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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Debbie Morgan
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, appearing to read "April Simpson".

DATE: May 23, 2019

RE: Filed Permanent Regulations: Board of Marital and Family Therapy

Board of Marital and Family Therapy regulations re: approved supervisors, license renewal, continuing education, teletherapy practice, and ethics (12 AAC 19.210; 12 AAC 19.300; 12 AAC 19.350; 12 AAC 19.400 - 12 AAC 19.420; 12 AAC 19.900; 12 AAC 19.990)

Attorney General File:	2018200911
Regulation Filed:	5/23/2019
Effective Date:	6/22/2019
Print:	230, July 2019

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO REGULATIONS
OF THE BOARD OF MARITAL AND FAMILY THERAPY

The attached eleven pages of regulations, dealing with approved supervisors, license renewal, continuing education course approval, teletherapy practice, code of ethics, and definitions, are hereby certified to be a correct copy of the regulation changes that the Board of Marital and Family Therapy adopted at its January 22, 2019 meeting, under the authority of AS 08.63.050, AS 08.63.100, AS 08.63.110, and AS 08.63.120 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 Marital and Family Therapy 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: 3-7-19
Anchorage, Alaska

Dorothea Goddard-Aguero
Dorothea Goddard-Aguero, Chair
Board of Marital and Family Therapy

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on MAY 23, 2019 at 11:46 Am., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

Kevin Meyer
Kevin Meyer
Lieutenant Governor

Effective: June 22, 2019.

Register: 230, July 2019.

Chapter 19. Board of Marital and Family Therapy.

12 AAC 19.210 is repealed and readopted to read:

12 AAC 19.210. Approved supervisors. (a) The board will approve a person to be an approved supervisor for individual supervision 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) The board will approve a person to be an approved supervisor for group supervision under this chapter if the applicant submits

- (1) a complete, notarized application on a form provided by the department;
- (2) verification of a current holds a license as described under AS 08.63.120(b)(2)(A) – (F);
- (3) documentation of having practiced as a licensed professional as listed under AS 08.63.120(b)(2)(A) – (F) 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.

(c) 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.

(d) 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 (c) 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) or (b)(2) and (3) of this section.

(e) A supervisor who participates in teletherapy must

required under 12 AAC 19.405(2)

(1) have completed at least four hours of training in the use of teletherapy technologies before engaging in teletherapy practice required by 12 AAC 19.405(2);

the supervisee's (2) determine that telesupervision is appropriate for a supervisee considering professional, intellectual, emotional, and physical needs;

(3) inform supervisees of the potential risks and benefits associated with telesupervision;

the supervisor's

(4) take reasonable steps to ensure the security of their communication medium;

(5) commence telesupervision only after gaining appropriate education, training,

or supervised experience using the relevant technology;

(6) be aware of the risks and responsibilities associated with telesupervision and advise supervisees in writing of these risk^{CS} as well as the supervisor's and supervisees¹² responsibilities for minimizing these such risks;

(7) consider that communications may be synchronous or asynchronous and that technologies may augment traditional in-person supervision or be used as stand-alone supervision; and

(8) be aware of the potential benefits and limitations in the supervisor's choices of technologies for a particular supervisee in a particular situation. (Eff. 10/1/93, Register 127; am 3/15/97, Register 141; am 8/17/2002, Register 163; am 6/4/2005, Register 174; am 6/24/2012, Register 202; am 6/22/2019, Register 230)

Authority: AS 08.63.050
AS 08.63.060

AS 08.63.100

AS 08.63.210

AS 08.63.120

12 AAC 19.300 is amended by adding a new subsection to read:

(c) An applicant renewing a license who participates in teletherapy must complete two hours of continuing education that relates relating to teletherapy practice, and that which includes teletherapy ethics. (Eff. 10/1/93, Register 127; am 8/24/2002, Register 163; am 12/14/2008, Register 188; am 6/22/2019, Register 230)

Authority: AS 08.63.050

to Article 3

12 AAC 19 is amended by adding a new section to read:

12 AAC 19.350. Application of providers 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 name of the course provider;
- (3) a complete course description, including the course title and a description of the learning objectives;
- (4) a course syllabus; and
- (5) an outline of the major topics covered by the course and the number of classroom hours allowed for each topic.

