

1 STATE OF OKLAHOMA

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

3 SENATE BILL 680

By: David

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5
6 AS INTRODUCED

7 An Act relating to public health; transferring
8 certain powers, duties, responsibilities, equipment
9 and records from the State Board of Health, the State
10 Department of Health, and the State Commissioner of
11 Health, respectively, to the Board of Mental Health
12 and Substance Abuse Services, the Department of
13 Mental Health and Substance Abuse Services, and the
14 Commissioner of Mental Health and Substance Abuse
15 Services, respectively; transferring certain
16 unexpended funds, property, furnishings, equipment,
17 supplies, records, personnel and outstanding
18 financial obligations to the Department of Mental
19 Health and Substance Abuse Services; providing that
20 certain written contracts or agreements, rights,
21 obligations, responsibilities, duties, and
22 authorities shall remain in full force and effect
23 upon transfer; transferring certain rules;
24 consolidating certain committees; creating the
Professional Counselors Advisory Committee; providing
for membership and appointing authority; providing
for filling vacancies; providing for a quorum;
establishing standards for meetings; providing
requirements for members; specifying jurisdictional
areas; restricting rules promulgation; providing for
travel reimbursement; directing the Department of
Mental Health and Substance Abuse Services to provide
staff for meetings; amending 59 O.S. 2011, Section
1902, which relates to definitions; amending 59 O.S.
2011, Section 1905, which relates to certain duties
and authorities; amending 59 O.S. 2011, Section 1906,
which relates to licenses; amending 59 O.S. 2011,
Section 1907, which relates to examinations; amending
59 O.S. 2011, Section 1908, which relates to license
issuance; amending 59 O.S. 2011, Section 1909, which
relates to licenses by endorsement; amending 59 O.S.

1 2011, Section 1911, which relates to penalties for
2 noncompliance; amending 59 O.S. 2011, Section 1912,
3 which relates to denials and revocations of licenses;
4 amending 59 O.S. 2011, Section 1913.1, which relates
5 to penalties; amending 59 O.S. 2011, Section 1916.1,
6 which relates to statements of professional
7 disclosure; amending 59 O.S. 2011, Section 1917,
8 which relates to specialty designations; amending 59
9 O.S. 2011, Section 1918, as amended by Section 288,
10 Chapter 304, O.S.L. 2012 (59 O.S. Supp. 2012, Section
11 1918), which relates to the Licensed Professional
12 Counselors Revolving Fund; amending 59 O.S. 2011,
13 Section 1919, which relates to licensing and annual
14 renewal fees; amending 59 O.S. 2011, Section 1925.2,
15 which relates to definitions; amending 59 O.S. 2011,
16 Section 1925.5, which relates to duties of the State
17 Board of Health and Commissioner of Health; amending
18 59 O.S. 2011, Section 1925.6, which relates to
19 qualifications and examinations for licensing;
20 amending 59 O.S. 2011, Section 1925.7, which relates
21 to examinations; amending 59 O.S. 2011, Section
22 1925.8, which relates to issuance and renewal of
23 licenses; amending 59 O.S. 2011, Section 1925.9,
24 which relates to reciprocal licenses; amending 59
O.S. 2011, Section 1925.15, which relates to denial
and revocation of licenses; amending 59 O.S. 2011,
Section 1925.17, as amended by Section 289, Chapter
304, O.S.L. 2012 (59 O.S. Supp. 2012, Section
1925.17), which relates to the Licensed Marital and
Family Therapists Revolving Fund; amending 59 O.S.
2011, Section 1925.18, which relates to licensing and
annual renewal fees; amending 59 O.S. 2011, Section
1931, which relates to definitions; amending 59 O.S.
2011, Section 1934, which relates to powers of the
State Board of Health; amending 59 O.S. 2011, Section
1935, which relates to applications for licenses;
amending 59 O.S. 2011, Section 1936, which relates to
examinations; amending 59 O.S. 2011, Section 1937,
which relates to the issuance of licenses; amending
59 O.S. 2011, Section 1938, which relates to license
by endorsement; amending 59 O.S. 2011, Section 1940,
which relates to licensed behavioral practitioners;
amending 59 O.S. 2011, Section 1941, which relates to
denials and revocations of licenses; amending 59 O.S.
2011, Section 1942, which relates to penalties for
rules violations; amending 59 O.S. 2011, Section
1944, which relates to statements of professional

1 disclosure; amending 59 O.S 2011, Section 1945, which
2 relates to professional specialty designation;
3 amending 59 O.S. 2011, Section 1946, as amended by
4 Section 290, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
5 2012, Section 1946), which relates to the Licensed
6 Behavioral Practitioners Revolving Fund; amending 59
7 O.S. 2011, Section 1947, which relates to fees;
8 amending 59 O.S. 2011, Section 1948, which relates to
9 continuing education requirements; amending 59 O.S.
10 2011, Section 1949, which relates to licensing of
11 certain persons; transferring certain authority,
12 powers and responsibilities; deleting certain
13 definitions; making language gender-neutral; renaming
14 certain funds; deleting certain references; repealing
15 59 O.S. 2011, Sections 1904, 1925.4, and 1933;
16 providing for noncodification; providing for
17 codification; and providing an effective date.

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

19 SECTION 1. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 A. All powers, duties, responsibilities, equipment and records
22 of the State Board of Health, the State Department of Health, and
23 the State Commissioner of Health relating exclusively to the
24 regulation of Licensed Professional Counselors, Licensed Marital and
Family Therapists and Licensed Behavioral Practitioners are hereby
transferred and shall be placed under the authority of the
Department of Mental Health and Substance Abuse Services. To the
extent practicable, this shall include all computer hardware and
software used in regulating the functions listed in this subsection.
The State Commissioner of Health, the Commissioner of Mental Health

1 and Substance Abuse Services and the Director of the Office of
2 Management and Enterprise Services may contract for additional legal
3 and administrative services as necessary to effectuate the transfer.

4 B. All unexpended funds, property, furnishings, equipment,
5 supplies, records, personnel and outstanding financial obligations
6 and encumbrances relating to the designated transfer of the Licensed
7 Professional Counselors Act, the Marital and Family Therapist
8 Licensure Act and the Licensed Behavioral Practitioner Act are
9 hereby transferred to the Department of Mental Health and Substance
10 Abuse Services for the continuing performance of duties relating to
11 the Licensed Professional Counselors Act, the Marital and Family
12 Therapist Licensure Act and the Licensed Behavioral Practitioner
13 Act. No funds, property, furnishings, equipment, supplies, records,
14 or personnel may be expended or used for any purpose other than the
15 performance of duties and responsibilities as directed and required
16 in this act.

17 C. All transferred contract personnel and any written contracts
18 or agreements, or portions thereof, relating to any transferred
19 personnel or any right, obligation, responsibility, duty or
20 authority subject to the transfer specified in subsection A of this
21 section shall remain in full force and effect upon transfer.

22 D. The State Board of Health, the State Department of Health,
23 and the State Commissioner of Health shall not enter into any
24 contract or agreement relating to the regulation of Licensed

1 Professional Counselors, Licensed Marital and Family Therapists and
2 Licensed Behavioral Practitioners extending beyond the effective
3 date of the transfer without approval by the Commissioner of Mental
4 Health and Substance Abuse Services and the Office of Management and
5 Enterprise Services.

6 E. All licenses, registrations, certifications and
7 accreditations subject to the transfer provided in subsection A of
8 this section shall remain in full force and effect upon transfer to
9 the Department of Mental Health and Substance Abuse Services.

10 F. The Director of the Office of Management and Enterprise
11 Services is hereby directed to coordinate the transfer of funds,
12 allotments, purchase orders, and outstanding financial obligations
13 and encumbrances relating to the Licensed Professional Counselors
14 Act, the Marital and Family Therapist Licensure Act, and the
15 Licensed Behavioral Practitioner Act subject to transfer pursuant to
16 the provisions of this act.

