

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 HOUSE BILL NO. 1497

By: Sullivan of the House

and

Aldridge of the Senate

7  
8  
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;  
11 amending 59 O.S. 2001, Section 858-301, as amended by  
12 Section 1, Chapter 313, O.S.L. 2006 (59 O.S. Supp.  
13 2006, Section 858-301), which relates to the Oklahoma  
14 Real Estate License Code; adding trusts and  
15 beneficiaries of trusts to the entities included in  
16 certain license exemptions; amending Section 2,  
17 Chapter 313, O.S.L. 2004 and Section 7, Chapter 313,  
18 O.S.L. 2004, as amended by Section 8, Chapter 110,  
19 O.S.L. 2005 (59 O.S. Supp. 2006, Sections 1871 and  
20 1876), which relate to Licensed Alcohol and Drug  
21 Counselors Act; modifying definitions; modifying  
22 standards; and providing an effective date.

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

24 SECTION 1. AMENDATORY 59 O.S. 2001, Section 858-301, as  
amended by Section 1, Chapter 313, O.S.L. 2006 (59 O.S. Supp. 2006,  
Section 858-301), is amended to read as follows:

Section 858-301. It shall be unlawful for any person to act as  
a real estate licensee, or to hold himself or herself out as such,

1 unless the person shall have been licensed to do so under this Code.

2 However, nothing in this section shall:

3 1. Prevent any person, partnership, trust, association or  
4 corporation, or the partners, officers or employees of any  
5 partnership, trustees or beneficiaries of any trust, association or  
6 corporation, from acquiring real estate for its own use, nor shall  
7 anything in this section prevent any person, partnership, trust,  
8 association or corporation, or the partners, officers or employees  
9 of any partnership, trustees or beneficiaries of any trust,  
10 association or corporation, as owner, lessor or lessee of real  
11 estate, from selling, renting, leasing, exchanging, or offering to  
12 sell, rent, lease or exchange, any real estate so owned or leased,  
13 or from performing any acts with respect to such real estate when  
14 such acts are performed in the regular course of, or as an incident  
15 to, the management, ownership or sales of such real estate and the  
16 investment therein;

17 2. Apply to persons acting as the attorney-in-fact for the  
18 owner of any real estate authorizing the final consummation by  
19 performance of any contract for the sale, lease or exchange of such  
20 real estate;

21 3. In any way prohibit any attorney-at-law from performing the  
22 duties of the attorney as such, nor shall this Code prohibit a  
23 receiver, trustee in bankruptcy, administrator, executor, or his or  
24 her attorney, from performing his or her duties, or any person from

1 performing any acts under the order of any court, or acting as a  
2 trustee under the terms of any trust, will, agreement or deed of  
3 trust;

4 4. Apply to any person acting as the resident manager for the  
5 owner or an employee acting as the resident manager for a licensed  
6 real estate broker managing an apartment building, duplex, apartment  
7 complex or court, when such resident manager resides on the premises  
8 and is engaged in the leasing of property in connection with the  
9 employment of the resident manager;

10 5. Apply to any person who engages in such activity on behalf  
11 of a corporation or governmental body, to acquire easements, rights-  
12 of-way, leases, permits and licenses, including any and all  
13 amendments thereto, and other similar interests in real estate, for  
14 the purpose of, or facilities related to, transportation,  
15 communication services, cable lines, utilities, pipelines, or oil,  
16 gas, and petroleum products;

17 6. Apply to any person who engages in such activity in  
18 connection with the acquisition of real estate on behalf of an  
19 entity, public or private, which has the right to acquire the real  
20 estate by eminent domain; or

21 7. Apply to any person who is a resident of an apartment  
22 building, duplex, or apartment complex or court, when the person  
23 receives a resident referral fee. As used in this paragraph, a  
24 "resident referral fee" means a nominal fee not to exceed One

1 Hundred Dollars (\$100.00), offered to a resident for the act of  
2 recommending the property for lease to a family member, friend, or  
3 coworker.

