

1 **SENATE FLOOR VERSION**

2 February 27, 2012

3 SENATE BILL NO. 1277

By: David and Johnson
(Constance) of the Senate

4 and

5 Mulready of the House
6

7
8 An Act relating to licensed alcohol and drug
9 counselors; amending 59 O.S. 2011, Sections 1871 and
10 1876, which relate to the Licensed Alcohol and Drug
11 Counselors Act; modifying definition; adding
12 definition; deleting obsolete language; modifying
13 requirements for certain applicants; specifying
14 certain scope of practice; clarifying language; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1871, is
18 amended to read as follows:

19 Section 1871. For purposes of the Licensed Alcohol and Drug
20 Counselors Act:

21 1. "Alcohol and drug counseling", ~~as a licensed alcohol and~~
22 ~~drug counselor,~~ means the application of counseling principles for:

- 23 a. substance use disorders, or
24 b. substance abuse disorders and co-occurring disorders

in order to:

- 1 (1) develop an understanding of substance abuse and
2 co-occurring disorders,
- 3 (2) permit licensed alcohol and drug counselors to
4 prevent, diagnose or treat substance abuse and to
5 prevent, diagnose or treat co-occurring
6 disorders,
- 7 (3) permit licensed alcohol and drug counselors to
8 conduct assessments or diagnoses for the purpose
9 of establishing treatment goals and objectives
10 for substance abuse and to establish treatment
11 goals and objectives for co-occurring disorders,
12 and
- 13 (4) plan, implement or evaluate treatment plans using
14 counseling treatment interventions;

15 2. "Alcohol and drug counseling", as a certified alcohol and
16 drug counselor, means the application of counseling principles for:

- 17 a. substance use disorders, or
 - 18 b. substance abuse disorders in order to:
 - 19 (1) develop an understanding of alcoholism and drug
20 dependency problems,
 - 21 (2) prevent, diagnose or treat alcohol and drug
22 dependency problems,
- 23
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- 1 (3) conduct assessments or diagnosis for the purpose
2 of establishing treatment goals and objectives
3 for substance abuse,
- 4 (4) plan, implement or evaluate treatment plans using
5 counseling treatment interventions for substance
6 abuse, and
- 7 (5) permit certified alcohol and drug counselors
8 certified in co-occurring disorders to recognize
9 co-occurring disorders and integrate that
10 recognition into substance abuse treatment,
11 provided the certified alcohol and drug counselor
12 is working in a nationally accredited or Oklahoma
13 Department of Mental Health and Substance Abuse
14 Services certified agency and is working under
15 the supervision of a supervisor approved by the
16 Oklahoma Board of Licensed Alcohol And Drug
17 Counselors pursuant to paragraph ~~11~~ 13 of this
18 section and who is a licensed alcohol and drug
19 counselor that is licensed in mental health and
20 substance abuse, a licensed alcohol and drug
21 counselor that holds a co-occurring certification
22 from the Board or a licensed mental health
23 professional. Certified alcohol and drug
24 counselors shall meet or exceed the Certified Co-

1 Occurring Disorders Professional Standards as
2 laid out in the standards promulgated by the
3 International Certification & Reciprocity
4 Consortium, any successor organization to the
5 International Certification and Reciprocity
6 Consortium or another national or international
7 organization that has similar standards equal to
8 or higher than the International Certification
9 and Reciprocity Consortium.

