

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3888

By: Cantrell

AS INTRODUCED

An Act relating to mental health; amending Section 1, Chapter 202, O.S.L. 2024 (43A O.S. Supp. 2025, Section 3-335) which relates to behavioral health certification or license applicants and renewals, required information; modifying definition; amending 59 O.S. 2021, Section 1871, 1875, 1876, 1877, 1878, 1879, 1881, 1882, 1883, and 1884, which relates to the Licensed Alcohol and Drug Counselors Act; replacing the Oklahoma Board of Licensed Alcohol and Drug Counselors with the Oklahoma Department of Mental Health and Substance Abuse Services; amending 59 O.S. 2021, Section 1902, 1905, 1906, 1907, 1908, 1909, 1911, 1912, 1913.1, 1916.1, 1917, 1918, and 1919, which relates to the Licensed Professional Counselors Act; replacing the State Board of Behavioral Health Licensure with the Oklahoma Department of Mental Health and Substance Abuse Services; amending 59 O.S. 2021, Section 1925.2, 1925.5, 1925.6, 1925.7, 1925.8, 1925.9, 1925.15, 1925.17, and 1925.18, which relates to the Marital and Family Therapist Licensure Act; replacing the State Board of Behavioral Health Licensure with the Oklahoma Department of Mental Health and Substance Abuse Services; amending 59 O.S. 2021, Section 1931, 1934, 1935, 1936, 1937, 1938, 1940, 1941, 1942, 1944, 1945, 1946, 1947, 1948, and 1949, which relates to the Licensed Behavioral Practitioner Act; replacing the State Board of Behavioral Health Licensure with the Oklahoma Department of Mental Health and Substance Abuse Services; amending 63 O.S. 2021, Section 1-2506.1, as amended by Section 1, Chapter 45, O.S.L. 2024 (63 O.S. Supp. 2025, Section 1-2506.1), which relates to authority of first responders to administer emergency opiate antagonists; updating statutory references; repealing

59 O.S. 2021, Section 1873, as last amended by
Section 1, Chapter 266, O.S.L. 2025 (59 O.S. Supp.
2025, Section 1873), which relates to the Oklahoma
Board of Licensed Alcohol and Drug Counselors;
repealing 59 O.S. 2021, Section 1873, as last amended
by Section 1, Chapter 235, O.S.L. 2025 (59 O.S. Supp.
2025, Section 1873), which relates to the Oklahoma
Board of Licensed Alcohol and Drug Counselors;
repealing 59 O.S. 2021, Section 1874, which relates
to officers, quorum, and meetings for the Oklahoma
Board of Licensed Alcohol and Drug Counselors;
repealing 59 O.S. 2021, Section 6001, as last amended
by Section 1, Chapter 89, O.S.L. 2023 (59 O.S. Supp.
2025, Section 6001), which relates to the State Board
of Behavioral Health Licensure; and providing an
effective date.

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

SECTION 1. AMENDATORY Section 1, Chapter 202, O.S.L.
2024 (43A O.S. Supp. 2025, Section 3-335), is amended to read as
follows:

Section 3-335. A. As used in this section:

1. "Board" means any of the following:

- a. the State Board of Examiners of Psychologists, or
- b. ~~the State Board of Behavioral Health Licensure,~~
- c. ~~the Oklahoma State Board of Licensed Social Workers,~~
- ~~or~~
- d. ~~the Oklahoma Board of Licensed Alcohol and Drug
Counselors;~~

2. "Licensed mental health professional" means an individual
who holds any type of license pursuant to the:

- a. Psychologists Licensing Act,
- b. Psychology Interjurisdictional Compact,
- c. Licensed Professional Counselors Act,
- d. Janet Phillips Act of 2023,
- e. Marital and Family Therapist Licensure Act,
- f. Social Worker's Licensing Act, or
- g. Licensed Alcohol and Drug Counselors Act; and

3. "Certified mental health professional" means an individual who holds any type of certification pursuant to the Unified Community Mental Health Services Act.

B. Every applicant for a behavioral health certification or license issued by a designated board shall provide the following information:

1. Demographic information, including race, ethnicity, gender, date of birth, and languages spoken;

2. Educational background, training information, internship information, if applicable, and location of internship or program attended; and

3. If the applicant has any other mental health certifications or licenses.

C. Every mental health professional who is renewing a behavioral health certification or license issued by a designated board shall report the following information:

1 1. Changes to demographic information required upon initial
2 application for licensure or certification;

3 2. Workforce retention information, including, but not limited
4 to, anticipated changes in licensure status or retirement; and

5 3. Workforce practice trends, including, but not limited to:

6 a. practice specialization, if applicable,

7 b. practice location and physical address, if applicable,

8 c. service delivery area, by county,

9 d. if the licensee is currently using their license and

10 if its average use is between one (1) through ten

11 (10), eleven (11) through twenty (20), twenty-one (21)

12 through thirty (30), or over thirty-one (31) hours of

13 client-facing hours per week, and

14 e. the use of telehealth.

15 D. The boards designated in subsection A of this section shall
16 promulgate rules to effectuate the provisions of this section.

17 E. The boards designated in subsection A of this section shall
18 furnish de-identified annual licensure and certification data to the
19 Oklahoma Department of Mental Health and Substance Abuse Services.

20 F. The Oklahoma Department of Mental Health and Substance Abuse
21 Services shall compile the de-identified information collected in
22 this section into an annual report. The report shall not contain
23 any personal identifying information. The annual report shall be
24 posted on the agency's website and submitted to the President Pro

1 Tempore of the Oklahoma State Senate, the Speaker of the Oklahoma
2 House of Representatives, and the chairs of the committees with
3 responsibility over public health in both chambers of the
4 Legislature.

5 G. Nothing in this section shall be interpreted to expand the
6 amount of public-facing data about Oklahoma's individual behavioral
7 health licensees.

8 SECTION 2. AMENDATORY 59 O.S. 2021, Section 1871, is
9 amended to read as follows:

10 Section 1871. For purposes of the Licensed Alcohol and Drug
11 Counselors Act:

12 1. "Alcohol and drug counseling" means the application of
13 counseling principles for:

14 a. substance use disorders, or

15 b. substance abuse disorders and co-occurring disorders
16 in order to:

17 (1) develop an understanding of substance abuse and
18 co-occurring disorders,

19 (2) permit licensed alcohol and drug counselors to
20 prevent, diagnose or treat substance abuse and to
21 prevent, diagnose or treat co-occurring
22 disorders,

23 (3) permit licensed alcohol and drug counselors to
24 conduct assessments or diagnoses for the purpose

1 of establishing treatment goals and objectives
2 for substance abuse and to establish treatment
3 goals and objectives for co-occurring disorders,
4 and

5 (4) plan, implement or evaluate treatment plans using
6 counseling treatment interventions;

7 2. "Alcohol and drug counseling", as a certified alcohol and
8 drug counselor, means the application of counseling principles for:

9 a. substance use disorders, or

10 b. substance abuse disorders in order to:

11 (1) develop an understanding of alcoholism and drug
12 dependency problems,

13 (2) prevent, diagnose or treat alcohol and drug
14 dependency problems,

15 (3) conduct assessments or diagnosis for the purpose
16 of establishing treatment goals and objectives
17 for substance abuse,

18 (4) plan, implement or evaluate treatment plans using
19 counseling treatment interventions for substance
20 abuse, and

21 (5) permit certified alcohol and drug counselors
22 certified in co-occurring disorders to recognize
23 co-occurring disorders and integrate that
24 recognition into substance abuse treatment,

provided the certified alcohol and drug counselor is working in a nationally accredited or Oklahoma Department of Mental Health and Substance Abuse Services certified agency and is working under the supervision of a supervisor approved by the Oklahoma Board of Licensed Alcohol And Drug Counselors pursuant to paragraph 13 of this section and who is a licensed alcohol and drug counselor that is licensed in mental health and substance abuse, a licensed alcohol and drug counselor that holds a co-occurring certification from the Board or a licensed mental health professional. Certified alcohol and drug counselors shall meet or exceed the Certified Co-Occurring Disorders Professional Standards as laid out in the standards promulgated by the International Certification & Reciprocity Consortium, any successor organization to the International Certification and Reciprocity Consortium or another national or international organization that has similar standards equal to or higher than the International Certification and Reciprocity Consortium.

1 Certified alcohol and drug counselors may not provide private or
2 independent practice for co-occurring disorders;

3 3. ~~"Board" means the Oklahoma Board of Licensed Alcohol and~~
4 ~~Drug Counselors, created by Section 1873 of this title;~~

5 4. "Certified alcohol and drug counselor" means any person who
6 is not exempt pursuant to the provisions of Section 1872 of this
7 title and is not licensed under the Licensed Alcohol and Drug
8 Counselors Act, but who provides alcohol and drug counseling
9 services within the scope of practice while employed by an entity
10 certified by the Department of Mental Health and Substance Abuse
11 Services, or who is exempt from such certification, ~~or who is under~~
12 ~~the supervision of a person recognized by the Oklahoma Board of~~
13 ~~Licensed Alcohol and Drug Counselors as a supervisor.~~ A certified
14 alcohol and drug counselor may provide counseling services for co-
15 occurring disorders if he or she has been certified by the ~~Board~~
16 Department to provide counseling as provided in this section for co-
17 occurring disorders;

18 5. 4. "Certified alcohol and drug counselor candidate" or
19 "licensed alcohol and drug counselor candidate" means a person who
20 has made application for certification or licensure and who has been
21 authorized by the ~~board~~ Department to practice alcohol and drug
22 counseling under supervision while completing the required work
23 experience;

1 ~~6.~~ 5. "Consulting" means interpreting or reporting scientific
2 fact or theory in counseling to provide assistance in solving
3 current or potential problems of individuals, groups or
4 organizations;

5 ~~7.~~ 6. "Co-occurring disorder" means a disorder in which
6 individuals have at least one mental health disorder as defined in
7 the most current version of the Diagnostic and Statistical Manual
8 and a substance abuse disorder as defined in paragraph 14 of this
9 section. While these disorders may interact differently in any one
10 person at least one disorder of each type can be diagnosed
11 independently of the other;

12 7. "Department" means the Oklahoma Department of Mental Health
13 and Substance Abuse Service;

14 8. "International Certification & Reciprocity Consortium
15 Standards" means the standards enumerated by the International
16 Certification and Reciprocity Consortium, any successor organization
17 to the Consortium or another national or international organization
18 that has similar standards equal to or higher than the International
19 Certification and Reciprocity Consortium, that includes requirements
20 regarding education, exams, degrees, coursework, supervision,
21 continuing education, and ethics for individuals seeking a certified
22 co-occurring disorders professional certification from the
23 Consortium. The requirement to meet these standards shall never
24

1 fall below the requirements set forth by the Consortium on June 1,
2 2008-;

3 9. "Licensed alcohol and drug counselor" means any person who
4 provides alcohol and drug counseling services within the scope of
5 practice, including co-occurring disorders, for compensation to any
6 person and is licensed pursuant to the provisions of the Licensed
7 Alcohol and Drug Counselors Act. The term "licensed alcohol and
8 drug counselor" shall not include those professions exempted by
9 Section 1872 of this title;

10 10. "Licensed alcohol and drug counselor/mental health" or
11 "LADC/MH" means a licensed alcohol and drug counselor who has been
12 determined by the ~~Board~~ Department to meet the requirements to
13 include the assessment, diagnosis, and treatment of mental health
14 disorders within the counselor's scope of practice, regardless of
15 whether the mental health disorders are co-occurring;

16 11. "Recovery" means a voluntary lifestyle, maintained as the
17 result of one's diagnosis, treatment or self-disclosure of a
18 substance abuse disorder, characterized by complete abstinence from
19 alcohol, and all other mind altering drugs or chemicals except
20 tobacco and drugs used as prescribed by an authorized licensed
21 medical professional and the absence of pathological compulsive
22 behavior;

23 12. "Relapse" means the resumption of use of alcohol or other
24 mind-altering drugs or chemicals, except tobacco and drugs used as

