

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2570

By: Gilbert

AS INTRODUCED

An Act relating to professions and occupations; amending Section 2, Chapter 313, O.S.L. 2004 and Section 7, Chapter 313, O.S.L. 2004, as amended by Section 8, Chapter 110, O.S.L. 2005 (59 O.S. Supp. 2005, Sections 1871 and 1876), which relate to the Licensed Alcohol and Drug Counselors Act; modifying certain definition; establishing certain peer assistance program; stating purpose of the program; authorizing the Oklahoma Board of Licensed Alcohol and Drug Counselors to promulgate certain rules; authorizing a portion of certain fees be used to implement the program; providing for confidentiality of records; requiring the Board to suspend certain certificate or license under certain circumstances; modifying certain license requirement; deleting obsolete language; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 313, O.S.L. 2004 (59 O.S. Supp. 2005, Section 1871), is amended to read as follows:

Section 1871. For purposes of the Licensed Alcohol and Drug Counselors Act:

1. "Alcohol and drug counseling" means the application of substance use disorders and counseling principles in order to:
  - a. develop an understanding of alcoholism and drug dependency problems,
  - b. prevent, diagnose or treat alcohol and drug dependency problems,
  - c. conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives, and

d. plan, implement or evaluate treatment plans using counseling treatment interventions;

2. "Board" means the Oklahoma Board of Licensed Alcohol and Drug Counselors, created by Section 4 1873 of this ~~act~~ title;

3. "Certified alcohol and drug counselor" means any person who ~~is not exempt pursuant to the provisions of Section 3 of this act and is not licensed under this act, but who~~ offers alcohol and drug counseling services ~~while employed by an entity certified by the Department of Mental Health and Substance Abuse Services, or who is exempt from such certification, or who is under the supervision of a person recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as a drug and alcohol counselor licensed by this act who is qualified to provide such supervision~~ for compensation to any person and is certified pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "certified alcohol and drug counselor" shall not include those professions exempted by Section 1872 of this title;

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

5. "Licensed alcohol and drug counselor" means any person who offers alcohol and drug counseling services for compensation to any person and is licensed pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "licensed alcohol and drug counselor" shall not include those professions exempted by Section ~~3~~ 1872 of this ~~act~~ title;

6. "Supervised practicum experience" means volunteer or paid work experience in the core functions of substance abuse counseling as delineated by the Oklahoma Board of Licensed Alcohol and Drug Counselors; and

7. "Supervised work experience" means voluntary or paid work experience in providing alcohol and drug counseling services to

individuals under the supervision of a licensed alcohol and drug counselor.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1875.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established a peer assistance program to monitor the rehabilitation of certified and licensed alcohol and drug counselors whose competency may be compromised because of the abuse of drugs or alcohol, so that such alcohol and drug counselors can be treated and can return to or continue the practice of drug and alcohol counseling in a manner which will benefit the public. The program shall be under the supervision and control of the Oklahoma Board of Licensed Alcohol and Drug Counselors.

B. The Board is authorized to promulgate rules and establish procedures necessary to implement the peer assistance program.

C. A portion of licensing fees for each certified alcohol and drug counselor and for each licensed alcohol and drug counselor not to exceed Ten Dollars (\$10.00) may be used to implement and maintain the peer assistance program.

D. Records of persons enrolled in the peer assistance program shall be maintained separately from the records of the Board and shall be made public only by an order of the court.

E. Any person making a report, in good faith, to the Board regarding a certified or a licensed alcohol and drug counselor suspected of practicing counseling while habitually intemperate or addicted to the use of habit-forming drugs, or lack of progress by a certified or a licensed alcohol and drug counselor in rehabilitation, shall be immune from any civil or criminal action resulting from such report.

F. Participation by a certified or a licensed alcohol and drug counselor in the peer assistance program shall not preclude the

Board from acting upon the powers and duties authorized by Section 1875 of Title 59 of the Oklahoma Statutes.

G. The Board shall suspend the certificate or the license of a certified or a licensed alcohol and drug counselor immediately upon notification that the counselor has defaulted from the peer assistance program, and shall set a date for the matter to be presented to the Board.

SECTION 3. AMENDATORY Section 7, Chapter 313, O.S.L. 2004, as amended by Section 8, Chapter 110, O.S.L. 2005 (59 O.S. Supp. 2005, Section 1876), is amended to read as follows:

Section 1876. A. Unless exempt pursuant to Section 1872 of this title, ~~on and after January 1, 2005,~~ any person wishing to practice alcohol and drug counseling in this state shall obtain a certificate or license to practice pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

B. An application for a certificate or license to practice as a certified or licensed alcohol and drug counselor shall be made to the Oklahoma Board of Licensed Alcohol and Drug Counselors in writing. Such application shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by this act, which shall be retained by the Board and not returned to the applicant.

