THE ALASKA BOARD OF MARITAL AND FAMILY THERAPY

Teleconference Meeting of
April 22nd, 2016 Juneau,
Alaska

Board Packet

Board of Marital and Family Therapy (173)

NAME	APPOINTED	REAPPOINTED	EXPIRES
Goddard-Aguero, Dorothea (Anchorage) Public	3/1/2016		3/1/2020
King, Linda (Chugiak) Therapist/Counselor	8/10/2012	3/1/2013	3/1/2017
McCarty, Kennith (Eagle River) Therapist/Counselor	3/1/2010	3/1/2013	3/1/2017
Webber, Leon (Anchorage) Therapist/Counselor	3/1/2011	3/1/2015	3/1/2019
Young, Joann (Anchorage) Public	3/1/2011	3/1/2014	3/1/2018

AGENDA ITEM #1

Roll Call/Call to Order

STATE CAPITOL
P.O. Box 110001
Juneau, AK 99811-0001
907-465-3500
Fax: 907-465-3532

550 West Seventh Avenue, Suite 1700
Anchorage, AK 99501
907- 269-7450
fax: 907- 269-7463
gov.alaska.gov
Governor@alaska.gov

Governor Bill Walker
STATE OF ALASKA

January 29, 2016

Ms. Dorothea Goddard-Aguero
6314 Citadel Lane
Anchorage, AK 99504

Dear Ms. Goddard-Aguero:

Congratulations on your appointment to the Board of Marital and Family Therapy effective March 1, 2016, for a term ending March 1, 2020. I appreciate your willingness to provide this public service to Alaskans.

Your first official responsibility is to sign the enclosed Oath of Office form in the presence of a notary and return it to my office. With receipt of the completed form, you will be authorized to exercise the powers and perform the duties of your appointment beginning March 1, 2016.

In addition, I've enclosed a copy of Robert's Rules of Order and the Ethics Act for Board and Commission Members.

You will receive additional information and materials regarding the process for legislative confirmation. Please feel free to contact me at 907-465-3500 should you have any questions. Thank you for agreeing to serve and best wishes to you as a member.

Sincerely,

John Hozey
Director
Boards and Commissions

Enclosures

cc: Laura Carrillo, Records & Licensing Supervisor, Corporations, Business, and Professional Licensing

JH/li Code: 0109.05 Board Appointment Letters/ D1

2016 State Holiday Calendar

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
333 W. Willoughby Ave., 9th Floor, Conference Room D - Teleconference
Juneau, Alaska

TENTATIVE MEETING AGENDA
Thursday, April 22, 2016

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

TIME	TOPIC		LEAD PERSON(S)
1.	**9:00 a.m.**	**Call to Order/Roll Call**	**Leon Webber, Chair**
		• Welcome new Board member, Dorothea Aguero	
2.	**9:01 a.m.**	**Review Agenda**	**Chair**
3.	**9:02 a.m.**	**Review/Approve Minutes from January 28, 2016**	**Chair**
4.	**9:10 a.m.**	**Ethics Report**	**Chair**
5.	**9:15 a.m.**	**Board Business**	**Chair**
		• CE Applications	
		• Report of Contact Form	
		• Review goals and objectives	
		[redacted]	
6.	**10:00 a.m.**	**Investigations Report**	**Sonia Lipker, Investigator**
7.	**10:15 a.m.**	**Old Business**	**Chair**
		• SB 98 update (amended 03/04/2016)	
		• SB 74 letter of support (amended 03/11/2016)	
		• Supervision template	
		• Title 47 Inclusion (Welfare, Social Services, and Institutions)	
		• Pro-active resolve/Investigations	
8.	**10:30 a.m.**	**Correspondence**	**Chair**
9.	**11:00 a.m.**	**New Business**	**Chair**
		• Consult with Lois Bergen, President of AMFTRB - Teletherapy	
		• Annual Report	
		• Discuss MFT statutes and regulations	
10.	**12:00 p.m.**	**Lunch**	**Chair**
11.	**1:45 p.m.**	**Public Comment**	
12.	**2:00 p.m.**	**Budget Report/Division Update**	**Sara Chambers, Martha Hewlett**
		• Travel memo (02/03/2016)	
13.	**3:00 p.m.**	**Administrative Business**	**Chair**
		• Board task list	
		• TAs and receipts	
		• Board evaluations	
14.	**3:15 p.m.**	**Adjourn**	**Chair**

Board or Commission: _____

Meeting Date: _____

Agenda Item # _____ Tab #_____ Topic: _____

Primary Motion

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

Subsidiary Motion or Amendment

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

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 (01/28/2016)

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
Thursday, January 28th, 2016

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 Thursday, January 28th, 2016 beginning at 9:10 a.m. The meeting was held at State Office Building, 9th Floor, Conference Room C in Juneau, Alaska.

Agenda Item 1 Call to Order/Roll Call Time: 9:10 a.m.

The meeting was called to order by Chair, Leon Webber at 9:10 a.m. Ken McCarty informed the Board that member, Father John Downing was ill with the flu and could not attend this meeting either in person or via teleconference. As Fr. Downing's term is ending on March 1st, 2016, this would have been his last meeting. Fr. Downing expressed his gratitude for having been given the opportunity to serve on the Board and make a difference in the profession. The Board thanked him for his dedication and wished him a speedy recovery.

Board Members Present, constituting a quorum:

Leon Webber, Chair, Licensed Marital and Family Therapist
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
Sara Chambers, Operations Manager (*via telephone*)
Martha Hewlett, Administrative Officer

Dawn Hannasch, Records & Licensing Supervisor
Charles Ward, Paralegal
Sonia Lipker, Investigator (*via telephone*)

Present from the Public:

Christy Kay, MFT associate was present for public comment (*via* telephone)

Agenda Item 2 Review Agenda Time: 9:15 a.m.

Mr. Webber prompted the Board to review the agenda and stated that a few items would be added for discussion. Ms. Carrillo informed the Board that under the applications section of Board Business, three continuing education applications and one application for approval as a supervisor were ready for review. Ms. Carrillo also clarified that applicant, Frances Saxton-Opatz was applying as an associate and not via credentials. A certificate of appreciation for Fr. Downing would be passed around for signatures during Administrative Business. Mr. Webber also informed the Board that under the Budget Report/Division Updates, Sara Chambers would be discussing the recent adoption of the amendment to SB 98. Ms. Carrillo distributed the correspondence outlying specific points the Board should consider in preparation for Ms. Chamber's presentation. The Board determined they would seek clarification from Ms. Chambers regarding the bill before stating their position of support or opposition towards SB 98.

Mr. McCarty then proposed to add discussion of supervisor responsibilities in relation to preparing associates for the national AMFTRB exam, and to discuss when associates do not pass the national exam. Ms. Carrillo stated that the time previously allocated to the relevant statute was removed from the agenda since further clarification is needed. Mr. McCarty asserted that the discussion would be very general, however, Ms. Carrillo stated that because the discussion wasn't public noticed, the Board shouldn't speak to it. Mr. Webber prompted Ms. Carrillo to clarify this, since it has been the protocol to add agenda items during the agenda review period at each meeting. Similarly, Mr. McCarty pointed out that the agenda is *tentative*, and therefore is subject to change until the Board approves the agenda on record. Ms. Carrillo informed the Board that she was recently told by the Department of Law that if items are not public noticed, Board's cannot speak to them as it may neglect the opportunity for the public to be aware of and comment on. JoAnn Young inquired why the Board wasn't informed of this before, and Ms. Carrillo responded that it was only brought to light a few days ago. Mr. McCarty insisted that it has been the standard to add agenda items and reiterated the proposal to add the suggested items under New Business. Mr. Webber asked if Ms. Carrillo could seek clarification from Charles Ward or Dawn Hannasch on this issue.

DRAFT

Chair, Leon Webber called for break at 9:14 a.m.
Off Record at 9:14 a.m.
On Record at 9:47 a.m.

The Board ultimately decided they would add supervision responsibilities under the existing discussion of the supervision template and the topic of failing the exam under the discussion on AMFTRB examination updates. Mr. Webber reiterated that since the practice of the Board has been to introduce new agenda items at the time of the agenda review, the Board should be able to continue adding new topics as necessary.

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

RESOLVED to accept the amended agenda.

TASK:
Mr. Webber will write a letter to the Division and the Department of Law regarding the Board's prerogative to add agenda items not previously public noticed. Ms. Carrillo will be carbon copied on the letter.

Agenda Item 3 Review Minutes Time: 9:50 a.m.

Hearing nothing further on reviewing the agenda, Mr. Webber moved to discussion on reviewing the minutes from the Board's October 23rd, 2015 teleconference. Mr. Webber prompted for clarification on page 20 regarding 12 AAC 19.200(c), of which he was under the impression the Board had already moved to strike out. Ms. Young confirmed that the Board did approve to remove the proposed amended regulation. Mr. McCarty also sought clarification on whether Fr. John Downing was present at this meeting, to which Ms. Carrillo responded he wasn't. Ms. Carrillo also noted that a correction needed to be made on page 1 of the minutes, as Martha Hewlett attended *via telephone*. The Board continued to review the meeting minutes.

Leon Webber left the room at 9:54 a.m.
Leon Webber entered the room at 9:56 a.m.

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

RESOLVED to accept the minutes from the October 23rd, 2015 meeting.

Agenda Item 5 Investigative Report Time: 9:57 a.m.

Sonia Lipker joined the meeting telephonically at 9:57 a.m.
Sonia Lipker left the room telephonically at 9:58 a.m.

Ms. Lipker joined the room to present the Board's investigative report, which included activity from September 30th, 2015 through January 6th, 2016. During this period, one matter had closed and none had opened.

Agenda Item 4 Ethics Report Time: 10:06 a.m.

There were no ethics to report.

Agenda Item 6 Board Business Time: 10:06 a.m.

Dawn Hannasch joined the meeting at 10:18 a.m.
Dawn Hannasch left the room at 10:39 a.m.

Records and licensing supervisor, Dawn Hannasch joined the room to clarify an issue discussed previously under Agenda Item #2. Ms. Hannasch reiterated to the Board the guidance given by the Department of Law that new topics should not be added to the agenda after public noticing has already taken place. Ms. Hannasch acknowledged that Boards in general do have additional items they may want to discuss that have not been published to the public agenda, but that the Board should give advanced notice such that the public can provide feedback or ask for clarification on certain topics. Mr. Webber commented that it is the Board's intent to remain transparent to the Board,

Applications and CE Review –
Hearing nothing further on the ethics report, Mr. Webber prompted the Board to begin discussion of continuing education and license applications. Mr. McCarty requested clarification on Nicole Jenkin's application, as there appeared to be a cancellation (lapse) in her licensure status during the transition from practicing in California to practicing in Alaska. Ms. Carrillo pulled her file and noted that her California license was active through 2014, and thus was valid at the time of her initial Alaska application in 2013.

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

> **RESOLVED to approve Nicole Jenkins for licensure as an approved supervisor.**

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

> **RESOLVED to approve Frances Saxton-Opatz for licensure as a marital and family therapy associate.**

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

> **RESOLVED to approve Steven Houseworth for licensure as a marital and family therapist by credentials.**

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

> **RESOLVED to approve course 11512, "Introduction to Emotionally Focused Therapy" submitted by Shawnmarie Carpenter on behalf of Alaska Marriage and Family Therapy Associates**

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

> **RESOLVED to approve course 15116, "Integrating Neurobiology into Practice" submitted by Laurie Lopez on behalf of Infant Learning Program – State of Alaska**

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

> **RESOLVED to approve course 15074, "Parenting Coordination: Concepts and Methods" submitted by Ashley Barrera on behalf of the Alaska Bar Association/Court System**

Mr. McCarty then addressed the revised continuing education and the semester-quarter conversion data to be updated on the Associate application. Ms. Carrillo informed the Board that the CE application has since been revised for applicants to indicate the type of course delivery format, i.e.: live versus online.

TASK:

DRAFT

Ms. Carrillo will add the semester-quarter conversion information to the Marital and Family Therapy Associate application.

Report of Contact Form –
Ms. Carrillo distributed a report of contact form for Board members to complete when coming into contact with legislators, the Department of Law, the media, etc. The form is intended to keep track Board interaction with outside parties, which also requests members to briefly describe the topics under discussion, and any recommendations made during the interactions. of Ms. Carrillo let the Board know that the form had already been issued a form number would be converted to an interactive form.

Review Goals and Objectives – The Board reviewed the goals and objectives, and Mr. Webber noted that per Goal 8 Objective 2, prospective members were being interviewed to take Fr. Downing's position. Ms. Chambers later reiterated that appointments were underway during the latter part of Agenda Item #12.

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.

DRAFT

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 Milwaukie.

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 continues 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 sill 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.

Objective1: 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.

After reviewing the Board's Goals and Objectives, Mr. Webber proposed that allocating time for G/O's and statutes/regulations be regular agenda items for discussion at each meeting.

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

RESOLVED to add Goals and Objectives and Statutes/Regulations to the agenda for each meeting.

Agenda Item 7 <u>Old Business</u> Time: 11:20 a.m.

<u>Telehealth:</u>
The telehealth discussion (SB 98) would be held during the Budget Report at 2:00 p.m.

<u>Supervision Template:</u>
Mr. McCarty addressed the supervision template

TASK:
Ken McCarty will send Ms. Carrillo the supervision template, and proposed that supervisors incorporate a component of their supervision responsibilities to help associates prepare for the National AMFTRB exam.

Mr. McCarty asserted that since associates are essentially marital and family therapists in training, they should be prepared such that they pass the national exam. Mr. McCarty clarified that the burden is not on the supervisor to make sure the associate passes, but to offer some degree of guidance in developing the skills needed for efficiency. Mr. Webber agreed that the burden should not be on the supervisor since test taking has different levels of complexities and influences on the individual level. Mr. Webber stated that although there is a clinical portion of the test, the associate is responsible for studying the array of different clinical methodologies and concepts, since approaches used by a given supervisor may be more focused than the broad range of approaches within the marital and family therapy context.

Mr. McCarty then addressed the possibility of the Board to issue a statement that speaks to the need for supervisors to continually address the issues of public safety and to make salient the rules and regulations of becoming licensed. Ms. Carrillo suggested that the Board create a position statement on this issue, and that if created, would be posted to the Board's site under a new section titled, "Position Statements". These would be accessible to the public and would contain documents of the Board's collective agreement or position on certain topics, such as supervisor responsibilities.

TASK:
Ms. Carrillo will send Mr. McCarty a template for position statements.

TASK:
Ken McCarty will draft a position statement on supervisor responsibilities, and will send the draft to Ms. Carrillo.

TASK:
Ms. Carrillo will create a position statement section on the Marital and Family Therapy Board's site, which will contain documents of the Board's position on certain topics.

SB 98:
Hearing nothing further on supervisor responsibilities, Mr. Webber addressed SB 98 in preparation for Operations Manager, Sara Chamber's presentation. Mr. Webber began to explain telehealth in terms of the new senate bill, informing the Board that Senator Micciche had introduced an amendment to the bill—which was primarily or initially intended for

medical professionals—that would add to it other mental health professions, including the Board of Marital and Family Therapy. Mr. Webber mentioned that if passed, the bill would be accompanied by an increase in costs and licensed non-residents. This would be an issue since it in effect would facilitate a significant influx of non-residents applying for licensure in Alaska to treat Alaska residents. This would mean that a LMFT in Alabama could treat a resident in Alaska via teletherapy or distance therapy without meeting residency requirements. Mr. Webber then prompted the Board whether they would be supporting this bill, or if the Board would want to revert back to the statutory project drafting stage. Mr. Webber asked the Board to contemplate this, and stated that Ms. Chambers would imminently be explaining the pros and cons on this bill. Ms. Carrillo distributed correspondence from Ms. Chambers asking the Board to review the bill and to express their opposition or support of the bill's potential outcomes.

Mr. McCarty was under the impression that SB 98 amendment was made specifically for the purpose of mental health professions assisting medical providers via telemedicine. It was later clarified that this was not a correct interpretation.

Title 47:
Mr. McCarty then addressed title 47, which has been a topic of the Board's discussion for the past several meetings.

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

> **RESOLVED to approve that the MFT regulatory Board write an updated letter of support for the Board's inclusion into Title 47.**

TASK:
Ken McCarty will write a new letter of support for the Board's inclusion in Title 47, and will send the draft to Leon Webber for his signature.

Proactive Resolve/Investigations:
Mr. Webber then addressed proactive resolutions in the Investigations process. Mr. McCarty stated that he would continue to look into where the progress is on addressing when a licensee's conduct is such that it imposes a financial burden on the Board via investigations costs.

TASK:
Ken McCarty will write an updated letter demonstrating the Board's position on the issue of accruing investigative costs.

Agenda Item 8 Correspondence Time: 11:59 a.m.

There was no correspondence for the Board to review.

Agenda Item 10 Lunch Time: 12:00 p.m.

Chair, Leon Webber called for lunch at 12:00 p.m.
Off Record at 12:00 p.m.
On Record at 1:07 p.m.

Agenda Item 9 New Business Time: 1:08 p.m.

Upon the Board's return from lunch, Mr. Webber addressed AMFTRB exam updates. Ms. Carrillo informed the Board that she had recently received an update from the AMFTRB that states would no longer be using state-specific codes, rather candidate-specific codes are now being generated based on the applicant's last name. Ms. King inquired whether the exam applicants still needed to wait 6 weeks until receiving their scores, to which the Board expressed dissatisfaction towards. Ms. King commented that applicants from other mental health boards receive national exam scores on the same day. The Board agreed that the 6-week waiting period is too long. Mr. Webber suggested writing a letter of inquiry to the Professional Testing Corporation (PTC) through the AMFTRB regarding the wait time for test scores.

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

> **RESOLVED to write a letter of inquiry to the PTC addressing the possibility to expedite the wait time for AMFTRB examination scores, as the current wait time is approximately 6 weeks.**

TASK:
Mr. Webber will draft a letter regarding the waiting time for AMFTRB exam score results for the purpose of sending to PTC and the AMFTRB.

Mr. McCarty then inquired as to what stage the Board's regulation project is in, as the Board approved the amended regulations during its last meeting on October 23rd, 2015. Ms. Carrillo informed the Board that Mr. Webber had already signed the consent order and that the project was under review with the Department of Law. Mr. McCarty asked Ms. Carrillo

DRAFT

to clarify the timeline of this project since the Board had received a stale date notice of March 2nd, 2016.

TASK:
Ms. Carrillo will inquire to the regulations specialist as to where their previously adopted regulations project is.

Agenda Item 13 Administrative Business Time: 1:10 p.m.

The Board was slightly ahead of schedule and wanted to address administrative business before the public comment period. Ms. Carrillo stated that she had prepared a certificate of appreciate for Fr. Downing. Mr. McCarty also commented to Ms. Carrillo that he had sent her a few documents to print and return to the Board.

Chair, Leon Webber called for break at 1:19 p.m.
Off Record at 1:19 p.m.
On Record at 1:36 p.m.

Paralegal, Charles Ward entered the room at 1:34 p.m.
Paralegal, Charles Ward left the room at 1:59 p.m.

Agenda Item 11 Public Comment Time: 1:36 p.m.

Christy Kay entered the room telephonically at 1:36 p.m.
Christy Kay left the room telephonically at 1:42 p.m.

While on break, Ms. Carrillo asked the Division's paralegal, Charles Ward to speak to the Board regarding the issue of license revocations for Marital and Family Therapy Associates. Upon return from break, Charles Ward joined the meeting to address this issue, and Christy Kay joined the meeting telephonically for public comment. Ms. Kay commented to the Board that she would like to retake the test because she has tremendous testing anxiety. In addition, Ms. Kay asserted that the staff at the testing agency was unavailable during her initial scheduled testing period, and that they had erroneously scheduled her test time. Ms. Kay contended that this disordered circumstance brought about a heightened degree of testing anxiety.

Mr. Webber thanked Ms. Kay for her public comment, and responded that although the Board would like to address the issue, they were unsure of how to proceed in adherence to certain laws, since the situation is governed by an existing statute. Mr. Webber then deferred to paralegal, Charles Ward. Mr. Ward clarified and cautioned that while the Division hopes

DRAFT

to resolve issues without the need to litigate, it may still be a possibility. As such, Mr. Ward stated that further attention on this issue would continue. Mr. Webber again thanked Ms. Kay for her comment and informed her that the Board would be seeking advice from the Department of Law on how to proceed.

On a motion duly made by Ken McCarty, seconded by JoAnn Young, and in accordance with AS 44.62.310, the Board unanimously moved to enter executive session for the purpose of discussing AS 44.62.310(4).

The Board stated that staff, Laura Carrillo and Charles Ward could remain in the room.

Off Record at 1:43 p.m.
On Record at 1:58 p.m.

Agenda Item 12 Budget Report/Division Updates Time: 1:58 p.m.

Sara Chambers, Division Operations Manager joined the room telephonically at 1:58 p.m.
Sara Chambers, Division Operations Manager left the room telephonically at 2:46 p.m.

Administrative Officer, Martha Hewlett joined the room at 1:59 p.m.
Administrative Officer, Martha Hewlett left the room at 2:06 p.m.

Ms. Hewlett then addressed the FY16 1st quarter report including expenses from July 1st, 2015 through September 30th, 2015, and informed the Board that their total licensing revenue was at $2,470 with an ending cumulative surplus deficit of $72,420. Ms. Hewlett informed the Board that the Division was utilizing a new accounting system, IRIS, which has now dropped the 7 in the 7100 series in the collocation code system; 0120's = personal services, 2000's = travel, 3000's = contractual. Operations Manager, Sara Chambers then addressed the travel restrictions recently issued by the Governor, and advised the Board that travel considerations would need to be highly scrutinized for its necessity and monetary efficiency. Ms. Chambers informed the Board that when travel is found to be unnecessary, alternative meeting solutions such as teleconference or videoconferencing may be approved, but would require a report detailing what monetary and non-monetary resources were saved by non-travel. Similarly, when travel *is* granted, reporting will need to be conducted for each meeting detailing the progress made during the in-person meeting. Ms. Chambers informed the Board that a template for such reporting would be made available soon. Ms. Chambers then added that the Board's fee analysis would be conducted within the coming months.

The Board then inquired what the license count was, to which Ms. Chambers stated that the license count was at 119 as of the end of FY15, and that the profession grew by 12 new licensees within the year. Ms. Carrillo later found the current license count to be 109, and Mr. McCarty addressed that the lower number may be more accurate because of individuals having duplicate license types.

Return to SB 98 discussion from Agenda Item #7:
Mr. Webber then addressed the specific amendment to SB 98 that would include marital and family therapists, and noted the concerns of increased costs to the Board. Ms. Chambers first thanked Mr. McCarty and Mr. Webber for their participation and testimony on this issue, and particularly appreciated individual Board members taking caution to not represent the Board in its plenary form, as it exemplified excellent conduct. Ms. Chambers then began to expound on SB 98, stating that the bill was created to expand the practice of telemedicine by medical physicians and allow any person who is licensed in Alaska to practice, regardless of their geographical location. Ms. Chambers added that the amendment to the bill would reach into other mental health professions, including psychologists and psychological associates, licensed professional counselors, social workers, and marital and family therapists, thereby also applying the same provisions of distance health care delivery to the MFT profession. Ms. Chambers emphasized that the bill would prohibit the Board to impose any disciplinary action on anyone practicing marital and family therapy outside of the state (e.g., if a licensed MFT provided marital and family therapy services to an individual in Alaska while in New Jersey), so long as the individual is *licensed* and conforms to other criteria set by the Board. The Board would be able to create such enforcement criteria through regulations. Ms. Chambers added that supporting the bill and subsequent passage and implementation of a new statute on telemedicine/teletherapy would satisfy the relevant obligation established during the Board's last sunset audit.

Leon Webber left the room at 2:15 p.m.
Leon Webber entered the room at 2:16 p.m.

Mr. McCarty then prompted Ms. Chambers to clarify whether the bill was created with mental health professions playing a secondary role, as earlier interpreted. Ms. Chambers clarified that the bill was not intended for mental health professions to play a complimentary role to primary care physicians, but that marital and family therapists, for example would be considered a primary provider or independent practitioners in the context of telehealth.

Mr. Webber then prompted Ms. Chambers to clarify that if the bill were to pass, the Board could work on a regulations project to establish restrictions/guidelines for the bill. Ms. Chambers agreed and stated that the regulations attorney would be involved in this process.

Ms. Chambers strongly advised the Board to make a statement on record as to what the Board's position is on SB 98.

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

> **RESOLVED to support Senate Bill 98 with the amendment from Senator Geisel.**

TASK:
Mr. Webber will discuss Senate Bill 98 with Jane Conway, and will report to Ms. Carrillo and the Board as to any progress or recommendations that may be made.

