

Statutes and Regulations **Professional Counselors**

November 2019



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

Section	Page
1. Licensed Professional Counselors Statutes (AS 08.29).....	1
2. Board of Professional Counselors Regulations (12 AAC 62)	5

**CHAPTER 29.
LICENSED PROFESSIONAL COUNSELORS.**

Article

- 1. Board of Professional Counselors (§§ 08.29.010, 08.29.020)**
- 2. Licensing Requirements (§§ 08.29.100 – 08.29.140)**
- 3. Miscellaneous Provisions (§§ 08.29.200 – 08.29.230)**
- 4. General Provisions (§§ 08.29.400, 08.29.490)**

**ARTICLE 1.
BOARD OF PROFESSIONAL COUNSELORS.**

Section

- 10. Board creation; membership**
- 20. Duties of the board**

Sec. 08.29.010. Board creation; membership. (a) There is established the Board of Professional Counselors consisting of five members appointed by the governor, one of whom is a public member and four of whom are licensed professional counselors.

(b) In addition to the requirements for public members under AS 08.01.025, the public member of the board may not

(1) ever have been a licensed professional counselor or employed in a commercial or professional field related to counseling; or

(2) live in a household with a person who is or has been, or have an immediate family member who is or has been, a licensed professional counselor or employed in a commercial or professional field related to professional counseling; in this paragraph, "immediate family member" means a parent, sibling, or child related by blood, marriage, or adoption.

(c) Of the four counselor members of the board, at least one shall be employed in the private sector and at least one shall be employed in the public sector.

Sec. 08.29.020. Duties of the board. (a) In addition to the duties specified in AS 08.01, the board shall

(1) license professional counselors, establish criteria for supervisor certification, and certify approved counselor supervisors under this chapter; the board may provide for licensure in areas of counseling specialization;

(2) establish continuing education requirements for the renewal of a license under this chapter;

(3) adopt, by regulation, a code of ethics that must be observed by persons licensed under this chapter;

(4) establish education and training requirements that must be met before a professional counselor can administer and use assessment instruments described in AS 08.29.490(1)(C); and

(5) enforce the provisions of this chapter and adopt regulations necessary to carry out the board's duties under this chapter.

(b) The board may delegate to the Department of Commerce, Community, and Economic Development, and the department may perform, a duty for which the board has authority.

**ARTICLE 2.
LICENSING REQUIREMENTS.**

Section

- 100. Unlicensed use of title prohibited**
- 110. Qualifications for licensure**
- 120. Licensure by credentials**
- 130. Licensure of foreign-educated applicants**
- 140. License renewal**

Sec. 08.29.100. Unlicensed use of title prohibited. (a) A person who is not licensed under this chapter may not

(1) profess to be a licensed professional counselor, a professional counselor, or a licensed counselor; or

(2) make use of a title, words, letters, or abbreviations that may reasonably be confused with the title of "licensed professional counselor," "professional counselor," or "licensed counselor."

(b) Violation of this section is a class B misdemeanor, except that a third or subsequent conviction for violating this section is a class C felony.

Sec. 08.29.110. Qualifications for licensure. (a) The board shall issue a professional counselor license to a person who applies for the license, submits the required fee, submits two letters of recommendation from professional counselors who are familiar with the applicant's practice of professional counseling, and presents evidence satisfactory to the board that the person

- (1) is at least 18 years of age;
 - (2) is not under investigation in this or another jurisdiction for an act that would constitute a violation of this chapter;
 - (3) has not had a license related to the practice of counseling, psychology, marital and family therapy, or social work in this or another jurisdiction suspended, revoked, or surrendered in lieu of discipline unless the license has been fully reinstated in that jurisdiction;
 - (4) has passed a written examination as required by the board; the board may provide that passing a nationally recognized examination for professional counselors is sufficient to meet the examination requirement of this paragraph;
 - (5) has successfully completed either
 - (A) an earned doctoral degree in counseling or a related professional field from a regionally or nationally accredited institution of higher education approved by the board; or
 - (B) an earned master's degree in counseling or a related professional field, from a regionally or nationally accredited institution of higher education approved by the board, and at least 60 graduate semester hours in counseling during or after earning the master's degree; and
 - (6) has, after earning the degree required under either (5)(A) or (B) of this subsection, had at least 3,000 hours of supervised experience in the practice of professional counseling performed over a period of at least two years under the supervision of a supervisor approved under AS 08.29.210, with at least 1,000 hours of direct counseling with individuals, couples, families, or groups and at least 100 hours of face-to-face supervision by a supervisor approved under AS 08.29.210 unless, under regulations of the board, the board allows the supervision to be by telephonic or electronic means because of the remote location of the counselor.
- (b) The board may, in its regulations, specify the areas of study that must be covered in order to meet the educational requirements of (a) of this section.

