

# TITLE 38. OKLAHOMA BOARD OF LICENSED ALCOHOL AND DRUG COUNSELORS

## CHAPTER 1. ADMINISTRATION

[Authority: 59 O. S. § 1875]

[Source: Codified 6-25-06]

### SUBCHAPTER 1. INDIVIDUAL PROCEEDINGS

#### 38:1-1-1. Purpose

These rules are promulgated pursuant to the requirements of the Administrative Procedures Act, 75 O.S. § 250, et seq. The purpose of these rules is to effectively implement the provisions of Licensed Alcohol and Drug Counselors Act (Title 59, § 1870 et seq.) of the Oklahoma Statutes. These rules supplement existing state and federal laws, and being duly promulgated, have the force and effect of law.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

#### 38:1-1-2. Definitions

The following words or terms shall have the following meaning unless the context clearly indicates otherwise:

"Act" means Title 59 O.S., §§ 1870 et seq. of the Oklahoma Statutes.

"Administrative Hearing Officer" means an individual who is an attorney licensed to practice law in the State of Oklahoma and is appointed by the Board to preside over and issue a proposed order in individual proceedings.

"Administrative Procedures Act" or "APA" means Title 75 of the Oklahoma Statutes, §§250.1 through 323.

"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;
- (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.

"Board" means the Oklahoma Board of Licensed Alcohol and Drug Counselors created by Section 4 of the Act.

"Certified alcohol and drug counseling" is a practice which focuses on rendering services to individuals, families or groups of individuals that involve the evaluation, diagnosis, treatment, and prevention of substance use and abuse disorders as related to the total health of the client system according to alcohol and drug counseling theory.

"Certified Alcohol and Drug Counselor" or "CADC" means any person who offers alcohol and drug counseling services for compensation to any person and is certified pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "certified alcohol and drug counselor" shall not include those professions exempted by Section 1872 of this Title.

**"Complaint"** means a written statement of alleged violation of the Act or these rules by an individual practicing alcohol and drug counseling, submitted to the Board for review and action.

**"Complaint Review Committee"** or **"CRC"** is a committee appointed by the Board whose purpose is to review complaints received by the Board regarding alleged infractions on the part of a licensed or certified alcohol and drug counselor.

**"Individual proceeding"** means the formal process employed by an agency having jurisdiction by law to resolve issues of law or fact between parties and which results in the exercise of discretion of a judicial nature.

**"Licensed Alcohol and Drug Counselor"** or **"LADC"** means any person who offers alcohol and drug counseling services for compensation to any person and is licensed pursuant to the provisions of the Act. The term "licensed alcohol and drug counselor" shall not include those professions exempted by the Act.

**"Oklahoma Administrative Code"** or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

**"Respondent"** means the person(s) or entity(ies) named in a petition for an individual proceeding against whom relief is sought.

**"Rule"** means any agency statement or group of related statements of general applicability and future effect that implements, interprets or prescribes law or policy or describes the procedure or practice requirements of the agency. The term "rule" includes the amendment or revocation of an effective rule, but does not include:

- (A) the issuance, real, denial, suspension or revocation or other sanction of an individual specific license;
- (B) the approval, disapproval or prescription of rates. For purposes of this subparagraph, the term "rates" shall not include fees or charges fixed by an agency for services provided by that agency including but not limited to fees charged for licensing, permitting, inspections or publications;
- (C) statements and memoranda concerning only the internal management of an agency and not affecting private rights or procedures available to the public;
- (D) declaratory rulings issued pursuant to 75 O.S. § 307;
- (E) orders by an agency; or
- (F) press releases or "agency s releases", provided such releases are not for the purpose of interpreting, implementing or prescribing law or agency policy.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-3. Individual proceedings**

Article II of the Administrative Procedures Act "APA"), 75 O.S. §§ 308a, *et seq.*, governs individual proceedings by the Board for revocation, suspension, probation, and non-renewal of license or certification.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06; Amended at 26 Ok Reg 2417, eff 7-11-09]

### **38:1-1-4. Sanctions [EXPIRED]**

[Source: Added at 23 Ok Reg 123, eff 10-3-05 through 7-14-06 (emergency)<sup>1</sup>]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-06 (after the 7-14-06 expiration of the emergency action), Section 38:1-1-4 was no longer effective. For the official text of the emergency rule that was effective from 10-3-05 through 7-14-06, see 23 Ok Reg 123.*

### **38:1-1-5. Complaints**

(a) Any person may file a complaint against an LADC or CADC or a person practicing alcohol and drug counseling. A person wishing to register a complaint or alleged violation against LADC or CADC or person practicing alcohol and drug counseling may notify the Board in writing, by telephone, or by a personal visit. The Board will determine whether the complaint alleges a possible violation of the Act or this chapter.

(b) The complaint and the identity of the complainant shall be confidential and shall not be available for public inspection. Upon receipt of the complaint, the Board staff shall:

- (1) stamp all pages with a Board stamp which indicates the date of receipt;
- (2) review the complaint to determine if the person against whom the complaint is registered is a current licensee or certified person;
- (3) log the complaint, assigning a number consisting of the year and sequence number in which it was received; further, recording the date received, name of complainant, if provided, and the name and license or certification number or the licensee or certified person;
- (4) generate a letter to the complainant indicating receipt and review of the complaint, if applicable;
- (5) notify the Board chair and Complaint Review Committee.

(c) The Complaint Review Committee is comprised of one member of the Board, the Board Executive Director, the Board's legal counsel and up to four additional persons as the Board Chair may appoint. The Board member who serves on the committee shall be recused from participating in an individual proceeding or the Board's consideration of any other manner of disposition of the complaint.

(d) The Complaint Review Committee may cause the complaint to be investigated to gather sufficient information to determine whether probable cause exists that a violation of the Licensed Alcohol and Drug Counselors Act or rules has occurred. The Complaint Review Committee will make a recommendation to the Board to resolve the complaint through an informal process, file a petition and notice, or dismiss the complaint.

(e) The Complaint Review Committee may conduct the investigation or refer the matter to an individual investigator.

(f) The Complaint Review Committee may recommend that the matter be resolved without filing a formal petition and notice by issuing a Letter of Concern, conducting an informal conference with the Respondent, or negotiating an informal disposition agreement.

(g) An individual proceeding may be initiated by filing a petition and notice with the hearing clerk for the Board, who shall be designated by the Board chair, and by serving the petition on all respondents. The petition and notice shall include a statement of the legal authority and jurisdiction under which the action is taken, reference to the statutes and rules involved, a short and plain statement of the matters asserted and the relief requested. The petition may allege facts by attaching and incorporating a document by reference.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06; Amended at 31 Ok Reg 760, eff 9-21-14]

### **38:1-1-6. Service of petition and notice**

(a) **Service.** The petition and notice shall be served on the respondent(s) personally or by certified mail, return receipt requested to the address of the respondent(s) on file with the Board.

(b) **Proof of service.** Proof of service shall be filed with the hearing clerk.

(c) **Substitute service.** If the Board is unable to obtain service on a respondent, the petition and notice shall be mailed by regular mail to the last known address of the respondent, and the Board shall file an affirmation service was attempted.

(d) **Service of other papers and documents.** Service of all other papers and documents connected with an individual proceeding shall be served on the parties or their counsel by delivering a copy in person or via facsimile or regular mail.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-7. Emergency actions**

When the Board chair or Hearing Officer finds that the public health, safety or welfare requires action be taken immediately and when such a finding is incorporated in an order, emergency action or summary suspension of a licensure or certification may be ordered pending the filing of a petition or the outcome of an individual proceeding.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-8. Procedures in individual proceedings**

(a) **Procedures.** The order of procedure in all individual proceedings shall generally be governed by the APA.

(b) **Hearing officers.** The Board chair or designee may appoint an Administrative Hearing Officer in individual proceedings filed before the Board, otherwise the proceedings are before the Board.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-9. Continuances**

(a) **Continuance by the Board.** The Board chair or the Hearing Officer may continue or adjourn the proceedings at any time for a specified time, with notice or motion.

(b) **Continuance by motion of parties.** Except for good cause shown, or by agreement of all parties, no continuance will be granted upon motion of a party unless written request therefore is filed and served on all parties of record and filed with the Hearing Clerk at least seven (7) days prior to the date set for hearing. A stipulation for continuance among all parties of record ordinarily will be approved, unless the Board chair or the Hearing Officer determines that the public interest requires otherwise.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-10. Discovery**

Discovery shall be conducted generally in accordance with the APA. The Board chair or Hearing Officer may enter specific orders directing the conduct of discovery.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-11. Protective orders**

The Board chair or the Hearing Officer at the hearing or at anytime upon application of a party, with or without notice, may make such orders relating to discovery as may be necessary or appropriate for the protection of the parties, and to prevent hardship to and excessive burden upon a party.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-12. Subpoenas**

(a) **Issuance and service.** Subpoenas for the attendance of witnesses, the furnishing of information and the production of evidence shall be issued by the Hearing Clerk upon request by a party.

(b) **Failure to obey.** The Board chair or the Petitioner may seek an appropriate judicial proceeding to compel compliance by persons who fail to obey a subpoena, who refuse to be sworn or make an affirmation at a hearing or who refuse to answer a proper question during a hearing. The hearing shall proceed despite any such refusal but the Board chair or the Hearing Officer may, in his or her discretion at any time, continue the proceedings as necessary to secure a court ruling.

(c) **Motions to quash.** Any person, to whom a subpoena is directed, may file a motion to quash or limit the subpoena with the Hearing Clerk, setting forth the reasons why the subpoena should not be complied with or why it should be limited in scope and the Board Chair or Hearing Officer will rule on the motion.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-13. Conduct and record of hearing**

(a) **Open to public.** Every hearing before the Board shall be conducted by the Board chair or designated Hearing Officer. Upon motion of a party to the proceeding, the Board Chair or Hearing Officer may exclude from the hearing room any witness not at that time under examination. A party to the proceeding and that party's attorney may not be excluded.

(b) **Record.** All testimony shall be taken on the record unless otherwise designated by the Hearing Officer. An electronic recording of the hearing proceedings shall be made. The recording will not be transcribed as a matter of course. The electronic recording of Board shall be the official record. Copies of the recordings shall be provided to a party on written request. The cost of transcription, if done, shall be borne by the party having the recording transcribed.

(c) **Court reporter.** A party may have the proceeding transcribed by a court reporter at the expense of the party. Each party requesting copies shall make arrangements for such with the reporter, and pay the costs.

(d) **Maintenance of the record.** The record of a proceeding and the file containing the notices and the pleadings will be maintained by the Hearing Clerk in a location designated by the Hearing Clerk. All pleadings, motions, orders and other papers submitted for filing in an individual proceeding shall be stamped with the date filed by the Hearing Clerk upon receipt.

(e) **Designation on appeal.** On an appeal to district court, the parties may designate and counter-designate portions of the record to save costs, following the procedures in the APA.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-14. Sanctions for non-compliance with hearing and discovery procedures**

The Hearing Officer may impose sanctions upon the parties as necessary to serve the ends of justice.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-15. Order of hearing**

(a) **Appearances and default.** At the hearing, every party shall announce an appearance. An individual may appear on their own behalf or be represented by an attorney. A corporation must be represented by counsel. Any respondent who fails to appear as directed, after service of the petition and notice of hearing as provided by these rules, may be determined to have waived the right to appear and present a defense to the allegations contained in the petition, and the Hearing Officer may default the party and issue an order sustaining the allegations.

