

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 734

By: Griffin of the Senate

and

Lawson of the House

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

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

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

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

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

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

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

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

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

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

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

21 ~~D.~~ E. Behavioral health case managers certified by the Board or
22 the Commissioner shall only use the title "certified behavioral
23 health case manager" if employed by the state ~~or~~, employed by
24 behavioral services providers contracting with the state to provide

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

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

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

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

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

- 24 1. Employed by the state;

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

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

8 4. Employed by a tribe or a tribal facility that provides
9 behavioral health services; or

10 5. Employed by an Oklahoma Department of Veterans Affairs or a
11 United States Department of Veterans Affairs facility.

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

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

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

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

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

23 F. No peer recovery support specialist shall operate or
24 continue to operate as a peer recovery support specialist unless the

1 peer recovery support specialist complies with the rules promulgated
2 by the Board and is certified as required by this section.

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

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

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

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

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

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

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.

18

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/11/2017 -
20 DO PASS.

21

22

23

24