

Oklahoma Board of Alcohol and Drug Counselors (OBLADC)

Administrative Rules Report / Executive Order 2020-03

Comprehensive Review of Administrative Rules as of 07/31/2020

Submitted by: Richard Pierson

Director

rpierson@okdrugcounselors.org

0779

Method Used to Conduct Review: The Executive Director and board members each took a section to review compiled the individual reports into one, then reviewed for accuracy and cohesiveness.

TOTAL NUMBER OF UNECESSARY,COSTLY,INEFFECTIVE, DUPLICATIVE OR OUTDATED REGULAT

Title 38 Oklahoma Board of Licensed Alcohol and Drug Counselors

Administration

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplicate	Outdated/ Unnecessary	Necessary
38:1-1-1.	Purpose.	11/1/05						X
38:1-1-2.	Definitions.	11/1/05						X
38:1-1-3.	Individual proceedings.	11/1/05						X
38:1-1-4.	Sanctions.	11/1/05		X			X	
38:1-1-5.	Complaints.	11/1/05						X

38:1-1-6.	Service of petition and notice.	11/1/05							X
38:1-1-7.	Emergency actions.	11/1/05							X
38:1-1-8.	Procedures in individual proceedings.	11/1/05							X
38:1-1-9.	Continuances.	11/1/05							X
38:1-1-10	Discovery.	11/1/05							X
38:1-1-11	Protective orders.	11/1/05							X
38:1-1-12	Subpoenas.	11/1/05							X
38:1-1-13	Conduct and record of hearing.	11/1/05							X
38:1-1-14	compliance with hearing and discovery procedures.	11/1/05							X
38:1-1-15	Order of hearing.	11/1/05							X
38:1-1-16	Proposed order and settlement.	11/1/05							X
38:1-3-1.	Purpose	11/1/05							X
38:1-3-2.	Make up of Board [EXPIRED]	11/1/05						X	

38:1-3-3.	Officers of the Board [EXPIRED]	11/1/05						X	
38:1-3-4.	Quorum [EXPIRED]	11/1/05						X	
38:1-3-5.	Meeting Dates [EXPIRED]	11/1/05						X	
38:1-3-6.	Agency Administration	11/1/05							X

Chapter 10 - Licensure and Certification of Alcohol and Drug Counselors

Subchapter 1: General Provisions

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplicate	Outdated/ Unnecessary	Necessary
38:10-1-1.	Applicability	11/1/05						X
38:10-1-2.	Definitions	11/1/05						X
38:10-1-3.	Compliance with Laws and Rules	11/1/05						X
38:10-1-4.	Organization	11/1/05						X
38:10-1-5.	Public Records	11/1/05						X
38:10-1-6.	Requests for agency public information	11/1/05						X

38:10-1-7.	Forms	11/1/05							X
38:10-1-8.	Procedures to secure a declaratory ruling as to the applicability of any rule or order of the Board	11/1/05							X
38:10-1-9.	Procedures to petition the Board to request the promulgation, amendment or repeal of a rule	11/1/05							X

Chapter 10 - Licensure and Certification of Alcohol and Drug Counselors
Subchapter 3: Rules of Professional Conduct

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplicate	Outdated/Unnecessary	Necessary
38:10-3-1.	Purpose	11/1/05						X
38:10-3-2.	Code of ethics	11/1/05						X
38:10-3-3.	Client welfare	11/1/05						X
38:10-3-4.	Professional standards	11/1/05						X
38:10-3-5.	Relations with the public and other professions	11/1/05						X
38:10-3-6.	Failure to comply	11/1/05						X

38:10-3-7.	Counselor assistance program	11/1/05	X						X
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Chapter 10 - Licensure and Certification of Alcohol and Drug Counselors
Subchapter 5: Fitness of Applicants

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplicate	Outdated/ Unnecessary	Necessary
38:10-5-1.	Purpose	11/1/05						X
38:10-5-2.	Fitness for licensure or certification	11/1/05						X
38:10-5-3.	Materials considered in determining fitness	11/1/05						X

