

1 ENGROSSED SENATE  
2 BILL NO. 2074

By: Laster and Johnson  
(Constance) of the Senate

3 and

4 Steele of the House

5  
6  
7 [ Licensed Alcohol and Drug Counselors Act - Oklahoma  
8 Board of Licensed Alcohol and Drug Counselors -  
9 qualifications - certification - fees -  
10 effective date ]

11

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

13 SECTION 1. AMENDATORY Section 2, Chapter 313, O.S.L.  
14 2004, as amended by Section 2, Chapter 174, O.S.L. 2007 (59 O.S.  
15 Supp. 2007, Section 1871), is amended to read as follows:

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

18 1. "Alcohol and drug counseling" means the application of  
19 counseling principles for:

20 a. substance use disorders, or

21 b. substance abuse disorders and ~~other factors~~

22 ~~contributing to substance abuse disorders~~ co-occurring  
23 disorders in order to:

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1 (1) develop an understanding of ~~alcoholism and drug~~  
2 ~~dependency problems~~ substance abuse and co-  
3 occurring disorders,

4 (2) prevent, diagnose or treat ~~alcohol and drug~~  
5 ~~dependency problems~~ substance abuse and co-  
6 occurring disorders,

7 (3) conduct assessments or diagnoses for the purpose  
8 of establishing treatment goals and objectives,  
9 and

10 (4) plan, implement or evaluate treatment plans using  
11 counseling treatment interventions;

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

14 3. "Certified alcohol and drug counselor" means any person who  
15 is not exempt pursuant to the provisions of Section 1872 of this  
16 title and is not licensed under ~~this act~~ the Licensed Alcohol and  
17 Drug Counselors Act, but who ~~offers~~ provides alcohol and drug  
18 counseling services within the scope of practice while employed by  
19 an entity certified by the Department of Mental Health and Substance  
20 Abuse Services, or who is exempt from such certification, or who is  
21 under the supervision of a person recognized by the Oklahoma Board  
22 of Licensed Alcohol and Drug Counselors as a ~~drug and alcohol~~  
23 ~~counselor licensed by this act who is qualified to provide such~~  
24 ~~supervision~~ supervisor. A certified alcohol and drug counselor may

1 provide counseling services for co-occurring disorders if he or she  
2 has been certified by the Board to provide counseling for co-  
3 occurring disorders;

4 4. "Certified alcohol and drug counselor candidate" or  
5 "licensed alcohol and drug counselor candidate" means a person who  
6 has made application for certification or licensure and who has been  
7 authorized by the board to practice alcohol and drug counseling  
8 under supervision while completing the required work experience;

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

12 ~~5.~~ 6. "Co-occurring disorder" means a disorder in which  
13 individuals have at least one mental health disorder as defined in  
14 the most current version of the Diagnostic and Statistical Manual  
15 and a substance abuse disorder as defined in paragraph 11 of this  
16 section. While these disorders may interact differently in any one  
17 person at least one disorder of each type can be diagnosed  
18 independently of the other;

19 7. "Licensed alcohol and drug counselor" means any person who  
20 ~~offers~~ provides alcohol and drug counseling services within the  
21 scope of practice, including co-occurring disorders, for  
22 compensation to any person and is licensed pursuant to the  
23 provisions of the Licensed Alcohol and Drug Counselors Act. The

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1 term "licensed alcohol and drug counselor" shall not include those  
2 professions exempted by Section 1872 of this title;

3 ~~6.~~ 8. "Recovery" means a voluntary lifestyle, maintained as the  
4 result of one's diagnosis, treatment or self-disclosure of a  
5 substance abuse disorder, characterized by complete abstinence from  
6 alcohol, and all other mind altering drugs or chemicals except  
7 tobacco and drugs used as prescribed by an authorized licensed  
8 medical professional and the absence of pathological compulsive  
9 behavior;

10 9. "Relapse" means the resumption of use of alcohol or other  
11 mind-altering drugs or chemicals, except tobacco and drugs used as  
12 prescribed by an authorized licensed medical professional, or  
13 resumption of pathological compulsive behavior, despite having  
14 previously been diagnosed, treated or self-disclosed as having a  
15 substance abuse disorder and been in recovery;

16 10. "Supervisor" means a licensed alcohol and drug counselor  
17 who meets the requirements established by the board to supervise  
18 certified alcohol and drug counselors, certified alcohol and drug  
19 counselor candidates or licensed alcohol and drug counselor  
20 candidates and has been approved by the Board as a supervisor;

21 11. "Substance abuse disorder" means the repeated pathological  
22 use of substances including alcohol and other mind-altering drugs or  
23 chemicals, except tobacco, or repeated pathological compulsive  
24 behaviors which cause physical, psychological, emotional, economic,

