

ENROLLED SENATE
BILL NO. 2074

By: Laster and Johnson
(Constance) of the Senate

and

Steele, Pittman, McDaniel
(Jeannie) and Shelton of
the House

An Act relating to professions and occupations; amending Section 2, Chapter 313, O.S.L. 2004, as amended by Section 2, Chapter 174, O.S.L. 2007, Section 6, Chapter 313, O.S.L. 2004, Section 7, Chapter 313, O.S.L. 2004, as last amended by Section 3, Chapter 174, O.S.L. 2007, Section 12, Chapter 313, O.S.L. 2004 and Section 15, Chapter 313, O.S.L. 2004 (59 O.S. Supp. 2007, Sections 1871, 1875, 1876, 1881 and 1884), which relate to the Licensed Alcohol and Drug Counselors Act; modifying and adding definitions; modifying and adding certain powers and duties to the Oklahoma Board of Licensed Alcohol and Drug Counselors; modifying and adding qualifications for certain applicants; authorizing certification for co-occurring disorders for certain certified alcohol and drug counselors; providing for application for certain certification and fee; providing for certain qualifications for applicant; modifying provisions relating to certain denial, revocation, suspension or probation of certain license; authorizing withdrawal of acceptance of certain alcohol and drug counselor candidates; modifying and adding reasons for certain disciplinary actions; providing for certain fees; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 313, O.S.L. 2004, as amended by Section 2, Chapter 174, O.S.L. 2007 (59 O.S. Supp. 2007, 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", as a licensed alcohol and drug counselor, means the application of counseling principles for:

- a. substance use disorders, or
- b. substance abuse disorders and ~~other factors contributing to substance abuse disorders~~ co-occurring disorders in order to:
 - (1) ~~develop an understanding of alcoholism and drug dependency problems~~ substance abuse and co-occurring disorders,
 - (2) permit licensed alcohol and drug counselors to prevent, diagnose or treat alcohol and drug dependency problems substance abuse and to prevent, diagnose or treat co-occurring disorders,
 - (3) permit licensed alcohol and drug counselors to conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives for substance abuse and to establish treatment goals and objectives for co-occurring disorders, and
 - (4) plan, implement or evaluate treatment plans using counseling treatment interventions;

2. "Alcohol and drug counseling", as a certified alcohol and drug counselor, means the application of counseling principles for:

- a. substance use disorders, or

b. substance abuse disorders in order to:

- (1) develop an understanding of alcoholism and drug dependency problems,
- (2) prevent, diagnose or treat alcohol and drug dependency problems,
- (3) conduct assessments or diagnosis for the purpose of establishing treatment goals and objectives for substance abuse,
- (4) plan, implement or evaluate treatment plans using counseling treatment interventions for substance abuse, and
- (5) permit certified alcohol and drug counselors certified in co-occurring disorders to recognize co-occurring disorders and integrate that recognition into substance abuse treatment, provided the certified alcohol and drug counselor is working in a nationally accredited or Oklahoma Department of Mental Health and Substance Abuse Services certified agency and is working under the supervision of a supervisor approved by the Oklahoma Board of Licensed Alcohol And Drug Counselors pursuant to paragraph 11 of this section and who is a licensed alcohol and drug counselor that is licensed in mental health and substance abuse, a licensed alcohol and drug counselor that holds a co-occurring certification from the Board or a licensed mental health professional. Certified alcohol and drug counselors shall meet or exceed the Certified Co-Occurring Disorders Professional Standards as laid out in the standards promulgated by the International Certification & Reciprocity Consortium, any successor organization to the International Certification and Reciprocity Consortium or another national or international organization that has similar standards equal to

or higher than the International Certification and Reciprocity Consortium.

Certified alcohol and drug counselors may not provide private or independent practice for co-occurring disorders;

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

~~3-~~ 4. "Certified alcohol and drug counselor" means any person who is not exempt pursuant to the provisions of Section 1872 of this title and is not licensed under this act the Licensed Alcohol and Drug Counselors Act, but who ~~offers~~ provides 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 supervisor. A certified alcohol and drug counselor may provide counseling services for co-occurring disorders if he or she has been certified by the Board to provide counseling as provided in this section for co-occurring disorders;

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

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

8. "International Certification & Reciprocity Consortium Standards" means the standards enumerated by the International Certification and Reciprocity Consortium, any successor organization to the Consortium or another national or international organization that has similar standards equal to or higher than the International Certification and Reciprocity Consortium, that includes requirements regarding education, exams, degrees, coursework, supervision, continuing education, and ethics for individuals seeking a certified co-occurring disorders professional certification from the Consortium. The requirement to meet these standards shall never fall below the requirements set forth by the Consortium on June 1, 2008.

