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February 23, 2023

SENATE BILL NO. 59

By: Daniels of the Senate

and

Kendrix of the House

An Act relating to professions and occupations; amending 59 O.S. 2021, Section 6001, as amended by Section 1, Chapter 128, O.S.L. 2022 (59 O.S. Supp. 2022, Section 6001), which relates to the State Board of Behavioral Health Licensure; extending sunset date; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 6001, as amended by Section 1, Chapter 128, O.S.L. 2022 (59 O.S. Supp. 2022, Section 6001), is amended to read as follows:

Section 6001. A. 1. There is hereby re-created the State Board of Behavioral Health Licensure to continue until July 1, ~~2023~~ 2026, in accordance with the provisions of the Oklahoma Sunset Law.

2. Members of the Board shall serve at the pleasure of and may be removed from office by the appointing authority. Members shall continue to serve until their successors are appointed. Any vacancy

1 shall be filled in the same manner as the original appointments.

2 Four members shall constitute a quorum.

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

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

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

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

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

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

6 3. The members of the Board from each professional area of
7 behavioral health counseling shall comprise separate committees and
8 shall consult on professional issues within their respective areas
9 of behavioral health counseling. Each committee shall recommend to
10 the Board approval or disapproval of all licenses to be issued
11 within its specialty. Each committee shall be authorized to
12 recommend approval or disapproval of the examination requirements
13 for all applicants for licensure in the respective area of
14 behavioral health counseling, provide grading standards for
15 examinations, and provide for other matters relating to licensure in
16 that area of behavioral health counseling. Each committee may
17 create advisory committees to consult on professional duties and
18 responsibilities pursuant to the provisions of this section.

19 4. Any and all recommendations, approvals, or disapprovals made
20 by a committee pursuant to the provisions of this section shall not
21 become effective without the approval of a majority of members of
22 the Board.

23 5. The jurisdictional areas of the Board shall include
24 professional counseling licensing and practice issues, marital and

1 family therapist licensing and practice issues, behavioral
2 practitioner licensing and practice issues and such other areas as
3 authorized by the Licensed Professional Counselors Act.

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

8 D. Members of the Board shall serve without compensation but
9 may be reimbursed for expenses incurred in the performance of their
10 duties, as provided in the State Travel Reimbursement Act. The
11 Board is authorized to utilize the conference rooms of and obtain
12 administrative assistance from the State Board of Medical Licensure
13 and Supervision as required.

14 E. The Board is authorized and empowered to:

15 1. Establish and maintain a system of licensure and
16 certification pursuant to the provisions of the Licensed
17 Professional Counselors Act;

18 2. Adopt and enforce standards governing the professional
19 conduct of persons licensed pursuant to the provisions of the
20 Licensed Professional Counselors Act;

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

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

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

6 6. Contract with state agencies for the purposes of
7 investigating written complaints regarding the conduct of persons
8 licensed pursuant to the provisions of the Licensed Professional
9 Counselors Act and obtaining administrative assistance as deemed
10 necessary by the Executive Director; and

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

13 F. The Board shall employ an Executive Director. The Executive
14 Director shall be authorized to:

15 1. Employ and maintain an office staff;

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

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

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

21 SECTION 2. This act shall become effective July 1, 2023.

22 SECTION 3. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
24

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
4 February 23, 2023 - DO PASS
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