

## TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE

### CHAPTER 10. LICENSED PROFESSIONAL COUNSELORS

*Editor's Note:* See Editor's Note at beginning of Chapter 11 of this Title 86 [OAC 86:11].

[Authority: 59 O.S., §§ 1901 et seq.]

[Source: Codified 9-11-15]

#### SUBCHAPTER 1. GENERAL PROVISIONS

##### **86:10-1-1. Purpose**

The rules in this Chapter ("Rules") implement the Oklahoma Licensed Professional Counselor Act, (59 O.S. 1991, Sections 1901 et seq.)

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

##### **86:10-1-2. Definitions**

When used in this Chapter, the following words and/or terms shall have the following meaning unless the context clearly requires otherwise:

"**Act**" means the Licensed Professional Counselors Act, 59 O.S. §§ 1901 et seq., as amended.

"**Administrative Procedures Act**" ("**APA**") means Article I and/or Article II of the Administrative Procedures Act, 75 O.S. §§ 250 et seq.

"**Applicant**" means a person who has made a formal application with the Board.

"**Approved LPC Supervisor**" ("**Supervisor**") means an individual who meets the qualifications to become an approved supervisor and is approved by the Board pursuant to Section 86:10-11-4 of this Chapter.

"**Board**" means the State Board of Behavioral Health Licensure.

"**Complainant**" means any person who files a Request for Inquiry against a LPC, Candidate, or a person who delivers licensed professional counseling services without a license.

"**Complaint Committee**" means one Board member who is a LPC, the Executive Director, the Assistant Attorney General and may include other appropriate individuals as determined by the Committee.

"**Dual relationship**" means a familial, social, financial, business, professional, close personal, sexual or other non-therapeutic relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LPC's or LPC Candidate's professional obligation to a client.

"**Direct Client Contact Hours**" means the performance of therapeutic or clinical functions that includes diagnosis, assessment and treatment of mental, emotional and behavioral disorders based primarily on verbal communications and intervention with, and in the presence of, one or more clients.

"**Employee**" means in accordance with 26 U.S.C. § 3121 (d):

(A) Any officer of a corporation; or

(B) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of employee.

**"Face-to-face learning"** means the delivery of graduate coursework or continuing education through instruction that is designed to deliver education to learners who are in the direct physical presence of the educator or designed to deliver education to learners through synchronous instructional delivery methods.

**"Face-to-face supervision"** means the Supervisor and the Candidate shall be in the physical presence of the other during individual or group supervision.

**"Forensic services"** means the application of knowledge, training and experience from the mental health field to the establishment of facts and/or the establishment of evidence in a court of law or ordered by a court of law.

**"Formal Complaint"** means a written statement of alleged violation(s) of the Act and/or Rules which is filed by the Assistant Attorney General. The Formal Complaint schedules an Individual Proceeding before the Board in accordance with 75 O.S. §309.

**"Full time"** means at least twenty (20) hours of on-the-job experience per week.

**"Group supervision"** means an assemblage of two (2) to six (6) Candidates.

**"Home-study"** or **"technology-assisted distance learning"** means the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on using asynchronous instructional delivery methods.

**"Licensed Professional Counselor" ("LPC")** means a person holding a current license issued pursuant to the provision of the Professional Counselor Licensure Act.

**"Licensed Professional Counselor Candidate" ("Candidate")** means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in 59 O.S. §1906.

**"Licensure Committee"** means two LPC Board members, the Executive Director, and may include other appropriate individuals as determined by the Committee.

**"OAC"** means the Oklahoma Administrative Code.

**"On-site supervisor"** means a person who may not be an approved LPC supervisor but is licensed by the state of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LPC Candidate whose assigned job duties include acting as the immediate supervisor to the LPC Candidate and who is available to the candidate at all times when counseling services are being rendered by the LPC Candidate.

**"Request for Inquiry" ("RFI")** means a written or oral statement of complaint from any person alleging possible violation(s) of the Act and/or Rules.

**"Respondent"** means the person against whom an Individual Proceeding is initiated.

**"Staff"** means the personnel of the Board.

**"Technology-assisted supervision"** refers to supervision that occurs through video teleconferencing, over secure internet connections, wherein a Supervisor and a Candidate are in separate physical locations.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16; Amended at 36 Ok Reg 492, eff 7-25-19; Amended at 40 Ok Reg 848, eff 8-11-23]

### **86:10-1-3. Applicability**

Every duty, obligation or requirement described in this Chapter and imposed upon a LPC shall be applicable to every Candidate, unless specifically provided otherwise.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

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

#### **86:10-3-1. Responsibility**

It shall be the responsibility of LPCs, in their commitment to the understanding of human behavior, to value objectivity and integrity, and in providing services, to strive to maintain the highest standards of their profession. LPCs shall accept responsibility for the consequences of their work and make every effort to ensure that their services are used appropriately. LPCs shall be alert to personal, social, organizational, financial, and political situations or pressures that might lead to the misuse of their influence. LPCs shall not participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation. LPCs shall not exploit their relationships with clients for personal advantage, profit, satisfaction, or interest.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-3-2. Competence**

(a) **Counseling.** LPCs shall practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience. An LPC shall only practice in a new area when said LPC has received the necessary education, training and supervised experience, and shall take steps to ensure the competence of work provided and to protect others from possible harm.

(b) **Testing and assessment.** LPCs shall know the limits of their competence and shall therefore perform only those testing and assessment services for which they have received training and supervision in the administration, scoring and interpretation processes associated with the provisions of such services. LPCs shall be responsible for receiving training on testing and assessment instruments that have been revised or updated. LPCs shall be familiar with related standardization, proper application, copyright restrictions and security demands of any testing or assessment technique utilized. LPCs shall ensure that any testing instrument selected is the most current edition available, has been properly evaluated for validity and reliability and is culturally appropriate for the clients with whom it is used. LPCs using computer-based test interpretations shall be trained in the construct being measured and the specific instrument being used prior to using this type of computer application. LPCs shall ensure the proper use of assessment techniques by persons under their supervision.

(c) **Diagnosis of mental disorders.** LPCs shall provide the proper diagnosis of mental disorders in their clients, as published in Section E.5., Diagnosis of Mental Disorders, of the American Counseling Association (ACA) Code of Ethics, approved by the ACA Governing Council, 2005.

(d) **Specialty.** LPCs shall not represent themselves as specialists in any aspect of counseling, unless so designated by the Board.

(e) **Research.** LPCs shall plan, design, conduct, and report research only in a manner as published in Section G., Research and Publication, of the American

Counseling Association (ACA) Code of Ethics, approved by the ACA Governing Council, 2005.

(f) **Impairment.** LPCs shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LPCs shall seek assistance for any such personal problem(s) with their physical, mental or emotional condition, and, if necessary, limit, suspend, or terminate their professional activities. If an LPC possesses a bias, disposition, attitude, moral persuasion or other similar condition that limits his or her ability to recommend a course of treatment or decision-making that is indicated, and under such circumstances where all other treatment and decision options are contra-indicated, then in that event the LPC shall not undertake to provide counseling and will terminate the counseling relationship in accordance with these rules.

(g) **Knowledge of impairment.** If a LPC becomes aware that a LPC or LPC Candidate is violating an obligation described in OAC 86:10-3-2(f), OAC 86:10-3-4(b) or other provisions of the Act or this Chapter of regulations, the LPC must, within thirty (30) days, report the situation to the Board in accordance with OAC 86:10-29-3. The report shall contain, at a minimum, the following:

- (1) Name of the LPC or LPC Candidate making the report;
- (2) Name of the LPC or LPC Candidate who is allegedly impaired;
- (3) Any facts that can be revealed concerning the impairment;
- (4) The LPC shall maintain the confidentiality of the client pursuant to Title 59 of the Oklahoma Statutes, Section 1910, unless a signed release is received from the client.

(h) **Knowledge of any sexual conduct.** If a LPC becomes aware that another LPC or LPC Candidate is engaging in sexual conduct that violates the Act or this Subchapter, the LPC must, within thirty (30) days, report any sexual conduct to the Board in accordance with OAC 86:10-29-3. The report shall contain, at a minimum, the following:

- (1) Name of the LPC or LPC Candidate making the report;
- (2) Name of the LPC or LPC Candidate who is alleged to have engaged in the sexual conduct;
- (3) Any facts that can be revealed concerning the sexual conduct;
- (4) The LPC shall maintain the confidentiality of the client pursuant to Title 59 of the Oklahoma Statutes, Section 1910, unless a signed release is received from the client.

(i) **Forensic services.** LPCs and LPC Candidates may perform forensic services, which include, but are not limited to, assessments, interviews, consultations, custody evaluations, reports, expert testimony, or other such activity that is undertaken or conducted by the candidate or licensee in contemplation that the results may, or are intended to be, later furnished to a trier of fact or other decision maker, only under the following conditions:

- (1) LPCs must demonstrate competence by education and experience in the subject matter relevant to the issues in question, as determined by the court.
- (2) LPCs shall provide a written notice and make a reasonable attempt to obtain a signature acknowledging receipt of such notice, from each person or persons who is the subject of the forensic services. This written notice shall include:
  - (A) a description of what procedure will be followed in the evaluation process;
  - (B) how such information, interpretations, conclusions, and recommendations will be distributed;

- (C) fee arrangements; and
  - (D) explanation of the role of the evaluator if subsequently called upon to provide expert testimony before a trier of fact.
- (3) LPCs shall maintain written records, in a form or format that is legible or readable to third persons, of all contacts and information received and used in the preparation of their report.
- (4) LPCs must conduct a thorough examination and must utilize face-to-face interviews of the person(s) who is the subject of their forensic analysis, and such other person or persons who has/have a legally recognizable right in the subject matter of the proceeding.
- (5) LPCs shall base their findings and conclusions only upon information gained by appropriate and lawful means. Interviews of minor children shall be preceded by written consent from the joint-custodial parents or from the custodial parent or from the legal guardian or from the legal custodian appointed by the Court.
- (6) LPCs who provide counseling services for a client shall only provide fact witness testimony, which may include diagnostic impressions, treatment plans and other factual clinical information ordinarily included in a treatment file. Fact witness testimony by LPCs shall not include opinions or recommendations pertaining to matter subject to a decision by the Court, in forensic matters involving that client, unless otherwise required by law or court order. LPCs who provide mediation, parent coordinating assistance or any other neutral participation, may not undertake to provide counseling to any person(s) involved or directly affected by the LPCs role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations made by the LPCs and LPC Candidates and shall not include conclusions, opinions or recommendations.
- (7) Assessments, interviews, consultations, custody evaluations, reports or other activity not performed in contemplation that the results would be furnished to a trier of fact or decision maker, must be kept confidential and cannot be utilized in the formation or publication of an opinion by the candidate or licensee.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

### **86:10-3-3. Client welfare**

(a) **Discrimination.** LPCs shall not, in the rendering of their professional services, participate in, condone, or promote discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status, or any basis proscribed by law. LPCs do not discriminate against clients, students, employees, supervisees, or research participants in a manner that has a negative impact on these persons.

(b) **Records.**

(1) **Requirement of records.** LPCs shall maintain verifiable, accurate and truthful records necessary for rendering professional services to their clients for at least five (5) years beyond termination of services. LPCs employed at an institution or facility that has a published records retention policy that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(2) **Confidentiality.** LPCs shall maintain the confidentiality of any information received from any person or source about a client, unless authorized in writing by the client or otherwise authorized or required by law or court order.

(3) **Confidentiality of records.** LPCs shall be responsible for complying with the applicable state and federal regulations in regard to the security, 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.

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

(c) **Dual relationships.** LPCs shall not knowingly enter into a dual relationship(s) and shall take any necessary precautions to prevent a dual relationship from occurring. When the LPC reasonably suspects that he or she has inadvertently entered into a dual relationship the LPC shall record that fact in the records of the affected client(s) and take reasonable steps to eliminate the source or agent creating or causing the dual relationship. If the dual relationship cannot be prevented or eliminated and the LPC cannot readily refer the client to another counselor or other professional, the LPC shall complete one or more of the following measures as necessary to prevent the exploitation of the client and/or the impairment of the LPC's professional judgment:

- (1) Fully disclose the circumstances of the dual relationship to the client and secure the client's written consent to continue providing counseling;
- (2) Consult with the other professional(s) to understand the potential impairment to the LPC's professional judgment and the risk of harm to the client of continuing the dual relationship.

(d) **Sexual conduct with current clients.** Sexual conduct with current clients is prohibited.

(e) **Providing counseling to persons of prior association.** LPCs shall not undertake to provide counseling to any person with whom the LPC has had any prior sexual conduct, as defined by the Board. LPCs shall not undertake to provide counseling to any person with whom the LPC has had familial, any prior social, financial, business, professional, close personal, or other non-therapeutic relationship with a client, or engage in any activity with another person that interferes or conflicts with the LPCs professional obligation to a client within the previous five (5) years.

(f) **Interaction with former clients.** LPCs shall not knowingly enter into a close personal relationship, or engage in any business or financial dealings with a former client for five (5) years after the termination of the counseling relationship. LPCs shall not engage in any activity that is or may be sexual in nature, as defined by the Board, with a former client after the termination of the counseling relationship. Sexual conduct with former clients is prohibited. LPCs shall not exploit or obtain an advantage over a former client by the use of information or trust gained during the counseling relationship.

(g) **Invasion of privacy.** LPCs shall not make inquiry into persons or matters that are not reasonably calculated to assist or benefit the counseling process.

(h) **Private or independent practice.** No person may engage in the private or independent practice of professional counseling work or open a facility with the intent of providing private or independent counseling practice unless that person:

- (1) is licensed under this Act as a Licensed Professional Counselor; and,
- (2) has met all requirements of OAC Section 86:10-11-5 of the LPC Regulations and all other requirements under the Act rules; and
- (3) has continued to meet all continuing education requirements set forth in Subchapter 17 of this Chapter.

(i) **Referral.**

- (1) If LPCs determine that they are unable to be of professional assistance to a client, the LPC shall not enter a counseling relationship. LPCs shall refer clients to appropriate sources when indicated. If the client declines the suggested referral, the LPC shall terminate the relationship.
- (2) LPCs shall not abandon or neglect current clients in treatment without making reasonable arrangements for the continuation of such treatment.
- (3) When an LPC becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LPC's duty of responsibility to the current client, including a suspension of the LPC's license or any other situation or condition described in subchapter 3 of these rules, the LPC shall promptly notify the client in writing of the presence or existence of the disability or condition and take reasonable steps to timely terminate the therapeutic relationship.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16; Amended at 36 Ok Reg 492, eff 7-25-19]

**86:10-3-3.1. Fees and bartering**

- (a) **Advance understanding.** LPCs shall clearly explain to clients, prior to entering the counseling relationship, all financial arrangements related to professional services including the consequences for non-payment of fees.
- (b) **Bartering.** LPCs may participate in bartering for tangible goods only if the relationship is not exploitive, if the client requests it, if a clear written contract is established and if such arrangements are an accepted practice among professionals in the community.
- (c) **Tangible goods.** LPCs shall not barter for services rendered by the client. Only tangible goods, at fair market value, may be accepted by the counselor in lieu of money for counseling services.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

**86:10-3-4. Professional standards**

- (a) **Violations of other laws.** It shall be unprofessional conduct for an LPC to plead guilty to or no contest to or be convicted of a state or federal felony crime if the violation substantially relates to the practice of counseling and poses a reasonable threat to public safety.
- (b) **Drug and alcohol use.** LPCs shall not render professional services while under the influence of alcohol or other mind or mood altering drugs.
- (c) **Sexual conduct.**
  - (1) **Current and previous clients.** Sexual conduct with current and previous clients is prohibited.
  - (2) **Supervisees.** LPCs shall not engage in sexual conduct with supervisees and shall not supervise persons with whom they have had a sexual relationship within the previous five (5) years. LPCs shall not engage in sexual contact with supervisees they have supervised within the previous five (5) years.

(d) **Updating.** LPCs shall notify the Board of any change in their contact information, including but not limited to: mailing address, telephone number, place of employment, name and email address, within fourteen (14) days of the change.

(e) **Candor to the Board.** A LPC or applicant for LPC licensure, in connection with a license application or an investigation conducted by the Board or the Board's designee pursuant to OAC 86:10-29-1 through 15, shall not:

- (1) knowingly make a false statement of material fact;
- (2) fail to disclose a fact necessary to correct a misapprehension known by the LPC, LPC candidate or applicant for licensure to have arisen in the application or the matter under investigation; or
- (3) fail to respond to a demand for information made by the Board or any designated representative thereof.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16; Amended at 36 Ok Reg 492, eff 7-25-19; Amended at 37 Ok Reg 1030, eff 9-11-20]

#### **86:10-3-4.1. Clinical responsibility to supervisees**

(a) LPCs shall not exploit the trust and dependency of supervisees.

(b) LPCs are cognizant of their potentially influential position with respect to supervisees, and shall not exploit the trust and dependency of such persons. LPCs, therefore, shall avoid dual relationships that impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of counseling to supervisees, and business or close personal relationships with supervisees. Sexual intimacy with current supervisees is prohibited.

(c) LPCs shall not permit supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

(d) LPCs shall not disclose supervisee confidences to anyone, except:

- (1) as mandated by law;
- (2) in case of clear and imminent danger to a person or persons;
- (3) where the professional counselor is a defendant in a civil, criminal, or disciplinary action arising from the supervision (in which case client confidences may be disclosed only in the course of that action);
- (4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-3-5. Relations with the public and other professions**

(a) **Misrepresentation.** LPCs shall not misrepresent nor allow the misrepresentation by others of the efficacy of the LPC's professional services.

(b) **Credentials claimed.** LPCs shall claim or imply only the professional credentials possessed and shall be responsible for correcting any known misrepresentations of their credentials by others. Professional credentials include graduate degrees in counseling or closely related mental health fields, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, or any other credential that might indicate to the public the LPCs additional knowledge or expertise in counseling.

(c) **The use of doctoral degrees and the title "Doctor".** A LPC may use the doctoral degree and the title "Doctor" in advertising, practice and status as a counselor, if the doctoral degree is in counseling or a closely related mental health



field, and if the degree was granted by a regionally accredited college or university recognized by the United States Department of Education.

(1) **Non-counseling doctorates.** A LPC who holds a doctoral degree in a non-counseling related field shall not use the doctoral degree or the term "Dr." in advertising, practice or status as a counselor.

(2) **Non-regionally accredited doctorates.** A LPC who holds a doctoral degree from a college or university not regionally accredited and recognized by the United States Department of Education shall not use the doctoral degree or the title "doctor" in advertising, practice or status as a counselor, unless the following conditions are met:

(A) the degree was conferred or matriculation was begun before May 5, 1995; and

(B) the conferring institution was certified or accredited by the state wherein the institution is located.

(d) **Advertisement.** When a LPC announces services or advertises, the LPC shall represent services to the public by identifying credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent. A LPC may only advertise the highest degree earned in counseling or a closely related field from a regionally accredited college or university recognized by the U.S. Department of Education. All advertisements or announcements of counseling services including telephone directory listings by a LPC shall clearly state the counselor's licensure status by the use of a title such as "LPC", or "Licensed Professional Counselor" or a statement such as "licensed by the Oklahoma State Board of Behavioral Health Licensure."

(e) **License.** Each LPC shall display the original, current license in a prominent place in the primary location of practice.

(f) **Public statements.** When a LPC provides advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they 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 LPC Rules of Professional Conduct; and

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

(g) **Rebates.** A LPC shall not give or accept a commission, rebate, or other form of remuneration for referral of clients for professional services.

(h) **Accepting fees from agency clients.** A LPC shall refuse a fee or other remuneration for rendering services to persons who are entitled to such services through the employer of the LPC.

(i) **Candidates.** Candidates shall not refer to themselves as a Licensed Professional Counselor or LPC.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

### **86:10-3-6. Failure to comply**

A LPC who does not comply with Subchapter 3 - Rules of Professional Conduct - shall be subject to disciplinary action under Subchapter 29.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

## **SUBCHAPTER 5. FITNESS OF APPLICANTS**

### **86:10-5-1. Purpose**

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

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-5-2. Fitness for licensure**

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.
- (3) A violation of the LPC Rules of Professional Conduct.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-5-3. Materials considered to determine fitness**

- (a) Materials considered to determine fitness of skills and abilities include:
- (1) Evaluations from supervisors or instructors;
  - (2) Statements from persons submitting references for the applicant;
  - (3) Evaluations from employers and/or professional associations; and
  - (4) A field examination submitted through questionnaires answered by persons competent to evaluate an applicant's professional competence which may include the submission of written case studies and taped interviews with an applicant's instructors, supervisors and others or submission of such documentary evidence relating to an applicant's experience and competence as required by the Board and
- (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 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

## **SUBCHAPTER 7. APPLICATION PROCEDURES**

### **86:10-7-1. General**

- (a) The purpose of this subchapter is to ensure that all applicants meet those requirements specified in the Act.
- (b) Unless otherwise indicated, an applicant shall submit all required information and documentation of credentials on official Board forms.
- (c) The Board will not consider an application as officially submitted until receipt of the Application Form, application fee, official transcript(s), Internship/Practicum Documentation Form, and completed criminal background check. The application fee must accompany the Application Form.

**86:10-7-2. Application materials and forms**

- (a) Each application shall include the following documents:
  - (1) Application form,
  - (2) Official transcript(s),
  - (3) Internship/Practicum Documentation Form,
  - (4) Completed criminal background check, and
  - (5) Fees.
- (b) The Application Form requires the following:
  - (1) Identifying information;
  - (2) Possession of other credentials;
  - (3) Previous misconduct;
  - (4) Education; and
  - (5) Proposed professional practice.
- (c) The Internship/Practicum Documentation form requires the following:
  - (1) Identifying information; and
  - (2) Time, place, location of practicum.
- (d) The Supervision Agreement requires identifying information of supervisee and supervisor as follows:
  - (1) Name of candidate;
  - (2) Name of candidate's place of employment;
  - (3) Location supervised experience hours are being accrued;
  - (4) Candidate's contact information;
  - (5) Signature of Candidate;
  - (6) Name of Approved LPC Supervisor;
  - (7) Name of Approved LPC Supervisor's place of employment;
  - (8) LPC Approved Supervisor's contact information;
  - (9) Signature of LPC Approved Supervisor;
  - (10) Name of On-Site Supervisor;
  - (11) On-Site Supervisor's licensure information;
  - (12) Name of On-Site Supervisor's place of employment;
  - (13) On-Site Supervisor's contact information;
  - (14) Signature of On-Site Supervisor.
- (e) The Out-of-State Licensure Verification Form requires the following information:
  - (1) Identifying information;
  - (2) Type of credential held in other state;
  - (3) License number;
  - (4) Issue and expiration date of license;
  - (5) Current standing of license;
  - (6) Past complaints or sanctions;
  - (7) Exam information;
  - (8) Supervision information;
  - (9) Graduate education;
  - (10) Internship documentation; and
  - (11) Signature and identifying information of person verifying from out-of-state.
- (f) The Termination of Supervision Agreement requires the following information:
  - (1) name of candidate;

- (2) current place of employment of candidate;
- (3) address of current place of employment of candidate;
- (4) phone number of candidate;
- (5) email address of candidate;
- (6) signature and signature date of candidate, (if available);
- (7) name of supervisor;
- (8) license number of supervisor;
- (9) current place of employment of supervisor;
- (10) phone number of supervisor;
- (11) email address of supervisor;
- (12) signature and signature date of supervisor, (if available); and
- (13) effective date of termination of supervision agreement.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19; Amended at 40 Ok Reg 848, eff 8-11-23]

### **86:10-7-2.1. Submission of documents**

The applicant shall monitor the progress of the application. The Board shall not automatically contact applicants regarding the receipt or absence of documents.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-7-3. Negative references [REVOKED]**

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Revoked at 36 Ok Reg 492, eff 7-25-19]

### **86:10-7-3.1. Inactive application**

Applications with 24 months of inactivity shall be voided.

[Source: Added at 36 Ok Reg 492, eff 7-25-19]

### **86:10-7-4. Application for permanently expired license**

(a) Application after license expires for non-renewal shall include the following documents:

- (1) Application form,
- (2) Official transcript(s),
- (3) Supervision Agreement,
- (4) Application Fee, and
- (5) Completed criminal background check.

(b) Applicant shall provide a passing score on:

- (1) The National Counselor Examination or another equivalent examination as determined by the Board; and
- (2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c) Exam results accrued prior to date of this application shall not be considered.

(d) The Internship/Practicum Documentation Form on file shall carry over.

(e) All previously submitted and approved Supervised Experience shall carry over.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

### **86:10-7-5. Application for revoked license**

(a) No Application for a revoked license will be considered for a period of 5 years following the revocation. Application after license is revoked for administrative action shall include the following documents:

- (1) Application form,
  - (2) Official transcript(s),
  - (3) Application Fee, and
  - (4) Completed criminal background check.
- (b) Applicant shall provide a passing score on:
- (1) The National Counselor Examination or another equivalent examination as determined by the Board; and
  - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
- (c) Exam results accrued prior to date of this application shall not be considered.
- (d) The Internship/Practicum Documentation Form on file shall carry over to a new application.
- (e) All previously submitted and approved Supervised Experience shall not carry over to a new application.
- (f) Application materials shall be reviewed by the Board.
- (g) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of the revocation of licensure.
- (h) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

**86:10-7-6. Application for voided application for failure to provide a passing score on examinations**

- (a) Application after application is voided for failure to provide a passing score on examinations shall include the following documents:
- (1) Application form,
  - (2) Official transcript(s),
  - (3) Application Fee, and
  - (4) Completed criminal background check.
- (b) Applicant shall take and pass two examinations:
- (1) The National Counselor Examination or another equivalent examination as determined by the Board; and
  - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
- (c) The Internship/Practicum Documentation Form on file shall carry over to a new application.
- (d) All previously submitted and approved Supervised Experience shall carry over to a new application.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

**86:10-7-7. Application for voided application for failure to complete supervised experience**

- (a) Application after application is voided for failure to complete the supervised experience requirement within sixty (60) months as described in OAC Rule 86:10-11-5(i) shall include the following documents:
- (1) Application form,
  - (2) Official transcripts,
  - (3) Application Fee, and
  - (4) Completed criminal background check.
- (b) Applicant shall provide a passing score on:

- (1) The National Counselor Examination or another equivalent examination as determined by the Board; and
  - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
- (c) Exam results accrued prior to date of this application shall not be considered.
- (d) The Internship/Practicum Documentation Form on file shall carry over to a new application.
- (e) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

**86:10-7-7.1. Application procedures for voided application for inactivity**

- (a) Application after application is voided for remaining inactive for 24 months, in accordance with 86:10-7-2.2, shall include the following documents:
- (1) Application form,
  - (2) Official transcript(s),
  - (3) Supervision Agreement,
  - (4) Application Fee, and
  - (5) Completed criminal background check.
- (b) Applicant shall take and pass two examinations:
- (1) The National Counselor Examination or another equivalent examination as determined by the Board; and
  - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
- (c) The Internship/Practicum Documentation Form on file shall carry over to a new application.
- (d) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

[Source: Added at 36 Ok Reg 492, eff 7-25-19]

**86:10-7-8. Application for denied application**

- (a) Application after application has been denied, as prescribed in Section 1912 of the LPC Act, shall include the following documents:
- (1) Application form,
  - (2) Official transcripts,
  - (3) Application Fee, and
  - (4) Completed criminal background check.
- (b) Application materials shall be reviewed by the Board.
- (c) Applicant shall provide a passing score on:
- (1) The National Counselor Examination or another equivalent examination as determined by the Board; and
  - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
- (d) Exam results accrued prior to date of this application shall not be considered.
- (e) Applicant shall be required to accrue an additional 500 hours of supervised experience.
- (f) Internship/Practicum Documentation Form on file shall carry over to a new application.
- (g) All previously submitted and approved Supervised Experience shall carry over to a new application.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

### **86:10-7-8.1. Application for revoked approved supervisor status**

No Application for a revoked approved supervisor status, as a result of administrative action, shall be considered for a period of five (5) years following the revocation and said application shall meet the requirements described in subsection 86:10-11-4 of this Chapter.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

### **86:10-7-9. Denial of licensure application**

Following the denial of a licensure application by the Board to an applicant who has a felony conviction, as prescribed in Section 1912 (B) of the Act, the applicant may request an administrative hearing to contest the denial of his/her application within 15 days of receiving notification from the Board. If a hearing is not requested within 15 days, the denial will be final.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

## **SUBCHAPTER 9. ACADEMIC REQUIREMENTS**

### **86:10-9-1. Graduate hours and degrees required**

Each applicant shall possess at least a master's degree in counseling, or a mental health related graduate degree deemed substantially content-equivalent. All graduate course work applied toward licensure shall be from a regionally accredited college or university recognized by the United States Department of Education. At least sixty (60) semester credit hours or ninety (90) quarter credit hours of graduate counseling-related course work, including internship, shall be earned. In order to be considered acceptable, the graduate degree(s) shall:

- (1) follow a planned, sequenced mental health program of study which is reflected in the university catalog and approved by the governing authority of the college or university;
- (2) include a program whose primary focus is clearly to prepare the applicant for a career in counseling; and
- (3) be listed in the college or university catalog; or
- (4) be accredited by the Council for Accreditation of Counseling & Related Education Programs (CACREP).

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 37 Ok Reg 1030, eff 9-11-20]

### **86:10-9-2. Knowledge area required**

(a) Each applicant shall possess as a part of the required sixty (60) semester credit hours or ninety (90) quarter credit hours of graduate curriculum, one (1) or more courses of at least three (3) semester credit hours or four (4) quarter credit hours per course in each of the following core counseling areas:

- (1) Human growth and development - at least one (1) course which deals with the process stages of human intellectual, physical, social and emotional development of any of the stages of life from prenatal through old age.
- (2) Abnormal human behavior - at least one (1) course which offers a study of the principles of understanding dysfunction in human behavior or social disorganization.

- (3) Appraisal/assessment techniques - at least two (2) courses which deal with the principles, concepts and procedures of systematic appraisal, assessment, or interpretation of client needs, abilities, and characteristics, which may include the use of both testing and non-testing approaches.
- (4) Counseling theories/methods - at least two (2) courses which survey the major theories and/or techniques of counseling.
- (5) Professional orientation/ethics - at least one (1) course which deals primarily with the objectives of professional counseling organizations, codes of ethics, legal aspects of practice, standards of preparation and the role of persons providing direct counseling services.
- (6) Research - at least one (1) course in the methods of social science or mental health research which includes the study of statistics or a thesis project in an area relevant to the practice of counseling.
- (7) Practicum/internship - at least one (1) course of an organized practicum with at least three hundred (300) clock hours in counseling with planned experiences providing classroom and field experience with clients under the supervision of college or university approved counseling professionals.
- (8) Knowledge areas - at least five (5) courses of at least three (3) semester credit hours or four (4) quarter credit hours each from the knowledge areas listed below.

(A) Group counseling - course that provides both theoretical and experiential understandings of group purpose, development, dynamics, theories, methods, skills, and other group approaches in a culturally diverse society, including issues of group counseling leadership, stages, skills, methods, and ethics issues.

(B) Life style and career development - course that provides an understanding of career development and related life factors, as well as an overview of career development theories, program planning, educational planning, assessment techniques, and applied career counseling processes, including those applicable to specific populations in a global economy.

(C) Social and cultural foundations - course that provides an understanding of the cultural context of relationships, issues, and trends in a culturally diverse society, including an overview of social and cultural theories, strategies, and roles to be applied by the pluralistic counselor to establish an environment for optimal client wellness and successful counseling outcomes.

(D) Personality theories - course that examines contemporary and alternative personality theories that provide the student with models to conceptualize client presentation and that help the student select appropriate counseling interventions, including an examination of models of counseling that are consistent with current professional research and practice in the field of counseling.

(E) Crisis intervention - course that provides an overview of crisis and disaster intervention strategies for the professional counselor that addresses areas including, but not limited to, crises of suicide, homicide, disability due to a mental illness, domestic violence, school violence, post-traumatic stress disorder, and vicarious trauma.

(F) Marriage/family counseling - course that provides an overview of the knowledge, skills, and practices necessary to address a wide



variety of issues in the context of relationships and families, including historical, theoretical, and developmental issues in systems counseling, in addition to examining the basic skills of marriage, couple, and family counseling.

(G) Addictions counseling - course that provides an overview of assessment and treatment methods available for clients and their family members struggling with substance-related disorders or behavioral/process addiction issues.

(H) Rehabilitation counseling - course that provides an overview of the history, philosophy, and legal basis of rehabilitation programs, the roles of the rehabilitation counselor, and the process of rehabilitation, including the organizational structure of public and private rehabilitation systems, societal trends in rehabilitation, and professional issues related to the role of the rehabilitation counselor.

(I) Gerontology - course that provides a conceptual system for understanding the phenomenon of aging and the counselor's role in working with an aging client population, including practical counseling skills necessary for meeting the demands of coping with aging in a culturally diverse society.

(J) Human sexuality - course that focuses on sexual development and educational issues as applied to the field of professional counseling with emphases placed upon becoming comfortable with one's own sexuality, assisting parents with providing sexual education to their children, providing education with regard to sexual matters, and diagnosing and treating sexual dysfunction.

(K) Counseling with children/adolescents - course that provides instruction in the theories and techniques used in counseling children and adolescents, including instruction on the conceptualization of childhood and adolescent problems with an emphasis on age- and developmentally-appropriate interventions.

(L) Clinical supervision - course that serves as a didactic and experiential learning experience for counselors who wish to assume the role of clinical supervisor, including the assimilation and application of major theoretical/conceptual models and approaches to clinical supervision in a variety of settings.

(M) Psychopharmacology - course that provides an overview of commonly prescribed psychotropic medications for psychiatric disorders to assist the counselor in understanding his or her role in working with medical professionals in the concurrent treatment of mental health issues using an interdisciplinary approach.

(N) Consultation - course that provides the knowledge and skills necessary for the delivery of counselor consultation, including basic models of consultation, the content and procedural process for implementing consultation, and characteristics of an effective consultant-consultee relationship.

(O) Physical and Emotional Health - course that deals with the overlap of physiological and psychological health models, examining the neural and hormonal bases of learning, memory, motivation, emotions, mental disorders, and other behaviors.

(P) Grief counseling - course that addresses the mental health, social, and cultural manifestations of grief counseling, including,

interventions and the coverage of characteristics of grief throughout the life cycle.

(Q) Specialty areas when established.

(b) **Remaining courses.** The remaining courses needed to meet the sixty (60) semester or ninety (90) quarter graduate-hour requirement shall be in any of the knowledge areas listed in 86:10-9-2(a) and may be in increments of one (1), two (2) or three (3) graduate semester hour courses or one (1), two (2), three (3) or four (4) graduate quarter hour courses.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

## **SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENT**

### **86:10-11-1. Documents required prior to accrual of supervision hours**

The following documents must be received and approved by the Board before the accrual of supervised experience can begin:

- (1) Application materials;
- (2) Official verification of passing results on
  - (A) National Counselor Exam (NCE);
  - (B) Oklahoma Legal and Ethical Responsibilities Examination; and
- (3) Supervision agreement.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

### **86:10-11-2. Responsibility of supervisors and supervisees**

- (a) The supervisor and supervisee shall be jointly responsible for the following:
  - (1) Ensuring the requirements under this subchapter are fulfilled. A failure to comply may result in the loss of supervision hours, denial of licensure, initiation of formal complaint procedures, and/or loss of approved supervisor status.
  - (2) Ensuring the client's right to confidentiality is protected and the rules of the supervisor and supervisee's employers are adhered to during the course of supervision.
- (b) The supervisor shall maintain supervision records for each supervisee for at least five (5) years beyond the termination or completion of the supervised experience.
- (c) When supervision is terminated by either the supervisor or the supervisee, a Termination of Supervision Agreement Form must be submitted to the Board within three (3) business days of the termination.
- (d) The supervisee is responsible for negotiating a new supervision contract with a board approved supervisor and following all requirements set forth in Subchapter 11, section 86:10-11-7.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-11-3. Acceptability of supervised experience**

(a) Supervised experience is acceptable when it consists of the performance of counseling activities as described in Section 1902, of the Act under supervision as described below.

- (1) Supervision shall focus on the raw data from a supervisee's continuing clinical practice, which may be available to the supervisor through a combination of direct observation, co-therapy, written clinical notes, and

audio and video recordings.

(2) Supervision is a process clearly distinguishable from personal psychotherapy, and is contracted in order to serve professional/vocational goals.

(3) Individual supervision consists of face-to-face contact with one supervisor and one supervisee.

(4) Group supervision may be conducted with two (2) to six (6) supervisees and a supervisor.

(5) Technology-assisted supervision must be approved by the Board prior to the accrual of hours. Factors to be considered by the Board include: distance between approved supervisor and candidate; financial hardship on approved supervisor or candidate; physical hardship on approved supervisor or candidate; specialty credentials; and other pertinent factors.

(b) Supervised experience begins after all applicable academic requirements, as stated in LPC Regulations, Subchapter 9, have been completed.

(c) An LPC Candidate may accrue supervised experience hours in academic, governmental or private-not-for-profit and private for-profit settings.

(d) Supervised experienced hours shall be accrued in a private for-profit or not-for-profit counseling practice setting, only if:

(1) The LPC Candidate is an employee, as defined by 86:10-1-2, of the same facility as a person licensed in the state of Oklahoma as a Licensed Professional Counselor, a Licensed Marital and Family Therapist, a Licensed Behavioral Practitioner, a Psychologist, a Psychiatrist, a Clinical Social Worker, or a Licensed Alcohol and Drug Counselor, whose assigned job duties include being immediately available to the LPC Candidate for supervision at any time the LPC Candidate is engaging in the practice of counseling or counseling-related services.

(2) The LPC Candidate is receiving supervision for licensure from an approved LPC supervisor who is not required to work at the same location as the LPC Candidate.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

#### **86:10-11-4. Supervisor qualifications**

(a) In order to be approved as a supervisor for counselors seeking LPC licensure, an individual must:

(1) be an Approved Clinical Supervisor (ACS) by the National Board for Certified Counselors familiar with Oklahoma LPC Act and Rules duly promulgated, or

(2) be a Licensed Professional Counselor who has practiced in positions relevant to those the LPC proposes to supervise for two (2) years beyond the date of issue of the Oklahoma license.

(A) an LPC who has successfully completed a graduate course in counselor supervision of at least forty-five (45) contact hours or equivalent course of study acceptable to the Board. This equivalent course of study shall consist of workshops in counseling supervision in combination with directed study of counseling supervision literature. Fifteen (15) of the forty-five (45) contact hours shall be in a class or workshop format which includes four (4) supervisors-in-training; the other thirty (30) contact hours shall be reserved for directed study, and

(B) an LPC who has passed the Oklahoma Legal and Ethical Responsibilities Examination.

- (3) An agreement to be "on call" to the supervisee on a twenty-four (24) hour basis and to arrange for an alternate supervisor if not available.
- (4) After receipt of the LPC supervision agreement, LPC supervisor may be approved by the Board.
- (5) Approved LPC Supervisors are required to complete a minimum of three (3) clock hours of continuing education in counseling supervision each renewal period.
- (6) Approved Supervisor designation will not be renewed until the continuing education requirement is met for each missed renewal period.
- (7) If continuing education requirement is not met within five (5) years of expiration, approved supervisor status will be permanently expired and the LPC must re-apply and meet all requirements in this Subchapter, including the re-taking of 86:10-11-4(2)(A) or (B) to become an approved supervisor.
- (8) An active approved supervisor may request inactive status by submitting a request in writing to the Board. An inactive approved supervisor shall not provide any activities described in Subchapter 11 of this Chapter.
- (9) An inactive approved supervisor may reactivate by submitting the required counseling supervision continuing education due by the end of the current renewal period.
- (10) An active approved supervisor status may be retired by informing the Board in writing. A retired approved supervisor status shall not be reinstated but does not prevent a person from applying for approved supervisor status at a future date.
- (11) No re-application for a revoked approved supervisor status, as a result of administrative proceeding, shall be considered for a period of five (5) years following the revocation.

(b) Effective October 1, 2015, a supervisor may not supervise more than a total of twelve (12) candidates for licensure at a time. A supervisor who wants to supervise more than twelve (12) candidates 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 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 40 Ok Reg 848, eff 8-11-23]

#### **86:10-11-5. Duration of supervision**

- (a) Three (3) years or three-thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LPC supervisor, shall be completed.
- (b) For each one-thousand (1000) clock hours of full time, on-the-job experience, three hundred fifty (350) hours shall be direct client contact hours.
- (c) "Full time" means at least twenty (20) hours per week.
- (d) Weekly, face-to-face supervision shall be accrued under an LPC at the ratio of forty-five (45) minutes of supervision for every twenty (20) hours of on-the-job experience.
- (e) "Group supervision" means an assemblage of counseling supervisees consisting of from two (2) to six (6) members and no more than one-half ( $\frac{1}{2}$ ) of the required supervision hours may be received in group supervision.

- (f) One (1) or two (2) years of supervised experience may be gained at the rate of one (1) year for each thirty (30) graduate semester credit hours or forty-five (45) graduate quarter credit hours in counseling-related course work beyond the master's degree. (Minimal educational requirements are a master's degree [at least forty-five (45) hours] or doctorate with the first forty-five (45) hours meeting the minimal educational requirements. As of January 1, 2000, minimal educational requirements are a master's degree [at least sixty (60) semester credit hours or ninety (90) quarter credit hours] or a doctorate with the first sixty (60) semester credit hours or ninety (90) quarter credit hours meeting the minimal educational requirements.)
- (g) Regardless of the number of hours earned beyond the master's degree, the LPC supervisee shall receive at least one (1) year or one-thousand (1000) clock hours of supervision in the ratio described in subchapter 11, section 86:10-11-5(b-d).
- (h) If an applicant completes the supervised experience requirement, the applicant shall continue to practice under LPC supervision as described in this subchapter, unless exempted by the Act, until licensed. Failure to do so constitutes a violation of the Act and may be subject to prosecution under the District Attorney and sanction by the Board.
- (i) Applicants shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the application shall be voided.
- (j) Approved supervisors shall perform at least two (2) observations (live or tape) per each six (6) month evaluation period for each supervisee.
- (k) Approved supervisors shall consult with on-site supervisor at least once during each six (6) month evaluation period for each supervisee.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19; Amended at 40 Ok Reg 848, eff 8-11-23]

#### **86:10-11-6. Documentation of supervised experience**

- (a) A supervision agreement form between the supervisor and supervisee, shall be received by the LPC Board prior to beginning the accrual of supervised hours.
- (b) Supervisor and supervisee shall agree to terms set forth for the accrual of supervised experience.
- (c) The supervisor and supervisee shall sign and submit the "Evaluation of Supervised Experience," including documentation of observations and date of consultation between approved supervisor and on-site supervisor, semi-annually.
- (d) Evaluation of Supervised Experience document shall include the following:
- (1) Identifying information;
  - (2) Time, place and duration of supervised experience;
  - (3) Percentage of time spent in different counseling activities;
  - (4) Supervisor's rating of professional activity;
  - (5) Supervisor's comment section; and
  - (6) Record of supervised experience.
- (e) Any Evaluation of Supervised Experience form submitted beyond 60 days of the semi-annual due date will not be credited towards the duration of supervision as described in 86:10-11-5.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

#### **86:10-11-7. Supervision agreement [REVOKED]**

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Revoked at 36 Ok Reg 492, eff 7-25-19]

## SUBCHAPTER 13. FEES

### **86:10-13-1. Fees established**

The Board shall establish fees to provide for the administration of the LPC Act.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-13-2. Schedule of fees**

- (a) **Application fee.** One hundred forty-five dollars (\$145.00) shall be submitted with the application form.
- (b) **License examination fee.** One hundred dollars (\$100.00) shall be submitted when the applicant registers for the examination.
- (c) **Initial license fee.** Ninety dollars (\$90.00) shall be submitted upon notification by the Board. This fee validates the license for a two (2) year period.
- (d) **Annual renewal fee.** Eighty dollars (\$80.00) shall be submitted upon notification by the Board on or before June 30 and validates the license for twelve (12) months.
- (e) **Specialty application fee.** One hundred dollars (\$100.00) shall be submitted with the specialty application.
- (f) **Specialty designation fee.** Fifty dollars (\$50.00) shall be submitted upon notification by the Board.
- (g) **Specialty designation renewal fee.** Twenty dollars (\$20.00) shall be submitted on or before June 30 and validates the license for twelve (12) months.
- (h) **Late renewal fee.** Twenty-five dollars (\$25.00) shall be submitted if the license is not renewed by June 30. The licensee must submit this fee as well as the license renewal fee on or before the following June 30 to avoid revocation.
- (i) **Replacement fee.** Twenty-five dollars (\$25.00) shall be submitted for the issuance of a license to replace a license which has been lost, damaged, or is in need of revision.
- (j) **Inactive license fee.** Twenty-five dollars (\$25.00). Payment of this fee renders the license inactive and suspends all rights and privileges granted by the license until the license is reactivated.
- (k) **Reactivation fee.** A pro-rated fee in accordance with LPC regulation 86:10-21-3.1 shall be submitted at the time of reactivation.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-13-3. Fees non-refundable**

Fees paid by applicants are not refundable.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-13-4. Method of payment**

Payment of fees shall be by personal check, cashier's check, money order or cash. Payment of fees may be made by credit card or other electronic means, if acceptable by the Board. Any check returned to the Board for non-payment will result in suspension of license.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-13-5. Review of fees**

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

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

## **SUBCHAPTER 15. LICENSURE EXAMINATIONS**

### **86:10-15-1. Eligibility**

An LPC applicant may be eligible to sit for the licensing examination following the submission of:

- (1) Application fee and form;
- (2) Practicum/Internship Documentation Form;
- (3) Official transcript(s) showing completion of all academic requirements listed in subchapter 9, section 86:10-9-2; and
- (4) Completed criminal background check.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

### **86:10-15-2. Examinations required**

Each applicant shall take two examinations:

- (1) The National Counselor Examination for Certification and Licensure or another equivalent examination as determined by the Board; and
- (2) The Oklahoma Legal and Ethical Responsibilities Examination.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-15-3. Frequency [REVOKED]**

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Revoked at 36 Ok Reg 492, eff 7-25-19]

### **86:10-15-4. Application**

(a) The Board shall mail notification of eligibility to sit for examinations to the last known address of applicant.

(b) Upon receiving test eligibility letter from the Board, applicant shall submit examination registration materials and fees to the Board's designee.

(c) An applicant's eligibility to sit for the Oklahoma Legal and Ethical Responsibilities Examination shall be valid once the application has been Board approved.

(d) An applicant's eligibility to sit for the National Counselor Examination for Certification may be valid for two years, at which time if they have not successfully passed the exam, their licensure application shall be voided and the applicant shall be mailed notification at last known address.

(e) An applicant who fails the NCE exam, may schedule additional examinations, within the two-year eligibility period, with the submission of subsequent exam registration materials and fees. The subsequent exam can be scheduled no sooner than 90 days after the prior exam.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

### **86:10-15-5. Grading**

- (a) Licensure examinations shall be graded by the Board or its designated representatives.
- (b) The passing score on the National Counselor Examination shall be that score accepted as passing by the National Board for Certified Counselors.
- (c) The passing score on the Oklahoma Legal and Ethical Responsibilities Examination shall be that score accepted as passing by the Board.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-15-6. Notice of results [REVOKED]**

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Revoked at 36 Ok Reg 492, eff 7-25-19]

#### **86:10-15-7. Failure to appear [REVOKED]**

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Revoked at 36 Ok Reg 492, eff 7-25-19]

#### **86:10-15-8. Failure to apply**

The application of a person who fails to apply for, sit for, and successfully pass the National Counselor Examination, within the two-year eligibility period, after the applicant has been mailed notification at last known address in writing of his/her eligibility for examination, shall be voided and the applicant shall be mailed notification at last known address.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS**

#### **86:10-17-1. Purpose**

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

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-17-2. Number of hours required**

(a) Licensees shall complete and furnish documentation to the Board of twenty (20) clock hours of continuing education per year. One (1) graduate academic semester credit hour is equal to fifteen (15) clock hours. One (1) graduate academic quarter credit hour is equal to ten (10) clock hours. Current LPC License Committee members shall receive clock hours of acceptable continuing education for attendance and participation in Board or Committee meetings.

