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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: May 26, 2020

RE: Filed Emergency Regulations: Board of Professional Counselors

Board of Professional Counselors emergency regulations re: distance professional services (12 AAC 62.400)

Attorney General File:	Emergency Regulations
Regulation Filed:	5/26/2020
Effective Date:	5/26/2020
Expiration Date:	September 22, 2020 unless made permanent by the adopting agency
Print:	234, July 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Sher Zinn, Regulations Specialist

FINDING OF EMERGENCY

The Board of Professional Counselors finds that an emergency exists and that the attached regulation changes are necessary to 12 AAC 62.400, dealing with distance professional services, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

The restrictive nature of these regulations could negatively impact the health of the public by impeding access to professional counseling care during this public health emergency caused by the COVID-19 pandemic.

ORDER CERTIFYING ADOPTION

I certify that the Board of Professional Counselors, under the authority of AS 08.29.020, AS 08.29.040, and AS 08.29.490, adopted at its May 18, 2020 teleconference meeting the attached one page of regulation changes as an emergency regulation to take effect immediately upon filing by the lieutenant governor, as provided in AS 44.62.180(3).

This action is not expected to require an increased appropriation.

DATE: 5/20/2020
Soldotna, Alaska

DocuSigned by:
Debbie Hamilton
C036B6C12E79489

Debra Hamilton, Chair
Board of Professional Counselors

April Simpson for
↑

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on May 26th
_____, 2020, at 10:35 a.m., I filed the attached regulations according to the
provisions of AS 44.62.

for April Simpson

Kevin Meyer, Lieutenant Governor

Effective: May 26, 2020
Register: 234, July 2020

Expires September 22, 2020
unless made "permanent"
by the adopting agency

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

**I, KEVIN MEYER, 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:**

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have
signed and affixed the Seal of the State of
Alaska, in Juneau, on December 11th,
2018.**



K-Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATIONS

Register 234, July 2020 PROFESSIONAL REGULATIONS

Chapter 62. Board of Professional Counselors.

12 AAC 62.400(b)(2) is amended to read:

(2) have completed a minimum of six continuing education hours from a **board** [NATIONAL BOARD FOR CERTIFIED COUNSELORS (NBCC)] approved continuing education provider **under 12 AAC 62.320(b)(2)** pertaining to distance professional services; and

12 AAC 62.400(d) is amended to read:

(d) **Except as provided in (h) of this section, an** [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.

12 AAC 62.400 is amended by adding a new subsection to read:

(h) During an emergency disaster declared by the governor under AS 26.23.020, an applicant working under a board approved supervisor under 12 AAC 62.200 may provide distance professional counseling service in accordance with this section during the declared emergency. The applicant working under a supervisor must meet with the supervisor synchronously at least biweekly, preferably weekly. (Eff. 11/10/2019, Register 232; am 5 / 25 / 2020, Register 234)

Authority: AS 08.29.020 AS 08.29.400 AS 08.29.490

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

AFFIDAVIT OF BOARD ACTION

I, Andy Khmelev, Licensing Examiner for the Board of Professional Counselors, being duly sworn, state the following:

The attached motion dealing with distance professional services, was passed by the Board of Professional Counselors during its May 18, 2020 meeting.

Date:

5/22/2020

Andy Khmelev, Licensing Examiner

Subscribed and sworn to before me at 12:11 pm on _____

May 22, 2020

(date)



Notary Public in and for the
State of Alaska

My commission expires: with office

Excerpt of the May 18, 2020 Board of Professional Counselors teleconference meeting.

On a motion made by Eleanor Vinson, seconded by Alice Baum, to adopt as drafted emergency regulations to 12 AAC 62.400 with the change of adding the word counseling as discussed to 12 AAC 62.400 (h) with the intent of making it a permanent regulation.

No further discussions, all in favor.

On a motion made by Eleanor Vinson, seconded by Alice Baum, that the wording on the certification order signed by the board chair include "the restrictive nature of these regulations can negatively impact the health of the public by impeding access to professional counseling care during the public health emergency caused by the COVID-19 pandemic".

No further discussions, all in favor.

The board entertained amending the previous made motion to adopt the emergency regulations by adding the continued education requirements from 12 AAC 62.320 (b)(2) to 62.400 (b)(2) and striking out the part that states the continued education must be NBCC approved.

On a motion made by Eleanor Vinson, seconded by Alice Baum, amend the emergency regulations previously adopted by adding changes to 12 AAC 62.400 (b)(2) as discussed.

No further discussions, all in favor.