1 prescribed by an authorized licensed medical professional, or
2 resumption of pathological compulsive behavior, despite having
3 previously been diagnosed, treated or self-disclosed as having a
4 substance abuse disorder and been in recovery;

5 13. "Supervisor" means:

- 6 a. a licensed alcohol and drug counselor who meets the
7 requirements established by the ~~board~~ Department to
8 supervise certified alcohol and drug counselors,
9 certified alcohol and drug counselor candidates or
10 licensed alcohol and drug counselor candidates and has
11 been approved by the Oklahoma ~~Board of Licensed~~
12 ~~Alcohol and Drug Counselors~~ Department of Mental
13 Health and Substance Abuse Services as a supervisor,
14 or
15 b. a licensed mental health professional approved by the
16 ~~Board~~ Department to supervise certified alcohol and
17 drug counselors who have received co-occurring
18 certification, certified alcohol and drug counselors
19 who are candidates for co-occurring certification or
20 licensed alcohol drug and counselors who are
21 candidates for co-occurring certification;

22 14. "Substance abuse disorder" means the repeated pathological
23 use of substances including alcohol and other mind-altering drugs or
24 chemicals, except tobacco, or repeated pathological compulsive

1 behaviors which cause physical, psychological, emotional, economic,
2 legal, social or other harm to the individual afflicted or to others
3 affected by the individual's affliction. As used in the Licensed
4 Alcohol and Drug Counselors Act, substance abuse disorder shall
5 include not only those instances where withdrawal from or tolerance
6 to the substance is present but also those instances involving use
7 and abuse of substances;

8 15. "Supervised practicum experience" means volunteer or paid
9 work experience in the core functions of substance abuse counseling
10 as delineated by the Oklahoma Board of Licensed Alcohol and Drug
11 Counselors;

12 16. "Supervised work experience" means voluntary or paid work
13 experience in providing alcohol and drug counseling services to
14 individuals under the supervision of a licensed alcohol and drug
15 counselor; and

16 17. "Scope of practice" means acting within the boundaries of
17 competence based on education, training, supervised experience,
18 state and national professional credentials, and appropriate
19 professional experience.

20 SECTION 3. AMENDATORY 59 O.S. 2021, Section 1875, is
21 amended to read as follows:

22 Section 1875. In addition to any other powers and duties
23 imposed by law, the Oklahoma ~~Board of Licensed Alcohol and Drug~~
24

1 ~~Counselors~~ Department of Mental Health and Substance Abuse Services

2 shall have the power and duty to:

3 1. Promulgate rules necessary to effectuate the provisions of
4 the Licensed Alcohol and Drug Counselors Act, and to make orders as
5 it may deem necessary or expedient in the performance of its duties;

6 2. Prepare, conduct and grade examinations of persons who apply
7 for certification or licensure as an alcohol and drug counselor and
8 certification for co-occurring disorders;

9 3. Determine a satisfactory passing score on such examinations
10 and issue certifications and licenses to persons who pass the
11 examinations or who are otherwise entitled to certification and
12 licensure;

13 4. Determine eligibility for certification and licensure and
14 requirements for approval as a supervisor;

15 5. Issue and renew certificates and licenses for alcohol and
16 drug counselors and certification for co-occurring disorders;

17 6. Upon good cause shown:

- 18 a. deny the issuance of a certificate or license,
19 b. suspend, revoke or refuse to renew a certificate or
20 license,
21 c. place a holder of a certificate or a licensee on
22 probation, or
23
24

d. suspend, revoke, refuse to renew or otherwise sanction a certified alcohol and drug counselor candidate or a licensed alcohol and drug counselor candidate;

7. Establish and levy administrative penalties against any person or entity who violates any of the provisions of the Licensed Alcohol and Drug Counselors Act or any rule promulgated or order issued pursuant thereto;

8. Obtain an office, secure facilities, and employ, direct, discharge and define the duties and set the salaries of office personnel as deemed necessary by the ~~Board~~ Department;

9. Initiate disciplinary, prosecution and injunctive proceedings against any person or entity who violates any of the provisions of the Licensed Alcohol and Drug Counselors Act, or any rule promulgated or order issued pursuant thereto; provided, the ~~Board~~ Department shall be exempt from providing surety for the costs in connection with the commencement of any legal proceedings under the provisions of the Licensed Alcohol and Drug Counselors Act;

10. Investigate alleged violations of the Licensed Alcohol and Drug Counselors Act, or the rules, orders or final orders of the ~~Board~~ Department and impose as part of any disciplinary action the payment of costs expended by the ~~Board~~ Department for any legal fees and costs, including, but not limited to, probation and monitoring, staff time, salary and travel expenses, witness fees and attorney fees;

1 11. Promulgate rules of conduct governing the practice of
2 certified and licensed alcohol and drug counselors, certified
3 alcohol and drug counselor candidates, licensed alcohol and drug
4 counselor candidates and supervisors;

5 12. Keep accurate and complete records of its proceedings;

6 13. Promulgate rules for continuing education requirements for
7 certified and licensed alcohol and drug counselors, and supervisors;

8 14. Issue a certificate or license by endorsement to an
9 applicant certified or licensed to practice as a certified or
10 licensed alcohol and drug counselor in another state if the ~~Board~~
11 Department deems such applicant to have qualifications that are
12 comparable to those required under the Licensed Alcohol and Drug
13 Counselors Act and, if the ~~Board~~ Department deems the applicant as
14 meeting the standards, provided by rules, for certification or
15 licensure by endorsement;

16 15. Require certified and licensed drug and alcohol counselors
17 to maintain their patient records for a period of seven (7) years
18 from the date the service was provided; and

19 16. Perform such other duties and have such other
20 responsibilities as necessary to implement the provisions of the
21 Licensed Alcohol and Drug Counselors Act.

22 SECTION 4. AMENDATORY 59 O.S. 2021, Section 1876, is
23 amended to read as follows:
24

1 Section 1876. A. Unless exempt pursuant to Section 1872 of
2 this title, any person wishing to practice alcohol and drug
3 counseling in this state shall obtain a certificate or license to
4 practice pursuant to the provisions of the Licensed Alcohol and Drug
5 Counselors Act.

6 B. An application for a certificate or license to practice as a
7 certified or licensed alcohol and drug counselor shall be made to
8 the Oklahoma ~~Board of Licensed Alcohol and Drug Counselors~~
9 Department of Mental Health and Substance Abuse Services in writing.
10 Such application shall be on a form and in a manner prescribed by
11 the ~~Board~~ Department. The application shall be accompanied by the
12 fee required by the Licensed Alcohol and Drug Counselors Act, which
13 shall be retained by the ~~Board~~ Department and not returned to the
14 applicant.

15 C. Each applicant for a certificate or license to practice as a
16 certified or licensed alcohol and drug counselor shall:

17 1. Pass an examination based on standards established by the
18 International Certification and Reciprocity Consortium, any
19 successor organization to the International Certification and
20 Reciprocity Consortium or another national or international
21 organization recognized by the ~~Board~~ Department to have similar
22 standards equal to or higher than the International Certification
23 and Reciprocity Consortium;

24 2. Be at least twenty-one (21) years of age;

1 3. Not have engaged in, nor be engaged in, any practice or
2 conduct which would be grounds for denying, revoking or suspending a
3 license pursuant to the provisions of the Licensed Alcohol and Drug
4 Counselors Act; and

5 4. Otherwise comply with the rules promulgated by the ~~Board~~
6 Department pursuant to the provisions of the Licensed Alcohol and
7 Drug Counselors Act.

8 D. In addition to the qualifications specified by the
9 provisions of subsection C of this section, an applicant for a
10 license to practice as a licensed alcohol and drug counselor shall:

11 1. Have at least a master's degree in alcohol and substance
12 abuse counseling or other clinical counseling field recognized by
13 the Oklahoma ~~Board of Licensed Alcohol and Drug Counselors~~
14 Department of Mental Health and Substance Abuse Services that
15 includes, at a minimum, the following knowledge areas and graduate
16 credit hours from a college or university accredited by an agency
17 recognized by the United States Department of Education:

- 18 a. three courses in foundational knowledge, including one
19 course in alcohol and drug addiction, one course in
20 drug and alcohol counseling theory, and one course in
21 the pharmacology of drugs and abuse,
- 22 b. three courses in assessment and treatment of
23 behavioral health problems, which may include group
24 dynamics, individual and family counseling skills,

specific counseling approaches, assessment methods,
community resources and referral, or other courses
primarily related to the assessment and treatment of
behavioral health problems,

- c. one course in human development,
- d. one course in psychopathology,
- e. one course in multicultural and cultural competency
issues,
- f. one course in family systems theory,
- g. one course in addiction in the family theory,
- h. one course in addiction in the family counseling,
- i. one course in ethics, which includes established
ethical conduct for alcohol and drug counselors,
- j. one course in research methods, and
- k. one three-hour practicum/internship in the field of
drug and alcohol counseling of at least three hundred
(300) clock hours.

All courses shall be graduate level courses and shall be three
(3) semester hours or four (4) quarter credit hours which shall
include a minimum of forty-five (45) class hours for each course;

2. Have successfully completed at least one (1) year of full-
time supervised work experience providing behavioral health
services. For the purpose of the Licensed Alcohol and Drug
Counselors Act, one (1) year of full-time work experience shall mean

1 two thousand (2,000) hours of work experience, of which at least one
2 thousand (1,000) hours shall consist of direct client contact; or

3 3. Be a licensed mental health professional as defined in
4 Section 1-103 of Title 43A of the Oklahoma Statutes and have
5 completed a minimum of fifteen (15) hours in master's level
6 substance abuse specific coursework, including, but not limited to,
7 chemical addiction, counseling, alcohol/drug counseling theory,
8 pharmacology of drugs and abuse, assessment and treatment of alcohol
9 and drug problems, theories in family addiction, and/or family
10 addiction counseling.

11 E. The scope of practice of a licensed alcohol and drug
12 counselor who meets the educational requirements set forth in
13 paragraph 1 of subsection D of this section may include the
14 assessment, diagnosis, and treatment of mental health disorders.
15 Licensees who have been determined by the ~~Board~~ Department to meet
16 these requirements shall have the designation "licensed alcohol and
17 drug counselor/mental health" or "LADC/MH" noted on their license
18 and wallet card.

19 F. The scope of practice of a licensed alcohol and drug
20 counselor who made application for license or who was licensed prior
21 to the effective date of the educational requirements set forth in
22 paragraph 1 of subsection D of this section shall not include the
23 assessment, diagnosis, and treatment of mental health disorders
24 unless:

1 1. The licensed alcohol and drug counselor holds a master's
2 degree that meets the educational requirements for licensure in the
3 following behavioral health professions:

4 a. licensed professional counselor as defined in Section
5 1902 of this title,

6 b. licensed clinical social worker as defined in Section
7 1250.1 of this title,

8 c. licensed marital and family therapist as defined in
9 Section 1925.2 of this title, or

10 d. licensed behavioral practitioner as defined in Section
11 1931 of this title; or

12 2. The licensed alcohol and drug counselor holds a valid Co-
13 Occurring Disorders Certification based on standards established by
14 the International Certification and Reciprocity Consortium, any
15 successor organization to the International Certification and
16 Reciprocity Consortium, or any other national or international
17 organization recognized by the ~~Board~~ Department to have similar
18 standards equal to or higher than the International Certification
19 and Reciprocity Consortium.