(b) Approval of continuing education courses under this section is valid until December 31 of the next even numbered year.

(c) An applicant who has a change in condition required under (a)(2) – (5) 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 applicant 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.

(e) ^{In} For the purposes of this section, ^{means} an "applicant" ^{course seeking approval (continuing education unit)} is defined as a licensee, ^{provider?} or sponsor of a proposed CEU course. (Eff. 6 / 22 / 2019, Register 230)

Authority: AS 08.63.050 AS 08.63.100

12 AAC 19 is amended by adding new sections to read:

Article 4. Teletherapy Practice.

Section

400. Scope of teletherapy practice

405. Eligibility to practice teletherapy

410. Providing technology assisted distance professional services

415. Safety and confidentiality of communications

420. Informed consent

(((Publisher: Please note that on page 10, the article "General Provisions" is renumbered from "4" to "5".)))

12 AAC 19.400. Scope of teletherapy practice. Services offered by licensees of ^{the} this board across a distance by electronic means fall within the jurisdiction of the board ^(to the same degree) as with ^(The provisions of AS 08.63 and this chapter) traditional face-to-face services described in AS 08.63 and 12 AAC 19 will apply to these services. Teletherapy or technology-assisted services refers to the scope of marital and family therapy practice of diagnosis, evaluation, consultation, intervention, and treatment of behavioral, social, and interpersonal disorders through synchronous or asynchronous two-way electronic communication, including ^(electronic mail, text messaging,) But not limited to telephone, videoconferencing, email, text, instant messaging, and social media. The practice of technology-assisted distance professional services does not include functions or practices that are not within the training required for licensure under this chapter in accordance with AS 08.63.240. (Eff. 6/22/2019, Register 230)

Authority: AS 08.63.050

AS 08.63.100

AS 08.63.110

AS 08.63.210

12 AAC 19.405. Eligibility to practice teletherapy. To be eligible to practice teletherapy with clients physically present in this state, an individual must

(1) be licensed in good standing under AS 08.63.100 as a marital and family therapist or AS 08.63.110 as a marital and family therapy associate; ^{and}

(2) complete the following initial training in ~~all~~ topics regarding teletherapy, totaling a minimum of four hours.

(A) appropriateness of teletherapy;

(B) teletherapy theory and practice;

(C) modes of teletherapy delivery;

(D) legal and ethical issues;

(E) handling online emergencies;

(F) best practices and informed consent. (Eff. 6/22/2019, Register

230)

Authority: AS 08.63.050

AS 08.63.100

AS 08.63.110

AS 08.63.210

12 AAC 19.410. Providing technology² assisted distance professional services. (a) The provision of any service as the practice of marital and family therapy defined under AS 08.63.900¹ to a client physically present in this state through digital, telephonic, electronic, or other means, regardless of the location of the provider of such service, ^{the} shall constitute ^{CS} the practice of marital and family therapy in this state and ^{CS} shall require licensure of the service provider under AS 08.63 and this chapter. under AS 08.63.900 ~~the statutes and regulations of this state for marital and family therapy.~~

(b) The provision of any service defined ^{the} as the practice of marital and family therapy by a provider of such service in this state through digital, telephonic, electronic, or other means, regardless of the location of the client receiving such service, ^{the} shall constitute ^{CS} the practice of marital and family therapy in this state and ^{CS} shall require licensure of the provider under AS 08.63 and this chapter.

~~applicable provisions of the statutes and regulations of this state for marriage and family therapists. Additionally, licensees are required to comply with all statutes, regulations, and rules of the state where the client is physically located.~~

(c) When providing technology-assisted distance professional services, licensees ^a shall ^{the} determine that clients ^{is} are intellectually, emotionally, and physically capable of using the application and that the application is appropriate for the needs of the client.

(d) When technology-assisted distance professional services are ^{determined} deemed inappropriate by the licensee or client, licensees ^{the} may ^{the} consider referral to a clinician local to the client for in-person services. If the client refuses ^{the} referral, ^{shall} licensee ^{the} must document rationale for continuing to provide distance professional services.

(e) Each time a technology-assisted distance professional services session takes place the licensee ^{shall verify} verifies the client's identity and ^{shall note the client's identity,} ~~and notes the same~~ in the progress note.

