

Licensed Alcohol and Drug Counselors
State of Oklahoma



OKLAHOMA STATUTES
TITLE 59
CHAPTER 43 B

LAW

**TITLE 59. PROFESSIONS AND
OCCUPATIONS**

**CHAPTER 43B - LICENSED
ALCOHOL AND DRUG
COUNSELORS ACT**

Section 1870 - Short Title

Sections 1 through 16 of this act shall be known and may be cited as the "Licensed Alcohol and Drug Counselors Act".

Section 1871 - Definitions

For purposes of the Licensed Alcohol and Drug Counselors Act:

1. **"Alcohol and drug counseling"** means the application of substance use disorders and counseling principles in order to:
 - a. develop an understanding of alcoholism and drug dependency problems,
 - b. prevent, diagnose or treat alcohol and drug dependency problems,
 - c. conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives, and
 - d. plan, implement or evaluate treatment plans using counseling treatment interventions;
2. **"Board"** means the Oklahoma Board of Licensed Alcohol and Drug Counselors, created by Section 4 of this act;
3. **"Certified alcohol and drug counselor"** means any person who is not exempt pursuant to the provisions of Section 3 of this act and is not licensed under this act, but who offers alcohol and drug counseling services while employed by an entity certified by the Department of Mental Health and

Substance Abuse Services, or who is exempt from such certification, or who is under the supervision of a person recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as a drug and alcohol counselor licensed by this act who is qualified to provide such supervision;

4. **"Consulting"** means interpreting or reporting scientific fact or theory in counseling to provide assistance in solving current or potential problems of individuals, groups or organizations;
5. **"Licensed alcohol and drug counselor"** means any person who offers alcohol and drug counseling services for compensation to any person and is licensed pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "licensed alcohol and drug counselor" shall not include those professions exempted by Section 3 of this act;
6. **"Supervised practicum experience"** means volunteer or paid work experience in the core functions of substance abuse counseling as delineated by the Oklahoma Board of Licensed Alcohol and Drug Counselors; and
7. **"Supervised work experience"** means voluntary or paid work experience in providing alcohol and drug counseling services to individuals under the supervision of a licensed alcohol and drug counselor.

**Section 1872 - Construction of Act -
Effect on Other Professions**

- A. The Licensed Alcohol and Drug Counselors Act shall in no way infringe upon the pursuits of the

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following professionals acting within the scope of their licenses or employment as such professionals, nor shall such professionals use the title "licensed alcohol and drug counselor":

1. Physicians, physician assistants, psychologists, social workers, professional counselors, marital and family therapists, licensed behavioral practitioners, and registered nurses who are licensed by their respective licensing authorities;
 2. Members of the clergy;
 3. Persons employed by the state or federal government; and
 4. Any person who provides a prepared curriculum of life skills education and training that is designed to be self-taught, and who does not provide individual, group or family counseling.
- B. The Licensed Alcohol and Drug Counselors Act shall not be construed to allow the practice of any of the professions specified in subsection A of this section by a licensed alcohol and drug counselor unless the licensed alcohol and drug counselor is also licensed or accredited by the appropriate agency, institution or board.

Section 1873 - Oklahoma Board of Licensed Alcohol and Drug Counselors - Members - Qualifications - Terms - Vacancies - Removal

- A. There is hereby created, to continue until July 1, 2010, in accordance with the provisions of the Oklahoma Sunset Law, the Oklahoma Board of Licensed Alcohol and Drug Counselors, consisting of seven (7) members, to be appointed by the

Governor, with the advice and consent of the Senate, as follows:

1. a. Six members who shall be alcohol and drug counselors certified by an entity recognized to do professional alcohol and drug counseling certification in this state; provided, however, five of such members shall subsequently secure licensure and one such member shall subsequently secure certification, pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act, no later than January 1, 2005.
- b. Thereafter, five members shall be licensed alcohol and drug counselors at the time of appointment, and one member shall be certified as an alcohol and drug counselor at the time of appointment.
- c. Pursuant to the provisions of this paragraph, the Governor shall appoint:
 - (1) four members from a list of names submitted by the Oklahoma Drug and Alcohol Professional Counselors Association,
 - (2) one member from a list of names submitted by the Oklahoma Substance Abuse Services Alliance, and
 - (3) one member from a list of names submitted by the Oklahoma Citizen Advocates for Recovery and Treatment Association.

