

1 ENGROSSED SENATE  
2 BILL NO. 734

By: Griffin of the Senate

and

Lawson of the House

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6 An Act relating to mental health and substance abuse  
7 services; amending 43A O.S. 2011, Section 3-318,  
8 which relates to behavioral health case managers;  
9 amending 43A O.S. 2011, Section 3-326, as amended by  
10 Section 2, Chapter 335, O.S.L. 2013 (43A O.S. Supp.  
11 2016, Section 3-326), which relates to peer recovery  
12 support specialists; directing Board of Mental Health  
13 and Substance Abuse to include certain employees in  
14 certain rules; permitting use of certain title by  
15 certain persons; clarifying language; amending 43A  
16 O.S. 2011, Section 3-601, which relates to opioid  
17 substitution programs; deleting certain time limit;  
18 and providing an effective date.

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

20 SECTION 1. AMENDATORY 43A O.S. 2011, Section 3-318, is  
21 amended to read as follows:

22 Section 3-318. A. The Board of Mental Health and Substance  
23 Abuse Services shall promulgate rules and standards for  
24 certification of behavioral health case managers who are ~~employed~~:

1. Employed by the state ~~or~~;

2. Employed by behavioral services providers contracting with  
the state to provide behavioral health services;

1        3. Employed by a tribe or tribal facility that provides  
2 behavioral health services; or

3        4. Employed by an Oklahoma Department of Veterans Affairs or a  
4 United States Department of Veterans Affairs facility.

5        B. Such rules and standards shall address criteria for  
6 certification and renewal, including minimum education requirements,  
7 examination and supervision requirements, continuing education  
8 requirements, and rules of professional conduct.

9        ~~B.~~ C. Application for certification as a behavioral health case  
10 manager shall be made to the Department of Mental Health and  
11 Substance Abuse Services on prescribed forms. The Board, or the  
12 Commissioner of Mental Health and Substance Abuse Services upon  
13 delegation by the Board, may certify the behavioral health case  
14 manager for a period of two (2) years subject to renewal as provided  
15 in the rules promulgated by the Board.

16        ~~C.~~ D. The Board is authorized to establish an application and  
17 renewal fee of no more than One Hundred Dollars (\$100.00) to defray  
18 the costs incurred in the certification process.

19        ~~D.~~ E. Behavioral health case managers certified by the Board or  
20 the Commissioner shall only use the title "certified behavioral  
21 health case manager" if employed by the state ~~or~~, employed by  
22 behavioral services providers contracting with the state to provide  
23 behavioral health services, employed by a tribe or tribal facility  
24 that provides behavioral health services or employed by an Oklahoma

1 Department of Veterans Affairs or a United States Department of  
2 Veterans Affairs facility. This section shall not be construed to  
3 permit the certified behavioral health case manager to practice any  
4 of the following professions or use the following titles unless also  
5 licensed or accredited by the appropriate authority: physician,  
6 psychologist, clinical social worker, professional counselor,  
7 marital and family therapist, behavioral practitioner, or alcohol  
8 and drug counselor.

9 ~~E.~~ F. Failure to comply with rules and standards promulgated by  
10 the Board shall be grounds for revocation, suspension or nonrenewal  
11 of certification.

12 ~~F.~~ G. No behavioral health case manager shall operate or  
13 continue to operate as a behavioral health case manager unless the  
14 case manager complies with the rules promulgated by the Board and is  
15 certified as required by this section.

16 SECTION 2. AMENDATORY 43A O.S. 2011, Section 3-326, as  
17 amended by Section 2, Chapter 335, O.S.L. 2013 (43A O.S. Supp. 2016,  
18 Section 3-326), is amended to read as follows:

19 Section 3-326. A. The Board of Mental Health and Substance  
20 Abuse Services shall promulgate rules for certification of peer  
21 recovery support specialists who are:

- 22 1. Employed by the state;
- 23 2. Employed by a behavioral services provider contracting with  
24 the state to provide behavioral health services; ~~or~~

1           3. Employed by a behavioral services provider certified by the  
2 Department of Mental Health and Substance Abuse Services. Provided,  
3 however, that certification as a peer recovery support specialist  
4 pursuant to this subsection shall be limited to providing services  
5 within the employer's area of certification;

6           4. Employed by a tribe or a tribal facility that provides  
7 behavioral health services; or

8           5. Employed by an Oklahoma Department of Veterans Affairs or a  
9 United States Department of Veterans Affairs facility.

10          B. Such rules shall address criteria for certification and  
11 renewal, including minimum education requirements, examination and  
12 supervision requirements, continuing education requirements, and  
13 rules of professional conduct.

14          C. Application for certification as a peer recovery support  
15 specialist shall be made to the Department of Mental Health and  
16 Substance Abuse Services on prescribed forms. The Board, or the  
17 Commissioner of Mental Health and Substance Abuse Services upon  
18 delegation by the Board, may certify the peer recovery support  
19 specialist for a period of two (2) years subject to renewal as  
20 provided in the rules promulgated by the Board.

