

LICENSED MARITAL AND FAMILY THERAPIST ACT and REGULATIONS



Oklahoma State Department of Health
Licensed Marital and Family Therapist Advisory Board
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**LICENSED
MARITAL AND FAMILY
THERAPIST
ACT
(UNOFFICIAL FORMAT)**

OKLAHOMA STATE BOARD OF HEALTH

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LICENSED MARITAL AND FAMILY THERAPIST ADVISORY BOARD

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TITLE 59 OF THE OKLAHOMA STATUTES
MARITAL AND FAMILY THERAPIST LICENSURE ACT
Unofficial Format
As amended 2000

Section 1925.1.

Chapter 44A of this title shall be known and may be cited as the "Marital and Family Therapist Licensure Act".

Section 1925.2.

For purposes of the Marital and Family Therapist Licensure Act:

1. "Advertise" means, but is not limited to, the issuing or causing to be distributed any card, sign, or device to any person; or the causing, permitting or allowing any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, or on radio or television, or by advertising by any other means designed to secure public attention;
2. "Board" means the State Board of Health;
3. "Commissioner" means the State Commissioner of Health;
4. "Advisory Board" means the Oklahoma Licensed Marital and Family Therapist Advisory Board appointed by the State Board of Health;
5. "Department" means the State Department of Health;
6. "Licensed marital and family therapist" means a person holding a current license issued pursuant to the provisions of the Marital and Family Therapist Licensure Act;
7. "Marital and family therapy" means the assessment, diagnosis and treatment of disorders, whether cognitive, affective, or behavioral, within the context of marital and family systems. Marital and family therapy involves the professional application of family systems theories and techniques in the delivery of services to individuals, marital pairs, and families for the purpose of treating such disorders;
8. "Person" means any individual, firm, corporation, partnership, organization, or body politic;
9. "Practice of marital and family therapy" means the rendering of professional marital and family therapy services to individuals, family groups and marital pairs, singly or in groups, whether such services are offered directly to the general public or through organizations either public or private, for a fee, monetary or otherwise;
10. "Recognized educational institution" means a regionally accredited college or university recognized by the United States Department of Education;
11. "Use a title or description of" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of professional identification; and
12. "Licensed marital and family therapist candidate" means a person whose application for licensure has been accepted and who is under supervision for licensure as set forth in Section 1925.6 of this title.

Section 1925.3.

A. The Marital and Family Therapist Licensure Act shall not be construed to apply to the following professionals while acting within the scope of their respective professions:

1. Social workers;
2. Licensed professional counselors;
3. Psychiatric nurses;
4. Psychologists;
5. Physicians;
6. Attorneys;
7. Members of the clergy who are in good standing with their denominations;
8. Christian Science practitioners;
9. Certified alcohol-drug counselors;
10. School administrators;
11. School counselors certified by the State Department of Education; or
12. Employees of a recognized academic institution, and employees of a federal, state, county or local governmental institution or agency while performing those duties for which employed by such institution or agency or facility.

B. 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 Marital and Family Therapist if such activities and services are a part of the official duties of such person with the private nonprofit agency. No such person shall use the title or description stating on implying that such a person is a licensed marital and family therapist.

1. 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, or
- g. marital and family therapist.

2. 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.

3. State agencies contracting to provide behavioral health services will 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. The persons exempt under the provisions of this section shall provide services that are consistent with their training and experience. Agencies will 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.

C. 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 Marital and Family Therapist if such activities and services are part of the official duties of such person with the private for-profit contracting agency.

1. Any person who is unlicensed and operating under these exemptions shall not use any of the following 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, or
- g. marital and family therapist.

2. 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.

3. State agencies contracting to provide behavioral health services will strive to ensure that the quality of care is not compromised by contracting with external providers and that quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this section shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that the sufficient liability insurance is in place to allow for reasonable recourse by the public.

Section 1925.4.

A. 1. There is hereby created the "Oklahoma Licensed Marital and Family Therapist Advisory Board" whose duty shall be to advise in administering the provisions of the Marital and Family Therapist Licensure Act, except as otherwise provided by law.

2. 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. Five members shall be licensed marital and family therapists who shall each have been for at least five (5) years immediately preceding appointment

actively engaged as marital and family therapists in rendering professional services in marital and family therapy, or in rendering services in marital and family therapy as members of the clergy, who are in good standing in their denominations, or in the education and training of master's, doctoral or post-doctoral students of marital and family therapy, or in marital and family therapy research, and shall have spent the majority of the time devoted to such activity during the two (2) years preceding appointment to the Advisory Board. Two members shall be lay persons who are not affiliated with any practice of marital and family therapy.

3. All appointees shall be residents of the State of Oklahoma. Except for the lay members, the Commissioner shall select the first appointees from a list of qualified candidates submitted by the executive committees of state marital and family therapists' associations. The other members of the first Advisory Board shall serve the following terms: One member for one (1) year, two members for two (2) years, two members for three (3) years and one member for four (4) years. Thereafter, at the expiration of the term of each member, the Commissioner shall appoint a successor for four (4) years. All appointees other than the lay members shall be selected from a list of qualified candidates submitted by the executive committees of all marital and family therapists associations in this state which represent a specialty recognized Family Therapist Licensure Act.

B. Vacancies occurring on the Advisory Board shall be filled for the unexpired term by appointment of the Commissioner with the advise and consent of the Board from a list of qualified candidates submitted within thirty (30) days after the candidates' names have been submitted if possible. Such appointments shall be made within thirty (30) days after the candidates' names have been submitted if possible.

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

D. Members of the Advisory Board shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

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

F. The Advisory Board shall meet within thirty (30) days after the appointment of its members by the Commissioner. Thereafter 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 1925.5.

A. The State Board of Health, giving regard to the recommendations of the Oklahoma Licensed Marital and Family Therapist Advisory Board, shall:

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

B. The Department shall have the authority to:

1. Seek injunctive relief;
2. Receive fees and deposit said fees into the Licensed Marital and Family Therapist Revolving Fund as required by the Marital and Family Therapist Licensure Act;
3. Issue, renew, revoke, deny, suspend, and place on probation licenses to practice marital and family therapy pursuant to the provisions of the Marital and Family Therapist Licensure Act;
4. Examine all qualified applicants for licenses to practice marital and family therapy;
5. Accept grants and gifts from various foundations and institutions;
6. Make such expenditures and employ such personnel as the Commissioner may deem necessary for the administration of the Marital and Family Therapist Licensure Act;
7. Request the district attorney to bring an action to enforce the provisions of the Marital and Family Therapist Licensure Act; and
8. Investigate complaints and possible violations of the Marital and Family Therapist Licensure Act.

Section 1925.6.

