

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV




530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**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: March 17, 2021

RE: Filed Permanent Regulations: Board of Professional Counselors

Board of Professional Counselors emergency regulations made permanent re: emergency
courtesy licenses (12 AAC 62.150)

Attorney General File: 2020200669

Regulation Filed: 3/17/2021

Effective Date: 11/20/2020

Print: 238, July 2021

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

CERTIFICATION OF COMPLIANCE

I, Debbie Hamilton, Chair for the Board of Professional Counselors, 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 62.450, dealing with emergency courtesy license.

This regulation originally was filed as an emergency regulation on November 20, 2020.

This action is not expected to require an increased appropriation.

Although no public comments were received, the Board of Professional Counselors paid special attention to the cost to private persons of the regulatory action being taken.

DATE: 2/18/2021
Soldotna, Alaska

DocuSigned by:
Debra Hamilton
4E6B53309C3E4F8

Debbie Hamilton, LPC, Chair
Board of Professional Counselors

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on March 17th, 2021 at 9:22 Am., I filed the attached regulation according to the provisions of AS 44.62.

Kevin Meyer
Kevin Meyer, Lieutenant Governor

Register: 238, July 2021.

Chapter 62. Board of Professional Counselors.

and renumbered as 12 AAC 62.150 for addition to Article 1,

The emergency adoption of 12 AAC 62.450 is made permanent to read:

^①
12 AAC 62.450. Emergency courtesy license. (a) In an urgent situation, the board may issue an emergency courtesy license to an applicant who has a license in good standing to practice as a professional counselor in another jurisdiction with licensing requirements at least equivalent to those of this state, and who meets the requirements of this section. The board may limit the scope of a license issued under this section, as appropriate to respond to the urgent situation.

(b) An applicant for an emergency courtesy license under this section must submit to the department a completed application on a form provided by the department.

(c) A license issued under this section is valid for the period specified by the board and may not exceed 120 consecutive days. An emergency courtesy license may be renewed for one additional period specified by the board, not to exceed 120 consecutive days.

(d) While practicing under an emergency courtesy license issued under this section, including by distance, the holder of the license must comply with the standards of practice set out in AS 08.29 and this chapter and is subject to discipline for actions taken or omitted while practicing under the emergency courtesy license.

(e) The board may refuse to issue an emergency courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.29.400.

(f) In this section, "urgent situation" means a health crisis affecting all or part of the state that requires increased availability of professional counselors. (Eff. 11/20/2020, Register 236)

Authority: AS 08.01.062 AS 08.29.020

Editor's note: Section 12 AAC 62.150 was adopted as an emergency regulation numbered "12 AAC 62.450." In reviewing the "permanent" regulation, and in accordance with AS 44.62.060 and 44.62.125(b), the regulations attorney assigned the section to Article 13 with the number 12 AAC 62.150.


MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: March 15, 2021

File No.: 2020200669

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

Tel. No.: 465-3600

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

Re: Board of Professional Counselors
emergency regulations made
permanent re: emergency courtesy
licenses (12 AAC 62.150)

The Department of Law has reviewed, against the statutory standards of the Administrative Procedure Act, the attached emergency regulations that the Board of Professional Counselors intends to make permanent. Based upon our review, we find no legal problems. The emergency regulations were adopted on November 5, 2020, and were filed and took effect on November 20, 2020. The Board of Professional Counselors action to make the regulations permanent occurred on February 18, 2021, after the state legislative session began. *The emergency regulations will expire on March 19, 2021 unless made permanent.*

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 emergency regulations were approved by the Board of Professional Counselors, after the close of the public comment period, as permanent regulations. To increase the availability of professional counseling services during the COVID-19 pandemic and future health crises, the regulations provide for emergency courtesy licenses in urgent situations.

The November 16, 2020 certification of adoption order, the November 27, 2020 public notice, and the February 18, 2021 certification of compliance all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Honorable Kevin Meyer, Lieutenant Governor
File No. 2020200669; Board of Professional Counselors

March 15, 2021
Page 2 of 2

In accordance with AS 44.62.125, we have made a technical correction to renumber the regulation from "12 AAC 62.450," originally part of Article 4 (distance professional services), to the logical number 12 AAC 62.150, in Article 1 (licensing requirements). The correction is shown on the attached copy of the regulations.

SCW

cc w/enc: Debra Hamilton, LPC, Chair
Board of Professional Counselors
(via e-mail through Jun Maiquis)

Amy Demboski, Regulations Contact
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

Harriet Dinegar Milks, Senior Assistant Attorney General
Commercial, Fair Business, and Child Support Section

**NOTICE OF ADOPTION OF EMERGENCY REGULATION ON EMERGENCY COURTESY
LICENSE IN THE REGULATIONS OF THE
ALASKA BOARD OF PROFESSIONAL COUNSELORS**

BRIEF DESCRIPTION: The Board of Professional Counselors proposes to make permanent regulation changes made by emergency regulation regarding emergency courtesy license.