(b) **Preliminary matters.** The following shall be taken up prior to receiving evidence:

- (1) The Board and other parties may offer preliminary exhibits, including pleadings necessary to present the issues to be heard.
- (2) Ruling shall be made on any pending motions, including requests for delivery of documents.
- (3) Stipulations of fact and stipulated exhibits shall be received.
- (4) Parties shall make opening statements where appropriate.
- (5) Any other preliminary matters appropriate for dispositions prior to offers of evidence.

(c) **Rules of evidence.** The rules of evidence shall be those specified by the APA.

(d) **Presentation of the case.** At the hearing, each party may make a brief opening statement, present witnesses and exhibits, cross-examine adverse witnesses, and make closing arguments.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-1-16. Proposed order and settlement**

(a) **Issuance and services of final order.** Not more than twenty (20) calendar days after conclusion of the hearing, the Board chair or the Hearing Officer shall issue a proposed order with findings of fact and conclusions of law. If the Board proves its allegations in the petition and notice by clear and convincing evidence, the Board chair or the Hearing Officer shall issue an order sustaining the allegations. If the Board does not meet its burden, the Board chair or Hearing Officer shall issue an order in favor of the respondent(s).

(b) **Appeal.** A party may appeal a Final Order as provided in the APA.

(c) **Settlement.** Unless precluded by law, individual proceedings may be resolved by agreed settlement or consent order, with the concurrence of the Board chair or the Hearing Officer.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

## **SUBCHAPTER 3. ADMINISTRATIVE OPERATIONS**

### **38:1-3-1. Purpose**

The purpose of this subchapter is the establishment of administrative operations of the Board and agency.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

### **38:1-3-2. Makeup of Board [EXPIRED]**

[Source: Added at 23 Ok Reg 123, eff 10-3-05 through 7-14-06 (emergency)<sup>1</sup>]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-06 (after the 7-14-06 expiration of the emergency action), Section 38:1-3-2 was no longer effective. For the official text of the emergency rule that was effective from 10-3-05 through 7-14-06, see 23 Ok Reg 123.*

### **38:1-3-3. Officers of the Board [EXPIRED]**

[Source: Added at 23 Ok Reg 123, eff 10-3-05 through 7-14-06 (emergency)<sup>1</sup>]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-06 (after the 7-14-06 expiration of the emergency action), Section 38:1-3-3 was no longer effective. For the official text of the emergency rule that was effective from 10-3-05 through 7-14-06, see 23 Ok Reg 123.*

### **38:1-3-4. Quorum [EXPIRED]**

[Source: Added at 23 Ok Reg 123, eff 10-3-05 through 7-14-06 (emergency)<sup>1</sup>]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-06 (after the 7-14-06 expiration of the emergency action), Section 38:1-3-4 was no longer effective. For the official text of the emergency rule that was effective from 10-3-05 through 7-14-06, see 23 Ok Reg 123.*

### **38:1-3-5. Meeting dates [EXPIRED]**

[Source: Added at 23 Ok Reg 123, eff 10-3-05 through 7-14-06 (emergency)<sup>1</sup>]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-06 (after the 7-14-06 expiration of the emergency action), Section 38:1-3-5 was no longer effective. For the official text of the emergency rule that was effective from 10-3-05 through 7-14-06, see 23 Ok Reg 123.*

### **38:1-3-6. Agency administration**

The Board may employ an executive director who shall be in charge of the office of the Board. The executive director shall have shall have qualifications established by the Board. The executive director shall, among others:

- (1) devote his or her entire time to the duties of the office;
- (2) receive salary and benefits as provided by law;
- (3) keep and preserve all books and records pertaining to the Board;
- (4) have the authority to collect all fees and penalties provided for by the Act;
- (5) make quarterly reports to the Board of all monies collected and the sources from which derived;
- (6) have authority to approve payrolls and all claims for the Board;
- (7) have authority to employ staff, subject to Board approval;
- (8) keep a continuous inventory of all properties, excluding supplies, belonging to the board;
- (9) develop, institute and administer such administrative and professional policies and official forms as may be necessary to guarantee effective, efficient and uniform operation of the Board; and
- (10) perform other duties as may be directed by the Board.

[Source: Added at 23 Ok Reg 123, eff 10-3-05 (emergency); Added at 23 Ok Reg 2174, eff 6-25-06]

## CHAPTER 10. LICENSURE AND CERTIFICATION OF ALCOHOL AND DRUG COUNSELORS

[Authority: 59 O. S. § 1875]

[Source: Codified 6-25-16]

### SUBCHAPTER 1. GENERAL PROVISIONS

#### **38:10-1-1. Applicability**

This, and all subsequent subchapters are applicable, unless otherwise specifically noted in a subchapter, part or section of Oklahoma Administrative Code Title 38, to the Oklahoma Board of Licensed Alcohol and Drug Counselors, all employees of the Board and individuals subject to licensure or certification by the Board to provide alcohol and drug counseling (59 O.S. §§ 1873 and 1875).

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

#### **38:10-1-2. Definitions**

The following words or terms shall have the following meaning unless the context clearly indicates otherwise:

"**Act**" means Title 59 O.S., §§ 1870 et seq. of the Oklahoma Statutes.

"**Administrative Procedures Act**" or "**APA**" means Title 75 of the Oklahoma Statutes, §§250.1 through 323.

"**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;
- (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.

"**Board**" means the Oklahoma Board of Licensed Alcohol and Drug Counselors created by Section 4 of the Act.

"**Certified alcohol and drug counseling**" is a practice which focuses on rendering services to individuals, families or groups of individuals that involve the evaluation, diagnosis, treatment, and prevention of substance use and abuse disorders as related to the total health of the client system according to alcohol and drug counseling theory.

"**Certified Alcohol and Drug Counselor**" or "**CADC**" means any person who offers alcohol and drug counseling services for compensation to any person and is certified pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "certified alcohol and drug counselor" shall not include those professions exempted by Section 1872 of this Title.

"**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.

"**Group supervision**" is educational supervision conducted with one supervisee and no more than six supervisees in a group.



**"Licensed alcohol and drug counseling"** is a practice which focuses on rendering services to individuals, families or groups of individuals that involve the evaluation, diagnosis, treatment, and prevention of substance use and abuse disorders as related to the total health of the client system according to alcohol and drug counseling theory.

**"Licensed Alcohol and Drug Counselor"** or **"LADC"** means any person who offers alcohol and drug counseling services for compensation to any person and is licensed pursuant to the provisions of the Act. The term "licensed alcohol and drug counselor" shall not include those professions exempted by the Act.

**"Oklahoma Administrative Code"** or **"OAC"** means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

**"Rule"** means any agency statement or group of related statements of general applicability and future effect that implements, interprets or prescribes law or policy or describes the procedure or practice requirements of the agency. The term "rule" includes the amendment or revocation of an effective rule, but does not include:

(A) the issuance, renewal, denial, suspension or revocation or other sanction of an individual specific license;

(B) the approval, disapproval or prescription of rates. For purposes of this subparagraph, the term "rates" shall not include fees or charges fixed by an agency for services provided by that agency including but not limited to fees charged for licensing, permitting, inspections or publications.

(C) statements and memoranda concerning only the internal management of an agency and not affecting private rights or procedures available to the public,

(D) declaratory rulings issued pursuant to 75 O.S. § 307.

(E) orders by an agency, or

(F) press releases or "agency news releases", provided such releases are not for the purpose of interpreting, implementing or prescribing law or agency policy;

**"Sexual harassment"** means deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-1-3. Compliance with laws and rules**

(a) Any statute of the United States or of the state of Oklahoma now existing, or duly enacted in the future, shall supersede any conflicting provision of the rules of this and all subsequent chapters to the extent of such conflict, but shall not affect the remaining provisions therein.

(b) All persons and organizations affected by the rules of this and all subsequent subchapters and related laws shall be knowledgeable of the conduct pertinent in operating in accordance with all such rules and laws.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-1-4. Organization**

(a) The Board is the entity vested with authority to make rules for the implementation of its statutorily mandated and permissible functions under 59 O.S. §§ 1870, et seq.

(b) The Board shall employ, direct and discharge staff as authorized by law and assign said staff to carry out the duties and responsibilities required to fulfill the statutory requirements of 59 O.S. §§ 1870, et seq., and the rules and directives of the Board.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-1-5. Public records**

(a) **Official records.** Official records of the Board include information, rules, forms, the record in individual proceedings, records submitted to the Board, and other public records in accordance with the Oklahoma Open Records Act 51 O.S. §§ 24A.1, et seq.

(b) **Copies.** Copies of official records of the Board not privileged or protected from publication by law, shall be available to the public.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-1-6. Requests for agency public information**

Any person making a request pursuant to 38:10-1-5 shall comply with the following:

(1) The request must be in writing and may be mailed Oklahoma Board of Licensed Alcohol and Drug Counselors, or sent via facsimile or made in person during regular office hours between 8:00 a.m. and 5:00 p.m.

(2) The request must describe the record(s) requested, be signed by the party making the request, and have the party's mailing address and telephone number.

(3) The requesting party shall pay a fee for copies. Said fee shall be twenty-five cents (25¢) per page, twelve dollars (\$12.00) per 3½-inch diskette, and \$1.00 per page for certified documents. For commercial requests or those that would cause excessive disruption of office function, such as documents that are archived, either internally or with the Oklahoma Archives and Records Commission, a search fee will be charged based upon the hourly rate of the individual(s) searching for, and locating, the requested records.

(4) Certain Board employee personnel records are confidential and not subject to the Oklahoma Open Records Act, including employee evaluations, payroll deductions, applications submitted by persons not hired by the Board; internal personnel investigations including examination and selection material, employees home addresses, telephone numbers, and social security numbers, medical and employee assistance records, and other personnel records where disclosure would constitute a clear invasion of privacy. Personnel records information that are subject to release are the application of a person who becomes an employee of the Board, gross receipt of public funds, dates of employment, title or position and any final disciplinary action resulting in loss of pay, suspension, demotion or termination.

(5) Any other document protected, as confidential, by any Oklahoma or federal law, or Oklahoma or federal administrative rule, or by order of a court of competent jurisdiction, is not subject to the Oklahoma Open Records Act.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-1-7. Forms**

In order to maintain efficiency and uniformity in the administration of duties, the Board will devise and maintain forms for use by any party. The forms may be revised periodically to insure uniformity, efficiency, and expediency. The prescribed forms must be used by all affected parties unless another form is approved by the Board prior to its submission or other provisions are stated in subsequent chapters. Board employees shall make available to the public all rules and other written statements of policy adopted or used in the discharge of its functions, all forms, applications and instructions for use by the public, including those required to apply for a licensure or certification. Additionally, forms may be acquired by request under 38:10-1-7.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-1-8. Procedures to secure a declaratory ruling as to the applicability of any rule or order of the Board**

(a) Any person subject to the rules contained in rules of the Board (Oklahoma Administrative Code Title 38) may petition for a declaratory ruling as to the applicability of a specific rule and its effect on petitioner. In petitioning the Board for a declaratory ruling, the following procedures must be followed:

- (1) The petition must be in writing and submitted to the Board in person, or via regular or certified mail;
- (2) The petition shall state with specificity the rule or order in question;
- (3) The petition shall set forth the contents of the rule or order;
- (4) The petition shall state clearly and with specificity the basis for the action and the action or relief sought; and
- (5) The petition shall pose the specific question(s) to be answered by the Board.

