

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 380

By: Stipe and Long of the
Senate

6 and

7 Gray of the House
8
9
10

11 COMMITTEE SUBSTITUTE

12 An Act relating to professions and occupations;
13 enacting the "Licensed Behavioral Practitioner Act";
14 defining terms; stating exceptions; establishing
15 advisory board; stating membership and terms of board
16 members; stating duties of board; stating
17 qualifications of a license applicant; providing for
18 examination of applicants; providing for issuance,
19 renewal, reinstatement and retirement of license;
20 providing for reciprocity under certain
21 circumstances; stating requirements for
22 confidentiality; providing exception; prohibiting use
23 of title without licensure; stating penalty;
24 authorizing denial, revocation, suspension or
25 probation of license under certain circumstances;
26 authorizing rule promulgation; requiring certain
27 information be provided to clients; providing
28 exceptions; authorizing designation of specialty;
29 establishing revolving fund; authorizing board to set
30 fees; setting maximum amounts for certain fees;
31 providing for continuing education; recording of
32 licensure for certain individuals; stating effect of
act on insurers; providing for codification; and
providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1930 of Title 59, unless there
is created a duplication in numbering, reads as follows:

1 This act shall be identified as Chapter 44B of Title 59 of the
2 Oklahoma Statutes and shall be known and may be cited as the
3 "Licensed Behavioral Practitioner Act".

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1931 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 For the purpose of the Licensed Behavioral Practitioner Act:

8 1. "Advisory Board" means the Oklahoma Licensed Behavioral
9 Practitioners Advisory Board appointed by the State Commissioner of
10 Health;

11 2. "Behavioral health services" means the application of the
12 scientific components of psychological and mental health principles
13 in order to:

14 a. facilitate human development and adjustment throughout
15 the life span,

16 b. prevent, diagnose, or treat mental, emotional, or
17 behavioral disorders or associated distress which
18 interfere with mental health,

19 c. conduct assessments or diagnoses for the purpose of
20 establishing treatment goals and objectives, and

21 d. plan, implement, or evaluate treatment plans using
22 behavioral treatment interventions;

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

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

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

32

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

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

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

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

14 10. "Referral activities" means the evaluating of data to
15 identify problems and to determine the advisability of referral to
16 other specialists;

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

19 12. "Specialty" means the designation of a subarea of
20 behavioral practice that is recognized by a national certification
21 agency or by the Board; and

22 13. "Supervisor" means a person who meets the requirements
23 established by the Board and who is licensed pursuant to the
24 Psychologist Licensing Act.

25 SECTION 3. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 1932 of Title 59, unless there
27 is created a duplication in numbering, reads as follows:

28 A. The Licensed Behavioral Practitioner Act shall not be
29 construed to include the pursuits of the following professionals
30 acting within the scope of their duties as such professionals, nor
31 shall the title "Licensed Behavioral Practitioner" or "LBP" be used
32 by such professionals:

1 1. Physicians, psychologists, social workers, licensed
2 professional counselors, marital and family therapists, and
3 attorneys, who are licensed by their respective licensing
4 authorities;

5 2. Rehabilitation counselors, vocational evaluation
6 specialists, psychiatric and mental health nurses, alcohol and drug
7 counselors, school administrators, school teachers, and school
8 counselors, who are certified by their respective certifying
9 authorities;

10 3. Persons in the employ of accredited institutions of higher
11 education, or in the employ of local, state, or federal government;
12 and

13 4. Members of the clergy.

14 B. The Licensed Behavioral Practitioner Act shall not be
15 construed to allow the practice of any of the professions specified
16 in subsection A of this section by a licensed behavioral
17 practitioner unless the licensed behavioral practitioner is also
18 licensed or accredited by an appropriate agency, institution, or
19 board.

20 C. The activities and services of a person in the employ of a
21 private nonprofit behavioral services provider contracting with the
22 state to provide behavioral services with the state shall be exempt
23 from licensure as a Licensed Behavioral Practitioner if such
24 activities and services are a part of the official duties of such
25 person with the private nonprofit agency.