Agenda Item 13 <u>Administrative Business</u> Time: 1:10 p.m.

The Board returned to the discussion of administrative business and distributed their receipts to Ms. Carrillo. The Board maintained that their next meeting date would be held in Anchorage on April 22nd, 2016. Ms. Carrillo also informed the Board that public noticing is required if there are two or more individuals involved, which had been previously double-checked against the Division's policies and procedures.

Chair, Leon Webber called for break at 2:57 p.m.
<u>Off Record at 2:57 p.m.</u>
<u>On Record at 3:09 p.m.</u>

Ms. Carrillo returned to the issue of public noticing, as Boards were previously under the impression that noticing was required only if the working group/subcommittee consisted of 3 or more people. After double-checking with the 2015 policies on public noticing, it was confirmed that public noticing is required if the group consists of 2 or more people. This would include working groups comprised of non-board members reporting for the Board. Ms. Carrillo commented that the advance notice would need to occur at least 5 days before the initial meeting, with a 3-day notice for subsequent meetings.

The Board briefly discussed "protected terms", and came to acknowledge that the Board has title protection, but not practice protection, such that non-licensed individuals can say they are practicing marital and family therapy, but cannot state that they are licensed. Mr. McCarty stated that there should be a statement on this issue, and Ms. Carrillo suggested adding this as a position statement.

TASK:
Mr. McCarty will draft a position statement on title protection of Marital and Family Therapy.

Ms. Carrillo then informed the Board that Board evaluations were not printed. In the absence of evaluations, Mr. Webber suggested going around the table to offer insights on the Board's progress for the day, and to express what and who each attendee is appreciative of and grateful for.

Agenda Item 14 <u>Adjourn</u> Time: 3:30 p.m.

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

RESOLVED to Adjourn the meeting.

Respectfully submitted,

_____
Laura Carrillo, Examiner Date

_____
Leon Webber, Chair Date

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Board or Commission: _____

Meeting Date: _____

Agenda Item # _____ Tab #_____ Topic: _____

Primary Motion

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

Subsidiary Motion or Amendment

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

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
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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

Board or Commission: _____

Meeting Date: _____

Agenda Item # _____ Tab #_____ Topic: _____

Primary Motion

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

Subsidiary Motion or Amendment

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

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 #5

Board Business

- [redacted]
- Report of Contact Form (draft)
- Review goals and objectives
- Surrender agreement

[redacted]

M

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPTMENT

BOARD OF MARITAL AND FAMILY THERAPY REPORT OF CONTACT FORM

Your Name: Ken McCarty

Please fill out this report of contact form for any and all instances below:

Date of contact: 01 / 29 / 2016

Contact with:

- ☑ Legislator or legislative staff
- ☐ Governor's Office
- ☐ Media
- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☐ In-person

Contact information:

Name:

Title/Position: Aide to Senator Stedman

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

Introduced topics of 08.63.100 with desire to change wording to reflect the true intention of the requirements of supervised contact of 1500 hour to occur concurrently with the requirement of 200 hours of supervision with a total of 1700 hours. Introduced topic of 200 hours of supervision to reflect that 100 hours of group can occur through multiple of licensed mental health supervisor professional in group. Introduced the challenge of deep pocket impact of Regulatory Investigation and desire for mandated insurance with proviso for regulatory investigation fees.

Please mail, e-mail or fax this form to your Board's designated licensing examiner.

E-mail: laura.carrillo@alaska.gov or license@alaska.gov
Fax: 907-465-2974
Address: 333 Willoughby Ave, 9th Floor, Juneau, AK 99801

Signature

2/11/2016
Date

OL-700

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPTMENT

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- ☐ Governor's Office
- ☐ Media
- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Rep. Gattis

Title/Position: Representative

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

~~Introduction and brief discussion on financial concerns and need for more mental health providers. Will follow-up with MFT inclusion thoughts.~~

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Fax: 907-465-2974
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Signature

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OL-700

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Contact with:

- [x] Legislator or legislative staff
- [ ] Governor's Office
- [ ] Media
- [ ] Department of Law

Contacted via:

- [ ] E-mail
- [ ] Phone
- [x] In-person

Contact information:

Name: Rep. Gara

Title/Position: Representative

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

~~Introduction and brief discussion on financial concerns and need for more mental health providers. Will follow-up with MFT inclusion thoughts.~~

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- ☐ Media
- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Anita Hilterman

Title/Position: Aide for Rep. Vasquez

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

~~Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. Statute protection regarding Mandated Liability Insurance with Regulatory Investigation coverage when licensed as a MFT.~~ Open to hear more.

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Your Name: Ken McCarty

Please fill out this report of contact form for any and all instances below:

Date of contact: 01 / 28 / 2016

Contact with:

- ☑ Legislator or legislative staff
- ☐ Governor's Office
- ☐ Media
- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Conrad

Title/Position: Aide for Rep. Olson

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

~~Discussed MFT inclusion in Title 47. Discussed 08.36.100 Statute Change. Discussed Protection of~~ inclusion to require all licensed MFT's to have liability insurance. He liked the ideas. He suggested it could be hard to pass Bills that have a Fiscal Note. He wants to follow-up

Please mail, e-mail or fax this form to your Board's designated licensing examiner.

E-mail: laura.carrillo@alaska.gov or license@alaska.gov
Fax: 907-465-2974
Address: 333 Willoughby Ave, 9th Floor, Juneau, AK 99801

Signature

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Date of contact: 01 / 27 / 2016

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- ☐ Media
- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Rep. Pruitt

Title/Position: Representative

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

~~Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. Statute protection regarding Mandated Liability Insurance with Regulatory Investigation coverage when licensed as a MFT.~~ Open to hear more.

Please mail, e-mail or fax this form to your Board's designated licensing examiner.

E-mail: laura.carrillo@alaska.gov or license@alaska.gov
Fax: 907-465-2974
Address: 333 Willoughby Ave, 9th Floor, Juneau, AK 99801

Ken McCarty Lobbyist
Signature

2/11/2016
Date

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- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Richard

Title/Position: Aide for Sen. Ellis

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

~~Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. Statute protection regarding Mandated Liability Insurance with Regulatory Investigation coverage when licensed as a MFT.~~ Open to hear more.

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Ken McCarty LMFT
Signature

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Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Tantiana

Title/Position: Aide for Rep. Seaton

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

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- ☐ Media
- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Rep. Stutes

Title/Position: Representative

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

~~Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. Statute protection~~ regarding Mandated Liability Insurance with Regulatory Investigation coverage when licensed as a MFT. She cannot take this project on at this time.

Please mail, e-mail or fax this form to your Board's designated licensing examiner.

E-mail: laura.carrillo@alaska.gov or license@alaska.gov
Fax: 907-465-2974
Address: 333 Willoughby Ave, 9th Floor, Juneau, AK 99801

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Contacted via:

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- ☐ Phone
- ☑ In-person

Contact information:

Name: Rep. Reinbold

Title/Position: Representative

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

~~Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. Statute protection regarding Mandated Liability Insurance with Regulatory Investigation coverage when licensed as a MFT.~~ She cannot take this project on at this time.

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Ken McCarty LMFT
Signature

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- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Chuck

Title/Position: Aide for Senator Micciche

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. Statute protection regarding Mandated Liability Insurance with Regulatory Investigation coverage when licensed as a MFT.

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Ken McCarty LMFT

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Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Chuck

Title/Position: Aide for Senator Micciche

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

~~Meeting with Leon Webber and Chuck regarding Tele-Cyber Psychotherapy~~
Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. Statute protection regarding Mandated Liability Insurance with Regulatory Investigation coverage when licensed as a MFT.

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Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Rep. Stoltze

Title/Position: Representative

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. Statute protection regarding Mandated Liability Insurance with Regulatory Investigation coverage when licensed as a MFT.

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K M C LMFT

Signature

2/11/2016

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Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Stewart

Title/Position: Aide for Rep. Saddler

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:
Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100

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Signature

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- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Senator Stevens

Title/Position: Senator

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:
Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. He stated that they cannot take this on with other Bills.

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- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Jane Conway

Title/Position: Chief of Staff for Senator Giesel

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. He stated that they cannot take this on with other Bills.

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K. M. Cty LMFT
Signature

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Contact with:

- ☑ Legislator or legislative staff
- ☐ Governor's Office
- ☐ Media
- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Sen. MacKinnon

Title/Position: Senator

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

Discuss Statute for inclusion of MFT's in Title 47. Statute change for 08.63.100. Statute protection regarding Mandated Liability Insurance with Regulatory Investigation coverage when licensed as a MFT.

Please mail, e-mail or fax this form to your Board's designated licensing examiner.

E-mail: laura.carrillo@alaska.gov or license@alaska.gov
Fax: 907-465-2974
Address: 333 Willoughby Ave, 9th Floor, Juneau, AK 99801

Ken McCarty LMFT
Signature

2/11/2016
Date

OL-700

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPTMENT

BOARD OF MARITAL AND FAMILY THERAPY REPORT OF CONTACT FORM

Your Name: Ken McCarty

Please fill out this report of contact form for any and all instances below:

Date of contact: 01 / 27 / 2016

Contact with:

- ☑ Legislator or legislative staff
- ☐ Governor's Office
- ☐ Media
- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Anita Hilterman

Title/Position: Chief of Staff for Rep. Vasquez

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

Discuss Statute for inclusion of MFT's in Title 47

Please mail, e-mail or fax this form to your Board's designated licensing examiner.

E-mail: laura.carrillo@alaska.gov or license@alaska.gov
Fax: 907-465-2974
Address: 333 Willoughby Ave, 9th Floor, Juneau, AK 99801

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- ☐ Media
- ☐ Department of Law

Contacted via:

- ☐ E-mail
- ☐ Phone
- ☑ In-person

Contact information:

Name: Valerie Davidson

Title/Position: Commissioner of DHSS

Department/Organization: Legislator

Provide a **brief description** of the purpose of your visit, the topic(s) discussed, and any outcomes or recommendations provided by the contact:

~~ntroduced self at a Finance Committee Meeting to meet later.~~

Please mail, e-mail or fax this form to your Board's designated licensing examiner.

E-mail: laura.carrillo@alaska.gov or license@alaska.gov
Fax: 907-465-2974
Address: 333 Willoughby Ave, 9th Floor, Juneau, AK 99801

Signature

2/11/2016
Date

OL-700

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 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 sill 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.

Objective1: 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.

Board or Commission: _____

Meeting Date: _____

Agenda Item # _____ Tab #_____ Topic: _____

Primary Motion

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

Subsidiary Motion or Amendment

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

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 #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: April 1, 2016

TO: Alaska Board of Marital and Family Therapy

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

FROM: Sonia Lipker, Investigator

SUBJECT: Investigative Report for the April 22, 2016 meeting.

The following information was compiled as an investigative report to the Board for the period of January 6, 2016 through March 31, 2016. Including cases, complaints, and intake matters, since the last report, the Division opened one (1) matter 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:

None

CLOSED CASES and COMPLAINTS: TOTAL = 0 (*does not include intakes*)

Board or Commission: _____

Meeting Date: _____

Agenda Item # _____ Tab #_____ Topic: _____

Primary Motion

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

Subsidiary Motion or Amendment

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

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 #7

Old Business

- SB 98 update (amended 03/04/2016)
- SB 74 letter of support (amended 03/11/2016)
- Supervision template
- Title 47 Inclusion (Welfare, Social Services, and Institutions)
- Pro-active resolve/Investigations

29-LS0838\P

CS FOR SENATE BILL NO. 98(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 3/4/16
Referred: Finance

Sponsor(s): SENATOR MICCICHE

A BILL

FOR AN ACT ENTITLED

"An Act relating to diagnosis, treatment, and prescription of drugs without a physical examination by a physician; relating to the delivery of services by a licensed professional counselor, marriage and family therapist, psychologist, psychological associate, and social worker by audio, video, or data communications; relating to the duties of the Department of Commerce, Community, and Economic Development; establishing a telemedicine business registry; and relating to the duties of the State Medical Board."

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

*** Section 1.** AS 08.29.400 is amended by adding a new subsection to read:

(b) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care; and

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider.

*** Sec. 2.** AS 08.63.210 is amended by adding new subsections to read:

(c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, supervision, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care;

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and

(3) the licensee meets the requirements established by the board in regulation.

(d) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (c) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

*** Sec. 3.** AS 08.64.101 is amended to read:

Sec. 08.64.101. Duties. The board shall

(1) examine and issue licenses to applicants;

(2) develop written guidelines to ensure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably withheld or delayed;

(3) after a hearing, impose disciplinary sanctions on persons who violate this chapter or the regulations or orders of the board;

(4) adopt regulations ensuring that renewal of licenses is contingent **<u>on</u>** [UPON] proof of continued competency on the part of the licensee; and

(5) under regulations adopted by the board, contract with private

professional organizations to establish an impaired medical professionals program to identify, confront, evaluate, and treat persons licensed under this chapter who abuse alcohol, other drugs, or other substances or are mentally ill or cognitively impaired**;**

(6) adopt regulations establishing standards of care for a physician who is rendering a diagnosis, providing treatment, or prescribing, dispensing, or administering a prescription drug to a person without conducting a physical examination under AS 08.64.364; the regulations must include a nationally recognized model policy for standards of care of a patient who is at a different location than the physician.

*** Sec. 4.** AS 08.64.364(a) is amended to read:

(a) The board may not impose disciplinary sanctions on a physician for **rendering a diagnosis, providing treatment, or** prescribing, dispensing, or administering a prescription drug **that is not a controlled substance** to a person without conducting a physical examination if

(1) [THE PRESCRIPTION DRUG IS

(A) NOT A CONTROLLED SUBSTANCE; OR

(B) A CONTROLLED SUBSTANCE AND IS PRESCRIBED, DISPENSED, OR ADMINISTERED BY A PHYSICIAN WHEN AN APPROPRIATE LICENSED HEALTH CARE PROVIDER IS PRESENT WITH THE PATIENT TO ASSIST THE PHYSICIAN WITH EXAMINATION, DIAGNOSIS, AND TREATMENT;

(2) THE PHYSICIAN IS LOCATED IN THIS STATE AND] the physician or another licensed health care provider or physician in the physician's group practice is available to provide follow-up care; and

(2) the physician requests that [(3)] the person **consent** [CONSENTS] to sending a copy of all records of the encounter to the person's primary care provider if the prescribing physician is not the person's primary care provider, and**, if the patient consents,** the physician sends the records to the person's primary care provider.

*** Sec. 5.** AS 08.64.364 is amended by adding new subsections to read:

(c) The board may not impose disciplinary sanctions on a physician for

prescribing, dispensing, or administering a prescription drug that is a controlled substance if the requirements under (a) of this section are met and the physician prescribes, dispenses, or administers the controlled substance when an appropriate licensed health care provider is present with the patient to assist the physician with examination, diagnosis, and treatment.

(d) Notwithstanding (b) and (c) of this section, a physician may not

(1) prescribe an abortion-inducing drug; or

(2) prescribe, dispense, or administer a prescription drug in response to an Internet questionnaire or electronic mail message to a person with whom the physician does not have a prior physician-patient relationship.

*** Sec. 6.** AS 08.86.204 is amended by adding a new subsection to read:

(c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care; and

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider.

*** Sec. 7.** AS 08.95.050 is amended by adding a new subsection to read:

(b) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care; and

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider.

*** Sec. 8.** AS 44.33 is amended by adding a new section to read:

Article 5A. Telemedicine Business Registry.

Sec. 44.33.381. Telemedicine business registry. (a) The department shall adopt regulations for establishing and maintaining a registry of businesses performing telemedicine services in the state.

(b) The department shall maintain the registry of businesses performing telemedicine services in the state. The registry must include the name, address, and contact information of businesses performing telemedicine services in the state.

(c) In this section,

(1) "department" means the Department of Commerce, Community, and Economic Development;

(2) "telemedicine services" means the delivery of health care services using the transfer of medical data through audio, visual, or data communications that are performed over two or more locations by a provider who is physically separated from the recipient of the health care services.

29-LS0692\U.A

CS FOR SENATE BILL NO. 74(FIN) am

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Amended: 3/11/16
Offered: 3/7/16

Sponsor(s): SENATORS KELLY, Giessel, Micciche, Bishop, MacKinnon, Hoffman, Costello, McGuire, Stedman, Stevens, Coghill, Egan, Meyer

A BILL

FOR AN ACT ENTITLED

"An Act relating to diagnosis, treatment, and prescription of drugs without a physical examination by a physician; relating to the delivery of services by a licensed professional counselor, marriage and family therapist, psychologist, psychological associate, and social worker by audio, video, or data communications; relating to the duties of the State Medical Board; relating to limitations of actions; establishing the Alaska Medical Assistance False Claim and Reporting Act; relating to medical assistance programs administered by the Department of Health and Social Services; relating to the controlled substance prescription database; relating to the duties of the Board of Pharmacy; relating to the duties of the Department of Commerce, Community, and Economic Development; relating to accounting for program receipts; relating to public record status of records related to the Alaska Medical Assistance False Claim and Reporting Act; establishing a telemedicine business registry; relating to competitive bidding for

medical assistance products and services; relating to verification of eligibility for public assistance programs administered by the Department of Health and Social Services; relating to annual audits of state medical assistance providers; relating to reporting overpayments of medical assistance payments; establishing authority to assess civil penalties for violations of medical assistance program requirements; relating to seizure and forfeiture of property for medical assistance fraud; relating to the duties of the Department of Health and Social Services; establishing medical assistance demonstration projects; relating to Alaska Pioneers' Homes and Alaska Veterans' Homes; relating to the duties of the Department of Administration; relating to the Alaska Mental Health Trust Authority; relating to feasibility studies for the provision of specified state services; amending Rules 4, 5, 7, 12, 24, 26, 27, 41, 77, 79, 82, and 89, Alaska Rules of Civil Procedure, and Rule 37, Alaska Rules of Criminal Procedure; and providing for an effective date."

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

*** Section 1.** AS 08.29.400 is amended by adding new subsections to read:

(b) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care;

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and

(3) the licensee meets the requirements established by the board in regulation.

(c) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (b) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

*** Sec. 2.** AS 08.63.210 is amended by adding new subsections to read:

(c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, supervision, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care;

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and

(3) the licensee meets the requirements established by the board in regulation.

(d) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (c) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

*** Sec. 3.** AS 08.64.101 is amended to read:

Sec. 08.64.101. Duties. The board shall

(1) examine and issue licenses to applicants;

(2) develop written guidelines to ensure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably withheld or delayed;

(3) after a hearing, impose disciplinary sanctions on persons who violate this chapter or the regulations or orders of the board;

(4) adopt regulations ensuring that renewal of licenses is contingent **<u>on</u>** [UPON] proof of continued competency on the part of the licensee; and

(5) under regulations adopted by the board, contract with private

professional organizations to establish an impaired medical professionals program to identify, confront, evaluate, and treat persons licensed under this chapter who abuse alcohol, other drugs, or other substances or are mentally ill or cognitively impaired**;**

(6) adopt regulations that establish guidelines for a physician who is rendering a diagnosis, providing treatment, or prescribing, dispensing, or administering a prescription drug to a person without conducting a physical examination under AS 08.64.364; the guidelines must include a nationally recognized model policy for standards of care of a patient who is at a different location than the physician.

*** Sec. 4.** AS 08.64.364(a) is amended to read:

(a) The board may not impose disciplinary sanctions on a physician for **rendering a diagnosis, providing treatment, or** prescribing, dispensing, or administering a prescription drug **that is not a controlled substance** to a person without conducting a physical examination if

(1) [THE PRESCRIPTION DRUG IS

(A) NOT A CONTROLLED SUBSTANCE; OR

(B) A CONTROLLED SUBSTANCE AND IS PRESCRIBED, DISPENSED, OR ADMINISTERED BY A PHYSICIAN WHEN AN APPROPRIATE LICENSED HEALTH CARE PROVIDER IS PRESENT WITH THE PATIENT TO ASSIST THE PHYSICIAN WITH EXAMINATION, DIAGNOSIS, AND TREATMENT;

(2) THE PHYSICIAN IS LOCATED IN THIS STATE AND] the physician or another licensed health care provider or physician in the physician's group practice is available to provide follow-up care; and

(2) the physician requests that [(3)] the person **consent** [CONSENTS] to sending a copy of all records of the encounter to the person's primary care provider if the prescribing physician is not the person's primary care provider, and**, if the patient consents,** the physician sends the records to the person's primary care provider.

*** Sec. 5.** AS 08.64.364 is amended by adding new subsections to read:

(c) The board may not impose disciplinary sanctions on a physician for

prescribing, dispensing, or administering a prescription drug that is a controlled substance or botulinum toxin if the requirements under (a) of this section are met and the physician prescribes, dispenses, or administers the controlled substance or botulinum toxin when an appropriate licensed health care provider is present with the patient to assist the physician with examination, diagnosis, and treatment.

(d) Notwithstanding (a) and (c) of this section, a physician may not

(1) prescribe, dispense, or administer an abortion-inducing drug under (a) of this section unless the physician complies with AS 18.16.010; or

(2) prescribe, dispense, or administer a prescription drug in response to an Internet questionnaire or electronic mail message to a person with whom the physician does not have a prior physician-patient relationship.

*** Sec. 6.** AS 08.86.204 is amended by adding new subsections to read:

(c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care;

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and

(3) the licensee meets the requirements established by the board in regulation.

(d) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (c) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

*** Sec. 7.** AS 08.95.050 is amended by adding new subsections to read:

(b) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, or treatment of a person through audio, video, or data communications when physically separated from the person if

(1) the licensee or another licensed health care provider is available to provide follow-up care;

(2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and

(3) the licensee meets the requirements established by the board in regulation.

(c) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (b) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

*** Sec. 8.** AS 09.10 is amended by adding a new section to read:

Sec. 09.10.075. Actions related to claims based on medical assistance payment fraud. Except as provided in AS 09.58.070, a person may not bring an action under AS 09.58.010 - 09.58.060, unless the action is commenced by the earlier of (1) six years after the act or omission was committed, or (2) three years after the date when facts material to the action were known, or reasonably should have been known, by the attorney general or the Department of Health and Social Services, but in no event more than 10 years after the date the violation under AS 09.58.010 occurred.

*** Sec. 9.** AS 09.10.120(a) is amended to read:

(a) **<u>Except as provided in AS 09.10.075, an</u>** [AN] action brought in the name of or for the benefit of the state, any political subdivision, or public corporation may be commenced only within six years **<u>after</u>** [OF] the date of accrual of the cause of action. However, if the action is for relief on the ground of fraud, the limitation commences from the time of discovery by the aggrieved party of the facts constituting the fraud.

*** Sec. 10.** AS 09 is amended by adding a new chapter to read:

Chapter 58. Alaska Medical Assistance False Claim and Reporting Act.

Sec. 09.58.010. False claims for medical assistance; civil penalty. (a) A

medical assistance provider or medical assistance recipient may not

(1) knowingly submit, authorize, or cause to be submitted to an officer or employee of the state a false or fraudulent claim for payment or approval under the medical assistance program;

(2) knowingly make, use, or cause to be made or used, directly or indirectly, a false record or statement to get a false or fraudulent claim for payment paid or approved by the state under the medical assistance program;

(3) conspire to defraud the state by getting a false or fraudulent claim paid or approved under the medical assistance program;

(4) knowingly make, use, or cause to be made or used, a false record or statement to conceal, avoid, increase, or decrease an obligation to pay or transmit money or property to the medical assistance program;

(5) knowingly enter into an agreement, contract, or understanding with an officer or employee of the state for approval or payment of a claim under the medical assistance program knowing that the information in the agreement, contract, or understanding is false or fraudulent.

(b) A beneficiary of an intentional or inadvertent submission of a false or fraudulent claim under the medical assistance program who later discovers the claim is false or fraudulent shall disclose the false or fraudulent claim to the state not later than 60 days after discovering the false claim.

(c) In addition to any criminal penalties or seizure or forfeiture of property under AS 47.05, a medical assistance provider or medical assistance recipient who violates (a) or (b) of this section shall be liable to the state in a civil action for

(1) a civil penalty of not less than $5,500 and not more than $11,000;

(2) three times the amount of actual damages sustained by the state; and

(3) reasonable attorney fees and costs calculated under applicable court rules.

(d) Liability for actual damages under (c) of this section may be reduced to not less than twice the amount of actual damages that the state sustains if the court finds that a person liable for an act under (a) or (b) of this section

(1) furnished the attorney general or the Department of Health and Social Services with all information known to the person about the violation not later than 30 days after the date the information was obtained;

(2) fully cooperated with the investigation of the violation under AS 09.58.020; and

(3) at the time the person furnished the attorney general with the information about the violation, no criminal prosecution, civil action, investigation, or administrative action had been started in this state with respect to the violation, and the person did not have actual knowledge of the existence of an investigation of the violation.

