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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

**MEMORANDUM**

**TO:** Jun Maiquis, AAC Contact  
Department of Commerce, Community and Economic Development

**FROM:** Scott Meriwether  
Special Assistant  
907.465.4081

A handwritten signature in black ink, appearing to be "SM", next to the name Scott Meriwether.

**DATE:** August 21, 2015

**RE:** Filed Permanent Regulations: Board of Professional Counselors

Regulations re: approved degrees, licensure by credentials, continuing education, and ethics (12 AAC 62.120; 12 AAC 62.130; 12 AAC 62.200(b); 12 AAC 62.310; 12 AAC 62.900)

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Attorney General File:	JU2015200364 (Part 1)
Regulation Filed:	August 21, 2015
Effective Date:	September 20, 2015
Print:	215, October 2015

cc with enclosures:

Linda Miller, Department of Law  
Genevieve Wojtusik, Administrative Regulation Review Committee  
Judy Herndon, LexisNexis

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

The attached seven pages of regulations, dealing with approved degrees, license by credentials, supervised experience, continuing education requirements, and code of ethics, are hereby certified to be a correct copy of the regulation changes that the Board of Professional Counselors adopted at its June 18-19, 2015 meeting, under the authority of AS 08.29.020, AS 08.29.110, AS 08.29.120, AS 08.29.130, AS 08.29.140, AS 08.29.210, 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.

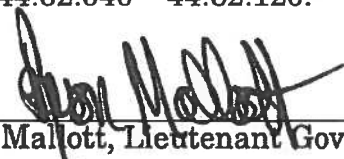
DATE:

June 19, 2015  
Anchorage, Alaska

  
\_\_\_\_\_  
Anne Marie Brainerd, LPC, Chair  
Board of Professional Counselors

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on August 21, 2015 at 10:01am., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

  
\_\_\_\_\_  
Byron Mallott, Lieutenant Governor

Effective: September 20, 2015

Register: 215, October 2015

Chapter 62. Board of Professional Counselors.

repealed and readopted

12 AAC 62.120 is ~~amended~~ to read:

**12 AAC 62.120. Approved degrees.** (a) ~~Except as provided in (b) [AND (c)] of this~~  
~~section,~~ <sup>Cap</sup> to meet the requirements of AS 08.29.110(a)(5), an applicant's degree must be from an  
institution of higher education ~~THAT WAS ACCREDITED, AT THE TIME OF THE~~

~~APPLICANT'S GRADUATION, BY THE~~

~~(1) MIDDLE STATES ASSOCIATION OF COLLEGES AND SCHOOLS;~~

~~(2) NEW ENGLAND ASSOCIATION OF SCHOOLS AND COLLEGES;~~

~~(3) NORTH CENTRAL ASSOCIATION OF COLLEGES AND SCHOOLS;~~

~~(4) NORTHWEST ASSOCIATION OF SCHOOLS AND COLLEGES;~~

~~(5) SOUTHERN ASSOCIATION OF COLLEGES AND SCHOOLS;~~

~~(6) WESTERN ASSOCIATION OF SCHOOLS AND COLLEGES; OR~~

~~(7) COUNCIL FOR ACCREDITATION OF COUNSELING AND RELATED~~

~~EDUCATIONAL PROGRAMS.~~

~~(b) IF THE APPLICANT'S DEGREE IS FROM AN INSTITUTION OF HIGHER~~  
~~EDUCATION]~~ in the United States that is accredited by a regional or national accrediting

agency ~~[NOT LISTED IN (a) OF THIS SECTION, TO MEET THE REQUIREMENTS OF AS~~

~~08.29.110(a)(5)]~~ <sup>and</sup> 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; and

*Boldface and underline not necessary* *align* (10) professional counseling orientation; and ethics.

(b) ~~(c)~~ 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) ~~(b)(1) – (10)~~ of this section.

(c) ~~(d)~~ 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) ~~(e)~~ If applying on or after February 1, 2012, an applicant must have a minimum of three graduate level credits in ethics. (Eff. 10/30/99, Register 152; am 1/28/2005, Register 173; am 1/13/2012, Register 201; am 9/20/2015, Register 215)

**Authority:** AS 08.29.020 AS 08.29.110 AS 08.29.130

12 AAC 62.130 is amended to read:

**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 credential; the continuing education must comply with 12 AAC 62.320;**

**(6)** [(5)] 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)** [(6)] 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. (Eff. 10/30/99, Register 152; am 1/29/2009, Register 189; am 9/20/2015, Register 215)

