Other:

Topic and Hours:

___ Emotional, Mental, Behavioral Health ___ Supervisory ___ Domestic Abuse
 ___ Childhood and Adolescent Therapy ___ Adult Therapy ___ Ethics and Boundaries
 ___ Marriage and Relationships ___ Addictions ___ Counseling Techniques
 ___ Diagnosis and Treatment ___ Other:

Total Hours Requested:**Attendance Verification Method:**

Yes No Has this been approved by another board? If "Yes," which board:

The Following Must be Attached:

- Course/seminar/workshop agenda with hourly break-down of each topic
- Description of the learning purposes and objectives
- List of instructors and their qualifications (resume or CV)

Signature:**Date:**



AMFTRB

MFT Examination Approval Code Process for States

New Approval Code Process Starting November 1, 2015

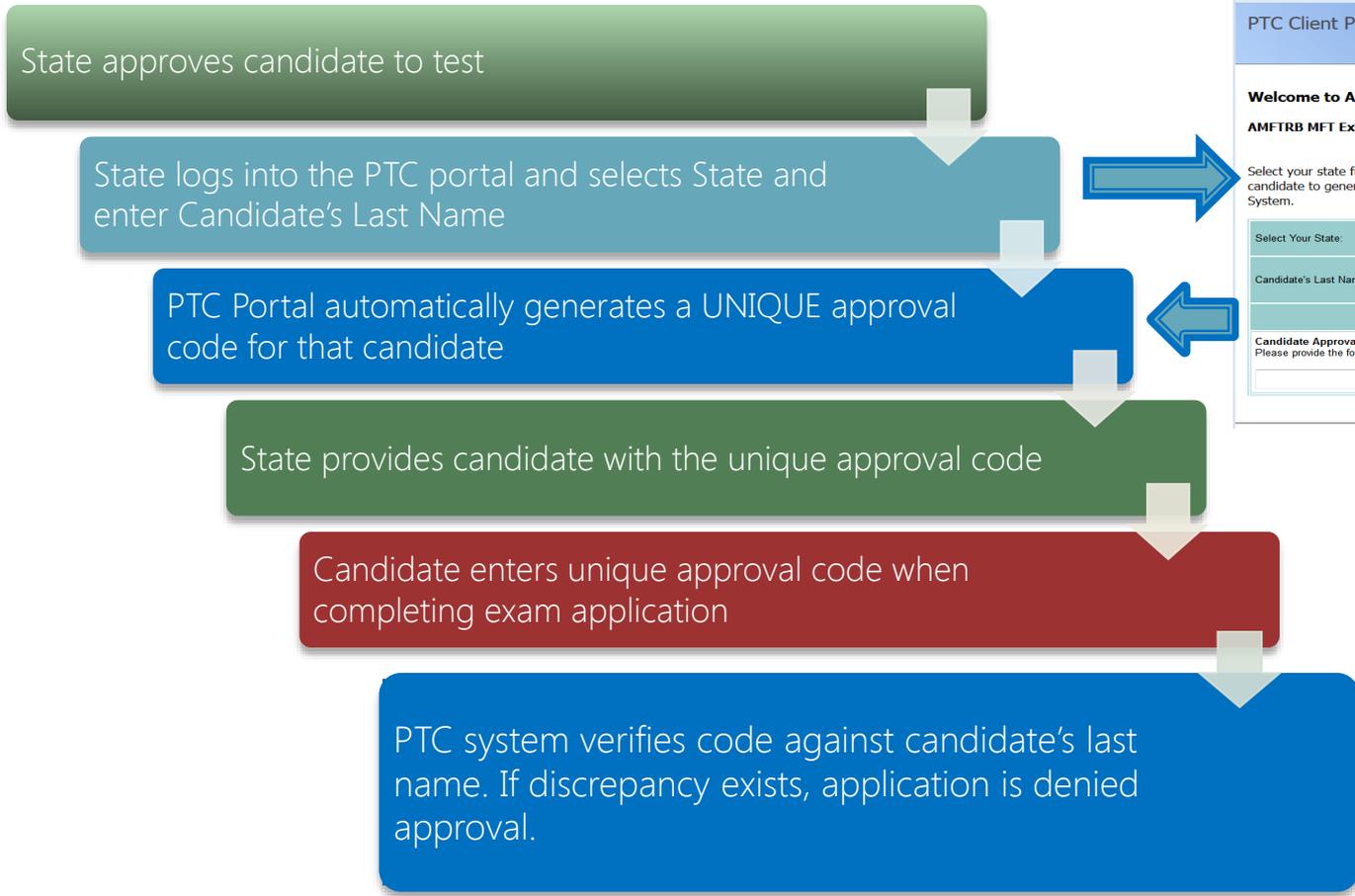
Overview

- ▶ New Process for Approval Codes
- ▶ Step by Step Instructions
- ▶ Approval Codes Requirements
- ▶ Approval Codes Policies



EXPERIENCE
that **Passes** the Test

State Code -New Process Starting November 1, 2015



PTC Client Portal Welcome AMFTRBState! [Log Out]

Welcome to AMFTRB State Portal at PTC.
AMFTRB MFT Examination Approval Codes

Select your state from the drop down menu and then enter the last name of the candidate to generate a unique code for this candidate for the PTC Online Testing System.

Select Your State:	Select Your State ▾
Candidate's Last Name:	<input type="text"/>
<input type="button" value="Get Unique Approval Code"/>	

Candidate Approval Code:
 Please provide the following code to the candidate for the online application.



EXPERIENCE
 that **Passes the Test**

Step 1

- ▶ Log in to PTC Client Portal at <https://secure.ptcny.com/ptcportal/client/amftrbstates/getcode>

PTC Client Portal [Log In](#) |

Log In
Please enter your username and password.

User Name:

Password:

Professional Testing Corporation | 1350 Broadway, 1705 | New York NY 10018
Authorized Use Only. All rights reserved. ©2015



EXPERIENCE
that **Passes** the Test

Step 2

▶ AMFTRB State Portal at PTC

PTC Client Portal Welcome AMFTRBState! [[Log Out](#)]

Welcome to AMFTRB State Portal at PTC.

AMFTRB MFT Examination Approval Codes

Select your state from the drop down menu and then enter the last name of the candidate to generate a unique code for this candidate for the PTC Online Testing System.