(e) A corporation, partnership, or other individual is liable under this chapter for acts of its agents if the agent acted with apparent authority, regardless of whether the agent acted, in whole or in part, to benefit the principal and regardless of whether the principal adopted or ratified the agent's claims, representations, statement, or other action or conduct.

Sec. 09.58.015. Attorney general investigation; civil action. (a) The attorney general or the Department of Health and Social Services may investigate an alleged violation of AS 09.58.010. The attorney general may request assistance from the Department of Health and Social Services in an investigation under this section.

(b) The attorney general may bring a civil action in superior court under AS 09.58.010 - 09.58.060.

Sec. 09.58.020. Private plaintiff; civil action. (a) Notwithstanding AS 09.58.015, a person may bring an action under this section for a violation of AS 09.58.010 in the name of the person and the state.

(b) To bring an action under this section, a person shall file a complaint, in camera and under seal, and serve on the attorney general

(1) a copy of the complaint; and

(2) written disclosure of substantially all material evidence and information the person possesses that pertains to the claim.

(c) A complaint filed under this section must remain under seal for at least 60 days and may not be served on the defendant until the court so orders. The attorney

general may elect to intervene and proceed with the action within 60 days after the attorney general receives both the complaint and the material evidence and the information required under (b) of this section. The attorney general may, for good cause shown, move the court, under seal, for an extension of the time during which the complaint remains under seal under this subsection.

(d) Before the expiration of the 60-day period or an extension of time granted under (c) of this section, the attorney general shall conduct an investigation and make a written determination as to whether substantial evidence exists that a violation of AS 09.58.010 has occurred. After the investigation and determination are complete, the attorney general shall provide the person who brought the action and the Department of Health and Social Services with a copy of the determination unless the action has been referred to the division of the Department of Law that has responsibility for criminal cases.

(e) Before the expiration of the 60-day period or an extension obtained under (c) of this section, the attorney general shall

(1) intervene in the action and proceed with the action on behalf of the state;

(2) notify the court that the attorney general declines to take over the action, in which case the person bringing the action has the right to conduct the action; or

(3) if the attorney general determines that substantial evidence does not exist that a violation of AS 09.58.010 has occurred, or that the action is barred under AS 09.58.050, the attorney general shall move the court to dismiss the action.

(f) The named defendant in a complaint filed under this section is not required to respond to a complaint filed under this section until after the complaint is unsealed by the court and a copy of the summons and complaint are served on the defendant under the applicable Alaska Rules of Civil Procedure.

(g) When a person brings an action under this section, only the attorney general may intervene or bring a related action based on similar facts to the underlying action.

Sec. 09.58.025. Subpoenas. In conducting an investigation under

AS 09.58.015 or 09.58.020, the attorney general may issue subpoenas to compel the production of books, papers, correspondence, memoranda, and other records in connection with an investigation under or the administration of AS 09.58.010 - 09.58.060. If a medical assistance provider or a medical assistance recipient fails or refuses, without just cause, to obey a subpoena issued under this subsection, the superior court may, upon application by the attorney general, issue an order requiring the medical assistance provider or medical assistance recipient to appear before the attorney general to produce evidence.

Sec. 09.58.030. Rights in false or fraudulent claims actions. (a) If the attorney general elects to intervene and proceed with an action under AS 09.58.020, the attorney general has exclusive authority for prosecuting the action and is not bound by an act of the person bringing the action. The person who brought the action has the right to continue as a nominal party to the action, but does not have the right to participate in the action except as a witness or as otherwise directed by the attorney general. If the attorney general elects to intervene under AS 09.58.020, the attorney general may file a new complaint or amend the complaint filed by the person who brought the action under AS 09.58.020(b).

(b) Notwithstanding the objections of the person who brought the action, the attorney general may

(1) move to dismiss the action at any time under this chapter if the attorney general has notified the person who brought the action of the intent to seek dismissal and the court has provided the person who brought the action with an opportunity to respond to the motion;

(2) settle the action with the defendant at any time, if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances; upon a showing of good cause, the hearing described in this paragraph shall be held in camera.

(c) If the attorney general elects not to proceed under AS 09.58.020 with the action, the person who brought the action has the right to proceed and conduct the action. The attorney general may request at any time during the proceedings to be served with copies of all documents related to the action, including pleadings,

motions, and discovery. The attorney general shall pay for the reasonable copying charges for documents provided under this subsection. If the person who brought the action proceeds with the action, the court, without limiting the status and rights of the person who brought the action, shall allow the attorney general to intervene at any time.

(d) Whether or not the attorney general proceeds with the action under this chapter, on a showing by the attorney general that certain actions of discovery by the person bringing the action would interfere with pending investigation or prosecution of a criminal or civil proceeding arising out of the same matter, the court may stay the discovery for not more than 90 days. The court may extend the 90-day period on a further showing, in camera, that the state has pursued the criminal or civil investigation or proceedings with reasonable diligence and that proposed discovery in the civil action under AS 09.58.010 - 09.58.060 may interfere with the ongoing criminal or civil investigation or proceedings.

Sec. 09.58.040. Award to false or fraudulent claim plaintiff. (a) If the attorney general proceeds with an action brought by a person for a violation of AS 09.58.010, the person who brought the action shall receive at least 15 percent but not more than 25 percent of the proceeds of the action or settlement of the claim, depending on the extent to which the person bringing the action contributed to the prosecution of the action. The court order or settlement agreement shall state the percentage and the amount to be received by the person who brought the action. A payment under this subsection to the person who brought the action may only be paid from proceeds received from a judgment or settlement under this section.

(b) If the attorney general does not proceed with an action brought under AS 09.58.020, the person bringing the action to judgment or settlement by court order shall receive an amount that the court decides is reasonable for collecting the civil penalty and damages based on the person's effort to prosecute the action successfully. The amount shall be at least 25 percent but not more than 30 percent of the proceeds of the action or settlement of the claim. A payment under this subsection to the person who brought the action may only be paid from proceeds received from a judgment or settlement received under this section.

(c) Whether or not the attorney general participates in the action, if the court finds that the action was brought by a person who planned or initiated the violation alleged in the action brought under AS 09.58.020, the court may, to the extent the court considers appropriate, reduce the share of the proceeds of the action that the person would otherwise receive under (a) or (b) of this section, taking into account the role of that person in advancing the case to litigation and any relevant circumstances pertaining to the violation. If the person bringing the action is convicted of criminal conduct arising from the person's role in the violation of AS 09.58.010, the court shall dismiss the person from the civil action and the person may not receive any share of the proceeds of the action or settlement. A dismissal under this subsection does not prejudice the right of the attorney general to continue the action.

(d) In this section, "proceeds of the action or settlement"

(1) includes damages, civil penalties, payment for cost of compliance, and other economic benefits realized by the state as a result of a civil action brought under AS 09.58.010 - 09.58.060;

(2) does not include attorney fees and costs awarded to the state.

Sec. 09.58.050. Certain actions barred. A person may not bring an action under AS 09.58.020 if the action is

(1) based on evidence or information known to the state when the action was brought;

(2) based on allegations or transactions that are the subject of a civil or criminal action or an administrative proceeding in which the state is already a party;

(3) based on the public disclosure of allegations or actions in a criminal or civil action or an administrative hearing, or from the news media, unless the action is brought by the attorney general or the person bringing the action is an original source of the information that was publicly disclosed; in this paragraph, a person is an original source of the information that was publicly disclosed if the person has independent knowledge, including knowledge based on personal investigation of the defendant's conduct, of the information on which the allegations are based, and has voluntarily provided or verified the information on which the allegations are based or voluntarily provided the information to the attorney general

before filing an action under AS 09.58.020 that is based on the information; or

(4) against the state or current or former state employees.

Sec. 09.58.060. State not liable for attorney fees, costs, and other expenses. The state, its agencies, current or former officers, and current or former employees, are not liable for attorney fees, costs, and other expenses that a person incurs in bringing an action under AS 09.58.020.

Sec. 09.58.070. Employee protection for retaliation. (a) An employee of a medical assistance provider who is discharged, demoted, suspended, threatened, harassed, or discriminated against in the terms and conditions of employment by the employee's employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under AS 09.58.010 - 09.58.060, including investigation for, initiation of, testimony for or assistance in an action filed or to be filed under AS 09.58.010 - 09.58.060, is entitled to the same relief authorized under AS 39.90.120.

(b) Notwithstanding (a) of this section, a state employee who is discharged, demoted, suspended, threatened, harassed, or discriminated against in the terms and conditions of employment because of lawful acts done by the employee on behalf of the employee or a person who brings an action under AS 09.58.020 or in furtherance of an action under AS 09.58.010 - 09.58.060, including investigation, initiation of, testimony for or assistance in an action filed or to be filed under AS 09.58.010 - 09.58.060, is entitled to relief under AS 39.90.100 - 39.90.150 (Alaska Whistleblower Act).

(c) A person may not bring an action under this section unless the action is commenced not later than three years after the date the employee was subject to retaliation under (a) or (b) of this section.

Sec. 09.58.080. Regulations. The attorney general may adopt regulations under AS 44.62 as necessary to carry out the purposes of this chapter.

Sec. 09.58.090. Special provisions. (a) This chapter does not apply to any controversy involving damages to the state of less than $5,500 in value.

(b) No punitive damages may be awarded in an action brought under AS 09.58.010 - 09.58.060.

Sec. 09.58.100. Definitions. In this chapter,

(1) "attorney general" includes a designee of the attorney general;

(2) "claim" means a request for payment of health care services or equipment, whether made to a contractor, grantee, or other person, when the state provides, directly or indirectly, a portion of the money, property, or services requested or demanded, or when the state will, directly or indirectly, reimburse the contractor, grantee, or other recipient for a portion of the money, property, or services requested or demanded;

(3) "controversy" means the aggregate of one or more false claims submitted by the same medical assistance provider or medical assistance recipient under this chapter;

(4) "knowingly" means that a person, with or without specific intent to defraud,

(A) has actual knowledge of the information;

(B) acts in deliberate ignorance of the truth or falsity of the information; or

(C) acts in reckless disregard of the truth or falsity of the information;

(5) "medical assistance program" means the federal-state program administered by the Department of Health and Social Services under AS 47.05 and AS 47.07 and regulations adopted under AS 47.05 and AS 47.07;

(6) "medical assistance provider" has the meaning given under AS 47.05.290;

(7) "medical assistance recipient" has the meaning given under AS 47.05.290;

(8) "obligation" means an established duty, whether or not fixed, arising from

(A) an express or implied contractual grantor or grantee or licensor or licensee relationship;

(B) a fee-based or similar relationship;

(C) a statute or regulation; or

(D) the retention of any overpayment.

Sec. 09.58.110. Short title. This chapter may be cited as the Alaska Medical Assistance False Claim and Reporting Act.

*** Sec. 11.** AS 09.58.025, added by sec. 10 of this Act, is amended to read:

Sec. 09.58.025. Subpoenas. In conducting an investigation under AS 09.58.015 [OR 09.58.020], the attorney general may issue subpoenas to compel the production of books, papers, correspondence, memoranda, and other records in connection with an investigation under or the administration of AS 09.58.010 - 09.58.060. If a medical assistance provider or a medical assistance recipient fails or refuses, without just cause, to obey a subpoena issued under this subsection, the superior court may, upon application by the attorney general, issue an order requiring the medical assistance provider or medical assistance recipient to appear before the attorney general to produce evidence.

*** Sec. 12.** AS 09.58.070(b), added by sec. 10 of this Act, is amended to read:

(b) Notwithstanding (a) of this section, a state employee who is discharged, demoted, suspended, threatened, harassed, or discriminated against in the terms and conditions of employment because of lawful acts done by the employee on behalf of the employee [OR A PERSON WHO BRINGS AN ACTION UNDER AS 09.58.020] or in furtherance of an action under AS 09.58.010 - 09.58.060, including investigation, initiation of, testimony for or assistance in an action filed or to be filed under AS 09.58.010 - 09.58.060, is entitled to relief under AS 39.90.100 - 39.90.150 (Alaska Whistleblower Act).

*** Sec. 13.** AS 17.30.200(a) is amended to read:

(a) The controlled substance prescription database is established in the Board of Pharmacy. The purpose of the database is to contain data as described in this section regarding every prescription for a schedule [IA, IIA, IIIA, IVA, OR VA CONTROLLED SUBSTANCE UNDER STATE LAW OR A SCHEDULE I,] II, III, **or** IV [, OR V] controlled substance under federal law dispensed in the state to a person other than those administered to a patient at a health care facility. The Department of Commerce, Community, and Economic Development shall assist the board and provide necessary staff and equipment to implement this section.

*** Sec. 14.** AS 17.30.200(b) is amended to read:

(b) The pharmacist-in-charge of each licensed or registered pharmacy, regarding each schedule [IA, IIA, IIIA, IVA, OR VA CONTROLLED SUBSTANCE UNDER STATE LAW OR A SCHEDULE I,] II, III, **or** IV [, OR V] controlled substance under federal law dispensed by a pharmacist under the supervision of the pharmacist-in-charge, and each practitioner who directly dispenses a schedule [IA, IIA, IIIA, IVA, OR VA CONTROLLED SUBSTANCE UNDER STATE LAW OR A SCHEDULE I,] II, III, **or** IV [, OR V] controlled substance under federal law other than those administered to a patient at a health care facility, shall submit to the board, by a procedure and in a format established by the board, the following information for inclusion in the database **on at least a weekly basis**:

(1) the name of the prescribing practitioner and the practitioner's federal Drug Enforcement Administration registration number or other appropriate identifier;

(2) the date of the prescription;

(3) the date the prescription was filled and the method of payment; this paragraph does not authorize the board to include individual credit card or other account numbers in the database;

(4) the name, address, and date of birth of the person for whom the prescription was written;

(5) the name and national drug code of the controlled substance;

(6) the quantity and strength of the controlled substance dispensed;

(7) the name of the drug outlet dispensing the controlled substance; and

(8) the name of the pharmacist or practitioner dispensing the controlled substance and other appropriate identifying information.

*** Sec. 15.** AS 17.30.200(d) is amended to read:

(d) The database and the information contained within the database are confidential, are not public records, and are not subject to public disclosure. The board shall undertake to ensure the security and confidentiality of the database and the information contained within the database. The board may allow access to the

database only to the following persons, and in accordance with the limitations provided and regulations of the board:

(1) personnel of the board regarding inquiries concerning licensees or registrants of the board or personnel of another board or agency concerning a practitioner under a search warrant, subpoena, or order issued by an administrative law judge or a court;

(2) authorized board personnel or contractors as required for operational and review purposes;

(3) a licensed practitioner having authority to prescribe controlled substances **or an agent or employee of the practitioner whom the practitioner has authorized to access the database on the practitioner's behalf**, to the extent the information relates specifically to a current patient of the practitioner to whom the practitioner is prescribing or considering prescribing a controlled substance;

(4) a licensed or registered pharmacist having authority to dispense controlled substances **or an agent or employee of the pharmacist whom the pharmacist has authorized to access the database on the pharmacist's behalf**, to the extent the information relates specifically to a current patient to whom the pharmacist is dispensing or considering dispensing a controlled substance;

(5) federal, state, and local law enforcement authorities may receive printouts of information contained in the database under a search warrant, subpoena, or order issued by a court establishing probable cause for the access and use of the information; [AND]

(6) an individual who is the recipient of a controlled substance prescription entered into the database may receive information contained in the database concerning the individual on providing evidence satisfactory to the board that the individual requesting the information is in fact the person about whom the data entry was made and on payment of a fee set by the board under AS 37.10.050 that does not exceed $10**;**

(7) a licensed pharmacist employed by the Department of Health and Social Services who is responsible for administering prescription drug coverage for the medical assistance program under AS 47.07, to the extent that

the information relates specifically to prescription drug coverage under the program;

(8) a licensed pharmacist, licensed practitioner, or authorized employee of the Department of Health and Social Services responsible for utilization review of prescription drugs for the medical assistance program under AS 47.07, to the extent that the information relates specifically to utilization review of prescription drugs provided to recipients of medical assistance;

(9) the state medical examiner, to the extent that the information relates specifically to investigating the cause and manner of a person's death; and

(10) an authorized employee of the Department of Health and Social Services may receive information from the database that does not disclose the identity of a patient, prescriber, dispenser, or dispenser location, for the purpose of identifying and monitoring public health issues in the state; however, the information provided under this paragraph may include the region of the state in which a patient, prescriber, and dispenser are located and the specialty of the prescriber.

*** Sec. 16.** AS 17.30.200(e) is amended to read:

(e) The failure of a pharmacist-in-charge, pharmacist, or practitioner to **register or** submit information to the database as required under this section is grounds for the board to take disciplinary action against the license or registration of the pharmacy or pharmacist or for another licensing board to take disciplinary action against a practitioner.

*** Sec. 17.** AS 17.30.200(h) is amended to read:

(h) An individual who has submitted information to the database in accordance with this section may not be held civilly liable for having submitted the information. [NOTHING IN THIS SECTION REQUIRES OR OBLIGATES A DISPENSER OR PRACTITIONER TO ACCESS OR CHECK THE DATABASE BEFORE DISPENSING, PRESCRIBING, OR ADMINISTERING A MEDICATION, OR PROVIDING MEDICAL CARE TO A PERSON.] Dispensers or practitioners may not be held civilly liable for damages for accessing or failing to access the information in the database.

*** Sec. 18.** AS 17.30.200(k) is amended to read:

(k) In the regulations adopted under this section, the board shall provide

(1) that prescription information in the database [SHALL] be purged from the database after two years have elapsed from the date the prescription was dispensed;

(2) a method for an individual to challenge information in the database about the individual that the person believes is incorrect or was incorrectly entered by a dispenser**;**

(3) a procedure and time frame for registration with the database;

(4) that a pharmacist or practitioner review the information in the database to check a patient's prescription records before dispensing, prescribing, or administering a controlled substance to the patient; the regulations must provide that a pharmacist or practitioner is not required to review the information in the database before dispensing, prescribing, or administering a controlled substance to a person who is receiving treatment

(A) in an inpatient setting;

(B) at the scene of an emergency or in an ambulance; in this subparagraph, "ambulance" has the meaning given in AS 18.08.200;

(C) in an emergency room; or

(D) immediately before, during, or within the first 24 hours after surgery.

*** Sec. 19.** AS 17.30.200 is amended by adding new subsections to read:

(o) A pharmacist who dispenses or a practitioner who prescribes, administers, or directly dispenses a schedule II, III, or IV controlled substance under federal law shall register with the database by a procedure and in a format established by the board.

(p) The board shall promptly notify the State Medical Board, the Board of Nursing, the Board of Dental Examiners, and the Board of Examiners in Optometry when a practitioner registers with the database under (o) of this section.

(q) The board is authorized to provide unsolicited notification to a pharmacist or practitioner if a patient has received one or more prescriptions for controlled

substances in quantities or with a frequency inconsistent with generally recognized standards of safe practice.

(r) The board shall update the database on at least a weekly basis with the information submitted to the board under (b) of this section.

*** Sec. 20.** AS 37.05.146(c) is amended by adding a new paragraph to read:

(88) monetary recoveries under AS 09.58 (Alaska Medical Assistance False Claim and Reporting Act).

*** Sec. 21.** AS 40.25.120(a) is amended by adding a new paragraph to read:

(15) records relating to proceedings under AS 09.58 (Alaska Medical Assistance False Claim and Reporting Act).

*** Sec. 22.** AS 44.33 is amended by adding a new section to read:

Article 5A. Telemedicine Business Registry.

Sec. 44.33.381. Telemedicine business registry. (a) The department shall adopt regulations for establishing and maintaining a registry of businesses performing telemedicine services in the state.

(b) The department shall maintain the registry of businesses performing telemedicine services in the state. The registry must include the name, address, and contact information of businesses performing telemedicine services in the state.

(c) In this section,

(1) "department" means the Department of Commerce, Community, and Economic Development;

(2) "telemedicine services" means the delivery of health care services using the transfer of medical data through audio, visual, or data communications that are performed over two or more locations by a provider who is physically separated from the recipient of the health care services.

*** Sec. 23.** AS 47.05.015 is amended by adding a new subsection to read:

(e) Notwithstanding (c) of this section, the department may enter into a contract through the competitive bidding process under AS 36.30 (State Procurement Code) for medical assistance products and services offered under AS 47.07.030 if the contract is for durable medical equipment or specific medical services that can be delivered on a statewide basis.

*** Sec. 24.** AS 47.05 is amended by adding a new section to article 1 to read:

Sec. 47.05.105. Enhanced computerized eligibility verification system. (a) The department shall establish an enhanced computerized income, asset, and identity eligibility verification system for the purposes of verifying eligibility, eliminating duplication of public assistance payments, and deterring waste and fraud in public assistance programs administered by the department under AS 47.05.010. Nothing in this section prohibits the department from verifying eligibility for public assistance through additional procedures or authorizes the department or a third-party vendor to use data to verify eligibility for a federal program if the use of that data is prohibited by federal law.

(b) The department shall enter into a competitively bid contract with a third-party vendor for the purpose of developing a system under this section to prevent fraud, misrepresentation, and inadequate documentation when determining an applicant's eligibility for public assistance before the payment of benefits and for periodically verifying eligibility between eligibility redeterminations and during eligibility redeterminations and reviews under AS 47.05.110 - 47.05.120. The department may also contract with a third-party vendor to provide information to facilitate reviews of recipient eligibility and income verification.

(c) The annual savings to the state resulting from the use of the system under this section must exceed the cost of implementing the system. A contract under this section must require the third-party vendor to report annual savings to the state realized from implementing the system. Payment to the third-party vendor may be based on a fee for each applicant and may include incentives for achieving a rate of success established by the department for identifying duplication, waste, and fraud in public assistance programs.

(d) To avoid a conflict of interest, the department may not award a contract to provide services for the enrollment of public assistance providers or applicants under this title to a vendor that is awarded a contract under this section.

*** Sec. 25.** AS 47.05.200(a) is amended to read:

(a) The department shall annually contract for independent audits of a statewide sample of all medical assistance providers in order to identify overpayments

and violations of criminal statutes. The audits conducted under this section may not be conducted by the department or employees of the department. The number of audits under this section **<u>may not be less than 50</u>** each year [, AS A TOTAL FOR THE MEDICAL ASSISTANCE PROGRAMS UNDER AS 47.07 AND AS 47.08, SHALL BE 0.75 PERCENT OF ALL ENROLLED PROVIDERS UNDER THE PROGRAMS, ADJUSTED ANNUALLY ON JULY 1, AS DETERMINED BY THE DEPARTMENT, EXCEPT THAT THE NUMBER OF AUDITS UNDER THIS SECTION MAY NOT BE LESS THAN 75]. The audits under this section must include both on-site audits and desk audits and must be of a variety of provider types. The department may not award a contract under this subsection to an organization that does not retain persons with a significant level of expertise and recent professional practice in the general areas of standard accounting principles and financial auditing and in the specific areas of medical records review, investigative research, and Alaska health care criminal law. The contractor, in consultation with the commissioner, shall select the providers to be audited and decide the ratio of desk audits and on-site audits to the total number selected. **<u>In identifying providers who are subject to an audit under this chapter, the department shall attempt to minimize concurrent state or federal audits.</u>**

*** Sec. 26.** AS 47.05.200(b) is amended to read:

(b) Within 90 days after receiving each audit report from an audit conducted under this section, the department shall begin administrative procedures to recoup overpayments identified in the audits and shall allocate the reasonable and necessary financial and human resources to ensure prompt recovery of overpayments unless the attorney general has advised the commissioner in writing that a criminal investigation of an audited provider has been or is about to be undertaken, in which case, the commissioner shall hold the administrative procedure in abeyance until a final charging decision by the attorney general has been made. The commissioner shall provide copies of all audit reports to the attorney general so that the reports can be screened for the purpose of bringing criminal charges. **<u>The department may assess interest and penalties on any identified overpayment. Interest under this subsection shall be calculated using the statutory rates for postjudgment interest</u>**

accruing from the date of the issuance of the final agency decision to recoup overpayments identified in the audit. In this subsection, the date of issuance of the final agency decision is the later of the date of

(1) the department's written notification of the decision and the provider's appeal rights; or

(2) if timely appealed by the provider, a final agency decision under AS 44.64.060.

