An Act

ENROLLED HOUSE
BILL NO. 2815

By: Kendrix of the House

and

Daniels of the Senate

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

SUBJECT: Sunset

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

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

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

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

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

a. election of officers,

b. establishment of meeting dates and times,

c. rule development,

d. review and recommendation, and

e. adoption of nonbinding resolutions to the Board concerning matters brought before the Board.

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

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

a. four members who are licensed professional counselors,

b. three members who are licensed family and marital therapists,

c. two members who are licensed behavioral practitioners, and

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

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

3. The members of the Board from each professional area of behavioral health counseling shall comprise separate committees and shall consult on professional issues within their respective areas of behavioral health counseling. Each committee shall recommend to the Board approval or disapproval of all licenses to be issued within its specialty. Each committee shall be authorized to recommend approval or disapproval of the examination requirements for all applicants for licensure in the respective area of behavioral health counseling, provide grading standards for examinations, and provide for other matters relating to licensure in that area of behavioral health counseling. Each committee may

create advisory committees to consult on professional duties and responsibilities pursuant to the provisions of this section.

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

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

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

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

E. The Board is authorized and empowered to:

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

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

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

4. Purchase office furniture, equipment, and supplies;

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

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

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

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

1. Employ and maintain an office staff;

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

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

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

Passed the House of Representatives the 9th day of March, 2023.

Presiding Officer of the House of Representatives

Passed the Senate the 19th day of April, 2023.

Brent Howard

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20th day of April, 2023, at 3:15 o'clock p. M.

By: Sumer Curry

Approved by the Governor of the State of Oklahoma this 26th day of April, 2023, at 2:10 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 26th day of April, 2023, at 2:41 o'clock P. M.

By: Brian Bingman