

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2135

By: McCarter

COMMITTEE SUBSTITUTE

An Act relating to public health and safety; amending 59 O.S. 1991, Sections 1906, as last amended by Section 6, Chapter 295, O.S.L. 1998, 1907, as amended by Section 7, Chapter 295, O.S.L. 1998, 1908, as last amended by Section 8, Chapter 295, O.S.L. 1998, 1909, as amended by Section 7, Chapter 167, O.S.L. 1995, 1911, as amended by Section 8, Chapter 167, O.S.L. 1995, 1917, as last amended by Section 14, Chapter 295, O.S.L. 1998 and 1919 as amended by Section 15, Chapter 295, O.S.L. 1998 (59 O.S. Supp. 1999, Sections 1906, 1907, 1908, 1909, 1911, 1917 and 1919), which relate to the Licensed Professional Counselors Act; amending 59 O.S. 1991, Sections 1925.7, as amended by Section 22, Chapter 295, O.S.L. 1998, 1925.8 as amended by Section 23, Chapter 295, O.S.L. 1998, 1925.9, as amended by Section 24, Chapter 295, O.S.L. 1998, 1925.15, as amended by Section 25, Chapter 295, O.S.L. 1998, 1925.16 and 1925.18, as amended by Section 26, Chapter 295, O.S.L. 1998 (59 O.S. Supp. 1999, Sections 1925.7, 1925.8, 1925.9, 1925.15 and 1925.18), which relate to the Licensed Marital and Family Therapist Licensure Act; amending Section 2, Chapter 133, O.S.L. 1999, Section 3, Chapter 133, O.S.L. 1999, Section 7, Chapter 133, O.S.L. 1999, Section 8, Chapter 133, O.S.L. 1999, Section 9, Chapter 133, O.S.L., 1999, Section 11, Chapter 133, O.S.L. 1999, Section 15, Chapter 133, O.S.L. 1999 and Section 18, Chapter 133, O.S.L. 1999 (59 O.S. Supp. 1999, Sections 1931, 1932, 1936, 1937, 1938, 1940, 1944 and 1947), which relate to the Licensed Behavioral Practitioner Act; updating language; removing certain limitations for reapplications; clarifying language; requiring annual renewal; providing for forfeiture for failure to renew; providing for reinstatement; providing for license by endorsement; prohibiting certain actions; removing maximum fee for examination; providing for determination of fee; removing certain exemptions; repealing 59 O.S. 1991, Section 1925.13, which relates to certain complaints, hearings and notices; and declaring an emergency.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. AMENDATORY 59 O.S. 1991, Section 1906, as
3 last amended by Section 6, Chapter 295, O.S.L. 1998 (59 O.S. Supp.
4 1999, Section 1906), is amended to read as follows:

5 Section 1906. A. Applications for a license to practice as a
6 licensed professional counselor shall be made to the State
7 Department of Health in writing. Such applications shall be on a
8 form and in a manner prescribed by the Commissioner of Health. The
9 application shall be accompanied by the fee required by the Licensed
10 Professional Counselors Act, which shall be retained by the ~~State~~
11 Department ~~of Health~~ and not returned to the applicant.

12 B. Each applicant for a license to practice as a licensed
13 professional counselor shall:

14 1. Be possessed of good moral character;

15 2. Pass an examination based on standards promulgated by the
16 State Board of Health pursuant to the Licensed Professional
17 Counselors Act;

18 3. Be at least twenty-one (21) years of age;

19 4. Not have engaged in, nor be engaged in, any practice or
20 conduct which would be grounds for denying, revoking or suspending a
21 license pursuant to this title; and

22 5. Otherwise comply with the rules promulgated by the Board
23 pursuant to the provisions of the Licensed Professional Counselors
24 Act.

25 C. In addition to the qualifications specified by the
26 provisions of subsection B of this section, an applicant for a
27 license to practice as a licensed professional counselor shall have:

28 1. ~~Successfully completed at least forty-five (45) graduate~~
29 ~~semester hours (sixty (60) graduate quarter hours) of counseling-~~
30 ~~related course work. These forty-five (45) hours shall include at~~
31 ~~least a master's degree in a counseling field. All course work and~~
32 ~~degrees shall be earned from a regionally accredited college or~~

1 ~~university. The State Board of Health shall define what course work~~
2 ~~qualifies as "counseling-related" and what degrees/majors qualify as~~
3 ~~a "counseling field";~~

4 2. ~~As of January 1, 2000, successfully~~ completed at least sixty
5 (60) graduate semester hours (ninety (90) graduate quarter hours) of
6 counseling-related course work. These sixty (60) hours shall
7 include at least a master's degree in a counseling field. All
8 courses and degrees shall be earned from a regionally accredited
9 college or university. The State Board of Health shall define what
10 course work qualifies as "counseling-related" and what
11 degrees/majors qualify as a "counseling field"; and