Select Your State:	<input type="text" value="Select Your State"/>
Candidate's Last Name:	<input type="text"/>
<input type="button" value="Get Unique Approval Code"/>	
Candidate Approval Code: Please provide the following code to the candidate for the online application.	
<input type="text"/>	



EXPERIENCE
that **Passes the Test**

Step 3

- ▶ Select Your State
- ▶ Enter Candidate's Last Name
- ▶ Click on "Get Unique Approval Code" button

Select Your State:	<input type="text" value="Alaska"/>	1. Select Your State
Candidate's Last Name:	<input type="text" value="smith"/>	2. Enter Last Name of Candidate
	<input type="button" value="Get Unique Approval Code"/>	3. Click on Button
Candidate Approval Code: Please provide the following code to the candidate for the online application.		
<input type="text"/>		Code will be shown here



EXPERIENCE
that **Passes** the Test

Step 4

- ▶ System shows the Approval Code
- ▶ Provide this code to the candidate
- ▶ If you need codes for more candidate, click on Get Another Approval Code button

Select Your State:	Alaska
Candidate's Last Name:	smith
Candidate Approval Code: Please provide the following code to the candidate for the online application.	
SAMPLE CODE	
Get Another Approval Code	

Code is Show Here

Click button to get
code for another
candidate



EXPERIENCE
that Passes the Test

Approval Code Requirements

- ▶ The Last Name of candidate that States enter, must match the Last Name the candidate uses on the application.
- ▶ The Code will work only for the State that issued it. If the candidate selects a different state on the application, the code will not work.



EXPERIENCE
that **Passes** the Test

Approval Code Policies

- ▶ All States should start using the new coding process from November 1, 2015.
- ▶ The system will continue accepting the old code until 12/31/2015. Starting January 1, 2016, the old codes will not work. All candidates must contact the states to get a new approval code.
- ▶ For technical support with the online application, candidates should contact support@ptcny.com



EXPERIENCE
that Passes the Test

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

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

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

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

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

AGENDA ITEM #13

Budget Report

Board of Marital and Family Therapy
Schedule of Revenues and Expenditures

	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15
Licensing Revenue	11,300	75,095	7,665	55,500	12,015	61,048
Allowable Third Party Reimbursement	-	-	-	-	-	-
Total Revenue	<u>11,300</u>	<u>75,095</u>	<u>7,665</u>	<u>55,500</u>	<u>12,015</u>	<u>61,048</u>
Direct Expenditures						
Personal Services	17,802	21,648	21,392	34,463	33,604	23,351
Travel	14,816	5,029	6,384	6,884	8,437	8,251
Contractual	992	2,247	997	2,111	5,468	5,217
Supplies	43	93	101	36	12	4
Equipment	-	-	-	-	-	-
Total Direct Expenditures	<u>33,653</u>	<u>29,017</u>	<u>28,874</u>	<u>43,494</u>	<u>47,521</u>	<u>36,823</u>
Indirect Expenditures	<u>5,117</u>	<u>4,738</u>	<u>5,765</u>	<u>7,064</u>	<u>10,549</u>	<u>12,973</u>
Total Expenses	38,770	33,755	34,639	50,558	58,070	49,796
Annual Surplus (Deficit)	<u>(27,470)</u>	<u>41,340</u>	<u>(26,974)</u>	<u>4,942</u>	<u>(46,055)</u>	<u>11,251</u>
Beginning Cumulative Surplus (Deficit)	120,357	92,887	134,227	107,253	112,195	66,140
Ending Cumulative Surplus (Deficit)	<u><u>92,887</u></u>	<u><u>134,227</u></u>	<u><u>107,253</u></u>	<u><u>112,195</u></u>	<u><u>66,140</u></u>	<u><u>77,391</u></u>

Collocation Code Name	MARITAL & FAMILY THE
Acct Type	EX

Account Number	Account Name	Sum of Actual
71172	REGULAR PAY	12,079
71324	OT - TIME & ONE-HALF	90
71670	HOLIDAY PAY	577
71685	PERSONAL LEAVE	1,107
71700	MILITARY LEAVE	1
71790	AK SUPPLEMNTL BENEFIT	851
71795	MEDICARE TAX	194
71800	PERS DB	1,295
71801	PERS DCR	416
71815	PERS DCR HRA	340
71816	PERS DCR RMP	132
71818	PERS DB UNF'D LIAB	865
71820	UNEMPLYMNT INSURANCE	37
71830	GROUP HLTH INSURANCE	4,496
71835	BASIC LIFE & TRAVEL	11
71840	WORKERS' COMP INS	129
71870	LEAVE CASHIN EMPR CH	319
71871	TERMINAL LV EMPR CHG	160
71925	ASEA LEGAL TRUST	19
71936	ASEA INJURY LV USAGE	1
71940	GGU BUS LV BANK CONT	109
71941	GGU BUS LV BANK USE	(0)
71950	SUPERVSRS LEGAL TRST	7
71970	PERSONAL SVCE TRANS	119
72111	AIRFARE	921
72112	SURFACE TRANSPORT	76
72113	LODGING	388
72114	MEALS & INCIDENTALS	294
72121	AIRFARE	1,244
72123	LODGING	593
72124	MEALS & INCIDENTALS	384
72125	TAXABLE PER DIEM	96
72126	NONTAX REIMBURSEMENT	519
72424	MEALS & INCIDENTALS	588
72426	NONTAX REIMBURSEMENT	3,142
72930	CASH ADVANCE FEE	7
73026	TRAINING/CONFERENCES	515
73029	MEMBERSHIPS	500
73051	ACCOUNTING/AUDITING	757
73227	COURIER	1
73228	POSTAGE	22
73451	ADVERTISING	1,219
73668	ROOM/SPACE	3
73756	PRINT/COPY/GRAPHICS	65

Collocation Code Name	MARITAL & FAMILY THE
Acct Type	EX

Account Number	Account Name	Sum of Actual
73757	HONORARIUMS/STIPEND	128
73809	I/A MAIL	339
73812	I/A LEGAL	1,568
73819	I/A COMMISSION SALES	98
74229	BUSINESS SUPPLIES	4
Grand Total		36,823