17 G. Upon the effective date of this legislation, all
18 administrative rules promulgated by the State Board of Health
19 relating to the Licensed Professional Counselors Act, the Marital
20 and Family Therapist Licensure Act and the Licensed Behavioral
21 Practitioner Act shall be transferred to and become a part of the
22 administrative rules of the Department of Mental Health and
23 Substance Abuse Services. The Office of Administrative Rules in the
24 Secretary of State's office shall provide adequate notice in the

1 Oklahoma Register of the transfer of such rules, and shall place the
2 transferred rules under the Administrative Code section of the
3 Department of Mental Health and Substance Abuse Services. Such
4 rules shall continue in full force and effect as rules of the
5 Department of Mental Health and Substance Abuse Services from and
6 after the effective date of this act, and any amendment, repeal or
7 addition to the transferred rules shall be under the jurisdiction of
8 the Department of Mental Health and Substance Abuse Services.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 2-112 of Title 43A, unless there
11 is created a duplication in numbering, reads as follows:

12 A. 1. There is hereby created the Professional Counselors
13 Advisory Committee. Members of the Advisory Committee shall serve
14 at the pleasure of and may be removed from office by the appointing
15 authority. Members shall continue to serve until their successors
16 are appointed. Any vacancy shall be filled in the same manner as
17 the original appointments. Four (4) members shall constitute a
18 quorum.

19 2. The Advisory Committee shall meet at least twice a year, but
20 no more than four (4) times a year and shall elect a chair and a
21 vice-chair from among its members. The Advisory Committee shall
22 only meet as required for:

- 23 a. election of officers,
- 24 b. establishment of meeting dates and times,

- c. rule development,
- d. review and recommendation, and
- e. adoption of nonbinding resolutions to the Department of Mental Health and Substance Abuse Services or the Board of Mental Health and Substance Abuse Services concerning matters brought before the Advisory Committee.

3. Special meetings may be called by the chair or by concurrence of any three (3) members.

B. 1. All members of the Professional Counselors Advisory Committee shall be knowledgeable of counseling issues. The Advisory Committee shall be appointed by the Commissioner of Mental Health and Substance Abuse Services and composed as follows:

- a. two (2) members who are licensed behavioral practitioners,
- b. two (2) members who are licensed professional counselors, and
- c. two (2) members who are licensed family and marital therapists.

2. The jurisdictional areas of the Professional Counselors Advisory Committee shall include professional counseling licensing and practice issues, marital and family therapist licensing and practice issues, behavioral practitioner licensing and practice

1 issues and such other areas as designated by the Board of Mental
2 Health and Substance Abuse Services.

3 C. The Advisory Committee shall not recommend rules for
4 promulgation by the Board of Mental Health and Substance Abuse
5 Services unless all applicable requirements of the Administrative
6 Procedures Act have been followed, including but not limited to
7 notice, rule impact statement and rule-making hearings.

8 D. Members of the Advisory Committee shall serve without
9 compensation but may be reimbursed for expenses incurred in the
10 performance of their duties, as provided in the State Travel
11 Reimbursement Act. The Advisory Committee is authorized to utilize
12 the conference rooms of the Department of Mental Health and
13 Substance Abuse Services and obtain administrative assistance from
14 the Department, as required.

15 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1902, is
16 amended to read as follows:

17 Section 1902. For the purpose of the Licensed Professional
18 Counselors Act:

19 1. "Licensed professional counselor" or "LPC" means any person
20 who offers professional counseling services for compensation to any
21 person and is licensed pursuant to the provisions of the Licensed
22 Professional Counselors Act. The term shall not include those
23 professions exempted by Section 1903 of this title;

24

1 2. "Board" means the ~~State~~ Board of Mental Health and Substance
2 Abuse Services;

3 3. "Department" means the ~~State~~ Department of Mental Health and
4 Substance Abuse Services;

5 4. "Advisory ~~Board~~ Committee" means the ~~Oklahoma Licensed~~
6 Professional Counselors Advisory ~~Board appointed by the Commissioner~~
7 Committee established in Section 2 of this act;

8 5. "Commissioner" means the ~~State~~ Commissioner of Mental Health
9 and Substance Abuse Services;

10 6. "Counseling" means the application of mental health and
11 developmental principles in order to:

12 a. facilitate human development and adjustment throughout
13 the life span,

14 b. prevent, diagnose or treat mental, emotional or
15 behavioral disorders or associated distress which
16 interfere with mental health,

17 c. conduct assessments or diagnoses for the purpose of
18 establishing treatment goals and objectives, and

19 d. plan, implement or evaluate treatment plans using
20 counseling treatment interventions;

21 7. "Counseling treatment interventions" means the application
22 of cognitive, affective, behavioral and systemic counseling
23 strategies which include principles of development, wellness, and
24 pathology that reflect a pluralistic society. Such interventions

1 are specifically implemented in the context of a professional
2 counseling relationship;

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

6 9. "Referral activities" means the evaluating of data to
7 identify problems and to determine the advisability of referral to
8 other specialists;

9 10. "Research activities" means reporting, designing,
10 conducting or consulting on research in counseling;

11 11. "Specialty" means the designation of a subarea of
12 counseling practice that is recognized by a national certification
13 agency or by the Board;

14 12. "Supervisor" means a person who meets the requirements
15 established by the Board and who is licensed pursuant to the
16 Licensed Professional Counselors Act; and

17 13. "Licensed professional counselor candidate" means a person
18 whose application for licensure has been accepted and who is under
19 supervision for licensure as provided in Section 1906 of this title.

20 SECTION 4. AMENDATORY 59 O.S. 2011, Section 1905, is
21 amended to read as follows:

22 Section 1905. A. The ~~State~~ Board of Mental Health and
23 Substance Abuse Services shall, ~~giving regard to the recommendations~~
24 ~~of the Oklahoma Licensed Professional Counselors Advisory Board:~~

1 1. Prescribe, adopt and promulgate rules to implement and
2 enforce the provisions of the Licensed Professional Counselors Act,
3 including the adoption of the Oklahoma State Department of Health
4 rules by reference;

5 2. Adopt and establish rules of professional conduct; and

6 3. Set license and examination fees as required by the Licensed
7 Professional Counselors Act.

8 B. The ~~State~~ Department of Mental Health and Substance Abuse
9 Services shall, ~~giving regard to the recommendations of the Advisory~~
10 ~~Board,~~ have the authority to:

11 1. Seek injunctive relief;

12 2. Request the district attorney to bring an action to enforce
13 the provisions of the Licensed Professional Counselors Act;

14 3. Receive fees and deposit said fees into the Licensed
15 Professional Counselors Revolving Fund as required by the Licensed
16 Professional Counselors Act;

17 4. Issue, renew, revoke, deny, suspend and place on probation
18 licenses to practice professional counseling pursuant to the
19 provisions of the Licensed Professional Counselors Act;

20 5. Examine all qualified applicants for licenses to practice
21 professional counseling;

22 6. Investigate complaints and possible violations of the
23 Licensed Professional Counselors Act;

24

1 7. Accept grants and gifts from various foundations and
2 institutions; and

3 8. Make such expenditures and employ such personnel as the
4 Commissioner may deem necessary for the administration of the
5 Licensed Professional Counselors Act.

6 SECTION 5. AMENDATORY 59 O.S. 2011, Section 1906, is
7 amended to read as follows:

8 Section 1906. A. Applications for a license to practice as a
9 licensed professional counselor shall be made to the ~~State~~
10 Department of Mental Health and Substance Abuse Services in writing.
11 Such applications shall be on a form and in a manner prescribed by
12 the Commissioner of Mental Health and Substance Abuse Services. The
13 application shall be accompanied by the fee required by the Licensed
14 Professional Counselors Act, which shall be retained by the
15 Department and not returned to the applicant.

