

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 54th Legislature (2013)

4 HOUSE BILL 1655

 By: Hulbert

7 AS INTRODUCED

8 An Act relating to public health and safety;
9 directing State Board of Health to promulgate rules
10 to license certain facilities; providing exceptions;
11 specifying powers and duties of State Department of
12 Health; providing for codification; and providing an
13 effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 1-864.1 of Title 63, unless
17 there is created a duplication in numbering, reads as follows:

18 A. The State Board of Health shall promulgate rules and
19 standards to license private facilities and organizations which
20 provide treatment, counseling, recovery and rehabilitation services
21 directed toward alcohol- and drug-dependent persons. Such rules and
22 standards shall include, but not be limited to, provisions for
23 temperature settings, lighting, ventilation, and other physical
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1 conditions that affect the health, safety and welfare of alcohol-
2 and drug-dependent persons. For purposes of this act, such
3 facilities and organizations shall be known as a "licensed facility"
4 or "licensed facilities".

5 B. The following shall be exempt from the provisions of this
6 act:

7 1. Individual persons in private practice as licensed
8 physicians, licensed psychologists, licensed social workers,
9 registered nurses, licensed professional counselors, licensed
10 marriage and family therapists, licensed behavioral practitioners,
11 individual members of the clergy, and certified alcohol or drug
12 abuse counselors. The exemption shall apply only to an individual
13 professional person in their private practice and not to any
14 treatment facility operated by the person;

15 2. Properly licensed hospitals, psychiatric and medical
16 surgical facilities;

17 3. Programs or facilities operated by a state agency;

18 4. Programs conducted and facilities operated by Alcoholics
19 Anonymous;

20 5. Programs conducted and facilities operated by the Salvation
21 Army;

22 6. Faith-based, nonresidential recovery programs; or
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1 7. Residential recovery-based programs with a resident capacity
2 of less than twelve.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1-864.2 of Title 63, unless
5 there is created a duplication in numbering, reads as follows:

6 The State Department of Health shall have the power and duty to:

7 1. Issue, renew, deny, modify, suspend, and revoke licenses for
8 licensed facilities within the state;

9 2. Enforce any rules promulgated by the State Board of Health
10 regarding licensed facilities and require the submission and review
11 of reports from any licensed facility;

12 3. Employ or designate personnel to conduct investigations and
13 inspections, to make reports of the condition of licensed
14 facilities, and to take necessary action to protect and safeguard
15 the health, safety, and welfare of alcohol- and drug-dependent
16 persons;

17 4. Establish a procedure for receipt and investigation of
18 complaints regarding a licensed facility;

19 5. Advise, consult, and cooperate with other agencies of this
20 state, the federal government, and with affected groups and
21 political subdivisions;

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1 6. Investigate, request or otherwise obtain the information
2 necessary to determine the qualifications and background of an
3 applicant for licensure;

4 7. Establish civil penalties for violations of Board rules; and

5 8. Institute and maintain or intervene in any action or
6 proceeding where deemed necessary by the Department to protect the
7 health, safety, and welfare of any alcohol- and drug-dependent
8 person in a licensed facility.

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

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11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 02/06/2013 -
12 DO PASS.

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