



Notice of Proposed Changes to Regulations of the Board of Professional Counselors

Proposed Regulations - FAQ

May 2020

1. What are the changes to the regulations being proposed?

The Board of Professional Counselors (Board) is proposing to update regulations regarding distance professional services. The regulations were adopted as emergency regulations at the Board's May 18th meeting, signed and filed by the lieutenant governor May 26, 2020, and are intended to be made permanent. The Emergency regulations are effective until September 22, 2020.

The changes are:

12 AAC 68.400(b)(2)

This paragraph is being updated to allow all of the approved continuing education providers listed in 12 AAC 62.320(b)(2), to provide the hours of continuing education pertaining to distance professional services required by this section.

12 AAC 68.400(d)

The changes to this subsection will allow an exception to the license requirement to deliver distance professional counseling during an emergency declared by the governor under AS 26.23.020. A person in the process of obtaining the required hours of supervised experience, while not licensed, will be allowed to provide distance counseling services during a declared emergency. See the new subsection (h) for details.

12 AAC 68.400(h)

This is a new subsection that will allow a person who is in the process of obtaining the required hours of supervised experience for a license, to deliver distance professional counseling services during an emergency declared by the governor under AS 26.23.020. The person must be under the supervision of a certified supervisor under 12 AAC 62.200. This is currently specific to the COVID-19 pandemic.

2. Why are the changes being proposed?

12 AAC 68.400(b)(2)

The changes being proposed will expand opportunity to find qualified tele-behavioral health continuing education required to perform distance professional counseling services.

12 AAC 68.400(d) and (h)

In times of a governor declared emergency, mental health needs often increase. These subsections are being proposed to increase the accessibility to mental health services during a declared emergency by the governor. The changes allow the person to deliver distance professional counseling services to individuals, while they are in the process of obtaining their supervised experience required by AS 08.29.110(a)(6), thereby increasing accessibility to mental health services.

3. What is the cost to comply with the new regulations?

There are no additional costs expected for an applicant or licensee for the proposed regulations.

When will the new regulations be effective?

The regulations became effective May 26, 2020 based on an emergency regulation filed by the lieutenant governor, and will expire September 22, 2020 unless made permanent. The Board intends to make the regulations permanent.

After the public comment deadline, comments received are compiled and given to the Board for consideration. The Board may adopt the regulation as written/publicly noticed, may amend and adopt them, or choose to take no action, or may withdraw the proposed regulations in part or in its whole. After Board action, the adopted regulations go to Department of Law (DOL) for final review/approval. DOL either approves or disapproves regulations. Once approved by DOL, it goes to the lieutenant governor for filing. Regulation takes effect on the 30th day after they have been filed by the lieutenant governor.

Do you have a question that is not answered here? Please email RegulationsAndPublicComment@alaska.gov so it can be added.