26 1. Any person who is unlicensed and operating under these
27 exemptions shall not use any of the following official titles or
28 descriptions:

- 29 a. psychologist, psychology, or psychological,
- 30 b. licensed social worker,
- 31 c. clinical social worker,
- 32 d. certified rehabilitation specialist,

- 1 e. licensed professional counselor,
- 2 f. psychoanalyst,
- 3 g. marital and family therapist, or
- 4 h. licensed behavioral practitioner;

5 2. Such exemption to the provisions of this section shall apply
6 only while the unlicensed individual is operating under the auspices
7 of a contract with the state and within the employ of the nonprofit
8 agency contracting with the state. Such exemption will not be
9 applicable to any other setting; and

10 3. State agencies contracting to provide behavioral health
11 services shall strive to ensure that quality of care is not
12 compromised by contracting with external providers and that the
13 quality of service is at least equal to the service that would be
14 delivered if that agency were able to provide the service directly.
15 The persons exempt under the provisions of this section shall
16 provide services that are consistent with their training and
17 experience. Agencies shall also ensure that the entity with which
18 they are contracting has qualified professionals in its employ and
19 that sufficient liability insurance is in place to allow for
20 reasonable recourse by the public.

21 D. The activities and services of a person in the employ of a
22 private for-profit behavioral services provider contracting with the
23 state to provide behavioral services to youth and families in the
24 care and custody of the Office of Juvenile Affairs or the Department
25 of Human Services on March 14, 1997, shall be exempt from licensure
26 as a Licensed Behavioral Practitioner if such activities and
27 services are a part of the official duties of such person with the
28 private for-profit contracting agency.

29 1. Any person who is unlicensed and operating under these
30 exemptions shall not use any of the following official titles or
31 descriptions:

- 32 a. psychologist, psychology, or psychological,

- 1 b. licensed social worker,
- 2 c. clinical social worker,
- 3 d. certified rehabilitation specialist,
- 4 e. licensed professional counselor,
- 5 f. psychoanalyst,
- 6 g. marital and family therapist, or
- 7 h. licensed behavioral practitioner;

8 2. Such exemption to the provisions of this section shall apply
9 only while the unlicensed individual is operating under the auspices
10 of a contract with the state and within the employ of the for-profit
11 agency contracting with the state. Such exemption shall only be
12 available for ongoing contracts and contract renewals with the same
13 state agency and will not be applicable to any other setting; and

14 3. State agencies contracting to provide behavioral health
15 services shall strive to ensure that quality of care is not
16 compromised by contracting with external providers and that the
17 quality of service is at least equal to the service that would be
18 delivered if that agency were able to provide the service directly.
19 The persons exempt under the provisions of this section shall
20 provide services that are consistent with their training and
21 experience. Agencies shall also ensure that the entity with which
22 they are contracting has qualified professionals in its employ and
23 that sufficient liability insurance is in place to allow for
24 reasonable recourse by the public.

25 SECTION 4. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 1933 of Title 59, unless there
27 is created a duplication in numbering, reads as follows:

28 A. 1. There is hereby created the "Oklahoma Licensed
29 Behavioral Practitioners Advisory Board" whose duty shall be to
30 advise the State Department of Health on the provisions of the
31 Licensed Behavioral Practitioner Act, except as otherwise provided
32 by law.

1 2. The Advisory Board shall consist of seven (7) members who
2 shall be appointed by the State Commissioner of Health with the
3 advice and consent of the State Board of Health. Four members shall
4 be licensed behavioral practitioners, one member shall be a licensed
5 mental health professional other than a licensed behavioral
6 practitioner, and two members shall be lay persons who are not
7 affiliated with any practice of behavioral health service delivery
8 or delivering of health or mental health services. The Commissioner
9 shall appoint successors for a four-year term.

