

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1234

By: Stanley

AS INTRODUCED

An Act relating to alcohol and drug abuse services; amending 43A O.S. 2011, Section 3-415, as last amended by Section 1, Chapter 310, O.S.L. 2018 (43A O.S. Supp. 2019, Section 3-415), which relates to exemptions; adding certain exemption; 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 last amended by Section 1, Chapter 310, O.S.L. 2018 (43A O.S. Supp. 2019, 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.

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

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

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

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

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

23        1. Individual persons in private practice as licensed  
24 physicians, licensed psychologists, licensed social workers,

1 registered nurses, licensed professional counselors, licensed  
2 marriage and family therapists, licensed behavioral practitioners,  
3 individual members of the clergy, licensed alcohol or drug abuse  
4 counselors and certified alcohol or drug abuse counselors. The  
5 exemption shall apply only to individual professional persons in  
6 their private practice and not to any treatment facility operated by  
7 the person;

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

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

11 4. Programs conducted and facilities operated by Alcoholics  
12 Anonymous;

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

15 6. Faith-based, nonresidential recovery programs;

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

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

24 9. Health centers as defined in 42 U.S.C., Section 254b (2018).

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

5 1. The Joint Commission on Accreditation of Healthcare  
6 Organizations;

7 2. The Commission on Accreditation of Rehabilitation  
8 Facilities;

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

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

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

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

19 I. The Department of Mental Health and Substance Abuse Services  
20 is authorized to establish and collect certification and renewal  
21 fees for certification of private facilities and organizations which  
22 provide treatment, counseling and rehabilitation services directed  
23 toward alcohol- and drug-dependent persons, as provided in Section  
24 3-324 of this title.

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

5 SECTION 2. This act shall become effective November 1, 2020.  
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