Authority: AS 08.29.020 AS 08.29.120 AS 08.29.400

12 AAC 62.200(b) is amended to read:

(b) The code of ethics for an approved counselor supervisor certified under this section is the AMHCA Code of Ethics ["ACA CODE OF ETHICS," 2005 EDITION], adopted by reference in 12 AAC 62.900. (Eff. 10/30/99, Register 152; am 1/28/2005, Register 173; am 12/29/2006, Register 180; am 7/12/2008, Register 187; am 1/14/2011, Register 197; am 9/20/2015, Register 215)

File# JU2015200364 Authority: AS 08.29.020 <sup>3</sup> AS 08.29.110 AS 08.29.210

*italicize  
the  
title*

12 AAC 62.220(c) is amended to read:

(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. If an applicant submits supervised experience that has been accrued out of state, the hours may be accepted if the hours were under a supervisor who met or exceeded the criteria of an approved supervisor for this state under AS 08.29.210(a)(1), (3), and (5), before supervision began and throughout the span of supervision.

*Publisher: Existing 12 AAC 62.220(c) is unchanged*

*New text prepared for 12 AAC 62.220(c) is withdrawn. ACJ 8/19/2015*

~~12 AAC 62.220 is amended by adding a new subsection to read:~~

(f) Notwithstanding the requirements of this section, the board may approve, retroactively, supervised experience accumulated by an active member of the armed forces or a person who is married to and living with a member of the armed forces of the United States provided that

- (1) person applies to the board in the manner prescribed by the board;
- (2) the applicant's supervisor meet or exceed all criteria required for a supervisor according to 12 ACC 62.200 before the supervision began and throughout the span of supervision;
- (3) the applicant provides proof that he/she is an active-duty member of the armed forces of the United States and is on active duty and assigned to a duty station in this state under official active duty military orders; or

~~(4) the applicant is married to and living with a member of the armed forces of~~

*Withdrawn. ACJ 8/19/2015*

~~United States and is on active duty and assigned to a duty station in this state under official~~  
~~active duty military orders.~~ (Eff. 10/30/99, Register 152; am 1/28/2005, Register 173; am

*Withdrawn.  
XCT  
8/19/2015*

9/20/2015, Register 215)

Authority: AS 08.29.020 AS 08.29.110 AS 08.29.210

*repealed and readopted*

12 AAC 62.310 is ~~amended~~ to read:

**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 ~~renewal~~ 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 ~~renewal~~ period, 30 contact hours;

(3) first biennial renewal, if the licensee held the license for 18 months or more during the concluding biennial licensing ~~renewal~~ 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 <sup>2</sup>contact hour<sup>2</sup> 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.

*boldface and underlining unnecessary*

*Not*  
(e) ~~No~~ 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.

*Not*  
(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.

*boldface and underlining unnecessary*  
(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. (Eff.

*italicize the title*

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

Authority: AS 08.29.020 AS 08.29.140

12 AAC 62.900 is amended by adding a new subsection to read:

12 AAC 62.900. Code of Ethics. (a) The AMHCA [ACA] Code of Ethics", American

Mental Health Counselors [COUNSELING] Association (AMHCA), revised 2010 [(ACA), 2005 EDITION], is adopted by reference as the code of ethics for professional counselors in the

*American Mental Health Counselors Association's AMHCA Code of Ethics, revised as of 2010 [ACA CODE OF ETHICS], AMERICAN COUNSELING ASSOCIATION (ACA), 2005 EDITION]*



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 <sup>shall</sup> ~~must~~ comply with Section D: Assessment and  
Diagnosis of the AMHCA Code of Ethics <sup>SECTION</sup> [E: EVALUATION, ASSESSMENT, AND  
INTERPRETATION OF THE "ACA CODE OF ETHICS"] adopted by reference in (a) of this

section.

12 AAC 62.900 is amended by adding a new subsection to read:

(c) Licensed professional counselors shall retain their clients' records post-

termination for a minimum of seven years. (Eff. 10/30/99, Register 152; am 7/12/2008,

Register 187; am 9/20/2015, Register 215)

Authority: AS 08.29.020

AMHCA Code of Ethics, adopted by reference ["ACA CODE OF

Editor's note: A copy of the AMHCA [ACA] Code of Ethics, American Mental

Health Counselors [COUNSELING] Association (AMHCA), revised 2010 [2005 EDITION],

described 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 [COUNSELING] Association, 801 N. Fairfax Street, Ste. 304

[5999 STEVENSON AVENUE], Alexandria, VA 22314 [22304-3304]; telephone: (800) 326-

2642; fax: (703) 548-4775 [(703) 823-9800]; Internet: http://www.amhca.org

[HTTP://WWW.COUNSELING.ORG].

As of Register 171 (October 2004), the regulations attorney made technical revisions under AS 44.62.125(b)(6) to reflect the name change of the Department of Community and Economic Development to the Department of Commerce, Community, and Economic Development made by ch. 47, SLA 2004 and the corresponding title change of the commissioner of community and economic development.