

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE
5 BILL NO. 1288

By: Daniels of the Senate

and

Lepak of the House

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

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

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

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

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

24 Four members shall constitute a quorum.

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

- 4 a. election of officers,
- 5 b. establishment of meeting dates and times,
- 6 c. rule development,
- 7 d. review and recommendation, and
- 8 e. adoption of nonbinding resolutions to the Board
9 concerning matters brought before the Board.

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

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

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

22 2. Members of the Board shall serve for a period of three (3)
23 years and may be removed at any time by the appointing authority.
24 Vacancies on the Board shall be filled by the appointing authority.

1 A majority of the Board shall constitute a quorum for the
2 transaction of business.

3 ~~3. All appointees who are licensed professional counselors~~
4 ~~shall be selected from a list of qualified candidates submitted by~~
5 ~~the Executive Committee of the Oklahoma Counseling Association~~
6 ~~acting in conjunction with the executive committees of all state~~
7 ~~professional counseling associations which represent a specialty~~
8 ~~recognized pursuant to the Licensed Professional Counselors Act.~~
9 ~~Appointees who are licensed marital and family therapists shall be~~
10 ~~selected from a list of qualified candidates submitted by the~~
11 ~~Oklahoma Association for Marriage and Family Therapy and who~~
12 ~~represent a specialty recognized by the Marital and Family Therapist~~
13 ~~Licensure Act. Appointees who are licensed behavioral therapists~~
14 ~~shall be selected from a list of qualified candidates submitted by~~
15 ~~the National Association for Masters in Psychology and who represent~~
16 ~~a specialty recognized by the Licensed Behavioral Practitioner Act.~~

17 ~~4.~~ The members of the Board from each professional area of
18 behavioral health counseling shall comprise separate committees and
19 shall consult on professional issues within their respective areas
20 of behavioral health counseling. Each committee shall recommend to
21 the Board approval or disapproval of all licenses to be issued
22 within its specialty. Each committee shall be authorized to
23 recommend approval or disapproval of the examination requirements
24 for all applicants for licensure in the respective area of

1 behavioral health counseling, provide grading standards for
2 examinations, and provide for other matters relating to licensure in
3 that area of behavioral health counseling. Each committee may
4 create advisory committees to consult on professional duties and
5 responsibilities pursuant to the provisions of this ~~act~~ section.

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

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

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

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

1 E. The Board is authorized and empowered to:

2 1. Establish and maintain a system of licensure and
3 certification pursuant to the provisions of the Licensed
4 Professional Counselors Act;

5 2. Adopt and enforce standards governing the professional
6 conduct of persons licensed pursuant to the provisions of the
7 Licensed Professional Counselors Act;

8 3. Lease office space for the purpose of operating and
9 maintaining a state office, and pay rent thereon; provided, however,
10 such state office shall not be located in or directly adjacent to
11 the office of any person licensed pursuant to the provisions of the
12 Licensed Professional Counselors Act;

13 4. Purchase office furniture, equipment, and supplies;

14 5. Employ such office personnel as may be necessary, and fix
15 and pay their salaries or wages;

16 6. Contract with state agencies for the purposes of
17 investigating written complaints regarding the conduct of persons
18 licensed pursuant to the provisions of the Licensed Professional
19 Counselors Act and obtaining administrative assistance as deemed
20 necessary by the Executive Director; and

21 7. Make such other expenditures as may be necessary in the
22 performance of its duties.

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

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.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/13/2022 - DO PASS.