20 G. In addition to the qualifications specified in subsection C
21 of this section, each applicant for a certificate to practice as a
22 certified alcohol and drug counselor shall have:

23 1. At a minimum, a bachelor's degree in a behavioral science
24 field that is recognized by the Oklahoma ~~Board of Licensed Alcohol~~

1 ~~and Drug Counselors~~ Department of Mental Health and Substance Abuse
2 Services as appropriate to practice as a certified drug and alcohol
3 counselor in this state;

4 2. Successfully completed at least two (2) years of full-time
5 supervised work experience. For the purpose of the Licensed Alcohol
6 and Drug Counselors Act, "two years of full-time work experience"
7 shall be defined as four thousand (4,000) hours of work experience
8 of which at least two thousand (2,000) hours shall consist of
9 providing alcohol and drug counseling services to an individual
10 and/or the individual's family;

11 3. Successfully completed at least two hundred seventy (270)
12 clock hours of education related to alcohol and drug counseling
13 subjects, theory, practice or research;

14 4. Successfully completed, as part of or in addition to the
15 education requirements established in paragraph 3 of this
16 subsection, a minimum of forty-five (45) clock hours of specialized
17 training approved by the ~~Board~~ Department in identifying co-
18 occurring disorders and making appropriate referrals for treatment
19 of co-occurring disorders; and

20 5. Successfully completed at least three hundred (300) hours of
21 supervised practicum experience in the field of drug and alcohol
22 counseling.

23 H. Any licensed or certified alcohol and drug counselor wishing
24 to be certified for co-occurring disorders in this state may obtain

1 such certification pursuant to the provisions of the Licensed
2 Alcohol and Drug Counselors Act.

3 I. An application by a licensed or certified alcohol and drug
4 counselor for certification for co-occurring disorders shall be made
5 to the Oklahoma ~~Board of Licensed Alcohol and Drug Counselors~~
6 Department of Mental Health and Substance Abuse Services in writing.
7 Such application shall be on a form and in a manner prescribed by
8 the ~~Board~~ Department. The application shall be accompanied by the
9 fee required by Section 1884 of this title, which shall be retained
10 by the ~~Board~~ Department and not returned to the applicant.

11 J. Each applicant for certification for co-occurring disorders
12 shall:

13 1. Be a licensed or certified alcohol and drug counselor in
14 good standing with the ~~Board~~ Department;

15 2. Meet the requirements promulgated by the ~~Board~~ Department to
16 establish the applicant's competency to include treatment of co-
17 occurring disorders within his or her scope of practice;

18 3. Be at least twenty-one (21) years of age;

19 4. Not have engaged in, nor be engaged in, any practice or
20 conduct which would be grounds for denying, revoking or suspending a
21 license pursuant to the provisions of the Licensed Alcohol and Drug
22 Counselors Act; and
23
24

1 5. Otherwise comply with the rules promulgated by the ~~Board~~
2 Department pursuant to the provisions of the Licensed Alcohol and
3 Drug Counselors Act.

4 K. Applicants with degrees from schools outside the United
5 States may qualify with ~~Board~~ Department approval by providing the
6 ~~Board~~ Department with an acceptable comprehensive evaluation of the
7 degree performed by a foreign credential evaluation service that is
8 acceptable to the ~~Board~~ Department, and any other requirement the
9 ~~Board~~ Department deems necessary.

10 SECTION 5. AMENDATORY 59 O.S. 2021, Section 1877, is
11 amended to read as follows:

12 Section 1877. A. 1. On and after January 1, 2005, before any
13 person is eligible to receive a license to practice as a certified
14 or licensed alcohol and drug counselor in this state, such person
15 shall successfully pass an examination pursuant to the provisions of
16 this section.

17 2. Examinations shall be held at such times, at such place and
18 in such manner as the Oklahoma ~~Board of Licensed Alcohol and Drug~~
19 ~~Counselors~~ Department of Mental Health and Substance Abuse Services
20 directs. An examination shall be held at least annually. The ~~Board~~
21 Department shall determine the acceptable grade on examinations.
22 The examination shall cover such technical, professional and
23 practical subjects as relate to the practice of alcohol and drug
24 counseling.

1 3. If an applicant fails to pass the examination, the applicant
2 may reapply.

3 B. The ~~Board~~ Department shall preserve the answers to any
4 examination, and the applicant's performance on each section of the
5 examination, as part of the records of the ~~Board~~ Department for a
6 period of two (2) years following the date of the examination.

7 SECTION 6. AMENDATORY 59 O.S. 2021, Section 1878, is
8 amended to read as follows:

9 Section 1878. A. An applicant who meets the requirements for
10 certification or licensure pursuant to the provisions of the
11 Licensed Alcohol and Drug Counselors Act, pays the required
12 certification or license fees, and otherwise complies with the
13 provisions of the Licensed Alcohol and Drug Counselors Act shall be
14 certified or licensed by the Oklahoma ~~Board of Licensed Alcohol and~~
15 ~~Drug Counselors~~ Department of Mental Health and Substance Abuse
16 Services.

17 B. Each initial certificate or license issued pursuant to the
18 Licensed Alcohol and Drug Counselors Act shall expire twelve (12)
19 months from the date of issuance unless sooner revoked.

20 C. 1. A certificate or license may be renewed annually upon
21 application and payment of fees. The application for renewal shall
22 be accompanied by evidence satisfactory to the ~~Board~~ Department that
23 the applicant has satisfied relevant professional or continuing
24 education requirements during the previous twelve (12) months.

1 2. Failure to renew a certificate or license shall result in
2 forfeiture of the rights and privileges granted by the certificate
3 or license.

4 D. A person whose certificate or license has expired may make
5 application to the ~~Board~~ Department, in writing, within one (1) year
6 following the expiration date of the certificate or license
7 requesting reinstatement in a manner prescribed by the ~~Board~~
8 Department and upon payment of the fees required by the provisions
9 of the Licensed Alcohol and Drug Counselors Act. The certificate or
10 license of a person whose certificate or license has been expired
11 for more than one (1) year shall not be reinstated. A person may
12 reapply for a new certificate or license as provided in Section 7
13 1876 of this ~~act~~ title.

14 E. A certified or licensed alcohol and drug counselor whose
15 certificate or license is current and in good standing and who
16 wishes to retire the certificate or license may do so by informing
17 the ~~Board~~ Department in writing and returning the certificate or
18 license to the ~~Board~~ Department. A certificate or license so
19 retired shall not be reinstated, but such retirement shall not
20 prevent a person from applying for a new certificate or license at a
21 future date.

22 SECTION 7. AMENDATORY 59 O.S. 2021, Section 1879, is
23 amended to read as follows:

1 Section 1879. No person certified or licensed pursuant to the
2 provisions of the Licensed Alcohol and Drug Counselors Act shall
3 knowingly and willfully disclose any information that the holder of
4 the certificate or license may have acquired from persons consulting
5 the licensee in his or her professional capacity as an alcohol and
6 drug counselor or be compelled to disclose such information except
7 as provided by rules promulgated by the Oklahoma ~~Board of Licensed~~
8 ~~Alcohol and Drug Counselors~~ Department of Mental Health and
9 Substance Abuse Services. Such rules shall comply with state and
10 federal law.

11 SECTION 8. AMENDATORY 59 O.S. 2021, Section 1881, is
12 amended to read as follows:

13 Section 1881. A. The Oklahoma ~~Board of Licensed Alcohol and~~
14 ~~Drug Counselors~~ Department of Mental Health and Substance Abuse
15 Services may deny, revoke, suspend, place on probation or otherwise
16 sanction the holder of or candidate for any certificate or license
17 issued pursuant to the provisions of the Licensed Alcohol and Drug
18 Counselors Act to a certified or licensed alcohol and drug
19 counselor, or withdraw its acceptance of a licensed or certified
20 alcohol and drug counselor candidate if the person has:

21 1. Been convicted of or pleaded guilty or nolo contendere to a
22 felony;
23
24

1 2. Been convicted of or pleaded guilty or nolo contendere to a
2 misdemeanor determined to be of such a nature as to render the
3 person convicted unfit to practice alcohol and drug counseling;

4 3. Been found by the ~~Board~~ Department to have a substance abuse
5 or co-occurring disorder and not be in recovery or to have relapsed
6 from recovery;

7 4. Engaged in fraud or deceit in connection with services
8 rendered or in establishing needed qualifications pursuant to the
9 provisions of the Licensed Alcohol and Drug counselors Act;

10 5. Knowingly aided or abetted a person not certified or
11 licensed pursuant to these provisions in representing himself or
12 herself as a certified or licensed alcohol and drug counselor in
13 this state;

14 6. Engaged in unprofessional conduct as defined by rules
15 promulgated by the ~~Board~~ Department;

16 7. Engaged in negligence or wrongful actions in the performance
17 of his or her duties; or

18 8. Misrepresented any information required in obtaining a
19 certificate or license.

20 B. No certificate or license shall be suspended or revoked, nor
21 shall a certified or licensed alcohol and drug counselor be placed
22 on probation or subjected to an administrative penalty until notice
23 is served upon the certified or licensed alcohol and drug counselor
24

1 and an opportunity for a hearing is provided in conformity with
2 Article II of the Administrative Procedures Act.

3 C. In addition to the notice provided for in subsection B of
4 this section, notice shall also be served on the ~~licensing board~~
5 Department for any other license held by the certified or licensed
6 alcohol and drug counselor.

7 D. 1. Any person who is determined by the ~~Board~~ Department to
8 have violated any provision of the Licensed Alcohol and Drug
9 Counselors Act, or any rule promulgated or order issued pursuant
10 thereto, may be subject to an administrative penalty.

11 2. The maximum administrative penalty shall not exceed Ten
12 Thousand Dollars (\$10,000.00).

13 3. Administrative penalties imposed pursuant to this subsection
14 shall be enforceable in the district courts of this state.

15 4. All administrative penalties collected shall be deposited
16 into the Licensed Alcohol and Drug Counselors Revolving Fund,
17 created by Section 1883 of this title.

18 E. The hearings provided for by the Licensed Alcohol and Drug
19 Counselors Act shall be conducted in conformity with, and records
20 made thereof as provided by Article II of the Administrative
21 Procedures Act.

22 SECTION 9. AMENDATORY 59 O.S. 2021, Section 1882, is
23 amended to read as follows:
24

1 Section 1882. The Oklahoma ~~Board of Licensed Alcohol and Drug~~
2 ~~Counselors~~ Department of Mental Health and Substance Abuse Services
3 shall promulgate rules governing any certification or licensure
4 action to be taken pursuant to the Administrative Procedures Act.

5 SECTION 10. AMENDATORY 59 O.S. 2021, Section 1883, is
6 amended to read as follows:

7 Section 1883. There is hereby created in the State Treasury a
8 revolving fund for the Oklahoma ~~Board of Licensed Alcohol and Drug~~
9 ~~Counselors~~ Department of Mental Health and Substance Abuse Services,
10 to be designated the "Licensed Alcohol and Drug Counselors Revolving
11 Fund". The fund shall be a continuing fund, not subject to fiscal
12 year limitations, and shall consist of all monies received pursuant
13 to the Licensed Alcohol and Drug Counselors Act. All monies
14 accruing to the credit of the fund are hereby appropriated and may
15 be budgeted and expended by the ~~Board~~ Department to meet expenses
16 necessary for carrying out the purposes of this act. Expenditures
17 from the fund shall be approved by the ~~Board~~ Department and shall be
18 made upon warrants issued by the State Treasurer against claims
19 filed as prescribed by law with the Director of the Office of
20 Management and Enterprise Services for approval and payment.

21 SECTION 11. AMENDATORY 59 O.S. 2021, Section 1884, is
22 amended to read as follows:

23 Section 1884. A. The fee for certification, licensure or
24 annual renewal of a certificate or license as a certified or

1 licensed alcohol and drug counselor, certification to provide
2 treatment for co-occurring disorders, approval as a supervisor or
3 for other actions reasonable and necessary to the proper
4 administration of the provisions of the Licensed Alcohol and Drug
5 Counselors Act shall be fixed by the Oklahoma ~~Board of Licensed~~
6 ~~Alcohol and Drug Counselors~~ Department of Mental Health and
7 Substance Abuse Services.

8 B. The ~~Board~~ Department shall fix the amount of the fees so
9 that the total fees collected will be sufficient to meet the
10 expenses of administering the provisions of the Licensed Alcohol and
11 Drug Counselors Act and so that there are no unnecessary surpluses
12 in the Licensed Alcohol and Drug Counselors Revolving Fund;
13 provided, the ~~Board~~ Department shall not fix the certification or
14 licensure fee at an amount in excess of Three Hundred Dollars
15 (\$300.00), or the annual renewal fee at an amount in excess of Two
16 Hundred Dollars (\$200.00).