*** Sec. 27.** AS 47.05 is amended by adding a new section to read:

Sec. 47.05.235. Duty to identify and repay self-identified overpayments. (a) Unless a provider is being audited under AS 47.05.200(a), an enrolled medical assistance provider shall conduct a biennial review or audit of a statistically valid sample of claims submitted to the department for reimbursement. If overpayments are identified, the medical assistance provider shall report the overpayment to the department not later than 10 business days after identification of the overpayment. The report must also identify how the medical assistance provider intends to repay the department. After the department receives the report, the medical assistance provider and the department shall enter into an agreement establishing a schedule for repayment of the identified overpayment. The agreement may authorize repayment in a lump sum, a payment plan, or by offsetting future billings as approved by the department.

(b) The department may not assess interest or penalties on an overpayment identified and repaid by a medical assistance provider under this section.

*** Sec. 28.** AS 47.05 is amended by adding new sections to read:

Sec. 47.05.250. Civil penalties. (a) The department may assess a civil penalty against a provider who violates this chapter, AS 47.07, or regulations adopted under this chapter or AS 47.07.

(b) The department shall adopt regulations establishing a range of civil penalties that the department may assess against a provider under this section. In establishing the range of civil penalties, the department shall take into account appropriate factors, including the seriousness of the violation, the service provided by the provider, and the severity of the penalty. The regulations may not provide for a

civil penalty of less than $100 or more than $25,000 for each violation.

(c) The provisions of this section are in addition to any other remedies available under this chapter, AS 47.07, or regulations adopted under this chapter or AS 47.07.

(d) A provider against whom a civil penalty of less than $2,500 is assessed may appeal the decision assessing the penalty to the commissioner or the commissioner's designee. The commissioner shall, by regulation, establish time limits and procedures for an appeal under this subsection. The decision of the commissioner or the commissioner's designee may be appealed to the office of administrative hearings established under AS 44.64.

(e) A provider against whom a civil penalty of $2,500 or more is assessed may appeal the decision assessing the penalty to the office of administrative hearings established under AS 44.64.

Sec. 47.05.260. Seizure and forfeiture of real or personal property in medical assistance fraud cases. (a) Upon written application by the attorney general establishing probable cause that a medical assistance provider has committed or is committing medical assistance fraud under AS 47.05.210, the court may authorize the seizure of real or personal property listed in (e) of this section to cover the cost of the alleged fraud. The application may be made ex parte if the attorney general establishes sufficient facts to show that notice to the owner of the property would lead to the waste or dissipation of assets subject to seizure. If the attorney general does not establish sufficient facts to show that notice to the owner would lead to the waste or dissipation of assets subject to seizure, the application for seizure must be served on the owners of the property.

(b) Upon issuance of the court order authorizing seizure, the owners of the property may not take any action to dispose of the property through transfer of title or sale of the property without written permission from the court. However, an innocent purchaser may not be required to forfeit property purchased in good faith. The purchaser bears the burden of proof to establish that the property was purchased innocently and in good faith.

(c) If a medical assistance provider is convicted of medical assistance fraud

under AS 47.05.210 after property is seized under this section, the court may order that the property be forfeited to the state and disposed of as directed by the court. If the property has been sold, the proceeds of the sale shall be transmitted to the proper state officer or employee for deposit into the general fund. The attorney general shall return to the owner of the property any property seized under this section that the court does not order to be forfeited as soon as practicable after the court issues a final judgment in the medical assistance fraud proceeding under AS 47.05.210 and the medical assistance provider pays any fine or restitution ordered by the court.

(d) An action for forfeiture under this section may be joined with a civil or criminal action brought by the state to recover damages resulting from alleged medical assistance fraud.

(e) Property that may be seized under this chapter includes bank accounts, automobiles, boats, airplanes, stocks, bonds, the medical assistance provider's business inventory, and other real or personal property owned and used to conduct the medical assistance provider's business.

Sec. 47.05.270. Medical assistance reform program. (a) The department shall adopt regulations to design and implement a program for reforming the state medical assistance program under AS 47.07. The reform program must include

(1) referrals to community and social support services, including career and education training services available through the Department of Labor and Workforce Development under AS 23.15, the University of Alaska, or other sources;

(2) electronic distribution of an explanation of medical assistance benefits to recipients for health care services received under the program;

(3) expanding the use of telehealth for primary care, behavioral health, and urgent care;

(4) enhancing fraud prevention, detection, and enforcement;

(5) reducing the cost of behavioral health, senior, and disabilities services provided to recipients of medical assistance under the state's home and community-based services waiver under AS 47.07.045;

(6) pharmacy initiatives;

(7) enhanced care management;

(8) redesigning the payment process by implementing fee agreements that include one or more of the following:

(A) premium payments for centers of excellence;

(B) penalties for hospital-acquired infections, readmissions, and outcome failures;

(C) bundled payments for specific episodes of care; or

(D) global payments for contracted payers, primary care managers, and case managers for a recipient or for care related to a specific diagnosis;

(9) stakeholder involvement in setting annual targets for quality and cost-effectiveness;

(10) to the extent consistent with federal law, reducing travel costs by requiring a recipient to obtain medical services in the recipient's home community, to the extent appropriate services are available in the recipient's home community;

(11) guidelines for health care providers to develop health care delivery models supported by evidence-based practices that encourage wellness and disease prevention.

(b) The department shall, in coordination with the Alaska Mental Health Trust Authority, efficiently manage a comprehensive and integrated behavioral health program that uses evidence-based, data-driven practices to achieve positive outcomes for people with mental health or substance abuse disorders and children with severe emotional disturbances. The goal of the program is to assist recipients of services under the program to recover by achieving the highest level of autonomy with the least dependence on state-funded services possible for each person. The program must include

(1) a plan for providing a continuum of community-based services to address housing, employment, criminal justice, and other relevant issues;

(2) services from a wide array of providers and disciplines, including licensed or certified mental health and primary care professionals; and

(3) efforts to reduce operational barriers that fragment services, minimize administrative burdens, and reduce the effectiveness and efficiency of the

program.

(c) The department shall identify the areas of the state where improvements in access to telehealth would be most effective in reducing the costs of medical assistance and improving access to health care services for medical assistance recipients. The department shall make efforts to improve access to telehealth for recipients in those locations. The department may enter into agreements with Indian Health Service providers, if necessary, to improve access by medical assistance recipients to telehealth facilities and equipment.

(d) On or before November 15 of each year, the department shall prepare a report and submit the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available. The report must include

(1) realized cost savings related to reform efforts under this section;

(2) realized cost savings related to medical assistance reform efforts undertaken by the department other than the reform efforts described in this Act;

(3) a statement of whether the department has met annual targets for quality and cost-effectiveness;

(4) recommendations for legislative or budgetary changes related to medical assistance reforms during the next fiscal year;

(5) changes in federal laws that the department expects will result in a cost or savings to the state of more than $1,000,000;

(6) a description of any medical assistance grants, options, or waivers the department applied for in the previous fiscal year;

(7) the results of demonstration projects the department has implemented;

(8) legal and technological barriers to the expanded use of telehealth, improvements in the use of telehealth in the state, and recommendations for changes or investments that would allow cost-effective expansion of telehealth;

(9) the percentage decrease in costs of travel for medical assistance recipients compared to the previous fiscal year;

(10) the percentage decrease in the number of medical assistance

recipients identified as frequent users of emergency departments compared to the previous fiscal year;

(11) the percentage increase or decrease in the number of hospital readmissions within 30 days after a hospital stay for medical assistance recipients compared to the previous fiscal year;

(12) the percentage increase or decrease in state general fund spending for the average medical assistance recipient compared to the previous fiscal year;

(13) the percentage increase or decrease in uncompensated care costs incurred by medical assistance providers compared to the percentage change in private health insurance premiums for individual and small group health insurance;

(14) the cost, in state and federal funds, for providing optional services under AS 47.07.030(b).

(e) In this section, "telehealth" means the practice of health care delivery, evaluation, diagnosis, consultation, or treatment, using the transfer of health care data through audio, visual, or data communications, performed over two or more locations between providers who are physically separated from the recipient or from each other or between a provider and a recipient who are physically separated from each other.

*** Sec. 29.** AS 47.07.030(d) is amended to read:

(d) The department **shall** [MAY] establish as optional services a primary care case management system or a managed care organization contract in which certain eligible individuals are required to enroll and seek approval from a case manager or the managed care organization before receiving certain services. **The purpose of a primary care case management system or managed care organization contract is to increase the use of appropriate primary and preventive care by medical assistance recipients, while decreasing the unnecessary use of specialty care and hospital emergency department services.** The department shall

(1) establish enrollment criteria and determine eligibility for services consistent with federal and state law**; the department shall require recipients with multiple hospitalizations to enroll in a primary care case management system or with a managed care organization under this subsection, except that the department may exempt recipients with chronic, acute, or terminal medical**

conditions from the requirement under this paragraph;

(2) define the coordinated care services and provider types eligible to participate as primary care providers;

(3) create a performance and quality reporting system; and

(4) integrate the coordinated care demonstration projects described under AS 47.07.039 and the demonstration projects described under AS 47.07.036(e) with the primary care case management system or managed care organization contract established under this subsection.

*** Sec. 30.** AS 47.07.036 is amended by adding new subsections to read:

(d) Notwithstanding (a) - (c) of this section, the department may

(1) apply for a section 1915(i) option under 42 U.S.C. 1396n to improve services and care through home and community-based services to obtain a 50 percent federal match;

(2) apply for a section 1915(k) option under 42 U.S.C. 1396n to provide home and community-based services and support to increase the federal match for these programs from 50 percent to 56 percent;

(3) apply for a section 1945 option under 42 U.S.C. 1396w-4 to provide coordinated care through health homes for individuals with chronic conditions and to increase the federal match for the services to 90 percent for the first eight quarters the required state plan amendment is in effect;

(4) evaluate and seek permission from the United States Department of Health and Human Services Centers for Medicare and Medicaid Services to participate in various demonstration projects, including payment reform, care management programs, workforce development and innovation, and innovative services delivery models; and

(5) provide incentives for telehealth, including increasing the capability for and reimbursement of telehealth for recipients.

(e) Notwithstanding (a) - (c) of this section, and in addition to the projects and services described under (d) and (f) of this section, the department shall apply for a section 1115 waiver under 42 U.S.C. 1315(a) to establish one or more demonstration projects focused on innovative payment models for one or more groups of medical

assistance recipients in one or more specific geographic areas. The demonstration project or projects may include

(1) managed care organizations as described under 42 U.S.C. 1396u-2;

(2) community care organizations;

(3) patient-centered medical homes as described under 42 U.S.C. 256a-1; or

(4) other innovative payment models that ensure access to health care without reducing the quality of care.

(f) Notwithstanding (a) - (c) of this section, and in addition to the projects and services described under (d) and (e) of this section, the department shall apply for a section 1115 waiver under 42 U.S.C. 1315(a) to establish one or more demonstration projects focused on improving the state's behavioral health system for medical assistance recipients. The department shall engage stakeholders and the community in the development of a project or projects under this subsection. The demonstration project or projects must be consistent with the comprehensive and integrated behavioral health program described under AS 47.05.270(b).

(g) In this section, "telehealth" has the meaning given in AS 47.05.270(e).

*** Sec. 31.** AS 47.07 is amended by adding new sections to read:

Sec. 47.07.038. Collaborative, hospital-based project to reduce use of emergency department services. (a) On or before December 1, 2016, the department shall collaborate with a statewide professional hospital association to establish a hospital-based project to reduce the use of emergency department services by medical assistance recipients. The statewide professional hospital association shall operate the project. The project may include shared savings for participating hospitals. The project must include

(1) an interdisciplinary process for defining, identifying, and minimizing the number of frequent users of emergency department services;

(2) to the extent consistent with federal law, a system for real-time electronic exchange of patient information, including recent emergency department visits, hospital care plans for frequent users of emergency departments, and data from the controlled substance prescription database;

(3) a procedure for educating patients about the use of emergency departments and appropriate alternative services and facilities for nonurgent care;

(4) a process for assisting users of emergency departments in making appointments with primary care or behavioral health providers within 96 hours after an emergency department visit;

(5) a collaborative process between the department and the statewide professional hospital association to establish uniform statewide guidelines for prescribing narcotics in an emergency department; and

(6) designation of health care personnel to review successes and challenges regarding appropriate emergency department use.

(b) The department shall adopt regulations necessary to implement this section, request technical assistance from the United States Department of Health and Human Services, and apply to the United States Department of Health and Human Services for waivers or amendments to the state plan as necessary to implement the projects under this section.

Sec. 47.07.039. Coordinated care demonstration projects. (a) The department shall contract with one or more third parties to implement one or more coordinated care demonstration projects for recipients of medical assistance identified by the department. The purpose of a demonstration project under this section is to assess the efficacy of a proposed health care delivery model with respect to cost for, access to, and quality of care for medical assistance recipients. The department may contract for separate demonstration projects to coordinate care for different groups of medical assistance recipients to achieve more effective care for recipients at greater cost savings for the medical assistance program. The department shall request proposals for at least one project under this section on or before December 31, 2016, and may annually request proposals for additional projects under this section thereafter. The department may use an innovative procurement process as described under AS 36.30.308 to award a contract for a project under this section. A proposal for a demonstration project under this section must be submitted to the committee established under (b) of this section and must include three or more of the following elements:

(1) comprehensive primary-care-based management for medical assistance services, including behavioral health services and coordination of long-term services and support;

(2) care coordination, including the assignment of a primary care provider located in the local geographic area of the recipient, to the extent practical;

(3) health promotion;

(4) comprehensive transitional care and follow-up care after inpatient treatment;

(5) referral to community and social support services, including career and education training services available through the Department of Labor and Workforce Development under AS 23.15, the University of Alaska, or other sources;

(6) sustainability and the ability to achieve similar results in other regions of the state;

(7) integration and coordination of benefits, services, and utilization management;

(8) local accountability for health and resource allocation.

(b) A project review committee is established in the department for the purpose of reviewing proposals for demonstration projects under this section. The project review committee consists of

(1) the commissioner of the department, or the commissioner's designee;

(2) the commissioner of administration, or the commissioner's designee;

(3) the chief executive officer of the Alaska Mental Health Trust Authority, or the chief executive officer's designee;

(4) two representatives of stakeholder groups, appointed by the governor for staggered three-year terms;

(5) a nonvoting member who is a member of the senate, appointed by the president of the senate; and

(6) a nonvoting member who is a member of the house of representatives, appointed by the speaker of the house of representatives.

(c) The department may contract with a managed care organization, primary care case manager, accountable care organization, prepaid ambulatory health plan, or provider-led entity to implement a demonstration project under this section. The fee structure for a contract under this subsection may include global payments, bundled payments, capitated payments, shared savings and risk, or other payment structures. The department shall work with the division of insurance, Department of Commerce, Community, and Economic Development, to streamline the application process for a company to obtain a certificate of authority required under AS 21.09.010 as necessary to participate in a demonstration project under this section.

(d) A proposal for a demonstration project under this section must include, in addition to the elements required under (a) of this section, information demonstrating how the project will implement additional cost-saving measures including innovations to reduce the cost of care for medical assistance recipients through the expanded use of telehealth for primary care, urgent care, and behavioral health services. The department shall identify legal or cost barriers preventing the expanded use of telehealth and shall recommend remedies for identified barriers.

(e) The department shall contract with a third-party actuary to review demonstration projects established under this section. The actuary shall review each demonstration project after one year of implementation and make recommendations for the implementation of a similar project on a statewide basis. The actuary shall evaluate each project based on cost savings for the medical assistance program, health outcomes for participants in the project, and the ability to achieve similar results on a statewide basis. On or before December 31 of each year starting in 2018, the actuary shall submit a final report to the department regarding any demonstration project that has been in operation for at least one year.

(f) The department shall prepare a plan regarding regional or statewide implementation of a coordinated care project based on the results of the demonstration projects under this section. On or before November 15, 2019, the department shall submit the plan to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the plan is available. On or before November 15 of each year thereafter, the department shall submit a report regarding

any changes or recommendations regarding the plan developed under this subsection to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available.

(g) In this section, "telehealth" has the meaning given in AS 47.05.270(e).

*** Sec. 32.** AS 47.07 is amended by adding a new section to read:

Sec. 47.07.076. Report to legislature. (a) The department and the attorney general shall annually prepare a report relating to the medical assistance program under AS 47.07. The report must include the following information:

(1) the amount and source of funds used to prevent or prosecute fraud, abuse, payment errors, and errors in eligibility determinations for the previous fiscal year;

(2) actions taken to address fraud, abuse, payment errors, and errors in eligibility determinations during the previous fiscal year;

(3) specific examples of fraud or abuse that were prevented or prosecuted;

(4) identification of vulnerabilities in the medical assistance program, including any vulnerabilities identified by independent auditors with whom the department contracts under AS 47.05.200;

(5) initiatives the department has taken to prevent fraud or abuse;

(6) recommendations to increase effectiveness in preventing and prosecuting fraud and abuse;

(7) the return to the state for every dollar expended by the department and the attorney general to prevent and prosecute fraud and abuse;

(8) the most recent payment error rate measurement report for the medical assistance program, including fee for service programs and pilot or demonstration projects; the report must also explain the reasons for the payment errors and the total amount of state and federal funds paid in error during the reporting period and not recovered by the department at the time of the report;

(9) results from the Medicaid Eligibility Quality Control program.

(b) On or before November 15 of each year, the department shall submit the report required under this section to the senate secretary and the chief clerk of the

house of representatives and notify the legislature that the report is available.

*** Sec. 33.** AS 47.07.900(4) is amended to read:

(4) "clinic services" means services provided by state-approved outpatient community mental health clinics [THAT RECEIVE GRANTS UNDER AS 47.30.520 - 47.30.620], state-operated community mental health clinics, outpatient surgical care centers, and physician clinics;

*** Sec. 34.** AS 47.07.900(17) is amended to read:

(17) "rehabilitative services" means services for substance abusers and emotionally disturbed or chronically mentally ill adults provided by

(A) a drug or alcohol treatment center [THAT IS FUNDED WITH A GRANT UNDER AS 47.30.475]; or

(B) an outpatient community mental health clinic [THAT HAS A CONTRACT TO PROVIDE COMMUNITY MENTAL HEALTH SERVICES UNDER AS 47.30.520 - 47.30.620];

*** Sec. 35.** AS 47.55.020(e) is amended to read:

(e) As a condition for receipt of payment assistance under (d) of this section, the department, under regulations adopted by the department, **shall** [MAY] require a person to

(1) apply for other state or federally sponsored programs that may reduce the amount of the payment assistance**; and**

(2) submit to the department a copy of the person's application for medical assistance coverage under AS 47.07 and the decision letter the person receives regarding the application.

*** Sec. 36.** AS 09.58.020, 09.58.030, 09.58.040, 09.58.050, and 09.58.060 are repealed July 1, 2019.

*** Sec. 37.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INDIRECT COURT RULE AMENDMENTS. (a) AS 09.58.020, added by sec. 10 of this Act, and repealed by sec. 36 of this Act, has the effect of amending the following court rules in the manner specified from the effective date of sec. 10 of this Act until July 1, 2019:

(1) Rules 4, 5, 7, and 12, Alaska Rules of Civil Procedure, by requiring that a

complaint under AS 09.58 be filed in camera and under seal and may not be served on the defendant until unsealed and that a copy of the complaint be served on the attorney general;

(2) Rules 41 and 77, Alaska Rules of Civil Procedure, by authorizing the attorney general to move for dismissal of a complaint filed by another person under AS 09.58.020, added by sec. 10 of this Act and repealed by sec. 36 of this Act, and requiring court approval for dismissal of the action.

(b) AS 09.58.025, added by sec. 10 of this Act, and amended by sec. 11 of this Act, has the effect of amending Rule 27, Alaska Rules of Civil Procedure, by authorizing the attorney general to issue subpoenas as part of an investigation

(1) under AS 09.58.015, added by sec. 10 of this Act, from the effective date of sec. 10 of this Act; and

(2) under AS 09.58.020, added by sec. 10 of this Act, from the effective date of sec. 10 of this Act until July 1, 2019.

(c) AS 09.58.030, added by sec. 10 of this Act, and repealed by sec. 36 of this Act, has the effect of amending the following court rules in the manner specified from the effective date of sec. 10 of this Act until July 1, 2019:

(1) Rule 24, Alaska Rules of Civil Procedure, by authorizing the attorney general to intervene in a civil action filed by another person under AS 09.58.020 added by sec. 10 of this Act, and repealed by sec. 36 of this Act, and limiting the participation of a party to the litigation;

(2) Rules 26 and 27, Alaska Rules of Civil Procedure, by authorizing the attorney general to request that the court issue a stay of discovery for a 90-day period, or longer upon a showing by the attorney general.

(d) AS 09.58.040, added by sec. 10 of this Act, and repealed by sec. 36 of this Act, has the effect of amending Rules 79 and 82, Alaska Rules of Civil Procedure, from the effective date of sec. 10 of this Act until July 1, 2019, by giving a person who brings an action under AS 09.58.020, added by sec. 10 of this Act, and repealed by sec. 36 of this Act, the right to reasonable attorney fees and costs in an action prosecuted by the attorney general.

(e) AS 47.05.260, added by sec. 28 of this Act, has the effect of amending Rule 89, Alaska Rules of Civil Procedure, and Rule 37, Alaska Rules of Criminal Procedure, by authorizing the attorney general to apply to the court for authorization to seize property in

conjunction with an action filed under AS 47.05.210.

*** Sec. 38.** The uncodified law of the State of Alaska is amended by adding a new section to read:

IMPLEMENT FEDERAL POLICY ON TRIBAL MEDICAID REIMBURSEMENT. (a) The Department of Health and Social Services shall collaborate with Alaska tribal health organizations and the United States Department of Health and Human Services to fully implement changes in federal policy that authorize 100 percent federal funding for services provided to American Indian and Alaska Native individuals eligible for Medicaid.

(b) Within 30 days after the date the Centers for Medicare and Medicaid Services issues a final policy regarding the circumstances in which 100 percent federal funding is available for medical assistance services received through the United States Indian Health Service or tribal health facilities, the Department of Health and Social Services shall notify and submit a report to the co-chairs of the house and senate finance committees of the Alaska State Legislature that includes an estimate of the savings to the state resulting from the final policy. Within six months after the date the Centers for Medicare and Medicaid Services issues the final policy, the Department of Health and Social Services shall fully implement the policy in the state.

(c) In this section, "Alaska tribal health organization" means an organization recognized by the United States Indian Health Service to provide health-related services.

*** Sec. 39.** The uncodified law of the State of Alaska is amended by adding a new section to read:

HEALTH INFORMATION INFRASTRUCTURE PLAN. (a) The Department of Health and Social Services shall develop a health information infrastructure plan to strengthen the health information infrastructure, including health data analytics capability. The purpose of the health information infrastructure plan is to transform the health care system in the state by providing

(1) data required by health care providers for care coordination and quality improvement; and

(2) the information support required by the Department of Health and Social Services and health care providers to enable development and implementation of the other provisions of this Act.

(b) To the greatest extent practicable, the health information infrastructure plan will leverage existing resources, including the health information exchange, and will identify opportunities for integrating and streamlining health data systems administered by the state.

*** Sec. 40.** The uncodified law of the State of Alaska is amended by adding a new section to read:

FEASIBILITY STUDIES FOR THE PROVISION OF SPECIFIED STATE SERVICES. (a) The Department of Health and Social Services shall procure a study analyzing the feasibility of privatizing services delivered at Alaska Pioneers' Homes and select facilities of the division of juvenile justice. The Department of Health and Social Services shall deliver a report summarizing the conclusions of the Department of Health and Social Services to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available within 10 days after the convening of the First Regular Session of the Thirtieth Alaska State Legislature.

(b) The Department of Health and Social Services, in conjunction with the Alaska Mental Health Trust Authority, shall procure a study analyzing the feasibility of privatizing services delivered at the Alaska Psychiatric Institute. The Department of Health and Social Services and the Alaska Mental Health Trust Authority shall deliver a joint report summarizing the conclusions of the Department of Health and Social Services and the Alaska Mental Health Trust Authority to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available within 10 days after the convening of the First Regular Session of the Thirtieth Alaska State Legislature.

