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February 22, 2021

By: Stanley

An Act relating to mental health; amending 43A O.S. 2011, Section 3-415, as last amended by Section 1, Chapter 310, O.S.L. 2018 (43A O.S. Supp. 2020, Section 3-415), which relates to certified services for the alcohol- and drug-dependent; providing 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. 2020, 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  
18 Substance Abuse Services upon delegation by the Board, may postpone,  
19 deny renewal of, ~~revoke~~, or suspend the certification of the  
20 facility for failure to comply with rules and standards promulgated  
21 by the Board.

22        E. The following are exempt from the provisions of the Oklahoma  
23 Alcohol and Drug Abuse Services Act:  
24

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

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

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

13       4. Programs conducted and facilities operated by Alcoholics  
14 Anonymous;

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

17       6. Faith-based, nonresidential recovery programs;

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

20       8. Residential recovery and recovery support programs that are  
21 not collocated with certified treatment programs. However, the  
22 Department of Mental Health and Substance Abuse Services shall offer  
23 voluntary certification for those resident recovery and recovery  
24

support programs that are not collocated with certified treatment programs that desire Department certification; or

9. Services provided by a health center as defined in the Public Health Service Act, 42 U.S.C., Section 254b, except for services listed in Levels 2.1 through 4 of the Levels of Care described in the American Society of Addiction Medicine Criteria.

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~~ comply 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.

1 I. The Department of Mental Health and Substance Abuse Services  
2 is authorized to establish and collect certification and renewal  
3 fees for certification of private facilities and organizations which  
4 provide treatment, counseling and rehabilitation services directed  
5 toward alcohol- and drug-dependent persons, as provided in Section  
6 3-324 of this title.

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

11 SECTION 2. This act shall become effective November 1, 2021.

12 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES  
13 February 22, 2021 - DO PASS  
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