Grand Total Equals Direct Expenditures on Board Report

Board of Marital and Family Therapy
Schedule of Revenues and Expenditures

	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	FY16 1st Qtr
Licensing Revenue	11,300	75,095	7,665	55,500	12,015	61,048	2,470
Allowable Third Party Reimbursement*	-	-	-	-	-	-	-
Total Revenue	11,300	75,095	7,665	55,500	12,015	61,048	2,470
Direct Expenditures							
Personal Services	17,802	21,648	21,392	34,463	33,604	23,351	3,339
Travel	14,816	5,029	6,384	6,884	8,437	8,251	757
Contractual	992	2,247	997	2,111	5,468	5,217	102
Supplies	43	93	101	36	12	4	-
Equipment	-	-	-	-	-	-	-
Total Direct Expenditures	33,653	29,017	28,874	43,494	47,521	36,823	4,198
Indirect Expenditures**	5,117	4,738	5,765	7,064	10,549	12,973	3,243
Total Expenses	38,770	33,755	34,639	50,558	58,070	49,796	7,441
Annual Surplus (Deficit)	(27,470)	41,340	(26,974)	4,942	(46,055)	11,251	(4,971)
Beginning Cumulative Surplus (Deficit)	120,357	92,887	134,227	107,253	112,195	66,140	77,391
Ending Cumulative Surplus (Deficit)	92,887	134,227	107,253	112,195	66,140	77,391	72,420

*The allocation of the \$20,000 in allowable third party reimbursements will be completed at year-end

**Current year indirect costs are based on the prior fiscal year's total budgeted amount. These costs are averaged over the current fiscal year, then adjusted after the close of the year.

Activity Name	Board of Marital & Family Therapy
---------------	-----------------------------------

Object Code	Object Name	Sum of Expenditures
0102	Regular Pay	1,836
0147	Holiday Pay	90
0151	Personal Leave	117
1028	AK Supplemntl Benefit	126
1029	Pers DB	5
1030	Pers DCR	105
1034	Pers DCR HRA	79
1035	Pers DCR RMP	34
1037	Pers DB Unf'D Liab	226
1039	Unemplmnt Insurance	7
1040	Group Hlth Insurance	583
1041	Basic Life & Travel	2
1042	Workers' Comp Ins	26
1047	Leave Cashin Empr Ch	46
1048	Terminal Lv Empr Chg	23
1053	Medicare Tax	29
1077	ASEA Legal Trust	1
1079	ASEA Injury Lv Usage	0
1080	Supervsrs Legal Trst	4
2000	In-State Employee Airfare	327
2001	In-State Employee Surface Transportation	73
2002	In-State Employee Lodging	190
2003	In-State Employee Meals and Incidentals	111
2010	In-State Non-Employee Non-Taxable Reimbursement	55
2036	Cash Advance Fee	2
3044	Courier	0
3057	Structure, Infrastructure and Land - Rentals/Leases	1
3067	Honorariums/Stipend	80
3069	Commission Sales	20
Grand Total		4,198

Grand Total Equals Direct Expenditures on Board Report

EXECUTIVE SESSION MOTION

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Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

AGENDA ITEM #13

Administrative Business

Board Task List

Leon Webber

- Leon Webber and Ken McCarty will meet with Sara Chambers to discuss statutory changes and legislative contact.
- Leon Webber will revise the letters pertaining to statutory changes.

Ken McCarty

- Leon Webber and Ken McCarty will meet with Sara Chambers to discuss statutory changes and legislative contact.
- Ken McCarty will send the template for supervision hours to Ms. Carrillo.

Laura Carrillo

- Will forward the letters to Leon Webber.

EXECUTIVE SESSION MOTION

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Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Statutes and Regulations **Marital and Family** **Therapy**

January 2014

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 63.
MARITAL AND FAMILY THERAPY.**

Article

- 1. Board of Marital and Family Therapy (§§ 08.63.010 — 08.63.060)**
- 2. Marital and Family Therapy Licenses (§§ 08.63.100 — 08.63.140)**
- 3. General Provisions (§§ 08.63.200 — 08.63.900)**

**ARTICLE 1.
BOARD OF MARITAL AND FAMILY THERAPY.**

Section

- 10. Board established**
- 20. Board appointments**
- 30. Meetings**
- 40. Removal of board members**
- 50. Powers and duties of the board**
- 60. Administrative Procedure Act**

Sec. 08.63.010. Board established. (a) There is established the Board of Marital and Family Therapy.
(b) The board consists of three persons licensed under this chapter and two members of the public.

Sec. 08.63.020. Board appointments. The governor shall appoint the members of the board subject to confirmation by the legislature.

Sec. 08.63.030. Meetings. The board shall hold an annual meeting and may hold special meetings at the call of the chair or a majority of the board members.

Sec. 08.63.040. Removal of board members. The governor may only remove a member of the board for good cause.

Sec. 08.63.050. Powers and duties of the board. (a) The board shall

- (1) establish objective examination requirements and training and education requirements for persons who apply for a license to practice marital and family therapy;
- (2) examine applicants and issue licenses to qualified applicants;
- (3) establish continuing education requirements for license renewal;
- (4) adopt a code of ethical practice for marital and family therapy;
- (5) hold hearings and order the disciplinary sanction of a person who violates this chapter or a regulation of the board;
- (6) ensure that licensees are aware of the requirements of AS 47.17.020;
- (7) establish standards for supervisors and supervision under this chapter;
- (8) report annually to the governor and the department on the board's proceedings each year; the report must include the number of licensure applicants, the number of examinations conducted, the failure rate for each examination, a financial report, and other information requested by the department;
- (9) enforce the provisions of this chapter and adopt regulations necessary to carry out its duties under this chapter.

(b) The board may order a licensed marital and family therapist to submit to a reasonable physical or mental examination if the board has credible evidence sufficient to conclude that the marital and family therapist's physical or mental capacity to practice safely is at issue.

Sec. 08.63.060. Administrative Procedure Act. AS 44.62 (Administrative Procedure Act) applies to regulations and proceedings under this chapter.

