

Licensed Professional Counselors

DIRECTORY OF COUNSELORS

Licensing Act
&
Regulations

1997~1998

The Oklahoma
LICENSED PROFESSIONAL COUNSELOR ACT

59 O.S. Supp 1991 1901 Et Seq.
APPROVED BY
GOVERNOR GEORGE NIGH
JUNE 8, 1985

**TITLE 59 OF THE OKLAHOMA STATUTES
LICENSED PROFESSIONAL COUNSELORS ACT
AS AMENDED 1995
UNOFFICIAL FORMAT**

Section 1901. Short title

Sections 1 through 20 of this act shall be known and may be cited as the "Licensed Professional Counselors Act".

Section 1902. Definitions

For the purpose of the Licensed Professional Counselors Act:

1. "Licensed professional counselor" or "LPC" means any person who offers professional counseling services for compensation to any person and is licensed pursuant to the provisions of the Licensed Professional Counselors Act. The term shall not include those professions exempted by Section 1903 of this title;
2. "Board" means the State Board of Health;
3. "Department" means the State Department of Health;
4. "Advisory Board" means the Oklahoma Licensed Professional Counselors Advisory Board appointed by the State Board of Health;
5. "Commissioner" means the State Commissioner of Health;
6. "Counseling" means the application of mental health and developmental 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 counseling treatment interventions;
7. "Counseling treatment interventions" means the application of cognitive, affective, behavioral and systemic counseling strategies which include principles of development, wellness, and pathology that reflect a pluralistic society. Such interventions are specifically implemented in the context of a professional counseling relationship;
8. "Consulting" means interpreting or reporting scientific fact or theory in counseling to provide assistance in solving current or potential problems of individuals, groups or organizations;
9. "Referral activities" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists;
10. "Research activities" means reporting, designing, conducting or consulting on research in counseling;
11. "Specialty" means the designation of a subarea of counseling practice that is recognized by a national certification agency or by the Board; and
12. "Supervisor" means a person who meets the requirements established by the Board and who is licensed pursuant to the Licensed Professional Counselors Act, Section 1901 et seq. of this title.

Section 1903. Construction and application of act

The Licensed Professional Counselors Act, Section 1901 et seq. of this title, shall not be construed to include the professional pursuits of clergymen, lay pastoral counselors, practitioners of medicine, psychologists, attorneys, social workers, certified alcohol-drug counselors, marriage and family therapists,

certified rehabilitation counselors, certified vocational evaluation specialists, school administrators, school teachers and school counselors certified by the State Department of Education within the scope of their duties in recognized public and private schools, persons in the employ of federal, state or local government or accredited institutions of higher education, or other professionals, insofar as such activities and services are a part of the official duties in salaried positions and the title "licensed professional counselor" or "LPC" is not used. Provided, the Licensed Professional Counselors Act shall not be construed to allow the practice of any of the above listed professions by an LPC unless said LPC is also licensed or accredited by an appropriate agency, institution or board.

Section 1904. Oklahoma Licensed Professional Counselors Advisory Board

A. There is hereby created the "Oklahoma Licensed Professional Counselors Advisory Board" whose duty shall be to advise the Department on the provisions of the Licensed Professional Counselors Act, Section 1901 et seq. of this title, except as otherwise provided by law. 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 professional counselors and two members shall be lay persons who are not affiliated with any practice of counseling or delivering of health or mental health services. The five current members of the Oklahoma Licensed Professional Counselors Committee shall serve out their current terms. The Commissioner shall appoint the two new members for terms of four (4) years. Thereafter, at the expiration of the term of each member, the Commissioner shall appoint a successor for four (4) years. All professional appointees shall be selected from a list of qualified candidates submitted by the Executive Committee of the Oklahoma Counseling Association acting in conjunction with the executive committees of all state professional counseling associations which represent a specialty recognized pursuant to the Licensed Professional Counselors Act.