Chapter 10 - Licensure and Certification of Alcohol and Drug Counselors
Subchapter 7: Application

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplicate	Outdated/ Unnecessary	Necessary
38:10-7-1.	Purpose	11/1/05						X
38:10-7-2.	Requirements for licensure or certification	11/1/05					7-2-(a)-(2)-(a) / 7-2-(b)-(2)-(a) X	X
38:10-7-3.	Private or independent practice	11/1/05						X

38:10-7-4.	Title of licensed or certified alcohol and drug counselors	11/1/05						X	
38:10-7-5.	License, Certification or LADC/MH.	11/1/05							X
38:10-7-6.	Application	11/1/05					7-6-(n)	X	7-6-(q) X
38:10-7-7.	Examinations	11/1/05						X	
38:10-7-8.	Renewal of license or certification	11/1/05					7-8-(b) & (d)	X	7-8-(a) (c) (e)&(f) X
38:10-7-9.	Reciprocity	11/1/05							X
38:10-7-10.	Co-occurring Disorders Credential Rules	11/1/05						X	

Chapter 10 - Licensure and Certification of Alcohol and Drug Counselors
Subchapter 9: Supervision

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplicate	Outdated/ Unnecessary	Necessary
38:10-9-1.	Purpose	11/1/05	No	No	No	N/A	No	Yes
38:10-9-2.	Supervised work experience requirement	11/1/05	No	No	Yes - 10-9-2(e)	10-9-5 (e) (7)	No	No
38:10-9-3.	Supervision and private or independent practice [EXPIRED]	11/1/05	N/A	N/A	N/A	N/A	N/A	N/A

38:10-9-4.	Supervisee Responsibilities	11/1/05	No	No	No	N/A	No	Yes
38:10-9-5.	Supervisor Responsibilities	11/1/05	No	No	No	No	No	Yes

Chapter 10 - Licensure and Certification of Alcohol and Drug Counselors

Subchapter 11: Fees

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplicate	Outdated/ Unnecessary	Necessary
38:10-11-1.	Schedule of fees	11/1/05						X
38:10-11-2.	Methods of payment	11/1/05						X
38:10-11-3.	Review of fees	11/1/05						X

Chapter 10 - Licensure and Certification of Alcohol and Drug Counselors

Subchapter 13: Continuing Education Requirements

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplicate	Outdated/ Unnecessary	Necessary
38:10-13-1.	Purpose	11/1/05						X
38:10-13-2.	Continuing education standards	11/1/05						X
38:10-13-3.	Documentation of attendance	11/1/05						X

38:10-13-4.	Audit of continuing education submissions	11/1/05							X
38:10-13-5.	Failure to complete continuing education or submit verification	11/1/05							X
38:10-13-6.	Fraudulent continuing education submissions	11/1/05							X

Report
Title: Executive
Email:
Phone: 405-521-

and report on. The Executive Director then

IONS: 10 of 56

Chapter 1 -

Explanation of Determined Category
To implement the provisions of the Licensed Alcohol and Drug Counselors Board.
Describes the meaning of terms used by our Board.
Governs individual proceedings.
Expired. No longer needed. Was emergency rule.
Describes procedures for filing complaints, the CRC make up and investigations into complaints. This was amended 9/21/14 to include a Board member on the CRC.

Describes how petitions and notice are served on respondents.
Outlines procedures for emergency actions when public health or safety are in jeopardy.
Generally governed by APA.
Allows for continuances.
Generally in accordance with the APA.
To prevent hardship to and excessive burden upon a party.
Describes issuance and service, failure to obey and motions to quash.
Open to the public, recordings and transcriptions. Also, maintenance of records and appeal designation.
The hearing officer may impose sanctions.
Outlines procedures for the Order of a Hearing.
Procedures for issuance and services of the final orders, appeal as provided by APA and settlements.
To establish administrative operations of the Board and Agency.
Allowed to expired. Initially an emergency rule used in setting up the board. No longer needed. Covered in Title 59 § 1873.

