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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: August 21, 2020

RE: Filed Permanent Regulations: Board of Professional Counselors

Board of Professional Counselors Regulations re: Emergency Regulations Made
Permanent: Distance Professional Counseling Services (12 AAC 62.400)

Attorney General File:	2020200386
Regulation Filed:	8/21/2020
Effective Date:	5/26/2020 and 9/20/2020
Print:	235, October 2020

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

CERTIFICATION OF COMPLIANCE

I, Debra Hamilton, certify that, as required by AS 44.62.260 in order to make the attached one page of regulations permanent, as of this date a legal opinion of the Department of Law has been requested under AS 44.62.060, a notice conforming to AS 44.62.200 was issued in compliance with AS 44.62.190, and an opportunity for public comment was provided under AS 44.62.210, for the following emergency regulation:

12 AAC 62.400, regarding distance professional counseling service during a public health emergency disaster declared by the governor under AS 26.23.020.

This regulation originally was filed as an emergency regulation on May 26, 2020.

This action is not expected to require an increased appropriation.

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

Date: 8/5/2020

DocuSigned by:

Debbie Hamilton

C03686C12E79d89

Debra Hamilton, Chair
Board of Professional Counselors

Anil Simpson for
FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on August 21, 2020, at 2:56 p.m., I filed the attached regulation according to the provisions of AS 44.62.

Anil Simpson

Lieutenant Governor

Kevin Meyer

Register:

for
235, October 2020.

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

The attached one page of regulations, dealing with distance professional services, is certified to be a correct copy of the regulation changes that the Board of Professional Counselors adopted at its August 5, 2020 teleconference meeting, under the authority of AS 08.29.020, AS 08.29.400, and AS 08.29.490, 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.

8/7/2020

Date: _____

DocuSigned by:

Debbie Hamilton

C036B6C12E79469...

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 August 21, 2020 at 2:58 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.

April Simpson

for

Lieutenant Governor

Kevin Meyer

Effective: September 20, 2020.

Register: 235, October 2020.

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.**



A handwritten signature in blue ink, appearing to read "K. Meyer", is written over a horizontal dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 62. Board of Professional Counselors.

The emergency amendment of 12 AAC 62.400(b)(2) is made permanent to read:

(2) have completed a minimum of six continuing education hours from a board-
approved continuing education provider under 12 AAC 62.320(b)(2) pertaining to distance
professional services; and

The emergency amendment of 12 AAC 62.400(d) is made permanent to read:

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

The emergency amendment of 12 AAC 62.400(h) is made permanent and that ^{subsection} ~~section~~ is further
amended to read:

(h) During a ^{l.c.} [AN] disaster emergency ^{l.c.} [DISASTER] ^{l.c.} DECLARED BY THE
^{l.c.} GOVERNOR ^{l.c.} [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 5/26/2020, Register 234; am 9 / 20 / 2020,
Register 235)

Authority: AS 08.29.020 AS 08.29.400 AS 08.29.490