ENROLLED SENATE
BILL NO. 1726

By: Nichols of the Senate

and

Cargill and Nance of the House

An Act relating to mental health; amending 43A O.S. 2001, Sections 3-451, as amended by Section 20, Chapter 46, O.S.L. 2003 and 3-453, as last amended by Section 22, Chapter 195, O.S.L. 2005 (43A O.S. Supp. 2005, Sections 3-451 and 3-453), which relate to mental health definitions and alcohol and drug substance abuse courses; clarifying language; deleting requirement for certain consultation; defining terms; stating requirements for certain assessors; requiring the Department of Mental Health and Substance Abuse Services to promulgate certain rules; providing consequences for non-compliance; requiring certain certification; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2001, Section 3-451, as amended by Section 20, Chapter 46, O.S.L. 2003 (43A O.S. Supp. 2005, Section 3-451), is amended to read as follows:

Section 3-451. As used in Sections 3-452 and 3-453 of this title:

1. "Alcohol and drug substance abuse course" means a course certified by the Department of Mental Health and Substance Abuse Services designed to inform the offender about alcohol or other drugs and driving, and encourages the participants to reassess their use of alcohol or other drugs, and driving behavior, in order to select practical alternatives.

2. "Satisfactory completion of a course" means that the institution or agency conducting the course certifies to the Department of Public Safety that the participant has successfully completed the requirements of the course.

3. "Alcohol and drug substance abuse treatment program" means a program designated by the Department of Mental Health and Substance Abuse Services for the treatment of alcohol and drug abuse, or alcoholism and drug ~~abuse~~ dependency.

SECTION 2. AMENDATORY 43A O.S. 2001, Section 3-453, as last amended by Section 22, Chapter 195, O.S.L. 2005 (43A O.S. Supp. 2005, Section 3-453), is amended to read as follows:

Section 3-453. A. Alcohol and drug substance abuse courses shall be offered only by nonprofit educational institutions of higher learning, governmental or nonprofit organizations.

B. Enrollment fees for those attending the courses shall be set by the Department of Mental Health and Substance Abuse Services and shall be within a range of not less than Sixty-five Dollars ($65.00) and not more than:

1. One Hundred Fifty Dollars ($150.00) for a ten-hour course; and

2. Three Hundred Sixty Dollars ($360.00) for a twenty-four-hour course.

C. Ten percent (10%) of each fee collected shall be remitted by the institution or organization offering alcohol and drug substance abuse courses to the State Treasurer to be credited to the Community-based Substance Abuse Revolving Fund in the State Treasury and shall be used to provide substance abuse services to the indigent. Five percent (5%) of each fee collected by the Department shall be used for the administrative costs related to providing such services.

D. Enrollment in the course shall not be limited to persons ordered to enroll, attend and successfully complete the course.

E. All alcohol and drug substance abuse courses related to driver license revocation and course facilitators shall be approved and certified by the Department of Mental Health and Substance Abuse Services.

F. The Department of Mental Health and Substance Abuse Services~~, in consultation with D.U.I. School Administrators of Oklahoma,~~ is authorized to promulgate rules governing:

1. Minimum curriculum requirements for such courses;

2. Facilities, equipment and instructional materials for such courses;

3. Minimum qualifications for course facilitators;

4. Grounds for reprimand and for revocation, suspension or nonrenewal of the authority to conduct such courses and for revocation of a facilitator's certification;

5. Attendance requirements; and

6. Guidelines for certifying to the Department of Mental Health and Substance Abuse Services and the Department of Public Safety successful completion of such course.

G. The Department shall require that each ten-hour course shall be conducted in no less than three sessions of no more than three and one-half (3 1/2) hours each on three (3) separate days. For a twenty-four-hour course, the Department shall require that:

1. Each such course shall consist of at least twenty-four (24) hours;

2. Each such course shall consist of no more than two (2) hours of education on any given day, nor more than four (4) hours in a given week, and shall not contain more than ten percent (10%) films on any one specialized area;

3. Each facilitator shall be certified and shall:

a. possess a bachelor's degree in behavioral or health care sciences education, psychology, social work or chemical dependency,

b. possess at least two (2) years of verifiable full-time-equivalent experience in the addiction treatment field,

c. provide documentation verifying observation of one complete alcohol and drug substance abuse course conducted by a certified facilitator. Such observation must be completed and verified to the Department prior to attending facilitator training,

d. provide proof of attendance at a facilitator training session and pass the Department's certification examination for the ten-hour alcohol and drug substance abuse course facilitator, and

e. provide verification of having conducted a complete alcohol and drug substance abuse course under the supervision of a certified alcohol and drug substance abuse course facilitator or a Department representative;