(b) A minimum of three (3) clock hours of continuing education hours must be in counseling ethics from programs pre-approved by the Board or its designee. Continuing education in counseling ethics is acceptable as meeting the pre-approval requirements by the Board when the continuing education program:

- (1) Addresses ethics issues, as the sole focus and specifically pertains to the practice of counseling, as defined in Title 59 of the Oklahoma Statutes, Section 1902(6), counseling treatment interventions, consulting, referral activities, or research activities as defined in Title 59 of the Oklahoma Statutes, Section 1902.
- (2) Addresses regulations as promulgated in Subchapter 3 of this Chapter.
- (3) Meets all requirements of sections 2-5 of OAC 86:10-17-3.



- (4) Current LPC Board members shall receive clock hours of acceptable continuing education for attendance and participation in Board or Committee meetings.
- (c) Approved LPC Supervisors must complete a minimum of three (3) clock hours of continuing education in counseling supervision from programs pre-approved by the Board of its designee. Continuing education in Counseling Supervision is acceptable as meeting the pre-approval requirements by the Board when the continuing education program:
- (1) Addresses issues specifically related to the practice of clinical supervision, as the sole focus, pursuant to regulations promulgated in Subchapter 11 of this Chapter.
  - (2) Contains content in one or more of the following knowledge areas:
    - (A) Ethical and legal considerations in the practice of clinical supervision;
    - (B) Theoretical models of clinical supervision;
    - (C) Clinical supervision intervention methods and modalities;
    - (D) Research in clinical supervision; and
  - (3) Meets all requirements of sections 2-5 of OAC 86:10-17-3 of this Chapter.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 40 Ok Reg 848, eff 8-11-23]

### **86:10-17-3. Acceptable continuing education**

Continuing education (C.E.) is acceptable to the Board when it:

- (1) Approximates the content of any of the academic areas listed under OAC 86:10-9-2 of this chapter and;
- (2) Is presented by a person who:
  - (A) is licensed or certified by counseling related professions;
  - (B) is a licensed or certified member of a non-counseling field, i.e. medicine, law if the content of the presentation is counselor related and falls within the presenter's area of training; or
  - (C) has experience teaching, at the graduate level, in a regionally accredited college or university from any of the knowledge areas listed in OAC 86:10-9-2 ; or
  - (D) the person is presenting or has presented at a national mental health conference provided by the American Counseling Association (ACA), or any of its divisions, American Psychological Association (APA), Association for Marriage and Family Therapy (AAMFT), National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field; or
  - (E) is presenting in a program sponsored or provided by a state or federal government agency with responsibility for mental health and substance abuse services; and
- (3) Takes place in the context of:
  - (A) a college course, in-service training, institute, seminar, workshop, conference or a Board pre-approved home-study or technology-assisted distance learning course;
  - (B) takes place in the context of a national mental health conference provided by the American Counseling Association (ACA), or any of

its divisions, American Psychological Association (APA), American Association for Marriage and Family Therapy (AAMFT), National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field; or  
(C) a program approved or offered by a state or federal government agency with responsibility for mental health and substance abuse services; or  
(D) Current LPC Board members shall receive clock hours of acceptable continuing education for attendance and participation in Board or Committee meetings.

(4) Is accrued during the twelve (12) months preceding the renewal deadline or, in the case of the first licensing period, twenty-four (24) months preceding.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-17-4. Continuing education accrual from teaching**

Continuing education may also be accrued when the LPC teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to 86:10-17-3(1) of this subchapter, provided that such teaching is not required as part of the LPC's regular employment. Two (2) hours of continuing education are credited for each hour taught. No more than ten (10) hours of continuing education may be accrued per year through teaching activities. Credit will be given only for the first presentation.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-17-4.1. Continuing education accrual from home-study or technology-assisted distance learning courses**

Continuing education may be accrued when the LPC completes home-study or technology-assisted distance learning programs that are approved by the Board. Presenter or program author must meet all requirements of OAC 86:10-17-3 of this Chapter. Home-study or technology-assisted distance learning is designed to deliver education to learners who are not in the direct physical presence of the educator.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 40 Ok Reg 848, eff 8-11-23]

#### **86:10-17-5. Professional audience**

Continuing education, whether received or presented by the LPC, shall be targeted toward a professional audience.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-17-6. Documentation of attendance**

LPCs 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 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 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-17-6.1. Submission of continuing education**

Only continuing education accrued in the preceding license renewal period shall be acceptable.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 40 Ok Reg 848, eff 8-11-23]

#### **86:10-17-6.2. Audit of continuing education submissions**

In May of each year, the Board shall randomly select from two (2) to twenty-five (25) percent of the number of LPCs on active status the previous year for an audit of their claimed continuing education credits. These selected LPCs shall provide the Board with verification of all credits claimed on their Continuing Education Roster on or before the renewal deadline. The Board may, at its discretion, audit and require verification of any credits claimed which it may consider questionable or fraudulent.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-17-6.3. Penalty for failure to submit continuing education**

Failure to fulfill the continuing education requirements by the renewal date renders the license in suspension. All rights granted by the license are null and void until the requirement is fulfilled and a late renewal fee is paid. The LPC has twelve (12) months from the date of suspension to fulfill the requirements for reinstatement. If not reinstated, the license shall expire.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-17-6.4. Submission of fraudulent continuing education**

The submission of fraudulent continuing education hours will be reviewed by the License Committee for referral for disciplinary action by the Board and may result in sanction by the Board.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-17-7. Responsibility**

The licensee shall be responsible for providing or arranging for sponsors to provide the information necessary for the Board to make a determination of the suitability of the program for continuing education requirements.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-17-8. Failure to complete**

A person whose license is not renewed due to failure to complete continuing education requirements shall follow subchapter 23 of this chapter known as "License and Specialty Late Renewal and Expiration."

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

## **SUBCHAPTER 19. ISSUANCE OF LICENSE**

### **86:10-19-1. License**

The Board shall issue a license certificate which contains the licensee's name, license number, specialty designation, if any, highest accredited counseling-related academic degree and date of issuance.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-19-1.1. Statement of Professional Disclosure [REVOKED]**

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Revoked at 36 Ok Reg 492, eff 7-25-19]

### **86:10-19-2. Signature**

Official licenses shall be signed by the Chair of the Board.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-19-3. Property of Board**

All licenses issued by the Board shall remain the property of the Board.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-19-4. Notification**

After having fulfilled all requirements for licensure the Board shall mail notification to the licensee, at last known address, of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the license will be mailed to the licensee.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-19-5. Replacement**

The Board shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LPCs original license or be accompanied by the damaged license, if available.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

## **SUBCHAPTER 21. LICENSE AND SPECIALTY RENEWAL**

### **86:10-21-1. Responsibility**

Each LPC is responsible for renewing the license and specialty designation before the expiration date.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-21-2. Initial licensing period**

The renewal date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-21-3. Initial renewal**

After the first two (2) years of licensure, the licensee shall submit verification of at least forty (40) hours of continuing education required for renewal.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-21-3.1. Interim renewal**

The renewal notice for the initial renewal shall solicit the required continuing education documentation and invoice the licensee for the interim period between the original renewal date and the following June 30th so that subsequent renewals shall be on a fiscal year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by June 30th. Fees and continuing education hours will be prorated according to the schedule below.

- (1) License expires last day of July:
  - (A) Fee - \$71.50
  - (B) C.E. due June 30th - 16.5 hours
- (2) License expires last day of August:
  - (A) Fee - \$65.00
  - (B) C.E. due June 30th - 15 hours
- (3) License expires last day of September:
  - (A) Fee - \$58.50
  - (B) C.E. due June 30th - 13.5 hours
- (4) License expires last day of October:
  - (A) Fee - \$52.00
  - (B) C.E. due June 30th - 12 hours
- (5) License expires last day of November:
  - (A) Fee - \$45.50
  - (B) C.E. due June 30th - 10.5 hours
- (6) License expires last day of December:
  - (A) Fee - \$39.00
  - (B) C.E. due June 30th - 9 hours
- (7) License expires last day of January:
  - (A) Fee - \$32.50
  - (B) C.E. due June 30th - 7.5 hours
- (8) License expires last day of February:
  - (A) Fee - \$26.00
  - (B) C.E. due June 30th - 6 hours
- (9) License expires last day of March:
  - (A) Fee - \$19.50
  - (B) C.E. due June 30th - 4.5 hours
- (10) License expires last day of April:
  - (A) Fee - \$13.00
  - (B) C.E. due June 30th - 3 hours
- (11) License expires last day of May:
  - (A) Fee - \$ 6.50
  - (B) C.E. due June 30th - 1.5 hours
- (12) License expires last day of June: not prorated

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-21-3.2. Annual renewal**

After the initial two (2) year licensing period plus the interim period, renewals shall expire each June 30th, with a renewal fee of eighty dollars (\$80.00)

and a continuing education requirement of twenty (20) hours.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-21-4. Specialty renewal**

Regardless of the date the Board granted a specialty designation, the date of a specialty renewal shall be the same date as that of the licensure renewal.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-21-5. Requirements for renewal**

Requirements for renewal include:

- (1) Compliance with the Act and rules.
- (2) Documentation of the required continuing education.
- (3) Payment of the renewal fee(s).

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 40 Ok Reg 848, eff 8-11-23]

#### **86:10-21-6. Display of verification card**

(a) A current license verification card shall be displayed on the original or replaced license.

(b) A current license verification card shall be readily available on the LPC's person at any time counseling services are being

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-21-7. Inactive status**

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar (\$25.00) fee. An inactive license forfeits all rights and privileges granted by the license.

(b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Board.

(c) A license that has remained inactive for at least one (1) year may be reactivated upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year, in accordance with this Chapter, if there are no impediments to licensure.

(d) A license placed on inactive status may be reactivated within one (1) year when submitted with the required renewal fee and continuing education, in accordance with this Chapter, if there are no impediments to licensure.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **SUBCHAPTER 23. LICENSE AND SPECIALTY LATE RENEWAL AND EXPIRATION**

#### **86:10-23-1. Renewal notification**

The Board shall mail to licensee's last known address, at least forty-five (45) days prior to the expiration date of the LPC's license, a notice of expiration.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-23-2. Failure to renew**

If the licensee fails to renew the license by the expiration date, the Board shall mail a notification to the last known address which shall include:

- (1) Suspension of the license and forfeiture of rights and privileges granted by the license, and,
- (2) The LPC has the right to renew the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one (1) year following the suspension of the license.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-23-3. Return of license**

Licenses not renewed within the one (1) year renewal period shall be permanently expired and shall not be reinstated. The license shall be returned to the Board.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-23-4. Misrepresentation**

An LPC whose license has been inactivated, suspended, or revoked and continues to represent himself as an LPC, is in violation of the Act and shall be reported to the appropriate District Attorney for prosecution.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **SUBCHAPTER 25. LICENSURE BY ENDORSEMENT**

#### **86:10-25-1. Submission of verification of license**

An applicant applying for licensure by endorsement shall submit a letter from the licensing agency stating the applicant is active and in good standing. The Board may require the applicant to submit a copy of the statute and rules of the agency issuing the license.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

#### **86:10-25-2. Licensing procedures**

An applicant must submit the application form and related documents as requested, licensure fees, official transcript(s), and completed criminal background check.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 36 Ok Reg 492, eff 7-25-19]

#### **86:10-25-3. License by endorsement**

The Board shall issue a license by endorsement to an applicant who is licensed or certified as a professional counselor by another state or territory of the United States or the District of Columbia and who meets the following:

- (1) The applicant's professional counselor license in the other jurisdiction is active and in good standing which allows the applicant to practice independently without supervision. The applicant shall have no history of suspension or revocation action against the license and fulfills all the requirements located in OAC 86:10-5;
- (2) The applicant fulfills the requirements of Title 59 of the Oklahoma Statutes, Section 1906(A) and (B)(1)(3)(4);
- (3) The applicant must have at least a masters degree in a counseling or a mental health related field from a regionally accredited college or university;

(4) The applicant successfully completes the Oklahoma Legal and Ethical Responsibilities Examination.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 37 Ok Reg 1030, eff 9-11-20]

## **SUBCHAPTER 27. CONSUMER INFORMATION**

### **86:10-27-1. Directory**

(a) The Board shall provide a directory of Licensed Professional Counselors (LPC's).

(b) The directory of LPCs shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number, and license number of current licensees.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-27-2. Brochure**

The Board shall provide information of consumer interest which describes the regulatory functions of the Board and its procedures to handle and resolve consumer complaints.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-27-3. Statement of professional disclosure [REVOKED]**

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Revoked at 36 Ok Reg 492, eff 7-25-19]

### **86:10-27-4. Informed consent**

Clients have the freedom to choose whether to enter into or remain in a counseling relationship and need adequate information about the counseling process and the LPC. LPCs have an obligation to review in writing and verbally with clients the rights and responsibilities of both the LPC and the client. Informed consent is an ongoing part of the counseling process, and LPCs appropriately document discussions of informed consent throughout the counseling relationship.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15]

### **86:10-27-5. Request for promulgation, amendment or repeal of a rule**

(a) Any person may request the Board adopt, amend or repeal a rule in this chapter. The request shall be made in writing and shall include an explanation to support the request. A request shall also include:

- (1) the name, address and telephone number of the person making the request;
- (2) the name, address and telephone number of the agency or organization the person represents, if any;
- (3) the number used to identify the rule if the request is to amend or repeal an existing rule; and
- (4) the proposed language if the request is to amend an existing rule or adopt a new rule.

(b) It is the Board's policy to respond to such requests within 30 calendar days.

[Source: Added at 40 Ok Reg 848, eff 8-11-23]

## **SUBCHAPTER 29. ENFORCEMENT**



### **86:10-29-1. Purpose**

The purpose of this subchapter is to specify the procedure for processing RFIs filed with the Board and the authorization to take disciplinary action against LPCs, Candidates, or persons who practice licensed professional counseling without a license or exemption.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

### **86:10-29-2. Definitions [REVOKED]**

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Revoked at 33 Ok Reg 1246, eff 9-11-16]

### **86:10-29-3. Complaint Procedure**

(a) **Receiving Requests for Inquiry.** Any person may file a RFI against a LPC, Candidate, or a person who delivers licensed professional counseling services without a license. A person wishing to report a concern shall notify the Board in writing. Upon receipt of the RFI, the Executive Director will:

- (1) Stamp the first page of the RFI indicating date of receipt;
- (2) Review the RFI to determine if the person against whom the RFI is made is a person who is subject to the jurisdiction of the Board;
- (3) Generate a letter to the complainant indicating receipt of the RFI.

(b) **Reviewing Request for Inquiry.** If the Complaint Committee decides to meet with an individual, the Complaint Committee shall proceed by:

- (1) The Executive Director has the authority to do the following:
  - (A) Respond directly to a Complainant without need for referral to the Complaint Committee when matters do not allege a violation of the Act and/or Rules; or
  - (B) Refer a RFI to the Complaint Committee when allegations would be a violation of the Act and/or Rules.
- (2) The Complaint Committee has authority to do the following:
  - (A) Meet with individuals who are under the jurisdiction of the Board and are the subject of the RFI;
  - (B) Appoint an investigator to investigate the RFI;
  - (C) Outline the terms of a proposed Stipulation, Agreed Settlement, or Consent Order for the informal disposition of the RFI to be submitted to the Board for approval;
  - (D) Authorize the filing of a Formal Complaint and Notice of Hearing in order to initiate an Individual Proceeding; and
  - (E) Close the RFI.

(c) **Informal Interviews.**

- (1) If the Complaint Committee decides to meet with an individual, the Complaint Committee shall proceed by:
  - (A) Notifying the LPC or Candidate that a RFI has been received, outlining the nature of the inquiry; and
  - (B) Requesting a prompt letter to the Board responding to the merits of the RFI and a meeting with the Complaint Committee for an interview at a date and time determined by the Complaint Committee.
- (2) If the LPC or candidate fails to respond with a prompt letter or fails to meet with the Complaint Committee at their request, the Complaint

Committee may refer the RFI for investigation.

**(d) Requests for Investigation.**

(1) If the Complaint Committee decides to forward the RFI for investigation, the Complaint Committee shall proceed by:

(A) Contacting an investigator designated by the Board to address the RFI;

(B) Providing the designated investigator with the name and address of the complainant, if available, and the LPC or candidate; and

(C) Notifying the LPC or candidate by certified mail that a RFI has been received and an investigation is being conducted.

(2) The Complaint Committee may request that LPC or candidate be interviewed by the designated investigator or by the Assistant Attorney General in a setting under oath.

(3) The Complaint Committee may refer the RFI to a law enforcement agency for criminal investigation, if the Committee determines that a crime has or may have been committed.

**(e) Summary Suspension.** After the filing of a Formal Complaint and Notice of Hearing, but prior to an Individual Proceeding, in the event of an emergency, a summary suspension hearing may be held as set forth herein. If the Chair of the Board and the Complaint Committee determine that an emergency exists for which the immediate suspension of a license is imperative for the protection of the public health, safety or welfare, the Board may conduct a summary suspension hearing to temporarily suspend the license of any person under the jurisdiction of the Board. The Chair or Vice-Chair may issue an Order of Temporary Summary Suspension upon a finding by clear and convincing evidence that the immediate suspension is imperative for the protection of the public health, safety or welfare. The summary suspension hearing shall be conducted in accordance with the APA. The LPC or Candidate shall be given at least 48 hours personal notice to appear for the summary suspension hearing outlining the specific issues that constitute an emergency and for which summary suspension is imperative for the protection of the public health, safety or welfare. Following the Order, an Individual Hearing on the merits of said Formal Complaint and Notice of Hearing shall be held promptly.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

**86:10-29-4. Investigation [REVOKED]**

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Revoked at 33 Ok Reg 1246, eff 9-11-16]

**86:10-29-5. Cooperation with investigations**

LPCs and Candidates shall cooperate when Board staff, Complaint Committee members, and/or investigators make inquiries concerning a RFI made against them. Failure to cooperate is grounds for further disciplinary action under the Act and/or Rules. In addition, LPCs and Candidates named in the complaint shall not contact, attempt to contact, or allow anyone else to contact the person(s) who filed the complaint or the person(s) who the LPC and Candidate named in the complaint believes may have filed the complaint.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16; Amended at 40 Ok Reg 848, eff 8-11-23]

#### **86:10-29-6. Service of Formal Complaint and Notice of Hearing**

(a) **Service.** The Formal Complaint and Notice of Hearing shall be served by certified mail, return receipt requested, to the LPC or Candidate's address on file with the Board. It is the duty of the LPC or Candidate to provide current address information.

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

(c) **Service of other papers and documents.** Service of all other papers and documents connected with an individual proceeding shall be served on the LPC, Candidate or his/her counsel via facsimile, regular mail, or hand-delivery.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-29-7. Individual Proceedings**

Individual Proceedings shall be conducted by the Board in accordance with the APA, 75 O.S., § 309-321 et seq. The Board shall recommend the most appropriate penalty at the conclusion of the evidence, which may include but is not limited to probation, suspension, revocation, and an administrative penalty not to exceed Ten Thousand Dollars (\$10,000.00). Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-29-8. Continuances**

(a) **Continuances by the Board.** The Board chair may continue or adjourn the proceedings at any time for a specified time by notice or motion.

(b) **Continuances by motion of parties.** Except for good cause shown, or by agreement of all parties, no continuance shall be granted upon motion of a party unless written request is filed with the board and served on all parties of record, including the Assistant Attorney General, at least seven (7) days prior to the date set for hearing. An agreement to continue by all parties of record shall be approved unless the Board chair determines that the public interest requires otherwise.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-29-9. Discovery**

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

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-29-10. Protective orders**

The Board chair, at any time upon application of a party, may issue Protective Orders as they relate to discovery and as they may prevent hardship to a party, prevent excessive burden on a party, or as they may be necessary or appropriate for the protection of the parties.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-29-11. Subpoenas**

(a) **Issuance of subpoenas for witnesses and physical evidence.** All parties, including The Board, may compel the attendance of witnesses, and the production of physical evidence if service of process has been made by subpoena anywhere within the state.

(b) **Service of subpoenas.** Service of the subpoenas will be the responsibility of the requesting party. Subpoenas shall be served and returns made in the manner prescribed by general civil law.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-29-12. Final order**

The Board shall issue a final order for all disciplinary matters. Final orders are subject to Judicial Review pursuant to APA.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-29-13. Unauthorized practice**

Any person found to be practicing licensed professional counseling without being properly licensed, exempt or under the approved supervision of an LPC as part of the licensure process shall be ordered to cease practicing and may be subject to an administrative penalty. The Board may seek the assistance of the courts if the actions continue.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-29-14. Administrative penalties**

(a) The Board may assess an administrative penalty against an individual if any order issued or approved by the Board includes a finding that the individual:

- (1) Violated any provision of the Act, including practicing licensed professional counseling without being licensed, under supervision, or exempt;
- (2) Violated any rule of the OAC as it relates to licensed professional counseling; or
- (3) Violated any order issued by the Board.

(b) The total amount of the administrative penalty assessed shall not exceed ten thousand dollars (\$10,000.00) for any related series of violations.

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-29-15. Costs of investigation [REVOKED]**

[Source: Added at 32 Ok Reg 139, eff 4-23-14 (emergency); Added at 32 Ok Reg 1547, eff 9-11-15; Revoked at 33 Ok Reg 1246, eff 9-11-16]

#### **86:10-29-16. RFI confidentiality**

The RFI and the identity of the Complainant shall be confidential and shall not be available for public inspection, in accordance with 51 O.S. Section 24A.14.

[Source: Added at 33 Ok Reg 1246, eff 9-11-16; Amended at 36 Ok Reg 492, eff 7-25-19]

### **SUBCHAPTER 31. POST-MILITARY SERVICE OCCUPATION, EDUCATION AND CREDENTIALING RULES**

**86:10-31-1. Education, training and experience completed as a member of the Armed Forces of the United States pursuant to 59 O.S. § 4100.4(A)**

- (a) If an applicant otherwise qualifies for licensure, the Board shall issue an appropriate license to applicants who present satisfactory evidence of equivalent education, training and experience completed by the applicant as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state.
- (b) Active-duty military service members seeking to make application for licensure may do so without payment of application fee.

[Source: Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 37 Ok Reg 1030, eff 9-11-20]

**86:10-31-2. Automatic extension of license, payment of fees and continuing education for active-duty military service members**

- (a) Automatic extension pursuant to 59 O.S. § 4100.6(A). The license of active-duty military service members shall be automatically extended and placed on inactive licensure status during active-duty military service and for one (1) year after active-duty military service, unless the licensee seeks to maintain said license in good-standing.
- (b) Payment of fees and continuing education pursuant to 59 O.S. § 4100.6(B), (C) and (D). Active-duty military service members seeking to maintain his or her license in good-standing may have his or her license renewed during active-duty, and for a period of one (1) year after discharge from active-duty, without:
- (1) payment of fees; and
  - (2) obtaining continuing education credits when:
    - (A) circumstances associated with military duty prevent obtaining training and a waiver request has been submitted to the Board;
    - (B) the licensee performs social work as an occupation as part of his or her military duties as shown in Defense Department Form DD 214 (DD Form 214); or
    - (C) performing any other act typically required for the renewal of the license.

[Source: Added at 32 Ok Reg 1547, eff 9-11-15]

**86:10-31-3. Reciprocal licensing of spouses of active-duty members of the Armed Forces of the United States**

The procedure to expedite endorsement of licensure pursuant to Section 4100.5 of Title 59 of the laws of the State of Oklahoma for applicants who are licensed in another state and who are the spouse of an active-duty member of the Armed Forces of the United States is as follows:

- (1) A license shall be issued to the applicant if the requirements for licensure of the other state are substantially equivalent to those required by this state;
- (2) If specific licensure requirements in this state were not required in the state in which the Applicant was licensed, a temporary license for a set period of time shall be issued to Applicants to allow the person to work as a licensed professional counselor while completing those requirements.
- (3) Applicants who are licensed in another state and who are the spouse of an active-duty member of the Armed Forces of the United States seeking to make application for licensure may do so without payment of application

fee.

[Source: Added at 32 Ok Reg 1547, eff 9-11-15; Amended at 37 Ok Reg 1030, eff 9-11-20]

## **SUBCHAPTER 33. DECLARATION OF EMERGENCY LICENSURE BY ENDORSEMENT RULES**

### **86:10-33-1. Submission of verification of license**

An applicant applying for a non-renewable license by endorsement pursuant to a declaration of emergency shall submit verification stating the applicant is active and in good standing in the state in which they are currently licensed. The Board may require the applicant to submit a copy of the statutes and rules from the state out of which such license was issued.

[Source: Added at 33 Ok Reg 1246, eff 9-11-16]

### **86:10-33-2. Licensing procedures**

An applicant must submit an application form, related documents as requested, and licensure fees.

[Source: Added at 33 Ok Reg 1246, eff 9-11-16]

### **86:10-33-3. Non-renewable declaration of emergency license by endorsement**

(a) The Board shall issue a non-renewable license by endorsement pursuant to a declaration of emergency to an applicant who is licensed or certified as a professional counselor by another state or territory of the United States or the District of Columbia and the following criteria is met:

- (1) A declaration of emergency is issued by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or a declaration of a catastrophic health emergency issued by the Governor pursuant to the Catastrophic Health Emergency Powers Act;
- (2) The applicant's professional counselor license in the other jurisdiction is active and in good standing and allows the applicant to practice independently without supervision;
- (3) The applicant's license has never been suspended or revoked and fulfills all of the requirements as stated in Subchapter 5;
- (4) The applicant fulfills the requirements as stated in 59 O.S. §1906(A) and 59 O.S. §§(B)(1)(3)(4)(5); and
- (5) The applicant has at least a Master's Degree in counseling or a mental health related field from a regionally accredited college or university.

(b) A non-renewable license by endorsement pursuant to a declaration of emergency shall only be valid for the duration of the emergency as determined by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or the Catastrophic Health Emergency Powers Act.

(c) Services that are provided shall be pro bono or reimbursed by nongovernmental entities.

[Source: Added at 33 Ok Reg 1246, eff 9-11-16]

## **CHAPTER 11. LICENSED PROFESSIONAL COUNSELORS**

*Editor's Note: Effective 11-1-13, as set forth in House Bill 1467 (2013), "[a]ll powers, duties, responsibilities . . . of the State Board of Health, the State Department of Health, and the State Commissioner of Health relating exclusively to*

*the regulation of Licensed Professional Counselors. . . are hereby transferred and shall be placed under the authority of the State Board of Behavioral Health Licensure” [HB 1467 (2013), § 3(A)]. The following provisions in HB 1467 address the disposition of related rules: • Section 3 (not to be codified in the Oklahoma Statutes) provides that “[u]pon the effective date of this act, all administrative rules promulgated by the State Board of Health relating to the Licensed Professional Counselors Act . . . shall be transferred to and become a part of the administrative rules of the State Board of Behavioral Health Licensure” [HB 1467 (2013), § 3(F)]. HB 1467 also directed the Office of Administrative Rules to place the transferred rules under the Administrative Code section of the State Board of Behavioral Health Licensure [see Editor’s Notice published at 32 Ok Reg 109]. Therefore, on 11-1-13, the rules in Chapter 405 of the Department of Health’s Title 310 [OAC 310:405] were transferred to this new Chapter 11 of the State Board of Behavioral Health Licensure’s Title 86 [OAC 86:11]. For text of rules that were effective prior to the transfer of these rules on 11-1-13, see Chapter 405 of the Department of Health’s Title 310 [OAC 310:405], as published in the 2011 Edition of the OAC and updated in the 2013 OAC Supplement. • Section 6 (amending 59 O.S., § 1905) directs the State Board of Behavioral Health Licensure to “[p]rescribe, adopt and promulgate rules to implement and enforce the provisions of the Licensed Professional Counselors Act, including the adoption of the State Department of Health rules by reference; [a]dopt and establish rules of professional conduct; and [s]et license and examination fees as required by the Licensed Professional Counselors Act” [HB 1467 (2013), § 6(A)]. Although the State Board of Behavioral Health Licensure did not “adopt the State Department of Health rules by reference,” the Board did adopt rules in a new Chapter 10 of Title 86, first by emergency action effective 4-23-14 and later by permanent action effective 9-11-15. For emergency rules related to Licensed Professional Counselors that were promulgated by the State Board of Behavioral Licensure pursuant to HB 1467 (2013), § 6, and were effective from 4-23-15 through 9-10-15, see 32 Ok Reg 139. For permanent rules related to Licensed Professional Counselors that were promulgated by the State Board of Behavioral Licensure to supersede the emergency rules, effective 9-11-15, see Chapter 10 of OAC Title 86.*

[Authority: HB 1467 (2013), §§ 3 and 6]

[Source: Codified 11-1-13]

## **SUBCHAPTER 1. GENERAL PROVISIONS**

### **86:11-1-1. Purpose**

The rules in this Chapter implement the Oklahoma Licensed Professional Counselor Act, (59 O.S. 1991, Sections 1901 et seq.)

[Source: Transferred from 310:405-1-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor’s Note at beginning of this Chapter)]

### **86:11-1-2. Definitions**

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

**"Act"** means Title 59, Sections 1901 et seq. of the Oklahoma Statutes.

**"Advisory board"** means the Oklahoma Licensed Professional Counselor Advisory Board appointed by the State Board of Health.

**"Approved LPC Supervisor"** means an individual who is approved by the Department pursuant to Section 310:405-11-4 of this Chapter.

**"Counselor"** means a person licensed as a Licensed Professional Counselor pursuant to this Act.

**"Dual relationship"** means a familial, social, financial, business, professional, close personal, sexual or other non-therapeutic relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LPC's or LPC Candidate's professional obligation to a client.

**"Face-to-face counseling"** means the counselor and the client shall be in the physical presence of the other during counseling.

**"Face-to-face supervision"** means the supervisor and the supervisee shall be in the physical presence of the other during individual or group supervision.

**"Forensic services"** means the application of knowledge, training and experience from the mental health field to the establishment of facts and/or the establishment of evidence in a court of law or ordered by a court of law.

**"Full time"** means at least twenty (20) hours of on-the-job experience per week.

**"Group supervision"** means an assemblage of counseling supervisee consisting of from two (2) to six (6) members.

**"Home-study or technology-assisted distance learning"** means the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on using synchronous or asynchronous instructional delivery methods..

**"OAC"** means the Oklahoma Administrative Code.

**"On-site supervisor"** means a person who may not be an approved LPC supervisor but is licensed by the state of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LPC Candidate whose assigned job duties include acting as the immediate supervisor to the LPC Candidate and who is available to the candidate at all times when counseling services are being rendered by the LPC Candidate.

[Source: Transferred from 310:405-1-2.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-1-3. Applicability**

Every duty, obligation or requirement described in this Chapter and imposed upon a LPC shall be applicable to every licensed professional counselor candidate, unless specifically provided otherwise.

[Source: Transferred from 310:405-1-2.2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

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

### **86:11-3-1. Responsibility**

It shall be the responsibility of Licensed Professional Counselors (LPCs), in their commitment to the understanding of human behavior, to value objectivity and integrity, and in providing services, to strive to maintain the highest standards of their profession. LPCs shall accept responsibility for the consequences of their work and make every effort to ensure that their services are used appropriately. LPCs shall be alert to personal, social, organizational, financial, and political situations or pressures that might lead to the misuse of their influence. LPCs shall not participate in, condone, or be associated with dishonesty, fraud, deceit or



misrepresentation. LPCs shall not exploit their relationships with clients for personal advantage, profit, satisfaction, or interest.

[Source: Transferred from 310:405-3-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-3-2. Competence**

(a) **Counseling.** LPCs and LPC Candidates shall practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience. An LPC or LPC Candidate shall only practice in a new area when said LPC or LPC Candidate has received the necessary education, training and supervised experience, and shall take steps to ensure the competence of work provided and to protect others from possible harm.

(b) **Testing and assessment.** LPCs and LPC Candidates shall know the limits of their competence and shall therefore perform only those testing and assessment services for which they have received training and supervision in the administration, scoring and interpretation processes associated with the provisions of such services. LPCs and LPC Candidates shall be responsible for receiving training on testing and assessment instruments that have been revised or updated. LPCs and LPC Candidates shall be familiar with related standardization, proper application, copyright restrictions and security demands of any testing or assessment technique utilized. LPCs and LPC Candidates shall ensure that any testing instrument selected is the most current edition available, has been properly evaluated for validity and reliability and is culturally appropriate for the clients with whom it is used. LPCs and LPC Candidates using computer-based test interpretations shall be trained in the construct being measured and the specific instrument being used prior to using this type of computer application. LPCs shall ensure the proper use of assessment techniques by persons under their supervision.

(c) **Diagnosis of mental disorders.** LPCs and LPC Candidates shall provide the proper diagnosis of mental disorders in their clients, as published in Section E.5., Diagnosis of Mental Disorders, of the American Counseling Association (ACA) Code of Ethics, approved by the ACA Governing Council, 2005.

(d) **Specialty.** LPCs and LPC Candidates shall not represent themselves as specialists in any aspect of counseling, unless so designated by the Board.

(e) **Research.** LPCs and LPC Candidates shall plan, design, conduct, and report research only in a manner as published in Section G., Research and Publication, of the American Counseling Association (ACA) Code of Ethics, approved by the ACA Governing Council, 2005.

(f) **Impairment.** LPCs and LPC Candidates shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LPCs and LPC Candidates shall seek assistance for any such personal problem(s) with their physical, mental or emotional condition, and, if necessary, limit, suspend, or terminate their professional activities. If an LPC or LPC Candidate possesses a bias, disposition, attitude, moral persuasion or other similar condition that limits his or her ability to recommend a course of treatment or decision-making that is indicated, and under such circumstances where all other treatment and decision options are contra-indicated, then in that event the LPC shall not undertake to provide counseling and will terminate the counseling relationship in accordance with these rules.

(g) **Knowledge of impairment.** If a LPC or LPC Candidate becomes aware that a LPC or LPC Candidate is violating an obligation described in OAC 310:405-3-2(f),

OAC 310:405-3-4(b) or other provisions of the Act or this Chapter of regulations, the LPC or LPC Candidate must, within thirty (30) days, report the situation to the Department in accordance with OAC 310:405-31-2. The report shall contain, at a minimum, the following:

- (1) Name of the LPC or LPC Candidate making the report;
- (2) Name of the LPC or LPC Candidate who is allegedly impaired;
- (3) Any facts that can be revealed concerning the impairment;
- (4) The LPC or LPC Candidate shall maintain the confidentiality of the client pursuant to Title 59 of the Oklahoma Statutes, Section 1910, unless a signed release is received from the client.

(h) **Knowledge of any sexual conduct.** If a LPC or LPC candidate becomes aware that another LPC or LPC Candidate is violating OAC 310:405-3-3(d) or (e), OAC 310:405-3-4 (c) or OAC 310:405-3-4.1(b), the LPC or LPC Candidate must, within thirty (30) days, report any sexual conduct to the Department in accordance with OAC 310:405-31-2. The report shall contain, at a minimum, the following:

- (1) Name of the LPC or LPC Candidate making the report;
- (2) Name of the LPC or LPC Candidate who is alleged to have engaged in the sexual conduct;
- (3) Any facts that can be revealed concerning the sexual conduct;
- (4) The LPC or LPC Candidate shall maintain the confidentiality of the client pursuant to Title 59 of the Oklahoma Statutes, Section 1910, unless a signed release is received from the client.

(i) **Forensic services.** LPCs and LPC Candidates may perform forensic services, which include, but are not limited to, assessments, interviews, consultations, custody evaluations, reports, expert testimony, or other such activity that is undertaken or conducted by the candidate or licensee in contemplation that the results may, or are intended to be, later furnished to a trier of fact or other decision maker, only under the following conditions:

- (1) LPCs and LPC Candidates must demonstrate competence by education and experience in the subject matter relevant to the issues in question, as determined by the court.
- (2) LPCs and LPC Candidates shall provide a written notice and make a reasonable attempt to obtain a signature acknowledging receipt of such notice, from each person or persons who is the subject of the forensic services. This written notice shall include:
  - (A) a description of what procedure will be followed in the evaluation process;
  - (B) how such information, interpretations, conclusions, and recommendations will be distributed;
  - (C) fee arrangements; and
  - (D) explanation of the role of the evaluator if subsequently called upon to provide expert testimony before a trier of fact.
- (3) LPCs and LPC Candidates shall maintain written records, in a form or format that is legible or readable to third persons, of all contacts and information received and used in the preparation of their report.
- (4) LPCs and LPC Candidates must conduct a thorough examination and must utilize face-to-face interviews of the person(s) who is the subject of their forensic analysis, and such other person or persons who has/have a legally recognizable right in the subject matter of the proceeding.
- (5) LPCs and LPC Candidates shall base their findings and conclusions only upon information gained by appropriate and lawful means. Interviews of

minor children shall be preceded by written consent from the joint-custodial parents or from the custodial parent or from the legal guardian or from the legal custodian appointed by the Court.

(6) LPCs and LPC Candidates who provide counseling services for a client shall only provide fact witness testimony, which may include diagnostic impressions, treatment plans and other factual clinical information ordinarily included in a treatment file. Fact witness testimony by LPCs and LPC Candidates shall not include opinions or recommendations pertaining to matter subject to a decision by the Court, in forensic matters involving that client, unless otherwise required by law or court order. LPCs and LPC Candidates who provide mediation, parent coordinating assistance or any other neutral participation, may not undertake to provide counseling to any person(s) involved or directly affected by the LPC's and LPC Candidate's role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations made by the LPCs and LPC Candidates and shall not include conclusions, opinions or recommendations.

(7) Assessments, interviews, consultations, custody evaluations, reports or other activity not performed in contemplation that the results would be furnished to a trier of fact or decision maker, must be kept confidential and cannot be utilized in the formation or publication of an opinion by the candidate or licensee.

[Source: Transferred from 310:405-3-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-3-3. Client welfare**

(a) **Discrimination.** LPCs shall not, in the rendering of their professional services, participate in, condone, or promote discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status, or any basis proscribed by law. LPCs do not discriminate against clients, students, employees, supervisees, or research participants in a manner that has a negative impact on these persons.

(b) **Records.**

(1) **Requirement of records.** LPCs shall maintain verifiable, accurate and truthful records necessary for rendering professional services to their clients for at least five (5) years beyond termination of services. LPCs employed at an institution or facility that has a published records retention policy that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(2) **Confidentiality.** LPCs shall maintain the confidentiality of any information received from any person or source about a client, unless authorized in writing by the client or otherwise authorized or required by law or court order.

(3) **Confidentiality of records.** LPCs shall be responsible for complying with the applicable state and federal regulations in regard to the security, 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.

(4) **Client access.** LPCs shall provide the client with a copy of the client's record in accordance with state and federal laws. In situations involving

multiple clients, access to records is limited to those parts of records that do not include confidential information related to another client.

(c) **Dual relationships.** LPCs shall not knowingly enter into a dual relationship(s) and shall take any necessary precautions to prevent a dual relationship from occurring. When the LPC reasonably suspects that he or she has inadvertently entered into a dual relationship the LPC shall record that fact in the records of the affected client(s) and take reasonable steps to eliminate the source or agent creating or causing the dual relationship. If the dual relationship cannot be prevented or eliminated and the LPC cannot readily refer the client to another counselor or other professional, the LPC shall complete one or more of the following measures as necessary to prevent the exploitation of the client and/or the impairment of the LPC's professional judgment:

- (1) Fully disclose the circumstances of the dual relationship to the client and secure the client's written consent to continue providing counseling;
- (2) Consult with the other professional(s) to understand the potential impairment to the LPC's professional judgment and the risk of harm to the client of continuing the dual relationship.

(d) **Providing counseling to persons of prior association.** LPCs shall not undertake to provide counseling to any person with whom the LPC has had any prior sexual contact or close personal relationship within the previous five (5) years.

(e) **Interaction with former clients.** LPCs shall not knowingly enter into a close personal relationship, or engage in any business or financial dealings with a former client for two (2) years after the termination of the counseling relationship. LPCs shall not engage in any activity that is or may be sexual in nature with a former client for at least five (5) years after the termination of the counseling relationship. LPCs shall not exploit or obtain an advantage over a former client by the use of information or trust gained during the counseling relationship.

(f) **Invasion of privacy.** LPCs shall not make inquiry into persons or matters that are not reasonably calculated to assist or benefit the counseling process.

(g) **Private or Independent Practice.** No person may engage in the private or independent practice of professional counseling work or open a facility with the intent of providing private or independent counseling practice unless that person:

- (1) is licensed under this Act as a Licensed Professional Counselor; and,
- (2) has met all requirements of Section 310:405-11-5 of the LPC Regulations; and
- (3) has continued to meet all continuing education requirements set forth in Subchapter 17 of this Chapter.

(h) **Referral.**

(1) If LPCs determine that they are unable to be of professional assistance to a client, the LPC shall not enter a counseling relationship. LPCs shall refer clients to appropriate sources when indicated. If the client declines the suggested referral, the LPC shall terminate the relationship.

(2) LPCs shall not abandon or neglect current clients in treatment without making reasonable arrangements for the continuation of such treatment.

(3) When an LPC becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LPC's duty of responsibility to the current client, including a suspension of the LPC's license or any other situation or condition described in subchapter 3 of these rules, the LPC shall promptly notify the client in writing of the presence or existence of the disability or condition and take reasonable

steps to timely terminate the therapeutic relationship.

[Source: Transferred from 310:405-3-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-3-4. Fees and bartering**

(a) **Advance understanding.** LPCs shall clearly explain to clients, prior to entering the counseling relationship, all financial arrangements related to professional services including the consequences for non-payment of fees.

(b) **Bartering.** LPCs may participate in bartering for tangible goods only if the relationship is not exploitive, if the client requests it, if a clear written contract is established and if such arrangements are an accepted practice among professionals in the community.

(c) **Tangible goods.** LPCs shall not barter for services rendered by the client. Only tangible goods, at fair market value, may be accepted by the counselor in lieu of money for counseling services.

[Source: Transferred from 310:405-3-3.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-3-5. Professional standards**

(a) **Violations of other laws.** It shall be unprofessional conduct for an LPC to violate a state or federal statute if the violation directly relates to the duties and responsibilities of the counselor or if the violation involves moral turpitude.

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

(c) **Sexual contact.**

(1) **Current clients.** LPCs shall not have any type of sexual contact with clients and shall not counsel persons with whom they have had a sexual relationship.

(2) **Supervisees.** LPCs shall not engage in sexual contact with supervisees and shall not supervise persons with whom they have had a sexual relationship within the previous five (5) years. LPCs shall not engage in sexual contact with supervisees they have supervised within the previous five (5) years.

(d) **Updating.** LPCs shall notify the Department of any change in address, telephone number, and employment and shall make necessary adjustments on the Statement of Professional Disclosure, supplying an updated copy to the Department.

(e) **Candor to the Department.** An LPC, LPC candidate, or applicant for LPC licensure, in connection with a license application or an investigation conducted by the Department pursuant to OAC 310:405-31-3, shall not:

(1) knowingly make a false statement of material fact;

(2) fail to disclose a fact necessary to correct a misapprehension known by the LPC, LPC candidate or applicant for licensure to have arisen in the application or the matter under investigation; or

(3) fail to respond to a demand for information made by the Department or any designated representative thereof, unless a request for a protective order has been first made pursuant to the provisions of Chapter 2 of this title, in which case the LPC, LPC candidate or applicant may await the decision concerning the issuance or denial of a protective order before making any response.

[Source: Transferred from 310:405-3-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-3-6. Clinical responsibility to supervisees**

(a) LPCs shall not exploit the trust and dependency of supervisees. (b) LPCs are cognizant of their potentially influential position with respect to supervisees, and shall not exploit the trust and dependency of such persons. LPCs, therefore, shall avoid dual relationships that impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of counseling to supervisees, and business or close personal relationships with supervisees. Sexual intimacy with current supervisees is prohibited.

(c) LPCs shall not permit supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

(d) LPCs shall not disclose supervisee confidences to anyone, except:

- (1) as mandated by law;
- (2) in case of clear and imminent danger to a person or persons;
- (3) where the professional counselor is a defendant in a civil, criminal, or disciplinary action arising from the supervision (in which case client confidences may be disclosed only in the course of that action);
- (4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.

[Source: Transferred from 310:405-3-4.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-3-7. Relations with the public and other professions**

(a) **Misrepresentation.** LPCs shall not misrepresent nor allow the misrepresentation by others of the efficacy of the LPC's professional services.

(b) **Credentials claimed.** LPCs shall claim or imply only the professional credentials possessed and shall be responsible for correcting any known misrepresentations of their credentials by others. Professional credentials include graduate degrees in counseling or closely related mental health fields, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, or any other credential that might indicate to the public the LPCs additional knowledge or expertise in counseling.

(c) **The use of doctoral degrees and the title "Doctor".** An LPC may use the doctoral degree and the title "Doctor" in advertising, practice and status as a counselor, if the doctoral degree is in counseling or a closely related mental health field, and if the degree was granted by a regionally accredited college or university recognized by the United States Department of Education.

(1) Non-counseling doctorates. An LPC who holds a doctoral degree in a non-counseling related field shall not use the doctoral degree or the term "Dr." in advertising, practice or status as a counselor.

(2) Non-regionally accredited doctorates. An LPC who holds a doctoral degree from a college or university not regionally accredited and recognized by the United States Department of Education shall not use the doctoral degree or the title "doctor" in advertising, practice or status as a counselor, unless the following conditions are met:

- (A) the degree was conferred or matriculation was begun before May 5, 1995; and

(B) the conferring institution was certified or accredited by the state wherein the institution is located.

(d) **Advertisement.** When an LPC announces services or advertises, the LPC shall represent services to the public by identifying credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent. An LPC may only advertise the highest degree earned in counseling or a closely related field from a regionally accredited college or university recognized by the U.S. Department of Education. All advertisements or announcements of counseling services including telephone directory listings by an LPC shall clearly state the counselor's licensure status by the use of a title such as "LPC", or "Licensed Professional Counselor" or a statement such as "licensed by the Oklahoma State Department of Health."

(e) **License.** Each LPC shall display the original, current license in a prominent place in the primary location of practice.

(f) **Public statements.** When an LPC provides advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they 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 LPC Rules of Professional Conduct; and
- (3) There is no implication that a professional counseling relationship has been established.

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

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

(i) **Candidates for LPC licensure.** Candidates for licensure as a Licensed Professional Counselor shall not refer to themselves as Licensed Professional Counselor or LPC.

[Source: Transferred from 310:405-3-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-3-8. Failure to comply**

An LPC who does not comply with subchapter 3 - Rules of Professional Conduct shall be subject to disciplinary action under subchapter 31.

[Source: Transferred from 310:405-3-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **SUBCHAPTER 5. FITNESS OF APPLICANTS**

#### **86:11-5-1. Purpose**

The purpose of this subchapter is to establish the fitness of an applicant as one of the criterion for licensure as an LPC and to set forth the criteria by which the Commissioner shall determine the fitness of applicants.

[Source: Transferred from 310:405-5-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-5-2. Fitness for licensure**

The substantiation of any of the following items related to the applicant may be, as the Commissioner 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 Department.
- (3) A violation of the LPC Rules of Professional Conduct.

[Source: Transferred from 310:405-5-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-5-3. Materials considered to determine fitness**

- (a) Materials considered to determine fitness of skills and abilities include:
  - (1) Evaluations from supervisors or instructors;
  - (2) Statements from persons submitting references for the applicant;
  - (3) Evaluations from employers and/or professional associations; and
  - (4) A field examination submitted through questionnaires answered by persons competent to evaluate an applicant's professional competence which may include the submission of written case studies and taped interviews with an applicant's instructors, supervisors and others or submission of such documentary evidence relating to an applicant's experience and competence as required by the Department; and
- (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 Department considers pertinent to determining the fitness of applicants.

[Source: Transferred from 310:405-5-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 7. APPLICATION PROCEDURES**

### **86:11-7-1. General**

- (a) The purpose of this subchapter is to ensure that all applicants meet those requirements specified in the Act.
- (b) Unless otherwise indicated, an applicant shall submit all required information and documentation of credentials on official Department forms.
- (c) The Department will not consider an application as officially submitted until receipt of the Application Form, application fee, official transcript(s), three (3) Document of Recommendation forms, Internship/Practicum Documentation Form, and completed criminal background check. The application fee must accompany the Application Form.
- (d) The Department shall notify applicants of their test eligibility no later than 60 days after receiving and approving the required application materials.