12 ~~3.~~ 2. Three (3) years of supervised full-time experience in
13 professional counseling subject to the supervision of a licensed
14 professional counselor pursuant to conditions established by the
15 Board. One (1) or two (2) years of experience may be gained at the
16 rate of one (1) year for each thirty (30) graduate semester hours
17 earned beyond the master's degree, provided that such hours are
18 clearly related to the field of counseling and are acceptable to the
19 Board. The applicant shall have no less than one (1) year of
20 supervised full-time experience in counseling.

21 SECTION 2. AMENDATORY 59 O.S. 1991, Section 1907, as
22 amended by Section 7, Chapter 295, O.S.L. 1998 (59 O.S. Supp. 1999,
23 Section 1907), is amended to read as follows:

24 Section 1907. A. 1. Examinations shall be held at such times,
25 at such place and in such manner as the Commissioner of Health
26 directs. An examination shall be held at least annually. The State
27 Department of Health shall determine the acceptable grade on
28 examinations. The examination shall cover such technical,
29 professional and practical subjects as relate to the practice of
30 professional counseling.

31 2. If an applicant fails to pass the examinations, ~~said the~~
32 applicant may reapply and ~~shall be allowed to take subsequent~~

1 ~~examinations. An applicant who has failed two successive~~
2 ~~examinations may not reapply for two (2) years from the date of the~~
3 ~~last examination.~~

4 B. The Commissioner shall preserve answers to any examination,
5 and the applicant's performance on each section, as part of ~~its~~ the
6 records of the Department for a period of two (2) years following
7 the date of the examination.

8 SECTION 3. AMENDATORY 59 O.S. 1991, Section 1908, as
9 last amended by Section 8, Chapter 295, O.S.L. 1998 (59 O.S. Supp.
10 1999, Section 1908), is amended to read as follows:

11 Section 1908. A. An applicant who meets the requirements for
12 licensure pursuant to the provisions of the Licensed Professional
13 Counselors Act, has paid the required license fees and has otherwise
14 complied with the provisions of the Licensed Professional Counselors
15 Act shall be licensed by the State Department of Health.

16 B. ~~Licenses~~ Each initial license issued pursuant to the
17 Licensed Professional Counselors Act shall expire twenty-four (24)
18 months from the date of issuance unless revoked. A license may be
19 renewed annually upon application and payment of fees. The
20 application for renewal shall be accompanied by evidence
21 satisfactory to the ~~State~~ Department ~~of Health~~ that the applicant
22 has completed relevant professional or continued educational
23 experience during the previous twenty-four (24) months. Failure to
24 renew a license ~~as required by the Licensed Professional Counselors~~
25 ~~Act shall constitute a suspension of said~~ result in forfeiture of
26 the rights and privileges granted by the license. A person whose
27 license has ~~been suspended~~ expired may make application within one
28 (1) year following the ~~suspension~~ expiration in writing to the
29 Department requesting reinstatement in a manner prescribed by the
30 Department and payment of the fees required by the provisions of the
31 Licensed Professional Counselors Act. The license of a person whose
32 license has ~~been suspended pursuant to this section~~ expired for more

1 than one (1) year shall not be ~~renewed except upon making~~
2 ~~application and taking and passing the examination as required by~~
3 ~~the Licensed Professional Counselors Act~~ reinstated. A person may
4 reapply for a new license as provided in Section 1906 of this title.

5 C. A licensed professional counselor whose license is current
6 and in good standing, who wishes to retire the license, may do so by
7 informing the Department in writing and returning the license to the
8 ~~LPC office~~ Office of Licensed Professional Counselors. A license so
9 retired shall not be reinstated but does not prevent a person from
10 applying for a new license at a future date.

11 SECTION 4. AMENDATORY 59 O.S. 1991, Section 1909, as
12 amended by Section 7, Chapter 167, O.S.L. 1995 (59 O.S. Supp. 1999,
13 Section 1909), is amended to read as follows:

14 Section 1909. The ~~State~~ Commissioner of Health shall have the
15 power to issue ~~licenses~~ a license by endorsement ~~for applicants to~~
16 an applicant licensed in ~~other states~~ another state to practice as a
17 licensed professional counselor if the Commissioner deems such
18 ~~states~~ applicant to have qualifications ~~and standards~~ comparable to
19 those required under ~~this act~~ the Licensed Professional Counselors
20 Act and if the Commissioner finds the applicant meets the standards,
21 provided by rules, for license by endorsement.