(c) The Department of Administration shall, in collaboration with the house and senate finance committees, procure a study to be completed on or before June 30, 2017, to determine the feasibility of creating a health care authority to coordinate health care plans and consolidate purchasing effectiveness for all state employees, retired state employees, retired teachers, medical assistance recipients, University of Alaska employees, employees of state corporations, and school district employees and to develop appropriate benefit sets, rules, cost-sharing, and payment structures for all employees and individuals whose health care benefits are funded directly or indirectly by the state, with the goal of achieving the greatest possible savings to the state through a coordinated approach administered by a single entity. In developing the study, the Department of Administration shall seek input from the

Department of Health and Social Services, administrators familiar with managing government employee health plans, and human resource professionals familiar with self-insured health care plans. The study must

(1) identify cost-saving strategies that a health care authority could implement;

(2) analyze local government participation in the authority;

(3) analyze a phased approach to adding groups to the health care plans coordinated by the health care authority;

(4) consider previous studies procured by the Department of Administration and the legislature;

(5) assess the use of community-related health insurance risk pools and the use of the private marketplace;

(6) identify organizational models for a health care authority, including private for-profit, private nonprofit, government, and state corporations; and

(7) include a public review and comment opportunity for employers, employees, medical assistance recipients, retirees, and health care providers.

(d) In this section, "school district" has the meaning given in AS 14.30.350.

*** Sec. 41.** The uncodified law of the State of Alaska is amended by adding a new section to read:

MEDICAID STATE PLAN; WAIVERS; INSTRUCTIONS; NOTICE TO REVISOR OF STATUTES. The Department of Health and Social Services shall amend and submit for federal approval a state plan for medical assistance coverage consistent with this Act. The Department of Health and Social Services shall apply to the United States Department of Health and Human Services for any waivers necessary to implement this Act. The commissioner of health and social services shall certify to the revisor of statutes if the provisions of AS 47.05.270(a)(5), (8), and (10), added by sec. 28 of this Act, and the provisions of AS 47.07.038, added by sec. 31 of this Act, are approved by the United States Department of Health and Human Services.

*** Sec. 42.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS. (a) The Department of Health and Social Services may adopt regulations necessary to implement the changes made by this Act. The regulations

take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant provision of this Act implemented by the regulation.

(b) The Board of Pharmacy may adopt regulations necessary to implement the changes made by secs. 13 - 19 of this Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the effective date of the relevant provision of secs. 13 - 19 of this Act implemented by the regulation.

*** Sec. 43.** The uncodified law of the State of Alaska is amended by adding a new section to read:

CONDITIONAL EFFECT. (a) AS 47.05.270(a)(5), enacted by sec. 28 of this Act, takes effect only if the commissioner of health and social services certifies to the revisor of statutes under sec. 41 of this Act, on or before October 1, 2017, that all of the provisions added by AS 47.05.270(a)(5) have been approved by the United States Department of Health and Human Services.

(b) AS 47.05.270(a)(8), enacted by sec. 28 of this Act, takes effect only if the commissioner of health and social services certifies to the revisor of statutes under sec. 41 of this Act, on or before October 1, 2017, that all of the provisions added by AS 47.05.270(a)(8) have been approved by the United States Department of Health and Human Services.

(c) AS 47.05.270(a)(10), enacted by sec. 28 of this Act, takes effect only if the commissioner of health and social services certifies to the revisor of statutes under sec. 41 of this Act, on or before October 1, 2017, that all of the provisions added by AS 47.05.270(a)(10) have been approved by the United States Department of Health and Human Services.

(d) AS 47.07.038, enacted by sec. 31 of this Act, takes effect only if the commissioner of health and social services certifies to the revisor of statutes under sec. 41 of this Act, on or before October 1, 2017, that all of the provisions added by AS 47.07.038 have been approved by the United States Department of Health and Human Services.

(e) AS 09.58.020, added by sec. 10 of this Act, AS 09.58.025, added by sec. 10 of this Act and amended by sec. 11 of this Act, AS 09.58.030, added by sec. 10 of this Act and repealed by sec. 36 of this Act, AS 09.58.040, added by sec. 10 of this Act, and AS 47.05.260, added by sec. 28 of this Act, take effect only if sec. 37 of this Act receives the two-thirds majority vote of each house required by art. IV, sec. 15, Constitution of the State of Alaska.

*** Sec. 44.** If AS 47.05.270(a)(5), enacted by sec. 28 of this Act, takes effect, it takes effect on the day after the date the commissioner of health and social services makes a certification to the revisor of statutes under secs. 41 and 43(a) of this Act.

*** Sec. 45.** If AS 47.05.270(a)(8), enacted by sec. 28 of this Act, takes effect, it takes effect on the day after the date the commissioner of health and social services makes a certification to the revisor of statutes under secs. 41 and 43(b) of this Act.

*** Sec. 46.** If AS 47.05.270(a)(10), enacted by sec. 28 of this Act, takes effect, it takes effect on the day after the date the commissioner of health and social services makes a certification to the revisor of statutes under secs. 41 and 43(c) of this Act.

*** Sec. 47.** If AS 47.07.038, enacted by sec. 31 of this Act, takes effect, it takes effect on the day after the date the commissioner of health and social services makes a certification to the revisor of statutes under secs. 41 and 43(d) of this Act.

*** Sec. 48.** Sections 40, 41, 42(a), and 43 of this Act take effect immediately under AS 01.10.070(c).

*** Sec. 49.** Sections 13 - 19 of this Act take effect January 1, 2017.

*** Sec. 50.** Section 42(b) of this Act takes effect July 1, 2016.

*** Sec. 51.** Sections 11 and 12 of this Act take effect July 1, 2019.

Alaska Board of Marital and Family Therapy
WEEKLY SUMMARY OF HOURS OF EXPERIENCE

Associate Name:_____**Associate MFT #:**_____

Signature of MFT Associate:_____

Name of Supervisor:_____**License #:**_____

Work Setting: _____
Name and Address of Setting

Year of:_____

WEEK OF: _____ mm/dd – mm/dd											Total Hours	Cum. Hours
Individual Psychotherapy												
Couples, Families, and Children												
Group Therapy or Counseling												
Telephonic / Cyber Counseling												
Supervision, Individual Face to Face												
Supervision, Group												
TOTAL HRS PER WEEK												
Signature of Supervisor, and if applicable, Agency Supervisor who verifies clinical hours												

** This is a Weekly Summary of Hours of Experience form intended for the use of associates and supervisors. This is simply a template—other similar forms are sufficient.*

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
Main: 907.465.3811
Fax: 907.465.2974

January 28, 2016

Subject: Proposed Statute Change

The Board of Marital Family Therapist recommends statutory changes that would include Marital Family Therapist Licensees in Title 47 under AS 47.07.030.

Sincerely,

Leon Webber, LMFT

Board Chair

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
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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

Board or Commission: _____

Meeting Date: _____

Agenda Item # _____ Tab #_____ Topic: _____

Primary Motion

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

Subsidiary Motion or Amendment

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

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 #8

Correspondence

Board Members

Alaska Board of Marital and Family Therapy

PO Box 110806
Juneau, AK 99811-0806

March 24, 2016,

Dear Board Members,

I am a Licensed Marriage and Family Therapist and have been since licensing began in Alaska in 1993. Currently I am supervising 2 LMFT-Associates for their licensure, otherwise I'm essentially retired.

I served on this licensing Board in the 90s for over 6 years.

I would like clarification about Continuing Education requirements. I moved to Homer, from Wasilla, about 6 years ago. It has been more of a challenge to attend workshops, conferences, seminars, etc. in Alaska (which are mostly in Anchorage or Juneau), or outside Alaska, since I have been living in Homer. I have relied on "correspondence" types of courses such as internet based video, audio, or written courses to meet ½ my credit hours that are allowed by current regulations. These courses usually require a written test to be sure that the entire course was attended or read. Many of these courses are excellent and there is a huge selection of offerings available through many professional organizations via the internet.

I notice that video courses are offered that say they are "live", meaning that the presenter(s) is speaking at the time of the course, and is available for questions and answers, and the program is "interactive". I want to know if this type of course qualifies for the "live" course requirement, assuming that the other continuing education regulations for the course are met? Obviously this type of course would not be "in person" or "face to face". However, it seems that the content and value of such a course would be similar, and in some cases better, than a conference that is "live" where there may be hundreds of participants.

I believe with current technology, and vast distances in Alaska, it would be beneficial for licensees to be permitted to take interactive internet based classes and have those qualify for continuing education that is NOT considered "correspondence". I would like to see the regulations clarified so that the type of format for continuing education is better defined. Currently 12 AAC 19.320 section b) 10 is the only description of the methods/format of continuing education that are allowed, and those are considered to be of the "correspondence" type. There is nothing that describes the methods/format required for the other ½ hours of CEUs.

I am seriously considering the possibility of not renewing my license because of the expenses and travel time associated with obtaining the necessary continuing education. Also, I am mostly interested in taking supervision related continuing education, or other CEUs that professionally assist me to supervise my supervisees' work. Rarely are these types of courses available locally, and not often anywhere in Alaska. However, a decision to not renew my license would negatively affect my supervisees. There are not many approved LMFT supervisors in Alaska. My decision to renew would be easier if the continuing education requirements were better clarified and more alternatives for methods of course/class presentation were allowed as "direct/live" CEUs.

Alternatively, it would be helpful if more than ½ of the continuing education hours could be by "correspondence". The continuing education regulations have not changed in years. However, internet based continuing education opportunities have increased phenomenally. It is time for our board to change the wording of the regulations so that the majority of continuing education requirements can be met by "distance" learning. This would reflect current standards, practices, and availability of superb options. I notice that other states (California for example) does not specify the method/format of continuing education that is allowed. So if our regulations removed the wording "not to exceed one-half of the total contact hours of continuing education required…" from Section b) 10 as noted above, licensees would be free to obtain CEUs in any format that meets their professional needs. This would be excellent.

Thank you for your time and service to the Licensing Board.

Sincerely,

Vivian Finlay, M.Ed., Licensed Marriage and Family Therapist

455 Elderberry Drive,

Homer, AK. 99603

907-435-7030

Board or Commission: _____

Meeting Date: _____

Agenda Item # _____ Tab #_____ Topic: _____

Primary Motion

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

Subsidiary Motion or Amendment

Motion:

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

AGENDA ITEM #9

New Business

- Consult with Lois Bergen, President of AMFTRB - Teletherapy
- Annual Report
- Review revised CE application
- AMFTRB examination update
- Letter of support for SB 74 inclusion
- Discuss MFT statutes and regulations

CONFIDENTIAL

ADVANCE COPY FOR AKBMFT

AMFTRB TELETHERAPY COMMITTEE
Draft
of
LMFT Teletherapy Guidelines

Drafted by

Lois Bergen, President, American Marital Family Therapy Regulatory Board

and Leon Webber, Mary Alice Olsen, Jeremy Blair, Susan Meyers, Jennifer Smotherman

Please carefully review before our April 22nd Board Meeting

Thank you

Leon Webber, Chair, AKBMFT

Brief Introduction

The AMFTRB Teletherapy Committee was created and tasked with developing a set of guidelines for use by member boards when regulating the practice of teletherapy by Licensed Marriage and Family Therapists (LMFTs) across the country. The committee agreed upon the following tenets which informed each of the guidelines herein:

I. Public protection must be the overriding principle behind each guideline.

II. Each guideline should be written with consideration for the possibility of a national teletherapy credential.

III. The regulation of teletherapy practice is intertwined with the challenges of portability of LMFT licensure across state lines.

IV. Each guideline must be a recommendation for a minimum standard for safe practice *not* a best practice recommendation.

V. A teletherapy standard should not be more restrictive than the respective face-to-face standard for safe practice.

VI. All existing minimum standards for face-to-face client interaction are assumed for teletherapy practice.

VII. Each guideline should be written with special consideration of those uniquely systemic challenges.

Introduction

Description of how information was gathered and from whom for this document

For Associate Licensees UNDER Supervision and Fully Licensed Individuals

Written policies and procedures should be maintained at the same standard as traditional face-to face encounters for documentation, maintenance, and transmission of the records of the encounter using teletherapy technologies. Such policies and procedures should address (1) privacy, (2) health-care personnel (in addition to the therapist addressee) who will process messages, (3) hours of operation, (4) types of transactions that will be permitted electronically, (5) required client information to be included in the communication, such as client name, identification number and type of transaction, (6) archival and retrieval, and (7) quality oversight mechanisms. Policies and procedures should be periodically evaluated for currency and be maintained in an accessible and readily available manner for review.

To date the disciplinary cases have been antitrust cases.

Professional vs. Personal Social Media Relationships (ex. LINKED-IN)

Reminder that guidelines cover all technology: Options for Delivery of Service: telephone, email, chat, video, social network, online game, applications or "apps", avatars, more?

Telecommunication technologies include but are not limited to telephone, mobile devices, interactive videoconferencing, email, chat, text, and Internet (e.g., self-help websites, blogs, and social media). (APA)

Of further concern, this author suggests anytime a therapist responds to an email from a client, or posts a response to an individual on a discussion forum that is counseling in nature, they must be bound by the practice codes of ACA (2005) and their respective state licensing boards. Thus, therapists should only provide nonclinical and general information when responding to client emails, message board postings, or instant message communication. For example, to adhere to the ACA codes, a therapist would respond to a potential client on a message board by only providing their office phone number or link to an encrypted email or chat program to discuss the specifics of the client's concern. (Journal of Professional Counseling: Practice, Theory, and Research Vol. 37, No.2, 2009).

The burgeoning research in teletherapy suggests the effectiveness of certain types of interactive teletherapy interventions to their in-person counterparts (specific therapies delivered over videoconferencing and telephone). Therefore, before therapists engage in providing teletherapy services,

they are urged to conduct an initial assessment to determine the appropriateness of the teletherapy service to be provided for the client. Such an assessment may include the examination of the potential risks and benefits to provide teletherapy services for the client's particular needs, the multicultural and ethical issues that may arise, and a review of the most appropriate medium (e.g., video teleconference, text, email, etc.) or best options available for the service delivery. It may also include considering whether comparable in-person services are available, and why services delivered via teletherapy are equivalent or preferable to such services. In addition, it is incumbent on the therapist to engage in a continual assessment of the appropriateness of providing teletherapy services throughout the duration of the service delivery. (APA)

Exploring this potential clinical environment, some researchers found online counseling was helpful for many individuals, with clients reporting benefits from this therapeutic style (Cook & Doyle,2002; Leibert, Archer, Munson, & York, 2006; Reynolds, Stiles, & Grohol, 2006). Specifically, researchers found online treatment was potentially effective for treating individuals struggling with depression (Christensen, Griffiths, & Jorm, 2004), anxiety (Kenardy, McCafferty, & Rosa, 2003), and eating disorders (Zabinski, Celio, Wilfley, & Taylor, 2003). In addition, authors discussed that online counseling was potentially viable because it provided clients with a therapeutic relationship that included (a) perceived anonymity, (b) convenience, (c) accessibility, (d) the benefits of therapeutic writing, and (e) the perception of a trained, competent, and empathic online therapist (Haberstroh, Duffey, Evans, & Trepal, 2007; Reynolds, Stiles, & Grohol, 2006; Young, 2005). Furthermore, Mallen, Vogel, & Rochlen (2005) suggested online counseling was helpful for individuals living in rural areas and those with disabilities who found it difficult to travel to traditional settings. Finally, therapists in training reported facilitating online counseling was easier because they were able to peruse their session transcripts. This allowed them to view the running dialogue during the sessions, or upon reflection, potentially picking up on clinical themes they may have missed in face-to-face settings (Haberstroh, Parr, Bradley, Morgan-Fleming, & Gee 2008). (Journal of Professional Counseling: Practice, Theory, and Research Vol. 37., No.2, 2009).

Likewise, researchers speculated online counseling was inappropriate for clients who were severely disturbed (Cook & Doyle, 2002; Rochlen et al.). (Journal of Professional Counseling: Practice, Theory, and Research Vol. 37., No.2, 2009).

Not within the scope of this document/committee:

Child Custody Evaluations

At Risk/Vulnerable Populations

Sanctioned Supervision

Domestic Violence---Therapists should be aware of risks and benefits associated with domestic abuse/violence and assess the appropriateness of technology-assisted services.

Definitions

Guidelines for the Regulation of Teletherapy Practice

1. Adhering to Laws and Rules in Each Jurisdiction

- Therapists must comply with the relevant licensing laws in the jurisdiction where the therapist is physically located when providing the care and where the client is located when receiving care. Note, in the United States the jurisdictional licensure requirement is usually tied to where the client is physically located when he or she is receiving the care, not where the client lives. Many states will only process complaints from residents of their state.
- Therapists of one state who are providing marriage and family therapy to clients in another state must comply with the laws and rules of both jurisdictions.
- Treatment, consultation, and supervision utilizing technology-assisted services will be held to the same standards of appropriate practice as those in traditional (in person) settings.

2. Training/Educational Requirements of Professionals

- Therapists must be accountable to states of jurisdiction education requirements for teletherapy prior to initiating teletherapy.
- Therapists should advertise and perform only those services they are licensed, certified, and trained to provide. The anonymity of electronic communication makes misrepresentation possible for both therapists and clients. Because of the potential misuse by unqualified individuals, it is essential that information be readily verifiable to ensure client protection.
- Therapists should review their discipline's definitions of "competence" prior to initiating teletherapy client care to assure that they maintain recommended technical and clinical competence for the delivery of care in this manner. Therapists should have completed basic education and training in suicide prevention. While the depth of training and the definition of “basic” are solely at the therapist’s discretion, the therapist’s competency may be evaluated by the state board.
- Therapists should assume responsibility to continually assess both their professional and technical competence when providing teletherapy services.
- Minimum 15 hours initial training. Min 5 hours every 5 years is required—demonstrate continued competence in a variety of ways (e.g. encryption of data, HIPAA compliant connections).
    - Teletherapy Theory and Practice
    - Telephone and Video Conferencing
    - Legal/Ethical Issues
    - Handling Online Emergencies
    - Best Practices & Informed Consent

3. Identity Verification of Client

- Therapists must recognize the obligations, responsibilities, and client rights associated with establishing and maintaining a therapeutic relationship.

- An appropriate therapeutic relationship has not been established when the identity of the therapist may be unknown to the client or the identity of the client(s) may be unknown to the therapist. An initial face-to-face meeting, which may utilize HIPAA compliant video-conferencing, is highly recommended to verify the identity of the client. If such verification is not possible, the burden is on the therapist to document appropriate verification of the client.
- A therapist should not render therapy using technology-assisted services without verifying the location and identifying the requesting client(s) to the most reasonable extent possible at the onset of each session.
- Therapists should develop written procedures for verifying the identity of the recipient, his or her current location, and readiness to proceed at the beginning of each contact. Examples of verification means include the use of code words, phrases or inquiries. (For example, "is this a good time to proceed?").

4. Establishing the Therapist-Client Relationship

- A therapist who engages in technology-assisted services must provide the client with his/her license number and information on how to contact the board by telephone, electronic communication, or mail, and must adhere to all other rules and regulations in the relevant jurisdiction(s).
- The relationship is clearly established when informed consent documentation is signed.
- Therapists must communicate any risks and benefits of the teletherapy services to be offered to the client(s) and document such communication.
- Screening for client technological capabilities is part of the initial intake processes. (Ex. This type of screening could be accomplished by asking clients to complete a brief questionnaire about their technical and cognitive capacities.)
- Teletherapy services must have accurate and transparent information about the website owner/operator, location, and contact information, including a domain name that accurately reflects the identity.
- The therapist and/or client must use connection test tools (e.g., bandwidth test) to test the connection before starting their videoconferencing session to ensure the connection has sufficient quality to support the session.

5. Cultural Competency Issues

- Therapists should be aware of and sensitive to clients from different cultures and have basic clinical competency skills providing these services.
- Therapists should be aware of the limitations of teletherapy and recognize and respect cultural differences (e.g. when therapist is unable to see the client, non-verbal cues). Therapists should remain aware of their own potential projections, assumptions, and cultural biases.
- Therapists should select and develop appropriate online methods, skills, and techniques that are attuned to their clients' cultural, bicultural, or marginalized experiences in their environments.
- Client perspectives of therapy and service delivery via technology may differ. In addition, culturally competent therapists should know the strengths and limitations of current electronic modalities, process and practice models, to provide services that are applicable and relevant to

the needs of culturally and geographically diverse clients and members of vulnerable populations.

- Therapists should consider time zone, cultural differences, and readability of written communications.
- Sensory deficits, especially visual and auditory, can affect the ability to interact over a videoconference connection. Therapists should consider the use of technologies that can help with visual or auditory deficit. Techniques should be appropriate for a client who may be cognitively impaired, or find it difficult to adapt to the technology.

6. Informed Consent/Client Choice to Engage in Teletherapy

Availability of Professional to Client

- The therapist must document the provision of consent in the medical record. The consent should include all information contained in the consent process for in-person care including discussion of the structure and timing of services, record keeping, scheduling, privacy, potential risks, confidentiality, mandatory reporting, and billing.
- This information must be specific to the identified service delivery type and include considerations for that particular individual.
- The information must be provided in language that can be easily understood by the client. This is particularly important when discussing technical issues like encryption or the potential for technical failure.
- Local, regional and national laws regarding verbal or written consent must be followed. If written consent is required, then electronic signatures may be used if they are allowed in the relevant jurisdiction.
- In addition to the usual and customary protocol of informed consent between therapist and client for face-to-face counseling, the following issues, unique to the use of teletherapy, technology, and/or social media, are addressed in the informed consent process:
    - confidentiality and the limits to confidentiality in electronic communication;
    - distance counseling credentials, physical location of practice, and contact information;
    - licensure qualifications and information on reporting complaints to appropriate licensing bodies;
    - risks and benefits of engaging in the use of teletherapy, technology, and/or social media;
    - possibility of technology failure and alternate methods of service delivery;
    - process by which client information will be documented and stored;
    - anticipated response time and acceptable ways to contact the therapist;
    - agreed upon emergency procedures;
    - procedures for coordination of care with other professionals;
    - conditions under which teletherapy services may be terminated and a referral made to in-person care;
    - time zone differences;
    - cultural and/or language differences that may affect delivery of services;
    - possible denial of insurance benefits;
    - social media policy;
    - specific services provided;
    - pertinent legal rights and limitations governing practice across state lines or international boundaries, when appropriate; and

  - information collected and any passive tracking mechanisms utilized.

- Given that therapists may be offering teletherapy to individuals in different states at any one time, the therapists must document all relevant state regulations in the respective record(s). The therapist is responsible for knowing the correct informed consent forms for each applicable jurisdiction.
- Therapists should provide clients clear mechanisms to:
  - access, supplement, and amend client-provided personal health information;
  - provide feedback regarding the site and the quality of information and services; and
  - register complaints, including information regarding filing a complaint with the applicable state licensing board(s).

7. Acknowledgement of Limitations of Teletherapy

- Therapists must: (a) determine that teletherapy or telesupervision is appropriate for clients or supervisees, considering professional, intellectual, emotional, and physical needs; (b) inform clients or supervisees of the potential risks and benefits associated with teletherapy and telesupervision, respectively; (c) ensure the security of their communication medium; and (d) only commence teletherapy or telesupervision after appropriate education, training, or supervised experience using the relevant technology.
- Clients and supervisees must be made aware of the risks and responsibilities associated with teletherapy and telesupervision. Therapists are to advise clients and supervisees in writing of these risks, and of both the therapist's and clients'/supervisees' responsibilities for minimizing such risks.
- Therapists should consider the differences between face-to-face and electronic communication (nonverbal and verbal cues) and how these may affect the therapy process. Therapists should educate clients on how to prevent and address potential misunderstandings arising from the lack of visual cues and voice intonations when communicating electronically.
- Therapists will be aware of the limitations of teletherapy and recognize and respect cultural differences (e.g. when therapist is unable to see the client, non-verbal cues). Therapists will remain aware of their own potential projections, assumptions, and cultural biases.
- Therapists should recognize the members of the same family system may have different levels of competence and preference using technology. Therapists should acknowledge power dynamics when there are differing levels of technological competence within a family system.
- The burgeoning research in teletherapy suggests the effectiveness of certain types of interactive teletherapy interventions to their in-person counterparts (specific therapies delivered over videoconferencing and telephone). Therefore, before therapists engage in providing teletherapy services, they should conduct an initial assessment to determine the appropriateness of the teletherapy service to be provided for the client(s). Such an assessment may include the examination of the potential risks and benefits to provide teletherapy services for the client's particular needs, the multicultural and ethical issues that may arise, and a review of the most appropriate medium (e.g., video~~-tele~~conference, text, email, etc.) or best options available for the service delivery. It may also include considering whether comparable in-person services are

available, and why services delivered via teletherapy are equivalent or preferable to such services. In addition, it is incumbent on the therapist to engage in a continual assessment of the appropriateness of providing teletherapy services throughout the duration of the service delivery. (APA)

8. Working with Children

- Therapists must determine if a client is a minor and, therefore, in need of parental/guardian consent. Before providing teletherapy services to a minor, therapist must verify the identity of the parent, guardian, or other person consenting to the minor's treatment.
- In cases where conservatorship, guardianship or parental rights of the client have been modified by the court, therapists must obtain and review a written copy of the custody agreement or court order before the onset of treatment.

