

Nancy Dahlstrom
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**

MEMORANDUM

TO: Sara Chambers, Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: January 3, 2024

RE: Filed Permanent Regulations: Board of Counselors

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

Attorney General File:	2023200217
Regulation Filed:	1/3/2024
Effective Date:	2/2/2024
Print:	249, April 2024

cc with enclosures:

Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Sylvan Robb, Division Director
Alison Osborne, Regulations Specialist
Stefanie Davis, Regulations Specialist



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

P.O. Box 110300
Juneau, Alaska 99811
Main: 907.465.3600
Fax: 907.465.2520

December 28, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110015
Juneau, AK 99811-0015

Re: *12 AAC 62.400 - Board of Professional Counselors*
Our file: 2023200217

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Professional Counselors against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by the Board of Professional Counselors after the close of the public comment period.

The regulations concern updates to regulations related to telepresence counseling services, including telehealth services provided by a supervisee.

The September 12, 2023 public notice and the December 20, 2023 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.060 is not required.

No technical corrections were necessary to conform the regulations in accordance with AS 44.62.060.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: Rebecca C. Polizzotto

Digitally signed by
Rebecca C. Polizzotto
Date: 2023.12.28
15:07:37 -09'00'

Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

RCP/KMD

CC w/enclosure: Stefanie L. Davis, Regulations Specialist
Department of Commerce, Community and Economic Development

Harriet Dinegar, Assistant Attorney General
Department of Law

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

The attached two pages of regulations, dealing with updating the distance professional services regulations to provide guidance to supervisees practicing telehealth, are certified to be a correct copy of the regulation changes that the Board of Professional Counselors adopted at its December 8, 2023 meeting, under the authority of AS 08.29.020, AS 08.29.110, 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.

DATE: 12/20/2023

DocuSigned by:
Dorene Hagen
80FA003D03A9487

Dorene Hagen, Licensed Professional Counselor,
Chair
Alaska Board of Professional Counselors

April Simpson for

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that _____ on _____
January 3, ²⁰²⁴~~2023~~ at 12:52 p.m., I filed the attached regulations
according to the provisions of AS 44.62.040 – 44.62.120.

for April Simpson

Nancy Dahlstrom, Lieutenant Governor

Effective: February 2, 2024.
Register: 249, April 2024.

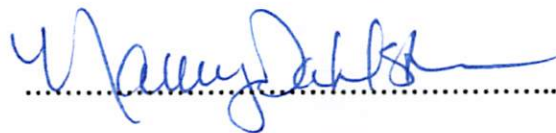
FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, NANCY DAHLSTROM, 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:

April Simpson, Regulations and Initiatives Specialist

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on May 15th, 2023.





**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

12 AAC 62.400(b) is amended to read:

(b) Before providing distance professional services, **an individual** [A LICENSEE] must[:]

12 AAC 62.400(b)(1) is amended to read:

(1) be **either** licensed in good standing **or working as a supervisee under a board-approved supervisor as set out in** [UNDER] AS 08.29;

12 AAC 62.400(c) is repealed:

(c) Repealed 2 / 2 / 2024.

12 AAC 62.400(e) is amended to read:

(e) Before providing distance professional services, a licensee **or supervisee** must develop a safety plan with the client to identify local resources in the client's community should emergency care become necessary. [; THE] **The** plan must identify an individual **the client trusts who is available during distance professional services** [,] and **include that** [THE] individual's contact information[, WHO IS TRUSTED BY THE CLIENT WHO IS AVAILABLE DURING DISTANCE PROFESSIONAL SERVICES].

12 AAC 62.400(f) is amended to read:

(f) At the beginning of every distance professional services session, the licensee **or supervisee** must verify and document the client's identity in the progress note.

12 AAC 62.400(g) is amended to read:

(g) When distance professional services are deemed inappropriate by the licensee, **supervisee**, or client, the licensee **or supervisee** must refer the client to a local health-care provider for in-person services. If the client refuses a referral to a local health-care provider for in-person services, the licensee **or supervisee** must document the rationale for continuing to provide distance professional services.

12 AAC 62.400(h) is amended to read:

(h) **An** [DURING A DISASTER EMERGENCY DECLARED BY THE GOVERNOR, AN] applicant working under a board-approved supervisor **as set out in** [UNDER] 12 AAC 62.200 [MAY PROVIDE DISTANCE PROFESSIONAL COUNSELING SERVICE IN ACCORDANCE WITH THIS SECTION. THE APPLICANT WORKING UNDER A SUPERVISOR] must meet with the supervisor synchronously at least **once every two weeks** [BIWEEKLY]. (Eff. 11/10/2019, Register 232; am 5/26/2020, Register 234; am 9/20/2020, Register 235; am 2 / 2 / 2024, Register 249)

Authority: AS 08.29.020 AS 08.29.400 AS 08.29.490

AS 08.29.110