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- d. One member shall be appointed from and shall represent the general public. Such member shall be a resident of this state who has attained the age of majority and shall not be, nor shall ever have been, a licensed or certified alcohol and drug counselor, or the spouse of a licensed or certified alcohol and drug counselor, or a person who has ever had any material financial interest in the provision of alcohol and drug counseling services or has engaged in any activity directly related to the practice of alcohol and drug counseling.
- 2. The composition of the Board shall include five members who hold a master's or higher degree and one member whose highest degree held is a bachelor's degree.
- 3. The Governor shall appoint the members to the Board no later than July 1, 2004.
- B. Each member of the Board appointed as a licensed alcohol and drug counselor shall:
 - 1. Be certified or licensed to engage in the practice of alcohol and drug counseling in this state and shall be in good standing; and
 - 2. Have at least three (3) years of experience in the practice of alcohol and drug counseling in this state.
- C. Two of the members initially appointed shall serve three-year terms; two shall serve four-year terms and three shall serve five-year terms, as designated by the Governor. Thereafter, the terms of all members shall be five (5) years.
- D. A vacancy on the Board shall be filled in the same manner as the original appointment for the balance of the unexpired term. Members may succeed themselves but shall serve no more than two consecutive terms. Each member shall serve until a successor is appointed and qualified.
- E. Members of the Board may be removed from office for one or more of the following reasons:
 - 1. The refusal or inability for any reason to perform the duties of a Board member in an efficient, responsible and professional manner;
 - 2. The misuse of office for pecuniary or material gain or for personal advantage for self or another;
 - 3. A violation of the laws or rules governing the practice of alcohol and drug counseling; or
 - 4. Conviction of a felony as verified by a certified copy of the record of the court of conviction.
- F. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary travel expenses as provided in the State Travel Reimbursement Act.

Section 1874 - Officers - Quorum - Meetings

- A. The Oklahoma Board of Licensed Alcohol and Drug Counselors shall annually elect from among its members a chair, a vice-chair and such other officers as it deems appropriate and necessary to conduct its business. The chair shall preside at all meetings of the Board. Each additional officer elected by the Board shall perform those duties

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customarily associated with the position and such other duties assigned by the Board. Officers elected by the Board shall serve for one (1) year and shall serve no more than three (3) consecutive years in any office to which the Board member is elected.

- B. 1. The Board shall meet at least once every three (3) months to transact its business and may meet at such additional times as the Board may determine.
2. The Board shall meet in accordance with the provisions of the Oklahoma Open Meeting Act.
3. A majority of the members of the Board shall constitute a quorum for the conduct of business. All actions of the Board shall be by a majority of the quorum present.

Section 1875 - Powers and Duties

In addition to any other powers and duties imposed by law, the Oklahoma Board of Licensed Alcohol and Drug Counselors shall have the power and duty to:

1. Promulgate rules necessary to effectuate the provisions of the Licensed Alcohol and Drug Counselors Act, and to make orders as it may deem necessary or expedient in the performance of its duties;
2. Prepare, conduct and grade written and oral examinations of persons who apply for certification or licensure as an alcohol and drug counselor;
3. Determine a satisfactory passing score on such examinations and issue certifications and licenses to persons who pass the examinations or who are

otherwise entitled to certification and licensure;

4. Determine eligibility for certification and licensure;
5. Issue and renew certificates and licenses for alcohol and drug counselors;
6. Upon good cause shown:
 - a. deny the issuance of a certificate or license,
 - b. suspend, revoke or refuse to renew a certificate or license, or
 - c. place a holder of a certificate or a licensee on probation;
7. Establish and levy administrative penalties against any person or entity who violates any of the provisions of this act or any rule promulgated or order issued pursuant thereto;
8. Obtain an office, secure facilities, and employ, direct, discharge and define the duties and set the salaries of office personnel as deemed necessary by the Board;
9. Initiate disciplinary, prosecution and injunctive proceedings against any person or entity who violates any of the provisions of this act, or any rule promulgated or order issued pursuant thereto; provided, the Board shall be exempt from providing surety for the costs in connection with the commencement of any legal proceedings under the provisions of this act;
10. Investigate alleged violations of this act, or the rules, orders or final orders of the Board;
11. Promulgate rules of conduct governing the practice of certified and licensed alcohol and drug counselors;

12. Keep accurate and complete records of its proceedings;
13. Promulgate rules for continuing education requirements for certified and licensed alcohol and drug counselors;
14. Issue a certificate or license by endorsement to an applicant certified or licensed to practice as a certified or licensed alcohol and drug counselor in another state if the Board deems such applicant to have qualifications that are comparable to those required under this act and, if the Board deems the applicant as meeting the standards, provided by rules, for certification or licensure by endorsement; and
15. Perform such other duties and have such other responsibilities as necessary to implement the provisions of this act.