22 SECTION 5. AMENDATORY 59 O.S. 1991, Section 1911, as
23 amended by Section 8, Chapter 167, O.S.L. 1995 (59 O.S. Supp. 1999,
24 Section 1911), is amended to read as follows:

25 Section 1911. A. Any person who ~~represents:~~

26 1. Represents himself or herself by the title "Licensed
27 Professional Counselor" or "LPC" without having first complied with
28 the provisions of the Licensed Professional Counselors Act, ~~Section~~
29 ~~1901 et seq. of this title, or who otherwise;~~

30 2. Otherwise offers to perform counseling services, ~~or who~~
31 ~~uses;~~

32

1 3. Uses the title of Licensed Professional Counselor or any
2 other name, style or description denoting that the person is
3 licensed as a licensed professional counselor~~;~~ or ~~who practices~~

4 4. Practices counseling,
5 upon conviction thereof, shall be guilty of a misdemeanor and shall
6 be punished by imposition of a fine of not less than One Hundred
7 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for
8 each offense and in addition may be imprisoned for a term not to
9 exceed six (6) months in the county jail or by both such fine and
10 imprisonment.

11 B. It shall be unlawful for any person who is not licensed
12 ~~under or supervised pursuant to~~ or specifically exempt from ~~this act~~
13 the provisions of the Licensed Professional Counselors Act to
14 ~~advertise:~~

15 1. Advertise or otherwise offer to perform counseling services
16 ~~or to use;~~

17 2. Use the title of Licensed Professional Counselor or any
18 other name, style or description denoting that the person is
19 licensed as a licensed professional counselor~~;~~ or ~~to practice~~

20 3. Practice counseling.

21 Such action shall be subject to injunctive action by the ~~State~~
22 Commissioner of Health.

23 SECTION 6. AMENDATORY 59 O.S. 1991, Section 1917, as
24 last amended by Section 14, Chapter 295, O.S.L. 1998 (59 O.S. Supp.
25 1999, Section 1917), is amended to read as follows:

26 Section 1917. A. A professional specialty designation area may
27 be established by the State Department of Health upon receipt of a
28 petition signed by fifteen qualified persons who are currently
29 licensed as licensed professional counselors, ~~who have acquired at~~
30 ~~least sixty (60) semester hours, to increase to seventy-five (75)~~
31 ~~hours on and after January 1, 2000, of graduate credit in~~
32 ~~counseling-related course work from a regionally accredited college~~

1 ~~or university~~, and who meet the recognized minimum standards as
2 established by appropriate nationally recognized certification
3 agencies; provided, ~~however~~, if a nationally recognized
4 certification does not exist, the Department may establish minimum
5 standards for specialty designations.

6 B. Upon receipt of credentials from the appropriate
7 certification agency, the Department may grant the licensed
8 professional counselor the appropriate specialty designation. The
9 licensed professional counselor may attain specialty designation
10 through examination. A licensed professional counselor shall not
11 claim or advertise a counseling specialty and shall not incorporate
12 the specialty designation into the professional title of such
13 licensed professional counselor, unless the qualifications and
14 certification requirements of that specialty have been met and have
15 been approved by the Department and the appropriate certification
16 agency.

17 SECTION 7. AMENDATORY 59 O.S. 1991, Section 1919, as
18 amended by Section 15, Chapter 295, O.S.L. 1998 (59 O.S. Supp. 1999,
19 Section 1919), is amended to read as follows:

20 Section 1919. A. The licensing fee and the annual renewal fee
21 shall be amounts fixed by the State Board of Health upon
22 recommendations of the Oklahoma Licensed Professional Counselors
23 Advisory Board.

24 B. The Board shall fix the amount of the fees so that the total
25 fees collected will be sufficient to meet the expenses of
26 administering the provisions of the Licensed Professional Counselors
27 Act and so that there are no unnecessary surpluses in the Licensed
28 Professional Counselors Revolving Fund.

29 C. The Board shall not fix a license fee at an amount in excess
30 of Three Hundred Dollars (\$300.00) and a renewal fee at an amount in
31 excess of Two Hundred Dollars (\$200.00).

32

1 D. 1. The fee for the issuance of a license to replace a
2 license which was lost, destroyed, or mutilated ~~or revoked~~ shall be
3 Twenty-five Dollars (\$25.00).

4 2. The fee shall accompany the application for a replacement
5 license.

6 3. The fee for specialty designation shall not exceed One
7 Hundred Fifty Dollars (\$150.00).

8 4. The fee for an examination required pursuant to the Licensed
9 Professional Counselors Act shall not exceed ~~One Hundred Dollars~~
10 ~~(\$100.00)~~ the Department's actual costs for holding and grading the
11 examination.

