

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL 1052

By: Griffin of the Senate

and

McEntire of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to professions and occupations;
amending 43A O.S. 2011, Section 3-415, as amended by
Section 4, Chapter 213, O.S.L. 2013 (43A O.S. Supp.
2017, Section 3-415), which relates to certified
services for the alcohol and drug dependent;
clarifying certification time period; adding certain
exemptions; amending 59 O.S. 2011, Section 1261.1, as
amended by Section 3, Chapter 95, O.S.L. 2014 (59
O.S. Supp. 2017, Section 1261.1), which relates to
issuance of licenses; providing for licensure by
endorsement; amending 59 O.S. 2011, Section 1906, as
last amended by Section 2, Chapter 367, O.S.L. 2014
(59 O.S. Supp. 2017, Section 1906), which relates to
license; providing for licensure by endorsement; and
providing an effective date.

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

SECTION 1. AMENDATORY 43A O.S. 2011, Section 3-415, as
amended by Section 4, Chapter 213, O.S.L. 2013 (43A O.S. Supp. 2017,
Section 3-415), is amended to read as follows:

1 Section 3-415. A. 1. The Board of Mental Health and Substance
2 Abuse Services shall promulgate rules and standards for
3 certification for private facilities and organizations which provide
4 treatment, counseling, recovery and rehabilitation services directed
5 toward alcohol- and drug-dependent persons. These facilities and
6 organizations shall be known as "Certified Services for the Alcohol-
7 and Drug-Dependent". Only certified facilities may receive and
8 assist alcohol- and drug-dependent persons by providing treatment,
9 recovery support and rehabilitation.

10 2. Any person violating the requirement that only certified
11 facilities may receive and assist alcohol- and drug-dependent
12 persons by providing treatment to alcohol- and drug-dependent
13 persons, upon conviction, shall be guilty of a misdemeanor. Except
14 as otherwise provided in this section, no substance abuse treatment
15 program shall operate or continue to operate unless the facility
16 complies with the rules promulgated by the Board and is certified as
17 required by this section.

18 B. Applications for certification as a certified service for
19 the alcohol- and drug-dependent person pursuant to the provisions of
20 this section shall be made to the Department of Mental Health and
21 Substance Abuse Services on prescribed forms.

22 C. The Board, or the Commissioner of Mental Health and
23 Substance Abuse Services upon delegation by the Board, may certify
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1 the facility for a period of not more than thirty-six (36) months
2 subject to renewal as provided.

3 D. The Board or the Commissioner of Mental Health and Substance
4 Abuse Services upon delegation by the Board, may postpone, deny
5 renewal of, revoke, or suspend the certification of the facility for
6 failure to comply with rules and standards promulgated by the Board.

7 E. The following are exempt from the provisions of the Oklahoma
8 Alcohol and Drug Abuse Services Act:

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

18 2. Properly licensed hospitals, psychiatric and medical
19 surgical facilities;

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

21 4. Programs conducted and facilities operated by Alcoholics
22 Anonymous;

23 5. Programs conducted and facilities operated by the Salvation
24 Army;

1 6. Faith-based, nonresidential recovery programs;

2 7. Residential recovery-based programs with a resident capacity
3 of less than twelve; or

4 8. Residential recovery and recovery support programs that are
5 not collocated with certified treatment programs. However, the
6 Department of Mental Health and Substance Abuse Services shall offer
7 voluntary certification for those resident recovery and recovery
8 support programs that are not collocated with certified treatment
9 programs that desire Department certification.

10 F. Certified services for the alcohol- or drug-dependent person
11 shall comply with standards adopted by the Board. Such standards
12 shall require that treatment and therapeutic methods shall be in
13 compliance with:

14 1. The Joint Commission on Accreditation of Healthcare
15 Organizations;

16 2. The Commission on Accreditation of Rehabilitation
17 Facilities;

18 3. The Council on Accreditation (COA); or

19 4. Approved medical and professional standards as determined by
20 the Board.

21 G. Any facility or organization certified to provide certified
22 services shall cooperate with inspection personnel of the state and
23 shall promptly file all reports required by the Board.

