

1 ENGROSSED SENATE
2 BILL NO. 182

By: David of the Senate

3 and

4 Nelson of the House

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6
7 An Act relating to rehabilitation services;
8 authorizing the State Department of Rehabilitation
9 Services to license and contract with certain
10 rehabilitation counselors; amending 59 O.S. 2011,
11 Section 1903, which relates to exemptions; exempting
12 rehabilitation counselors from certain acts;
13 providing for codification; and providing an
14 effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 166.13 of Title 74, unless there
18 is created a duplication in numbering, reads as follows:

19 The State Department of Rehabilitation Services may license and
20 contract with or hire rehabilitation counselors from rehabilitation
21 counselor programs that are nationally accredited and certified by
22 the Commission on Rehabilitation Services as meeting such standards.

23 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1903, is
24 amended to read as follows:

Section 1903. A. The Licensed Professional Counselors Act
shall not be construed to include the pursuits of the following

1 professionals acting within the scope of their duties as such
2 professionals, nor shall the title "Licensed Professional Counselor"
3 or "LPC" be used by such professionals:

4 1. Physicians, psychologists, social workers, marital and
5 family therapists and attorneys, who are licensed by their
6 respective licensing authorities;

7 2. Rehabilitation counselors, vocational evaluation
8 specialists, psychiatric and mental health nurses, alcohol and drug
9 counselors, school administrators, school teachers and school
10 counselors, who are certified by their respective certifying
11 authorities;

12 3. Persons in the employ of accredited institutions of higher
13 education, or in the employ of local, state or federal government;
14 ~~and~~

15 4. Members of clergy; and

16 5. Rehabilitation counselors performing services for the
17 Oklahoma Department of Rehabilitation Services.

18 B. The Licensed Professional Counselors Act shall not be
19 construed to allow the practice of any of the professions specified
20 in subsection A of this section by a licensed professional counselor
21 unless ~~said~~ the licensed professional counselor is also licensed or
22 accredited by an appropriate agency, institution or board.

23 C. The activities and services of a person in the employ of a
24 private, nonprofit behavioral services provider contracting with the

1 state to provide behavioral services with the state shall be exempt
2 from licensure as a Licensed Professional Counselor if such
3 activities and services are a part of the official duties of such
4 person with the private nonprofit agency.

5 1. Any person who is unlicensed and operating under these
6 exemptions shall not use any of the following official titles or
7 descriptions:

- 8 a. psychologist, psychology or psychological,
- 9 b. licensed social worker,
- 10 c. clinical social worker,
- 11 d. certified rehabilitation specialist,
- 12 e. licensed professional counselor,
- 13 f. psychoanalyst, or
- 14 g. marital and family therapist.

15 2. Such exemption to the provisions of this section shall apply
16 only while the unlicensed individual is operating under the auspices
17 of a contract with the state and within the employ of the nonprofit
18 agency contracting with the state. Such exemption will not be
19 applicable to any other setting.

20 3. State agencies contracting to provide behavioral health
21 services will strive to ensure that quality of care is not
22 compromised by contracting with external providers and that the
23 quality of service is at least equal to the service that would be
24 delivered if that agency were able to provide the service directly.

1 The persons exempt under the provisions of this section shall
2 provide services that are consistent with their training and
3 experience. Agencies will also ensure that the entity with which
4 they are contracting has qualified professionals in its employ and
5 that sufficient liability insurance is in place to allow for
6 reasonable recourse by the public.

7 D. The activities and services of a person in the employ of a
8 private, for-profit behavioral services provider contracting with
9 the state to provide behavioral services to youth and families in
10 the care and custody of the Office of Juvenile Affairs or the
11 Department of Human Services on March 14, 1997, shall be exempt from
12 licensure as a Licensed Professional Counselor if such activities
13 and services are a part of the official duties of ~~such~~ the person
14 with the private for-profit contracting agency.

15 1. Any person who is unlicensed and operating under these
16 exemptions shall not use any of the following official titles or
17 descriptions:

- 18 a. psychologist, psychology or psychological,
- 19 b. licensed social worker,
- 20 c. clinical social worker,
- 21 d. certified rehabilitation specialist,
- 22 e. licensed professional counselor,
- 23 f. psychoanalyst, or
- 24 g. marital and family therapist.

1 2. Such exemption to the provisions of this section shall apply
2 only while the unlicensed individual is operating under the auspices
3 of a contract with the state and within the employ of the for-profit
4 agency contracting with the state. Such exemption shall only be
5 available for ongoing contracts and contract renewals with the same
6 state agency and will not be applicable to any other setting.

7 3. State agencies contracting to provide behavioral health
8 services will strive to ensure that quality of care is not
9 compromised by contracting with external providers and that the
10 quality of service is at least equal to the service that would be
11 delivered if that agency were able to provide the service directly.
12 The persons exempt under the provisions of this section shall
13 provide services that are consistent with their training and
14 experience. Agencies will also ensure that the entity with which
15 they are contracting has qualified professionals in its employ and
16 that sufficient liability insurance is in place to allow for
17 reasonable recourse by the public.

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