

# ***Statutes and Regulations*** **Marital and Family** **Therapy**

***September 2022***



DEPARTMENT OF COMMERCE, COMMUNITY,  
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS  
AND PROFESSIONAL LICENSING***

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## TABLE OF CONTENTS

Section	Page
1. Marital and Family Therapy Statutes (AS 08.63).....	1
2. Marital and Family Therapy Regulations (12 AAC 19) .....	5
3. Appendix A (Child Protection).....	14
4. Appendix B (Protection of Vulnerable Adults) .....	16

**CHAPTER 63.  
MARITAL AND FAMILY THERAPY**

**Article**

- 1. Board of Marital and Family Therapy (§§ 08.63.010 — 08.63.060)**
- 2. Marital and Family Therapy Licenses (§§ 08.63.100 — 08.63.140)**
- 3. General Provisions (§§ 08.63.200 — 08.63.900)**

**ARTICLE 1.  
BOARD OF MARITAL AND FAMILY THERAPY**

**Section**

- 10. Board established**
- 20. Board appointments**
- 30. Meetings**
- 40. Removal of board members**
- 50. Powers and duties of the board**
- 60. Administrative Procedure Act**

**Sec. 08.63.010. Board established.** (a) There is established the Board of Marital and Family Therapy.  
(b) The board consists of three persons licensed under this chapter and two members of the public.

**Sec. 08.63.020. Board appointments.** The governor shall appoint the members of the board subject to confirmation by the legislature.

**Sec. 08.63.030. Meetings.** The board shall hold an annual meeting and may hold special meetings at the call of the chair or a majority of the board members.

**Sec. 08.63.040. Removal of board members.** The governor may only remove a member of the board for good cause.

**Sec. 08.63.050. Powers and duties of the board.** (a) The board shall

- (1) establish objective examination requirements and training and education requirements for persons who apply for a license to practice marital and family therapy;
- (2) examine applicants and issue licenses to qualified applicants;
- (3) establish continuing education requirements for license renewal;
- (4) adopt a code of ethical practice for marital and family therapy;
- (5) hold hearings and order the disciplinary sanction of a person who violates this chapter or a regulation of the board;
- (6) ensure that licensees are aware of the requirements of AS 47.17.020;
- (7) establish standards for supervisors and supervision under this chapter;
- (8) enforce the provisions of this chapter and adopt regulations necessary to carry out its duties under this chapter.

(b) The board may order a licensed marital and family therapist to submit to a reasonable physical or mental examination if the board has credible evidence sufficient to conclude that the marital and family therapist's physical or mental capacity to practice safely is at issue.

**Sec. 08.63.060. Administrative Procedure Act.** AS 44.62 (Administrative Procedure Act) applies to regulations and proceedings under this chapter.

**ARTICLE 2.  
MARITAL AND FAMILY THERAPY LICENSES**

**Section**

- 100. Qualifications for license to practice**
- 110. License for supervised practice**
- 120. Authorized supervisors**
- 130. Temporary license for the practice of marital and family therapy**
- 140. Licensure by credentials**

**Sec. 08.63.100. Qualifications for license to practice.** (a) The board shall issue a license to practice marital and family therapy to a person who

- (1) applies on a form provided by the board;
- (2) pays the fee established under AS 08.01.065;
- (3) furnishes evidence satisfactory to the board that the person
  - (A) has not engaged in conduct that is a ground for imposing disciplinary sanctions under AS 08.63.210;
  - (B) holds a master's degree or doctorate in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board for which the person completed a course of study that included instruction substantially equivalent to the following:
    - (i) three courses or nine semester or 12 quarter hours of course work in marital and family therapy;
    - (ii) three courses or nine semester or 12 quarter hours of course work in marital and family studies;
    - (iii) three courses or nine semester or 12 quarter hours of course work in human development;
    - (iv) one course or three semester or four quarter hours of course work in professional studies or professional ethics and law;
    - (v) one course or three semester or four quarter hours of course work in research; and
    - (vi) one year of supervised clinical practice in marital and family therapy;
  - (C) after receiving a degree described in (B) of this paragraph, has practiced supervised marital and family therapy, including 1,700 hours of clinical contact with couples, individuals, and families; the 1,700 hours of clinical contact must include at least 100 hours of individual supervision and 100 hours of group supervision approved by the board; the 100 hours of individual supervision and 100 hours of group supervision may be conducted by one or more supervisors;
  - (D) has received training related to domestic violence; and
  - (E) has passed a written or oral examination administered by the board.
- (b) Under regulations adopted by the board, a person who holds a master's or doctorate degree in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board, but whose course of degree study did not include all the courses or clinical practice requirements set out in (a)(3)(B) of this section may substitute post-degree courses or practice, as approved by the board, to satisfy the requirements of (a)(3)(B) of this section.
- (c) An applicant who fails an examination given under this section may not retake the examination for a period of six months from the date of the examination that the applicant failed.
- (d) A license issued under this section shall be renewed biennially by the applicant on a date set by the department and approved by the board. It shall be renewed by payment of the fee established under AS 08.01.065 and by satisfaction of the continuing education requirements established by the board for the renewal of licenses issued under this section.

**Sec. 08.63.110. License for supervised practice.** (a) The board shall issue a four-year license for the supervised practice of marital and family therapy to a person who meets the requirements of AS 08.63.100(a)(1), (2), and (3)(A)—(B).

- (b) A licensee under this section may practice only
  - (1) under the direct supervision of a supervisor approved by the board under AS 08.63.120; and
  - (2) in a clinic, social service agency, or other setting approved by the board.
- (c) A license for supervised practice expires four years from the date of issuance and may not be renewed.
- (d) A licensee under this section shall submit to the board for its approval a proposed plan for satisfying the supervision requirements of AS 08.63.100(a)(3)(C).
- (e) A licensee under this section shall use the title "marital therapy associate," "family therapy associate," or other title that is approved by the board.
- (f) The board shall revoke a license for supervised practice if the person fails the examination required under AS 08.63.100 two or more times.

**Sec. 08.63.120. Authorized supervisors.** (a) A person may not supervise a person under this chapter unless approved by the board to be a supervisor.

- (b) A person who supervises a licensee under this section during
  - (1) individual supervision must
    - (A) have practiced marital and family therapy for five years;
    - (B) be licensed under this chapter; and
    - (C) meet the minimum standards established by the board for approved supervisors; or
  - (2) group supervision must be licensed to practice as
    - (A) a professional counselor under AS 08.29;
    - (B) a marital and family therapist under this chapter;
    - (C) a physician under AS 08.64 who is a psychiatrist;
    - (D) an advanced practice registered nurse under AS 08.68 who is certified to provide psychiatric or mental health services by an entity recognized by the Board of Nursing;
    - (E) a psychologist under AS 08.86; or
    - (F) a clinical social worker under AS 08.95.

**Sec. 08.63.130. Temporary license for the practice of marital and family therapy.** (a) The board shall issue a temporary license for the practice of marital and family therapy to an applicant who satisfies the requirements of AS 08.63.100(a)(1), (2), and (3)(A), (B), and (C) and has been approved by the board to take the marital and family therapy examination.

