

LICENSED BEHAVIORAL PRACTITIONER ACT and REGULATIONS



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**LICENSED BEHAVIORAL PRACTITIONER ACT
TITLE 59 OF THE OKLAHOMA STATUTES
AS AMENDED 2009
(Unofficial Version)**

Section 1930. Short title.

This act shall be identified as Chapter 44B of Title 59 of the Oklahoma Statutes and shall be known and may be cited as the "Licensed Behavioral Practitioner Act".

Section 1931. Definitions.

For the purpose of the Licensed Behavioral Practitioner Act:

1. "**Advisory Board**" means the Oklahoma Licensed Behavioral Practitioners Advisory Board appointed by the State Commissioner of Health;
2. "**Behavioral health services**" means the application of the scientific components of psychological and mental health principles in order to:
 - a. facilitate human development and adjustment throughout the life span,
 - b. prevent, diagnose, or treat mental, emotional, or behavioral disorders or associated distress which interfere with mental health,
 - c. conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives, and
 - d. plan, implement, or evaluate treatment plans using behavioral treatment interventions;
3. "**Behavioral treatment interventions**" means the application of empirically validated treatment modalities, including, but not limited to, operant and classical conditioning techniques, adherence/compliance methods, habit reversal procedures, cognitive behavior therapy, biofeedback procedures and parent training. Such interventions are specifically implemented in the context of a professional therapeutic relationship;
4. "**Board**" means the State Board of Health;
5. "**Commissioner**" means the Commissioner of Health;
6. "**Consulting**" means interpreting or reporting scientific fact or theory in behavioral health to provide assistance in solving current or potential problems of individuals, groups, or organizations;
7. "**Department**" means the State Department of Health;
8. "**Licensed behavioral practitioner**" or "**LBP**" 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;
9. "**Licensed behavioral practitioner 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;
10. "**Referral activities**" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists;
11. "**Research activities**" means reporting, designing, conducting, or consulting on research in behavioral health services;
12. "**Specialty**" means the designation of a sub area of behavioral practice that is recognized by a national certification agency or by the Board; and
13. "**Supervisor**" means a person who meets the requirements established by the Board.

Section 1932. Professions excluded from application of act - Practice of other professions by LBP forbidden - Exemptions from licensure requirements.

A. The Licensed Behavioral Practitioner Act shall not be construed to include the pursuits of the following professionals acting within the scope of their duties as such professionals, nor shall the title "Licensed Behavioral Practitioner" or "LBP" be used by such professionals:

1. Physicians, psychologists, social workers, licensed professional counselors, marital and family therapists, and attorneys, who are licensed by their respective licensing authorities;
2. Rehabilitation counselors, vocational evaluation specialists, psychiatric and mental health nurses, alcohol and drug counselors, school administrators, school teachers, and school counselors, who are certified by their

respective certifying authorities;

3. Persons in the employ of accredited institutions of higher education, or in the employ of local, state, or federal government; and

4. Members of the clergy and lay pastoral counselors.

B. The Licensed Behavioral Practitioner Act shall not be construed to allow the practice of any of the professions specified in subsection A of this section by a licensed behavioral practitioner unless the licensed behavioral practitioner is also licensed or accredited by an appropriate agency, institution, or board.

C. 1. The activities and services of a person in the employ of a private nonprofit behavioral services provider contracting with the state to provide behavioral services with the state shall be exempt from licensure as a Licensed Behavioral Practitioner if such activities and services are a part of the official duties of such person with the private nonprofit agency.

2. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions:

- a. psychologist, psychology, or psychological,
- b. licensed social worker,
- c. clinical social worker,
- d. certified rehabilitation specialist,
- e. licensed professional counselor,
- f. psychoanalyst,
- g. marital and family therapist, or
- h. licensed behavioral practitioner.

3. Such exemption to the provisions of this section shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the nonprofit agency contracting with the state. Such exemption will not be applicable to any other setting.

4. State agencies contracting to provide behavioral health services shall strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly.

5. The persons exempt under the provisions of this subsection shall provide services that are consistent with their training and experience.

6. Agencies shall also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public.

D. 1. The activities and services of a person in the employ of a private for-profit behavioral services provider contracting with the state to provide behavioral services to youth and families in the care and custody of the Office of Juvenile Affairs or the Department of Human Services on March 14, 1997, shall be exempt from licensure as a Licensed Behavioral Practitioner if such activities and services are a part of the official duties of such person with the private for-profit contracting agency.