Vacancies occurring in the Advisory Board shall be filled for the unexpired term by appointment of the Commissioner with the advice and consent of the Board from a list of qualified candidates submitted within thirty (30) days of such vacancy by the Executive Committee of the Oklahoma Counseling Association acting in conjunction with the executive committees of all state professional counseling associations which represent a specialty recognized pursuant to the Licensed Professional Counselors Act. Such appointments shall be made within thirty (30) days after the candidates' names have been submitted if possible.

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

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, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

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

B. 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 1905. Duties and responsibilities of State Board of Health and Commissioner of Health

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

1. Prescribe, adopt and promulgate rules to implement and enforce the provisions of the Licensed Professional Counselors Act, Section 1901 et seq. of this title;

2. Request the district attorney to bring an action to enforce the provisions of the Licensed Professional Counselors Act; and

3. Adopt and establish rules of professional conduct.

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

1. Initiate prosecution and injunctive proceedings;

2. Set license and examination fees as required by the Licensed Professional Counselors Act;

3. Receive fees and deposit said fees as required by the Licensed Professional Counselors Act;

4. Issue, renew, revoke, deny and suspend licenses to practice professional counseling pursuant to the provisions of the Licensed Professional Counselors Act;

5. Examine all qualified applicants for licenses to practice professional counseling;

6. Investigate complaints;

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 Professional Counselors Act.

Section 1906. License--Application--Form and manner--Fee--Qualifications

A. Applications for a license to practice as a licensed professional counselor shall be made to the State Commissioner 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 Professional Counselors Act, Section 1901 et seq. 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 professional counselor 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 Professional Counselors Act;

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

4. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Licensed Professional Counselors 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 professional counselor shall have:

1. Successfully completed at least forty-five (45) graduate semester hours (sixty (60) graduate quarter hours) of counseling-related course work. These forty-five (45) hours shall include at least a master's degree in a counseling field. 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 "counseling-related" and what degrees/majors qualify as a "counseling field";

2. As of January 1, 2000, successfully completed at least sixty (60) graduate semester hours (ninety (90) graduate quarter hours) of counseling-related course work. These sixty (60) hours shall include at least a master's degree in a counseling field. All courses and degrees shall be earned from a regionally accredited college or university. The Board shall define what course work qualifies as "counseling-related" and what degrees/majors qualify as a "counseling field"; and

3. Three (3) years of supervised full-time experience in professional counseling subject to the supervision of a licensed professional counselor 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 counseling and are acceptable to the Board. The applicant shall have no less than one (1) year of supervised full-time experience in counseling.

Section 1907. Examinations

Examinations shall be held at such times, at such place and in such manner as the Commissioner of Health directs. An examination shall be held at least annually. The Oklahoma Licensed Professional Counselors Committee shall determine the acceptable grade on examinations. The examination shall cover such technical, professional and practical subjects as relate to the practice of professional counseling.

If an applicant fails to pass the examinations, said applicant may reapply and shall be allowed to take subsequent examinations. An applicant who has failed two successive examinations may not reapply for two (2) years from the date of the last examination.

The Commissioner shall preserve examination materials and an accurate transcript of the questions and answers to any examination, and the applicant's performance on each section, as part of its records for a period of two (2) years following the date of the examination.

Section 1908. Issuance of license—Expiration—Renewal—Suspension—Retirement

A. An applicant who meets the requirements for licensure pursuant to the provisions of the Licensed Professional Counselors Act, Section 1901 et seq. of this title, has paid the required license fees and has otherwise complied with the provisions of the Licensed Professional Counselors Act shall be licensed by the State Board of Health.

B. Licenses issued pursuant to the Licensed Professional Counselors 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 State Department of Health that the applicant has completed relevant professional or continued educational experience during the previous twenty-four (24) months. Failure to renew a license as required by the Licensed Professional Counselors Act shall constitute a suspension of said license. A person whose license has been suspended may make application within one (1) year following the suspension in writing to the Department requesting reinstatement in a manner prescribed by the Department and payment of the fees required by the provisions of the Licensed Professional Counselors Act. The license of a person whose license has been suspended pursuant to this section for more than one (1) year shall not be renewed except upon making application and taking and passing the examination as required by the Licensed Professional Counselors Act.