16 B. Each applicant for a license to practice as a licensed
17 professional counselor shall:

18 1. Be possessed of good moral character;

19 2. Pass an examination based on standards promulgated by the
20 ~~State~~ Board of Mental Health and Substance Abuse Services pursuant
21 to the Licensed Professional Counselors Act;

22 3. Be at least twenty-one (21) years of age;

23

24

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 this title; and

4 5. Otherwise comply with the rules promulgated by the Board
5 pursuant to the provisions of the Licensed Professional Counselors
6 Act.

7 C. In addition to the qualifications specified by the
8 provisions of subsection B of this section, an applicant for a
9 license to practice as a licensed professional counselor shall have:

10 1. Successfully completed at least sixty (60) graduate semester
11 hours (ninety (90) graduate quarter hours) of counseling-related
12 course work. These sixty (60) hours shall include at least a
13 master's degree in a counseling field. All courses and degrees
14 shall be earned from a regionally accredited college or university.
15 The ~~State~~ Board of Mental Health and Substance Abuse Services shall
16 define what course work qualifies as "counseling-related" and what
17 degrees/majors qualify as a "counseling field"; and

18 2. Three (3) years of supervised full-time experience in
19 professional counseling subject to the supervision of a licensed
20 professional counselor pursuant to conditions established by the
21 Board. One (1) or two (2) years of experience may be gained at the
22 rate of one (1) year for each thirty (30) graduate semester hours
23 earned beyond the master's degree, provided that such hours are
24 clearly related to the field of counseling and are acceptable to the

1 Board. The applicant shall have no less than one (1) year of
2 supervised full-time experience in counseling.

3 SECTION 6. AMENDATORY 59 O.S. 2011, Section 1907, is
4 amended to read as follows:

5 Section 1907. A. 1. Examinations shall be held at such times,
6 at such place and in such manner as the Commissioner of Mental
7 Health and Substance Abuse Services directs. An examination shall
8 be held at least annually. The ~~State~~ Department of Mental Health
9 and Substance Abuse Services shall determine the acceptable grade on
10 examinations. The examination shall cover such technical,
11 professional and practical subjects as relate to the practice of
12 professional counseling.

13 2. If an applicant fails to pass the examinations, the
14 applicant may reapply.

15 B. The Commissioner shall preserve answers to any examination,
16 and the applicant's performance on each section, as part of the
17 records of the Department for a period of two (2) years following
18 the date of the examination.

19 SECTION 7. AMENDATORY 59 O.S. 2011, Section 1908, is
20 amended to read as follows:

21 Section 1908. A. An applicant who meets the requirements for
22 licensure pursuant to the provisions of the Licensed Professional
23 Counselors Act, has paid the required license fees and has otherwise
24 complied with the provisions of the Licensed Professional Counselors

1 Act shall be licensed by the ~~State~~ Department of Mental Health and
2 Substance Abuse Services.

3 B. Each initial license issued pursuant to the Licensed
4 Professional Counselors Act shall expire twenty-four (24) months
5 from the date of issuance unless revoked. A license may be renewed
6 annually upon application and payment of fees. The application for
7 renewal shall be accompanied by evidence satisfactory to the
8 Department that the applicant has completed relevant professional or
9 continued educational experience during the previous twenty-four
10 (24) months. Failure to renew a license shall result in forfeiture
11 of the rights and privileges granted by the license. A person whose
12 license has expired may make application within one (1) year
13 following the expiration in writing to the Department requesting
14 reinstatement in a manner prescribed by the Department and payment
15 of the fees required by the provisions of the Licensed Professional
16 Counselors Act. The license of a person whose license has expired
17 for more than one (1) year shall not be reinstated. A person may
18 reapply for a new license as provided in Section 1906 of this title.

19 C. A licensed professional counselor whose license is current
20 and in good standing, who wishes to retire the license, may do so by
21 informing the Department in writing and returning the license to the
22 Office of Licensed Professional Counselors. A license so retired
23 shall not be reinstated but does not prevent a person from applying
24 for a new license at a future date.

1 SECTION 8. AMENDATORY 59 O.S. 2011, Section 1909, is
2 amended to read as follows:

3 Section 1909. The Commissioner of Mental Health and Substance
4 Abuse Services shall have the power to issue a license by
5 endorsement to an applicant licensed in another state to practice as
6 a licensed professional counselor if the Commissioner deems such
7 applicant to have qualifications comparable to those required under
8 the Licensed Professional Counselors Act and if the Commissioner
9 finds the applicant meets the standards, provided by rules, for
10 license by endorsement.

11 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1911, is
12 amended to read as follows:

13 Section 1911. A. Any person who:

14 1. Represents himself or herself by the title "Licensed
15 Professional Counselor" or "LPC" without having first complied with
16 the provisions of the Licensed Professional Counselors Act;

17 2. Otherwise offers to perform counseling services;

18 3. Uses the title of Licensed Professional Counselor or any
19 other name, style or description denoting that the person is
20 licensed as a licensed professional counselor; or

21 4. Practices counseling,

22 upon conviction thereof, shall be guilty of a misdemeanor and shall
23 be punished by imposition of a fine of not less than One Hundred
24 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for

1 each offense and in addition may be imprisoned for a term not to
2 exceed six (6) months in the county jail or by both such fine and
3 imprisonment.

4 B. It shall be unlawful for any person who is not licensed or
5 supervised pursuant to or specifically exempt from the provisions of
6 the Licensed Professional Counselors Act to:

- 7 1. Advertise or otherwise offer to perform counseling services;
- 8 2. Use the title of Licensed Professional Counselor or any
9 other name, style or description denoting that the person is
10 licensed as a licensed professional counselor; or
- 11 3. Practice counseling.

12 Such actions shall be subject to injunctive action by the
13 Commissioner of Mental Health and Substance Abuse Services.

14 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1912, is
15 amended to read as follows:

16 Section 1912. A. The ~~State~~ Department of Mental Health and
17 Substance Abuse Services may deny, revoke, suspend or place on
18 probation any license or specialty designation issued pursuant to
19 the provisions of the Licensed Professional Counselors Act to a
20 licensed professional counselor, if the person has:

- 21 1. Been convicted of a felony;
- 22 2. Been convicted of a misdemeanor determined to be of such a
23 nature as to render the person convicted unfit to practice
24 counseling;

1 3. Engaged in fraud or deceit in connection with services
2 rendered or in establishing needed qualifications pursuant to the
3 provisions of this act;

4 4. Knowingly aided or abetted a person not licensed pursuant to
5 these provisions in representing himself as a licensed professional
6 counselor in this state;

7 5. Engaged in unprofessional conduct as defined by the rules
8 established by the Board;

9 6. Engaged in negligence or wrongful actions in the performance
10 of his or her duties; or

11 7. Misrepresented any information required in obtaining a
12 license.

13 B. If the Department determines that a felony conviction of an
14 applicant renders the convicted applicant unfit to practice
15 counseling, the Commissioner shall provide notice and opportunity to
16 the applicant, by certified mail at the last-known address, for an
17 administrative hearing to contest such determination before the
18 Department may deny the application. The request shall be made by
19 the applicant within fifteen (15) days of receipt of the notice.

20 C. No license or specialty designation shall be suspended or
21 revoked, nor a licensed professional counselor placed on probation
22 until notice is served upon the licensed professional counselor and
23 a hearing is held in conformity with Article II of the
24 Administrative Procedures Act.

1 SECTION 11. AMENDATORY 59 O.S. 2011, Section 1913.1, is
2 amended to read as follows:

3 Section 1913.1. A. The ~~State~~ Board of Mental Health and
4 Substance Abuse Services shall promulgate rules governing any
5 licensure action to be taken pursuant to the Licensed Professional
6 Counselors Act which shall be consistent with the requirements of
7 notice and hearing under the Administrative Procedures Act. No
8 action shall be taken without prior notice unless the ~~State~~
9 Commissioner of Mental Health and Substance Abuse Services
10 determines that there exists a threat to the health and safety of
11 the residents of Oklahoma.

