

1 **SENATE FLOOR VERSION**

2 March 29, 2021

3 ENGROSSED HOUSE
4 BILL NO. 1071

By: Boatman, Dills and Pittman
of the House

5 and

6 Stanley of the Senate

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8
9 An Act relating to mental health; amending 43A O.S.
10 2011, Section 3-415, as last amended by Section 1,
11 Chapter 310, O.S.L. 2018 (43A O.S. Supp. 2020,
12 Section 3-415), which relates to certified services
13 for the alcohol- and drug-dependent; providing
14 exemption; and providing an effective date.

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

16 SECTION 1. AMENDATORY 43A O.S. 2011, Section 3-415, as
17 last amended by Section 1, Chapter 310, O.S.L. 2018 (43A O.S. Supp.
18 2020, Section 3-415), is amended to read as follows:

19 Section 3-415. A. 1. The Board of Mental Health and Substance
20 Abuse Services shall promulgate rules and standards for
21 certification for private facilities and organizations which provide
22 treatment, counseling, recovery and rehabilitation services directed
23 toward alcohol- and drug-dependent persons. These facilities and
24 organizations shall be known as "Certified Services for the Alcohol-
and Drug-Dependent". Only certified facilities may receive and

1 assist alcohol- and drug-dependent persons by providing treatment,
2 recovery support and rehabilitation.

3 2. Any person violating the requirement that only certified
4 facilities may receive and assist alcohol- and drug-dependent
5 persons by providing treatment to alcohol- and drug-dependent
6 persons, upon conviction, shall be guilty of a misdemeanor. Except
7 as otherwise provided in this section, no substance abuse treatment
8 program shall operate or continue to operate unless the facility
9 complies with the rules promulgated by the Board and is certified as
10 required by this section.

11 B. Applications for certification as a certified service for
12 the alcohol- and drug-dependent person pursuant to the provisions of
13 this section shall be made to the Department of Mental Health and
14 Substance Abuse Services on prescribed forms.

15 C. The Board, or the Commissioner of Mental Health and
16 Substance Abuse Services upon delegation by the Board, may certify
17 the facility for a period of not more than thirty-six (36) months
18 subject to renewal as provided.

19 D. The Board, or the Commissioner of Mental Health and
20 Substance Abuse Services upon delegation by the Board, may postpone,
21 deny renewal of, revoke, or suspend the certification of the
22 facility for failure to comply with rules and standards promulgated
23 by the Board.

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1 E. The following are exempt from the provisions of the Oklahoma
2 Alcohol and Drug Abuse Services Act:

3 1. Individual persons in private practice as licensed
4 physicians, licensed psychologists, licensed social workers,
5 registered nurses, licensed professional counselors, licensed
6 marriage and family therapists, licensed behavioral practitioners,
7 individual members of the clergy, licensed alcohol or drug abuse
8 counselors and certified alcohol or drug abuse counselors. The
9 exemption shall apply only to individual professional persons in
10 their private practice and not to any treatment facility operated by
11 the person;

12 2. Properly licensed hospitals, psychiatric and medical
13 surgical facilities;

14 3. Programs or facilities operated by a state agency;

15 4. Programs conducted and facilities operated by Alcoholics
16 Anonymous;

17 5. Programs conducted and facilities operated by the Salvation
18 Army;

19 6. Faith-based, nonresidential recovery programs;

20 7. Residential recovery-based programs with a resident capacity
21 of less than twelve; ~~or~~

22 8. Residential recovery and recovery support programs that are
23 not collocated with certified treatment programs. However, the
24 Department of Mental Health and Substance Abuse Services shall offer

1 voluntary certification for those resident recovery and recovery
2 support programs that are not collocated with certified treatment
3 programs that desire Department certification; or

4 9. Services provided by a health center as defined in the
5 Public Health Service Act, 42 U.S.C., Section 254b, except for
6 services listed in Levels 2.1 through 4 of the Levels of Care
7 described in the American Society of Addiction Medicine Criteria.

8 F. Certified services for the alcohol- or drug-dependent person
9 shall comply with standards adopted by the Board. Such standards
10 shall require that treatment and therapeutic methods shall be in
11 compliance with:

12 1. The Joint Commission on Accreditation of Healthcare
13 Organizations;

14 2. The Commission on Accreditation of Rehabilitation
15 Facilities;

16 3. The Council on Accreditation (COA); or

17 4. Approved medical and professional standards as determined by
18 the Board.

19 G. Any facility or organization certified to provide certified
20 services shall cooperate with inspection personnel of the state and
21 shall promptly file all reports required by the Board.

22 H. All claims by and accomplishments publicized by any
23 applicant for certification or any certified alcohol- or drug-

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1 dependent organization, including but not limited to consumer count
2 and success rates, shall be documented and verifiable by the Board.

3 I. The Department of Mental Health and Substance Abuse Services
4 is authorized to establish and collect certification and renewal
5 fees for certification of private facilities and organizations which
6 provide treatment, counseling and rehabilitation services directed
7 toward alcohol- and drug-dependent persons, as provided in Section
8 3-324 of this title.

9 J. Any materials or information received by the Department from
10 an applicant regarding the applicant's financial status shall not be
11 construed to be open records pursuant to the Oklahoma Open Records
12 Act.

13 SECTION 2. This act shall become effective November 1, 2021.

14 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
15 March 29, 2021 - DO PASS

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