2. Any person who is unlicensed and operating pursuant to the exemptions specified in this subsection shall not use any of the following official titles or descriptions:

- a. psychologist, psychology, or psychological,
- b. licensed social worker,
- c. clinical social worker,
- d. certified rehabilitation specialist,
- e. licensed professional counselor,
- f. psychoanalyst,
- g. marital and family therapist, or
- h. licensed behavioral practitioner.

3. Such exemption to the provisions of this section shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the for-profit agency contracting with the state. Such exemption shall only be available for ongoing contracts and contract renewals with the same state agency and will not be applicable to any other setting.

4. State agencies contracting to provide behavioral health services shall strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly.

5. The persons exempt under the provisions of this section shall provide services that are consistent with their

training and experience.

6. Agencies shall also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public.

Section 1933. Oklahoma Licensed Behavioral Practitioners Advisory Board – Members - Qualifications - Vacancies.

A. 1. There is hereby created the "Oklahoma Licensed Behavioral Practitioners Advisory Board" whose duty shall be to advise the State Department of Health on the provisions of the Licensed Behavioral Practitioner Act, except as otherwise provided by law.

B. 1. The Advisory Board shall consist of seven (7) members who shall be appointed by the State Commissioner of Health, with the advice and consent of the State Board of Health, as follows:

- a. two members for a term ending June 30, 2004,
- b. two members for a term ending June 30, 2005,
- c. two members for a term ending June 30, 2006, and
- d. one member for a term ending June 30, 2007.

Upon expiration of such terms, the Commissioner shall appoint successors for four-year terms.

2. Four members shall be licensed behavioral practitioners; provided, initial behavioral practitioner appointees shall not be required to be licensed under the Licensed Behavioral Practitioner Act before the end of the first year that the license is available. One member shall be a licensed mental health professional other than a licensed behavioral practitioner, and two members shall be lay persons who are not affiliated with any practice of behavioral health service delivery or delivering of health or mental health services.

3. All professional appointees shall be selected from a list of qualified candidates submitted by the Executive Board of the North American Association of Masters in Psychology acting in conjunction with the executive committees of all state professional behavioral health associations which represent a specialty recognized pursuant to the Licensed Behavioral Practitioner Act.

C. Vacancies occurring in the Advisory Board shall be filled for the unexpired term by appointment by the Commissioner, with the advice and consent of the Oklahoma State Board of Health, from a list of qualified candidates submitted within thirty (30) days of such vacancy by the Executive Board of the North American Association of Masters in Psychology acting in conjunction with the executive committees of all state professional behavioral health associations which represent a specialty recognized pursuant to the Licensed Behavioral Practitioner Act. Such appointments shall be made within thirty (30) days after the candidates' names have been submitted if possible.

D. Any Advisory Board member may be removed by the Commissioner, after written notice, for incapacity, incompetence, neglect of duty, or misfeasance or malfeasance in office.

E. Members of the Advisory Board shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses as provided by the provisions of the State Travel Reimbursement Act.

F. Advisory Board members shall be ineligible for reappointment for a period of three (3) years following completion of their term.

G. The Advisory Board shall hold at least four regular meetings each year. Meetings shall be held at such time and place as the Advisory Board may provide. The Advisory Board shall elect annually the following officers: A chair, a vice-chair, and a secretary. Four members of the Advisory Board shall constitute a quorum.

Section 1934. Powers of State Board of Health.

A. The State Board of Health shall, giving regard to the recommendations of the Oklahoma Licensed Behavioral Practitioners Advisory Board:

1. Prescribe, adopt, and promulgate rules to implement and enforce the provisions of the Licensed Behavioral Practitioner Act;
2. Adopt and establish rules of professional conduct; and
3. Set license and examination fees as required by the Licensed Behavioral Practitioner Act.

B. The State Department of Health shall, giving regard to the recommendations of the Advisory Board, have the authority to:

1. Seek injunctive relief;
2. Request the district attorney to bring an action to enforce the provisions of the Licensed Behavioral

Practitioner Act;

3. Receive fees and deposit the fees into the Licensed Behavioral Practitioners Revolving Fund as required by the Licensed Behavioral Practitioner Act;

4. Issue, renew, revoke, deny, suspend and place on probation licenses to practice behavioral health pursuant to the provisions of the Licensed Behavioral Practitioner Act;

5. Examine all qualified applicants for licenses to practice behavioral health;

6. Investigate complaints and possible violations of the Licensed Behavioral Practitioner Act;

7. Accept grants and gifts from various foundations and institutions; and

8. Make such expenditures and employ such personnel as the Commissioner may deem necessary for the administration of the Licensed Behavioral Practitioner Act.