(b) A person may practice under a temporary license until the board issues the results of the first marital and family therapy examination given after issuance of the person's temporary license and either issues or denies a license under AS 08.63.100 to the person.

(c) If a licensee under this section fails the marital and family therapy examination, the board may not renew the person's temporary license.

**Sec. 08.63.140. Licensure by credentials.** The board shall issue a license to practice marital and family therapy to a person who

(1) is licensed or certified for the practice of marital and family therapy in another state that has requirements for the license or certificate that are substantially equal to or greater than the requirements of this state; and

(2) meets the requirements of AS 08.63.100(a)(1), (2), and (3)(A).

### ARTICLE 3. GENERAL PROVISIONS

#### Section

**200. Confidentiality of communication**

**210. Grounds for imposition of disciplinary sanctions**

**220. License required if designation used**

**230. Disclosure statement**

**240. Limitation of practice**

**900. Definitions**

**Sec. 08.63.200. Confidentiality of communication.** (a) A person licensed under this chapter may not reveal to another person a communication made to the licensee by a client about a matter concerning which the client has employed the licensee in a professional capacity. This section does not apply to

(1) a case conference or case consultation with other mental health professionals at which the patient is not identified;

(2) the release of information that the client in writing authorized the licensee to reveal;

(3) information released to the board as part of a disciplinary or other proceeding;

(4) situations where the rules of evidence applicable to the psychotherapist-patient privilege allow the release of the information;

(5) a communication to a potential victim or to law enforcement officers where a threat of imminent serious physical harm to an identified victim has been made by a client; or

(6) a disclosure revealing a communication about an act that the licensee has reasonable cause to suspect constitutes unlawful or unethical conduct that would be grounds for imposition of disciplinary sanctions by a person licensed to provide health or mental health services, if the disclosure is made only to the licensing board with jurisdiction over the person who allegedly committed the act, and the disclosure is made in good faith.

(b) Notwithstanding (a) of this section, a person licensed under this chapter shall report incidents of

(1) child abuse or neglect as required by AS 47.17;

(2) harm or assaults suffered by a vulnerable adult as required by AS 47.24.

(c) Information obtained by the board under (a)(3) of this section is confidential and is not a public record for purposes of AS 40.25.110 — 40.25.140.

**Sec. 08.63.210. Grounds for imposition of disciplinary sanctions.** (a) After a hearing, the board may impose a disciplinary sanction under AS 08.01.075 on a person licensed under this chapter when the board finds that the person

(1) secured a license through deceit, fraud, or intentional misrepresentation;

(2) engaged in deceit, fraud, or intentional misrepresentation in the course of providing professional services or engaging in professional activities;

(3) advertised professional services in a false or misleading manner;

(4) has been convicted of a felony or of another crime that affects the person's ability to practice competently and safely;

(5) failed to comply with a provision of this chapter or a regulation adopted under this chapter, or an order of the board;

(6) continued to practice after becoming unfit due to

(A) professional incompetence;

(B) addiction or severe dependency on alcohol or another drug that impairs the person's ability to practice safely;

(7) engaged in unethical conduct in connection with the delivery of professional services to clients;

(8) engaged in sexual misconduct with a client during the course of therapy, either within or outside the treatment setting, or within two years after therapy or counseling with the client has terminated; in this paragraph, "sexual misconduct" includes sexual contact, as defined in regulations adopted under this chapter, or attempted sexual contact, regardless of the client's or former client's consent or lack of consent.

(b) The board may summarily suspend the license of a licensee who refuses to submit to a physical or mental examination under AS 08.63.050(b). A person whose license is suspended under this subsection is entitled to a hearing by the board within seven days after the effective date of the order. If, after a hearing, the board upholds the suspension, the licensee may appeal the suspension to a court of competent jurisdiction.

(c) The board may not impose disciplinary sanctions on a licensee for the evaluation, diagnosis, supervision, or treatment of a person through audio, video, or data communications when physically separated from the person if

- (1) the licensee or another licensed health care provider is available to provide follow-up care;
- (2) the licensee requests that the person consent to sending a copy of all records of the encounter to a primary care provider if the licensee is not the person's primary care provider and, if the person consents, the licensee sends the records to the person's primary care provider; and
- (3) the licensee meets the requirements established by the board in regulation.

(d) The board shall adopt regulations restricting the evaluation, diagnosis, supervision, and treatment of a person as authorized under (c) of this section by establishing standards of care, including standards for training, confidentiality, supervision, practice, and related issues.

**Sec. 08.63.220. License required if designation used.** A person who is not licensed under this chapter or whose license is suspended or revoked, or whose license has lapsed, who knowingly uses in connection with the person's name the words or letters "L.M.F.T.," "L.M.F.C.," "Licensed Marital and Family Therapist," "Licensed Marriage and Family Counselor," or other letters, words, or insignia indicating or implying that the person is licensed as a marital and family therapist by this state or who in any way, orally or in writing, directly or by implication, knowingly holds out as being licensed by the state as a marital and family therapist in this state is guilty of a class B misdemeanor.

**Sec. 08.63.230. Disclosure statement.** Before the performance of services, a licensed marital and family therapist shall ensure that the client was furnished a copy of a professional disclosure statement that contained

- (1) the name, title, business address, and business telephone number of the marital and family therapist;
- (2) a description of the formal professional education of the marital and family therapist, including the institutions attended and the degrees received from the institutions;
- (3) the marital and family therapist's areas of specialization and the services available;
- (4) the marital and family therapist's fee schedule listed by type of service or hourly rate;
- (5) a description of the exception to confidentiality contained in AS 08.63.200(a)(6); and
- (6) at the bottom of the first page of the statement, the following sentence: "This information is required by the Board of Marital and Family Therapy, which regulates all licensed marital and family therapists," followed by the name, address, and telephone number of the board's office.

**Sec. 08.63.240. Limitation of practice.** Notwithstanding that a specific act is within the definition of the "practice of marital and family therapy," a person licensed under this chapter may not perform the act if the person lacks the appropriate education, training, and experience related to the act.

**Sec. 08.63.900. Definitions.** In this chapter, unless the context indicates otherwise,

- (1) "advertise" includes issuing or causing to be distributed a card, sign, or device to a person, or causing, permitting, or allowing a sign or marking on or in a building or structure, or in a newspaper, magazine, or directory, or on radio or television, or using other means designed to secure public attention;
- (2) "board" means the Board of Marital and Family Therapy;
- (3) "course" means a class of at least three credit hours in a graduate program at an accredited educational institution or an institution approved by the board;
- (4) "department" means the Department of Commerce, Community, and Economic Development;
- (5) "practice of marital and family therapy" means the diagnosis and treatment of mental and emotional disorders that are referenced in the standard diagnostic nomenclature for marital and family therapy, whether cognitive, affective, or behavioral, within the context of human relationships, particularly marital and family systems; marital and family therapy involves
  - (A) the professional application of assessments and treatments of psychotherapeutic services to individuals, couples, and families for the purpose of treating the diagnosed emotional and mental disorders;
  - (B) an applied understanding of the dynamics of marital and family interactions, along with the application of psychotherapeutic and counseling techniques for the purpose of resolving intrapersonal and interpersonal conflict and changing perceptions, attitudes, and behaviors in the area of human relationships and family life;
- (6) "supervision" means face-to-face consultation, direction, review, evaluation, and assessment of the practice of the person being supervised, including direct observation and the review of case presentations, audio tapes, and video tapes.