12 SECTION 8. AMENDATORY 59 O.S. 1991, Section 1925.7, as
13 amended by Section 22, Chapter 295, O.S.L. 1998 (59 O.S. Supp. 1999,
14 Section 1925.7), is amended to read as follows:

15 Section 1925.7 A. Examinations shall be held at such times, at
16 such place and in such manner as the State Department of Health
17 directs. An examination shall be held at least annually.

18 Examinations may be written or oral or both written and oral. In
19 any written examination each applicant shall be designated so that
20 such applicant's name shall not be disclosed to the Department until
21 the examinations have been graded. Examinations shall include
22 questions in such theoretical and applied fields as the Department
23 deems most suitable to test an applicant's knowledge and competence
24 to engage in the practice of marital and family therapy.

25 B. The Department shall determine the acceptable grade on
26 examinations. If an applicant fails to pass the examinations, ~~said~~
27 ~~the applicant may reapply and shall be allowed to take a subsequent~~
28 ~~examination after the expiration of a six-month time period. An~~
29 ~~applicant who has failed two successive examinations may not reapply~~
30 ~~for two (2) years from the date of the last examination.~~

31 C. The Department shall preserve answers to any examination,
32 and the applicant's performance on each section, as part of ~~its~~ the

1 records of the Department for a period of two (2) years following
2 the date of the examination.

3 SECTION 9. AMENDATORY 59 O.S. 1991, Section 1925.8, as
4 amended by Section 23, Chapter 295, O.S.L. 1998 (59 O.S. Supp. 1999,
5 Section 1925.8), is amended to read as follows:

6 Section 1925.8 A. An applicant who meets the requirements for
7 licensure required by the provisions of the Marital and Family
8 Therapist Licensure Act, has paid the required license fees and has
9 otherwise complied with the provisions of the Marital and Family
10 Therapist Licensure Act, shall be licensed by the Department.

11 B. ~~Licenses~~ Each initial license issued pursuant to the Marital
12 and Family Therapist Licensure Act shall expire twenty-four (24)
13 months from the date of issuance. A license may be renewed annually
14 upon application and payment of fees. Failure to timely renew a
15 license shall result in expiration of the license and forfeiture of
16 the rights and privileges granted by the license. A person whose
17 license has expired may ~~make application~~ within one (1) year
18 following the expiration ~~in writing to the Department requesting~~
19 request reinstatement in a manner prescribed by the State Board ~~and~~
20 ~~payment of the fees required by the provisions of the Marital and~~
21 ~~Family Therapist Licensure Act~~ of Health. The license of a person
22 whose license has expired pursuant to this section for more than one
23 (1) year shall not be ~~renewed except upon making application, the~~
24 ~~payment of fees, and taking and passing the examination as required~~
25 ~~by the Marital and Family Therapist Licensure Act~~ reinstated.

26 SECTION 10. AMENDATORY 59 O.S. 1991, Section 1925.9, as
27 amended by Section 24, Chapter 295, O.S.L. 1998 (59 O.S. Supp. 1999,
28 Section 1925.9), is amended to read as follows:

29 Section 1925.9 The Commissioner of Health shall have the power
30 to issue, upon application and payment of fees, ~~reciprocal licenses~~
31 ~~for persons~~ a license by endorsement for an applicant licensed in
32 ~~other states~~ another state to practice as a licensed marital and

1 family therapist if the Commissioner deems such ~~states~~ applicant to
2 have qualifications ~~and standards~~ equivalent to or which exceed
3 those required pursuant to the provisions of the Marital and Family
4 Therapist Licensure Act and if the Commissioner finds the applicant
5 meets the standards, provided by rule, for license by endorsement.

6 SECTION 11. AMENDATORY 59 O.S. 1991, Section 1925.15, as
7 amended by Section 25, Chapter 295, O.S.L. 1998 (59 O.S. Supp. 1999,
8 Section 1925.15), is amended to read as follows:

9 Section 1925.15 A. The State Department of Health may deny,
10 revoke, suspend or place on probation any license issued subject to
11 the provisions of the Marital and Family Therapist Licensure Act
12 ~~after a hearing~~, if the person has:

13 1. Been convicted of a felony;

14 2. Been convicted of a crime the Commissioner determines after
15 a hearing to be of such a nature as to render the person convicted
16 unfit to practice marital and family therapy;

17 3. Violated ethical standards of such a nature as to render the
18 person found by the Commissioner to have engaged in such violation
19 unfit to practice marital and family therapy;

20 4. Misrepresented any information required in obtaining a
21 license;

22 5. Engaged in fraud or deceit in connection with services
23 rendered or in establishing needed qualifications pursuant to the
24 provisions of the Marital and Family Therapist Licensure Act;

25 6. Knowingly aided or abetted a person not licensed pursuant to
26 these provisions in representing himself or herself as a licensed
27 marital and family therapist in this state;

28 7. Engaged in unprofessional conduct as defined by the rules
29 ~~established~~ promulgated by the State Board of Health; or

30 8. Engaged in negligence or wrongful actions in the performance
31 of ~~his~~ the duties of such person.