Section 1935. Application for license – Qualifications - Educational requirements.

A. Applications for a license to practice as a licensed behavioral practitioner shall be made to the State Department of Health in writing. Such applications shall be on a form and in a manner prescribed by the Commissioner. The application shall be accompanied by the fee required by the Licensed Behavioral Practitioner Act, which shall be retained by the State Department of Health and not returned to the applicant.

B. Each applicant for a license to practice as a licensed behavioral practitioner shall:

1. Be possessed of good moral character;

2. Pass an examination based on standards promulgated by the State Board of Health pursuant to the Licensed Behavioral Practitioner Act;

3. Be at least twenty-one (21) years of age;

4. Not have engaged in, nor be engaged in, any practice or conduct which would be grounds for denying, revoking, or suspending a license pursuant to the Licensed Behavioral Practitioner Act; and

5. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Licensed Behavioral Practitioner Act.

C. In addition to the qualifications specified by the provisions of subsection B of this section, an applicant for a license to practice as a licensed behavioral practitioner shall have:

1. Successfully completed at least forty-five (45) graduate semester hours (sixty (60) graduate quarter hours) of behavioral science-related course work. These forty-five (45) hours shall include at least a master's degree from a program in psychology. All course work and degrees shall be earned from a regionally accredited college or university. The State Board of Health shall define what course work qualifies as "behavioral science-related";

2. On or after January 1, 2008, successfully completed at least sixty (60) graduate semester hours (ninety (90) graduate quarter hours) of behavioral science-related course work. These sixty (60) hours shall include at least a master's degree from a program in psychology. All courses shall be earned from a regionally accredited college or university.

The Board shall define what course work qualifies as "behavioral science-related"; and

3. Three (3) years of supervised full-time experience in professional behavioral health services subject to the supervision of a licensed mental health professional pursuant to conditions established by the Board. One (1) or two (2) years of experience may be gained at the rate of one (1) year for each thirty (30) graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of psychology or behavioral sciences and are acceptable to the Board. The applicant shall have no less than one (1) year of supervised full-time experience in behavioral science.

Section 1936. Examinations.

A. Examinations for licensure shall be held at such times, at such place, and in such manner as the Commissioner of Health directs. The examination shall be held at least annually. The State Department of Health shall determine the acceptable grade on examinations. The examination shall cover such technical, professional, and practical subjects as relate to the practice of behavioral science. If an applicant fails to pass the examination, the applicant may reapply.

B. The Commissioner shall preserve answers to any examination, and the applicant's performance on each section, for a period of two (2) years following the date of the examination.

Section 1937. Issuance of license – Renewal – Forfeiture - Expiration.

A. An applicant who meets the requirements for licensure pursuant to the provisions of the Licensed Behavioral Practitioner Act, has paid the required license fees, and has otherwise complied with the provisions of the Licensed Behavioral Practitioner Act shall be licensed by the State Department of Health.

B. Each initial license issued pursuant to the Licensed Behavioral Practitioner Act shall expire twenty-four (24) months from the date of issuance unless revoked. A license may be renewed upon application and payment of fees. The application for renewal shall be accompanied by evidence satisfactory to the Department that the licensed behavioral practitioner has completed relevant professional or continued educational experience during the previous twenty-four (24) months. Failure to renew a license shall result in forfeiture of the rights and privileges granted by the license. A person whose license has expired may make application within one (1) year following the expiration in writing to the Department requesting reinstatement in a manner prescribed by the Department and payment of the fees required by the provisions of Licensed Behavioral Practitioner Act. The license of a person whose license has expired for more than one (1) year shall not be reinstated. A person may apply for a new license as provided in Section 1935 of this title.

C. A licensed behavioral practitioner 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 Department. A license so retired shall not be reinstated but retirement of the license shall preclude a person from applying for a new license at a future date.

Section 1938. License by endorsement.

The Commissioner of Health shall have the power to issue a license by endorsement for an applicant licensed in another state to practice as a behavioral practitioner or under similar title if the Commissioner deems such applicant to have qualifications comparable to those required under the Licensed Behavioral Practitioner Act and if the Commissioner finds the applicant meets the standards, provided by rule, for license by endorsement.

Section 1939. Disclosure of information - Exceptions.