17 C. 1. The fee for the issuance of a certificate or license to
18 replace a lost, destroyed or mutilated certificate or license shall
19 be Twenty-five Dollars (\$25.00).

20 2. The fee shall accompany the application for a replacement
21 license.

22 D. The fee for the application and examination required
23 pursuant to the provisions of the Licensed Alcohol and Drug
24 Counselors Act shall not exceed Five Hundred Dollars (\$500.00).

SECTION 12. AMENDATORY 59 O.S. 2021, Section 1902, is amended to read as follows:

Section 1902. For the purpose of the Licensed Professional Counselors Act:

1. "Licensed professional counselor" or "LPC" means any person who offers professional counseling services for compensation to any person and is licensed pursuant to the provisions of the Licensed Professional Counselors Act. The term shall not include those professions exempted by Section 1903 of this title;

2. ~~"Board" means the State Board of Behavioral Health Licensure~~
"Commissioner" means the Commissioner of the Oklahoma Department of Mental Health and Substance Abuse Services;

3. "Counseling" means the application of mental health and developmental principles in order to:

- a. facilitate human development and adjustment throughout the life span,
- b. prevent, diagnose or treat mental, emotional or behavioral disorders or associated distress which interfere with mental health,
- c. conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives, and
- d. plan, implement or evaluate treatment plans using counseling treatment interventions;

1 4. "Counseling treatment interventions" means the application
2 of cognitive, affective, behavioral and systemic counseling
3 strategies which include principles of development, wellness, and
4 pathology that reflect a pluralistic society. Such interventions
5 are specifically implemented in the context of a professional
6 counseling relationship;

7 5. "Consulting" means interpreting or reporting scientific fact
8 or theory in counseling to provide assistance in solving current or
9 potential problems of individuals, groups or organizations;

10 6. "Department" means the Oklahoma Department of Mental Health
11 and Substance Abuse Services;

12 ~~6.~~ 7. "Referral activities" means the evaluating of data to
13 identify problems and to determine the advisability of referral to
14 other specialists;

15 ~~7.~~ 8. "Research activities" means reporting, designing,
16 conducting or consulting on research in counseling;

17 ~~8.~~ 9. "Specialty" means the designation of a subarea of
18 counseling practice that is recognized by a national certification
19 agency or by the ~~Board~~ Department;

20 ~~9.~~ 10. "Supervisor" means a person who meets the requirements
21 established by the ~~Board~~ Department and who is licensed pursuant to
22 the Licensed Professional Counselors Act; and

23 ~~10.~~ 11. "Licensed professional counselor candidate" means a
24 person whose application for licensure has been accepted and who is

1 under supervision for licensure as provided in Section 1906 of this
2 title; and

3 ~~11. "Executive Director" means the Executive Director of the~~
4 ~~State Board of Behavioral Health Licensure.~~

5 SECTION 13. AMENDATORY 59 O.S. 2021, Section 1905, is
6 amended to read as follows:

7 Section 1905. A. ~~The State Board of Behavioral Health~~
8 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
9 Services shall:

10 1. Prescribe, adopt and promulgate rules to implement and
11 enforce the provisions of the Licensed Professional Counselors Act,
12 including the adoption of the State Department of Health rules by
13 reference;

14 2. Adopt and establish rules of professional conduct;

15 3. Set license and examination fees as required by the Licensed
16 Professional Counselors Act; and

17 4. Promulgate rules for licensed professional counselors who
18 are licensed outside of Oklahoma to provide counseling services
19 approved by the Licensed Professional Counselors Act, the Marital
20 and Family Therapist Licensure Act, and the Licensed Behavioral
21 Practitioner Act. Provided, such rules shall only be valid for the
22 duration of a declaration of emergency issued by the Governor or the
23 Legislature pursuant to the Oklahoma Emergency Management Act of
24 2003 or a declaration of a catastrophic health emergency issued by

1 the Governor pursuant to the Catastrophic Health Emergency Powers
2 Act. Provided, such rules shall only authorize the provision of
3 services that are pro bono or reimbursed by nongovernmental
4 entities. Nothing in this section shall be construed as to permit
5 the adoption of permanent rules weakening the licensing requirements
6 established by the Licensed Professional Counselors Act, the Marital
7 and Family Therapist Licensure Act, and the Licensed Behavioral
8 Practitioner Act.

9 B. The ~~Board~~ Department shall have the authority to:

10 1. Seek injunctive relief;

11 2. Request the district attorney to bring an action to enforce
12 the provisions of the Licensed Professional Counselors Act;

13 3. Receive fees and deposit said fees into the Licensed
14 Professional Counselors Revolving Fund as required by the Licensed
15 Professional Counselors Act;

16 4. Issue, renew, revoke, deny, suspend and place on probation
17 licenses to practice professional counseling pursuant to the
18 provisions of the Licensed Professional Counselors Act;

19 5. Examine all qualified applicants for licenses to practice
20 professional counseling;

21 6. Request assistance from the State Board of Medical Licensure
22 and Supervision for the purposes of investigating complaints and
23 possible violations of the Licensed Professional Counselors Act;

1 7. Accept grants and gifts from various foundations and
2 institutions; and

3 8. Make such expenditures and employ such personnel as the
4 Executive Director may deem necessary for the administration of the
5 Licensed Professional Counselors Act.

6 SECTION 14. AMENDATORY 59 O.S. 2021, Section 1906, is
7 amended to read as follows:

8 Section 1906. A. Applications for a license to practice as a
9 licensed professional counselor shall be made to the ~~State Board of~~
10 ~~Behavioral Health Licensure~~ Oklahoma Department of Mental Health and
11 Substance Abuse Services in writing. Such applications shall be on
12 a form and in a manner prescribed by the ~~Board~~ Department. The
13 application shall be accompanied by the fee required by the Licensed
14 Professional Counselors Act, which shall be retained by the ~~Board~~
15 Department and not returned to the applicant.

16 B. Each applicant for a license to practice as a licensed
17 professional counselor shall:

18 1. Pass an examination based on standards promulgated by the
19 ~~Board~~ Department pursuant to the Licensed Professional Counselors
20 Act;

21 2. Be at least twenty-one (21) years of age;

22 3. Not have engaged in, nor be engaged in, any practice or
23 conduct which would be grounds for denying, revoking or suspending a
24 license pursuant to this title; and

1 4. Otherwise comply with the rules promulgated by the ~~Board~~
2 Department pursuant to the provisions of the Licensed Professional
3 Counselors Act.

4 C. In addition to the qualifications specified by the
5 provisions of subsection B of this section, an applicant for a
6 license to practice as a licensed professional counselor shall have:

7 1. Successfully completed at least sixty (60) graduate semester
8 hours (ninety (90) graduate quarter hours) of counseling-related
9 course work. These sixty (60) hours shall include at least a
10 master's degree in a counseling field. All courses and degrees
11 shall be earned from a regionally accredited college or university.
12 The ~~Board~~ Department shall define what course work qualifies as
13 "counseling-related" and what degrees/majors qualify as a
14 "counseling field"; and

15 2. Three (3) years of supervised full-time experience in
16 professional counseling subject to the supervision of a licensed
17 professional counselor pursuant to conditions established by the
18 ~~Board~~ Department. One (1) or two (2) years of experience may be
19 gained at the rate of one (1) year for each thirty (30) graduate
20 semester hours earned beyond the master's degree, provided that such
21 hours are clearly related to the field of counseling and are
22 acceptable to the ~~Board~~ Department. The applicant shall have no
23 less than one (1) year of supervised full-time experience in
24 counseling.

1 D. Applicants with degrees from schools outside the United
2 States may qualify with ~~Board~~ Department approval by providing the
3 ~~Board~~ Department with an acceptable comprehensive evaluation of the
4 degree performed by a foreign credential evaluation service that is
5 acceptable to the ~~Board~~ Department, and any other requirement the
6 ~~Board~~ Department deems necessary.

7 E. Applicants licensed in other states shall be licensed by the
8 ~~Board~~ Department if the candidate is in good standing in the other
9 state, has maintained a minimum of three (3) years of licensure
10 since the time of initial full licensure post-provisional term and
11 submits proof of licensure in the other state.

12 SECTION 15. AMENDATORY 59 O.S. 2021, Section 1907, is
13 amended to read as follows:

14 Section 1907. A. 1. Examinations shall be held at such times,
15 at such place and in such manner as the ~~State Board of Behavioral~~
16 ~~Health Licensure~~ Oklahoma Department of Mental Health and Substance
17 Abuse Services directs. An examination shall be held at least
18 annually. The ~~Board~~ Department shall determine the acceptable grade
19 on examinations. The examination shall cover such technical,
20 professional and practical subjects as relate to the practice of
21 professional counseling.

22 2. If an applicant fails to pass the examinations, the
23 applicant may reapply.
24

1 B. The ~~Board~~ Department shall preserve answers to any
2 examination, and the applicant's performance on each section, as
3 part of the records of the ~~Board~~ Department for a period of two (2)
4 years following the date of the examination.

5 SECTION 16. AMENDATORY 59 O.S. 2021, Section 1908, is
6 amended to read as follows:

7 Section 1908. A. An applicant who meets the requirements for
8 licensure pursuant to the provisions of the Licensed Professional
9 Counselors Act, has paid the required license fees and has otherwise
10 complied with the provisions of the Licensed Professional Counselors
11 Act shall be licensed by the ~~State Board of Behavioral Health~~
12 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
13 Services.

14 B. Each initial license issued pursuant to the Licensed
15 Professional Counselors Act shall expire twenty-four (24) months
16 from the date of issuance unless revoked. A license may be renewed
17 annually upon application and payment of fees. The application for
18 renewal shall be accompanied by evidence satisfactory to the ~~Board~~
19 Department that the applicant has completed relevant professional or
20 continued educational experience during the previous twenty-four
21 (24) months. Failure to renew a license shall result in forfeiture
22 of the rights and privileges granted by the license. A person whose
23 license has expired may make application within one (1) year
24 following the expiration in writing to the ~~Board~~ Department

1 requesting reinstatement in a manner prescribed by the ~~Board~~
2 Department and payment of the fees required by the provisions of the
3 Licensed Professional Counselors Act. The license of a person whose
4 license has expired for more than one (1) year shall not be
5 reinstated. A person may reapply for a new license as provided in
6 Section 1906 of this title.

7 C. A licensed professional counselor whose license is current
8 and in good standing, who wishes to retire the license, may do so by
9 informing the ~~Board~~ Department in writing and returning the license
10 to the Office of Licensed Professional Counselors. A license so
11 retired shall not be reinstated but does not prevent a person from
12 applying for a new license at a future date.

13 SECTION 17. AMENDATORY 59 O.S. 2021, Section 1909, is
14 amended to read as follows:

15 Section 1909. ~~The State Board of Behavioral Health Licensure~~
16 Oklahoma Department of Mental Health and Substance Abuse Services
17 shall have the power to issue a license by endorsement to an
18 applicant licensed in another state to practice as a licensed
19 professional counselor if the ~~Board~~ Department deems such applicant
20 to have qualifications comparable to those required under the
21 Licensed Professional Counselors Act and if the ~~Board~~ Department
22 finds the applicant meets the standards, provided by rules, for
23 license by endorsement.

1 SECTION 18. AMENDATORY 59 O.S. 2021, Section 1911, is
2 amended to read as follows:

3 Section 1911. A. Any person who:

4 1. Represents himself or herself by the title "Licensed
5 Professional Counselor" or "LPC" without having first complied with
6 the provisions of the Licensed Professional Counselors Act;

7 2. Otherwise offers to perform counseling services;

8 3. Uses the title of Licensed Professional Counselor or any
9 other name, style or description denoting that the person is
10 licensed as a licensed professional counselor; or

11 4. Practices counseling,
12 upon conviction thereof, shall be guilty of a misdemeanor and shall
13 be punished by imposition of a fine of not less than One Hundred
14 Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for
15 each offense and in addition may be imprisoned for a term not to
16 exceed six (6) months in the county jail or by both such fine and
17 imprisonment.