Regarding the delivery of distance professional services, a licensee shall follow

(f) Licensees are encouraged to refer to the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) Teletherapy Guidelines, ^{dated} adopted September 2016, ^{and adopted by} regarding reference. delivery of distance professional services.

(g) At the onset of services, licensees ^{shall} are required to develop a safety plan ^{identifying} naming local resources in the community of the distance client should emergency care be ^{required. The} needed. Safety plan ^{include} must include contact ^{telephone} phone numbers. Local resources may ^{for local resources} be family members, law enforcement, ^{aides,} health ^s aid, religious leader, or tribal leader ^s but should preferably be someone trusted by the client to be available during distance professional services. (Eff. 6/22/2019, Register 230)

Authority: AS 08.63.050

AS 08.63.100

AS 08.63.110

AS 08.63.210

Editor's note: A copy of the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) Teletherapy Guidelines, dated September 2016, adopted by reference in

12 AAC 19.410, 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; phone (907) 465-2551, or website at

<https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMaritalFamilyTherapy.aspx>.

To provide, by digital, telephonic, or other electronic means, any service defined under AS 08.63.900 as

the practice of marital and family therapy, a licensee shall secure informed consent from a client. Informed consent must be written and clearly set out

12 AAC 19.415. Safety and confidentiality of communications. (a) All forms of communications, including electronic communications, communications with clients must be HIPPA compliant.

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).

(b) Synchronous distance professional services, involving synchronous distance professional services, Licensees must endeavor to protect clients from unwanted interruptions during sessions. (Eff. 6/22/2019, Register 230)

Authority: AS 08.63.050

AS 08.63.100

AS 08.63.110

AS 08.63.210

12 AAC 19.420. Informed consent. ~~Informed consent should be clearly set forth,~~

~~Understandable, discuss the benefits and risks of entering into distance professional services, and~~

The informed consent must identify the means of contact with the client, including address the use of phone, online synchronous counseling, electronic billing, text, and email

the use of a telephone, online synchronous counseling, electronic billing, text messaging, or contact with a client. As part of the process of establishing informed consent, licensees do the electronic mail. The informed consent must also following:

identify

(1) address issues related to the difficulty of maintaining the confidentiality of electronically transmitted communications;

(2) inform clients of all colleagues, supervisors, and employees, such as information technology (IT) administrators, who might have authorized or unauthorized access to electronic transmissions;

inform

of the risks of access,

(3) ~~urge~~ clients ~~to be aware of all authorized or unauthorized users,~~ including

by

family members and fellow employees, who have access to any technology clients may use in the counseling process;

(4) inform clients of pertinent legal rights and limitations governing the practice of a profession over state lines or international boundaries;

inform clients that, (5) whenever possible, use encrypted websites and email communications to help ensure confidentiality;

electronic mail

will be used

(6) when the use of encryption is not possible, inform licensees notify clients of this fact and limit electronic transmissions to general communications that are not client specific;

inform

limitation

(7) inform clients if and for how long archival storage of transaction records is maintained;

is

during a failure (8) discuss the possibility of technology failure and alternate methods of service delivery;

(9) inform clients of emergency procedures, such as calling 911 or a local crisis hotline when the licensee is not available;

(10) inform clients of the limits of confidentiality under AS 08.63.200;

under

identify, as applicable,

(11) discuss time zone differences, local customs, and cultural or language differences that might impact services delivery;

(12) inform clients when technology-assisted distance professional services are not covered by insurance; and

and

(13) fully disclose the licensee's licensing, credentials and areas of expertise. (Eff.

6 / 22 / 2019, Register 230)

Authority: AS 08.63.050

AS 08.63.100

AS 08.63.110

AS 08.63.210

The article heading for Article 4 is changed to read:

Article 5 [4]. General Provisions.

12 AAC 19.900 is amended to read:

12 AAC 19.900. Code of ethics. Marital and family therapists licensed in this state, professional services including those practicing distance therapy or teletherapy shall adhere to the *AAMFT Code of Ethics* of the American Association for Marriage and Family Therapy (AAMFT) (**January 1, 2015 Revision**) [(JULY 1, 2001 REVISION)]. The *AAMFT Code of Ethics* is adopted by reference in this section. (Eff. 10/1/93, Register 127; am 6/21/97, Register 142; am 8/24/2002, Register 163; am 6 / 22 / 2019, Register 230)

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), 112 South Alfred Street, Alexandria, VA 22314-3061; telephone: (703) 838-9808 [1133 15TH STREET, NW, WASHINGTON, DC 20005-2710], or at AAMFT's website at www.aamft.org.