10 Certified alcohol and drug counselors may not provide private or
11 independent practice for co-occurring disorders;

12 3. "Board" means the Oklahoma Board of Licensed Alcohol and
13 Drug Counselors, created by Section 1873 of this title;

14 4. "Certified alcohol and drug counselor" means any person who
15 is not exempt pursuant to the provisions of Section 1872 of this
16 title and is not licensed under the Licensed Alcohol and Drug
17 Counselors Act, but who provides alcohol and drug counseling
18 services within the scope of practice while employed by an entity
19 certified by the Department of Mental Health and Substance Abuse
20 Services, or who is exempt from such certification, or who is under
21 the supervision of a person recognized by the Oklahoma Board of
22 Licensed Alcohol and Drug Counselors as a supervisor. A certified
23 alcohol and drug counselor may provide counseling services for co-
24 occurring disorders if he or she has been certified by the Board to

1 provide counseling as provided in this section for co-occurring
2 disorders;

3 5. "Certified alcohol and drug counselor candidate" or
4 "licensed alcohol and drug counselor candidate" means a person who
5 has made application for certification or licensure and who has been
6 authorized by the board to practice alcohol and drug counseling
7 under supervision while completing the required work experience;

8 6. "Consulting" means interpreting or reporting scientific fact
9 or theory in counseling to provide assistance in solving current or
10 potential problems of individuals, groups or organizations;

11 7. "Co-occurring disorder" means a disorder in which
12 individuals have at least one mental health disorder as defined in
13 the most current version of the Diagnostic and Statistical Manual
14 and a substance abuse disorder as defined in paragraph ~~12~~ 14 of this
15 section. While these disorders may interact differently in any one
16 person at least one disorder of each type can be diagnosed
17 independently of the other;

18 8. "International Certification & Reciprocity Consortium
19 Standards" means the standards enumerated by the International
20 Certification and Reciprocity Consortium, any successor organization
21 to the Consortium or another national or international organization
22 that has similar standards equal to or higher than the International
23 Certification and Reciprocity Consortium, that includes requirements
24 regarding education, exams, degrees, coursework, supervision,

1 continuing education, and ethics for individuals seeking a certified
2 co-occurring disorders professional certification from the
3 Consortium. The requirement to meet these standards shall never
4 fall below the requirements set forth by the Consortium on June 1,
5 2008.

6 9. "Licensed alcohol and drug counselor" means any person who
7 provides alcohol and drug counseling services within the scope of
8 practice, including co-occurring disorders, for compensation to any
9 person and is licensed pursuant to the provisions of the Licensed
10 Alcohol and Drug Counselors Act. The term "licensed alcohol and
11 drug counselor" shall not include those professions exempted by
12 Section 1872 of this title;

13 10. "Licensed alcohol and drug counselor/mental health" or
14 "LADC/MH" means a licensed alcohol and drug counselor who has been
15 determined by the Board to meet the requirements to include the
16 assessment, diagnosis, and treatment of mental health disorders
17 within the counselor's scope of practice, regardless of whether the
18 mental health disorders are co-occurring;

19 11. "Recovery" means a voluntary lifestyle, maintained as the
20 result of one's diagnosis, treatment or self-disclosure of a
21 substance abuse disorder, characterized by complete abstinence from
22 alcohol, and all other mind altering drugs or chemicals except
23 tobacco and drugs used as prescribed by an authorized licensed
24

1 medical professional and the absence of pathological compulsive
2 behavior;

3 ~~11.~~ 12. "Relapse" means the resumption of use of alcohol or
4 other mind-altering drugs or chemicals, except tobacco and drugs
5 used as prescribed by an authorized licensed medical professional,
6 or resumption of pathological compulsive behavior, despite having
7 previously been diagnosed, treated or self-disclosed as having a
8 substance abuse disorder and been in recovery;

9 ~~12.~~ 13. "Supervisor" means:

- 10 a. a licensed alcohol and drug counselor who meets the
11 requirements established by the board to supervise
12 certified alcohol and drug counselors, certified
13 alcohol and drug counselor candidates or licensed
14 alcohol and drug counselor candidates and has been
15 approved by the Oklahoma Board of Licensed Alcohol and
16 Drug Counselors as a supervisor, or
- 17 b. a licensed mental health professional approved by the
18 Board to supervise certified alcohol and drug
19 counselors who have received co-occurring
20 certification, certified alcohol and drug counselors
21 who are candidates for co-occurring certification or
22 licensed alcohol drug and counselors who are
23 candidates for co-occurring certification;