Section 1876 - Certification and Educational Requirements

- A. Unless exempt pursuant to Section 1872 of this title, on and after January 1, 2005, any person wishing to practice alcohol and drug counseling in this state shall obtain a certificate or license to practice pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.
- B. An application for a certificate or license to practice as a certified or licensed alcohol and drug counselor shall be made to the Oklahoma Board of Licensed Alcohol and Drug Counselors in writing. Such application shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by this act, which shall be retained by

the Board and not returned to the applicant.

- C. Each applicant for a certificate or license to practice as a certified or licensed alcohol and drug counselor shall:
 1. Be possessed of good moral character;
 2. Pass an oral and a written examination based on standards established by the International Counselor and Reciprocity Consortium;
 3. Be at least twenty-one (21) years of age;
 4. Not have engaged in, nor be engaged in, any practice or conduct which would be grounds for denying, revoking or suspending a license pursuant to the provisions of this act; and
 5. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of this act.
- D. Except as otherwise provided by subsections E and G of this section, on and after January 1, 2005, in addition to the qualifications specified by the provisions of subsection C of this section, an applicant for a license to practice as a licensed alcohol and drug counselor shall have:
 1. At a minimum, a master's degree in a behavioral science field that is recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as appropriate to practice as a licensed alcohol and drug counselor;
 2. Successfully completed at least one (1) year of full-time supervised work experience. For the purpose of this act, "one (1) year of full-time work

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- experience" shall be defined as two thousand (2,000) hours of work experience, of which at least one thousand (1,000) hours shall consist of providing alcohol and drug counseling services to an individual and/or the individual's family;
3. Successfully completed at least one hundred eighty (180) clock hours of education related to alcohol and drug counseling subjects, theory, practice or research; and
 4. Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.
- E. Effective January 1, 2010, an applicant for a license to practice as a licensed alcohol and drug counselor shall have:
1. At least a master's degree in alcohol and substance abuse counseling from a college or university accredited by an agency recognized by the United States Department of Education; or
 2. a. Possess at least a master's degree in a behavioral science or counseling-related field from a college or university accredited by an agency recognized by the United States Department of Education which is the content-equivalent of a graduate degree in alcohol and substance abuse counseling. In order to qualify as a "content-equivalent" degree, a graduate transcript shall reflect, at a minimum, the following knowledge areas and graduate hours:
 - (1) three courses in foundational knowledge, including one course in alcohol and drug addiction, one course in drug and alcohol counseling theory, and one course in the pharmacology of drugs of abuse,
 - (2) three courses in assessment and treatment of alcohol and drug problems, which may include group dynamics, individual and family counseling skills, specific counseling approaches, assessment methods, community resources and referral, or other courses primarily related to the assessment and treatment of alcohol and drug problems,
 - (3) one course in human development,
 - (4) one course in psychopathology,
 - (5) one course in multicultural and cultural competency issues,
 - (6) one course in family systems theory,
 - (7) one course in ethics, which includes established ethical conduct for alcohol and drug counselors,
 - (8) one course in research methods, and
 - (9) one three-hour practicum/internship in the field of drug and

