

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 2048

By: Young

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5  
6 AS INTRODUCED

7 An Act relating to mental health; creating the  
8 Certified Forensic Counselors Act; defining terms;  
9 providing for certain interpretation; establishing  
10 application requirements; requiring certain  
11 examination; providing for issuance of certificate;  
12 prohibiting the disclosure of certain information;  
13 making certain acts unlawful; providing penalties;  
14 providing for codification; and providing an  
15 effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1891 of Title 59, unless there  
19 is created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Certified  
21 Forensic Counselors Act".

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1892 of Title 59, unless there  
24 is created a duplication in numbering, reads as follows:

For the purposes of the Certified Forensic Counselors Act:

1           1. "Certified forensic counselor" means any person who offers  
2 assessment, evaluation and counseling services for compensation to:  
3           a. any person arrested or convicted of a felony or  
4           misdemeanor offense, or  
5           b. any person registered as a sex offender pursuant to  
6           the provisions of the Sex Offenders Registration Act,  
7 and is certified pursuant to the provisions of the Certified  
8 Forensic Counselors Act;

9           2. "Board" means the Oklahoma Association of Forensic  
10 Counselors, a state chapter of the National Association of Forensic  
11 Counselors;

12           3. "Forensic counseling" means;  
13           a. applying scientific principles to questions and issues  
14           relating to law, the legal system and the adversary  
15           process through assessment, consultation, diagnosis,  
16           treatment planning and counseling,  
17           b. developing an understanding of criminals, criminal  
18           behavioral problems and chronic criminal offenses,  
19           c. preventing, diagnosing and treating developmental,  
20           emotional or behavioral problems, which cause criminal  
21           behavior,  
22           d. conducting assessment and diagnoses for the purpose of  
23           establishing treatment, treatment goals and objectives  
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1 for criminal justice clients, corrections clients and  
2 sex offenders, and

3 e. planning, implementing or evaluating treatment plans  
4 using professional counseling treatment interventions;

5 4. "Counseling" means interpreting or reporting scientific fact  
6 or theory in counseling or psychotherapy to provide assistance to  
7 the criminal justice system, legal profession, State Department of  
8 Corrections, individuals, groups or organizations in solving  
9 problems related to criminal behaviors; and

10 5. "Supervised work experience" means voluntary or paid work  
11 experience providing counseling or psychotherapy services to  
12 criminal justice clients, corrections clients or sex offenders under  
13 the supervision of a certified forensic counselor.

14 SECTION 3. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1893 of Title 59, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. The Certified Forensic Counselors Act shall not be construed  
18 to include the pursuits of the following professionals acting within  
19 the scope of their license or employment as such professionals, nor  
20 shall the title "certified forensic counselor" be used by such  
21 professionals unless they are certified:

22 1. Physicians, psychotherapists, clinical social workers and  
23 mental health counselors who are licensed by their respective  
24 licensing authorities;

1        2. Members of the clergy; and

2        3. Persons employed by the state or federal government.

3        B. The Certified Forensic Counselors Act shall not be construed  
4 as requiring any of the professions specified in subsection A of  
5 this section to become certified as a forensic counselor unless such  
6 professional assesses, evaluates or treats criminal justice clients,  
7 corrections clients or sex offenders.

8        SECTION 4.        NEW LAW        A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1894 of Title 59, unless there  
10 is created a duplication in numbering, reads as follows:

11        A. Unless exempt pursuant to Section 3 of this act, any person  
12 wishing to specialize in the treatment of criminal justice clients,  
13 corrections clients or sex offenders shall obtain certification to  
14 practice pursuant to the provisions of the Certified Forensic  
15 Counselors Act.

16        B. Application for certification to practice as a certified  
17 forensic counselor shall be made to the Oklahoma Association of  
18 Forensic Counselors, herein referred to as the "Board", in writing.  
19 Such application shall be on a form and in a manner prescribed by  
20 the Board. The application shall be accompanied by the fee required  
21 by the Board which shall be retained by the Board.

22        C. Each applicant for certification to practice as a forensic  
23 counselor shall:

24        1. Be possessed of good moral character;

1           2. Pass a written examination based on national standards  
2 established by the National Association of Forensic Counselors and  
3 its Certification Commission, the American College of Certified  
4 Forensic Counselors;

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

6           4. Not have been convicted of any sexual or violent offense or  
7 felony offense;

8           5. Not have engaged in, nor be engaged in, any practice or  
9 conduct which could be grounds for denying, revoking or suspending a  
10 certification pursuant to the Certified Forensic Counselors Act; and

11          6. Otherwise comply with the rules promulgated by the Board  
12 pursuant to the provisions of the Certified Forensic Counselors Act.