Sec. 08.29.120. Licensure by credentials. (a) Except as provided in (b) of this section, the board may issue a license under this chapter to a person who is licensed in another jurisdiction to practice professional counseling if the board finds that the other jurisdiction has substantially the same or higher licensure requirements as this state.

(b) The board may not license under this section a person who is under investigation in this or another jurisdiction for an act that would constitute a violation of this chapter until the investigation is complete and disciplinary sanctions, if any, are imposed and the person has complied with the sanctions.

Sec. 08.29.130. Licensure of foreign-educated applicants. The board may issue a license under this chapter to a person who

- (1) has completed a doctorate or master's degree educational program in counseling or a related professional field in a foreign college or university approved by the board;
- (2) meets the requirements of AS 08.29.110 except for AS 08.29.110(a)(5); and
- (3) demonstrates to the satisfaction of the board that the applicant's experience, command of the English language, and completed academic program meet the standards of a relevant academic program of an accredited educational institution in the United States.

Sec. 08.29.140. License renewal. Renewal of a license under this chapter may not be granted unless the licensee, within the 24 months immediately preceding the renewal date, has completed the continuing education requirements established by the board.

ARTICLE 3. MISCELLANEOUS PROVISIONS.

Section

- 200. Confidentiality of communications**
- 210. Supervisor certification**
- 220. Disclosure statement**
- 230. Limitation of practice**

Sec. 08.29.200. Confidentiality of communications. (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 communication to a potential victim, the family of a potential victim, law enforcement authorities, or other appropriate authorities concerning a clear and immediate probability of physical harm to the client, other individuals, or society;
- (2) a case conference or case consultation with other mental health professionals at which the patient is not identified;
- (3) the release of information that the client in writing authorized the licensee to reveal;
- (4) information released to the board during the investigation of a complaint or as part of a disciplinary or other proceeding; or

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

(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 a vulnerable adult as required by AS 47.24.

(c) Information obtained by the board under (a)(4) of this section is confidential and is not a public record for purposes of AS 40.25.110 – 40.25.140.

Sec. 08.29.210. Supervisor certification. (a) The board shall approve and certify a person as an approved counselor supervisor for the purposes of this chapter if the person

(1) is licensed as a professional counselor or is a licensed physician, licensed advanced practice registered nurse who is certified to provide psychiatric or mental health services, licensed clinical social worker, licensed marital and family therapist, licensed psychologist, or licensed psychological associate;

(2) submits an application for certification and the appropriate fee;

(3) has five years of counseling experience;

(4) provides to the board for its approval or disapproval a statement that details the person's supervision philosophy, orientation, and experience; and

(5) meets other criteria that may be established by the board in regulations.

(b) Certification under (a) of this section remains in effect, without the need for renewal of the certification, until the person's professional licensure is revoked, suspended, or otherwise lapses.

Sec. 08.29.220. Disclosure statement. A client may not be charged a fee for professional counseling services unless, before the performance of the services, 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 professional counselor;

(2) a description of the formal professional education of the professional counselor, including the institutions attended and the degrees received from them;

(3) the professional counselor's areas of specialization and the services available;

(4) the professional counselor's fee schedule listed by type of service or hourly rate;

(5) at the bottom of the first page of the statement, the following sentence: "This information is required by the Board of Professional Counselors which regulates all licensed professional counselors," followed by the name, address, and telephone number of the board's office.