C. An LPC 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 LPC office. A license so retired shall not be reinstated but does not prevent a person from applying for a new license at a future date.

Section 1909. Licenses by endorsement

The State Commissioner of Health shall have the power to issue licenses by endorsement for applicants licensed in other states to practice as a licensed professional counselor if the Commissioner deems such states to have qualifications and standards comparable to those required under this act.

Section 1910. Information acquired in professional capacity—Disclosure— Privileges and immunities—Court proceeding

A. No person licensed pursuant to the provisions of the Licensed Professional Counselors Act shall disclose any information the licensee may have acquired from persons consulting the licensee in his professional capacity as a professional counselor 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 his personal representative or other person authorized to sue or the beneficiary of any insurance policy on his life, health or physical condition;

2. If the person 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 inquiry; or

3. If the client waives the privilege by bringing charges against the licensed person.

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

C. The Licensed Professional Counselors 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 1911. Failure to comply with Act—Penalties

A. Any person who represents himself or herself by the title "Licensed Professional Counselor" or "LPC" without having first complied with the provisions of the Licensed Professional Counselors Act, Section 1901 et seq. of this title, or who otherwise offers to perform counseling services, or who uses the title of Licensed Professional Counselor or any other name, style or description denoting that the person is licensed as a licensed professional counselor, or who practices counseling, upon conviction, 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 under or specifically exempt from this act to advertise or otherwise offer to perform counseling services or to use the title of Licensed Professional Counselor or any other name, style or description denoting that the person is licensed as a licensed professional counselor, or to practice counseling. Such action shall be subject to injunctive action by the State Commissioner of Health.

Section 1912. Denial, revocation or suspension of license

The Commissioner of Health, upon the recommendation of the Oklahoma Licensed Professional Counselors Hearing Committee, may deny, revoke or suspend any license or specialty designation issued pursuant to the provisions of this act to a licensed professional counselor after a hearing, if the person has:

1. Been convicted of a felony and if, after investigation, the Hearing Committee finds that he has not been sufficiently rehabilitated to merit the public trust;

2. Been found guilty of fraud or deceit in connection with services rendered or in establishing needed qualifications pursuant to the provisions of this act;

3. Knowingly aided or abetted a person not licensed pursuant to these provisions in representing himself as a licensed professional counselor in this state;
4. Been found guilty of unprofessional conduct as defined by the rules established by the Board; or
5. Been found guilty of negligence or wrongful actions in the performance of his duties.

No license or specialty designation shall be suspended or revoked until notice is served upon the licensed professional counselor and a hearing is held before the Hearing Committee in such manner as is required by this act.

Section 1913. Repealed by Laws 1995, c. 167, § 16, eff. Nov. 1, 1995.

Section 1913.1. Rules and orders—Penalty

A. The State Board of Health shall promulgate rules governing any licensure action to be taken pursuant to the Licensed Professional Counselors Act, Section 1901 et seq. of this title, which shall be consistent with the requirements of notice and hearing under the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes. 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 Oklahoma.

B. Any person who has been determined by the State Department of Health to have violated any provision of the Licensed Professional Counselors Act or any rule or order issued pursuant to these provisions may be liable for an administrative penalty of not more than One Hundred Dollars (\$100.00) for each day that the violation continues. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

Section 1914. Application of Administrative Procedures Act

The hearings provided for by the Licensed Professional Counselors Act shall be conducted in conformity with, and records made thereof as provided by, the provisions of Sections 301 through 325 of Title 75 of the Oklahoma Statutes.

Section 1915. Repealed by Laws 1995, c. 167, § 16, eff. Nov. 1, 1995.

Section 1915.1. Exemption from education requirements—License status other than active remains

A. On or before January 1, 2000, any person holding a valid license as a Licensed Professional Counselor shall be exempt from the revised education requirements of Section 4 of this act.