A. Applications for a license to practice as a licensed marital and family therapist 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 Department. The application shall be accompanied by the fee required by Section 1925.18 of this title 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 marital and family therapist shall:

1. Be possessed of good moral character;
2. Be at least twenty-one (21) years of age;
3. Not have engaged in, nor be engaged in any practice or conduct which would be a grounds for revoking, suspending or placing on probation a license under Section 1925.15 of this title; and
4. Otherwise comply with the rules and regulations promulgated by the Board pursuant to the provisions of the Marital and Family Therapist Licensure Act.

C. In addition to the qualifications specified by the provisions of subsection B of this section any person applying for a license to practice as a licensed marital and family therapist shall have the following educational and experience:

1. A master's degree or a doctoral degree in marital and family therapy, or a content-equivalent degree as defined by the Board.
2. Successful completion of two (2) calendar years of work experience in marital and family therapy following receipt of a qualifying degree, under supervision in accordance with standards established by the Board.

Section 1925.7.

A. Examinations shall be held at such times, at such places and in such a manner as the State Department of Health directs. An examination shall be held at least annually. Examinations may be written or oral or both written and oral. In any written examination such applicant's name shall not be disclosed to the Department until the examinations have been graded. Examinations shall include questions in such theoretical and applied fields as the Department deems most suitable to test an applicant's knowledge and competence in the practice of marital and family therapy.

B. The Department shall determine the acceptable grade on the examinations. If an applicant fails to pass the examinations, the applicant may reapply.

C. The Department shall preserve answer sheets to any examinations, and the applicant's performance on each section, as a part of the records of the Department for a period of two (2) years following the date of the examination.

Section 1925.8.

A. An applicant who meets the requirements for licensure required by the provisions of the Marital and Family Therapist Licensure Act, has paid the required license fees and has otherwise complied with the provisions of the Marital and Family Therapist Licensure Act, shall be licensed by the Department.

B. Each initial license issued pursuant to the Marital and Family Therapist Licensure Act shall expire twenty-four (24) months from the date of issuance. A license may be renewed annually upon application and payment of fees. Failure to timely renew a license shall result in expiration of the license and forfeiture of the rights and privileges granted by the license. A person whose license has expired may, within one (1) year following the expiration, request reinstatement in a manner prescribed by the State Board of Health. The license of a person whose license has expired pursuant to this section for more than one (1) year shall not be reinstated.

Section 1925.9. The Commissioner of Health shall have the power to issue, upon application and payment of fees, a license by endorsement for an applicant licensed in another state to practice as a licensed marital and family therapist if the Commissioner deems such applicant to have qualifications equivalent to or which exceed those required pursuant to the provisions of the Marital and Family Therapist Licensure Act and if the Commissioner finds the applicant meets the standards provided by rule, for licensure by endorsement.

Section 1925.10.

Commencing September 1, 1991, no person who is not licensed under this act shall:

1. Advertise the performance of marital and family therapy service by such person unless pursuant to another professional license in accordance with Oklahoma Statutes;
2. Use a title or description such as "licensed marital or family therapist", or any other name, style or description denoting that the person is a licensed marital and family therapist; or

3. Practice marital and family therapy except as provided for in subsection B of Section 3 of this act.

Section 1925.11.

A. No person licensed pursuant to the provisions of the Marital and Family Therapist Licensure Act as a marital and family therapist, nor any of his employees or associates, shall be required to disclose any information which he may have acquired in rendering marital and family therapy services, except when:

1. Authorized by other state laws;
2. Failure to disclose such information presents a clear and present danger to the health or safety of any person;
3. The marital and family therapist is a party defendant 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;
4. The patient is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process and/or right to present testimony and witnesses in his own behalf; or
5. A patient agrees to waiver of the privilege accorded by this section, in the case of death or disability of the patient, the consent of his personal representative or other person authorized to sue or the beneficiary of any insurance policy on his life, health or physical condition. In circumstances where more than one person in a family is receiving therapy, each such family member must agree to the waiver. Absent such a waiver from each family member, a marital and family therapist shall not disclose information received from any family member.

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

C. The Marital and Family Therapist Licensure 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 his client.

Section 1925.12.

If both parties to a marriage have obtained marital and family therapy by a licensed marital and family therapist, the therapist shall not be competent to testify in an alimony or divorce action concerning information acquired in the course of the therapeutic relationship unless a party relies on such information as an element of his claim or defense in such an action, or said information is gathered as a result of a court-ordered examination. This section shall not apply to custody actions.

Section 1925.14.

The hearings provided for by the Marital and Family Therapist Licensure Act shall be conducted in conformity with, and records made thereof as provided by, the provisions of the Administrative Procedures Act.

Section 1925.15.

A. The State Department of Health may deny, revoke, suspend or place on probation any license issued subject to the provisions of the Marital and Family Therapist Licensure Act if the person has:

1. Been convicted of a felony;
2. Been convicted of a crime the Commissioner determines after a hearing to be of such a nature as to render the person convicted unfit to practice marital and family therapy.
3. Violated ethical standards of such a nature as to render the person found by the Commissioner to have engaged in such violation unfit to practice marital and family therapy;
4. Misrepresented any information required in obtaining a license;
5. Engaged in fraud or deceit in connection with services rendered or in establishing needed qualifications pursuant to the provisions of the Marital and Family Therapist Licensure Act;
6. Knowingly aided or abetted a person not licensed pursuant to these provisions in representing himself or herself as a licensed marital and family therapist in this state;
7. Engaged in unprofessional conduct as defined by the rules promulgated by the State Board of Health; or
8. Engaged in negligence or wrongful actions in the performance of the duties of such person.

B. No license shall be suspended, revoked, or placed on probation until notice is served upon the licensed marital and family therapist and a hearing is held in such manner as is required by the Marital and Family Therapist Licensure Act.

C. Any person who is determined by the Department to have violated any of the provisions of the Marital and Family

Therapist Licensure Act or any rule promulgated or order issued pursuant thereto may be subject to an administrative penalty. The maximum fine shall not exceed Ten Thousand Dollars (\$10,000.00). All administrative penalties collected pursuant to the Marital and Family Therapist Licensure Act shall be deposited into the Licensed Marital and Family Therapist Revolving Fund. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.

Section 1925.16.

A. Any person who represents himself or herself by the title "licensed marital and family therapist" or any designation representing such person to be a licensed marital and family therapist without having first complied with the provisions of the Marital and Family Therapist Licensure Act, 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. The Commissioner may also proceed in district court to enjoin and restrain any unlicensed person from violating the Marital and Family Therapist Licensure Act.

Section 1925.17.

There is hereby created in the State Treasury a revolving fund for the State Department of Health, to be designated the "Licensed Marital and Family Therapist Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to the provisions of the Marital and Family Therapist Licensure Act. All monies accruing to the credit of said 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 Marital and Family Therapist Licensure Act. Expenditures from said fund shall be approved by the Commissioner 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 1925.18.

A. The licensing fee and the annual renewal fee shall be amounts fixed by the State Board of Health upon recommendations of the Licensed Marital and Therapist Advisory Board.

B. 1.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 Marital and Family Therapist Licensure Act and that there are no unnecessary surpluses in the Licensed Marital and Family Therapist Revolving Fund.