12 B. 1. Any person who is determined by the ~~State~~ Department of
13 Mental Health and Substance Abuse Services to have violated any
14 provision of the Licensed Professional Counselors Act, or any rule
15 promulgated or order issued pursuant thereto, may be subject to an
16 administrative penalty.

17 2. The maximum administrative penalty shall not exceed Ten
18 Thousand Dollars (\$10,000.00).

19 3. Administrative penalties imposed pursuant to this subsection
20 shall be enforceable in the district courts of this state.

21 4. All administrative penalties collected shall be deposited
22 into the Licensed Professional Counselors Revolving Fund.

23 SECTION 12. AMENDATORY 59 O.S. 2011, Section 1916.1, is
24 amended to read as follows:

1 Section 1916.1. All licensed professional counselors, except
2 those employed by federal, state, or local governmental agencies,
3 shall, prior to the performance of service, furnish the client with
4 a copy of the Statement of Professional Disclosure as promulgated by
5 rule of the ~~State~~ Board of Mental Health and Substance Abuse
6 Services. A current copy shall be on file with the ~~State~~ Department
7 of Mental Health and Substance Abuse Services at all times.

8 SECTION 13. AMENDATORY 59 O.S. 2011, Section 1917, is
9 amended to read as follows:

10 Section 1917. A. A professional specialty designation area may
11 be established by the ~~State~~ Department of Mental Health and
12 Substance Abuse Services upon receipt of a petition signed by
13 fifteen qualified persons who are currently licensed as licensed
14 professional counselors, and who meet the recognized minimum
15 standards as established by appropriate nationally recognized
16 certification agencies; provided, if a nationally recognized
17 certification does not exist, the Department may establish minimum
18 standards for specialty designations.

19 B. Upon receipt of credentials from the appropriate
20 certification agency, the Department may grant the licensed
21 professional counselor the appropriate specialty designation. The
22 licensed professional counselor may attain specialty designation
23 through examination. A licensed professional counselor shall not
24 claim or advertise a counseling specialty and shall not incorporate

1 the specialty designation into the professional title of such
2 licensed professional counselor, unless the qualifications and
3 certification requirements of that specialty have been met and have
4 been approved by the Department and the appropriate certification
5 agency.

6 SECTION 14. AMENDATORY 59 O.S. 2011, Section 1918, as
7 amended by Section 288, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
8 2012, Section 1918), is amended to read as follows:

9 Section 1918. There is hereby created in the State Treasury a
10 revolving fund for the ~~Oklahoma Board of Licensed Professional~~
11 ~~Counselors~~ Department of Mental Health and Substance Abuse Services,
12 to be designated the "Licensed Professional Counselors Revolving
13 Fund". The fund shall be a continuing fund, not subject to fiscal
14 year limitations, and shall consist of all monies received pursuant
15 to this act. All monies accruing to the credit of said fund are
16 hereby appropriated and may be budgeted and expended by the ~~State~~
17 ~~Department of Health~~ to meet expenses necessary for carrying out the
18 purpose of the Licensed Professional Counselors Act. Expenditures
19 from said fund shall be approved by the Commissioner and shall be
20 made upon warrants issued by the State Treasurer against claims
21 filed as prescribed by law with the Director of the Office of
22 Management and Enterprise Services for approval and payment.

23 SECTION 15. AMENDATORY 59 O.S. 2011, Section 1919, is
24 amended to read as follows:

1 Section 1919. A. The licensing fee and the annual renewal fee
2 shall be amounts fixed by the ~~State~~ Board of Mental Health and
3 Substance Abuse Services upon recommendations of the Oklahoma
4 Licensed Professional Counselors Advisory Board.

5 B. The Board shall fix the amount of the fees so that the total
6 fees collected will be sufficient to meet the expenses of
7 administering the provisions of the Licensed Professional Counselors
8 Act and so that there are no unnecessary surpluses in the Licensed
9 Professional Counselors Revolving Fund.

10 C. The Board shall not fix a license fee at an amount in excess
11 of Three Hundred Dollars (\$300.00) and a renewal fee at an amount in
12 excess of Two Hundred Dollars (\$200.00).

13 D. 1. The fee for the issuance of a license to replace a
14 license which was lost, destroyed or mutilated shall be Twenty-five
15 Dollars (\$25.00).

16 2. The fee shall accompany the application for a replacement
17 license.

18 3. The fee for specialty designation shall not exceed One
19 Hundred Fifty Dollars (\$150.00).

20 4. The fee for an examination required pursuant to the Licensed
21 Professional Counselors Act shall not exceed the Department's actual
22 costs for holding and grading the examination.

23 SECTION 16. AMENDATORY 59 O.S. 2011, Section 1925.2, is
24 amended to read as follows:

1 Section 1925.2. For purposes of the Marital and Family
2 Therapist Licensure Act:

3 1. "Advertise" means, but is not limited to, the issuing or
4 causing to be distributed any card, sign, or device to any person;
5 or the causing, permitting or allowing any sign or marking on or in
6 any building or structure, or in any newspaper or magazine or in any
7 directory, or on radio or television, or by advertising by any other
8 means designed to secure public attention;

9 2. "Board" means the ~~State~~ Board of Mental Health and Substance
10 Abuse Services;

11 3. "Commissioner" means the ~~State~~ Commissioner of Mental Health
12 and Substance Abuse Services;

13 4. "Advisory ~~Board~~ Committee" means the ~~Oklahoma Licensed~~
14 ~~Marital and Family Therapist Advisory Board appointed by the State~~
15 ~~Board of Health~~ Professional Counselors Advisory Committee
16 established in Section 2 of this act;

17 5. "Department" means the ~~State~~ Department of Mental Health and
18 Substance Abuse Services;

19 6. "Licensed marital and family therapist" means a person
20 holding a current license issued pursuant to the provisions of the
21 Marital and Family Therapist Licensure Act;

22 7. "Marital and family therapy" means the assessment, diagnosis
23 and treatment of disorders, whether cognitive, affective, or
24 behavioral, within the context of marital and family systems.

1 Marital and family therapy involves the professional application of
2 family systems theories and techniques in the delivery of services
3 to individuals, marital pairs, and families for the purpose of
4 treating such disorders;

5 8. "Person" means any individual, firm, corporation,
6 partnership, organization or body politic;

7 9. "Practice of marital and family therapy" means the rendering
8 of professional marital and family therapy services to individuals,
9 family groups and marital pairs, singly or in groups, whether such
10 services are offered directly to the general public or through
11 organizations either public or private, for a fee, monetary or
12 otherwise;

13 10. "Recognized educational institution" means a regionally
14 accredited college or university recognized by the United States
15 Department of Education;

16 11. "Use a title or description of" means to hold oneself out
17 to the public as having a particular status by means of stating on
18 signs, mailboxes, address plates, stationery, announcements, calling
19 cards or other instruments of professional identification; and

20 12. "Licensed marital and family therapist candidate" means a
21 person whose application for licensure has been accepted and who is
22 under supervision for licensure as set forth in Section 1925.6 of
23 this title.

24

1 SECTION 17. AMENDATORY 59 O.S. 2011, Section 1925.5, is
2 amended to read as follows:

3 Section 1925.5. A. The ~~State~~ Board of Mental Health, ~~giving~~
4 ~~regard to the recommendations of the Oklahoma Licensed Marital and~~
5 ~~Family Therapist Advisory Board~~, and Substance Abuse Services shall:

6 1. Prescribe, adopt and promulgate rules to implement and
7 enforce the provisions of the Marital and Family Therapist Licensure
8 Act;

9 2. Set license and examination fees as required by the Marital
10 and Family Therapist Licensure Act, including the adoption of the
11 State Department of Health rules by reference; and

12 3. Adopt and establish rules of professional conduct.

