An Act

ENROLLED SENATE
BILL NO. 1277

By: David of the Senate

and

Mulready of the House

An Act relating to licensed alcohol and drug counselors; amending 59 O.S. 2011, Sections 1871 and 1876, which relate to the Licensed Alcohol and Drug Counselors Act; modifying definition; adding definition; deleting obsolete language; modifying requirements for certain applicants; specifying certain scope of practice; clarifying language; and providing an effective date.

SUBJECT: the Licensed Alcohol and Drug Counselors Act

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

SECTION 1. AMENDATORY 59 O.S. 2011, Section 1871, is amended to read as follows:

Section 1871. For purposes of the Licensed Alcohol and Drug Counselors Act:

1. "Alcohol and drug counseling"~~, as a licensed alcohol and drug counselor,~~ means the application of counseling principles for:

a. substance use disorders, or

b. substance abuse disorders and co-occurring disorders in order to:

(1) develop an understanding of substance abuse and co-occurring disorders,

(2) permit licensed alcohol and drug counselors to prevent, diagnose or treat substance abuse and to prevent, diagnose or treat co-occurring disorders,

(3) permit licensed alcohol and drug counselors to conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives for substance abuse and to establish treatment goals and objectives for co-occurring disorders, and

(4) plan, implement or evaluate treatment plans using counseling treatment interventions;

2. "Alcohol and drug counseling", as a certified alcohol and drug counselor, means the application of counseling principles for:

a. substance use disorders, or

b. substance abuse disorders in order to:

(1) develop an understanding of alcoholism and drug dependency problems,

(2) prevent, diagnose or treat alcohol and drug dependency problems,

(3) conduct assessments or diagnosis for the purpose of establishing treatment goals and objectives for substance abuse,

(4) plan, implement or evaluate treatment plans using counseling treatment interventions for substance abuse, and

(5) permit certified alcohol and drug counselors certified in co-occurring disorders to recognize co-occurring disorders and integrate that recognition into substance abuse treatment, provided the certified alcohol and drug counselor

is working in a nationally accredited or Oklahoma Department of Mental Health and Substance Abuse Services certified agency and is working under the supervision of a supervisor approved by the Oklahoma Board of Licensed Alcohol And Drug Counselors pursuant to paragraph ~~11~~ 13 of this section and who is a licensed alcohol and drug counselor that is licensed in mental health and substance abuse, a licensed alcohol and drug counselor that holds a co-occurring certification from the Board or a licensed mental health professional. Certified alcohol and drug counselors shall meet or exceed the Certified Co-Occurring Disorders Professional Standards as laid out in the standards promulgated by the International Certification & Reciprocity Consortium, any successor organization to the International Certification and Reciprocity Consortium or another national or international organization that has similar standards equal to or higher than the International Certification and Reciprocity Consortium.

Certified alcohol and drug counselors may not provide private or independent practice for co-occurring disorders;

3. "Board" means the Oklahoma Board of Licensed Alcohol and Drug Counselors, created by Section 1873 of this title;

4. "Certified alcohol and drug counselor" means any person who is not exempt pursuant to the provisions of Section 1872 of this title and is not licensed under the Licensed Alcohol and Drug Counselors Act, but who provides alcohol and drug counseling services within the scope of practice while employed by an entity certified by the Department of Mental Health and Substance Abuse Services, or who is exempt from such certification, or who is under the supervision of a person recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as a supervisor. A certified alcohol and drug counselor may provide counseling services for co-occurring disorders if he or she has been certified by the Board to provide counseling as provided in this section for co-occurring disorders;

5. "Certified alcohol and drug counselor candidate" or "licensed alcohol and drug counselor candidate" means a person who has made application for certification or licensure and who has been authorized by the board to practice alcohol and drug counseling under supervision while completing the required work experience;

6. "Consulting" means interpreting or reporting scientific fact or theory in counseling to provide assistance in solving current or potential problems of individuals, groups or organizations;

7. "Co-occurring disorder" means a disorder in which individuals have at least one mental health disorder as defined in the most current version of the Diagnostic and Statistical Manual and a substance abuse disorder as defined in paragraph ~~12~~ 14 of this section. While these disorders may interact differently in any one person at least one disorder of each type can be diagnosed independently of the other;

8. "International Certification & Reciprocity Consortium Standards" means the standards enumerated by the International Certification and Reciprocity Consortium, any successor organization to the Consortium or another national or international organization that has similar standards equal to or higher than the International Certification and Reciprocity Consortium, that includes requirements regarding education, exams, degrees, coursework, supervision, continuing education, and ethics for individuals seeking a certified co-occurring disorders professional certification from the Consortium. The requirement to meet these standards shall never fall below the requirements set forth by the Consortium on June 1, 2008.

