

ESB 2074

THE HOUSE OF REPRESENTATIVES
Tuesday, April 8, 2008

ENGROSSED
Senate Bill No. 2074
As Amended

ENGROSSED SENATE BILL NO. 2074 - By: LASTER AND JOHNSON (CONSTANCE)
of the Senate and STEELE AND PITTMAN of the House.

[Licensed Alcohol and Drug Counselors Act - Oklahoma Board of Licensed
Alcohol and Drug Counselors - qualifications - certification – fees -
effective date]

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

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

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

6 a. substance use disorders, or

7 b. substance abuse disorders and ~~other factors contributing to substance~~
8 ~~abuse disorders~~ co-occurring disorders in order to:

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

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

1 (3) conduct assessments or diagnoses for the purpose of establishing
2 treatment goals and objectives, and

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

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

7 3. "Certified alcohol and drug counselor" means any person who is not exempt
8 pursuant to the provisions of Section 1872 of this title and is not licensed under ~~this act~~
9 the Licensed Alcohol and Drug Counselors Act, but who ~~offers~~ provides alcohol and drug
10 counseling services within the scope of practice while employed by an entity certified by
11 the Department of Mental Health and Substance Abuse Services, or who is exempt from
12 such certification, or who is under the supervision of a person recognized by the
13 Oklahoma Board of Licensed Alcohol and Drug Counselors as a ~~drug and alcohol~~
14 ~~counselor licensed by this act who is qualified to provide such supervision~~ supervisor. A
15 certified alcohol and drug counselor may provide counseling services for co-occurring
16 disorders if he or she has been certified by the Board to provide counseling for co-
17 occurring disorders;

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

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

4 ~~5-~~ 6. "Co-occurring disorder" means a disorder in which individuals have at least
5 one mental health disorder as defined in the most current version of the Diagnostic and
6 Statistical Manual and a substance abuse disorder as defined in paragraph 11 of this
7 section. While these disorders may interact differently in any one person at least one
8 disorder of each type can be diagnosed independently of the other;

9 7. "Licensed alcohol and drug counselor" means any person who ~~offers~~ provides
10 alcohol and drug counseling services within the scope of practice, including co-occurring
11 disorders, for compensation to any person and is licensed pursuant to the provisions of
12 the Licensed Alcohol and Drug Counselors Act. The term "licensed alcohol and drug
13 counselor" shall not include those professions exempted by Section 1872 of this title;

14 ~~6-~~ 8. "Recovery" means a voluntary lifestyle, maintained as the result of one's
15 diagnosis, treatment or self-disclosure of a substance abuse disorder, characterized by
16 complete abstinence from alcohol, and all other mind altering drugs or chemicals except
17 tobacco and drugs used as prescribed by an authorized licensed medical professional and
18 the absence of pathological compulsive behavior;

19 9. "Relapse" means the resumption of use of alcohol or other mind-altering drugs or
20 chemicals, except tobacco and drugs used as prescribed by an authorized licensed medical
21 professional, or resumption of pathological compulsive behavior, despite having

1 previously been diagnosed, treated or self-disclosed as having a substance abuse disorder
2 and been in recovery;

3 10. "Supervisor" means a licensed alcohol and drug counselor who meets the
4 requirements established by the board to supervise certified alcohol and drug counselors,
5 certified alcohol and drug counselor candidates or licensed alcohol and drug counselor
6 candidates and has been approved by the Board as a supervisor;

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

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

18 ~~7.~~ 13. "Supervised work experience" means voluntary or paid work experience in
19 providing alcohol and drug counseling services to individuals under the supervision of a
20 licensed alcohol and drug counselor; and

1 §. 14. "Scope of practice" means acting within the boundaries of competence based
2 on education, training, supervised experience, state and national professional
3 credentials, and appropriate professional experience.