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1 ~~13.~~ 14. "Substance abuse disorder" means the repeated
2 pathological use of substances including alcohol and other mind-
3 altering drugs or chemicals, except tobacco, or repeated
4 pathological compulsive behaviors which cause physical,
5 psychological, emotional, economic, legal, social or other harm to
6 the individual afflicted or to others affected by the individual's
7 affliction. As used in the Licensed Alcohol and Drug Counselors
8 Act, substance abuse disorder shall include not only those instances
9 where withdrawal from or tolerance to the substance is present but
10 also those instances involving use and abuse of substances;

11 ~~14.~~ 15. "Supervised practicum experience" means volunteer or
12 paid work experience in the core functions of substance abuse
13 counseling as delineated by the Oklahoma Board of Licensed Alcohol
14 and Drug Counselors;

15 ~~15.~~ 16. "Supervised work experience" means voluntary or paid
16 work experience in providing alcohol and drug counseling services to
17 individuals under the supervision of a licensed alcohol and drug
18 counselor; and

19 ~~16.~~ 17. "Scope of practice" means acting within the boundaries
20 of competence based on education, training, supervised experience,
21 state and national professional credentials, and appropriate
22 professional experience.

23 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1876, is
24 amended to read as follows:

1 Section 1876. A. Unless exempt pursuant to Section 1872 of
2 this title, ~~on and after January 1, 2005,~~ any person wishing to
3 practice alcohol and drug counseling in this state shall obtain a
4 certificate or license to practice pursuant to the provisions of the
5 Licensed Alcohol and Drug Counselors Act.

6 B. An application for a certificate or license to practice as a
7 certified or licensed alcohol and drug counselor shall be made to
8 the Oklahoma Board of Licensed Alcohol and Drug Counselors in
9 writing. Such application shall be on a form and in a manner
10 prescribed by the Board. The application shall be accompanied by
11 the fee required by the Licensed Alcohol and Drug Counselors Act,
12 which shall be retained by the Board and not returned to the
13 applicant.

14 C. Each applicant for a certificate or license to practice as a
15 certified or licensed alcohol and drug counselor shall:

- 16 1. Be possessed of good moral character;
- 17 2. Pass an examination based on standards established by the
18 International Certification and Reciprocity Consortium, any
19 successor organization to the International Certification and
20 Reciprocity Consortium or another national or international
21 organization recognized by the Board to have similar standards equal
22 to or higher than the International Certification and Reciprocity
23 Consortium;
- 24 3. Be at least twenty-one (21) years of age;

1 4. Not have engaged in, nor be engaged in, any practice or
2 conduct which would be grounds for denying, revoking or suspending a
3 license pursuant to the provisions of the Licensed Alcohol and Drug
4 Counselors Act; and

5 5. Otherwise comply with the rules promulgated by the Board
6 pursuant to the provisions of the Licensed Alcohol and Drug
7 Counselors Act.

8 ~~D. Except as otherwise provided by subsections E and G of this~~
9 ~~section, on and after January 1, 2005, in addition to the~~
10 ~~qualifications specified by the provisions of subsection C of this~~
11 ~~section, an applicant for a license to practice as a licensed~~
12 ~~alcohol and drug counselor shall have:~~

13 1. ~~At a minimum, a master's degree in a behavioral science~~
14 ~~field that is recognized by the Oklahoma Board of Licensed Alcohol~~
15 ~~and Drug Counselors as appropriate to practice as a licensed alcohol~~
16 ~~and drug counselor;~~

17 2. ~~Successfully completed at least one (1) year of full-time~~
18 ~~supervised work experience. For the purpose of the Licensed Alcohol~~
19 ~~and Drug Counselors Act, "one (1) year of full-time work experience"~~
20 ~~shall be defined as two thousand (2,000) hours of work experience,~~
21 ~~of which at least one thousand (1,000) hours shall consist of~~
22 ~~providing alcohol and drug counseling services to an individual~~
23 ~~and/or the individual's family;~~