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- alcohol counseling of at least three hundred (300) clock hours.
- b. All courses shall be graduate level courses and shall be three (3) semester hours or four (4) quarter credit hours which shall include a minimum of forty-five (45) class hours for each course.
- F. Effective January 1, 2005, except as provided in subsection G of this section, each applicant for a certificate to practice as a certified alcohol and drug counselor shall have:
1. At a minimum, a bachelor's degree in a behavioral science field that is recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as appropriate to practice as a certified drug and alcohol counselor in this state;
 2. Successfully completed at least two (2) years of full-time supervised work experience. For the purpose of this act, "two years of full-time work experience" shall be defined as four thousand (4,000) hours of work experience of which at least two thousand (2,000) hours shall consist of providing alcohol and drug counseling services to an individual and/or the individual's family;
 3. Successfully completed at least two hundred seventy (270) clock hours of education related to alcohol and drug counseling subjects, theory, practice or research;
 4. Successfully completed, as part of or in addition to the education requirements established in paragraph 3 of this subsection, a minimum of forty-five (45) clock hours of specialized training approved by the Board in identifying co-occurring disorders and making appropriate referrals for treatment of co-occurring disorders; and
5. Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.
- G. 1. Subject to application to the Board, prior to November 1, 2005, any person practicing in the State of Oklahoma at the time of application and holding a certificate in alcohol and drug counseling from any state or nationally recognized certifying body or agency recognized by the Board and issued on or before December 31, 2004, shall be granted a certificate under this act.
2. Subject to application to the Board, prior to November 1, 2005, any person practicing in the State of Oklahoma at the time of application and holding a certificate in alcohol and drug counseling from any state or nationally recognized certifying body or agency recognized by the Board and issued on or before December 31, 2004, and a master's degree, as provided in paragraph 1 of subsection D of this section, shall be granted a license under this act.

Section 1877 - Examinations

- A. 1. On and after January 1, 2005, before any person is eligible to receive a license to practice as a

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- certified or licensed alcohol and drug counselor in this state, such person shall successfully pass an examination pursuant to the provisions of this section.
2. Examinations shall be held at such times, at such place and in such manner as the Oklahoma Board of Licensed Alcohol and Drug Counselors directs. An examination shall be held at least annually. The Board shall determine the acceptable grade on examinations. The examination shall cover such technical, professional and practical subjects as relate to the practice of alcohol and drug counseling.
 3. If an applicant fails to pass the examination, the applicant may reapply.
- B. The Board shall preserve the answers to any examination, and the applicant's performance on each section of the examination, as part of the records of the Board for a period of two (2) years following the date of the examination.
- Section 1878 - Renewal - Revocation - Retirement of Certificates**
- A. An applicant who meets the requirements for certification or licensure pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act, pays the required certification or license fees, and otherwise complies with the provisions of the Licensed Alcohol and Drug Counselors Act shall be certified or licensed by the Oklahoma Board of Licensed Alcohol and Drug Counselors.
 - B. Each initial certificate or license issued pursuant to the Licensed Alcohol and Drug Counselors Act shall expire twelve (12) months from the date of issuance unless sooner revoked.
- C. 1. A certificate or license may be renewed annually upon application and payment of fees. The application for renewal shall be accompanied by evidence satisfactory to the Board that the applicant has satisfied relevant professional or continuing education requirements during the previous twelve (12) months.
 2. Failure to renew a certificate or license shall result in forfeiture of the rights and privileges granted by the certificate or license.
- D. A person whose certificate or license has expired may make application to the Board, in writing, within one (1) year following the expiration date of the certificate or license requesting reinstatement in a manner prescribed by the Board and upon payment of the fees required by the provisions of the Licensed Alcohol and Drug Counselors Act. The certificate or license of a person whose certificate or license has been expired for more than one (1) year shall not be reinstated. A person may reapply for a new certificate or license as provided in Section 7 of this act.
- E. A certified or licensed alcohol and drug counselor whose certificate or license is current and in good standing and who wishes to retire the certificate or license may do so by informing the Board in writing and returning the certificate or license to the Board. A certificate or license so retired shall not be reinstated, but such retirement shall not prevent a

person from applying for a new certificate or license at a future date.

Section 1879 - Discloser of Information

No person certified or licensed pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act shall knowingly and willfully disclose any information that the holder of the certificate or license may have acquired from persons consulting the licensee in his or her professional capacity as an alcohol and drug counselor or be compelled to disclose such information except as provided by rules promulgated by the Oklahoma Board of Licensed Alcohol and Drug Counselors. Such rules shall comply with state and federal law.