Sec. 08.29.230. Limitation of practice. Notwithstanding that a specific act is within the definition of the "practice of professional counseling," a person licensed under this chapter may not perform the act if the person lacks appropriate education or training related to the act.

ARTICLE 4. GENERAL PROVISIONS.

Section

400. Grounds for denial of license or for disciplinary sanctions

490. Definitions

Sec. 08.29.400. Grounds for denial of license or for disciplinary sanctions. (a) The board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter or deny a license to a person when the board finds that the person

(1) has an addiction to, or severe dependency on, alcohol or other drugs that impairs the person's ability to engage safely in the practice of professional counseling;

(2) has been convicted of a felony and has not been sufficiently rehabilitated to merit the public trust;

(3) used fraud, deception, misrepresentation, or bribery in securing a license under this chapter or in obtaining permission to take an examination required under this chapter;

(4) is incompetent or has committed misconduct, fraud, misrepresentation, or dishonesty in the performance of the functions of a licensed professional counselor;

(5) violated, or assisted another individual to violate, a provision of this chapter or a regulation adopted under this chapter;

(6) impersonated a person who holds a license under this chapter;

(7) has had a license related to the practice of counseling, psychology, marital and family therapy, or social work in this or another jurisdiction revoked, suspended, limited, or surrendered in lieu of discipline upon grounds for which a license issued under this chapter could be revoked, suspended, limited, or surrendered in lieu of discipline; this paragraph does not apply to license actions for failure to pay a renewal fee;

(8) assisted another person who is not licensed under this chapter in an attempt to represent the person to the public as a licensed professional counselor;

(9) was issued a license based on a material mistake of fact;

(10) used an advertisement or solicitation that is false, misleading, or deceptive to the general public or the person to whom the advertisement was primarily directed; or

(11) failed to respond within 30 days to a written communication from the board concerning an investigation by the board or failed to make available to the board a relevant record with respect to an investigation about the licensee's conduct or background.

(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. 08.29.490. Definitions. In this chapter,

(1) "practice of professional counseling" means, subject to (C) of this paragraph, the application of principles, methods, or procedures of the counseling profession to diagnose or treat, other than through the use of projective testing or individually administered intelligence tests, mental and emotional disorders that are referenced in the standard diagnostic nomenclature for individual, group, and organizational therapy, whether cognitive, affective, or behavioral, within the context of human relationships and systems; if otherwise within the scope of this paragraph, "practice of professional counseling" includes

(A) the professional application of evaluation techniques, treatments, and therapeutic services to individuals and groups for the purpose of treating the emotional and mental disorders;

(B) an applied understanding of the dynamics of the individual and of group interactions, along with the application of therapeutic 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

(C) consistent with regulations adopted by the board under AS 08.29.020(a)(4), administration and use of appropriate assessment instruments that measure or diagnose problems or dysfunctions within the course of human growth and development as part of a counseling process or in the development of a treatment plan;

(2) "supervision" means supervision in which the supervisor is available to provide clinical oversight to the supervisee either in person or by a communication device.

CHAPTER 62.
BOARD OF PROFESSIONAL COUNSELORS.

Article

1. **Licensing Requirements (12 AAC 62.100 — 12 AAC 62.140)**
2. **Supervision (12 AAC 62.200 — 12 AAC 62.220)**
3. **License Renewal and Reinstatement; Continuing Education (12 AAC 62.300 — 12 AAC 62.350)**
4. **Distance Professional Services (12 AAC 62.400 — 12 AAC 62.420)**
5. **General Provisions (12 AAC 62.900 — 12 AAC 62.990)**

ARTICLE 1.
LICENSING REQUIREMENTS.

Section

100. **License by examination**
110. **Examination**
120. **Approved degrees**
130. **License by credentials**
140. **(Repealed)**

12 AAC 62.100. LICENSE BY EXAMINATION. (a) The board will issue a professional counselor license by examination to an applicant who meets the requirements of AS 08.29.110(a) or 08.29.130, and this section.