1 H. All claims by and accomplishments publicized by any
2 applicant for certification or any certified alcohol- or drug-
3 dependent organization, including but not limited to consumer count
4 and success rates, shall be documented and verifiable by the Board.

5 I. The Department of Mental Health and Substance Abuse Services
6 is authorized to establish and collect certification and renewal
7 fees for certification of private facilities and organizations which
8 provide treatment, counseling and rehabilitation services directed
9 toward alcohol- and drug-dependent persons, as provided in Section
10 3-324 of this title.

11 J. Any materials or information received by the Department from
12 an applicant regarding the applicant's financial status shall not be
13 construed to be open records pursuant to the Oklahoma Open Records
14 Act.

15 SECTION 2. AMENDATORY 59 O.S. 2011, Section 1261.1, as
16 amended by Section 3, Chapter 95, O.S.L. 2014 (59 O.S. Supp. 2017,
17 Section 1261.1), is amended to read as follows:

18 Section 1261.1. A. To obtain a license under the Social
19 Worker's Licensing Act, an applicant shall:

- 20 1. Submit a written application in a form prescribed by the
21 State Board of Licensed Social Workers;
- 22 2. Have attained the age of majority;
- 23 3. Be of good moral character;
- 24

1 4. Have graduated and received a degree in social work from an
2 approved social work program;

3 5. Have completed any necessary post graduate experience and
4 supervision in the practice of social work;

5 6. Have passed the necessary examination and paid all fees
6 required by the Board; and

7 7. Submit to a national criminal history record check, as
8 defined by Section 150.9 of Title 74 of the Oklahoma Statutes. The
9 costs associated with the national criminal history record check
10 shall be paid by the applicant and submitted to the Board at the
11 time of application. With the required fee, the applicant shall
12 provide to the Board two classifiable sets of fingerprints to be
13 provided to the Oklahoma State Bureau of Investigation.

14 B. If the results of the national criminal history record check
15 required by subsection A of this section reveal that the applicant
16 has been convicted of, or pled guilty or nolo contendere to, any
17 felony, or to any misdemeanor involving moral turpitude, the
18 individual's application for licensure may be disapproved and no
19 further action shall be taken on the application.

20 C. Upon certification by the Board, the Board shall authorize
21 the issuance of social work licenses to persons who qualify as
22 follows:

23 1. As a licensed social work associate (LSWA) who has a
24 baccalaureate degree in social work from an accredited institution

1 or an approved social work program or both and has passed the
2 examination provided for under these provisions or who has a
3 doctoral or master's degree in social work from an institution with
4 a program accredited by an approved social work program and has
5 passed the examination provided for under these provisions;

6 2. As a licensed master's social worker (LMSW) who has a
7 master's degree in social work from an accredited institution or an
8 approved social work program or both and has passed the examination
9 provided for under the Social Worker's Licensing Act;

10 3. As a licensed social worker (LSW) who has a master's degree
11 in social work from an accredited institution or an approved social
12 work program or both and has two (2) years of full-time postgraduate
13 experience in the practice of social work under professional
14 supervision of a person licensed under those provisions, and who has
15 passed the examination provided for under the provisions of the
16 Social Worker's Licensing Act;

17 4. As a licensed clinical social worker (LCSW) who has a
18 master's degree in social work from an accredited institution or an
19 approved social work program or both and has two (2) years of full-
20 time postgraduate experience in the practice of clinical social work
21 under professional supervision of a person licensed by the Social
22 Worker's Licensing Act, and who has passed the examination provided
23 for under the Social Worker's Licensing Act; and
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1 5. As a licensed social worker with administration specialty
2 (LSW-ADM) who has a master's degree in social work from an
3 accredited institution or an approved social work program or both
4 and has two (2) years of full-time postgraduate experience in the
5 practice of administrative social work under professional
6 supervision of a person licensed by the Social Worker's Licensing
7 Act, and who has passed the examination provided for under the
8 Social Worker's Licensing Act.

9 D. Applicants who have been licensed as an LSWA, LMSW, LSW,
10 LCSW or LSW-ADM in good standing in another state for a minimum of
11 three years continually since the time of initial full licensure
12 post-provisional term and comply with all other state requirements
13 shall be licensed by the Board.