32

1 B. No license shall be suspended ~~or~~, revoked or placed on
2 probation until notice is served upon the licensed marital and
3 family therapist and a hearing is held in such manner as is required
4 by the Marital and Family Therapist Licensure Act.

5 C. Any person who is determined by the Department to have
6 violated any of the provisions of the Marital and Family Therapist
7 Licensure Act or any rule promulgated or order issued pursuant
8 thereto may be subject to an administrative penalty. The maximum
9 fine shall not exceed Ten Thousand Dollars (\$10,000.00). All
10 administrative penalties collected pursuant to the Marital and
11 Family Therapist Licensure Act shall be deposited into the Licensed
12 Marital and Family Therapist Revolving Fund. Administrative
13 penalties imposed pursuant to this subsection shall be enforceable
14 in the district courts of this state.

15 SECTION 12. AMENDATORY 59 O.S. 1991, Section 1925.16, is
16 amended to read as follows:

17 Section 1925.16 A. Any person who represents himself or
18 herself by the title "licensed marital and family therapist" or any
19 designation representing such person to be a licensed marital and
20 family therapist without having first complied with the provisions
21 of the Marital and Family Therapist Licensure Act, upon conviction
22 thereof, shall be guilty of a misdemeanor and shall be punished by
23 imposition of a fine of not less than One Hundred Dollars (\$100.00)
24 nor more than Five Hundred Dollars (\$500.00) for each offense and in
25 addition may be imprisoned for a term not to exceed six (6) months
26 in the county jail or by both such fine and imprisonment.

27 B. The Commissioner may also proceed in district court to
28 enjoin and restrain any unlicensed person from violating ~~the~~
29 ~~prohibitions of~~ the Marital and Family Therapist Licensure Act.

30 SECTION 13. AMENDATORY 59 O.S. 1991, Section 1925.18, as
31 amended by Section 26, Chapter 295, O.S.L. 1998 (59 O.S. Supp. 1999,
32 Section 1925.18), is amended to read as follows:

1 Section 1925.18 A. The licensing fee and the annual renewal
2 fee shall be amounts fixed by the State Board of Health upon
3 recommendations of the Licensed Marital and Family Therapist
4 Advisory Board.

5 B. 1. The Board shall fix the amount of the fees so that the
6 total fees collected will be sufficient to meet the expenses of
7 administering the provisions of the Marital and Family Therapist
8 Licensure Act and so that there are no unnecessary surpluses in the
9 Licensed Marital and Family Therapist Revolving Fund.

10 2. The Board shall not fix a license fee at an amount in excess
11 of Three Hundred Dollars (\$300.00) and a renewal fee at an amount in
12 excess of Two Hundred Dollars (\$200.00).

13 3. The fee for the issuance of a license to replace a license
14 which was lost, destroyed, or mutilated ~~or revoked~~ shall be
15 Twenty-five Dollars (\$25.00).

16 4. The fee shall accompany the application for a replacement
17 license.

18 5. The fee for an examination required pursuant to the Marital
19 and Family Therapist Licensure Act shall not exceed ~~One Hundred~~
20 ~~Dollars (\$100.00)~~ the actual costs incurred by the Department for
21 holding and grading the examinations.

22 SECTION 14. AMENDATORY Section 2, Chapter 133, O.S.L.
23 1999 (59 O.S. Supp. 1999, Section 1931), is amended to read as
24 follows:

25 Section 1931. For the purpose of the Licensed Behavioral
26 Practitioner Act:

27 1. "Advisory Board" means the Oklahoma Licensed Behavioral
28 Practitioners Advisory Board appointed by the State Commissioner of
29 Health;

30 2. "Behavioral health services" means the application of the
31 scientific components of psychological and mental health principles
32 in order to:

- a. facilitate human development and adjustment throughout the life span,
- b. prevent, diagnose, or treat mental, emotional, or behavioral disorders or associated distress which interfere with mental health,
- c. conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives, and
- d. plan, implement, or evaluate treatment plans using behavioral treatment interventions;