13 B. The Department shall have the authority to:

14 1. Seek injunctive relief;

15 2. Receive fees and deposit said fees into the Licensed Marital
16 and Family Therapist Revolving Fund as required by the Marital and
17 Family Therapist Licensure Act;

18 3. Issue, renew, revoke, deny, suspend and place on probation
19 licenses to practice marital and family therapy pursuant to the
20 provisions of the Marital and Family Therapist Licensure Act;

21 4. Examine all qualified applicants for licenses to practice
22 marital and family therapy;

23 5. Accept grants and gifts from various foundations and
24 institutions;

1 6. Make such expenditures and employ such personnel as the
2 Commissioner may deem necessary for the administration of the
3 Marital and Family Therapist Licensure Act;

4 7. Request the district attorney to bring an action to enforce
5 the provisions of the Marital and Family Therapist Licensure Act;
6 and

7 8. Investigate complaints and possible violations of the
8 Marital and Family Therapist Licensure Act.

9 SECTION 18. AMENDATORY 59 O.S. 2011, Section 1925.6, is
10 amended to read as follows:

11 Section 1925.6. A. Applications for a license to practice as a
12 licensed marital and family therapist shall be made to the ~~State~~
13 Department of Mental Health and Substance Abuse Services in writing.
14 Such applications shall be on a form and in a manner prescribed by
15 the Commissioner of Mental Health and Substance Abuse Services. The
16 application shall be accompanied by the fee required by Section
17 1925.18 of this title which shall be retained by the ~~State~~
18 Department of Mental Health and Substance Abuse Services and not
19 returned to the applicant.

20 B. Each applicant for a license to practice as a licensed
21 marital and family therapist shall:

- 22 1. Be possessed of good moral character;
- 23 2. Be at least twenty-one (21) years of age;

1 3. Not have engaged in, nor be engaged in, any practice or
2 conduct which would be a grounds for revoking, suspending or placing
3 on probation a license under Section 1925.15 of this title; and

4 4. Otherwise comply with the rules and regulations promulgated
5 by the Board pursuant to the provisions of the Marital and Family
6 Therapist Licensure Act.

7 C. In addition to the qualifications specified by the
8 provisions of subsection B of this section any person applying for a
9 license after September 1, 1991, to practice as a licensed marital
10 and family therapist shall have the following educational and
11 experience qualifications:

12 1. A master's degree or a doctoral degree in marital and family
13 therapy, or a content-equivalent degree as defined by the Board~~;~~;

14 2. Successful completion of two (2) calendar years of work
15 experience in marital and family therapy following receipt of a
16 qualifying degree, under supervision in accordance with standards
17 established by the Board~~;~~ and

18 3. An applicant applying for a license after September 1, 1991,
19 shall also be required to pass a written or oral examination or both
20 written and oral examination administered by the Board if, at the
21 discretion of the Department, such examination is deemed necessary
22 in order to determine the applicant's qualifications for the
23 practice of marital and family therapy.

1 SECTION 19. AMENDATORY 59 O.S. 2011, Section 1925.7, is
2 amended to read as follows:

3 Section 1925.7. A. Examinations shall be held at such times,
4 at such place and in such manner as the ~~State~~ Department of Mental
5 Health and Substance Abuse Services directs. An examination shall
6 be held at least annually. Examinations may be written or oral or
7 both written and oral. In any written examination each applicant
8 shall be designated so that such applicant's name shall not be
9 disclosed to the Department until the examinations have been graded.
10 Examinations shall include questions in such theoretical and applied
11 fields as the Department deems most suitable to test an applicant's
12 knowledge and competence to engage in the practice of marital and
13 family therapy.

14 B. The Department shall determine the acceptable grade on
15 examinations. If an applicant fails to pass the examinations, the
16 applicant may reapply.

17 C. The Department shall preserve answers to any examination,
18 and the applicant's performance on each section, as part of the
19 records of the Department for a period of two (2) years following
20 the date of the examination.

21 SECTION 20. AMENDATORY 59 O.S. 2011, Section 1925.8, is
22 amended to read as follows:

23 Section 1925.8. A. An applicant who meets the requirements for
24 licensure required by the provisions of the Marital and Family

1 Therapist Licensure Act, has paid the required license fees and has
2 otherwise complied with the provisions of the Marital and Family
3 Therapist Licensure Act, shall be licensed by the Department.

4 B. Each initial license issued pursuant to the Marital and
5 Family Therapist Licensure Act shall expire twenty-four (24) months
6 from the date of issuance. A license may be renewed annually upon
7 application and payment of fees. Failure to timely renew a license
8 shall result in expiration of the license and forfeiture of the
9 rights and privileges granted by the license. A person whose
10 license has expired may within one (1) year following the expiration
11 request reinstatement in a manner prescribed by the ~~State~~ Board of
12 Mental Health and Substance Abuse Services. The license of a person
13 whose license has expired pursuant to this section for more than one
14 (1) year shall not be reinstated.

15 SECTION 21. AMENDATORY 59 O.S. 2011, Section 1925.9, is
16 amended to read as follows:

17 Section 1925.9. The Commissioner of Mental Health and Substance
18 Abuse Services shall have the power to issue, upon application and
19 payment of fees, a license by endorsement for an applicant licensed
20 in another state to practice as a licensed marital and family
21 therapist if the Commissioner deems such applicant to have
22 qualifications equivalent to or which exceed those required pursuant
23 to the provisions of the Marital and Family Therapist Licensure Act
24

1 and if the Commissioner finds the applicant meets the standards,
2 provided by rule, for license by endorsement.

3 SECTION 22. AMENDATORY 59 O.S. 2011, Section 1925.15, is
4 amended to read as follows:

5 Section 1925.15. A. The ~~State~~ Department of Mental Health and
6 Substance Abuse Services may deny, revoke, suspend or place on
7 probation any license issued subject to the provisions of the
8 Marital and Family Therapist Licensure Act, if the person has:

9 1. Been convicted of a felony;

10 2. Been convicted of a crime the Commissioner determines after
11 a hearing to be of such a nature as to render the person convicted
12 unfit to practice marital and family therapy;

13 3. Violated ethical standards of such a nature as to render the
14 person found by the Commissioner to have engaged in such violation
15 unfit to practice marital and family therapy;

16 4. Misrepresented any information required in obtaining a
17 license;

18 5. Engaged in fraud or deceit in connection with services
19 rendered or in establishing needed qualifications pursuant to the
20 provisions of the Marital and Family Therapist Licensure Act;

21 6. Knowingly aided or abetted a person not licensed pursuant to
22 these provisions in representing himself or herself as a licensed
23 marital and family therapist in this state;

24

1 7. Engaged in unprofessional conduct as defined by the rules
2 promulgated by the ~~State~~ Board of Mental Health and Substance Abuse
3 Services; or

4 8. Engaged in negligence or wrongful actions in the performance
5 of the duties of such person.

6 B. If the Department determines that a felony conviction of an
7 applicant renders the convicted applicant unfit to practice
8 counseling, the Commissioner shall provide notice and opportunity to
9 the applicant, by certified mail at the last-known address, for an
10 administrative hearing to contest such determination before the
11 Department may deny the application. The request shall be made by
12 the applicant within fifteen (15) days of receipt of the notice.

13 C. No license shall be suspended, revoked or placed on
14 probation until notice is served upon the licensed marital and
15 family therapist and a hearing is held in such manner as is required
16 by the Marital and Family Therapist Licensure Act.

17 D. Any person who is determined by the Department to have
18 violated any of the provisions of the Marital and Family Therapist
19 Licensure Act or any rule promulgated or order issued pursuant
20 thereto may be subject to an administrative penalty. The maximum
21 fine shall not exceed Ten Thousand Dollars (\$10,000.00). All
22 administrative penalties collected pursuant to the Marital and
23 Family Therapist Licensure Act shall be deposited into the Licensed
24 Marital and Family Therapist Revolving Fund. Administrative

1 penalties imposed pursuant to this subsection shall be enforceable
2 in the district courts of this state.