9. "Licensed alcohol and drug counselor" means any person who provides alcohol and drug counseling services within the scope of practice, including co-occurring disorders, for compensation to any person and is licensed pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "licensed alcohol and drug counselor" shall not include those professions exempted by Section 1872 of this title;

10. "Licensed alcohol and drug counselor/mental health" or "LADC/MH" means a licensed alcohol and drug counselor who has been

determined by the Board to meet the requirements to include the assessment, diagnosis, and treatment of mental health disorders within the counselor's scope of practice, regardless of whether the mental health disorders are co-occurring;

11. "Recovery" means a voluntary lifestyle, maintained as the result of one's diagnosis, treatment or self-disclosure of a substance abuse disorder, characterized by complete abstinence from alcohol, and all other mind altering drugs or chemicals except tobacco and drugs used as prescribed by an authorized licensed medical professional and the absence of pathological compulsive behavior;

~~11.~~ 12. "Relapse" means the resumption of use of alcohol or other mind-altering drugs or chemicals, except tobacco and drugs used as prescribed by an authorized licensed medical professional, or resumption of pathological compulsive behavior, despite having previously been diagnosed, treated or self-disclosed as having a substance abuse disorder and been in recovery;

~~12.~~ 13. "Supervisor" means:

a. a licensed alcohol and drug counselor who meets the requirements established by the board to supervise certified alcohol and drug counselors, certified alcohol and drug counselor candidates or licensed alcohol and drug counselor candidates and has been approved by the Oklahoma Board of Licensed Alcohol and Drug Counselors as a supervisor, or

b. a licensed mental health professional approved by the Board to supervise certified alcohol and drug counselors who have received co-occurring certification, certified alcohol and drug counselors who are candidates for co-occurring certification or licensed alcohol drug and counselors who are candidates for co-occurring certification;

~~13.~~ 14. "Substance abuse disorder" means the repeated pathological use of substances including alcohol and other mind-altering drugs or chemicals, except tobacco, or repeated pathological compulsive behaviors which cause physical,

psychological, emotional, economic, legal, social or other harm to the individual afflicted or to others affected by the individual's affliction. As used in the Licensed Alcohol and Drug Counselors Act, substance abuse disorder shall include not only those instances where withdrawal from or tolerance to the substance is present but also those instances involving use and abuse of substances;

~~14.~~ 15. "Supervised practicum experience" means volunteer or paid work experience in the core functions of substance abuse counseling as delineated by the Oklahoma Board of Licensed Alcohol and Drug Counselors;

~~15.~~ 16. "Supervised work experience" means voluntary or paid work experience in providing alcohol and drug counseling services to individuals under the supervision of a licensed alcohol and drug counselor; and

~~16.~~ 17. "Scope of practice" means acting within the boundaries of competence based on education, training, supervised experience, state and national professional credentials, and appropriate professional experience.

SECTION 2. AMENDATORY 59 O.S. 2011, Section 1876, is amended to read as follows:

Section 1876. A. Unless exempt pursuant to Section 1872 of this title, ~~on and after January 1, 2005,~~ any person wishing to practice alcohol and drug counseling in this state shall obtain a certificate or license to practice pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

B. An application for a certificate or license to practice as a certified or licensed alcohol and drug counselor shall be made to the Oklahoma Board of Licensed Alcohol and Drug Counselors in writing. Such application shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by the Licensed Alcohol and Drug Counselors Act, which shall be retained by the Board and not returned to the applicant.

C. Each applicant for a certificate or license to practice as a certified or licensed alcohol and drug counselor shall:

1. Be possessed of good moral character;

2. Pass an examination based on standards established by the International Certification and Reciprocity Consortium, any successor organization to the International Certification and Reciprocity Consortium or another national or international organization recognized by the Board to have similar standards equal to or higher than the International Certification and Reciprocity Consortium;

3. Be at least twenty-one (21) years of age;

4. Not have engaged in, nor be engaged in, any practice or conduct which would be grounds for denying, revoking or suspending a license pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act; and

5. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

D. ~~Except as otherwise provided by subsections E and G of this section, on and after January 1, 2005, in addition to the qualifications specified by the provisions of subsection C of this section, an applicant for a license to practice as a licensed alcohol and drug counselor shall have:~~

~~1. At a minimum, a master's degree in a behavioral science field that is recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as appropriate to practice as a licensed alcohol and drug counselor;~~

~~2. Successfully completed at least one (1) year of full-time supervised work experience. For the purpose of the Licensed Alcohol and Drug Counselors Act, "one (1) year of full-time work experience" shall be defined as two thousand (2,000) hours of work experience, of which at least one thousand (1,000) hours shall consist of providing alcohol and drug counseling services to an individual and/or the individual's family;~~