9. "Licensed alcohol and drug counselor" means any person who ~~offers~~ provides alcohol and drug counseling services within the scope of practice, including co-occurring disorders, 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 1872 of this title;

~~6-~~ 10. "Recovery" means a voluntary lifestyle, maintained as the result of one's diagnosis, treatment or self-disclosure of a substance abuse disorder, characterized by complete abstinence from alcohol, and all other mind altering drugs or chemicals except tobacco and drugs used as prescribed by an authorized licensed medical professional and the absence of pathological compulsive behavior;

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

12. "Supervisor" means:

- a. a licensed alcohol and drug counselor who meets the requirements established by the board to supervise certified alcohol and drug counselors, certified alcohol and drug counselor candidates or licensed

alcohol and drug counselor candidates and has been approved by the Oklahoma Board of Licensed Alcohol and Drug Counselors as a supervisor, or

- b. a licensed mental health professional approved by the Board to supervise certified alcohol and drug counselors who have received co-occurring certification, certified alcohol and drug counselors who are candidates for co-occurring certification or licensed alcohol drug and counselors who are candidates for co-occurring certification;

13. "Substance abuse disorder" means the repeated pathological use of substances including alcohol and other mind-altering drugs or chemicals, except tobacco, or repeated pathological compulsive behaviors which cause physical, psychological, emotional, economic, legal, social or other harm to the individual afflicted or to others affected by the individual's affliction. As used in the Licensed Alcohol and Drug Counselors Act, substance abuse disorder shall include not only those instances where withdrawal from or tolerance to the substance is present but also those instances involving use and abuse of substances;

14. "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;

~~7-~~ 15. "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-~~ 16. "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 2. AMENDATORY Section 6, Chapter 313, O.S.L. 2004 (59 O.S. Supp. 2007, Section 1875), is amended to read as follows:

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

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

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

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

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

5. Issue and renew certificates and licenses for alcohol and drug counselors and certification for co-occurring disorders;

6. Upon good cause shown:

a. deny the issuance of a certificate or license,

b. suspend, revoke or refuse to renew a certificate or license, ~~or~~

c. place a holder of a certificate or a licensee on probation, or

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

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

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

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

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

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

12. Keep accurate and complete records of its proceedings;

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

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

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

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

SECTION 3. AMENDATORY Section 7, Chapter 313, O.S.L. 2004, as last amended by Section 3, Chapter 174, O.S.L. 2007 (59 O.S. Supp. 2007, 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~~ the Licensed Alcohol and Drug Counselors 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 Certification and Reciprocity Consortium, any successor organization to the International Certification and Reciprocity Consortium or another national or international organization recognized by the Board to have similar standards equal to or higher than the International 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~~ the Licensed Alcohol and Drug Counselors Act; and
5. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of ~~this act~~ the Licensed Alcohol and Drug Counselors 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~~ the Licensed Alcohol and Drug Counselors 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 that includes, at a minimum, the knowledge areas and graduate credit hours described in paragraph 2 of this subsection 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 addiction in the family theory,
- (8) one course in addiction in the family counseling,
- (9) one course in ethics, which includes established ethical conduct for alcohol and drug counselors,
- ~~(8)~~
- (10) one course in research methods, and
- ~~(9)~~

- (11) 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.

Licensed alcohol and drug counselors shall demonstrate, at a minimum, the following specific training that includes, but is not limited to:

- a. specific training for and experience in performing mental health therapeutic, diagnostic or counseling functions,
- b. specific training for and experience in screening, identifying, assessing, and providing properly matched interventions to individuals with co-occurring disorders, and
- c. specific training for and experience in a wide range of diagnostic, therapeutic, and rehabilitative services used in the treatment of mental illness and co-occurring disorders, or
- d. in lieu of such training, be a licensed mental health professional as defined by Section 1-103 of this title.

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~~ the

Licensed Alcohol and Drug Counselors 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~~ the Licensed Alcohol and Drug Counselors 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.

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

I. An application by a certified alcohol and drug counselor for certification for co-occurring disorders 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 Section 1884 of this title, which shall be retained by the Board and not returned to the applicant.

J. Each applicant for certification for co-occurring disorders shall:

1. Be possessed of good moral character;

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

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

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

5. 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 the Licensed Alcohol and Drug Counselors Act; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 1884. A. The fee for certification, licensure or annual renewal of a certificate or license as a certified or licensed alcohol and drug counselor, certification to provide treatment for co-occurring disorders, approval as a supervisor or for other actions reasonable and necessary to the proper administration of the provisions of the Licensed Alcohol and Drug Counselors Act shall be fixed by the Oklahoma Board of Licensed Alcohol and Drug Counselors.

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

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

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

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

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

Passed the Senate the 21st day of May, 2008.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2008.

Presiding Officer of the House
of Representatives