

1 ENGROSSED SENATE
2 BILL NO. 397

By: Bergstrom of the Senate

3 and

4 Kendrix of the House

5
6 An Act relating to professions and occupations;
7 amending 59 O.S. 2021, Section 6001, as last amended
8 by Section 1, Chapter 89, O.S.L. 2023 (59 O.S. Supp.
9 2024, Section 6001), which relates to the State Board
of Behavioral Health Licensure; extending sunset
date; updating statutory language; providing an
effective date; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 59 O.S. 2021, Section 6001, as
14 last amended by Section 1, Chapter 89, O.S.L. 2023 (59 O.S. Supp.
15 2024, Section 6001), is amended to read as follows:

16 Section 6001. A. 1. There is hereby re-created the State
17 Board of Behavioral Health Licensure to continue until ~~July 1, 2025~~
18 July 1, 2028, in accordance with the provisions of the Oklahoma
19 Sunset Law.

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

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

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

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

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

- 16 a. four members who are licensed professional counselors,
- 17 b. three members who are licensed family and marital
18 therapists,
- 19 c. two members who are licensed behavioral practitioners,
20 and
- 21 d. two members representing the public and possessing
22 knowledge of counseling issues.

23 2. Members of the Board shall serve for a period of three (3)
24 years and may be removed at any time by the appointing authority.

1 Vacancies on the Board shall be filled by the appointing authority.
2 A majority of the Board shall constitute a quorum for the
3 transaction of business.

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

17 4. Any and all recommendations, approvals, or disapprovals made
18 by a committee pursuant to the provisions of this section shall not
19 become effective without the approval of a majority of members of
20 the Board.

21 5. The jurisdictional areas of the Board shall include
22 professional counseling licensing and practice issues, marital and
23 family therapist licensing and practice issues, behavioral
24

1 practitioner licensing and practice issues, and such other areas as
2 authorized by the Licensed Professional Counselors Act.

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

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

13 E. The Board is authorized and empowered to:

14 1. Establish and maintain a system of licensure and
15 certification pursuant to the provisions of the Licensed
16 Professional Counselors Act;

17 2. Adopt and enforce standards governing the professional
18 conduct of persons licensed pursuant to the provisions of the
19 Licensed Professional Counselors Act;

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

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

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

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

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

11 F. The Board shall employ an Executive Director. The Executive
12 Director shall be authorized to:

13 1. Employ and maintain an office staff;

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

15 3. Perform other duties on behalf of the Board as needed or
16 directed.

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

19 SECTION 2. This act shall become effective July 1, 2025.

20 SECTION 3. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