(b) Upon receipt of the petition requesting such declaratory ruling, The Board shall consider the petition and response to the request at its next regularly scheduled Board meeting subsequent to the filing of the petition.

(c) The Board may entertain oral presentation or argument on the request of the petitioner and, on its own motion, may request such argument or presentation.

(d) On considering the petition, the Board, in its sound discretion may refuse to issue a declaratory ruling, may decide the issue and determine the validity of the rule or order or the applicability to the petitioner of the rule or order.

(e) Appeals from declaratory rulings of the Board may be taken in a manner consistent with the Oklahoma Administrative Procedures Act.

(f) A declaratory ruling or refusal to issue such ruling, shall be subject to judicial review in the manner provided for review of decisions in individual proceedings in the Oklahoma Administrative Procedures Act (75 O.S. § 307).

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-1-9. Procedures to petition the Board to request the promulgation, amendment or repeal of a rule**

Any person affected either by a rule adopted and promulgated by the Board, or the lack of a rule and regulation may petition the Board to promulgate, adopt, amend or repeal the rule pursuant to 75 O.S. § 305 and in accordance with this section.

- (1) The petition must be in writing and submitted to the Board in person or via regular or certified mail, and include:
  - (A) The proposed amendment, promulgation, or repeal of a specific rule.

(B) The reason for the petition to repeal, promulgate, or amend a rule.

(C) The effect that the repeal, amendment or promulgation of the rule would have on the petitioner.

(2) The petitioner must print his or her name, address and telephone number on the petition and it must be signed by the petitioner.

(3) The Board shall timely respond to such petition, either by initiating rulemaking proceedings or by denying the petition.

(4) The petitioner will be notified by regular mail if rulemaking proceedings are initiated.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **SUBCHAPTER 3. RULES OF PROFESSIONAL CONDUCT**

#### **38:10-3-1. Purpose**

The rules of this subchapter are intended to define unprofessional conduct in the context of providing alcohol and drug counseling and to establish norms of professional conduct for Licensed and Certified Alcohol and Drug Counselors.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

#### **38:10-3-2. Code of ethics**

(a) It shall be the responsibility of Licensed and Certified Alcohol and Drug Counselors to value objectivity and integrity, and in providing services, to strive to maintain the highest standards of their profession.

(b) LADCs and CADCs shall accept responsibility for the consequences of their work and make every effort to ensure their services are used appropriately.

(c) LADCs and CADCs shall be alert to personal, social, organizational, financial, and political situations or pressures that might lead to the misuse of their influence.

(d) LADCs and CADCs shall not participate in, condone, or be associated with dishonesty, fraud, sexual harassment, deceit or misrepresentation.

(e) LADCs and CADCs shall not exploit their relationships with current or former clients, supervisees, students, employees, or research participants, sexually or otherwise, for personal advantage, profit, satisfaction, or interest.

(1) LADCs and CADCs shall not ever engage in any romantic or sexual relationship with a current client.

(2) LADCs and CADCs shall not ever engage in any romantic or sexual relationship with a former client.

(3) LADCs and CADCs shall not accept as a client anyone with whom they have ever had a romantic or sexual relationship.

(f) LADCs and CADCs shall not solicit the clients of one's employing agency for private practice.

(g) LADCs and CADCs shall terminate service to clients, and professional relationships with them when such service and relationships are no longer required or in which a conflict of interest arises.

(h) The LADC and CADC shall give precedence to his or her professional responsibility over personal interests.

(i) The LADC and CADC shall not represent that he or she performed services which he or she did not perform.

(j) LADCs and CADCs shall not divide a fee or accept or give anything of value for receiving or making a referral.

(k) LADCs and CADCs shall provide clients at the beginning of service written, accurate and complete information regarding the extent and nature of the services available to them, to include fees and manner of payment.

(l) In addition to the above stated provisions each LADC and CADC shall sign and adhere to the written code of ethics as set forth in Appendix A of this Chapter.

(m) LADC/MH applicants will need to sign the Code of Ethics for Co-Occurring Disorders as found in Appendix B.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 35 Ok Reg 782, eff 9-14-18; Amended at 38 Ok Reg 901, eff 8-26-21]

### **38:10-3-3. Client welfare**

(a) **Titles 42 and 45 CFR.** All drug or alcohol abuse treatment information, whether recorded or not, and all communications between a LADC or CADC and his or her client are both privileged and confidential. In addition, the identity of all clients who have received or are receiving drug or alcohol abuse treatment services is both confidential and privileged. Such information shall only be available to persons or agencies actively engaged in the treatment of the client unless an exception under state or federal law applies. The information available to persons or agencies actively engaged in the treatment of the client shall be limited to the minimum amount of information necessary for the person or agency to carry out its function or the purpose for the release.

(b) **Discrimination.** LADCs and CADCs shall not participate in, condone or promote discrimination on the basis of race, color, age, gender, religion, sexual orientation, or national origin.

(c) **Credentials.** LADCs and CADCs shall not misrepresent professional qualifications, education, affiliations, or services performed.

(d) **Records.**

(1) **Retention.** LADCs and CADCs shall maintain verifiable records necessary for rendering professional services to their clients for at least seven (7) years beyond termination of services, or in compliance with the employing agency's records disposition schedule.

(2) **Confidentiality.** LADCs and CADCs shall be responsible for securing the safety and confidentiality of any counseling record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

(3) **Client access.** LADCs and CADCs shall provide the client with a copy of the client's record in accordance with state and federal law. In situations involving multiple clients, access to records is limited to those parts of the record that do not include confidential information related to another client.

(e) **Dual relationships.** LADCs and CADCs shall be aware of their influential positions with respect to clients, and shall not exploit the trust and dependency of clients. Examples of such relationships include, but are not limited to, familial, social, financial, business, professional or close personal relationships with clients. When the possibility that a dual relationship exists, the LADC and CADC shall take appropriate professional precautions such as informed consent, consultation, supervision and documentation to ensure judgment is not impaired and no exploitation occurs.

(f) **Privacy.**

(1) LADCs and CADCs shall not make inquiry into persons or situations not directly associated with the client's treatment.

(2) LADCs and CADCs shall respect the privacy of clients and hold in confidence all information obtained in the course of professional service except for the client's voluntary consent for release of information; in case of death or disability, with the written consent of a personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health or physical condition; when the person waives the privilege by bringing any public charges against the licensee; and for compelling reasons, which include, but are not necessarily limited to:

- (i) consultation with another professional on behalf of the client;
- (ii) duty to warn;
- (iii) child abuse and sexual molestation; or,
- (iv) any other situation in accordance with statutory requirements.

(g) **Referral.** The LADC or CADC shall not enter into a counseling relationship if he or she determines that he or she is unable to be of professional assistance to a client. LADCs and CADCs shall refer clients to appropriate sources when indicated. If the client declines the suggested referral, the LADC or CADC shall terminate the relationship.

(h) **Confidentiality.** LADCs and CADCs shall obtain informed consent of clients before audio or video taping, or recording or permitting third party observation of their activities.

(i) **Sanctions.** Any LADC or CADC who violates any provision of this subchapter shall be subject to sanction(s) as provided in the Licensed Alcohol and Drug Counselors Act.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14]

### **38:10-3-4. Professional standards**

(a) **Violations of other laws.** It shall be professional misconduct for an LADC or CADC to violate a state or federal statute if the violation substantially relates to the duties and responsibilities of the counselor and poses a reasonable threat to public safety.

(b) **Drug or alcohol use.** LADCs and CADCs shall not render professional services while under the influence of alcohol or other mind or mood altering drugs.

(c) **Updating.** LADCs and CADCs shall notify the Board of any changes in address, telephone number, and employment within fourteen (14) days of the change.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 38 Ok Reg 901, eff 8-26-21]

### **38:10-3-5. Relations with the public and other professions**

(a) **Misrepresentation.** LADCs and CADCs shall not misrepresent nor allow the misrepresentation by others of the efficacy of the LADCs and CADCs professional services.

(b) **Credentials claimed.** LADCs and CADCs shall claim only the professional credentials possessed and shall be responsible for correcting any known misrepresentations of their credentials by others. Candidates under supervision for licensure or certification shall use "LADC candidate" or "CADC candidate" to identify their status as candidates for licensure or certification. A LADC who is under supervision for their LADC/MH shall use LADC#/MH Candidate to identify their status as a candidate for LADC/MH.

(c) **Advertisement.** When an LADC or CADC announces services or advertises, he or she shall represent services to the public by identifying credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent. An LADC or CADC may only advertise the highest degree earned from a regionally accredited college or university recognized by the US Department of Education. All advertisements or announcements of counseling services including telephone directory or internet listings by an LADC or CADC shall clearly state his or her licensure or certification status by the use of "LADC" or "CADC" or a statement such as "licensed by the Oklahoma Board of Licensed Alcohol and Drug Counselors" or "certified by the Oklahoma Board of Licensed Alcohol and Drug Counselors."

(d) **License.** Each LADC or CADC must display the original, current license or certificate, in a prominent place in the primary location of practice.

(e) **Public statements.** When an LADC or CADC provides advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, he or she shall take reasonable precautions to ensure that:

(1) The statements are based on appropriate professional literature and practice.

(2) The statements are otherwise consistent with the mandates of the Rules of Professional Conduct.

(3) There is no implication that a professional counseling relationship has been established.

(f) **Rebates.** An LADC or CADC shall not give or accept a commission, rebate, or other form of remuneration for referral of clients for professional services.

(g) **Accepting fees from agency clients.** An LADC or CADC shall refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the employer of the LADC or CADC

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14]

### **38:10-3-6. Failure to comply**

An LADC or CADC who does not comply with Subchapter 3, Rules of Professional Conduct shall be guilty of professional misconduct and subject to sanction and any other penalties granted in these rules and the Act.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-3-7. Counselor Assistance Program**

(a) **Purpose.** These rules have been adopted as pursuant to 59 O.S. Section 1875 for the purpose of establishing a Counselor Assistance Program. This program known as the Counselor Assistance Program, shall assist in the rehabilitation of counselors, whose competency may be compromised by the use of alcohol, drugs, chemicals or any other substances or any other mental or physical condition, including deteriorating through the aging process. This allows for the Board to retain control of counseling practice for the protection of the public and provides an alternative to the disciplinary process.

(b) **Definitions.** The following words and terms used in this subchapter, shall have the following meaning unless the context clearly indicates otherwise;

(1) "The Board" or "OBLADC" means the Oklahoma Board of Licensed Alcohol and Drug Counselors.

(2) "LADC" means Licensed Alcohol and Drug Counselor

(3) "CADC" means Certified Alcohol and Drug Counselor

(4) "LADC OR CADC Candidate" means under supervision for LADC or CADC as defined in Oklahoma Statue 1871.

(5) "Program Coordinator" means the person approved by the Oklahoma Board of Licensed Alcohol and Drug Counselors to administer the Counselor Assistance Program.

**(c) Administration.**

(1) Guidelines and policies for the program will be approved by the Board

(2) The Board will have responsibility for approval and oversight of the budget.

(3) The Program Coordinator will make an annual report to the Board on the activities of the committee.

**(d) Counselor Assistance Committee(s).**

(1) Members of the Counselor Assistance Committee(s) shall have expertise in treatment of chemical dependency and/or mental health.

(2) Composition of the Committee shall be

(A) at least three members

(B) the majority to be currently LADC or CADC, and

(C) at least one person recovering from chemical dependency and/or a mental health diagnosis.