**CHAPTER 19.**  
**BOARD OF MARITAL AND FAMILY THERAPY.**

**Article**

- 1. Licensing Requirements (12 AAC 19.100 – 12 AAC 19.130)**
- 2. Supervised Practice (12 AAC 19.200 – 12 AAC 19.210)**
- 3. License Renewal and Continuing Education (12 AAC 19.300 – 12 AAC 19.340)**
- 4. General Provisions (12 AAC 19.900 – 12 AAC 19.990)**

**ARTICLE 1.**  
**LICENSING REQUIREMENTS.**

**Section**

- 100. (Repealed)**
- 110. License by examination**
- 115. Licensure by credentials**
- 116. Temporary military courtesy license**
- 117. Emergency courtesy license**
- 120. Substitution of post-degree courses or practice**
- 130. Supervised experience**

**12 AAC 19.100. TRANSITIONAL LICENSE.** Repealed 8/24/2002.

**12 AAC 19.110. LICENSE BY EXAMINATION.** (a) The board will issue a license by examination to practice marital and family therapy to an applicant who meets the requirements of AS 08.63.100(a) and this section.

(b) An applicant for a license under this section shall submit

(1) a complete application, on a form provided by the department;

(2) the applicable fees established in 12 AAC 02.242;

(3) an official transcript documenting a master's degree or doctorate in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board for which the applicant completed a course of study substantially equivalent to the requirements of AS 08.63.100(a)(3)(B), sent directly to the department from the school;

(4) the supporting documentation required by this section and AS 08.63.100; and

(5) an authorization for release of records.

(c) The applicant's supervised experience must meet the requirements of 12 AAC 19.130.

(d) To show fulfillment of the training requirement in AS 08.63.100(a)(3)(D), the applicant must document at least six contact hours of training related to domestic violence in courses approved by the board under 12 AAC 19.320(b)(1) – (7).

(e) The examinations required for a license to practice marital and family therapy are the Examination in Marital and Family Therapy administered by the Professional Examination Service and the state written examination prepared and administered by the board. To pass the examinations the applicant must achieve at least the minimum passing score recommended by the Professional Examination Service on the Examination in Marital and Family Therapy and 90 percent or higher on the state written examination.

(f) An applicant may substitute post-degree courses or practice as allowed in 12 AAC 19.120 to meet the course of study requirements in AS 08.63.100(a)(3)(B)(i) – (vi).

(g) To be scheduled for and take an examination, an applicant must meet the requirements of this section. An individual approved by the board under AS 08.63.110 for a license for supervised practice may schedule and take the Professional Examination Service's Examination in Marital and Family Therapy by filing with the department a complete application showing fulfillment of the requirements in AS 08.63.100(a)(1), (2), and (3)(A) and (B).

(h) The state written examination includes questions covering

(1) state statutes and regulations applying to the practice of marital and family therapy; and

(2) the code of ethics adopted by the board under 12 AAC 19.900.

(i) The state written examination is an open book examination. The examination and study materials will be mailed directly to each applicant. Completed examinations must be returned to the department within 30 days after mailing, as shown by the postmark dates.

(j) An applicant who fails an examination may be reexamined, after six months have lapsed since the initial test date, if the applicant notifies the department in writing of the intent to be reexamined. If one year or more has lapsed since the applicant last took an examination, the applicant must submit a new and complete application for examination and submits the applicable fees established in 12 AAC 02.242.

(k) If an applicant is unable to have the application required under (b)(1) of this section notarized either in the physical presence of a notary public or through an electronic notary system, an applicant shall submit copies of two forms of government-issued identification.

**Authority:** AS 08.63.050 AS 08.63.100 AS 08.63.120

**12 AAC 19.115. LICENSURE BY CREDENTIALS.** (a) The board will issue a license by credentials to practice marital and family therapy to an applicant who meets the requirements of AS 08.63.140 and this section.

(b) An applicant for a license under this section shall submit

- (1) a complete application, on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.242;
- (3) verification of a current license in another state on a form provided by the department, sent directly to the department from the licensing jurisdiction;
- (4) verification from all licensing jurisdictions in which the applicant holds or has ever held a license to practice marital and family therapy showing that the applicant's license has not been the subject of any disciplinary action of the type set out in AS 08.63.210 and that there are no pending or unresolved actions against the applicant, sent directly to the department from the licensing jurisdiction;
- (5) an authorization for release of records;
- (6) satisfactory evidence that the applicant's qualifications for a license to practice marital and family therapy are equivalent to the requirements set out in AS 08.63.100; and
- (7) a completed *Alaska Jurisprudence Questionnaire* prepared by the board covering the provisions of AS 08.63, this chapter, the code of ethics by the board under 12 AAC 19.900, and that meets the score requirements of 12 AAC 19.110.

(c) If an applicant is unable to have the application required under (b)(1) of this section notarized either in the physical presence of a notary public or through an electronic notary system, an applicant shall submit copies of two forms of government-issued identification.

**Authority:** AS 08.63.050 AS 08.63.100 AS 08.63.140

**12 AAC 19.116. TEMPORARY MILITARY COURTESY LICENSE.** (a) The board will issue a temporary military courtesy license to an active duty military member or spouse of an active duty military member of the armed forces of the United States to practice as a marital and family therapist or marital and family therapy associate to an applicant who meets the requirements of AS 08.01.063 and this section not later than 30 days after the board receives a completed application.

(b) An applicant for a temporary military courtesy license under this section

- (1) must submit a completed application on a form provided by the department;
- (2) must pay the temporary license application fee and fee for a temporary license set out under 12 AAC 02.105;
- (3) must submit a copy of
  - (A) the applicant's current active duty military orders showing assignment to a duty station in this state; or
  - (B) if the applicant is the spouse of an active duty military member, the applicant's spouse's current active duty military orders showing assignment to a duty station in this state;
- (4) must submit documentation showing the applicant is currently licensed or certified and in good standing in another licensing jurisdiction and the applicant's license or certification in the other jurisdiction is not suspended, revoked, or otherwise restricted except for failure to apply for renewal or failure to obtain the required continuing education requirements; and
- (5) may not have been convicted of a crime that affects the applicant's ability to practice marital and family therapy competently and safely, as determined by the board.

(c) A temporary military courtesy license issued to an active duty military member or spouse of an active duty military member under this section will be issued for a period of 180 days and may be renewed for one additional 180-day period, at the discretion of the board.

(d) While practicing under a temporary military courtesy license issued under this section, the holder of the temporary military courtesy license must comply with the standards of practice set out in AS 08.63 and this chapter.

(e) The board may refuse to issue a temporary military courtesy license for the same reasons that it may deny, suspend, or revoke a license under AS 08.63.210.

**Authority:** AS 08.01.062 AS 08.01.063 AS 08.63.050

**12 AAC 19.117. EMERGENCY COURTESY LICENSE.** (a) In an urgent situation, the board will issue an emergency courtesy license to practice marital and family therapy to an applicant who has a license in good standing to practice marital and family therapy 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. A complete application includes the applicable application and licensing fees established in 12 AAC 02.242, verification of a current license in good standing to practice marital and family therapy in another state or other jurisdiction, and certification that the applicant is not under investigation in the state or other jurisdiction in which the applicant is licensed.