(Publisher: Retain the first paragraph, as edited, of the editor's note that follows 12 AAC 19.900; but please delete the second paragraph.))

12 AAC 19.990 is amended by adding new paragraphs to read:

(5) "asynchronous" ^(with regard to an) interaction means the transmission of a client's information ^(marital and family therapist) from an originating site to a licensed ~~professional counselor~~ at a distant site not occurring at exactly the same time; no real-time communication is present or able;

(6) "distance professional services" means the mode of delivering services ^{by means of} ~~via~~ technology-assisted media, such as ~~but not limited to,~~ ^{personal computer (PC)} a telephone, video, internet, ^{3 cap} smartphone, tablet, ~~PC~~ desktop system, or other electronic means using appropriate encryption technology for electronic health information, occurring either synchronously or asynchronously as it pertains to marital and family therapy professional counseling practices;

(7) "distant site" means a site or location from which services are delivered by a licensee ^{by means of} ~~via~~ technology-assisted media;

(8) "originating site" means a site where a client is located at the time ^{that marital and family therapy} ~~counseling~~ ^{by means of} services are provided ~~via~~ technology-assisted media or where the asynchronous storage and forwarding services originate;

(9) "synchronous" interaction means a real-time interaction between a client and a ^{with regard to an} licensed marital and family therapist ^{therapist} ~~counselor~~ occurring at exactly the same time during which the client and ~~counselor~~ are able to communicate in real [#] time. (Eff. 10/1/93, Register 127; am 4/24/2016, Register 218; am 6 / 22 / 2019, Register 230)

Authority: AS 08.63.050

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Thru: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

From: Steven C. Weaver *ACW*
Senior Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Date: May 15, 2019

File No.: 2018200911

Tel. No.: 465-3600

Re: Board of Marital and Family Therapy
regulations re: approved supervisors,
license renewal, continuing
education, teletherapy practice, and
ethics (12 AAC 19.210; 12 AAC
19.300; 12 AAC 19.350; 12 AAC
19.400 - 12 AAC 19.420; 12 AAC
19.900; 12 AAC 19.990)

The Department of Law has reviewed the attached regulations of the Board of Marital and Family Therapy 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 regulations were adopted by the Board of Marital and Family Therapy after the close of the public comment period. In part to implement AS 08.63.210(c) and (d), added by sec. 6, ch. 25, SLA 2016, the regulations concern approved supervisors, license renewal, continuing education, ethics, and particularly delivery of therapy through teletherapy and other electronic means.

Under 12 AAC 19.210(e)(2), a supervisor who participates in teletherapy must "determine that telesupervision is appropriate for a supervisee considering professional, intellectual, emotional, and physical needs." The phrase does not explicitly state whether the needs to be considered are those of the supervisee, those of the client, or both. Our edit reflects the least intrusive reading in context: that a supervisor must determine that telesupervision is appropriate for a supervisee considering needs of that supervisee.

The October 4, 2018 public notice and the March 7, 2019 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Kevin Meyer, Lieutenant Governor
Our file: 2018200911

May 15, 2019

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc with enc: Dorothea Goddard-Aguero, Chair
Board of Marital and Family Therapy
(via e-mail through Jun Maiquis)

Debbie Morgan, Regulations Contact
Department of Commerce, Community, and Economic Development

Sara Chambers, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Sher Zinn, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Chelsea Childress
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Joan M. Wilson, Assistant Attorney General
Commercial, Fair Business, and Child Support Section

**NOTICE OF PROPOSED CHANGES RELATING TO APPROVED SUPERVISORS,
TELETHERAPY PRACTICE, CONTINUING EDUCATION, RENEWAL, CONTINUING
EDUCATION COURSE APPROVAL, CODE OF ETHICS, AND DEFINITIONS IN THE
REGULATIONS OF THE BOARD OF MARITAL AND FAMILY THERAPY**

BRIEF DESCRIPTION: The Board of Marital and Family Therapy proposes to update various regulations regarding approved supervisors, continuing education, renewal, establish continuing education course approval requirements, update code of ethics, and to establish teletherapy standards of practice.