B. Persons whose LPC license is inactive, under suspension, on probation, or in any other status other than active, shall remain in that status.

Section 1916. Repealed by Laws 1995, c. 167, § 16, eff. Nov. 1, 1995.

Section 1916.1. Statement of Professional Disclosure—Copy to be furnished to client

All licensed professional counselors, except those employed by public institutions, 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 shall be on file with the State Department of Health at all times.

Section 1917. Specialty designation

A. A professional specialty designation area may be established by the State Board of Health upon receipt of a petition signed by fifteen qualified persons who are currently licensed as licensed professional counselors, who have acquired at least sixty (60) semester hours, to increase to seventy-five (75) hours on and after January 1, 2000, of graduate credit in counseling-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 Board may establish minimum standards for specialty designations.

B. Upon receipt of credentials from the appropriate certification agency, the Board may grant the licensed applicant the appropriate specialty designation. The applicant may attain specialty designation through examination. A licensed counselor shall not claim or advertise a counseling specialty and shall not incorporate the specialty designation into his or her professional title, unless the qualifications and certification requirements of that specialty have been met and have been approved by the Board and the appropriate certification agency.

Section 1918. Licensed Professional Counselors Revolving Fund

There is hereby created in the State Treasury a revolving fund for the Oklahoma Board of Licensed Professional Counselors, to be designated the "Licensed Professional Counselors 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 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 Licensed Professional Counselors 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 1919. License fee and annual renewal fee—Fixing amount

The licensing fee and the annual renewal fee shall be amounts fixed by the State Board of Health upon recommendations of the Oklahoma Licensed Professional Counselors Committee. 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 Professional Counselors Act and so that there are no unnecessary surpluses in the Licensed Professional Counselors Revolving Fund. 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). The fee for the issuance of a license to replace a license which was lost, destroyed, mutilated or revoked shall be Twenty-Five Dollars (\$25.00). The fee shall accompany the application for a replacement license. The fee for specialty designation shall not exceed One Hundred Fifty Dollars (\$150.00). The fee for an examination required pursuant to the Licensed Professional Counselors Act shall not exceed One Hundred Dollars (\$100.00).

Section 1920. Reimbursement under health insurance and nonprofit hospital or medical service plan not required

Nothing in this 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 professional counselors.

LICENSED PROFESSIONAL COUNSELOR REGULATIONS

(Unofficial Format)

**RECOMMENDED BY THE
LICENSED PROFESSIONAL COUNSELOR ADVISORY BOARD**

**APPROVED BY
OKLAHOMA STATE BOARD OF HEALTH
JANUARY 23, 1986
AMENDED APRIL 2, 1987
AMENDED JANUARY 26, 1989
AMENDED JANUARY 26, 1990
AMENDED FEBRUARY 7, 1991
AMENDED NOVEMBER 5, 1992
AMENDED FEBRUARY 17, 1994
AMENDED JUNE 27, 1996**

CHAPTER 405. LICENSED PROFESSIONAL COUNSELOR REGULATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

310:405-1-1. Purpose

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

310:405-1-2.1. Definitions

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

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

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

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

"Dual relationship" means the exploitation of the trust and/or dependency of a client which impairs the counselor's professional judgement and increases the risk of harm to the client. A dual relationship may include but not be limited to a familial, social, financial, business, professional or close personal relationship with a client.

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

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

"Professional" means a person whose formal application for LPC licensure has been accepted.

310:405-1-3.1. Prohibition

Any person whose profession is not specifically listed in section 1903 of the Act or who is not a professional shall not practice counseling or use the title Licensed Professional Counselor or LPC unless licensed under this Act.

SUBCHAPTER 3. RULES OF PROFESSIONAL CONDUCT

310:405-3-1. Responsibility

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

310:405-3-2. Competence

(a) **Counseling.** LPCs shall practice only within the boundaries of their competence, based on their education, training, supervised experience, state and national professional credentials, and appropriate professional experience.

