

# An Act

ENROLLED SENATE  
BILL NO. 734

By: Griffin of the Senate

and

Lawson of the House

An Act relating to mental health and substance abuse services; amending 43A O.S. 2011, Section 3-318, which relates to behavioral health case managers; amending 43A O.S. 2011, Section 3-326, as amended by Section 2, Chapter 335, O.S.L. 2013 (43A O.S. Supp. 2016, Section 3-326), which relates to peer recovery support specialists; directing Board of Mental Health and Substance Abuse to include certain employees in certain rules; permitting use of certain title by certain persons; clarifying language; amending 43A O.S. 2011, Section 3-601, which relates to opioid substitution programs; deleting certain time limit; and providing an effective date.

SUBJECT: Department of Mental Health and Substance Abuse Services

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

SECTION 1. AMENDATORY 43A O.S. 2011, Section 3-318, is amended to read as follows:

Section 3-318. A. The Board of Mental Health and Substance Abuse Services shall promulgate rules and standards for certification of behavioral health case managers who are ~~employed~~:

1. Employed by the state ~~or~~;

2. Employed by behavioral services providers contracting with the state to provide behavioral health services;

3. Employed by a tribe or tribal facility that provides behavioral health services; or

4. Employed by an Oklahoma Department of Veterans Affairs or a United States Department of Veterans Affairs facility.

B. Such rules and standards shall address criteria for certification and renewal, including minimum education requirements, examination and supervision requirements, continuing education requirements, and rules of professional conduct.

~~B.~~ C. Application for certification as a behavioral health case manager shall be made to the Department of Mental Health and Substance Abuse Services on prescribed forms. The Board, or the Commissioner of Mental Health and Substance Abuse Services upon delegation by the Board, may certify the behavioral health case manager for a period of two (2) years subject to renewal as provided in the rules promulgated by the Board.

~~C.~~ D. The Board is authorized to establish an application and renewal fee of no more than One Hundred Dollars (\$100.00) to defray the costs incurred in the certification process.

~~D.~~ E. Behavioral health case managers certified by the Board or the Commissioner shall only use the title "certified behavioral health case manager" if employed by the state ~~or~~, employed by behavioral services providers contracting with the state to provide behavioral health services, employed by a tribe or tribal facility that provides behavioral health services or employed by an Oklahoma Department of Veterans Affairs or a United States Department of Veterans Affairs facility. This section shall not be construed to permit the certified behavioral health case manager to practice any of the following professions or use the following titles unless also licensed or accredited by the appropriate authority: physician, psychologist, clinical social worker, professional counselor, marital and family therapist, behavioral practitioner, or alcohol and drug counselor.

~~E.~~ F. Failure to comply with rules and standards promulgated by the Board shall be grounds for revocation, suspension or nonrenewal of certification.

~~F.~~ G. No behavioral health case manager shall operate or continue to operate as a behavioral health case manager unless the case manager complies with the rules promulgated by the Board and is certified as required by this section.

SECTION 2. AMENDATORY 43A O.S. 2011, Section 3-326, as amended by Section 2, Chapter 335, O.S.L. 2013 (43A O.S. Supp. 2016, Section 3-326), is amended to read as follows:

Section 3-326. A. The Board of Mental Health and Substance Abuse Services shall promulgate rules for certification of peer recovery support specialists who are:

1. Employed by the state;
2. Employed by a behavioral services provider contracting with the state to provide behavioral health services; ~~or~~
3. Employed by a behavioral services provider certified by the Department of Mental Health and Substance Abuse Services. Provided, however, that certification as a peer recovery support specialist pursuant to this subsection shall be limited to providing services within the employer's area of certification;
4. Employed by a tribe or a tribal facility that provides behavioral health services; or
5. Employed by an Oklahoma Department of Veterans Affairs or a United States Department of Veterans Affairs facility.

B. Such rules shall address criteria for certification and renewal, including minimum education requirements, examination and supervision requirements, continuing education requirements, and rules of professional conduct.

C. Application for certification as a peer recovery support specialist shall be made to the Department of Mental Health and Substance Abuse Services on prescribed forms. The Board, or the

Commissioner of Mental Health and Substance Abuse Services upon delegation by the Board, may certify the peer recovery support specialist for a period of two (2) years subject to renewal as provided in the rules promulgated by the Board.