2.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).

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

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

5. The fee for an examination required pursuant to the Marital and Family Therapist Licensure Act shall not exceed the actual cost incurred by the Department for holding and grading the examinations.

**LICENSED
MARITAL AND FAMILY
THERAPIST
REGULATIONS**
(UNOFFICIAL FORMAT)

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 400. LICENSED MARITAL AND FAMILY THERAPISTS
"Unofficial Version"
Amended July 12, 2004**

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[Authority: Oklahoma State Board of Health; 59 O.S. 2001, Section 1925.5(A); 63 O.S. 2001, Section 1-106.1]

[Source: Codified 5-1-92]

SUBCHAPTER 1. GENERAL PROVISIONS

Section

| | |
|--------------|----------------------|
| 310:400-1-1. | Purpose |
| 310:400-1-2. | Consumer information |

310:400-1-1. Purpose

The rules in this Chapter implement the Oklahoma Licensed Marital and Family Therapist Act.
Amended Effective 5-1-92

310:400-1-2. Consumer information

(a) **Roster.** Each year the Department shall publish a roster of Licensed Marital and Family Therapists (LMFTs). The roster of LMFT's shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number and license number.

(b) **Brochure.** The Department shall prepare information of consumer interest which describes the regulatory functions of the Advisory Board and Department procedures to handle and resolve consumer complaints.

Amended Effective 5-25-01

SUBCHAPTER 3. ADVISORY BOARD OPERATIONS

Section

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310:400-3-1. Statutory requirements

In addition to those operations described in Section 1925.5 of the LMFT Act, the Advisory Board operations in this Chapter are to be in effect.

Amended Effective 5-25-01

310:400-3-2. Officers

(a) **Chairman.** The Chairman shall preside at all meetings at which he or she is in attendance and perform all duties prescribed by law or Board. The Chairman is authorized by the Advisory Board to make day-to-day decisions regarding Advisory Board activities in order to facilitate the responsiveness and effectiveness of the Advisory Board.

(b) **Vice-chairman.** The Vice-Chairman shall perform the duties of the Chairman in case of the absence or disability of the Chairman.

In case the office of the Chairman becomes vacant, the Vice-Chairman shall serve as Chairman until a successor is named.

(c) **Secretary.** In the absence of the Chairman and Vice-Chairman, the Secretary will preside until the Chairman or Vice-Chairman is present.

Amended Effective 5-25-01

310:400-3-7. Rules of order

Robert's Rules of Order Revised shall be the basis of parliamentary decisions except as otherwise provided by Advisory Board rules.

Amended Effective 5-25-01

310:400-3-9. Sub-committees

- (a) The Chairman with the approval of the Advisory Board may establish sub-committees deemed necessary to carry out Advisory Board responsibilities.
 - (b) The Chairman shall appoint the members of the Advisory Board to serve on sub-committees.
 - (c) The Chairman may appoint non Advisory Board members to serve as sub-committee members on a consultant or voluntary basis subject to Advisory Board approval.
 - (d) Sub-committee Chairman shall make regular reports to the Advisory Board in interim written reports and/or at regular meetings.
 - (e) Sub-committees shall direct all reports or other materials to the Director for distribution.
 - (f) Sub-committees shall meet when called by the Chairman or when so directed by the Advisory Board.
- Amended Effective 5-25-01

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT**Section**

| | |
|--------------|---|
| 310:400-5-1. | Responsibility to clients |
| 310:400-5-2. | Confidentiality |
| 310:400-5-3. | Professional competence and integrity |
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| 310:400-5-9. | Failure to comply |

310:400-5-1. Responsibility to clients

- (a) LMFTs are dedicated to advancing the welfare of families and individuals, including respecting the rights of those persons seeking their assistance, and making reasonable efforts to ensure that their services are used appropriately.
- (b) LMFTs shall not discriminate against or refuse professional service to anyone on the basis of race, gender, religion, or national origin.
- (c) LMFTs are cognizant of their potentially influential position with respect to clients, and they shall not exploit the trust and dependency of such persons. LMFTs therefore shall avoid extra therapeutic relationships with clients that could impair their professional judgment or increase the risk of exploitation. When extra-therapeutic relationships cannot be avoided, LMFTs shall take appropriate professional precautions to insure that judgment is not impaired and that no exploitation occurs. Examples of such extra therapeutic relationships include, but are not limited to, business or close personal relationships with clients. Sexual intimacy with clients is prohibited. Sexual intimacy with former clients for two years following the termination of therapy is prohibited.
- (d) LMFTs shall not use their professional relationship with clients to further their own interests.
- (e) LMFTs respect the right of clients to make decisions and help them to understand the consequences of those decisions. LMFTs shall clearly advise a client that a decision on marital status is the responsibility of the client.
- (f) LMFTs shall continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.
- (g) LMFTs shall assist persons in obtaining other therapeutic services if a marital and family therapist is unable or unwilling, for appropriate reasons, to see a person who has requested professional help.
- (h) LMFTs shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment.
- (i) LMFTs shall obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

Amended Effective 5-25-01

310:400-5-2. Confidentiality

- (a) LMFTs have unique confidentiality problems because the "client" in a therapeutic relationship may be more than one person. The overriding principle is that LMFTs respect the confidences of their client(s).
- (b) LMFTs shall not disclose client records and confidences to anyone, except:

- (1) as mandated by law;
 - (2) to prevent a clear and immediate danger to a person or persons;
 - (3) where the LMFT is a defendant in a civil, criminal, or disciplinary action rising from the therapy (in which case client confidences may be disclosed only in the course of that action);
 - (4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.
- (c) In circumstances where more than one person in a family is receiving therapy, each such family member who is legally competent to execute a waiver must agree to the waiver required by paragraph (b)(4) of this section. Absent such a waiver from each family member legally competent to execute a waiver, an LMFT shall not disclose information received from any family member.
- (d) LMFTs shall use client and/or clinical materials in teaching, writing, and public presentations only if a written waiver has been received in accordance with subsection (c) of this section, or when appropriate steps have been taken to protect client identity.
- (e) LMFTs shall store or dispose of client records in ways that maintain confidentiality.
- (f) LMFTs shall maintain verifiable records necessary for rendering professional services to their clients for at least seven (7) years beyond termination of services.
- Amended Effective 5-25-01