14 ~~D.~~ E. No person may engage in the private practice of clinical
15 social work unless that person:

16 1. Is licensed under the Social Worker's Licensing Act as a
17 licensed clinical social worker (LCSW); and

18 2. Continues to meet continuing education requirements set by
19 the Board.

20 ~~E.~~ F. No person may engage in an independent social work
21 practice unless that person:

22 1. Is licensed under the Social Worker's Licensing Act as a
23 licensed clinical social worker (LCSW), licensed social worker with
24 administration specialty (LSW-ADM) or licensed social worker (LSW).

1 This specifically and intentionally excludes licensed social work
2 associates (LSWA) and licensed masters social workers (LMSW); and

3 2. Continues to meet continuing education requirements set by
4 the Board.

5 ~~F.~~ G. Any qualified person who files by February 1, 2012, a
6 sworn statement with the Board stating that the person has met the
7 definition of a qualified person under this section shall, upon
8 approval of the statement by the Board, be entitled to engage in the
9 independent practice of social work without having to meet the two-
10 year postgraduate supervision requirement specified in paragraphs 3,
11 4 and 5 of subsection C of this section.

12 ~~G.~~ H. Any person seeking to pursue postgraduate supervision for
13 the licensed social worker (LSW), licensed social worker with
14 administration specialty (LSW-ADM), or licensed clinical social
15 worker (LCSW) must hold licensure status of licensed social work
16 associate (LSWA) or licensed masters social worker (LMSW) prior to
17 board approval of postgraduate supervision for licensure as
18 specified in paragraphs 3, 4 and 5 of subsection C of this section.

19 ~~H.~~ I. As used in this section, "qualified person" means a
20 person who:

21 1. Currently holds an active social worker license from the
22 Board; and

23 2. Has held a social worker license from the Board continuously
24 during the ten-year period immediately prior to November 1, 2011.

1 SECTION 3. AMENDATORY 59 O.S. 2011, Section 1906, as
2 last amended by Section 2, Chapter 367, O.S.L. 2014 (59 O.S. Supp.
3 2017, Section 1906), is amended to read as follows:

4 Section 1906. A. Applications for a license to practice as a
5 licensed professional counselor shall be made to the State Board of
6 Behavioral Health Licensure in writing. Such applications shall be
7 on a form and in a manner prescribed by the Board. The application
8 shall be accompanied by the fee required by the Licensed
9 Professional Counselors Act, which shall be retained by the Board
10 and not returned to the applicant.

11 B. Each applicant for a license to practice as a licensed
12 professional counselor shall:

- 13 1. Be possessed of good moral character;
- 14 2. Pass an examination based on standards promulgated by the
15 Board pursuant to the Licensed Professional Counselors Act;
- 16 3. Be at least twenty-one (21) years of age;
- 17 4. Not have engaged in, nor be engaged in, any practice or
18 conduct which would be grounds for denying, revoking or suspending a
19 license pursuant to this title; and
- 20 5. Otherwise comply with the rules promulgated by the Board
21 pursuant to the provisions of the Licensed Professional Counselors
22 Act.

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

4 1. Successfully completed at least sixty (60) graduate semester
5 hours (ninety (90) graduate quarter hours) of counseling-related
6 course work. These sixty (60) hours shall include at least a
7 master's degree in a counseling field. All courses and degrees
8 shall be earned from a regionally accredited college or university.
9 The Board shall define what course work qualifies as "counseling-
10 related" and what degrees/majors qualify as a "counseling field";
11 and

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

21 D. Applicants with degrees from schools outside the United
22 States may qualify with Board approval by providing the Board with
23 an acceptable comprehensive evaluation of the degree performed by a
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1 foreign credential evaluation service that is acceptable to the
2 Board, and any other requirement the Board deems necessary.

3 E. Applicants licensed in other states shall be licensed by the
4 Board if the candidate is in good standing in the other state, has
5 maintained a minimum of three (3) years of licensure since the time
6 of initial full licensure post-provisional term and submits proof of
7 licensure in the other state.

8 SECTION 4. This act shall become effective November 1, 2018.

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