3. "Behavioral treatment interventions" means the application of empirically validated treatment modalities, including, but not limited to, operant and classical conditioning techniques, adherence/compliance methods, habit reversal procedures, cognitive behavior therapy, biofeedback procedures and parent training. Such interventions are specifically implemented in the context of a professional therapeutic relationship;

4. "Board" means the State Board of Health;

5. "Commissioner" means the ~~State~~ Commissioner of Health;

6. "Consulting" means interpreting or reporting scientific fact or theory in behavioral health to provide assistance in solving current or potential problems of individuals, groups, or organizations;

7. "Department" means the State Department of Health;

8. "Licensed behavioral practitioner" or "LBP" means any person who offers professional behavioral health services ~~for compensation~~ to any person and is licensed pursuant to the provisions of the Licensed Behavioral Practitioner Act. The term shall not include those professions exempted by Section ~~3~~ 1932 of this ~~act~~ title;

9. "Licensed behavioral practitioner candidate" means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in Section ~~6~~ 1935 of this ~~act~~ title;

1 10. "Referral activities" means the evaluating of data to
2 identify problems and to determine the advisability of referral to
3 other specialists;

4 11. "Research activities" means reporting, designing,
5 conducting, or consulting on research in behavioral health services;

6 12. "Specialty" means the designation of a subarea of
7 behavioral practice that is recognized by a national certification
8 agency or by the Board; and

9 13. "Supervisor" means a person who meets the requirements
10 established by the Board.

11 SECTION 15. AMENDATORY Section 3, Chapter 133, O.S.L.
12 1999 (59 O.S. Supp. 1999, Section 1932), is amended to read as
13 follows:

14 Section 1932. A. The Licensed Behavioral Practitioner Act
15 shall not be construed to include the pursuits of the following
16 professionals acting within the scope of their duties as such
17 professionals, nor shall the title "Licensed Behavioral
18 Practitioner" or "LBP" be used by such professionals:

19 1. Physicians, psychologists, social workers, licensed
20 professional counselors, marital and family therapists, and
21 attorneys, who are licensed by their respective licensing
22 authorities;

23 2. Rehabilitation counselors, vocational evaluation
24 specialists, psychiatric and mental health nurses, alcohol and drug
25 counselors, school administrators, school teachers, and school
26 counselors, who are certified by their respective certifying
27 authorities;

28 3. Persons in the employ of accredited institutions of higher
29 education, or in the employ of local, state, or federal government;
30 and

31 4. Members of the clergy and lay pastoral counselors.
32

1 B. The Licensed Behavioral Practitioner Act shall not be
2 construed to allow the practice of any of the professions specified
3 in subsection A of this section by a licensed behavioral
4 practitioner unless the licensed behavioral practitioner is also
5 licensed or accredited by an appropriate agency, institution, or
6 board.

7 C. 1. The activities and services of a person in the employ of
8 a private nonprofit behavioral services provider contracting with
9 the state to provide behavioral services with the state shall be
10 exempt from licensure as a Licensed Behavioral Practitioner if such
11 activities and services are a part of the official duties of such
12 person with the private nonprofit agency.

13 ~~1.~~ 2. Any person who is unlicensed and operating under these
14 exemptions shall not use any of the following official titles or
15 descriptions:

- 16 a. psychologist, psychology, or psychological,
- 17 b. licensed social worker,
- 18 c. clinical social worker,
- 19 d. certified rehabilitation specialist,
- 20 e. licensed professional counselor,
- 21 f. psychoanalyst,
- 22 g. marital and family therapist, or
- 23 h. licensed behavioral practitioner~~+~~.

24 ~~2.~~ 3. Such exemption to the provisions of this section shall
25 apply only while the unlicensed individual is operating under the
26 auspices of a contract with the state and within the employ of the
27 nonprofit agency contracting with the state. Such exemption will
28 not be applicable to any other setting~~+~~and.

29 ~~3.~~ 4. State agencies contracting to provide behavioral health
30 services shall strive to ensure that quality of care is not
31 compromised by contracting with external providers and that the
32

1 quality of service is at least equal to the service that would be
2 delivered if that agency were able to provide the service directly.

3 5. The persons exempt under the provisions of this ~~section~~
4 subsection shall provide services that are consistent with their
5 training and experience.

6 6. Agencies shall also ensure that the entity with which they
7 are contracting has qualified professionals in its employ and that
8 sufficient liability insurance is in place to allow for reasonable
9 recourse by the public.

10 D. 1. The activities and services of a person in the employ of
11 a private for-profit behavioral services provider contracting with
12 the state to provide behavioral services to youth and families in
13 the care and custody of the Office of Juvenile Affairs or the
14 Department of Human Services on March 14, 1997, shall be exempt from
15 licensure as a Licensed Behavioral Practitioner if such activities
16 and services are a part of the official duties of such person with
17 the private for-profit contracting agency.