3 SECTION 23. AMENDATORY 59 O.S. 2011, Section 1925.17, as
4 amended by Section 289, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
5 2012, Section 1925.17), is amended to read as follows:

6 Section 1925.17. There is hereby created in the State Treasury
7 a revolving fund for the ~~State~~ Department of Mental Health and
8 Substance Abuse Services, to be designated the "Licensed Marital and
9 Family Therapist Revolving Fund". The fund shall be a continuing
10 fund, not subject to fiscal year limitations, and shall consist of
11 all monies received pursuant to the provisions of the Marital and
12 Family Therapist Licensure Act. All monies accruing to the credit
13 of said fund are hereby appropriated and may be budgeted and
14 expended by the ~~State Department of Health~~ to meet expenses
15 necessary for carrying out the purpose of the Marital and Family
16 Therapist Licensure Act. Expenditures from said fund shall be
17 approved by the Commissioner and shall be made upon warrants issued
18 by the State Treasurer against claims filed as prescribed by law
19 with the Director of the Office of Management and Enterprise
20 Services for approval and payment.

21 SECTION 24. AMENDATORY 59 O.S. 2011, Section 1925.18, is
22 amended to read as follows:

23 Section 1925.18. A. The licensing fee and the annual renewal
24 fee shall be amounts fixed by the ~~State~~ Board of Mental Health and

1 ~~Substance Abuse Services upon recommendations of the Licensed~~
2 ~~Marital and Family Therapist Advisory Board.~~

3 B. 1. The Board shall fix the amount of the fees so that the
4 total fees collected will be sufficient to meet the expenses of
5 administering the provisions of the Marital and Family Therapist
6 Licensure Act and so that there are no unnecessary surpluses in the
7 Licensed Marital and Family Therapist Revolving Fund.

8 2. The Board shall not fix a license fee at an amount in excess
9 of Three Hundred Dollars (\$300.00) and a renewal fee at an amount in
10 excess of Two Hundred Dollars (\$200.00).

11 3. The fee for the issuance of a license to replace a license
12 which was lost, destroyed or mutilated shall be Twenty-five Dollars
13 (\$25.00).

14 4. The fee shall accompany the application for a replacement
15 license.

16 5. The fee for an examination required pursuant to the Marital
17 and Family Therapist Licensure Act shall not exceed the actual costs
18 incurred by the Department for holding and grading the examinations.

19 SECTION 25. AMENDATORY 59 O.S. 2011, Section 1931, is
20 amended to read as follows:

21 Section 1931. For the purpose of the Licensed Behavioral
22 Practitioner Act:

23 1. "~~Advisory Board~~ Committee" means the ~~Oklahoma Licensed~~
24 ~~Behavioral Practitioners Advisory Board appointed by the State~~

1 ~~Commissioner of Health~~ Professional Counselors Advisory Committee
2 established in Section 2 of this act;

3 2. "Behavioral health services" means the application of the
4 scientific components of psychological and mental health principles
5 in order to:

- 6 a. facilitate human development and adjustment throughout
7 the life span,
- 8 b. prevent, diagnose, or treat mental, emotional, or
9 behavioral disorders or associated distress which
10 interfere with mental health,
- 11 c. conduct assessments or diagnoses for the purpose of
12 establishing treatment goals and objectives, and
- 13 d. plan, implement, or evaluate treatment plans using
14 behavioral treatment interventions;

15 3. "Behavioral treatment interventions" means the application
16 of empirically validated treatment modalities, including, but not
17 limited to, operant and classical conditioning techniques,
18 adherence/compliance methods, habit reversal procedures, cognitive
19 behavior therapy, biofeedback procedures and parent training. Such
20 interventions are specifically implemented in the context of a
21 professional therapeutic relationship;

22 4. "Board" means the ~~State~~ Board of Mental Health and Substance
23 Abuse Services;

1 5. "Commissioner" means the Commissioner of Mental Health and
2 Substance Abuse Services;

3 6. "Consulting" means interpreting or reporting scientific fact
4 or theory in behavioral health to provide assistance in solving
5 current or potential problems of individuals, groups, or
6 organizations;

7 7. "Department" means the ~~State~~ Department of Mental Health and
8 Substance Abuse Services;

9 8. "Licensed behavioral practitioner" or "LBP" means any person
10 who offers professional behavioral health services to any person and
11 is licensed pursuant to the provisions of the Licensed Behavioral
12 Practitioner Act. The term shall not include those professions
13 exempted by Section 1932 of this title;

14 9. "Licensed behavioral practitioner candidate" means a person
15 whose application for licensure has been accepted and who is under
16 supervision for licensure as provided in Section 1935 of this title;

17 10. "Referral activities" means the evaluating of data to
18 identify problems and to determine the advisability of referral to
19 other specialists;

20 11. "Research activities" means reporting, designing,
21 conducting, or consulting on research in behavioral health services;

22 12. "Specialty" means the designation of a subarea of
23 behavioral practice that is recognized by a national certification
24 agency or by the Board; and

1 13. "Supervisor" means a person who meets the requirements
2 established by the Board.

3 SECTION 26. AMENDATORY 59 O.S. 2011, Section 1934, is
4 amended to read as follows:

5 Section 1934. A. The ~~State~~ Board of Mental Health and
6 Substance Abuse Services shall, ~~giving regard to the recommendations~~
7 ~~of the Oklahoma Licensed Behavioral Practitioners Advisory Board:~~

8 1. Prescribe, adopt, and promulgate rules to implement and
9 enforce the provisions of the Licensed Behavioral Practitioner Act,
10 including the adoption of Oklahoma State Department of Health rules
11 by reference;

12 2. Adopt and establish rules of professional conduct; and

13 3. Set license and examination fees as required by the Licensed
14 Behavioral Practitioner Act.

15 B. The ~~State~~ Department of Mental Health and Substance Abuse
16 Services shall, ~~giving regard to the recommendations of the Advisory~~
17 ~~Board,~~ have the authority to:

18 1. Seek injunctive relief;

19 2. Request the district attorney to bring an action to enforce
20 the provisions of the Licensed Behavioral Practitioner Act;

21 3. Receive fees and deposit the fees into the Licensed
22 Behavioral Practitioners Revolving Fund as required by the Licensed
23 Behavioral Practitioner Act;

24

1 4. Issue, renew, revoke, deny, suspend and place on probation
2 licenses to practice behavioral health pursuant to the provisions of
3 the Licensed Behavioral Practitioner Act;

4 5. Examine all qualified applicants for licenses to practice
5 behavioral health;

6 6. Investigate complaints and possible violations of the
7 Licensed Behavioral Practitioner Act;

8 7. Accept grants and gifts from various foundations and
9 institutions; and

10 8. Make such expenditures and employ such personnel as the
11 Commissioner may deem necessary for the administration of the
12 Licensed Behavioral Practitioner Act.

13 SECTION 27. AMENDATORY 59 O.S. 2011, Section 1935, is
14 amended to read as follows:

15 Section 1935. A. Applications for a license to practice as a
16 licensed behavioral practitioner shall be made to the ~~State~~
17 Department of Mental Health and Substance Abuse Services in writing.
18 Such applications shall be on a form and in a manner prescribed by
19 the State Commissioner of Health. The application shall be
20 accompanied by the fee required by the Licensed Behavioral
21 Practitioner Act, which shall be retained by the State Department of
22 Health and not returned to the applicant.

23 B. Each applicant for a license to practice as a licensed
24 behavioral practitioner shall:

- 1 1. Be possessed of good moral character;
- 2 2. Pass an examination based on standards promulgated by the
- 3 ~~State~~ Board of Mental Health and Substance Abuse Services pursuant
- 4 to the Licensed Behavioral Practitioner Act;
- 5 3. Be at least twenty-one (21) years of age;
- 6 4. Not have engaged in, nor be engaged in, any practice or
- 7 conduct which would be grounds for denying, revoking, or suspending
- 8 a license pursuant to the Licensed Behavioral Practitioner Act; and
- 9 5. Otherwise comply with the rules promulgated by the Board
- 10 pursuant to the provisions of the Licensed Behavioral Practitioner
- 11 Act.