(3) The Committee shall have the following responsibilities:

(A) determine counselor or counselor candidate acceptance into the program,

(B) develop with counselor or counselor candidate a contract for program participation,

(C) meet with counselor or counselor candidate on a specified basis to monitor and determine progress,

(D) determine successful completion of program,

(E) determine termination from program for failure to comply,

(F) report all terminations to the Board.

(4) The Counselor Assistance Committee(s) shall be appointed by the Board from applications for a term of three (3) years.

**(e) Qualifications of Applicant.**

(1) To be eligible for participation in the Counselor Assistance Program, each applicant must:

(A) have a current unrestricted certification or license, or be under supervision, unless referred by the Board,

(B) have no pending felony charge or conviction that would prevent the counselor, or counselor candidate from practicing,

(C) voluntarily submit an application for participation, and

(D) reside in this state.

(2) Counselors or counselor candidates previously disciplined by the Board shall be ineligible, unless referred to the Counselor Assistance Program by the Board.

**(f) Participation in the Program.** The counselor or counselor candidate shall:

(1) agree in writing to cooperate with program and comply with provisions of the contract, and

(2) assume the financial cost of participation.

**(g) Discharge from Program.** A counselor or counselor candidate shall be considered discharged from the program when the following criteria are met:

(1) The counselor or counselor candidate has been in compliance with all the terms of the contract with the Counselor Assistance Committee and had



completed the required program,

(2) Counselor Assistance Committee documents completion of program and eligibility for discharge with written notification to the licensee.

(3) A counselor or counselor candidate may transfer to another state upon submission to the jurisdiction of that state's regulatory Board for Alcohol and Drug Counselors or its equivalent for a Counselor Assistance Program or for discipline. A counselor or counselor candidate shall be considered discharged upon submitting documentation verifying successful completion of that state's regulatory Board for Alcohol and Drug Counselors or its equivalent for a Counselor Assistance Program.

(h) **Termination from Program.** The Counselor Assistance Committee shall make determination that a counselor or counselor candidate has failed to comply with the contract and treatment plan. A counselor or counselor candidate may be terminated for any of the following reasons, including but not limited to:

(1) the counselor or counselor candidate fails to comply with the terms of the contract with the Counselor Assistance Committee,

(2) the counselor or counselor candidate has become unsafe to practice with reasonable skill and safety to consumers under his/her care, or

(3) the counselor or counselor candidate transfers to another state and fails to submit to that state's regulatory Board for Alcohol and Drug Counselors or its equivalent.

[Source: Added at 26 Ok Reg 2417, eff 7-11-09]

## SUBCHAPTER 5. FITNESS OF APPLICANTS

### **38:10-5-1. Purpose**

The purpose of this subchapter is to establish the fitness of an applicant as one of the criterion for licensure as a LADC or certification as a CADC and to set forth the criteria by which the Board shall determine the fitness of applicants.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-5-2. Fitness for licensure or certification**

The substantiation of any of the following items related to the applicant may be, as the Board determines, the basis for the denial of or delay of licensure of the applicant.

(1) Lack of necessary skills and abilities to provide adequate services.

(2) Misrepresentation on the application or other materials submitted to the Board; or,

(3) A violation of the Rules of Professional Conduct delineated in Subchapter 3.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-5-3. Materials considered in determining fitness**

(a) Materials considered determining fitness of skills and abilities include but are not necessarily limited to:

(1) Evaluations from supervisors or instructors;

(2) Statements from persons submitting references for the applicant; and;

(3) Evaluations from employers or professional associations.

(b) Materials considered to determine fitness of professional conduct include:

(1) Allegations of clients;

- (2) Transcripts or other findings from official court, hearing or investigative proceedings; and
- (3) Any other information which the Board considers pertinent to determining the fitness of applicants.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

#### **38:10-5-4. Criminal history initial determination**

- (a) An individual with a criminal history record may request an initial determination of whether the criminal history would potentially disqualify the individual from obtaining a license or certificate issued by the Board. The individual may request the determination at any time, including prior to obtaining the required education necessary for licensing or certification, and prior to making the application with the Board.
- (b) The request shall be in writing, accompanied by a fee found in the fee schedule, and shall include either a copy of the person's criminal history record with explanation of each conviction mentioned in the criminal history record or a statement describing each criminal conviction, including the date of each conviction, the court of jurisdiction and the sentence imposed.
- (c) The individual may include a statement with his or her request describing additional information for consideration by the Board including, but not limited to, information about his or her current circumstances, the length of time since conviction, what has changed since the conviction, evidence of rehabilitation, testimonials or personal reference statements.
- (d) The Board shall consider the written request and make an initial determination based upon the information provided as to whether the criminal history is disqualifying. A written notice of initial determination shall be issued to the requestor within sixty (60) days from the date such request was received by the Board and mailed to the requestor at the address provided in the request. The notice shall contain the following statements:
  - (1) Whether the person appears eligible for licensure or certification at the current time;
  - (2) If there is a disqualifying offense prohibiting the person's licensure or certification;
    - (A) a statement identifying the offense(s) in the criminal history record or information submitted for consideration;
    - (B) any actions the person may take to remedy what appears to be temporary disqualification, if any; and
    - (C) the earliest date the person may submit another request for consideration, if any; and licensure or certification based upon the information provided by the requestor.
- (e) The Board shall maintain and make available to applicants and others upon request a list of criminal offenses that would disqualify an individual from obtaining a license or certification. Any disqualifying offense shall substantially relate to the duties and responsibilities of the profession, and pose a reasonable threat to public safety as defined in 59 O.S. § 4000.1(A).

[Source: Added at 38 Ok Reg 901, eff 8-26-21]

### **SUBCHAPTER 7. APPLICATION**

#### **38:10-7-1. Purpose**

- (a) The purpose of this subchapter is to meet those requirements specified in the Act.
- (b) Unless otherwise indicated, an applicant shall submit all required information and documentation of credentials in a manner and format prescribed by the Board

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-7-2. Requirements for licensure or certification**

#### **(a) Licensed Alcohol and Drug Counselor.**

(1) An application for a license to practice as a LADC 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 the act, which shall be retained by the Board and not returned to the applicant.

(2) Each applicant shall:

- (A) Pass an oral and written examination;
- (B) Be at least twenty-one years of age;
- (C) 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 the Act;
- (D) Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Act.

(3) In addition to the requirements in subsection (a) (2), each applicant shall:

- (A) Have at least a master's degree in alcohol and substance abuse counseling or other clinical counseling field recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors from a college or university accredited by an accrediting body recognized by the U.S. Department of Education. The degree program must include, at a minimum, the courses and the practicum/internship listed in 59 O.S. § 1876 (D) (1) and;
- (B) Have successfully completed at least one (1) year of full-time work experience. For the purpose of the Act, "One (1) year of full-time work experience" shall be defined as two thousand (2000) hours of work experience, of which at least one thousand (1000) hours shall consist of direct client contact providing behavioral health services to an individual and/or the individual's family. At least five hundred (500) hours of the one thousand (1000) direct client contact hours must be the provision of alcohol and drug counseling services; or
- (C) Be a licensed mental health professional as defined in Section 1-103 of Title 43A of the Oklahoma Statutes and have completed a minimum of fifteen (15) hours of master's level substance abuse specific coursework, including, but not limited to, chemical addiction, counseling, alcohol/drug counseling theory, pharmacology of drugs and abuse, assessment and treatment of alcohol and drug problems, theories in family addiction and family addiction counseling. An applicant who qualifies under this subsection is not required to complete the supervised work experience.
- (D) An applicant must complete all requirements for licensure, including passing the exams, within three (3) years of the date the

application was accepted.

(E) Persons who meet the requirements in subsection (a) may include the assessment, diagnosis and treatment of mental health disorders within the LADC scope of practice. The designation LADC/MH (licensed alcohol and drug counselor/mental health) shall be noted on their license and wallet card.

(F) Persons who were licensed as LADC or made application prior to January 1, 2012 and who meet the requirements in subsection (a) may make application for the LADC/MH designation. Applicants must submit a completed application on the form prescribed by the Board and pay a fee of one hundred forty dollars (\$140.00) which shall be retained by the Board and not returned to the applicant. The application must include;

- (i) An official transcript in a sealed envelope showing that the applicant has obtained the educational requirement;
- (ii) Proof that the applicant holds a valid license in good standing in one of the behavioral health professions listed in 59 O.S. § 1876 (F) (1);
- (iii) For applicants who do not meet the requirements in (a) (3) (A) or (a) (3) (B), proof that the applicant has a valid co-occurring disorders certification from a certification entity approved by the Board.

(G) The scope of practice of a LADC who does not have the MH designation may not include provision of services that focus solely on mental health disorders. The LADC may provide services for a client with no independent substance use disorder if services are focused on the client's exposure to a family member's substance abuse.

**(b) Certified Alcohol and Drug Counselor.**

(1) An application for certification as a CADC 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 the Act, which shall be retained by the Board and not returned to the applicant.

(2) Each applicant for certification shall:

- (A) Pass an oral and written examination;
- (B) Be at least twenty-one years of age;
- (C) 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 the Act;
- (D) Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Act.
- (E) 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;
- (F) Have successfully completed at least two (2) years of full-time supervised work experience. For the purpose of the 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:

(G) Have successfully completed at least two hundred seventy (270) clock hours of education related to alcohol and drug counseling subjects, theory, practice or research;

(H) Successfully completed, as a part of or in addition to the education requirements established in paragraph three 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

(I) Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.

(J) Complete all requirements for certification including passing the examinations, within five (5) years of the date the application was accepted.

(c) **Direct Client Contact Hours.** Direct client contact hours, as referenced above in (a) and (b), are defined as activities in which a counselor provides services to a client or group of clients. These must be activities within the scope of the alcohol and drug counselor, such as assessment, intervention, screening, counseling, education. This does not include observation of others providing these services. Direct client contact also includes activities in which services are provided to the client's family members/caregiver/guardian, with or without the client physically present, such as family education and/or family counseling. This includes review of assessment and treatment results with these stakeholders, either individually or during group meetings. Direct client contact also includes communication with the client and/or family members/caretaker/guardian via email or telephone. Activities that DO NOT count as direct contact include speaking or consulting with other professionals regarding the client, without the client and/or family member/caregiver/guardian present; collaborating with other professionals without the client and/or family member/caregiver/guardian present; time spent preparing materials, writing reports, planning for assessment or intervention, and so forth. Administrative duties without the client and/or family member/caregiver/guardian present, while important, are NOT direct contact. Observation of treatment or assessment sessions are NOT considered direct contact, of the counselor is only observing others providing services.