18 ~~1.~~ 2. Any person who is unlicensed and operating ~~under these~~
19 pursuant to the exemptions specified in this subsection shall not
20 use any of the following official titles or descriptions:

- 21 a. psychologist, psychology, or psychological,
- 22 b. licensed social worker,
- 23 c. clinical social worker,
- 24 d. certified rehabilitation specialist,
- 25 e. licensed professional counselor,
- 26 f. psychoanalyst,
- 27 g. marital and family therapist, or
- 28 h. licensed behavioral practitioner~~+~~.

29 ~~2.~~ 3. Such exemption to the provisions of this section shall
30 apply only while the unlicensed individual is operating under the
31 auspices of a contract with the state and within the employ of the
32 for-profit agency contracting with the state. Such exemption shall

1 only be available for ongoing contracts and contract renewals with
2 the same state agency and will not be applicable to any other
3 setting; ~~and.~~

4 ~~3.~~ 4. State agencies contracting to provide behavioral health
5 services shall strive to ensure that quality of care is not
6 compromised by contracting with external providers and that the
7 quality of service is at least equal to the service that would be
8 delivered if that agency were able to provide the service directly.

9 5. The persons exempt under the provisions of this section
10 shall provide services that are consistent with their training and
11 experience.

12 6. Agencies shall also ensure that the entity with which they
13 are contracting has qualified professionals in its employ and that
14 sufficient liability insurance is in place to allow for reasonable
15 recourse by the public.

16 SECTION 16. AMENDATORY Section 7, Chapter 133, O.S.L.
17 1999 (59 O.S. Supp. 1999, Section 1936), is amended to read as
18 follows:

19 Section 1936. A. Examinations for licensure shall be held at
20 such times, at such place, and in such manner as the ~~State~~
21 Commissioner of Health directs. The examination shall be held at
22 least annually. The State Department of Health shall determine the
23 acceptable grade on examinations. The examination shall cover such
24 technical, professional, and practical subjects as relate to the
25 practice of behavioral science. If an applicant fails to pass the
26 examination, the applicant may reapply ~~and shall be allowed to take~~
27 ~~subsequent examinations. An applicant who has failed two successive~~
28 ~~examinations may not reapply for two (2) years from the date of the~~
29 ~~last examination.~~

30 B. The ~~State~~ Commissioner of Health shall preserve answers to
31 any examination, and the applicant's performance on each section,
32 for a period of two (2) years following the date of the examination.

1 SECTION 17. AMENDATORY Section 8, Chapter 133, O.S.L.
2 1999 (59 O.S. Supp. 1999, Section 1937), is amended to read as
3 follows:

4 Section 1937. A. An applicant who meets the requirements for
5 licensure pursuant to the provisions of the Licensed Behavioral
6 Practitioner Act, has paid the required license fees, and has
7 otherwise complied with the provisions of the Licensed Behavioral
8 Practitioner Act shall be licensed by the State Department of
9 Health.

10 B. ~~Licenses~~ Each initial license issued pursuant to the
11 Licensed Behavioral Practitioner Act shall expire twenty-four (24)
12 months from the date of issuance unless revoked. A license may be
13 renewed upon application and payment of fees. The application for
14 renewal shall be accompanied by evidence satisfactory to the
15 Department that the ~~applicant~~ licensed behavioral practitioner has
16 completed relevant professional or continued educational experience
17 during the previous twenty-four (24) months. Failure to renew a
18 license ~~as required by Licensed Behavioral Practitioner Act~~ shall
19 ~~constitute a suspension of~~ result in forfeiture of the rights and
20 privileges granted by the license. A person whose license has ~~been~~
21 ~~suspended~~ expired may make application within one (1) year following
22 the ~~suspension~~ expiration in writing to the Department requesting
23 reinstatement in a manner prescribed by the Department and payment
24 of the fees required by the provisions of Licensed Behavioral
25 Practitioner Act. The license of a person whose license has ~~been~~
26 ~~suspended pursuant to this section~~ expired for more than one (1)
27 year shall not be ~~renewed except upon making application and taking~~
28 ~~and passing the examination as required by the Licensed Behavioral~~
29 ~~Practitioner Act~~ reinstated. A person may apply for a new license
30 as provided in Section 1935 of this title.

31 C. A licensed behavioral practitioner whose license is current
32 and in good standing, who wishes to retire the license, may do so by

1 informing the Department in writing and returning the license to the
2 Department. A license so retired shall not be reinstated but
3 retirement of the license shall preclude a person from applying for
4 a new license at a future date.