**ARTICLE 2.
MARITAL AND FAMILY THERAPY LICENSES.**

Section

- 100. Qualifications for license to practice**
- 110. License for supervised practice**
- 120. Authorized supervisors**
- 130. Temporary license for the practice of marital and family therapy**
- 140. Licensure by credentials**

Sec. 08.63.100. Qualifications for license to practice. (a) The board shall issue a license to practice marital and family therapy to a person who

- (1) applies on a form provided by the board;
- (2) pays the fee established under AS 08.01.065;
- (3) furnishes evidence satisfactory to the board that the person

(A) has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.63.210;

(B) holds a master's degree or doctorate in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board for which the person completed a course of study that included instruction substantially equivalent to the following:

- (i) three courses or nine semester or 12 quarter hours of course work in marital and family therapy;
- (ii) three courses or nine semester or 12 quarter hours of course work in marital and family studies;
- (iii) three courses or nine semester or 12 quarter hours of course work in human development;
- (iv) one course or three semester or four quarter hours of course work in professional studies or professional ethics and law;
- (v) one course or three semester or four quarter hours of course work in research; and
- (vi) one year of supervised clinical practice in marital and family therapy;

(C) after receiving a degree described in (B) of this paragraph, has

(i) practiced marital and family therapy, including 1,500 hours of direct clinical contact with couples, individuals, and families; and

(ii) been supervised in the clinical contact for at least 200 hours, including 100 hours of individual supervision and 100 hours of group supervision approved by the board;

(D) has received training related to domestic violence; and

(E) has passed a written or oral examination administered by the board.

(b) Under regulations adopted by the board, a person who holds a master's or doctorate degree in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board, but whose course of degree study did not include all the courses or clinical practice requirements set out in (a)(3)(B) of this section may substitute post-degree courses or practice, as approved by the board, to satisfy the requirements of (a)(3)(B) of this section.

(c) An applicant who fails an examination given under this section may not retake the examination for a period of six months from the date of the examination that the applicant failed.

(d) A license issued under this section shall be renewed biennially by the applicant on a date set by the department and approved by the board. It shall be renewed by payment of the fee established under AS 08.01.065 and by satisfaction of the continuing education requirements established by the board for the renewal of licenses issued under this section.

Sec. 08.63.110. License for supervised practice. (a) The board shall issue a four-year license for the supervised practice of marital and family therapy to a person who meets the requirements of AS 08.63.100(a)(1), (2), and (3)(A)—(B).

(b) A licensee under this section may practice only

- (1) under the direct supervision of a supervisor approved by the board under AS 08.63.120; and
- (2) in a clinic, social service agency, or other setting approved by the board.

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

(d) A licensee under this section shall submit to the board for its approval a proposed plan for satisfying the supervision requirements of AS 08.63.100(a)(3)(C).

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

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

Sec. 08.63.120. Authorized supervisors. (a) A person may not supervise a person under this chapter unless approved by the board to be a supervisor.

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

- (1) have practiced marital and family therapy for five years;
- (2) be licensed under this chapter; and
- (3) meet the minimum standards established by the board for approved supervisors.

Sec. 08.63.130. Temporary license for the practice of marital and family therapy. (a) The board shall issue a temporary license for the practice of marital and family therapy to an applicant who satisfies the requirements of AS 08.63.100(a)(1), (2), and (3)(A), (B), and (C) and has been approved by the board to take the marital and family therapy examination.

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

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

Sec. 08.63.140. Licensure by credentials. The board shall issue a license to practice marital and family therapy to a person who

(1) is licensed or certified for the practice of marital and family therapy in another state that has requirements for the license or certificate that are substantially equal to or greater than the requirements of this state; and

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

ARTICLE 3. GENERAL PROVISIONS.

Section

200. Confidentiality of communication

210. Grounds for imposition of disciplinary sanctions

220. License required if designation used

230. Disclosure statement

240. Limitation of practice

900. Definitions

Sec. 08.63.200. Confidentiality of communication. (a) A person licensed under this chapter may not reveal to another person a communication made to the licensee by a client about a matter concerning which the client has employed the licensee in a professional capacity. This section does not apply to

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

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

(3) information released to the board as part of a disciplinary or other proceeding;

(4) situations where the rules of evidence applicable to the psychotherapist-patient privilege allow the release of the information;

(5) a communication to a potential victim or to law enforcement officers where a threat of imminent serious physical harm to an identified victim has been made by a client; or

(6) a disclosure revealing a communication about an act that the licensee has reasonable cause to suspect constitutes unlawful or unethical conduct that would be grounds for imposition of disciplinary sanctions by a person licensed to provide health or mental health services, if the disclosure is made only to the licensing board with jurisdiction over the person who allegedly committed the act, and the disclosure is made in good faith.

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

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

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

(c) Information obtained by the board under (a)(3) of this section is confidential and is not a public record for purposes of AS 09.25.110 — 09.25.140.

Sec. 08.63.210. Grounds for imposition of disciplinary sanctions. (a) After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter when the board finds that the person

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

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a felony or of another crime that affects the person's ability to practice competently and safely;

(5) failed to comply with a provision of this chapter or a regulation adopted under this chapter, or an order of the board;

(6) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) addiction or severe dependency on alcohol or another drug that impairs the person's ability to practice safely;

(7) engaged in unethical conduct in connection with the delivery of professional services to clients;

(8) engaged in sexual misconduct with a client during the course of therapy, either within or outside the treatment setting, or within two years after therapy or counseling with the client has terminated; in this paragraph, "sexual misconduct" includes sexual contact, as defined in regulations adopted under this chapter, or attempted sexual contact, regardless of the client's or former client's consent or lack of consent.

(b) The board may summarily suspend the license of a licensee who refuses to submit to a physical or mental examination under AS 08.63.050(b). A person whose license is suspended under this subsection is entitled to a

hearing by the board within seven days after the effective date of the order. If, after a hearing, the board upholds the suspension, the licensee may appeal the suspension to a court of competent jurisdiction.

Sec. 08.63.220. License required if designation used. A person who is not licensed under this chapter or whose license is suspended or revoked, or whose license has lapsed, who knowingly uses in connection with the person's name the words or letters "L.M.F.T.," "L.M.F.C.," "Licensed Marital and Family Therapist," "Licensed Marriage and Family Counselor," or other letters, words, or insignia indicating or implying that the person is licensed as a marital and family therapist by this state or who in any way, orally or in writing, directly or by implication, knowingly holds out as being licensed by the state as a marital and family therapist in this state is guilty of a class B misdemeanor.

Sec. 08.63.230. Disclosure statement. Before the performance of services, a licensed marital and family therapist shall ensure that the client was furnished a copy of a professional disclosure statement that contained

- (1) the name, title, business address, and business telephone number of the marital and family therapist;
- (2) a description of the formal professional education of the marital and family therapist, including the institutions attended and the degrees received from the institutions;
- (3) the marital and family therapist's areas of specialization and the services available;
- (4) the marital and family therapist's fee schedule listed by type of service or hourly rate;
- (5) a description of the exception to confidentiality contained in AS 08.63.200(a)(6); and
- (6) at the bottom of the first page of the statement, the following sentence: "This information is required by the Board of Marital and Family Therapy, which regulates all licensed marital and family therapists," followed by the name, address, and telephone number of the board's office.