1 legal, social or other harm to the individual afflicted or to others  
2 affected by the individual's affliction. As used in the Licensed  
3 Alcohol and Drug Counselors Act, substance abuse disorder shall  
4 include not only those instances where withdrawal from or tolerance  
5 to the substance is present but also those instances involving use  
6 and abuse of substances;

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

11 ~~7-~~ 13. "Supervised work experience" means voluntary or paid  
12 work experience in providing alcohol and drug counseling services to  
13 individuals under the supervision of a licensed alcohol and drug  
14 counselor; and

15 ~~8-~~ 14. "Scope of practice" means acting within the boundaries  
16 of competence based on education, training, supervised experience,  
17 state and national professional credentials, and appropriate  
18 professional experience.

19 SECTION 2. AMENDATORY Section 6, Chapter 313, O.S.L.  
20 2004 (59 O.S. Supp. 2007, Section 1875), is amended to read as  
21 follows:

22 Section 1875. In addition to any other powers and duties  
23 imposed by law, the Oklahoma Board of Licensed Alcohol and Drug  
24 Counselors shall have the power and duty to:

1 1. Promulgate rules necessary to effectuate the provisions of  
2 the Licensed Alcohol and Drug Counselors Act, and to make orders as  
3 it may deem necessary or expedient in the performance of its duties;

4 2. Prepare, conduct and grade ~~written and oral~~ examinations of  
5 persons who apply for certification or licensure as an alcohol and  
6 drug counselor and certification to provide treatment for co-  
7 occurring disorders;

8 3. Determine a satisfactory passing score on such examinations  
9 and issue certifications and licenses to persons who pass the  
10 examinations or who are otherwise entitled to certification and  
11 licensure;

12 4. Determine eligibility for certification and licensure and  
13 requirements for approval as a supervisor;

14 5. Issue and renew certificates and licenses for alcohol and  
15 drug counselors and certification to provide treatment for co-  
16 occurring disorders;

17 6. Upon good cause shown:

- 18 a. deny the issuance of a certificate or license,  
19 b. suspend, revoke or refuse to renew a certificate or  
20 license, ~~or~~  
21 c. place a holder of a certificate or a licensee on  
22 probation, or

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1           d.    suspend, revoke, refuse to renew or otherwise sanction  
2                    a certified alcohol and drug counselor candidate or a  
3                    licensed alcohol and drug counselor candidate;

4           7.   Establish and levy administrative penalties against any  
5 person or entity who violates any of the provisions of this act or  
6 any rule promulgated or order issued pursuant thereto;

7           8.   Obtain an office, secure facilities, and employ, direct,  
8 discharge and define the duties and set the salaries of office  
9 personnel as deemed necessary by the Board;

10          9.   Initiate disciplinary, prosecution and injunctive  
11 proceedings against any person or entity who violates any of the  
12 provisions of this act, or any rule promulgated or order issued  
13 pursuant thereto; provided, the Board shall be exempt from providing  
14 surety for the costs in connection with the commencement of any  
15 legal proceedings under the provisions of ~~this act~~ the Licensed  
16 Alcohol and Drug Counselors Act;

17          10.  Investigate alleged violations of ~~this act~~ the Licensed  
18 Alcohol and Drug Counselors Act, or the rules, orders or final  
19 orders of the Board;

20          11.  Promulgate rules of conduct governing the practice of  
21 certified and licensed alcohol and drug counselors, certified  
22 alcohol and drug counselor candidates, licensed alcohol and drug  
23 counselor candidates and supervisors;

24          12.  Keep accurate and complete records of its proceedings;

1 13. Promulgate rules for continuing education requirements for  
2 certified and licensed alcohol and drug counselors, and supervisors;

3 14. Issue a certificate or license by endorsement to an  
4 applicant certified or licensed to practice as a certified or  
5 licensed alcohol and drug counselor in another state if the Board  
6 deems such applicant to have qualifications that are comparable to  
7 those required under ~~this act~~ the Licensed Alcohol and Drug  
8 Counselors Act and, if the Board deems the applicant as meeting the  
9 standards, provided by rules, for certification or licensure by  
10 endorsement; ~~and~~

11 15. Require certified and licensed drug and alcohol counselors  
12 to maintain their patient records for a period of seven (7) years  
13 from the date the service was provided; and

14 16. Perform such other duties and have such other  
15 responsibilities as necessary to implement the provisions of ~~this~~  
16 ~~act~~ the Licensed Alcohol and Drug Counselors Act.