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1 ~~3. Successfully completed at least one hundred eighty (180)~~
2 ~~clock hours of education related to alcohol and drug counseling~~
3 ~~subjects, theory, practice or research; and~~

4 ~~4. Successfully completed at least three hundred (300) hours of~~
5 ~~supervised practicum experience in the field of drug and alcohol~~
6 ~~counseling.~~

7 ~~E. Effective January 1, 2012~~ In addition to the qualifications
8 specified by the provisions of subsection C of this section, an
9 applicant for a license to practice as a licensed alcohol and drug
10 counselor shall ~~have:~~

11 1. ~~At~~ Have at least a master's degree in alcohol and substance
12 abuse counseling or other clinical counseling field recognized by
13 the Oklahoma Board of Licensed Alcohol and Drug Counselors that
14 includes, at a minimum, the following knowledge areas and graduate
15 credit hours ~~described in paragraph 2 of this subsection~~ from a
16 college or university accredited by an agency recognized by the
17 United States Department of Education; ~~or:~~

18 a. three courses in foundational knowledge, including one
19 course in alcohol and drug addiction, one course in
20 drug and alcohol counseling theory, and one course in
21 the pharmacology of drugs and abuse,

22 b. three courses in assessment and treatment of
23 behavioral health problems, which may include group
24 dynamics, individual and family counseling skills,

1 specific counseling approaches, assessment methods,
2 community resources and referral, or other courses
3 primarily related to the assessment and treatment of
4 behavioral health problems,

5 c. one course in human development,

6 d. one course in psychopathology,

7 e. one course in multicultural and cultural competency
8 issues,

9 f. one course in family systems theory,

10 g. one course in addiction in the family theory,

11 h. one course in addiction in the family counseling,

12 i. one course in ethics, which includes established
13 ethical conduct for alcohol and drug counselors,

14 j. one course in research methods, and

15 k. one three-hour practicum/internship in the field of
16 drug and alcohol counseling of at least three hundred
17 (300) clock hours.

18 All courses shall be graduate level courses and shall be three
19 (3) semester hours or four (4) quarter credit hours which shall
20 include a minimum of forty-five (45) class hours for each course;

21 ~~2. a. Possess at least a master's degree in a behavioral~~
22 ~~science or counseling-related field from a college or~~
23 ~~university accredited by an agency recognized by the~~
24 ~~United States Department of Education which is the~~

1 ~~content equivalent of a graduate degree in alcohol and~~
2 ~~substance abuse counseling. In order to qualify as a~~
3 ~~"content equivalent" degree, a graduate transcript~~
4 ~~shall reflect, at a minimum, the following knowledge~~
5 ~~areas and graduate hours:~~

6 ~~(1) three courses in foundational knowledge,~~
7 ~~including one course in alcohol and drug~~
8 ~~addiction, one course in drug and alcohol~~
9 ~~counseling theory, and one course in the~~
10 ~~pharmacology of drugs of abuse,~~

11 ~~(2) three courses in assessment and treatment of~~
12 ~~alcohol and drug problems, which may include~~
13 ~~group dynamics, individual and family counseling~~
14 ~~skills, specific counseling approaches,~~
15 ~~assessment methods, community resources and~~
16 ~~referral, or other courses primarily related to~~
17 ~~the assessment and treatment of alcohol and drug~~
18 ~~problems,~~

19 ~~(3) one course in human development,~~

20 ~~(4) one course in psychopathology,~~

21 ~~(5) one course in multicultural and cultural~~
22 ~~competency issues,~~

23 ~~(6) one course in family systems theory,~~

24 ~~(7) one course in addiction in the family theory,~~

1 ~~(8) one course in addiction in the family counseling,~~
2 ~~(9) one course in ethics, which includes established~~
3 ~~ethical conduct for alcohol and drug counselors,~~
4 ~~(10) one course in research methods, and~~
5 ~~(11) one three-hour practicum/internship in the field~~
6 ~~of drug and alcohol counseling of at least three~~
7 ~~hundred (300) clock hours.~~