Sec. 08.63.240. Limitation of practice. Notwithstanding that a specific act is within the definition of the "practice of marital and family therapy," a person licensed under this chapter may not perform the act if the person lacks the appropriate education, training, and experience related to the act.

Sec. 08.63.900. Definitions. In this chapter, unless the context indicates otherwise;

- (1) "advertise" includes issuing or causing to be distributed a card, sign, or device to a person, or causing, permitting, or allowing a sign or marking on or in a building or structure, or in a newspaper, magazine, or directory, or on radio or television, or using other means designed to secure public attention;
- (2) "board" means the Board of Marital and Family Therapy;
- (3) "course" means a class of at least three credit hours in a graduate program at an accredited educational institution or an institution approved by the board;
- (4) "department" means the Department of Commerce, Community, and Economic Development;
- (5) "practice of marital and family therapy" means the diagnosis and treatment of mental and emotional disorders that are referenced in the standard diagnostic nomenclature for marital and family therapy, whether cognitive, affective, or behavioral, within the context of human relationships, particularly marital and family systems; marital and family therapy involves
 - (A) the professional application of assessments and treatments of psychotherapeutic services to individuals, couples, and families for the purpose of treating the diagnosed emotional and mental disorders;
 - (B) an applied understanding of the dynamics of marital and family interactions, along with the application of psychotherapeutic and counseling techniques for the purpose of resolving intrapersonal and interpersonal conflict and changing perceptions, attitudes, and behaviors in the area of human relationships and family life;
- (6) "supervision" means face-to-face consultation, direction, review, evaluation, and assessment of the practice of the person being supervised, including direct observation and the review of case presentations, audio tapes, and video tapes.

**CHAPTER 19.
BOARD OF MARITAL AND FAMILY THERAPY.**

Article

1. **Licensing Requirements (12 AAC 19.100 – 12 AAC 19.130)**
2. **Supervised Practice (12 AAC 19.200 – 12 AAC 19.210)**
3. **License Renewal and Continuing Education (12 AAC 19.300 – 12 AAC 19.340)**
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**ARTICLE 1.
LICENSING REQUIREMENTS.**

Section

100. **(Repealed)**
110. **License by examination**
115. **Licensure by credentials**
120. **Substitution of post-degree courses or practice**
130. **Supervised experience**

12 AAC 19.100. TRANSITIONAL LICENSE. *Repealed 8/24/2002.*

12 AAC 19.110. LICENSE BY EXAMINATION. (a) The board will issue a license by examination to practice marital and family therapy to an applicant who meets the requirements of AS 08.63.100(a) and this section.

(b) The applicant's supervised experience must meet the requirements of 12 AAC 19.130.

(c) To show fulfillment of the training requirement in AS 08.63.100(a)(3)(D), the applicant must document at least six contact hours of training related to domestic violence in courses approved by the board under 12 AAC 19.320(b)(1) – (7).

(d) The examinations required for a license to practice marital and family therapy are the Examination in Marital and Family Therapy administered by the Professional Examination Service and the state written examination prepared and administered by the board. To pass the examinations the applicant must achieve at least the minimum passing score recommended by the Professional Examination Service on the Examination in Marital and Family Therapy and 90 percent or higher on the state written examination.

(e) An applicant may substitute post-degree courses or practice as allowed in 12 AAC 19.120 to meet the course of study requirements in AS 08.63.100(a)(3)(B)(i) – (vi).

(f) To be scheduled for an examination, an applicant must file with the department a complete, notarized application for a license by examination, including the supporting documentation required by this section, and the applicable fees established in 12 AAC 02.242. An individual approved by the board under AS 08.63.110 for a license for supervised practice may schedule for the Professional Examination Service's Examination in Marital and Family Therapy by filing with the department a complete application showing fulfillment of the requirements in AS 08.63.100(a)(1), (2), and (3)(A) and (B).

(g) The state written examination includes questions covering

- (1) state statutes and regulations applying to the practice of marital and family therapy; and
- (2) the code of ethics adopted by the board under 12 AAC 19.900.

(h) The state written examination is an open book examination. The examination and study materials will be mailed directly to each applicant. Completed examinations must be returned to the department within 30 days after mailing, as shown by the postmark dates.

(i) An applicant who fails an examination may be reexamined, after six months have lapsed since the initial test date, if the applicant notifies the department in writing of the intent to be reexamined and submits the applicable fees in 12 AAC 02.242 with the written notification. If one year or more has lapsed since the applicant last took an examination, the applicant must submit a new and complete application for examination.

Authority: AS 08.63.050 AS 08.63.100 AS 08.63.120

12 AAC 19.115. LICENSURE BY CREDENTIALS. (a) The board will issue a license by credentials to practice marital and family therapy to an applicant who meets the requirements of AS 08.63.140 and this section.

(b) An applicant for a license under this section shall submit

- (1) a complete, notarized application, on a form provided by the department;
- (2) verification of a current license in another state on a form provided by the department;
- (3) a copy of the current statutes and regulations pertaining to licensure or certification for the practice of marital and family therapy from the state where the applicant is currently licensed; and
- (4) the applicable fees established in 12 AAC 02.242.

Authority: AS 08.63.050 AS 08.63.100 AS 08.63.140

12 AAC 19.120. SUBSTITUTION OF POST-DEGREE COURSES OR PRACTICE. (a) The board will, in its discretion, accept post-degree courses to satisfy the course of study requirements in AS 08.63.100(a)(3)(B)(i)--(vi) if

- (1) the substituted courses meet the requirements of 12 AAC 19.320(a) and (b)(1)--(4);
- (2) the substituted courses are in the same subject area as the educational requirement for which they are being substituted; and
- (3) the substituted course hours are equivalent to the hours of course work of the educational requirement for which they are being substituted as determined by 12 AAC 19.310(d).

(b) The board will, in its discretion, accept post-degree practice as a marital and family therapist to satisfy the course of study requirements listed in AS 08.63.100(a)(3)(B)(i)--(iii) as follows:

- (1) three years of continuous practice is equivalent to one course or three semester or four quarter hours of course work;
- (2) the same three years of practice may not be used to substitute for more than one course.

