

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2815

By: Kendrix of the House

and

**Daniels** of the Senate

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to sunset; amending 59 O.S. 2021,  
12                   Section 6001, as amended by Section 1, Chapter 128,  
13                   O.S.L. 2022 (59 O.S. Supp. 2022, Section 6001), which  
14                   relates to the State Board of Behavioral Health  
15                   Licensure; re-creating the Board; and modifying  
16                   termination date.

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

18                   SECTION 1.           AMENDATORY           59 O.S. 2021, Section 6001, as  
19                   amended by Section 1, Chapter 128, O.S.L. 2022 (59 O.S. Supp. 2022,  
20                   Section 6001), is amended to read as follows:

21                   Section 6001. A. 1. There is hereby re-created the State  
22                   Board of Behavioral Health Licensure to continue until July 1, ~~2023~~  
23                   2025, in accordance with the provisions of the Oklahoma Sunset Law.

1           2. Members of the Board shall serve at the pleasure of and may  
2 be removed from office by the appointing authority. Members shall  
3 continue to serve until their successors are appointed. Any vacancy  
4 shall be filled in the same manner as the original appointments.  
5 Four members shall constitute a quorum.

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

- 9           a. election of officers,
- 10           b. establishment of meeting dates and times,
- 11           c. rule development,
- 12           d. review and recommendation, and
- 13           e. adoption of nonbinding resolutions to the Board  
14           concerning matters brought before the Board.

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

17           B. 1. All members of the Board shall be knowledgeable of  
18 counseling issues. The Board shall be appointed by the Governor  
19 with the advice and consent of the Senate:

- 20           a. four members who are licensed professional counselors,
- 21           b. three members who are licensed family and marital  
22           therapists,
- 23           c. two members who are licensed behavioral practitioners,  
24           and

1           d.    two members representing the public and possessing  
2                    knowledge of counseling issues.

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

8           3.   The members of the Board from each professional area of  
9 behavioral health counseling shall comprise separate committees and  
10 shall consult on professional issues within their respective areas  
11 of behavioral health counseling. Each committee shall recommend to  
12 the Board approval or disapproval of all licenses to be issued  
13 within its specialty. Each committee shall be authorized to  
14 recommend approval or disapproval of the examination requirements  
15 for all applicants for licensure in the respective area of  
16 behavioral health counseling, provide grading standards for  
17 examinations, and provide for other matters relating to licensure in  
18 that area of behavioral health counseling. Each committee may  
19 create advisory committees to consult on professional duties and  
20 responsibilities pursuant to the provisions of this section.

21           4.   Any and all recommendations, approvals, or disapprovals made  
22 by a committee pursuant to the provisions of this section shall not  
23 become effective without the approval of a majority of members of  
24 the Board.

1           5. The jurisdictional areas of the Board shall include  
2 professional counseling licensing and practice issues, marital and  
3 family therapist licensing and practice issues, behavioral  
4 practitioner licensing and practice issues and such other areas as  
5 authorized by the Licensed Professional Counselors Act.

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

10           D. Members of the Board shall serve without compensation but  
11 may be reimbursed for expenses incurred in the performance of their  
12 duties, as provided in the State Travel Reimbursement Act. The  
13 Board is authorized to utilize the conference rooms of and obtain  
14 administrative assistance from the State Board of Medical Licensure  
15 and Supervision as required.

16           E. The Board is authorized and empowered to:

17           1. Establish and maintain a system of licensure and  
18 certification pursuant to the provisions of the Licensed  
19 Professional Counselors Act;

20           2. Adopt and enforce standards governing the professional  
21 conduct of persons licensed pursuant to the provisions of the  
22 Licensed Professional Counselors Act;

23           3. Lease office space for the purpose of operating and  
24 maintaining a state office, and pay rent thereon; provided, however,

1 such state office shall not be located in or directly adjacent to  
2 the office of any person licensed pursuant to the provisions of the  
3 Licensed Professional Counselors Act;

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

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

7 6. Contract with state agencies for the purposes of  
8 investigating written complaints regarding the conduct of persons  
9 licensed pursuant to the provisions of the Licensed Professional  
10 Counselors Act and obtaining administrative assistance as deemed  
11 necessary by the Executive Director; and

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

14 F. The Board shall employ an Executive Director. The Executive  
15 Director shall be authorized to:

16 1. Employ and maintain an office staff;

17 2. Enter into contracts on behalf of the Board; and

18 3. Perform other duties on behalf of the Board as needed or  
19 directed.

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

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23 COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES, dated  
24 03/02/2023 - DO PASS, As Amended and Coauthored.