(b) An applicant for a professional counselor license by examination shall submit

- (1) a complete application, on a form provided by the department;
- (2) verification that the applicant has passed an examination that meets the requirements of 12 AAC 62.110;
- (3) verification that the applicant meets the requirements of AS 08.29.110(a) or 08.29.130;
- (4) certified transcripts showing that the applicant meets the requirements of 12 AAC 62.120;
- (5) the applicable fees established in 12 AAC 02.325; and
- (6) a report of state criminal justice information under AS 12.62.005 – 12.62.200, and if a state other than this

state is the applicant's primary state of residence, an equivalent report issued by that other state.

(c) Repealed 8/18/2013.

(d) An application submitted under this section is considered abandoned three years after the date of application.

(e) The board may approve an extension of the time period specified in (d) of this section or 12 AAC 62.110(d) for up to two years for an applicant who submits verification of having completed at least 2,000 hours of supervised experience during the three years after the date of application. If an extension is granted under this subsection, the board may require the applicant to resubmit supporting documents required under this section, as determined by the board, to update the information in the application.

Authority: AS 08.29.020 AS 08.29.130 AS 08.29.29.400
AS 08.29.110

12 AAC 62.110. EXAMINATION. (a) The written examination for a professional counselor license as required under AS 08.29.110(a)(4) is the National Counselor Examination for Licensure and Certification (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE), administered by the National Board for Certified Counselors, Inc. (NBCC). An applicant must obtain a passing score on the examination accepted by the board based on the determinations made by the NBCC.

(b) In lieu of the NCE or NCMHCE, the board will accept passage of another nationally recognized examination for professional counselors that is equivalent to the NCE or NCMHCE. The applicant must obtain verification of passage of the examination accepted by the board, sent directly to the board by the administrator of the examination.

(c) Repealed 01/14/2011.

(d) Except as provided in 12 AAC 62.100(e), an applicant who has passed an examination specified in (a) or (b) of this section must retake the examination if the applicant has not been issued an initial license within three years of passing the examination. For good cause shown, the board may grant an extension of up to two years of use of the examination.

Authority: AS 08.29.020 AS 08.29.110

Editor's note: To obtain information regarding the National Counselor Examination for Licensure and Certification (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE) described in 12 AAC 62.110, contact the National Board for Certified Counselors, Inc., 3 Terrace Way, Suite D, Greensboro, North Carolina 27403-3660; Phone: (336) 547-0607; e-mail: nbcc@nbcc.org.

12 AAC 62.120. APPROVED DEGREES. (a) To meet the requirements of AS 08.29.110(a)(5), an applicant's degree must be from an institution of higher education in the United States that is accredited by a regional or national accrediting agency and the degree must have included course work in at least eight of the following subject areas:

- (1) the helping relationship, including counseling theory and practice;
- (2) human growth and development;
- (3) lifestyle and career development;
- (4) group dynamics, processes, counseling, and consulting;
- (5) assessment, appraisal, and testing of individuals;
- (6) social and cultural foundation, including multicultural issues;
- (7) principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
- (8) marriage and family counseling and therapy;
- (9) research and evaluation;
- (10) professional counseling orientation; and ethics.

(b) To meet the requirements of AS 08.29.130, an applicant's degree must be from a foreign college or university approved by the board that meets the standards of a regionally or nationally accredited education institution in the United States. To be approved, a degree from a foreign college or university must have included course work in at least eight of the subject areas listed in (a)(1) – (10) of this section.

(c) An applicant who has not obtained enough graduate semester hours in the applicant's earned master's degree in counseling or a related professional field to meet the 60 graduate semester hours required under AS 08.29.110(a)(5)(B) may obtain the additional graduate semester hours needed to meet that requirement from an accredited program in (a) of this section either online or at an institution.

(d) If applying on or after February 1, 2012, an applicant must have a minimum of three graduate level credits in ethics.