5 SECTION 18. AMENDATORY Section 9, Chapter 133, O.S.L.
6 1999 (59 O.S. Supp. 1999, Section 1938), is amended to read as
7 follows:

8 Section 1938. The ~~State~~ Commissioner of Health shall have the
9 power to issue ~~licenses~~ a license by endorsement for ~~applicants~~ an
10 applicant licensed in ~~other states~~ another state to practice as a
11 behavioral practitioner or under similar title if the Commissioner
12 deems such ~~states~~ applicant to have qualifications ~~and standards~~
13 comparable to those required under the Licensed Behavioral
14 Practitioner Act and if the Commissioner finds the applicant meets
15 the standards, provided by rule, for license by endorsement.

16 SECTION 19. AMENDATORY Section 11, Chapter 133, O.S.L.
17 1999 (59 O.S. Supp. 1999, Section 1940), is amended to read as
18 follows:

19 Section 1940. A. Any person who represents himself or herself
20 by the title "Licensed Behavioral Practitioner" or "LBP" without
21 having first complied with the provisions of the Licensed Behavioral
22 Practitioner Act, or who otherwise offers to perform behavioral
23 health services, or who uses the title of Licensed Behavioral
24 Practitioner or any other name, style, or description denoting that
25 the person is licensed as a behavioral practitioner, or who
26 practices behavioral science, upon conviction thereof, shall be
27 guilty of a misdemeanor and shall be punished by imposition of a
28 fine of not less than One Hundred Dollars (\$100.00) nor more than
29 Five Hundred Dollars (\$500.00) for each offense and in addition may
30 be imprisoned for a term not to exceed six (6) months in the county
31 jail or by both such fine and imprisonment.

32

1 B. It shall be unlawful for any person not licensed ~~under~~ or
2 supervised pursuant to or specifically exempt from the Licensed
3 Behavioral Practitioner Act to advertise or otherwise offer to
4 perform behavioral health services or to use the title of Licensed
5 Behavioral Practitioner or any other name, style, or description
6 denoting that the person is licensed as a licensed behavioral
7 practitioner, or to practice behavioral science. Such action shall
8 be subject to injunctive action by the State Commissioner of Health.

9 SECTION 20. AMENDATORY Section 15, Chapter 133, O.S.L.
10 1999 (59 O.S. Supp. 1999, Section 1944), is amended to read as
11 follows:

12 Section 1944. All licensed behavioral practitioners, except
13 those employed by federal, state, or local governmental agencies,
14 shall, prior to the performance of service, furnish the client with
15 a copy of the Statement of Professional Disclosure as promulgated by
16 rule of the State Board of Health. A current copy of the document,
17 ~~signed by the client,~~ shall be on file with the ~~State~~ Department of
18 Health at all times.

19 SECTION 21. AMENDATORY Section 18, Chapter 133, O.S.L.
20 1999 (59 O.S. Supp. 1999, Section 1947), is amended to read as
21 follows:

22 Section 1947. A. Licensing fees and annual renewal fees shall
23 be amounts fixed by the State Board of Health upon recommendations
24 of the Oklahoma Licensed Behavioral Practitioners Advisory Board.
25 The Board shall fix the amount of the fees so that the total fees
26 collected will be sufficient to meet the expenses of administering
27 the provisions of the Licensed Behavioral Practitioner Act and so
28 that excess funds do not accumulate from year to year in the
29 Licensed Behavioral Practitioners Revolving Fund.

30 B. 1. The Board shall not fix a license fee at an amount in
31 excess of Three Hundred Dollars (\$300.00) and a renewal fee at an
32 amount in excess of Two Hundred Dollars (\$200.00).

1 2. The fee for the issuance of a license to replace a license
2 which was lost, destroyed, or mutilated, ~~or revoked~~ shall be Twenty-
3 five Dollars (\$25.00).

4 3. The fee shall accompany the application for a replacement
5 license.

6 4. The fee for specialty designation shall not exceed One
7 Hundred Fifty Dollars (\$150.00).

8 5. The fee for an examination required pursuant to the Licensed
9 Behavioral Practitioner Act shall not exceed ~~One Hundred Dollars~~
10 ~~(\$100.00)~~ the actual costs incurred by the Department for holding
11 and grading examinations.

12 SECTION 22. REPEALER 59 O.S. 1991, Section 1925.13, is
13 hereby repealed.

14 SECTION 23. It being immediately necessary for the preservation
15 of the public peace, health and safety, an emergency is hereby
16 declared to exist, by reason whereof this act shall take effect and
17 be in full force from and after its passage and approval.

18
19 47-2-8694 KSM 6/11/15
20
21
22
23
24
25
26
27
28
29
30
31
32