12 C. In addition to the qualifications specified by the

13 provisions of subsection B of this section, an applicant for a

14 license to practice as a licensed behavioral practitioner shall

15 have:

16 1. Successfully completed at least forty-five (45) graduate

17 semester hours (sixty (60) graduate quarter hours) of behavioral

18 science-related course work. These forty-five (45) hours shall

19 include at least a master's degree from a program in psychology.

20 All course work and degrees shall be earned from a regionally

21 accredited college or university. The ~~State Board of Health~~ shall

22 define what course work qualifies as "behavioral science-related";

23 2. On or after January 1, 2008, successfully completed at least

24 sixty (60) graduate semester hours (ninety (90) graduate quarter

1 hours) of behavioral science-related course work. These sixty (60)
2 hours shall include at least a master's degree from a program in
3 psychology. All courses shall be earned from a regionally
4 accredited college or university.

5 The Board shall define what course work qualifies as "behavioral
6 science-related"; and

7 3. Three (3) years of supervised full-time experience in
8 professional behavioral health services subject to the supervision
9 of a licensed mental health professional pursuant to conditions
10 established by the Board. One (1) or two (2) years of experience
11 may be gained at the rate of one (1) year for each thirty (30)
12 graduate semester hours earned beyond the master's degree, provided
13 that such hours are clearly related to the field of psychology or
14 behavioral sciences and are acceptable to the Board. The applicant
15 shall have no less than one (1) year of supervised full-time
16 experience in behavioral science.

17 SECTION 28. AMENDATORY 59 O.S. 2011, Section 1936, is
18 amended to read as follows:

19 Section 1936. A. Examinations for licensure shall be held at
20 such times, at such place, and in such manner as the Commissioner of
21 Mental Health and Substance Abuse Services directs. The examination
22 shall be held at least annually. The ~~State~~ Department of Mental
23 Health and Substance Abuse Services shall determine the acceptable
24 grade on examinations. The examination shall cover such technical,

1 professional, and practical subjects as relate to the practice of
2 behavioral science. If an applicant fails to pass the examination,
3 the applicant may reapply.

4 B. The Commissioner shall preserve answers to any examination,
5 and the applicant's performance on each section, for a period of two
6 (2) years following the date of the examination.

7 SECTION 29. AMENDATORY 59 O.S. 2011, Section 1937, is
8 amended to read as follows:

9 Section 1937. A. An applicant who meets the requirements for
10 licensure pursuant to the provisions of the Licensed Behavioral
11 Practitioner Act, has paid the required license fees, and has
12 otherwise complied with the provisions of the Licensed Behavioral
13 Practitioner Act shall be licensed by the ~~State~~ Department of Mental
14 Health and Substance Abuse Services.

15 B. Each initial license issued pursuant to the Licensed
16 Behavioral Practitioner Act shall expire twenty-four (24) months
17 from the date of issuance unless revoked. A license may be renewed
18 upon application and payment of fees. The application for renewal
19 shall be accompanied by evidence satisfactory to the Department that
20 the licensed behavioral practitioner has completed relevant
21 professional or continued educational experience during the previous
22 twenty-four (24) months. Failure to renew a license shall result in
23 forfeiture of the rights and privileges granted by the license. A
24 person whose license has expired may make application within one (1)

1 year following the expiration in writing to the Department
2 requesting reinstatement in a manner prescribed by the Department
3 and payment of the fees required by the provisions of Licensed
4 Behavioral Practitioner Act. The license of a person whose license
5 has expired for more than one (1) year shall not be reinstated. A
6 person may apply for a new license as provided in Section 1935 of
7 this title.

8 C. A licensed behavioral practitioner whose license is current
9 and in good standing, who wishes to retire the license, may do so by
10 informing the Department in writing and returning the license to the
11 Department. A license so retired shall not be reinstated but
12 retirement of the license shall preclude a person from applying for
13 a new license at a future date.

14 SECTION 30. AMENDATORY 59 O.S. 2011, Section 1938, is
15 amended to read as follows:

16 Section 1938. The Commissioner of Mental Health and Substance
17 Abuse Services shall have the power to issue a license by
18 endorsement for an applicant licensed in another state to practice
19 as a behavioral practitioner or under similar title if the
20 Commissioner deems such applicant to have qualifications comparable
21 to those required under the Licensed Behavioral Practitioner Act and
22 if the Commissioner finds the applicant meets the standards,
23 provided by rule, for license by endorsement.

24

1 SECTION 31. AMENDATORY 59 O.S. 2011, Section 1940, is
2 amended to read as follows:

3 Section 1940. A. Any person who represents himself or herself
4 by the title "Licensed Behavioral Practitioner" or "LBP" without
5 having first complied with the provisions of the Licensed Behavioral
6 Practitioner Act, or who otherwise offers to perform behavioral
7 health services, or who uses the title of Licensed Behavioral
8 Practitioner or any other name, style, or description denoting that
9 the person is licensed as a behavioral practitioner, or who
10 practices behavioral science, upon conviction thereof, shall be
11 guilty of a misdemeanor and shall be punished by imposition of a
12 fine of not less than One Hundred Dollars (\$100.00) nor more than
13 Five Hundred Dollars (\$500.00) for each offense and in addition may
14 be imprisoned for a term not to exceed six (6) months in the county
15 jail or by both such fine and imprisonment.

16 B. It shall be unlawful for any person not licensed or
17 supervised pursuant to or specifically exempt from the Licensed
18 Behavioral Practitioner Act to advertise or otherwise offer to
19 perform behavioral health services or to use the title of Licensed
20 Behavioral Practitioner or any other name, style, or description
21 denoting that the person is licensed as a licensed behavioral
22 practitioner, or to practice behavioral science. Such action shall
23 be subject to injunctive action by the ~~State~~ Commissioner of Mental
24 Health and Substance Abuse Services.

1 SECTION 32. AMENDATORY 59 O.S. 2011, Section 1941, is
2 amended to read as follows:

3 Section 1941. A. The ~~State~~ Department of Mental Health and
4 Substance Abuse Services may deny, revoke, suspend, or place on
5 probation any license or specialty designation issued pursuant to
6 the provisions of the Licensed Behavioral Practitioner Act to a
7 licensed behavioral practitioner, if the person has:

8 1. Been convicted of a felony;
9 2. Been convicted of a misdemeanor determined to be of such a
10 nature as to render the person convicted unfit to practice
11 behavioral health;

12 3. Engaged in fraud or deceit in connection with services
13 rendered or in establishing needed qualifications pursuant to the
14 provisions of this act;

15 4. Knowingly aided or abetted a person not licensed pursuant to
16 these provisions in representing himself or herself as a licensed
17 behavioral practitioner in this state;

18 5. Engaged in unprofessional conduct as defined by the rules
19 established by the ~~State~~ Board of Mental Health and Substance Abuse
20 Services;

21 6. Engaged in negligence or wrongful actions in the performance
22 of the licensee's duties; or

23 7. Misrepresented any information required in obtaining a
24 license.

1 B. If the Department determines that a felony conviction of an
2 applicant renders the convicted applicant unfit to practice
3 counseling, the Commissioner shall provide notice and opportunity to
4 the applicant, by certified mail at the last-known address, for an
5 administrative hearing to contest such determination before the
6 Department may deny the application. The request shall be made by
7 the applicant within fifteen (15) days of receipt of the notice.

8 C. No license or specialty designation shall be suspended or
9 revoked, nor a licensed behavioral practitioner placed on probation,
10 until notice is served upon the licensed behavioral practitioner and
11 a hearing is held in conformity with Article II of the
12 Administrative Procedures Act.