310:400-5-3. Professional competence and integrity

- (a) LMFTs are dedicated to maintaining high standards of professional competence and integrity.
- (b) LMFTs are presumed to have violated high standards of integrity or competence if they:
 - (1) are convicted of a felony;
 - (2) are convicted of a misdemeanor (related to their qualifications or functions);
 - (3) engage in conduct which could lead to conviction of felonies, or misdemeanors related to their qualifications or functions;
 - (4) have their licenses or certificates suspended or revoked; or
 - (5) are no longer competent to practice marital and family therapy because they are impaired due to physical or mental causes or the abuse of alcohol or other substances.
- (c) LMFTs shall seek appropriate professional assistance for their own personal problems or conflicts that are likely to impair their work performance and their clinical judgment.
- (d) LMFTs, as teachers and supervisors, are dedicated to maintaining high standards of scholarship and presenting information that is accurate.
- (e) LMFTs shall remain abreast of new developments in family therapy knowledge and practice through both educational activities and clinical experiences.
- (f) LMFTs shall not engage in sexual or other harassment or exploitation of clients, students, trainees, supervisees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.
- (g) LMFTs shall not attempt to diagnose, treat, or advise on problems outside the recognized boundaries of their competence.
- (h) LMFTs shall prevent the distortion or misuse of their clinical and research findings.
- (i) LMFTs are aware that, because of their ability to influence and alter the lives of others, they must exercise special care when making public their professional recommendations and opinions through testimony or other public statements.
- (j) LMFTs shall protect the welfare of the client by storing and/or destroying, when appropriate, client files.
- (k) LMFTs shall not, under normal circumstances, offer professional services to clients concurrently receiving services from another professional except with the knowledge of the professional.
- (l) LMFTs shall display their original, current license certificate in a prominent place in the primary location of their practice.
- (m) LMFTs shall keep the Department updated regarding changes in mailing address, phone number and place of employment. Failure to do so may place the license in jeopardy due to missed renewal notices and other important communications.
- (n) LMFT candidates and licensees may not perform forensic services, which include, but are not limited to, assessments, interviews, consultations, custody evaluations, reports, or expert testimony, except under the following conditions:
 - (1) LMFT 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 310:400-5-1(i), 310:400-5-2(d) and 310:400-5-3(e),(g),(h),(i), and (n) of this Chapter.

(2) LMFT 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 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) LMFT 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) LMFT 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 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) LMFT candidates and licensees must base their findings and conclusions only upon information gained by appropriate and lawful means.

(6) LMFT candidates and licensees who provide counseling services for a client shall limit their role to fact witness in forensic matters involving that client, unless otherwise required by law or court order.

(o) An LMFT, LMFT candidate, or applicant for LMFT licensure, in connection with a license application or an investigation conducted by the Department pursuant to OAC 310:400-17-3, shall not:

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

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

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

Amended Effective 7-12-2004

310:400-5-4. Responsibility to students, employees, and supervisees

(a) LMFTs shall not exploit the trust and dependency of students, employees and supervisees.

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

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

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

(1) as mandated by law;

(2) to prevent a clear and immediate danger to a person or persons;

(3) where the marital and family therapist is a defendant in a civil, criminal, or disciplinary action arising from the supervision (in which case client confidences may be disclosed only in the course of that action);

(4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.

Amended Effective 5-25-01

310:400-5-5. Responsibility to research participants

(a) LMFTs shall respect the dignity and protect the welfare of persons who participate in research and are cognizant of federal and state laws and regulations and professional standards governing the conduct of research with human participants.

(b) In planning a study, the LMFT has the responsibility to make a careful examination of its ethical acceptability. To

the extent that services to research participants may be compromised by participation in research, the LMFT incurs a correspondingly serious obligation to seek the ethical advice of others not directly involved in the investigation and to observe safeguards to protect the rights of research participants. Examples of compromising conditions include, but are not limited to, random assignment to control groups, waiting lists, and inflexible treatment protocols.

(c) In requesting involvement in research, LMFTs are obligated to fully inform potential participants of all aspects of the research that might reasonably be expected to influence willingness to participate and to explain all other aspects of the research about which participants inquire. LMFTs are especially sensitive to the possibility of diminished consent when participants are also receiving clinical services or when participants are children or have impairments which limit understanding and/or communication.

(d) The LMFT respects the individual's freedom to decline to participate in or to withdraw from the research at any time. This obligation requires special thought and consideration when the LMFT or other members of the research team are in positions of authority or influence over the participant.

(e) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others, including family member, may obtain access to such information, this possibility, together with the plan for protecting confidentiality, is explained as part of the procedure for obtaining informed consent.

Amended Effective 5-25-01

310:400-5-6. Responsibility to colleagues

(a) Marital and family therapists shall respect the rights and responsibilities of professional colleagues.

(b) LMFTs shall assign publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.

(c) LMFTs who author books or other materials that are published or distributed shall cite appropriately persons to whom credit for original ideas is due.

(d) LMFTs who author books or other materials published or distributed by an organization shall take reasonable precautions to ensure that the organization promotes and advertises the materials accurately and factually.

Amended Effective 5-25-01

310:400-5-7. Financial arrangements

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

(b) LMFTs shall not offer or accept payment for referrals.

(c) LMFTs shall not charge excessive fees for services.

(d) LMFTs shall represent facts truthfully to clients and third party payor regarding services rendered.

Amended Effective 5-25-01

310:400-5-8. Advertising

a) LMFTs shall accurately represent their competence, education, training, and experience relevant to their practice of marriage and family therapy.

(b) LMFTs shall not use a name which could mislead the public concerning the identity, responsibility, source, and status of those practicing under that name and shall not hold themselves out as being partners or associates of a firm if they are not.

(c) LMFTs shall not use any professional identification (such as a professional card, office sign, letterhead, or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading or deceptive. A statement is false, fraudulent, misleading, or deceptive if it:

(1) contains a material misrepresentation of fact;

(2) fails to state any material fact necessary to make the statement, in light of all circumstances, not misleading;

(3) is intended to or is likely to create an unjustified expectation.

(d) LMFTs shall correct false, misleading, or inaccurate information and representations made by others concerning the marriage and family therapist's qualifications, services or products.

(e) LMFTs shall make certain that the qualifications of persons in their employ are represented in a manner that is not false, misleading or deceptive.

Amended Effective 5-25-01

310:400-5-9. Failure to comply

An LMFT who does not comply with the Rules of Professional Conduct in this Subchapter shall be guilty of unprofessional conduct.

Amended Effective 5-25-01

SUBCHAPTER 7. APPLICATION FOR LICENSURE**Section**

- 310:400-7-1. Fitness of applicants
- 310:400-7-2. Application procedures
- 310:400-7-2.1. Re-application procedures
- 310:400-7-4. Academic and experience requirements

310:400-7-1. Fitness of applicants

(a) **Purpose.** The purpose of this section is to establish the fitness of an applicant as one of the criteria for approval for licensure as an LMFT and to set forth the criteria by which the Commissioner, through the recommendations of the Advisory Board, will determine the fitness of applicants.

(b) **Fitness for licensure.** Any of the following items related to the applicant may be, as the Commissioner determines, the basis for the denial of or delay of licensure of the applicant.

- (1) Lack of necessary skills and abilities to provide adequate services.
- (2) Misrepresentation on the application or other materials submitted to the Department.
- (3) A violation of the Code of Ethics of the professional discipline espoused by the applicant.
- (4) Any violation of the Board rules in effect at the time of application which is applicable to an unlicensed person.

