

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1437

By: Gann

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5  
6 AS INTRODUCED

7 An Act relating to sunset; amending Section 4,  
8 Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2018, Section  
9 6001), which relates to the State Board of Behavioral  
10 Health Licensure; re-creating the Board; and  
11 modifying termination date.

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

13 SECTION 1. AMENDATORY Section 4, Chapter 229, O.S.L.  
14 2013 (59 O.S. Supp. 2018, Section 6001), is amended to read as  
15 follows:

16 Section 6001. A. 1. There is hereby created the State Board  
17 of Behavioral Health Licensure to continue until July 1, ~~2019~~ 2025,  
18 in accordance with the provisions of the Oklahoma Sunset Law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 E. The Board is authorized and empowered to:

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

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

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

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

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

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

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

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

- 1        1.    Employ and maintain an office staff;
- 2        2.    Enter into contracts on behalf of the Board; and
- 3        3.    Perform other duties on behalf of the Board as needed or
- 4    directed.

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

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8        57-1-5330            LRB            12/20/18

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