Authority: AS 08.29.020 AS 08.29.110 AS 08.29.130

12 AAC 62.130. LICENSE BY CREDENTIALS. The board will issue a professional counselor license by credentials to an applicant who meets the requirements of AS 08.29.120, and of this section. An applicant for a license under this section must

- (1) submit a complete application, on a form provided by the department;
- (2) pay the applicable fees established in 12 AAC 02.325;
- (3) submit verification that the applicant holds a license to practice professional counseling in another jurisdiction, current as of the date of application;
- (4) submit documentation of the licensure requirements of the jurisdiction where the applicant holds a license to practice professional counseling;
- (5) submit verification of completion of 40 continuing education credits, including three of the continuing education credits in ethics within the previous two years immediately preceding application for licensure by credentials; the continuing education must comply with 12 AAC 62.320;
- (6) submit complete information regarding any disciplinary action or investigation taken or pending against the applicant, from all licensing jurisdictions where the applicant has ever held a professional counselor license; and
- (7) submit a report of state criminal justice information under AS 12.62.005 – 12.62.200, and if a state other than this state is the applicant's primary state of residence, an equivalent report issued by that other state.

Authority: AS 08.29.020 AS 08.29.120 AS 08.29.400

12 AAC 62.140. TRANSITIONAL LICENSE. Repealed 12/5/2002.

ARTICLE 2. SUPERVISION.

Section

200. Approved counselor supervisor certification

220. Supervised experience

12 AAC 62.200. APPROVED COUNSELOR SUPERVISOR CERTIFICATION. (a) The board will certify as an approved counselor supervisor an applicant who meets the requirements of AS 08.29.210 and of this section. An applicant for certification under this section must

- (1) submit a complete application, on a form provided by the department;
- (2) submit the board-approved supervisor fee established in 12 AAC 02.325;
- (3) certify that the applicant adheres, and will continue to adhere, to the ethical guidelines adopted in (b) of this section;

(4) submit documentation of having completed at least six contact hours of continuing education related to supervision of mental health professionals within the two years preceding the date of application; and

(5) if the applicant is applying to be certified as an approved counselor supervisor from another jurisdiction, submit a copy of the applicant's license in that jurisdiction.

(b) The code of ethics for an approved counselor supervisor certified under this section is the *AMHCA Code of Ethics*, adopted by reference in 12 AAC 62.900.

Authority: AS 08.29.020 AS 08.29.110 AS 08.29.210

12 AAC 62.220. SUPERVISED EXPERIENCE. (a) To be accepted by the board, supervised experience required under AS 08.29.110(a)(6) must include experience in those professional counseling skills included in the definition of "practice of professional counseling" in AS 08.29.490.

(b) Before July 1, 2007, to meet the supervised experience requirements of AS 08.29.110(a)(6), the board will accept the hours of supervised experience, accumulated by an applicant for licensure, under the supervision of a person that has not been certified as an approved counselor supervisor under 12 AAC 62.200 once that person is certified as an approved counselor supervisor.

(c) Beginning July 1, 2007, to meet the supervised experience requirements of AS 08.29.110(a)(6), the board will only accept the hours of supervised experience, accumulated by an applicant for licensure, under the supervision of a person that is certified, before the supervision begins, as an approved counselor supervisor under 12 AAC 62.200.

(d) Except as provided in (e) of this section, at least 50 hours of the 100 hours of face-to-face supervised experience required under AS 08.29.110(a)(6) must be accumulated by an applicant in a one-on-one setting with a supervisor certified as an approved counselor supervisor under 12 AAC 62.200. An applicant may accumulate the remaining 50 hours of supervised experience in a one-on-one setting or a group setting with a supervisor certified as an approved counselor supervisor under 12 AAC 62.200.

(e) Before the supervision begins, an applicant who practices in a remote location may submit a written request to the board to allow supervision by telephonic or electronic means in lieu of the face-to-face supervision required under AS 08.29.110(a)(6). The board may approve telephonic or electronic supervision in lieu of face-to-face supervision of an applicant who practices in a remote location if the board determines that

- (1) approved counselor supervisors are not practicing at, or within a reasonable distance of, that location; or
- (2) the approved counselor supervisors practicing at that location cannot provide appropriate supervision because of the supervisor's relationship to the applicant, a possible conflict of interest, or other good cause shown.

Authority: AS 08.29.020 AS 08.29.110 AS 08.29.210

ARTICLE 3. LICENSE RENEWAL AND REINSTATEMENT; CONTINUING EDUCATION.