(b) **Testing.** LPCs shall know the limits of their competence and shall therefore perform only those testing and assessment services for which they have been trained. LPCs shall be familiar with related standardization and proper application and security of any technique utilized. LPCs using computer-based

test interpretations shall be trained in the construct being measured and the specific instrument being used prior to using this type of computer application. LPCs shall ensure the proper use of assessment techniques by persons under their supervision.

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

(d) **Research.** LPCs shall plan, design, conduct, and report research only in a manner consistent with current American Counseling Association Code of Ethics and Standards of Practice, pertinent ethical principles, federal and state laws, rules, and scientific standards governing research with human subjects.

(e) **Impairment.** LPCs shall not offer or render professional services when their physical, mental or emotional problems are likely to harm clients or other associates. LPCs shall be alert to the signs of impairment, seek assistance for problems, and, if necessary, limit, suspend, or terminate their professional responsibilities.

310:405-3-3. Client welfare

(a) **Discrimination.** LPCs 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.** LPCs shall maintain verifiable records necessary for rendering professional services to their clients for at least five (5) years beyond termination of services.

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

(3) **Client access.** LPCs shall provide copies of records when requested by clients, unless the records contain information that may be misleading and detrimental to the client. 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.

(4) **Disclosure of transfer.** LPCs shall obtain written permission from clients to disclose or transfer records to any third party.

(c) **Dual relationships.** LPCs are aware of their influential positions with respect to clients, and do not exploit the trust and dependency of clients. LPCs shall refrain from dual relationships with clients because of the potential to impair professional judgement and to increase the risk of harm to clients. Examples of such relationships include, but are not limited to, familial, social, financial, business, professional or close personal relationships with clients. When the possibility that a dual relationship exists, LPCs shall take appropriate professional precautions such as informed consent, consultation, supervision and documentation to ensure that judgement is not impaired and no exploitation occurs.

(d) **Invasion of privacy.** LPCs shall not make inquiry into persons or situations not directly associated with the client's situations.

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

310:405-3-3.1. Fees and bartering

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

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

310:405-3-4. Professional standards

(a) **Reporting of violations.** LPCs, who know of an ethical violation by another LPC, shall informally attempt to resolve the issue by bringing the violation to the attention of the LPC. If the violation is not amenable to an informal solution or is of a more serious nature, the LPC shall notify the Department for disposition through the Commissioner. LPCs who know of ethical violations on the part of members of other professional groups, shall report the violation to the appropriate regulatory authority.

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

(c) **Sexual contact.**

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

(2) **Former clients.** LPCs shall not engage in sexual contact with former clients for at least two (2) years after terminating the counseling relationship.

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

310:405-3-5. Relations with the public and other professions

(a) **Misrepresentation.** LPCs shall not misrepresent nor accept the misrepresentation by others of the efficacy of their professional services.

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

(c) **The use of doctoral degrees.** LPCs who hold a master's degree in counseling or a closely related mental health field, but who hold a doctoral degree from a non-counseling related field, or one from a non-regionally accredited institution, shall not use the title "Dr." in their practices or announce to the public in relation to their practice or status as a counselor, that they hold a doctorate.

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

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

(f) **Public statements.** When LPCs provide advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they shall take reasonable precautions to ensure that:

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

(2) The statements are otherwise consistent with the LPC Rules of Professional Conduct; and

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

(g) **Rebates.** LPCs 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.** LPCs 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 LPC. The policies of a particular agency may provide for agency clients to receive counseling services from members of its staff in private practice. In such instances, the clients shall be informed of other options open to them should they seek private counseling services.

310:405-3-6. Failure to comply

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

SUBCHAPTER 5. FITNESS OF APPLICANTS

310:405-5-1. Purpose

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

310:405-5-2. Fitness for licensure

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

- (1) Lack of necessary skills and abilities to provide adequate services.
- (2) Misrepresentation on the application or other materials submitted to the Department.
- (3) A violation of the LPC Rules of Professional Conduct.