(c) **Materials considered to determine fitness.**

- (1) Materials considered to determine fitness of skills and abilities include:
 - (A) Evaluations of supervisors or instructors.
 - (B) Statements from persons submitting references for the applicant.
 - (C) Evaluations of employers and/or professional associations.
- (2) Materials considered to determine fitness of professional conduct includes:
 - (A) Allegations of clients.
 - (B) Transcripts or other findings from official court, hearing or investigative proceedings.
 - (C) Any other information which the Department considers pertinent to determining the fitness of applicants.

Amended Effective 5-25-01

310:400-7-2. Application procedures

(a) **General.**

- (1) The purpose of this section is to insure that all applicants meet those requirements specified in Section 1925.6 of the Act.
- (2) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on official Department forms.
- (3) The Department will not consider an application as officially submitted until receipt of the Application, application fee, official transcripts and Internship/Practicum Documentation Form. The fee must accompany the Application Form.
- (4) The Department must receive all required application materials at least 60 days prior to the date the applicant wishes to take the examination.

(b) **Application materials.** The purpose of this section is to list the materials required in the application process. All forms must be completed in full by the applicant, as per the instructions on the following individual forms:

- (1) Application form.
- (2) Official university transcript.
- (3) Documents of recommendation.
- (4) Internship/practicum documentation form.

(5) Fees.

(c) **Application forms**

(1) Application form - identifying information; graduate education and course work; possession of other credentials; professional ethics and conduct; notarization.

(2) Internship/Practicum Documentation form - identifying information; time, place, location of practicum

(3) Document of Recommendation - identifying information; ratings of ethical and professional characteristics; circumstances and time period submitter has know applicant

(4) Supervision Agreement - supervisor and supervisee agree to terms set forth for the accrual of supervised experience; a reproduction of the regulation regarding supervised experience

(5) Evaluation of Supervised Experience document - identifying information; time, place and duration of supervised experience; percentage of time spent in different counseling activities; supervisor's rating of professional activity; supervisor's comment section

(d) **Negative references.** The Advisory Board may ask any applicant for licensure as an LMFT, whose file contains negative references of substance, to come before the Advisory Board for an interview before the licensure designation process may proceed.

Amended Effective 5-25-01

310:400-7-2.1. Re-application procedures

(a) Re-application for permanently expired license.

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

- (A) Application form,
- (B) Documents of Recommendation,
- (C) Supervision Agreement, and
- (D) New Application Fee.

(2) Applicant shall re-take two examinations:

- (A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Department, and
- (B) An oral and/or written examination covering psychopathology and the LMFT law and regulations as approved by the Department.

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

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

(5) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 310:400-17-7.

(b) Re-application for revoked license.

(1) Re-application after license is revoked as a result of administrative action shall include the following documents:

- (A) Application form,
- (B) Official university or college transcript,
- (C) Documents of recommendation.
- (D) Internship/Practicum Documentation form,
- (E) Supervision Agreement, and
- (F) New Application Fee.

(2) Applicant shall re-take two examinations:

- (A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Department, and
- (B) An oral and/or written examination covering psychopathology and the LMFT law and regulations as approved by the Department.

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

(c) Re-application for voided application.

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

- (A) Application form,

- (B) Documents of Recommendation,
 - (C) Supervision Agreement, and
 - (D) New Application Fee.
- (2) Applicant shall take two examinations:
- (A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Department, and
 - (B) An oral and/or written examination covering psychopathology and the LMFT law and regulations as approved by the Department.
- (3) The Internship/Practicum Documentation Form on file shall carry over to a new application.
- (4) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (5) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 310:400-17-7.
- (d) Re-application for denied application.
- (1) Re-application after application has been denied shall include the following documents:
- (A) Application form,
 - (B) Official university or college transcripts,
 - (C) Documents of Recommendation,
 - (D) Internship/Practicum Documentation **form**,
 - (E) Supervision Agreement, and
 - (F) New Application Fee.
- (2) Application materials shall be reviewed by the LMFT Advisory Board.
- (3) Applicant shall be required to take necessary examinations.
- (4) Applicant shall be required to accrue an additional 500 hours of supervised experience.
- (5) Internship/Practicum Documentation Form on file shall carry over to a new application.
- (6) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (7) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 310:400-17-7.

Amended Effective 7-12-04

310:400-7-4. Academic and experience requirements

(a) Fulfillment of Section 1925.6, subsection B of the LMFT Act.

Persons applying for licensure must have fulfilled the requirements listed in Section 1925.6, Subsection B of the LMFT Act.

(b) Academic requirements.

- (1) Applicants must possess at least a masters degree in marital and family therapy from a college or university accredited by an agency recognized by the United States Department of Education or;
- (2) Applicants must possess at least a masters degree in marital and family therapy or in a mental health, behavioral science, or counseling related field from a college or university accredited by an agency recognized by the United States Department of Education which is content-equivalent to a graduate degree in marital and family therapy. In order to qualify as a "content-equivalent" degree, a graduate transcript must document the minimum number of graduate hours and knowledge areas listed below. Academic courses (3 semester hours or 4 quarter credit hours) must include a minimum of 45 class hours for each course.
- (A) Theoretical Foundations of Marital and Family Systems - any course which deals primarily in areas such as family life cycle; theories of family development; marriage and/or the family; sociology of the family; families under stress; the contemporary family; family in a social context; the cross-cultural family; youth/adult/aging and the family; family subsystems; individual, interpersonal relationships (marital, parental, sibling). (3 courses: 9 semester or 12 quarter hours.)
 - (B) Assessment and Treatment in Marital and Family Therapy -any course which deals primarily in areas such as family therapy methodology; family assessment; treatment and intervention methods; overview of major clinical theories of marital and family therapy such as: communications, contextual, experiential, object relations, strategic, structural, systemic, transgenerational. (3 courses: 9 semester or 12 quarter hours.)
 - (C) Human Development - any course which deals primarily in areas such as human development; personality theory; human sexuality, psychopathology; at least one of which must be in psychopathology or abnormal human behavior. (3 courses: 9 semester or 12 quarter hours.)
 - (D) Ethics and Professional Studies - any course which deals primarily in areas such as professional

socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law. (1 course: 3 semester or 4 quarter hours.)

(E) Research - any course which deals primarily in areas such as research design, methods, statistics; research in marital and family studies and therapy. (1 course: 3 semester or 4 quarter hours.)

(F) Practicum/Internship (at least 300 clock hours.)

(c) **Experience requirement.**

(1) Applicants must complete two (2) calendar years of work in marital and family therapy following the receipt of the qualifying degree.

(2) These two years must be completed under a supervisor approved by the Department.

(d) **Examination.** Applicants must achieve a passing score on the LMFT examinations.