A. No person licensed pursuant to the provisions of the Licensed Behavioral Practitioner Act shall disclose any information the licensee may have acquired from persons consulting the licensee in the licensee's professional capacity as a behavioral practitioner or be compelled to disclose such information except:

1. With the written consent of the client, or in the case of death or disability of the client, the consent of the client's personal representative or other person authorized to sue or the beneficiary of any insurance policy on the client's life, health, or physical condition;
2. If the client is a child under the age of eighteen (18) years and the information acquired by the licensed person indicated that the child was the victim or subject of a crime, the licensed person may be required to testify fully in relation thereto upon an examination, trial, or other proceeding in which the commission of such a crime is a subject of the inquiry;
3. If the client waives the privilege by bringing charges against the licensed person;
4. When failure to disclose such information presents a danger to the health of any person; or
5. If the licensed behavioral practitioner is a party to a civil, criminal, or disciplinary action arising from such therapy, in which case any waiver of the privilege accorded by this section shall be limited to that action.

B. No information shall be treated as privileged and there shall be no privileges created by the Licensed Behavioral Practitioner Act as to any information acquired by the person licensed pursuant to the Licensed Behavioral Practitioner Act when such information pertains to criminal acts or violation of any law.

C. The Licensed Behavioral Practitioner Act shall not be construed to prohibit any licensed person from testifying in court hearings concerning matters of adoption, child abuse, child neglect, battery, or matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors on behalf of this client.

Section 1940. Representing to be a "Licensed Behavioral Practitioner" or "LBP" – Advertisement or offer to perform behavioral health services without license – Penalties - Injunction.

A. Any person who represents himself or herself by the title "Licensed Behavioral Practitioner" or "LBP" without having first complied with the provisions of the Licensed Behavioral Practitioner Act, or who otherwise offers to perform behavioral health services, or who uses the title of Licensed Behavioral Practitioner or any other name, style, or description denoting that the person is licensed as a behavioral practitioner, or who practices behavioral science, upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by imposition of

a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense and in addition may be imprisoned for a term not to exceed six (6) months in the county jail or by both such fine and imprisonment.

B. It shall be unlawful for any person not licensed or supervised pursuant to or specifically exempt from the Licensed Behavioral Practitioner Act to advertise or otherwise offer to perform behavioral health services or to use the title of Licensed Behavioral Practitioner or any other name, style, or description denoting that the person is licensed as a licensed behavioral practitioner, or to practice behavioral science. Such action shall be subject to injunctive action by the State Commissioner of Health.

Section 1941. Denial, revocation, suspension, or placement on probation of license.

A. The State Department of Health may deny, revoke, suspend, or place on probation any license or specialty designation issued pursuant to the provisions of the Licensed Behavioral Practitioner Act to a licensed behavioral practitioner, if the person has:

1. Been convicted of a felony;
2. Been convicted of a misdemeanor determined to be of such a nature as to render the person convicted unfit to practice behavioral health;
3. Engaged in fraud or deceit in connection with services rendered or in establishing needed qualifications pursuant to the provisions of this act;
4. Knowingly aided or abetted a person not licensed pursuant to these provisions in representing himself or herself as a licensed behavioral practitioner in this state;
5. Engaged in unprofessional conduct as defined by the rules established by the State Board of Health;
6. Engaged in negligence or wrongful actions in the performance of the licensee's duties; or
7. Misrepresented any information required in obtaining a license.

B. If the Department determines that a felony conviction of an applicant renders the convicted applicant unfit to practice counseling, the Commissioner shall provide notice and opportunity to the applicant, by certified mail at the last-known address, for an administrative hearing to contest such determination before the Department may deny the application. The request shall be made by the applicant within fifteen (15) days of receipt of the notice.

C. No license or specialty designation shall be suspended or revoked, nor a licensed behavioral practitioner placed on probation, until notice is served upon the licensed behavioral practitioner and a hearing is held in conformity with Article II of the Administrative Procedures Act.

Section 1942. Rules – Violations - Administrative penalties.

A. The State Board of Health shall promulgate rules governing any licensure action to be taken pursuant to the Licensed Behavioral Practitioner Act which shall be consistent with the requirements of notice and hearing under the Administrative Procedures Act. No action shall be taken without prior notice unless the State Commissioner of Health determines that there exists a threat to the health and safety of the residents of this state.

B. 1. Any person who is determined by the State Department of Health to have violated any provision of the Licensed Behavioral Practitioner Act, or any rule promulgated or order issued pursuant thereto, may be subject to an administrative penalty.

2. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00).
3. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.
4. All administrative penalties collected shall be deposited into the Licensed Behavioral Practitioner Revolving Fund.

Section 1943. Hearings and records of hearings - Conformity with statute.

The hearings provided for by the Licensed Behavioral Practitioner Act shall be conducted in conformity with, and records made thereof as provided by, the provisions of Article II of the Administrative Procedures Act.