17 SECTION 3. AMENDATORY Section 7, Chapter 313, O.S.L.  
18 2004, as last amended by Section 3, Chapter 174, O.S.L. 2007 (59  
19 O.S. Supp. 2007, Section 1876), is amended to read as follows:

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

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

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

- 11 1. Be possessed of good moral character;
- 12 2. Pass an ~~oral and a written~~ examination based on standards  
13 established by the International Certification and Reciprocity  
14 Consortium, any successor organization to the International  
15 Certification and Reciprocity Consortium or another national or  
16 international organization recognized by the Board to have similar  
17 standards equal to or higher than the International Certification  
18 and Reciprocity Consortium;
- 19 3. Be at least twenty-one (21) years of age;
- 20 4. Not have engaged in, nor be engaged in, any practice or  
21 conduct which would be grounds for denying, revoking or suspending a  
22 license pursuant to the provisions of ~~this act~~ the Licensed Alcohol  
23 and Drug Counselors Act; and

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1           5. Otherwise comply with the rules promulgated by the Board  
2 pursuant to the provisions of ~~this act~~ the Licensed Alcohol and Drug  
3 Counselors Act.

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

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

13           2. Successfully completed at least one (1) year of full-time  
14 supervised work experience. For the purpose of ~~this act~~ the  
15 Licensed Alcohol and Drug Counselors Act, "one (1) year of full-time  
16 work experience" shall be defined as two thousand (2,000) hours of  
17 work experience, of which at least one thousand (1,000) hours shall  
18 consist of providing alcohol and drug counseling services to an  
19 individual and/or the individual's family;

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

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

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

6 1. At least a master's degree in alcohol and substance abuse  
7 counseling that includes, at a minimum, the knowledge areas and  
8 graduate credit hours described in paragraph 2 of this subsection  
9 from a college or university accredited by an agency recognized by  
10 the United States Department of Education; or

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

20 (1) three courses in foundational knowledge,  
21 including one course in alcohol and drug  
22 addiction, one course in drug and alcohol  
23 counseling theory, and one course in the  
24 pharmacology of drugs of abuse,

- 1 (2) three courses in assessment and treatment of  
2 alcohol and drug problems, which may include  
3 group dynamics, individual and family counseling  
4 skills, specific counseling approaches,  
5 assessment methods, community resources and  
6 referral, or other courses primarily related to  
7 the assessment and treatment of alcohol and drug  
8 problems,
- 9 (3) one course in human development,
- 10 (4) one course in psychopathology,
- 11 (5) one course in multicultural and cultural  
12 competency issues,
- 13 (6) one course in family systems theory,
- 14 (7) one course in addiction in the family theory,
- 15 (8) one course in addiction in the family counseling,
- 16 (9) one course in co-dependency theory,
- 17 (10) one course in co-dependency counseling,
- 18 (11) one course in ethics, which includes established  
19 ethical conduct for alcohol and drug counselors,
- 20 ~~(8)~~
- 21 (12) one course in research methods, and
- 22 ~~(9)~~
- 23
- 24

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

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

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

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

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

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

1 4. Successfully completed, as part of or in addition to the  
2 education requirements established in paragraph 3 of this  
3 subsection, a minimum of forty-five (45) clock hours of specialized  
4 training approved by the Board in identifying co-occurring disorders  
5 and making appropriate referrals for treatment of co-occurring  
6 disorders; and

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

10 G. 1. Subject to application to the Board, prior to November  
11 1, 2005, any person practicing in the State of Oklahoma at the time  
12 of application and holding a certificate in alcohol and drug  
13 counseling from any state or nationally recognized certifying body  
14 or agency recognized by the Board and issued on or before December  
15 31, 2004, shall be granted a certificate under ~~this act~~ the Licensed  
16 Alcohol and Drug Counselors Act.

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

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1       H. On and after January 1, 2009, any certified alcohol and drug  
2 counselor wishing to be certified as eligible to provide treatment  
3 of co-occurring disorders in this state may obtain such  
4 certification pursuant to the provisions of the Licensed Alcohol and  
5 Drug Counselors Act.

6       I. An application by a certified alcohol and drug counselor for  
7 certification to provide treatment of co-occurring disorders shall  
8 be made to the Oklahoma Board of Licensed Alcohol and Drug  
9 Counselors in writing. Such application shall be on a form and in a  
10 manner prescribed by the Board. The application shall be  
11 accompanied by the fee required by Section 1884 of this title, which  
12 shall be retained by the Board and not returned to the applicant.

13       J. Each applicant for certification to provide treatment for  
14 co-occurring disorders shall:

15           1. Be possessed of good moral character;

16           2. Be a certified alcohol and drug counselor in good standing  
17 with the Board;

18           3. Meet the requirements promulgated by the Board to establish  
19 the applicant's competency to include treatment of co-occurring  
20 disorders within his or her scope of practice;

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

22           5. Not have engaged in, nor be engaged in, any practice or  
23 conduct which would be grounds for denying, revoking or suspending a  
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1 license pursuant to the provisions of the Licensed Alcohol and Drug  
2 Counselors Act; and

3 6. Otherwise comply with the rules promulgated by the Board  
4 pursuant to the provisions of the Licensed Alcohol and Drug  
5 Counselors Act.

