

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 1795

By: David of the Senate

and

Cox of the House

8 CONFERENCE COMMITTEE SUBSTITUTE

9 An Act relating to mental health and substance abuse
10 treatment; amending 43A O.S. 2011, Section 3-101,
11 which relates to facilities within the Department of
12 Health and Substance Abuse Services; deleting
13 requirement for maintenance of certain facilities;
14 amending 43A O.S. 2011, Section 3-323A, which relates
15 to Mental Illness Service Programs; clarifying
16 language; modifying name of certain certification;
17 clarifying certain requirement; amending 43A O.S.
18 2011, Section 3-326, which relates to peer recovery
19 support specialists; modifying requirements for
20 certain rule promulgation; modifying requirements for
21 use of certain title; repealing 43A O.S. 2011,
22 Section 3-106, which relates to community mental
23 health facilities; and providing an effective date.

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

19 SECTION 1. AMENDATORY 43A O.S. 2011, Section 3-101, is
20 amended to read as follows:

21 Section 3-101. The facilities within the Department of Mental
22 Health and Substance Abuse Services, which may be maintained for
23 residents of the state, are:

- 24 1. Griffin Memorial Hospital, Norman;

- 1 2. Oklahoma Forensic Center, Vinita;
- 2 3. Children's Recovery Center of Oklahoma, Norman;
- 3 4. Tulsa Center for Behavioral Health, Tulsa;
- 4 5. Carl Albert Community Mental Health Center, McAlester;
- 5 6. Jim Taliaferro Community Mental Health Center, Lawton;
- 6 7. Central Oklahoma Community Mental Health Center, Norman;
- 7 8. ~~Bill Willis Community Mental Health and Substance Abuse~~
- 8 ~~Services Center, Tahlequah;~~
- 9 ~~9.~~ Northwest Center for Behavioral Health, Woodward;
- 10 ~~10.~~ 9. Oklahoma County Crisis Intervention Center, Oklahoma
- 11 City;
- 12 ~~11.~~ ~~Norman Alcohol and Drug Treatment Center, Norman;~~ and
- 13 ~~12.~~ 10. Rose Rock Recovery Center, Vinita.

14 SECTION 2. AMENDATORY 43A O.S. 2011, Section 3-323A, is
15 amended to read as follows:

16 Section 3-323A. A. The Board of Mental Health and Substance
17 Abuse Services shall promulgate rules and standards for
18 certification of a facility or organization that ~~desires~~ voluntarily
19 applies to be certified as a ~~"Mental Illness Service Program"~~ an
20 "Outpatient Mental Health Treatment Organization".

21 B. Applications for certification as a ~~mental illness service~~
22 ~~program~~ an Outpatient Mental Health Treatment Organization shall be
23 made to the Department of Mental Health and Substance Abuse Services
24 on prescribed forms. The Board, or the Commissioner of Mental

1 Health and Substance Abuse Services upon delegation by the Board,
2 may certify ~~mental illness service programs~~ Outpatient Mental Health
3 Treatment Organizations for a period of three (3) years, subject to
4 renewal as provided in the rules promulgated by the Board.

5 C. The Department of Mental Health and Substance Abuse Services
6 is authorized to establish and collect certification and renewal
7 fees for certification of ~~mental illness service programs~~ Outpatient
8 Mental Health Treatment Organizations as provided in Section 3-324
9 of ~~Title 43A of the Oklahoma Statutes~~ this title.

10 D. ~~A certified mental illness service program~~ An Outpatient
11 Mental Health Treatment Organization shall comply with standards
12 adopted by the Board. Such standards shall be in compliance with:

13 1. The Joint Commission ~~on Accreditation of Healthcare~~
14 ~~Organizations;~~

15 2. The Commission on Accreditation of Rehabilitation
16 Facilities; or

17 3. Approved medical and professional standards as determined by
18 the Board.

19 E. Nothing in this section shall be construed to require the
20 following entities to be certified as an Outpatient Mental Health
21 Treatment Organization:

22 1. Hospitals licensed by the State Department of Health;

23 2. Organizations that are accredited by the Joint Commission,
24 the Commission on Accreditation of Rehabilitation Facilities, the

1 Council on Accreditation, or the American Osteopathic Association;
2 or

3 3. Individual persons who are in private practice or group
4 practices organized as a corporation or limited liability
5 corporation and who are licensed physicians, licensed psychologists,
6 licensed social workers, registered nurses, licensed professional
7 counselors, licensed marital and family therapists, licensed
8 behavioral practitioners, individual members of the clergy, or
9 licensed alcohol and drug counselors; provided, however, that this
10 paragraph shall only apply to individual professional persons and
11 group practices in their private practice and not to any treatment
12 facility operated by such persons.

13 F. Failure to comply with rules and standards promulgated by
14 the Board shall be grounds for revocation, suspension or nonrenewal
15 of certification.

16 SECTION 3. AMENDATORY 43A O.S. 2011, Section 3-326, is
17 amended to read as follows:

18 Section 3-326. A. The Board of Mental Health and Substance
19 Abuse Services shall promulgate rules for certification of peer
20 recovery support specialists who are employed:

21 1. Employed by the state; ~~or~~

22 2. Employed by a behavioral services ~~providers~~ provider

23 contracting with the state to provide behavioral health services; or
24

1 3. Employed by a behavioral service provider certified by the
2 Department of Mental Health and Substance Abuse Services. Provided,
3 however, that certification as a peer recovery support specialist
4 pursuant to this subsection shall be limited to providing services
5 within the employer's area of certification.

6 B. Such rules shall address criteria for certification and
7 renewal, including minimum education requirements, examination and
8 supervision requirements, continuing education requirements, and
9 rules of professional conduct.

10 ~~B.~~ C. Application for certification as a peer recovery support
11 specialist shall be made to the Department of Mental Health and
12 Substance Abuse Services on prescribed forms. The Board, or the
13 Commissioner of Mental Health and Substance Abuse Services upon
14 delegation by the Board, may certify the peer recovery support
15 specialist for a period of two (2) years subject to renewal as
16 provided in the rules promulgated by the Board.

17 ~~C.~~ D. The Board is authorized to establish an application and
18 renewal fee of no more than One Hundred Dollars (\$100.00) to defray
19 the costs incurred in the certification process.

20 ~~D.~~ E. A peer recovery support specialist certified by the Board
21 or the Commissioner shall only use the title "certified peer
22 recovery support specialist" if employed by the state or by
23 behavioral services providers contracting with or certified by the
24 state to provide behavioral health services. This section shall not

1 be construed to permit the certified peer recovery support
2 specialist to practice any of the following professions or use the
3 following titles unless also licensed or accredited by the
4 appropriate authority:

- 5 1. Physician;
- 6 2. Psychologist;
- 7 3. Clinical social worker;
- 8 4. Professional counselor;
- 9 5. Marital and family therapist;
- 10 6. Behavioral practitioner; or
- 11 7. Alcohol and drug counselor.

12 ~~E.~~ F. No peer recovery support specialist shall operate or
13 continue to operate as a peer recovery support specialist unless the
14 peer recovery support specialist complies with the rules promulgated
15 by the Board and is certified as required by this section.

16 ~~F.~~ G. Failure to comply with rules promulgated by the Board
17 shall be grounds for revocation, suspension, or nonrenewal of
18 certification.

19 SECTION 4. REPEALER 43A O.S. 2011, Section 3-106, is
20 hereby repealed.

21 SECTION 5. This act shall become effective November 1, 2012.

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