Section 1944. Statement of Professional Disclosure - Furnishing to client.

All licensed behavioral practitioners, except those employed by federal, state, or local governmental agencies, shall, prior to the performance of service, furnish the client with a copy of the Statement of Professional Disclosure as promulgated by rule of the State Board of Health. A current copy of the document shall be on file with the Department of Health at all times.

Section 1945. Professional specialty designation.

A. A professional specialty designation area may be established by the State Department of Health upon receipt of a petition signed by fifteen qualified persons who are currently licensed as licensed behavioral practitioners, who have acquired at least sixty (60) semester hours, to increase to seventy-five (75) semester hours on and after January 1, 2005, of graduate credit in behavioral science or psychology-related course work from a regionally accredited college or university, and who meet the recognized minimum standards as established by appropriate nationally recognized certification agencies; provided, however, if a nationally recognized certification does not exist, the Department may establish minimum standards for specialty designations.

B. Upon receipt of credentials from the appropriate certification agency, the Department may grant the licensed behavioral practitioner the appropriate specialty designation. The licensed behavioral practitioner may attain specialty designation through examination. A licensed behavioral practitioner shall not claim or advertise a behavioral health specialty and shall not incorporate the specialty designation into the professional title of such licensed behavioral practitioner unless the qualifications and certification requirements of that specialty have been met and have been approved by the Department and the appropriate certification agency.

Section 1946. Licensed Behavioral Practitioners Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Licensed Behavioral Practitioners, to be designated the "Licensed Behavioral Practitioners Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to this act. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the State Department of Health to meet expenses necessary for carrying out the purpose of the Licensed Behavioral Practitioner Act. Expenditures from the fund shall be approved by the State Commissioner of Health and shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

Section 1947. Fees.

A. Licensing fees and annual renewal fees shall be amounts fixed by the State Board of Health upon recommendations of the Oklahoma Licensed Behavioral Practitioners Advisory Board. The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions of the Licensed Behavioral Practitioner Act and so that excess funds do not accumulate from year to year in the Licensed Behavioral Practitioners Revolving Fund.

B. 1. The Board shall not fix a license fee at an amount in excess of Three Hundred Dollars (\$300.00) and a renewal fee at an amount in excess of Two Hundred Dollars (\$200.00).

2. The fee for the issuance of a license to replace a license which was lost, destroyed, or mutilated shall be Twenty-five Dollars (\$25.00).

3. The fee shall accompany the application for a replacement license.

4. The fee for specialty designation shall not exceed One Hundred Fifty Dollars (\$150.00).

5. The fee for an examination required pursuant to the Licensed Behavioral Practitioner Act shall not exceed the actual costs incurred by the Department for holding and grading examinations.

Section 1948. Continuing education requirement.

All licensed behavioral practitioners licensed pursuant to the Licensed Behavioral Practitioner Act shall be required to satisfactorily complete ten (10) hours of continuing education credits annually. The State Department of Health shall provide forms and require verification of such credits. Such credits shall be earned from courses on empirically validated procedures, taught by instructors certified by the North American Association of Masters in Psychology, its designees or successors.

Section 1949. Licensing of persons practicing since before January 1, 2002 - Waiver of supervised experience requirement.

A. Until January 1, 2002, the State Board of Health, upon receipt of an applicant's proper application,

completion of examination, and payment of fees, shall issue licenses to persons who, prior to January 1, 2002:

1. Have practiced full time as a behavioral practitioner for at least two (2) years and possess a master's degree from a program in psychology from a college or university accredited by an agency recognized by the United States Department of Education;

2. Are currently practicing as a behavioral practitioner;

3. Have satisfactorily completed ten (10) hours of continuing education pursuant to Section 1948 of this title;

and

4. Otherwise comply with the licensure requirements of the Licensed Behavioral Practitioner Act.

B. The Commissioner of Health shall consider experience of the applicant prior to application for licensure pursuant to the provisions of this section as a waiver of all or part of the supervised experience requirement required by paragraph 3 of subsection C of Section 1935 of this title.

C. The Commissioner shall require applicants for licensure pursuant to the provisions of this section to file a Statement of Professional Disclosure as provided by Section 1944 of this title.

Section 1949.1. Reimbursement under medical or hospital insurance plan - Construction of act.

Nothing in the Licensed Behavioral Practitioner Act shall be construed to require reimbursement under the policies of health insurers and nonprofit hospital or medical service plans unless the contract specifically calls for reimbursement to licensed behavioral practitioners.

