

SB 2074

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

THE STATE SENATE  
Monday, February 25, 2008

Senate Bill No. 2074  
As Amended

SENATE BILL NO. 2074 - By: LASTER and JOHNSON (Constance) of the Senate and STEELE 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 (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           1. "Alcohol and drug counseling" means the application of  
2 counseling principles for:

3           a. substance use disorders, or

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

5           ~~contributing to substance abuse disorders~~ co-occurring  
6           disorders in order to:

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

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

13          (3) conduct assessments or diagnoses for the purpose  
14          of establishing treatment goals and objectives,  
15          and

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

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

20          3. "Certified alcohol and drug counselor" means any person who  
21 is not exempt pursuant to the provisions of Section 1872 of this  
22 title and is not licensed under ~~this act~~ the Licensed Alcohol and  
23 Drug Counselors Act, but who ~~offers~~ provides alcohol and drug

1 counseling services within the scope of practice while employed by  
2 an entity certified by the Department of Mental Health and Substance  
3 Abuse Services, or who is exempt from such certification, or who is  
4 under the supervision of a person recognized by the Oklahoma Board  
5 of Licensed Alcohol and Drug Counselors as a ~~drug and alcohol~~  
6 ~~counselor licensed by this act who is qualified to provide such~~  
7 ~~supervision~~ supervisor. A certified alcohol and drug counselor may  
8 provide counseling services for co-occurring disorders if he or she  
9 has been certified by the Board to provide counseling for co-  
10 occurring disorders;

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

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

19 ~~5-~~ 6. "Co-occurring disorder" means a disorder in which  
20 individuals have at least one mental health disorder as defined in  
21 the most current version of the Diagnostic and Statistical Manual  
22 and a substance abuse disorder as defined in paragraph 11 of this  
23 section. While these disorders may interact differently in any one

1 person at least one disorder of each type can be diagnosed  
2 independently of the other;

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

10 6- 8. "Recovery" means a voluntary lifestyle, maintained as the  
11 result of one's diagnosis, treatment or self-disclosure of a  
12 substance abuse disorder, characterized by complete abstinence from  
13 alcohol, and all other mind altering drugs or chemicals except  
14 tobacco and drugs used as prescribed by an authorized licensed  
15 medical professional and the absence of pathological compulsive  
16 behavior;

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

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

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

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

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

1       ~~8-~~ 14. "Scope of practice" means acting within the boundaries  
2 of competence based on education, training, supervised experience,  
3 state and national professional credentials, and appropriate  
4 professional experience.

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

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

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

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

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

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

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

4           6. Upon good cause shown:

5           a. deny the issuance of a certificate or license,

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

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

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

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

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

19          9. Initiate disciplinary, prosecution and injunctive  
20 proceedings against any person or entity who violates any of the  
21 provisions of this act, or any rule promulgated or order issued  
22 pursuant thereto; provided, the Board shall be exempt from providing  
23 surety for the costs in connection with the commencement of any

1 legal proceedings under the provisions of ~~this act~~ the Licensed  
2 Alcohol and Drug Counselors Act;

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

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

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

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

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

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

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

4        SECTION 3.        AMENDATORY        Section 7, Chapter 313, O.S.L.  
5 2004, as last amended by Section 3, Chapter 174, O.S.L. 2007 (59  
6 O.S. Supp. 2007, Section 1876), is amended to read as follows:

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

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

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

- 22        1. Be possessed of good moral character;

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

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

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

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

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

21           1. At a minimum, a master's degree in a behavioral science  
22 field that is recognized by the Oklahoma Board of Licensed Alcohol

1 and Drug Counselors as appropriate to practice as a licensed alcohol  
2 and drug counselor;

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

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

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

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

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

1           2.    a.    Possess at least a master's degree in a behavioral  
2                            science or counseling-related field from a college or  
3                            university accredited by an agency recognized by the  
4                            United States Department of Education which is the  
5                            content-equivalent of a graduate degree in alcohol and  
6                            substance abuse counseling. In order to qualify as a  
7                            "content-equivalent" degree, a graduate transcript  
8                            shall reflect, at a minimum, the following knowledge  
9                            areas and graduate hours:

10                           (1) three courses in foundational knowledge,  
11                                 including one course in alcohol and drug  
12                                 addiction, one course in drug and alcohol  
13                                 counseling theory, and one course in the  
14                                 pharmacology of drugs of abuse,

15                           (2) three courses in assessment and treatment of  
16                                 alcohol and drug problems, which may include  
17                                 group dynamics, individual and family counseling  
18                                 skills, specific counseling approaches,  
19                                 assessment methods, community resources and  
20                                 referral, or other courses primarily related to  
21                                 the assessment and treatment of alcohol and drug  
22                                 problems,

23                           (3) one course in human development,

- 1 (4) one course in psychopathology,  
2 (5) one course in multicultural and cultural  
3 competency issues,  
4 (6) one course in family systems theory,  
5 (7) one course in **addiction** in the family theory,  
6 (8) one course in **addiction** in the family counseling,  
7 (9) one course in co-dependency theory,  
8 (10) one course in co-dependency counseling,  
9 (11) one course in ethics, which includes established  
10 ethical conduct for alcohol and drug counselors,  
11 ~~(8)~~  
12 (12) one course in research methods, and  
13 ~~(9)~~  
14 (13) one three-hour practicum/internship in the field  
15 of drug and alcohol counseling of at least three  
16 hundred (300) clock hours.
- 17 b. All courses shall be graduate level courses and shall  
18 be three (3) semester hours or four (4) quarter credit  
19 hours which shall include a minimum of forty-five (45)  
20 class hours for each course.

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

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

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

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

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

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

4           G. 1. Subject to application to the Board, prior to November  
5 1, 2005, any person practicing in the State of Oklahoma at the time  
6 of application and holding a certificate in alcohol and drug  
7 counseling from any state or nationally recognized certifying body  
8 or agency recognized by the Board and issued on or before December  
9 31, 2004, shall be granted a certificate under ~~this act~~ the Licensed  
10 Alcohol and Drug Counselors Act.

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

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

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

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

10        1. Be possessed of good moral character;

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

13        3. Meet the requirements promulgated by the Board to establish  
14 the applicant's competency to include treatment of co-occurring  
15 disorders within his or her scope of 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  
18 conduct which would be grounds for denying, revoking or suspending a  
19 license pursuant to the provisions of the Licensed Alcohol and Drug  
20 Counselors Act; and

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

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

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

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

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

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

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

22 ~~4-~~ 5. Knowingly aided or abetted a person not certified or  
23 licensed pursuant to these provisions in representing himself or

1 herself as a certified or licensed alcohol and drug counselor in  
2 this state;

3 ~~5.~~ 6. Engaged in unprofessional conduct as defined by rules  
4 promulgated by the Board;

5 ~~6.~~ 7. Engaged in negligence or wrongful actions in the  
6 performance of his or her duties; or

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

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

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

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

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

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

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

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

12           SECTION 5.           AMENDATORY           Section 15, Chapter 313, O.S.L.  
13 2004 (59 O.S. Supp. 2007, Section 1884), is amended to read as  
14 follows:

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

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

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

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

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

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

18           COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated  
19 2-21-08 - DO PASS, As Amended and Coauthored.