

Chapter 62. Board of Professional Counselors.

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

12 AAC 62 is amended by adding new sections to read:

Article 4. Technology-Assisted Distance Professional Services.

Section

400. Technology-assisted distance professional services

410. Safety and confidentiality of communications

420. Informed consent

12 AAC 62 is amended by adding a new section to read:

12 AAC 62.400. Technology-assisted distance professional services. (a) The National Board for Certified Counselors (NBCC) *Policy Regarding the Provision of Distance Professional Services* (approved February 6, 2016), is adopted by reference as the standard of practice for distance professional services to the extent it does not conflict with the board's regulations.

(b) Before providing technology assisted distance services, a licensee must:

(1) be in good standing with the board;

(2) have completed a minimum of six continuing education hours from a National Board for Certified Counselors (NBCC) approved continuing education provider pertaining to technology assisted distance professional services; and

(3) determine that the client is intellectually, emotionally, and physically capable of using an application, and the application is appropriate for the client's needs.

(c) Before providing technology assisted distance services, an initial in-person meeting between the licensee and the client is not required but is strongly recommended.

(d) A provider, wherever located, must obtain a license from the board before providing professional counseling service to a client in this state through digital, telephonic, electronic, or other means.

(e) A provider in Alaska must obtain a license from the board before providing professional counseling service, regardless of the location of the client receiving such services. Licensees are required to comply with all statutes, regulations, and rules of the state where the client is physically located.

(f) When starting services, a licensee must develop a safety plan with the client that identifies local resources in the client’s community should emergency care become necessary, includes someone trusted by the client who is available during distance professional services, and includes contact phone numbers.

(g) At the beginning of every technology-assisted distance professional services session, the licensee must verify the client’s identity and document the same in the progress note.

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

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

Authority: AS 08.29.020 AS 08.29.400 AS 08.29.490

Editor’s note: A copy of the National Board for Certified Counselors (NBCC) *Policy Regarding the Provision of Distance Professional Services* (approved February 6, 2016), adopted

by reference in 12 AAC 64.400, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, Board of Professional Counselors, P.O. Box 110806, Juneau, Alaska 99811-0806; telephone: (907) 465-2694, or website at <http://nbcc.org/Assets/Ethics/NBCCPolicyRegardingPracticeofDistanceCounselingBoard.pdf>.

12 AAC 62 is amended by adding a new section to read:

12 AAC 62.410. Safety and confidentiality of communications. (a) Whenever possible, a licensee must use encrypted websites and email communication to ensure confidentiality. When encryption is not possible, a licensee must notify the client of this and limit electronic transmissions to general communications that are not client specific.

(b) Because text messages are not a secure form of communication, a licensee should discourage texting of personal information. Text messages are considered a part of the client's record and must be kept in the file.

(c) Online scheduling software should be encrypted and secure. A licensee who uses online scheduling that is not encrypted must inform the client that the software is not encrypted and therefore may not be confidential.

(d) A licensee shall avoid the use of chat rooms to provide professional services to a client.

(e) A licensee should endeavor to protect clients from unwanted interruptions during sessions. (Eff. ___/___/___, Register ___)

Authority: AS 08.29.020 AS 08.29.490

12 AAC 62 is amended by adding a new section to read:

12 AAC 62.420. Informed consent. In addition to the disclosure requirements of the National Board for Certified Counselors (NBCC) *Policy Regarding the Provision of Distance Professional Services* (approved February 6, 2016), adopted by reference in 12 AAC 62.400, before providing technology assisted distance professional services, a licensee must inform a client about:

- (1) who might have authorized or unauthorized access to electronic transmissions;
- (2) pertinent legal rights and limitations governing the licensee’s practice over state lines or international boundaries;
- (3) how long records are archived and maintained;
- (4) emergency procedures, such as calling 911 or a local crisis hotline when the licensee is not available;
- (5) the limits of confidentiality under AS 08.29.200;
- (6) time zone differences, local customs, and cultural or language differences that might impact services delivery;
- (7) when technology-assisted distance professional services are not covered by insurance; and
- (8) the licensee’s licensing, credentials, and areas of expertise.

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

Authority: AS 08.29.020 AS 08.29.400 AS 08.29.490
AS 08.29.200

The article heading for Article 4 is amended to read:

Article 5 [4]. General Provisions.