9. Confidentiality of Communication

- Therapists utilizing teletherapy should meet or exceed applicable federal and state legal requirements of health information privacy including HIPAA/HiTECH.
- Therapists should assess carefully the remote environment in which services will be provided, to determine what impact, if any, there might be to the efficacy, privacy and/or safety of the proposed intervention offered via teletherapy.
- Therapists both understand and inform their clients of the limits to confidentiality and risks to the possible access or disclosure of confidential data and information that may occur during service delivery, including the risks of access to electronic communications.

10. Professional Boundaries Regarding Virtual Presence

- Therapists should develop written procedures for the use of social media and other related digital technology with current and former recipients. These written procedures should, at a minimum, provide appropriate protections against the disclosure of confidential information. These procedures should also identify that personal social media accounts are distinct from any used for professional purposes.
- Reasonable expectations about contact between sessions should be discussed and verified with the client. At the start of the treatment, the client and therapist should discuss whether or not the provider will be available for phone or electronic contact between sessions and the conditions under which such contact is appropriate. The therapist should provide a specific time frame for expected response between session contacts. This should also include a discussion of emergency management between sessions.
- In cases where therapists wish to maintain a professional and personal presence for social media use, separate professional and personal web pages and profiles ~~are~~ should be created to clearly distinguish between the two kinds of virtual presence.
- Therapists should respect the privacy of their clients' presence on social media unless given consent to view such information.
- Therapists should avoid the use of public social media sources (e.g., tweets, blogs, etc.) to provide confidential information.

- To facilitate the secure provision of information, therapists should provide in writing the appropriate ways to contact them.
- Therapists are discouraged from knowingly engaging in a personal virtual relationship with clients (e.g., through social and other media). Therapists should document any known virtual relationships with clients/associated with clients.
- Therapists should discuss, document, and establish professional boundaries with clients regarding the appropriate use and/or application of technology and the limitations of its use within the counseling relationship (e.g., lack of confidentiality, times when not appropriate to use).
- Therapists should refrain from referring to clients generally or specifically on social media.
- Therapists who use social networking sites for both professional and personal purposes are encouraged to review and educate themselves about the potential risks to privacy and confidentiality and consider utilizing all available privacy settings to reduce these risks. They are mindful of the possibility that any electronic communication can have a high risk of public discovery.
- Therapists are aware that whatever personal information they disclose through electronic means may be broadly accessible and could be in the public domain. Even with privacy settings there are ways that information can be accessed. Therapists must protect their own privacy as adequately as possible.
- Therapists who engage in online blogging are aware that they are revealing personal information about themselves, and are aware that clients may read the material. Therapists consider the effect of a client's knowledge of their blog information on the professional relationship, and when providing marriage and family therapy, place the client's interests as paramount.

11. Sexual Issues in Teletherapy

- Treatment, consultation, and supervision utilizing teletherapy or telesupervision services ~~will~~ must be held to the same standards of appropriate practice as those in traditional (in person) settings.
- Sexual intimacy with current or former clients or with known members of the client's family system is prohibited. This prohibition applies to both in-person and electronic interactions or relationships.

12. Documentation/Record Keeping

- All direct client-related electronic communications, should be stored and filed in the client's medical record, consistent with traditional record-keeping policies and procedures.
- Written policies and procedures should be maintained at the same standard as traditional face-to-face services for documentation, maintenance, and transmission of the records of the services using teletherapy technologies.

- Services should be accurately documented as remote services and include dates, place of both therapist and client(s) location, duration, and type of service(s) provided.
- Requests for access to records should require written authorization from the client with a clear indication of what types of data and which information is to be released. If therapists are storing the audiovisual data from the sessions, these cannot be released unless the client authorization indicates specifically that this is to be released.
- Therapists are encouraged to create policies and procedures for the secure destruction of data and information and the technologies used to create, store, and transmit data and information.
- Therapists should inform clients on how records are maintained electronically. This includes, but is not limited to, the type of encryption and security assigned to the records, and if/for how long archival storage of transaction records is maintained.
- Clients should be informed in writing of the limitations and protections offered by the therapist's technology.

13. Payment and Billing Procedures

- Prior to the commencement of initial services, the client should be informed of any and all financial charges that may arise from the services to be provided. Arrangement for payment should be completed prior to the commencement of services.
- All billing and administrative data related to the client must be secured to protect confidentiality. Only relevant information is released for reimbursement purposes as outlined by HIPAA.
- Therapist should document who is present and use appropriate billing codes.
- Therapist should ensure online payment methods by clients are secure.

14. Emergency Management

- Each jurisdiction has its own involuntary hospitalization and duty-to-notify laws outlining criteria and detainment conditions. Professionals must know and abide by the rules and laws in the jurisdiction where the therapist is located and where the client is receiving services.
- At the onset of the delivery of teletherapy services, therapists make reasonable effort to identify and learn how to access relevant and appropriate emergency resources in the client's local area, such as emergency response contacts (e.g., emergency telephone numbers, hospital admissions, local referral resources, clinical champion at a partner clinic where services are delivered, a support person in the client's life when available and appropriate consent has been authorized).
- Therapists should have clearly delineated emergency procedures and access to current resources in each of their client's respective locations; simply offering 911 is insufficient.
- If a client recurrently experiences crises/emergencies suggestive that in-person services may be appropriate, therapists take reasonable steps to refer a client to a local mental health resource or begin providing in-person services.
- Therapists prepare a plan to address any lack of appropriate resources, particularly those necessary in an emergency, and other relevant factors which may impact the efficacy and safety

of said service. Therapists make reasonable effort to discuss with and provide all clients with clear written instructions as to what to do in an emergency (e.g., where there is a suicide risk). As part of emergency planning, therapists should be knowledgeable of the laws and rules of the jurisdiction in which the client resides and the differences from those in the therapist's jurisdiction, as well as document all their emergency planning efforts.

- In the event of a technology breakdown, causing disruption of the session, the therapist should have a backup plan in place. The plan should be communicated to the client prior to commencement of the treatment and may also be included in the general emergency management protocol.

15. Synchronous vs. Asynchronous Contact with Client(s)

- Communications may be synchronous with multiple parties communicating in real time (e.g., interactive videoconferencing, telephone) or asynchronous (e.g. email, online bulletin boards, storing and forwarding information). Technologies may augment traditional in-person services (e.g., psychoeducational materials online after an in-person therapy session), or be used as stand-alone services (e.g., therapy or supervision provided over videoconferencing). Different technologies may be used in various combinations and for different purposes during the provision of teletherapy services. The same medium may be used for direct and non-direct services. For example, videoconferencing and telephone, email, and text may also be utilized for direct service while telephone, email, and text-may be used for non-direct services (e.g. scheduling). Regardless of the purpose, therapists should be aware of the potential benefits and limitations in their choices of technologies for particular clients in particular situations.

16. HIPAA Security, Web Maintenance, and Encryption Requirements

- Videoconferencing applications should have appropriate verification, confidentiality, and security parameters necessary to be properly utilized for this purpose.
- Video software platforms should not be used when they include social media functions that notify users when anyone in contact list logs on (skype, g-chat).
- Capability to create a video chat room should be disabled so others cannot enter at will.
- Personal computers used should have up-to-date antivirus software and a personal firewall installed.
- All efforts should be taken to make audio and video transmission secure by using point-to-point encryption that meets recognized standards.
- Videoconferencing software should not allow multiple concurrent sessions to be opened by a single user.
- Session logs stored by 3rd party locations should be secure.
- Therapists should conduct analysis of the risks to their practice setting, telecommunication technologies, and administrative staff, to ensure that client data and information is accessible only to appropriate and authorized individuals.

- Therapists should encrypt confidential client information for storage or transmission, and utilize such other secure methods as safe hardware and software and robust passwords to protect electronically stored or transmitted data and information.
- When documenting the security measures utilized, therapists should clearly address what types of telecommunication technologies are used (e.g., email, telephone, videoconferencing, text), how they are used, whether teletherapy services used are the primary method of contact or augments in-person contact.

17. Archiving/Backup Systems

- Therapists should retain copies of all written communications with distance service recipients. Examples of written communications include email/text messages, instant messages, and histories of chat based discussions even if they are related to housekeeping issues such as change of contact information or scheduling appointments.
- PHI and other confidential data should only be backed up to or stored on secure data storage locations.
- Therapists will have a plan for the professional retention of records and availability to clients in the event of the therapist's incapacitation or death.

18. Electronic Links

- Therapists should regularly ensure that electronic links are working and are professionally appropriate.
- The therapist and/or client may use connection test tools (e.g. bandwidth test) to test the connection before starting their session to ensure the connection has sufficient quality to support the session.

19. Testing/Assessment

- When employing assessment procedures in teletherapy, therapists should familiarize themselves with the tests' psychometric properties, construction, and norms in accordance with current research. Potential limitations of conclusions and recommendations that can be made from online assessment procedures should be clarified with the client prior to administering online assessments.
- Therapists are encouraged to consider the unique issues that may arise with test instruments and assessment approaches designed for in-person implementation when providing services.
- Therapists should maintain the integrity of the application of the testing and assessment process and procedures when using telecommunication technologies. When a test is conducted via teletherapy, therapists are encouraged to ensure that the integrity of the psychometric properties of the test or assessment procedure (e.g., reliability and validity) and the conditions of administration indicated in the test manual are preserved when adapted for use with such technologies.

- Therapists are encouraged to be cognizant of the specific issues that may arise with diverse populations when providing teletherapy and make appropriate arrangements to address those concerns (e.g., language or cultural issues; cognitive, physical or sensory skills or impairments; or age may impact assessment). In addition, therapists may consider the use of a trained assistant (e.g., proctor) to be on premise at the remote location in an effort to help verify the identity of the client(s), provide needed on-site support to administer certain tests or subtests, and protect the security of the testing and/or assessment process.
- Therapists should use test norms derived from telecommunication technologies administration if such are available. Therapists are encouraged to recognize the potential limitations of all assessment processes conducted via teletherapy, and be ready to address the limitations and potential impact of those procedures.
- Therapists should be aware of the potential for unsupervised online testing to compromise the standardization of administration procedures and take steps to minimize the associated risks. When data are collected online, security should be protected by the provision of usernames and passwords. Therapists should inform their clients of how test data will be stored (e.g., electronic database that is backed up). Regarding data storage, ideally secure test environments use a three-tier server model consisting of an internet server, a test application server, and a database server. Therapists should confirm with the test publisher that the testing site is secure and that it cannot be entered without authorization.
- Therapists should be aware of the limitations of “blind” test interpretation, that is, interpretation of tests in isolation without supporting assessment data and the benefit of observing the test taker. These limitations include not having the opportunity to make clinical observations of the test taker (e.g., test anxiety, distractibility, or potentially limiting factors such as language, disability etc.) or to conduct other assessments that may be required to support the test results (e.g., interview).

20. Supervision Standards vs. Client Standards

- Therapists should hold supervision to the same standards as all other technology-assisted services
- Before using technology in supervision, supervisors should be competent in the use of those technologies. Supervisors should take the necessary precautions to protect the confidentiality of all information transmitted through any electronic means and maintain competence.
- The type of communications used for telesupervision should be appropriate for the types of services being supervised, clients and supervisee needs. Telesupervision is provided in compliance with the supervision requirements of the appropriate licensing board(s). Therapists should review state board requirements specifically regarding face-to-face contact with supervisee as well as the need for having direct knowledge of all clients served by his or her supervisee.

Resources

ATA Document:-Medicaid, state trends—provide as a resource only.

Secure texting platform---cite a few as a resource.

Information on becoming Distance Credentialed Counselor:

NBCC Standards for Distance Professional Services:

Master's Degree and license or National Certified Counselor

Complete an approved training course (15-39 hours of Continuing Education)

Renew every 5 years with 20 hours CE/5 related to distance counseling

Examples of approved training courses are linked on the website

www.cce-global.org

Zur Institute http://www.zurinstitute.com/

www.telehealth.org - Distance Credentialed Counselor

15 hours continuing education minimum/39 hours for premium package

Courses Include:

a) Telemental Health Theory and Practice
b) Telephone and Video Conferencing
c) Legal/Ethical Issues
d) Handling Online Emergencies
e) Best Practices & Informed Consent
f) Video-based Office Fundamentals
g) Telepractice Documentation
h) Reimbursement Strategies – Authorization and Payment
i) Texting Do/Don't

- Renewed Vision Counseling

http://www.renewedvisioncounseling.com/dcc-distance-counseling-training.html

23 hour continuing education program

- American Telemedicine Association offers Accredited Programs in Telepractice

www.americantelemed.org

- One resource to explore would be the plain language initiative sponsored by the federal government at http://www.plainlanguage.gov/ (The Plain Language Action and Information Network, n.d.). (Journal of Professional Counseling: Practice, Theory, and Research Vol. 37, No.2, 2009).

- Vaccaro and Lambie (2007) discussed considerations for conducting online supervision sessions for students, and found a lack of standards related to online supervision, suggesting a need for online supervision practice guidelines. Further, Clingerman and Bernard (2004) found adjunctive email-based practicum supervision afforded students opportunities for self-reflection, but students spent less time conceptualizing client issues. These findings may suggest that text-based supervision may naturally lend itself to reflective work, but, just as in face-to-face supervision, supervisors may need to proactively guide case conceptualization. As with all sensitive data, online supervision should occur through encrypted channels. Clearly, more investigation is needed into the process of distance-based supervision and its effects on supervision quality (Vaccaro & Lambie 2007). From: Haberstroh, S. (2009). Strategies and resources for conducting online counseling. *Journal of Professional Counseling: Practice, Theory & Research, 37,* 1-21.

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Annual Report

Fiscal Year 2016

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

This annual performance report is presented in accordance with Alaska statute AS 08.01.010.

Its purpose is to report the accomplishments, activities, and the past and present needs of the licensing program.

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
FY 2016 Annual Report

Table of Contents

Identification of the Board	**Page X**
Identification of the Staff	**Page X**
Narrative Statement	**Page X**
Budget Recommendations	**Page X**
Proposed Legislative Recommendations	**Page X**
Regulatory Recommendations	**Page X**
Goals and Objectives	**Page X**
Sunset Audit Recommendations	**Page X**

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
FY 2016 Annual Report

Identification of the Board

Board Member	Date Appointed	Term Expires
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
FY 2016 Annual Report

Identification of Staff

Insert Name Here – Licensing Examiner
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Insert Name Here – Licensing Examiner
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Insert Name Here – Licensing Examiner
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Insert Name Here – Licensing Examiner
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Insert Name Here – Licensing Examiner
Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
FY 2016 Annual Report

Narrative Statement

Page one of narrative statement here.....

FY 2016 Narrative Statement (continued)

Page two of narrative statement here...

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017

Board Meeting Date	Location	# Board	# Staff
	☐ Airfare:		$0.00
	☐ Hotel:		$0.00
	☐ Ground:		$0.00
	☐ Other:		$0.00
Total Estimated Cost:			**$0.00**

Board Meeting Date	Location	# Board	# Staff
	☐ Airfare:		$0.00
	☐ Hotel:		$0.00
	☐ Ground:		$0.00
	☐ Other:		$0.00
Total Estimated Cost:			**$0.00**

Board Meeting Date	Location	# Board	# Staff
	☐ Airfare:		$0.00
	☐ Hotel:		$0.00
	☐ Ground:		$0.00
	☐ Other:		$0.00
Total Estimated Cost:			**$0.00**

Board Meeting Date	Location	# Board	# Staff
	☐ Airfare:		$0.00
	☐ Hotel:		$0.00
	☐ Ground:		$0.00
	☐ Other:		$0.00
Total Estimated Cost:			**$0.00**

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Board Meeting Date	Location	# Board	# Staff
	☐ Airfare:		$0.00
	☐ Hotel:		$0.00
	☐ Ground:		$0.00
	☐ Other:		$0.00
Total Estimated Cost:			**$0.00**

Board Meeting Date	Location	# Board	# Staff
	☐ Airfare:		$0.00
	☐ Hotel:		$0.00
	☐ Ground:		$0.00
	☐ Other:		$0.00
Total Estimated Cost:			**$0.00**

Board Meeting Date	Location	# Board	# Staff
	☐ Airfare:		$0.00
	☐ Hotel:		$0.00
	☐ Ground:		$0.00
	☐ Other:		$0.00
Total Estimated Cost:			**$0.00**

Board Meeting Date	Location	# Board	# Staff
	☐ Airfare:		$0.00
	☐ Hotel:		$0.00
	☐ Ground:		$0.00
	☐ Other:		$0.00
Total Estimated Cost:			**$0.00**

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Travel Required to Perform Examinations

☐ Not applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☐ Conference:	$0.00
☐ Other:	$0.00
Total Estimated Cost:	**$0.00**

Out-of-State Meetings and Additional In-State Travel

☐ Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☐ Conference:	$0.00
☐ Other:	$0.00
☐ Direct Third-Party Offset:	$0.00
☐ Reimbursed Third-Party Offset:	$0.00
Net Total Estimated Cost:	**$0.00**

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Out-of-State Meetings and Additional In-State Travel

☐ Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☐ Conference:	$0.00
☐ Other:	$0.00
☐ Direct Third-Party Offset:	$0.00
☐ Reimbursed Third-Party Offset:	$0.00
Net Total Estimated Cost:	**$0.00**

Out-of-State Meetings and Additional In-State Travel

☐ Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☐ Conference:	$0.00
☐ Other:	$0.00
☐ Direct Third-Party Offset:	$0.00
☐ Reimbursed Third-Party Offset:	$0.00
Net Total Estimated Cost:	**$0.00**

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Out-of-State Meetings and Additional In-State Travel

☐ Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☐ Conference:	$0.00
☐ Other:	$0.00
☐ Direct Third-Party Offset:	$0.00
☐ Reimbursed Third-Party Offset:	$0.00
Net Total Estimated Cost:	**$0.00**

Out-of-State Meetings and Additional In-State Travel

☐ Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☐ Conference:	$0.00
☐ Other:	$0.00
☐ Direct Third-Party Offset:	$0.00
☐ Reimbursed Third-Party Offset:	$0.00
Net Total Estimated Cost:	**$0.00**

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Out-of-State Meetings and Additional In-State Travel

☐ Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☐ Conference:	$0.00
☐ Other:	$0.00
☐ Direct Third-Party Offset:	$0.00
☐ Reimbursed Third-Party Offset:	$0.00
Net Total Estimated Cost:	**$0.00**

Out-of-State Meetings and Additional In-State Travel

☐ Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

☐ Airfare:	$0.00
☐ Hotel:	$0.00
☐ Ground:	$0.00
☐ Conference:	$0.00
☐ Other:	$0.00
☐ Direct Third-Party Offset:	$0.00
☐ Reimbursed Third-Party Offset:	$0.00
Net Total Estimated Cost:	**$0.00**

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Non-Travel Budget Requests

☐ Not Applicable ☐ Resources ☐ Examinations
☐ Membership ☐ Training ☐ Other

Product or Service	Provider	Cost Per Event
		$0.00

Description of item and its role in supporting the mission of the Board:

Other Items with a Fiscal Impact

☐ Not Applicable

Product or Service	Provider	Cost Per Event
		$0.00

Description of item and its role in supporting the mission of the Board:

Summary of FY 2017 Fiscal Requests

Board Meetings	$0.00
Travel for Exams	$0.00
Out-of-State and Additional In-State Travel	$0.00
Dues, Memberships, Resources, Training, Teleconferences	$0.00
Total Potential Third-Party Offsets	$0.00
Other:	$0.00
Total Requested:	**$0.00**

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Recommendations for Proposed Legislation for FY 2017

☐ **No Recommendations**
The Board has no recommendations for proposed legislation at this time.

☐ **Recommendations**
The Board has the following recommendations for proposed legislation:

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Regulation Recommendations for FY 2017

☐ **No Recommendations**
The Board has no recommendations for proposed regulations at this time.

☐ **Recommendations**
The Board has the following recommendations for proposed regulations:

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Goals and Objectives

Part I

FY 2016's goals and objectives, and how they were met:

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Goals and Objectives

Part II

FY 2017's goals and objectives, and proposed methods to achieve them.
Describe any stengths, weaknessness, opportunities, threats and required resources:

ALASKA STATE BOARD OF MARITAL AND FAMILY THERAPY
Fiscal Year 2016 Annual Report

Sunset Audit Recommendations

Date of Last Legislative Audit:
Board Sunset Date:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Sunset Audit Recommendations (continued)

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Sunset Audit Recommendations (continued)

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Topics for statutes/regulations discussion

- Application for continuing education course approve disproved by LAW, proposed new section 12 AAC 19.350 (page 191 of this Board packet)
- License for supervised practice revocation per AS 08.63.110 (page 2 of statutes/regulations and 216 of PDF Board packet)
- Expand definition of "face-to-face" under AS 08.63.900 (page 4 of statutes/regulations and 218 of PDF Board Packet)
- Temporary military license under centralized statute, AS 08.01.063.

Chapter 19. Board of Marital and Family Therapy.

repealed and renacted to read

CC NOTE TO PUBLISHER
add underline not
needed for 12 AAC 19.110)))

12 AAC 19.110 is ~~amended~~ to read:

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) An applicant for a license under this section shall submit

(1) a complete, notarized application, on a form provided by the board ~~department;~~

(2) the applicable fees established in 12 AAC 02.242;

(3) an official transcript documenting 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 applicant completed a course of study substantially equivalent to the requirements of AS 08.63.100(a)(3)(B), sent directly to the department from the school;

(4) the supporting documentation required by this section and AS 08.63.100; and

(5) an authorization for release of records.

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

(d) ~~[(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)** [(b)(7)].

(e) [(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.

(f) [~~(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)** [(a)(3)(B)(vi)].

(g) [~~(f)~~] To be scheduled for **and take** an examination, an applicant must **meet the requirements of this section** [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 **and take** [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).

(h) [~~(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.

(i) [~~(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) [(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 **and submits the applicable fees established in 12 AAC 02.242**. (Eff. 10/1/93, Register 127; am 8/24/2002, Register 163; am 1/2/2014, Register 209; am ___/___/____, Register ____)

Authority: AS 08.63.050 AS 08.63.100 AS 08.63.120

12 AAC 19.115 (b) is amended to read:

~~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~~. (((NOTE TO PUBLISHER: NO CHANGES TO 12 AAC 19.115(a))

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

(1) a complete, notarized application, on a form provided by the board (bold/underline) [department] (all caps)

(2) **the applicable fees established in 12 AAC 02.242;**

(3) verification of a current license in another state on a form provided by the department**, sent directly to the department from the licensing jurisdiction**;

(4) verification from all licensing jurisdictions in which the applicant holds or has ever held a license to practice marital and family therapy showing that the applicant's license has not been the subject of any disciplinary action of the type set out in AS 08.63.210 and that there are no pending or unresolved actions against the applicant, sent directly to the department from the licensing jurisdiction;

(5) an authorization for release of records;

(6) satisfactory evidence that the applicant's qualifications for a license to practice marital and family therapy are equivalent to the requirements set out in AS 08.63.100; and

(7) submits a completed Alaska Jurisprudence Questionnaire prepared by the board covering the provisions of AS 08.63, this chapter, the code of ethics by the board under 12 AAC 19.900, and that meets the score requirements of 12 AAC 19.110(c) [(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]. (Eff. 8/24/2002, Register 163; am ___/___/____, Register ____)

Authority: AS 08.63.050 AS 08.63.100 AS 08.63.140

12 AAC 19.200 is ~~amended~~ repealed and readopted to read: (((NOTE TO PUBLISHER—NO NEED TO BOLD/UL 12 AAC 19.200))

12 AAC 19.200. License for supervised practice. (a) **The board will issue a license for supervised practice of marital and family therapy to a person who meets the requirements of AS 08.63.110 and this section.**

(b) A person for a license under this section shall submit

(1) a complete, notarized application, on a form provided by the ~~department~~ board;

(2) the applicable fees established in 12 AAC 02.242;

(3) an official transcript documenting 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 applicant completed a course of study substantially equivalent to the requirements under AS 08.63.100(a)(3)(B), sent directly to the department from the school;

(4) an authorization for release of records; and

(5) a proposed plan to satisfy the supervision requirements of AS 08.63.110(d).

(c) 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.

(d) [~~(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."

(e) [~~(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.

(f) 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.**~~ licensed under this Section, (Eff. 10/1/93, Register 127; am ___/___/____, Register ____)

Authority: AS 08.63.050 AS 08.63.110 AS 08.63.120

12 AAC 19.310 (a) is amended to read:

~~**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 **including at** [. AT] least

(1) two [OF THE] contact hours [MUST BE] 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.