**OKLAHOMA
LICENSED BEHAVIORAL
PRACTITIONER
REGULATIONS
(UNOFFICIAL VERSION)**

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 403. LICENSED BEHAVIORAL PRACTITIONERS**

"Unofficial Version"

As amended July 25, 2010

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[**Authority:** Oklahoma State Board of Health; 59 O.S. §§ 1930 et seq.]

[**Source:** Codified 5-25-2001]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

310:403-1-1 Purpose
310:403-1-2 Definitions
310:403-1-3 Prohibition

310:403-1-1. Purpose

The rules in this Chapter implement the Oklahoma Licensed Behavioral Practitioner Act, (59 O.S., Sections 1930 et seq.)

[Source: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-1-2. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 24 Ok Reg 1961, eff 6-25-2007; Amended at 26 Ok Reg 2023, eff 6-25-09]

310:403-1-3. 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 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-1-4. 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 24 Ok Reg 1961, eff 6-25-2007]

SUBCHAPTER 3. ADVISORY BOARD OPERATIONS

Section

310:403-3-1 Statutory requirements
310:403-3-2 Officers
310:403-3-3 Rules of Order
310:403-3-4 Subcommittees

310:403-3-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-3-2. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-3-3. Rules of Order

Roberts Rules of Order Revised shall be the basis of parliamentary decisions except as otherwise provided by the Advisory Board.

[Source: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-3-4. Subcommittees

- (a) The Chair with the approval of the Advisory Board may establish sub-committees deemed necessary to carry out Advisory Board responsibilities.
- (b) The Chair shall appoint the members of the Advisory Board to serve on sub-committees.
- (c) The Chair may appoint non-Advisory Board members to serve as sub-committee 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

SUBCHAPTER 5. FORMS

Section

310:403-5-1 Forms

310:403-5-2 Description of forms

310:403-5-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 23 Ok Reg 2374, eff 6-25-2006]

310:403-5-2. 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: Added at 18 Ok Reg 651, eff 1-10-01 (emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 23 Ok Reg 2374, eff 6-25-06; Amended at 25 Ok Reg 2418, eff 7-11-08; Amended at 27 Ok Reg 2516, eff 7-25-10]

SUBCHAPTER 7. RULES OF PROFESSIONAL CONDUCT

Section

310:403-7-1	Responsibility
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310:403-7-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-7-2. 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.** 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) 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 20 Ok Reg 519, eff 1-6-2003 (emergency); Amended at 20 Ok Reg 2363, eff 7-11-2003; Amended at 23 Ok Reg 2374, eff 6-25-2006; Amended at 24 Ok Reg 1961, eff 6-25-2007; Amended at 26 Ok Reg 2023, eff 6-25-09]

310:403-7-3. 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. 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 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 23 Ok Reg 2374, eff 6-25-2006; Amended at 24 Ok Reg 1961, eff 6-25-2007; Amended at 26 Ok Reg 2023, eff 6-25-09]

310:403-7-4. 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 contact.** The following restrictions apply to sexual contacts between LBPs and clients, students or supervisees.

(1) **Current clients.** LBPs 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.** LBPs 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.** LBPs 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.** LBPs 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. LBPs 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. LBPs 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 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 24 Ok Reg 1961, eff 6-25-2007]

310:403-7-4.1. 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 Department in reporting ethical or professional concerns as a part of the supervision agreement.

[Source: Added at 23 Ok Reg 2374, eff 6-25-2006]

310:403-7-5. 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.** 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-7-6. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 21 Ok Reg 2747, eff 7-12-2004; Amended at 24 Ok Reg 1961, eff 6-25-2007]

310:403-7-7. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 24 Ok Reg 1961, eff 6-25-2007]

310:403-7-8. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

SUBCHAPTER 9. FITNESS OF APPLICANTS

Section

310:403-9-1 Purpose

310:403-9-2 Fitness for licensure

310:403-9-3 Materials considered to determine fitness

310:403-9-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-9-2. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-9-3. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

SUBCHAPTER 11. APPLICATION PROCEDURES

Section

310:403-11-1 General

310:403-11-2 Application materials

310:403-11-3 Submission of documents

310:403-11-4 Negative references

310:403-11-5 Materials required of LBP applicants until January 1, 2001

310:403-11-6 Materials required of LBP applicants

310:403-11-7. Re-application for expired license

310:403-11-8. Re-application for revoked license

310:403-11-9. Re-application for voided application for failure to take scheduled examinations

310:403-11-10. Re-application for voided application for failure to complete supervised experience

310:403-11-11. Re-application for denied application

310:403-11-12. Hearing upon denial of licensure application

310:403-11-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-11-2. Application materials

Persons desiring to be licensed as an LBP may obtain an official application form and packet from the Department.