18 B. It shall be unlawful for any person who is not licensed or
19 supervised pursuant to or specifically exempt from the provisions of
20 the Licensed Professional Counselors Act to:

21 1. Advertise or otherwise offer to perform counseling services;

22 2. Use the title of Licensed Professional Counselor or any
23 other name, style or description denoting that the person is
24 licensed as a licensed professional counselor; or

1 3. Practice counseling.

2 Such action shall be subject to injunctive action by the ~~State Board~~
3 ~~of Behavioral Health Licensure~~ Oklahoma Department of Mental Health
4 and Substance Abuse Services.

5 SECTION 19. AMENDATORY 59 O.S. 2021, Section 1912, is
6 amended to read as follows:

7 Section 1912. A. The ~~State Board of Behavioral Health~~
8 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
9 Services may deny, revoke, suspend or place on probation any license
10 or specialty designation issued pursuant to the provisions of the
11 Licensed Professional Counselors Act to a licensed professional
12 counselor, if the person has:

13 1. Been convicted of a felony crime that substantially relates
14 to the practice of counseling and poses a reasonable threat to
15 public safety;

16 2. Engaged in fraud or deceit in connection with services
17 rendered or in establishing needed qualifications pursuant to the
18 provisions of this act;

19 3. Knowingly aided or abetted a person not licensed pursuant to
20 these provisions in representing himself as a licensed professional
21 counselor in this state;

22 4. Engaged in unprofessional conduct as defined by the rules
23 established by the ~~Board~~ Department;

1 5. Engaged in negligence or wrongful actions in the performance
2 of his or her duties; or

3 6. Misrepresented any information required in obtaining a
4 license.

5 B. If the ~~Board~~ Department determines that a felony conviction
6 of an applicant renders the convicted applicant unfit to practice
7 counseling, the ~~Board~~ Department shall provide notice and
8 opportunity to the applicant, by certified mail at the last-known
9 address, for an administrative hearing to contest such determination
10 before the ~~Board~~ Department may deny the application. The request
11 shall be made by the applicant within fifteen (15) days of receipt
12 of the notice.

13 C. No license or specialty designation shall be suspended or
14 revoked, nor a licensed professional counselor placed on probation
15 until notice is served upon the licensed professional counselor and
16 a hearing is held in conformity with Article II of the
17 Administrative Procedures Act.

18 D. As used in this section:

19 1. "Substantially relates" means the nature of criminal conduct
20 for which the person was convicted has a direct bearing on the
21 fitness or ability to perform one or more of the duties or
22 responsibilities necessarily related to the occupation; and

23 2. "Poses a reasonable threat" means the nature of criminal
24 conduct for which the person was convicted involved an act or threat

1 of harm against another and has a bearing on the fitness or ability
2 to serve the public or work with others in the occupation.

3 SECTION 20. AMENDATORY 59 O.S. 2021, Section 1913.1, is
4 amended to read as follows:

5 Section 1913.1. A. ~~The State Board of Behavioral Health~~
6 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
7 Services shall promulgate rules governing any licensure action to be
8 taken pursuant to the Licensed Professional Counselors Act which
9 shall be consistent with the requirements of notice and hearing
10 under the Administrative Procedures Act. No action shall be taken
11 without prior notice unless the ~~Board~~ Department determines that
12 there exists a threat to the health and safety of the residents of
13 Oklahoma.

14 B. 1. Any person who is determined by the ~~Board~~ Department to
15 have violated any provision of the Licensed Professional Counselors
16 Act, or any rule promulgated or order issued pursuant thereto, may
17 be subject to an administrative penalty.

18 2. The maximum administrative penalty shall not exceed Ten
19 Thousand Dollars (\$10,000.00).

20 3. Administrative penalties imposed pursuant to this subsection
21 shall be enforceable in the district courts of this state.

22 4. All administrative penalties collected shall be deposited
23 into the Licensed Professional Counselors Revolving Fund.
24

1 SECTION 21. AMENDATORY 59 O.S. 2021, Section 1916.1, is
2 amended to read as follows:

3 Section 1916.1. All licensed professional counselors, except
4 those employed by federal, state, or local governmental agencies,
5 shall, prior to the performance of service, furnish the client with
6 a copy of the Statement of Professional Disclosure as promulgated by
7 rule of the ~~State Board of Behavioral Health Licensure~~ Oklahoma
8 Department of Mental Health and Substance Abuse Services. A current
9 copy shall be on file with the ~~Board~~ Department at all times.

10 SECTION 22. AMENDATORY 59 O.S. 2021, Section 1917, is
11 amended to read as follows:

12 Section 1917. A. A professional specialty designation area may
13 be established by the ~~State Board of Behavioral Health Licensure~~
14 Oklahoma Department of Mental Health and Substance Abuse Services
15 upon receipt of a petition signed by fifteen qualified persons who
16 are currently licensed as licensed professional counselors, and who
17 meet the recognized minimum standards as established by appropriate
18 nationally recognized certification agencies; provided, if a
19 nationally recognized certification does not exist, the ~~Board~~
20 Department may establish minimum standards for specialty
21 designations.

22 B. Upon receipt of credentials from the appropriate
23 certification agency, the ~~Board~~ Department may grant the licensed
24 professional counselor the appropriate specialty designation. The

1 licensed professional counselor may attain specialty designation
2 through examination. A licensed professional counselor shall not
3 claim or advertise a counseling specialty and shall not incorporate
4 the specialty designation into the professional title of such
5 licensed professional counselor, unless the qualifications and
6 certification requirements of that specialty have been met and have
7 been approved by the ~~Board~~ Department and the appropriate
8 certification agency.

9 SECTION 23. AMENDATORY 59 O.S. 2021, Section 1918, is
10 amended to read as follows:

11 Section 1918. There is hereby created in the State Treasury a
12 revolving fund for the ~~State Board of Behavioral Health Licensure~~
13 Oklahoma Department of Mental Health and Substance Abuse Services,
14 to be designated the "Licensed Professional Counselors Revolving
15 Fund". The fund shall be a continuing fund, not subject to fiscal
16 year limitations, and shall consist of all monies received pursuant
17 to this act. All monies accruing to the credit of said fund are
18 hereby appropriated and may be budgeted and expended by the
19 ~~Executive Director~~ Commissioner to meet expenses necessary for
20 carrying out the purpose of the Licensed Professional Counselors
21 Act. Expenditures from said fund shall be approved by the ~~Board~~
22 Department and shall be made upon warrants issued by the State
23 Treasurer against claims filed as prescribed by law with the
24

1 Director of the Office of Management and Enterprise Services for
2 approval and payment.

3 SECTION 24. AMENDATORY 59 O.S. 2021, Section 1919, is
4 amended to read as follows:

5 Section 1919. A. The licensing fee and the annual renewal fee
6 shall be amounts fixed by the ~~State Board of Behavioral Health~~
7 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
8 Services upon recommendations of the Oklahoma Licensed Professional
9 Counselors Advisory Board.

10 B. The ~~Board~~ Department shall fix the amount of the fees so
11 that the total fees collected will be sufficient to meet the
12 expenses of administering the provisions of the Licensed
13 Professional Counselors Act and so that there are no unnecessary
14 surpluses in the Licensed Professional Counselors Revolving Fund.

15 C. The ~~Board~~ Department shall not fix a license fee at an
16 amount in excess of Three Hundred Dollars (\$300.00) and a renewal
17 fee at an amount in excess of Two Hundred Dollars (\$200.00).

18 D. 1. The fee for the issuance of a license to replace a
19 license which was lost, destroyed or mutilated shall be Twenty-five
20 Dollars (\$25.00).

21 2. The fee shall accompany the application for a replacement
22 license.

23 3. The fee for specialty designation shall not exceed One
24 Hundred Fifty Dollars (\$150.00).

1 4. The fee for an examination required pursuant to the Licensed
2 Professional Counselors Act shall not exceed the ~~Board's~~
3 Department's actual costs for holding and grading the examination.

4 SECTION 25. AMENDATORY 59 O.S. 2021, Section 1925.2, is
5 amended to read as follows:

6 Section 1925.2. For purposes of the Marital and Family
7 Therapist Licensure Act:

8 1. "Advertise" means, but is not limited to, the issuing or
9 causing to be distributed any card, sign, or device to any person;
10 or the causing, permitting or allowing any sign or marking on or in
11 any building or structure, or in any newspaper or magazine or in any
12 directory, or on radio or television, or by advertising by any other
13 means designed to secure public attention;

14 2. ~~"Board" means the State Board of Behavioral Health Licensure~~
15 "Commissioner" means the Commissioner of the Oklahoma Department of
16 Mental Health and Substance Abuse Services;

17 3. "Department" means the Oklahoma Department of Mental Health
18 and Substance Abuse Services;

19 4. "Licensed marital and family therapist" means a person
20 holding a current license issued pursuant to the provisions of the
21 Marital and Family Therapist Licensure Act;

22 ~~4.~~ 5. "Marital and family therapy" means the assessment,
23 diagnosis and treatment of disorders, whether cognitive, affective,
24 or behavioral, within the context of marital and family systems.

1 Marital and family therapy involves the professional application of
2 family systems theories and techniques in the delivery of services
3 to individuals, marital pairs, and families for the purpose of
4 treating such disorders;

5 ~~5.~~ 6. "Person" means any individual, firm, corporation,
6 partnership, organization or body politic;

7 ~~6.~~ 7. "Practice of marital and family therapy" means the
8 rendering of professional marital and family therapy services to
9 individuals, family groups and marital pairs, singly or in groups,
10 whether such services are offered directly to the general public or
11 through organizations either public or private, for a fee, monetary
12 or otherwise;

13 ~~7.~~ 8. "Recognized educational institution" means a regionally
14 accredited college or university recognized by the United States
15 Department of Education;

16 ~~8.~~ 9. "Use a title or description of" means to hold oneself out
17 to the public as having a particular status by means of stating on
18 signs, mailboxes, address plates, stationery, announcements, calling
19 cards or other instruments of professional identification; and

20 ~~9.~~ 10. "Licensed marital and family therapist candidate" means
21 a person whose application for licensure has been accepted and who
22 is under supervision for licensure as set forth in Section 1925.6 of
23 this title; ~~and~~

24

1 ~~10. "Executive Director" means the Executive Director of the~~
2 ~~State Board of Behavioral Health Licensure.~~

3 SECTION 26. AMENDATORY 59 O.S. 2021, Section 1925.5, is
4 amended to read as follows:

5 Section 1925.5. A. The ~~State Board of Behavioral Health~~
6 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
7 Services shall:

8 1. Prescribe, adopt and promulgate rules to implement and
9 enforce the provisions of the Marital and Family Therapist Licensure
10 Act;

11 2. Set license and examination fees as required by the Marital
12 and Family Therapist Licensure Act, including the adoption of the
13 State Department of Health rules by reference; and

14 3. Adopt and establish rules of professional conduct.

15 B. The ~~Board~~ Department shall have the authority to:

16 1. Seek injunctive relief;

17 2. Receive fees and deposit said fees into the Licensed Marital
18 and Family Therapist Revolving Fund as required by the Marital and
19 Family Therapist Licensure Act;

20 3. Issue, renew, revoke, deny, suspend and place on probation
21 licenses to practice marital and family therapy pursuant to the
22 provisions of the Marital and Family Therapist Licensure Act;

23 4. Examine all qualified applicants for licenses to practice
24 marital and family therapy;

1 5. Accept grants and gifts from various foundations and
2 institutions;

3 6. Make such expenditures and employ such personnel as the
4 Commissioner may deem necessary for the administration of the
5 Marital and Family Therapist Licensure Act;

6 7. Request the district attorney to bring an action to enforce
7 the provisions of the Marital and Family Therapist Licensure Act;
8 and

9 8. Request assistance from the State Board of Medical Licensure
10 and Supervision for the purposes of investigating complaints and
11 possible violations of the Marital and Family Therapist Licensure
12 Act.