C. Each applicant for a certificate or license to practice as a certified or licensed alcohol and drug counselor shall:

1. Be possessed of good moral character;
2. ~~Pass an oral and a written examination based on standards established by the International Counselor and Reciprocity Consortium;~~

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

~~4.~~ 3. Not have engaged in, nor be engaged in, any practice or conduct which would be grounds for denying, revoking or suspending a license pursuant to the provisions of this act; and

~~5.~~ 4. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of this act.

D. Except as otherwise provided by ~~subsections~~ subsection E and G of this section, ~~on and after January 1, 2005,~~ in addition to the qualifications specified by the provisions of subsection C of this section, an applicant for a license to practice as a licensed alcohol and drug counselor shall have:

~~1. At,~~ at a minimum, a master's degree in a behavioral science field that is recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as appropriate to practice as a licensed alcohol and drug counselor and shall have within five (5) years of the starting date of application:

1. Passed an oral and a written examination based on standards established by the International Counselor and Reciprocity Consortium;

2. Successfully completed at least one (1) year of full-time supervised work experience. For the purpose of this act, "one (1) year of full-time work experience" shall be defined as two thousand (2,000) hours of work experience, of which at least one thousand (1,000) hours shall consist of providing alcohol and drug counseling services to an individual and/or the individual's family;

3. Successfully completed at least one hundred eighty (180) clock hours of education related to alcohol and drug counseling subjects, theory, practice or research; and

4. Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.

E. Effective January 1, 2010, an applicant for a license to practice as a licensed alcohol and drug counselor shall have:

1. At least a master's degree in alcohol and substance abuse counseling from a college or university accredited by an agency recognized by the United States Department of Education; or

2. a. Possess at least a master's degree in a behavioral science or counseling-related field from a college or university accredited by an agency recognized by the United States Department of Education which is the content-equivalent of a graduate degree in alcohol and substance abuse counseling. In order to qualify as a "content-equivalent" degree, a graduate transcript shall reflect, at a minimum, the following knowledge areas and graduate hours:

- (1) three courses in foundational knowledge, including one course in alcohol and drug addiction, one course in drug and alcohol counseling theory, and one course in the pharmacology of drugs of abuse,
- (2) three courses in assessment and treatment of alcohol and drug problems, which may include group dynamics, individual and family counseling skills, specific counseling approaches, assessment methods, community resources and referral, or other courses primarily related to the assessment and treatment of alcohol and drug problems,
- (3) one course in human development,
- (4) one course in psychopathology,
- (5) one course in multicultural and cultural competency issues,
- (6) one course in family systems theory,
- (7) one course in ethics, which includes established ethical conduct for alcohol and drug counselors,
- (8) one course in research methods, and

(9) one three-hour practicum/internship in the field of drug and alcohol counseling of at least three hundred (300) clock hours.

b. All courses shall be graduate level courses and shall be three (3) semester hours or four (4) quarter credit hours which shall include a minimum of forty-five (45) class hours for each course.

F. ~~Effective January 1, 2005, except as provided in subsection G of this section, each~~ An applicant for a certificate to practice as a certified alcohol and drug counselor shall have:

~~1. At,~~ at a minimum, a bachelor's degree in a behavioral science field that is recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as appropriate to practice as a certified drug and alcohol counselor in this state and shall have within five (5) years of the starting date of application:

1. Passed an oral and a written examination based on standards established by the International Counselor and Reciprocity Consortium;

2. Successfully completed at least two (2) years of full-time supervised work experience. For the purpose of this act, "two years of full-time work experience" shall be defined as four thousand (4,000) hours of work experience of which at least two thousand (2,000) hours shall consist of providing alcohol and drug counseling services to an individual and/or the individual's family;

3. Successfully completed at least two hundred seventy (270) clock hours of education related to alcohol and drug counseling subjects, theory, practice or research;

4. Successfully completed, as part of or in addition to the education requirements established in paragraph 3 of this subsection, a minimum of forty-five (45) clock hours of specialized training approved by the Board in identifying co-occurring disorders

and making appropriate referrals for treatment of co-occurring disorders; and

5. Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.

~~G. 1. Subject to application to the Board, prior to November 1, 2005, any person practicing in the State of Oklahoma at the time of application and holding a certificate in alcohol and drug counseling from any state or nationally recognized certifying body or agency recognized by the Board and issued on or before December 31, 2004, shall be granted a certificate under this act.~~

~~2. Subject to application to the Board, prior to November 1, 2005, any person practicing in the State of Oklahoma at the time of application and holding a certificate in alcohol and drug counseling from any state or nationally recognized certifying body or agency recognized by the Board and issued on or before December 31, 2004, and a master's degree, as provided in paragraph 1 of subsection D of this section, shall be granted a license under this act.~~

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

50-2-8217            MG            01/18/06