(c) 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.

(d) 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 08.63 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 08.63.210.

(f) In this section, "urgent situation" means a health crisis that requires increased availability of marital and family therapists.

**Authority:** AS 08.01.062 AS 08.63.050

**12 AAC 19.120. SUBSTITUTION OF POST-DEGREE COURSES OR PRACTICE.** (a) The board will, in its discretion, accept post-degree courses to satisfy the course of study requirements in AS 08.63.100(a)(3)(B)(i) – (vi) if

- (1) the substituted courses meet the requirements of 12 AAC 19.320(a) and (b)(1) – (4);
- (2) the substituted courses are in the same subject area as the educational requirement for which they are being substituted; and
- (3) the substituted course hours are equivalent to the hours of course work of the educational requirement for which they are being substituted as determined by 12 AAC 19.310(d).

(b) The board will, in its discretion, accept post-degree practice as a marital and family therapist to satisfy the course of study requirements listed in AS 08.63.100(a)(3)(B)(i) – (iii) as follows:

- (1) three years of continuous practice is equivalent to one course or three semester or four quarter hours of course work;
- (2) the same three years of practice may not be used to substitute for more than one course.

(c) An applicant wishing to substitute post-degree courses or practice for a course of study requirement in AS 08.63.100(a)(3)(B)(i) – (a)(3)(B)(vi) shall submit to the board a completed equivalency worksheet on a form provided by the department.

**Authority:** AS 08.63.050 AS 08.63.100(b)

**12 AAC 19.130. SUPERVISED EXPERIENCE.** (a) The board will, in its discretion, approve the supervised experience of an applicant to satisfy the requirements of AS 08.63.100(a)(3)(B)(vi) and (a)(3)(C)(ii) if the supervisor

- (1) is approved by the board; and
  - (2) verifies the applicant's experience on a form provided by the department.
- (b) Repealed 6/24/2012.

**Authority:** AS 08.63.050 AS 08.63.100

## ARTICLE 2. SUPERVISED PRACTICE.

### Section

**200. License for supervised practice**

**210. Approved supervisors**

**12 AAC 19.200. LICENSE FOR SUPERVISED PRACTICE.** (a) The board will issue a license for supervised practice of marital and family therapy to a person who meets the requirements of AS 08.63.110 and this section.

(b) A person for a license under this section shall submit

- (1) a complete application, on a form provided by the department;
- (2) the applicable fees established in 12 AAC 02.242;
- (3) an official transcript documenting a master's degree or doctorate in marital and family therapy or allied mental health field from a regionally accredited educational institution approved by the board for which the applicant completed a course of study substantially equivalent to the requirements under AS 08.63.100(a)(3)(B), sent directly to the department from the school;
- (4) an authorization for release of records; and
- (5) a proposed plan to satisfy the supervision requirements of AS 08.63.110(d).

(c) A holder of a license for the supervised practice of marital and family therapy may practice under supervision in a clinic, social service agency, or private marital and family therapy practice.

(d) A holder of a license for the supervised practice of marital and family therapy shall use the title "marital therapy associate," "family therapy associate," or "marital and family therapy associate."

(e) A holder of a license for the supervised practice of marital and family therapy may practice only under the direct supervision of a supervisor approved by the board under 12 AAC 19.210.

(f) A marital and family therapy associate candidate seeking licensure in this state must attain marital and family associate licensure status prior to accruing hours in Alaska. No therapy or counseling may begin in Alaska before the applicant is licensed under this section.

(g) If an applicant is unable to have the application required under (b)(1) of this section notarized either in the physical presence of a notary public or through an electronic notary system, an applicant shall submit copies of two forms of government-issued identification.

**Authority:** AS 08.63.050 AS 08.63.110 AS 08.63.120

**12 AAC 19.210. APPROVED SUPERVISORS.** (a) The board will approve a person to be an approved supervisor for individual supervision under this chapter if the applicant submits

- (1) a complete application on a form provided by the department;
- (2) verification of a current license under AS 08.63.100 to practice marital and family therapy;
- (3) documentation of having practiced as a licensed marital and family therapist for five continuous years; and
- (4) documentation of having completed at least six contact hours of education related to the practice of supervising a marital and family therapist within the last two years.

(b) The board will approve a person to be an approved supervisor for group supervision under this chapter if the applicant submits

- (1) a complete application on a form provided by the department;
- (2) verification of a current license as described under AS 08.63.120(b)(2)(A) – (F);
- (3) documentation of having practiced as a licensed professional as listed under AS 08.63.120(b)(2)(A) – (F) for five continuous years; and
- (4) documentation of having completed at least six contact hours of education related to the practice of supervising a marital and family therapist within the last two years.

(c) To maintain approval under AS 08.63.120 and this section, a supervisor shall document at the time of license renewal that during the concluding license period the supervisor completed at least two contact hours of continuing education related to the practice of supervising a marital and family therapist. A supervisor may also include those two contact hours of continuing education in the total continuing education contact hours required for license renewal in 12 AAC 19.310.

(d) If a person does not maintain approval as an approved supervisor under AS 08.63.120 and this section because of noncompliance with the continuing education requirements of (c) of this section, the person may apply to the board for reinstatement of the approval. The board will reinstate the approval if the applicant

- (1) submits
  - (A) a complete application on a form provided by the department; and
  - (B) documentation of compliance with the continuing education requirements of (b) of this section; and
- (2) complies with the requirements of AS 08.63.120 and (a)(2) and (3) or (b)(2) and (3) of this section.

(e) A supervisor who participates in teletherapy must

- (1) have completed at least four hours of training required under 12 AAC 19.405(2) in the use of teletherapy technologies before engaging in teletherapy practice;

- (2) determine that telesupervision is appropriate for a supervisee considering the supervisee’s professional, intellectual, emotional, and physical needs;

- (3) inform supervisees of the potential risks and benefits associated with telesupervision;
- (4) take reasonable steps to ensure the security of the supervisor’s communication medium;
- (5) commence telesupervision only after gaining appropriate education, training, or supervised experience using the relevant technology;

- (6) be aware of the risks and responsibilities associated with telesupervision and advise supervisees in writing of these risks as well as the supervisor’s and supervisees’ responsibilities for minimizing these risks;

- (7) consider that communications may be synchronous or asynchronous and that technologies may augment traditional in-person supervision or be used as stand-alone supervision; and

- (8) be aware of the potential benefits and limitations in the supervisor’s choices of technologies for a particular supervisee in a particular situation.

(f) If an applicant is unable to have the application required under (a)(1), (b)(1), or (d)(1)(A) of this section notarized either in the physical presence of a notary public or through an electronic notary system, an applicant shall submit copies of two forms of government-issued identification.

