

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 HOUSE BILL 1109

By: Coody of the House

and

6 David of the Senate

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8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to mental health; amending Section 4,  
11 Chapter 296, O.S.L. 2012 (43A O.S. Supp. 2012,  
12 Section 3-704), which relates to mental health and  
13 substance abuse evaluation; modifying timing of  
14 certain assessment and evaluation; amending 43A O.S.  
15 2011, Section 3-326, which relates to peer recovery  
16 support specialists; providing that individuals  
17 employed by a behavioral service provider certified  
18 by the Department be subject to certain rules;  
19 permitting peer recovery support specialist to use  
20 certain title if certified by the state; and  
21 providing an effective date.

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

23 SECTION 1. AMENDATORY Section 4, Chapter 296, O.S.L.  
24 2012 (43A O.S. Supp. 2012, Section 3-704), is amended to read as  
follows:

Section 3-704. ~~Any~~ After an initial appearance but before a  
finding of guilt, a person found guilty accused of a felony offense  
may, ~~prior to sentencing,~~ be required to submit to an approved risk,

1 mental health and substance abuse assessment and evaluation which  
2 shall be administered and scored by assessment personnel certified  
3 by the Department of Mental Health and Substance Abuse Services.  
4 Any person lacking sufficient skills to comprehend or otherwise  
5 participate in the risk, mental health and substance abuse  
6 assessment and evaluation shall have appropriate assistance. The  
7 court, district attorney, arrested person and counsel for the  
8 arrested person shall have access to the results of the risk, mental  
9 health and substance abuse assessment and evaluation. The results  
10 of the risk, mental health and substance abuse assessment and  
11 evaluation shall not be admissible as evidence in the criminal case  
12 unless specifically waived by the defendant or for purposes of  
13 determining sentencing options for a defendant who has pled guilty  
14 and punishment is to be determined at the discretion of the court.  
15 The court and the district attorney shall consider the results of  
16 the risk, mental health and substance abuse assessment and  
17 evaluation to determine sentencing options for the person.

18 SECTION 2. AMENDATORY 43A O.S. 2011, Section 3-326, is  
19 amended to read as follows:

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

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

24

1        2. Employed by a behavioral services providers provider  
2        contracting with the state to provide behavioral health services; or

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

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

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

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

22       ~~D.~~ E. A peer recovery support specialist certified by the Board  
23       or the Commissioner shall only use the title "certified peer  
24       recovery support specialist" if employed by the state or by

1 behavioral services providers contracting with or certified by the  
2 state to provide behavioral health services. This section shall not  
3 be construed to permit the certified peer recovery support  
4 specialist to practice any of the following professions or use the  
5 following titles unless also licensed or accredited by the  
6 appropriate authority:

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

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

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

21 SECTION 3. This act shall become effective November 1, 2013.

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