

EHB 1069

1 THE STATE SENATE
2 Thursday, April 2, 2009

3 ENGROSSED

4 House Bill No. 1069

5 As Amended

6 ENGROSSED HOUSE BILL NO. 1069 - By: Tibbs, Shelton and Pittman of
7 the House and Paddack and Johnson (Constance) of the Senate.

8 [professions and occupations - amending 59 O.S., Sections
9 1912, 1925.15 and 1941 - modifying disciplinary procedures -
10 effective date]

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

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

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

- 19 1. Been convicted of a felony;
- 20 2. Been convicted of a misdemeanor determined to be of such a
21 nature as to render the person convicted unfit to practice
22 counseling;
- 23 3. Engaged in fraud or deceit in connection with services
24 rendered or in establishing needed qualifications pursuant to the
25 provisions of this act;

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

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

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

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

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

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

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

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

5 1. Been convicted of a felony;

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

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

12 4. Misrepresented any information required in obtaining a
13 license;

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

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

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

22 8. Engaged in negligence or wrongful actions in the performance
23 of the duties of such person.

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

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

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

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

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

6 1. Been convicted of a felony;

7 2. Been convicted of a misdemeanor determined to be of such a
8 nature as to render the person convicted unfit to practice
9 behavioral health;

10 3. Engaged in fraud or deceit in connection with services
11 rendered or in establishing needed qualifications pursuant to the
12 provisions of this act;

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

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

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

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

22 B. If the Department determines that a felony conviction of an
23 applicant renders the convicted applicant unfit to practice

1 counseling, the Commissioner shall provide notice and opportunity to
2 the applicant, by certified mail at the last-known address, for an
3 administrative hearing to contest such determination before the
4 Department may deny the application. The request shall be made by
5 the applicant within fifteen (15) days of receipt of the notice.

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
13 3-26-09 - DO PASS, As Amended and Coauthored.