12 AAC 19.310(b) is amended to read:

(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 **including at** [. AT] least

(1) two [OF THE] contact hours [MUST BE] 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.

12 AAC 19.310(c) is amended to read:

(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 **including at** [. AT] least

(1) two [OF THE] contact hours [MUST BE] 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.

~~(d) For the purposes of this section~~ (((No changes to 12 AAC 19.310(d) or (e)

~~(1) one "contact hour" equals a minimum of 50 minutes of classroom instruction~~

No changes to 12 AAC 19.310(e)

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. (Eff. 10/1/93, Register 127; am ___/___/____, Register ____)

Authority: **AS 08.63.050** [AS 08.63.050(9)] [AS 08.63.100(d)]

[AS 08.63.050(3)] **AS 08.63.100**

12 AAC 19.320 is amended by adding a new subsection to read:

(d) To be accepted by the board, an instructor presenting information concerning counseling or the treatment of clients must hold a master's degree or higher in a mental health field unless specifically preapproved by the board under this section. (Eff. 10/1/93, Register 127; am 6/21/97, Register 142; am ___/___/____, Register ____)

Authority: AS 08.63.050 AS 08.63.100

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

12 AAC 19.350. Application for continuing education course approval. (a) Except as provided in 12 AAC 19.310, to be approved by the board to meet the continuing education requirements of 12 AAC 19.320, an applicant for continuing education course approval shall submit to the board, not less than seven days before the date of the proposed program presentation date,

(1) a completed application on a form provided by the department;

(2) the continuing education course approval fee specified in 12 AAC 02.242;

(3) the name of the course provider;

(4) a complete course description, including the course title and a description of the learning objectives;

(5) a course syllabus; and

(6) an outline of the major topics covered by the course and the number of classroom hours allowed for each topic.

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

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

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

Authority: AS 08.63.050 AS 08.63.100

12 AAC 19.990 is amended by adding a new paragraph to read:

(4) "one year of supervised clinical practice" means one academic year. (Eff. 10/1/93, Register 127; am ___/___/____, Register ____)

Authority: AS 08.63.050

From: Carrillo, Laura N (CED)
To: "lrking@hotmail.com"; "leonwebber3@gmail.com"; "ken.m@discoverycovealaska.com"; "ltw@alaska.net"; "speakeasygame@me.com"; "grannyjo1953@yahoo.com"; "aguerolaw@gci.net"
Subject: Military licensees
Date: Friday, March 25, 2016 9:04:00 AM
Importance: High

The Board will need to begin again addressing the centralized statute, AS 08.01.063 as it applies to all professions. This Board currently does not have a procedure to adhere to this law. We addressed this at our January 2015, but it was tabled.

Sec. 08.01.063. Military courtesy licenses. (a) Except as provided in (d) of this section, and notwithstanding another provision of law, the department or appropriate board may issue a temporary courtesy license to the spouse of an active duty member of the armed forces of the United States if the spouse applies to the department or appropriate board in the manner prescribed by the department or **appropriate board.** An application must include evidence satisfactory to the department or appropriate board that the applicant

(1) is married to and living with a member of the armed forces of the United States who is on active duty and assigned to a duty station in this state under official active duty military orders;

(2) holds a current license or certificate in another state, district, or territory of the United States with requirements that the department or appropriate board determines are equivalent to those established under this title for that occupation;

(3) if required by the department or appropriate board for obtaining a license in the applicant's profession, has been fingerprinted and has provided the fees required by the Department of Public Safety under AS 12.62.160 for criminal justice information and a national criminal history record check; the fingerprints and fees shall be forwarded to the Department of Public Safety to obtain a report of criminal justice information under AS 12.62 and a national criminal history record check under AS 12.62.400;

(4) has not committed an act in any jurisdiction that would have constituted grounds for the refusal, suspension, or revocation of a license or certificate to practice that occupation under this title at the time the act was committed;

(5) has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not(5) has not been disciplined by a licensing or credentialing entity in another jurisdiction and is not the subject of an unresolved complaint, review procedure, or disciplinary proceeding conducted by a licensing or credentialing entity in another jurisdiction; and

(6) pays any fees required under this title.

(b) The department or appropriate board shall expedite the procedure for issuance of a license under (a) of this section.

(c) A temporary courtesy license issued under this section is valid for 180 days and may be extended at the discretion of the department or appropriate board for one additional 180-day period, on application of the holder of the temporary courtesy license.

Laura Carrillo
Licensing Examiner
Board of Marital and Family Therapy
State of Alaska – DCCED – CBPL
Phone: 907-465-2588
E-mail: laura.carrillo@alaska.gov
Fax: 907-465-2974

From: Chambers, Sara C (CED)
To: Carrillo, Laura N (CED); Bernth, Gail A (CED); Dooley, Crystal L (CED); Fagerstrom, Kathryn E (CED); Hannasch, Dawn K (CED); Hondolero, Corissa A (CED); Jones, Richard V (CED); Kautz, Colleen K (CED); Maroney, Lisa K (CED); Stovern, Debora J (CED); Walsh, Sharon J (CED); Zinn, Sher K (CED)
Cc: Hovenden, Janey L (CED)
Subject: brush up on your military licensing knowledge
Date: Friday, April 08, 2016 2:23:15 PM
Attachments: Military Temp Licensing Information 7-15-13.pdf

Senior staff:

A few programs have had recent inquiries about the statutory military licensing requirements of professional licensing programs. I'm attaching the packet that went out to all board members and staff in July 2013 after these laws were adopted so you can ensure you and your staff are aware of each program's responsibility in this area.

Each licensing program web page contains a link to the content, below:
https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/MilitaryLicensing.aspx

Military Licensing

On January 1, 2014, the Division of Corporations, Business and Professional Licensing and its corresponding boards and commissions will begin examining the credentials of related military experience of those who submit documentation of military training, skills, and experience along with an application for temporary licensure. Upon determination of equivalency, relevant military experience will be credited for licensing requirements and educational credit will be granted for appropriate training. Military personnel who wish to apply using this program may submit Form #08-4633 and accompanying credentials with their license application.

Alaska law also allows licensed members of the military who are deployed to combat zones, danger pay posts, or hazardous duty areas to defer licensing requirements. Military personnel who meet this requirement may use Form #08-4581 to request this exemption.

In addition to offering these programs for service members, spouses of active duty military personnel with Alaska orders may request that their temporary or courtesy licensing applications be expedited by attaching Form #08-4580 to their license application.

Before submitting one of the forms below, please read the authorizing statutes of these programs and for the profession in which you plan to work to ensure familiarity with Alaska law.

Forms

- Request for Temporary Professional Licensure for Military Personnel, #08-4633, Revised 12/23/13.
- Request for Expedited Application Process for Spouses of Active-Duty Military, #08-4580, Revised 09/26/13.

- Request for Exemption from Professional Licensing Requirements for Military Personnel, #08-4581, Revised 09/26/13.

Statutes and Regulations

Alaska Statutes are passed by the legislature. Regulations (also called the Alaska Administrative Code) are rules adopted by the department to implement, interpret, and make specific the statutes. Both statutes and regulations have the force of law.

The Request for Temporary Professional License for Military Personnel is authorized by AS 08.01.064.

The Request for Military Spouse Application Status is authorized by AS 08.01.063.

The Request for Active Duty Military Service Waiver is authorized by AS 08.01.100.

Licensees are responsible for knowledge of all statutes and regulations pertaining to their profession. AS 08.01-08.03 and 12 AAC 02 apply to all professions regulated by the division.

Centralized Licensing Statutes: AS 08.01-08.03

Centralized Licensing Regulations: 12 AAC 02

We can add to our meeting on April 18 if you think it would be valuable, so let me know your thoughts on scheduling this or if you or your staff have any questions about these requirements or processes.

Many thanks

Sara Chambers
Division Operations Manager

Alaska Division of Corporations, Business and Professional Licensing
P.O. Box 110806, Juneau, AK 99811-0806
commerce.alaska.gov/web/cbpl
Phone: (907) 465-2144
FAX: (907) 465-2974

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THE STATE of ALASKA

GOVERNOR SEAN PARNELL

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
Text phone: 907.465.5437
Programs fax: 907.465.2974

July 15, 2013

Dear Board Members,

On June 2, Governor Parnell signed HB 84 into law allowing military service, training, and education acquired while on active duty service to count toward temporary occupational licensure. This law has significant impact on Alaska licensing boards and commissions:

> All programs offering a temporary license must review the military credentials of an applicant to determine whether they are "substantially equivalent" to those required in statute or regulation.

Furthermore, affected boards and the Division of Corporations, Business and Professional Licensing (division) must "expedite" the processing of these applications, meaning the division will move those applications in front of others already in the queue for review. This may also require additional mail balloting or teleconferences to review applications if a board determines a review is necessary before issuing a temporary license.

The division has performed a review of programs with temporary licensure and determined the following programs to be affected:

Board of Barbers and Hairdressers
Board of Social Work Examiners
Board of Marital and Family Therapists
Board of Nursing
Board of Pharmacy
Nursing Home Administrators
Audiologists
State Physical Therapy and Occupational Therapy Board
Board of Psychologist and Psychological Associate Examiners
Board of Chiropractic Examiners
Board of Dental Examiners
State Medical Board
Board of Veterinary Examiners
Speech-Language Pathologists
Guardians and Conservators

This law goes into effect on December 31, 2013. **Regulations must be made available for public comment by October 1, 2013 in order to meet this deadline.** In order to assist board members in your review of these credentials and possible recommendation of regulation changes before this date, I have attached several documents and links to web sites for your evaluation and have additional details available on certain professions. The documents, provided by the Department of Defense and their contractors, begin the work to help align military credentials with general state licensure requirements.

Members of all licensing boards and commissions will receive this information since it will apply to any program that may adopt a temporary license in the future. Also, please let me know if your program offers a temporary license but was not included on this list.

The division is planning a brief teleconference to discuss this topic with board members on Monday, July 22. The call-in number is 800-315-6338 and code is 2144. Please RSVP via email to Leola Masters at leola.masters@alaska.gov so we can ensure enough lines are reserved. If you cannot attend or wish to discuss this new law before the teleconference, please feel welcome to contact me at 907-465-2144.

Sincerely,

Sara Chambers
Professional Licensing Operations Manager

Attachments:

- Text of HB 84
- Alaska Licenses - Related Civilian and Military Codes
- Military Occupations PowerPoint Overview
- List of Helpful Links

Helpful Links to Military Training Credit Resources for Professional Licensure

1. Link to the American Council on Education's (ACE) "Transcripts for Military Personnel" web site. You can view a webinar on the topic of the Joint Services Transcript (JST) and you can also look at samples of transcripts. http://www.acenet.edu/news-room/Pages/Transcripts-for-Military-Personnel.aspx. There is also a link to where JSTs can be requested.

2. Link to ACE Military Guide – This documents the college credit recommendations ACE has made for the military training and military occupational experience it has reviewed. http://www.acenet.edu/news-room/Pages/Military-Guide-Online.aspx. It can be searched by military course or by military occupation.

3. Link to Community College of the Air Force (CCAF) Transcripts - http://www.au.af.mil/au/ccaf/transcripts.asp – Describes CCAF transcripts and provides a link to request them.

4. Links to Army and Navy Credentialing Opportunities On-Line (COOL) web sites – These are portals that link Army and Navy military occupations to civilian credentials. For some National Certifications determined to be directly related to the military occupation, gap analyses are presented showing whether there are gaps between military training and the civilian certification requirements.
    a. Army COOL - https://www.cool.army.mil/
    b. Navy COOL – https://www.cool.navy.mil
    c. Sample Gap Analysis between Navy Hospital Corpsmen Training and National Registry for EMT EMT-Basic certification requirements - https://www.cool.navy.mil/enlisted/hm_nremt_emtb.htm [Click on the "Training vs. Exam Requirements" Tab and then expand the headings for "Written Exam" and "Practical Exam"

5. Links to some State Licensing Agency web sites that have sections on State Licenses and Military Training
    a. Illinois - http://www2.illinois.gov/veterans/programs/Pages/StateLicensesMilitaryTraining.aspx
    b. Virginia - http://www.dhp.virginia.gov/About/MilitaryCredentialing.htm

6. Power Point Presentation – This is a PDF version of a Power Point presentation that Dept of Defense staff did created for an Employer Seminar given by Easter Seals in support of their effort to assist Service members and Veterans to find jobs. Some of the information is not relevant, but a good portion of the slides address topics that might be considered "Military 101."

7. New video that is 3:36 minutes long and explains the Joint Service Transcript. This product is from Dept of Defense and Dantes. It also has a survey to credentialing agencies. Link to video about the JST: http://www.jointservicetranscript.com/

Matching Military Skills to Civilian Jobs

Easter Seals' Employer Seminar

June 14, 2013

Presented by:
Lisa Lutz, President
Solutions for Information Design, LLC

The Strategic Context

- **2.25 Million** Members of the Armed Forces
- Approximately **24 million veterans**
  - Over **11 million under the age of 60**
- Over **1.5 million Service members will transition** out over next four years
- Separating Service members are **highly trained**

2

The Strategic Context (cont'd)

- **Unemployment** among Veterans, especially 18 – 24 year olds, is high
  - DoD spends approximately $1 billion per year on unemployment compensation for Veterans
- Over 60% of employers report **difficulty translating military skills to civilian jobs**

Objective for Today

Employers will leave with the knowledge that for virtually every job for which they are hiring, there is a transitioning Service member or Veteran who is a qualified and ready candidate.

4

What Inquiring Employers Want to Know…

- What type of experience do service members and veterans bring to the civilian workforce?
- What type of training and education do service members receive?
- To what extent does civilian credentialing apply to service members and veterans?
- What tools are available to employers to assess transferability of military skills and training?

5

Topic 1:

WHAT TYPES OF EXPERIENCE DO TRANSITIONING SERVICE MEMBERS AND VETERANS BRING TO THE CIVILIAN WORK FORCE?

6

Military Career Options

	Enlisted/Non-Commissioned Officers	Officer
Primary Duties	Carry out fundamental operations of the military	**Warrant Officers** – highly specialized experts and trainers **Commissioned Officers** – managers, leaders, problem solvers, planners
Percentage of Armed Forces	82%	18%
Typical Education Level Upon Entry to Service	High School Degree or Equivalent	College Degree
Pay Grades	E-1 to E-9	WO-1 TO WO-5 O-1 to O-10
Assessing Transferability of Skills Based on Job Titles	Can be difficult due to unique military job titles	Not too difficult due to job title similarities and degrees held

7

Learning the Lingo: Military Occupations

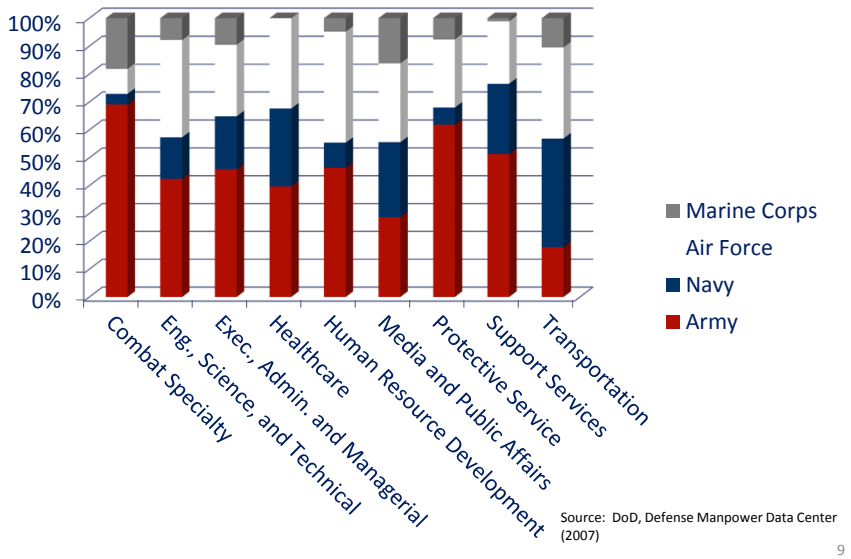
Service	Enlisted	Officers
Army	Military Occupational Specialty (MOS)	Warrant Officer MOS (WO MOS) Area of Concentration (AOC)
Navy	Rating	Designator
Air Force	Air Force Specialty Code (AFSC)	AFSC
Marine Corps	Military Occupational Specialty (MOS)	MOS

An Example: Looking for a Construction Laborer?

- Army – 51B – Carpentry and Masonry Specialist
- Navy – BU – Builder
- Air Force – 3E351 – Structural Journeyman
- Marines – 1371 – Operating Engineer

8

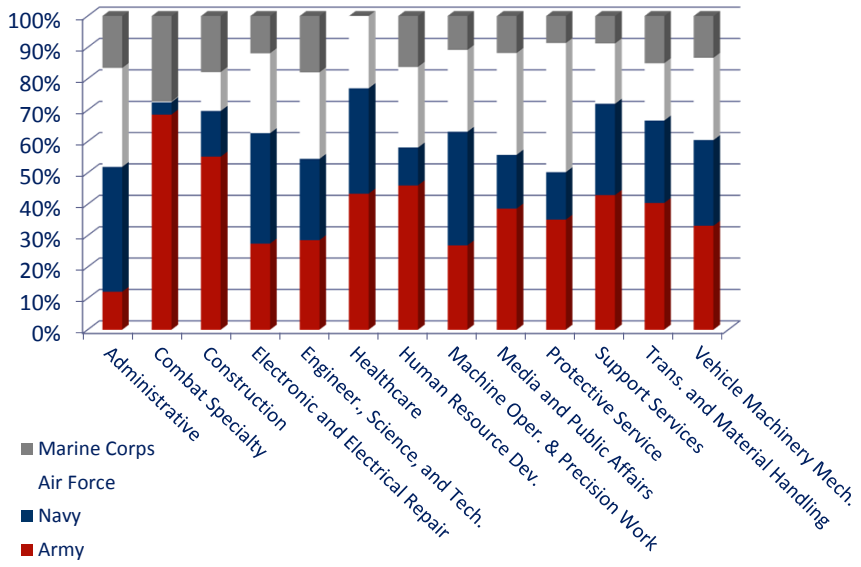
Officer Occupational Categories by Service



Source: DoD, Defense Manpower Data Center (2007)

9

Enlisted Occupational Categories by Service



Source: DoD, Defense Manpower Data Center

10

Top 10 Occupational Areas of Enlisted Military Personnel

- Aircraft Mechanics
- Automotive Service Technicians and Mechanics
- Computer Support Specialist/Operators/ Security Specialists
- Cooks/Food Preparation Workers
- Health Care Support Occupations
- Police/Security
- Supply Chain:
  - Shipping, Receiving and Traffic Clerks
  - Stock Clerks/Order Filers/Logisticians
- Truck Drivers
- Military Specific

11

Military Occupations with No Civilian Job Equivalents

- Majority of military occupations have a direct civilian job equivalent
- Army and Marine Corps have largest numbers of enlisted service members with no direct civilian job equivalent (e.g., Infantry, Mortar Man, Field Artillery)
- Lack of direct civilian occupational equivalent:
  - *Does not* mean that the service member does not have transferrable skills
  - *Does* make it more difficult for service members to document the transferability of their skills

12

Collateral Duties

- In addition to primary duties, service members often have collateral duties. For example:
  - Command Fitness Leader
  - Command Financial Specialist
  - Correctional Custody Specialist
  - Cyber Space Workforce
  - Equal Opportunity Advisor
  - Field Recruiter
  - Instructor
  - Safety Technician
  - Senior Enlisted Leader

13

Topic 2:

WHAT TYPE OF TRAINING AND EDUCATION DO SERVICE MEMBERS RECEIVE?

14

Military Training vs. Education

- Training:
  - Mandatory
  - Mission-related
  - Formal and informal
- Education
  - Voluntary
  - May or may not be military occupation-specific
- Career Roadmaps help guide service members to training and education opportunities

15

Military Training

- Service members typically receive intensive occupational training after basic training
  - 8 weeks to one year
  - e.g., A-School or Advanced Individualized Training (AIT)
- Training continues throughout career to include:
  - More advanced job training
  - Leadership training
  - Specialized Skills Training

More than 60% of military training qualifies as college credit

16

Voluntary Education

- Provides a variety of off-duty continuing education options:
  - Postsecondary Degree Programs
  - Tuition Assistance
  - Servicemembers Opportunity Colleges (SOC)
  - Community College of the Air Force
  - Military Evaluations Program
  - Credentialing Opportunities

Each year about 300,000 service members sign up for postsecondary courses leading to college degrees

17

Topic 3:

TO WHAT EXTENT DO CIVILIAN OCCUPATIONAL CERTIFICATIONS AND LICENSES APPLY TO SERVICE MEMBERS AND VETERANS?

18

What is Credentialing?

- Professional Certification
- Federal and State Licensure
- Apprenticeship

Project Management Professional (PMP)

FAA – Airframe and Power Plant Certification

Certified Electronics Technician (CET)

Cisco Certified Network Administrator (CCNA)

Certified Master Chef (CMC)

Certified Professional Logistician (CPL)

Professional in Human Resources

Certified Protection Professional (CPP)

19

Why is credentialing important for Service members and Veterans?

- In service:
  - Contributes to personal and professional development
- Transitioning and post-service:
  - May be required by Federal, state, or local law
  - May be required by employers
  - May improve prospects for promotion or increased pay
  - Demonstrate that transitioning service member's or veteran's skills are on par with civilian peers

20

What are the incentives for the military Services to promote credentialing?

- Recruiting
- Professionalization of the workforce
- Retention
- Training

21

Efforts to Promote Credentialing of Service Members and Veterans

- President's Veterans Employment Initiative (VEI) Task Force
- DoD Credentialing and Licensing Task Force (CLTF)
- White House Credentialing Roundtables
- Federal and State Legislation
  - VOW to Hire Heroes
  - Veterans Skills to Jobs
  - Troops to Talent Act

Topic 4:

WHAT TOOLS ARE AVAILABLE TO EMPLOYERS TO ASSESS TRANSFERABILITY OF MILITARY SKILLS AND TRAINING?

23

Service Initiatives to Improve Transferability of Skills

- Army and Navy Credentialing Opportunities On-Line (COOL) Initiatives – soon to be expanded to Air Force and Marine Corps
- American Council on Education (ACE) College Credit Recommendations
- Military Transcripts – Joint Services Transcript, CCAF
- Verification of Military Experience and Training (VMET - DD Form 2586) Document
- Transition Assistance Program (TAP) Modifications

24

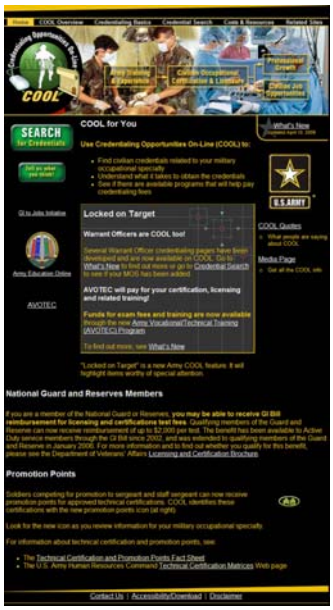
Resources Available to Assess Transferability of Military Skills

- Department of Defense
  - Army COOL and Navy COOL
  - Air Force CERT
  - USMAP
- Department of Labor:
  - Military to Civilian Occupation Translator
  - Civilian to Military Occupation Translator
  - Key to Career Success – Veterans' Reemployment
  - My Next Move for Veterans
  - Occupational Outlook Handbook – Job Opportunities in Armed Forces
- Department of Veterans Affairs – VetSuccess.gov
- Maryland Department of Labor, Licensing, and Regulation
  - Mil2FedJobs

25

What is COOL?

- Provides background information about civilian credentialing, focusing on occupational licensure and certification
- Identifies licenses and certifications relevant to Army and Navy military occupations
- Identifies gaps between military training and experience and civilian credentialing requirements
- Provides information on resources available to fill gaps and facilitate credentialing



26

Who is COOL's audience?

- Service members and Veterans
- Employers and Credentialing Boards
- Education, Career/Retention and Transition Counselors
- Service Recruiters

27

Military to Federal Jobs Crosswalk

28

Military to Federal Jobs Crosswalk – Sample Hiring Manager Results

Military Occupational Series Related to
5703 - Motor Vehicle Operating

The table below lists military occupations related to the federal occupational series you selected. Keep in mind that an individual's qualifications will vary according to a number of things, including military personnel category, education, and years and type of experience. As a hiring manager, you will need to review the individual's application in order to fully assess whether the individual meets your requirements. For tips on things to think about when considering hiring a veteran, go to Military Career Considerations.