Amended Effective 5-25-01

SUBCHAPTER 9. LICENSURE EXAMINATIONS

Section

| | |
|--------------|-------------------|
| 310:400-9-1. | Eligibility |
| 310:400-9-2. | Format |
| 310:400-9-3. | Frequency |
| 310:400-9-4. | Application |
| 310:400-9-5. | Notice of results |
| 310:400-9-6. | Failure to appear |
| 310:400-9-7. | Failure to apply |

310:400-9-1. Eligibility

An LMFT applicant is eligible to take the licensing examination following the submission and approval of:

- (1) Application Form and fee
- (2) Practicum/Internship Documentation Form
- (3) Official transcript(s) showing completion of all academic requirements listed in Subchapter 7 of this Chapter; and
- (4) examination fee.

Amended Effective 5-25-01

310:400-9-2. Format

Applicants shall take two examinations:

- (1) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Department and
- (2) An oral and/or written examination covering psychopathology and the LMFT law and regulations as approved by the Department.

Amended Effective 5-25-01

310:400-9-3. Frequency

The Department shall administer licensure examinations at least once a year or more often if deemed necessary.

Amended Effective 5-25-01

310:400-9-4. Application

(a) The Department shall mail notification of approval to take the examination(s) to the applicant's last known address 60 days prior to the date of the next scheduled examination.

(b) An applicant who wishes to take a scheduled examination must complete an examination registration form and return it to the Department submitting the required fee at least 30 days prior to the date of the examination.

Amended Effective 5-25-01

310:400-9-5. Notice of results

(a) The Department shall mail notification of the examination results and an analysis of performance to examinee at last known address.

(b) If the notice of examination results will be delayed for more than 90 days after the date of the examination, the Department shall mail notification of the delay to the applicant at last known address before the 90th day.

Amended Effective 5-25-01

310:400-9-6. Failure to appear

If an applicant for licensure fails to appear for examination for reasons other than documented illness or other cause beyond the applicant's control after applying to take a particular examination, the applicant must re-register and pay another examination fee before being admitted to a subsequent examination.

Amended Effective 5-25-01

310:400-9-7. Failure to apply

(a) The application may be voided if a person fails to apply for and take one of the first three examinations scheduled after the applicant has been mailed notification at last known address in writing of his/her approval for examination.

(b) The application may be voided if a person fails to apply for and take one of the first three examinations scheduled after the applicant has failed the exam and has been mailed notification at last known address in writing of his/her approval for examination.

Amended Effective 5-13-04

SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENTS

Section

310:400-11-1. Supervisor and supervisee responsibilities

310:400-11-2. Acceptable supervised experience

310:400-11-3. Supervisor qualifications

310:400-11-4. Duration of supervised experience

310:400-11-5. Documentation of supervised experience

310:400-11-1. Supervisor and supervisee responsibilities

Supervisor and Supervisee shall be jointly responsible for:

(1) insuring the requirements under this subchapter are fulfilled. Any failure to comply may result in the loss of supervision hours, denial of licensure, or initiation of formal complaint procedures.

(2) insuring the client's right to confidentiality is protected and the rules of the supervisor's and supervisee's respective employers are adhered to during the course of supervision.

Amended Effective 5-25-01

310:400-11-2. Acceptable supervised experience

Supervised experience is acceptable when:

(1) it begins after all applicable academic requirements as stated in Subchapter 7 have been completed.

(2) official application for licensure has been made. This includes Application, application fee, Internship/Practicum Documentation Form official transcript, and Supervision Agreement. Applicants who have met part or all of supervision experience requirements for clinical membership in AAMFT will be considered to have met part or all of the supervision requirements for licensure in Oklahoma.

(3) it consists of the performance of therapy activities as described in Section 1925.2, subsection 7 and 9 of the LMFT Act and contains the following characteristics:

(A) supervision focuses on the raw data from a supervisee's continuing clinical practice, which may be available to the supervisor through a combination of direct observation, co-therapy, written clinical notes, and audio and video recordings and the LMFT Act and Regulations.

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

(C) individual supervision should be face-to-face with one supervisor and one supervisees.

(D) group supervision may be done with up to six supervisees and a supervisor.

(4) supervised experience hours may be accrued in academic, governmental, or private practice settings.

(5) supervised experience may be accrued in a private for-profit or private not-for-profit therapy setting, only if:

(A) The LMFT Candidate works at the same location as a person licensed in the State of Oklahoma as a

Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker or Psychiatrist who directs and is responsible for the professional duties of the LMFT Candidate; and

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

Amended Effective 5-25-01

310:400-11-3. Supervisor qualifications

In order to be approved as a supervisor for therapists seeking MFT licensure, an individual must:

(1) be an American Association for Marriage and Family Therapy approved Supervisor familiar with Oklahoma LMFT Act and Rules duly promulgated, or

(2) be an LMFT

(A) with two (2) years of experience in marital and family therapy beyond the number of years of experience required for licensure and

(B) who has successfully completed a graduate course in therapist supervision (at least 45 contact hours) or equivalent course of study acceptable to the Department. This equivalent course of study should consist of workshops in marriage and family therapy supervision in combination with directed study of the marriage and family therapy supervision literature. Fifteen (15) of the 45 clock hours should be in a class or workshop format which includes a minimum of four supervisors-in-training; the other 30 clock hours should be reserved for the directed study. Directed study must be approved and monitored by an Approved Supervisor.

Amended Effective 5-25-01

310:400-11-4. Duration of supervised experience

(a) Work experience under supervision must extend over a minimum of 24 months. This work experience must be full time, defined as a minimum of twenty-four hours per week of marital and family therapy related experience.

(b) Supervision sessions:

(1) shall be scheduled weekly and shall be one and one half (1 1/2) hours in length, or

(2) may be arranged on a different schedule upon:

(A) written request of the supervisor and supervisee in advance, and

(B) approval of the schedule by the Department.

(c) Total number of face-to-face supervision hours must be at least 150 over the 24 month period of supervision. Supervision in group sessions shall equal no more than 75 hours of the total requirement.

(d) The total number of hours of direct client contact shall be no less than 1000 hours.

Amended Effective 5-25-01

310:400-11-5. Documentation of supervised experience

(a) An LMFT Supervision Agreement between supervisor and supervisee must be received and approved by the Department prior to the accrual of supervision hours.

(b) Semi-annual documentation of supervision hours and evaluation of competence must be submitted by the supervisor and co-signed by the supervisee on official Supervision Evaluation Forms.