Section

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

12 AAC 62.300. LICENSE RENEWAL. A licensee applying for renewal of a professional counselor license must

(1) submit a complete renewal application, on a form provided by the department, including a statement of the continuing education contact hours under 12 AAC 62.310 completed by the applicant during the concluding license period; and

(2) pay the license renewal fee established in 12 AAC 02.325.

Authority: AS 08.29.020 AS 08.29.140

12 AAC 62.310. CONTINUING EDUCATION REQUIREMENTS. (a) A licensee applying for renewal of a professional counselor license must complete the number of continuing education contact hours set out in this section; at least three of the contact hours must be in professional ethics:

(1) first biennial renewal, if the licensee held the license for less than 12 months during the concluding biennial licensing period, 20 contact hours;

(2) first biennial renewal, if the licensee held the license for at least 12 months but less than 18 months during the concluding biennial licensing period, 30 contact hours;

(3) first biennial renewal, if the licensee held the license for 18 months or more during the concluding biennial licensing period, 40 contact hours;

(4) second or subsequent biennial renewal, 40 contact hours.

(b) Except as provided in (c) of this section, the board will consider one continuing education contact hour as a minimum of 50 minutes of classroom instruction between instructor and participant, including instruction in real-time audio and audio-visual courses. The board will accept academic credit converted to contact hours as follows:

(1) one semester academic credit equals 15 contact hours;

(2) one quarter academic credit equals 10 contact hours.

(c) For a course, seminar, or workshop offered or approved by an organization listed in 12 AAC 62.320(b)(2), if the organization has designated the number of continuing education units to be awarded for that course, seminar, or workshop, the board will accept contact hours equal to the designated number of continuing education units.

(d) A minimum of 20 hours of the total number of continuing education contact hours required for renewal of a license under this section must be earned through attendance and completion of synchronous courses, seminars, and workshops.

(e) Not more than one-half of the total number of continuing education contact hours required for renewal of a license under this section may be earned by completion of a correspondence, videotape, audiocassette, or other individual study program.

(f) Only hours of actual attendance during instruction will be accepted as continuing education contact hours earned from an academic course audited by the licensee. The total number of contact hours earned may not exceed the number of academic credit hours offered for that course.

(g) In this section, "synchronous" means happening precisely at the same time during which the instructor and attendee are able to communicate in real time.

Authority: AS 08.29.020

AS 08.29.140

12 AAC 62.320. APPROVED CONTINUING EDUCATION. (a) To be accepted by the board, continuing education must contribute directly to the professional competency of a professional counselor and must be directly related to the skills and knowledge required to implement professional counseling principles and methods.

(b) The following continuing education will be accepted by the board if related to professional counseling as provided in (a) of this section:

(1) postgraduate courses, seminars, and workshops offered or approved by a regionally or nationally accredited institution of higher education, either audited by the licensee or taken for academic credit;

(2) courses, seminars, and workshops offered or approved by the

(A) American Counseling Association;

(B) Alaska Counseling Association;

(C) American Psychological Association;

(D) American Association of State Social Work Boards;

(E) National Association of Social Workers;

(F) American Association for Marital and Family Therapy;

(G) National Board of Certified Counselors (NBCC);

(H) Alaska Commission for Behavioral Health Certification;

(I) Alaska Psychological Association;

(J) Alaska School Counselor Association;

(K) Alaska Chapter of the National Association of Social Workers;

(L) American School Counselor Association;

(M) Alaska Department of Health and Social Services;

(N) Co-Occurring Disorders Institute, Inc.;

(O) Trust Training Cooperative;

(P) National Association of Alcohol and Drug Abuse Counselors;

(Q) Regional Alcohol and Drug Abuse Counselor Training Program;

(3) cross-disciplinary courses, seminars, or workshops in the fields of medicine, law, behavioral sciences, ethics, or other disciplines;

(4) first-time preparation and presentation of a professional counseling course, seminar, or workshop; the board will accept up to a maximum of 10 contact hours allocated among all professional counselors involved in the preparation and presentation;

(5) first-time preparation or publication of an article or book chapter related to the practice of professional counseling that was presented at a state or national association meeting or published by a publisher accepted by the board as recognized by the profession; the board will accept up to a maximum of 10 contact hours allocated among all professional counselors involved in the preparation or publication;

(6) completion of a correspondence, video tape, audio cassette, or other individual study program; 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 from an approved counselor supervisor who supervised the study program verifying that the licensee has successfully completed the program;

(7) up to 15 contact hours of continuing education in other courses, seminars, workshops, and in service training not covered under (1) - (6) of this subsection that are not specifically preapproved by the board, but meet the standards contained in (a) of this section.