13          D. In addition to the qualifications specified by the  
14 provisions of subsection C of this section, an applicant for  
15 certification to practice as a certified forensic counselor shall:

16           1. Have, at a minimum, a master's degree in a behavioral  
17 science field;

18           2. Have completed at least two (2) years of full-time  
19 supervised work experience with criminal justice clients,  
20 corrections clients or sex offenders. For the purposes of the  
21 Certified Forensic Counselors Act, two (2) years of full-time  
22 supervised work experience shall be defined as four thousand (4,000)  
23 hours consisting of providing forensic counseling services;

1           3. Have successfully completed at least two hundred ninety  
2 (290) hours of education related to forensic counseling subjects,  
3 theory, practice or research;

4           4. Have successfully completed at least three hundred (300)  
5 hours of supervised practicum experience in a setting treating  
6 criminal justice clients, corrections clients or sex offenders; and

7           5. Have successfully completed two hundred ninety (290) hours  
8 of alcohol and drug abuse education.

9           SECTION 5.       NEW LAW       A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1895 of Title 59, unless there  
11 is created a duplication in numbering, reads as follows:

12           A. 1. Before any person is eligible to receive certification  
13 to practice forensic counseling, such person shall successfully pass  
14 an examination pursuant to this section.

15           2. The examination shall be held at such times, at such place  
16 and in such manner as the Oklahoma Association of Forensic  
17 Counselors, herein referred to as the "Board", directs. An  
18 examination shall be held at least annually. The Board shall  
19 determine the acceptable grade on examinations. The examination  
20 shall cover such technical, professional and practice subjects as  
21 they relate to the practice of forensic counseling.

22           3. If an applicant fails to pass the examination, the applicant  
23 may reapply.

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

5 SECTION 6. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1896 of Title 59, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. An applicant who meets the requirements for certification  
9 pursuant to the provisions of the Certified Forensic Counselors Act,  
10 has paid the required certification fee and has otherwise complied  
11 with the provisions of such act shall be certified by the Oklahoma  
12 Association of Forensic Counselors, herein referred to as the  
13 "Board".

14 B. Each initial certification issued pursuant to the Certified  
15 Forensic Counselors Act shall expire twelve (12) months from the  
16 date of issuance unless revoked by the Board.

17 C. 1. A certification may be renewed annually upon application  
18 and payment of renewal fees. The application for renewal shall be  
19 accompanied by evidence satisfactory to the Board that the applicant  
20 has completed relevant professional or continued educational  
21 experience of at least fifteen (15) hours during the previous twelve  
22 (12) months.

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

4        D. A person whose certification has expired may make  
5 application within one (1) year following the expiration in writing  
6 to the Board requesting reinstatement in a manner prescribed by the  
7 Board and payment of fees required by the provisions of the Board.  
8 Certifications that have been expired for more than one (1) year  
9 shall not be reinstated. A person may reapply for a new  
10 certification as provided in Section 4 of this act.

11        E. A certified forensic counselor whose certification is  
12 current and in good standing who wishes to retire the certification  
13 may do so by informing the Board in writing and returning the  
14 certification to the Board. A certification so retired shall not be  
15 reinstated but does not prevent a person from reapplying for a new  
16 certification at a future date.

17        SECTION 7.        NEW LAW        A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1897 of Title 59, unless there  
19 is created a duplication in numbering, reads as follows:

20        No person certified pursuant to the provisions of the Certified  
21 Forensic Counselors Act shall knowingly and willfully disclose any  
22 information the forensic counselor may have acquired from persons  
23 consulting the certified forensic counselor in his or her  
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1 professional capacity as a forensic counselor, except as provided by  
2 state and federal law.

3 SECTION 8. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1898 of Title 59, unless there  
5 is created a duplication in numbering, reads as follows:

6 It shall be unlawful for any person who is not a certified  
7 forensic counselor or who is specifically exempt from the provisions  
8 of the Certified Forensic Counselors Act to:

9 1. Represent himself or herself by the title "certified  
10 forensic counselor" without having first complied with the  
11 provisions of the Certified Forensic Counselors Act;

12 2. Use the title "certified forensic counselor" or any other  
13 name, style or description denoting that the person is certified as  
14 a forensic counselor;

15 3. Practice forensic counseling; or

16 4. Advertise or otherwise offer to perform forensic counseling  
17 or related forensic counseling services.

18 Any person who violates the provisions of this section shall,  
19 upon conviction, be guilty of a misdemeanor punishable by a fine of  
20 not less than Five Hundred Dollars (\$500.00) nor more than One  
21 Thousand Dollars (\$1,000.00) for each offense, or imprisonment in  
22 the county jail for a term not to exceed one (1) year, or by both  
23 such fine and imprisonment.

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1 SECTION 9. This act shall become effective November 1, 2015.

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