13 SECTION 27. AMENDATORY 59 O.S. 2021, Section 1925.6, is
14 amended to read as follows:

15 Section 1925.6. A. Applications for a license to practice as a
16 licensed marital and family therapist shall be made to the ~~State~~
17 ~~Board of Behavioral Health Licensure~~ Oklahoma Department of Mental
18 Health and Substance Abuse Services in writing. Such applications
19 shall be on a form and in a manner prescribed by the ~~Board~~
20 Department. The application shall be accompanied by the fee
21 required by Section 1925.18 of this title which shall be retained by
22 the ~~Board~~ Department and not returned to the applicant.

23 B. Each applicant for a license to practice as a licensed
24 marital and family therapist shall:

1 1. Be at least twenty-one (21) years of age;

2 2. Not have engaged in, nor be engaged in, any practice or
3 conduct which would be a grounds for revoking, suspending or placing
4 on probation a license under Section 1925.15 of this title; and

5 3. Otherwise comply with the rules and regulations promulgated
6 by the ~~Board~~ Department pursuant to the provisions of the Marital
7 and Family Therapist Licensure Act.

8 C. In addition to the qualifications specified by the
9 provisions of subsection B of this section any person applying for a
10 license after September 1, 1991, to practice as a licensed marital
11 and family therapist shall have the following educational and
12 experience qualifications:

13 1. A master's degree or a doctoral degree in marital and family
14 therapy, or a content-equivalent degree as defined by the ~~Board~~
15 Department;

16 2. Successful completion of two (2) calendar years of work
17 experience in marital and family therapy following receipt of a
18 qualifying degree, under supervision in accordance with standards
19 established by the ~~Board~~ Department; and

20 3. An applicant applying for a license after September 1, 1991,
21 shall also be required to pass a written or oral examination or both
22 written and oral examination administered by the ~~Board~~ Department
23 if, at the discretion of the ~~Board~~ Department, such examination is
24

1 deemed necessary in order to determine the applicant's
2 qualifications for the practice of marital and family therapy.

3 SECTION 28. AMENDATORY 59 O.S. 2021, Section 1925.7, is
4 amended to read as follows:

5 Section 1925.7. A. Examinations shall be held at such times,
6 at such place and in such manner as the ~~State Board of Behavioral~~
7 ~~Health Licensure~~ Oklahoma Department of Mental Health and Substance
8 Abuse Services directs. An examination shall be held at least
9 annually. Examinations may be written or oral or both written and
10 oral. In any written examination each applicant shall be designated
11 so that such applicant's name shall not be disclosed to the ~~Board~~
12 Department until the examinations have been graded. Examinations
13 shall include questions in such theoretical and applied fields as
14 the ~~Board~~ Department deems most suitable to test an applicant's
15 knowledge and competence to engage in the practice of marital and
16 family therapy.

17 B. The ~~Board~~ Department shall determine the acceptable grade on
18 examinations. If an applicant fails to pass the examinations, the
19 applicant may reapply.

20 C. The ~~Board~~ Department shall preserve answers to any
21 examination, and the applicant's performance on each section, as
22 part of the records of the ~~Board~~ Department for a period of two (2)
23 years following the date of the examination.

1 SECTION 29. AMENDATORY 59 O.S. 2021, Section 1925.8, is
2 amended to read as follows:

3 Section 1925.8. A. An applicant who meets the requirements for
4 licensure required by the provisions of the Marital and Family
5 Therapist Licensure Act, has paid the required license fees and has
6 otherwise complied with the provisions of the Marital and Family
7 Therapist Licensure Act, shall be licensed by the ~~State Board of~~
8 ~~Behavioral Health Licensure~~ Oklahoma Department of Mental Health and
9 Substance Abuse Services.

10 B. Each initial license issued pursuant to the Marital and
11 Family Therapist Licensure Act shall expire twenty-four (24) months
12 from the date of issuance. A license may be renewed annually upon
13 application and payment of fees. Failure to timely renew a license
14 shall result in expiration of the license and forfeiture of the
15 rights and privileges granted by the license. A person whose
16 license has expired may within one (1) year following the expiration
17 request reinstatement in a manner prescribed by the ~~Board~~
18 Department. The license of a person whose license has expired
19 pursuant to this section for more than one (1) year shall not be
20 reinstated.

21 SECTION 30. AMENDATORY 59 O.S. 2021, Section 1925.9, is
22 amended to read as follows:

23 Section 1925.9. The ~~State Board of Behavioral Health Licensure~~
24 Oklahoma Department of Mental Health and Substance Abuse Services

1 shall have the power to issue, upon application and payment of fees,
2 a license by endorsement for an applicant licensed in another state
3 to practice as a licensed marital and family therapist if the ~~Board~~
4 Department deems such applicant to have qualifications equivalent to
5 or which exceed those required pursuant to the provisions of the
6 Marital and Family Therapist Licensure Act and if the ~~Board~~
7 Department finds the applicant meets the standards, provided by
8 rule, for license by endorsement.

9 SECTION 31. AMENDATORY 59 O.S. 2021, Section 1925.15, is
10 amended to read as follows:

11 Section 1925.15. A. The ~~State Board of Behavioral Health~~
12 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
13 Services may deny, revoke, suspend or place on probation any license
14 issued subject to the provisions of the Marital and Family Therapist
15 Licensure Act, if the person has:

16 1. Been convicted of a felony crime that substantially relates
17 to the practice of counseling and poses a reasonable threat to
18 public safety;

19 2. Violated ethical standards of such a nature as to render the
20 person found by the ~~Board~~ Department to have engaged in such
21 violation unfit to practice marital and family therapy;

22 3. Misrepresented any information required in obtaining a
23 license;

1 4. Engaged in fraud or deceit in connection with services
2 rendered or in establishing needed qualifications pursuant to the
3 provisions of the Marital and Family Therapist Licensure Act;

4 5. Knowingly aided or abetted a person not licensed pursuant to
5 these provisions in representing himself or herself as a licensed
6 marital and family therapist in this state;

7 6. Engaged in unprofessional conduct as defined by the rules
8 promulgated by the ~~Board~~ Department; or

9 7. Engaged in negligence or wrongful actions in the performance
10 of the duties of such person.

11 B. If the ~~Board~~ Department determines that a felony conviction
12 of an applicant renders the convicted applicant unfit to practice
13 counseling, the ~~Board~~ Department shall provide notice and
14 opportunity to the applicant, by certified mail at the last-known
15 address, for an administrative hearing to contest such determination
16 before the ~~Board~~ Department may deny the application. The request
17 shall be made by the applicant within fifteen (15) days of receipt
18 of the notice.

19 C. No license shall be suspended, revoked or placed on
20 probation until notice is served upon the licensed marital and
21 family therapist and a hearing is held in such manner as is required
22 by the Marital and Family Therapist Licensure Act.

23 D. Any person who is determined by the ~~Board~~ Department to have
24 violated any of the provisions of the Marital and Family Therapist

1 Licensure Act or any rule promulgated or order issued pursuant
2 thereto may be subject to an administrative penalty. The maximum
3 fine shall not exceed Ten Thousand Dollars (\$10,000.00). All
4 administrative penalties collected pursuant to the Marital and
5 Family Therapist Licensure Act shall be deposited into the Licensed
6 Marital and Family Therapist Revolving Fund. Administrative
7 penalties imposed pursuant to this subsection shall be enforceable
8 in the district courts of this state.

9 E. As used in this section:

10 1. "Substantially relates" means the nature of criminal conduct
11 for which the person was convicted has a direct bearing on the
12 fitness or ability to perform one or more of the duties or
13 responsibilities necessarily related to the occupation; and

14 2. "Poses a reasonable threat" means the nature of criminal
15 conduct for which the person was convicted involved an act or threat
16 of harm against another and has a bearing on the fitness or ability
17 to serve the public or work with others in the occupation.

18 SECTION 32. AMENDATORY 59 O.S. 2021, Section 1925.17, is
19 amended to read as follows:

20 Section 1925.17. There is hereby created in the State Treasury
21 a revolving fund for the ~~State Board of Behavioral Health Licensure~~
22 Oklahoma Department of Mental Health and Substance Abuse Services,
23 to be designated the "Licensed Marital and Family Therapist
24 Revolving Fund". The fund shall be a continuing fund, not subject

1 to fiscal year limitations, and shall consist of all monies received
2 pursuant to the provisions of the Marital and Family Therapist
3 Licensure Act. All monies accruing to the credit of said fund are
4 hereby appropriated and may be budgeted and expended by the
5 ~~Executive Director~~ Commissioner to meet expenses necessary for
6 carrying out the purpose of the Marital and Family Therapist
7 Licensure Act. Expenditures from said fund shall be approved by the
8 ~~Board~~ Department and shall be made upon warrants issued by the State
9 Treasurer against claims filed as prescribed by law with the
10 Director of the Office of Management and Enterprise Services for
11 approval and payment.

12 SECTION 33. AMENDATORY 59 O.S. 2021, Section 1925.18, is
13 amended to read as follows:

14 Section 1925.18. A. The licensing fee and the annual renewal
15 fee shall be amounts fixed by the ~~State Board of Behavioral Health~~
16 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
17 Services.

18 B. 1. The ~~Board~~ Department shall fix the amount of the fees so
19 that the total fees collected will be sufficient to meet the
20 expenses of administering the provisions of the Marital and Family
21 Therapist Licensure Act and so that there are no unnecessary
22 surpluses in the Licensed Marital and Family Therapist Revolving
23 Fund.
24

1 2. The ~~Board~~ Department shall not fix a license fee at an
2 amount in excess of Three Hundred Dollars (\$300.00) and a renewal
3 fee at an amount in excess of Two Hundred Dollars (\$200.00).

4 3. The fee for the issuance of a license to replace a license
5 which was lost, destroyed or mutilated shall be Twenty-five Dollars
6 (\$25.00).

7 4. The fee shall accompany the application for a replacement
8 license.

9 5. The fee for an examination required pursuant to the Marital
10 and Family Therapist Licensure Act shall not exceed the actual costs
11 incurred by the ~~Board~~ Department for holding and grading the
12 examinations.

13 SECTION 34. AMENDATORY 59 O.S. 2021, Section 1931, is
14 amended to read as follows:

15 Section 1931. For the purpose of the Licensed Behavioral
16 Practitioner Act:

17 1. "Behavioral health services" means the application of the
18 scientific components of psychological and mental health principles
19 in order to:

- 20 a. facilitate human development and adjustment throughout
21 the life span,
22 b. prevent, diagnose, or treat mental, emotional, or
23 behavioral disorders or associated distress which
24 interfere with mental health,

- 1 c. conduct assessments or diagnoses for the purpose of
2 establishing treatment goals and objectives, and
3 d. plan, implement, or evaluate treatment plans using
4 behavioral treatment interventions;

5 2. "Behavioral treatment interventions" means the application
6 of empirically validated treatment modalities, including, but not
7 limited to, operant and classical conditioning techniques,
8 adherence/compliance methods, habit reversal procedures, cognitive
9 behavior therapy, biofeedback procedures and parent training. Such
10 interventions are specifically implemented in the context of a
11 professional therapeutic relationship;

12 3. ~~"Board" means the State Board of Behavioral Health Licensure~~
13 "Commissioner" means the Commissioner of the Oklahoma Department of
14 Mental Health and Substance Abuse Services;

15 4. "Consulting" means interpreting or reporting scientific fact
16 or theory in behavioral health to provide assistance in solving
17 current or potential problems of individuals, groups, or
18 organizations;

19 5. "Department" means the Oklahoma Department of Mental Health
20 and Substance Abuse Services;

21 ~~5.~~ 6. "Licensed behavioral practitioner" or "LBP" means any
22 person who offers professional behavioral health services to any
23 person and is licensed pursuant to the provisions of the Licensed
24

Behavioral Practitioner Act. The term shall not include those professions exempted by Section 1932 of this title;

~~6.~~ 7. "Licensed behavioral practitioner candidate" means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in Section 1935 of this title;

~~7.~~ 8. "Referral activities" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists;

~~8.~~ 9. "Research activities" means reporting, designing, conducting, or consulting on research in behavioral health services;

~~9.~~ 10. "Specialty" means the designation of a subarea of behavioral practice that is recognized by a national certification agency or by the ~~Board~~ Department; and

~~10.~~ 11. "Supervisor" means a person who meets the requirements established by the ~~Board~~; and Department

~~11.~~ "Executive Director" means the ~~Executive Director of the State Board of Behavioral Health Licensure.~~

SECTION 35. AMENDATORY 59 O.S. 2021, Section 1934, is amended to read as follows:

Section 1934. A. The ~~State Board of Behavioral Health Licensure~~ Oklahoma Department of Mental Health and Substance Abuse Services shall:

1 1. Prescribe, adopt, and promulgate rules to implement and
2 enforce the provisions of the Licensed Behavioral Practitioner Act,
3 including the adoption of State Department of Health rules by
4 reference;

5 2. Adopt and establish rules of professional conduct; and

6 3. Set license and examination fees as required by the Licensed
7 Behavioral Practitioner Act.