(c) An applicant wishing to substitute post-degree courses or practice for a course of study requirement in AS 08.63.100(a)(3)(B)(i)--(vi) shall submit to the board a completed equivalency worksheet on a form provided by the department.

Authority: AS 08.63.050 AS 08.63.100(b)

12 AAC 19.130. SUPERVISED EXPERIENCE. (a) The board will, in its discretion, approve the supervised experience of an applicant to satisfy the requirements of AS 08.63.100(a)(3)(B)(vi) and (C)(ii) if the supervisor

- (1) is approved by the board; and
 - (2) verifies the applicant's experience on a form provided by the department.
- (b) *Repealed 6/24/2012.*

Authority: AS 08.63.050 AS 08.63.100

ARTICLE 2. SUPERVISED PRACTICE.

Section

200. License for supervised practice

210. Approved supervisors

12 AAC 19.200. LICENSE FOR SUPERVISED PRACTICE. (a) A holder of a license for the supervised practice of marital and family therapy may practice under supervision in a clinic, social service agency, or private marital and family therapy practice.

(b) A holder of a license for the supervised practice of marital and family therapy shall use the title "marital therapy associate," "family therapy associate," or "marital and family therapy associate."

(c) A holder of a license for the supervised practice of marital and family therapy may practice only under the direct supervision of a supervisor approved by the board under 12 AAC 19.210.

Authority: AS 08.63.050 AS 08.63.110 AS 08.63.120

12 AAC 19.210. APPROVED SUPERVISORS. (a) The board will approve a person to be an approved supervisor 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) 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.

(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 (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) of this section.

Authority: AS 08.63.050 AS 08.63.100 AS 08.63.120
 AS 08.63.060

**ARTICLE 3.
 LICENSE RENEWAL AND CONTINUING EDUCATION.**

Section

- 300. License renewal**
310. Continuing education requirements
320. Approved continuing education activities
330. Audit of continuing education requirements
340. Failure to meet continuing education requirements and license reinstatement

12 AAC 19.300. LICENSE RENEWAL. (a) A license to practice marital and family therapy expires on December 31 of even-numbered years.

- (b) A marital and family therapist applying for license renewal shall
- (1) complete a renewal application on a form provided by the department;
 - (2) pay the license renewal fee established in 12 AAC 02.242; and
 - (3) submit a statement of the continuing education contact hours completed during the concluding license period; the statement must include the following information, when applicable, for each course, seminar, or workshop:
 - (A) the name of the sponsoring organization;
 - (B) the location of the course, seminar, or workshop;
 - (C) the title and a brief description of the course, seminar, or workshop;
 - (D) the principal instructor;
 - (E) the dates of attendance;
 - (F) the titles, issues, and dates of publications or presentations; and
 - (G) the number of continuing education contact hours claimed.

Authority: AS 08.63.050

12 AAC 19.310. CONTINUING EDUCATION REQUIREMENTS. (a) An applicant for renewal of a marital and family therapy license who has been licensed 18 months or more of the concluding license period shall document completion of 45 contact hours of continuing education acceptable to the board that was earned during the concluding license period. At least two of the contact hours must be in professional ethics.

(b) An applicant for renewal of a marital and family therapy license who has been licensed at least 12 months but less than 18 months of the concluding license period shall document completion of 30 contact hours of continuing education acceptable to the board that was earned during the concluding license period. At least two of the contact hours must be in professional ethics.

(c) An applicant for renewal of a marital and family therapy license who has been licensed less than 12 months of the concluding license period shall document completion of 23 contact hours of continuing education acceptable to the board that was earned during the concluding license period. At least two of the contact hours must be in professional ethics.

- (d) For the purposes of this section,
- (1) one "contact hour" equals a minimum of 50 minutes of classroom instruction between instructor and participant;
 - (2) one academic semester credit equals 15 contact hours; and
 - (3) one academic quarter credit equals 10 contact hours.

(e) Only hours of actual attendance during which instruction was given will be accepted as continuing education contact hours earned from an academic course that is audited by the licensee, and the total number of contact hours earned may not exceed the academic credit hours offered for that course.

Authority: AS 08.63.050(3) AS 08.63.050(9) AS 08.63.100(d)

12 AAC 19.320. APPROVED CONTINUING EDUCATION ACTIVITIES. (a) To be accepted by the board, continuing education must contribute directly to the professional competency of a marital and family therapist and must be directly related to the skills and knowledge required to implement marital and family therapy principles and methods.

(b) The following continuing education activities are acceptable if they are related to marital and family therapy in accordance with (a) of this section:

- (1) postgraduate courses given by a regionally accredited academic institution, either audited or for credit;
 - (2) courses offered by the American Association for Marital and Family Therapy;
 - (3) courses offered by the Alaska Association for Marital and Family Therapy;
 - (4) seminars, workshops, or mini-courses offered by professional organizations;
 - (5) cross-disciplinary courses, seminars, or workshops in the fields of medicine, law, behavioral sciences, ethics, or other disciplines;
 - (6) courses, seminars, or workshops in substance abuse, domestic violence, cross-cultural issues, gender issues, or child abuse;
 - (7) other courses not covered under (1)--(6) of this subsection that are specifically preapproved by the board, up to a maximum of 15 contact hours;
 - (8) first-time preparation and presentation of a marital and family therapy course, seminar, or workshop, up to a maximum of 10 contact hours allocated among all marital and family therapists and other professionals involved;
 - (9) first-time presentation or publication of an article or book chapter related to the practice of marital and family therapy that was presented at a state or national association meeting or published by a publisher recognized by the profession, up to a maximum of 10 contact hours allocated among all marital and family therapists and other professionals involved; and
 - (10) completion of a formal correspondence program, video tape program, audio cassette program, or other individual study program; the number of hours of continuing education credit awarded will be determined by the board using the contact hour standards described in 12 AAC 19.310(d)(1), not to exceed one-half of the total contact hours of continuing education required for license renewal under 12 AAC 19.310; a program under this paragraph is acceptable only if
 - (A) the program requires registration and provides evidence of successful completion; or
 - (B) the licensee submits a signed statement verifying that the licensee has successfully completed the program from a licensee who is a supervisor approved under 12 AAC 19.210 and has supervised the licensee's study program under this paragraph.
- (c) Hours spent in job orientation will not be accepted as continuing education contact hours.

