

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1069

By: Tibbs

4  
5 AS INTRODUCED

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

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

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

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

21 1. Been convicted of a felony that the Commissioner of Health  
22 determines after a hearing to be of such nature as to render the  
23 person convicted unfit to practice counseling;  
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. No license or specialty designation shall be suspended or  
17 revoked, nor a licensed professional counselor placed on probation  
18 until notice is served upon the licensed professional counselor and  
19 a hearing is held in conformity with Article II of the  
20 Administrative Procedures Act.

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

23          Section 1925.15 A. The State Department of Health may deny,  
24 revoke, suspend or place on probation any license issued subject to

1 the provisions of the Marital and Family Therapist Licensure Act, if  
2 the person has:

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

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.

24

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

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

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

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

22 1. Been convicted of a felony that the Commissioner determines  
23 after a hearing to be of such a nature as to render the person  
24 convicted unfit to practice behavioral health;

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 behavioral health;

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 or herself as a licensed  
9 behavioral practitioner in this state;

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

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

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

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

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

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23          52-1-6402            LRB           01/02/09