**Authority:** AS 08.63.050 AS 08.63.100 AS 08.63.210  
AS 08.63.060 AS 08.63.120

**ARTICLE 3.**  
**LICENSE RENEWAL AND CONTINUING EDUCATION.**

**Section**

**300. License renewal**

**310. Continuing education requirements**

**320. Approved continuing education activities**

**330. Audit of continuing education requirements**

**340. Failure to meet continuing education requirements and license reinstatement**

**350. Application for continuing education course approval**

**12 AAC 19.300. LICENSE RENEWAL.** (a) A license to practice marital and family therapy expires on December 31 of even-numbered years.

(b) A marital and family therapist applying for license renewal shall

(1) complete a renewal application on a form provided by the department;

(2) pay the license renewal fee established in 12 AAC 02.242; and

(3) submit a statement of the continuing education contact hours completed during the concluding license period; the statement must include the following information, when applicable, for each course, seminar, or workshop:

(A) the name of the sponsoring organization;

(B) the location of the course, seminar, or workshop;

(C) the title and a brief description of the course, seminar, or workshop;

(D) the principal instructor;

(E) the dates of attendance;

(F) the titles, issues, and dates of publications or presentations; and

(G) the number of continuing education contact hours claimed.

(c) An applicant renewing a license who participates in teletherapy must complete two hours of continuing education that relates to teletherapy practice and that includes teletherapy ethics.

**Authority:** AS 08.63.050

**12 AAC 19.310. CONTINUING EDUCATION REQUIREMENTS.** (a) An applicant for renewal of a marital and family therapy license who has been licensed 18 months or more of the concluding license period shall document completion of 45 contact hours of continuing education acceptable to the board that was earned during the concluding license period including at least

(1) two contact hours in professional ethics;

(2) two contact hours in addictions;

(3) two contact hours in cross cultural education; and

(4) two contact hours related to issues of domestic violence.

(b) An applicant for renewal of a marital and family therapy license who has been licensed at least 12 months but less than 18 months of the concluding license period shall document completion of 30 contact hours of continuing education acceptable to the board that was earned during the concluding license period including at least

(1) two contact hours in professional ethics;

(2) two contact hours in addictions;

(3) two contact hours in cross cultural education; and

(4) two contact hours related to issues of domestic violence.

(c) An applicant for renewal of a marital and family therapy license who has been licensed less than 12 months of the concluding license period shall document completion of 23 contact hours of continuing education acceptable to the board that was earned during the concluding license period including at least

(1) two contact hours in professional ethics;

(2) two contact hours in addictions;

(3) two contact hours in cross cultural education; and

(4) two contact hours related to issues of domestic violence.

(d) For the purposes of this section,

(1) one "contact hour" equals a minimum of 50 minutes of classroom instruction between instructor and participant;

(2) one academic semester credit equals 15 contact hours; and

(3) one academic quarter credit equals 10 contact hours.

(e) Only hours of actual attendance during which instruction was given will be accepted as continuing education contact hours earned from an academic course that is audited by the licensee, and the total number of contact hours earned may not exceed the academic credit hours offered for that course.

**Authority:** AS 08.63.050

AS 08.63.100

**12 AAC 19.320. APPROVED CONTINUING EDUCATION ACTIVITIES.** (a) To be accepted by the board, continuing education must contribute directly to the professional competency of a marital and family therapist and must be directly related to the skills and knowledge required to implement marital and family therapy principles and methods.

(b) The following continuing education activities are acceptable if they are related to marital and family therapy in accordance with (a) of this section:

- (1) postgraduate courses given by a regionally accredited academic institution, either audited or for credit;
- (2) courses offered by the American Association for Marital and Family Therapy;
- (3) courses offered by the Alaska Association for Marital and Family Therapy;
- (4) seminars, workshops, or mini-courses offered by professional organizations;
- (5) cross-disciplinary courses, seminars, or workshops in the fields of medicine, law, behavioral sciences, ethics, or other disciplines;
- (6) courses, seminars, or workshops in substance abuse, domestic violence, cross-cultural issues, gender issues, or child abuse;
- (7) other courses not covered under (1) – (6) of this subsection that are specifically preapproved by the board, up to a maximum of 15 contact hours;
- (8) first-time preparation and presentation of a marital and family therapy course, seminar, or workshop, up to a maximum of 10 contact hours allocated among all marital and family therapists and other professionals involved;
- (9) first-time presentation or publication of an article or book chapter related to the practice of marital and family therapy that was presented at a state or national association meeting or published by a publisher recognized by the profession, up to a maximum of 10 contact hours allocated among all marital and family therapists and other professionals involved; and
- (10) completion of a formal correspondence program, video tape program, audio cassette program, or other individual study program; the number of hours of continuing education credit awarded will be determined by the board using the contact hour standards described in 12 AAC 19.310(d)(1), not to exceed one-half of the total contact hours of continuing education required for license renewal under 12 AAC 19.310; a program under this paragraph is acceptable only if

(A) the program requires registration and provides evidence of successful completion; or

(B) the licensee submits a signed statement verifying that the licensee has successfully completed the program from a licensee who is a supervisor approved under 12 AAC 19.210 and has supervised the licensee's study program under this paragraph.

(c) Hours spent in job orientation will not be accepted as continuing education contact hours.

(d) To be accepted by the board, an instructor presenting information concerning counseling or the treatment of clients must hold a master's degree or higher in a mental health field unless specifically preapproved by the board under this section.

**Authority:** AS 08.63.050 AS 08.63.100

**12 AAC 19.330. AUDIT OF CONTINUING EDUCATION REQUIREMENTS.** (a) After each renewal period the board will, in its discretion, audit renewal applications to monitor compliance with the continuing education requirements of this chapter.

(b) A licensee selected for audit shall, within 30 days from the date of notification, submit documentation to verify completion of the contact hours claimed under 12 AAC 19.300.

(c) An applicant for renewal is responsible for maintaining adequate and detailed records of all continuing education hours claimed and shall make them available to the board upon request under this section. Records must be retained for three years after the date the continuing education hours were earned.

**Authority:** AS 08.63.050 AS 08.63.100(d)

**12 AAC 19.340. FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS AND LICENSE REINSTATEMENT.** (a) The board will reinstate a license that was not renewed because of the licensee's failure to meet the continuing education requirements in 12 AAC 19.300 - 12 AAC 19.330 if the licensee submits to the board proof of completion of all required continuing education credit hours and meets all other requirements for license renewal.

(b) A licensee who is unable to obtain the continuing education hours required for license renewal due to reasonable cause or excusable neglect may submit a written request to the board for an exemption. The request for an exemption must include an explanation of the reasonable cause or excusable neglect that resulted in the licensee's failure to meet the continuing education requirements. If the board grants the exemption, the board will, in its discretion, prescribe an alternative method of compliance with the continuing education requirements as the board considers appropriate to the individual situation.

(c) In this section, "reasonable cause or excusable neglect" includes

- (1) chronic illness;
- (2) retirement;
- (3) military service;

- (4) leave of absence from active practice during the concluding licensing period; and
- (5) hardships recognized by the board.

**Authority:** AS 08.63.050 AS 08.63.100

**12 AAC 19.350. APPLICATION FOR CONTINUING EDUCATION COURSE APPROVAL.** (a) Except as provided in 12 AAC 19.310, to be approved by the board to meet the continuing education requirements of 12 AAC 19.320, an applicant for continuing education course approval shall submit to the board, not less than seven days before the date of the proposed program presentation date,

- (1) a completed application on a form provided by the department;
- (2) the name of the course provider;
- (3) a complete course description, including the course title and a description of the learning objectives;
- (4) a course syllabus; and
- (5) an outline of the major topics covered by the course and the number of classroom hours allowed for each topic.