10 3. All professional appointees shall be selected from a list of
11 qualified candidates submitted by the Executive Board of the
12 Northamerican Association of Masters in Psychology acting in
13 conjunction with the executive committees of all state professional
14 behavioral health associations which represent a specialty
15 recognized pursuant to the Licensed Behavioral Practitioner Act.

16 B. Vacancies occurring in the Advisory Board shall be filled
17 for the unexpired term by appointment by the Commissioner with the
18 advice and consent of the Board from a list of qualified candidates
19 submitted within thirty (30) days of such vacancy by the Executive
20 Board of the Northamerican Association of Masters in Psychology
21 acting in conjunction with the executive committees of all state
22 professional behavioral health associations which represent a
23 specialty recognized pursuant to the Licensed Behavioral
24 Practitioner Act. Such appointments shall be made within thirty
25 (30) days after the candidates' names have been submitted if
26 possible.

27 C. Any Advisory Board member may be removed by the
28 Commissioner, after written notice, for incapacity, incompetence,
29 neglect of duty, or misfeasance or malfeasance in office.

30 D. Members of the Advisory Board shall serve without
31 compensation, but shall be reimbursed their actual and necessary
32

1 travel expenses as provided by the provisions of the State Travel
2 Reimbursement Act.

3 E. Advisory Board members shall be ineligible for reappointment
4 for a period of three (3) years following completion of their term.

5 F. The Advisory Board shall hold at least four regular meetings
6 each year. Meetings shall be held at such time and place as the
7 Advisory Board may provide. The Advisory Board shall elect annually
8 the following officers: A chair, a vice-chair, and a secretary.
9 Four members of the Advisory Board shall constitute a quorum.

10 SECTION 5. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1934 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. The State Board of Health shall, giving regard to the
14 recommendations of the Oklahoma Licensed Behavioral Practitioners
15 Advisory Board:

- 16 1. Prescribe, adopt, and promulgate rules to implement and
17 enforce the provisions of the Licensed Behavioral Practitioner Act;
- 18 2. Adopt and establish rules of professional conduct; and
- 19 3. Set license and examination fees as required by the Licensed
20 Behavioral Practitioner Act.

21 B. The State Department of Health shall, giving regard to the
22 recommendations of the Advisory Board, have the authority to:

- 23 1. Seek injunctive relief;
- 24 2. Request the district attorney to bring an action to enforce
25 the provisions of the Licensed Behavioral Practitioner Act;
- 26 3. Receive fees and deposit the fees into the Licensed
27 Behavioral Practitioners Revolving Fund as required by the Licensed
28 Behavioral Practitioner Act;
- 29 4. Issue, renew, revoke, deny, suspend and place on probation
30 licenses to practice behavioral health pursuant to the provisions of
31 the Licensed Behavioral Practitioner Act;

32

1 5. Examine all qualified applicants for licenses to practice
2 behavioral health;

3 6. Investigate complaints and possible violations of the
4 Licensed Behavioral Practitioner Act;

5 7. Accept grants and gifts from various foundations and
6 institutions; and

7 8. Make such expenditures and employ such personnel as the
8 Commissioner may deem necessary for the administration of the
9 Licensed Behavioral Practitioner Act.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1935 of Title 59, unless there
12 is created a duplication in numbering, reads as follows:

13 A. Applications for a license to practice as a licensed
14 behavioral practitioner shall be made to the State Department of
15 Health in writing. Such applications shall be on a form and in a
16 manner prescribed by the Commissioner. The application shall be
17 accompanied by the fee required by the Licensed Behavioral
18 Practitioner Act, which shall be retained by the State Department of
19 Health and not returned to the applicant.

