

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1437

By: Gann

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9 COMMITTEE SUBSTITUTE

10 An Act relating to sunset; amending Section 4,
11 Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2018, Section
12 6001), which relates to the State Board of Behavioral
13 Health Licensure; re-creating the Board; and
14 modifying termination date.

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

16 SECTION 1. AMENDATORY Section 4, Chapter 229, O.S.L.
17 2013 (59 O.S. Supp. 2018, Section 6001), is amended to read as
18 follows:

19 Section 6001. A. 1. There is hereby created the State Board
20 of Behavioral Health Licensure to continue until July 1, ~~2019~~ 2020,
21 in accordance with the provisions of the Oklahoma Sunset Law.

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

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

2 Four members shall constitute a quorum.

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

6 a. election of officers,

7 b. establishment of meeting dates and times,

8 c. rule development,

9 d. review and recommendation, and

10 e. adoption of nonbinding resolutions to the Board
11 concerning matters brought before the Board.

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

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

17 a. four members who are licensed professional counselors,

18 b. three members who are licensed family and marital
19 therapists,

20 c. two members who are licensed behavioral practitioners,
21 and

22 d. two members representing the public and possessing
23 knowledge of counseling issues.

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

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

20 4. The members of the Board from each professional area of
21 behavioral health counseling shall comprise separate committees and
22 shall consult on professional issues within their respective areas
23 of behavioral health counseling. Each committee shall recommend to
24 the Board approval or disapproval of all licenses to be issued

1 within its specialty. Each committee shall be authorized to
2 recommend approval or disapproval of the examination requirements
3 for all applicants for licensure in the respective area of
4 behavioral health counseling, provide grading standards for
5 examinations, and provide for other matters relating to licensure in
6 that area of behavioral health counseling. Each committee may
7 create advisory committees to consult on professional duties and
8 responsibilities pursuant to the provisions of this act.

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

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

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

22 D. Members of the Board shall serve without compensation but
23 may be reimbursed for expenses incurred in the performance of their
24 duties, as provided in the State Travel Reimbursement Act. The

1 Board is authorized to utilize the conference rooms of and obtain
2 administrative assistance from the State Board of Medical Licensure
3 and Supervision as required.

4 E. The Board is authorized and empowered to:

5 1. Establish and maintain a system of licensure and
6 certification pursuant to the provisions of the Licensed
7 Professional Counselors Act;

8 2. Adopt and enforce standards governing the professional
9 conduct of persons licensed pursuant to the provisions of the
10 Licensed Professional Counselors Act;

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

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

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

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

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

3 F. The Board shall employ an Executive Director. The Executive
4 Director shall be authorized to:

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

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

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12 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated
13 02/12/2019 - DO PASS, As Amended.

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