The Board of Marital and Family Therapy (Board) proposes to adopt regulation changes in Title 12, Chapter 19 of the Alaska Administrative Code including the following:

1. **12 AAC 19.210. Approved supervisors**, is proposed to be changed to amend the approved supervisors requirements, and to add provisions for a supervisor who participates in teletherapy practice.
2. **12 AAC 19.300. License renewal**, is proposed to be changed to add two hours of continuing education requirements for licensee who participates in teletherapy practice.
3. **12 AAC 19.350. Application of providers for continuing education course approval**, is a proposed new section that establishes continuing education course approval requirements.
4. **12 AAC 19.400. Scope of teletherapy practice**, is a proposed new section that establishes scope of practice for teletherapy.
5. **12 AAC 19.405. Eligibility to practice teletherapy**, is a proposed new section that establishes eligibility requirements to practice teletherapy.
6. **12 AAC 19.410. Providing technology assisted distance professional services**, is a proposed new section that establishes standards of practice for teletherapy, and to adopt by reference the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) Teletherapy Guidelines.
7. **12 AAC 19.415. Safety and confidentiality of communications**, is a proposed new section that establishes safety and confidentiality of communications guidelines for teletherapy services between a licensee and a client.
8. **12 AAC 19.420. Informed consent**, is a proposed new section that clarifies the informed consent requirements for teletherapy services between a licensee and a client.
9. **12 AAC 19.900. Code of ethics**, is proposed to adopt the updated code of ethics that the board adopts by reference.
10. **12 AAC 19.990. Definitions**, is proposed to further define terms used in AS 08.63 and 12 AAC 19.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/191655>, and using the comment link. **The comments must be received not later than 5:00 p.m. on November 5, 2018.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist,

Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMaritalFamilyTherapy.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than October 29, 2018 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/MFT-1018.pdf>.

A copy of the material proposed for adoption by reference may be viewed at the Board's office at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, State Office Building, 333 Willoughby Avenue, 9th Floor, Juneau, AK.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.63.050; AS 08.63.100; AS 08.63.110; AS 08.63.120

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.63.050; AS 08.63.100; AS 08.63.110; AS 08.63.120

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE:


10/3/18



Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Marital and Family Therapy – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Approved supervisors, continuing education, license renewal, application for providers for continuing education course approval, teletherapy practice, code of ethics, and definitions.
3. **Citation of regulation:** 12 AAC 19.210 – 12 AAC 19.990.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with current statute; update and clarification of current regulations; implement amendments to AS 08.63 enacted under Chapter 75, SLA 2018 (SB 105).
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: \$100 continuing education course approval fee; \$50 continuing education course renewal fee.
Another state agency: \$100 continuing education course approval fee; \$50 continuing education course renewal fee.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2019 or in subsequent years.
9. **The name of the contact person for the regulation:**
Chelsea Childress, Licensing Supervisor
Board of Marital and Family Therapy
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-3262
E-mail: chelsea.childress@alaska.gov
10. **The origin of the proposed action:** Board of Marital and Family Therapy
11. **Date:** 10/3/18 **Prepared by:** 

Jun Maiquis
Regulations Specialist
(907) 465-2537

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

} **SS.**

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION AND FURNISHING OF ADDITIONAL INFORMATION

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 19.210 through 12 AAC 19.990, dealing with approved supervisors, license renewal, continuing education course approval, teletherapy practice, code of ethics, and definitions, has been given by being

1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1).

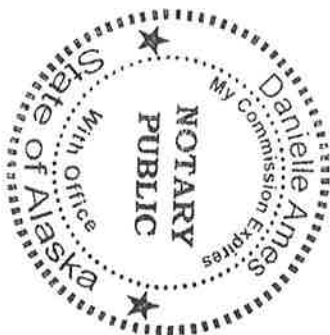
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to persons in (2), (4), and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

DATE:

1/9/19
Juneau, Alaska

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 9th day of January, 2019.



Notary Public in and for the
State of Alaska

My commission expires: 11/07/10

FIRST JUDICIAL DISTRICT

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Board of Marital and Family Therapy has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Marital and Family Therapy regulations on dealing with approved supervisors, license renewal, continuing education course approval, teletherapy practice, code of ethics, and definitions.