On **November 5, 2020**, the Board of Professional Counselors (Board) adopted, as an emergency regulation, changes in 12 AAC 62 of the Alaska Administrative Code dealing with emergency courtesy license, including the following:

12 AAC 62.450. Emergency courtesy license, is a proposed new section to allow for an emergency courtesy license for professional counselors, specific to the public health emergency or crisis due to COVID-19 pandemic.

The emergency regulation took effect on **November 20, 2020**, and will expire **March 19, 2021** unless made permanent. The Board intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the 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/200266>, and using the comment link. **The comments must be received not later than 4:30 p.m. on December 31, 2020.** 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/ProfessionalCounselors.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 December 24, 2020 to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation 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/PCO-EmergencyReg-1120.pdf>.

The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. **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 08.01.062; AS 08.29.020

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.29.020


Fiscal Information: The regulations are not expected to require an increased appropriation.

DATE: 11/25/2020


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 Professional Counselors – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Emergency courtesy license.
3. **Citation of regulation:** 12 AAC 62.450.
4. **Department of Law file number:** 2020200669.
5. **Reason for the proposed action:** Emergency regulation due to COVID-19.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None known.
Another state agency: None known.
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 2021 or in subsequent years.
9. **The name of the contact person for the regulation:**
Andy Khmelev, Licensing Examiner
Board of Professional Counselors
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-8444
E-mail: andy.khmelev@alaska.gov
10. **The origin of the emergency regulation action:** Board of Professional Counselors.
11. **Date:** 11/25/2020 **Prepared by:** 
Jun Maiquis
Regulations Specialist

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

Order #: W0019219

Cost: \$458.2

RECEIVED
Juneau
DEC 03 2020
Division of Corporations, Business
and Professional Licensing

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa being first duly sworn on oath deposes and says that 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 afore-said 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


11/27/2020

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



Subscribed and sworn to before me
this 1st day of December 2020.


Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

4/14/2021

ANGELA M SIMMONS
NOTARY PUBLIC
State of Alaska
My Commission Expires Apr. 14, 2021

NOTICE OF ADOPTION OF EMERGENCY REGULATION ON EMERGENCY COURTESY LICENSE IN THE REGULATIONS OF THE ALASKA BOARD OF PROFESSIONAL COUNSELORS

On November 5, 2020, the Board of Professional Counselors (Board) adopted, as an emergency regulation, changes in 12 AAC 62 of the Alaska Administrative Code dealing with emergency courtesy license, including the following:

12 AAC 62.450. Emergency courtesy license, is a proposed new section to allow for an emergency courtesy license for professional counselors, specific to the public health emergency or crisis due to COVID-19 pandemic.

The emergency regulation took effect on November 20, 2020, and will expire March 19, 2021 unless made permanent. The Board intends to make the emergency regulation permanent.

You may comment on the regulation changes, including the potential costs to private persons of complying with the 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/200266>, and using the comment link. The comments must be received not later than 4:30 p.m. on December 31, 2020. 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/ProfessionalCounselors.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 December 24, 2020 to ensure that any necessary accommodation can be provided.

A copy of the emergency regulation 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/PCO-EmergencyReg-1120.pdf>.

The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. 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 08.01.062; AS 08.29.020

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.29.020

Fiscal Information: The regulations are not expected to require an increased appropriation.

DATE: 11/25/2020
/s/ 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.

Published: November 27, 2020

**AFFIDAVIT OF NOTICE OF ADOPTION OF EMERGENCY 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 44.62.250, notice of the November 20, 2020 emergency changes to 12 AAC 62.450, dealing with emergency courtesy license, has been given under AS 44.62.190(a) 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 regulation;
6. electronically transmitted 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).

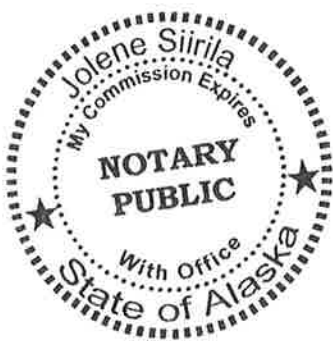
As required by AS 44.62.190, additional regulation notice information regarding the November 20, 2020 emergency changes to the regulation described above has been furnished to interested persons and furnished to those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

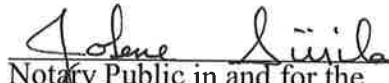
DATE: 3/2/21
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 2 day of March, 2021.