20 B. Each applicant for a license to practice as a licensed
21 behavioral practitioner shall:

22 1. Be possessed of good moral character;

23 2. Pass an examination based on standards promulgated by the
24 State Board of Health pursuant to the Licensed Behavioral
25 Practitioner Act;

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

27 4. Not have engaged in, nor be engaged in, any practice or
28 conduct which would be grounds for denying, revoking, or suspending
29 a license pursuant to the Licensed Behavioral Practitioner Act; and

30 5. Otherwise comply with the rules promulgated by the Board
31 pursuant to the provisions of the Licensed Behavioral Practitioner
32 Act.

1 C. In addition to the qualifications specified by the
2 provisions of subsection B of this section, an applicant for a
3 license to practice as a licensed behavioral practitioner shall
4 have:

5 1. Successfully completed at least forty-five (45) graduate
6 semester hours (sixty (60) graduate quarter hours) of behavioral
7 science-related course work. These forty-five (45) hours shall
8 include at least a master's degree from a program in psychology.
9 All course work and degrees shall be earned from a regionally
10 accredited college or university. The State Board of Health shall
11 define what course work qualifies as "behavioral science-related";

12 2. As of January 1, 2005, successfully completed at least sixty
13 (60) graduate semester hours (ninety (90) graduate quarter hours) of
14 behavioral science-related course work. These sixty (60) hours
15 shall include at least a master's degree from a program in
16 psychology. All courses shall be earned from a regionally
17 accredited college or university and all degrees shall be earned
18 from a program accredited by the Interorganizational Board for
19 Accreditation of Masters Programs in Psychology (IBAMPP), its
20 designees or successors.

21 The Board shall define what course work qualifies as "behavioral
22 science-related"; and

23 3. Three (3) years of supervised full-time experience in
24 professional behavioral health services subject to the supervision
25 of a licensed mental health professional pursuant to conditions
26 established by the Board. One (1) or two (2) years of experience
27 may be gained at the rate of one (1) year for each thirty (30)
28 graduate semester hours earned beyond the master's degree, provided
29 that such hours are clearly related to the field of psychology or
30 behavioral sciences and are acceptable to the Board. The applicant
31 shall have no less than one (1) year of supervised full-time
32 experience in behavioral science.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1936 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Examinations for licensure shall be held at such times, at
5 such place, and in such manner as the State Commissioner of Health
6 directs. The examination shall be held at least annually. The
7 State Department of Health shall determine the acceptable grade on
8 examinations. The examination shall cover such technical,
9 professional, and practical subjects as relate to the practice of
10 behavioral science. If an applicant fails to pass the examination,
11 the applicant may reapply and shall be allowed to take subsequent
12 examinations. An applicant who has failed two successive
13 examinations may not reapply for two (2) years from the date of the
14 last examination.

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

18 SECTION 8. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1937 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 A. An applicant who meets the requirements for licensure
22 pursuant to the provisions of the Licensed Behavioral Practitioner
23 Act, has paid the required license fees, and has otherwise complied
24 with the provisions of the Licensed Behavioral Practitioner Act
25 shall be licensed by the State Department of Health.

26 B. Licenses issued pursuant to the Licensed Behavioral
27 Practitioner Act shall expire twenty-four (24) months from the date
28 of issuance unless revoked. A license may be renewed upon
29 application and payment of fees. The application for renewal shall
30 be accompanied by evidence satisfactory to the Department that the
31 applicant has completed relevant professional or continued
32 educational experience during the previous twenty-four (24) months.

1 Failure to renew a license as required by Licensed Behavioral
2 Practitioner Act shall constitute a suspension of the license. A
3 person whose license has been suspended may make application within
4 one (1) year following the suspension in writing to the Department
5 requesting reinstatement in a manner prescribed by the Department
6 and payment of the fees required by the provisions of Licensed
7 Behavioral Practitioner Act. The license of a person whose license
8 has been suspended pursuant to this section for more than one (1)
9 year shall not be renewed except upon making application and taking
10 and passing the examination as required by the Licensed Behavioral
11 Practitioner Act.

