

1 ENGROSSED SENATE  
2 BILL NO. 249

By: Holt of the Senate

and

McBride of the House

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6 An Act relating to professional counseling; amending  
7 59 O.S. 2011, Section 1905, as amended by Section 6,  
8 Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014, Section  
9 1905), which relates to duties and powers of the  
10 State Board of Behavioral Health Licensure; requiring  
11 Board to adopt emergency rules in certain  
12 circumstances; providing certain construction; and  
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1905, as  
16 amended by Section 6, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014,  
17 Section 1905), is amended to read as follows:

18 Section 1905. A. The State Board of Behavioral Health  
19 Licensure shall:

20 1. Prescribe, adopt and promulgate rules to implement and  
21 enforce the provisions of the Licensed Professional Counselors Act,  
22 including the adoption of the State Department of Health rules by  
23 reference;

24 2. Adopt and establish rules of professional conduct; ~~and~~

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

1        4. Promulgate rules for licensed professional counselors who  
2 are licensed outside of Oklahoma to provide counseling services  
3 approved by the Licensed Professional Counselors Act, the Marital  
4 and Family Therapist Licensure Act, and the Licensed Behavioral  
5 Practitioner Act. Provided, such rules shall only be valid for the  
6 duration of a declaration of emergency issued by the Governor or the  
7 Legislature pursuant to the Oklahoma Emergency Management Act of  
8 2003 or a declaration of a catastrophic health emergency issued by  
9 the Governor pursuant to the Catastrophic Health Emergency Powers  
10 Act. Provided, such rules shall only authorize the provision of  
11 services that are pro bono or reimbursed by nongovernmental  
12 entities. Nothing in this section shall be construed as to permit  
13 the adoption of permanent rules weakening the licensing requirements  
14 established by the Licensed Professional Counselors Act, the Marital  
15 and Family Therapist Licensure Act, and the Licensed Behavioral  
16 Practitioner Act.

17        B. The Board shall 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 Professional Counselors Act;

21            3. Receive fees and deposit said fees into the Licensed  
22 Professional Counselors Revolving Fund as required by the Licensed  
23 Professional Counselors Act;

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

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

6 6. Request assistance from the State Board of Medical Licensure  
7 and Supervision for the purposes of investigating complaints and  
8 possible violations of the Licensed Professional Counselors Act;

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

11 8. Make such expenditures and employ such personnel as the  
12 Executive Director may deem necessary for the administration of the  
13 Licensed Professional Counselors Act.

14 SECTION 2. This act shall become effective November 1, 2015.

15 Passed the Senate the 4th day of March, 2015.

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18 Presiding Officer of the Senate

19 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
20 2015.

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23 Presiding Officer of the House  
24 of Representatives