[Source: Transferred from 310:405-7-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-7-2. Application materials and forms**

- (a) Each application shall include the following documents:
  - (1) Application form,
  - (2) Official transcript, mailed from the university or college,



- (3) Three (3) Document of recommendation forms,
  - (4) Practicum documentation form,
  - (5) Two (2) classifiable sets of fingerprints, and
  - (6) Fees.
- (b) The Application Form requires the following:
- (1) Identifying information;
  - (2) Possession of other credentials;
  - (3) Previous misconduct;
  - (4) Education;
  - (5) References; and
  - (6) Proposed professional practice.
- (c) The Internship/Practicum Documentation form requires the following:
- (1) Identifying information; and
  - (2) Time, place, location of practicum.
- (d) The Document of Recommendation requires the following:
- (1) Identifying information;
  - (2) Ratings of ethical and professional characteristics; and
  - (3) Circumstances and time period submitter has known applicant.
- (e) The Statement of Professional Disclosure requires the following:
- (1) Statement providing for the applicant's disclosure of professional standing; and
  - (2) Statement providing for making contact with OSDH for further information.
- (f) The Supervision Agreement requires identifying information of supervisee and supervisor.
- (g) The On-Site Supervisor Verification Form requires identifying information as follows:
- (1) Name of applicant;
  - (2) Place of employment;
  - (3) On-Site Supervisor information;
  - (4) A reproduction of the regulation regarding supervision accrued in a private setting.
- (h) The Licensure Verification Request Form requires the following information:
- (1) Name of licensee;
  - (2) Licensee license number; and
  - (3) Licensee license type.
- (i) The Out-of-State Licensure Verification Form requires the following information:
- (1) Identifying information;
  - (2) Type of credential held in other state;
  - (3) License number;
  - (4) Issue and expiration date of license;
  - (5) Current standing of license;
  - (6) Past complaints or sanctions;
  - (7) Exam information;
  - (8) Supervision information;
  - (9) Graduate education;
  - (10) Internship documentation; and
  - (11) Signature and identifying information of person verifying from out-of-state.
- (j) The Mailing Addresses Request/Order Form requires the following information:

- (1) Type of licensure list requested;
  - (2) Format requested; and
  - (3) Identifying information of person making request.
- (k) The Licensure Reactivation Request Form requires the following information:
- (1) Licensure type;
  - (2) Identifying information;
  - (3) Employment information;
  - (4) Graduate education;
  - (5) License type and number; and
  - (6) Dates of inactivation and reactivation of license.
- (l) The LPC Continuing Education Approval Application Form requires the following information:
- (1) name of workshop;
  - (2) program context;
  - (3) program knowledge area;
  - (4) name of presenter;
  - (5) presenter qualifications;
  - (6) number of hours requested;
  - (8) sponsoring agency;
  - (9) name of contact;
  - (10) phone number of contact;
  - (11) signature and signature date of contact;
  - (12) program content in relation to counseling ethics;
  - (13) program content in relation to counseling supervision;
  - (14) number of hours requested for counseling ethics; and
  - (15) number of hour requested for counseling supervision.
- (m) The Continuing Education Rosters for LPC Approved Supervisors require the following information:
- (1) name of licensee;
  - (2) signature and signature date of licensee;
  - (3) total clock hours of workshop(s);
  - (4) name of counseling supervision workshop;
  - (5) sponsoring agency of workshop(s); and
  - (6) date of workshop(s), and number of hours of each workshop.

[Source: Transferred from 310:405-7-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-7-3. Submission of documents**

The applicant shall monitor the progress of the application. The Department shall not automatically contact applicants regarding the receipt or absence of documents.

[Source: Transferred from 310:405-7-2.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-7-4. Negative references**

The Department may ask an applicant for licensure as a professional counselor or specialty designation, whose file contains negative references of substance, to appear for an interview before the licensure is completed.

[Source: Transferred from 310:405-7-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:11-7-5. Re-application for permanently expired license**

(a) Re-application after license expires for non-renewal shall include the following documents:

- (1) Application form,
- (2) Official transcripts, mailed from the university or college,
- (3) Document of Recommendation forms,
- (4) Supervision Agreement,
- (5) Statement of Professional Disclosure,
- (6) New Application Fee,
- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall re-take two examinations:

- (1) The National Counselor Examination or another equivalent examination as determined by the Department; and
- (2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c) The Internship/Practicum Documentation Form on file shall carry over to a new application.

(d) All previously submitted and approved Supervised Experience shall carry over to a new application.

(e) Applicant shall obtain approved supervision until the exams are taken and passed as described in OAC Rule 310:405-11-5(h).

[Source: Transferred from 310:405-7-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:11-7-6. Re-application for revoked license**

(a) No re-application for a revoked license will be considered for a period of 5 years following the revocation. Re-application after license is revoked for administrative action shall include the following documents:

- (1) Application form,
- (2) Official transcripts, mailed from the university or college,
- (3) Document of Recommendation forms,
- (4) Supervision Agreement,
- (5) Statement of Professional Disclosure,
- (6) New Application Fee,
- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall re-take two examinations:

- (1) The National Counselor Examination or another equivalent examination as determined by the Department; and
- (2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c) The Internship/Practicum Documentation Form on file shall carry over to a new application.

(d) All previously submitted and approved Supervised Experience shall not carry over to a new application.

(e) Application materials shall be reviewed by the advisory board.

(f) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of the revocation of licensure.

(g) The Department may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

[Source: Transferred from 310:405-7-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:11-7-7. Re-application for voided application for failure to take scheduled examinations**

(a) Re-application after application is voided for failure to take scheduled examinations or after the eligible applicant fails an examination and does not take subsequent scheduled examinations shall include the following documents:

- (1) Application form,
- (2) Official transcripts, mailed from the university or college,
- (3) Document of Recommendation forms,
- (4) Supervision Agreement,
- (5) Statement of Professional Disclosure Form,
- (6) New Application Fee,
- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall take two examinations:

- (1) The National Counselor Examination or another equivalent examination as determined by the Department; and
- (2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c) The Internship/Practicum Documentation Form on file shall carry over to a new application.

(d) All previously submitted and approved Supervised Experience shall carry over to a new application.

(e) Applicant shall obtain approved supervision until the exams are taken and passed and/or until the supervision requirement is complete as described in OAC Rule 310:405-11-5(h).

[Source: Transferred from 310:405-7-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:11-7-8. Re-application for voided application for failure to complete supervised experience**

(a) Re-application after application is voided for failure to complete the supervised experience requirement within sixty (60) months as described in OAC Rule 310:405-11-5(i) shall include the following documents:

- (1) Application form,
- (2) Official transcripts, mailed from the university or college,
- (3) Document of Recommendation forms,
- (4) Supervision Agreement,
- (5) Statement of Professional Disclosure,
- (6) New Application Fee,
- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall re-take two examinations:

- (1) The National Counselor Examination or another equivalent examination as determined by the Department; and
- (2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c) The Internship/Practicum Documentation Form on file shall carry over to a new application.

(d) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

(e) Applicant shall obtain approved supervision until the exams are taken and passed and/or until the supervision requirement is complete as described in OAC Rule 310:405-11-5(h).

[Source: Transferred from 310:405-7-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-7-9. Re-application for denied application**

(a) Re-application after application has been denied, as prescribed in Section 1912 of the LPC Act, shall include the following documents:

- (1) Application form,
- (2) Official transcripts, mailed from the university or college,
- (3) Document of Recommendation forms,
- (4) Supervision Agreement,
- (5) Statement of Professional Disclosure,
- (6) New Application Fee,
- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.

(b) Application materials shall be reviewed by the LPC Advisory Board.

(c) Applicant shall be required to take necessary examinations.

(d) Applicant shall be required to accrue an additional 500 hours of supervised experience.

(e) Internship/Practicum Documentation Form on file shall carry over to a new application.

(f) All previously submitted and approved Supervised Experience shall carry over to a new application.

(g) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 310:405-31-7.

[Source: Transferred from 310:405-7-9 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-7-10. Re-application for revoked approved supervisor status**

No re-application for a revoked approved supervisor status, as a result of administrative action, shall be considered for a period of five (5) years following the revocation and said re-application shall meet the requirements described in subsection 310:405-11-4 of this Chapter.

[Source: Transferred from 310:405-7-8.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-7-11. Denial of licensure application**

Following the denial of a licensure application by the Commissioner of Health, as prescribed in Section 1912 of the LPC Act, the applicant may request an administrative hearing to contest the denial of their application within 15 days of receiving notification from the Department. If a hearing is not requested within 15 days, the denial will be final.

[Source: Transferred from 310:405-7-9 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **SUBCHAPTER 9. ACADEMIC REQUIREMENTS**

#### **86:11-9-1. Graduate hours and degrees required**

(a) Each applicant shall possess at least a master's degree in counseling, or a mental health related graduate degree deemed substantially content-equivalent. All graduate course work applied toward licensure shall be from a regionally accredited college or university recognized by the United States Department of Education. At least sixty (60) semester credit hours or ninety (90) quarter credit hours of graduate counseling-related course work, including internship, shall be earned. In order to be considered acceptable, the graduate degree(s) shall:

- (1) follow a planned, sequenced mental health program of study which is reflected in the university catalog and approved by the governing authority of the college or university.
- (2) include a program whose primary focus is clearly to prepare the applicant for a career in counseling.
- (3) be listed in the college or university catalog, including the core courses from the knowledge areas outlined in 310:405-9-2 (1-7) and include at least five (5) of the sixteen (16) knowledge areas outlined in 310:405-9-2 (8).

[Source: Transferred from 310:405-9-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-9-2. Knowledge area required**

(a) Each applicant shall possess as a part of the required sixty (60) semester credit hours or ninety (90) quarter credit hours of graduate curriculum, one (1) or more courses of at least three (3) semester credit hours or four (4) quarter credit hours per course in each of the following core counseling areas:

- (1) Human growth and development - at least one (1) course which deals with the process stages of human intellectual, physical, social and emotional development of any of the stages of life from prenatal through old age.
- (2) Abnormal human behavior - at least one (1) course which offers a study of the principles of understanding dysfunction in human behavior or social disorganization.
- (3) Appraisal/assessment techniques - at least two (2) courses which deal with the principles, concepts and procedures of systematic appraisal, assessment, or interpretation of client needs, abilities, and characteristics, which may include the use of both testing and non-testing approaches.
- (4) Counseling theories/methods - at least two (2) courses which survey the major theories and/or techniques of counseling.
- (5) Professional orientation/ethics - at least one (1) course which deals primarily with the objectives of professional counseling organizations, codes of ethics, legal aspects of practice, standards of preparation and the role of persons providing direct counseling services.
- (6) Research - at least one (1) course in the methods of social science or mental health research which includes the study of statistics or a thesis project in an area relevant to the practice of counseling.
- (7) Practicum/internship - at least one (1) course of an organized practicum with at least three hundred (300) clock hours in counseling with planned experiences providing classroom and field experience with clients under the supervision of college or university approved counseling professionals.
- (8) Knowledge areas - at least five (5) courses of at least three (3) semester credit hours or four (4) quarter credit hours each from the knowledge areas listed below.

(A) Group counseling - course that provides both theoretical and experiential understandings of group purpose, development, dynamics, theories, methods, skills, and other group approaches in a culturally diverse society, including issues of group counseling leadership, stages, skills, methods, and ethics issues.

(B) Life style and career development - course that provides an understanding of career development and related life factors, as well as an overview of career development theories, program planning, educational planning, assessment techniques, and applied career counseling processes, including those applicable to specific populations in a global economy.

(C) Social and cultural foundations - course that provides an understanding of the cultural context of relationships, issues, and trends in a culturally diverse society, including an overview of social and cultural theories, strategies, and roles to be applied by the pluralistic counselor to establish an environment for optimal client wellness and successful counseling outcomes.

(D) Personality theories - course that examines contemporary and alternative personality theories that provide the student with models to conceptualize client presentation and that help the student select appropriate counseling interventions, including an examination of models of counseling that are consistent with current professional research and practice in the field of counseling.

(E) Crisis intervention - course that provides an overview of crisis and disaster intervention strategies for the professional counselor that addresses areas including, but not limited to, crises of suicide, homicide, disability due to a mental illness, domestic violence, school violence, post-traumatic stress disorder, and vicarious trauma.

(F) Marriage/family counseling - course that provides an overview of the knowledge, skills, and practices necessary to address a wide variety of issues in the context of relationships and families, including historical, theoretical, and developmental issues in systems counseling, in addition to examining the basic skills of marriage, couple, and family counseling.

(G) Addictions counseling - course that provides an overview of assessment and treatment methods available for clients and their family members struggling with substance-related disorders or behavioral/process addiction issues.

(H) Rehabilitation counseling - course that provides an overview of the history, philosophy, and legal basis of rehabilitation programs, the roles of the rehabilitation counselor, and the process of rehabilitation, including the organizational structure of public and private rehabilitation systems, societal trends in rehabilitation, and professional issues related to the role of the rehabilitation counselor.

(I) Gerontology - course that provides a conceptual system for understanding the phenomenon of aging and the counselor's role in working with an aging client population, including practical counseling skills necessary for meeting the demands of coping with aging in a culturally diverse society.

(J) Human sexuality - course that focuses on sexual development and educational issues as applied to the field of professional counseling with emphases placed upon becoming comfortable with one's own sexuality, assisting parents with providing sexual education to their children, providing education with regard to sexual matters, and diagnosing and treating sexual dysfunction.

(K) Counseling with children/adolescents - course that provides instruction in the theories and techniques used in counseling children and adolescents, including instruction on the conceptualization of childhood and adolescent problems with an emphasis on age- and developmentally-appropriate interventions.

(L) Clinical supervision - course that serves as a didactic and experiential learning experience for counselors who wish to assume the role of clinical supervisor, including the assimilation and application of major theoretical/conceptual models and approaches to clinical supervision in a variety of settings.

(M) Psychopharmacology - course that provides an overview of commonly prescribed psychotropic medications for psychiatric disorders to assist the counselor in understanding his or her role in working with medical professionals in the concurrent treatment of mental health issues using an interdisciplinary approach.

(N) Consultation - course that provides the knowledge and skills necessary for the delivery of counselor consultation, including basic models of consultation, the content and procedural process for implementing consultation, and characteristics of an effective consultant-consultee relationship.

(O) Physical and Emotional Health - course that deals with the overlap of physiological and psychological health models, examining the neural and hormonal bases of learning, memory, motivation, emotions, mental disorders, and other behaviors.

(P) Grief counseling - course that addresses the mental health, social, and cultural manifestations of grief counseling, including, interventions and the coverage of characteristics of grief throughout the life cycle.

(Q) Specialty areas when established.

(b) **Remaining courses.** The remaining courses needed to meet the sixty (60) semester or ninety (90) quarter graduate-hour requirement shall be in any of the knowledge areas listed in 310:405-9-2(a) and may be in increments of one (1), two (2) or three (3) graduate semester hour courses or one (1), two (2), three (3) or four (4) graduate quarter hour courses.

[Source: Transferred from 310:405-9-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENT**

### **86:11-11-1. Documents required prior to accrual of supervision hours**

The following documents must be received by the department before the accrual of supervised experience can begin:

- (1) Application materials;
- (2) Supervision agreement;
- (3) Statement of professional disclosure;



#### (4) On-Site Supervisor Verification Form.

[Source: Transferred from 310:405-11-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-11-2. Responsibility of supervisors and supervisees**

- (a) The supervisor and supervisee shall be jointly responsible for the following:
- (1) Ensuring the requirements under this subchapter are fulfilled. A failure to comply may result in the loss of supervision hours, denial of licensure, initiation of formal complaint procedures, and/or loss of approved supervisor status.
  - (2) Ensuring the client's right to confidentiality is protected and the rules of the supervisor and supervisee's employers are adhered to during the course of supervision.
- (b) The supervisor shall maintain supervision records for each supervisee for at least five (5) years beyond the termination or completion of the supervised experience.

[Source: Transferred from 310:405-11-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-11-3. Acceptability of supervised experience**

- (a) Supervised experience is acceptable when it consists of the performance of counseling activities as described in Section 1902, of the Act under supervision as described below.
- (1) Supervision shall focus on the raw data from a supervisee's continuing clinical practice, which may be available to the supervisor through a combination of direct observation, co-therapy, written clinical notes, and audio and video recordings.
  - (2) Supervision is a process clearly distinguishable from personal psychotherapy, and is contracted in order to serve professional/vocational goals.
  - (3) Individual supervision consists of face-to-face contact with one supervisor and one supervisee.
  - (4) Group supervision may be conducted with two (2) to six (6) supervisees and a supervisor.
- (b) Supervised experience begins after all applicable academic requirements, as stated in LPC Regulations, Subchapter 9, have been completed.
- (c) An LPC Candidate may accrue supervised experience hours in academic, governmental or private-not-for-profit and private for-profit settings.
- (d) Supervised experienced hours shall be accrued in a private for-profit or not-for-profit counseling practice setting, only if:
- (1) The LPC Candidate is employed at the same facility as a person licensed in the state of Oklahoma as a Licensed Professional Counselor, a Licensed Marital and Family Therapist, a Licensed Behavioral Practitioner, a Psychologist, a Psychiatrist, a Clinical Social Worker, or a Licensed Alcohol and Drug Counselor, whose assigned job duties include being immediately available to the LPC Candidate for supervision at any time the LPC Candidate is engaging in the practice of counseling or counseling-related services. Out of state on-site supervisors may be approved on a case-by-case basis; and
  - (2) The LPC Candidate is receiving supervision for licensure from an approved LPC supervisor who is not required to work at the same location

as the LPC Candidate.

[Source: Transferred from 310:405-11-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-11-4. Supervisor qualifications**

Supervisor qualifications include:

- (1) A Licensed Professional Counselor who has practiced in positions relevant to those the LPC proposes to supervise for two (2) years beyond the date of issue of the Oklahoma license.
- (2) As of January 1, 2000:
  - (A) an LPC who has successfully completed a graduate course in counselor supervision of at least forty-five (45) contact hours or equivalent course of study acceptable to the Department. This equivalent course of study shall consist of workshops in counseling supervision in combination with directed study of counseling supervision literature. Fifteen (15) of the forty-five (45) contact hours shall be in a class or workshop format which includes four (4) supervisors-in-training; the other thirty (30) contact hours shall be reserved for directed study, and
  - (B) an LPC who has passed the Oklahoma Legal and Ethical Responsibilities Examination.
- (3) An agreement to be "on call" to the supervisee on a twenty-four (24) hour basis and to arrange for an alternate supervisor if not available.
- (4) After receipt of the LPC supervision agreement, LPC supervisor may be approved by the Department.
- (5) Approved LPC Supervisors are required to complete a minimum of three (3) clock hours of continuing education in counseling supervision each renewal period.
- (6) Approved Supervisor designation will not be renewed until the continuing education requirement is met for each missed renewal period.
- (7) If continuing education requirement is not met within five (5) years of expiration, approved supervisor status will be permanently expired and the LPC must re-apply and meet all requirements in this Subchapter, including the re-taking of 310:405-11-4(2)(A) or (B) to become an approved supervisor.
- (8) An active approved supervisor may request inactive status by submitting a request in writing to the Department. An inactive approved supervisor shall not provide any activities described in Subchapter 11 of this Chapter.
- (9) An inactive approved supervisor may reactivate by submitting the required counseling supervision continuing education due by the end of the current renewal period.
- (10) An active approved supervisor status may be retired by informing the Department in writing. A retired approved supervisor status shall not be reinstated but does not prevent a person from applying for approved supervisor status at a future date.
- (11) No re-application for a revoked approved supervisor status, as a result of administrative proceeding, shall be considered for a period of five (5) years following the revocation.

[Source: Transferred from 310:405-11-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:16-11-5. Duration of supervision**

- (a) Three (3) years or three-thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LPC supervisor, shall be completed.
- (b) For each one-thousand (1000) clock hours of full time, on-the-job experience, three hundred fifty (350) hours shall be direct face to face client contact.
- (c) "Full time" means at least twenty (20) hours per week.
- (d) Weekly, face-to-face supervision shall be accrued under an LPC at the ratio of forty-five (45) minutes of supervision for every twenty (20) hours of on-the-job experience.
- (e) "Group supervision" means an assemblage of counseling supervisees consisting of from two (2) to six (6) members and no more than one-half (½) of the required supervision hours may be received in group supervision.
- (f) One (1) or two (2) years of supervised experience may be gained at the rate of one (1) year for each thirty (30) graduate semester credit hours or forty-five (45) graduate quarter credit hours in counseling-related course work beyond the master's degree. (Minimal educational requirements are a master's degree [at least forty-five (45) hours] or doctorate with the first forty-five (45) hours meeting the minimal educational requirements. As of January 1, 2000, minimal educational requirements are a master's degree [at least sixty (60) semester credit hours or ninety (90) quarter credit hours] or a doctorate with the first sixty (60) semester credit hours or ninety (90) quarter credit hours meeting the minimal educational requirements.)
- (g) Regardless of the number of hours earned beyond the master's degree, the LPC supervisee shall receive at least one (1) year or one-thousand (1000) clock hours of supervision in the ratio described in subchapter 11, section 310:405-11-5(b-d).
- (h) If an applicant completes the supervised experience requirement before passing the licensure examination, the applicant shall continue to practice under LPC supervision as described in this subchapter, unless exempted by the Act, until licensed. Failure to do so constitutes a violation of the Act and may be subject to prosecution under the District Attorney and sanction by the Commissioner of Health.
- (i) Applicants shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the application shall be voided.
- (j) Approved supervisors shall perform at least two (2) observations (live or tape) per each six (6) month evaluation period for each supervisee.
- (k) Approved supervisors shall consult with on-site supervisor at least once during each six (6) month evaluation period for each supervisee.

[Source: Transferred from 310:405-11-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:11-11-6. Documentation of supervised experience**

- (a) A supervision agreement form between the supervisor and supervisee, the Statement of Professional Disclosure Form, and the On-Site Supervisor Verification Form shall be received by the LPC Department prior to beginning the accrual of supervised hours.
- (b) The supervisor and supervisee shall sign and submit the "Evaluation of Supervised Experience," including documentation of observations and date of consultation between approved supervisor and on-site supervisor, semi-annually.

[Source: Transferred from 310:405-11-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-11-7. Supervision agreement**

- (a) The Supervision Agreement shall include the following:
- (1) Supervisor and supervisee agree to terms set forth for the accrual of supervised experience; and
  - (2) A reproduction of the regulation regarding supervised experience.
- (b) Evaluation of Supervised Experience document shall include the following:
- (1) Identifying information;
  - (2) Time, place and duration of supervised experience;
  - (3) Percentage of time spent in different counseling activities;
  - (4) Supervisor's rating of professional activity;
  - (5) Supervisor's comment section; and
  - (6) Record of supervised experience.

[Source: Transferred from 310:405-11-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 13. FEES**

### **86:11-13-1. Fees established**

The Commissioner shall establish fees to provide for the administration of the LPC Act.

[Source: Transferred from 310:405-13-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-13-2. Schedule of fees**

- (a) **Application fee.** One hundred forty-five dollars (\$145.00) shall be submitted with the application form.
- (b) **License examination fee.** One hundred dollars (\$100.00) shall be submitted when the applicant registers for the examination.
- (c) **Initial license fee.** Ninety dollars (\$90.00) shall be submitted upon notification by the Department. This fee validates the license for a two (2) year period.
- (d) **Annual renewal fee.** Eighty dollars (\$80.00) shall be submitted upon notification by the Department on or before June 30 and validates the license for twelve (12) months.
- (e) **Specialty application fee.** One hundred dollars (\$100.00) shall be submitted with the specialty application.
- (f) **Specialty designation fee.** Fifty dollars (\$50.00) shall be submitted upon notification by the Department.
- (g) **Specialty designation renewal fee.** Twenty dollars (\$20.00) shall be submitted on or before June 30 and validates the license for twelve (12) months.
- (h) **Late renewal fee.** Twenty-five dollars (\$25.00) shall be submitted if the license is not renewed by June 30. The licensee must submit this fee as well as the license renewal fee on or before the following June 30 to avoid revocation.
- (i) **Replacement fee.** Twenty-five dollars (\$25.00) shall be submitted for the issuance of a license to replace a license which has been lost, damaged, or is in need of revision.
- (j) **Inactive license fee.** Twenty-five dollars (\$25.00). Payment of this fee renders the license inactive and suspends all rights and privileges granted by the license until the license is reactivated.

(k) **Reactivation fee.** A pro-rated fee in accordance with LPC regulation 310:405-21-3.1 shall be submitted at the time of reactivation.

[Source: Transferred from 310:405-13-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:11-13-3. Fees non-refundable**

Fees paid by applicants are not refundable.

[Source: Transferred from 310:405-13-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:11-13-4. Method of payment**

Payment of fees shall be by personal check, cashier's check, money order or cash. Payment of fees may be made by credit card or other electronic means, if acceptable by the Department. Any check returned to the Department for non-payment will result in suspension of license.

[Source: Transferred from 310:405-13-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:11-13-5. Review of fees**

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

[Source: Transferred from 310:405-13-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**SUBCHAPTER 15. LICENSURE EXAMINATIONS**

**86:11-15-1. Eligibility**

An LPC applicant may be eligible to sit for the licensing examination following the submission of:

- (1) Application fee and form;
- (2) Practicum/Internship Documentation Form;
- (3) Official transcript(s) showing completion of all academic requirements listed in subchapter 9, section 310:405-9-2;
- (4) Three (3) Document of Recommendation Forms; and
- (5) Two (2) classifiable sets of fingerprints.

[Source: Transferred from 310:405-15-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:11-15-2. Examinations required**

Each applicant shall take two examinations:

- (1) The National Counselor Examination for Certification and Licensure or another equivalent examination as determined by the Department; and
- (2) The Oklahoma Legal and Ethical Responsibilities Examination.

[Source: Transferred from 310:405-15-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:11-15-3. Frequency**

The Department shall administer the licensure examination at least one (1) time each year or as often as deemed necessary.

[Source: Transferred from 310:405-15-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-15-4. Application**

- (a) The Department shall mail notification of eligibility to sit for examination to the last known address of applicant no later than sixty (60) days after receiving the required and completed application materials.
- (b) Upon receiving test eligibility letter from the Department, applicant shall submit examination registration materials and fees to the Department's designee.
- (c) An applicant's eligibility to sit for the exam may be valid for two years, at which time if they have not successfully passed the exams, their licensure application shall be voided and the applicant shall be mailed notification at last known address.
- (d) An applicant who fails the NCE exam, may schedule additional examinations, within the two-year eligibility period, with the submission of subsequent exam registration materials and fees. The subsequent exam can be scheduled no sooner than 90 days after the prior exam.

[Source: Transferred from 310:405-15-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-15-5. Grading**

- (a) Licensure examinations shall be graded by the Department or its designated representatives.
- (b) The passing score on the examination shall be that score accepted as passing by the National Board for Certified Counselors.

[Source: Transferred from 310:405-15-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-15-6. Notice of results**

- (a) The Department shall mail notification to the examinee at last known address of the examination results within sixty (60) days of the date of the examination.
- (b) The Department shall furnish the applicant an analysis of performance.
- (c) No matter what numerical or other scoring system the Department may use in arriving at examination results, the official notice of results to the examinees shall be stated in terms of "pass" or "fail".
- (d) If the notice of examination results is delayed for more than ninety (90) days after the date of the examination, the Department shall mail notification to the examinee at the last known address before the ninetieth (90th) day.

[Source: Transferred from 310:405-15-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-15-7. Failure to appear**

If an applicant for licensure fails to appear for examination for reasons other than documented illness or other cause beyond the applicant's control after having agreed to do so by applying to take a particular examination, the applicant shall reapply and pay another examination fee before being admitted to a subsequent examination.

[Source: Transferred from 310:405-15-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-15-8. Failure to apply**

The application of a person who fails to apply for, sit for, and successfully pass the National Counselor Examination and the Oklahoma Legal and Ethical Responsibilities Examination, within the two-year eligibility period, after the applicant has been mailed notification at last known address in writing of his/her eligibility for examination, shall be voided and the applicant shall be mailed notification at last known address.

[Source: Transferred from 310:405-15-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS**

### **86:11-17-1. Purpose**

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

[Source: Transferred from 310:405-17-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-17-2. Number of hours required**

(a) Licensees shall complete and furnish documentation to the Department of twenty (20) clock hours of continuing education per year. One (1) graduate academic semester credit hour is equal to fifteen (15) clock hours. One (1) graduate academic quarter credit hour is equal to ten (10) clock hours. Current LPC Advisory Board members shall receive clock hours of acceptable continuing education for attendance and participation in advisory board or sub-committee meetings.

(b) A minimum of three (3) clock hours of continuing education hours must be in counseling ethics from programs pre-approved by the Department or its designee. Continuing education in counseling ethics is acceptable as meeting the pre-approval requirements by the Department when the continuing education program:

- (1) Addresses ethics issues, as the sole focus and specifically pertains to the practice of counseling, as defined in Title 59 of the Oklahoma Statutes, Section 1902(6), counseling treatment interventions, consulting, referral activities, or research activities as defined in Title 59 of the Oklahoma Statutes, Section 1902.
- (2) Addresses regulations as promulgated in Subchapter 3 of this Chapter.
- (3) Meets all requirements of sections 2-5 of OAC 310:405-17-3.
- (4) As of the July 1, 2008 to June 30, 2009 renewal period, the three clock hours of counseling ethics continuing education must be accrued in a face-to-face setting.
- (5) Current LPC Advisory Board members shall receive clock hours of acceptable continuing education for attendance and participation in advisory board or sub-committee meetings.

(c) Approved LPC Supervisors must complete a minimum of three (3) clock hours of continuing education in counseling supervision from programs pre-approved by the Department or its designee. Continuing education in Counseling Supervision is acceptable as meeting the pre-approval requirements by the Department when the continuing education program:

- (1) Addresses issues specifically related to the practice of clinical supervision, as the sole focus, pursuant to regulations promulgated in Subchapter 11 of this Chapter.
- (2) Contains content in one or more of the following knowledge areas:

- (A) Ethical and legal considerations in the practice of clinical supervision;
  - (B) Theoretical models of clinical supervision;
  - (C) Clinical supervision intervention methods and modalities;
  - (D) Research in clinical supervision; and
- (3) Meets all requirements of sections 2-5 of OAC 310:405-17-3 of this Chapter.
- (4) As of the July 1, 2008 to June 30, 2009 renewal period, the three clock hours of counseling supervision continuing education must be accrued in a face-to-face setting.

[Source: Transferred from 310:405-17-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-17-3. Acceptable continuing education**

Continuing education (C.E.) is acceptable to the Department when it:

- (1) Approximates the content of any of the academic areas listed under OAC 310:405-9-2 of this chapter and;
- (2) Is presented by a person who:
  - (A) is licensed or certified by counseling related professions;
  - (B) is a licensed or certified member of a non-counseling field, i.e. medicine, law if the content of the presentation is counselor related and falls within the presenter's area of training; or
  - (C) has experience teaching, at the graduate level, in a regionally accredited college or university from any of the knowledge areas listed in OAC 310:405-9-2; or
  - (D) the person is presenting or has presented at a national mental health conference provided by the American Counseling Association (ACA), or any of its divisions, American Psychological Association (APA), Association for Marriage and Family Therapy (AAMFT), National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field; or
  - (E) is presenting in a program sponsored or provided by a state or federal government agency with responsibility for mental health and substance abuse services; and
- (3) Takes place in the context of:
  - (A) a college course, in-service training, institute, seminar, workshop, conference or a Department pre-approved home-study or technology-assisted distance learning course;
  - (B) takes place in the context of a national mental health conference provided by the American Counseling Association (ACA), or any of its divisions, American Psychological Association (APA), American Association for Marriage and Family Therapy (AAMFT), National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field; or
  - (C) a program approved or offered by a state or federal government agency with responsibility for mental health and substance abuse services; or



- (D) Current LPC Advisory Board members shall receive clock hours of acceptable continuing education for attendance and participation in advisory board or sub-committee meetings.
- (4) Is accrued during the twelve (12) months preceding the renewal deadline or, in the case of the first licensing period, twenty-four (24) months preceding.

[Source: Transferred from 310:405-17-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-17-4. Continuing education accrual from teaching**

Continuing education may also be accrued when the LPC teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to 310:405-17-3(1) of this subchapter, provided that such teaching is not required as part of the LPC's regular employment. Two (2) hours of continuing education are credited for each hour taught. No more than ten (10) hours of continuing education may be accrued per year through teaching activities. Credit will be given only for the first presentation.

[Source: Transferred from 310:405-17-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:13-17-5. Continuing education accrual from home-study or technology-assisted distance learning courses**

Continuing education may be accrued when the LPC completes home-study or technology-assisted distance learning programs that are approved by the Department. No more than ten (10) hours of continuing education may be accrued per renewal period through home-study or technology-assisted distance learning courses. Presenter or program author must meet all requirements of OAC 310:405-17-3 of this Chapter. Home-study or technology-assisted distance learning is designed to deliver education to learners who are not in the direct physical presence of the educator.

[Source: Transferred from 310:405-17-4.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-17-6. Professional audience**

Continuing education, whether received or presented by the LPC, shall be targeted toward a professional audience.

[Source: Transferred from 310:405-17-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-17-7. Documentation of attendance**

LPCs 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 teaching activities on the sponsor's letterhead giving the name of the program, location, dates, subject taught, and total number of

hours taught.

[Source: Transferred from 310:405-17-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-17-8. Submission of continuing education roster**

LPCs shall submit a Continuing Education Roster (not individual verification of attendance documents) on an official Department form with the license renewal fee. Rosters may be obtained from the Department. The Continuing Education Roster shall include the name of the licensee, signature and signature date of the licensee, total clock hours of workshop(s), name of workshop(s), sponsoring agency of workshop(s), date of workshop(s), and the number of hours of each workshop. Only continuing education accrued in the preceding license renewal period shall be acceptable.

[Source: Transferred from 310:405-17-6 .1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-17-9. Audit of continuing education submissions**

In May of each year, the Department shall randomly select from two (2) to twenty-five (25) percent of the number of LPCs on active status the previous year for an audit of their claimed continuing education credits. These selected LPCs shall provide the Department with verification of all credits claimed on their Continuing Education Roster on or before the renewal deadline. The Department may, at its discretion, audit and require verification of any credits claimed which it may consider questionable or fraudulent.

[Source: Transferred from 310:405-17-6 .2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:13-17-10. Penalty for failure to submit continuing education**

Failure to fulfill the continuing education requirements by the renewal date renders the license in suspension. All rights granted by the license are null and void until the requirement is fulfilled and a late renewal fee is paid. The LPC has twelve (12) months from the date of suspension to fulfill the requirements for reinstatement. If not reinstated, the license shall expire.

[Source: Transferred from 310:405-17-6 .3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-17-11. Submission of fraudulent continuing education**

The submission of fraudulent continuing education hours shall be the cause for disciplinary action through the Commissioner and may result in sanction by the Department.

[Source: Transferred from 310:405-17-6 .4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-17-12. Responsibility**

The licensee shall be responsible for providing or arranging for sponsors to provide the information necessary for the Department to make a determination of the suitability of the program for continuing education requirements.

[Source: Transferred from 310:405-17-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-17-13. Failure to complete**

A person whose license is not renewed due to failure to complete continuing education requirements shall follow subchapter 23 of this chapter known as "License and Specialty Late Renewal and Revocation."

[Source: Transferred from 310:405-17-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 19. ISSUANCE OF LICENSE**

### **86:11-19-1. License**

The Commissioner shall issue a license certificate which contains the licensee's name, license number, specialty designation, if any, highest accredited counseling-related academic degree and date of issuance.

[Source: Transferred from 310:405-19-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-19-2. Statement of Professional Disclosure**

An LPC license shall be issued only after the Department has received the applicant's Statement of Professional Disclosure.

[Source: Transferred from 310:405-19-1.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-19-3. Signature**

Official licenses shall be signed by the Commissioner and the Chairperson of the Advisory Board and be affixed with the seal of the State of Oklahoma.

[Source: Transferred from 310:405-19-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-19-4. Property of department**

All licenses issued by the Commissioner shall remain the property of the Department and shall be surrendered on demand.

[Source: Transferred from 310:405-19-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-19-5. Notification**

After having fulfilled all requirements for licensure, the Department shall mail notification to the licensee, at last known address, of qualification for licensure; and when the license fee is received by the Department, the Department shall mail the license to the counselor.

[Source: Transferred from 310:405-19-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-19-6. Replacement**

The Department shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LPC's original license or be accompanied by the damaged license, if available.

[Source: Transferred from 310:405-19-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 21. LICENSE AND SPECIALITY RENEWAL**

### **86:11-21-1. Responsibility**

Each LPC is responsible for renewing the license and specialty designation before the expiration date.

[Source: Transferred from 310:405-21-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-21-2. Initial licensing period**

The renewal date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.

[Source: Transferred from 310:405-21-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-21-3. Initial renewal**

After the first two (2) years of licensure, the licensee shall submit verification of at least forty (40) hours of continuing education required for renewal.

[Source: Transferred from 310:405-21-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-21-4. Interim renewal**

The renewal notice for the initial renewal shall solicit the required continuing education documentation and invoice the licensee for the interim period between the original renewal date and the following June 30th so that subsequent renewals shall be on a fiscal year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by June 30th. Fees and continuing education hours will be prorated according to the schedule below.

- (1) License expires last day of July:
  - (A) Fee - \$71.50
  - (B) C.E. due June 30th - 16.5 hours
- (2) License expires last day of August:
  - (A) Fee - \$65.00
  - (B) C.E. due June 30th - 15 hours
- (3) License expires last day of September:
  - (A) Fee - \$58.50
  - (B) C.E. due June 30th - 13.5 hours
- (4) License expires last day of October:
  - (A) Fee - \$52.00
  - (B) C.E. due June 30th - 12 hours
- (5) License expires last day of November:
  - (A) Fee - \$45.50
  - (B) C.E. due June 30th - 10.5 hours
- (6) License expires last day of December:
  - (A) Fee - \$39.00
  - (B) C.E. due June 30th - 9 hours
- (7) License expires last day of January:
  - (A) Fee - \$32.50
  - (B) C.E. due June 30th - 7.5 hours
- (8) License expires last day of February:
  - (A) Fee - \$26.00
  - (B) C.E. due June 30th - 6 hours

- (9) License expires last day of March:
  - (A) Fee - \$19.50
  - (B) C.E. due June 30th - 4.5 hours
- (10) License expires last day of April:
  - (A) Fee - \$13.00
  - (B) C.E. due June 30th - 3 hours
- (11) License expires last day of May:
  - (A) Fee - \$6.50
  - (B) C.E. due June 30th - 1.5 hours
- (12) License expires last day of June: not prorated

[Source: Transferred from 310:405-21-3.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-21-5. Annual renewal**

After the initial two (2) year licensing period plus the interim period, renewals shall expire each June 30th, with a renewal fee of eighty dollars (\$80.00) and a continuing education requirement of twenty (20) hours.

[Source: Transferred from 310:405-21-3.2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-21-6. Specialty renewal**

Regardless of the date the Commissioner granted a specialty designation, the date of a specialty renewal shall be the same date as that of the licensure renewal.

[Source: Transferred from 310:405-21-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-21-7. Requirements for renewal**

Requirements for renewal include:

- (1) Compliance with the Act and rules.
- (2) Documentation of the required continuing education.
- (3) Payment of the renewal fee(s).
- (4) Submission of Continuing Education on the Continuing Educations Roster for Renewal of LPC licensure form.

[Source: Transferred from 310:405-21-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **310:405-21-6. Display of verification card**

- (a) A current license verification card shall be displayed on the original or replaced license.
- (b) A current license verification card shall be readily available on the LPC's person at any time counseling services are being provided.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99; Amended at 26 Ok Reg 2027, eff 6-25-09]

#### **86:11-21-9. Inactive status**

- (a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar (\$25.00) fee. An inactive license forfeits all rights and privileges granted by the license.
- (b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Department.

- (c) When a license is placed on inactive status, it remains inactive for at least one (1) year from the date of inactivation.
- (d) Active status may be re-established upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year if there are no impediments to licensure.

[Source: Transferred from 310:405-21-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 23. LICENSE AND SPECIALTY LATE RENEWAL**

### **86:11-23-1. Renewal notification**

The Department shall mail to licensee's last known address, at least forty-five (45) days prior to the expiration date of the LPC's license, a notice of expiration.

[Source: Transferred from 310:405-23-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-23-2. Failure to renew**

If the licensee fails to renew the license by the expiration date, the Department shall mail a notification to the last known address which shall include:

- (1) Suspension of the license and forfeiture of rights and privileges granted by the license, and,
- (2) The LPC has the right to renew the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one (1) year following the suspension of the license.

[Source: Transferred from 310:405-23-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-23-3. Return of license**

Licenses not renewed within the one (1) year renewal period shall be permanently expired and shall not be reinstated. The license shall be returned to the Department.

[Source: Transferred from 310:405-23-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-23-4. Misrepresentation**

An LPC whose license has been inactivated, suspended, or revoked and continues to represent himself as an LPC, is in violation of the Act and shall be reported to the appropriate District Attorney for prosecution.

[Source: Transferred from 310:405-23-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 25. LICENSURE BY ENDORSEMENT**

### **86:11-25-1. Submission of verification of license**

An applicant applying for licensure by endorsement shall submit a letter from the licensing agency stating the applicant is active and in good standing. The Department may require the applicant to submit a copy of the statute and rules of the agency issuing the license.

[Source: Transferred from 310:405-27-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-25-2. Licensing procedures**

An applicant must submit the application form and related documents as requested, licensure fees, three current documents of recommendation and official transcripts.

[Source: Transferred from 310:405-27-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-25-3. License by endorsement**

The Department shall issue a license by endorsement to an applicant who is licensed or certified as a professional counselor by another state or territory of the United States or the District of Columbia and who meets the following:

- (1) The applicant's professional counselor license in the other jurisdiction is active and in good standing which allows the applicant to practice independently without supervision . The applicant shall have no history of suspension or revocation action against the license and fulfills all the requirements located in OAC 310:405-5;
- (2) The applicant fulfills the requirements of Title 59 of the Oklahoma Statutes, Section 1906(A)and (B) (1)(3)(4);
- (3) The applicant must have at least a masters degree in a counseling or a mental health related field from a regionally accredited college or university;
- (4) The applicant must show proof of one of the following:
  - (A) has held a license in another jurisdiction for at least five years;
  - or
  - (B) satisfies the requirements located at Title 59 Oklahoma Statutes , Section 1906 (C); and
- (5) The applicant successfully completes the Oklahoma Legal and Ethical Responsibilities Examination.

[Source: Transferred from 310:405-27-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 27. CONSUMER INFORMATION**

### **86:11-27-1. Directory**

- (a) Each year the Department shall publish a directory of Licensed Professional Counselors (LPC's).
- (b) The directory of LPCs shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number, license number, and the counseling specialties, if any, of current licensees.

[Source: Transferred from 310:405-29-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-27-2. Brochure**

The Department shall prepare information of consumer interest which describes the regulatory functions of the Department and its procedures to handle and resolve consumer complaints.

[Source: Transferred from 310:405-29-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:11-27-3. Statement of professional disclosure**

(a) The Statement of Professional Disclosure states the LPC shall inform clients of the counselor's professional credentials, training, fees, orientation/techniques and informs about the LPC Director should the client seek additional information about the counselor.

(b) Both LPCs and LPC candidates as provided by Section 1916.1 of the LPC Act shall:

(1) Furnish an example copy signed by the LPC, and in the case a candidate, signed by the LPC supervisor and the candidate to the Department. Updated copies shall be submitted when the counselor's situation warrants.

(2) In the counseling setting, two (2) copies shall be signed by both the client or adult caretaker and the counselor. One (1) copy shall be given to the client and the other copy shall be retained by the counselor in the client's file.

[Source: Transferred from 310:405-29-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-27-4. Informed consent**

Clients have the freedom to choose whether to enter into or remain in a counseling relationship and need adequate information about the counseling process and the LPC. LPCs have an obligation to review in writing and verbally with clients the rights and responsibilities of both the LPC and the client. Informed consent is an ongoing part of the counseling process, and LPCs appropriately document discussions of informed consent throughout the counseling relationship.

[Source: Transferred from 310:405-29-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **SUBCHAPTER 29. ENFORCEMENT**

#### **86:11-29-1. Purpose**

The purpose of this subchapter is to specify the administration of complaints and the filing of disciplinary actions against LPCs or against persons who practice counseling without a license or exemption.

[Source: Transferred from 310:405-31-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-29-2. Complaints**

(a) Any person may file a complaint against an LPC or a person practicing counseling. A person wishing to report a complaint or alleged violation against a licensee or person practicing counseling may notify the Department in writing, by telephone, or by a personal visit. The Department will determine whether the complaint alleges a possible violation of the Act or this chapter. The Department may present the complaint to the Advisory Board for consultation.

(b) The complaint and the identity of the complainant shall be confidential and shall not be available for public inspection.

[Source: Transferred from 310:405-31-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-29-3. Investigation**

If the Department determines that a possible violation of the Act or this Chapter has occurred, the Department may commence an investigation of the



complaint.

[Source: Transferred from 310:405-31-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-29-4. Filing of an action**

(a) The Department may begin a disciplinary action against an LPC or a person practicing counseling who is not exempt from licensure by following the procedures in Chapter 2 of this Title. The Department shall specifically state the violation(s) and shall request the appropriate remedy. Remedies include revocation of a license, suspension of a license, probation of a licensee and administrative penalty.

(b) If in the course of an investigation the Department determines that a licensee or candidate for licensure has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the counselor's license or authorization to conduct counseling, counseling treatment interventions, and/or consulting. A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a licensee or candidate has violated 310:405-3-3(c) or 310:405-3-4(a,b,c or e).

[Source: Transferred from 310:405-31-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-29-5. Hearing**

Hearings shall be conducted by the Commissioner of Health or his designee as specified in Chapter 2 of this title (310:2). The Department shall recommend the most appropriate penalty at the conclusion of the evidence. In making its recommendation, the Department may seek the counsel of the Advisory Board.

[Source: Transferred from 310:405-31-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-29-6. Final order**

The Department, either by order of the Commissioner or an Administrative Law Judge, shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.

[Source: Transferred from 310:405-31-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-29-7. Unauthorized practice**

Any person found to be practicing counseling without being either properly licensed, exempt or under the approved supervision of an LPC as part of the licensure process shall be ordered to cease practicing and may be subject to an administrative penalty. The Department may seek the assistance of the courts if the actions continue.

[Source: Transferred from 310:405-31-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:11-29-8. Administrative penalties**

(a) The Department may assess an administrative penalty against an individual if the order includes a finding that the individual:

- (1) Violated any provision of the Act, including practicing counseling without licensure or exemption; or

- (2) Violated any rule within this Chapter; or
  - (3) Violated any order issued pursuant to this Chapter.
- (b) The total amount of the administrative penalty assessed shall not exceed ten-thousand dollars (\$10,000.00) for any related series of violations.

[Source: Transferred from 310:405-31-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## CHAPTER 15. LICENSED MARITAL AND FAMILY THERAPISTS

*Editor's Note:* See Editor's Note at beginning of Chapter 16 of this Title 86 [OAC 86:16].

[Authority: 59 O.S., §§ 1901 et seq.]

[Source: Codified 9-11-15]

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 86:15-1-1. Purpose

The rules in this Chapter ("Rules") implement the Marital and Family Therapist Licensure Act, 59 O.S. Section 1925.1 et seq.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

#### 86:15-1-2. Consumer information

(a) **Directory.** The Board shall provide a directory of Licensed Marital and Family Therapists (LMFTs). The directory of LMFT's shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number and license number.

(b) **Brochure.** The Board shall prepare information of consumer interest which describes the regulatory functions of the Board and Board procedures to handle and resolve consumer complaints.

#### (c) Request for promulgation, amendment or repeal of a rule.

(1) Any person may request the Board adopt, amend or repeal a rule in this chapter. The request shall be made in writing and shall include an explanation to support the request. A request shall also include:

(A) the name, address and telephone number of the person making the request;

(B) the name, address and telephone number of the agency or organization the person represents, if any;

(C) the number used to identify the rule if the request is to amend or repeal an existing rule; and

(D) the proposed language if the request is to amend an existing rule or adopt a new rule.

(2) It is the Board's policy to respond to such requests within 30 calendar days.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 40 Ok Reg 853, eff 8-11-23]

#### 86:15-1-3. Definitions

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"**Act**" means the Marital and Family Therapist Licensure Act, 59 O.S. §§ 1925.1 et seq., as amended.

"**Approved LMFT supervisor**" ("**Supervisor**") means an individual who meets the qualifications to become an approved supervisor and is approved by the Board as set forth in Section 86:15-9-3 of this Chapter.

"**Board**" means the State Board of Behavioral Health Licensure.

"**Complainant**" means any person who files a Request for Inquiry against a LMFT, Candidate, or a person who delivers marital and/or family therapy without a license.

"**Complaint Committee**" means one Board member who is a LMFT, the Executive Director, the Assistant Attorney General and may include other appropriate individuals as determined by the Committee.