Section 1880 - Violations and Punishments

A. It shall be unlawful for any person who is not certified or licensed or specifically exempt from the provisions of Section 3 of the Licensed Alcohol and Drug Counselors Act to:

1. Represent himself or herself by the title "licensed alcohol and drug counselor" or "certified alcohol and drug counselor" without having first complied with the provisions of the Licensed Alcohol and Drug Counselors Act;
2. Use the title of licensed alcohol and drug counselor, certified alcohol and drug counselor, or any other name, style or description denoting that the person is certified or licensed as a certified or licensed alcohol and drug counselor;

3. Practice alcohol and drug counseling; or
 4. Advertise or otherwise offer to perform alcohol- or drug-abuse-related counseling services.
- B. The provisions of subsection A of this section shall not apply to persons who are exempt pursuant to the provisions of Section 3 of this act.
- C. Any person violating the provisions of subsection A of this section shall, upon conviction thereof, be guilty of a misdemeanor punishable by a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense, imprisonment for a term not to exceed six (6) months in the county jail, or by both such fine and imprisonment.
- D. Nothing in this section shall be construed as making unlawful the practice of other professionals acting within the scopes of their licenses or employment as provided by Section 3 of this act.

Section 1881 - Administrative Penalties

- A. The Oklahoma Board of Licensed Alcohol and Drug Counselors may deny, revoke, suspend or place on probation any certificate or license issued pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act to a certified or licensed alcohol and drug counselor, if the person has:
1. Been convicted of a felony;
 2. Been convicted of a misdemeanor determined to be of such a nature as to render the person convicted unfit to practice alcohol and drug counseling;
 3. Engaged in fraud or deceit in connection with services

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- rendered or in establishing needed qualifications pursuant to the provisions of this act;
4. Knowingly aided or abetted a person not certified or licensed pursuant to these provisions in representing himself or herself as a certified or licensed alcohol and drug counselor in this state;
 5. Engaged in unprofessional conduct as defined by rules promulgated by the Board;
 6. Engaged in negligence or wrongful actions in the performance of his or her duties; or
 7. Misrepresented any information required in obtaining a certificate or license.
- B. No certificate or license shall be suspended or revoked, nor shall a certified or licensed alcohol and drug counselor be placed on probation or subjected to an administrative penalty until notice is served upon the certified or licensed alcohol and drug counselor and an opportunity for a hearing is provided in conformity with Article II of the Administrative Procedures Act.
- C. In addition to the notice provided for in subsection B of this section, notice shall also be served on the licensing board for any other license held by the certified or licensed alcohol and drug counselor.
- D. 1. Any person who is determined by the Board to have violated any provision of the Licensed Alcohol and Drug Counselors Act, or any rule promulgated or order issued pursuant thereto, may be subject to an administrative penalty.
2. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00).
 3. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.
 4. All administrative penalties collected shall be deposited into the Licensed Alcohol and Drug Counselors Revolving Fund, created by Section 14 of this act.
- E. The hearings provided for by the Licensed Alcohol and Drug Counselors Act shall be conducted in conformity with, and records made thereof as provided by Article II of the Administrative Procedures Act.

Section 1882 - Promulgation of Rules

The Oklahoma Board of Licensed Alcohol and Drug Counselors shall promulgate rules governing any certification or licensure action to be taken pursuant to the Administrative Procedures Act.

Section 1883 - Creation of Revolving Fund

There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Licensed Alcohol and Drug Counselors, to be designated the "Licensed Alcohol and Drug Counselors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to the Licensed Alcohol and Drug Counselors Act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Board to meet expenses necessary for carrying out the purposes of this act. Expenditures from the fund shall be approved by the Board and shall be

made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

insurance or nonprofit hospital or medical service plan unless a contract specifically provides for reimbursement to certified or licensed alcohol and drug counselors.

Section 1884 - Certification Fees

- A. The fee for certification, licensure or annual renewal of a certificate or license as a certified or licensed alcohol and drug counselor shall be fixed by the Oklahoma Board of Licensed Alcohol and Drug Counselors.
- B. The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions of the Licensed Alcohol and Drug Counselors Act and so that there are no unnecessary surpluses in the Licensed Alcohol and Drug Counselors Revolving Fund; provided, the Board shall not fix the certification or licensure fee at an amount in excess of Three Hundred Dollars (\$300.00), or the annual renewal fee at an amount in excess of Two Hundred Dollars (\$200.00).
- C. 1. The fee for the issuance of a certificate or license to replace a lost, destroyed or mutilated certificate or license shall be Twenty-five Dollars (\$25.00).
2. The fee shall accompany the application for a replacement license.
- D. The fee for the application and examination required pursuant to the provisions of this act shall not exceed Five Hundred Dollars (\$500.00).

Section 1885 - Reimbursements

Nothing in the Licensed Alcohol and Drug Counselors Act shall be construed to require reimbursement under a health