8 ~~b. All courses shall be graduate level courses and shall~~
9 ~~be three (3) semester hours or four (4) quarter credit~~
10 ~~hours which shall include a minimum of forty-five (45)~~
11 ~~class hours for each course.~~

12 ~~Licensed alcohol and drug counselors shall demonstrate, at a~~
13 ~~minimum, the following specific training that includes, but is not~~
14 ~~limited to:~~

15 ~~a. specific training for and experience in performing~~
16 ~~mental health therapeutic, diagnostic or counseling~~
17 ~~functions,~~

18 ~~b. specific training for and experience in screening,~~
19 ~~identifying, assessing, and providing properly matched~~
20 ~~interventions to individuals with co-occurring~~
21 ~~disorders, and~~

22 ~~c. specific training for and experience in a wide range~~
23 ~~of diagnostic, therapeutic, and rehabilitative~~
24

1 ~~services used in the treatment of mental illness and~~
2 ~~co-occurring disorders, or~~
3 ~~d. in lieu of such training, be a licensed mental health~~
4 ~~professional as defined by Section 1-103 of this title~~

5 Have successfully completed at least one (1) year of full-time
6 supervised work experience providing behavioral health services.

7 For the purpose of the Licensed Alcohol and Drug Counselors Act, one
8 (1) year of full-time work experience shall mean two thousand
9 (2,000) hours of work experience, of which at least one thousand
10 (1,000) hours shall consist of direct client contact; or

11 3. Be a licensed mental health professional as defined in
12 Section 1-103 of Title 43A of the Oklahoma Statutes and have
13 completed a minimum of fifteen (15) hours in master's level
14 substance abuse specific coursework, including, but not limited to,
15 chemical addiction, counseling, alcohol/drug counseling theory,
16 pharmacology of drugs and abuse, assessment and treatment of alcohol
17 and drug problems, theories in family addiction, and/or family
18 addiction counseling.

19 E. The scope of practice of a licensed alcohol and drug
20 counselor who meets the educational requirements set forth in
21 paragraph 1 of subsection D of this section may include the
22 assessment, diagnosis, and treatment of mental health disorders.

23 Licensees who have been determined by the Board to meet these
24 requirements shall have the designation "licensed alcohol and drug

1 counselor/mental health" or "LADC/MH" noted on their license and
2 wallet card.

3 F. The scope of practice of a licensed alcohol and drug
4 counselor who made application for license or who was licensed prior
5 to the effective date of the educational requirements set forth in
6 paragraph 1 of subsection D of this section shall not include the
7 assessment, diagnosis, and treatment of mental health disorders
8 unless:

9 1. The licensed alcohol and drug counselor holds a master's
10 degree that meets the educational requirements for licensure in the
11 following behavioral health professions:

12 a. licensed professional counselor as defined in Section
13 1902 of Title 59 of the Oklahoma Statutes,

14 b. licensed clinical social worker as defined in Section
15 1250.1 of Title 59 of the Oklahoma Statutes,

16 c. licensed marital and family therapist as defined in
17 Section 1925.2 of Title 59 of the Oklahoma Statutes,

18 or

19 d. licensed behavioral practitioner as defined in Section
20 1931 of Title 59 of the Oklahoma Statutes; or

21 2. The licensed alcohol and drug counselor holds a valid Co-
22 Occurring Disorders Certification based on standards established by
23 the International Certification and Reciprocity Consortium, any
24 successor organization to the International Certification and

1 Reciprocity Consortium, or any other national or international
2 organization recognized by the Board to have similar standards equal
3 to or higher than the International Certification and Reciprocity
4 Consortium.