~~3. Successfully completed at least one hundred eighty (180) clock hours of education related to alcohol and drug counseling subjects, theory, practice or research; and~~

~~4. Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.~~

~~E. Effective January 1, 2012~~ In addition to the qualifications specified by the provisions of subsection C of this section, an applicant for a license to practice as a licensed alcohol and drug counselor shall ~~have~~:

1. ~~At~~ Have at least a master's degree in alcohol and substance abuse counseling or other clinical counseling field recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors that includes, at a minimum, the following knowledge areas and graduate credit hours ~~described in paragraph 2 of this subsection~~ from a college or university accredited by an agency recognized by the United States Department of Education~~; or~~:

a. three courses in foundational knowledge, including one course in alcohol and drug addiction, one course in drug and alcohol counseling theory, and one course in the pharmacology of drugs and abuse,

b. three courses in assessment and treatment of behavioral health problems, which may include group dynamics, individual and family counseling skills, specific counseling approaches, assessment methods, community resources and referral, or other courses primarily related to the assessment and treatment of behavioral health problems,

c. one course in human development,

d. one course in psychopathology,

e. one course in multicultural and cultural competency issues,

f. one course in family systems theory,

g. one course in addiction in the family theory,

h. one course in addiction in the family counseling,

i. one course in ethics, which includes established ethical conduct for alcohol and drug counselors,

j. one course in research methods, and

k. one three-hour practicum/internship in the field of drug and alcohol counseling of at least three hundred (300) clock hours.

All courses shall be graduate level courses and shall be three (3) semester hours or four (4) quarter credit hours which shall include a minimum of forty-five (45) class hours for each course;

2. ~~a. Possess at least a master's degree in a behavioral science or counseling-related field from a college or university accredited by an agency recognized by the United States Department of Education which is the content equivalent of a graduate degree in alcohol and substance abuse counseling. In order to qualify as a "content equivalent" degree, a graduate transcript shall reflect, at a minimum, the following knowledge areas and graduate hours:~~

~~(1) three courses in foundational knowledge, including one course in alcohol and drug addiction, one course in drug and alcohol counseling theory, and one course in the pharmacology of drugs of abuse,~~

~~(2) three courses in assessment and treatment of alcohol and drug problems, which may include group dynamics, individual and family counseling skills, specific counseling approaches, assessment methods, community resources and referral, or other courses primarily related to the assessment and treatment of alcohol and drug problems,~~

~~(3) one course in human development,~~

~~(4) one course in psychopathology,~~

~~(5) one course in multicultural and cultural competency issues,~~

~~(6) one course in family systems theory,~~

~~(7) one course in addiction in the family theory,~~

~~(8) one course in addiction in the family counseling,~~

~~(9) one course in ethics, which includes established ethical conduct for alcohol and drug counselors,~~

~~(10) one course in research methods, and~~

~~(11) one three-hour practicum/internship in the field of drug and alcohol counseling of at least three hundred (300) clock hours.~~

~~b. All courses shall be graduate level courses and shall be three (3) semester hours or four (4) quarter credit hours which shall include a minimum of forty five (45) class hours for each course.~~

~~Licensed alcohol and drug counselors shall demonstrate, at a minimum, the following specific training that includes, but is not limited to:~~

~~a. specific training for and experience in performing mental health therapeutic, diagnostic or counseling functions,~~

~~b. specific training for and experience in screening, identifying, assessing, and providing properly matched interventions to individuals with co-occurring disorders, and~~

~~c. specific training for and experience in a wide range of diagnostic, therapeutic, and rehabilitative services used in the treatment of mental illness and co-occurring disorders, or~~

~~d. in lieu of such training, be a licensed mental health professional as defined by Section 1-103 of this title~~

Have successfully completed at least one (1) year of full-time supervised work experience providing behavioral health services. For the purpose of the Licensed Alcohol and Drug Counselors Act, one (1) year of full-time work experience shall mean two thousand (2,000) hours of work experience, of which at least one thousand (1,000) hours shall consist of direct client contact; or

3. Be a licensed mental health professional as defined in Section 1-103 of Title 43A of the Oklahoma Statutes and have completed a minimum of fifteen (15) hours in master's level substance abuse specific coursework, including, but not limited to, chemical addiction, counseling, alcohol/drug counseling theory, pharmacology of drugs and abuse, assessment and treatment of alcohol and drug problems, theories in family addiction, and/or family addiction counseling.

