SENATE FLOOR VERSION
April 5, 2023

ENGROSSED 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.

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, 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.

COMMITTEE REPORT BY: COMMITTEE ON ADMINISTRATIVE RULES
April 5, 2023 - DO PASS