"**Direct Client Contact Hours**" means the performance of therapeutic or clinical functions that includes diagnosis, assessment and treatment of mental, emotional and behavioral disorders based primarily on verbal communications and intervention with, and in the presence of, one or more clients.

"**Employee**" means in accordance with 26 U.S.C. § 3121 (d),:

(A) Any officer of a corporation; or

(B) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of employee.

"**Extra therapeutic relationship**" means a familial, social, financial, business, professional, close personal, sexual or other non therapeutic relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LMFT's or LMFT Candidate's professional obligation to a client.

"**Face-to-Face learning**" means the delivery of graduate coursework or continuing education through instruction that is designed to deliver education to learners who are in the direct physical presence of the educator or designed to deliver education to learners through synchronous instructional delivery methods.

"**Face-to-face supervision**" means the Supervisor and the Candidate shall be in the physical presence of the other during individual or group supervision.

"**Forensic services**" means the application of knowledge, training and experience from the mental health field to the establishment of facts and/or the establishment of evidence in a court of law or ordered by a court of law.

"**Formal Complaint**" means a written statement of alleged violation(s) of the Act and/or Rules which is filed by the Assistant Attorney General. The Formal Complaint schedules an Individual Proceeding before the Board in accordance with 75 O.S. §309.

"**Full time**" means at least twenty (20) hours of on-the-job experience per week.

"**Group supervision**" means an assemblage of three (3) to six (6) Candidates.

"**Home-study**" or "**technology-assisted distance learning**" refers to means the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on asynchronous instructional delivery methods.

"**Licensed marital and family therapist**" or "**LMFT**" or "**Licensee**" means a person holding a current license issued pursuant to the provisions of the Marital and Family Therapist Licensure Act;

"**Licensed marital and family therapist candidate**" ("**Candidate**") means a person whose application for licensure has been accepted and who is under

supervision for licensure as provided in 59 O.S. §1925.6;

**"Licensure Committee"** means two LMFT Board members, the Executive Director, and may include other appropriate individuals as determined by the Committee.

**"OAC"** means the Oklahoma Administrative Code.

**"On-site supervisor"** means a person who may not be an approved LMFT supervisor but is licensed in the State of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LMFT Candidate whose assigned job duties include acting as the immediate supervisor to the LMFT Candidate and who is available to the candidate at all times when counseling services are being rendered by the LMFT Candidate.

**"Request for Inquiry" ("RFI")** means a written or oral statement of complaint from any person alleging possible violation(s) of the Act and/or Rules.

**"Respondent"** means the person against whom an Individual Proceeding is initiated.

**"Staff"** means the personnel of the Board.

**"Technology-assisted supervision"** refers to supervision that occurs through video conferencing, over secure internet connections, wherein a Supervisor and a Candidate are in separate physical locations.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16; Amended at 36 Ok Reg 500, eff 7-25-19; Amended at 40 Ok Reg 853, eff 8-11-23]

#### **86:15-1-4. Applicability**

Every duty, obligation or requirement described in this Chapter and imposed upon a LMFT shall be applicable to every Candidate, unless specifically provided otherwise.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

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

#### **86:15-3-1. Responsibility to clients**

(a) LMFTs are dedicated to advancing the welfare of families and individuals, including respecting the rights of those persons seeking their assistance, and making reasonable efforts to ensure that their services are used appropriately.

(b) LMFTs shall not, in the rendering of their professional services, participate in, condone, or promote discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status, or any basis proscribed by law. LMFTs do not discriminate against clients, students, employees, supervisees, or research participants in a manner that has a negative impact on these persons.

(c) LMFTs are cognizant of their potentially influential position with respect to clients, and they shall not exploit the trust and dependency of such persons. LMFTs therefore shall avoid extra therapeutic relationships with clients that could impair their professional judgment or increase the risk of exploitation. When extra-therapeutic relationships cannot be avoided, LMFTs shall take appropriate professional precautions to insure that judgment is not impaired and that no exploitation occurs. Examples of such extra therapeutic relationships include, but

are not limited to, business or close personal relationships with clients.

(d) LMFTs shall not undertake to provide therapy to any person with whom the LMFT has had any prior sexual conduct, as defined by the Board. LMFTs shall not undertake to provide therapy to any person with whom the LMFT has had familial, any prior social, financial, business, professional, close personal, or other non-therapeutic relationship with a client, or engage in any activity with another person that interferes or conflicts with the LMFTs professional obligation to a client within the previous five (5) years. Sexual intimacy with clients is prohibited.

(e) Sexual conduct with current or former clients is prohibited.

(f) LMFTs shall not use their professional relationship with clients to further their own interests.

(g) LMFTs respect the right of clients to make decisions and help them to understand the consequences of those decisions. LMFTs shall clearly advise a client that a decision on marital status is the responsibility of the client.

(h) LMFTs shall continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.

(i) LMFTs shall assist persons in obtaining other therapeutic services if a marital and family therapist is unable or unwilling, for appropriate reasons, to see a person who has requested professional help.

(j) LMFTs shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment by other appropriate professionals as necessary and indicated.

(k) When an LMFT becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LMFTs duty of responsibility to the client, including a suspension of the LMFTs license or any other situation or condition described in subchapter 3 of these rules, the LMFT shall promptly notify the client in writing of the presence or existence of the disability or condition and take reasonable steps to timely terminate the therapeutic relationship consistent with the provisions of paragraphs (i) and (j) herein.

(l) LMFTs shall obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 36 Ok Reg 500, eff 7-25-19; Amended at 37 Ok Reg 1032, eff 9-11-20]

### **86:15-3-2. Confidentiality**

(a) LMFTs have unique confidentiality problems because the "client" in a therapeutic relationship may be more than one person. The overriding principle is that LMFTs respect the confidences of their client(s).

(b) LMFTs shall not disclose client records and confidences to anyone, except:

- (1) as mandated by law;
- (2) to prevent a clear and immediate danger to a person or persons;
- (3) where the LMFT is a defendant in a civil, criminal, or disciplinary action rising from the therapy (in which case client confidences may be disclosed only in the course of that action);
- (4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.

(c) In circumstances where more than one person in a family is receiving therapy, each such family member who is legally competent to execute a waiver must agree to the waiver required by paragraph (b)(4) of this section. Absent such a waiver from each family member legally competent to execute a waiver, an LMFT shall

not disclose information received from any family member.

(d) LMFTs shall use client and/or clinical materials in teaching, writing, and public presentations only if a written waiver has been received in accordance with subsection (c) of this section, or when appropriate steps have been taken to protect client identity.

(e) LMFTs shall store or dispose of client records in ways that maintain confidentiality.

(f) LMFTs shall maintain verifiable records necessary for rendering professional services to their clients for at least seven (7) years beyond termination of services. LMFTs employed at an institution or facility that has a published records retention policy that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(g) LMFTs shall maintain the confidentiality of any information received from any person or source about a client, unless authorized in writing by the client or otherwise authorized or required by law or court order.

(h) LMFTs shall be responsible for complying with the applicable state and federal regulations in regard to the security, safety and confidentiality of any therapeutic record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### **86:15-3-3. Professional competence and integrity**

(a) LMFTs are dedicated to maintaining high standards of professional competence and integrity.

(b) LMFTs are presumed to have violated high standards of integrity or competence and it shall be unprofessional conduct if they:

(1) plead guilty to or no contest to or be convicted of a state or federal felony crime if the violation substantially relates to the practice of therapy and poses a reasonable threat to public safety.

(2) have their licenses or certificates suspended or revoked; or

(3) are no longer competent to practice marital and family therapy because they are impaired due to physical or mental causes or the abuse of alcohol or other substances.

(c) LMFTs shall seek appropriate professional assistance for their own personal problems or conflicts that are likely to impair their work performance and their clinical judgment.

(d) LMFTs, as teachers and supervisors, are dedicated to maintaining high standards of scholarship and presenting information that is accurate.

(e) LMFTs shall remain abreast of new developments in family therapy knowledge and practice through both educational activities and clinical experiences.

(f) LMFTs shall not engage in sexual or other harassment or exploitation of clients, students, trainees, supervisees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

(g) LMFTs shall not attempt to diagnose, treat, or advise on problems outside the recognized boundaries of their competence.

(h) LMFTs shall prevent the distortion or misuse of their clinical and research findings.

(i) LMFTs are aware that, because of their ability to influence and alter the lives of others, they must exercise special care when making public their professional recommendations and opinions through testimony or other public statements.

(j) LMFTs shall protect the welfare of the client by storing and/or destroying, when appropriate, client files.

(k) LMFTs shall not, under normal circumstances, offer professional services to clients concurrently receiving services from another professional except with the knowledge of the professional.

(l) LMFTs shall display their original, current license certificate in a prominent place in the primary location of their practice.

(m) LMFTs shall notify the Board of any change in their contact information, including but not limited to: mailing address, telephone number, place of employment, and name and email address, within fourteen (14) days of the change.

(n) LMFTs and LMFT Candidates may perform forensic services, which may include, but are not limited to, assessments, interviews, consultations, custody evaluations, reports, or expert testimony, or other such activity that is undertaken or conducted by the candidate or licensee in contemplation that the results may, or are intended to be, later furnished to a trier of fact or other decision maker, only under the following conditions:

(1) LMFTs and LMFT Candidates must demonstrate competence by education or experience in the subject matter relevant to the issues in question, as determined by the court.

(2) LMFTs and LMFT Candidates shall provide a written notice and make reasonable attempts to obtain a signature acknowledging receipt of such notice, from each person or persons who is the subject of the forensic services. This written notice shall include:

(A) a description of what procedure will be followed in the evaluation process;

(B) how such information, interpretations, conclusions, and recommendations will be distributed;

(C) fee arrangements; and

(D) explanation of the role of the evaluator if subsequently called upon to provide expert testimony before a trier of fact

(3) LMFTs and LMFT Candidates shall maintain written records, in a form or format that is legible or readable to third persons, of all contacts and information received and used in the preparation of their report.

(4) LMFTs and LMFT Candidates must conduct a thorough examination of the person who is the subject of their forensic analysis, and such other person or persons who has/have a legally recognizable right in the subject matter of the proceeding.

(5) LMFTs and LMFT Candidates must base their findings and conclusions only upon information gained by appropriate and lawful means. Interviews of minor children shall be preceded by written consent from the joint-custodial parents or from the custodial parent or from the legal guardian or from the legal custodian appointed by the Court.

(6) LMFTs and LMFT Candidates who provide therapy services for a client shall only provide fact witness testimony, which may include diagnostic impressions, treatment plans and other factual clinical information ordinarily included in a treatment file. Fact witness testimony by LMFTs and LMFT Candidates shall not include opinions or recommendations pertaining to matter subject to a decision by the Court, in forensic matters involving that client, unless otherwise required by law or court order.

LMFTs and LMFT Candidates who provide mediation, parent coordinating assistance or any other neutral participation, may not undertake to provide

therapy concurrently or subsequently to any person(s) involved or directly affected by the LMFT's or LMFT Candidate's role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations by the LMFT or LMFT Candidate and shall not include conclusions, opinions or recommendations.

(7) Assessments, interviews, consultations, custody evaluations, reports or other activity not performed in contemplation that the results would be furnished to a trier of fact or decision maker, must be kept confidential and cannot be utilized in the formation or publication of an opinion by the candidate or licensee.

(o) An LMFT, LMFT candidate, or applicant for LMFT licensure, in connection with a license application or an investigation conducted by the Board pursuant to OAC 86:15-15-1 through 15, shall not:

(1) knowingly make a false statement of material fact; LMFT, LMFT candidate or applicant for licensure to have arisen in the application or the matter under investigation; or

(2) fail to disclose a fact necessary to correct a misapprehension known by the LMFT, LMFT candidate or applicant for licensure to have arisen in the application or the matter under investigation; or

(3) fail to respond to a demand for information made by the Board or any designated representative thereof.

(p) No person may engage in the private or independent practice of marital and family therapy work or open a facility with the intent of providing private or independent therapy practice unless that person:

(1) is licensed under this Act as a Licensed Marital and Family Therapist; and,

(2) has met all requirements of OAC 86:15-9-4 and all of the LMFT Regulations; and

(3) has continued to meet all continuing education requirements set forth in Subchapter 13 of this Chapter.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16; Amended at 36 Ok Reg 500, eff 7-25-19; Amended at 37 Ok Reg 1032, eff 9-11-20]

#### **86:15-3-4. Responsibility to students, employees, and supervisees**

(a) LMFTs shall not exploit the trust and dependency of students, employees and supervisees.

(b) LMFTs are cognizant of their potentially influential position with respect to students, employees, and supervisees, and shall not exploit the trust and dependency of such persons. LMFTs, therefore, shall avoid extra therapeutic relationships that impair their professional judgment or increase the risk of exploitation. Examples of such extra therapeutic relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy with students or supervisees is prohibited.

(c) LMFTs shall not permit students, employees, or supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

(d) LMFTs shall not disclose supervisee confidences to anyone, except:

(1) as mandated by law;

(2) to prevent a clear and immediate danger to a person or persons;



- (3) where the marital and family therapist is a defendant in a civil, criminal, or disciplinary action arising from the supervision (in which case client confidences may be disclosed only in the course of that action);
- (4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

#### **86:15-3-5. Responsibility to research participants**

- (a) LMFTs shall respect the dignity and protect the welfare of persons who participate in research and are cognizant of federal and state laws and regulations and professional standards governing the conduct of research with human participants.
- (b) In planning a study, the LMFT has the responsibility to make a careful examination of its ethical acceptability. To the extent that services to research participants may be compromised by participation in research, the LMFT incurs a correspondingly serious obligation to seek the ethical advice of others not directly involved in the investigation and to observe safeguards to protect the rights of research participants. Examples of compromising conditions include, but are not limited to, random assignment to control groups, waiting lists, and inflexible treatment protocols.
- (c) In requesting involvement in research, LMFTs are obligated to fully inform potential participants of all aspects of the research that might reasonably be expected to influence willingness to participate and to explain all other aspects of the research about which participants inquire. LMFTs are especially sensitive to the possibility of diminished consent when participants are also receiving clinical services or when participants are children or have impairments which limit understanding and/or communication.
- (d) The LMFT respects the individual's freedom to decline to participate in or to withdraw from the research at any time. This obligation requires special thought and consideration when the LMFT or other members of the research team are in positions of authority or influence over the participant.
- (e) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others, including family member, may obtain access to such information, this possibility, together with the plan for protecting confidentiality, is explained as part of the procedure for obtaining informed consent.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

#### **86:15-3-6. Responsibility to colleagues**

- (a) Marital and family therapists shall respect the rights and responsibilities of professional colleagues.
- (b) LMFTs shall assign publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.
- (c) LMFTs who author books or other materials that are published or distributed shall cite appropriately persons to whom credit for original ideas is due.
- (d) LMFTs who author books or other materials published or distributed by an organization shall take reasonable precautions to ensure that the organization promotes and advertises the materials accurately and factually.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### **86:15-3-7. Financial arrangements**

- (a) LMFTs shall clearly explain to clients, prior to entering the therapy relationship, all financial arrangements related to professional services including the consequences for non-payment of fees.
- (b) LMFTs shall not offer or accept payment for referrals.
- (c) LMFTs shall not charge excessive fees for services.
- (d) LMFTs shall represent facts truthfully to clients and third party payor regarding services rendered.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### **86:15-3-8. Advertising**

- (a) LMFTs shall accurately represent their competence, education, training, and experience relevant to their practice of marriage and family therapy.
- (b) LMFTs shall not use a name which could mislead the public concerning the identity, responsibility, source, and status of those practicing under that name and shall not hold themselves out as being partners or associates of a firm if they are not.
- (c) LMFTs shall not use any professional identification (such as a professional card, office sign, letterhead, or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading or deceptive. A statement is false, fraudulent, misleading, or deceptive if it:
  - (1) contains a material misrepresentation of fact;
  - (2) fails to state any material fact necessary to make the statement, in light of all circumstances, not misleading;
  - (3) is intended to or is likely to create an unjustified expectation.
- (d) LMFTs shall correct false, misleading, or inaccurate information and representations made by others concerning the marriage and family therapist's qualifications, services or products.
- (e) LMFTs shall make certain that the qualifications of persons in their employ are represented in a manner that is not false, misleading or deceptive.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

#### **86:15-3-8.1. Candidate for LMFT licensure**

Candidates for licensure as a Licensed Marital and Family Therapist shall not refer to themselves as a Licensed Marital and Family Therapist or LMFT.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

#### **86:15-3-9. Failure to comply**

An LMFT who does not comply with the Rules of Professional Conduct in this Subchapter shall be guilty of unprofessional conduct.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

## **SUBCHAPTER 5. APPLICATION FOR LICENSURE**

### **86:15-5-1. Fitness of applicants**

- (a) **Purpose.** The purpose of this section is to establish the fitness of an applicant as one of the criteria for approval for licensure as an LMFT.

(b) **Fitness for licensure.** 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.
- (3) A violation of the Code of Ethics of the professional discipline espoused by the applicant.
- (4) Any violation of the Board rules in effect at the time of application which is applicable to an unlicensed person.

(c) **Materials considered to determine fitness.**

- (1) Materials considered to determine fitness of skills and abilities include:
  - (A) Evaluations of supervisors or instructors.
  - (B) Statements from persons submitting references for the applicant.
  - (C) Evaluations of employers and/or professional associations.
- (2) Materials considered to determine fitness of professional conduct includes:
  - (A) Allegations of clients.
  - (B) Transcripts or other findings from official court, hearing or investigative proceedings.
  - (C) Any other information which the Board considers pertinent to determining the fitness of applicants.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

## **86:15-5-2. Application procedures**

(a) **General.**

- (1) The purpose of this section is to insure that all applicants meet those requirements specified in Section 1925.6 of the Act.
- (2) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on official Board forms.
- (3) The Board will not consider an application as officially submitted until receipt of the Application, application fee, official graduate transcripts, Internship/Practicum Documentation Form, and completed criminal background check. The fee must accompany the Application Form.

(b) **Application materials.** The purpose of this section is to list the materials required in the application process. All documents must be completed in full by the applicant:

- (1) Application form.
- (2) Official transcript,
- (3) Internship/practicum Documentation Form.
- (4) Completed criminal background check, and
- (5) Application Fee.

(c) **Application forms.**

- (1) Application form - identifying information; graduate education and course work; possession of other credentials; professional ethics and conduct.
- (2) Internship/Practicum Documentation Form - identifying information; time, place, location of practicum
- (3) Supervision Agreement - supervisor and supervisee agree to terms set forth for the accrual of supervised experience; requires identifying

information of supervisee and supervisor as follows:

- (A) Name of candidate;
- (B) Name of candidate's place of employment;
- (C) Location supervised experience hours are being accrued;
- (D) Candidate's contact information;
- (E) Signature of Candidate;
- (F) Name of Approved LMFT Supervisor;
- (G) Name of Approved LMFT Supervisor's place of employment;
- (H) LMFT Approved Supervisor's contact information;
- (I) Signature of LMFT Approved Supervisor;
- (J) Name of On-Site Supervisor;
- (K) On-Site Supervisor's licensure information;
- (L) Name of On-Site Supervisor's place of employment;
- (M) On-Site Supervisor's contact information;
- (N) Signature of On-Site Supervisor.

(4) Evaluation of Supervised Experience document - identifying information; time, place and duration of supervised experience; number of hours of direct client contact with different populations; supervisor's rating of professional activity; supervisor's comment section, and record of supervised experience.

(5) Completed criminal background check.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 36 Ok Reg 500, eff 7-25-19]

### **86:15-5-2.1. Application procedures**

#### **(a) Application for permanently expired license.**

(1) Application after license expires for non-renewal shall include the following documents:

- (A) Application form,
- (B) Application Fee, and
- (C) Completed criminal background check.

(2) Applicant shall provide a passing score on:

- (A) The Licensing Examination in Marital and Family Therapy (Professional Testing Center) or another equivalent examination as determined by the Board, and
- (B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.

(3) Exam results accrued prior to date of this application shall not be considered.

(4) The Internship/Practicum Documentation Form on file shall carry over.

(5) All previously submitted and approved Supervised Experience shall carry over to a new application.

#### **(b) Application for revoked license.**

(1) No Application for a revoked license will be considered for a period of 5 years following the revocation. Application after license is revoked as a result of administrative action shall include the following documents:

- (A) Application form,
- (B) Official transcript(s),
- (C) Internship/Practicum Documentation form,
- (D) Application Fee, and
- (E) Completed criminal background check.

- (2) Applicant shall provide a passing score on:
  - (A) The Licensing Examination in Marital and Family Therapy (Professional Testing Center) or another equivalent examination as determined by the Board, and
  - (B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.
- (3) All previously submitted and approved Supervised Experience shall not carry over to a new application.
- (4) Application materials shall be reviewed by the License Committee.
- (5) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of the revocation of licensure.
- (6) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

**(c) Application for voided application for failure to provide a passing score on examinations.**

- (1) Application after application is voided for failure to provide a passing score on examinations shall include the following documents:
  - (A) Application form,
  - (B) Official transcript(s),
  - (C) Application Fee, and
  - (D) Completed criminal background check.
- (2) Applicant shall provide a passing score on:
  - (A) The Licensing Examination in Marital and Family Therapy (Professional Testing Center) or another equivalent examination as determined by the Board, and
  - (B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.
- (3) The Internship/Practicum Documentation Form on file shall carry over to a new application.
- (4) All previously submitted and approved Supervised Experience shall carry over to a new application.

**(d) Application procedures for voided application for inactivity.**

- (1) Application after application is voided for remaining inactive for 24 months, in accordance with 86:15-5-2.3, shall include the following documents:
  - (A) Application form,
  - (B) Official transcript(s),
  - (C) Application Fee, and
  - (D) Completed criminal background check.
- (2) Applicant shall take and pass two examinations:
  - (A) The National Examination in Marriage and Family Therapy or another equivalent examination as determined by the Board; and
  - (B) The Oklahoma LMFT Examination (OLMFTE).
- (3) The Internship/Practicum Documentation Form on file shall carry over.

**(e) Application for denied application.**

- (1) Application after application has been denied as prescribed in Section 1925.15 of the Act shall include the following documents:
  - (A) Application form,
  - (B) Official transcript(s),

- (C) Internship/Practicum Documentation form,
  - (D) Application Fee, and
  - (E) Completed criminal background check.
- (2) Application materials shall be reviewed by the LMFT License Committee.
- (3) Applicant shall provide a passing score on:
- (A) The National Examination in Marital and Family Therapy (Professional Testing Corporation) or another equivalent examination as determined by the Board, and
  - (B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.
- (4) Exam results accrued prior to date of this application shall not be considered.
- (5) Applicant shall be required to accrue an additional 500 hours of supervised experience.
- (6) Internship/Practicum Documentation Form on file shall carry over to a new application.
- (7) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (8) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of denial of licensure application.
- (9) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 36 Ok Reg 500, eff 7-25-19]

### **86:15-5-2.2. Hearing upon denial of licensure application**

Following the denial of a licensure application by the Board to an applicant who has a felony conviction, as prescribed in Section 1925.15 (B) of the Act, the applicant may request an administrative hearing to contest the denial of his/her application within 15 days of receiving notification from the Board. If a hearing is not requested within 15 days, the denial will be final.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### **86:15-5-2.3. Inactive application**

Applications with 24 months of inactivity shall be voided.

[Source: Added at 36 Ok Reg 500, eff 7-25-19]

### **86:15-5-3. Academic and experience requirements**

(a) **Fulfillment of Section 1925.6, subsection B of the LMFT Act.** Persons applying for licensure must have fulfilled the requirements listed in Section 1925.6, Subsection B of the LMFT Act.

(b) **Academic requirements.** Applicants must possess at least a masters degree in marital and family therapy or in a mental health, behavioral science, or counseling related field from a college or university accredited by one of the following six regional accrediting associations recognized by the U.S. Department of Education: The New England Association of Schools and Colleges, The Middle States Association of Colleges and Schools, The North Central Association of Colleges

and Schools, The Northwestern Association of Schools and Colleges; The Western Association of Schools and Colleges, or The Southern Association of Colleges and Schools which is content-equivalent to a graduate degree in marital and family therapy. or;

(c) **Degree requirements.** Applicants must possess at least a masters degree in marital and family therapy or in a mental health, behavioral science, or counseling related field from a degree program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE).

(d) **Coursework requirements.** In order to qualify as a "content-equivalent" degree, a graduate transcript must document the minimum number of graduate hours and knowledge areas listed below. Academic courses (3 semester hours or 4 quarter credit hours) must include a minimum of 45 class hours for each course.

(1) Theoretical Foundations of Marital and Family Systems - any course which deals primarily in areas such as family life cycle; theories of family development; marriage and/or the family; sociology of the family; families under stress; the contemporary family; family in a social context; the cross-cultural family; youth/adult/aging and the family; family subsystems; individual, interpersonal relationships (marital, parental, sibling). (3 courses: 9 semester or 12 quarter hours.)

(2) Assessment and Treatment in Marital and Family Therapy -any course which deals primarily in areas such as family therapy methodology; family assessment; treatment and intervention methods; overview of major clinical theories of marital and family therapy such as: communications, contextual, experiential, object relations, strategic, structural, systemic, transgenerational. (3 courses: 9 semester or 12 quarter hours.)

(3) Human Development - any course which deals primarily in areas such as human development; personality theory; human sexuality, psychopathology; at least one of which must be in psychopathology or abnormal human behavior. (3 courses: 9 semester or 12 quarter hours.)

(4) Ethics and Professional Studies - any course which deals primarily in areas such as professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law. (1 course: 3 semester or 4 quarter hours.)

(5) Research - any course which deals primarily in areas such as research design, methods, statistics; research in marital and family studies and therapy. (1 course: 3 semester or 4 quarter hours.)

(6) Practicum/Internship at least one (1) course of an organized practicum or internship with at least three hundred (300) clock hours in marital and family therapy with planned experiences providing classroom and field experience with clients under the supervision of college or university approved marital and family therapy professionals.

(e) **International degrees.** For applicants with international degrees, the Board shall review the applications of applicants for licensure under this Chapter who have received a post-secondary degree from an educational institution outside the United States. The Board shall determine whether the applicant's experience, command of the English language, and completed academic program meet the standards of an academic program of an accredited educational institution.

(f) **Experience requirement.**

(1) Applicants must complete two (2) calendar years of work in marital and family therapy following the receipt of the qualifying degree.

(2) These two years must be completed under a supervisor approved by the Board.

(g) **Examination.** Applicants must achieve a passing score on the LMFT examinations.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 37 Ok Reg 1032, eff 9-11-20; Amended at 40 Ok Reg 853, eff 8-11-23]

#### **86:15-5-4. Additional forms**

(a) Out-of-State License Verification Form - identifying information; type of credential held in other state; license number; issue and expiration date of license; current standing of license; past complaints or sanctions; exam information; supervision information; graduate education; internship documentation; signature and identifying information of person verifying from out-of-state.

(b) The Termination of Supervision Agreement requires the following information:

- (1) name of candidate;
- (2) current place of employment of candidate;
- (3) address of current place of employment of candidate;
- (4) phone number of candidate;
- (5) email address of candidate;
- (6) signature and signature date of candidate, (if available);
- (7) name of supervisor;
- (8) license number of supervisor;
- (9) current place of employment of supervisor;
- (10) phone number of supervisor;
- (11) email address of supervisor;
- (12) signature and signature date of supervisor, (if available); and
- (13) effective date of termination of supervision agreement.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 40 Ok Reg 853, eff 8-11-23]

## **SUBCHAPTER 7. LICENSURE EXAMINATIONS**

### **86:15-7-1. Eligibility**

An LMFT applicant is eligible to sit for the licensing examination following the submission and approval of:

- (1) Application Form and fee
- (2) Practicum/Internship Documentation Form
- (3) Official transcript(s) showing completion of all academic requirements listed in Subchapter 5 of this Chapter; and
- (4) Completed criminal background check.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 36 Ok Reg 500, eff 7-25-19]

### **86:15-7-2. Format**

Applicants shall take two examinations:

- (1) The Licensing Examination in Marital and Family Therapy or another equivalent examination as determined by the Board and
- (2) The Oklahoma LMFT Examination covering the LMFT law and regulations as approved by the Board.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]



### **86:15-7-3. Frequency [REVOKED]**

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Revoked at 36 Ok Reg 500, eff 7-25-19]

### **86:15-7-4. Application**

- (a) The Board shall mail notification of eligibility to sit for examination(s) to the last known address of applicant no later than sixty (60) days after receiving the required and completed application materials.
- (b) An applicant's eligibility to sit for the Oklahoma LMFT Examination shall be valid once the application has been Board approved.
- (c) An applicant's eligibility to sit for the national examination shall be valid for three years, at which time if the applicant has failed to provide a passing score for the Licensing Examination in Marital and Family Therapy and the Oklahoma LMFT Examination, the licensure application shall be voided and the applicant shall be mailed notification at last known address. An applicant may apply with an additional requirement of a plan of remediation acceptable to the License Committee.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 36 Ok Reg 500, eff 7-25-19]

### **86:15-7-5. Notice of results [REVOKED]**

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Revoked at 36 Ok Reg 500, eff 7-25-19]

### **86:15-7-6. Failure to appear [REVOKED]**

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Revoked at 36 Ok Reg 500, eff 7-25-19]

### **86:15-7-7. Grading**

- (a) Licensure examinations shall be graded by the Board or its designated representatives.
- (b) The passing score on the National Marital and Family Therapy Examination shall be that score accepted as passing by the Association of Marital and Family Therapy Regulatory Boards or its designated representatives.
- (c) The passing score on the Oklahoma Licensed Marital and Family Therapist Examination shall be that score accepted as passing by the Board.

[Source: Added at 33 Ok Reg 1255, eff 9-11-16]

## **SUBCHAPTER 9. SUPERVISED EXPERIENCE REQUIREMENTS**

### **86:15-9-1. Supervisor and supervisee responsibilities**

Supervisor and Supervisee shall be jointly responsible for:

- (1) insuring the requirements under this subchapter are fulfilled. Any failure to comply may result in the loss of supervision hours, denial of licensure, initiation of formal complaint procedures, and/or loss of approved supervisor status.
- (2) insuring the client's right to confidentiality is protected and the rules of the supervisor's and supervisee's respective employers are adhered to during the course of supervision.

- (3) When supervision is terminated by either the supervisor or the supervisee, a Termination of Supervision Agreement Form must be submitted to the Board within three (3) business days of the termination.
- (4) The supervisee is responsible for negotiating a new supervision contract with a board approved supervisor and following all requirements set forth in Subchapter 5, section 86:15-5-2(c).

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### **86:15-9-2. Acceptable supervised experience**

Supervised experience is acceptable when:

- (1) it begins after all applicable academic requirements as stated in Subchapter 5 have been completed, verification of Oklahoma LMFT Examination passing score and National Examination passing score has been received by the Board, and supervision agreement has been approved by the Board.
- (2) official application for licensure has been made. This includes Application, application fee, Internship/Practicum Documentation Form, official graduate transcript, completed criminal background check,, and Supervision Agreement. Applicants who have met part or all of supervision experience requirements for clinical membership in AAMFT will be considered to have met part or all of the supervision requirements for licensure in Oklahoma.
- (3) it consists of the performance of therapy activities as described in Section 1925.2, subsection 7 and 9 of the LMFT Act and contains the following characteristics:
  - (A) supervision focuses on the raw data from a supervisee's continuing clinical practice, which may be available to the supervisor through a combination of direct observation, co-therapy, written clinical notes, and audio and video recordings and the LMFT Act and Regulations.
  - (B) supervision is a process clearly distinguishable from personal psychotherapy, and is contracted in order to serve professional/vocational goals.
  - (C) individual supervision shall be face-to-face with one supervisor and one or two supervisees.
  - (D) group supervision may include three (3) to six supervisees and a supervisor.
  - (E) technology-assisted supervision must be approved by the Board prior to the accrual of hours. Factors to be considered by the Board include: distance between approved supervisor and candidate; financial hardship on approved supervisor or candidate; physical hardship on approved supervisor or candidate; specialty credentials; and other pertinent factors.
- (4) supervised experience hours may be accrued in academic, governmental, or private practice settings.
- (5) the supervised experience is accrued in a private for-profit or private not-for-profit therapy setting, only if:
  - (A) The LMFT Candidate is an employee, as defined by 86:15-1-3, of the same facility as a person licensed in the state of Oklahoma as a Licensed Professional Counselor, a Licensed Marital and Family Therapist, a Licensed Behavioral Practitioner, a Psychologist, a

Psychiatrist, a Clinical Social Worker, or a Licensed Alcohol and Drug Counselor, whose assigned job duties include being immediately available to the LMFT Candidate for supervision at any time the LMFT Candidate is engaging in the practice of therapy or therapy-related services.

(B) The LMFT Candidate is receiving supervision for licensure from an approved LMFT supervisor who is not required to work at the same location as the LMFT Candidate.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 36 Ok Reg 500, eff 7-25-19]

### **86:15-9-3. Supervisor qualifications**

(a) In order to be approved as a supervisor for therapists seeking MFT licensure, an individual must:

(1) be an American Association for Marriage and Family Therapy approved Supervisor familiar with Oklahoma LMFT Act and Rules duly promulgated, or

(2) be an LMFT

(A) with two (2) years of experience in marital and family therapy beyond the number of years of experience required for licensure and

(B) who has successfully completed a graduate course in therapist supervision (at least 45 contact hours) or equivalent course of study acceptable to the Board. This equivalent course of study should consist of workshops in marriage and family therapy supervision in combination with directed study of the marriage and family therapy supervision literature. Fifteen (15) of the 45 clock hours should be in a class or workshop format which includes a minimum of four supervisors-in-training; the other 30 clock hours should be reserved for the directed study. Directed study must be approved and monitored by an Approved Supervisor.

(b) An active approved supervisor may request inactive status by submitting a request in writing to the Board. An inactive approved supervisor shall not provide any activities described in Subchapter 9 of this Chapter.

(c) An inactive approved supervisor may reactivate by submitting the required therapy supervision continuing education due by the end of the current renewal period. If approved supervisor status has been inactive for three (3) or more years, the supervisor must retake and pass the Oklahoma LMFT Examination before approved status is reinstated.

(d) An active approved supervisor status may be retired by informing the Board in writing. Retired approved supervisor status shall not be reinstated but does not prevent a person from applying for approved supervisor status at a future date.

(e) No application for a revoked approved supervisor status, as a result of administrative proceeding, shall be considered for a period of five (5) years following the revocation.

(f) Effective October 1, 2015, a supervisor may not supervise more than a total of twelve (12) candidates for licensure at a time. A supervisor who wants to supervise more than twelve (12) candidates 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 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 36 Ok Reg 500, eff 7-25-19; Amended at 37 Ok Reg 1032, eff 9-11-20]

#### **86:15-9-4. Duration of supervised experience**

(a) Work experience under supervision must extend over a minimum of 24 months. This marital and family therapy related experience must include a minimum of 1000 hours of direct client contact. The candidate must have a minimum of 250 relational hours with two or more members of the relational system present in the session.

(b) Supervision sessions:

(1) should be scheduled weekly and shall be no less than 6.25 hours of supervision for each 42 hours of direct client contact. No more than 42 hours of direct client contact can be counted in a four week period of time, or

(2) may be arranged on a different schedule upon:

(A) written request of the supervisor and supervisee in advance, and

(B) approval of the schedule by the Board.

(c) Total number of face-to-face supervision hours must be at least 150.

Supervision in group sessions shall equal no more than 75 hours of the total requirement.

(d) Approved LMFT Supervisors shall meet with LMFT candidate(s) in person at least once every six month evaluation period when performing technology-assisted supervision.

(e) Supervisors shall perform at least two (2) observations, (live or tape) per each six (6) month evaluation period for each supervisee.

(f) Approved supervisors shall consult with on-site supervisor at least once per supervisee during each reporting period.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 40 Ok Reg 853, eff 8-11-23]

#### **86:15-9-5. Documentation of supervised experience**

(a) An LMFT Supervision Agreement between supervisor and supervisee must be received and approved by the Board prior to the accrual of supervision hours.

(b) Semi-annual documentation of supervision hours, evaluation of competence, date of observations (live or tape), and date of consultation between approved supervisor and on-site supervisor must be submitted by the supervisor and co-signed by the supervisee on official Supervision Evaluation Forms. Incomplete evaluations will not be accepted by the Board until all requirements for the semi-annual evaluation period have been completed.

(c) Any Evaluation of Supervised Experience form submitted beyond 60 days of the semi-annual due date will not be credited towards the duration of supervision as described in 86:15-9-5(b).

(d) Upon completing the supervision requirement, the supervisee must complete and submit the Final Evaluation of Supervision Experience by Supervisee form for each supervisor. The Final Evaluation of Supervision Experience by Supervisee Form shall include the name of the supervisee and supervisor; period covered by supervision; ratings of supervision; recommendation of supervisor to other supervisees.

(e) Supervisors shall maintain supervision records for at least seven (7) years beyond termination of supervision.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 36 Ok Reg 500, eff 7-25-19]

## **SUBCHAPTER 11. FEES**

### **86:15-11-1. Fees established**

The Board shall establish fees to provide for the support of the administration of the Act.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### **86:15-11-2. Schedule of fees**

The following fees apply to the administration of the Act:

- (1) Application fee - \$200.00 - Shall be submitted with the application form.
- (2) License examination - \$295.00 - Shall be submitted when the applicant is notified of eligibility to sit for the examination.
- (3) License fee - \$100.00 - Shall be submitted upon notification that all application materials and fees have been received and are in order. This fee validates the license for the initial two-year period.
- (4) License renewal fee - \$100.00 - After the initial two-year period of licensure, this is a yearly fee to be submitted on or before December 31 of each year.
- (5) Late renewal fee - \$25.00 - This fee is assessed in addition to the renewal fee for failure to renew license on or before December 31.
- (6) Replacement fee - \$25.00 - This fee is for the issuance of a license certificate to replace a license certificate which has been lost, damaged, or is in need of revision to be submitted with documentation of the necessary replacement.
- (7) Inactive license fee - \$25.00 - Payment of this fee renders the license inactive and suspends all rights and privileges granted by the license until the license is reinstated.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### **86:15-11-3. Fees non-refundable**

Fees paid by applicants are not refundable.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### **86:15-11-4. Method of payment**

Any remittance submitted to the Board in payment of a required fee may be in the form of a cashiers check, money order, personal check or cash. Payment of fees may be made by credit card or other electronic means, if acceptable by the Board. Any check returned to the Board for non-payment may result in expiration or suspension of license.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### **86:15-11-5. Review of fees**

The Board shall make periodic reviews of its fee schedule and make any adjustments necessary to provide funds to meet its expenses without creating an unnecessary surplus.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

## SUBCHAPTER 13. ISSUANCE AND MAINTENANCE OF LICENSE

### 86:15-13-1. Issuance of license

- (a) **Certificate.** The license issued by the Board shall contain the licensee's name, license number, highest accredited therapy-related academic degree and date of issuance.
- (b) **Signature.** Official licenses shall be signed by the Chair of the Board and be affixed with the seal of the Board.
- (c) **Property of the Board.** All licenses issued by the Board shall remain the property of the Board and must be surrendered on demand.
- (d) **Notification.** After having fulfilled all requirements for licensure, the Board shall mail notification to the licensee, at last known address, of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the license will be mailed to the licensee.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### 86:15-13-2. Replacement of certificate

The Board will replace a license certificate that is lost, damaged, or is in need of revision upon written request from the LMFT and payment of the license replacement fee. Requests must include the LMFT's original license or be accompanied by the damaged certificate, if available.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

### 86:15-13-3. License renewal

- (a) **Responsibility.** Each LMFT is responsible for renewing his/her license before the expiration date.
- (b) **Initial licensing period.** The renewal date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.
- (c) **Annual renewal.** Subsequent renewals will be yearly, on or before January 1. License fees will be prorated on a quarterly basis for the first renewal.
- (d) **Interim renewal.** The notice for the initial renewal shall solicit the required continuing education documentation and invoice the LMFT for the interim period between the original renewal date and the following December 31 so that subsequent renewals shall be on a calendar year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by December 31. Fees and continuing education hours shall be prorated according to the schedule below.
- (1) For a license expiring during January, February or March the following shall apply:
    - (A) The renewal fee shall be \$100.00; and
    - (B) Continuing education of 20 hours shall be due by December 31.
  - (2) For a license expiring during April, May or June the following shall apply:
    - (A) The renewal fee shall be \$75.00; and
    - (B) Continuing education of 15 hours shall be due by December 31.
  - (3) For a license expiring during July, August or September the following shall apply:
    - (A) The renewal fee shall be \$50.00; and

- (B) Continuing education of 10 hours shall be due by December 31.
- (4) For a license expiring during October or November, the following shall apply:
  - (A) The renewal fee shall be \$25.00; and
  - (B) Continuing education of 5 hours shall be due by December 31.
- (5) Licenses expiring in December are not prorated.
- (e) **Requirements for renewal.** Requirements for renewal are:
  - (1) Compliance with the Act and Board rules.
  - (2) Documentation of the required continuing education. (See 86:15-13-4 for information regarding C.E.).
  - (3) Payment of the renewal fee(s).
- (f) **Display of renewal certificate.**
  - (1) License renewal verification cards shall be displayed on the original (or replaced) license certificate.
  - (2) A current license verification card shall be readily available on the LMFT's person at any time marital and therapy services are being provided.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 40 Ok Reg 853, eff 8-11-23]

#### **86:15-13-4. Continuing education**

- (a) **Purpose.** The purpose of the requirements in this Section is to establish the continuing education requirements necessary for license renewal.
- (b) **Number of hours required.**
  - (1) Licensees shall complete and furnish documentation to the Board of twenty (20) clock hours of acceptable continuing education per year. One college credit hour is equal to fifteen (15) clock hours.
  - (2) A minimum of three (3) clock hours of continuing education hours must be in mental health ethics from programs approved by the Board or its designee. Continuing education in mental health ethics is acceptable as meeting the approved requirements by the Board when the continuing education program:
    - (A) Addresses ethics issues specifically pertaining to the practice of therapy, as defined in Section 1925.2(7) of this Act;
    - (B) Addresses regulations as promulgated in Subchapter 3 of this Chapter; and
    - (C) Meets all requirements of subsections (b) through (e) of OAC 86:15-13-4 of this Chapter.
    - (D) Current LMFT Board members shall receive clock hours of acceptable continuing education in mental health ethics for attendance and participation in Board or Committee meetings.
  - (3) Approved LMFT Supervisors are required to complete a minimum of three (3) clock hours of continuing education in therapy supervision specific to Oklahoma law provided by the Board or its designee. Continuing education in Therapy Supervision is acceptable as meeting the approved requirements by the Board when the continuing education program:
    - (A) Addresses issues specifically related to the practice of therapy supervision pursuant to regulations promulgated in Subchapter 9 of this Chapter; and
    - (B) Contains content in one or more of the following knowledge areas:

- (i) Overview of a supervision model;
- (ii) Supervisors' areas of focus and roles in supervision;
- (iii) Supervisors' process and practical application;
- (iv) Ethical dilemmas involved in therapy supervision;
- (v) Methods of effectively addressing and preventing ethical dilemmas in therapy supervision;
- (vi) Overview of AAMFT standards of supervision; or
- (vii) Overview of Oklahoma LMFT Rules and Regulations regarding therapy supervision; and

(C) Meets all requirements of subsections (b) through (e) of OAC 86:15-13-4 of this Chapter.

(c) **Acceptable continuing education.** Continuing education is acceptable to the Board when it:

(1) approximates the content of any of the academic areas listed under Subchapter 5 of this Chapter and;

(2) is presented by a person who meets one of the following qualifications:

(A) is licensed or certified by therapy related professions;

(B) is a licensed or certified member of a non-therapy field (i.e. medicine, law) if the content of the presentation is therapy related and falls within the presenter's area of training;

(C) has experience teaching, at the graduate level, in a regionally accredited college or university from any of the knowledge areas listed in OAC 86:15-5-3 of this Chapter;

(D) the person is presenting or has presented at a national mental health conference provided by the American Association for Marriage and Family Therapy (AAMFT), American Psychological Association (APA), American Counseling Association (ACA), or any of its divisions, National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field;

(E) is presenting in a program sponsored or provided by a state or federal government agency with responsibility for mental health and substance abuse services; and

(3) takes place in the context of one of the following:

(A) a college course, in-service training, institute, seminar, workshop, conference or a Board pre-approved technology-assisted distance learning or home-study course;

(B) a national mental health conference provided by the American Association for Marriage and Family Therapy (AAMFT), American Psychological Association (APA), American Counseling Association (ACA), or any of its divisions, National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field;

(C) a program approved or offered by a state or federal government agency with responsibility for mental health and substance abuse services; or

(D) Board or Committee meetings, for current Board members.

(d) **Continuing education accrual from teaching.** Continuing education may also be accrued when the LMFT teaches in programs such as institutes, seminars,



workshops, and conferences, when the content conforms to OAC 86:15-13-4(c) of this subchapter, provided that such teaching is not required as part of the LMFT's regular employment. Two hours of C.E. is credited for each hour taught.

**(e) Continuing education accrual from technology-assisted distance learning or home-study courses.** Continuing education may be accrued when the LMFT completes technology-assisted distance learning or home-study programs that are approved by the Board.

**(f) Professional audience.** Continuing education, whether received or presented by the LMFT must be targeted toward a professional audience.

**(g) Documentation of attendance.** LMFT's shall retain verification of attendance documents for all C.E. hours claimed for a period of two (2) years. Acceptable C.E. verification of attendance documents are:

- (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 college transcript showing courses or audit credit, or
- (4) For teaching a letter on sponsoring agency's letterhead giving the name of the program, location, dates, subject taught and total number of hours taught.

**(h) Submission of continuing education.** Only C.E. accrued in the preceding license renewal period is acceptable.

**(i) Audit of continuing education submissions.** In November of each year, the Board will randomly select from two (2) to twenty-five (25) percent of the number of LMFT's on active status the previous year for an audit of their claimed Continuing Education credits. These selected LMFT's must then provide the Board with verification of all credits claimed on their Continuing Education Roster on or before the renewal deadline. The Board may, at its discretion, audit and require verification of any credits claimed which it may consider questionable or fraudulent.

**(j) Penalty for failure to submit continuing education.** Failure to fulfill the C.E. requirement by the renewal date renders the license in suspension. All rights granted by the license are null and void until the requirement is fulfilled and a late renewal fee is paid. The LMFT has 12 months from the date of suspension to become reinstated. If not reinstated, the license shall be revoked.

**(k) Submission of fraudulent continuing education.** The submission of fraudulent C.E. hours will be reviewed by the License Committee for disciplinary action and may result in suspension or revocation of license.

**(l) Responsibility.** The licensee is ultimately responsible for providing or arranging for sponsors to provide the information necessary for the Board to make a determination of the suitability of the program for continuing education requirements.

**(m) Continuing Education for LMFT Approved Supervisors.**

- (1) Effective January 1, 2020, approved LMFT Supervisors are required to complete a minimum of three (3) clock hours of continuing education in therapy supervision each renewal period. Approved Supervisor designation will not be renewed until the continuing education requirement for each missed renewal period is met.
- (2) If continuing education requirement is not met within five

(3) years of expiration, approved supervisor status will be permanently expired and the LMFT must apply and meet the requirements in Subchapter 9, including the retaking of 86:15-9-3(a)(2)(B) to become an approved supervisor.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 36 Ok Reg 500, eff 7-25-19; Amended at 37 Ok Reg 1032, eff 9-11-20; Amended at 40 Ok Reg 853, eff 8-11-23]

#### **86:15-13-5. Inactive status**

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar (\$25.00) fee. An inactive license forfeits all rights and privileges granted by the license.

(b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Board.

(c) A license that has remained inactive for at least one (1) year may be reactivated upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year, in accordance with this Chapter, if there are no impediments to licensure.

(d) A license placed on inactive status may be reactivated within one (1) year when submitted with the required renewal fee and continuing education, in accordance with this Chapter, if there are no impediments to licensure.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

#### **86:15-13-6. Late license renewal; reapplication**

(a) **Renewal notification.** The Board shall mail a notice of expiration to licensee's last known address, 45 days prior to the expiration date of the LMFT's license.

(b) **Failure to renew.** If the licensee fails to renew his/her license by the expiration date:

(1) the license will expire and the rights and privileges granted by the license will be forfeited.

(2) the LMFT has the right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one year following the expiration of the license.

(3) licenses not renewed within the 1 year renewal period shall not be reinstated and shall be permanently expired. The license must be returned to the Board.

(c) **Reapplication.** It shall be the responsibility of the former licensee to reapply for licensure. Reapplication means making application, payment of all fees, taking and passing the exam and fulfillment of all requirements for licensure in effect at the time of reapplication. No contact will be initiated by the Board.