5 ~~F. Effective January 1, 2005, except as provided in subsection~~
6 ~~G of this section~~ G. In addition to the qualifications specified in
7 subsection C of this section, each applicant for a certificate to
8 practice as a certified alcohol and drug counselor shall have:

9 1. At a minimum, a bachelor's degree in a behavioral science
10 field that is recognized by the Oklahoma Board of Licensed Alcohol
11 and Drug Counselors as appropriate to practice as a certified drug
12 and alcohol counselor in this state;

13 2. Successfully completed at least two (2) years of full-time
14 supervised work experience. For the purpose of the Licensed Alcohol
15 and Drug Counselors Act, "two years of full-time work experience"
16 shall be defined as four thousand (4,000) hours of work experience
17 of which at least two thousand (2,000) hours shall consist of
18 providing alcohol and drug counseling services to an individual
19 and/or the individual's family;

20 3. Successfully completed at least two hundred seventy (270)
21 clock hours of education related to alcohol and drug counseling
22 subjects, theory, practice or research;

23 4. Successfully completed, as part of or in addition to the
24 education requirements established in paragraph 3 of this

1 subsection, a minimum of forty-five (45) clock hours of specialized
2 training approved by the Board in identifying co-occurring disorders
3 and making appropriate referrals for treatment of co-occurring
4 disorders; and

5 5. Successfully completed at least three hundred (300) hours of
6 supervised practicum experience in the field of drug and alcohol
7 counseling.

8 ~~G. 1. Subject to application to the Board, prior to November~~
9 ~~1, 2005, any person practicing in the State of Oklahoma at the time~~
10 ~~of application and holding a certificate in alcohol and drug~~
11 ~~counseling from any state or nationally recognized certifying body~~
12 ~~or agency recognized by the Board and issued on or before December~~
13 ~~31, 2004, shall be granted a certificate under the Licensed Alcohol~~
14 ~~and Drug Counselors Act.~~

15 ~~2. Subject to application to the Board, prior to November 1,~~
16 ~~2005, any person practicing in the State of Oklahoma at the time of~~
17 ~~application and holding a certificate in alcohol and drug counseling~~
18 ~~from any state or nationally recognized certifying body or agency~~
19 ~~recognized by the Board and issued on or before December 31, 2004,~~
20 ~~and a master's degree, as provided in paragraph 1 of subsection D of~~
21 ~~this section, shall be granted a license under this act.~~

22 H. ~~On and after January 1, 2009, any Any licensed or certified~~
23 ~~alcohol and drug counselor wishing to be certified for co-occurring~~
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1 disorders in this state may obtain such certification pursuant to
2 the provisions of the Licensed Alcohol and Drug Counselors Act.

3 I. An application by a licensed or certified alcohol and drug
4 counselor for certification for co-occurring disorders shall be made
5 to the Oklahoma Board of Licensed Alcohol and Drug Counselors in
6 writing. Such application shall be on a form and in a manner
7 prescribed by the Board. The application shall be accompanied by
8 the fee required by Section 1884 of this title, which shall be
9 retained by the Board and not returned to the applicant.

10 J. Each applicant for certification for co-occurring disorders
11 shall:

12 1. Be possessed of good moral character;

13 2. Be a licensed or certified alcohol and drug counselor in
14 good standing with the Board;

15 3. Meet the requirements promulgated by the Board to establish
16 the applicant's competency to include treatment of co-occurring
17 disorders within his or her scope of practice;

18 4. Be at least twenty-one (21) years of age;

19 5. Not have engaged in, nor be engaged in, any practice or
20 conduct which would be grounds for denying, revoking or suspending a
21 license pursuant to the provisions of the Licensed Alcohol and Drug
22 Counselors Act; and

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1 6. Otherwise comply with the rules promulgated by the Board
2 pursuant to the provisions of the Licensed Alcohol and Drug
3 Counselors Act.

4 SECTION 3. This act shall become effective November 1, 2012.
5 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
6 2-20-12 - DO PASS, As Coauthored.

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