

1 ENGROSSED SENATE
2 BILL NO. 1288

By: Daniels of the Senate

3 and

4 Gann of the House

5
6 An Act relating to the practice of behavioral health;
7 amending 59 O.S. 2021, Section 6001, which relates to
8 the State Board of Behavioral Health Licensure;
9 removing certain limitation on appointees; and
10 providing an effective date.

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

12 SECTION 1. AMENDATORY 59 O.S. 2021, Section 6001, is
13 amended to read as follows:

14 Section 6001. A. 1. There is hereby re-created the State
15 Board of Behavioral Health Licensure to continue until July 1, 2023,
16 in accordance with the provisions of the Oklahoma Sunset Law.

17 2. Members of the Board shall serve at the pleasure of and may
18 be removed from office by the appointing authority. Members shall
19 continue to serve until their successors are appointed. Any vacancy
20 shall be filled in the same manner as the original appointments.

21 Four members shall constitute a quorum.

22 3. The Board shall meet at least twice a year, but no more than
23 four (4) times a year and shall elect a chair and a vice-chair from
24 among its members. The Board shall only meet as required for:

a. election of officers,

- b. establishment of meeting dates and times,
- c. rule development,
- d. review and recommendation, and
- e. adoption of nonbinding resolutions to the Board concerning matters brought before the Board.

4. Special meetings may be called by the chair or by concurrence of any three members.

B. 1. All members of the Board shall be knowledgeable of counseling issues. The Board shall be appointed by the Governor with the advice and consent of the Senate:

- a. four members who are licensed professional counselors,
- b. three members who are licensed family and marital therapists,
- c. two members who are licensed behavioral practitioners, and
- d. two members representing the public and possessing knowledge of counseling issues.

2. Members of the Board shall serve for a period of three (3) years and may be removed at any time by the appointing authority. Vacancies on the Board shall be filled by the appointing authority. A majority of the Board shall constitute a quorum for the transaction of business.

~~3. All appointees who are licensed professional counselors shall be selected from a list of qualified candidates submitted by~~

~~the Executive Committee of the Oklahoma Counseling Association acting in conjunction with the executive committees of all state professional counseling associations which represent a specialty recognized pursuant to the Licensed Professional Counselors Act. Appointees who are licensed marital and family therapists shall be selected from a list of qualified candidates submitted by the Oklahoma Association for Marriage and Family Therapy and who represent a specialty recognized by the Marital and Family Therapist Licensure Act. Appointees who are licensed behavioral therapists shall be selected from a list of qualified candidates submitted by the National Association for Masters in Psychology and who represent a specialty recognized by the Licensed Behavioral Practitioner Act.~~

4. The members of the Board from each professional area of behavioral health counseling shall comprise separate committees and shall consult on professional issues within their respective areas of behavioral health counseling. Each committee shall recommend to the Board approval or disapproval of all licenses to be issued within its specialty. Each committee shall be authorized to recommend approval or disapproval of the examination requirements for all applicants for licensure in the respective area of behavioral health counseling, provide grading standards for examinations, and provide for other matters relating to licensure in that area of behavioral health counseling. Each committee may

1 create advisory committees to consult on professional duties and
2 responsibilities pursuant to the provisions of this ~~act~~ section.

3 ~~5.~~ 4. Any and all recommendations, approvals, or disapprovals
4 made by a committee pursuant to the provisions of this section shall
5 not become effective without the approval of a majority of members
6 of the Board.

7 ~~6.~~ 5. The jurisdictional areas of the Board shall include
8 professional counseling licensing and practice issues, marital and
9 family therapist licensing and practice issues, behavioral
10 practitioner licensing and practice issues and such other areas as
11 authorized by the Licensed Professional Counselors Act.

12 C. The Board shall not recommend rules for promulgation unless
13 all applicable requirements of the Administrative Procedures Act
14 have been followed, including but not limited to notice, rule impact
15 statements and rule-making hearings.

16 D. Members of the Board shall serve without compensation but
17 may be reimbursed for expenses incurred in the performance of their
18 duties, as provided in the State Travel Reimbursement Act. The
19 Board is authorized to utilize the conference rooms of and obtain
20 administrative assistance from the State Board of Medical Licensure
21 and Supervision as required.

22 E. The Board is authorized and empowered to:
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- 1 1. Establish and maintain a system of licensure and
2 certification pursuant to the provisions of the Licensed
3 Professional Counselors Act;
- 4 2. Adopt and enforce standards governing the professional
5 conduct of persons licensed pursuant to the provisions of the
6 Licensed Professional Counselors Act;
- 7 3. Lease office space for the purpose of operating and
8 maintaining a state office, and pay rent thereon; provided, however,
9 such state office shall not be located in or directly adjacent to
10 the office of any person licensed pursuant to the provisions of the
11 Licensed Professional Counselors Act;
- 12 4. Purchase office furniture, equipment, and supplies;
- 13 5. Employ such office personnel as may be necessary, and fix
14 and pay their salaries or wages;
- 15 6. Contract with state agencies for the purposes of
16 investigating written complaints regarding the conduct of persons
17 licensed pursuant to the provisions of the Licensed Professional
18 Counselors Act and obtaining administrative assistance as deemed
19 necessary by the Executive Director; and
- 20 7. Make such other expenditures as may be necessary in the
21 performance of its duties.

22 F. The Board shall employ an Executive Director. The Executive
23 Director shall be authorized to:

- 24 1. Employ and maintain an office staff;

2. Enter into contracts on behalf of the Board; and

3. Perform other duties on behalf of the Board as needed or directed.

G. All employees and positions shall be placed in unclassified status, exempt from the provisions of the Oklahoma Personnel Act.

SECTION 2. This act shall become effective November 1, 2022.

Passed the Senate the 22nd day of March, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2022.

Presiding Officer of the House
of Representatives