12 C. A licensed behavioral practitioner whose license is current
13 and in good standing, who wishes to retire the license, may do so by
14 informing the Department in writing and returning the license to the
15 Department. A license so retired shall not be reinstated but
16 retirement of the license shall preclude a person from applying for
17 a new license at a future date.

18 SECTION 9. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1938 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 The State Commissioner of Health shall have the power to issue
22 licenses by endorsement for applicants licensed in other states to
23 practice as a behavioral practitioner or under similar title if the
24 Commissioner deems such states to have qualifications and standards
25 comparable to those required under the Licensed Behavioral
26 Practitioner Act.

27 SECTION 10. NEW LAW A new section of law to be codified
28 in the Oklahoma Statutes as Section 1939 of Title 59, unless there
29 is created a duplication in numbering, reads as follows:

30 A. No person licensed pursuant to the provisions of the
31 Licensed Behavioral Practitioner Act shall disclose any information
32 the licensee may have acquired from persons consulting the licensee

1 in the licensee's professional capacity as a behavioral practitioner
2 or be compelled to disclose such information except:

3 1. With the written consent of the client, or in the case of
4 death or disability of the client, the consent of the client's
5 personal representative or other person authorized to sue or the
6 beneficiary of any insurance policy on the client's life, health, or
7 physical condition;

8 2. If the client is a child under the age of eighteen (18)
9 years and the information acquired by the licensed person indicated
10 that the child was the victim or subject of a crime, the licensed
11 person may be required to testify fully in relation thereto upon an
12 examination, trial, or other proceeding in which the commission of
13 such a crime is a subject of the inquiry;

14 3. If the client waives the privilege by bringing charges
15 against the licensed person;

16 4. When failure to disclose such information presents a danger
17 to the health of any person; or

18 5. If the licensed behavioral practitioner is a party to a
19 civil, criminal, or disciplinary action arising from such therapy,
20 in which case any waiver of the privilege accorded by this section
21 shall be limited to that action.

22 B. No information shall be treated as privileged and there
23 shall be no privileges created by the Licensed Behavioral
24 Practitioner Act as to any information acquired by the person
25 licensed pursuant to the Licensed Behavioral Practitioner Act when
26 such information pertains to criminal acts or violation of any law.

27 C. The Licensed Behavioral Practitioner Act shall not be
28 construed to prohibit any licensed person from testifying in court
29 hearings concerning matters of adoption, child abuse, child neglect,
30 battery, or matters pertaining to the welfare of children or from
31 seeking collaboration or consultation with professional colleagues
32 or administrative superiors on behalf of this client.

1 SECTION 11. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1940 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Any person who represents himself or herself by the title
5 "Licensed Behavioral Practitioner" or "LBP" without having first
6 complied with the provisions of the Licensed Behavioral Practitioner
7 Act, or who otherwise offers to perform behavioral health services,
8 or who uses the title of Licensed Behavioral Practitioner or any
9 other name, style, or description denoting that the person is
10 licensed as a behavioral practitioner, or who practices behavioral
11 science, upon conviction thereof, shall be guilty of a misdemeanor
12 and shall be punished by imposition of a fine of not less than One
13 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
14 (\$500.00) for each offense and in addition may be imprisoned for a
15 term not to exceed six (6) months in the county jail or by both such
16 fine and imprisonment.

17 B. It shall be unlawful for any person not licensed under or
18 specifically exempt from the Licensed Behavioral Practitioner Act to
19 advertise or otherwise offer to perform behavioral health services
20 or to use the title of Licensed Behavioral Practitioner or any other
21 name, style, or description denoting that the person is licensed as
22 a licensed behavioral practitioner, or to practice behavioral
23 science. Such action shall be subject to injunctive action by the
24 State Commissioner of Health.