(d) **Retirement of license.** An LMFT whose license is current and in good standing, who wishes to retire the license, may do so by informing the Board in writing and returning the license to the LMFT office. A license so retired shall not be reinstated but does not prevent a person from applying for a license at a future date.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

#### **86:15-13-7. Misrepresentation**

If a therapist whose license has been inactivated, suspended, or revoked continues to represent himself as a Licensed Marital and Family Therapist or practices Marital and Family Therapy, he is in violation of Section 1925.10 and

1925.16 of the Licensed Marital and Family Therapist Act and shall be subject to discipline and injunction reported to the appropriate District Attorney for prosecution.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15]

#### **86:15-13-8. Licensure by endorsement**

The Board may grant a license by endorsement, in accordance with Section 1925.9 of the LMFT Act.

(1) **Submission of Out-of-State License Verification Form.** An applicant for licensure by endorsement must submit the Out-of-State License Verification Form and may be required to submit a copy of the statute and rules of the agency issuing the license and the name and address of the licensing agency.

(2) **Licensing procedures.** An applicant must submit all application materials as described in OAC 86:15-5-2(b)(1), (2), (3), (5) and (6).

(3) The Board shall issue a license by endorsement to an applicant who is licensed or certified as a marital and family therapist in another jurisdiction and who meets the following:

(A) The applicant's marital and family therapy license in the other jurisdiction is active and in good standing with no history of suspension or revocation action against the license.

(B) The applicant fulfills the requirements of Section 1925.6 (A), (B), (C) of the LMFT Act;

(C) The applicant must have at least a masters degree in marital and family therapy, or in a mental health, behavioral science, or counseling related field, or a content-equivalent degree from a regionally accredited college or university;

(D) The applicant takes and passes the examination as provided in Section 1925.7, unless the applicant has passed a written, marital and family therapist examination that, in the judgment of the Board, is substantially equivalent to the examination established by the Board; and

(E) The applicant takes and passes the Oklahoma LMFT Examination.

(4) If the Applicant cannot meet the requirements of Paragraph (3) of this section, the Board shall issue a license by endorsement to an applicant who is licensed or certified as a marital and family therapist in another jurisdiction and who meets the following:

(A) The applicant's marital and family therapy license in the other jurisdiction is active and in good standing which allows the applicant to practice independently without supervision and shall have no history of suspension or revocation action against the license;

(B) The applicant fulfills the requirements of Section 1925.6 (A) and (B) of the LMFT Act;

(C) The applicant must have at least a masters degree in marital and family therapy or in a mental health, behavioral science, or counseling related field from a regionally accredited college or university;

(D) The applicant takes and passes the Oklahoma LMFT Examination as described in OAC 86:15-7-2(2) of this Chapter.

- (E) The applicant meets the requirements in OAC 86:15-5-1(b).
- (5) The applicant must meet the requirements in OAC 86:15-5-2(a),(2) and (3).

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 37 Ok Reg 1032, eff 9-11-20]

## SUBCHAPTER 15. ENFORCEMENT

### **86:15-15-1. Purpose**

The purpose of this subchapter is to specify the procedure for processing RFIs filed with the Board and the authorization to take disciplinary actions against LMFTs, Candidates, or persons who practice licensed marital and family therapy without a license or exemption.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

### **86:15-15-2. Definitions [REVOKED]**

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Revoked at 33 Ok Reg 1255, eff 9-11-16]

### **86:15-15-3. Complaint Procedure**

(a) **Receiving Requests for Inquiry.** Any person may file a RFI against a LMFT, Candidate, or a person who delivers licensed marital and family therapy services without a license. A person wishing to report a concern shall notify the Board in writing. Upon receipt of the RFI, the Executive Director will:

- (1) Stamp the first page of the RFI indicating date of receipt;
- (2) Review the RFI to determine if the person against whom the RFI is made is a person who is subject to the jurisdiction of the Board;
- (3) Generate a letter to the complainant indicating receipt of the RFI.

(b) **Reviewing Request for Inquiry.**

- (1) The Executive Director has the authority to do the following:
  - (A) Respond directly to a Complainant without need for referral to the Complaint Committee when matters do not allege a violation of the Act and/or Rules; or
  - (B) Refer a RFI to the Complaint Committee when allegations would be a violation of the Act and/or Rules.
- (2) The Complaint Committee has authority to do the following:
  - (A) Meet with individuals who are under the jurisdiction of the Board and are the subject of the RFI;
  - (B) Appoint an investigator to investigate the RFI;
  - (C) Outline the terms of a proposed Stipulation, Agreed Settlement, or Consent Order for the informal disposition of the RFI to be submitted to the Board for approval;
  - (D) Authorize the filing of a Formal Complaint and Notice of Hearing in order to initiate an Individual Proceeding; and
  - (E) Close the RFI.

(c) **Informal Interviews.**

- (1) If the Complaint Committee decides to meet with an individual, the Complaint Committee shall proceed by:
  - (A) Notifying the LMFT or Candidate that a RFI has been received, outlining the nature of the inquiry; and

(B) Requesting a prompt letter to the Board responding to the merits of the RFI and a meeting with the Complaint Committee for an interview at a date and time determined by the Complaint Committee.

(2) If the LMFT or candidate fails to respond with a prompt letter or fails to meet with the Complaint Committee at their request, the Complaint Committee may refer the RFI for investigation.

**(d) Requests for Investigation.**

(1) If the Complaint Committee decides to forward the RFI for investigation, the Complaint Committee shall proceed by:

(A) Contacting an investigator designated by the Board to address the RFI;

(B) Providing the designated investigator with the name and address of the complainant, if available, and the LMFT or candidate; and

(C) Notifying the LMFT or candidate by certified mail that a RFI has been received and an investigation is being conducted.

(2) The Complaint Committee may request that LMFT or candidate be interviewed by the designated investigator or by the Assistant Attorney General in a setting under oath.

(3) The Complaint Committee may refer the RFI to a law enforcement agency for criminal investigation, if the Committee determines that a crime has or may have been committed.

**(e) Summary Suspension.** After the filing of a Formal Complaint and Notice of Hearing, but prior to an Individual Proceeding, in the event of an emergency, a summary suspension hearing may be held as set forth herein. If the Chair of the Board and the Complaint Committee determine that an emergency exists for which the immediate suspension of a license is imperative for the protection of the public health, safety or welfare, the Board may conduct a summary suspension hearing to temporarily suspend the license of any person under the jurisdiction of the Board. The Chair or Vice-Chair may issue an Order of Temporary Summary Suspension upon a finding by clear and convincing evidence that the immediate suspension is imperative for the protection of the public health, safety or welfare. The summary suspension hearing shall be conducted in accordance with the APA. The LMFT or Candidate shall be given at least 48 hours personal notice to appear for the summary suspension hearing outlining the specific issues that constitute an emergency and for which summary suspension is imperative for the protection of the public health, safety or welfare. Following the Order, an Individual Hearing on the merits of said Formal Complaint and Notice of Hearing shall be held promptly.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

**86:15-15-4. Investigation [REVOKED]**

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Revoked at 33 Ok Reg 1255, eff 9-11-16]

**86:15-15-5. Cooperation with investigations**

LMFTs and Candidates shall cooperate when Board staff, Complaint Committee members, and/or investigators make inquiries concerning a RFI made against them. Failure to cooperate is grounds for further disciplinary action under the Act and/or Rules. In addition, LMFTs and Candidates named in the complaint

shall not contact, attempt to contact, or allow anyone else to contact the person(s) who filed the complaint or the person(s) who the LMFT and Candidate named in the complaint believes may have filed the complaint.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16; Amended at 40 Ok Reg 853, eff 8-11-23]

#### **86:15-15-6. Service of Formal Complaint and Notice of Hearing**

(a) **Service.** The Formal Complaint and Notice of Hearing shall be served by certified mail, return receipt requested, to the LMFT or Candidate's address on file with the Board. It is the duty of the LMFT or Candidate to provide current address information.

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

(c) **Service of other papers and documents.** Service of all other papers and documents connected with an individual proceeding shall be served on the LMFT, Candidate or his/her counsel via facsimile, regular mail, or hand-delivery.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

#### **86:15-15-7. Individual Proceedings**

Individual Proceedings shall be conducted by the Board in accordance with the APA, 75 O.S., § 309-321 et seq. The Board shall recommend the most appropriate penalty at the conclusion of the evidence, which may include but is not limited to probation, suspension, revocation, and an administrative penalty not to exceed Ten Thousand Dollars (\$10,000.00). Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

#### **86:15-15-8. Continuances**

(a) **Continuances by the Board.** The Board chair may continue or adjourn the proceedings at any time for a specified time by notice or motion.

(b) **Continuances by motion of parties.** Except for good cause shown, or by agreement of all parties, no continuance shall be granted upon motion of a party unless written request is filed with the board and served on all parties of record, including the Assistant Attorney General, at least seven (7) days prior to the date set for hearing. An agreement to continue by all parties of record shall be approved unless the Board chair determines that the public interest requires otherwise.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

#### **86:15-15-9. Discovery**

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

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

#### **86:15-15-10. Protective orders**

The Board chair, at any time upon application of a party, may issue Protective Orders as they relate to discovery and as they may prevent hardship to a party, prevent excessive burden on a party, or as they may be necessary or

appropriate for the protection of the parties.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

### **86:15-15-11. Subpoenas**

(a) **Issuance of subpoenas for witnesses and physical evidence.** All parties, including the Board, may compel the attendance of witnesses, and the production of physical evidence if service of process has been made by subpoena anywhere within the state.

(b) **Service of subpoenas.** Service of the subpoenas will be the responsibility of the requesting party. Subpoenas shall be served and returns made in the manner prescribed by general civil law.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

### **86:15-15-12. Final order**

The Board shall issue a final order for all disciplinary matters. Final orders are subject to Judicial Review pursuant to APA.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

### **86:15-15-13. Unauthorized practice**

Any person found to be practicing licensed professional counseling without being properly licensed, exempt or under the approved supervision of an LMFT as part of the licensure process shall be ordered to cease practicing and may be subject to an administrative penalty. The Board may seek the assistance of the courts if the actions continue.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

### **86:15-15-14. Administrative penalties**

(a) The Board may assess an administrative penalty against an individual if any order issued or approved by the Board includes a finding that the individual:

- (1) Violated any provision of the Act, including practicing licensed professional counseling without being licensed, under supervision, or exempt;
- (2) Violated any rule of the OAC as it relates to licensed professional counseling; or
- (3) Violated any order issued by the Board.

(b) The total amount of the administrative penalty assessed shall not exceed ten thousand dollars (\$10,000.00) for any related series of violations.

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16]

### **86:15-15-15. Costs of investigation [REVOKED]**

[Source: Added at 32 Ok Reg 159, eff 4-23-14 (emergency); Added at 32 Ok Reg 1569, eff 9-11-15; Revoked at 33 Ok Reg 1255, eff 9-11-16]

### **86:15-15-16. RFI confidentiality**

The RFI and the identity of the Complainant shall be confidential and shall not be available for public inspection, in accordance with 51 O.S. Section 24A.14.

[Source: Added at 33 Ok Reg 1255, eff 9-11-16; Amended at 36 Ok Reg 500, eff 7-25-19]

## **SUBCHAPTER 17. POST-MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING RULES**

### **86:15-17-1. Education, training and experience completed as a member of the Armed Forces of the United States pursuant to 59 O.S. § 4100.4(A)**

(a) If an applicant otherwise qualifies for licensure, the Board shall issue an appropriate license to applicants who present satisfactory evidence of equivalent education, training and experience completed by the applicant as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state.

(b) Active-duty military service members seeking to make application for licensure may do so without payment of application fee.

[Source: Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 37 Ok Reg 1032, eff 9-11-20]

### **86:15-17-2. Automatic extension of license, payment of fees and continuing education for active-duty military service members**

(a) Automatic extension pursuant to 59 O.S. § 4100.6(A). The license of active-duty military service members shall be automatically extended and placed on inactive licensure status during active-duty military service and for one (1) year after active-duty military service, unless the licensee seeks to maintain said license in good-standing.

(b) Payment of fees and continuing education pursuant to 59 O.S. § 4100.6(B), (C) and (D). Active-duty military service members seeking to maintain his or her license in good-standing may have his or her license renewed during active-duty, and for a period of one (1) year after discharge from active-duty, without:

- (1) payment of fees; and
- (2) obtaining continuing education credits when:
  - (A) circumstances associated with military duty prevent obtaining training and a waiver request has been submitted to the Board;
  - (B) the licensee performs social work as an occupation as part of his or her military duties as shown in Defense Department Form DD 214 (DD Form 214); or
  - (C) performing any other act typically required for the renewal of the license.

[Source: Added at 32 Ok Reg 1569, eff 9-11-15]

### **86:15-17-3. Reciprocal licensing of spouses of active-duty members of the Armed Forces of the United States**

The procedure to expedite endorsement of licensure pursuant to Section 4100.5 of Title 59 of the laws of the State of Oklahoma for applicants who are licensed in another state and who are the spouse of an active-duty member of the Armed Forces of the United States is as follows:

- (1) A license shall be issued to the applicant if the requirements for licensure of the other state are substantially equivalent to those required by this state;
- (2) If specific licensure requirements in this state were not required in the state in which the Applicant was licensed, a temporary license for a set period of time shall be issued to Applicants to allow the person to work as a



licensed marital and family therapist while completing those requirements.  
(3) Applicants who are licensed in another state and who are the spouse of an active-duty member of the Armed Forces of the United States seeking to make application for licensure may do so without payment of application fee.

[Source: Added at 32 Ok Reg 1569, eff 9-11-15; Amended at 33 Ok Reg 1255, eff 9-11-16; Amended at 37 Ok Reg 1032, eff 9-11-20]

## **SUBCHAPTER 19. DECLARATION OF EMERGENCY LICENSURE BY ENDORSEMENT RULES**

### **86:15-19-1. Submission of verification of license**

An applicant applying for a non-renewable license by endorsement pursuant to a declaration of emergency shall submit verification stating the applicant is active and in good standing in the state in which they are currently licensed. The Board may require the applicant to submit a copy of the statutes and rules from the state out of which such license was issued.

[Source: Added at 33 Ok Reg 1255, eff 9-11-16]

### **86:15-19-2. Licensing procedures**

An applicant must submit an application form, related documents as requested, and licensure fees.

[Source: Added at 33 Ok Reg 1255, eff 9-11-16]

### **86:15-19-3. Non-renewable declaration of emergency license by endorsement**

(a) The Board shall issue a non-renewable license by endorsement pursuant to a declaration of emergency to an applicant who is licensed or certified as a professional counselor by another state or territory of the United States or the District of Columbia and the following criteria is met:

- (1) A declaration of emergency is issued by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or a declaration of a catastrophic health emergency issued by the Governor pursuant to the Catastrophic Health Emergency Powers Act;
- (2) The applicant's professional counselor license in the other jurisdiction is active and in good standing and allows the applicant to practice independently without supervision;
- (3) The applicant's license has never been suspended or revoked and fulfills all of the requirements as stated in Subchapter 5-1;
- (4) The applicant fulfills the requirements as stated in 59 O.S. 1925.6 (A), (B); and
- (5) The applicant has at least a Masters Degree in counseling or a mental health related field from a regionally accredited college or university.

(b) A non-renewable license by endorsement pursuant to a declaration of emergency shall only be valid for the duration of the emergency as determined by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or the Catastrophic Health Emergency Powers Act.

(c) Services that are provided shall be pro bono or reimbursed by nongovernmental entities.

[Source: Added at 33 Ok Reg 1255, eff 9-11-16]

## CHAPTER 16. LICENSED MARITAL AND FAMILY THERAPISTS

**Editor's Note:** Effective 11-1-13, as set forth in House Bill 1467 (2013), “[a]ll powers, duties, responsibilities . . . of the State Board of Health, the State Department of Health, and the State Commissioner of Health relating exclusively to the regulation of Licensed Marital and Family Therapists. . . are hereby transferred and shall be placed under the authority of the State Board of Behavioral Health Licensure” [HB 1467 (2013), § 3(A)]. The following provisions in HB 1467 address the disposition of related rules: • Section 3 (not to be codified in the Oklahoma Statutes) provides that “[u]pon the effective date of this act, all administrative rules promulgated by the State Board of Health relating to the Marital and Family Therapist Licensure Act . . . shall be transferred to and become a part of the administrative rules of the State Board of Behavioral Health Licensure” [HB 1467 (2013), § 3(F)]. HB 1467 also directed the Office of Administrative Rules to place the transferred rules under the Administrative Code section of the State Board of Behavioral Health Licensure [see Editor's Notice published at 32 Ok Reg 108]. Therefore, on 11-1-13, the rules in Chapter 400 of the Department of Health's Title 310 [OAC 310:400] were transferred to this new Chapter 16 of the State Board of Behavioral Health Licensure's Title 86 [OAC 86:16]. For text of rules that were effective prior to the transfer of these rules on 11-1-13, see Chapter 400 of the Department of Health's Title 310 [OAC 310:400], as published in the 2011 Edition of the OAC and updated in the 2013 OAC Supplement. • Section 19 (amending 59 O.S., § 1925.5) directs the State Board of Behavioral Health Licensure to “[p]rescribe, adopt and promulgate rules to implement and enforce the provisions of the Marital and Family Therapist Licensure Act, including the adoption of the State Department of Health rules by reference; and [a]dopt and establish rules of professional conduct” [HB 1467 (2013), § 19(A)]. Although the State Board of Behavioral Health Licensure did not “adopt the State Department of Health rules by reference,” the Board did adopt rules in a new Chapter 15 of Title 86, first by emergency action effective 4-23-14 and later by permanent action effective 9-11-15. For emergency rules related to Marital and Family Therapists that were promulgated by the State Board of Behavioral Licensure pursuant to HB 1467 (2013), § 19, and were effective from 4-23-15 through 9-10-15, see 32 Ok Reg 159. For permanent rules related to Marital and Family Therapists that were promulgated by the State Board of Behavioral Licensure to supersede the emergency rules, effective 9-11-15, see Chapter 15 of OAC Title 86.

[Authority: HB 1467 (2013), §§ 3 and 19]

[Source: Codified 11-1-13]

### SUBCHAPTER 1. GENERAL PROVISIONS

#### **86:16-1-1. Purpose**

The rules in this Chapter implement the Marital and Family Therapist Licensure Act, 59 O.S. Section 1925.1 et seq.

[Source: Transferred from 310:400-1-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-1-2. Consumer information**

(a) **Roster.** Each year the Department shall publish a roster of Licensed Marital and Family Therapists (LMFTs). The roster of LMFT's shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number and license number.

(b) **Brochure.** The Department shall prepare information of consumer interest, which describes the regulatory functions of the Advisory Board and Department procedures to handle and resolve consumer complaints.

[Source: Transferred from 310:400-1-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-1-3. Definitions**

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

**"Approved LMFT supervisor"** means an individual who meets the qualifications to become an approved supervisor and is approved by the Department as set forth in Section 310:400-11-3 of this Chapter.

**"Extra therapeutic relationship"** means a familial, social, financial, business, professional, close personal, sexual or other non-counseling relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LMFT's professional obligation to a client.

**"Forensic services"** means the application of knowledge, training and experience from the mental health field to the establishment of facts and/or the establishment of evidence in a court of law or ordered by a court of law.

**"Home-study or technology-assisted distance learning"** refers to the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on synchronous or asynchronous instructional delivery methods. Home-study or technology-assisted distance learning is designed to deliver education to learners who are not in the direct physical presence of the educator.

**"OAC"** means the Oklahoma Administrative Code.

**"On-site supervisor"** means a person who may not be an approved LMFT supervisor but is licensed in the State of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LMFT Candidate whose assigned job duties include acting as the immediate supervisor to the LMFT Candidate.

**"Technology-assisted supervision"** refers to supervision that occurs through video teleconferencing, over secure internet connections, wherein an Approved LMFT Supervisor and a Licensed Marital and Family Therapist Candidate are in separate physical locations. Technology-assisted supervision must be approved by the Department prior to the accrual of hours. Factors to be considered by the Department include: distance between approved supervisor and candidate; financial hardship on approved supervisor or candidate; physical hardship on approved supervisor or candidate; specialty credentials; and other pertinent factors.

[Source: Transferred from 310:400-1-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-1-4. Applicability**

Every duty, obligation or requirement described in this Chapter and imposed upon a LMFT shall be applicable to every licensed marital and family therapist candidate, unless specifically provided otherwise.

[Source: Transferred from 310:400-1-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **SUBCHAPTER 3. ADVISORY BOARD OPERATIONS**

#### **86:16-3-1. Statutory requirements**

In addition to those operations described in Section 1925.5 of the LMFT Act, the Advisory Board operations in this Chapter are to be in effect.

[Source: Transferred from 310:400-3-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-3-2. Officers**

(a) **Chairman.** The Chairman shall preside at all meetings at which he or she is in attendance and perform all duties prescribed by law or Board. The Chairman is authorized by the Advisory Board to make day-to-day decisions regarding Advisory Board activities in order to facilitate the responsiveness and effectiveness of the Advisory Board.

(b) **Vice-chairman.** The Vice-Chairman shall perform the duties of the Chairman in case of the absence or disability of the Chairman. In case the office of the Chairman becomes vacant, the Vice-Chairman shall serve as Chairman until a successor is named.

(c) **Secretary.** In the absence of the Chairman and Vice-Chairman, the Secretary will preside until the Chairman or Vice-Chairman is present.

[Source: Transferred from 310:400-3-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-3-3. Rules of order**

Robert's Rules of Order Revised shall be the basis of parliamentary decisions except as otherwise provided by Advisory Board rules.

[Source: Transferred from 310:400-3-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-3-4. Sub-committees**

(a) The Chairman with the approval of the Advisory Board may establish sub-committees deemed necessary to carry out Advisory Board responsibilities.

(b) The Chairman shall appoint the members of the Advisory Board to serve on sub-committees.

(c) The Chairman may appoint non Advisory Board members to serve as sub-committee members on a consultant or voluntary basis subject to Advisory Board approval.

(d) Sub-committee Chairman shall make regular reports to the Advisory Board in interim written reports and/or at regular meetings.

(e) Sub-committees shall direct all reports or other materials to the Director for distribution.

(f) Sub-committees shall meet when called by the Chairman or when so directed by the Advisory Board.

[Source: Transferred from 310:400-3-9 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

### **86:16-5-1. Responsibility to clients**

- (a) LMFTs are dedicated to advancing the welfare of families and individuals, including respecting the rights of those persons seeking their assistance, and making reasonable efforts to ensure that their services are used appropriately.
- (b) LMFTs shall not discriminate against or refuse professional service to anyone on the basis of race, gender, religion, or national origin.
- (c) LMFTs are cognizant of their potentially influential position with respect to clients, and they shall not exploit the trust and dependency of such persons. LMFTs therefore shall avoid extra therapeutic relationships with clients that could impair their professional judgment or increase the risk of exploitation. When extra-therapeutic relationships cannot be avoided, LMFTs shall take appropriate professional precautions to insure that judgment is not impaired and that no exploitation occurs. Examples of such extra therapeutic relationships include, but are not limited to, business or close personal relationships with clients. Sexual intimacy with clients is prohibited. Sexual intimacy with former clients for two years following the termination of therapy is prohibited.
- (d) LMFTs shall not use their professional relationship with clients to further their own interests.
- (e) LMFTs respect the right of clients to make decisions and help them to understand the consequences of those decisions. LMFTs shall clearly advise a client that a decision on marital status is the responsibility of the client.
- (f) LMFTs shall continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.
- (g) LMFTs shall assist persons in obtaining other therapeutic services if a marital and family therapist is unable or unwilling, for appropriate reasons, to see a person who has requested professional help.
- (h) LMFTs shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment by other appropriate professionals as necessary and indicated.
- (i) When an LMFT becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LMFT's duty of responsibility to the client, including a suspension of the LMFT's license or any other situation or condition described in subchapter 5 of these rules, the LMFT shall promptly notify the client in writing of the presence or existence of the disability or condition and take reasonable steps to timely terminate the therapeutic relationship consistent with the provisions of paragraphs (g) and (h) herein.
- (j) LMFTs shall obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

[Source: Transferred from 310:400-5-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-5-2. Confidentiality**

- (a) LMFTs have unique confidentiality problems because the "client" in a therapeutic relationship may be more than one person. The overriding principle is that LMFTs respect the confidences of their client(s).
- (b) LMFTs shall not disclose client records and confidences to anyone, except:
  - (1) as mandated by law;
  - (2) to prevent a clear and immediate danger to a person or persons;

(3) where the LMFT is a defendant in a civil, criminal, or disciplinary action arising from the therapy (in which case client confidences may be disclosed only in the course of that action);

(4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.

(c) In circumstances where more than one person in a family is receiving therapy, each such family member who is legally competent to execute a waiver must agree to the waiver required by paragraph (b)(4) of this section. Absent such a waiver from each family member legally competent to execute a waiver, an LMFT shall not disclose information received from any family member.

(d) LMFTs shall use client and/or clinical materials in teaching, writing, and public presentations only if a written waiver has been received in accordance with subsection (c) of this section, or when appropriate steps have been taken to protect client identity.

(e) LMFTs shall store or dispose of client records in ways that maintain confidentiality.

(f) LMFTs shall maintain verifiable records necessary for rendering professional services to their clients for at least seven (7) years beyond termination of services. LMFTs employed at an institution or facility that has a published records retention policy that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(g) LMFTs shall maintain the confidentiality of any information received from any person or source about a client, unless authorized in writing by the client or otherwise authorized or required by law or court order.

(h) LMFTs shall be responsible for complying with the applicable state and federal regulations in regard to the security, safety and confidentiality of any therapeutic record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

[Source: Transferred from 310:400-5-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-5-3. Professional competence and integrity**

(a) LMFTs are dedicated to maintaining high standards of professional competence and integrity.

(b) LMFTs are presumed to have violated high standards of integrity or competence if they:

(1) are convicted of a felony;

(2) are convicted of a misdemeanor (related to their qualifications or functions);

(3) engage in conduct which could lead to conviction of felonies, or misdemeanors related to their qualifications or functions;

(4) have their licenses or certificates suspended or revoked; or

(5) are no longer competent to practice marital and family therapy because they are impaired due to physical or mental causes or the abuse of alcohol or other substances.

(c) LMFTs shall seek appropriate professional assistance for their own personal problems or conflicts that are likely to impair their work performance and their clinical judgment.

(d) LMFTs, as teachers and supervisors, are dedicated to maintaining high standards of scholarship and presenting information that is accurate.

(e) LMFTs shall remain abreast of new developments in family therapy knowledge and practice through both educational activities and clinical experiences.

(f) LMFTs shall not engage in sexual or other harassment or exploitation of clients, students, trainees, supervisees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.

(g) LMFTs shall not attempt to diagnose, treat, or advise on problems outside the recognized boundaries of their competence.

(h) LMFTs shall prevent the distortion or misuse of their clinical and research findings.

(i) LMFTs are aware that, because of their ability to influence and alter the lives of others, they must exercise special care when making public their professional recommendations and opinions through testimony or other public statements.

(j) LMFTs shall protect the welfare of the client by storing and/or destroying, when appropriate, client files.

(k) LMFTs shall not, under normal circumstances, offer professional services to clients concurrently receiving services from another professional except with the knowledge of the professional.

(l) LMFTs shall display their original, current license certificate in a prominent place in the primary location of their practice.

(m) LMFTs shall keep the Department updated regarding changes in mailing address, phone number and place of employment. Failure to do so may place the license in jeopardy due to missed renewal notices and other important communications.

(n) LMFTs and LMFT Candidates may perform forensic services, which may include, but are not limited to, assessments, interviews, consultations, custody evaluations, reports, or expert testimony, or other such activity that is undertaken or conducted by the candidate or licensee in contemplation that the results may, or are intended to be, later furnished to a trier of fact or other decision maker, only under the following conditions:

(1) LMFTs and LMFT Candidates must demonstrate competence by education or experience in the subject matter relevant to the issues in question, as determined by the court.

(2) LMFTs and LMFT Candidates shall provide a written notice and make reasonable attempts to obtain a signature acknowledging receipt of such notice, from each person or persons who is the subject of the forensic services. This written notice shall include:

(A) a description of what procedure will be followed in the evaluation process;

(B) how such information, interpretations, conclusions, and recommendations will be distributed;

(C) fee arrangements; and

(D) explanation of the role of the evaluator if subsequently called upon to provide expert testimony before a trier of fact

(3) LMFTs and LMFT Candidates shall maintain written records, in a form or format that is legible or readable to third persons, of all contacts and information received and used in the preparation of their report.

(4) LMFTs and LMFT Candidates must conduct a thorough examination of the person who is the subject of their forensic analysis, and such other person or persons who has/have a legally recognizable right in the subject matter of the proceeding.

(5) LMFTs and LMFT Candidates must base their findings and conclusions only upon information gained by appropriate and lawful means. Interviews of minor children shall be preceded by written consent from the joint-custodial parents or from the custodial parent or from the legal guardian or from the legal custodian appointed by the Court.

(6) LMFTs and LMFT Candidates who provide therapy services for a client shall only provide fact witness testimony, which may include diagnostic impressions, treatment plans and other factual clinical information ordinarily included in a treatment file. Fact witness testimony by LMFTs and LMFT Candidates shall not include opinions or recommendations pertaining to matter subject to a decision by the Court, in forensic matters involving that client, unless otherwise required by law or court order.

LMFTs and LMFT Candidates who provide mediation, parent coordinating assistance or any other neutral participation, may not undertake to provide therapy concurrently or subsequently to any person(s) involved or directly affected by the LMFT's or LMFT Candidate's role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations by the LMFT or LMFT Candidate and shall not include conclusions, opinions or recommendations.

(7) Assessments, interviews, consultations, custody evaluations, reports or other activity not performed in contemplation that the results would be furnished to a trier of fact or decision maker, must be kept confidential and cannot be utilized in the formation or publication of an opinion by the candidate or licensee.

(o) An LMFT, LMFT candidate, or applicant for LMFT licensure, in connection with a license application or an investigation conducted by the Department pursuant to OAC 310:400-17-3, shall not:

(1) knowingly make a false statement of material fact; LMFT, LMFT candidate or applicant for licensure to have arisen in the application or the matter under investigation; or

(2) fail to disclose a fact necessary to correct a misapprehension known by the LMFT, LMFT candidate or applicant for licensure to have arisen in the application or the matter under investigation; or

(3) fail to respond to a demand for information made by the Department or any designated representative thereof, unless a request for a protective order has been first made pursuant to the provisions of Chapter 2 of this title, in which case the LMFT, LMFT candidate or applicant may await the decision concerning the issuance or denial of a protective order before making any response.

(p) No person may engage in the private or independent practice of marital and family therapy work or open a facility with the intent of providing private or independent therapy practice unless that person:

(1) is licensed under this Act as a Licensed Marital and Family Therapist; and,

(2) has met all requirements of OAC 310:400-11-4 of the LMFT Regulations; and

(3) has continued to meet all continuing education requirements set forth in Subchapter 15 of this Chapter.

[Source: Transferred from 310:400-5-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]



#### **86:16-5-4. Responsibility to students, employees, and supervisees**

- (a) LMFTs shall not exploit the trust and dependency of students, employees and supervisees.
- (b) LMFTs are cognizant of their potentially influential position with respect to students, employees, and supervisees, and shall not exploit the trust and dependency of such persons. LMFTs, therefore, shall avoid extra therapeutic relationships that impair their professional judgment or increase the risk of exploitation. Examples of such extra therapeutic relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy with students or supervisees is prohibited.
- (c) LMFTs shall not permit students, employees, or supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.
- (d) LMFTs shall not disclose supervisee confidences to anyone, except:
- (1) as mandated by law;
  - (2) to prevent a clear and immediate danger to a person or persons;
  - (3) where the marital and family therapist is a defendant in a civil, criminal, or disciplinary action arising from the supervision (in which case client confidences may be disclosed only in the course of that action);
  - (4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.

[Source: Transferred from 310:400-5-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-5-5. Responsibility to research participants**

- (a) LMFTs shall respect the dignity and protect the welfare of persons who participate in research and are cognizant of federal and state laws and regulations and professional standards governing the conduct of research with human participants.
- (b) In planning a study, the LMFT has the responsibility to make a careful examination of its ethical acceptability. To the extent that services to research participants may be compromised by participation in research, the LMFT incurs a correspondingly serious obligation to seek the ethical advice of others not directly involved in the investigation and to observe safeguards to protect the rights of research participants. Examples of compromising conditions include, but are not limited to, random assignment to control groups, waiting lists, and inflexible treatment protocols.
- (c) In requesting involvement in research, LMFTs are obligated to fully inform potential participants of all aspects of the research that might reasonably be expected to influence willingness to participate and to explain all other aspects of the research about which participants inquire. LMFTs are especially sensitive to the possibility of diminished consent when participants are also receiving clinical services or when participants are children or have impairments which limit understanding and/or communication.
- (d) The LMFT respects the individual's freedom to decline to participate in or to withdraw from the research at any time. This obligation requires special thought and consideration when the LMFT or other members of the research team are in positions of authority or influence over the participant.

(e) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others, including family member, may obtain access to such information, this possibility, together with the plan for protecting confidentiality, is explained as part of the procedure for obtaining informed consent.

[Source: Transferred from 310:400-5-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-5-6. Responsibility to colleagues**

- (a) Marital and family therapists shall respect the rights and responsibilities of professional colleagues.
- (b) LMFTs shall assign publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.
- (c) LMFTs who author books or other materials that are published or distributed shall cite appropriately persons to whom credit for original ideas is due.
- (d) LMFTs who author books or other materials published or distributed by an organization shall take reasonable precautions to ensure that the organization promotes and advertises the materials accurately and factually.

[Source: Transferred from 310:400-5-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-5-7. Financial arrangements**

- (a) LMFTs shall clearly explain to clients, prior to entering the therapy relationship, all financial arrangements related to professional services including the consequences for non-payment of fees.
- (b) LMFTs shall not offer or accept payment for referrals.
- (c) LMFTs shall not charge excessive fees for services.
- (d) LMFTs shall represent facts truthfully to clients and third party payor regarding services rendered.

[Source: Transferred from 310:400-5-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-5-8. Advertising**

- (a) LMFTs shall accurately represent their competence, education, training, and experience relevant to their practice of marriage and family therapy.
- (b) LMFTs shall not use a name which could mislead the public concerning the identity, responsibility, source, and status of those practicing under that name and shall not hold themselves out as being partners or associates of a firm if they are not.
- (c) LMFTs shall not use any professional identification (such as a professional card, office sign, letterhead, or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading or deceptive. A statement is false, fraudulent, misleading, or deceptive if it:
  - (1) contains a material misrepresentation of fact;
  - (2) fails to state any material fact necessary to make the statement, in light of all circumstances, not misleading;
  - (3) is intended to or is likely to create an unjustified expectation.
- (d) LMFTs shall correct false, misleading, or inaccurate information and representations made by others concerning the marriage and family therapist's qualifications, services or products.

(e) LMFTs shall make certain that the qualifications of persons in their employ are represented in a manner that is not false, misleading or deceptive.

[Source: Transferred from 310:400-5-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-5-9. Candidate for LMFT licensure**

Candidates for licensure as a Licensed Marital and Family Therapist shall not refer to themselves as a Licensed Marital and Family Therapist or LMFT.

[Source: Transferred from 310:400-5-8.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-5-10. Failure to comply**

An LMFT who does not comply with the Rules of Professional Conduct in this Subchapter shall be guilty of unprofessional conduct.

[Source: Transferred from 310:400-5-9 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **SUBCHAPTER 7. APPLICATION FOR LICENSURE**

#### **86:16-7-1. Fitness of applicants**

(a) **Purpose.** The purpose of this section is to establish the fitness of an applicant as one of the criteria for approval for licensure as an LMFT and to set forth the criteria by which the Commissioner, through the recommendations of the Advisory Board, will determine the fitness of applicants.

(b) **Fitness for licensure.** Any of the following items related to the applicant may be, as the Commissioner 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 Department.
- (3) A violation of the Code of Ethics of the professional discipline espoused by the applicant.
- (4) Any violation of the Board rules in effect at the time of application which is applicable to an unlicensed person.

(c) **Materials considered to determine fitness.**

- (1) Materials considered to determine fitness of skills and abilities include:
  - (A) Evaluations of supervisors or instructors.
  - (B) Statements from persons submitting references for the applicant.
  - (C) Evaluations of employers and/or professional associations.
- (2) Materials considered to determine fitness of professional conduct includes:
  - (A) Allegations of clients.
  - (B) Transcripts or other findings from official court, hearing or investigative proceedings.
  - (C) Any other information which the Department considers pertinent to determining the fitness of applicants.

[Source: Transferred from 310:400-7-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-7-2. Application procedures**

**(a) General.**

(1) The purpose of this section is to insure that all applicants meet those requirements specified in Section 1925.6 of the Act.

(2) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on official Department forms.

(3) The Department will not consider an application as officially submitted until receipt of the Application, application fee, official graduate transcripts, three (3) Document of Recommendation Forms, Internship/Practicum Documentation Form, and completed criminal background check. The fee must accompany the Application Form.

(4) The Department must receive all required application materials at least 60 days prior to the date the applicant wishes to take the examination.

**(b) Application materials.** The purpose of this section is to list the materials required in the application process. All forms must be completed in full by the applicant, as per the instructions on the following individual forms:

(1) Application form.

(2) Official graduate transcript.

(3) Documents of recommendation.

(4) Internship/practicum documentation form.

(5) Two (2) classifiable sets of fingerprints.

(6) Fees.

**(c) Application forms**

(1) Application form - identifying information; graduate education and course work; possession of other credentials; professional ethics and conduct.

(2) Internship/Practicum Documentation form - identifying information; time, place, location of practicum

(3) Document of Recommendation - identifying information; ratings of ethical and professional characteristics; circumstances and time period submitter has know applicant

(4) Supervision Agreement - supervisor and supervisee agree to terms set forth for the accrual of supervised experience; a reproduction of the regulation regarding supervised experience

(5) Evaluation of Supervised Experience document - identifying information; time, place and duration of supervised experience; number of hours of direct client contact with different populations; supervisor's rating of professional activity; supervisor's comment section, and record of supervised experience.

(6) On-Site Supervisor Verification form - identifying information; name of applicant; place of employment; on-site supervisor information; a reproduction of the regulation regarding supervision accrued in a private setting.

(7) Two (2) classifiable sets of fingerprints.

**(d) Negative references.** The Advisory Board may ask any applicant for licensure as an LMFT, whose file contains negative references of substance, to come before the Advisory Board for an interview before the licensure designation process may proceed.

[Source: Transferred from 310:400-7-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:16-7-3. Reapplication procedures**

**(a) Re-application for permanently expired license.**

(1) Re-application after license expires for non-renewal shall include the following documents:

- (A) Application form,
- (B) Three (3) Documents of Recommendation,
- (C) Supervision Agreement,
- (D) On-Site Supervisor Verification Form,
- (E) New Application Fee, and
- (F) Two (2) classifiable sets or fingerprints.

(2) Applicant shall re-take two examinations:

- (A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Department, and
- (B) An oral and/or written examination covering psychopathology and the LMFT law and regulations as approved by the Department.

(3) The Internship/Practicum Documentation Form on file shall carry over to a new application.

(4) All previously submitted and approved Supervised Experience shall carry over to a new application.

(5) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 310:400-17-7.

**(b) Re-application for revoked license.**

(1) No re-application for a revoked license will be considered for a period of 5 years following the revocation. Re-application after license is revoked as a result of administrative action shall include the following documents:

- (A) Application form,
- (B) Official university or college transcript,
- (C) Three (3) Documents of recommendation.
- (D) Internship/Practicum Documentation form,
- (E) Supervision Agreement,
- (F) On-Site Supervisor Verification Form,
- (G) New Application Fee, and
- (H) Two (2) classifiable sets of fingerprints.

(2) Applicant shall re-take two examinations:

- (A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Department, and
- (B) An oral and/or written examination covering psychopathology and the LMFT law and regulations as approved by the Department.

(3) All previously submitted and approved Supervised Experience shall not carry over to a new application.

(4) Application materials shall be reviewed by the advisory board.

(5) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of the revocation of licensure.

(6) The Department may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

**(c) Re-application for voided application.**

(1) Re-application after application is voided for failure to take scheduled examinations or after the eligible applicant fails an examination and does not take subsequent scheduled examinations shall include the following documents:

- (A) Application form,
- (B) Three (3) Documents of Recommendation,
- (C) Supervision Agreement,
- (D) On-Site Supervisor Verification Form,
- (E) New Application Fee, and
- (F) Two (2) classifiable sets of fingerprints.

(2) Applicant shall take two examinations:

- (A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Department, and
- (B) An oral and/or written examination covering psychopathology and the LMFT law and regulations as approved by the Department.

(3) The Internship/Practicum Documentation Form on file shall carry over to a new application.

(4) All previously submitted and approved Supervised Experience shall carry over to a new application.

(5) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 310:400-17-7.

**(d) Re-application for denied application.**

(1) Re-application after application has been denied as prescribed in Section 1925.15 of the Act shall include the following documents:

- (A) Application form,
- (B) Official university or college transcripts,
- (C) Three (3) Documents of Recommendation,
- (D) Internship/Practicum Documentation form,
- (E) Supervision Agreement,
- (F) On-Site Supervisor Verification Form,
- (G) New Application Fee, and
- (H) Two (2) classifiable sets of fingerprints.

(2) Application materials shall be reviewed by the LMFT Advisory Board.

(3) Applicant shall be required to take necessary examinations.

(4) Applicant shall be required to accrue an additional 500 hours of supervised experience.

(5) Internship/Practicum Documentation Form on file shall carry over to a new application.

(6) All previously submitted and approved Supervised Experience shall carry over to a new application.

(7) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 310:400-17-7.

(8) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of denial of licensure application.

(9) The Department may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

[Source: Transferred from 310:400-7-2.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-7-4. Hearing upon denial of licensure application**

Following the denial of a licensure application by the Department, as prescribed in Section 1925.15 of the Act, the applicant may request an administrative hearing to contest the denial of his/her application within 15 days of receiving notification from the Department. If a hearing is not requested within 15 days, the denial will be final.

[Source: Transferred from 310:400-7-2.2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-7-5. Academic and experience requirements**

(a) **Fulfillment of Section 1925.6, subsection B of the LMFT Act.** Persons applying for licensure must have fulfilled the requirements listed in Section 1925.6, Subsection B of the LMFT Act.

(b) **Academic requirements.** Applicants must possess at least a masters degree in marital and family therapy or in a mental health, behavioral science, or counseling related field from a college or university accredited by one of the following six regional accrediting associations recognized by the U.S. Department of Education: The New England Association of Schools and Colleges, The Middle States Association of Colleges and Schools, The North Central Association of Colleges and Schools, The Northwestern Association of Schools and Colleges; The Western Association of Schools and Colleges, or The Southern Association of Colleges and Schools which is content-equivalent to a graduate degree in marital and family therapy. In order to qualify as a "content-equivalent" degree, a graduate transcript must document the minimum number of graduate hours and knowledge areas listed below. Academic courses (3 semester hours or 4 quarter credit hours) must include a minimum of 45 class hours for each course.

(1) Theoretical Foundations of Marital and Family Systems - any course which deals primarily in areas such as family life cycle; theories of family development; marriage and/or the family; sociology of the family; families under stress; the contemporary family; family in a social context; the cross-cultural family; youth/adult/aging and the family; family subsystems; individual, interpersonal relationships (marital, parental, sibling). (3 courses: 9 semester or 12 quarter hours.)

(2) Assessment and Treatment in Marital and Family Therapy -any course which deals primarily in areas such as family therapy methodology; family assessment; treatment and intervention methods; overview of major clinical theories of marital and family therapy such as: communications, contextual, experiential, object relations, strategic, structural, systemic, transgenerational. (3 courses: 9 semester or 12 quarter hours.)

(3) Human Development - any course which deals primarily in areas such as human development; personality theory; human sexuality, psychopathology; at least one of which must be in psychopathology or abnormal human behavior. (3 courses: 9 semester or 12 quarter hours.)

(4) Ethics and Professional Studies - any course which deals primarily in areas such as professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law. (1 course: 3 semester or 4 quarter hours.)

(5) Research - any course which deals primarily in areas such as research design, methods, statistics; research in marital and family studies and therapy. (1 course: 3 semester or 4 quarter hours.)

(6) Practicum/Internship (at least 300 clock hours.)

(c) **International degrees.** For applicants with international degrees, the Department shall review the applications of applicants for licensure under this Chapter who have received a post-secondary degree from an educational institution outside the United States. The Department shall determine whether the applicant's experience, command of the English language, and completed academic program meet the standards of an academic program of an accredited educational institution.

(d) **Experience requirement.**

(1) Applicants must complete two (2) calendar years of work in marital and family therapy following the receipt of the qualifying degree.

(2) These two years must be completed under a supervisor approved by the Department.

(e) **Examination.** Applicants must achieve a passing score on the LMFT examinations.

[Source: Transferred from 310:400-7-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-7-6. Additional forms**

(a) Licensure Verification Request Form - name of licensee; licensee license number; and licensee license type.

(b) Out-of-State License Verification Form - identifying information; type of credential held in other state; license number; issue and expiration date of license; current standing of license; past complaints or sanctions; exam information; supervision information; graduate education; internship documentation; signature and identifying information of person verifying from out-of-state.

(c) Mailing Addresses Request/Order Form - type of licensure list requested; format requested; identifying information of person making request.

(d) Licensure Reactivation Request Form - licensure type, identifying information; employment information; graduate education; license type and number; dates of inactivation and reactivation of license.

(e) LMFT Continuing Education Approval Application Form - name of workshop; program context; program knowledge area; name of presenter; presenter qualifications; date of presentation; number of hours requested; sponsoring agency; name of contact; phone number of contact; signature and signature date of contact; program content in relation to mental health ethics; program content in relation to therapy supervision; number of hours requested for mental health ethics; number of hour requested for therapy supervision.

[Source: Transferred from 310:400-7-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 9. LICENSURE EXAMINATIONS**

### **86:16-9-1. Eligibility**

An LMFT applicant is eligible to sit for the licensing examination following the submission and approval of:

(1) Application Form and fee

(2) Practicum/Internship Documentation Form



- (3) Official transcript(s) showing completion of all academic requirements listed in Subchapter 7 of this Chapter
- (4) Three (3) Document of Recommendation Forms; and
- (5) Two (2) classifiable sets of fingerprints

[Source: Transferred from 310:400-9-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-9-2. Format**

Applicants shall take two examinations:

- (1) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Department and
- (2) The Oklahoma LMFT Examination covering psychopathology and the LMFT law and regulations as approved by the Department.

[Source: Transferred from 310:400-9-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-9-3. Frequency**

The Department shall administer licensure examinations at least once a year or more often if deemed necessary.

[Source: Transferred from 310:400-9-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-9-4. Application**

- (a) The Department shall mail notification of eligibility to sit for examination(s) to the last known address of applicant no later than sixty (60) days after receiving the required and completed application materials.
- (b) The Department will schedule the Oklahoma LMFT Examination and notify the applicant of test date. An applicant who wishes to take a scheduled national examination must complete an examination registration form, return it to the Department's designee and submit the required fee prior to the date of the examination.
- (c) The applicant must pass the Oklahoma LMFT Examination within one year from the first date applicant is eligible to test or the supervision agreement will be revoked and the applicant shall be mailed notification at last known address. After passing the Oklahoma LMFT Examination, the applicant may submit a new supervision agreement and on-site supervisor verification form for Department approval.
- (d) An applicant's eligibility to sit for the national examination shall be valid for three years, at which time if the applicant has not successfully passed the national exam, the licensure application shall be voided and the applicant shall be mailed notification at last known address. An applicant may re-apply with an additional requirement of a plan of remediation acceptable to the advisory board.

[Source: Transferred from 310:400-9-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-9-5. Notice of results**

- (a) The Department shall mail notification of the examination results and an analysis of performance to examinee at last known address.
- (b) If the notice of examination results will be delayed for more than 90 days after the date of the examination, the Department shall mail notification of the delay to

the applicant at last known address before the 90th day.

[Source: Transferred from 310:400-9-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-9-6. Failure to appear**

If an applicant for licensure fails to appear for examination for reasons other than documented illness or other cause beyond the applicant's control after applying to take a particular examination, the applicant must re-register and pay another examination fee before being admitted to a subsequent examination.