(d) **Post-Military Service Applicants.** The Board shall consider the equivalent education, training and experience completed by an applicant for certification or licensure while the applicant was a member of the United States Armed Forces or Reserves, National Guard of any state, the Military Reserves of any state, or the Naval militias of any state, and apply it in the manner most favorable toward satisfying the qualifications for certification or licensure. To determine whether education, training and experience completed by an applicant for certification or licensure while the applicant was a member of the military as described in the preceding paragraph, the Board may consider, but is not limited to, determinations made by institutions of higher education based on the Guide to the Evaluation of Educational Experience in the Armed Services, published by the American Council on Education.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 35 Ok Reg 782, eff 9-14-18; Amended at 37 Ok Reg 985, eff 9-11-20; Amended at 38 Ok Reg 901, eff 8-26-21]

### **38:10-7-3. Private or independent practice**

(a) No person may engage in the private or independent practice of alcohol and drug counseling work unless:

- (1) licensed under the Act as a Licensed Alcohol and Drug Counselor; and,
- (2) has had no less than two (2) years of full-time or the equivalent thereto of part-time experience, a total of 4,000 hours, supervised work experience, in the alcohol and drug counseling field, and shall continue to meet continuing education requirements set by the Board; or,
- (3) is certified under the Act as a certified alcohol and drug counselor; and
- (4) has had no less than three years of full-time or the equivalent thereto of part-time experience, a total of 6,000 hours of supervised work experience in the alcohol and drug counseling field, and shall continue to meet continuing education requirements set by the Board; and,
- (5) is supervised by a licensed alcohol and drug counselor
- (6) This section shall not be construed to prevent an LADC applicant who holds an Oklahoma license in good standing in another behavioral health profession from engaging in independent or private practice under the other license.

(b) It shall be considered unlawful private or independent practice for a candidate for licensure or certification who owns or operates a counseling business to act as the clinical director for the agency, or otherwise have oversight of the clinical services provided by the business.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 35 Ok Reg 782, eff 9-14-18]

### **38:10-7-4. Title of licensed or certified alcohol and drug counselors [EXPIRED]**

[Source: Added at 23 Ok Reg 127, eff 10-3-05 through 7-14-06 (emergency)<sup>1</sup>]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-06 (after the 7-14-06 expiration of the emergency action), Section 38:10-7-4 was no longer effective. For the official text of the emergency rule that was effective from 10-3-05 through 7-14-06, see 23 Ok Reg 127.*

### **38:10-7-5. Issuance of License, Certification, or LADC/MH.**

The Board shall issue an appropriate license or certification to all applicants who meet the requirements for licensure or certification in order to identify the alcohol and drug counselor to the public as an LADC, CADC, or LADC/MH.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14]

### **38:10-7-6. Application**

(a) Applicants for licensure or certification shall timely submit a completed application on the form prescribed by the Board, as well as the required fee(s) and documentation. The application includes:

- (1) Application fee;
- (2) Application form completed, signed, dated and notarized;
- (3) A full-face photograph, at least two inch by three inches, taken within the last 12 months, or a photocopy of a current driver's license;
- (4) Official transcript in sealed envelope;

- (5) Signed consent authorizing the Board to conduct a criminal background check and collect any additional information or references necessary;
  - (6) Signed code of ethics;
  - (7) Personal philosophy;
  - (8) Three professional references; and,
  - (9) Supervision contract;
- (b) An applicant shall:
- (1) Read and be familiar with the rules for the licensed alcohol and drug counselors act;
  - (2) Follow all laws and rules, including the ethical standards;
  - (3) Notify the Board in writing within 14 (fourteen) days of a change in address or employment;
- (c) All application materials become the property of the Board.
- (d) An application packet will not be accepted unless it is complete.
- (e) The use of false or fraudulent information by an applicant may be grounds for denial of a license.
- (f) Incomplete documents will be returned to the sender. The Board will hold the remaining documents, but will not accept the application until all outstanding documents have been completed and approved.
- (g) The application fee is not refundable and will not be returned. When resubmitting documents that were returned to the sender as incomplete, a second application fee is not required.
- (h) A document may be considered incomplete if it does not conform to the following standards:
- (1) All blanks must be completed and questions answered, the forms signed and dated. If the documentation relates to past activity, the date of the activity shall also be recorded;
  - (2) Documentation shall be permanent and legible (e.g., typed or printed in black ink); and,
  - (3) When it is necessary to correct a document, the error shall be marked through with a single line, dated, and initialed by the writer. Correction fluid shall not be used.
- (i) An applicant may not provide counseling services or begin accumulating supervised work experience until the applicant receives written notice from the Board. The notice shall include the date on which the application will become void.
- (j) Within 45 days of receipt of the completed application, the Board shall notify the applicant that the application is complete or specify the additional information required.
- (k) By signing the application, the applicant accepts responsibility for remaining knowledgeable of licensure rules.
- (l) An application for licensure is valid for three years from the date of acceptance, and shall be deemed void upon expiration of the three-year period. Applicants who have not completed the requirements, including passing the exams, within the three year period may petition the Board for an extension of the application. The Board may grant up to a two-year extension upon satisfactory proof from the applicant of good cause for failure to timely complete the requirements. The petition must be filed with the Board at least ninety (90) days prior to the expiration of the application. A person whose application is void is no longer authorized to practice under supervision as a candidate for licensure.
- (m) An application for certification is valid for five years from the date of acceptance, and shall be deemed void upon expiration of the five-year period.

Applicants who have not completed the requirements, including passing the exams, within the five year period may petition the Board for an extension of the application. The board may grant up to a two-year extension upon satisfactory proof by the application of good cause for the failure to timely complete the requirements. The petition must be filed with the Board at least ninety (90) days prior to the expiration of the application. A person whose application is void is no longer authorized to practice under supervision as a candidate for certification.

(n) Persons whose applications for licensure or certification have become void must submit a new application, including application fee, and shall be subject to the licensure and certification requirements currently in effect. Supervised work experience hours, practicum, and continuing education completed within 2 years prior to the application becoming void, may carry over to a new application.

Applicants may be required to retake the oral and written examinations.

(o) The running of the three or five year application period may be suspended for applicants who are members of the military called to active duty before they completed the requirements for licensure. Upon receipt of proof of assignment to active duty, the Board may suspend the application completion time period for the period of active duty. The applicant shall make a written request for suspension on a form prescribed by the Board.

(p) The application of a candidate who has not actively pursued completion of licensure requirements for a period of twelve (12) months shall be deemed void.

Circumstances indicating inactivity include, but are not limited to:

- (1) the candidate does not have a Board approved supervision contract;
- (2) the Board has not received supervision logs or other documents required to be submitted to demonstrate proof of completion of licensure requirements;
- (3) communications from the Board to the candidate are returned undelivered;
- (4) the candidate fails to respond to communications it receives from the Board; or
- (5) the candidate fails to inform the Board of special circumstances which prevent the candidate from engaging in the activities required for certification or licensure.

(q) Persons whose applications are void must submit a new application, pay the application fee, and shall be subject to the licensure and certification requirements currently in effect. The following requirements may carry over to the new application:

- (1) supervised work experience hours and continuing education hours completed within 2 years prior to the application void date;
- (2) practicum. This rule shall apply to all applications on file with the Board as of the effective date of the rule.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 35 Ok Reg 782, eff 9-14-18]

### **38:10-7-7. Examinations**

(a) **Eligibility.** An LADC or CADC applicant is eligible to take the licensing or certification examination upon completion of the supervised work experience requirement.

(b) **Examination.** Each applicant shall take and pass both the written and oral portions of the examination.

(c) **Application.**



- (1) The Board shall mail notification of eligibility to sit for examination to the applicant's last known address on file with the Board.
- (2) An applicant who wishes to take a scheduled examination shall complete an examination registration form, and pay the required fee before the applicant will be scheduled to test.

**(d) Notice of results.**

(1) The Board shall notify the applicant of the examination results within sixty (60) days of the date of the examination.

(2) Examination results shall be in writing and shall specify "pass" or "fail."

**(e) Failure to pass.** In the event of failure to pass either portion of the examination, the applicant may retake the failed examination upon registration with the exam provider and payment of a new examination fee. The written examination may be retaken at the intervals allowed by the examination provider. The oral examination may be retaken at the next available testing date.

**(f) Multiple exam failures.** Before an applicant who failed either the written exam five times or the oral exam five times may retake the exam, the Board may require the applicant to demonstrate successful completion of additional training and clinical competency. Failure to demonstrate successful completion of additional training and clinical competency may result in denial of the application.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 33 Ok Reg 571, eff 8-25-16; Amended at 35 Ok Reg 782, eff 9-14-18]

### **38:10-7-8. Renewal of license or certification**

**(a) Renewal timeline.** All licenses or certifications shall expire at the end of each fiscal year (June 30) and shall be subject to renewal on the first day of the next fiscal year (July 1<sup>st</sup>).

**(b) Renewal package.** All licensed or certified persons must submit a complete renewal package, including fee, postmarked by June 30 of the fiscal year. Only renewals submitted on the most current forms provided by the Board will be accepted.

**(c) Individual responsibility.** Each LADC or CADC is responsible for renewing the license or certification and specialty designation before the expiration date.

**(d) Renewal notification.** The Board shall mail a written notice of expiration to LADC or CADC at least forty-five (45) days prior to the expiration date of the license or certification.

**(e) Failure to renew.** If the licensee or certified person fails to timely renew his or her license or certification by the expiration date, the Board shall notify him or her in writing that:

- (1) the license or certificate holder is no longer authorized to practice alcohol and drug counseling;
- (2) The license or certificate holder may be subject to disciplinary action for practicing with an expired license or certificate;
- (3) For up to one (1) year following the expiration of the license, the LADC or CADC has the right to renew the license by making application for renewal, payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements.
- (4) Licenses or certifications not renewed within the one (1) year renewal period shall not be reinstated and the license or certification shall be returned to the Board.

**(f) Any LADC or CADC whose license or certification is active and in good standing is a member of the Armed Forces of the United States and is on active**

duty at the time of renewal is exempt from payment of the renewal fee. Upon receipt of notice of assignment to active duty from the LADC or CADC, the Board shall automatically renew the license without fee each year thereafter of active duty military service, and for up to one year after the date of discharge from active duty.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 38 Ok Reg 901, eff 8-26-21]

### **38:10-7-9. Reciprocity**

(a) Any person who becomes a resident of Oklahoma and who is or has been, immediately preceding his residency in this state, licensed or certified in good standing to practice alcohol and drug counseling by another state and who meets the testing, educational and work experience qualifications for licensure or certification in Oklahoma may, upon payment of the necessary fee and submission of documents as required by the Board, be licensed or certified under these provisions.

(b) Reciprocity shall be based upon an evaluation of the licensing or certification criteria of the other state to determine if criteria are equal to or more stringent than Oklahoma licensing or certification requirements.

(c) The Board shall expedite the process of licensure or certification by reciprocity for applicants who are former military service members, active duty military members or spouses of active duty military members. If the applicant's out-of-state license or certification is in good standing and the requirements for obtaining the out-of-state license or certification are reasonably equivalent to Oklahoma's requirements, the Board will issue the license or certificate within thirty (30) days of receipt of the completed application. The application fee shall be waived.

(d) The Board may authorize an applicant described in subsection (c) of this Section to practice under supervision while completing Oklahoma exam requirements that were not required in the state in which the applicant is licensed or certified. The applicant is subject to the rules governing supervision of applicants who are not seeking licensure or certification by reciprocity.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 38 Ok Reg 901, eff 8-26-21]

### **38:10-7-10. Co-occurring Disorders Credential Rules**

#### **(a) Definitions.**

(1) Bachelor of Co-occurring Disorders Certification (BCDC) is a bachelor's degree level credential which shall be achieved by certified alcohol and drug counselors (CADC), or certified alcohol and drug counselors candidates that seek to be certified in co-occurring disorders (COD). This credential is required for CADCs to recognize co-occurring disorders and integrate that into substance abuse treatment.

(2) LADC/MH is a master's degree level credential which shall be achieved by licensed alcohol and drug counselors (LADC), licensed alcohol and drug counselor candidates, or other Master's level candidates that seek to be certified in co-occurring disorders (COD). LADCs may treat co-occurring disorder within their scope of practice.