(c) Time spent in job orientation may not be accepted as continuing education contact hours.

Authority: AS 08.29.020 AS 08.29.140

12 AAC 62.330. AUDIT OF CONTINUING EDUCATION. (a) After each biennial 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 must, within 30 days from the date of receipt of notification, submit verification of completion of the continuing education contact hours required under 12 AAC 62.310.

(c) A licensee must maintain adequate detailed records of all continuing education contact hours claimed, and must submit the records to the board upon request. The licensee must retain the records for at least three years after the date the continuing education contact hours were earned and included on the statement submitted under 12 AAC 62.300.

Authority: AS 08.29.020 AS 08.29.140

12 AAC 62.340. LICENSE REINSTATEMENT. The board will reinstate a license that has been lapsed less than five years if the applicant submits proof of completion of all continuing education contact hours that would have been required to keep the applicant's license current, and the applicant meets all other requirements under AS 08.29 and this chapter for license renewal.

Authority: AS 08.01.100 AS 08.29.020 AS 08.29.140

12 AAC 62.350. FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS. (a) A licensee may request a waiver of the continuing education requirements of 12 AAC 62.310 by submitting a written request to the board that describes the reasons for the request and includes supporting documentation satisfactory to the board. If the board finds good cause, the board will grant an exemption to the licensee under this subsection. If the board grants the exemption, the board may require an alternative method of demonstrating continued competence.

(b) In this section, "good cause" includes

- (1) physical disability;
- (2) serious illness;
- (3) a family emergency;
- (4) engagement in active duty military service in the armed forces of the United States; and
- (5) other extenuating circumstances, as found by the board.

(c) In this section, "engagement in active duty military service" means military personnel serving in an active capacity, including

- (1) active duty personnel in the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; and
- (2) reservists and National Guard personnel in a combat zone for a named United States military conflict; in this paragraph, "combat zone" means an area that the President of the United States designates by executive order as an area in which the armed forces of the United States are engaging or have engaged in combat.

Authority: AS 08.29.020 AS 08.29.140

ARTICLE 4. DISTANCE PROFESSIONAL SERVICES.

Section

- 400. Distance professional services**
- 410. Safety and confidentiality of communications**
- 420. Informed consent**

12 AAC 62.400. 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 for distance professional services provided by licensees to the extent it does not conflict with 12 AAC 62.

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

- (1) be licensed in good standing under AS 08.29;
- (2) have completed a minimum of six continuing education hours from a National Board for Certified Counselors (NBCC) approved continuing education provider pertaining to distance professional services; and
- (3) determine that the client is intellectually, emotionally, and physically capable of using distance professional services, and that the delivery method for providing distance professional services is appropriate for the client's needs.

(c) An individual, wherever located, must obtain a license from the board before providing professional counseling service to a client in this state through distance professional services.

(d) An individual located in this state must be licensed under AS 08.29 before providing distance professional counseling service, regardless of the location of the client receiving the service.

(e) Before providing distance professional services, a licensee must develop a safety plan with the client to identify local resources in the client's community should emergency care become necessary; the plan must identify an individual, and the individual's contact information, who is trusted by the client who is available during distance professional services.

(f) At the beginning of every distance professional services session, the licensee must verify and document the client's identity in the progress note.

(g) When distance professional services are deemed inappropriate by the licensee or client, the licensee must refer the client to a local health-care provider for in-person services. If the client refuses a referral to a local health-care provider for in-person services, the licensee must document the rationale for continuing to provide distance professional services.