Amended Effective 5-25-01

SUBCHAPTER 13. FEES

Section

- 310:400-13-1. Fees established
- 310:400-13-2. Schedule of fees
- 310:400-13-3. Fees non-refundable
- 310:400-13-4. Method of payment
- 310:400-13-5. Review of fees

310:400-13-1. Fees established

The Board shall establish fees to provide for the support of the administration of the Act.
Amended Effective 5-25-01

310:400-13-2. Schedule of fees

The following fees apply to the administration of the Act:

- (1) Application fee - \$200.00 - As long as the license is renewed, this is a one-time fee to be submitted with the application form.
- (2) License examination - \$195.00 - As long as the license is renewed, this is a one-time fee to be submitted when the applicant is notified of eligibility to sit for the examination.
- (3) Examination processing fee - \$50.00 - If the examination has previously been taken and as long as the license is renewed, this is a one-time fee to be submitted when the applicant is notified following the review of his/her application form.
- (4) License fee - \$100.00 - As long as the license is renewed, this is a one-time fee to be submitted upon notification that all application materials and fees have been received and are in order. This fee validates the license for the initial two-year period.
- (5) License renewal fee - \$100.00. - After the initial two-year period of licensure, this is a yearly fee to be submitted on or before December 31 of each year.
- (6) Late renewal fee - \$25.00 - This fee is assessed in addition to the renewal fee for failure to renew license on or before December 31.
- (7) Replacement fee - \$25.00 - This fee is for the issuance of a license certificate to replace a license certificate which has been lost, damaged, or is in need of revision to be submitted with documentation of the necessary replacement.
- (8) Inactive license fee - \$25.00 - Payment of this fee renders the license inactive and suspends all rights and privileges granted by the license until the license is reinstated.

Amended Effective 5-25-01

310:400-13-3. Fees non-refundable

Fees paid by applicants are not refundable.

Amended Effective 5-1-92

310:400-13-4. Method of payment

Any remittance submitted to the Department in payment of a required fee may be in the form of a cashiers check, money order, personal check or cash.

Amended Effective 5-25-01

310:400-13-5. Review of fees

The Department shall make periodic reviews of its fee schedule and make any adjustments necessary to provide funds to meet its expenses without creating an unnecessary surplus.

Amended Effective 5-25-01

SUBCHAPTER 15. ISSUANCE AND MAINTENANCE OF LICENSE**Section**

- 310:400-15-1. Issuance of license
- 310:400-15-2. Replacement of certificate
- 310:400-15-3. License renewal
- 310:400-15-4. Continuing education requirements
- 310:400-15-5. Inactive status
- 310:400-15-6. Late license renewal; reapplication
- 310:400-15-7. Misrepresentation
- 310:400-15-8. Licensure by endorsement
- 310:400-15-9. Temporary license

310:400-15-1. Issuance of license

- (a) **Certificate.** The license issued by the Commissioner shall contain the licensee's name, license number, highest accredited therapy-related academic degree and date of issuance.
 - (b) **Signature.** Official licenses shall be signed by the Commissioner and be affixed with the seal of the State of Oklahoma.
 - (c) **Property of the department.** All licenses issued by the Commissioner shall remain the property of the Department and must be surrendered on demand.
 - (d) **Notification.** After having fulfilled all requirements for licensure, the Department shall mail notification to the licensee, at last known address, of his/her qualification for licensure; and when the license fee is received by the Department, the license will be mailed to the licensee.
- Amended Effective 5-25-01

310:400-15-2. Replacement of certificate

The department will replace a license certificate that is lost, damaged, or is in need of revision upon written request from the LMFT and payment of the license replacement fee. Requests must include the LMFT's original license or be accompanied by the damaged certificate, if available.

Amended Effective 5-1-92

310:400-15-3. License renewal

- (a) **Responsibility.** Each LMFT is responsible for renewing his/her license before the expiration date.
 - (b) **Initial licensing period.** The renewal date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.
 - (c) **Annual renewal.** Subsequent renewals will be yearly, on or before January 1. License fees will be prorated on a quarterly basis for the first renewal.
 - (d) **Requirements for renewal.** Requirements for renewal are:
 - (1) Compliance with the Act and Board rules.
 - (2) Documentation of the required continuing education. (See 310:400-15-4 for information regarding C.E.).
 - (3) Payment of the renewal fee(s).
 - (e) **Display of renewal certificate.** License renewal verification cards shall be displayed on the original (or replaced) license certificate.
- Amended Effective 6-1-93

310:400-15-4. Continuing education requirements

- (a) **Purpose.** The purpose of the requirements in this Section is to establish the continuing education requirements necessary for license renewal.
- (b) **Number of hours required.**
 - (1) Licensees shall complete and furnish documentation to the Department of twenty (20) clock hours of acceptable continuing education per year. One college credit hour is equal to fifteen (15) clock hours.
 - (2) A minimum of three (3) clock hours of continuing education hours must be in mental health ethics.

- (c) **Acceptable continuing education.** Continuing education is acceptable to the Department when it:
- (1) approximates the content of any of the academic areas listed under Subchapter 7 of this Chapter.
 - (2) is presented by a person licensed or certified by therapy related professions.
 - (3) is presented by a licensed or certified member of a non-therapy field (i.e. medicine, law) if the content of the presentation is therapy related and falls within the presenter's area of training.
 - (4) takes place in the context of a college course, in-service training, institute, seminar, workshop, conference or a Department pre-approved home study course.
- (d) **Continuing education accrual from teaching.** Continuing education may also be accrued when the LMFT teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to section 310:400-15-4(c) of this subchapter, provided that such teaching is not required as part of the LMFT's regular employment. Two hours of C.E. is credited for each hour taught.
- (e) **Professional audience.** Continuing education, whether received or presented by the LMFT must be targeted toward a professional audience.
- (f) **Documentation of attendance.** LMFT's shall retain verification of attendance documents for all C.E. hours claimed for a period of two (2) years. Acceptable C.E. verification of attendance documents are:
- (1) an official continuing education validation form furnished by the presenter, or,
 - (2) a letter on the sponsoring presenter's letterhead giving the name of the program, location, dates, subjects taught, total number of hours attended, participant's name and presenter's name and credentials, or,
 - (3) an official college transcript showing courses or audit credit.
 - (4) (For teaching) a letter on sponsoring agency's letterhead giving the name of the program, location, dates, subject taught and total number of hours taught.
- (g) **Submission of continuing education roster.** LMFT's shall submit a Continuing Education Roster (not individual verification of attendance documents) with the license renewal fee. Rosters may be obtained from the LMFT office. Only C.E. accrued in the preceding license renewal period is acceptable.
- (h) **Audit of continuing education submissions.** In January of each year, the Department will randomly select from two (2) to twenty-five (25) percent of the number of LMFT's on active status the previous year for an audit of their claimed Continuing Education credits. These selected LMFT's must then provide the Department with verification of all credits claimed on their Continuing Education Roster within thirty (30) days following receipt of the audit notice. The Department may, at its discretion, audit and require verification of any credits claimed which it may consider questionable or fraudulent.
- (i) **Penalty for failure to submit continuing education.** Failure to fulfill the C.E. requirement by the renewal date renders the license in suspension. All rights granted by the license are null and void until the requirement is fulfilled and a late renewal fee is paid. The LMFT has 12 months from the date of suspension to become reinstated. If not reinstated, the license shall be revoked.
- (j) **Submission of fraudulent continuing education.** The submission of fraudulent C.E. hours will be reviewed by the Department for disciplinary action and may result in suspension or revocation of license.
- (k) **Responsibility.** The licensee is ultimately responsible for providing or arranging for sponsors to provide the information necessary for the Department to make a determination of the suitability of the program for continuing education requirements.

