

Kevin Meyer
Lieutenant Governor
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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: March 17, 2021

RE: Filed Permanent Regulations: Board of Psychologists and Psychological Associate Examiners

Board of Psychologist and Psychological Associate Examiners emergency regulations made permanent re: emergency courtesy licenses (12 AAC 60.036)

Attorney General File:	2020200668
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, Erin Johnson, Chair for the Board of Psychologist and Psychological Associate Examiners, certify that, as required by AS 44.62.260 in order to make the attached two pages 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 60.036, 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.

On the record, in considering public comments, the Board of Psychologist and Psychological Associate Examiners paid special attention to the cost to private persons of the regulatory action being taken.

DATE: _____
Anchorage, Alaska

Erin Johnson

Digitally signed by Erin Johnson
Date: 2021.03.11 11:53:31 -09'00'

Erin Johnson, Chair
Board of Psychologist and Psychological
Associate Examiners

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on March 17, 2021 at 9:27 A.m., I filed the attached regulation according to the provisions of AS 44.62.


Kevin Meyer, Lieutenant Governor

Register: 238, July 2021.

Chapter 60. Board of Psychologist and Psychological Associate Examiners.

The emergency adoption of 12 AAC 60.036 is made permanent to read:

12 AAC 60.036. Emergency courtesy license. (a) In an urgent situation, the board may issue an emergency courtesy license to practice psychology to an applicant who has a license in good standing to practice psychology independently in another jurisdiction with licensing requirements at least equivalent to those of this state, and who meets the requirements of this section.

(b) The board may limit the scope of a license issued under this section, as appropriate to respond to the urgent situation.

(c) 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. A complete application includes the applicable application and licensing fees established in 12 AAC 02.330.

(d) An emergency courtesy 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.

The holder of an emergency courtesy license shall

(e) ~~Licensee will~~ comply with reporting requirements by completing a form provided by the board.

(f) While practicing under an emergency courtesy license issued under this section, the holder of the license must comply with the standards of practice set out in AS 08.86 and this chapter and is subject to discipline for actions taken or omitted while practicing under the emergency courtesy license.

(g) 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 08.01.075 and AS 08.86.204.

(h) In this section, "urgent situation" means a health crisis that requires increased availability of psychologists. (Eff. 11/20/2020, Register 236)


Authority: AS 08.01.062 AS 08.86.070 AS 08.86.080

Editor's note: Section 12 AAC 60.036 took effect as an emergency regulation. In reviewing the "permanent" regulation in accordance with AS 44.62.060 and 44.62.125(b), the regulations attorney made technical changes to 12 AAC 60.036(c). The changes appeared in the "permanent" regulation as published in Register 238 (July 2021). The history note for 12 AAC 60.036 does not reflect the changes made by the regulations attorney.

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

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

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

Date: March 15, 2021

File No.: 2020200668

Tel. No.: 465-3600

Re: Board of Psychologist and
Psychological Associate Examiners
emergency regulations made
permanent re: emergency courtesy
licenses (12 AAC 60.036)

The Department of Law has reviewed, against the statutory standards of the Administrative Procedure Act, the attached emergency regulations that the Board of Psychologist and Psychological Associate Examiners 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 Psychologist and Psychological Associate Examiners action to make the regulations permanent occurred on March 11, 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 Psychologist and Psychological Associate Examiners, after the close of the public comment period, as permanent regulations. To increase the availability of psychology 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 28, 2020 public notice, and the March 11, 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

March 15, 2021

File No. 2020200668; Board of Psychologist and Psychological Associate Examiners Page 2 of 2

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 w/enc: Erin Johnson, Chair
Board of Psychologist and Psychological Associate Examiners
(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 PSYCHOLOGIST AND
PSYCHOLOGICAL ASSOCIATE EXAMINERS**

BRIEF DESCRIPTION: The Board of Psychologist and Psychological Associate Examiners proposes to make permanent regulation changes made by emergency regulation regarding emergency courtesy license.

On **November 5, 2020**, the Board of Psychologist and Psychological Associate Examiners (Board) adopted, as an emergency regulation, changes in 12 AAC 60 of the Alaska Administrative Code dealing with emergency courtesy license, including the following:

12 AAC 60.036. Emergency courtesy license, is a proposed new section to allow for an emergency courtesy license for psychologists, 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/200285>, and using the comment link. **The comments must be received not later than 4:30 p.m. on January 5, 2021.** 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/BoardofPsychologists.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 29, 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/PSY-EmergencyReg-1120.pdf>.

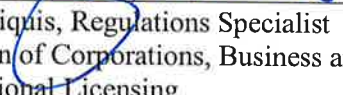
The language of the permanent regulation may be different from that of the original emergency regulation and may include other provisions dealing with the same subject. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.01.062; AS 08.86.070; AS 08.86.080

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.86.070; AS 08.86.080

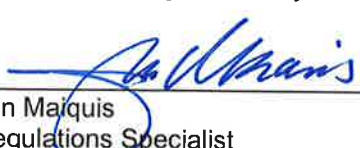
Fiscal Information: The regulations are not expected to require an increased appropriation.

