

THE HOUSE OF REPRESENTATIVES  
Monday, February 23, 2009

Committee Substitute for  
House Bill No. 1069

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1069 - By: TIBBS of the House and PADDACK of the Senate.

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

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

- 1 SECTION 1. AMENDATORY 59 O.S. 2001, Section 1912, is amended to read  
2 as follows:
- 3 Section 1912. A. The State Department of Health may deny, revoke, suspend or  
4 place on probation any license or specialty designation issued pursuant to the provisions  
5 of the Licensed Professional Counselors Act to a licensed professional counselor, if the  
6 person has:
- 7 1. Been convicted of a felony;
  - 8 2. Been convicted of a misdemeanor determined to be of such a nature as to render  
9 the person convicted unfit to practice counseling;
  - 10 3. Engaged in fraud or deceit in connection with services rendered or in  
11 establishing needed qualifications pursuant to the provisions of this act;

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

3 5. Engaged in unprofessional conduct as defined by the rules established by the  
4 Board;

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

6 7. Misrepresented any information required in obtaining a license.

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

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

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

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

22 1. Been convicted of a felony;

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

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

7           4. Misrepresented any information required in obtaining a license;

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

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

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

15          8. Engaged in negligence or wrongful actions in the performance of the duties of  
16 such person.

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

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

4        ~~C.~~ D. Any person who is determined by the Department to have violated any of the  
5 provisions of the Marital and Family Therapist Licensure Act or any rule promulgated or  
6 order issued pursuant thereto may be subject to an administrative penalty. The  
7 maximum fine shall not exceed Ten Thousand Dollars (\$10,000.00). All administrative  
8 penalties collected pursuant to the Marital and Family Therapist Licensure Act shall be  
9 deposited into the Licensed Marital and Family Therapist Revolving Fund.

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

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

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

- 18        1. Been convicted of a felony;
- 19        2. Been convicted of a misdemeanor determined to be of such a nature as to render  
20 the person convicted unfit to practice behavioral health;
- 21        3. Engaged in fraud or deceit in connection with services rendered or in

22 establishing needed qualifications pursuant to the provisions of this act;

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

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

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

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

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

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02-19-09 - DO  
20 PASS, As Amended and Coauthored.