

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 295

By: Ivester

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5  
6 AS INTRODUCED

7 An Act relating to mental health; amending 43A O.S.  
8 2011, Section 3-415, which relates to certification  
9 of drug and alcohol rehabilitation facilities;  
10 including recovery support facilities in certain  
11 definitions; excluding certain faith-based and  
12 residential recovery facilities from the Oklahoma  
13 Alcohol and Drug Abuse Services Act; and providing an  
14 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, is  
17 amended to read as follows:

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

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

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

13           C. The Board, or the Commissioner of Mental Health and  
14 Substance Abuse Services upon delegation by the Board, may certify  
15 the facility for a period of thirty-six (36) months subject to  
16 renewal as provided.

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

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

23           1. Individual persons in private practice as licensed  
24 physicians, licensed psychologists, licensed social workers,

1 registered nurses, licensed professional counselors, licensed  
2 marriage and family therapists, licensed behavioral practitioners,  
3 individual members of the clergy, and certified alcohol or drug  
4 abuse counselors. The exemption shall apply only to individual  
5 professional persons in their private practice and not to any  
6 treatment facility operated by the person;

7 2. Properly licensed hospitals, psychiatric and medical  
8 surgical facilities;

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

10 4. Programs conducted and facilities operated by Alcoholics  
11 Anonymous; ~~or~~

12 5. Programs conducted and facilities operated by the Salvation  
13 Army;

14 6. Faith-based, nonresidential recovery programs; or

15 7. Residential recovery-based programs with a resident capacity  
16 of less than twelve (12).

17 F. Certified services for the alcohol- or drug-dependent person  
18 shall comply with standards adopted by the Board. Such standards  
19 shall require that treatment and therapeutic methods shall be in  
20 compliance with:

21 1. The Joint Commission on Accreditation of Healthcare  
22 Organizations;

23 2. The Commission on Accreditation of Rehabilitation  
24 Facilities;

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

2 4. Approved medical and professional standards as determined by  
3 the Board.

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

7 H. All claims by and accomplishments publicized by any  
8 applicant for certification or any certified alcohol- or drug-  
9 dependent organization, including but not limited to consumer count  
10 and success rates, shall be documented and verifiable by the Board.

11 I. The Department of Mental Health and Substance Abuse Services  
12 is authorized to establish and collect certification and renewal  
13 fees for certification of private facilities and organizations which  
14 provide treatment, counseling and rehabilitation services directed  
15 toward alcohol- and drug-dependent persons, as provided in Section  
16 3-324 of this title.

17 J. Any materials or information received by the Department from  
18 an applicant regarding the applicant's financial status shall not be  
19 construed to be open records pursuant to the Oklahoma Open Records  
20 Act.

21 SECTION 2. This act shall become effective November 1, 2013.

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