

ENROLLED HOUSE
BILL NO. 1497

By: Sullivan of the House

and

Aldridge of the Senate

An Act relating to professions and occupations; amending 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), which relates to the Oklahoma Real Estate License Code; adding trusts and beneficiaries of trusts to the entities included in certain license exemptions; 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. 2006, Sections 1871 and 1876), which relate to Licensed Alcohol and Drug Counselors Act; modifying definitions; modifying standards; and providing an effective date.

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

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, unless the person shall have been licensed to do so under this Code. However, nothing in this section shall:

1. Prevent any person, partnership, trust, association or corporation, or the partners, officers or employees of any partnership, trustees or beneficiaries of any trust, association or corporation, from acquiring real estate for its own use, nor shall anything in this section prevent any person, partnership, trust,

association or corporation, or the partners, officers or employees of any partnership, trustees or beneficiaries of any trust, association or corporation, as owner, lessor or lessee of real estate, from selling, renting, leasing, exchanging, or offering to sell, rent, lease or exchange, any real estate so owned or leased, or from performing any acts with respect to such real estate when such acts are performed in the regular course of, or as an incident to, the management, ownership or sales of such real estate and the investment therein;

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

3. In any way prohibit any attorney-at-law from performing the duties of the attorney as such, nor shall this Code prohibit a receiver, trustee in bankruptcy, administrator, executor, or his or her attorney, from performing his or her duties, or any person from performing any acts under the order of any court, or acting as a trustee under the terms of any trust, will, agreement or deed of trust;

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

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

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

7. Apply to any person who is a resident of an apartment building, duplex, or apartment complex or court, when the person

receives a resident referral fee. As used in this paragraph, a "resident referral fee" means a nominal fee not to exceed One Hundred Dollars (\$100.00), offered to a resident for the act of recommending the property for lease to a family member, friend, or coworker.

SECTION 2. AMENDATORY Section 2, Chapter 313, O.S.L. 2004 (59 O.S. Supp. 2006, 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~~ for:

- a. substance use disorders, or
- b. substance abuse disorders and other factors contributing to substance abuse disorders in order to:
 - (1) develop an understanding of alcoholism and drug dependency problems,
 - ~~b.~~ (2) prevent, diagnose or treat alcohol and drug dependency problems,
 - ~~c.~~ (3) conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives, and
 - ~~d.~~ (4) 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 1872 of this ~~act~~ title and is not licensed under this act, but who offers alcohol and drug counseling services within the scope of practice 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;

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 within the scope of practice 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; and

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

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. 2006, 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~~ Certification and Reciprocity Consortium;
3. Be at least twenty-one (21) years of age;
4. 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. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of this act.

D. Except as otherwise provided by subsections 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 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;
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 applicant for a certificate to practice as a certified alcohol and drug counselor shall have:

1. 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;

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. This act shall become effective November 1, 2007.

Passed the House of Representatives the 21st day of May, 2007.

Presiding Officer of the House of
Representatives

Passed the Senate the 23rd day of May, 2007.

Presiding Officer of the Senate