DATE: 1/9/19
Juneau, Alaska


Jun Marquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 9th day of January, 2019.



James
Notary Public in and for the
State of Alaska
My commission expires: 4/office

ANCHORAGE DAILY NEWS

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Juneau

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AFFIDAVIT OF PUBLICATION

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Cost

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Product

ADN-Anchorage Daily News

Placement

0300

Position

0301

STATE OF ALASKA THIRD JUDICIAL DISTRICT

Sarah Jennett

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

October 04, 2018

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Sarah Jennett

Subscribed and sworn to before me
this 5th day of October, 2018

Notary Public in and for
The State of Alaska.

Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

Notary Public
BRITNEY L. THOMPSON
State of Alaska

My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES RELATING TO APPROVED SUPERVISORS, TELETHERAPY PRACTICE, CONTINUING EDUCATION, RENEWAL, CONTINUING EDUCATION COURSE APPROVAL, CODE OF ETHICS, AND DEFINITIONS IN THE REGULATIONS OF THE BOARD OF MARITAL AND FAMILY THERAPY

The Board of Marital and Family Therapy (Board) proposes to adopt regulation changes in Title 12, Chapter 19 of the Alaska Administrative Code including the following:

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Lawyer, LLC Nosek Law Group
PMB 774 Anchorage, Alaska
99503, or filed with the court.
Dated this 21st day of
September, 2018
/s/ Carolyn M. Sprague
Personal Representatives of
the Estate of Evelyn F. Sprague
Joanne F. Sprague Personal
Representative of the Estate of
Evelyn F. Sprague
c/o Sheila Gallagher Lawyer LLC,
200 West 34th Ave., PMB 774
Anchorage, Alaska 99503
Published: September 26 &
October 4, 11, 2018
/s/ Bradley R. Quisenberry
Alaska Bar Number 1111085
Attorney for the
Personal Representative
Published: October 4, 11, 18
2018
Dated this 3rd day of October,
2018.
/s/ Bradley R. Quisenberry, 800
E. Dimond Blvd., Suite 3-396,
Anchorage, Alaska 99515.
Alternatively, a claim can be filed
directly with the Court.

FIRST JUDICIAL DISTRICT

AFFIDAVIT OF BOARD ACTION

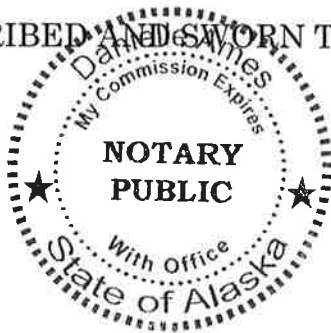
I, Lauren Osborn, Licensing Examiner for the Board of Marital and Family Therapy, being duly sworn, state the following:

The attached motion dealing with approved supervisors, license renewal, continuing education course approval, teletherapy practice, code of ethics, and definitions was passed by the Board of Marital and Family Therapy during its January 22, 2019 meeting.

Date: 3/14/2019
Juneau, Alaska


Lauren Osborn, Licensing Examiner

SUBSCRIBED AND SWORN TO before me this 14 day of March, 2019.



Notary Public in and for the
State of Alaska
My commission expires: 11/01/2022

State of Alaska
Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

Alaska State Board of Marital and Family Therapy
January 22nd, 2019

*These are drafted minutes prepared by staff of the Alaska State
Board of Marital and Family Therapy
They have not be reviewed or approved by the board.*

Written meeting minutes only reflects a brief overview of the business conducted during the boards meeting. For a more detailed account, please request a copy of the meeting recording.

By Authority of AS 08.01.070(2) and in compliance with the provisions of AS 44.62, a regularly scheduled meeting of the Alaska State Board of Marital and Family Therapy was held January 22nd, 2019 at 550 W. 7th Ave., Suite 1550, Anchorage, Alaska 99507.

January 22nd, 2019

Agenda item #1 Call to Order

This meeting was called to order by Chairperson Dorothea Goddard-Aguero at 8:58 a.m.