(b) **Qualifications.** To be eligible for Board approval as a Bachelors of Co-occurring Disorders Certification, a CADC or CADC candidate must be in good standing and:

(1) Have a minimum education of a bachelor's degree in co-occurring disorders or a behavioral science field with a clinical application from a

college or university that is accredited by an accrediting body recognized by the United States Department of Education or an international equivalent if the degree is from an international institution.

(2) 200 clock hours of continuing education units. Most of these should be covered by the appropriate degree in a behavioral science field. This includes a minimum of 140 hours of COD specific training, 30 hours of addiction specific training and 30 hours of mental health specific training to equal 200 hours.

(3) Have completed 4000 hours of co-occurring disorders specific supervised work experience AND 2000 hours of documented work experience in counseling in the last 10 years (6000 hours total).

(4) The two years (4000 hours) of supervised experience requirements for certification as a Bachelor Co-occurring Disorder Credential must be under the supervision of a Board approved co-occurring disorders supervisor.

(5) 200 Hour Practicum with a minimum of 20 hours in each of the domains. The domains include (A) Screening and Assessment, (B) Crisis Prevention and Management, (C) Treatment and Recovery Planning, (D) Counseling and Interventions, (E) Recovery Support and Coordination of Care, (F) Psychopathology and Etiology, (G) Psychopharmacology, and (H) Ethics.

(6) Successfully pass the written exam for Bachelor co-occurring Disorder Credential.

(7) Employed in a nationally accredited or Oklahoma Department of Mental Health and Substance Abuse Services certified agency, unless exempt from such certification.

(8) CADCs shall not provide private or independent practice for co-occurring disorders

(9) This is not a freestanding credential.

(10) This credential is required for CADCs to recognize co-occurring disorders and integrate that into substance abuse treatment.

(c) **Qualifications.** To be eligible for Board approval as a LADC/MH, the applicant must be a LADC in good standing who:

(1) qualified for LADC based on the academic requirements in effect on January 1, 2012, or

(2) is also one of the other types of licensed mental health professionals identified in 43A O.S. § 1-103 and has completed a minimum of fifteen (15) hours in master's level substance abuse specific coursework as described in 59 O.S. § 1876(D)(3); or

(3) qualified for LADC based on the academic requirements in effect prior to January 1, 2012 and:

(A) holds a master's degree that meets the Oklahoma educational requirements for licensed professional counselor, licensed clinical social worker, licensed marital and family therapist or licensed behavioral health practitioner; or

(B) holds a valid co-occurring disorders certification as described in 59 O.S. § 1876(F)(2); or

(C) meets the following requirements:

(i) has a minimum education of a Master's degree in co-occurring disorders or behavioral science field with a clinical application from a college or university that is accredited by an accrediting body recognized by the United

- States Department of Education or an international equivalent if degree is from an international institution.
- (ii) Completes 140 hours of co-occurring disorder specific training.
  - (iii) Completes 2000 hours (one year) of supervised work experience in co-occurring disorder specific work.
  - (iv) Completes a Practicum of 100 hours with a minimum of 10 hours in each of the domains. The domains include (A) Screening and Assessment, (B) Crisis Prevention and Management, (C) Treatment and Recovery Planning, (D) Counseling and Interventions, (E) Recovery Support and Coordination of Care, (F) Psychopathology and Etiology, (G) Psychopharmacology, and (H) Ethics.
  - (v) Successfully passes the LADC/MH written exam.

**(d) Application.**

(1) Applicants who qualify based on subsection (c)(1),(2), (3)(A), or (3)(B) must:

- (A) Complete an application form provided by the Board.
- (B) Sign a Co-occurring disorder code of ethics.
- (C) Pay the required application fee.

(2) Applicants who qualify based on subsection (c)(3)(C) must:

- (A) Complete an application form provided by the Board.
- (B) Submit two letters of reference.
- (C) Sign a supervision contract and submit to the Board for approval.
- (D) Sign a Co-occurring Disorder code of ethics.
- (E) Pay the required application fee.

(3) All the requirements for Bachelor Co-occurring Disorder Credential must be completed within five (5) years from the original date of application.

(4) All the requirements for LADC/MH must be completed within three (3) years from the original date of application.

**(e) Supervision.** To be eligible to supervise candidates for co-occurring disorders certification, the proposed supervisor must hold valid supervision credentials recognized by the Board and:

- (1) Be a LADC who also holds another Oklahoma Master's degree level or above behavioral health license; or
- (2) Be an Oklahoma licensed mental health professional whose scope of practice includes treatment of alcohol and drug abuse or dependency. The proposed supervisor must provide proof, satisfactory to the Board, of practice which includes treatment of alcohol and drug abuse; or
- (3) Be a LADC/MH.
- (4) All the licenses of proposed supervisors must be in good standing.

**(f) Renewal of Bachelor Co-occurring Disorder Credential or LADC/MH credential.** To maintain the Bachelor Co-occurring Disorder Credential or LADC/MH credential, the certified person shall complete, prior to June 30:

- (1) The requirements for renewal of CADC/LADC.
- (2) Pay a co-occurring disorders credential renewal fee.

## SUBCHAPTER 9. SUPERVISION

### **38:10-9-1. Purpose**

The purpose of this subchapter is the establishment of guidelines for the documentation of supervised experience that must be received from all persons applying for drug and alcohol counselor licensure or certification.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-9-2. Supervised work experience requirement**

(a) **Licensed alcohol and drug counselor.** The one year supervised experience requirement for licensure as an LADC must be under the supervision of an alcohol and drug counselor holding the LADC license.

(b) **Certified alcohol and drug counselor.** The two year supervised experience requirement for certification as a CADC must be under the supervision of an alcohol and drug counselor holding an LADC license.

(c) **Practicum.** Practicum supervision may be signed off by anyone who is in a supervisory or educational role and has firsthand knowledge that the candidate did complete the requirement for the practicum. 300 Practicum hours must be documented before a supervision contract will be approved.

(d) Supervision hours acquired outside the State of Oklahoma, whether completed or in the process, may be approved by the Board on a case-by-case basis.

(e) The required supervision for an applicant who provides community or home-based services shall include, in addition to other supervision requirements, at least six (6) direct observations by the supervisor of the supervisee conducting counseling sessions in the client's home, school or other remote location outside of the applicant's employer's office. The observations must be made periodically throughout the applicant's supervised work experience at least once every other month, and documented in a form prescribed by the Board. Direct observations may be conducted via interactive live audio/video conferencing, and shall be documented in a form approved by the Board. No more than three (3) of the direct observations per year may be conducted via interactive live audio/video conferencing.

(f) An applicant for LADC who holds a current, valid Oklahoma license in another behavioral health profession may count alcohol and drug counseling services provided in the applicant's private or independent practice under the other license toward the supervised work experience. All other licensure supervision requirements apply.

(g) Supervisors and supervisees shall maintain records of supervision, including supervision logs, evaluation forms, direct observation forms and other supporting documents relevant to supervision such as sign-in sheets for supervisory sessions, electronic and paper calendar entries noting dates of supervision, written summaries and/or reports of topics discussed at supervision sessions, etc. The supporting documentation shall be submitted to the Board upon request.

(h) The supervisor and the supervisee must each submit to the Board supervision logs in a format approved by the Board every three months until the license is granted. Supervision logs are due on the 15<sup>th</sup> day of January, April, July, and October, and shall include dates and number of hours of supervision and number of hours worked in the three months prior to the due date.

(i) The Board may conduct annual audits of compliance with supervision requirements. A minimum of five percent of supervisors and five percent of

applicants may be randomly selected for audit. Persons selected for audit must submit supervision logs and supporting documentation and any other information requested by the Board within ten calendar days of receipt of notice of audit.

(j) A candidate for LADC who meets the academic requirements in effect as of January 1, 2012 may treat mental health only disorders provided that the candidate's licensure supervisor or the candidate's employer's clinical supervisor meets the Board qualifications for supervisors of candidates for co-occurring disorders certifications.

(k) Failure to comply with the rules for supervision is grounds for disciplinary action as authorized by Board statutes.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 26 Ok Reg 2417, eff 7-11-09; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 33 Ok Reg 571, eff 8-25-16]

### **38:10-9-3. Supervision and private or independent practice [EXPIRED]**

[Source: Added at 23 Ok Reg 127, eff 10-3-05 through 7-14-06 (emergency)<sup>1</sup>]

*EDITOR'S NOTE: <sup>1</sup>This emergency action expired without being superseded by a permanent action. Upon expiration of an emergency action enacting a new Section, the Section is no longer effective. Therefore, on 7-15-06 (after the 7-14-06 expiration of the emergency action), Section 38:10-9-3 was no longer effective. For the official text of the emergency rule that was effective from 10-3-05 through 7-14-06, see 23 Ok Reg 127.*

### **38:10-9-4. Supervisee Responsibilities**

(a) A candidate for licensure or certification must obtain an average of one hour per week of live, interactive, and visual supervision from a Board approved supervisor until the candidate becomes licensed or certified. Group supervision is acceptable if such supervision does not exceed at least one half of the total supervisory time per evaluation period.

(b) The supervisee must obtain a supervision contract and submit a copy to the Board for approval prior to beginning practice under supervision. Any supervision completed prior to approval of the supervision contract will not be accepted. Such a contract shall not be valid if the supervisor and supervisee have a relationship that could affect the employment or benefits of the supervisor, and that relationship could, in any way, bias or compromise the completion of the minimum number of required hours of supervised work experience. The contract must include the name, address, phone number, and e-mail of the clinical supervisor for the supervisee's place of employment.

(c) Within three business days of the date of termination of supervision by either the supervisor or supervisee, the supervisee must notify the Board in writing in a format prescribed by the Board. The supervisee must submit supervision logs within 10 days of the date of termination. The application of a supervisee who does not have a Board approved supervision contract or whose supervision contract has been terminated is inactive. A supervisee with an inactive application cannot provide counseling services until the supervisee receives written notice from the Board that a new supervision contract has been approved and the application has been returned to active status.

(d) When requested, the supervisee must provide a sample of work to his or her supervisor. Disclosure of work samples shall be in accordance with state and federal rules and statutes governing confidentiality of patient records.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 26 Ok Reg 2417, eff 7-11-09; Amended at 31 Ok Reg 761, eff 9-21-14]

### **38:10-9-5. Supervisor Requirements**

(a) **Qualifications.** To be eligible for Board approval to supervise LADC or CADC candidates, a Licensed Alcohol and Drug Counselor must be licensed and in good standing and:

- (1) If originally licensed in Oklahoma, must have practiced alcohol and drug counseling for at least two years after licensure; or
- (2) If licensed by endorsement from another state, must have practiced alcohol and drug counseling for at least one year beyond Oklahoma licensure; or
- (3) Also hold a license in good standing with supervision privileges in another behavioral health field as determined by the Board; or
- (4) Hold a current valid IC&RC Certified Clinical supervisor credential, and
- (5) Successfully complete the Board approved alcohol and drug counselor supervision training course, and
- (6) Pass the Oklahoma LADC Supervisor Examination(s)
  - (A) Examination Part A shall consist of a NAADAC clinical supervision exam, or the IC&RC Certified Clinical Supervisor exam, or other clinical supervision exam approved by the Board.
  - (B) Examination Part B shall consist of Oklahoma State Laws, Rules, and procedures.