(b) Approval of continuing education courses under this section is valid until December 31 of the next even numbered year.

(c) An applicant who has a change in condition required under (a)(2) – (5) of this section during the approval period described in (b) of this section must reapply to the board for continuing education credit approval not later than seven days after the course is presented.

(d) The applicant shall keep records of attendance of all courses provided for a minimum of two years after the expiration date of the approved course and may be audited at the discretion of the board.

(e) In this section, “applicant” means a licensee or course sponsor seeking approval of a proposed continuing education unit (CEU)course.

**Authority:** AS 08.63.050 AS 08.63.100

#### **ARTICLE 4. TELE THERAPY PRACTICE.**

##### **Section**

- 400. Scope of teletherapy practice**
- 405. Eligibility to practice teletherapy**
- 410. Providing technology-assisted distance professional services**
- 415. Safety and confidentiality of communications**
- 420. Informed consent**

**12 AAC 19.400. SCOPE OF TELE THERAPY PRACTICE.** Services offered by licensees of the board across a distance by electronic means fall within the jurisdiction of the board to the same degree as traditional face-to-face services described in AS 08.63. The provisions of AS 08.63 and this chapter apply to these services. Teletherapy or technology-assisted services refers to the scope of marital and family therapy practice of diagnosis, evaluation, consultation, intervention, and treatment of behavioral, social, and interpersonal disorders through synchronous or asynchronous two-way electronic communication, including telephone, videoconferencing, electronic mail, text messaging, instant messaging, and social media. The practice of technology-assisted distance professional services does not include functions or practices that are not within the training required for licensure under this chapter in accordance with AS 08.63.240.

**Authority:** AS 08.63.050 AS 08.63.110 AS 08.63.210  
AS 08.63.100

**12 AAC 19.405. ELIGIBILITY TO PRACTICE TELE THERAPY.** To be eligible to practice teletherapy with clients physically present in this state, an individual must

- (1) be licensed in good standing under AS 08 63.100 as a marital and family therapist or AS 08.63.110 as a marital and family therapy associate; and
- (2) complete initial training in the following topics regarding teletherapy, totaling a minimum of four hours:
  - (A) appropriateness of teletherapy;
  - (B) teletherapy theory and practice;
  - (C) modes of teletherapy delivery;
  - (D) legal and ethical issues;
  - (E) handling online emergencies;
  - (F) best practices and informed consent.

**Authority:** AS 08.63.050 AS 08.63.110 AS 08.63.210

**12 AAC 19.410. PROVIDING TECHNOLOGY-ASSISTED DISTANCE PROFESSIONAL SERVICES.**

(a) The provision of any service as the practice of marital and family therapy defined under AS 08.63.900 to a client physically present in this state through digital, telephonic, electronic, or other means, regardless of the location of the provider of the service, constitutes the practice of marital and family therapy in this state and requires licensure of the service provider under AS 08.63 and this chapter.

(b) The provision of any service defined under AS 08.63.900 as the practice of marital and family therapy by a provider of the service in this state through digital, telephonic, electronic, or other means, regardless of the location of the client receiving the service, constitutes the practice of marital and family therapy in this state and requires licensure of the provider under AS 08.63 and this chapter.

(c) When providing technology-assisted distance professional services, a licensee shall determine that the client is intellectually, emotionally, and physically capable of using the application and that the application is appropriate for the needs of the client.

(d) When technology-assisted distance professional services are determined inappropriate by the licensee or client, the licensees may consider referral to a clinician local to the client for in-person services. If the client refuses the referral, the licensee shall document the rationale for continuing to provide distance professional services.

(e) Each time a technology-assisted distance professional services session takes place, the licensee shall verify the client's identity and shall note the client's identity in the progress note.

(f) Regarding the delivery of distance professional services, a licensee shall follow the *Association of Marital and Family Therapy Regulatory Boards (AMFTRB) Teletherapy Guidelines*, dated September 2016, and adopted by reference.

(g) At the onset of services, licensees shall develop a safety plan identifying local resources in the community of the distance client should emergency care be required. The safety plan must include contact telephone numbers for local resources. Local resources may include family members, law enforcement, health aides, religious leaders, or tribal leaders trusted by the client to be available during distance professional services.

**Authority:** AS 08.63.050 AS 08.63.110 AS 08.63.210  
AS 08.63.100

**Editor's note:** A copy of the *Association of Marital and Family Therapy Regulatory Boards (AMFTRB) Teletherapy Guidelines*, dated September 2016, adopted by reference in 12 AAC 19.410, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806; phone (907) 465-2551, or website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/BoardofMaritalFamilyTherapy.aspx>.

**12 AAC 19.415. SAFETY AND CONFIDENTIALITY OF COMMUNICATIONS.** (a) All forms of communications with clients, including electronic communications, must comply with the requirements of 45 C.F.R. Parts 160 and 164 regarding privacy, security, and breach for purposes of P.L. 104-191 (Health Insurance Portability and Accountability Act of 1996).

(b) Licensees must endeavor to protect clients from unwanted interruptions during sessions involving synchronous distance professional services.

**Authority:** AS 08.63.050 AS 08.63.110 AS 08.63.210  
AS 08.63.100

**12 AAC 19.420. INFORMED CONSENT.** To provide, by digital, telephonic, or other electronic means, any service defined under AS 08.63.900 as the practice of marital and family therapy, a licensee shall secure informed consent from a client. Informed consent must be written and clearly set out the benefits and risks of entering into distance professional services. The informed consent must identify the means of contact with the client, including the use of a telephone, online synchronous counseling, electronic billing, text messaging, or electronic mail. The informed consent must also

(1) identify issues related to the difficulty of maintaining the confidentiality of electronically transmitted communications;

(2) inform clients of all colleagues, supervisors, and employees, such as information technology (IT) administrators, who might have authorized or unauthorized access to electronic transmissions;

(3) inform clients of the risks of access, including by family members and employees who have access to technology used in the counseling process;

(4) inform clients of pertinent legal rights and limitations governing the practice of a profession over state lines or international boundaries;

(5) inform clients that, whenever possible, encrypted websites and electronic mail communications will be used to help ensure confidentiality;

(6) when the use of encryption is not possible, inform clients of this limitation and limit electronic transmissions to general communications that are not client-specific;

- (7) inform clients if and for how long archival storage of transaction records is maintained;
- (8) discuss the possibility of technology failure and alternate methods of service delivery during a failure;
- (9) inform clients of emergency procedures, such as calling 911 or a local crisis hotline, when the licensee is not available;
- (10) inform clients of the limits of confidentiality under AS 08.63.200;
- (11) identify, as applicable, time zone differences, local customs, and cultural or language differences that might impact services delivery;
- (12) inform clients when technology-assisted distance professional services are not covered by insurance; and
- (13) fully disclose the licensee's licensing, credentials, and areas of expertise.