21          D. The Board is authorized to establish an application and  
22 renewal fee of no more than One Hundred Dollars (\$100.00) to defray  
23 the costs incurred in the certification process.

1 E. A peer recovery support specialist certified by the Board or  
2 the Commissioner shall only use the title "certified peer recovery  
3 support specialist" if employed by the state ~~or~~, employed by  
4 behavioral services providers contracting with or certified by the  
5 state to provide behavioral health services, employed by a tribe or  
6 tribal facility that provides behavioral health services or employed  
7 by an Oklahoma Department of Veterans Affairs or a United States  
8 Department of Veterans Affairs facility. This section shall not be  
9 construed to permit the certified peer recovery support specialist  
10 to practice any of the following professions or use the following  
11 titles unless also licensed or accredited by the appropriate  
12 authority:

- 13 1. Physician;
- 14 2. Psychologist;
- 15 3. Clinical social worker;
- 16 4. Professional counselor;
- 17 5. Marital and family therapist;
- 18 6. Behavioral practitioner; or
- 19 7. Alcohol and drug counselor.

20 F. No peer recovery support specialist shall operate or  
21 continue to operate as a peer recovery support specialist unless the  
22 peer recovery support specialist complies with the rules promulgated  
23 by the Board and is certified as required by this section.

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1 G. Failure to comply with rules promulgated by the Board shall  
2 be grounds for revocation, suspension, or nonrenewal of  
3 certification.

4 SECTION 3. AMENDATORY 43A O.S. 2011, Section 3-601, is  
5 amended to read as follows:

6 Section 3-601. A. Any Class II controlled dangerous substance,  
7 when used in this state by an opioid substitution treatment program  
8 for persons with a history of opioid addiction to or physiologic  
9 dependence on controlled dangerous substances, shall only be used:

10 1. In treating persons with a history of addiction ~~for two (2)~~  
11 ~~years or more;~~

12 2. In treating persons with a one-year history of opioid  
13 addiction to or physiologic dependence on controlled dangerous  
14 substances, as defined by the Code of Federal Regulations, and  
15 documentation of attempting another type of treatment; or

16 3. If clinically appropriate, the program physician may waive  
17 the requirement of a one-year history of opioid addiction for  
18 consumers within six (6) months of release from a penal institution,  
19 for consumers with a pregnancy verified by the program physician, or  
20 for consumers having previously received treatment for opioid  
21 addiction and within two (2) years of discharge from that treatment  
22 episode.

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1 B. Any conviction for a violation of the provisions of this  
2 section or any rules promulgated pursuant to the provisions of this  
3 section shall be a felony.

4 C. For the purposes of this section, "opioid substitution  
5 treatment program" means a person, private physician, or  
6 organization that administers or dispenses an opioid drug to a  
7 narcotic addict for the purposes of detoxification or maintenance  
8 treatment or provides, when necessary and appropriate, comprehensive  
9 medical and rehabilitation services. A private physician who  
10 administers buprenorphine with a waiver from the Drug Enforcement  
11 Administration shall not be considered an opioid substitution  
12 treatment program. An opioid substitution treatment program shall  
13 be certified by the Board of Mental Health and Substance Abuse  
14 Services, or the Commissioner of Mental Health and Substance Abuse  
15 Services upon delegation by the Board, and registered with the  
16 federal Drug Enforcement Administration for the use of an opioid  
17 drug to treat narcotic addiction.

18 D. The Board of Mental Health and Substance Abuse Services  
19 shall promulgate rules and standards for the certification of all  
20 programs, private facilities, and organizations which provide opioid  
21 substitution treatment directed to those physiologically dependent  
22 on or addicted to opioids. These facilities and organizations shall  
23 be known as "Opioid Substitution Treatment Programs". Only  
24 certified facilities may receive and assist opioid-dependent and

1 addicted persons by providing Class II controlled substances in  
2 opioid substitution treatment and rehabilitation.

3 E. The Board of Mental Health and Substance Abuse Services  
4 shall promulgate rules and standards regulating the treatment and  
5 services provided by opioid substitution treatment programs.  
6 Failure to comply with rules and standards promulgated by the Board  
7 shall be grounds for revocation, suspension or nonrenewal of  
8 certification.

9 F. Opioid substitution treatment programs shall notify the  
10 Department of Mental Health and Substance Abuse Services of plans to  
11 close or relocate within a minimum of thirty (30) days prior to  
12 closure or relocation.

13 G. Failure to comply with rules and standards promulgated by  
14 the Board of Mental Health and Substance Abuse Services pursuant to  
15 this ~~act~~ section shall be grounds for reprimand, suspension,  
16 revocation or nonrenewal of certification.

17 SECTION 4. This act shall become effective November 1, 2017.  
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