[Source: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-11-3. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-11-4. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-11-5. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-11-6. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 23 Ok Reg 2374, eff 6-25-2006]

310:403-11-7. 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: Added at 21 Ok Reg 2747, eff 7-12-2004; Amended at 23 Ok Reg 2374, eff 6-25-2006]

310:403-11-8. 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: Added at 21 Ok Reg 2747, eff 7-12-2004; Amended at 23 Ok Reg 2374, eff 6-25-2006; Amended at 25 Ok

Reg 2418, eff 7-11-2008]

310:403-11-9. 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: Added at 21 Ok Reg 2747, eff 7-12-2004; Amended at 23 Ok Reg 2374, eff 6-25-2006]

310:403-11-10. 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: Added at 21 Ok Reg 2747, eff 7-12-2004; Amended at 23 Ok Reg 2374, eff 6-25-2006]

310:403-11-11. 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: Added at 21 Ok Reg 2747, eff 7-12-2004; Amended at 23 Ok Reg 2374, eff 6-25-2006; Amended at 25 Ok Reg 2418, eff 7-11-2008]

310:403-11-12. 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: Added at 24 Ok Reg 1961, eff 6-25-2007]

SUBCHAPTER 13. ACADEMIC REQUIREMENTS

Section

310:403-13-1 Graduate degree requirements

310:403-13-2 Required knowledge areas

310:403-13-3 Required knowledge areas on or after January 1, 2008

310:403-13-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 22 Ok Reg 2406, eff 7-11-2005; Amended at 24 Ok Reg 1961, eff 6-25-2007]

310:403-13-2. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 21 Ok Reg 2747, eff 7-12-2004; Amended at 22 Ok Reg 2406, eff 7-11-2005]

310:403-13-3. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 22 Ok Reg 2406, eff 7-11-2005]

SUBCHAPTER 15. SUPERVISED EXPERIENCE REQUIREMENT

Section

310:403-15-1 Supervised experience

310:403-15-2 Duration of supervision

310:403-15-3 Documents required for the accrual of supervised hours

310:403-15-4 Responsibility of supervisors and supervisees

310:403-15-5 Acceptability of supervised experience

310:403-15-6 Supervisor qualifications

310:403-15-7 Documentation of supervised experience

310:403-15-1. Supervised experience

All applicants for licensure after December 31, 2001 shall complete the supervised experience required by the Act before being licensed.

[Source: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 20 Ok Reg 519, eff 1-6-2003 (emergency); Amended at 20 Ok Reg 2363, eff 7-11-2003]

310:403-15-2. 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 (½) 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 23 Ok Reg 2374, eff 6-25-2006]

310:403-15-3. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 23 Ok Reg 2374, eff 6-25-2006]

310:403-15-4. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 23 Ok Reg 2374, eff 6-25-2006; Amended at 25 Ok Reg 2418, eff 7-11-2008]

310:403-15-5. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 22 Ok Reg 2406, eff 7-11-2005; Amended at 25 Ok Reg 2418, eff 7-11-2008]

310:403-15-6. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-15-7. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 23 Ok Reg 2374, eff 6-25-2006; Amended at 26 Ok Reg 2023, eff 6-25-09]

SUBCHAPTER 17. FEES

Section

310:403-17-1 Schedule of fees

310:403-17-2 Method of payment

310:403-17-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-17-2. 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: Added at 18 Ok Reg 651, eff 1-10-01 (emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 27 Ok Reg 2516, eff 7-25-10]

SUBCHAPTER 19. LICENSURE EXAMINATION

Section

- 310:403-19-1 Examination required
- 310:403-19-1.1 Eligibility
- 310:403-19-2 Frequency
- 310:403-19-3 Registration
- 310:403-19-4 Grading
- 310:403-19-5 Notice of results
- 310:403-19-6 Failure to appear
- 310:403-19-6.1 Failure to apply
- 310:403-19-7 Licensure prior to January 1, 2002

310:403-19-1. 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.

310:403-19-1.1. 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 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: Added at 23 Ok Reg 2374, eff 6-25-2006]

310:403-19-2. Frequency

The Department shall administer the licensure examination at least one (1) time each year or more often if

necessary.

