

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1655

By: Hulbert

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6 AS INTRODUCED

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

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

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

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

1 facilities and organizations shall be known as a "licensed facility"
2 or "licensed facilities".

3 B. The following shall be exempt from the provisions of this
4 act:

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

13 2. Properly licensed hospitals, psychiatric and medical
14 surgical facilities;

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

16 4. Programs conducted and facilities operated by Alcoholics
17 Anonymous;

18 5. Programs conducted and facilities operated by the Salvation
19 Army;

20 6. Faith-based, nonresidential recovery programs; or

21 7. Residential recovery-based programs with a resident capacity
22 of less than twelve.

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

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

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

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

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

15 4. Establish a procedure for receipt and investigation of
16 complaints regarding a licensed facility;

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

20 6. Investigate, request or otherwise obtain the information
21 necessary to determine the qualifications and background of an
22 applicant for licensure;

23 7. Establish civil penalties for violations of Board rules; and
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1 8. Institute and maintain or intervene in any action or
2 proceeding where deemed necessary by the Department to protect the
3 health, safety, and welfare of any alcohol- and drug-dependent
4 person in a licensed facility.

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

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