Click on column headings to sort. Click on the numbers above and below the table to page through results.

Service	Service Code	Title	Personnel Category
Air Force	1A2X1	Aircraft Loadmaster	Enlisted
Air Force	2T1X1	Vehicle Operations	Enlisted
Air Force	2T3X0	Vehicle And Vehicular Equipment Maintenance	Enlisted
Air Force	2T3X1	Vehicle And Vehicular Equipment Maintenance	Enlisted
Air Force	2T3X2	Special Vehicle Maintenance	Enlisted
Air Force	3E2X1	Pavements and Construction Equipment	Enlisted
Army	11B	Infantryman	Enlisted
Army	11C	Indirect Fire Infantryman	Enlisted
Army	12C	Bridge Crewmember	Enlisted
Army	13B	Cannon Crewmember	Enlisted
Army	13C	Tactical Automated Fire Control Systems Specialist	Enlisted
Army	13T	Field Artillery Surveyor/Meteorological Crewmember	Enlisted
Army	13W	Field Artillery Meteorological Crewmember	Enlisted
Army	14M	Man Portable Air Defense System Crewmember (RC)	Enlisted
Army	14S	Air and Missile Defense (AMD) Crewmember	Enlisted
Army	14T	PATRIOT Launching Station Enhanced Operator/Maintainer	Enlisted
Army	88H	Cargo Specialist	Enlisted
Army	88M	Motor Transport Operator	Enlisted
Marine Corps	1812	M1A1 Tank Crewman	Enlisted
Marine Corps	3531	Motor Vehicle Operator	Enlisted
Marine Corps	3533	Logistics Vehicle System Operator	Enlisted
Marine Corps	3534	Semitrailer Refueler Operator	Enlisted
Marine Corps	3536	Vehicle Recovery Operator	Enlisted
Marine Corps	3537	Motor Transport Operations Chief	Enlisted
Navy	EO	Equipment Operator	Enlisted

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29

Contact Information

- Lisa Lutz
  President
  SOLID, LLC
  (703) 239-9698
  e-mail: lisa.lutz@solidinfodesign.com

30

LAWS OF ALASKA

2013

Source
CSHB 84(FIN)(efd am S)

Chapter No.
_____

AN ACT

Relating to applying military education, training, and service credit to occupational licensing and certain postsecondary education and employment training requirements; providing for a temporary occupational license for qualified military service members; and providing for an effective date.

_____

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

Relating to applying military education, training, and service credit to occupational licensing and certain postsecondary education and employment training requirements; providing for a temporary occupational license for qualified military service members; and providing for an effective date.

*** Section 1.** AS 08.01 is amended by adding a new section to read:

Sec. 08.01.064. Military education, training, and service credit; temporary license. (a) Notwithstanding another provision of law, the department or applicable board shall accept military education, training, and service for some or all of the qualifications otherwise required of an applicant for a license or certificate issued under this chapter if

(1) the department or applicable board determines that the military education, training, and service is substantially equivalent to some or all of the qualifications otherwise required of an applicant for a license or certificate issued

under this chapter; and

(2) the applicant provides satisfactory evidence of successful completion of the education, training, or service as a member of the armed forces of the United States, the United States Reserves, the National Guard of any state, the Military Reserves of any state, or the Naval Militia of any state.

(b) If the department issues temporary licenses or certificates as authorized by the department or applicable board under AS 08.01.050(a)(9), the department or applicable board shall issue a temporary license or certificate to a person who

(1) applies to the department or applicable board in a manner prescribed by the department or board;

(2) meets the requirements in AS 08.01.063(a)(3) - (6); and

(3) while in the armed forces of the United States or any state, as described in (a) of this section,

(A) held a current license or certificate in another state, district, or territory of the United States, practiced in the area of the license or certificate, and maintained the license or certificate in active status before and at the time of application for a license or certificate under this subsection; or

(B) was awarded a degree, diploma, or certificate by a branch of the armed forces of the United States or any state, as described in (a) of this section, that met standards for an equivalent license or a certificate of technical training.

(c) The department or applicable board shall expedite the procedure for issuance of a license or certificate under (b) of this section for an applicant who is on active duty.

(d) A license or certificate issued under (b) of this section is valid for 180 days and may be extended at the discretion of the department or applicable board for one additional 180-day period if the holder of the license or certificate applies for an extension on a form approved by the department or applicable board.

(e) The department or applicable board may adopt regulations necessary to implement this section.

*** Sec. 2.** AS 14.40.210 is amended by adding a new subsection to read:

(c) The president of the University of Alaska shall implement a policy and procedure for the acceptance of academic credit toward a degree or technical program offered by the university if an applicant provides satisfactory evidence of successful completion of relevant military education, training, or service as a member of the armed forces of the United States, the United States Reserves, the National Guard of any state, the Military Reserves of any state, or the Naval Militia of any state.

*** Sec. 3.** AS 14.48.060(b) is amended to read:

(b) A postsecondary educational institution must be maintained and operated, or, in the case of a new institution**,** must demonstrate that it can be maintained and operated**,** so that

(1) the quality and content of each course or program of instruction, training, or study are such as may reasonably and adequately achieve the stated objective for which the course or program is offered;

(2) the institution has or has access to adequate space, equipment, instructional materials, and personnel where applicable to achieve the stated objective of the course or program of study and to provide education of good quality;

(3) the education or experience qualifications of directors, administrators, supervisors, and instructors are such as may reasonably ensure that the students will receive education consistent with the objectives of the course or program of study;

(4) the institution provides a catalog or brochure containing information describing the programs offered, program objectives, length of program, schedule of tuition, fees, and all other charges and expenses necessary for completion of the course of study, cancellation and refund policies, and other material facts concerning the institution and the program or course of instruction that are reasonably likely to affect the decision of the student to enroll, together with any other disclosures specified by the commission by regulation; and that this information is provided to prospective students before enrollment;

(5) upon satisfactory completion of training, the student is given appropriate educational credentials by the institution, indicating that the course of instruction or study has been satisfactorily completed by the student;

(6) adequate records are maintained by the institution to show attendance, progress, or grades, and that satisfactory standards are enforced relating to attendance, progress, and performance;

(7) the institution is maintained and operated in compliance with all pertinent ordinances and laws relating to the safety and health of persons **on** [UPON] the premises of the institution;

(8) the institution is financially sound and capable of fulfilling its commitments to students;

(9) neither the institution nor its agents engage in advertising, sales, collection, credit, or other practices which are false, deceptive, misleading, or unfair;

(10) the chief executive officer, trustees, directors, owners, administrators, supervisors, staff, and instructors of the institution are of good reputation and character and have not been convicted of a violation of AS 14.48.020 or 14.48.150 or AS 45.50.471 - 45.50.561 or a comparable law in another state or province;

(11) the student housing owned, maintained, or approved by the institution is appropriate, safe, and adequate;

(12) the institution has a fair and equitable cancellation and refund policy; [AND]

(13) the charges set by the institution for tuition, fees, books, and supplies are fair and equitable**; and**

(14) the institution accepts military education, training, or service credit or hours toward a degree or technical program offered by the institution if

(A) the institution otherwise accepts transfer credits or hours; and

(B) the credit or hours transfer process meets the requirements of the accrediting body of the institution or the commission.

*** Sec. 4.** AS 23.15.820(a) is amended to read:

(a) The Alaska Workforce Investment Board shall

(1) administer the Alaska technical and vocational education program established in AS 23.15.820 - 23.15.850;

(2) facilitate the development of a statewide policy for a coordinated and effective technical and vocational education training system in this state and, to the extent authorized by federal and state law, plan and coordinate federal, state, and local efforts in technical and vocational education programs;

(3) adopt regulations under AS 44.62 (Administrative Procedure Act) to carry out the purposes of AS 23.15.820 - 23.15.850, including regulations that set standards for the percentage of a grant that may be used for administrative costs; the regulations must clearly identify and distinguish between expenses that may be included in administrative costs and those that may not be included in administrative costs; the percentage allowed for administrative costs may not exceed the lesser of five percent or the amount permitted under the requirements of a federal program, if applicable;

(4) administer the grant program under AS 23.15.840 and establish grant administration requirements including accounting procedures that apply to qualified entities and their grantees**;**

(5) facilitate the development and implementation of a statewide policy and procedure that provides for the acceptance of credit or hours toward a degree or technical program offered by a vocational or technical training center in the state for an applicant who provides satisfactory evidence of successful completion of relevant military education, training, or service as a member of the armed forces of the United States, the United States Reserves, the National Guard of any state, the Military Reserves of any state, or the Naval Militia of any state.

*** Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

MILITARY EDUCATION, TRAINING, AND SERVICE CREDIT: TRANSITION. The Department of Commerce, Community, and Economic Development and applicable boards may immediately adopt regulations during regularly scheduled meetings that are necessary to implement AS 08.01.064, added by sec. 1 of this Act, except that the effective date of the regulations may not be earlier than the effective date of secs. 1 - 4 of this Act.

*** Sec. 6.** Sections 1 - 4 of this Act take effect December 31, 2013.

*** Sec. 7.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).

Board or Commission: _____

Meeting Date: _____

Agenda Item # _____ Tab #_____ Topic: _____

Primary Motion

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

Subsidiary Motion or Amendment

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

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 #12

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	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 Beneft	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	Unemplymnt 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

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 & 2nd Qtr
Licensing Revenue	11,300	75,095	7,665	55,500	12,015	61,048	5,640
Allowable Third Party Reimbursement*	-	-	-	-	-	-	-
Total Revenue	11,300	75,095	7,665	55,500	12,015	61,048	5,640
Direct Expenditures							
Personal Services	17,802	21,648	21,392	34,463	33,604	23,351	8,911
Travel	14,816	5,029	6,384	6,884	8,437	8,251	6,302
Contractual	992	2,247	997	2,111	5,468	5,217	217
Supplies	43	93	101	36	12	4	-
Equipment	-	-	-	-	-	-	-
Total Direct Expenditures	33,653	29,017	28,874	43,494	47,521	36,823	15,430
Indirect Expenditures**	5,117	4,738	5,765	7,064	10,549	12,973	6,486
Total Expenses	38,770	33,755	34,639	50,558	58,070	49,796	21,917
Annual Surplus (Deficit)	(27,470)	41,340	(26,974)	4,942	(46,055)	11,251	(16,277)
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	61,114

*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
1011	Regular Compensation	4,365
1016	Other Premium Pay	74
1023	Leave Taken	707
1028	Alaska Supplemental Benefit	316
1029	Public Employee's Retirement System Defined Benefits	5
1030	Public Employee's Retirement System Defined Contribution	267
1034	Public Employee's Retirement System Defined Cont Health Reim	213
1035	Public Employee's Retiremnt Sys Defined Cont Retiree Medical	86
1037	Public Employee's Retiremnt Sys Defined Benefit Unfnd Liab	561
1039	Unemployment Insurance	17
1040	Group Health Insurance	1,982
1041	Basic Life and Travel	5
1042	Worker's Compensation Insurance	58
1047	Leave Cash In Employer Charge	115
1048	Terminal Leave Employer Charge	58
1053	Medicare Tax	72
1077	ASEA Legal Trust	7
1079	ASEA Injury Leave Usage	0
1080	SU Legal Trst	4
2000	In-State Employee Airfare	628
2001	In-State Employee Surface Transportation	119
2002	In-State Employee Lodging	289
2003	In-State Employee Meals and Incidentals	222
2008	In-State Non-Employee Meals and Incidentals	422
2010	In-State Non-Employee Non-Taxable Reimbursement	2,587
2017	Out-State Non-Employee Airfare	421
2020	Out-State Non-Employee Meals and Incidentals	271
2022	Out-State Non-Employee Non-Taxable Reimbursement	1,340
2036	Cash Advance Fee	4
3044	Courier	0
3046	Advertising	43
3057	Structure, Infrastructure and Land - Rentals/Leases	1
3067	Honorariums/Stipend	144
3069	Commission Sales	28
Grand Total		**15,430**

Grand Total Equals Direct Expenditures on Board Report

THE STATE of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
Fax: 907.465.2974

TO: CBPL Staff

DATE: February 3, 2016

FROM: Sara Chambers
Division Operations Manager

SUBJECT: New Travel Process Instructions

BACKGROUND & POLICY

On January 5, 2016, Governor Walker issued guidance on restrictions to travel and hiring for state agencies. On January 18, Commissioner Hladick followed with a DCCED-specific process. Our division received additional information from the Deputy Chief of Staff on January 19 regarding in-state board meetings.

These documents are all available in this folder on the division's shared drive:
\OCCLIC\OTHER\TRAVEL\MASTER TRAVEL FORMS\TRAVEL WAIVERS, MEMOS, PROCESSES 2016

"As we work toward plugging the $3.5 billion hole in our budget, it is critical that state employees continue to take every step possible to ensure we are being good stewards of our resources. As we worked on our fiscal plan, the comment my team and I heard most from Alaskans is that we must continue to rein in spending. Much thought and discussion have gone into each cut we have made and will make. Many agencies and departments have already implemented these cost-cutting measures. The announcement I'm making today establishes a consistent standard and process across the administration. These restrictions on hiring and travel won't fix the deficit, but it's an important step."

- Governor Bill Walker, January 5, 2016

NEW STEPS IN THE TRAVEL PROCESS

STEP	Who completes this step	Format required	Where it goes	Details
1	Board staff Investigator Other traveler	Travel Justification Worksheet	Send to CBPL Travel Desk in Step 2	Use this worksheet to help determine whether all or part of the requested meeting can take place via video or teleconference.
2	Board staff Investigator Other traveler	CBPL Travel Approval Request	CBPL Travel Desk	Provide the CBPL Travel Desk with info needed to set up the requested travel approval. Using the Travel Approval Request format as we normally do is a good start. It doesn't need to be perfect—just enough information for the CBPL Travel Desk to complete the necessary elements to move forward. Submit both forms to the CBPL Travel Desk no later than six weeks before the requested travel begins.
3	Travel Desk	CBPL Travel Approval Request Form & all backup documentation	Division Operations Manager	Completes the CBPL Approval request process according to AAM 60. Travel Desk staff may work with staff and board members to confirm necessary details and assure a complete and correct submission for review.

		Travel Justification Worksheet DCCED Travel Approval Request Form		
4	Division Operations Manager	All forms	Director's Secretary	After reviewing all documentation for correctness and confirming the valid need for travel, the DOM will send recommendation for approval to the Director's Secretary.
5	Director's Secretary	All forms	Director	For Director's review and approval.
6	Director	All forms	Director's Secretary	Includes approval, additional questions, or denial.
7	Director's Secretary	DCCED Travel Approval Request Form	Commissioner's Secretary	For Commissioner's review and approval, reviewed on Tuesdays and Fridays. Due no later than three weeks before travel begins, if possible.
8a	Commissioner's Secretary	DCCED Travel Approval Request Form	Director of Boards and Commissions	Additional approval by the Governor's office is required for all out-of-state travel.
8b	Commissioner's Secretary	DCCED Travel Approval Request Form	Director's Secretary	Includes approval, questions, or denial.
9	Director's Secretary	DCCED Travel Approval Request Form	Board staff/investigator/ other traveler CBPL Travel Desk Director Division Operations Manager	Alerts all parties to the status of the approval.
10	Board staff Board member Investigator Other traveler	Travel Cost Savings Report	CBPL Travel Desk Division Director	Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-fiscal-year compilation of all travel-related savings and deliverables for your program.
11	Board staff Investigator Other traveler	End-Of-Fiscal-Year Report	CBPL Travel Desk Division Director	Twice each year by June 30 and December 31, each board must submit to the Commissioner and Office of Boards and Commissions (through the Director) an outline of all efforts taken and the amount of money saved in the effort to meet the Governor's objective to reduce state travel costs. Investigative travel is included in this report.

Email for the CBPL Travel Desk: 08occlictravel@alaska.gov

ADDITIONAL (NOT NEW) STEPS TO KEEP IN MIND

Before the Meeting: Communicate the Travel Approval Details to Board Members

Board members need to know the dollar amount for which they have been approved. If they do not know what that amount is, they may risk going over the approved amount, for which they may not be reimbursed. They must also be informed of the travel policies that may commonly apply to them so they do not risk losing money because of their flight schedule, choice of hotel, or use of a rental car.

The CBPL Board Member Training P&P is located on the division's shared drive. The DCCED Intranet has several tools to aid in educating yourself, as well as board members, in travel policies. The Travel Pocket

Guide is a useful tool for board members:
http://doa.alaska.gov/dof/travel/resource/travel_pocket_guide.pdf. Be sure all new board members receive this information and that they are reminded before they book travel for an approved trip.

After the Meeting

1. Provide the Travel Desk with all receipts and travel details, clearly marked for each traveler. This must be completed within five days of completion of travel, so be sure to collect receipts and details as quickly as possible from board members.
2. Travel desk will complete the latest version of the Travel Authorization Form (TA), which can be found on the DCCED Intranet or directly at the Division of Finance's web page: http://doa.alaska.gov/dof/forms/index.html#trav. The form is titled "Travel Authorization Form with Request [XLT]."
3. Travel desk will scan a copy of the Travel Authorization Form, Travel Approval Worksheet, CBPL Traveler Profile, and all itineraries and receipts into a PDF and save in the shared drive.
4. Travel desk will provide the paper copies to ASD's travel processor and serve as the primary liaison with that person.

QUESTIONS?

1. **All regular in-state board meetings have been conditionally approved by the Director of Boards and Commissions. Why do we have to follow all of these steps?**

   The Commissioner's office takes the Governor's request very seriously and wants to make sure to review that his cost savings objective is met. Taking these steps up front will help make the end-of-year reporting of cost savings easier.

2. **Travel that is completely funded by third-parties is not prohibited. Why does it need this level of approval?**

   See answer to question 1, above.

3. **All CBPL travel is receipt supported. It seems like we are moving backward. Why can't board members just travel to the meetings they know are important since it doesn't impact the General Fund?**

   In this time of extreme state budget tightening, all agencies are asked to share in looking for ways to reduce and conserve. CBPL's spending authority, which includes all board authority, impacts the overall size of the state budget—regardless of funding source.

4. **Can more than one employee travel to a board meeting?**

   No. Only one employee may staff a board meeting. Multiple employees may attend when an agenda item is mission critical and they do not enter travel status, such as via teleconference or when the meeting takes place at their duty station.

5. **Will investigators still be able to travel to perform inspections and enforce licensing laws?**

   Yes. Enforcement activities that are mission critical and inherent to the job may still continue. These steps must be followed when employees are expected to enter travel status. For example: An investigator must follow these steps when traveling to Fairbanks to inspect shops or sites. These steps would not need to be followed when performing inspections within 50 miles of the Atwood since they would not enter travel status.

6. **Can multiple board members attend the same out-of-state meeting if it is 100% third-party funded?**

   The division will make the case to the Commissioner to approve this travel. The ultimate approval is granted by the Governor's office, and all third-party-funded travel will be considered, per the January 19, 2016, memo.

7. **Are contractors like proctors and exam developers able to travel on behalf of the division?**

   Per the Commissioner's memo dated January 18, 2016, such travel is not prohibited. Continuation of this anticipated travel is currently being confirmed.

8. **How will this information be provided to board members?**

   Board staff should always provide board members with essential information as it becomes available. These changes can also be discussed during the Division Update section of an upcoming board meeting.

THE STATE of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

P.O. Box 110806
Juneau, Alaska 99811-0806
Main: 907.465.2550
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Travel Justification Worksheet

Use this worksheet to help determine whether all or part of the requested meeting can take place via video or teleconference. Submit to the Travel Desk with your Travel Approval Request no later than six weeks before your requested meeting dates.

Board: _____ Dates of Business: _____

Requester: _____ # of Travelers: *Employees* ____ *Board Members* ____

Type of Meeting:
- ☐ Regular board business
- ☐ Special board meeting
- ☐ On-site Investigation/Inspection
- ☐ Adjudication only
- ☐ Subcommittee meeting
- ☐ Other: _____

Scheduled activities:

	Recommend in-person meeting	Approved by:	Recommend video or teleconference	Approved by:
☐ Discuss/adopt regulations	☐		☐	
☐ Discuss legislation	☐		☐	
☐ Public comment	☐		☐	
☐ Review applications	☐		☐	
☐ Review correspondence	☐		☐	
☐ Proctor examination	☐		☐	
☐ Strategic planning/Annual Report	☐		☐	
☐ Fiscal/other update from staff	☐		☐	
☐ Investigative report	☐		☐	
☐ Executive session on adjudicative action	☐		☐	
☐ Other executive session	☐		☐	
☐ CE audit reviews	☐		☐	
☐ Site visitation, per statute, regulation, or contract:	☐		☐	
☐ In-person applicant interview, per statute or regulation:	☐		☐	
☐ Other business: _____				

What cost-saving measures have been taken in preparation for this meeting?

_____

How many participants live within 50 miles of the meeting location? _____

What are the duty stations of the remaining participants? _____

Other relevant information:

_____

THE STATE of ALASKA

GOVERNOR BILL WALKER

Department of Commerce, Community, and Economic Development

DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

P.O. Box 110806
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Main: 907.465.2550
Fax: 907.465.2974

Travel Action Summary Report

Submit to the CBPL Travel Desk no later than seven business days after the meeting has concluded. Save a copy in your program files for the end-of-year compilation of all travel-related savings and deliverables for your program.

Board: _____ Dates of Business: _____

Person Reporting: _____ # of Travelers: *Employees* ____ *Board Members* ____

Type of Meeting:

- ☐ Regular board business
- ☐ Special board meeting
- ☐ On-site Investigation/Inspection
- ☐ Adjudication only
- ☐ Subcommittee meeting
- ☐ Other:

Cost Savings

What expenses were reduced?	What is the estimated savings?
1.	
2.	
3.	

Meeting Deliverables

Information gained:

Action recommended:

Board or Commission: _____

Meeting Date: _____

Agenda Item # _____ Tab #_____ Topic: _____

Primary Motion

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

Subsidiary Motion or Amendment

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

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

Administrative Business

Task List from 01/28/2016 Meeting

Leon Webber –

- Mr. Webber will write a letter to the Division and the Department of Law regarding the Board's prerogative to add agenda items not previously public noticed. Ms. Carrillo will be carbon copied on the letter.
- Mr. Webber will draft a letter regarding the waiting time for AMFTRB exam score results for the purpose of sending to PTC and the AMFTRB.
- Mr. Webber will discuss Senate Bill 98 with Jane Conway, and will report to Ms. Carrillo and the Board as to any progress or recommendations that may be made.

Ken McCarty –

- Ken McCarty will send Ms. Carrillo the supervision template, and proposed that supervisors incorporate a component of their supervision responsibilities to help associates prepare for the National AMFTRB exam.
- Ken McCarty will draft a position statement on supervisor responsibilities, and will send the draft to Ms. Carrillo.
- Ken McCarty will write a new letter of support for the Board's inclusion in Title 47, and will send the draft to Leon Webber for his signature.
- Ken McCarty will write an updated letter demonstrating the Board's position on the issue of accruing investigative costs.
- Mr. McCarty will draft a position statement on title protection of Marital and Family Therapy.

Linda King – None

JoAnn Young – None

Laura Carrillo –

- Ms. Carrillo will add the semester-quarter conversion information to the Marital and Family Therapy Associate application.
- Ms. Carrillo will send Mr. McCarty a template for position statements
- Ms. Carrillo will inquire to the regulations specialist as to where their previously adopted regulations project is.
- Ms. Carrillo will create a position statement section on the Marital and Family Therapy Board's site, which will contain documents of the Board's position on certain topics.

Board or Commission: _____

Meeting Date: _____

Agenda Item # _____ Tab #_____ Topic: _____

Primary Motion

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

Subsidiary Motion or Amendment

Motion:

Board Member	Motion	2nd		Yes Vote	No Vote	Abstain	Recuse	Comments

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;
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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):

(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)."**

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

NOTE: The official version of the statutes in this document is printed in the Alaska Statutes, copyrighted by the State of Alaska. The official version of the regulations in this document is published in the Alaska Administrative Code, copyrighted by the State of Alaska. If any discrepancies are found between this document and the official versions, the official versions will apply.

TABLE OF CONTENTS

Page

Section

1. Marital and Family Therapy Statutes
(AS 08.63).....1

2. Marital and Family Therapy Regulations
(12 AAC 19) 5

3. Appendix A (Child Protection).....10

4. Appendix B (Protection of Vulnerable Adults) 12

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)**
4. **General Provisions (12 AAC 19.900 – 12 AAC 19.990)**

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 or on the premises of a school within the district 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.