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 62.410. SAFETY AND CONFIDENTIALITY OF COMMUNICATIONS. (a) A licensee must comply with the requirements of 45 C.F.R. Parts 160 and 164 regarding privacy, security, and breach for purposes of P.L. 104-191 (Health Insurance Portability and Accountability Act of 1996) for communication, including electronic communications and online scheduling. A licensee must notify the client if a communication is not confidential and limit electronic transmissions to general communications that are not client specific. A licensee must notify the client if online scheduling software is not encrypted and therefore may not be confidential

(b) A licensee must discourage a client from texting personal information. A text message is considered a part of the client's record and must be kept in the client's file.

(c) A licensee must endeavor to protect clients from unwanted interruptions during distance professional services sessions.

Authority: AS 08.29.020 AS 08.29.200 AS 08.29.490

12 AAC 62.420. INFORMED CONSENT. To provide distance professional services as the practice of professional counseling as defined under AS 08.29.490, a licensee shall ensure informed consent from a client. The informed consent must:

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

Authority: AS 08.29.020 AS 08.29.400 AS 08.29.490
AS 08.29.200

**ARTICLE 5.
GENERAL PROVISIONS.**

Section

- 900. Code of ethics**
- 930. Written notice with disclosure statement**
- 960. Board member absences**
- 990. Definitions**

12 AAC 62.900. CODE OF ETHICS. (a) The American Mental Health Counselors Association's *AMHCA Code of Ethics*, revised as of 2010, is adopted by reference as the code of ethics for professional counselors in the state. A professional counselor licensed in the state must adhere to the code of ethics.

(b) When using or administering assessment instruments described in AS 08.29.490(1)(C), a professional counselor shall comply with Section D: Assessment and Diagnosis of the *AMHCA Code of Ethics* adopted by reference in (a) of this section.

(c) Licensed professional counselors shall retain their clients' records post-termination for a minimum of seven years.

Authority: AS 08.29.020

Editor's Note: A copy of the *AMHCA Code of Ethics*, adopted by reference in 12 AAC 62.900 is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, or may be obtained from the American Mental Health Counselors Association, 801 N. Fairfax Street, Ste. 304, Alexandria, VA 22314; telephone: (800) 326-2642; fax: (703) 548-4775; Internet: <http://www.amhca.org>

12 AAC 62.930. WRITTEN NOTICE WITH DISCLOSURE STATEMENT. In addition to the professional disclosure statement required by AS 08.29.220, a licensee must provide written notice to the client that

(1) the treatment program may be discussed with other professionals and, if that occurs, the client's confidentiality will be maintained; and

(2) the name and identity of the client will be disclosed only in compliance with AS 08.29.200.

Authority: AS 08.29.020 AS 08.29.200 AS 08.29.220

12 AAC 62.960. BOARD MEMBER ABSENCES. (a) The board may recommend to the governor that a member be removed from the board if that member has had three or more unexcused absences from regularly scheduled board meetings during the member's term on the board.

(b) Before the close of each regularly scheduled board meeting from which a member has been absent, the board will determine on the record whether the member's absence from that meeting was excused or unexcused. An absence will be excused if it was approved by the chairperson of the board before the meeting began or was due to an emergency.

Authority: AS 08.01.020 AS 08.01.035 AS 08.29.020

12 AAC 62.990. DEFINITIONS. (a) In AS 08.29,

(1) "direct counseling" means professional counseling provided face-to-face with individuals, couples, families, or groups;

(2) "incompetent" means lacking sufficient knowledge, skills, or professional judgement in counseling, to a degree likely to endanger the mental health or well being of a client.

(b) In AS 08.29 and sec. 6, ch. 75, SLA 1998, as amended by sec. 7, ch. 49, SLA 1999, "related field" or "related professional field" includes psychology, marital and family therapy, social work, and applied behavioral science;

(c) In AS 08.29 and this chapter,

(1) "approved counselor supervisor" means a person certified under 12 AAC 62.200;

(2) "board" means the Board of Professional Counselors;

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

(4) "professional counselor" means a person who is in the practice of professional counseling as defined in AS 08.29.490(1);

(5) "distance professional services" means the use of audio, visual, or data communications by a licensee under this chapter to provide professional counseling services to a client when physically separated from the client.

Authority: AS 08.29.020