25 SECTION 12. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 1941 of Title 59, unless there
27 is created a duplication in numbering, reads as follows:

28 A. The State Department of Health may deny, revoke, suspend, or
29 place on probation any license or specialty designation issued
30 pursuant to the provisions of the Licensed Behavioral Practitioner
31 Act to a licensed behavioral practitioner, if the person has:

32 1. Been convicted of a felony;

1 2. Been convicted of a misdemeanor determined to be of such a
2 nature as to render the person convicted unfit to practice
3 behavioral health;

4 3. Engaged in fraud or deceit in connection with services
5 rendered or in establishing needed qualifications pursuant to the
6 provisions of this act;

7 4. Knowingly aided or abetted a person not licensed pursuant to
8 these provisions in representing himself or herself as a licensed
9 behavioral practitioner in this state;

10 5. Engaged in unprofessional conduct as defined by the rules
11 established by the State Board of Health;

12 6. Engaged in negligence or wrongful actions in the performance
13 of the licensee's duties; or

14 7. Misrepresented any information required in obtaining a
15 license.

16 B. No license or specialty designation shall be suspended or
17 revoked, nor a licensed behavioral practitioner placed on probation,
18 until notice is served upon the licensed behavioral practitioner and
19 a hearing is held in conformity with Article II of the
20 Administrative Procedures Act.

21 SECTION 13. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1942 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

24 A. The State Board of Health shall promulgate rules governing
25 any licensure action to be taken pursuant to the Licensed Behavioral
26 Practitioner Act which shall be consistent with the requirements of
27 notice and hearing under the Administrative Procedures Act. No
28 action shall be taken without prior notice unless the State
29 Commissioner of Health determines that there exists a threat to the
30 health and safety of the residents of this state.

31 B. 1. Any person who is determined by the State Department of
32 Health to have violated any provision of the Licensed Behavioral

1 Practitioner Act, or any rule promulgated or order issued pursuant
2 thereto, may be subject to an administrative penalty.

3 2. The maximum administrative penalty shall not exceed Ten
4 Thousand Dollars (\$10,000.00).

5 3. Administrative penalties imposed pursuant to this subsection
6 shall be enforceable in the district courts of this state.

7 4. All administrative penalties collected shall be deposited
8 into the Licensed Behavioral Practitioner Revolving Fund.

9 SECTION 14. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1943 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 The hearings provided for by the Licensed Behavioral
13 Practitioner Act shall be conducted in conformity with, and records
14 made thereof as provided by, the provisions of Article II of the
15 Administrative Procedures Act.

16 SECTION 15. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1944 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 All licensed behavioral practitioners, except those employed by
20 federal, state, or local governmental agencies, shall, prior to the
21 performance of service, furnish the client with a copy of the
22 Statement of Professional Disclosure as promulgated by rule of the
23 State Board of Health. A current copy of the document, signed by
24 the client, shall be on file with the State Department of Health at
25 all times.

26 SECTION 16. NEW LAW A new section of law to be codified
27 in the Oklahoma Statutes as Section 1945 of Title 59, unless there
28 is created a duplication in numbering, reads as follows:

29 A. A professional specialty designation area may be established
30 by the State Department of Health upon receipt of a petition signed
31 by fifteen qualified persons who are currently licensed as licensed
32 behavioral practitioners, who have acquired at least sixty (60)

1 semester hours, to increase to seventy-five (75) semester hours on
2 and after January 1, 2005, of graduate credit in behavioral science
3 or psychology-related course work from a regionally accredited
4 college or university, and who meet the recognized minimum standards
5 as established by appropriate nationally recognized certification
6 agencies; provided, however, if a nationally recognized
7 certification does not exist, the Department may establish minimum
8 standards for specialty designations.

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

20 SECTION 17. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1946 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23 There is hereby created in the State Treasury a revolving fund
24 for the Oklahoma Board of Licensed Behavioral Practitioners, to be
25 designated the "Licensed Behavioral Practitioners Revolving Fund".
26 The fund shall be a continuing fund, not subject to fiscal year
27 limitations, and shall consist of all monies received pursuant to
28 this act. All monies accruing to the credit of the fund are hereby
29 appropriated and may be budgeted and expended by the State
30 Department of Health to meet expenses necessary for carrying out the
31 purpose of the Licensed Behavioral Practitioner Act. Expenditures
32 from the fund shall be approved by the State Commissioner of Health

1 and shall be made upon warrants issued by the State Treasurer
2 against claims filed as prescribed by law with the Director of State
3 Finance for approval and payment.