D. The Board is authorized to establish an application and renewal fee of no more than One Hundred Dollars (\$100.00) to defray the costs incurred in the certification process.

E. A peer recovery support specialist certified by the Board or the Commissioner shall only use the title "certified peer recovery support specialist" if employed by the state ~~or~~, employed by behavioral services providers contracting with or certified by the state to provide behavioral health services, employed by a tribe or tribal facility that provides behavioral health services or employed by an Oklahoma Department of Veterans Affairs or a United States Department of Veterans Affairs facility. This section shall not be construed to permit the certified peer recovery support specialist to practice any of the following professions or use the following titles unless also licensed or accredited by the appropriate authority:

1. Physician;
2. Psychologist;
3. Clinical social worker;
4. Professional counselor;
5. Marital and family therapist;
6. Behavioral practitioner; or
7. Alcohol and drug counselor.

F. No peer recovery support specialist shall operate or continue to operate as a peer recovery support specialist unless the peer recovery support specialist complies with the rules promulgated by the Board and is certified as required by this section.

G. Failure to comply with rules promulgated by the Board shall be grounds for revocation, suspension, or nonrenewal of certification.

SECTION 3. AMENDATORY 43A O.S. 2011, Section 3-601, is amended to read as follows:

Section 3-601. A. Any Class II controlled dangerous substance, when used in this state by an opioid substitution treatment program for persons with a history of opioid addiction to or physiologic dependence on controlled dangerous substances, shall only be used:

1. In treating persons with a history of addiction ~~for two (2) years or more;~~

2. In treating persons with a one-year history of opioid addiction to or physiologic dependence on controlled dangerous substances, as defined by the Code of Federal Regulations, and documentation of attempting another type of treatment; or

3. If clinically appropriate, the program physician may waive the requirement of a one-year history of opioid addiction for consumers within six (6) months of release from a penal institution, for consumers with a pregnancy verified by the program physician, or for consumers having previously received treatment for opioid addiction and within two (2) years of discharge from that treatment episode.

B. Any conviction for a violation of the provisions of this section or any rules promulgated pursuant to the provisions of this section shall be a felony.

C. For the purposes of this section, "opioid substitution treatment program" means a person, private physician, or organization that administers or dispenses an opioid drug to a narcotic addict for the purposes of detoxification or maintenance treatment or provides, when necessary and appropriate, comprehensive medical and rehabilitation services. A private physician who administers buprenorphine with a waiver from the Drug Enforcement Administration shall not be considered an opioid substitution treatment program. An opioid substitution treatment program shall be certified by the Board of Mental Health and Substance Abuse

Services, or the Commissioner of Mental Health and Substance Abuse Services upon delegation by the Board, and registered with the federal Drug Enforcement Administration for the use of an opioid drug to treat narcotic addiction.

D. The Board of Mental Health and Substance Abuse Services shall promulgate rules and standards for the certification of all programs, private facilities, and organizations which provide opioid substitution treatment directed to those physiologically dependent on or addicted to opioids. These facilities and organizations shall be known as "Opioid Substitution Treatment Programs". Only certified facilities may receive and assist opioid-dependent and addicted persons by providing Class II controlled substances in opioid substitution treatment and rehabilitation.

E. The Board of Mental Health and Substance Abuse Services shall promulgate rules and standards regulating the treatment and services provided by opioid substitution treatment programs. Failure to comply with rules and standards promulgated by the Board shall be grounds for revocation, suspension or nonrenewal of certification.

F. Opioid substitution treatment programs shall notify the Department of Mental Health and Substance Abuse Services of plans to close or relocate within a minimum of thirty (30) days prior to closure or relocation.

G. Failure to comply with rules and standards promulgated by the Board of Mental Health and Substance Abuse Services pursuant to this ~~act~~ section shall be grounds for reprimand, suspension, revocation or nonrenewal of certification.

SECTION 4. This act shall become effective November 1, 2017.

Passed the Senate the 23rd day of March, 2017.

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Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2017.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_