

1 STATE OF OKLAHOMA

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

3 SENATE BILL 700

By: Griffin

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5  
6 AS INTRODUCED

7 An Act relating to licensed alcohol and drug  
8 counselors; amending 43A O.S. 2011, Section 3-415, as  
9 amended by Section 4, Chapter 213, O.S.L. 2013 (43A  
10 O.S. Supp. 2014, Section 3-415), which relates to  
11 services for drug and alcohol dependency; broadening  
12 certain exemption to include licensed drug and  
13 alcohol counselors; and providing an effective date.

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

15 SECTION 1. AMENDATORY 43A O.S. 2011, Section 3-415, as  
16 amended by Section 4, Chapter 213, O.S.L. 2013 (43A O.S. Supp. 2014,  
17 Section 3-415), is amended to read as follows:

18 Section 3-415. A. 1. The Board of Mental Health and Substance  
19 Abuse Services shall promulgate rules and standards for  
20 certification for private facilities and organizations which provide  
21 treatment, counseling, recovery and rehabilitation services directed  
22 toward alcohol- and drug-dependent persons. These facilities and  
23 organizations shall be known as "Certified Services for the Alcohol-  
24 and Drug-Dependent". Only certified facilities may receive and

1 assist alcohol- and drug-dependent persons by providing treatment,  
2 recovery support and rehabilitation.

3 2. Any person violating the requirement that only certified  
4 facilities may receive and assist alcohol- and drug-dependent  
5 persons by providing treatment to alcohol- and drug-dependent  
6 persons, upon conviction, shall be guilty of a misdemeanor. Except  
7 as otherwise provided in this section, no substance abuse treatment  
8 program shall operate or continue to operate unless the facility  
9 complies with the rules promulgated by the Board and is certified as  
10 required by this section.

11 B. Applications for certification as a certified service for  
12 the alcohol- and drug-dependent person pursuant to the provisions of  
13 this section shall be made to the Department of Mental Health and  
14 Substance Abuse Services on prescribed forms.

15 C. The Board, or the Commissioner of Mental Health and  
16 Substance Abuse Services upon delegation by the Board, may certify  
17 the facility for a period of thirty-six (36) months subject to  
18 renewal as provided.

19 D. The Board or the Commissioner of Mental Health and Substance  
20 Abuse Services upon delegation by the Board, may postpone, deny  
21 renewal of, revoke, or suspend the certification of the facility for  
22 failure to comply with rules and standards promulgated by the Board.

23 E. The following are exempt from the provisions of the Oklahoma  
24 Alcohol and Drug Abuse Services Act:

- 1           1. Individual persons in private practice as licensed  
2 physicians, licensed psychologists, licensed social workers,  
3 registered nurses, licensed professional counselors, licensed  
4 marriage and family therapists, licensed behavioral practitioners,  
5 individual members of the clergy, licensed alcohol and drug  
6 counselors, and certified alcohol or drug abuse counselors. The  
7 exemption shall apply only to individual professional persons in  
8 their private practice and not to any treatment facility operated by  
9 the person;
- 10           2. Properly licensed hospitals, psychiatric and medical  
11 surgical facilities;
- 12           3. Programs or facilities operated by a state agency;
- 13           4. Programs conducted and facilities operated by Alcoholics  
14 Anonymous;
- 15           5. Programs conducted and facilities operated by the Salvation  
16 Army;
- 17           6. Faith-based, nonresidential recovery programs;
- 18           7. Residential recovery-based programs with a resident capacity  
19 of less than twelve; or
- 20           8. Residential recovery and recovery support programs that are  
21 not collocated with certified treatment programs. However, the  
22 Department of Mental Health and Substance Abuse Services shall offer  
23 voluntary certification for those resident recovery and recovery  
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1 support programs that are not collocated with certified treatment  
2 programs that desire Department certification.

3 F. Certified services for the alcohol- or drug-dependent person  
4 shall comply with standards adopted by the Board. Such standards  
5 shall require that treatment and therapeutic methods shall be in  
6 compliance with:

7 1. The Joint Commission on Accreditation of Healthcare  
8 Organizations;

9 2. The Commission on Accreditation of Rehabilitation  
10 Facilities;

11 3. The Council on Accreditation (COA); or

12 4. Approved medical and professional standards as determined by  
13 the Board.

14 G. Any facility or organization certified to provide certified  
15 services shall cooperate with inspection personnel of the state and  
16 shall promptly file all reports required by the Board.

17 H. All claims by and accomplishments publicized by any  
18 applicant for certification or any certified alcohol- or drug-  
19 dependent organization, including but not limited to consumer count  
20 and success rates, shall be documented and verifiable by the Board.

21 I. The Department of Mental Health and Substance Abuse Services  
22 is authorized to establish and collect certification and renewal  
23 fees for certification of private facilities and organizations which  
24 provide treatment, counseling and rehabilitation services directed

1 toward alcohol- and drug-dependent persons, as provided in Section  
2 3-324 of this title.

3 J. Any materials or information received by the Department from  
4 an applicant regarding the applicant's financial status shall not be  
5 construed to be open records pursuant to the Oklahoma Open Records  
6 Act.

7 SECTION 2. This act shall become effective November 1, 2015.

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