[Source: Transferred from 310:400-9-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENTS**

#### **86:16-11-1. Supervisor and supervisee responsibilities**

Supervisor and Supervisee shall be jointly responsible for:

- (1) insuring the requirements under this subchapter are fulfilled. Any failure to comply may result in the loss of supervision hours, denial of licensure, initiation of formal complaint procedures, and/or loss of approved supervisor status.
- (2) insuring the client's right to confidentiality is protected and the rules of the supervisor's and supervisee's respective employers are adhered to during the course of supervision.

[Source: Transferred from 310:400-11-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-11-2. Acceptable supervised experience**

Supervised experience is acceptable when:

- (1) it begins after all applicable academic requirements as stated in Subchapter 7 have been completed, and supervision agreement has been approved by the Department.
- (2) official application for licensure has been made. This includes Application, application fee, Internship/Practicum Documentation Form, official graduate transcript, three (3) Document of Recommendation Forms, completed criminal background check, On-Site Supervisor Verification Form, and Supervision Agreement. Applicants who have met part or all of supervision experience requirements for clinical membership in AAMFT will be considered to have met part or all of the supervision requirements for licensure in Oklahoma.
- (3) it consists of the performance of therapy activities as described in Section 1925.2, subsection 7 and 9 of the LMFT Act and contains the following characteristics:
  - (A) supervision focuses on the raw data from a supervisee's continuing clinical practice, which may be available to the supervisor through a combination of direct observation, co-therapy, written clinical notes, and audio and video recordings and the LMFT Act and Regulations.
  - (B) supervision is a process clearly distinguishable from personal psychotherapy, and is contracted in order to serve professional/vocational goals.

(C) individual supervision shall be face-to-face with one supervisor and one or two supervisees.

(D) group supervision may be done with up to six supervisees and a supervisor.

(4) supervised experience hours may be accrued in academic, governmental, or private practice settings.

(5) the supervised experience is accrued in a private for-profit or private not-for-profit therapy setting without having an approved LMFT supervisor providing on-site supervision, if the agency employing the LMFT Candidate provides an on-site supervisor who is available to the LMFT Candidate any time services are being rendered by the LMFT Candidate, and the LMFT Candidate is receiving supervision for licensure from an approved LMFT supervisor. Out of state on-site supervisors may be approved on a case-by-case basis.

[Source: Transferred from 310:400-11-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-11-3. Supervisor qualifications**

(a) In order to be approved as a supervisor for therapists seeking MFT licensure, an individual must:

(1) be an American Association for Marriage and Family Therapy approved Supervisor familiar with Oklahoma LMFT Act and Rules duly promulgated, or

(2) be an LMFT

(A) with two (2) years of experience in marital and family therapy beyond the number of years of experience required for licensure and

(B) who has successfully completed a graduate course in therapist supervision (at least 45 contact hours) or equivalent course of study acceptable to the Department. This equivalent course of study should consist of workshops in marriage and family therapy supervision in combination with directed study of the marriage and family therapy supervision literature. Fifteen (15) of the 45 clock hours should be in a class or workshop format which includes a minimum of four supervisors-in-training; the other 30 clock hours should be reserved for the directed study. Directed study must be approved and monitored by an Approved Supervisor.

(b) Approved LMFT Supervisors are required to complete a minimum of three (3) clock hours, every three (3) years, of continuing education in therapy supervision specific to Oklahoma law provided by the LMFT Advisory Board, or its designee. Approved Supervisor designation will not be renewed until the continuing education requirement for each missed renewal period is met.

(c) If continuing education requirement is not met within six (6) years of expiration, approved supervisor status will be permanently expired and the LMFT must re-apply and meet all requirements, including passing the LMFT Oral Exam, in this Subchapter to become an approved supervisor.

(d) An active approved supervisor may request inactive status by submitting a request in writing to the Department. An inactive approved supervisor shall not provide any activities described in Subchapter 11 of this Chapter.

(e) An inactive approved supervisor may reactivate by submitting the required therapy supervision continuing education due by the end of the current renewal

period. If approved supervisor status has been inactive for three (3) or more years, the supervisor must retake and pass the LMFT Oral Exam before approved status is reinstated.

(f) An active approved supervisor status may be retired by informing the Department in writing. Retired approved supervisor status shall not be reinstated but does not prevent a person from applying for approved supervisor status at a future date.

(g) No re-application for a revoked approved supervisor status, as a result of administrative proceeding, shall be considered for a period of five (5) years following the revocation.

[Source: Transferred from 310:400-11-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-11-4. Duration of supervised experience**

(a) Work experience under supervision must extend over a minimum of 24 months. This marital and family therapy related experience must include a minimum of 1000 hours of direct client contact. The candidate must have a minimum of 250 relational hours with two or more members of the relational system present in the session.

(b) Supervision sessions:

(1) should be scheduled weekly and shall be no less than 6.25 hours of supervision for each 42 hours of direct client contact. No more than 42 hours of direct client contact can be counted in a four week period of time, or

(2) may be arranged on a different schedule upon:

- (A) written request of the supervisor and supervisee in advance, and
- (B) approval of the schedule by the Department.

(c) Total number of face-to-face supervision hours must be at least 150.

Supervision in group sessions shall equal no more than 75 hours of the total requirement. Technology-assisted supervision shall not account for more than 75 hours of the total requirement.

(d) Approved LMFT Supervisors shall meet with LMFT candidate(s) in person at least once every six month evaluation period when performing technology-assisted supervision.

(e) Supervisors shall perform at least two (2) observations, (live or tape) per each six (6) month evaluation period for each supervisee.

(f) Approved supervisors shall consult with on-site supervisor at least once per supervisee during each reporting period.

[Source: Transferred from 310:400-11-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-11-5. Documentation of supervised experience**

(a) An LMFT Supervision Agreement between supervisor and supervisee as well as the On-Site Supervisor Verification form must be received and approved by the Department prior to the accrual of supervision hours.

(b) Semi-annual documentation of supervision hours, evaluation of competence, date of observations (live or tape), and date of consultation between approved supervisor and on-site supervisor must be submitted by the supervisor and co-signed by the supervisee on official Supervision Evaluation Forms. Incomplete evaluations will not be accepted by the Department until all requirements for the semi-annual evaluation period have been completed.

(c) Upon completing the supervision requirement, the supervisee must complete and submit the Final Evaluation of Supervision Experience by Supervisee form for each supervisor. The Final Evaluation of Supervision Experience by Supervisee Form shall include the name of the supervisee and supervisor; period covered by supervision; ratings of supervision; recommendation of supervisor to other supervisees.

(d) Supervisors shall maintain supervision records for at least seven (7) years beyond termination of supervision.

[Source: Transferred from 310:400-11-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 13. FEES**

### **86:16-13-1. Fees established**

The Board shall establish fees to provide for the support of the administration of the Act.

[Source: Transferred from 310:400-13-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-13-2. Schedule of fees**

The following fees apply to the administration of the Act:

- (1) Application fee - \$200.00 - Shall be submitted with the application form.
- (2) License examination - \$295.00 - Shall be submitted when the applicant is notified of eligibility to sit for the examination.
- (3) License fee - \$100.00 - Shall be submitted upon notification that all application materials and fees have been received and are in order. This fee validates the license for the initial two-year period.
- (4) License renewal fee - \$100.00. - After the initial two-year period of licensure, this is a yearly fee to be submitted on or before December 31 of each year.
- (5) Late renewal fee - \$25.00 - This fee is assessed in addition to the renewal fee for failure to renew license on or before December 31.
- (6) Replacement fee - \$25.00 - This fee is for the issuance of a license certificate to replace a license certificate which has been lost, damaged, or is in need of revision to be submitted with documentation of the necessary replacement.
- (7) Inactive license fee - \$25.00 - Payment of this fee renders the license inactive and suspends all rights and privileges granted by the license until the license is reinstated.

[Source: Transferred from 310:400-13-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-13-3. Fees non-refundable**

Fees paid by applicants are not refundable.

[Source: Transferred from 310:400-13-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-13-4. Method of payment**

Any remittance submitted to the Department in payment of a required fee may be in the form of a cashier's check, money order, personal check or cash.

Payment of fees may be made by credit card or other electronic means, if acceptable by the Department. Any check returned to the Department for non-payment may result in expiration or suspension of license.

[Source: Transferred from 310:400-13-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-13-5. Review of fees**

The Department shall make periodic reviews of its fee schedule and make any adjustments necessary to provide funds to meet its expenses without creating an unnecessary surplus.

[Source: Transferred from 310:400-13-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **SUBCHAPTER 15. ISSUANCE AND MAINTENANCE OF LICENSE**

#### **86:16-15-1. Issuance of license**

(a) **Certificate.** The license issued by the Commissioner shall contain the licensee's name, license number, highest accredited therapy-related academic degree and date of issuance.

(b) **Signature.** Official licenses shall be signed by the Commissioner and be affixed with the seal of the State of Oklahoma.

(c) **Property of the department.** All licenses issued by the Commissioner shall remain the property of the Department and must be surrendered on demand.

(d) **Notification.** After having fulfilled all requirements for licensure, the Department shall mail notification to the licensee, at last known address, of his/her qualification for licensure; and when the license fee is received by the Department, the license will be mailed to the licensee.

[Source: Transferred from 310:400-15-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-15-2. Replacement of certificate**

The department will replace a license certificate that is lost, damaged, or is in need of revision upon written request from the LMFT and payment of the license replacement fee. Requests must include the LMFT's original license or be accompanied by the damaged certificate, if available.

[Source: Transferred from 310:400-15-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-15-3. License renewal**

(a) **Responsibility.** Each LMFT is responsible for renewing his/her license before the expiration date.

(b) **Initial licensing period.** The renewal date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.

(c) **Annual renewal.** Subsequent renewals will be yearly, on or before January 1. License fees will be prorated on a quarterly basis for the first renewal.

(d) **Interim renewal.** The notice for the initial renewal shall solicit the required continuing education documentation and invoice the LMFT for the interim period between the original renewal date and the following December 31 so that subsequent renewals shall be on a calendar year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by December 31. Fees and continuing education hours shall be prorated according to

the schedule below.

(1) For a license expiring during January, February or March the following shall apply:

(A) The renewal fee shall be \$100.00; and

(B) Continuing education of 20 hours shall be due by December 31.

(2) For a license expiring during April, May or June the following shall apply:

(A) The renewal fee shall be \$75.00; and

(B) Continuing education of 15 hours shall be due by December 31.

(3) For a license expiring during July, August or September the following shall apply:

(A) The renewal fee shall be \$50.00; and

(B) Continuing education of 10 hours shall be due by December 31.

(4) For a license expiring during October or November, the following shall apply:

(A) The renewal fee shall be \$25.00; and

(B) Continuing education of 5 hours shall be due by December 31.

(5) Licenses expiring in December are not prorated.

(e) **Requirements for renewal.** Requirements for renewal are:

(1) Compliance with the Act and Board rules.

(2) Documentation of the required continuing education. (See 310:400-15-4 for information regarding C.E.).

(3) Payment of the renewal fee(s).

(4) Submission of Continuing Education Roster, on official Department form.

(f) **Display of renewal certificate.**

(1) License renewal verification cards shall be displayed on the original (or replaced) license certificate.

(2) A current license verification card shall be readily available on the LMFTs person at any time marital and therapy services are being provided.

[Source: Transferred from 310:400-15-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-15-4. Continuing education.**

(a) **Purpose.** The purpose of the requirements in this Section is to establish the continuing education requirements necessary for license renewal.

(b) **Number of hours required.**

(1) Licensees shall complete and furnish documentation to the Department of twenty (20) clock hours of acceptable continuing education per year. One college credit hour is equal to fifteen (15) clock hours. Current LMFT Advisory Board members shall receive clock hours of acceptable continuing education for attendance and participation in advisory board or LMFT Advisory Board Chair appointed sub-committee meetings.

(2) A minimum of three (3) clock hours of continuing education hours must be in mental health ethics from programs pre-approved by the Department or its designee. Continuing education in mental health ethics is acceptable as meeting the pre-approval requirements by the Department when the continuing education program:

(A) Addresses ethics issues specifically pertaining to the practice of therapy, as defined in Section 1925.2(7) of this Act;

(B) Addresses regulations as promulgated in Subchapter 5 of this Chapter; and

(C) Meets all requirements of subsections (b) through (e) of OAC 310:400-15-4 of this Chapter.

(D) Beginning renewal year 2009, the three clock hours of mental health ethics continuing education must be accrued in a face-to-face setting.

(E) Current LMFT Advisory Board members shall receive clock hours of acceptable continuing education in mental health ethics for attendance and participation in advisory board or LMFT Advisory Board Chair appointed sub-committee meetings.

(3) Approved LMFT Supervisors are required to complete a minimum of three (3) clock hours, every three (3) years, of continuing education in therapy supervision specific to Oklahoma law provided by the LMFT Advisory Board, or its designee. Continuing education in Therapy Supervision is acceptable as meeting the pre-approval requirements by the Department when the continuing education program:

(A) Addresses issues specifically related to the practice of therapy supervision pursuant to regulations promulgated in Subchapter 11 of this Chapter; and

(B) Contains content in one or more of the following knowledge areas:

(i) Overview of a supervision model;

(ii) Supervisors' areas of focus and roles in supervision;

(iii) Supervisors' process and practical application;

(iv) Ethical dilemmas involved in therapy supervision;

(v) Methods of effectively addressing and preventing ethical dilemmas in therapy supervision;

(vi) Overview of AAMFT standards of supervision; or

(vii) Overview of Oklahoma LMFT Rules and Regulations regarding therapy supervision; and

(C) Meets all requirements of subsections (b) through (e) of OAC 310:400-15-4 of this Chapter.

(c) **Acceptable continuing education.** Continuing education is acceptable to the Department when it:

(1) approximates the content of any of the academic areas listed under Subchapter 7 of this Chapter and;

(2) is presented by a person who meets one of the following qualifications:

(A) is licensed or certified by therapy related professions;

(B) is a licensed or certified member of a non-therapy field (i.e. medicine, law) if the content of the presentation is therapy related and falls within the presenter's area of training;

(C) has experience teaching, at the graduate level, in a regionally accredited college or university from any of the knowledge areas listed in OAC 310:400-7-4 of this Chapter;

(D) the person is presenting or has presented at a national mental health conference provided by the American Association for Marriage and Family Therapy (AAMFT), American Psychological Association (APA), American Counseling Association (ACA), or any of its divisions, National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC),



or other nationally recognized professional organization in the mental health field;

(E) is presenting in a program sponsored or provided by a state or federal government agency with responsibility for mental health and substance abuse services; and

(3) takes place in the context of one of the following:

(A) a college course, in-service training, institute, seminar, workshop, conference or a Department pre-approved technology-assisted distance learning or home-study course;

(B) a national mental health conference provided by the American Association for Marriage and Family Therapy (AAMFT), American Psychological Association (APA), American Counseling Association (ACA), or any of its divisions, National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field;

(C) a program approved or offered by a state or federal government agency with responsibility for mental health and substance abuse services; or

(D) LMFT Advisory Board Meetings or LMFT Advisory Board Chair appointed sub-committee meetings, for current LMFT Advisory Board members.

(d) **Continuing education accrual from teaching.** Continuing education may also be accrued when the LMFT teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to OAC 310:400-15-4(c) of this subchapter, provided that such teaching is not required as part of the LMFT's regular employment. Two hours of C.E. is credited for each hour taught.

(e) **Continuing education accrual from technology-assisted distance learning or home-study courses.** Continuing education may be accrued when the LMFT completes technology-assisted distance learning or home-study programs that are approved by the Department. No more than ten (10) hours of continuing education may be accrued per renewal period through technology-assisted distance learning or home-study courses.

(f) **Professional audience.** Continuing education, whether received or presented by the LMFT must be targeted toward a professional audience.

(g) **Documentation of attendance.** LMFT's shall retain verification of attendance documents for all C.E. hours claimed for a period of two (2) years. Acceptable C.E. verification of attendance documents are:

(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 college transcript showing courses or audit credit, or

(4) (For teaching) a letter on sponsoring agency's letterhead giving the name of the program, location, dates, subject taught and total number of hours taught.

(h) **Submission of continuing education roster.** LMFT's shall submit a Continuing Education Roster, on official Department forms, (not individual verification of attendance documents) with the license renewal fee. Rosters may be obtained from the LMFT office. The Continuing Education Roster shall include the

name of the licensee, signature and signature date of the licensee, total clock hours of workshop(s), name of workshop(s), sponsoring agency of workshop, date of workshop, and the number of hours of each workshop. Only C.E. accrued in the preceding license renewal period is acceptable.

(i) **Audit of continuing education submissions.** In November of each year, the Department will randomly select from two (2) to twenty-five (25) percent of the number of LMFT's on active status the previous year for an audit of their claimed Continuing Education credits. These selected LMFT's must then provide the Department with verification of all credits claimed on their Continuing Education Roster on or before the renewal deadline. The Department may, at its discretion, audit and require verification of any credits claimed which it may consider questionable or fraudulent.

(j) **Penalty for failure to submit continuing education.** Failure to fulfill the C.E. requirement by the renewal date renders the license in suspension. All rights granted by the license are null and void until the requirement is fulfilled and a late renewal fee is paid. The LMFT has 12 months from the date of suspension to become reinstated. If not reinstated, the license shall be revoked.

(k) **Submission of fraudulent continuing education.** The submission of fraudulent C.E. hours will be reviewed by the Department for disciplinary action and may result in suspension or revocation of license.

(l) **Responsibility.** The licensee is ultimately responsible for providing or arranging for sponsors to provide the information necessary for the Department to make a determination of the suitability of the program for continuing education requirements.

(m) **Continuing Education Rosters for LMFT Approved Supervisors.** Every three (3) years, LMFT Approved Supervisors are required to submit three (3) hours of continuing education in therapy supervision on the LMFT Approved Supervisor Continuing Education Roster. The LMFT Approved Supervisor Continuing Education Roster shall include name of licensee, signature and signature date of licensee, total clock hours of workshop(s), name of therapy supervision workshop, sponsoring agency of workshop(s), date of workshop(s), and number of hours of each workshop.

[Source: Transferred from 310:400-15-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-15-5. Inactive status**

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar (\$25.00) fee. An inactive license forfeits all rights and privileges granted by the license.

(b) When a license is placed on inactive status, it remains inactive for at least one (1) year from the date of inactivation.

(c) Active status may be re-established upon payment of the current renewal fee if there are no impediments to licensure.

[Source: Transferred from 310:400-15-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-15-6. Late license renewal; reapplication**

(a) **Renewal notification.** The Department shall mail a notice of expiration to licensee's last known address, 45 days prior to the expiration date of the LMFT's license.

(b) **Failure to renew.** If the licensee fails to renew his/her license by the expiration date:

- (1) the license will expire and the rights and privileges granted by the license will be forfeited.
- (2) the LMFT has the right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one year following the expiration of the license.
- (3) licenses not renewed within the 1 year renewal period shall not be reinstated and shall be permanently expired. The license must be returned to the Department.

(c) **Reapplication.** It shall be the responsibility of the former licensee to reapply for licensure. Reapplication means making application, payment of all fees, taking and passing the exam and fulfillment of all requirements for licensure in effect at the time of reapplication. No contact will be initiated by the Department.

(d) **Retirement of license.** An LMFT whose license is current and in good standing, who wishes to retire the license, may do so by informing the Department in writing and returning the license to the LMFT office. A license so retired shall not be reinstated but does not prevent a person from applying for a license at a future date.

[Source: Transferred from 310:400-15-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-15-7. Misrepresentation**

If a therapist whose license has been inactivated, suspended, or revoked continues to represent himself as a Licensed Marital and Family Therapist or practices Marital and Family Therapy, he is in violation of Section 1925.10 and 1925.16 of the Licensed Marital and Family Therapist Act and shall be subject to discipline and injunction or reported to the appropriate District Attorney for prosecution.

[Source: Transferred from 310:400-15-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:16-15-8. Licensure by endorsement**

The Commissioner may grant a license by endorsement, in accordance with Section 1925.9 of the LMFT Act.

- (1) **Submission of Out-of-State License Verification Form.** An applicant for licensure by endorsement must submit the Out-of-State License Verification Form and may be required to submit a copy of the statute and rules of the agency issuing the license and the name and address of the licensing agency.
- (2) **Licensing procedures.** An applicant must submit all application materials as described in OAC 310:400-7-2(b)(1), (2), (3), (5) and (6).
- (3) The Department shall issue a license by endorsement to an applicant who is licensed or certified as a marital and family therapist in another jurisdiction and who meets the following:
  - (A) The applicant's marital and family therapy license in the other jurisdiction is active and in good standing with no history of suspension or revocation action against the license.
  - (B) The applicant fulfills the requirements of Section 1925.6 (A), (B), (C) of the LMFT Act;

(C) The applicant must have at least a masters degree in marital and family therapy, or in a mental health, behavioral science, or counseling related field, or a content-equivalent degree from a regionally accredited college or university;

(D) The applicant takes and passes the examination as provided in Section 1925.7, unless the applicant has passed a written, marital and family therapist examination that, in the judgment of the Department, is substantially equivalent to the examination established by the Department; and

(E) The applicant takes and passes the Oklahoma LMFT Examination.

(4) If the Applicant cannot meet the requirements of Paragraph (3) of this section, the Department shall issue a license by endorsement to an applicant who is licensed or certified as a marital and family therapist in another jurisdiction and who meets the following:

(A) The applicant's marital and family therapy license in the other jurisdiction is active and in good standing which allows the applicant to practice independently without supervision and shall have no history of suspension or revocation action against the license;

(B) The applicant must show proof of practice in marital and family therapy for five (5) years prior to application in Oklahoma;

(C) The applicant fulfills the requirements of Section 1925.6 (A), (B), (C) of the LMFT Act;

(D) The applicant must have at least a masters degree in marital and family therapy or in a mental health, behavioral science, or counseling related field from a regionally accredited college or university;

(E) The applicant takes and passes the Oklahoma LMFT Examination as described in OAC 310:400-9-2(2) of this Chapter.

(F) The applicant meets the requirements in OAC 310:400-7-1(b).

(5) The applicant must meet the requirements in OAC 310:400-7-2(a)(2), (3) and (4).

[Source: Transferred from 310:400-15-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 17. ENFORCEMENT**

### **86:16-17-1. Purpose**

The purpose of this subchapter is to specify the administration of complaints and the filing of disciplinary actions against LMFTs or against persons who practice marital and family therapy without a license or exemption.

[Source: Transferred from 310:400-17-1.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-17-2. Complaints**

(a) Any person may file a complaint against an LMFT or a person practicing marital and family therapy. A person wishing to report a complaint or alleged violation against a licensee or person practicing marital and family therapy may notify the Department in writing, by telephone, or by a personal visit. The Department will determine whether the complaint alleges a possible violation of the

Act or this chapter. The Department may present the complaint to the Advisory Board for consultation.

(b) LMFTs are encouraged to file complaints when they have knowledge of other LMFTs who have violated the LMFT Act or regulations.

(c) The complaint and the identity of the complainant shall be confidential and shall not be available for public inspection, until such time that the complaint becomes a part of the public record of an administrative hearing.

[Source: Transferred from 310:400-17-2.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-17-3. Investigation**

If the Department determines that a possible violation of the Act or this Chapter has occurred, the Department may commence an investigation of the complaint.

[Source: Transferred from 310:400-17-3.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-17-4. Filing of an action**

(a) The Department may begin a disciplinary action against an LMFT or a person practicing marital and family therapy who is not exempt from licensure by following the procedures in Chapter 2 of this Title. The Department shall specifically state the violation(s) and shall request the appropriate remedy. Remedies include revocation of a license, suspension of a license, probation of a license and administrative penalty.

(b) If in the course of an investigation the Department determines that a licensee or candidate for licensure has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the counselor's license or authorization to conduct marital and family therapy and/or the practice of marital and family therapy. A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a licensee or candidate has violated 310:400-5-1(c), 310:400-5-3(b)(1, 2, or 5), and 310:400-5-3(f) or 310:400-5-3(o).

[Source: Transferred from 310:400-17-4.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-17-5. Hearing**

Hearings shall be conducted by the Commissioner of Health or his designee as specified in Chapter 2 of this Title (310:2). The Department shall recommend the most appropriate penalty at the conclusion of the evidence. In making its recommendation, the Department may seek the counsel of the Advisory Board.

[Source: Transferred from 310:400-17-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-17-6. Final order**

The Department, either by order of the Commissioner or an Administrative Law Judge, shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.

[Source: Transferred from 310:400-17-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-17-7. Unauthorized practice**

Any person found to be practicing marital and family therapy without being either properly licensed, exempt or under the approved supervision of an LMFT as part of the licensure process shall be ordered to cease practicing and may be subject to an administrative penalty. The Department may seek the assistance of the courts if the actions continue.

[Source: Transferred from 310:400-17-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:16-17-8. Administrative penalties**

(a) The Department may assess an administrative penalty against an individual if the order includes a finding that the individual:

- (1) Violated any provision of the Act, including practicing marital and family therapy without licensure or exemption; or
- (2) Violated any rule within this Chapter; or
- (3) Violated any order issued pursuant to this Chapter.

(b) The total amount of the administrative penalty assessed shall not exceed ten thousand dollars (\$10,000.00) for any related series of violations.

[Source: Transferred from 310:400-17-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **CHAPTER 20. LICENSED BEHAVIORAL PRACTITIONERS**

*Editor's Note: See Editor's Note at beginning of Chapter 21 of this Title 86 [OAC 86:21].*

[Authority: 59 O.S., §§ 1901 et seq.]

[Source: Codified 9-11-15]

### **SUBCHAPTER 1. GENERAL PROVISIONS**

#### **86:20-1-1. Purpose**

The rules in this Chapter ("Rules") implement the Oklahoma Licensed Behavioral Practitioner Act, (59 O.S., Sections 1930 et seq.)

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-1-2. Definitions**

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"**Act**" means the Behavioral Practitioner Act, 59 O.S. §§ 1930 et seq., as amended.

"**Administrative Procedures Act**" ("**APA**") means Article I and/or Article II of the Administrative Procedures Act, 75 O.S. §§ 250 et seq.

"**Board**" means the State Board of Behavioral Health Licensure.

"**Complainant**" means any person who files a Request for Inquiry against a LBP, Candidate, or a person who delivers behavioral health services without a license.

"**Complaint Committee**" means one Board member who is a LBP, the Executive Director, the Assistant Attorney General and may include other

appropriate individuals as determined by the Committee.

**"Direct Client Contact Hours"** means the performance of therapeutic or clinical functions that includes diagnosis, assessment and treatment of mental, emotional and behavioral disorders based primarily on verbal communications and intervention with, and in the presence of, one or more clients.

**"Dual relationship"** means a familial, social, financial, business, professional, close personal, sexual or other non-therapeutic relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LBP's professional obligation to a client.

**"Employee"** means in accordance with 26 U.S.C. § 3121 (d),:

(A) Any officer of a corporation; or

(B) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of employee.

**"Face-to-Face learning"** means the delivery of graduate coursework or continuing education through instruction that is designed to deliver education to learners who are in the direct physical presence of the educator or designed to deliver education to learners through synchronous instructional delivery methods.

**"Face-to-face supervision"** means the supervisor and the supervisee shall be in the physical presence of the other during supervision.

**"Formal Complaint"** means a written statement of alleged violation(s) of the Act and/or Rules which is filed by the Assistant Attorney General. The Formal Complaint schedules an Individual Proceeding before the Board in accordance with 75 O.S. §309.

**"Full time practice"** means working at least 20 hours per week.

**"Group supervision"** means an assemblage of two (2) to six (6) Candidates.

**"Home-study"** or **"technology-assisted distance learning"** means the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on using asynchronous instructional delivery methods.

**"Hearing"** means the process followed by the Board to provide Due Process to a licensee respondent in an individual proceeding.

**"Individual Proceeding"** means the formal process by which the Board takes administrative action against a person licensed or certified by the Board in accordance with the APA and the Act.

**"Licensed behavioral practitioner"** or **"LBP"** or **"Licensee"** means any person who offers professional behavioral health services to any person and is licensed pursuant to the provisions of the Licensed Behavioral Practitioner Act. The term shall not include those professions exempted by Section 1932 of this title;

**"Licensed behavioral practitioner candidate"** or **"LBP Candidate"** or **"Candidate"** means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in Section 1935 of this title;

**"Licensure Committee"** means two LBP Board members, the Executive Director, and may include other appropriate individuals as determined by the Committee.

**"OAC"** means the Oklahoma Administrative Code.

**"On-site supervisor"** means a person who may not be an approved LBP supervisor but is licensed by the state of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the

agency employing the LBP Candidate whose assigned job duties include acting as the immediate supervisor to the LBP Candidate and who is available to the candidate at all times when behavioral health services are being rendered by the LBP Candidate.

**"Request for Inquiry" ("RFI")** means a written or oral statement of complaint from any person alleging possible violation(s) of the Act and/or Rules.

**"Respondent"** means the person against whom an individual proceeding is initiated.

**"Staff"** means the personnel of the Board.

**"Technology-assisted supervision"** refers to supervision that occurs through video teleconferencing, over secure internet connections, wherein a Supervisor and a Candidate are in separate physical locations.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16; Amended at 36 Ok Reg 510, eff 7-25-19; Amended at 40 Ok Reg 858, eff 8-11-23]

### **86:20-1-3. Prohibition**

Any person who is not specifically listed in Section 1932 of the Act shall not practice behavioral health services or use the title Licensed Behavioral Practitioner or LBP.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-1-4. Applicability**

Every duty, obligation or requirement described in this Chapter and imposed upon a LBP shall be applicable to every licensed behavioral practitioner candidate, unless specifically provided otherwise.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

## **SUBCHAPTER 3. FORMS**

### **86:20-3-1. Forms**

Each application shall include the following documents:

- (1) Application Form;
- (2) Official transcript(s), mailed from the university or college;
- (3) Internship/practicum Documentation Form;
- (4) Completed criminal background check; and
- (5) Fees.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

### **86:20-3-2. Description of forms**

(a) The Application Form requires the following:

- (1) Identifying information of applicant;
- (2) Possession of other credentials;
- (3) Previous misconduct;
- (4) Education;
- (5) References; and
- (6) Proposed professional Practice.

(b) The Internship/Practicum Documentation Form requires the following:

- (1) Identifying information of applicant;
- (2) Place, time, duration and nature of supervised experience;



- (3) School arranging supervision and name of supervisor; and,
  - (4) Signature and title of supervisor.
- (c) The Supervision Agreement requires identifying information of supervisee and supervisor as follows:
- (1) Name of candidate;
  - (2) Name of candidate's place of employment;
  - (3) Location supervised experience hours are being accrued;
  - (4) Candidate's contact information;
  - (5) Signature of Candidate;
  - (6) Name of Approved LBP Supervisor;
  - (7) Name of Approved LBP Supervisor's place of employment;
  - (8) LBP Approved Supervisor's contact information;
  - (9) Signature of LBP Approved Supervisor;
  - (10) Name of On-Site Supervisor;
  - (11) On-Site Supervisor's licensure information;
  - (12) Name of On-Site Supervisor's place of employment;
  - (13) On-Site Supervisor's contact information;
  - (14) Signature of On-Site Supervisor.
- (d) The Evaluation of Supervised Experience Form requires the following:
- (1) Names of supervisee and supervisor;
  - (2) Name and location of supervision site;
  - (3) Duration of work experience and supervision;
  - (4) Types of professional activities and clients seen;
  - (5) Rating of quality of professional activities;
  - (6) Supervisor and supervisee comments; and
  - (7) Signatures of supervisee and supervisor.
- (e) The Out-of-State Licensure Verification Form requires the following information:
- (1) Identifying information;
  - (2) Type of credential held in other state;
  - (3) License number;
  - (4) Issue and expiration date of license;
  - (5) Current standing of license;
  - (6) Past complaints or sanctions;
  - (7) Exam information;
  - (8) Supervision information;
  - (9) Graduate education;
  - (10) Internship documentation;
  - (11) Signature and identifying information of person verifying from out-of-state.
- (f) The Termination of Supervision Agreement requires the following information:
- (1) name of candidate;
  - (2) current place of employment of candidate;
  - (3) address of current place of employment of candidate;
  - (4) phone number of candidate;
  - (5) email address of candidate;
  - (6) signature and signature date of candidate, (if available);
  - (7) name of supervisor;
  - (8) license number of supervisor;
  - (9) current place of employment of supervisor;
  - (10) phone number of supervisor;

- (11) email address of supervisor;
- (12) signature and signature date of supervisor, (if available); and
- (13) effective date of termination of supervision agreement.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16; Amended at 36 Ok Reg 510, eff 7-25-19; Amended at 40 Ok Reg 858, eff 8-11-23]

## **SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT**

### **86:20-5-1. Responsibility**

LBP's shall accept responsibility for the consequences of their work and ensure that their services are used appropriately. LBP's shall not participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation. LBP's shall not use their relationships with clients for personal advantage, profit, satisfaction, or interest.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-5-2. Competence**

(a) **Behavioral health services.** LBP's shall practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience.

(b) **Testing.** LBP's shall know the limits of their competence and shall therefore perform only those testing and assessment services for which they have been trained. LBP's shall be familiar with related standardization and proper application and security of any technique utilized. LBP's using computer-based test interpretations shall be trained in the construct being measured and the specific instrument being used prior to using this type of computer application. LBP's shall ensure the proper use of assessment techniques by persons under their supervision.

(c) **Specialty.** LBP's shall not represent themselves as specialists in any aspect of behavioral health services, unless so designated by the Board.

(d) **Research.**

(1) LBP's shall plan, design, conduct, and report research only in a manner consistent with current, pertinent ethical principles put forth in the "Ethical Standards and Code of Conduct" governing Northamerican Association of Masters in Psychology (NAMP), federal and state laws, rules, and scientific standards governing research with human subjects.

(2) The research principles of the NAMP "Ethical Standards and Code of Conduct" are as follows:

(A) Principle 8: Research with Human and Animal Participants

(i) 8.1 Relevant research. The Masters in Psychology shall only undertake research pertaining to human subjects when such research contributes to psychology as a science and humankind in general. On the premise of this forethought, one conducts the research with the utmost concern for the dignity and welfare of their research participants.

(ii) 8.2 Informed consent in research. The Masters in Psychology shall make certain that research participants fully understand the conditions and comprehend the general nature of the research when requesting informed consent. Research that involves deception on the part of the researcher should in general be avoided, unless the perceived outcomes far exceed any perceived minimal

adverse reactions and in either case a debriefing session suitable to the research will always be conducted.

(B) Principle 10: Teaching, Training & Research Publication

(i) 10.1 Candidness in research techniques. The Masters in Psychology shall make every effort to make available any and all appropriate materials supporting research materials and to readily disseminate results for replication.

(ii) 10.2 Proper supervision. The Masters in Psychology shall maintain proper supervision of their employees, subordinates, supervisees, and research assistants in the delegation of duties and shall make every ethically appropriate effort to ensure that only those individuals competent to perform such services do so.

(e) **Impairment.** LBPs shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LBPs shall seek assistance for any such personal problem(s) with their physical, mental or emotional condition, and, if necessary, limit, suspend, or terminate their professional activities. If a LBP possesses a bias, disposition, attitude, moral persuasion or other similar condition that limits his or her ability to recommend a course of treatment or decision-making that is indicated, and under such circumstances where all other treatment and decision options are contra-indicated, then in that event the LBP shall not undertake to provide counseling and shall terminate the counseling relationship in accordance with this Chapter.

(f) **Knowledge of improper sexual contact.** If a LBP becomes aware that another LBP or Candidate is violating Section 86:20-5-4, the LBP must, within a reasonable time, report the improper sexual contact to the Board in accordance with Section 86:20-29-3.

(g) **Evaluations.** LBPs may not perform forensic services, which include, but are not limited to, assessments, interviews, consultations, custody evaluations, reports, or expert testimony, or other such activity that is undertaken or conducted by the candidate or licensee in contemplation that the results may, or are intended to be, later furnished to a trier of fact or other decision maker, except under the following conditions:

(1) LBPs must demonstrate competence by certification, education or experience in the subject matter relevant to the issues in question and must certify in writing that they have complied with all applicable provisions of the Rules and Regulations (described in Sections 86:20-5-1, 86:20-5-2(a) (f), and 86:20-5-7(f)(1)(2)(3) of this Chapter.

(2) LBPs shall prepare a written report and include a separate section therein containing the authors findings and conclusions relative to their analysis. Additionally, the candidate or licensee must provide to the person who is the subject of their forensic analysis, and such other person or persons who has/have a legally recognizable right in the subject matter of the proceeding, which may be directly adversely affected by the findings and conclusions made by the candidate or licensee, a copy of the written report at no cost to the person or persons entitled to receive a copy of the written report pursuant to this section. The copy(ies) must be provided at least ten (10) days prior to the reports publication unless otherwise required by law or court order.

(3) LBPs shall maintain written records, in a form or format that is legible or readable to third persons, of all contacts and information received and

used in the preparation of their report.

(4) LBPs must conduct a thorough examination of the person who is the subject of their forensic analysis, and such other person or persons who has/have a legally recognizable right in the subject matter of the proceeding, which may be directly adversely affected by the findings and conclusions made by the candidate or licensee, and must utilize a "face-to-face" interview of the person who is the subject of the forensic analysis, or any other such person who may be directly adversely affected by the findings and conclusions made by the candidate or licensee.

(5) Licensees and Candidates must base their findings and conclusions only upon information gained by appropriate and lawful means. Interviews of minor children must be preceded by written consent from the joint-custodial parents or from the custodial parent or from the legal guardian or from the legal custodian appointed by the Court.

(6) Licensees and Candidates LBPs who provide counseling services for a client may only provide fact witness testimony in forensic matters involving that client, unless otherwise required by law or court order. LBPs who provide mediation, parent coordinating assistance or any other neutral participation, may not undertake to provide counseling to any person(s) involved or directly affected by the LBPs role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations made by the LBP and shall not include conclusions, opinions or recommendations.

(7) Assessments, interviews, consultations, custody evaluations, reports or other activity not performed in contemplation that the results would be furnished to a trier of fact or decision maker, must be kept confidential and cannot be utilized in the formation or publication of an opinion by the candidate or licensee.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

### **86:20-5-3. Client welfare**

(a) **Discrimination.** LBPs shall not, in the rendering of their professional services, participate in, condone, or promote discrimination on the basis of race, color, age, gender, religion or national origin.

(b) **Records.**

(1) **Requirement of records.** LBPs shall maintain verifiable records necessary for rendering professional services to their clients for at least five (5) years beyond termination of services. LBPs employed at an institution or facility that has a published records retention policy that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(2) **Confidentiality.** LBPs shall maintain the confidentiality of any information received from any person or source about a client, unless authorized in writing by the client or otherwise authorized or required by law or court order.

(3) **Confidentiality of records.** LBPs shall be responsible for complying with the applicable state and federal regulations in regard to the security, safety and confidentiality of any behavioral health services record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

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

(c) **Invasion of privacy.** LBPs shall not make inquiry into persons or situations not directly associated with the client's situation.

(d) **Private or Independent Practice.** No person may engage in the private or independent practice of behavioral practitioner work or open a facility with the intent of providing private or independent counseling practice unless that person:

- (1) is licensed under this Act as a Licensed Behavioral Practitioner; and,
- (2) has met all requirements of Section 86:20-13-2 of LBP Regulations; and
- (3) has continued to meet all continuing education requirements set forth in Subchapter 19 of this Chapter.

(e) **Referral.**

(1) If LBPs determine they are unable to be of professional assistance to a client, the LBP shall not enter a behavioral health services relationship. LBPs shall refer clients to appropriate sources when indicated. If the client declines the suggested referral, the LBP shall terminate the relationship.

(2) LBPs shall not abandon or neglect current clients in treatment without making reasonable arrangements for the continuation of such treatment.

(3) When an LBP becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LBPs duty of responsibility to the current client, including a suspension of the LBPs license or any other situation or condition described in Subchapter 5 of these rules, the LBP shall promptly notify the client in writing of the presence or existence of the disability or condition and take reasonable steps to timely terminate the therapeutic relationship.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-5-4. Non-professional relations with clients**

(a) **Dual relationships.** LBPs shall not knowingly enter into a dual relationship(s) and shall take any necessary precautions to prevent a dual relationship from occurring. When the LBP reasonably suspects that he or she has inadvertently entered into a dual relationship the LBP shall record that fact in the records of the affected client(s) and take reasonable steps to eliminate the source or agent creating or causing the dual relationship. If the dual relationship cannot be prevented or eliminated and the LBP cannot readily refer the client to another counselor or other professional, the LBP shall complete one or more of the following measures as necessary to prevent the exploitation of the client and/or the impairment of the LBP's professional judgment:

- (1) Fully disclose the circumstances of the dual relationship to the client and secure the client's written consent to continue providing counseling;
- (2) Consult with other professional(s) to understand the potential impairment to the LBP's professional judgment and the risk of harm to the client of continuing the dual relationship;

(b) **Sexual conduct.** The following restrictions apply to sexual conduct between LBPs and clients or supervisees.

(1) **Current and previous clients.** Sexual intimacy with current and previous clients is prohibited. LBPs shall not counsel persons with whom they have had a sexual relationship.

(2) **Supervisees.** LBPs shall not engage in sexual conduct with supervisees and shall not supervise persons with whom they have had a sexual relationship.

(3) Sexual conduct with current and former clients is prohibited.

(c) **Providing counseling to persons of prior association.** LBPs shall not undertake to provide counseling to any person with whom the LBP has had any prior sexual conduct, as defined by the Board. LBPs shall not undertake to provide counseling to any person with whom the LBP has had familial, any prior social, financial, business, professional, close personal, or other non-therapeutic relationship with a client, or engage in any activity with another person that interferes or conflicts with the LBPs professional obligation to a client within the previous five (5) years.

(d) **Interaction with former clients.** LBPs shall not knowingly enter into a close personal relationship, or engage in any business or financial dealings with a former client for five (5) years after the termination of the counseling relationship. LBPs shall not engage in any activity that is or may be sexual in nature, as defined by the Board, with a former client after the termination of the counseling relationship. Sexual conduct with former clients is prohibited. LBP's shall not exploit or obtain an advantage over a former client by the use of information or trust gained during the counseling relationship.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-5-4.1. Responsibility to supervisees**

(a) LBPs shall not exploit the trust and dependency of supervisees.

(b) LBPs are cognizant of their potentially influential position with respect to supervisees, and shall not exploit the trust and dependency of such persons. LBPs, therefore, shall avoid dual relationships that impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of counseling to supervisees, and business or close personal relationships with supervisees. Sexual intimacy with current supervisees is prohibited.

(c) LBPs shall not permit supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

(d) LBPs shall not disclose supervisee confidences to anyone, except:

(1) as mandated by law;

(2) in case of clear and imminent danger to a person or persons;

(3) where the professional counselor is a defendant in a civil, criminal, or disciplinary action arising from the supervision (in which case client confidences may be disclosed only in the course of that action);

(4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.

(5) to the Board in reporting ethical or professional concerns as a part of the supervision agreement.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-5-5. Client fees and bartering**

(a) **Advance understanding.** LBPs shall clearly explain to clients, prior to entering the behavioral health services relationship, all financial arrangements related to

professional services including the consequences for non-payment of fees.

(b) **Bartering.** LBP's may participate in bartering for services only if the relationship is not exploitive, if the client requests it, if a clear written contract is established and if such arrangements are an accepted practice among professionals in the community.

(c) **Tangible goods.** LBP's shall not barter for services rendered by the client. LBP's shall accept only tangible goods, at fair market value, in lieu of money for behavioral health services.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-5-6. Professional standards**

(a) **Violations of other laws.** It shall be unprofessional conduct for a LBP to plead guilty to or no contest to or be convicted of a state or federal statute if the violation directly relates to the duties and responsibilities of the LBP or if the violation involves moral turpitude.

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

(c) **Updating.** LBP's shall notify the Board of any change in their contact information, including but not limited to: mailing address, telephone number, place of employment, name and email address, within fourteen (14) days of the change.

(d) **Candor to the Board.** An LBP, LBP candidate, or applicant for LBP licensure, in connection with a license application or an investigation conducted by the Board pursuant to OAC 86:20-29-4, shall not:

- (1) knowingly make a false statement of material fact;
- (2) fail to disclose a fact necessary to correct a misapprehension known by the LBP, LBP candidate or applicant for licensure to have arisen in the application or the matter under investigation; or
- (3) fail to respond to a demand for information made by the Board or any designated representative thereof.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-5-7. Relations with the public and other professions**

(a) **Misrepresentation.** LBP's shall not misrepresent nor accept the misrepresentation by others of the efficacy of the LBP's professional services.

(b) **Credentials claimed.** LBP's shall claim or imply only the professional credentials possessed and shall be responsible for correcting any known misrepresentations of their credentials by others. Professional credentials include graduate degrees in behavioral health services or closely related mental health fields, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, or any other credential that might indicate to the public the LBP's additional knowledge or expertise in behavioral health services.

(c) **The use of doctoral degrees and the title "Doctor."** An LBP may use the doctoral degree and the title "Doctor" in advertising, practice and status as an LBP, only if the doctoral degree from a program in psychology and if the degree was granted by a regionally accredited college or university recognized by the United States Department of Education.

(d) **Advertisement.** When an LBP announces services or advertises, the LBP shall represent services to the public by identifying credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent. An LBP shall only advertise

the highest degree earned in behavioral health services or a closely related field from a regionally accredited college or university recognized by the U.S. Department of Education. All advertisements or announcements of behavioral health services including telephone directory listings by an LBP shall clearly state the LBP's licensure status by the use of a title such as "LBP", or "Licensed Behavioral Practitioner" or a statement such as "licensed by the Oklahoma State Board of Behavioral Health Licensure."

(e) **License.** Each LBP shall display the original, current license in a prominent place in the primary location of practice.

(f) **Public statements.** When an LBP provides advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they 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 LBP Rules of Professional Conduct; and
- (3) There is no implication that a professional behavioral health services relationship has been established.

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

(h) **Accepting fees from agency clients.** An LBP shall refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the agency or institution that employs the LBP. If the policies of a particular agency provide for agency clients to receive behavioral health services from members of its staff in private practice, the agency shall inform clients of other options open to them should they seek private behavioral health services.

(i) **Candidates for LBP licensure.** Candidates for licensure as a Licensed Behavioral Practitioner shall not refer to themselves as a Licensed Behavioral Practitioner or LBP.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-5-8. Failure to comply**

An LBP who does not comply with Subchapter 5 - Rules of Professional Conduct shall be guilty of unprofessional conduct and subject to disciplinary action under Subchapter 29.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **SUBCHAPTER 7. FITNESS OF APPLICANTS**

#### **86:20-7-1. Purpose**

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

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-7-2. Fitness for licensure**

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 LBP Rules or the Act.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-7-3. Materials considered to determine fitness**

- (a) Materials considered to determine fitness of skills and abilities include:
  - (1) Evaluations from supervisors or instructors;
  - (2) Statements from persons submitting references for the applicant;
  - (3) Evaluations from employers and/or professional associations; and
  - (4) A field examination submitted through questionnaires answered by persons competent to evaluate an applicant's professional competence which may include the submission of written case studies and taped interviews with an applicant's instructors, supervisors and others or submission of such documentary evidence relating to an applicant's experience and competence as required by the Board.
- (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 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

## **SUBCHAPTER 9. APPLICATION PROCEDURES**

### **86:20-9-1. General**

- (a) The purpose of this subchapter is to ensure that all applicants meet those requirements specified in the Act.
- (b) Unless otherwise indicated, an applicant shall submit all required information and documentation of credentials on official Board forms.
- (c) The Board shall not consider an application form as officially filed until it has received the application form and application fee.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-9-2. Application materials**

Persons desiring to be licensed as an LBP may obtain an official application form and packet from the Board.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-9-3. Submission of documents**

The applicant shall monitor the progress of the application. The Board shall not automatically contact applicants regarding the receipt or absence of required documents.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-9-3.1. Inactive Application**

Applications with 24 months of inactivity shall be voided.

[Source: Added at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-9-4. Negative references**

If an applicant for licensure as an LBP or LBP specialty designation has negative references in his or her file, the Board may ask the applicant to appear for an interview before the licensing process is completed.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-9-5. Materials required of LBP applicants**

In addition to the application form and fee, an applicant for LBP licensure shall file the following completed materials with the Board prior to taking the examination:

- (1) Internship/practicum Documentation Form;
- (2) Official transcript(s); and
- (3) Completed criminal background check.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-9-6. Application for permanently expired license**

(a) Application after license expires for non-renewal shall include the following documents:

- (1) Application form,
- (2) Official transcript(s),
- (3) Application Fee; and
- (4) Completed criminal background check.

(b) Applicant shall provide a passing score on:

- (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
- (2) The LBP State Standards Test.

(c) Exam results accrued prior to date of this application shall not be considered.