**Authority:** AS 08.63.050 AS 08.63.110 AS 08.63.210  
AS 08.63.100

**ARTICLE 5.  
GENERAL PROVISIONS.**

**Section**

- 900. Code of ethics**
- 990. Definitions**

**12 AAC 19.900. CODE OF ETHICS.** Marital and family therapists licensed in this state, including those practicing distance professional services or teletherapy, shall adhere to the *AAMFT Code of Ethics* of the American Association for Marriage and Family Therapy (AAMFT) (January 1, 2015 Revision). The *AAMFT Code of Ethics* is adopted by reference in this section.

**Authority:** AS 08.63.050

**Editor's note:** A copy of the *AAMFT Code of Ethics*, adopted by reference in 12 AAC 19.900, may be obtained from the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806, from the American Association for Marriage and Family Therapy (AAMFT), 112 South Alfred Street, Alexandria, VA 22314-3061; telephone: (703) 838-9808, or at AAMFT's website at [www.aamft.org](http://www.aamft.org).

- 12 AAC 19.990. DEFINITIONS.** In this chapter and in AS 08.63,
- (1) "board" means the Board of Marital and Family Therapy;
  - (2) "department" means the Department of Commerce, Community, and Economic Development;
  - (3) "year of practice" means 12 months of active, clinical practice of marital and family therapy totaling at least 500 hours.
  - (4) "one year of supervised clinical practice" means one academic year;
  - (5) "asynchronous," with regard to an interaction, means the transmission of a client's information from an originating site to a licensed marital and family therapist at a distant site not occurring at exactly the same time; no real-time communication is present or able;
  - (6) "distance professional services" means the mode of delivering services by means of technology-assisted media, such as telephone, video, Internet, smartphone, tablet, personal computer (PC) desktop system, or other electronic means using appropriate encryption technology for electronic health information, occurring either synchronously or asynchronously as it pertains to marital and family therapy practices;
  - (7) "distant site" means a site or location from which services are delivered by a licensee by means of technology-assisted media;
  - (8) "originating site" means a site where a client is located at the time that marital and family therapy services are provided by means of technology-assisted media or where the asynchronous storage and forwarding services originate;
  - (9) "synchronous," with regard to an interaction, means a real-time interaction between a client and a licensed marital and family therapist occurring at exactly the same time, during which the client and therapist are able to communicate in real time.

**Authority:** AS 08.63.050

## APPENDIX A

### Child Protection (Excerpts from AS 47.17)

**Sec. 47.17.020. Persons required to report.** (a) The following persons who, in the performance of their occupational duties, their appointed duties under (8) of this subsection, or their volunteer duties under (9) of this subsection, have reasonable cause to suspect that a child has suffered harm as a result of child abuse or neglect shall immediately report the harm to the nearest office of the department and, if the harm appears to be a result of a suspected sex offense, shall immediately report the harm to the nearest law enforcement agency:

- (1) practitioners of the healing arts;
- (2) school teachers and school administrative staff members, including athletic coaches, of public and private schools;
- (3) peace officers and officers of the Department of Corrections;
- (4) administrative officers of institutions;
- (5) child care providers;
- (6) paid employees of domestic violence and sexual assault programs, and crisis intervention and prevention programs as defined in AS 18.66.990;
- (7) paid employees of an organization that provides counseling or treatment to individuals seeking to control their use of drugs or alcohol;
- (8) members of a child fatality review team established under AS 12.65.015(e) or 12.65.120 or the multidisciplinary child protection team created under AS 47.14.300;
- (9) volunteers who interact with children in a public or private school for more than four hours a week;
- (10) juvenile probation officers, juvenile probation office staff, and staff of juvenile detention facilities and juvenile treatment facilities, as those terms are defined in AS 47.12.990.

(b) This section does not prohibit the named persons from reporting cases that have come to their attention in their nonoccupational capacities, nor does it prohibit any other person from reporting a child's harm that the person has reasonable cause to suspect is a result of child abuse or neglect. These reports shall be made to the nearest office of the department.

(c) If the person making a report of harm under this section cannot reasonably contact the nearest office of the department and immediate action is necessary for the well-being of the child, the person shall make the report to a peace officer. The peace officer shall immediately take action to protect the child and shall, at the earliest opportunity, notify the nearest office of the department.

(d) This section does not require a religious healing practitioner to report as neglect of a child the failure to provide medical attention to the child if the child is provided treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by an accredited practitioner of the church or denomination.

(e) The department shall immediately notify the nearest law enforcement agency if the department

- (1) concludes that the harm was caused by a person who is not responsible for the child's welfare;
- (2) is unable to determine
  - (A) who caused the harm to the child; or
  - (B) whether the person who is believed to have caused the harm has responsibility for the child's welfare;

or

(3) concludes that the report involves

(A) possible criminal sex abuse or sex offenses under AS 11.41.410 – 11.41.458, AS 11.61.116, 11.61.118(a)(2), 11.61.120(a)(6), 11.61.123, or 11.61.128, including sex offenses committed by a minor against a minor; or

(B) abuse or neglect that results in the need for medical treatment of the child.

(f) If a law enforcement agency determines that a child has been abused or neglected and that (1) the harm was caused by a teacher or other person employed by the school or school district in which the child is enrolled as a student, (2) the harm occurred during an activity sponsored by the school or school district in which the child is enrolled as a student, or (3) the harm occurred on the premises of the school in which the child is enrolled as a student or on the premises of a school within the district in which the child is enrolled as a student, the law enforcement agency shall notify the chief administrative officer of the school or district in which the child is enrolled immediately after the agency determines that a child has been abused or neglected under the circumstances set out in this section, except that if the person about whom the report has been made is the chief administrative officer or a member of the chief administrative officer's immediate family, the law enforcement agency shall notify the commissioner of education and early development that the child has been abused or neglected under the circumstances set out in this section. The notification must set out the factual basis for the law enforcement agency's determination. If the notification involves a person in the teaching profession, as defined in AS 14.20.370, the law enforcement agency shall send a copy of the notification to the Professional Teaching Practices Commission.



(g) A person required to report child abuse or neglect under (a) of this section who makes the report to the person's job supervisor or to another individual working for the entity that employs the person is not relieved of the obligation to make a report required under (a) of this section.

(h) This section does not require a person required to report child abuse or neglect under (a)(6) of this section to report mental injury to a child as a result of exposure to domestic violence so long as the person has reasonable cause to believe that the child is in safe and appropriate care and not presently in danger of mental injury as a result of exposure to domestic violence.

(i) This section does not require a person required to report child abuse or neglect under (a)(7) of this section to report the resumption of use of an intoxicant as described in AS 47.10.011(10) so long as the person does not have reasonable cause to suspect that a child has suffered harm as a result of the resumption.

(j) This section does not require an athletic coach who is an unpaid volunteer to report child abuse or neglect under (a)(2) of this section unless the coach

(1) volunteers for more than

(A) four hours a week for four consecutive weeks; or

(B) 20 hours a week in a one-month period;

(2) has received the training required under AS 47.17.022; and

(3) has signed a form acknowledging that the coach is required to report child abuse or neglect under this section.