4. The facilitator candidate shall be allowed one (1) year to complete all training requirements. Failure to meet all requirements within one (1) year shall result in denial of certification. To be reconsidered, the candidate shall be required to reapply to the Department;

5. A facilitator for a twenty-four-hour alcohol and drug substance abuse course shall:

a. be a ten-hour facilitator in good standing with a minimum of one (1) year of experience,

b. attend the twenty-four-hour alcohol and drug substance abuse course facilitator training and pass the Department certification examination for the twenty-four-hour alcohol and drug substance abuse course facilitator, and

c. conduct a complete twenty-four-hour alcohol and drug substance abuse course under the supervision of a certified alcohol and drug substance abuse course facilitator or a Department representative; and

6. No more than twenty-four students shall be allowed in a given class.

H. Any institution or organization authorized under this act to conduct an alcohol and drug substance abuse course shall certify to the Department of Public Safety all persons who successfully complete such course.

I. Any person participating in a substance abuse treatment program recommended as a result of an assessment pursuant to Section 3-460 of this title shall be required to pay all or part of the actual cost incurred for treatment of the person, if the court determines the person has the ability to pay for all or part of the cost of treatment. The court shall determine the amount of reimbursement the person shall pay.

J. Application fees for certification of course facilitators shall be set by the Board to defray the costs of administering the program and shall be:

1. Not less than One Hundred Dollars ($100.00) and not more than Two Hundred Dollars ($200.00) upon initial application; and

2. Not less than Twenty-five Dollars ($25.00) and not more than Fifty Dollars ($50.00) upon annual renewal.

K. The Director of the Office of State Finance shall transfer unobligated monies generated from the fees in subsection C of this section, deposited before ~~the effective date of this act~~ November 1, 2005, from the Department of Mental Health and Substance Abuse Services Revolving Fund to the Community-based Substance Abuse Revolving Fund, in amounts calculated by the Department.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3-461 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "ADSAC assessor" means an individual certified by the Department of Mental Health and Substance Abuse Services to conduct the ADSAC assessment;

2. "Alcohol and drug substance abuse course ADSAC assessment" means an assessment process certified by the Department of Mental Health and Substance Abuse Services designed to identify the severity of the alcohol or other drug problems, risks of recidivism and the most appropriate referral(s) required for license reinstatement, including intensity and duration of clinical interventions;

3. “Alcohol and drug substance abuse treatment program” means a program certified by the Department of Mental Health and Substance Abuse Services for the treatment of alcohol and drug abuse, or alcoholism and drug dependency;

4. “Assessment agency” means an institution or organization certified by the Department to provide alcohol and drug assessments and evaluations related to driver license revocation; and

5. “Satisfactory completion of an assessment” means the participant has successfully completed the requirements of the assessment and the individual conducting the assessment certifies the completion of the requirements to the Department of Public Safety through the Oklahoma Department of Mental Health and Substance Abuse Services.

B. Alcohol and drug substance abuse course assessments shall be offered only by individuals certified by the Department of Mental Health and Substance Abuse Services. Each assessor shall be certified and shall:

1. Possess two (2) years or more of verifiable full-time-equivalent counseling experience in the addiction treatment field;

2. Provide documentation verifying observation of one complete alcohol and drug substance abuse course assessment conducted by a certified assessor. Such observation must receive prior authorization by the Department;

3. Provide proof of attendance at an assessor training course and pass the Department’s certification examination for the alcohol and drug substance abuse course assessor;

4. Provide verification of having conducted a complete alcohol and drug substance abuse course assessment under the supervision of a certified alcohol and drug substance abuse course assessor approved by a Department representative;

5. The assessor candidate shall be allowed one (1) year to complete all requirements related to the assessment application. Failure to meet all requirements within one (1) year shall result in denial of certification. To be reconsidered, the candidate shall be required to reapply to the Department; and

6. Be licensed or certified as an alcohol and drug counselor pursuant to Section 1871 et seq. of Title 59 of the Oklahoma Statutes.

C. The Department of Mental Health and Substance Abuse Services shall promulgate rules and standards regulating the ADSAC assessment and assessment process. Failure to comply with rules and standards promulgated by the Department pursuant to this act shall be grounds for reprimand, suspension, revocation or non-renewal of an assessor’s certification.

D. Any individual certified to conduct alcohol and drug substance abuse course assessments pursuant to this section shall

certify to the Department of Public Safety through the Oklahoma Department of Mental Health and Substance Abuse Services all persons who successfully complete such assessments.

SECTION 4. This act shall become effective November 1, 2006.

Passed the Senate the 7th day of March, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2006.

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Presiding Officer of the House
of Representatives