8 B. The ~~Board~~ Department shall have the authority to:

9 1. Seek injunctive relief;

10 2. Request the district attorney to bring an action to enforce
11 the provisions of the Licensed Behavioral Practitioner Act;

12 3. Receive fees and deposit the fees into the Licensed
13 Behavioral Practitioners Revolving Fund as required by the Licensed
14 Behavioral Practitioner Act;

15 4. Issue, renew, revoke, deny, suspend and place on probation
16 licenses to practice behavioral health pursuant to the provisions of
17 the Licensed Behavioral Practitioner Act;

18 5. Examine all qualified applicants for licenses to practice
19 behavioral health;

20 6. Investigate complaints and possible violations of the
21 Licensed Behavioral Practitioner Act;

22 7. Accept grants and gifts from various foundations and
23 institutions;

1 8. Make such expenditures and employ such personnel as the
2 Commissioner may deem necessary for the administration of the
3 Licensed Behavioral Practitioner Act; and

4 9. Request assistance from the State Board of Medical Licensure
5 and Supervision for the purposes of investigating complaints and
6 violations of the Licensed Behavioral Practitioner Act.

7 SECTION 36. AMENDATORY 59 O.S. 2021, Section 1935, is
8 amended to read as follows:

9 Section 1935. A. Applications for a license to practice as a
10 licensed behavioral practitioner shall be made to the ~~State Board of~~
11 ~~Behavioral Health Licensure~~ Oklahoma Department of Mental Health and
12 Substance Abuse Services in writing. Such applications shall be on
13 a form and in a manner prescribed by the ~~Board~~ Department. The
14 application shall be accompanied by the fee required by the Licensed
15 Behavioral Practitioner Act, which shall be retained by the ~~Board~~
16 Department and not returned to the applicant.

17 B. Each applicant for a license to practice as a licensed
18 behavioral practitioner shall:

19 1. Pass an examination based on standards promulgated by the
20 ~~Board~~ Department pursuant to the Licensed Behavioral Practitioner
21 Act;

22 2. Be at least twenty-one (21) years of age;
23
24

1 3. Not have engaged in, nor be engaged in, any practice or
2 conduct which would be grounds for denying, revoking, or suspending
3 a license pursuant to the Licensed Behavioral Practitioner Act; and

4 4. Otherwise comply with the rules promulgated by the ~~Board~~
5 Department pursuant to the provisions of the Licensed Behavioral
6 Practitioner Act.

7 C. In addition to the qualifications specified by the
8 provisions of subsection B of this section, an applicant for a
9 license to practice as a licensed behavioral practitioner shall
10 have:

11 1. Successfully completed at least forty-five (45) graduate
12 semester hours (sixty (60) graduate quarter hours) of behavioral-
13 science-related course work. These forty-five (45) hours shall
14 include at least a master's degree from a program in psychology.
15 All course work and degrees shall be earned from a regionally
16 accredited college or university. The ~~Board~~ Department shall define
17 what course work qualifies as "behavioral-science-related";

18 2. On or after January 1, 2008, successfully completed at least
19 sixty (60) graduate semester hours (ninety (90) graduate quarter
20 hours) of behavioral-science-related course work. These sixty (60)
21 hours shall include at least a master's degree from a program in
22 psychology. All courses shall be earned from a regionally
23 accredited college or university.

1 The ~~Board~~ Department shall define what course work qualifies as
2 "behavioral-science-related"; and

3 3. Three (3) years of supervised full-time experience in
4 professional behavioral health services subject to the supervision
5 of a licensed mental health professional pursuant to conditions
6 established by the ~~Board~~ Department. One (1) or two (2) years of
7 experience may be gained at the rate of one (1) year for each thirty
8 (30) graduate semester hours earned beyond the master's degree,
9 provided that such hours are clearly related to the field of
10 psychology or behavioral sciences and are acceptable to the ~~Board~~
11 Department. The applicant shall have no less than one (1) year of
12 supervised full-time experience in behavioral science.

13 D. Applicants with degrees from schools outside the United
14 States may qualify with ~~Board~~ Department approval by providing the
15 ~~Board~~ Department with an acceptable comprehensive evaluation of the
16 degree performed by a foreign credential evaluation service that is
17 acceptable to the ~~Board~~ Department, and any other requirement the
18 ~~Board~~ Department deems necessary.

19 SECTION 37. AMENDATORY 59 O.S. 2021, Section 1936, is
20 amended to read as follows:

21 Section 1936. A. Examinations for licensure shall be held at
22 such times, at such place, and in such manner as the ~~State Board of~~
23 ~~Behavioral Health Licensure~~ Oklahoma Department of Mental Health and
24 Substance Abuse Services directs. The examination shall be held at

1 least annually. The ~~Board~~ Department shall determine the acceptable
2 grade on examinations. The examination shall cover such technical,
3 professional, and practical subjects as relate to the practice of
4 behavioral science. If an applicant fails to pass the examination,
5 the applicant may reapply.

6 B. The ~~Board~~ Department shall preserve answers to any
7 examination, and the applicant's performance on each section, for a
8 period of two (2) years following the date of the examination.

9 SECTION 38. AMENDATORY 59 O.S. 2021, Section 1937, is
10 amended to read as follows:

11 Section 1937. A. An applicant who meets the requirements for
12 licensure pursuant to the provisions of the Licensed Behavioral
13 Practitioner Act, has paid the required license fees, and has
14 otherwise complied with the provisions of the Licensed Behavioral
15 Practitioner Act shall be licensed by the ~~State Board of Behavioral~~
16 ~~Health Licensure~~ Oklahoma Department of Mental Health and Substance
17 Abuse Services.

18 B. Each initial license issued pursuant to the Licensed
19 Behavioral Practitioner Act shall expire twenty-four (24) months
20 from the date of issuance unless revoked. A license may be renewed
21 upon application and payment of fees. The application for renewal
22 shall be accompanied by evidence satisfactory to the ~~Board~~
23 Department that the licensed behavioral practitioner has completed
24 relevant professional or continued educational experience during the

1 previous twenty-four (24) months. Failure to renew a license shall
2 result in forfeiture of the rights and privileges granted by the
3 license. A person whose license has expired may make application
4 within one (1) year following the expiration in writing to the ~~Board~~
5 Department requesting reinstatement in a manner prescribed by the
6 ~~Board~~ Department and payment of the fees required by the provisions
7 of Licensed Behavioral Practitioner Act. The license of a person
8 whose license has expired for more than one (1) year shall not be
9 reinstated. A person may apply for a new license as provided in
10 Section 1935 of this title.

11 C. A licensed behavioral practitioner whose license is current
12 and in good standing, who wishes to retire the license, may do so by
13 informing the ~~Board~~ Department in writing and returning the license
14 to the ~~Board~~ Department. A license so retired shall not be
15 reinstated but retirement of the license shall preclude a person
16 from applying for a new license at a future date.

17 SECTION 39. AMENDATORY 59 O.S. 2021, Section 1938, is
18 amended to read as follows:

19 Section 1938. ~~The State Board of Behavioral Health Licensure~~
20 Oklahoma Department of Mental Health and Substance Abuse Services
21 shall have the power to issue a license by endorsement for an
22 applicant licensed in another state to practice as a behavioral
23 practitioner or under similar title if the ~~Board~~ Department deems
24 such applicant to have qualifications comparable to those required

1 under the Licensed Behavioral Practitioner Act and if the ~~Board~~
2 Department finds the applicant meets the standards, provided by
3 rule, for license by endorsement.

4 SECTION 40. AMENDATORY 59 O.S. 2021, Section 1940, is
5 amended to read as follows:

6 Section 1940. A. Any person who represents himself or herself
7 by the title "Licensed Behavioral Practitioner" or "LBP" without
8 having first complied with the provisions of the Licensed Behavioral
9 Practitioner Act, or who otherwise offers to perform behavioral
10 health services, or who uses the title of Licensed Behavioral
11 Practitioner or any other name, style, or description denoting that
12 the person is licensed as a behavioral practitioner, or who
13 practices behavioral science, upon conviction thereof, shall be
14 guilty of a misdemeanor and shall be punished by imposition of a
15 fine of not less than One Hundred Dollars (\$100.00) nor more than
16 Five Hundred Dollars (\$500.00) for each offense and in addition may
17 be imprisoned for a term not to exceed six (6) months in the county
18 jail or by both such fine and imprisonment.

19 B. It shall be unlawful for any person not licensed or
20 supervised pursuant to or specifically exempt from the Licensed
21 Behavioral Practitioner Act to advertise or otherwise offer to
22 perform behavioral health services or to use the title of Licensed
23 Behavioral Practitioner or any other name, style, or description
24 denoting that the person is licensed as a licensed behavioral

1 practitioner, or to practice behavioral science. Such action shall
2 be subject to injunctive action by the ~~State Board of Behavioral~~
3 ~~Health Licensure~~ Oklahoma Department of Mental Health and Substance
4 Abuse Services.

5 SECTION 41. AMENDATORY 59 O.S. 2021, Section 1941, is
6 amended to read as follows:

7 Section 1941. A. The ~~State Board of Behavioral Health~~
8 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
9 Services may deny, revoke, suspend, or place on probation any
10 license or specialty designation issued pursuant to the provisions
11 of the Licensed Behavioral Practitioner Act to a licensed behavioral
12 practitioner, if the person has:

13 1. Been convicted of a felony crime that substantially relates
14 to the practice of behavioral health and poses a reasonable threat
15 to public safety;

16 2. Engaged in fraud or deceit in connection with services
17 rendered or in establishing needed qualifications pursuant to the
18 provisions of this act;

19 3. Knowingly aided or abetted a person not licensed pursuant to
20 these provisions in representing himself or herself as a licensed
21 behavioral practitioner in this state;

22 4. Engaged in unprofessional conduct as defined by the rules
23 established by the ~~Board~~ Department;

1 5. Engaged in negligence or wrongful actions in the performance
2 of the licensee's duties; or

3 6. Misrepresented any information required in obtaining a
4 license.

5 B. If the ~~Board~~ Department determines that a felony conviction
6 of an applicant renders the convicted applicant unfit to practice
7 counseling, the ~~Board~~ Department shall provide notice and
8 opportunity to the applicant, by certified mail at the last-known
9 address, for an administrative hearing to contest such determination
10 before the ~~Board~~ Department may deny the application. The request
11 shall be made by the applicant within fifteen (15) days of receipt
12 of the notice.

13 C. No license or specialty designation shall be suspended or
14 revoked, nor a licensed behavioral practitioner placed on probation,
15 until notice is served upon the licensed behavioral practitioner and
16 a hearing is held in conformity with Article II of the
17 Administrative Procedures Act.

