

Nancy Dahlstrom
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: June 15, 2023

RE: Filed Permanent Regulations: Board of Professional Counselors

Department of Commerce, Community, and Economic Development regulations re:
Board of Professional Counselors - license by examination and continuing education
requirements (12 AAC 62)

Attorney General File:	2023200017
Regulation Filed:	6/15/2023
Effective Date:	7/15/2023
Print:	247, October 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Alison Osborne, Regulations Specialist
Stefanie Davis, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

June 7, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: 2023200017 - Department of Commerce,
Community, and Economic Development;
Board of Professional Counselors; amendment
to 12 AAC 62; license by examination and
continuing education requirements

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Professional Counselors against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The Board of Professional Counselors adopted the regulations after the close of the public comment period. The regulations repeal a provision under 12 AAC 62.100 concerning circumstances for an extension for an application for license by examination and amend 12 AAC 62.310 to update continuing education contact hour requirements for license renewal. At its meeting of April 27, 2023, the board voted to defer a proposed amendment to 12 AAC 62.100(d), addressing the timeline for application abandonment, so that the board may perform additional work on the regulation in a later regulations project.

Both the January 20, 2023 public notice and the March 7, 2023 order certifying changes to the regulations state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

To: The Honorable Nancy Dahlstrom
Our file: 2023200017

June 7, 2023
Page 2 of 2

In accordance with AS 44.62.060 we have made a number of technical corrections to the regulations. The corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG R. TAYLOR
ATTORNEY GENERAL

By:

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP:bws

CC w/enclosure: Alison Osborne, Regulations Specialist
Department of Commerce, Community and Economic Development

Patty C. Burley, Assistant Attorney General
Department of Law

Brad Sharp, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

ORDER CERTIFYING THE CHANGES TO REGULATIONS
OF THE BOARD OF PROFESSIONAL COUNSELORS

The attached two pages of regulations, dealing with continuing education requirements and the date on which initial applications are considered to be abandoned, are certified to be a correct copy of the regulation changes that the Board of Professional Counselors adopted at its February 23-24, 2023 meeting, under the authority of AS 08.29.020, AS 08.29.110, AS 08.29.130, AS 08.29.140 and AS 08.29.400, and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Professional Counselors paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 3/7/2023

DocuSigned by:
Dorene Hagen
80FAB03B83A9487

Dori Hagen, LPC, Chair
Board of Professional Counselors

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on June 15, 2023 at _____m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

Nancy Dahlstrom

Nancy Dahlstrom, Lieutenant Governor

Effective: July 15, 2023

Register: 247, October 2023

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

April Simpson, Regulations and Initiatives Specialist

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on May 15th, 2023.**



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

12 AAC 62.100(e) is repealed:

(e) Repealed 7 / 15 / 2023. (Eff. 10/30/99, Register 152; am 12/5/2002, Register 164; am 4/19/2003, Register 166; am 1/29/2009, Register 189; am 8/18/2013, Register 207; am 7 / 15 / 2023, Register 247)

Authority: AS 08.29.020 AS 08.29.130 AS 08.29.400
AS 08.29.110

12 AAC 62.110(d) is amended to read:

(d) An [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. (Eff. 10/30/99, Register 152; am 12/5/2002, Register 164; am 4/19/2003, Register 166; am 1/14/2011, Register 197; am 8/18/2013, Register 207; 5/18/2014, Register 210; am 7 / 15 / 2023, Register 247)

Authority: AS 08.29.020 AS 08.29.110

The introductory language of 12 AAC 62.310(a) is amended to read:

(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. For a biennial licensing period ending on or before October 31, 2023, [;] at least three [OF THE] contact hours must be in professional ethics. For a biennial licensing period beginning on or after November 1, 2023, at least three contact hours must be in professional ethics, at least three contact hours

Register 247, October 2023 PROFESSIONAL REGULATIONS

must be in suicidality, and at least three contact hours must be in cultural competency. The number of contact hours for a biennial licensing period is as follows:

...

12 AAC 62.310 is amended by adding a new subsection to read:

(h) Not more than 12 contact hours in a 24-hour period may apply to the total number of continuing education contact hours required for renewal of a license under this section. (Eff.

10/30/99, Register 152; am 12/29/2006, Register 180; am 9/20/2015, Register 215; am

2/20/2022, Register 241; am 7 / 15 / 2023, Register 247)

Authority: AS 08.29.020 AS 08.29.140