**Sec. 47.17.290. Definitions.** In this chapter,

(1) "athletic coach" means

(A) a paid leader or assistant of a sports team; or

(B) a volunteer leader or assistant of a sports team who volunteers as a leader or assistant of a sports team for more than four hours a week;

(2) "child" means a person under 18 years of age;

(3) "child abuse or neglect" means the physical injury or neglect, mental injury, sexual abuse, sexual exploitation, or maltreatment of a child under the age of 18 by a person under circumstances that indicate that the child's health or welfare is harmed or threatened thereby; in this paragraph, "mental injury" means an injury to the emotional well-being, or intellectual or psychological capacity of a child, as evidenced by an observable and substantial impairment in the child's ability to function;

(4) "child care provider" means an adult individual, including a foster parent or an employee of an organization, who provides care and supervision to a child for compensation or reimbursement;

(5) "criminal negligence" has the meaning given in AS 11.81.900;

(6) "department" means the Department of Health and Social Services;

(7) "immediately" means as soon as is reasonably possible, and no later than 24 hours;

(8) "institution" means a private or public hospital or other facility providing medical diagnosis, treatment, or care;

(9) "maltreatment" means an act or omission that results in circumstances in which there is reasonable cause to suspect that a child may be a child in need of aid, as described in AS 47.10.011, except that, for purposes of this chapter, the act or omission need not have been committed by the child's parent, custodian, or guardian;

(10) "mental injury" means a serious injury to the child as evidenced by an observable and substantial impairment in the child's ability to function in a developmentally appropriate manner and the existence of that impairment is supported by the opinion of a qualified expert witness;

(11) "neglect" means the failure by a person responsible for the child's welfare to provide necessary food, care, clothing, shelter, or medical attention for a child;

(12) "organization" means a group or entity that provides care and supervision for compensation to a child not related to the caregiver, and includes a child care facility, pre-elementary school, head start center, child foster home, residential child care facility, recreation program, children's camp, and children's club;

(13) "person responsible for the child's welfare" means the child's parent, guardian, foster parent, a person responsible for the child's care at the time of the alleged child abuse or neglect, or a person responsible for the child's welfare in a public or private residential agency or institution;

(14) "practitioner of the healing arts" includes athletic trainers, chiropractors, mental health counselors, social workers, dental hygienists, dentists, health aides, nurses, nurse practitioners, certified nurse aides, occupational therapists, occupational therapy assistants, optometrists, osteopaths, naturopaths, physical therapists, physical therapy assistants, physicians, physician's assistants, psychiatrists, psychologists, psychological associates, audiologists and speech-language pathologists licensed under AS 08.11, hearing aid dealers licensed under AS 08.55, marital and family therapists licensed under AS 08.63, behavior analysts, assistant behavior analysts, religious healing practitioners, acupuncturists, and surgeons;

(15) "reasonable cause to suspect" means cause, based on all the facts and circumstances known to the person, that would lead a reasonable person to believe that something might be the case;

(16) "school district" means a city or borough school district or regional educational attendance area;

(17) "sex offense" has the meaning given in AS 12.63.100;

(18) "sexual exploitation" includes

(A) allowing, permitting, or encouraging a child to engage in prostitution prohibited by AS 11.66.100 – 11.66.150, by a person responsible for the child's welfare;

(B) allowing, permitting, encouraging, or engaging in activity prohibited by AS 11.41.455(a), by a person responsible for the child's welfare.

## APPENDIX B

### Protection of Vulnerable Adults (Excerpts from AS 47.24)

**Sec. 47.24.010. Persons required to report; reports of harm.** (a) Except as provided in (e) of this section, the following persons who, in the performance of their professional duties, have reasonable cause to believe that a vulnerable adult suffers from undue influence, abandonment, exploitation, abuse, neglect, or self-neglect shall, not later than 24 hours after first having cause for the belief, report the belief to the department's vulnerable adult centralized intake office:

- (1) a physician or other licensed health care provider;
- (2) a mental health professional as defined in AS 47.30.915 and including a marital and family therapist licensed under AS 08.63;
- (3) a pharmacist;
- (4) an administrator or employee of a nursing home, residential care, or health care facility;
- (5) a guardian or conservator;
- (6) a police officer;
- (7) a village public safety officer;
- (8) a village health aide;
- (9) a social worker;
- (10) a member of the clergy;
- (11) a staff employee of a project funded by the Department of Administration for the provision of services to older Alaskans, the Department of Health and Social Services, or the Council on Domestic Violence and Sexual Assault;
- (12) an employee of a personal care or home health aide program;
- (13) an emergency medical technician or a mobile intensive care paramedic;
- (14) a caregiver of the vulnerable adult;
- (15) a certified nurse aide;
- (16) an educator or administrative staff member of a public or private educational institution.

(b) A report made under this section may include the name and address of the reporting person and must include

- (1) the name and contact information of the vulnerable adult;
- (2) information relating to the nature and extent of the undue influence, abandonment, exploitation, abuse, neglect, or self-neglect;

(3) other information that the reporting person believes might be helpful in an investigation of the case or in providing protection for the vulnerable adult.

(c) The department or its designees shall report to the Department of Law any person required by (a) of this section to report who fails to comply with this section. A person listed in (a) of this section who, because of the circumstances, should have had reasonable cause to believe that a vulnerable adult suffers from undue influence, abandonment, exploitation, abuse, neglect, or self-neglect but who knowingly fails to comply with this section is guilty of a class B misdemeanor. If a person convicted under this section is a member of a profession or occupation that is licensed, certified, or regulated by the state, the court shall notify the appropriate licensing, certifying, or regulating entity of the conviction.

(d) This section does not prohibit a person listed in (a) of this section, or any other person, from reporting cases of undue influence, abandonment, exploitation, abuse, neglect, or self-neglect of a vulnerable adult that have come to the person's attention in the person's nonoccupational capacity. This section does not prohibit any other person from reporting a harm under this section.

(e) If a person making a report under this section believes that immediate action is necessary to protect the vulnerable adult from imminent risk of serious physical harm due to undue influence, abandonment, exploitation, abuse, neglect, or self-neglect and the reporting person cannot immediately contact the department's vulnerable adult centralized intake office, the reporting person shall make the report to a police officer or a village public safety officer. The police officer or village public safety officer shall take immediate action to protect the vulnerable adult and shall, within 24 hours after receiving the report of harm, notify the department. A person may not bring an action for damages against a police officer, a village public safety officer, the state, or a political subdivision of the state based on a decision under this subsection to take or not to take immediate action to protect a vulnerable adult. If a decision is made under this subsection to take immediate action to protect a vulnerable adult, a person may not bring an action for damages based on the protective actions taken unless the protective actions were performed with gross negligence or intentional misconduct; damages awarded in the action may include only direct economic compensatory damages for personal injury.

(f) *[Repealed, Sec. 15, ch 19, SLA 2017]*

(g) *[Repealed, Sec. 14 ch 129 SLA 1994.]*

(h) *[Repealed, Sec. 14 ch 129 SLA 1994.]*

(i) A person required to report under this section who makes the report to the person's job supervisor or to another individual working for the entity that employs the person is not relieved of the obligation to make the report to the department as required under (a) of this section.

(j) A person who recklessly makes a false report under this section is civilly liable for actual damages suffered by the person who is the subject of the report.