An Act

ENROLLED HOUSE
BILL NO. 1109

By: Coody of the House

and

David of the Senate

An Act relating to mental health; amending Section 4, Chapter 296, O.S.L. 2012 (43A O.S. Supp. 2012, Section 3-704), which relates to a risk, mental health and substance abuse assessment and evaluation; modifying time in which certain person may submit to assessment and evaluation; amending 43A O.S. 2011, Section 3-326, which relates to peer recovery support specialists; providing that individuals employed by a behavioral service provider certified by the Department be subject to certain rules; permitting peer recovery support specialist to use certain title if certified by the state; providing for codification; and providing an effective date.

SUBJECT: Mental health

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

SECTION 1. AMENDATORY Section 4, Chapter 296, O.S.L. 2012 (43A O.S. Supp. 2012, Section 3-704), is amended to read as follows:

Section 3-704. ~~Any~~ After an initial appearance, a person ~~found guilty~~ accused of a felony offense may~~, prior to sentencing, be required to~~ submit to an approved risk, mental health and substance abuse assessment and evaluation which shall be administered and scored by assessment personnel certified by the Department of Mental Health and Substance Abuse Services. Any person lacking sufficient skills to comprehend or otherwise participate in the risk, mental health and substance abuse assessment and evaluation shall have

appropriate assistance. The court, district attorney, arrested person and counsel for the arrested person shall have access to the results of the risk, mental health and substance abuse assessment and evaluation. The results of the risk, mental health and substance abuse assessment and evaluation shall not be admissible as evidence in the criminal case unless specifically waived by the defendant or for purposes of determining sentencing options for a defendant who has pled guilty and punishment is to be determined at the discretion of the court. The court and the district attorney shall consider the results of the risk, mental health and substance abuse assessment and evaluation to determine sentencing options for the person.

SECTION 2. AMENDATORY 43A O.S. 2011, 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 ~~employed~~:

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

2. Employed by a behavioral services ~~providers~~ 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.

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.

~~B.~~ 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.

~~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. 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 by behavioral services providers contracting with or certified by the state to provide behavioral health services. 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.

~~E.~~ 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.

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

SECTION 3. This act shall become effective November 1, 2013.

Passed the House of Representatives the 20th day of May, 2013.

Presiding Officer of the House
of Representatives

Passed the Senate the 24th day of May, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of May, 20 13, at 9:18 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 29th

day of May, 20 13, at 3:28 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 29th

day of May, 20 13, at 5:25 o'clock P. M.

By: Chris Dennis