(b) **Application Process.**

- (1) Complete an application form provided by the Board.
- (2) Submit two letters of reference. At least one letter must be from a current Board approved LADC supervisor. The other shall be from another professional holding a current Oklahoma behavioral health license.
- (3) Sign a supervision agreement and supervisor code of ethics.
- (4) Pay an application processing fee.

(c) **Supervision Training course and Supervisor Examination.**

- (1) The Supervision course shall consist of a fifteen hour Board approved workshop on counseling supervision in combination with thirty hours of directed individual study of Board approved counseling supervision literature for a total of forty-five contact hours. The workshop or class must have a minimum of four enrolled supervisor candidates.
- (2) For persons who meet the qualifications in subsection (a)(3) or (4), or the supervision course shall consist of a seven and one-half hour Board approved advanced LADC supervisor training workshop and exam Part B- Oklahoma State Laws, Rules and procedures only.

(d) **Renewal of Supervisor Status.** To maintain Board approved supervisor status, LADC supervisors must complete, prior to June 30 of each year,

- (1) Three (3) clock hours of continuing education in counseling supervision, and
- (2) These hours are included in the twenty (20) continuing education hours required for licensure renewal.
- (3) With the exception of the twenty hour requirements in 38:10-13-2(a), the Rules in subchapter 13 regarding continuing education requirements for licensure renewal shall also apply to continuing education requirements for supervision status.
- (4) Approved supervisor designation will not be renewed until renewal fee has been paid and
- (5) Continuing education requirements have been met.

(e) **Supervisor Responsibilities.**

- (1) The supervisor is responsible for having and maintaining knowledge about the supervisee's practice whether in a private or agency setting.
- (2) The supervisor is responsible for providing professional consultation and monitoring the supervisee's ethical and professional practices.
- (3) The supervisor must provide an average of one hour per week of live, interactive and visual supervision until the candidate becomes licensed or certified. Group supervision is acceptable if such supervision does not exceed at least one half of the total supervisory time per evaluation period. Group size is limited to a maximum of six (6) supervisees.
  - (A) The phrase "an average of one hour per week of live, interactive and visual supervision" means one continuous hour in one day of each week of face-to-face or interactive video supervision relating to the supervisee's skills, knowledge and practices in providing alcohol and drug counseling to clients. Video supervision must meet all Federal and State laws of confidentiality.
  - (B) The supervisor must provide four hours of face-to-face supervision per calendar month, at the rate of one hour per week, or two hours per week, every other week.
  - (C) When unforeseen circumstances arise that result in a supervisor providing less than four hours per month, or less than two hours every other week of face-to-face contact, the supervisor and supervisee shall provide notice of such circumstances to the board, and shall submit a plan to make up the missed hours to the Board for approval. The plan may include designation of a back-up or alternate supervisor, providing that the supervisee has entered into a supervision contract with the alternate supervisor and such contract has been approved by the Board.
  - (D) Clinical staff meetings attended by supervisees or meetings with supervisees that consist of discussion of issues other than supervisee's skills, knowledge, and practices in providing alcohol and drug counseling to clients shall not be counted as group supervision.
- (4) When the licensure supervisor is not a staff member of the supervisee's employer, the licensure supervisor will ensure that the employer, or its representative, is in accord with the arrangements for supervision. This is essential whether these arrangements are made by the agency or the supervisee and regardless of whether the agency contributes to the financial compensation of the supervisor. The supervisor is responsible for securing agreement from the agency administration as to the purpose and content of the desired supervision and the supervisor's specific role responsibilities and limitations. The supervisor is also responsible for learning agency functions and policies so that any supervisory suggestions are constructive and realistic within agency purposes and resources.
- (5) The Supervisor must be available to the supervisee for consultation "on call" 24 hours a day, seven days a week, and arrange for alternate "on call" supervisor to provide consultation when the primary supervisor is unavailable.
- (6) The supervisor must immediately notify the Board of any ethical or professional violations by supervisee.
- (7) A supervisor for an applicant who provides community or home-based services shall, in addition to other supervision requirements, conduct at



least six (6) direct observations of the supervisee conducting counseling sessions in the client's home, school, or other remote location outside of the applicant's employer's office. The observations must be made periodically throughout the applicant's supervised work experience at least once every other month. Direct observation may be conducted via interactive live audio/video conferencing and shall be documented in a form approved by the Board. No more than three (3) of the direct observations per year may be conducted via interactive live audio/visual conferencing. Both the supervisor and the supervisee are responsible for ensuring that the interactive live audio-video conferencing complies with all applicable federal and state confidentiality laws and regulations.

(8) The supervisor must notify the Board in writing within three (3) business days of the date supervision is terminated. The supervisor must submit an evaluation of the supervisee within ten business days of the date of termination.

(9) A supervisor may not supervise more than a total of twenty (20) persons, including candidates and CADCs who are engaging in private or independent practice. A supervisor who wants to supervise more than twenty (20) persons must petition the Board for approval for each person above the maximum number. The petitions will be determined on a case-by-case basis depending on the circumstances of the request.

[Source: Added at 26 Ok Reg 2417, eff 7-11-09; Amended at 28 Ok Reg 1901, eff 7-25-11; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 37 Ok Reg 985, eff 9-11-20; Amended at 40 Ok Reg 1721, eff 9-11-23]

## SUBCHAPTER 11. FEES

### 38:10-11-1. Schedule of fees

Fees are non-refundable and include:

(1) **Application fee.** One-hundred and seventy-five (\$175.00) dollars and shall be submitted with the application form.

(2) **Examination fee.** The fee shall be the amount set by the examination provider, and is paid by the applicant directly to the examination provider.

(3) **Initial license or certification fee.** One-hundred and twenty-five (\$125.00) dollars shall be submitted prior to the receipt of license or certificate. The initial license or certification notices shall invoice the licensed or certified person for the interim period between the original license or certification date and the following June 30 so that subsequent renewals shall be on July 1 annual basis.

(4) **Renewal fee. CADC or LADC.** One-hundred and twenty five dollars (\$125.00). Shall be submitted upon notification by the Board on or before June 30, and validates the license or certification for twelve (12) months.

(5) **Renewal fee. LADC/MH.** One-hundred and seventy five dollars (\$175.00). Shall be submitted upon notification by the Board on or before June 30, and validates the license or certification for twelve (12) months.

(6) **Late renewal fee.** Twenty-five dollars (\$25.00) will be charged each month, if the license or certification is not renewed by June 30. This fee combined with the renewal fee shall not exceed (\$225.00) for CADC or LADC or (\$275.00) for LADC/MH. The licensed or certified person must submit this fee as well as the renewal fee on or before the following June 30 to avoid revocation.

(7) **Replacement fee.** Twenty-five dollars (\$25.00). Shall be submitted for the issuance of a license or certification to replace a license which has been lost, damaged, or is in need of revision.

(8) **Inactive license or certification fee.** Twenty-five dollars (\$25.00). Payment of this fee renders the license or certification inactive and suspends all rights and privileges granted by the license or certification for a period of no more than two (2) years. If not renewed within the two (2) year period, license or certification is considered lapsed.

(9) **Mailing list of licensed and certified counselors.** Thirty-five dollars (\$35.00).

(10) **Written verification of licensure or certification.** Five dollars (\$5.00)

(11) **Duplication of public records.** Twenty-five cents (\$.25) per page for un-certified copies; one dollar per page (\$1) for certified copies.

(12) **Search fee for public records.** \$25 per hour.

(13) **Investigation or prosecution.** At cost incurred.

(14) **Returned check processing fee, or denied or non-payment of credit card fees.** Fifty dollars (\$50.00).

(15) **Probation.** Twenty-five dollars (\$25.00) per month.

(16) **Board approved supervisor status designation.** Thirty-five dollars (\$35.00) for initial application fee.

(17) **Supervisor status designation annual renewal fee.** Twenty-five dollars (\$25.00).

(18) **LADC/MH application fee.** One Hundred Seventy-Five Dollars (\$175.00).

(19) **Criminal history initial determination fee.** Ninety-five dollars (\$95.00).

(20) **Application maintenance fee.** A candidate for certification or licensure shall pay an annual application maintenance fee of twenty-five dollars (\$25.00). The purpose of the fee is to defray costs of monitoring the application for compliance with the supervision requirements. The fee shall be due and payable on or before December 31 of each year until the license is issued. The fee shall not be imposed until the following year for applications accepted by the Board from December 1 to December 31. An additional twenty-five dollar (\$25.00) late fee will be charged for each month the maintenance fee is past due for up to three months. If the maintenance fee and late fees are not paid in full on or before April 1, the application shall be void. Persons whose applications are void must submit a new application, pay the application fee, and shall be subject to the licensure and certification requirements currently in effect. The following requirements may carry over to the new application: (1) supervised work experience hours and continuing education hours completed within 2 years prior to the application void date; (2) practicum. This fee shall apply to all applications on file with the Board as of the effective date of the rule.

(21) **Continuing education provider application fee-\$200**

(22) **Licensee application fee for approval of continuing education Program-\$25**

### **38:10-11-2. Methods of Payment**

Payment of fees shall be by personal check, cashiers check, money order, cash, or credit card. The Board will accept Visa, Master Card, Discover, or American Express. Any check returned, or denied payment or fee(s) to the Board for non-payment may result in sanction(s).

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 26 Ok Reg 2417, eff 7-11-09]

### **38:10-11-3. Review of fees**

The Board shall periodically review the fee schedule and recommend any adjustment necessary to provide funds to meet its expenses without creating any unnecessary surplus.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

## **SUBCHAPTER 13. CONTINUING EDUCATION REQUIREMENTS**

### **38:10-13-1. Purpose**

The purpose of this subchapter is to establish the continuing education requirements necessary for license or certification renewal.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-13-2. Continuing education standards**

(a) **Continuing education hours required.** As a requirement for license or certification renewal, twenty (20) clock hours of continuing education units shall be required for each license or certification held. These hours must have been obtained during the previous renewal period July through June and approved by the Board. At least three (3) hours must be categorized as ethics training as defined by the Board. At least ten (10) hours must be alcohol and drug specific as defined by the Board. For LADC/MH, the twenty (20) hours of continuing education hours must be on topics categorized by the Board as Co-Occurring, or consist of (10) hours on Mental Health topics and ten (10) hours on alcohol and drug specific topics as defined by the Board. The required hours may be completed through virtual meetings, on-demand online training, and in-person training "Virtual" means a live interactive video conference by an approved program that involves face-to-face interaction with a facilitator for the purpose of accomplishing specific learning objectives. No more than ten hours may be obtained through pre-recorded, on-demand online training.

(b) **Candidate requirements for continuing education.** Candidates who have been in the licensure process for more than one year must have at least three hours of continuing education in ethics each successive year until licensed. For each year of candidacy after the first year, the candidate must also obtain three hours of continuing education in addition to the three hours of ethics. Proof of completion of the continuing education required for applicants shall be submitted with the application maintenance fee. Continuing education must be from approved providers to avoid additional fees and must meet all other requirements for continuing education.

(c) **Continuing education approval.** Approval of continuing education shall be at the discretion of the Oklahoma Board of Licensed Alcohol and Drug Counselors and shall be in accordance with standards acceptable to the profession of alcohol

and drug counseling. Requirements for the providers of continuing education are addressed in OAC 38:10-13-7.

(d) **Armed services.** A licensed or certified person called to active duty in the Armed forces of the United States for a period of time exceeding one hundred and twenty (120) days during a calendar year shall be exempt from obtaining the continuing education required during that calendar year.