Amended Effective 5-25-01

310:400-15-5. Inactive status

- (a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar (\$25.00) fee. An inactive license forfeits all rights and privileges granted by the license.
- (b) Active status may be re-established upon payment of the current renewal fee if there are no impediments to licensure.

Amended Effective 5-1-92

310:400-15-6. Late license renewal; reapplication

- (a) **Renewal notification.** The Department shall mail a notice of expiration to licensee's last known address, 45 days prior to the expiration date of the LMFT's license.
- (b) **Failure to renew.** If the licensee fails to renew his/her license by the expiration date:
- (1) the license will expire and the rights and privileges granted by the license will be forfeited.
 - (2) the LMFT has the right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one year following the expiration of the license.

(3) licenses not renewed within the 1 year renewal period shall not be reinstated and the license must be returned to the Department.

(c) **Reapplication.** It shall be the responsibility of the former licensee to reapply for licensure. Reapplication means making application, payment of all fees, taking and passing the exam and fulfillment of all requirements for licensure in effect at the time of reapplication. No contact will be initiated by the Department.

(d) **Retirement of license.** An LMFT whose license is current and in good standing, who wishes to retire the license, may do so by informing the Department in writing and returning the license to the LMFT office. A license so retired shall not be reinstated but does not prevent a person from applying for a license at a future date.

Amended Effective 5-25-01

310:400-15-7. Misrepresentation

If a therapist whose license has been inactivated, suspended, or revoked continues to represent himself as a Licensed Marital and Family Therapist or practices Marital and Family Therapy, he is in violation of Section 1925.10 and 1925.16 of the Licensed Marital and Family Therapist Act and shall be subject to discipline and injunction reported to the appropriate District Attorney for prosecution.

Amended Effective 5-25-01

310:400-15-8. Licensure by endorsement

(a) **Exam.** The Commissioner may grant a license by endorsement, in accordance with Section 1925.9-A of the LMFT Act.

(b) **Submission of license or verification card.** An applicant for licensure by endorsement must submit a copy of the current active license, certificate or verification card, and may be required to submit a copy of the statute and rules of the agency issuing the license and the name and address of the licensing agency.

(c) **Licensing procedures.** An applicant must submit the application form and documents as requested, license fees, three current documents of recommendation and official transcript(s).

(d) The Department shall issue a license by endorsement to an applicant who is licensed or certified as a marital and family therapist in another jurisdiction and who meets the following:

(1) The applicant's marital and family therapy license in the other jurisdiction is active and in good standing;

(2) The applicant fulfills the requirements of Section 1925.6 A. and B. of the LMFT Act;

(3) The applicant must have at least a masters degree in marital and family therapy or a content equivalent degree as stated in Section 1925.6 B.1. of the LMFT Act from a regionally accredited college or university;

(4) The applicant takes and passes the examination as provided under Section 1925.7 of the LMFT Act, unless:

(A) The applicant has passed a written, marital and family examination that, in the judgement of the Department, is substantially equivalent to the examination established by the Department; or

(B) Has practiced marital and family therapy for seven (7) of the last ten (10) years immediately preceding application for licensure in Oklahoma; and

(5) The applicant takes and passes the Oklahoma LMFT Oral Examination.

Amended Effective 5-25-01

310:400-15-9. Temporary license

Marital and Family Therapists who are currently licensed in another state, who have made application for licensure by endorsement in Oklahoma may be granted a temporary license. An applicant who has met all requirements for licensure except for the written examination and is waiting for the first opportunity to take the first written examination may be granted a temporary license. A temporary license is valid up to 12 months from date of issue or until a permanent license is issued or until the application is denied. Temporary licenses must be returned to the Department when a permanent license is issued.

Amended Effective 5-25-01

SUBCHAPTER 17. ENFORCEMENT

Section

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310:400-17-1.1. Purpose

The purpose of this subchapter is to specify the administration of complaints and the filing of disciplinary actions against LMFTs or against persons who practice marital and family therapy without a license or exemption.

Amended Effective 5-25-01

310:400-17-2.1. Complaints

(a) Any person may file a complaint against an LMFT or a person practicing marital and family therapy. A person wishing to report a complaint or alleged violation against a licensee or person practicing marital and family therapy may notify the Department in writing, by telephone, or by a personal visit. The Department will determine whether the complaint alleges a possible violation of the Act or this chapter. The Department may present the complaint to the Advisory Board for consultation.

(b) LMFTs are encouraged to file complaints when they have knowledge of other LMFTs who have violated the LMFT Act or regulations.

(c) The complaint and the identity of the complainant shall be confidential and shall not be available for public inspection, until such time that the complaint becomes a part of the public record of an administrative hearing.

Amended Effective 7-11-2003

310:400-17-3.1. Investigation

If the Department determines that a possible violation of the Act or this Chapter has occurred, the Department may commence an investigation of the complaint.

Amended Effective 5-25-01

310:400-17-4.1. Filing of an action

(a) The Department may begin a disciplinary action against an LMFT or a person practicing marital and family therapy who is not exempt from licensure by following the procedures in Chapter 2 of this Title. The Department shall specifically state the violation(s) and shall request the appropriate remedy. Remedies include revocation of a license, suspension of a license, probation of a license and administrative penalty.

(b) If in the course of an investigation the Department determines that a licensee or candidate for licensure has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the counselor's license or authorization to conduct marital and family therapy and/or the practice of marital and family therapy. A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a licensee or candidate has violated 310:400-5-1(c), 310:400-5-3(b)(1, 2, or 5), and 310:400-5-3(f) or 310:400-5-3(o).

Amended Effective 7-12-2004

310:400-17-5. Hearing

Hearings shall be conducted by the Commissioner of Health or his designee as specified in Chapter 2 of this Title (310:2). The Department shall recommend the most appropriate penalty at the conclusion of the evidence. In making its recommendation, the Department may seek the counsel of the Advisory Board.

Amended Effective 5-25-01

310:400-17-6. Final order

The Department, either by order of the Commissioner or an Administrative Law Judge, shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.

Amended Effective 5-25-01

310:400-17-7. Unauthorized practice

Any person found to be practicing marital and family therapy without being either properly licensed, exempt or under the approved supervision of an LMFT as part of the licensure process shall be ordered to cease practicing and may be subject to an administrative penalty. The Department may seek the assistance of the courts if the actions continue.

Amended Effective 5-25-01

310:400-17-8. Administrative penalties

(a) The Department may assess an administrative penalty against an individual if the order includes a finding that the individual:

- (1) Violated any provision of the Act, including practicing marital and family therapy without licensure or exemption; or
- (2) Violated any rule within this Chapter; or
- (3) Violated any order issued pursuant to this Chapter.

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

Amended Effective 5-25-01