

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1069 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Sue Tibbs

Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1069

By: Tibbs

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to professions and occupations;  
9 amending 59 O.S. 2001, Sections 1912, 1925.15 and  
10 1941, which relate to the Licensed Professional  
11 Counselors Act, Marital and Family Therapist  
12 Licensure Act and Licensed Behavioral Practitioner  
13 Act; modifying disciplinary procedures for certain  
14 licensed persons; and providing an effective date.

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

16 SECTION 1. AMENDATORY 59 O.S. 2001, Section 1912, is  
17 amended to read as follows:

18 Section 1912. A. The State Department of Health may deny,  
19 revoke, suspend or place on probation any license or specialty  
20 designation issued pursuant to the provisions of the Licensed  
21 Professional Counselors Act to a licensed professional counselor, if  
22 the person has:

- 23 1. Been convicted of a felony;
- 24

1 2. Been convicted of a misdemeanor determined to be of such a  
2 nature as to render the person convicted unfit to practice  
3 counseling;

4 3. Engaged in fraud or deceit in connection with services  
5 rendered or in establishing needed qualifications pursuant to the  
6 provisions of this act;

7 4. Knowingly aided or abetted a person not licensed pursuant to  
8 these provisions in representing himself as a licensed professional  
9 counselor in this state;

10 5. Engaged in unprofessional conduct as defined by the rules  
11 established by the Board;

12 6. Engaged in negligence or wrongful actions in the performance  
13 of his duties; or

14 7. Misrepresented any information required in obtaining a  
15 license.

16 B. If the Department determines that a felony conviction of an  
17 applicant renders the convicted applicant unfit to practice  
18 counseling, the Commissioner shall provide notice and opportunity to  
19 the applicant, by certified mail at the last known address, for an  
20 administrative hearing to contest such determination before the  
21 Department may deny the application. The request shall be made by  
22 the applicant within fifteen (15) days of receipt of the notice.

23 C. No license or specialty designation shall be suspended or  
24 revoked, nor a licensed professional counselor placed on probation

1 until notice is served upon the licensed professional counselor and  
2 a hearing is held in conformity with Article II of the  
3 Administrative Procedures Act.

4 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1925.15, is  
5 amended to read as follows:

6 Section 1925.15 A. The State Department of Health may deny,  
7 revoke, suspend or place on probation any license issued subject to  
8 the provisions of the Marital and Family Therapist Licensure Act, if  
9 the person has:

10 1. Been convicted of a felony;

11 2. Been convicted of a crime the Commissioner determines after  
12 a hearing to be of such a nature as to render the person convicted  
13 unfit to practice marital and family therapy;

14 3. Violated ethical standards of such a nature as to render the  
15 person found by the Commissioner to have engaged in such violation  
16 unfit to practice marital and family therapy;

17 4. Misrepresented any information required in obtaining a  
18 license;

19 5. Engaged in fraud or deceit in connection with services  
20 rendered or in establishing needed qualifications pursuant to the  
21 provisions of the Marital and Family Therapist Licensure Act;

22 6. Knowingly aided or abetted a person not licensed pursuant to  
23 these provisions in representing himself or herself as a licensed  
24 marital and family therapist in this state;

1 7. Engaged in unprofessional conduct as defined by the rules  
2 promulgated by the State Board of Health; or

3 8. Engaged in negligence or wrongful actions in the performance  
4 of the duties of such person.

5 B. If the Department determines that a felony conviction of an  
6 applicant renders the convicted applicant unfit to practice  
7 counseling, the Commissioner shall provide notice and opportunity to  
8 the applicant, by certified mail at the last known address, for an  
9 administrative hearing to contest such determination before the  
10 Department may deny the application. The request shall be made by  
11 the applicant within fifteen (15) days of receipt of the notice.

12 C. No license shall be suspended, revoked or placed on  
13 probation until notice is served upon the licensed marital and  
14 family therapist and a hearing is held in such manner as is required  
15 by the Marital and Family Therapist Licensure Act.

16 ~~C.~~ D. Any person who is determined by the Department to have  
17 violated any of the provisions of the Marital and Family Therapist  
18 Licensure Act or any rule promulgated or order issued pursuant  
19 thereto may be subject to an administrative penalty. The maximum  
20 fine shall not exceed Ten Thousand Dollars (\$10,000.00). All  
21 administrative penalties collected pursuant to the Marital and  
22 Family Therapist Licensure Act shall be deposited into the Licensed  
23 Marital and Family Therapist Revolving Fund. Administrative  
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1 penalties imposed pursuant to this subsection shall be enforceable  
2 in the district courts of this state.

3 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1941, is  
4 amended to read as follows:

5 Section 1941. A. The State Department of Health may deny,  
6 revoke, suspend, or place on probation any license or specialty  
7 designation issued pursuant to the provisions of the Licensed  
8 Behavioral Practitioner Act to a licensed behavioral practitioner,  
9 if the person has:

10 1. Been convicted of a felony;

11 2. Been convicted of a misdemeanor determined to be of such a  
12 nature as to render the person convicted unfit to practice  
13 behavioral health;

14 3. Engaged in fraud or deceit in connection with services  
15 rendered or in establishing needed qualifications pursuant to the  
16 provisions of this act;

17 4. Knowingly aided or abetted a person not licensed pursuant to  
18 these provisions in representing himself or herself as a licensed  
19 behavioral practitioner in this state;

20 5. Engaged in unprofessional conduct as defined by the rules  
21 established by the State Board of Health;

22 6. Engaged in negligence or wrongful actions in the performance  
23 of the licensee's duties; or  
24

1 7. Misrepresented any information required in obtaining a  
2 license.

3 B. If the Department determines that a felony conviction of an  
4 applicant renders the convicted applicant unfit to practice  
5 counseling, the Commissioner shall provide notice and opportunity to  
6 the applicant, by certified mail at the last known address, for an  
7 administrative hearing to contest such determination before the  
8 Department may deny the application. The request shall be made by  
9 the applicant within fifteen (15) days of receipt of the notice.

10 C. No license or specialty designation shall be suspended or  
11 revoked, nor a licensed behavioral practitioner placed on probation,  
12 until notice is served upon the licensed behavioral practitioner and  
13 a hearing is held in conformity with Article II of the  
14 Administrative Procedures Act.

15 SECTION 4. This act shall become effective November 1, 2009.

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17 52-1-6852 LRB 02/16/09

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