(d) Internship Documentation Form on file may carry over.

(e) All previously submitted and approved Supervised Experience shall carry over.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-9-7. Application for revoked license**

(a) No Application for a revoked license will be considered for a period of 5 years following the revocation.

(b) Application after license is revoked for administrative action shall include the following documents:

- (1) Application form,
- (2) Official transcript(s),
- (3) Application Fee, and
- (4) Completed criminal background check.

(c) Applicant shall provide a passing score on:

- (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
- (2) The LBP State Standards Test.

(d) Internship Documentation Form on file may carry over to a new application.

- (e) All previously submitted and approved Supervised Experience shall not carry over to a new application.
- (f) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of revocation.
- (g) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.
- (h) Application materials shall be reviewed by the LBP License Committee for approval.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-9-8. Application for voided application for failure to provide a passing score on examinations**

- (a) Application after application is voided for failure to provide a passing score on examinations shall include the following documents:
  - (1) Application form,
  - (2) Official transcript(s),
  - (3) Application Fee,
  - (4) Completed criminal background check.
- (b) Applicant shall provide a passing score on two examinations:
  - (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
  - (2) The LBP State Standards Test.
- (c) Internship Documentation Form may carry over to a new application.
- (d) All previously submitted and approved Supervised Experience shall carry over to a new application.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-9-9. Application for voided application for failure to complete supervised experience**

- (a) Application after application is voided for failure to complete the supervised experience requirement within sixty (60) months as described in Subchapter 86:20-13-2(e)(3) shall include the following documents:
  - (1) Application form,
  - (2) Official transcript(s),
  - (3) Application Fee,
  - (4) Completed criminal background check.
- (b) Applicant shall provide a passing score on:
  - (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
  - (2) The LBP State Standards Test.
- (c) Exam results accrued prior to date of this application shall not be considered.
- (d) Internship Documentation Form may carry over to a new application
- (e) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-9-9.1. Application procedures for voided application for inactivity**

(a) Application after application is voided for remaining inactive for 24 months, in accordance with 86:20-10-9.4, shall include the following documents:

- (1) Application form,
- (2) Official transcript(s),
- (3) Application Fee, and
- (4) Completed criminal background check.

(b) Applicant shall take and pass two examinations:

- (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
- (2) The LBP State Standards Test.

(c) The Internship/Practicum Documentation Form on file shall carry over.

[Source: Added at 36 Ok Reg 510, eff 7-25-19]

### **86:20-9-10. Application for denied application**

(a) Application after licensure application has been denied as prescribed in Section 1941 of the Act, shall include the following documents:

- (1) Application form,
- (2) Official transcript(s),
- (3) Supervision Agreement,
- (4) Application Fee, and
- (5) Completed criminal background check.

(b) Application materials shall be reviewed by the LBP License Committee for approval.

(c) Applicant shall be required to take necessary examinations.

(d) Applicant shall be required to accrue an additional 500 hours of supervised experience.

(e) Internship Documentation Form on file may carry over to a new application.

(f) All previously submitted and approved Supervised Experience shall carry over.

(g) Exam results accrued prior to date of this application shall not be considered.

(h) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of denial of licensure application.

(i) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

### **86:20-9-11. Hearing upon denial of licensure application**

Following the denial of a licensure application by the Board to an applicant who has a felony conviction, as prescribed in Section 1941 (B) of the Act, the applicant may request an administrative hearing to contest the denial of his/her application within 15 days of receiving notification from the Board. If a hearing is not requested within 15 days, the denial will be final.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

## **SUBCHAPTER 11. ACADEMIC REQUIREMENTS**

### **86:20-11-1. Graduate degree requirements**

(a) Pursuant to the Act, all applicants shall possess at least a masters degree from a program in psychology from a regionally accredited college or university.

- (b) The program must be intended to prepare a scientist-practitioner in the field of psychology at the masters level and meet all the following criteria:
- (1) The masters program must be clearly identified as a psychology program. Such a program must specify in a pertinent institutional catalogue, its intent to educate and train students in the field of psychology at the masters level;
  - (2) The pertinent institutional catalogue must state the structure and content of the curriculum of the program; and
  - (3) The program must have faculty who hold graduate degrees in psychology or closely related fields.
- (c) The academic requirements set forth in the Act must be completed before a person applies for licensure.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-11-2. Required knowledge areas**

On or after January 1, 2008, all applicants shall have the following core knowledge areas as part of the required 60 graduate semester hours:

- (1) Assessment and Diagnosis - at least six (6) semester hours. Psychological theory, research, and methods concerning the measurement and assessment of an individual's behavioral or psychological functioning, such as the assessment of psychopathology, personality characteristics, intellectual functioning, skills and interests, and neuropsychological functioning;
- (2) Intervention - at least nine (9) semester hours. Psychological theory, research, and methods regarding empirically validated treatment modalities for the remediation, treatment, or prevention of behavior disorders, adjustment problems, and psychopathology, or other disturbances in psychological functioning;
- (3) Experimental Foundations - at least six (6) semester hours. Psychological theory, research, and methods concerning the design, conduct, analysis, and interpretation of psychological research, or concerning the general principles and processes for the core areas of experimental psychology;
- (4) Psychopathology - at least six (6) semester hours. Psychological theory, research, and methods concerning the descriptive characteristics, diagnosis, and etiology of psychopathology, or mental and behavioral disorders of children and adults;
- (5) Personality and Social Psychology - at least six (6) semester hours. Psychological theory, research, and methods concerning the psychological or behavioral development and functioning of the individual and group differences. Three (3) of these hours shall be in a course in multicultural issues or cultural bases of behavior;
- (6) Professional orientation/ethics - at least (3) semester hours. Objectives of professional behavioral health services organizations, codes of ethics, legal aspects of practice, standard of preparation and the role of persons providing direct behavioral health services.
- (7) Biological bases of behavior - at least three (3) semester hours. Physiological, or genetic underpinnings of behavior.
- (8) Practicum/internship. Organized practicums/internships with at least three hundred (300) clock hours in behavioral health services with planned experiences providing classroom and field experience with clients under the

supervision of college or university approved behavioral health services professionals; and

(9) Elective courses. The remaining courses needed to meet the sixty (60) graduate hour requirement shall be in any of the knowledge areas listed above.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

## **SUBCHAPTER 13. SUPERVISED EXPERIENCE REQUIREMENT**

### **86:20-13-1. Supervised experience**

(a) All applicants for licensure after December 31, 2001 shall complete the supervised experience required by the Act before being licensed.

(b) All applicants shall take and pass the exams as described in Subchapter 86:20-17 prior to beginning approved supervision.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

### **86:20-13-2. Duration of supervision**

(a) Each applicant shall complete three (3) years or three-thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LBP supervisor.

(b) For each one thousand (1000) clock hours of full time, on-the-job experience, three hundred fifty (350) hours shall be direct client contact.

(c) Weekly, face-to-face supervision shall be accrued at the ratio of forty-five (45) minutes of supervision for every twenty (20) hours of on-the-job experience.

(d) No more than one-half ( $\frac{1}{2}$ ) of the required supervision hours may be received in group supervision.

(e) One (1) or two (2) years of supervised experience may be gained at the rate of one (1) year for each thirty (30) graduate hours in behavioral health services-related course work beyond the minimum number of required graduate semester hours.

(1) Regardless of the number of hours earned beyond the minimum number of required graduate semester hours, the LBP Candidate shall receive at least one (1) year or one thousand (1000) clock hours of supervision in the ratio described in this rule.

(2) If an LBP Candidate completes the supervised experience requirement before passing the licensure examination, the LBP Candidate shall continue to practice under LBP supervision as described in this subchapter, unless exempted by the Act, until licensed.

(3) LBP Candidates shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the license application shall be voided.

(f) Approved supervisors shall perform at least two (2) observations (live or tape) per each six (6) month evaluation period for each supervisee.

(g) Approved supervisors shall consult with supervisor at least once during each six (6) month evaluation period for each supervisee.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19; Amended at 40 Ok Reg 858, eff 8-11-23]

### **86:20-13-3. Documents required for the accrual of supervised hours**

The following documents must be received and approved by the Board before the accrual of supervised experience can begin:

- (1) Application materials;
- (2) Official verification of passing results on;
  - (A) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
  - (B) The LBP State Standards Test; and
- (3) Supervision agreement.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-13-4. Responsibility of supervisors and supervisees**

- (a) The supervisor and supervisee shall be jointly responsible for the following:
  - (1) Ensuring the requirements under this subchapter are fulfilled. A failure to comply may result in the loss of supervision hours, denial of licensure, initiation of formal complaint procedures, and/or loss of approved supervisor status.
  - (2) Ensuring the client's right to confidentiality is protected and rules of the supervisor's and supervisee's employer(s) are adhered to during the course of supervision.
- (b) The supervisor shall maintain supervision records for each supervisee for at least five (5) years beyond the termination or completion of the supervised experience.
- (c) When supervision is terminated by either the supervisor, or the supervisee, a Termination of Supervision Agreement Form must be submitted to the Board within three (3) days of the termination.
- (d) The supervisee is responsible for negotiating a new supervision contract with a board approved supervisor and following all requirements set forth in Subchapter 13, section 86:20-13-3.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-13-5. Acceptability of supervised experience**

- (a) Supervised experience is acceptable when it consists of the performance of behavioral health services as described in Section 1931, of the Act as described below.
  - (1) Supervision shall focus on the raw data from an LBP Candidate's continuing clinical practice, which may be available to the supervisor through a combination of direct observation, co-therapy, written clinical notes, and audio and video recordings.
  - (2) Supervision is a process clearly distinguishable from personal psychotherapy, and is contracted in order to serve professional/vocational goals.
  - (3) Individual supervision consists of face-to-face contact with one supervisor and one LBP Candidate.
  - (4) Group supervision may be conducted with two (2) to six (6) LBP Candidates and a supervisor.
  - (5) Technology-assisted supervision must be approved by the Board prior to the accrual of hours. Factors to be considered by the Board include: distance between approved supervisor and candidate; financial hardship on approved supervisor or candidate; physical hardship on approved supervisor or candidate; specialty credentials; and other pertinent factors.

(b) An LBP Candidate may accrue supervised experience hours in academic, governmental or private practice settings.

(c) The supervised experience is accrued in a private not-for-profit or a private for-profit practice without having an approved LBP Supervisor providing supervision, if:

(1) The LBP candidate is an employee, as defined by 86:20-1-2, that employs a person licensed in the state of Oklahoma as a Licensed Behavioral Practitioner, a Licensed Professional Counselor, a Licensed Marital and Family Therapist, a Psychologist, a Physician, a Licensed Clinical Social Worker, or a Licensed Alcohol and Drug Counselor who directs and is responsible for the professional duties of the LBP Candidate and is available to the LBP candidate any time services are being rendered by the LBP candidate.

(2) The LBP Candidate is receiving supervision for licensure from an approved LBP supervisor who is not required to work at the same location as the LBP Candidate.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-13-6. Supervisor qualifications**

(a) A Behavioral Practitioner, Professional Counselor, Marital and Family Therapist, Psychologist, Clinical Social Worker or Physician licensed by the state of Oklahoma is eligible as an LBP supervisor. In addition, these professionals shall have:

- (1) practiced in positions similar to those the LBP proposes to practice for a period of two years past the issuance of the license;
- (2) fulfilled the continuing education requirements pursuant to Section 1948 of the Act;
- (3) signed an official supervision agreement;
- (4) agreed to be "on call" to the LBP Candidate on a twenty-four (24) hour basis and to arrange for an alternate supervisor if not available;
- (5) taken and passed the LBP State Standards Test; and
- (6) agreed to teach the Oklahoman LBP Act and OAC 86:20 to the supervisee.

(b) Effective October 1, 2015, a supervisor may not supervise more than a total of twelve (12) candidates for licensure at a time. A supervisor who wants to supervise more than twelve (12) candidates 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 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-13-7. Documentation of supervised experience**

(a) A Supervision Agreement Form between the supervisor and supervisee shall be received and approved by the Board prior to beginning the accrual of supervised hours.

(b) The supervisor and LBP Candidate shall sign and submit an "Evaluation of Supervised Experience," including documentation of observations, date of consultation between approved supervisor and on-site supervisor, and the Record of Supervised Experience on a semi-annual basis. Incomplete evaluations will not be accepted by the Board until all requirements for the semi-annual evaluation period



have been completed.

(c) Any Evaluation of Supervised Experience form submitted beyond 60 days of the semi-annual due date will not be credited towards the duration of supervision as described in 86:20-13-7(b).

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

## SUBCHAPTER 15. FEES

### 86:20-15-1. Schedule of fees

(a) **Application fee.** Two hundred seventy-five dollars (\$275.00) shall be submitted with the application form.

(b) **License examination fee.** Seventy-five dollars (\$75.00) shall be submitted when the applicant registers for the Practice Examination of Psychological Knowledge.

(c) **Specialty application fee.** One hundred dollars (\$100.00) shall be submitted with the specialty application.

(d) **Specialty designation fee.** Fifty dollars (\$50.00) shall be submitted upon notification by the Board of the specialty designation.

(e) **Specialty designation renewal fee.** Twenty dollars (\$20.00) shall be submitted on or before December 31 and validates the license for twelve (12) months for the designated specialty.

(f) **License renewal fee.** After the initial two-year period of licensure, this is a yearly fee of one hundred dollars (\$100) shall be submitted on or before December 31.

(g) **Late renewal fee.** An additional twenty-five dollars (\$25.00) shall be submitted for the late renewal of a license.

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

(i) **Inactive license fee.** Twenty-five dollars (\$25.00) shall be submitted with a request to place the license on inactive status.

(j) **Reactivation fee.** When an inactive license is reactivated, a pro-rated fee in accordance with OAC 86:20-23-5 shall be submitted at the time of reactivation.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### 86:20-15-2. Method of payment

Payment of all fees shall be by personal check, cashier's check, money order or cash. Payment of fees may be made by credit card or other electronic means, if acceptable by the Board. Any check returned to the Board for non-payment may result in expiration or suspension of license.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

## SUBCHAPTER 17. LICENSURE EXAMINATION

### 86:20-17-1. Examination required

The examination for licensure shall consist of two parts as follows:

(1) The Practice Examination of Psychological Knowledge published by the Northamerican Association for Masters In Psychology or another equivalent examination as determined by the Board; and

(2) The LBP State Standards Test.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

**86:20-17-1.1. Eligibility**

An LBP applicant is eligible to take the licensing examination following the submission of:

- (1) Application form and fee;
- (2) Practicum/Internship Documentation Form;
- (3) Official transcript(s), showing completion of all academic requirements listed in Subchapter 11, Section 86:20-11-2; and
- (4) Completed criminal background check.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

**86:20-17-2. Frequency [REVOKED]**

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Revoked at 36 Ok Reg 510, eff 7-25-19]

**86:20-17-3. Registration**

(a) An applicant's eligibility to sit for the LBP State Standards Test shall be valid once the application has been Board approved.

(b) The application for licensure of a person who fails to register for and pass the Practice Examination of Psychological Knowledge one of the first two examinations for which the applicant is eligible shall be voided and the applicant shall be mailed notice.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

**86:20-17-4. Grading**

(a) The licensure examination shall be graded by the Board or its designated representative.

(b) The passing score on the Practitioners Examination of Psychological Knowledge shall be the passing score as set by the authors of the examination.

(c) The passing score on the LBP State Standards Exam shall be that score accepted as passing by the Board.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

**86:20-17-5. Notice of results [REVOKED]**

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Revoked at 36 Ok Reg 510, eff 7-25-19]

**86:20-17-6. Failure to appear [REVOKED]**

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Revoked at 36 Ok Reg 510, eff 7-25-19]

**86:20-17-6.1. Failure to apply**

(a) The application may be voided if a person fails to apply for and take one of the first two examinations scheduled after the applicant has been mailed notification at last known address in writing of his/her approval for examination.

(b) The application maybe voided if a person fails to apply for and take one of the first two examinations scheduled after the applicant has failed the exam and has been mailed notification at last known address in writing of this/her approval for examination.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 36 Ok Reg 510, eff 7-25-19]

#### **86:20-17-7. Licensure prior to January 1, 2002**

(a) Applicants for LBP licensure prior to January 1, 2002 are required to take and complete the examination.

(b) The authors of the examination shall use the results of this testing process to obtain normative data to set the passing score for other applicants.

(c) These applicants shall not receive a score but shall be notified that they completed the examination as required by statute.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **SUBCHAPTER 19. CONTINUING EDUCATION REQUIREMENTS**

#### **86:20-19-1. Purpose**

The purpose of this subchapter is to establish the continuing education requirements.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-19-1.1. Documentation of attendance**

LBP's 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 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 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-19-2. Submission of continuing education**

Only continuing education accrued in the preceding license renewal period shall be acceptable.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 40 Ok Reg 858, eff 8-11-23]

#### **86:20-19-3. Acceptable continuing education**

(a) Continuing education shall take place in the context of a college course, in-service training, institute, seminar, workshop, conference or a technology-assisted distance learning program approved by the Board.

(b) Continuing education shall be accrued during the twelve (12) months preceding the renewal deadline or, in the case of the first licensing period, twenty-four (24)

months preceding renewal.

(c) Of the ten (10) hours of C.E. required annually, two (2) hours must be in mental health ethics.

(d) Current LBP Board members shall receive clock hours of acceptable continuing education in mental health ethics for attendance and participation in Board and Committee meetings.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-19-3.1. Continuing education accrual from teaching**

Continuing education may also be accrued when the LBP teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to 86:20-19-3 of this Subchapter, provided that such teaching is not required as part of the LBP's regular employment. Two (2) hours of continuing education are credited for each hour taught. No more than five (5) hours of continuing education may be accrued per year through teaching activities. Credit will be given only for the first presentation.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-19-4. Audit of continuing education submissions**

In November of each year, the Board shall randomly select from two (2) to twenty-five (25) percent of the number of LBPs on active status the previous year for an audit of their claimed continuing education credits. These selected LBPs shall provide the Board with verification of all credits claimed on their Continuing Education Roster on or before the renewal deadline. The Board may, at its discretion, audit and require verification of any credits claimed which it may consider questionable or fraudulent.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-19-5. Penalty for failure to submit continuing education**

Failure to fulfill the continuing education requirements by the expiration date will result in non-renewal of the license. All rights granted by the license are null and void until the license is reinstated. The LBP has twelve (12) months from the date of expiration to fulfill the requirements for reinstatement.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-19-6. Submission of fraudulent continuing education**

The submission of fraudulent continuing education hours will be reviewed by the License Committee for referral for disciplinary action and may result in sanction by the Board.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-19-7. Responsibility**

The LBP shall be responsible for providing the information necessary for the Board to make a determination of the suitability of the program for continuing education requirements.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

#### **86:20-19-8. Failure to complete continuing education**

A person whose license is not renewed due to failure to complete continuing education requirements shall follow subchapter 23 of this chapter known as "License and Specialty Renewal."

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

## **SUBCHAPTER 21. ISSUANCE OF LICENSE**

### **86:20-21-1. License**

The license issued by the Board shall contain the LBP's name, license number, specialty designation, if any, highest accredited behavioral health services-related academic degree and date of issuance.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-21-1.1. Statement of Professional Disclosure [REVOKED]**

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Revoked at 36 Ok Reg 510, eff 7-25-19]

### **86:20-21-2. Signature**

Official licenses shall be signed by the Chair of the Board.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-21-3. Property of Board**

All licenses issued by the Board shall remain the property of the Board.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-21-4. Notification**

After having fulfilled all requirements for licensure, the Board shall mail notification to the licensee, at last known address, of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the license will be mailed to the licensee.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-21-5. Replacement**

The Board shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LBPs original license or be accompanied by the damaged license, if available.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

## **SUBCHAPTER 23. LICENSE AND SPECIALTY RENEWAL**

### **86:20-23-1. Responsibility**

Each LBP is responsible for renewing the license and specialty designation before the expiration date.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-2. Requirements for renewal**

The requirements for renewal are:

- (1) Compliance with the Act and rules;

- (2) Documentation of the required continuing education; and
- (3) Payment of the renewal fee(s).

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-3. Renewal notification**

The Board shall mail to the LBP at least forty-five (45) days prior to the expiration date of the LBP's license, a notice of expiration.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-4. Initial licensing period**

(a) The expiration date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.

(b) After the first two (2) years of licensure, the LBP shall submit a Continuing Education Roster verifying at least twenty (20) hours of continuing education required for renewal.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-5. Interim renewal**

The notice for the initial renewal shall solicit the required continuing education documentation and invoice the LBP for the interim period between the original renewal date and the following December 31 so that subsequent renewals shall be on a calendar year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by December 31. Fees and continuing education hours shall be prorated according to the schedule below.

(1) For a license expiring during January, February or March, the following shall apply:

(A) The renewal fee shall be \$100.00; and

(B) Continuing education of 10 hours shall be due by December 31.

(2) For a license expiring during April, May or June, the following shall apply:

(A) The renewal fee shall be \$75.00; and

(B) Continuing education of 7.5 hours shall be due by December 31.

(3) For a license expiring during July, August or September, the following shall apply:

(A) The renewal fee shall be \$50.00; and

(B) Continuing education of 5 hours shall be due by December 31.

(4) For a license expiring during October, November or December, the following shall apply:

(A) The renewal fee shall be \$25.00; and

(B) Continuing education of 2.5 hours shall be due by December 31.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-6. Annual renewal**

After the initial two (2) year licensing period plus the interim period, licenses shall expire each December 31, with a renewal fee of one hundred dollars (\$100.00) and a continuing education requirement of ten (10) hours.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-7. Specialty renewal**

Regardless of the date the Board grants a specialty designation, the date of a specialty renewal shall be the same date as that of the licensure renewal.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-8. Display of verification card**

(a) LBP's shall display a current license verification card on the original or replaced license.

(b) A current license verification card shall be readily available on the LBP's person at any time behavioral health services are being provided.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-9. Inactive status**

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar (\$25.00) fee. An inactive license forfeits all rights and privileges granted by the license.

(b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Board.

(c) A license that has remained inactive for at least one (1) year may be reactivated upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year, in accordance with this Chapter, if there are no impediments to licensure.

(d) A license placed on inactive status may be reactivated within one (1) year when submitted with the required renewal fee and continuing education, in accordance with this Chapter, if there are no impediments to licensure.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-10. Failure to renew**

If the LBP fails to renew the license by the expiration date, the Board shall mail the LBP a notice to the last known address, which shall include:

(1) Expiration of the license and forfeiture of rights and privileges granted by the license, and,

(2) The LBP's right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one (1) year following the expiration of the license.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-11. Return of license**

Licenses not reinstated within the one (1) year late renewal period shall be permanently expired and not be reinstated. The license shall be returned to the Board.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-23-12. Misrepresentation**

An LBP whose license has been inactivated, suspended, or revoked and continues to represent himself as an LBP, is in violation of the Act and may be subject to enforcement action under OAC 86:20-29.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

## **SUBCHAPTER 25. LICENSURE BY ENDORSEMENT**

### **86:20-25-1. Requirements for licensure by endorsement**

The Board shall issue a license by full endorsement to an applicant who is licensed as a behavioral practitioner in another jurisdiction and who meets the following:

- (1) Possess a behavioral practitioner's license which is active and in good standing, with no history of suspension or revocation against license;
- (2) Fulfill the requirements of Section 1935 (A) and (B) of the Act;
- (3) Possess at least a masters degree from a program in psychology from a regionally accredited college or university; and
- (4) Pass the LBP State Standards Test.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 37 Ok Reg 1038, eff 9-11-20]

### **86:20-25-2. Submission of verification of license**

An applicant for licensure by endorsement shall submit documentation from the licensing agency stating the applicant is active and in good standing. The Board may require the applicant to submit a copy of the statute and rules of the agency issuing the license.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-25-3. Licensing procedures**

An applicant for licensure by endorsement must submit the application form, fees and related documents as required.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

## **SUBCHAPTER 27. CONSUMER INFORMATION**

### **86:20-27-1. Directory**

- (a) The Board shall provide a directory of Licensed Behavioral Practitioners.
- (b) The directory of LBPs shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number, and license number of current licensees.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-27-2. Brochure**

The Board shall prepare information of consumer interest, which describes the regulatory functions of the Board and its procedures to handle and resolve consumer complaints.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15]

### **86:20-27-3. Statement of professional disclosure [REVOKED]**

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Revoked at 36 Ok Reg 510, eff 7-25-19]

### **86:20-27-4. Request for promulgation, amendment or repeal of a rule**

- (a) Any person may request the Board adopt, amend or repeal a rule in this chapter. The request shall be made in writing and shall include an explanation to support the



request. A request shall also include:

- (1) the name, address and telephone number of the person making the request;
- (2) the name, address and telephone number of the agency or organization the person represents, if any;
- (3) the number used to identify the rule if the request is to amend or repeal an existing rule; and
- (4) the proposed language if the request is to amend an existing rule or adopt a new rule.

(b) It is the Board's policy to respond to such requests within 30 calendar days.

[Source: Added at 40 Ok Reg 858, eff 8-11-23]

## **SUBCHAPTER 29. ENFORCEMENT**

### **86:20-29-1. Purpose**

The purpose of this subchapter is to specify the procedure for processing RFIs filed with the Board and the authorization to take disciplinary actions against LBPs, Candidates, or persons who practice licensed behavioral health practitioner services without a license or exemption.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

### **86:20-29-2. Definitions [REVOKED]**

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Revoked at 33 Ok Reg 1263, eff 9-11-16]

### **86:20-29-3. Complaint Procedure**

(a) **Receiving Requests for Inquiry.** Any person may file a RFI against a LBP, Candidate, or a person who delivers licensed behavioral practitioner services without a license. A person wishing to report a concern shall notify the Board in writing. Upon receipt of the RFI, the Executive Director will:

- (1) Stamp the first pages of the RFI indicating date of receipt;
- (2) Review the RFI to determine if the person against whom the RFI is made is a person who is subject to the jurisdiction of the Board;
- (3) Generate a letter to the complainant indicating receipt of the RFI.

(b) **Reviewing Request for Inquiry.**

- (1) The Executive Director has the authority to do the following:
  - (A) Respond directly to a Complainant without need for referral to the Complaint Committee when matters do not allege a violation of the Act and/or Rules; or
  - (B) Refer a RFI to the Complaint Committee when allegations would be a violation of the Act and/or Rules.
- (2) The Complaint Committee has the authority to do the following:
  - (A) Meet with individuals who are under the jurisdiction of the Board and are the subject of the RFI;
  - (B) Appoint an investigator to investigate the RFI;
  - (C) Outline the terms of a proposed Stipulation, Agreed Settlement, or Consent Order for the informal disposition of the RFI to be submitted to the Board for approval;
  - (D) Authorize the filing of a Formal Complaint and Notice of Hearing in order to initiate an Individual Proceeding; and

(E) Close the RFI.

**(c) Informal Interviews.**

(1) If the Complaint Committee decides to meet with an individual, the Complaint Committee shall proceed by:

(A) Notifying the LPC or Candidate that a RFI has been received, outlining the nature of the inquiry; and

(B) Requesting a prompt letter to the Board responding to the merits of the RFI and a meeting with the Complaint Committee for an interview at a date and time determined by the Complaint Committee.

(2) If the LBP or candidate fails to respond with a prompt letter or fails to meet with the Complaint Committee at their request, the Complaint Committee may refer the RFI for investigation.

**(d) Requests for Investigation.**

(1) If the Complaint Committee decides to forward the RFI for investigation, the Complaint Committee shall proceed by:

(A) Contacting an investigator designated by the Board to address the RFI;

(B) Providing the designated investigator with the name and address of the complainant, if available, and the LBP or candidate; and

(C) Notifying the LBP or candidate by certified mail that a RFI has been received and an investigation is being conducted.

(2) The Complaint Committee may request that LBP or candidate be interviewed by the designated investigator or by the Assistant Attorney General in a setting under oath.

(3) The Complaint Committee may refer the RFI to a law enforcement agency for criminal investigation, if the Committee determines that a crime has or may have been committed.

**(e) Summary Suspension.** After the filing of a Formal Complaint and Notice of Hearing, but prior to an Individual Proceeding, in the event of an emergency, a summary suspension hearing may be held as set forth herein. If the Chair of the Board and the Complaint Committee determine that an emergency exists for which the immediate suspension of a license is imperative for the protection of the public health, safety or welfare, the Board may conduct a summary suspension hearing to temporarily suspend the license of any person under the jurisdiction of the Board. The Chair or Vice-Chair may issue an Order of Temporary Summary Suspension upon a finding by clear and convincing evidence that the immediate suspension is imperative for the protection of the public health, safety or welfare. The summary suspension hearing shall be conducted in accordance with the APA. The LBP or Candidate shall be given at least 48 hours personal notice to appear for the summary suspension hearing outlining the specific issues that constitute an emergency and for which summary suspension is imperative for the protection of the public health, safety or welfare. Following the Order, an Individual Hearing on the merits of said Formal Complaint and Notice of Hearing shall be held promptly.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

**86:20-29-4. Investigation [REVOKED]**

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Revoked at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-29-5. Cooperation with investigations.**

LBP's and Candidates shall cooperate when Board staff, Complaint Committee members, and/or investigators make inquiries concerning a RFI made against them. Failure to cooperate is grounds for further disciplinary action under the Act and/or Rules. In addition, LBP's and Candidates named in the complaint shall not contact, attempt to contact, or allow anyone else to contact the person(s) who filed the complaint or the person(s) who the LBP and Candidate named in the complaint believes may have filed the complaint.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16; Amended at 40 Ok Reg 858, eff 8-11-23]

#### **86:20-29-6. Service of Formal Complaint and Notice of Hearing**

(a) **Service.** The Formal Complaint and Notice of Hearing shall be served by certified mail, return receipt requested, to the LBP or Candidate's address on file with the Board. It is the duty of the LBP or Candidate to provide current address information.

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

(c) **Service of other papers and documents.** Service of all other papers and documents connected with an individual proceeding shall be served on the LBP, Candidate or his/her counsel via facsimile, regular mail, or hand-delivery.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-29-7. Individual Proceedings**

Individual Proceedings shall be conducted by the Board in accordance with the APA, 75 O.S., § 309-321 et seq. The Board shall recommend the most appropriate penalty at the conclusion of the evidence, which may include but is not limited to probation, suspension, revocation, and an administrative penalty not to exceed Ten Thousand Dollars (\$10,000.00). Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-29-8. Continuances**

(a) **Continuances by the Board.** The Board chair may continue or adjourn the proceedings at any time for a specified time by notice or motion.

(b) **Continuances by motion of parties.** Except for good cause shown, or by agreement of all parties, no continuance shall be granted upon motion of a party unless written request is filed with the board and served on all parties of record, including the Assistant Attorney General, at least seven (7) days prior to the date set for hearing. An agreement to continue by all parties of record shall be approved unless the Board chair determines that the public interest requires otherwise.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-29-9. Discovery**

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

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-29-10. Protective orders**

The Board chair, at any time upon application of a party, may issue Protective Orders as they relate to discovery and as they may prevent hardship to a party, prevent excessive burden on a party, or as they may be necessary or appropriate for the protection of the parties.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-29-11. Subpoenas**

(a) **Issuance of subpoenas for witnesses and physical evidence.** All parties, including the Board, may compel the attendance of witnesses, and the production of physical evidence if service of process has been made by subpoena anywhere within the state.

(b) **Service of subpoenas.** Service of the subpoenas will be the responsibility of the requesting party. Subpoenas shall be served and returns made in the manner prescribed by general civil law.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-29-12. Final order**

The Board shall issue a final order for all disciplinary matters. Final orders are subject to Judicial Review pursuant to APA.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-29-13. Unauthorized practice**

Any person found to be practicing licensed behavioral health practitioner services without being properly licensed, exempt or under the approved supervision of an LBP as part of the licensure process shall be ordered to cease practicing and may be subject to an administrative penalty. The Board may seek the assistance of the courts if the actions continue.

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-29-14. Administrative penalties**

(a) The Board may assess an administrative penalty against an individual if any order issued or approved by the Board includes a finding that the individual:

- (1) Violated any provision of the Act; or
- (2) Violated any rule of the OAC as it relates to licensed behavioral health practitioner services; or
- (3) Violated any order issued by the Board.

(b) The total amount of the administrative penalty assessed shall not exceed Ten Thousand Dollars (\$10,000.00).

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-29-15. Costs of investigation [REVOKED]**

[Source: Added at 32 Ok Reg 175, eff 4-23-14 (emergency); Added at 32 Ok Reg 1587, eff 9-11-15; Revoked at 33 Ok Reg 1263, eff 9-11-16]

**86:20-29-16. RFI confidentiality**

The RFI and the identity of the Complainant shall be confidential and shall not be available for public inspection, in accordance with 51 O.S. Section 24A.14.

[Source: Added at 33 Ok Reg 1263, eff 9-11-16; Amended at 36 Ok Reg 510, eff 7-25-19]

**SUBCHAPTER 31. POST-MILITARY SERVICE OCCUPATION,  
EDUCATION AND CREDENTIALING RULES**

**86:20-31-1. Education, training and experience completed as a member of the Armed Forces of the United States pursuant to 59 O.S. § 4100.4(A)**

(a) If an applicant otherwise qualifies for licensure, the Board shall issue an appropriate license to applicants who present satisfactory evidence of equivalent education, training and experience completed by the applicant as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state.

(b) Active-duty military service members seeking to make application for licensure may do so without payment of application fee.

[Source: Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 37 Ok Reg 1038, eff 9-11-20]

**86:20-31-2. Automatic extension of license, payment of fees and continuing education for active-duty military service members**

(a) Automatic extension pursuant to 59 O.S. § 4100.6(A). The license of active-duty military service members shall be automatically extended and placed on inactive licensure status during active-duty military service and for one (1) year after active-duty military service, unless the licensee seeks to maintain said license in good-standing.

(b) Payment of fees and continuing education pursuant to 59 O.S. § 4100.6(B), (C) and (D). Active-duty military service members seeking to maintain his or her license in good-standing may have his or her license renewed during active-duty, and for a period of one (1) year after discharge from active-duty, without:

(1) payment of fees; and

(2) obtaining continuing education credits when:

(A) circumstances associated with military duty prevent obtaining training and a waiver request has been submitted to the Board;

(B) the licensee performs social work as an occupation as part of his or her military duties as shown in Defense Department Form DD 214 (DD Form 214); or

(C) performing any other act typically required for the renewal of the license.

[Source: Added at 32 Ok Reg 1587, eff 9-11-15]

**86:20-31-3. Reciprocal licensing of spouses of active-duty members of the Armed Forces of the United States**

The procedure to expedite endorsement of licensure pursuant to Section 4100.5 of Title 59 of the laws of the State of Oklahoma for applicants who are licensed in another state and who are the spouse of an active-duty member of the Armed Forces of the United States is as follows:

- (1) A license shall be issued to the applicant if the requirements for licensure of the other state are substantially equivalent to those required by this state;
- (2) If specific licensure requirements in this state were not required in the state in which the Applicant was licensed, a temporary license for a set period of time shall be issued to Applicants to allow the person to work as a licensed behavioral practitioner while completing those requirements.
- (3) Applicants who are licensed in another state and who are the spouse of an active-duty member of the Armed Forces of the United States seeking to make application for licensure may do so without payment of the application fee.

[Source: Added at 32 Ok Reg 1587, eff 9-11-15; Amended at 33 Ok Reg 1263, eff 9-11-16; Amended at 37 Ok Reg 1038, eff 9-11-20]

### **SUBCHAPTER 33. DECLARATION OF EMERGENCY LICENSURE BY ENDORSEMENT RULES**

#### **86:20-33-1. Submission of verification of license**

An applicant applying for a non-renewable license by endorsement pursuant to a declaration of emergency shall submit verification stating the applicant is active and in good standing in the state in which they are currently licensed. The Board may require the applicant to submit a copy of the statutes and rules from the state out of which such license was issued.

[Source: Added at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-33-2. Licensing procedures**

An applicant must submit an application form, related documents as requested, and licensure fees.

[Source: Added at 33 Ok Reg 1263, eff 9-11-16]

#### **86:20-33-3. Non-renewable declaration of emergency license by endorsement**

(a) The Board shall issue a non-renewable license by endorsement pursuant to a declaration of emergency to an applicant who is licensed or certified as a professional counselor by another state or territory of the United States or the District of Columbia and the following criteria is met:

- (1) A declaration of emergency is issued by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or a declaration of a catastrophic health emergency issued by the Governor pursuant to the Catastrophic Health Emergency Powers Act;
- (2) The applicants professional counselor license in the other jurisdiction is active and in good standing and allows the applicant to practice independently without supervision;
- (3) The applicants license has never been suspended or revoked and fulfills all of the requirements as stated in Subchapter 7; and
- (4) The applicant fulfills the requirements as stated in 59 O.S. 1935 (A), (B), and (C).

(b) A non-renewable license by endorsement pursuant to a declaration of emergency shall only be valid for the duration of the emergency as determined by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or the Catastrophic Health Emergency Powers Act.

(c) Services that are provided shall be pro bono or reimbursed by nongovernmental entities.

[Source: Added at 33 Ok Reg 1263, eff 9-11-16]

## CHAPTER 21. LICENSED BEHAVIORAL PRACTITIONERS

*Editor's Note: Effective 11-1-13, as set forth in House Bill 1467 (2013), "[a]ll powers, duties, responsibilities . . . of the State Board of Health, the State Department of Health, and the State Commissioner of Health relating exclusively to the regulation of Licensed Behavioral Practitioners . . . are hereby transferred and shall be placed under the authority of the State Board of Behavioral Health Licensure" [HB 1467 (2013), § 3(A)]. The following provisions in HB 1467 address the disposition of related rules: • Section 3 (not to be codified in the Oklahoma Statutes) provides that "[u]pon the effective date of this act, all administrative rules promulgated by the State Board of Health relating to the Licensed Behavioral Practitioners Act . . . shall be transferred to and become a part of the administrative rules of the State Board of Behavioral Health Licensure" [HB 1467 (2013), § 3(F)]. HB 1467 also directed the Office of Administrative Rules to place the transferred rules under the Administrative Code section of the State Board of Behavioral Health Licensure [see Editor's Notice published at 32 Ok Reg 108]. Therefore, on 11-1-13, the rules in Chapter 403 of the Department of Health's Title 310 [OAC 310:403] were transferred to this new Chapter 21 of the State Board of Behavioral Health Licensure's Title 86 [OAC 86:21]. For text of rules that were effective prior to the transfer of these rules on 11-1-13, see Chapter 403 of the Department of Health's Title 310 [OAC 310:403], as published in the 2011 Edition. • Section 28 (amending 59 O.S., § 1934) directs the State Board of Behavioral Health Licensure to "[p]rescribe, adopt and promulgate rules to implement and enforce the provisions of the Licensed Behavioral Practitioner Act, including the adoption of the State Department of Health rules by reference; [a]dopt and establish rules of professional conduct; and [s]et license and examination fees as required by the Licensed Behavioral Practitioner Act" [HB 1467 (2013), § 28(A)]. Although the State Board of Behavioral Health Licensure did not "adopt the State Department of Health rules by reference," the Board did adopt rules in a new Chapter 20 of Title 86, first by emergency action effective 4-23-14 and later by permanent action effective 9-11-15. For emergency rules related to Licensed Behavioral Practitioners that were promulgated by the State Board of Behavioral Licensure pursuant to HB 1467 (2013), § 28, and were effective from 4-23-15 through 9-10-15, see 32 Ok Reg 175. For permanent rules related to Licensed Behavioral Practitioners that were promulgated by the State Board of Behavioral Licensure to supersede the emergency rules, effective 9-11-15, see Chapter 20 of OAC Title 86.*

[Authority: HB 1647 (2013), §§ 3 and 28]

[Source: Codified 11-1-13]

### SUBCHAPTER 1. GENERAL PROVISIONS

#### **86:21-1-1. Purpose**

The rules in this Chapter implement the Oklahoma Licensed Behavioral Practitioner Act, (59 O.S., Sections 1930 et seq.)

[Source: Transferred from 310:403-1-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-1-2. Definitions**

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"**Act**" means Title 59, Sections 1930 et seq. of the Oklahoma Statutes.

"**Dual relationship**" means a familial, social, financial, business, professional, close personal, sexual or other non-therapeutic relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LBP's professional obligation to a client.

"**Face-to-face behavioral health services**" means the behavioral practitioner and the client shall be in the physical presence of the other in a behavioral health setting.

"**Face-to-face supervision**" means the supervisor and the supervisee shall be in the physical presence of the other.

"**Full time practice**" means working at least 20 hours per week.

"**Group supervision**" means two (2) to six (6) LBP Candidates.

"**Technology-assisted distance learning**" refers to the delivery of graduate coursework or continuing education, which focuses on synchronous or asynchronous instructional delivery methods. Technology-assisted distance learning is designed to deliver education to students who are not in the direct physical presence of the educator.

[Source: Transferred from 310:403-1-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-1-3. Prohibition**

Any person who is not specifically listed in Section 1932 of the Act shall not practice behavioral health services or use the title Licensed Behavioral Practitioner or LBP.

[Source: Transferred from 310:403-1-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-1-4. Applicability**

Every duty, obligation or requirement described in this Chapter and imposed upon a LBP shall be applicable to every licensed behavioral practitioner candidate, unless specifically provided otherwise.

[Source: Transferred from 310:403-1-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 3. ADVISORY BOARD OPERATIONS**

### **86:21-3-1. Statutory requirements**

In addition to those operations described in Section 1933 of the LBP Act, the Advisory Board operations in this Chapter are to be in effect.

[Source: Transferred from 310:403-3-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-3-2. Officers**

(a) **Chair.** The Chair shall preside at all meetings at which he or she is in attendance and perform all duties prescribed by law or the Board. The Chair is



authorized to make day-to-day decisions regarding Advisory Board activities in order to facilitate the responsiveness and effectiveness of the Advisory Board.

(b) **Vice-chair.** The Vice-chair shall perform the duties of the Chair in the absence or disability of the Chair.

(c) **Secretary.** In the absence of the Chair and Vice-Chair, the Secretary will preside until the Chair or Vice-Chair is present.

[Source: Transferred from 310:403-3-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-3-3. Rules of Order**

Roberts Rules of Order Revised shall be the basis of parliamentary decisions except as otherwise provided by the Advisory Board.

[Source: Transferred from 310:403-3-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-3-4. Subcommittees**

(a) The Chair with the approval of the Advisory Board may establish subcommittees deemed necessary to carry out Advisory Board responsibilities.

(b) The Chair shall appoint the members of the Advisory Board to serve on subcommittees.

(c) The Chair may appoint non-Advisory Board members to serve as subcommittee members on a consultant or voluntary basis subject to Advisory Board approval.

(d) The Sub-Committee Chair shall make regular reports to the Advisory Board in interim written reports and/or at regular meetings.

(e) Sub-Committees shall direct all reports or other materials to the Department for distribution.

(f) Sub-Committees shall meet when called by the Chair or when so directed by the Advisory Board.

[Source: Transferred from 310:403-3-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 5. FORMS**

### **86:21-5-1. Forms**

Each application shall include the following documents:

- (1) Application Form;
- (2) Official transcript, mailed from the university or college;
- (3) Internship/practicum Documentation Form;
- (4) Three (3) Document of Recommendation Forms;
- (5) Two (2) classifiable sets of fingerprints; and
- (6) Fees.

[Source: Transferred from 310:403-5-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-5-2. Description of forms**

(a) The Application Form requires the following:

- (1) Identifying information of applicant;
- (2) Possession of other credentials;
- (3) Previous misconduct;
- (4) Education;

- (5) References; and
- (6) Proposed professional Practice.
- (b) The Internship/Practicum Documentation Form requires the following:
  - (1) Identifying information of applicant;
  - (2) Place, time, duration and nature of supervised experience;
  - (3) School arranging supervision and name of supervisor; and,
  - (4) Signature and title of supervisor.
- (c) The Document of Recommendation requires the following:
  - (1) Identifying information of applicant;
  - (2) Scale of performance rating personal character and professional skills;
  - (3) Circumstances and time period rater has known applicant;
  - (4) Space for rater's comments;
  - (5) Identifying information of rater.
- (d) The Statement of Professional Disclosure is composed of alternative forms depending on the status of the applicant, as follows.
  - (1) The LBP Candidate's Statement of Professional Disclosure requires the following:
    - (A) Explanation of LBP Candidate's responsibilities;
    - (B) Name and contact information for person who will be responsible for the client's records in the event of the LBP Candidate's infirmity or death;
    - (C) Supervisor's identifying information;
    - (D) Address and phone number of the Department; and,
    - (E) Signatures of client and LBP Candidate.
  - (2) The LBP's Statement of Professional Disclosure requires the following:
    - (A) Explanation of the LBP's responsibilities;
    - (B) Name and contact information for person who will be responsible for the client's records in the event of the LBP's infirmity or death;
    - (C) Address and phone number of the Department; and,
    - (D) Signatures of client and LBP.
- (e) The Supervision Agreement requires the following:
  - (1) Statement of agreement to fulfill Subchapter 15 and consequences of violation; and
  - (2) Identifying information and signatures of supervisee and supervisor.
- (f) The On-Site Supervisor Verification Form requires the following identifying information:
  - (1) Name of applicant;
  - (2) Place of employment;
  - (3) On-Site Supervisor Information;
  - (4) A reproduction of the regulation regarding supervision accrued in a private setting.
- (g) The Evaluation of Supervised Experience Form requires the following:
  - (1) Names of supervisee and supervisor;
  - (2) Name and location of supervision site;
  - (3) Duration of work experience and supervision;
  - (4) Types of professional activities and clients seen;
  - (5) Rating of quality of professional activities;
  - (6) Supervisor and supervisee comments; and
  - (7) Signatures of supervisee and supervisor.
- (h) The Continuing Education Roster requires the following:

- (1) LBP's name and license number;
  - (2) Total number of hours accrued and LBP's signature and signature date of licensee;
  - (3) Listing of workshops, sponsor, content and date of continuing education experience.
- (i) The Licensure Verification Request Form requires the following information:
- (1) Name of licensee;
  - (2) Licensee license number; and
  - (3) Licensee license type.
- (j) The Out-of-State Licensure Verification Form requires the following information:
- (1) Identifying information;
  - (2) Type of credential held in other state;
  - (3) License number;
  - (4) Issue and expiration date of license;
  - (5) Current standing of license;
  - (6) Past complaints or sanctions;
  - (7) Exam information;
  - (8) Supervision information;
  - (9) Graduate education;
  - (10) Internship documentation;
  - (11) Signature and identifying information of person verifying from out-of-state.
- (k) The Mailing Addresses Request/Order Form requires the following information:
- (1) Type of licensure list requested;
  - (2) Format requested;
  - (3) Identifying information of person making request.
- (l) The Licensure Reactivation Request Form requires the following information:
- (1) Licensure type;
  - (2) Identifying information;
  - (3) Employment information;
  - (4) Graduate education;
  - (5) License type and number;
  - (6) Dates of inactivation and reactivation of license.

[Source: Transferred from 310:403-5-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 7. RULES OF PROFESSIONAL CONDUCT**

### **86:21-7-1. Responsibility**

LBP's shall accept responsibility for the consequences of their work and ensure that their services are used appropriately. LBP's shall not participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation. LBP's shall not use their relationships with clients for personal advantage, profit, satisfaction, or interest.

[Source: Transferred from 310:403-7-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-7-2. Competence**

(a) **Behavioral health services.** LBP's shall practice only within the boundaries of their competence, based on their education, training, supervised experience, state

and national professional credentials, and appropriate professional experience.

(b) **Testing.** LBPs shall know the limits of their competence and shall therefore perform only those testing and assessment services for which they have been trained. LBPs shall be familiar with related standardization and proper application and security of any technique utilized. LBPs using computer-based test interpretations shall be trained in the construct being measured and the specific instrument being used prior to using this type of computer application. LBPs shall ensure the proper use of assessment techniques by persons under their supervision.

(c) **Specialty.** LBPs shall not represent themselves as specialists in any aspect of behavioral health services, unless so designated by the Board.

(d) **Research.**

(1) LBPs shall plan, design, conduct, and report research only in a manner consistent with current, pertinent ethical principles put forth in the "Ethical Standards and Code of Conduct" governing Northamerican Association of Masters in Psychology (NAMP), federal and state laws, rules, and scientific standards governing research with human subjects.

(2) The research principles of the NAMP "Ethical Standards and Code of Conduct" are as follows:

(A) Principle 8: Research with Human and Animal Participants

(i) 8.1 Relevant research. The Masters in Psychology shall only undertake research pertaining to human subjects when such research contributes to psychology as a science and humankind in general. On the premise of this forethought, one conducts the research with the utmost concern for the dignity and welfare of their research participants.