Board Members present, constituting a quorum:

Dorothea Goddard-Aguero, Public Member, Chairperson
Nicole Jenkins, Licensed Marriage and Family Therapist
Natalie Lewis, Public Member

Board Members absent:

Karen Cunningham, Licensed Marriage and Family Therapist, Vice-Chair

Division Staff present were:

Chelsea S Childress, Records and Licensing Supervisor
Lauren T Osborn, Occupational License Examiner

Agenda Item #2 Review Agenda

The board reviewed the meeting agenda. With no amendments or changes, the board made a motion to approve the agenda.

A motion duly made by Ms. Nicole Jenkins, seconded by Ms. Natalie Lewis, and approved by unanimous consent, was:

Resolved to approve the agenda as presented.

Agenda item #3 Ethics Report

There were no ethics conflicts to report.

Upon finishing the review, Ms. Childress asked for volunteers on the sections to be completed by the board. Ms. Lewis volunteered for Identification of Board & Narrative Statement. Ms. Agüero volunteered for Legislative Recommendations and Regulation Recommendations. Division staff will reach out to Ms. Cunningham to see if she would be willing to complete the FY2020 Goals & Objectives.

Agenda item #6 **Division update**

Marylene Wale, Accountant III joined the meeting at 9:28 a.m.

Ms. Wale presented the FY19 1st quarter report (July 1st, 2018 through September 31, 2018) that reflected an overall deficit of \$19,044 for the renewal year.

Marylene Wales, Accountant III exited the meeting at 9:33 a.m.

Agenda item #7 **Old Business**

Chair and Vice Chair Assignments:

With the current vice-chairperson absent from this meeting, the board decided to continue with current assignments until they are able to meet and discuss with all board members present.

Board Response to Public Comments:

The board had previously discussed the option of a mass-mail out to all licensees of the letter drafted in response to Public Comments received during the board meeting held August 3, 2018.

A motion duly made by Ms. Nicole Jenkins, seconded by Ms. Natalie Lewis, and approved by unanimous consent, was:

Resolved to approve mailing the letter drafted by the board at the November 9, 2018 board meeting in response to public comments received during the August 3, 2018 board meeting.

Agenda item #8 **New Business**

Board Member Certificates:

Ms. Childress explained that board member certificates are in recognition of the valuable contributions made by board members during their term(s) of service with the board. The board members signed the certificates and returned them to division staff to distribute to the appropriate individual(s).

Regulation Project:

Ms. Childress reviewed the response from Division Director, Sara Chambers regarding the proposed continuing education course approval fees. Ms. Chambers stated that, because licensing fees were recently increased for this program, a new fee would not be approved to move forward for continuing education courses. The board presented no questions, comments, or concerns regarding this response and determined they would not pursue a fee for continuing education course approvals at the time.

The board revised the drafted language of 12 AAC 19.350 to remove the CE fee requirements. With no additional changes to present, the board moved forward with accepting the rest of the regulations project, as public noticed.

A motion duly made by Ms. Natalie Lewis, seconded by Ms. Nicole Jenkins, and approved by unanimous consent, was:

Resolved to approve the changes to 12 AAC 19.350 for Application of providers for continuing education course approval to read:

12 AAC 19.350 Application of providers 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 name of the course provider;

(3) a complete course description, including the course title and a description of the learning objectives;

(4) a course syllabus; and

(5) an outline of the major topics covered by the course and the number of classroom hours allowed for each topic.

(b) Approval of continuing education courses under this section is valid until December 31 of the next even numbered year.

(c) An applicant who has a change in condition required under (a) (2) – (5) 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 applicant 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.

(e) For the purposes of this section, an “applicant” is defined as a licensee, provider, or sponsor of a proposed CEU course.

Authority: AS 08.63.050 AS 08.63.100

Roll Call:

Dorothea Goddard-Aguero – Approved

Natalie Lewis – Approved

Nicole Jenkins – Approved

Subcommittee Report:

Ms. Childress presented an email sent by Karen Cunningham regarding a potential change to the verbiage in Sec. 08.63.100.

Ms. Jenkins brought up concerns regarding the language making it sound like all supervision hours must be approved by a state agency and would eliminate the point of changing the language. The board then drafted new language for Sec. 08.63.120 and discussed lobbying for this change to occur.

Ms. Childress briefly summarized the process for reaching out to legislative offices. Ms. Jenkins offered to lobby for this language change. Ms. Aguero asked who would be appropriate to begin lobbying with and mentioned