(e) **Exemption.** A licensed or certified person experiencing physical disability, illness, or other extenuating circumstances may request partial or complete exemption from the continuing education requirements. The licensee or certified person shall provide supporting documentation for the Board's review. Such hardship cases will be considered by the Board on an individual basis.

(f) **Prorating.** Licensees or certified persons upon initial certification will have their CEU hours prorated according to the date of their initial certification.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06; Amended at 31 Ok Reg 761, eff 9-21-14; Amended at 35 Ok Reg 782, eff 9-14-18; Amended at 37 Ok Reg 985, eff 9-11-20; Amended at 38 Ok Reg 901, eff 8-26-21; Amended at 40 Ok Reg 1721, eff 9-11-23]

### **38:10-13-3. Documentation of attendance**

LADCs and CADCs shall retain verification of attendance documents for all continuing education hours claimed for a period of two (2) years. Acceptable continuing education verification of attendance documents include:

- (1) An official continuing education validation form furnished by the presenter; or,
- (2) A letter on the sponsoring presenter's letterhead giving the name of the program, location, dates, subjects taught, total number of hours attended, participant's name and presenter's name and credentials; or,
- (3) An official graduate transcript showing course or audit credit; or,
- (4) A letter for approved teaching activities on the sponsor's letterhead giving the name of the program, location, dates, subject taught, and total number of hours taught.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-13-4. Audit of continuing education submissions**

(a) Each year, the Board may randomly, or at any time for cause, select up to twenty-five (25) percent of the number of LADCs and CADCs on active status the previous year for an audit of their claimed continuing education.

(b) Licensees or certified persons selected for audit must submit verification of all continuing education credits claimed within thirty (30) days following receipt of the audit notice. The Board may, at its discretion, audit and require verification of any credits claims which it may consider questionable or fraudulent.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-13-5. Failure to complete continuing education or submit verification**

Failure to complete continuing education requirements or submit such records shall constitute failure to renew a license or certification and may result in forfeiture of the individual's rights and privileges granted by the license or certificate.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-13-6. Fraudulent continuing education submissions**

The submission of fraudulent continuing education hours shall be cause for sanction.

[Source: Added at 23 Ok Reg 127, eff 10-3-05 (emergency); Added at 23 Ok Reg 2177, eff 6-25-06]

### **38:10-13-7. Providers of Continuing Education**

In order to qualify and be approved for Approved Continuing Education Provider status by the Board, or to offer single programs for OBLADC continuing education credit, the Provider must satisfy the following requirements.

(1) Continuing education status shall be approved prior to presenting continuing education programs. When a provider number is necessary, any continuing education event(s) sponsored or provided prior to the date a provider number is issued under this rule shall not be granted continuing education credit.

(2) Continuing education provider status shall be granted to continuing education providers who satisfy the following requirements:

(A) Provide the Board with one sample continuing education program containing a detailed agenda specifying content and time frames for instruction which has been designed or approved by the current continuing education director and meets all of the following criteria:

(i) Is a course, seminar, workshop, or institute that is relevant to, and focuses on the practice of alcohol and drug counseling or other clinical, administration, or generalist practice in the behavioral health field.

(ii) Has stated learning objectives and is of sufficient duration to present a topic in depth and detail to accomplish these objectives.

(iii) Is appropriate for the purposes of furthering and maintaining the skills or knowledge of alcohol and drug counselors.

(iv) The sample program must identify the number of continuing education hours that will be earned. One continuing education hour is defined as one clock hour (60 minutes) of actual uninterrupted instruction.

(v) Is instructed/presented by a person who meets at least one of the following criteria:

(I) LADC/CADC or other person licensed or certified by other counselor professions.

(II) Licensed or certified member of a non-counseling field if the content of the program is counselor related and falls within the presenter's area of training.

(B) Provide the Board a sample program evaluation form.

(C) Provide the Board a sample of the documentation of completion.

(D) Provide the Board with the name, address and daytime telephone number of a person designated by the organization to act as the continuing education director.

(E) Remit the appropriate non-refundable continuing education provider application fee of \$200. Such fee shall be required for each license period during which the provider seeks Board approval.

(F) The current continuing education director must sign and abide by a written agreement to the following:

(i) Ensure that each program to be presented or approved by the provider for continuing education credit for CADC/LADC satisfies the requirements of the Continuing Education rules of the Board.

(ii) Provide each participant who completes a program with documentation verifying that the program has been completed. The documentation shall contain the participant's name, provider's name and number, title of program, date and place of the program, number of hours of continuing education credits earned, and the signature of the sponsor or its representative.

(iii) Provide a mechanism for evaluation of the program by participants.

(iv) Notify the Board within ten days of any change in continuing education director, mailing address, or telephone number.

(v) Ensure that all promotional material for each program intended for CADC/LADCs contains in a conspicuous place the complete provider number assigned by the Board, the specific program objectives, and speaker/presenter's credentials.

(vi) The Board requests that the following statement be placed on the "Certificate of Attendance" to show Board approval. Example: "OBLADC Provider Number ." The provider will be issued a number when provider status is approved and that number is to be placed in the blank space.

(G) Comply with all audit requests within 21 days of receipt of such requests from the Board.

(3) Providers shall maintain records of each course offered for three (3) years following each licensure period during which the course was offered. Course records shall include a course outline that reflects its educational objectives, the presenter's name, the presenter's curriculum vitae, the date and location of the course, participant's evaluations of the course, the hours of continuing education credit awarded to each participant and a roster of participants by name and license number.

(4) An approved sponsor may subcontract with individuals to provide continuing education programs. The sponsor must insure that the subcontractor meets all requirements of this section.

(5) The sponsor shall be responsible for assuring that no licensee receives continuing education credit for time not actually spent attending the program.

(6) Upon the failure of a sponsor to comply with any of the requirements of this section, the Board, after notice to the sponsor, may revoke the sponsor's approval status.

(7) The Board may evaluate any approved sponsor or applicant at any time to ensure compliance with requirements of this section.

(8) The Board may deny continuing education provider status to any applicant who submits false, misleading or deceptive information or documentation to the Board.

(9) The Board may rescind the provider status or reject individual programs given by a provider if the provider disseminated any false or misleading information in connection with the continuing education programs or if the provider failed to conform to and abide by the written agreement and rules of the Board.

(10) Complaints regarding continuing education programs offered by approved providers may be submitted in writing to the Board office.

(11) Reapproval of Continuing Education Providers

(A) Approval of continuing education providership is for the fiscal year during which approval or reapproval was given. If reapproval is not sought and granted, the continuing education approved provider status automatically ends.

(B) It is the responsibility of the continuing education provider to request annual reapproval of the provider status by submitting a new application on the application form provided by the Board.

(12) Activities Unacceptable as Continuing Education. The Board will not give credit hours for:

(A) Education incidental to the regular professional activities of an alcohol and drug counselor, such as learning occurring from experience or research.

(B) Organizational activity such as serving on committees or councils or as an officer in a professional organization.

(C) Non-counseling content courses not directly related to enhancement of alcohol or drug counselor skills or performance as an alcohol or drug counselor.

(D) Staff orientation, administrative staff meetings, case management meetings and training specifically related to policies and procedures of an agency may not be counted.

(E) Book reports or critiques of professional journal articles.

(13) Counselor's Responsibility Regarding Continuing Education

(A) It is the counselor's responsibility to determine if a workshop is applicable and appropriate to his/her professional development as an alcohol and drug counselor.

(B) If a counselor submits documentation for training that is not clearly identifiable as alcohol and drug counselor continuing or behavioral health education, the Board will request a written description of the training and how it applies to the individual's professional development as an alcohol and drug counselor. If the Board determines that the training cannot be considered alcohol and drug counselor or behavioral health continuing education, the individual will be given sixty (60) days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next licensure period.

(C) Continuing education hours that are clearly not alcohol and drug counseling or behavioral health related will be unacceptable and the individual will not be given time to replace those hours.

(14) Counselor Submission of Continuing Education Requests

(A) If an alcohol and drug counselor attends or plans to attend a course that is not provided by an Approved Continuing Education Provider, the individual may submit a single request for approval of the continuing education program.

(B) To qualify for approval, the individual will be required to submit:

- (i) A complete application for continuing education form on the application form provided by the Board.
- (ii) Biographical information and qualifications on the presenter(s).
- (iii) Program schedules.
- (iv) Descriptions and objectives of each of the workshops.
- (v) A \$25 non-refundable individual continuing education application fee.

(C) If the application meets the Board requirements for approval, the approval status shall apply only to the individual applicant. Each applicant requesting approval for a course that is not provided by an Approved Continuing Education Provider, must submit a separate application form, related documents, and fee.

(D) Submission of an application for continuing education program approval and related documents is not a guarantee of approval.

[Source: Added at 35 Ok Reg 782, eff 9-14-18]

## APPENDIX A. LICENSED/CERTIFIED COUNSELOR CODE OF ETHICS

### Figure 1

LICENSED/CERTIFIED COUNSELOR  
CODE OF ETHICS

I HEREBY AFFIRM THAT...

A. My primary goal is recovery for the client and his/her family, that I have a total commitment to provide the highest quality care for those who seek my professional services.

B. I shall evidence a genuine interest in all clients and families and do hereby dedicate myself to the best interest of the clients and to helping them to help themselves.

C. I shall maintain at all times an objective, non-possessive, professional relationship with all clients.

D. I shall be willing to recognize when it is in the best interest of the client to release them or refer them to another program or individual.

E. I shall adhere to all the professional rules of confidentiality of all maintenance and distributions of records, material, and knowledge concerning the client, and respect the integrity and protect the welfare of the person or group with whom I am working.

F. I shall not in any way discriminate between clients, families, or fellow professionals based on race, religion, age, sex, handicap, national ancestry, sexual orientation, or economic conditions.

G. I shall respect the rights and views of other counselors and professionals.

H. I shall advocate changes in public policy and legislation to afford opportunity and choices for all diseased chemical abusers endangering themselves and others.

I. I shall maintain respect for institutional policies and management functions within agencies and institutions, but will take the initiative toward improving such policies when it will better serve the interest of the client.

J. I have a commitment to assess my own personal strengths, limitations, biases, and effectiveness on a continuing basis; that I shall continuously strive for self-improvement; that I have a personal responsibility for professional growth through further education and training.

K. I have an individual responsibility to espouse objectivity and integrity; responsibility to report acts of moral turpitude and uphold ethical professional codes; responsibility for my own conduct in all areas, including, but not limited to, personal, behavioral, the use of mood altering drugs, and community activities. I am further willing to provide, respond to, and support requests by the credentialing body for professional disclosure of legal and ethical behavior and records relating, impinging, or affecting the Alcohol Drug Counselor profession and my professional status.

L. I shall cooperate with duly constituted professional Ethics Boards and promptly supply necessary information unless constrained by demands of specialized confidentiality rules.

M. I have a responsibility to myself, my clients, the community, and associates to maintain my physical and mental health and wellbeing and shall adopt a personal and professional stance which promotes the well being of all human beings.

Figure 2



I hereby certify that I have read and agree to abide by the OBLADC code of ethics. I also understand that failure to abide by the OBLADC code of ethics may result in the revocation of my certification, license, or intent status to practice as an alcohol/drug counselor.

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
SIGNATURE                      DATE

[Source: Added at 23 Ok Reg 2177, eff 6-25-06; Revoked and reenacted at 26 Ok Reg 2417, eff 7-11-09]