6 SECTION 4. AMENDATORY Section 12, Chapter 313, O.S.L.  
7 2004 (59 O.S. Supp. 2007, Section 1881), is amended to read as  
8 follows:

9 Section 1881. A. The Oklahoma Board of Licensed Alcohol and  
10 Drug Counselors may deny, revoke, suspend ~~or~~, place on probation or  
11 otherwise sanction the holder of any certificate or license issued  
12 pursuant to the provisions of the Licensed Alcohol and Drug  
13 Counselors Act to a certified or licensed alcohol and drug  
14 counselor, or withdraw its acceptance of a licensed or certified  
15 alcohol and drug counselor candidate if the person has:

16 1. Been convicted of or pleaded guilty or nolo contendere to a  
17 felony;

18 2. Been convicted of or pleaded guilty or nolo contendere to a  
19 misdemeanor determined to be of such a nature as to render the  
20 person convicted unfit to practice alcohol and drug counseling;

21 3. Been found by the Board to have a substance abuse or co-  
22 occurring disorder and not be in recovery or to have relapsed from  
23 recovery;

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1        4. Engaged in fraud or deceit in connection with services  
2 rendered or in establishing needed qualifications pursuant to the  
3 provisions of ~~this act~~ the Licensed Alcohol and Drug counselors Act;

4        ~~4.~~ 5. Knowingly aided or abetted a person not certified or  
5 licensed pursuant to these provisions in representing himself or  
6 herself as a certified or licensed alcohol and drug counselor in  
7 this state;

8        ~~5.~~ 6. Engaged in unprofessional conduct as defined by rules  
9 promulgated by the Board;

10       ~~6.~~ 7. Engaged in negligence or wrongful actions in the  
11 performance of his or her duties; or

12       ~~7.~~ 8. Misrepresented any information required in obtaining a  
13 certificate or license.

14       B. No certificate or license shall be suspended or revoked, nor  
15 shall a certified or licensed alcohol and drug counselor be placed  
16 on probation or subjected to an administrative penalty until notice  
17 is served upon the certified or licensed alcohol and drug counselor  
18 and an opportunity for a hearing is provided in conformity with  
19 Article II of the Administrative Procedures Act.

20       C. In addition to the notice provided for in subsection B of  
21 this section, notice shall also be served on the licensing board for  
22 any other license held by the certified or licensed alcohol and drug  
23 counselor.

1 D. 1. Any person who is determined by the Board to have  
2 violated any provision of the Licensed Alcohol and Drug Counselors  
3 Act, or any rule promulgated or order issued pursuant thereto, may  
4 be subject to an administrative penalty.

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

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

9 4. All administrative penalties collected shall be deposited  
10 into the Licensed Alcohol and Drug Counselors Revolving Fund,  
11 created by Section ~~14~~ 1883 of this ~~act~~ title.

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

16 SECTION 5. AMENDATORY Section 15, Chapter 313, O.S.L.  
17 2004 (59 O.S. Supp. 2007, Section 1884), is amended to read as  
18 follows:

19 Section 1884. A. The fee for certification, licensure or  
20 annual renewal of a certificate or license as a certified or  
21 licensed alcohol and drug counselor, certification to provide  
22 treatment for co-occurring disorders, approval as a supervisor or  
23 for other actions reasonable and necessary to the proper  
24 administration of the provisions of the Licensed Alcohol and Drug

1 Counselors Act shall be fixed by the Oklahoma Board of Licensed  
2 Alcohol and Drug Counselors.

3 B. The Board shall fix the amount of the fees so that the total  
4 fees collected will be sufficient to meet the expenses of  
5 administering the provisions of the Licensed Alcohol and Drug  
6 Counselors Act and so that there are no unnecessary surpluses in the  
7 Licensed Alcohol and Drug Counselors Revolving Fund; provided, the  
8 Board shall not fix the certification or licensure fee at an amount  
9 in excess of Three Hundred Dollars (\$300.00), or the annual renewal  
10 fee at an amount in excess of Two Hundred Dollars (\$200.00).

11 C. 1. The fee for the issuance of a certificate or license to  
12 replace a lost, destroyed or mutilated certificate or license shall  
13 be Twenty-five Dollars (\$25.00).

14 2. The fee shall accompany the application for a replacement  
15 license.

16 D. The fee for the application and examination required  
17 pursuant to the provisions of ~~this act~~ the Licensed Alcohol and Drug  
18 Counselors Act shall not exceed Five Hundred Dollars (\$500.00).

19 SECTION 6. This act shall become effective November 1, 2008.  
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