An Act

ENROLLED SENATE
BILL NO. 249

By: Holt and Pittman of the Senate

and

McBride of the House

An Act relating to professional counseling; amending 59 O.S. 2011, Section 1905, as amended by Section 6, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1905), which relates to duties and powers of the State Board of Behavioral Health Licensure; requiring Board to adopt emergency rules in certain circumstances; providing certain construction; and providing an effective date.

SUBJECT: Rules for licensed professional counselors

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1905, as amended by Section 6, Chapter 229, O.S.L. 2013 (59 O.S. Supp. 2014, Section 1905), is amended to read as follows:

Section 1905. A. The State Board of Behavioral Health Licensure shall:

1. Prescribe, adopt and promulgate rules to implement and enforce the provisions of the Licensed Professional Counselors Act, including the adoption of the State Department of Health rules by reference;

2. Adopt and establish rules of professional conduct; ~~and~~

3. Set license and examination fees as required by the Licensed Professional Counselors Act; and

4. Promulgate rules for licensed professional counselors who are licensed outside of Oklahoma to provide counseling services approved by the Licensed Professional Counselors Act, the Marital and Family Therapist Licensure Act, and the Licensed Behavioral Practitioner Act. Provided, such rules shall only be valid for the duration of a declaration of emergency issued by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or a declaration of a catastrophic health emergency issued by the Governor pursuant to the Catastrophic Health Emergency Powers Act. Provided, such rules shall only authorize the provision of services that are pro bono or reimbursed by nongovernmental entities. Nothing in this section shall be construed as to permit the adoption of permanent rules weakening the licensing requirements established by the Licensed Professional Counselors Act, the Marital and Family Therapist Licensure Act, and the Licensed Behavioral Practitioner Act.

B. The Board shall have the authority to:

1. Seek injunctive relief;

2. Request the district attorney to bring an action to enforce the provisions of the Licensed Professional Counselors Act;

3. Receive fees and deposit said fees into the Licensed Professional Counselors Revolving Fund as required by the Licensed Professional Counselors Act;

4. Issue, renew, revoke, deny, suspend and place on probation licenses to practice professional counseling pursuant to the provisions of the Licensed Professional Counselors Act;

5. Examine all qualified applicants for licenses to practice professional counseling;

6. Request assistance from the State Board of Medical Licensure and Supervision for the purposes of investigating complaints and possible violations of the Licensed Professional Counselors Act;

7. Accept grants and gifts from various foundations and institutions; and

8. Make such expenditures and employ such personnel as the Executive Director may deem necessary for the administration of the Licensed Professional Counselors Act.

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

Passed the Senate the 4th day of March, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the 8th day of April, 2015.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 9th
day of April, 20 15, at 11:16 o'clock A M.
By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 13th
day of April, 20 15, at 3:26 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 13th
day of April, 20 15, at 4:07 o'clock P. M.
By: Chris Benge