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

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

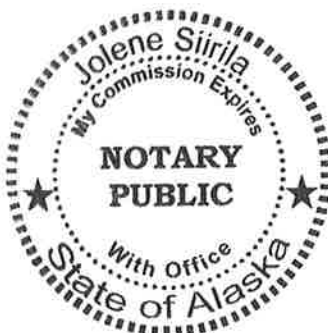
I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Board of Professional Counselors did not receive any 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 Professional Counselors regulations on dealing with emergency courtesy license.

DATE: 3/2/21
Juneau, Alaska

Jun Maiquis
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 2 day of March, 2021.



Jolene Siirila
Notary Public in and for the
State of Alaska
My commission expires: w/ office

AFFIDAVIT OF BOARD ACTION

I, Lacey Derr, Licensing Supervisor for the Board of Professional Counselors, being duly sworn, state the following:

The attached motion dealing with emergency courtesy license was passed by the Board of Professional Counselors during its February 18-19, 2021 teleconference meeting.

Date: 3/4/2021
Juneau, Alaska

Lacey Derr
Lacey Derr, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 4 day of March, 2021.



Jolene Siirila
Notary Public in and for the
State of Alaska
My commission expires: w/office

ECL Regulations & Regulations Projects

RLS Lacey Derr went over the Emergency Courtesy License Regulations that went out for public comment, no public comment came back. All mental health boards put these regulations out for public comment and the only comment received was 'thank you so much for helping'.

On a motion duly made by Debbie Hamilton, seconded by Janece Richard, and approved unanimously, it was

RESOLVED to approve as presented and make permanent Emergency Courtesy License Regulation AAC 12.62.450.

	APPROVE	DENY ABSTAIN	ABSENT
Debra Hamilton	x		
Alice Baum	x		
Laura Patin	x		
Eleanor Vinson	x		
JaneceRichard	x		

FINDING OF EMERGENCY

The Board of Professional Counselors finds that an emergency exists under AS 44.62.250, and that an emergency regulation change is necessary to 12 AAC 62, dealing with emergency courtesy license, requiring regulations to enable additional counseling services to be quickly available in the state, for the immediate preservation of the public peace, health, safety, or general welfare. The facts constituting the emergency include the following:

- Mental health challenges related to increased morbidity and mortality
- Mental health challenges related to enforced or recommended quarantining, particularly for individuals and families who have limited flexibility in their employment situation
- Disproportionate effects in specific populations including historically vulnerable populations and communities underserved by social services
- Worsening mental health outcomes including increased rates of suicidal ideation, suicide, addiction, and substance abuse
- Mental and physical health effects from long-term physical distancing, including delays in preventive care
- Challenges related to treatment of lingering debilitating symptoms in “long haulers”
- Anticipated challenges in availability and delivery of vaccine

ORDER CERTIFYING ADOPTION

I certify that the Board of Professional Counselors, under the authority of AS 08.01.062 and AS 08.29.020, adopted at its November 5, 2020 teleconference meeting the attached two pages 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: 11-16-2020
Soldotna, Alaska

Debbie Hamilton MA, LPC
Debbie Hamilton, LPC, Chair
Board of Professional Counselors

for Kevin Meyer

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on November 20, 2020 at 2:06 p. m., I filed the attached regulation according to the provisions of AS 44.62.

for Kevin Meyer, Lieutenant Governor

Effective: November 20, 2020.

Register: 236, January 2021.

Expires March 19, 2021
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.**




.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 236, January 2021 PROFESSIONAL REGULATIONS

Chapter 62. Board of Professional Counselors.

12 AAC 62 is amended by adding a new section to read:

12 AAC 62.450. Emergency Courtesy license. (a) In an urgent situation, the board may issue an emergency courtesy license to an applicant who has a license in good standing to practice as a professional counselor in another jurisdiction with licensing requirements at least equivalent to those of this state, and who meets the requirements of this section. The board may limit the scope of a license issued under this section, as appropriate to respond to the urgent situation.

(b) An applicant for an emergency courtesy license under this section must submit to the department a completed application on a form provided by the department.

(c) A license issued under this section is valid for the period specified by the board and may not exceed 120 consecutive days. An emergency courtesy license may be renewed for one additional period specified by the board, not to exceed 120 consecutive days.

(d) While practicing under an emergency courtesy license issued under this section, including by distance, the holder of the license must comply with the standards of practice set out in AS 08.29 and this chapter and is subject to discipline for actions taken or omitted while practicing under the emergency courtesy license.

(e) The board may refuse to issue an emergency courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.29.400.

(f) In this section, "urgent situation" means a health crisis affecting all or part of the state that requires increased availability of professional counselors. (Eff. 11/20/2020, Register

EMERGENCY REGULATION

Register 236 January 2021 PROFESSIONAL REGULATIONS

236)

Authority: AS 08.01.062 AS 08.29.020