[Source: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-19-3. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-19-4. 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: Added at 18 Ok Reg 2308, Effective 5-9-2001 (emergency); Amended at 18 Ok Reg 2478, eff 6-25-2001]

310:403-19-5. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-19-6. 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 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-19-6.1. 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 23 Ok Reg 2374, eff 6-25-2006]

310:403-19-7. 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 18 Ok Reg 2308, effective 5-9-2001 (emergency); Amended at 18 Ok Reg 2478, eff 6-25-2001]

SUBCHAPTER 21. CONTINUING EDUCATION REQUIREMENTS

Section

310:403-21-1	Purpose
310:403-21-1.1	Documentation of attendance
310:403-21-2	Submission of continuing education roster
310:403-21-3	Acceptable continuing education
310:403-21-3.1	Continuing education accrual from teaching

310:403-21-4	Audit of continuing education submissions
310:403-21-5	Penalty for failure to submit continuing education
310:403-21-6	Submission of fraudulent continuing education
310:403-21-7	Responsibility
310:403-21-8	Failure to complete continuing education

310:403-21-1. Purpose

The purpose of this subchapter is to establish the continuing education requirements.

[Source: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-21-1.1. 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 26 Ok Reg 2023, eff 6-25-09]

310:403-21-2. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 25 Ok Reg 2418, eff 7-11-2008]

310:403-21-3. 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 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended 26 Ok, Reg 2023, eff 6-25-09]

310:403-21-3.1. 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 310:403-21-3 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 23 Ok Reg 2374, eff 6-25-2006]

310:403-21-4. 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 LBP's on active status the previous year for an audit of their claimed continuing education credits. These selected LBP's 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 23 Ok Reg 2374, eff 6-25-2006]

310:403-21-5. 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 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-21-6. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-21-7. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-21-8. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

SUBCHAPTER 23. ISSUANCE OF LICENSE

Section

310:403-23-1 License

310:403-23-2 Statement of Professional Disclosure

310:403-23-3 Property of department

310:403-23-4 Replacement

310:403-23-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-23-2. Statement of Professional Disclosure

An LBP license shall be issued only after the Department has received the applicant's Statement of Professional Disclosure.

[Source: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-23-3. Property of department

All licenses issued by the Commissioner shall remain the property of the Department and shall be surrendered on demand.

[Source: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-23-4. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

SUBCHAPTER 25. LICENSE AND SPECIALTY RENEWAL

Section

- 310:403-25-1 Responsibility
- 310:403-25-2 Requirements for renewal
- 310:403-25-3 Renewal notification
- 310:403-25-4 Initial licensing period
- 310:403-25-5 Interim renewal
- 310:403-25-6 Annual renewal
- 310:403-25-7 Specialty renewal
- 310:403-25-8 Display of verification card
- 310:403-25-9 Inactive status
- 310:403-25-10 Failure to renew
- 310:403-25-11 Return of License
- 310:403-25-12 Misrepresentation

310:403-25-1. Responsibility

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

[Source: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-25-2. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-25-3. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-25-4. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-25-5. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-25-6. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-25-7. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-25-8. 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 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 26 Ok Reg 2023, eff 6-25-09]

310:403-25-9. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-25-10. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-25-11. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 23 Ok Reg 2374, eff 6-25-2006]

310:403-25-12. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

SUBCHAPTER 27. LICENSURE BY ENDORSEMENT

Section

310:403-27-1 Requirements for licensure by endorsement

310:403-27-2 Submission of verification of license

310:403-27-3 Licensing procedures

310:403-27-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 26 Ok Reg 2023, eff 6-25-09]

310:403-27-2. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-27-3. Licensing procedures

An applicant for licensure by endorsement must submit the application form, fees and related documents as required.

[Source: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

SUBCHAPTER 29. CONSUMER INFORMATION

Section

310:403-29-1 Directory

310:403-29-2 Brochure

310:403-29-3 Statement of professional disclosure

310:403-29-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-29-2. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-29-3. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

SUBCHAPTER 31. ENFORCEMENT

Section

- 310:403-31-1 Purpose
- 310:403-31-2 Complaints
- 310:403-31-3 Investigation
- 310:403-31-4 Filing of an action
- 310:403-31-5 Hearing
- 310:403-31-6 Final order
- 310:403-31-7 Unauthorized practice
- 310:403-31-8 Administrative penalties

310:403-31-1. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-31-2. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-31-3. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-31-4. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01; Amended at 21 Ok Reg 2747, eff 7-12-2004]

310:403-31-5. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-31-6. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-31-7. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]

310:403-31-8. 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: Added at 18 Ok Reg 651, eff 1-10-2001(emergency); Added at 18 Ok Reg 1699, eff 5-25-01]