Authority: AS 08.63.050 AS 08.63.100

12 AAC 19.330. AUDIT OF CONTINUING EDUCATION REQUIREMENTS. (a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing education requirements of this chapter.

(b) A licensee selected for audit shall, within 30 days from the date of notification, submit documentation to verify completion of the contact hours claimed under 12 AAC 19.300.

(c) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make them available to the board upon request under this section. Records must be retained for three years after the date the continuing education hours were earned.

Authority: AS 08.63.050 AS 08.63.100(d)

12 AAC 19.340. FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS AND LICENSE REINSTATEMENT. (a) The board will reinstate a license that was not renewed because of the licensee's failure to meet the continuing education requirements in 12 AAC 19.300 - 12 AAC 19.330 if the licensee submits to the board proof of completion of all required continuing education credit hours and meets all other requirements for license renewal.

(b) A licensee who is unable to obtain the continuing education hours required for license renewal due to reasonable cause or excusable neglect may submit a written request to the board for an exemption. The request for an exemption must include an explanation of the reasonable cause or excusable neglect that resulted in the licensee's failure to meet the continuing education requirements. If the board grants the exemption, the board will, in its discretion, prescribe an alternative method of compliance with the continuing education requirements as the board considers appropriate to the individual situation.

(c) In this section, "reasonable cause or excusable neglect" includes

- (1) chronic illness;
- (2) retirement;
- (3) military service;
- (4) leave of absence from active practice during the concluding licensing period; and
- (5) hardships recognized by the board.

Authority: AS 08.63.050 AS 08.63.100

ARTICLE 4.
GENERAL PROVISIONS.

Section

900. Code of ethics

990. Definitions

12 AAC 19.900. CODE OF ETHICS. Marital and family therapists licensed in this state shall adhere to the *AAMFT Code of Ethics* of the American Association for Marriage and Family Therapy (AAMFT) (July 1, 2001 Revision). The *AAMFT Code of Ethics* is adopted by reference in this section.

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), 1133 15th Street, NW, Washington, DC 20005-2710, or at AAMFT's website at www.aamft.org.

12 AAC 19.990. DEFINITIONS. In this chapter and in AS 08.63,

- (1) "board" means the Board of Marital and Family Therapy;
- (2) "department" means the Department of Commerce, Community, and Economic Development;
- (3) "year of practice" means 12 months of active, clinical practice of marital and family therapy totaling at least 500 hours.

Authority: AS 08.63.050

APPENDIX A

Child Protection.
(Excerpts from AS 47.17)

Sec. 47.17.020. Persons required to report. (a) The following persons who, in the performance of their occupational duties, or with respect to (8) of this subsection, in the performance of their appointed duties, have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect shall immediately report the harm to the nearest office of the department:

- (1) practitioners of the healing arts;
- (2) school teachers and school administrative staff members, including athletic coaches, of public and private schools;
- (3) peace officers and officers of the Department of Corrections;
- (4) administrative officers of institutions;
- (5) child care providers;
- (6) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.990;
- (7) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
- (8) members of a child fatality review team established under AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created under AS 47.14.300.

(b) This section does not prohibit the named persons from reporting cases that have come to their attention in their nonoccupational capacities, nor does it prohibit any other person from reporting a child's harm that the person has reasonable cause to suspect is a result of child abuse or neglect. These reports shall be made to the nearest office of the department.

(c) If the person making a report of harm under this section cannot reasonably contact the nearest office of the department and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer. The peace officer shall immediately take action to protect the child and shall, at the earliest opportunity, notify the nearest office of the department.

(d) This section does not require a religious healing practitioner to report as neglect of a child the failure to provide medical attention to the child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination.

- (e) The department shall immediately notify the nearest law enforcement agency if the department
- (1) concludes that the harm was caused by a person who is not responsible for the child's welfare;
 - (2) is unable to determine
 - (A) who caused the harm to the child; or
 - (B) whether the person who is believed to have caused the harm has responsibility for the child's welfare;

or

- (3) concludes that the report involves
 - (A) possible criminal conduct under AS 11.41.410 – 11.41.458; or
 - (B) abuse or neglect that results in the need for medical treatment of the child.

(f) If a law enforcement agency determines that a child has been abused or neglected and that (1) the harm was caused by a teacher or other person employed by the school or school district in which the child is enrolled as a student, (2) the harm occurred during an activity sponsored by the school or school district in which the child is enrolled as a student, or (3) the harm occurred on the premises of the school in which the child is enrolled as a student, the law enforcement agency shall notify the chief administrative officer of the school or district in which the child is enrolled immediately after the agency determines that a child has been abused or neglected under the circumstances set out in this section, except that if the person about whom the report has been made is the chief administrative officer or a member of the chief administrative officer's immediate family, the law enforcement agency shall notify the commissioner of education and early development that the child has been abused or neglected under the circumstances set out in this section. The notification must set out the factual basis for the law enforcement agency's determination. If the notification involves a person in the teaching profession, as defined in AS 14.20.370, the law enforcement agency shall send a copy of the notification to the Professional Teaching Practices Commission.

(g) A person required to report child abuse or neglect under (a) of this section who makes the report to the person's job supervisor or to another individual working for the entity that employs the person is not relieved of the obligation to make the report to the department as required under (a) of this section.

(h) This section does not require a person required to report child abuse or neglect under (a)(6) of this section to report mental injury to a child as a result of exposure to domestic violence so long as the person has reasonable cause to believe that the child is in safe and appropriate care and not presently in danger of mental injury as a result of exposure to domestic violence.

(i) This section does not require a person required to report child abuse or neglect under (a)(7) of this section to report the resumption of use of an intoxicant as described in AS 47.10.011(10) so long as the person does not have reasonable cause to suspect that a child has suffered harm as a result of the resumption.