E. The scope of practice of a licensed alcohol and drug counselor who meets the educational requirements set forth in paragraph 1 of subsection D of this section may include the assessment, diagnosis, and treatment of mental health disorders. Licensees who have been determined by the Board to meet these requirements shall have the designation "licensed alcohol and drug counselor/mental health" or "LADC/MH" noted on their license and wallet card.

F. The scope of practice of a licensed alcohol and drug counselor who made application for license or who was licensed prior to the effective date of the educational requirements set forth in paragraph 1 of subsection D of this section shall not include the assessment, diagnosis, and treatment of mental health disorders unless:

1. The licensed alcohol and drug counselor holds a master's degree that meets the educational requirements for licensure in the following behavioral health professions:

a. licensed professional counselor as defined in Section 1902 of Title 59 of the Oklahoma Statutes,

b. licensed clinical social worker as defined in Section 1250.1 of Title 59 of the Oklahoma Statutes,

c. licensed marital and family therapist as defined in Section 1925.2 of Title 59 of the Oklahoma Statutes, or

d. licensed behavioral practitioner as defined in Section 1931 of Title 59 of the Oklahoma Statutes; or

2. The licensed alcohol and drug counselor holds a valid Co-Occurring Disorders Certification based on standards established by the International Certification and Reciprocity Consortium, any successor organization to the International Certification and Reciprocity Consortium, or any other national or international organization recognized by the Board to have similar standards equal to or higher than the International Certification and Reciprocity Consortium.

~~F. Effective January 1, 2005, except as provided in subsection G of this section~~ G. In addition to the qualifications specified in subsection C of this section, each applicant for a certificate to practice as a certified alcohol and drug counselor shall have:

1. At a minimum, a bachelor's degree in a behavioral science field that is recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as appropriate to practice as a certified drug and alcohol counselor in this state;

2. Successfully completed at least two (2) years of full-time supervised work experience. For the purpose of the Licensed Alcohol and Drug Counselors Act, "two years of full-time work experience" shall be defined as four thousand (4,000) hours of work experience of which at least two thousand (2,000) hours shall consist of

providing alcohol and drug counseling services to an individual and/or the individual's family;

3. Successfully completed at least two hundred seventy (270) clock hours of education related to alcohol and drug counseling subjects, theory, practice or research;

4. Successfully completed, as part of or in addition to the education requirements established in paragraph 3 of this subsection, a minimum of forty-five (45) clock hours of specialized training approved by the Board in identifying co-occurring disorders and making appropriate referrals for treatment of co-occurring disorders; and

5. Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.

~~G. 1. Subject to application to the Board, prior to November 1, 2005, any person practicing in the State of Oklahoma at the time of application and holding a certificate in alcohol and drug counseling from any state or nationally recognized certifying body or agency recognized by the Board and issued on or before December 31, 2004, shall be granted a certificate under the Licensed Alcohol and Drug Counselors Act.~~

~~2. Subject to application to the Board, prior to November 1, 2005, any person practicing in the State of Oklahoma at the time of application and holding a certificate in alcohol and drug counseling from any state or nationally recognized certifying body or agency recognized by the Board and issued on or before December 31, 2004, and a master's degree, as provided in paragraph 1 of subsection D of this section, shall be granted a license under this act.~~

H. ~~On and after January 1, 2009, any~~ Any licensed or certified alcohol and drug counselor wishing to be certified for co-occurring disorders in this state may obtain such certification pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

I. An application by a licensed or certified alcohol and drug counselor for certification for co-occurring disorders shall be made to the Oklahoma Board of Licensed Alcohol and Drug Counselors in

writing. Such application shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by Section 1884 of this title, which shall be retained by the Board and not returned to the applicant.

J. Each applicant for certification for co-occurring disorders shall:

1. Be possessed of good moral character;

2. Be a licensed or certified alcohol and drug counselor in good standing with the Board;

3. Meet the requirements promulgated by the Board to establish the applicant's competency to include treatment of co-occurring disorders within his or her scope of practice;

4. Be at least twenty-one (21) years of age;

5. Not have engaged in, nor be engaged in, any practice or conduct which would be grounds for denying, revoking or suspending a license pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act; and

6. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

SECTION 3. This act shall become effective November 1, 2012.

Passed the Senate the 6th day of March, 2012.

Presiding Officer of the Senate

Passed the House of Representatives the 10th day of April, 2012.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Governor this 11th

day of April, **20** 12,

at 11:45 **o'clock** AM.

By: Jessica R. Rogers

Approved by the Governor of the State of Oklahoma the 17th **day of** April, **20** 12, **at** 11:37 **o'clock** A **M.**

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this 17th **day of** April, **20** 12,

at 3:24 **o'clock** P **M.**

By: Michelle R Day