4 SECTION 2. AMENDATORY Section 2, Chapter 313, O.S.L.  
5 2004 (59 O.S. Supp. 2006, Section 1871), is amended to read as  
6 follows:

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

9 1. "Alcohol and drug counseling" means the application of  
10 ~~substance use disorders and counseling principles in order to~~ for:

11 a. substance use disorders, or

12 b. substance abuse disorders and other factors

13 contributing to substance abuse disorders in order to:

14 (1) develop an understanding of alcoholism and drug  
15 dependency problems,

16 ~~b.~~ (2) prevent, diagnose or treat alcohol and drug  
17 dependency problems,

18 ~~c.~~ (3) conduct assessments or diagnoses for the purpose  
19 of establishing treatment goals and objectives,  
20 and

21 ~~d.~~ (4) plan, implement or evaluate treatment plans using  
22 counseling treatment interventions;

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

1           3. "Certified alcohol and drug counselor" means any person who  
2 is not exempt pursuant to the provisions of Section ~~3~~ 1872 of this  
3 ~~act~~ title and is not licensed under this act, but who offers alcohol  
4 and drug counseling services within the scope of practice while  
5 employed by an entity certified by the Department of Mental Health  
6 and Substance Abuse Services, or who is exempt from such  
7 certification, or who is under the supervision of a person  
8 recognized by the Oklahoma Board of Licensed Alcohol and Drug  
9 Counselors as a drug and alcohol counselor licensed by this act who  
10 is qualified to provide such supervision;

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

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

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

24

1           7. "Supervised work experience" means voluntary or paid work  
2 experience in providing alcohol and drug counseling services to  
3 individuals under the supervision of a licensed alcohol and drug  
4 counselor; and

5           8. "Scope of Practice" means acting within the boundaries of  
6 competence based on education, training, supervised experience,  
7 state and national professional credentials, and appropriate  
8 professional experience.

9           SECTION 3.           AMENDATORY           Section 7, Chapter 313, O.S.L.  
10 2004, as amended by Section 8, Chapter 110, O.S.L. 2005 (59 O.S.  
11 Supp. 2006, Section 1876), is amended to read as follows:

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

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

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

3 1. Be possessed of good moral character;

4 2. Pass an oral and a written examination based on standards  
5 established by the International ~~Counselor~~ Certification and  
6 Reciprocity Consortium;

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

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

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

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

18 1. At a minimum, a master's degree in a behavioral science  
19 field that is recognized by the Oklahoma Board of Licensed Alcohol  
20 and Drug Counselors as appropriate to practice as a licensed alcohol  
21 and drug counselor;

22 2. Successfully completed at least one (1) year of full-time  
23 supervised work experience. For the purpose of this act, "one (1)  
24 year of full-time work experience" shall be defined as two thousand

1 (2,000) hours of work experience, of which at least one thousand  
2 (1,000) hours shall consist of providing alcohol and drug counseling  
3 services to an individual and/or the individual's family;

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

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

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

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

15 2. a. Possess at least a master's degree in a behavioral  
16 science or counseling-related field from a college or  
17 university accredited by an agency recognized by the  
18 United States Department of Education which is the  
19 content-equivalent of a graduate degree in alcohol and  
20 substance abuse counseling. In order to qualify as a  
21 "content-equivalent" degree, a graduate transcript  
22 shall reflect, at a minimum, the following knowledge  
23 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.

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

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

8           1. At a minimum, a bachelor's degree in a behavioral science  
9 field that is recognized by the Oklahoma Board of Licensed Alcohol  
10 and Drug Counselors as appropriate to practice as a certified drug  
11 and alcohol counselor in this state;

12           2. Successfully completed at least two (2) years of full-time  
13 supervised work experience. For the purpose of this act, "two years  
14 of full-time work experience" shall be defined as four thousand  
15 (4,000) hours of work experience of which at least two thousand  
16 (2,000) hours shall consist of providing alcohol and drug counseling  
17 services to an individual and/or the individual's family;

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

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

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

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

6 G. 1. Subject to application to the Board, prior to November  
7 1, 2005, any person practicing in the State of Oklahoma at the time  
8 of application and holding a certificate in alcohol and drug  
9 counseling from any state or nationally recognized certifying body  
10 or agency recognized by the Board and issued on or before December  
11 31, 2004, shall be granted a certificate under this act.

12 2. Subject to application to the Board, prior to November 1,  
13 2005, any person practicing in the State of Oklahoma at the time of  
14 application and holding a certificate in alcohol and drug counseling  
15 from any state or nationally recognized certifying body or agency  
16 recognized by the Board and issued on or before December 31, 2004,  
17 and a master's degree, as provided in paragraph 1 of subsection D of  
18 this section, shall be granted a license under this act.

19 SECTION 4. This act shall become effective November 1, 2007.

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21 51-1-8043 LRB 05/10/07

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