Sec. 47.17.290. Definitions. In this chapter,

- (1) "athletic coach" includes a paid leader or assistant of a sports team;
- (2) "child" means a person under 18 years of age;
- (3) "child abuse or neglect" means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances that indicate that the child's health or welfare is harmed or threatened thereby; in this paragraph, "mental injury" means an injury to the emotional well-being, or intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function;
- (4) "child care provider" means an adult individual, including a foster parent or an employee of an organization, who provides care and supervision to a child for compensation or reimbursement;
- (5) "criminal negligence" has the meaning given in AS 11.81.900;
- (6) "department" means the Department of Health and Social Services;
- (7) "immediately" means as soon as is reasonably possible, and no later than 24 hours;
- (8) "institution" means a private or public hospital or other facility providing medical diagnosis, treatment, or care;
- (9) "maltreatment" means an act or omission that results in circumstances in which there is reasonable cause to suspect that a child may be a child in need of aid, as described in AS 47.10.011, except that, for purposes of this chapter, the act or omission need not have been committed by the child's parent, custodian, or guardian;
- (10) "mental injury" means a serious injury to the child as evidenced by an observable and substantial impairment in the child's ability to function in a developmentally appropriate manner and the existence of that impairment is supported by the opinion of a qualified expert witness;
- (11) "neglect" means the failure by a person responsible for the child's welfare to provide necessary food, care, clothing, shelter, or medical attention for a child;
- (12) "organization" means a group or entity that provides care and supervision for compensation to a child not related to the caregiver, and includes a child care facility, pre-elementary school, head start center, child foster home, residential child care facility, recreation program, children's camp, and children's club;
- (13) "person responsible for the child's welfare" means the child's parent, guardian, foster parent, a person responsible for the child's care at the time of the alleged child abuse or neglect, or a person responsible for the child's welfare in a public or private residential agency or institution;
- (14) "practitioner of the healing arts" includes chiropractors, mental health counselors, social workers, dental hygienists, dentists, health aides, nurses, nurse practitioners, certified nurse aides, occupational therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological associates, audiologists and speech-language pathologists licensed under AS 08.11, hearing aid dealers licensed under AS 08.55, marital and family therapists licensed under AS 08.63, religious healing practitioners, acupuncturists, and surgeons;
- (15) "reasonable cause to suspect" means cause, based on all the facts and circumstances known to the person, that would lead a reasonable person to believe that something might be the case;
- (16) "school district" means a city or borough school district or regional educational attendance area;
- (17) "sexual exploitation" includes
 - (A) allowing, permitting, or encouraging a child to engage in prostitution prohibited by AS 11.66.100 – 11.66.150, by a person responsible for the child's welfare;
 - (B) allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a), by a person responsible for the child's welfare.

APPENDIX B

**Protection of Vulnerable Adults.
(Excerpts from AS 47.24)**

Sec. 47.24.010. Persons required to report; reports of harm. (a) Except as provided in (e) and (f) of this section, the following persons who, in the performance of their professional duties, have reasonable cause to believe that a vulnerable adult suffers from undue influence, abandonment, exploitation, abuse, neglect, or self-neglect shall, not later than 24 hours after first having cause for the belief, report the belief to the department's central information and referral service for vulnerable adults in the office of the department that handles adult protective services:

- (1) a physician or other licensed health care provider;
- (2) a mental health professional as defined in AS 47.30.915(11) and including a marital and family therapist licensed under AS 08.63;
- (3) a pharmacist;
- (4) an administrator or employee of a nursing home, residential care, or health care facility;
- (5) a guardian or conservator;
- (6) a police officer;
- (7) a village public safety officer;
- (8) a village health aide;
- (9) a social worker;
- (10) a member of the clergy;
- (11) a staff employee of a project funded by the Department of Administration for the provision of services to older Alaskans, the Department of Health and Social Services, or the Council on Domestic Violence and Sexual Assault;
- (12) an employee of a personal care or home health aide program;
- (13) an emergency medical technician or a mobile intensive care paramedic;
- (14) a caregiver of the vulnerable adult;
- (15) a certified nurse aide;
- (16) an educator or administrative staff member of a public or private educational institution.

(b) A report made under this section may include the name and address of the reporting person and must include

- (1) the name and contact information of the vulnerable adult;
- (2) information relating to the nature and extent of the undue influence, abandonment, exploitation, abuse, neglect, or self-neglect;

(3) other information that the reporting person believes might be helpful in an investigation of the case or in providing protection for the vulnerable adult.

(c) The department or its designees shall report to the Department of Law any person required by (a) of this section to report who fails to comply with this section. A person listed in (a) of this section who, because of the circumstances, should have had reasonable cause to believe that a vulnerable adult suffers from undue influence, abandonment, exploitation, abuse, neglect, or self-neglect but who knowingly fails to comply with this section is guilty of a class B misdemeanor. If a person convicted under this section is a member of a profession or occupation that is licensed, certified, or regulated by the state, the court shall notify the appropriate licensing, certifying, or regulating entity of the conviction.

(d) This section does not prohibit a person listed in (a) of this section, or any other person, from reporting cases of undue influence, abandonment, exploitation, abuse, neglect, or self-neglect of a vulnerable adult that have come to the person's attention in the person's nonoccupational capacity. This section does not prohibit any other person from reporting a harm under this section.

(e) If a person making a report under this section believes that immediate action is necessary to protect the vulnerable adult from imminent risk of serious physical harm due to undue influence, abandonment, exploitation, abuse, neglect, or self-neglect and the reporting person cannot immediately contact the department's central information and referral service for vulnerable adults, the reporting person shall make the report to a police officer or a village public safety officer. The police officer or village public safety officer shall take immediate action to protect the vulnerable adult and shall, within 24 hours after receiving the report of harm, notify the department. A person may not bring an action for damages against a police officer, a village public safety officer, the state, or a political subdivision of the state based on a decision under this subsection to take or not to take immediate action to protect a vulnerable adult. If a decision is made under this subsection to take immediate action to protect a vulnerable adult, a person may not bring an action for damages based on the protective actions taken unless the protective actions were performed with gross negligence or intentional misconduct; damages awarded in the action may include only direct economic compensatory damages for personal injury.

(f) A person listed in (a) of this section who reports to the long term care ombudsman under AS 47.62.015, or to the Department of Health and Social Services, that a vulnerable adult has been unduly influenced, abandoned, exploited, abused, or neglected in an out-of-home care facility is considered to have met the duty to report under (a) of this section.

(g) *[Repealed, Sec. 14 ch 129 SLA 1994].*

(h) *[Repealed, Sec. 14 ch 129 SLA 1994].*

(i) A person required to report under this section who makes the report to the person's job supervisor or to another individual working for the entity that employs the person is not relieved of the obligation to make the report to the department as required under (a) of this section.

(j) A person who recklessly makes a false report under this section is civilly liable for actual damages suffered by the person who is the subject of the report.