DATE: 11/27/2020


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 Psychologist and Psychological Associate Examiners – 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 60.036.
4. **Department of Law file number:** 2020200668.
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: \$50 application fee; \$200 emergency courtesy license fee.
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:**
Lacey Derr, Licensing Supervisor
Board of Psychologist and Psychological Associate Examiners
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 465-2694
E-mail: lacey.derr@alaska.gov
10. **The origin of the emergency regulation action:** Board of Psychologist and Psychological Associate Examiners.
11. **Date:** 11/27/2020 **Prepared by:** 
Jun Maiquis
Regulations Specialist

RECEIVED
Juneau

DEC 22 2020

CBPL

609097

**NOTICE OF ADOPTION OF EMERGENCY REGULATION ON EMERGENCY COURTESY LICENSE
IN THE REGULATIONS OF THE ALASKA BOARD OF PSYCHOLOGIST AND
PSYCHOLOGICAL ASSOCIATE EXAMINERS**

On **November 5, 2020**, the Board of Psychologist and Psychological Associate Examiners (Board) adopted, as an emergency regulation, changes in 12 AAC 60 of the Alaska Administrative Code dealing with emergency courtesy license, including the following:

12 AAC 60.036. Emergency courtesy license, is a proposed new section to allow for an emergency courtesy license for psychologists, 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/200285>, and using the comment link. **The comments must be received not later than 4:30 p.m. on January 5, 2021.** 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/web/cbpl/ProfessionalLicensing/BoardofPsychologists.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 29, 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/PSY-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 08.86.070; AS 08.86.080.

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.01.062; AS 08.86.070; AS 08.86.080

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

DATE: 11/27/2020

/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 11-28-20

**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 60.036, 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.

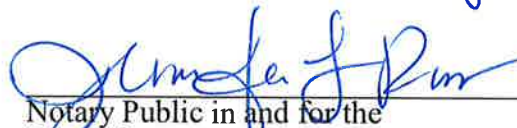
DATE: 2/22/21
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 22nd day of February, 2021.





Notary Public in and for the
State of Alaska
My commission expires: with 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 Psychologist and Psychological Associate Examiners 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 Psychologist and Psychological Associate Examiners regulations on dealing with emergency courtesy license.

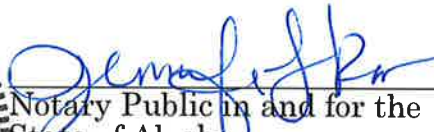
DATE: 2/22/21
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 22nd day of February, 2021.





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

AFFIDAVIT OF BOARD ACTION

I, Lacey Derr, Licensing Supervisor for the Board of Psychologist and Psychological Associate Examiners, being duly sworn, state the following:

The attached motion dealing with emergency courtesy license was passed by the Board of Psychologist and Psychological Associate Examiners during its March 11, 2021 teleconference meeting.

Date: 3/11/2021
Juneau, Alaska

Lacey Derr
Lacey Derr, Licensing Supervisor

SUBSCRIBED AND SWORN TO before me this 11th day of March, 2021.



Fannie R. Hoffard
Notary Public in and for the
State of Alaska
My commission expires: with my office

March 11, 2021 Teleconference Meeting
Board of Psychologist and Psychological Associate Examiners

Agenda item #4 Emergency Courtesy License Regulations

RLS Derr presented the information provided by the regulations team. There was 1 public comment received in regard to the Emergency Courtesy License (ECL) Regulations and it was favorable. The board clarified when the ECL would expire if extended and it was agreed the Emergency Courtesy License Regulation is working as intended and was a great accomplishment for the psychological license base.

A motion duly made by *Bernard Gatewood*, seconded by *Bradley McConnell*, and approved by unanimous consent, was:

Resolved to, adopt 12AAC 60.036 – Emergency Courtesy License as presented and make permanent.

FINDING OF EMERGENCY

The Board of Psychologist and Psychological Associate Examiners finds that an emergency exists under AS 44.62.250, and that an emergency regulation change is necessary to 12 AAC 60, dealing with emergency courtesy license, requiring regulations to enable additional psychology 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 Psychologist and Psychological Associate Examiners, under the authority of AS 08.01.062, AS 08.86.070, and AS 08.86.080, 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: Nov 16 2020
Anchorage, Alaska


Christina Durham, Chair
Board of Psychologist and Psychological
Associate Examiners

April Simpson for

FILING CERTIFICATION

I, [↑]Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on November 20, 2020 at 4:30 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
.....

**KEVIN MEYER
LIEUTENANT GOVERNOR**

EMERGENCY REGULATION

Register 236 January 2021 PROFESSIONAL REGULATIONS

Chapter 60. Board of Psychologist and Psychological Associate Examiners.

12 AAC 60 is amended by adding a new section to read:

12 AAC 60.036. Emergency courtesy license. (a) In an urgent situation, the board may issue an emergency courtesy license to practice psychology to an applicant who has a license in good standing to practice psychology independently in another jurisdiction with licensing requirements at least equivalent to those of this state, and who meets the requirements of this section.

(b) The board may limit the scope of a license issued under this section, as appropriate to respond to the urgent situation.

(c) 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. A complete application includes the applicable application and licensing fees established in 12 AAC 02.330.

(d) An emergency courtesy 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.

(e) Licensee will comply with reporting requirements by completing a form provided by the board.

(f) While practicing under an emergency courtesy license issued under this section, the holder of the license must comply with the standards of practice set out in AS 08.86 and this chapter and is subject to discipline for actions taken or omitted while practicing under the

EMERGENCY REGULATION

Register 236, January 2021 **PROFESSIONAL REGULATIONS**

emergency courtesy license.

(g) 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 08.01.075 and AS 08.86.204.

(h) In this section, "urgent situation" means a health crisis that requires increased availability of psychologists. (Eff. 11 /20 /2020, Register 236)

Authority: AS 08.01.062 AS 08.86.070 AS 08.86.080