(ii) 8.2 Informed consent in research. The Masters in Psychology shall make certain that research participants fully understand the conditions and comprehend the general nature of the research when requesting informed consent. Research that involves deception on the part of the researcher should in general be avoided, unless the perceived outcomes far exceed any perceived minimal adverse reactions and in either case a debriefing session suitable to the research will always be conducted.

(B) Principle 10: Teaching, Training & Research Publication

(i) 10.1 Candidness in research techniques. The Masters in Psychology shall make every effort to make available any and all appropriate materials supporting research materials and to readily disseminate results for replication.

(ii) 10.2 Proper supervision. The Masters in Psychology shall maintain proper supervision of their employees, subordinates, supervisees, and research assistants in the delegation of duties and shall make every ethically appropriate effort to ensure that only those individuals competent to perform such services do so.

(e) **Impairment.** LBPs shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LBPs shall seek assistance for any such personal problem(s) with their physical, mental or emotional condition, and, if necessary, limit, suspend, or terminate their professional activities. If an LBP possesses a bias, disposition, attitude, moral persuasion or other similar condition that limits his or her ability to recommend a

course of treatment or decision-making that is indicated, and under such circumstances where all other treatment and decision options are contra-indicated, then in that event the LBP shall not undertake to provide counseling and shall terminate the counseling relationship in accordance with this Chapter.

**(f) Knowledge of improper sexual contact.** If an LBP becomes aware that another LBP or LBP Candidate is violating Section 310:403-7-4, the LBP or LBP Candidate must, within a reasonable time, report the improper sexual contact to the Department in accordance with Section 310:403-31-2.

**(g) Evaluations.** LBP candidates and licensees may not perform forensic services, which include, but are not limited to, assessments, interviews, consultations, custody evaluations, reports, or expert testimony, or other such activity that is undertaken or conducted by the candidate or licensee in contemplation that the results may, or are intended to be, later furnished to a trier of fact or other decision maker, except under the following conditions:

- (1) LBP candidates and licensees must demonstrate competence by certification, education or experience in the subject matter relevant to the issues in question and must certify in writing that they have complied with all applicable provisions of the Rules and Regulations (described in Sections 310:403-7-1, 310:403-7-2(a)(f), and 310:403-7-7(f)(1)(2)(3) of this Chapter.
- (2) LBP candidates and licensees shall prepare a written report and include a separate section therein containing the author's findings and conclusions relative to their analysis. Additionally, the candidate or licensee must provide to the person who is the subject of their forensic analysis, and such other person or persons who has/have a legally recognizable right in the subject matter of the proceeding, which may be directly adversely affected by the findings and conclusions made by the candidate or licensee, a copy of the written report at no cost to the person or persons entitled to receive a copy of the written report pursuant to this section. The copy(ies) must be provided at least ten (10) days prior to the report's publication unless otherwise required by law or court order.
- (3) LBP candidates and licensees shall maintain written records, in a form or format that is legible or readable to third persons, of all contacts and information received and used in the preparation of their report.
- (4) LBP candidates and licensees must conduct a thorough examination of the person who is the subject of their forensic analysis, and such other person or persons who has/have a legally recognizable right in the subject matter of the proceeding, which may be directly adversely affected by the findings and conclusions made by the candidate or licensee, and must utilize a "face-to-face" interview of the person who is the subject of the forensic analysis, or any other such person who may be directly adversely affected by the findings and conclusions made by the candidate or licensee.
- (5) LBP candidates and licensees must base their findings and conclusions only upon information gained by appropriate and lawful means. Interviews of minor children must be preceded by written consent from the joint-custodial parents or from the custodial parent or from the legal guardian or from the legal custodian appointed by the Court.
- (6) LBP candidates and licensees who provide counseling services for a client may only provide fact witness testimony in forensic matters involving that client, unless otherwise required by law or court order. LBP candidates and licensees who provide mediation, parent coordinating

assistance or any other neutral participation, may not undertake to provide counseling to any person(s) involved or directly affected by the LBP candidate's or licensee's role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations made by the LBP candidate or licensee and shall not include conclusions, opinions or recommendations.

(7) Assessments, interviews, consultations, custody evaluations, reports or other activity not performed in contemplation that the results would be furnished to a trier of fact or decision maker, must be kept confidential and cannot be utilized in the formation or publication of an opinion by the candidate or licensee.

[Source: Transferred from 310:403-7-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-7-3. Client welfare**

(a) **Discrimination.** LBPs shall not, in the rendering of their professional services, participate in, condone, or promote discrimination on the basis of race, color, age, gender, religion or national origin.

(b) **Records.**

(1) **Requirement of records.** LBPs shall maintain verifiable records necessary for rendering professional services to their clients for at least five (5) years beyond termination of services. LBPs employed at an institution or facility that has a published records retention policy that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(2) **Confidentiality.** LBPs shall maintain the confidentiality of any information received from any person or source about a client, unless authorized in writing by the client or otherwise authorized or required by law or court order.

(3) **Confidentiality of records.** LBPs shall be responsible for complying with the applicable state and federal regulations in regard to the security, safety and confidentiality of any behavioral health services record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

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

(c) **Invasion of privacy.** LBPs shall not make inquiry into persons or situations not directly associated with the client's situation.

(d) **Private or Independent Practice.** No person may engage in the private or independent practice of behavioral practitioner work or open a facility with the intent of providing private or independent counseling practice unless that person:

- (1) is licensed under this Act as a Licensed Behavioral Practitioner; and,
- (2) has met all requirements of Section 310:403-15-2 of LBP Regulations; and
- (3) has continued to meet all continuing education requirements set forth in Subchapter 21 of this Chapter.

(e) **Referral.**

(1) If LBPs determine they are unable to be of professional assistance to a client, the LBP shall not enter a behavioral health services relationship.

LBP's shall refer clients to appropriate sources when indicated. If the client declines the suggested referral, the LBP shall terminate the relationship.

(2) LBP's shall not abandon or neglect current clients in treatment without making reasonable arrangements for the continuation of such treatment.

(3) When an LBP becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LBP's duty of responsibility to the current client, including a suspension of the LBP's license or any other situation or condition described in subchapter 3 of these rules, the LBP shall promptly notify the client in writing of the presence or existence of the disability or condition and take reasonable steps to timely terminate the therapeutic relationship.

[Source: Transferred from 310:403-7-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-7-4. Non-professional relations with clients**

(a) **Dual relationships.** LBP's shall not knowingly enter into a dual relationship(s) and shall take any necessary precautions to prevent a dual relationship from occurring. When the LBP reasonably suspects that he or she has inadvertently entered into a dual relationship the LBP shall record that fact in the records of the affected client(s) and take reasonable steps to eliminate the source or agent creating or causing the dual relationship. If the dual relationship cannot be prevented or eliminated and the LBP cannot readily refer the client to another counselor or other professional, the LBP shall complete one or more of the following measures as necessary to prevent the exploitation of the client and/or the impairment of the LBP's professional judgment:

- (1) Fully disclose the circumstances of the dual relationship to the client and secure the client's written consent to continue providing counseling;
- (2) Consult with other professional(s) to understand the potential impairment to the LBP's professional judgment and the risk of harm to the client of continuing the dual relationship;

(b) **Sexual contact.** The following restrictions apply to sexual contacts between LBP's and clients, students or supervisees.

(1) **Current clients.** LBP's shall not engage in sexual contact with clients and shall not counsel persons with whom they have had a sexual relationship.

(2) **Students and supervisees.** LBP's shall not engage in sexual contact with students or supervisees and shall not teach or supervise persons with whom they have had a sexual relationship.

(c) **Providing counseling to persons of prior association.** LBP's shall not undertake to provide counseling to any person with whom the LBP has had any close personal relationship within the previous five (5) years.

(d) **Interaction with former clients.** LBP's shall not knowingly enter into a close personal relationship, or engage in any business or financial dealings with a former client for two (2) years after the termination of the counseling relationship. LBP's shall not engage in any activity that is or may be sexual in nature with a former client for at least five (5) years after the termination of the counseling relationship. LBP's shall not exploit or obtain an advantage over a former client by the use of information or trust gained during the counseling relationship.

[Source: Transferred from 310:403-7-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-7-5. Responsibility to supervisees**

- (a) LBPs shall not exploit the trust and dependency of supervisees.
- (b) LBPs are cognizant of their potentially influential position with respect to supervisees, and shall not exploit the trust and dependency of such persons. LBPs, therefore, shall avoid dual relationships that impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of counseling to supervisees, and business or close personal relationships with supervisees. Sexual intimacy with current supervisees is prohibited.
- (c) LBPs shall not permit supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.
- (d) LBPs shall not disclose supervisee confidences to anyone, except:
  - (1) as mandated by law;
  - (2) in case of clear and imminent danger to a person or persons;
  - (3) where the professional counselor is a defendant in a civil, criminal, or disciplinary action arising from the supervision (in which case client confidences may be disclosed only in the course of that action);
  - (4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.
  - (5) to the Department in reporting ethical or professional concerns as a part of the supervision agreement.

[Source: Transferred from 310:403-7-4.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-7-6. Client fees and bartering**

- (a) **Advance understanding.** LBPs shall clearly explain to clients, prior to entering the behavioral health services relationship, all financial arrangements related to professional services including the consequences for non-payment of fees.
- (b) **Bartering.** LBPs may participate in bartering for services only if the relationship is not exploitive, if the client requests it, if a clear written contract is established and if such arrangements are an accepted practice among professionals in the community.
- (c) **Tangible goods.** LBPs shall not barter for services rendered by the client. LBPs shall accept only tangible goods, at fair market value, in lieu of money for behavioral health services.

[Source: Transferred from 310:403-7-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21 -7-7. Professional standards**

- (a) **Violations of other laws.** It shall be unprofessional conduct for an LBP to violate a state or federal law if the law directly relates to the duties and responsibilities of the LBP or if the violation involves moral turpitude.
- (b) **Drug and alcohol use.** LBPs shall not render professional services while under the influence of alcohol or other mind or mood altering drugs.
- (c) **Updating.** LBPs shall notify the Department of any change in address, telephone number, and employment and shall make necessary adjustments on the Statement of Professional Disclosure, supplying an updated copy to the Department.



(d) **Candor to the Department.** An LBP, LBP candidate, or applicant for LBP licensure, in connection with a license application or an investigation conducted by the Department pursuant to OAC 310:403-31-3, shall not:

- (1) knowingly make a false statement of material fact;
- (2) fail to disclose a fact necessary to correct a misapprehension known by the LBP, LBP candidate or applicant for licensure to have arisen in the application or the matter under investigation; or
- (3) fail to respond to a demand for information made by the Department or any designated representative thereof, unless a request for a protective order has been first made pursuant to the provisions of Chapter 2 of this title, in which case the LBP, LBP candidate or applicant may await the decision concerning the issuance or denial of a protective order before making any response.

[Source: Transferred from 310:403-7-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-7-8. Relations with the public and other professions**

(a) **Misrepresentation.** LBPs shall not misrepresent nor accept the misrepresentation by others of the efficacy of the LBPs' professional services.

(b) **Credentials claimed.** LBPs shall claim or imply only the professional credentials possessed and shall be responsible for correcting any known misrepresentations of their credentials by others. Professional credentials include graduate degrees in behavioral health services or closely related mental health fields, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, or any other credential that might indicate to the public the LBPs' additional knowledge or expertise in behavioral health services.

(c) **The use of doctoral degrees and the title "Doctor."** An LBP may use the doctoral degree and the title "Doctor" in advertising, practice and status as an LBP, only if the doctoral degree from a program in psychology and if the degree was granted by a regionally accredited college or university recognized by the United States Department of Education.

(d) **Advertisement.** When an LBP announces services or advertises, the LBP shall represent services to the public by identifying credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent. An LBP shall only advertise the highest degree earned in behavioral health services or a closely related field from a regionally accredited college or university recognized by the U.S. Department of Education. All advertisements or announcements of behavioral health services including telephone directory listings by an LBP shall clearly state the LBP's licensure status by the use of a title such as "LBP", or "Licensed Behavioral Practitioner" or a statement such as "licensed by the Oklahoma State Department of Health."

(e) **License.** Each LBP shall display the original, current license in a prominent place in the primary location of practice.

(f) **Public statements.** When an LBP provides advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they 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 LBP Rules of Professional Conduct; and

(3) There is no implication that a professional behavioral health services relationship has been established.

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

(h) **Accepting fees from agency clients.** An LBP shall refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the agency or institution that employs the LBP. If the policies of a particular agency provide for agency clients to receive behavioral health services from members of its staff in private practice, the agency shall inform clients of other options open to them should they seek private behavioral health services.

(i) **Candidates for LBP licensure.** Candidates for licensure as a Licensed Behavioral Practitioner shall not refer to themselves as a Licensed Behavioral Practitioner or LBP.

[Source: Transferred from 310:403-7-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-7-9. Failure to comply**

An LBP who does not comply with subchapter 7 - Rules of Professional Conduct shall be guilty of unprofessional conduct and subject to disciplinary action under subchapter 31.

[Source: Transferred from 310:403-7-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 9. FITNESS OF APPLICANTS**

### **86:21-9-1. Purpose**

The purpose of this subchapter is to establish the fitness of an applicant as one of the criterion for licensure as an LBP and to set forth the criteria by which the Commissioner shall determine the fitness of applicants.

[Source: Transferred from 310:403-9-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-9-2. Fitness for licensure**

The substantiation of any of the following items related to the applicant may be, as the Commissioner 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 Department; or
- (3) A violation of the LBP Rules or the Act.

[Source: Transferred from 310:403-9-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-9-3. Materials considered to determine fitness**

(a) Materials considered to determine fitness of skills and abilities include:

- (1) Evaluations from supervisors or instructors;
- (2) Statements from persons submitting references for the applicant;
- (3) Evaluations from employers and/or professional associations; and

(4) A field examination submitted through questionnaires answered by persons competent to evaluate an applicant's professional competence which may include the submission of written case studies and taped interviews with an applicant's instructors, supervisors and others or submission of such documentary evidence relating to an applicant's experience and competence as required by the Department.

- (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 Department considers pertinent to determining the fitness of applicants.

[Source: Transferred from 310:403-9-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 11. APPLICATION PROCEDURES**

### **86:21-11-1. General**

- (a) The purpose of this subchapter is to ensure that all applicants meet those requirements specified in the Act.
- (b) Unless otherwise indicated, an applicant shall submit all required information and documentation of credentials on official Department forms.
- (c) The Department shall not consider an application form as officially filed until it has received the application form and application fee.

[Source: Transferred from 310:403-11-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-11-2. Application materials**

Persons desiring to be licensed as an LBP may obtain an official application form and packet from the Department.

[Source: Transferred from 310:403-11-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-11-3. Submission of documents**

The applicant shall monitor the progress of the application. The Department shall not automatically contact applicants regarding the receipt or absence of required documents.

[Source: Transferred from 310:403-11-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-11-4. Negative references**

If an applicant for licensure as an LBP or LBP specialty designation has negative references in his or her file, the Department may ask the applicant to appear for an interview before the licensing process is completed.

[Source: Transferred from 310:403-11-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-11-5. Materials required of LBP applicants until January 1, 2002**

In addition to the form and fee, an applicant for LBP licensure prior to January 1, 2002 shall file the following completed materials with the Department prior to taking the examination:

- (1) Three documents of recommendation;
- (2) Continuing Education Roster;
- (3) Verification of Prior Practice Form;
- (4) Verification of Current Practice Form;
- (5) Statement of Professional Disclosure; and
- (6) Official university transcript(s).

[Source: Transferred from 310:403-11-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **83:21-11-6. Materials required of LBP applicants**

In addition to the application form and fee, an applicant for LBP licensure shall file the following completed materials with the Department prior to taking the examination:

- (1) Three documents of recommendation;
- (2) Internship/practicum Documentation Form;
- (3) Official university transcript(s); and
- (4) Two (2) classifiable sets of fingerprints.

[Source: Transferred from 310:403-11-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-11-7. Re-application for expired license**

(a) Re-application after license expires for non-renewal shall include the following documents:

- (1) Application form,
- (2) Official transcripts, mailed from the university,
- (3) Document of recommendation forms,
- (4) Supervision Agreement,
- (5) Statement of Professional Disclosure,
- (6) New Application Fee,
- (7) On-Site Supervisor Verification Form; and
- (8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall re-take two examinations:

- (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Department; and
- (2) The LBP State Standards Test.

(c) Internship Documentation Form on file may carry over to a new application.

(d) All previously submitted and approved Supervised Experience shall carry over to a new application.

(e) Applicant shall obtain approved supervision until the exams are taken and passed as described in Subchapter 310:403-15-2(e)(2).

[Source: Transferred from 310:403-11-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-11-8. Re-application for revoked license**

(a) No re-application for a revoked license will be considered for a period of 5 years following the revocation.

(b) Re-application after license is revoked for administrative action shall include the following documents:

- (1) Application form,
- (2) Official transcripts, mailed from the university,
- (3) Document of recommendation forms,

- (4) Supervision Agreement,
  - (5) Statement of Professional Disclosure,
  - (6) New Application Fee,
  - (7) On-Site Supervisor Verification Form, and
  - (8) Two (2) classifiable sets of fingerprints.
- (c) Applicant shall re-take two examinations:
- (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Department; and
  - (2) The LBP State Standards Test.
- (d) Internship Documentation Form on file may carry over to a new application.
- (e) All previously submitted and approved Supervised Experience shall not carry over to a new application.
- (f) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of revocation.
- (g) The Department may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.
- (h) Application materials shall be reviewed by the LBP Advisory Board for approval.

[Source: Transferred from 310:403-11-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-11-9. Re-application for voided application for failure to take scheduled examinations**

- (a) Re-application after application is voided for failure to take scheduled examinations or after the eligible applicant fails an examination and does not take subsequent scheduled examinations shall include the following documents:
- (1) Application form,
  - (2) Official transcripts, mailed from the university,
  - (3) Document of recommendation forms,
  - (4) Supervision Agreement,
  - (5) Statement of Professional Disclosure Form,
  - (6) New Application Fee,
  - (7) On-Site Supervisor Verification Form, and
  - (8) Two (2) classifiable sets of fingerprints.
- (b) Applicant shall take two examinations:
- (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Department; and
  - (2) The LBP State Standards Test.
- (c) Internship Documentation Form may carry over to a new application
- (d) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (e) Applicant shall obtain approved supervision until the exams are taken and passed and/or until the supervision requirement is complete as described in Subchapter 310:403-15-2(e)(2).

[Source: Transferred from 310:403-11-9 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-11-10. Re-application for voided application for failure to complete supervised experience**

- (a) Re-application after application is voided for failure to complete the supervised experience requirement within sixty (60) months as described in Subchapter

310:403-15-2(e)(3) shall include the following documents:

- (1) Application form,
- (2) Official transcripts, mailed from the university,
- (3) Document of recommendation forms,
- (4) Supervision Agreement form,
- (5) Statement of Professional Disclosure form,
- (6) New Application Fee,
- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall re-take two examinations:

- (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Department; and
- (2) The LBP State Standards Test.

(c) Internship Documentation Form may carry over to a new application

(d) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

(e) Applicant shall obtain approved supervision until the exams are taken and passed and/or the supervision requirement is complete as described in Subchapter 310:403-15-2(e)(2).

[Source: Transferred from 310:403-11-10 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-11-11. Re-application for denied application**

(a) Re-application after licensure application has been denied as prescribed in Section 1941 of the Act, shall include the following documents:

- (1) Application form,
- (2) Official transcripts, mailed from the university,
- (3) Document of Recommendation forms,
- (4) Supervision Agreement,
- (5) Statement of Professional Disclosure,
- (6) New Application Fee,
- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.

(b) Application materials shall be reviewed by the LBP Advisory Board for approval.

(c) Applicant shall be required to take necessary examinations.

(d) Applicant shall be required to accrue an additional 500 hours of supervised experience.

(e) Internship Documentation Form on file may carry over to a new application.

(f) All previously submitted and approved Supervised Experience shall carry over to a new application.

(g) Applicant shall obtain approved supervision until the exams are taken and passed as described in Subchapter 310:403-15-2(e)(2).

(h) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of denial of licensure application.

(i) The Department may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

[Source: Transferred from 310:403-11-11 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-11-12. Hearing upon denial of licensure application**

Following the denial of a licensure application by the Department, as prescribed in Section 1941 of the Act, the applicant may request an administrative hearing to contest the denial of his/her application within 15 days of receiving notification from the Department. If a hearing is not requested within 15 days, the denial will be final.

[Source: Transferred from 310:403-11-12 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 13. ACADEMIC REQUIREMENTS**

### **86:21-13-1. Graduate degree requirements**

(a) Pursuant to the Act, all applicants shall possess at least a masters degree from a program in psychology from a regionally accredited college or university.

(b) The program must be intended to prepare a scientist-practitioner in the field of psychology at the masters level and meet all the following criteria:

- (1) The masters program must be clearly identified as a psychology program. Such a program must specify in a pertinent institutional catalogue, its intent to educate and train students in the field of psychology at the masters level;
- (2) The pertinent institutional catalogue must state the structure and content of the curriculum of the program; and
- (3) The program must have faculty who hold graduate degrees in psychology or closely related fields.

(c) The academic requirements set forth in the Act must be completed before a person applies for licensure.

[Source: Transferred from 310:403-13-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-13-2. Required knowledge areas**

All applicants from January 1, 2002 to December 31, 2007, as part of the required 45 graduate semester hours, shall have the following core knowledge areas:

- (1) Assessment and Diagnosis - at least six (6) semester hours. Psychological theory, research, and methods concerning the measurement and assessment of an individual's behavioral or psychological functioning, such as the assessment of psychopathology, personality characteristics, intellectual functioning, skills and interests, and neuropsychological functioning;
- (2) Intervention - at least six (6) semester hours. Psychological theory, research, and methods regarding empirically validated treatment modalities for the remediation, treatment, or prevention of behavior disorders, adjustment problems, and psychopathology, or other disturbances in psychological functioning;
- (3) Experimental Foundations - at least three (3) semester hours. Psychological theory, research, and methods concerning the design, conduct, analysis, and interpretation of psychological research, or concerning the general principles and processes for the core areas of experimental psychology;
- (4) Psychopathology - at least three (3) semester hours. Psychological theory, research, and methods concerning the descriptive characteristics, diagnosis, and etiology of psychopathology, or mental and behavioral

disorders of children and adults;

(5) Personality and Social Psychology - at least six (6) semester hours. Psychological theory, research, and methods concerning the psychological or behavioral development and functioning of the individual and group differences. Three (3) of these hours shall be in a course in multicultural issues or cultural bases of behavior;

(6) Professional orientation/ethics - at least (3) semester hours. Objectives of professional behavioral health services organizations, codes of ethics, legal aspects of practice, standard of preparation and the role of persons providing direct behavioral health services.

(7) Biological bases of behavior - at least three (3) semester hours. Physiological, or genetic underpinnings of behavior.

(8) Practicum/internship. Organized practica/internships with at least three hundred (300) clock hours in behavioral health services with planned experiences providing classroom and field experience with clients under the supervision of college or university approved behavioral health services professionals; and

(9) Elective courses. The remaining courses needed to meet the forty-five (45) graduate hour requirement shall be in any of the knowledge areas listed above.

[Source: Transferred from 310:403-13-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-13-3. Required knowledge areas on or after January 1, 2008**

On or after January 1, 2008, all applicants shall have the following core knowledge areas as part of the required 60 graduate semester hours:

(1) Assessment - as described in OAC 310:403-13-2(1): at least six (6) semester hours;

(2) Intervention - as described in OAC 310:403-13-2(2): at least nine (9) semester hours;

(3) Experimental foundations - as described in OAC 310-403-13-2(3): at least six (6) semester hours;

(4) Psychopathology - as described in OAC 310:403-13-2(4): at least six (6) semester hours;

(5) Personality and Social Psychology - as described in OAC 310:403-13-2(5): at least six (6) semester hours;

(6) Professional orientation/ethics - as described in Subchapter 310:403-13-2(6): at least three (3) semester hours;

(7) Biological bases of behavior - as described in OAC 310:403-13(7): at least three (3) semester hours;

(8) Practicum/internship as described in OAC 310:403-13-2(8); and

(9) Elective hours: the remaining courses needed to meet the sixty (60) hour requirement shall be in any of the knowledge areas listed in OAC 310-13-1(1-8).

[Source: Transferred from 310:403-13-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 15. SUPERVISED EXPERIENCE REQUIREMENT**

### **86:21-15-1. Supervised experience**



All applicants for licensure after December 31, 2001 shall complete the supervised experience required by the Act before being licensed.

[Source: Transferred from 310:403-15-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-15-2. Duration of supervision**

- (a) Each applicant shall complete three (3) years or three-thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LBP supervisor.
- (b) For each one thousand (1000) clock hours of full time, on-the-job experience, three hundred fifty (350) hours shall be direct face-to-face client contact.
- (c) Weekly, face-to-face supervision shall be accrued at the ratio of forty-five (45) minutes of supervision for every twenty (20) hours of on-the-job experience.
- (d) No more than one-half ( $\frac{1}{2}$ ) of the required supervision hours may be received in group supervision.
- (e) One (1) or two (2) years of supervised experience may be gained at the rate of one (1) year for each thirty (30) graduate hours in behavioral health services-related course work beyond the minimum number of required graduate semester hours.
  - (1) Regardless of the number of hours earned beyond the minimum number of required graduate semester hours, the LBP Candidate shall receive at least one (1) year or one thousand (1000) clock hours of supervision in the ratio described in this rule.
  - (2) If an LBP Candidate completes the supervised experience requirement before passing the licensure examination, the LBP Candidate shall continue to practice under LBP supervision as described in this subchapter, unless exempted by the Act, until licensed.
  - (3) LBP Candidates shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the license application shall be voided.
- (f) Approved supervisors shall perform at least two (2) observations (live or tape) per each six (6) month evaluation period for each supervisee.
- (g) Approved supervisors shall consult with on-site supervisor at least once during each six (6) month evaluation period for each supervisee.

[Source: Transferred from 310:403-15-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-15-3. Documents required for the accrual of supervised hours**

The following documents must be received and approved by the Department before the accrual of supervised experience can begin:

- (1) Application materials;
- (2) Supervision agreement;
- (3) Statement of professional disclosure; and
- (4) On-Site Supervisor Verification Form.

[Source: Transferred from 310:403-15-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-15-4. Responsibility of supervisors and supervisees**

- (a) The supervisor and supervisee shall be jointly responsible for the following:
  - (1) Ensuring the requirements under this subchapter are fulfilled. A failure to comply may result in the loss of supervision hours, denial of licensure, initiation of formal complaint procedures, and/or loss of approved

supervisor status.

(2) Ensuring the client's right to confidentiality is protected and rules of the supervisor's and supervisee's employer(s) are adhered to during the course of supervision.

(b) The supervisor shall maintain supervision records for each supervisee for at least five (5) years beyond the termination or completion of the supervised experience.

[Source: Transferred from 310:403-15-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-15-5. Acceptability of supervised experience**

(a) Supervised experience is acceptable when it consists of the performance of behavioral health services as described in Section 1931, of the Act as described below.

(1) Supervision shall focus on the raw data from an LBP Candidate's continuing clinical practice, which may be available to the supervisor through a combination of direct observation, co-therapy, written clinical notes, and audio and video recordings.

(2) Supervision is a process clearly distinguishable from personal psychotherapy, and is contracted in order to serve professional/vocational goals.

(3) Individual supervision consists of face-to-face contact with one supervisor and one LBP Candidate.

(4) Group supervision may be conducted with two (2) to six (6) LBP Candidates and a supervisor.

(b) An LBP Candidate may accrue supervised experience hours in academic, governmental or private practice settings.

(c) The supervised experience is accrued in a private not-for-profit or a private for-profit practice without having an on-site approved LBP Supervisor providing supervision, if:

(1) The agency employing the LBP candidate employs a person licensed in the state of Oklahoma as a Licensed Behavioral Practitioner, a Licensed Professional Counselor, a Licensed Marital and Family Therapist, a Psychologist, a Physician, a Licensed Clinical Social Worker, or a Licensed Alcohol and Drug Counselor who directs and is responsible for the professional duties of the LBP Candidate and is available to the LBP candidate any time services are being rendered by the LBP candidate. Out of state on-site supervisors may be approved on a case-by-case basis.

(2) The LBP Candidate is receiving supervision for licensure from an approved LBP supervisor who is not required to work at the same location as the LBP Candidate.

[Source: Transferred from 310:403-15-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:15-15-6. Supervisor qualifications**

A Behavioral Practitioner, Professional Counselor, Marital and Family Therapist, Psychologist, Clinical Social Worker or Physician licensed by the state of Oklahoma is eligible as an LBP supervisor. In addition, these professionals shall have:

(1) practiced in positions similar to those the LBP proposes to practice for a period of two years past the issuance of the license;

- (2) fulfilled the continuing education requirements pursuant to Section 1948 of the Act;
- (3) signed an official supervision agreement;
- (4) agreed to be "on call" to the LBP Candidate on a twenty-four (24) hour basis and to arrange for an alternate supervisor if not available;
- (5) taken and passed the LBP State Standards Test; and
- (6) agreed to teach the Oklahoman LBP Act and OAC 310:403 to the supervisee.

[Source: Transferred from 310:403-15-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-15-7. Documentation of supervised experience**

- (a) A Supervision Agreement Form between the supervisor and supervisee, Statement of Professional Disclosure Form, and the On-Site Supervisor Verification Form shall be received and approved by the Department prior to beginning the accrual of supervised hours.
- (b) The supervisor and LBP Candidate shall sign and submit an "Evaluation of Supervised Experience," including documentation of observations, date of consultation between approved supervisor and on-site supervisor, and the Record of Supervised Experience on a semi-annual basis. Incomplete evaluations will not be accepted by the Department until all requirements for the semi-annual evaluation period have been completed.

[Source: Transferred from 310:403-15-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **SUBCHAPTER 17. FEES**

#### **86:21-17-1. Schedule of fees**

- (a) **Application fee.** Two hundred seventy-five dollars (\$275.00) shall be submitted with the application form.
- (b) **License examination fee.** Seventy-five dollars (\$75.00) shall be submitted when the applicant registers for the Practice Examination of Psychological Knowledge.
- (c) **Specialty application fee.** One hundred dollars (\$100.00) shall be submitted with the specialty application.
- (d) **Specialty designation fee.** Fifty dollars (\$50.00) shall be submitted upon notification by the Department of the specialty designation.
- (e) **Specialty designation renewal fee.** Twenty dollars (\$20.00) shall be submitted on or before December 31 and validates the license for twelve (12) months for the designated specialty.
- (f) **License renewal fee.** After the initial two-year period of licensure, this is a yearly fee of one hundred dollars (\$100) shall be submitted on or before December 31.
- (g) **Late renewal fee.** An additional twenty-five dollars (\$25.00) shall be submitted for the late renewal of a license.
- (h) **Replacement fee.** Twenty-five dollars (\$25.00) shall be submitted for the issuance of a license to replace a license, which has been lost, damaged, or is in need of revision.
- (i) **Inactive license fee.** Twenty-five dollars (\$25.00) shall be submitted with a the request to place the license on inactive status.

(j) **Reactivation fee.** When an inactive license is reactivated, a pro-rated fee in accordance with OAC 310:403-25-4 shall be submitted at the time of reactivation.

[Source: Transferred from 310:403-17-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-17-2. Method of payment**

Payment of all fees shall be by personal check, cashier's check, money order or cash. Payment of fees may be made by credit card or other electronic means, if acceptable by the Department. Any check returned to the Department for non-payment may result in expiration or suspension of license.

[Source: Transferred from 310:403-17-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **SUBCHAPTER 19. LICENSURE EXAMINATION**

#### **86:21-19-1. Examination required**

The examination for licensure shall consist of two parts as follows:

- (1) The Practice Examination of Psychological Knowledge published by the Northamerican Association for Masters In Psychology or another equivalent examination as determined by the Department; and
- (2) The LBP State Standards Test.

[Source: Transferred from 310:403-19-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-19-2. Eligibility**

An LBP applicant is eligible to take the licensing examination following the submission of:

- (1) Application form and fee;
- (2) Practicum/Internship Documentation Form;
- (3) Official transcript(s) showing completion of all academic requirements listed in subchapter 13, section 310:403-13-2;
- (4) Three (3) Document of Recommendation Forms;
- (5) Two (2) classifiable sets of fingerprints; and
- (6) Examination fee.

[Source: Transferred from 310:403-19-1.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-19-3. Frequency**

The Department shall administer the licensure examination at least one (1) time each year or more often if necessary.

[Source: Transferred from 310:403-19-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:19-19-4. Registration**

(a) The Department shall mail an applicant notice of eligibility to sit for examination at least sixty (60) days prior to the date of the next scheduled examination.

(b) To take a scheduled examination, the applicant shall complete an examination registration form and return it to the Department with the required fee (\$75) at least thirty (30) days prior to the date of the examination.

(c) The application for licensure of a person who fails to register for and take one of the first two examinations for which the applicant is eligible shall be voided and the applicant shall be mailed notice.

[Source: Transferred from 310:403-19-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-19-5. Grading**

(a) The licensure examination shall be graded by the Department or its designated representative.

(b) The passing score on the examination shall be the passing score as set by the authors of the examination.

[Source: Transferred from 310:403-19-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-19-6. Notice of results**

(a) The Department shall mail the examination results to the examinee within sixty (60) days of the date of the examination.

(b) No matter what numerical or other scoring system the Department may use in arriving at examination results, the official notice of results to the examinees shall be stated in terms of "pass" or "fail."

[Source: Transferred from 310:403-19-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-19-7. Failure to appear**

If an applicant for licensure fails to appear for examination for reasons other than documented illness or other cause beyond the applicant's control after having agreed to do so by registering to take a particular examination, the applicant shall register and pay another examination fee before being admitted to a subsequent examination.

[Source: Transferred from 310:403-19-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-19-8. Failure to apply**

(a) The application may be voided if a person fails to apply for and take one of the first two examinations scheduled after the applicant has been mailed notification at last known address in writing of his/her approval for examination.

(b) The application may be voided if a person fails to apply for and take one of the first two examinations scheduled after the applicant has failed the exam and has been mailed notification at last known address in writing of this/her approval for examination.

[Source: Transferred from 310:403-19-6.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-19-9. Licensure prior to January 1, 2002**

(a) Applicants for LBP licensure prior to January 1, 2002 are required to take and complete the examination.

(b) The authors of the examination shall use the results of this testing process to obtain normative data to set the passing score for other applicants.

(c) These applicants shall not receive a score but shall be notified that they completed the examination as required by statute.

[Source: Transferred from 310:403-19-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 21. CONTINUING EDUCATION REQUIREMENTS**

### **86:21-21-1. Purpose**

The purpose of this subchapter is to establish the continuing education requirements.

[Source: Transferred from 310:403-21-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-21-2. Documentation of attendance**

LBP's 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 teaching activities on the sponsor's letterhead giving the name of the program, location, dates, subject taught, and total number of hours taught.

[Source: Transferred from 310:403-21-1.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-21-3. Submission of continuing education roster**

LBP's shall submit a Continuing Education Roster to the Department, on an official Department form, of ten (10) clock hours of continuing education per year by December 31 of each year. One (1) academic hour is equal to fifteen (15) clock hours. Rosters may be obtained from the Department. The Continuing Education Roster shall include the name of the licensee, signature and signature date of the licensee, total clock hours of workshop(s), name of workshop(s), sponsoring agency of workshop(s), date of workshops(s), and the number of hours of each workshop. Only continuing education accrued in the preceding license renewal period shall be acceptable.

[Source: Transferred from 310:403-21-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-21-4. Acceptable continuing education**

- (a) Continuing education shall take place in the context of a college course, in-service training, institute, seminar, workshop, conference or a technology-assisted distance learning program approved by the Department.
- (b) Continuing education shall be accrued during the twelve (12) months preceding the renewal deadline or, in the case of the first licensing period, twenty-four (24) months preceding renewal.
- (c) Of the ten (10) hours of C.E. required annually, two (2) hours must be in counseling or mental health ethics.

[Source: Transferred from 310:403-21-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-21-5. Continuing education accrual from teaching**

Continuing education may also be accrued when the LBP teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to 310:403-21-3 of this subchapter, provided that such teaching is not required as part of the LBPs regular employment. Two (2) hours of continuing education are credited for each hour taught. No more than five (5) hours of continuing education may be accrued per year through teaching activities. Credit will be given only for the first presentation.

[Source: Transferred from 310:403-21-3.1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-21-6. Audit of continuing education submissions**

In November of each year, the Department shall randomly select from two (2) to twenty-five (25) percent of the number of LBPs on active status the previous year for an audit of their claimed continuing education credits. These selected LBPs shall provide the Department with verification of all credits claimed on their Continuing Education Roster on or before the renewal deadline. The Department may, at its discretion, audit and require verification of any credits claimed which it may consider questionable or fraudulent.

[Source: Transferred from 310:403-21-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-21-7. Penalty for failure to submit continuing education**

Failure to fulfill the continuing education requirements by the expiration date will result in non-renewal of the license. All rights granted by the license are null and void until the license is reinstated. The LBP has twelve (12) months from the date of expiration to fulfill the requirements for reinstatement.

[Source: Transferred from 310:403-21-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-21-8. Submission of fraudulent continuing education**

The submission of fraudulent continuing education hours shall be the cause for disciplinary action and may result in sanctions.

[Source: Transferred from 310:403-21-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-21-9. Responsibility**

The LBP shall be responsible for providing the information necessary for the Department to make a determination of the suitability of the program for continuing education requirements.

[Source: Transferred from 310:403-21-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-21-10. Failure to complete continuing education**

A person whose license is not renewed due to failure to complete continuing education requirements shall follow subchapter 25 of this chapter known as "License and Specialty Renewal."

[Source: Transferred from 310:403-21-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 23. ISSUANCE OF LICENSE**

### **86:21-23-1. License**

The license issued by the Commissioner shall contain the LBP's name, license number, specialty designation, if any, highest accredited behavioral health services-related academic degree and date of issuance. Official licenses shall be signed by the Commissioner and be affixed with the seal of the State of Oklahoma.

[Source: Transferred from 310:403-23-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-23-2. Statement of Professional Disclosure**

An LBP license shall be issued only after the Department has received the applicant's Statement of Professional Disclosure.

[Source: Transferred from 310:403-23-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-23-3. Property of department**

All licenses issued by the Commissioner shall remain the property of the Department and shall be surrendered on demand.

[Source: Transferred from 310:403-23-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-23-4. Replacement**

The Department shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LBPs original license or be accompanied by the damaged license, if available.

[Source: Transferred from 310:403-23-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 25. LICENSE AND SPECIALTY RENEWAL**

### **86:21-25-1. Responsibility**

Each LBP is responsible for renewing the license and specialty designation before the expiration date.

[Source: Transferred from 310:403-25-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-25-2. Requirements for renewal**

The requirements for renewal are:

- (1) Compliance with the Act and rules;
- (2) Documentation of the required continuing education; and
- (3) Payment of the renewal fee(s).

[Source: Transferred from 310:403-25-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-25-3. Renewal notification**

The Department shall mail to the LBP at least forty-five (45) days prior to the expiration date of the LBP's license, a notice of expiration.



[Source: Transferred from 310:403-25-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-25-4. Initial licensing period**

- (a) The expiration date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.
- (b) After the first two (2) years of licensure, the LBP shall submit a Continuing Education Roster verifying at least twenty (20) hours of continuing education required for renewal.

[Source: Transferred from 310:403-25-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-25-5. Interim renewal**

The notice for the initial renewal shall solicit the required continuing education documentation and invoice the LBP for the interim period between the original renewal date and the following December 31 so that subsequent renewals shall be on a calendar year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by December 31. Fees and continuing education hours shall be prorated according to the schedule below.

- (1) For a license expiring during January, February or March, the following shall apply:
  - (A) The renewal fee shall be \$100.00; and
  - (B) Continuing education of 10 hours shall be due by December 31.
- (2) For a license expiring during April, May or June, the following shall apply:
  - (A) The renewal fee shall be \$75.00; and
  - (B) Continuing education of 7.5 hours shall be due by December 31.
- (3) For a license expiring during July, August or September, the following shall apply:
  - (A) The renewal fee shall be \$50.00; and
  - (B) Continuing education of 5 hours shall be due by December 31.
- (4) For a license expiring during October, November or December, the following shall apply:
  - (A) The renewal fee shall be \$25.00; and
  - (B) Continuing education of 2.5 hours shall be due by December 31.

[Source: Transferred from 310:403-25-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-25-6. Annual renewal**

After the initial two (2) year licensing period plus the interim period, licenses shall expire each December 31, with a renewal fee of one hundred dollars (\$100.00) and a continuing education requirement of ten (10) hours.

[Source: Transferred from 310:403-25-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-25-7. Specialty renewal**

Regardless of the date the Commissioner grants a specialty designation, the date of a specialty renewal shall be the same date as that of the licensure renewal.

[Source: Transferred from 310:403-25-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-25-8. Display of verification card**

(a) LBPs shall display a current license verification card on the original or replaced license.

(b) A current license verification card shall be readily available on the LBPs person at any time behavioral health services are being provided.

[Source: Transferred from 310:403-25-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-25-9. Inactive status**

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar (\$25.00) fee. An inactive license forfeits all rights and privileges granted by the license.

(b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Department.

(c) When a license is placed on inactive status, it remains inactive for at least one (1) year from the date of inactivation.

(d) Active status may be re-established upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year if there are no impediments to licensure.

[Source: Transferred from 310:403-25-9 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-25-10. Failure to renew**

If the LBP fails to renew the license by the expiration date, the Department shall mail the LBP a notice to the last known address, which shall include:

(1) Expiration of the license and forfeiture of rights and privileges granted by the license, and,

(2) The LBP's right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one (1) year following the expiration of the license.

[Source: Transferred from 310:403-25-10 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-25-11. Return of license**

Licenses not reinstated within the one (1) year late renewal period shall be permanently expired and not be reinstated. The license shall be returned to the Department.

[Source: Transferred from 310:403-25-11 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

#### **86:21-25-12. Misrepresentation**

An LBP whose license has been inactivated, suspended, or revoked and continues to represent himself as an LBP, is in violation of the Act and may be subject to enforcement action under OAC 310:403-31.

[Source: Transferred from 310:403-25-12 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **SUBCHAPTER 27. LICENSURE BY ENDORSEMENT**

### **86:21-27-1. Requirements for licensure by endorsement**

(a) The Department shall issue a license by full endorsement to an applicant who is licensed as a behavioral practitioner in another jurisdiction and who meets the following:

- (1) Possess a behavioral practitioner's license which is active and in good standing, with no history of suspension or revocation against license;
- (2) Fulfill the requirements of Section 1935 (A), (B), and (C) of the Act;
- (3) Possess at least a masters degree from a program in psychology from a regionally accredited college or university;
- (4) Pass the LBP State Standards Test; and
- (5) Pass the Practice Examination of Psychological Knowledge unless the applicant has passed a written examination that, in the judgment of the Department, is substantially equivalent to the examination established by the Board.

(b) The Department shall issue a two (2) year, non-renewable, license by endorsement to applicants seeking full endorsement who do not fulfill the requirements set forth in subsection 310:403-27-1(a) of this Chapter, under the following conditions:

- (1) The applicant must show proof of continuous practice in counseling for five (5) years prior to application in Oklahoma;
- (2) The applicant must show proof of behavioral practitioner license in the other jurisdiction is current and in good standing, with no history of suspension or revocation against the license;
- (3) The applicant takes and passes the examinations as provided in subsection 310:403-19-1 of this Chapter; and,
- (4) The applicant completes all deficient course work to meet the academic requirements as provided in subchapter 9 of this Chapter.

(c) The license by endorsement will expire after two years from the date of issue. Failure to fulfill the requirements as provided in this subsection, within the two (2) year licensure period, will require the applicant to fulfill licensure requirements set forth in Section 1935 (C)(2)(3) of the Act.

[Source: Transferred from 310:403-27-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-27-2. Submission of verification of license**

An applicant for licensure by endorsement shall submit documentation from the licensing agency stating the applicant is active and in good standing. The Department may require the applicant to submit a copy of the statute and rules of the agency issuing the license.

[Source: Transferred from 310:403-27-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-27-3. Licensing procedures**

An applicant for licensure by endorsement must submit the application form, fees and related documents as required.

[Source: Transferred from 310:403-27-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 29. CONSUMER INFORMATION**

### **86:21-29-1. Directory**

- (a) Each year the Department shall publish a directory of Licensed Behavioral Practitioners.
- (b) The directory of LBPs shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number, license number, and the behavioral health services specialties, if any, of current licensees.

[Source: Transferred from 310:403-29-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-29-2. Brochure**

The Department shall prepare information of consumer interest, which describes the regulatory functions of the Department and its procedures to handle and resolve consumer complaints.

[Source: Transferred from 310:403-29-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-29-3. Statement of professional disclosure**

- (a) The Statement of Professional Disclosure shall inform clients of the LBP's credentials, training, fees, orientation/techniques and inform the client to contact the Department should the client seek additional information about the LBP.
- (b) Both LBPs and LBP candidates shall:
- (1) Furnish an example copy signed by the LBP, and in the case of a candidate, signed by the LBP supervisor and the candidate, to the Department. The LBP an LBP Candidate shall submit updated copies when the situation warrants; and
  - (2) Have two (2) copies signed by both the client or adult caretaker and the counselor. One (1) copy shall be given to the client and the other copy shall be retained by the counselor in the client's file.

[Source: Transferred from 310:403-29-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

## **SUBCHAPTER 31. ENFORCEMENT**

### **86:21-31-1. Purpose**

The purpose of this subchapter is to specify the procedure of processing of complaints and the filing of disciplinary actions against LBPs or against persons who practice behavioral health services without a license or exemption.

[Source: Transferred from 310:403-31-1 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-31-2. Complaints**

- (a) Any person may make a complaint against an LBP or a person practicing behavioral health services. A person wishing to report a complaint or alleged violation against a licensee or person practicing behavioral health services may notify the Department in writing, by telephone, or by a personal visit.
- (b) The Department will determine whether the complaint alleges a possible violation of the Act or this Chapter. The Department may present the complaint to the Advisory Board for consultation.

(c) LBPs are encouraged to file complaints when they have knowledge of other LBPs who have violated the LBP Act or OAC 310:403.

(d) The complaint and the identity of the complainant shall be confidential and shall not be available for public inspection.

[Source: Transferred from 310:403-31-2 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-31-3. Investigation**

If the Department determines a possible violation of the Act or this Chapter has occurred, the Department may commence an investigation of the complaint.

[Source: Transferred from 310:403-31-3 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-31-4. Filing an action**

(a) The Department may begin a disciplinary action against an LBP or a person practicing behavioral health services who is not exempt from licensure by following the procedures in Chapter 2 of this Title. The Department shall request the appropriate remedy. In making its recommendation, the Department may seek the counsel of the Advisory Board. Remedies include revocation of a license, suspension of a license, probation of a licensee and administrative penalty.

(b) If in the course of an investigation the Department determines that a licensee or candidate for licensure has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the counselor's license or authorization to conduct behavioral health services, behavioral treatment interventions, and/or consulting. A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a licensee or candidate has violated 310:403-7-4 or 310:403-7-6(d).

[Source: Transferred from 310:403-31-4 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-31-5. Hearing**

Hearings shall be conducted by the Commissioner of Health or his designee as specified in Chapter 2 of this Title (310:2). The Department shall recommend the most appropriate penalty at the conclusion of the evidence.

[Source: Transferred from 310:403-31-5 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-31-6. Final order**

The Department, either by order of the Commissioner or an Administrative Law Judge, shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.

[Source: Transferred from 310:403-31-6 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

### **86:21-31-7. Unauthorized practice**

Any person found to be practicing behavioral health services without being either properly licensed, exempt or under the approved supervision of an LBP as part of the licensure process shall be ordered to cease practicing and may be subject to an administrative penalty. The Department may seek the assistance of the courts if the actions continue.

[Source: Transferred from 310:403-31-7 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]

**86:21-31-8. Administrative penalties**

- (a) The Department may assess an administrative penalty against an individual if the order includes a finding that the individual:
- (1) Violated any provision of the Act, including practicing behavioral health services without licensure or exemption; or
  - (2) Violated any rule within this Chapter; or
  - (3) Violated any order issued pursuant to this Chapter.
- (b) The total amount of the administrative penalty assessed shall not exceed ten thousand dollars (\$10,000.00) for any related series of violations.

[Source: Transferred from 310:403-31-8 by Laws 2013, c. 229, § 3(F), eff 11-1-13 (see Editor's Note at beginning of this Chapter)]