Allowed to expired. Initially an emergency rule used in setting up the board. No longer needed. Covered in Title 59 § 1874.
Covered in Title 59 § 1874 B. 3
Allowed to expired. Initially an emergency rule used setting up the board. Covered by Title 59 §1874 B. 1 Must meet at least once every 3 months.
Gives the Board the authority to hire an Executive Director and describes minimum job duties of the director.

Explanation of Determined Category
Applies to the Oklahoma Board of Licensed Alcohol and Drug Counselors, all employees of the Board and individuals subject to licensure or certification.
Definition of terms or words used in the Act or Rules.
To be compliant with any statute of the United States or state of Oklahoma now existing and all persons and organizations affected by the rules.
The Board is vested with authority to make rules and to employ, direct and discharge staff.
As required by Open Meetings Act.
Procedures for persons making a request for records.

The Board will devise and maintain forms for use by any party.
Procedures to secure a declaratory ruling
Procedure for petitioning the Board to request the promulgation, amendment or repeal a rule.

Explanation of Determined Category
Define unprofessional conduct and context of drug and alcohol counseling and establish norms of professional conduct.
Stated Code of Ethics for alcohol and drug counselors.
Statement of confidentiality, discrimination, credentials, records, dual relationships, privacy, referrals, sanctions.
Violations of other laws, drug and alcohol use, sexual contact and updating of information.
Outlines misrepresentation of credentials, advertising, display of license, public statements, rebates and accepting fees from agency clients.
Subject to sanctions for failure to comply

Although we have never established the Counselor Assistance Program, the Complaint Review Committee has used portion in investigating complaints and working with counselors to rehabilitate persons struggling with addiction and/or mental health.

Explanation of Determined Category

To set forth criteria for fitness of applicants.

Determines the basis for the denial of or delay of application.

Evaluations by supervisors, statements from persons submitting references, employer's evaluations allegations from clients, transcripts from court records or investigations.

Explanation of Determined Category

Informational

7-2-(a)-(2)-(a) / 7-2-(c)-(2)-(a)- Moral Character should be removed per HB 1373. - Portions regarding LADC/MH Application & Designation in 10-7-2 a 3 F have been amended in 2020 Rules. The balance of 7-2 is still effective.

Rules establishing criteria for establishing private or independent practice.

NA -This emergency action was allowed to expire
Burden directed toward the board.
7-6-(q) - was intended to replace 7-6-(n) with had an effective date of 9/14/2018
Requirement for Oral examination possibly outdated. IC&RC, the standards OK operates under dropped the oral exam in 2008. The OK board has continued to conduct the oral exam as being necessary.
7-8-(b) & 7-8-(d) need to be updated to include the Renewal online portal
Standards outlining requirements for reciprocity from other states, the armed services, or foreign countries. It assures that incoming licensees meet the OK standards for licensure.
Testing availability, due to IC&RC eliminating this credential, has made it not possible to meet the testing requirements related to the co-occurring disorder credential.

Explanation of Determined Category
Guidelines for documentation of supervised work experience, supervisor and supervisee requirements.
Word for word duplication, with exception that 10-9-5 (e) (7) includes an additional statement regarding confidentiality
No superseding action.

Outlines the supervisee's responsibilities in supervision.

Outlines the responsibilities of the supervisor's role in supervision, requirements to become a supervisor. **Amended 2020 to allow more audio/video supervision in hardship cases (effective 09/11/2020)**

Explanation of Determined Category

Explanation of fees necessary to conduct Board business.

Personal check, cashiers check, money order, cash or credit card.

Fees schedule reviewed yearly. Amended for the first time in 2019. Three new fees added in 2019, numbers 19, 20 and 21. **# 17. LADC/MH amended 2020 to clarify language and change fee to match other application fees.**

Explanation of Determined Category

Define continuing education standards and amended to add process for approved continuing education providers.

Required hours, approval of continuing education, Armed services exemption, hardship exemption, prorating for newly licensed or certified. **(b) Amended to require candidates to acquire 6 hours of continuing education per year, 3 hours being ethics.**

Retention of attendance certificates. Necessary for audits

Outline of continuing education audit.

Failure to complete required continuing education shall constitute failure to renew the license.

Shall be cause for sanctions.