

An Act

ENROLLED SENATE
BILL NO. 1052

By: Griffin of the Senate

and

McEntire of the House

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.

SUBJECT: Licensure procedure of health care professionals

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:

Section 3-415. A. 1. The Board of Mental Health and Substance Abuse Services shall promulgate rules and standards for certification for private facilities and organizations which provide

treatment, counseling, recovery and rehabilitation services directed toward alcohol- and drug-dependent persons. These facilities and organizations shall be known as "Certified Services for the Alcohol- and Drug-Dependent". Only certified facilities may receive and assist alcohol- and drug-dependent persons by providing treatment, recovery support and rehabilitation.

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

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

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

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

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

1. Individual persons in private practice as licensed physicians, licensed psychologists, licensed social workers, registered nurses, licensed professional counselors, licensed marriage and family therapists, licensed behavioral practitioners, individual members of the clergy, licensed alcohol or drug abuse counselors and certified alcohol or drug abuse counselors. The exemption shall apply only to individual professional persons in

their private practice and not to any treatment facility operated by the person;

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

3. Programs or facilities operated by a state agency;

4. Programs conducted and facilities operated by Alcoholics Anonymous;

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

6. Faith-based, nonresidential recovery programs;

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

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

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

1. The Joint Commission on Accreditation of Healthcare Organizations;

2. The Commission on Accreditation of Rehabilitation Facilities;

3. The Council on Accreditation (COA); or

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

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

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

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

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

SECTION 2. AMENDATORY 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), is amended to read as follows:

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

1. Submit a written application in a form prescribed by the State Board of Licensed Social Workers;
2. Have attained the age of majority;
3. Be of good moral character;
4. Have graduated and received a degree in social work from an approved social work program;
5. Have completed any necessary post graduate experience and supervision in the practice of social work;

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

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

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

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

1. As a licensed social work associate (LSWA) who has a baccalaureate degree in social work from an accredited institution or an approved social work program or both and has passed the examination provided for under these provisions or who has a doctoral or master's degree in social work from an institution with a program accredited by an approved social work program and has passed the examination provided for under these provisions;

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

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

4. As a licensed clinical social worker (LCSW) who has a master's degree in social work from an accredited institution or an approved social work program or both and has two (2) years of full-time postgraduate experience in the practice of clinical social work under professional supervision of a person licensed by the Social Worker's Licensing Act, and who has passed the examination provided for under the Social Worker's Licensing Act; and

5. As a licensed social worker with administration specialty (LSW-ADM) who has a master's degree in social work from an accredited institution or an approved social work program or both and has two (2) years of full-time postgraduate experience in the practice of administrative social work under professional supervision of a person licensed by the Social Worker's Licensing Act, and who has passed the examination provided for under the Social Worker's Licensing Act.

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

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

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

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

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

1. Is licensed under the Social Worker's Licensing Act as a licensed clinical social worker (LCSW), licensed social worker with administration specialty (LSW-ADM) or licensed social worker (LSW). This specifically and intentionally excludes licensed social work associates (LSWA) and licensed masters social workers (LMSW); and

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

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

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

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

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

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

SECTION 3. AMENDATORY 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), is amended to read as follows:

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

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

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

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

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

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

D. Applicants with degrees from schools outside the United States may qualify with Board approval by providing the Board with an acceptable comprehensive evaluation of the degree performed by a

foreign credential evaluation service that is acceptable to the Board, and any other requirement the Board deems necessary.

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

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

Passed the Senate the 3rd day of May, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 3rd day of May, 2018.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____