4 SECTION 18. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1947 of Title 59, unless there
6 is created a duplication in numbering, reads as follows:

7 Licensing fees and annual renewal fees shall be amounts fixed by
8 the State Board of Health upon recommendations of the Oklahoma
9 Licensed Behavioral Practitioners Advisory Board. The Board shall
10 fix the amount of the fees so that the total fees collected will be
11 sufficient to meet the expenses of administering the provisions of
12 the Licensed Behavioral Practitioner Act and so that excess funds do
13 not accumulate from year to year in the Licensed Behavioral
14 Practitioners Revolving Fund. The Board shall not fix a license fee
15 at an amount in excess of Three Hundred Dollars (\$300.00) and a
16 renewal fee at an amount in excess of Two Hundred Dollars (\$200.00).
17 The fee for the issuance of a license to replace a license which was
18 lost, destroyed, mutilated, or revoked shall be Twenty-five Dollars
19 (\$25.00). The fee shall accompany the application for a replacement
20 license. The fee for specialty designation shall not exceed One
21 Hundred Fifty Dollars (\$150.00). The fee for an examination required
22 pursuant to the Licensed Behavioral Practitioner Act shall not
23 exceed One Hundred Dollars (\$100.00).

24 SECTION 19. NEW LAW A new section of law to be codified
25 in the Oklahoma Statutes as Section 1948 of Title 59, unless there
26 is created a duplication in numbering, reads as follows:

27 All licensed behavioral practitioners licensed pursuant to the
28 Licensed Behavioral Practitioner Act shall be required to
29 satisfactorily complete ten (10) hours of continuing education
30 credits annually. The State Department of Health shall provide
31 forms and require verification of such credits. Such credits shall
32 be earned from courses on empirically validated procedures, taught

1 by instructors certified by the Northamerican Association of Masters
2 in Psychology, it's designees or successors.

3 SECTION 20. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1949 of Title 59, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Until January 1, 2001, the State Board of Health, upon
7 receipt of an applicant's proper application, completion of
8 examination, and payment of fees, shall issue licenses to persons
9 who, prior to January 1, 2001:

10 1. Have practiced full time as a behavioral practitioner for at
11 least two (2) years and possess a master's degree in psychology from
12 a college or university accredited by an agency recognized by the
13 United States Department of Education;

14 2. Are currently practicing as a behavioral practitioner;

15 3. Have satisfactorily completed ten (10) hours of continuing
16 education pursuant to Section 19 of this act; and

17 4. Otherwise comply with the licensure requirements of the
18 Licensed Behavioral Practitioner Act.

19 B. The Commissioner of Health shall consider experience of the
20 applicant prior to application for licensure pursuant to the
21 provisions of this section as a waiver of all or part of the
22 supervised experience requirement required by paragraph 3 of
23 subsection C of Section 6 of this act.

24 C. The Commissioner shall require applicants for licensure
25 pursuant to the provisions of this section to file a Statement of
26 Professional Disclosure as provided by Section 15 of this act.

27 SECTION 21. NEW LAW A new section of law to be codified
28 in the Oklahoma Statutes as Section 1950 of Title 59, unless there
29 is created a duplication in numbering, reads as follows:

30 Nothing in the Licensed Behavioral Practitioner Act shall be
31 construed to require reimbursement under the policies of health
32 insurers and nonprofit hospital or medical service plans unless the

1 contract specifically calls for reimbursement to licensed behavioral
2 practitioners.

3 SECTION 22. This act shall become effective November 1, 1999.

4

5 47-1-6804 KSM 6/11/15

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32