13 SECTION 33. AMENDATORY 59 O.S. 2011, Section 1942, is
14 amended to read as follows:

15 Section 1942. A. The ~~State~~ Board of Mental Health and
16 Substance Abuse Services shall promulgate rules governing any
17 licensure action to be taken pursuant to the Licensed Behavioral
18 Practitioner Act which shall be consistent with the requirements of
19 notice and hearing under the Administrative Procedures Act. No
20 action shall be taken without prior notice unless the ~~State~~
21 Commissioner of Mental Health and Substance Abuse Services
22 determines that there exists a threat to the health and safety of
23 the residents of this state.

24

1 B. 1. Any person who is determined by the ~~State~~ Department of
2 Mental Health and Substance Abuse Services to have violated any
3 provision of the Licensed Behavioral Practitioner Act, or any rule
4 promulgated or order issued pursuant thereto, may be subject to an
5 administrative penalty.

6 2. The maximum administrative penalty shall not exceed Ten
7 Thousand Dollars (\$10,000.00).

8 3. Administrative penalties imposed pursuant to this subsection
9 shall be enforceable in the district courts of this state.

10 4. All administrative penalties collected shall be deposited
11 into the Licensed Behavioral Practitioner Revolving Fund.

12 SECTION 34. AMENDATORY 59 O.S. 2011, Section 1944, is
13 amended to read as follows:

14 Section 1944. All licensed behavioral practitioners, except
15 those employed by federal, state, or local governmental agencies,
16 shall, prior to the performance of service, furnish the client with
17 a copy of the Statement of Professional Disclosure as promulgated by
18 rule of the ~~State~~ Board of Mental Health and Substance Abuse
19 Services. A current copy of the document shall be on file with the
20 Department of Mental Health and Substance Abuse Services at all
21 times.

22 SECTION 35. AMENDATORY 59 O.S. 2011, Section 1945, is
23 amended to read as follows:

1 Section 1945. A. A professional specialty designation area may
2 be established by the ~~State~~ Department of Mental Health and
3 Substance Abuse Services upon receipt of a petition signed by
4 fifteen qualified persons who are currently licensed as licensed
5 behavioral practitioners, who have acquired at least sixty (60)
6 semester hours, to increase to seventy-five (75) semester hours on
7 and after January 1, 2008, of graduate credit in behavioral science
8 or psychology-related course work from a regionally accredited
9 college or university, and who meet the recognized minimum standards
10 as established by appropriate nationally recognized certification
11 agencies; provided, however, if a nationally recognized
12 certification does not exist, the Department may establish minimum
13 standards for specialty designations.

14 B. Upon receipt of credentials from the appropriate
15 certification agency, the Department may grant the licensed
16 behavioral practitioner the appropriate specialty designation. The
17 licensed behavioral practitioner may attain specialty designation
18 through examination. A licensed behavioral practitioner shall not
19 claim or advertise a behavioral health specialty and shall not
20 incorporate the specialty designation into the professional title of
21 such licensed behavioral practitioner unless the qualifications and
22 certification requirements of that specialty have been met and have
23 been approved by the Department and the appropriate certification
24 agency.

1 SECTION 36. AMENDATORY 59 O.S. 2011, Section 1946, as
2 amended by Section 290, Chapter 304, O.S.L. 2012 (59 O.S. Supp.
3 2012, Section 1946), is amended to read as follows:

4 Section 1946. There is hereby created in the State Treasury a
5 revolving fund for the ~~Oklahoma Board of Licensed Behavioral~~
6 ~~Practitioners~~ Department of Mental Health and Substance Abuse
7 Services, to be designated the "Licensed Behavioral Practitioners
8 Revolving Fund". The fund shall be a continuing fund, not subject
9 to fiscal year limitations, and shall consist of all monies received
10 pursuant to this act. All monies accruing to the credit of the fund
11 are hereby appropriated and may be budgeted and expended by the
12 ~~State~~ Department of Mental Health and Substance Abuse Services to
13 meet expenses necessary for carrying out the purpose of the Licensed
14 Behavioral Practitioner Act. Expenditures from the fund shall be
15 approved by the ~~State~~ Commissioner of Mental Health and Substance
16 Abuse Services and shall be made upon warrants issued by the State
17 Treasurer against claims filed as prescribed by law with the
18 Director of the Office of Management and Enterprise Services for
19 approval and payment.

20 SECTION 37. AMENDATORY 59 O.S. 2011, Section 1947, is
21 amended to read as follows:

22 Section 1947. A. Licensing fees and annual renewal fees shall
23 be amounts fixed by the ~~State~~ Board of Mental Health ~~upon~~
24 ~~recommendations of the Oklahoma Licensed Behavioral Practitioners~~

1 ~~Advisory Board~~ and Substance Abuse Services. The Board shall fix
2 the amount of the fees so that the total fees collected will be
3 sufficient to meet the expenses of administering the provisions of
4 the Licensed Behavioral Practitioner Act and so that excess funds do
5 not accumulate from year to year in the Licensed Behavioral
6 Practitioners Revolving Fund.

7 B. 1. The Board shall not fix a license fee at an amount in
8 excess of Three Hundred Dollars (\$300.00) and a renewal fee at an
9 amount in excess of Two Hundred Dollars (\$200.00).

10 2. The fee for the issuance of a license to replace a license
11 which was lost, destroyed, or mutilated shall be Twenty-five Dollars
12 (\$25.00).

13 3. The fee shall accompany the application for a replacement
14 license.

15 4. The fee for specialty designation shall not exceed One
16 Hundred Fifty Dollars (\$150.00).

17 5. The fee for an examination required pursuant to the Licensed
18 Behavioral Practitioner Act shall not exceed the actual costs
19 incurred by the Department for holding and grading examinations.

20 SECTION 38. AMENDATORY 59 O.S. 2011, Section 1948, is
21 amended to read as follows:

22 Section 1948. All licensed behavioral practitioners licensed
23 pursuant to the Licensed Behavioral Practitioner Act shall be
24 required to satisfactorily complete ten (10) hours of continuing

1 education credits annually. The ~~State~~ Department of Mental Health
2 and Substance Abuse Services shall provide forms and require
3 verification of such credits. Such credits shall be earned from
4 courses on empirically validated procedures, taught by instructors
5 certified by the North American Association of Masters in
6 Psychology, its designees or successors.

7 SECTION 39. AMENDATORY 59 O.S. 2011, Section 1949, is
8 amended to read as follows:

9 Section 1949. A. Until January 1, 2002, the ~~State~~ Board of
10 Mental Health and Substance Abuse Services, upon receipt of an
11 applicant's proper application, completion of examination, and
12 payment of fees, shall issue licenses to persons who, prior to
13 January 1, 2002:

14 1. Have practiced full time as a behavioral practitioner for at
15 least two (2) years and possess a master's degree from a program in
16 psychology from a college or university accredited by an agency
17 recognized by the United States Department of Education;

18 2. Are currently practicing as a behavioral practitioner;

19 3. Have satisfactorily completed ten (10) hours of continuing
20 education pursuant to Section 1948 of this title; and

21 4. Otherwise comply with the licensure requirements of the
22 Licensed Behavioral Practitioner Act.

23 B. The Commissioner of Mental Health and Substance Abuse
24 Services shall consider experience of the applicant prior to

1 application for licensure pursuant to the provisions of this section
2 as a waiver of all or part of the supervised experience requirement
3 required by paragraph 3 of subsection C of Section 1935 of this
4 title.

5 C. The Commissioner shall require applicants for licensure
6 pursuant to the provisions of this section to file a Statement of
7 Professional Disclosure as provided by Section 1944 of this title.

8 SECTION 40. REPEALER 59 O.S. 2011, Sections 1904, 1925.4
9 and 1933, are hereby repealed.

10 SECTION 41. This act shall become effective November 1, 2013.

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