18 D. As used in this section:

19 1. "Substantially relates" means the nature of criminal conduct
20 for which the person was convicted has a direct bearing on the
21 fitness or ability to perform one or more of the duties or
22 responsibilities necessarily related to the occupation; and

23 2. "Poses a reasonable threat" means the nature of criminal
24 conduct for which the person was convicted involved an act or threat

1 of harm against another and has a bearing on the fitness or ability
2 to serve the public or work with others in the occupation.

3 SECTION 42. AMENDATORY 59 O.S. 2021, Section 1942, is
4 amended to read as follows:

5 Section 1942. A. ~~The State Board of Behavioral Health~~
6 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
7 Services shall promulgate rules governing any licensure action to be
8 taken pursuant to the Licensed Behavioral Practitioner Act which
9 shall be consistent with the requirements of notice and hearing
10 under the Administrative Procedures Act. No action shall be taken
11 without prior notice unless the ~~Board~~ Department determines that
12 there exists a threat to the health and safety of the residents of
13 this state.

14 B. 1. Any person who is determined by the ~~Board~~ Department to
15 have violated any provision of the Licensed Behavioral Practitioner
16 Act, or any rule promulgated or order issued pursuant thereto, may
17 be subject to an administrative penalty.

18 2. The maximum administrative penalty shall not exceed Ten
19 Thousand Dollars (\$10,000.00).

20 3. Administrative penalties imposed pursuant to this subsection
21 shall be enforceable in the district courts of this state.

22 4. All administrative penalties collected shall be deposited
23 into the Licensed Behavioral Practitioner Revolving Fund.
24

1 SECTION 43. AMENDATORY 59 O.S. 2021, Section 1944, is
2 amended to read as follows:

3 Section 1944. All licensed behavioral practitioners, except
4 those employed by federal, state, or local governmental agencies,
5 shall, prior to the performance of service, furnish the client with
6 a copy of the Statement of Professional Disclosure as promulgated by
7 rule of the ~~State Board of Behavioral Health Licensure~~ Oklahoma
8 Department of Mental Health and Substance Abuse Services. A current
9 copy of the document shall be on file with the ~~Board~~ Department at
10 all times.

11 SECTION 44. AMENDATORY 59 O.S. 2021, Section 1945, is
12 amended to read as follows:

13 Section 1945. A. A professional specialty designation area may
14 be established by the ~~State Board of Behavioral Health Licensure~~
15 Oklahoma Department of Mental Health and Substance Abuse Services
16 upon receipt of a petition signed by fifteen qualified persons who
17 are currently licensed as licensed behavioral practitioners, who
18 have acquired at least sixty (60) semester hours, to increase to
19 seventy-five (75) semester hours on and after January 1, 2008, of
20 graduate credit in behavioral science or psychology-related course
21 work from a regionally accredited college or university, and who
22 meet the recognized minimum standards as established by appropriate
23 nationally recognized certification agencies; provided, however, if
24 a nationally recognized certification does not exist, the ~~Board~~

1 Department may establish minimum standards for specialty
2 designations.

3 B. Upon receipt of credentials from the appropriate
4 certification agency, the ~~Board~~ Department may grant the licensed
5 behavioral practitioner the appropriate specialty designation. The
6 licensed behavioral practitioner may attain specialty designation
7 through examination. A licensed behavioral practitioner shall not
8 claim or advertise a behavioral health specialty and shall not
9 incorporate the specialty designation into the professional title of
10 such licensed behavioral practitioner unless the qualifications and
11 certification requirements of that specialty have been met and have
12 been approved by the ~~Board~~ Department and the appropriate
13 certification agency.

14 SECTION 45. AMENDATORY 59 O.S. 2021, Section 1946, is
15 amended to read as follows:

16 Section 1946. There is hereby created in the State Treasury a
17 revolving fund for the ~~State Board of Behavioral Health Licensure~~
18 Oklahoma Department of Mental Health and Substance Abuse Services,
19 to be designated the "Licensed Behavioral Practitioners Revolving
20 Fund". The fund shall be a continuing fund, not subject to fiscal
21 year limitations, and shall consist of all monies received pursuant
22 to this act. All monies accruing to the credit of the fund are
23 hereby appropriated and may be budgeted and expended by the
24 ~~Executive Director~~ Commissioner to meet expenses necessary for

1 carrying out the purpose of the Licensed Behavioral Practitioner
2 Act. Expenditures from the fund shall be approved by the ~~Board~~
3 Department and shall be made upon warrants issued by the State
4 Treasurer against claims filed as prescribed by law with the
5 Director of the Office of Management and Enterprise Services for
6 approval and payment.

7 SECTION 46. AMENDATORY 59 O.S. 2021, Section 1947, is
8 amended to read as follows:

9 Section 1947. A. Licensing fees and annual renewal fees shall
10 be amounts fixed by the ~~State Board of Behavioral Health Licensure~~
11 Oklahoma Department of Mental Health and Substance Abuse Services.

12 The ~~Board~~ Department shall fix the amount of the fees so that the
13 total fees collected will be sufficient to meet the expenses of
14 administering the provisions of the Licensed Behavioral Practitioner
15 Act and so that excess funds do not accumulate from year to year in
16 the Licensed Behavioral Practitioners Revolving Fund.

17 B. 1. The ~~Board~~ Department shall not fix a license fee at an
18 amount in excess of Three Hundred Dollars (\$300.00) and a renewal
19 fee at an amount in excess of Two Hundred Dollars (\$200.00).

20 2. The fee for the issuance of a license to replace a license
21 which was lost, destroyed, or mutilated shall be Twenty-five Dollars
22 (\$25.00).

23 3. The fee shall accompany the application for a replacement
24 license.

1 4. The fee for specialty designation shall not exceed One
2 Hundred Fifty Dollars (\$150.00).

3 5. The fee for an examination required pursuant to the Licensed
4 Behavioral Practitioner Act shall not exceed the actual costs
5 incurred by the Department for holding and grading examinations.

6 SECTION 47. AMENDATORY 59 O.S. 2021, Section 1948, is
7 amended to read as follows:

8 Section 1948. All licensed behavioral practitioners licensed
9 pursuant to the Licensed Behavioral Practitioner Act shall be
10 required to satisfactorily complete ten (10) hours of continuing
11 education credits annually. The ~~State Board of Behavioral Health~~
12 ~~Licensure~~ Oklahoma Department of Mental Health and Substance Abuse
13 Services shall provide forms and require verification of such
14 credits. Such credits shall be earned from courses on empirically
15 validated procedures, taught by instructors certified by the
16 American Association of Masters in Psychology, its designees or
17 successors.

18 SECTION 48. AMENDATORY 59 O.S. 2021, Section 1949, is
19 amended to read as follows:

20 Section 1949. A. Until January 1, 2002, the ~~State Board of~~
21 ~~Behavioral Health Licensure~~ Oklahoma Department of Mental Health and
22 Substance Abuse Services, upon receipt of an applicant's proper
23 application, completion of examination, and payment of fees, shall
24 issue licenses to persons who, prior to January 1, 2002:

1 1. Have practiced full time as a behavioral practitioner for at
2 least two (2) years and possess a master's degree from a program in
3 psychology from a college or university accredited by an agency
4 recognized by the United States Department of Education;

5 2. Are currently practicing as a behavioral practitioner;

6 3. Have satisfactorily completed ten (10) hours of continuing
7 education pursuant to Section 1948 of this title; and

8 4. Otherwise comply with the licensure requirements of the
9 Licensed Behavioral Practitioner Act.

10 B. The ~~Board~~ Department shall consider experience of the
11 applicant prior to application for licensure pursuant to the
12 provisions of this section as a waiver of all or part of the
13 supervised experience requirement required by paragraph 3 of
14 subsection C of Section 1935 of this title.

15 C. The ~~Board~~ Department shall require applicants for licensure
16 pursuant to the provisions of this section to file a Statement of
17 Professional Disclosure as provided by Section 1944 of this title.

18 SECTION 49. AMENDATORY 63 O.S. 2021, Section 1-2506.1,
19 as amended by Section 1, Chapter 45, O.S.L. 2024 (63 O.S. Supp.
20 2025, Section 1-2506.1), is amended to read as follows:

21 Section 1-2506.1. A. As used in this section:

22 1. "Certified alcohol and drug counselor" means any person who
23 is not exempt pursuant to the provisions of Section 1872 of Title 59
24 of the Oklahoma Statutes and is not licensed under the Licensed

1 Alcohol and Drug Counselors Act, but who provides alcohol and drug
2 counseling services within the scope of practice while employed by
3 an entity certified by the Department of Mental Health and Substance
4 Abuse Services, or who is exempt from such certification, or who is
5 under the supervision of a person recognized by the Oklahoma ~~Board~~
6 ~~of Licensed Alcohol and Drug Counselors~~ Department of Mental Health
7 and Substance Abuse Services as a supervisor. A certified alcohol
8 and drug counselor may provide counseling services for co-occurring
9 disorders if he or she has been certified by the ~~Board~~ Department to
10 provide counseling as provided in this section for co-occurring
11 disorders;

12 2. "Emergency opioid antagonist" means a drug including, but
13 not limited to, naloxone that blocks the effects of opioids and that
14 is approved by the United States Food and Drug Administration for
15 the treatment of an opioid overdose;

16 3. "Licensed alcohol and drug counselor" means any person who
17 provides alcohol and drug counseling services within the scope of
18 practice, including co-occurring disorders, for compensation to any
19 person and is licensed pursuant to the provisions of the Licensed
20 Alcohol and Drug Counselors Act. The term licensed alcohol and drug
21 counselor shall not include those professions exempted by Section
22 1872 of Title 59 of the Oklahoma Statutes; and

23 4. "Medical personnel at schools" means a certified school
24 nurse or any other nurse employed by or under contract with a

1 school, any licensed practitioner of the healing arts, or any person
2 designated by the school administration to administer an emergency
3 opioid antagonist in the event of a suspected overdose pursuant to
4 Section 1210.242 of Title 70 of the Oklahoma Statutes.

5 B. First responders shall have the authority to administer,
6 without prescription, emergency opioid antagonists when encountering
7 an individual exhibiting signs of an opioid overdose.

8 C. First responders may provide, without prescription,
9 emergency opioid antagonists to individuals who have experienced or
10 witnessed an opioid overdose for use by those individuals at a later
11 date.

12 D. For the purposes of this section, a first responder shall
13 include:

- 14 1. Law enforcement officials;
- 15 2. Emergency medical technicians;
- 16 3. Firefighters;
- 17 4. Medical personnel at schools including any public or charter
18 schools, technology center schools and institutions of higher
19 education;
- 20 5. Forensic laboratory personnel of the Oklahoma State Bureau
21 of Investigation as designated by the Director;
- 22 6. Personnel of the Department of Corrections or of any entity
23 that contracts with the Department of Corrections to provide housing
24 or services for inmates of the Department of Corrections; and

1 7. Certified alcohol and drug counselors and licensed alcohol
2 and drug counselors.

3 E. Any first responder who administers or provides an emergency
4 opioid antagonist in good faith and in a manner consistent with
5 addressing opioid overdose shall not be liable for any civil damages
6 as a result of any acts or omissions by such first responder except
7 for committing gross negligence or willful wanton wrongs in
8 administering or providing such emergency opioid antagonist.

9 SECTION 50. REPEALER 59 O.S. 2021, Section 1873, as last
10 amended by Section 1, Chapter 266, O.S.L. 2025 (59 O.S. Supp. 2025,
11 Section 1873), is hereby repealed.

12 SECTION 51. REPEALER 59 O.S. 2021, Section 1873, as last
13 amended by Section 1, Chapter 235, O.S.L. 2025 (59 O.S. Supp. 2025,
14 Section 1873), is hereby repealed.

15 SECTION 52. REPEALER 59 O.S. 2021, Section 1874, is
16 hereby repealed.

17 SECTION 53. REPEALER 59 O.S. 2021, Section 6001, as last
18 amended by Section 1, Chapter 89, O.S.L. 2023 (59 O.S. Supp. 2025,
19 Section 6001), is hereby repealed.

20 SECTION 54. This act shall become effective November 1, 2026.

21

22 60-2-14261 TJ 01/07/26

23

24