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

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

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

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

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

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

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

22 6. Upon good cause shown:

- 1 a. deny the issuance of a certificate or license,
2 b. suspend, revoke or refuse to renew a certificate or license, ~~or~~
3 c. place a holder of a certificate or a licensee on probation, or
4 d. suspend, revoke, refuse to renew or otherwise sanction a certified
5 alcohol and drug counselor candidate or a licensed alcohol and drug
6 counselor candidate;

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

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

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

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

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

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

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

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

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

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

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

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

20 B. An application for a certificate or license to practice as a certified or licensed
21 alcohol and drug counselor shall be made to the Oklahoma Board of Licensed Alcohol and
22 Drug Counselors in writing. Such application shall be on a form and in a manner

1 prescribed by the Board. The application shall be accompanied by the fee required by
2 ~~this act~~ the Licensed Alcohol and Drug Counselors Act, which shall be retained by the
3 Board and not returned to the applicant.

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

6 1. Be possessed of good moral character;

7 2. Pass an ~~oral and a written~~ examination based on standards established by the
8 International Certification and Reciprocity Consortium, any successor organization to
9 the International Certification and Reciprocity Consortium or another national or
10 international organization recognized by the Board to have similar standards equal to or
11 higher than the International Certification and Reciprocity Consortium;

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

13 4. Not have engaged in, nor be engaged in, any practice or conduct which would be
14 grounds for denying, revoking or suspending a license pursuant to the provisions of ~~this~~
15 ~~act~~ the Licensed Alcohol and Drug Counselors Act; and

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

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

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

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

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

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

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

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

20 2. a. Possess at least a master's degree in a behavioral science or
21 counseling-related field from a college or university accredited by an
22 agency recognized by the United States Department of Education

1 which is the content-equivalent of a graduate degree in alcohol and
2 substance abuse counseling. In order to qualify as a "content-
3 equivalent" degree, a graduate transcript shall reflect, at a minimum,
4 the following knowledge areas and graduate hours:

- 5 (1) three courses in foundational knowledge, including one course in
6 alcohol and drug addiction, one course in drug and alcohol
7 counseling theory, and one course in the pharmacology of drugs
8 of abuse,
- 9 (2) three courses in assessment and treatment of alcohol and drug
10 problems, which may include group dynamics, individual and
11 family counseling skills, specific counseling approaches,
12 assessment methods, community resources and referral, or other
13 courses primarily related to the assessment and treatment of
14 alcohol and drug problems,
- 15 (3) one course in human development,
- 16 (4) one course in psychopathology,
- 17 (5) one course in multicultural and cultural competency issues,
- 18 (6) one course in family systems theory,
- 19 (7) one course in addiction in the family theory.
- 20 (8) one course in addiction in the family counseling.
- 21 (9) one course in co-dependency theory.
- 22 (10) one course in co-dependency counseling.

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

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

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

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

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

20 H. On and after January 1, 2009, any certified alcohol and drug counselor wishing
21 to be certified as eligible to provide treatment of co-occurring disorders in this state may

1 obtain such certification pursuant to the provisions of the Licensed Alcohol and Drug
2 Counselors Act.

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

9 J. Each applicant for certification to provide treatment for co-occurring disorders
10 shall:

11 1. Be possessed of good moral character;

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

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

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

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

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

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

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

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

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

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

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

18 ~~4.~~ 5. Knowingly aided or abetted a person not certified or licensed pursuant to these
19 provisions in representing himself or herself as a certified or licensed alcohol and drug
20 counselor in this state;

21 ~~5.~~ 6. Engaged in unprofessional conduct as defined by rules promulgated by the
22 Board;

1 ~~6.~~ 7. Engaged in negligence or wrongful actions in the performance of his or her
2 duties; or

3 ~~7.~~ 8. Misrepresented any information required in obtaining a certificate or license.

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

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

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

15 2. The maximum administrative penalty shall not exceed Ten Thousand Dollars
16 (\$10,000.00).

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

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

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

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

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

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

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

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

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04-07-08 - DO
6 PASS, As Amended and Coauthored.