310:405-5-3. Materials considered to determine fitness

(a) Materials considered to determine fitness of skills and abilities shall include:

- (1) Evaluations from supervisors or instructors.
- (2) Statements from persons submitting references for the applicant.
- (3) Evaluations from employers and/or professional associations.

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

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

SUBCHAPTER 7. APPLICATION PROCEDURES

310:405-7-1. General

(a) The purpose of this subchapter is to ensure that all applicants meet those requirements specified in the Act.

(b) Unless otherwise indicated, an applicant shall submit all required information and documentation of credentials on official Department forms.

(c) The Department shall not consider an application as officially submitted until it has received the application, application fee, official transcripts and Internship/Practicum Documentation Form. The fee shall accompany the application form.

- (d) The applicant shall file all required application materials at least sixty (60) days prior to the date the applicant wishes to take the examination.
- (e) An application not completed in a timely manner after the date of the Department's notice shall be voided.

310:405-7-2. Application materials

An application shall include the following documents which shall be completed in full according to their instructions.

- (1) Application form.
- (2) Official transcript, mailed from the university.
- (3) Document of recommendation.
- (4) Practicum documentation form.
- (5) Supervised experience form.
- (6) Statement of professional disclosure.
- (7) Fees.

310:405-7-2.1. Submission of documents

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

310:405-7-3. Negative references

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

SUBCHAPTER 9. ACADEMIC REQUIREMENTS

310:405-9-1. Graduate hours and degrees required

(a) **Until January 1, 2000.** Until January 1, 2000, applicants shall possess at least a master's degree in counseling, or a mental health related graduate degree deemed substantially content-equivalent. All graduate course work applied toward licensure shall be earned from a regionally accredited college or university recognized by the United States Department of Education. At least forty-five (45) credit hours of graduate counseling-related course work, including practicum/internship, shall be earned. In order to be considered acceptable, the graduate degree(s) shall:

- (1) follow a planned, sequenced, mental health program of study which is reflected in the university catalog and approved by the governing body of the college or university;
- (2) include a program whose primary focus is clearly to prepare the applicant for a career in counseling; and
- (3) list in the college or university catalog the core courses from the knowledge areas outlined in 310:405-9-2 (1-7). Also list at least three (3) of the seven (7) knowledge areas outlined under 310:405-9-2 (8).

(b) **Effective January 1, 2000.** On and after January 1, 2000, applicants shall possess at least a master's degree in counseling, or a mental health related graduate degree deemed substantially content-equivalent. All graduate course work applied toward licensure shall be from a regionally accredited college or university recognized by the United States Department of Education. At least sixty (60) credit hours of graduate counseling-related course work, including internship, shall be earned. In order to be considered acceptable, the graduate degree(s) shall:

- (1) follow a planned, sequenced mental health program of study which is reflected in the university catalog and approved by the governing authority of the college or university.
- (2) include a program whose primary focus is clearly to prepare the applicant for a career in counseling.
- (3) list in the college or university catalog the core courses from the knowledge areas outlined in 310:405-9-2 (1-7). Also list at least five (5) of the fifteen (15) knowledge areas outlined in 310:405-9-2 (8).

310:405-9-2. Knowledge area required

(a) **Until January 1, 2000.** Until January 1, 2000, an applicant shall have as a part of the required graduate degree, a planned graduate program in counseling or the substantial equivalent, course work approved for graduate level credit in each of the areas or its substantial equivalent.

- (1) Human growth and development - any course which deals with the process stages of human intellectual, physical, social and emotional development of any of the stages of life from prenatal through old age.
- (2) Abnormal human behavior - any course which offers a study in the principles of understanding dysfunction in human behavior or social disorganization.
- (3) Appraisal or assessment techniques - any course which deals with the principles, concepts, and procedures of systematic appraisal, assessment, or interpretation of client needs which may include the use of both testing and non-testing approaches.
- (4) Counseling theories - any course which surveys the major theories of counseling.
- (5) Counseling methods or techniques - any course in methods or techniques used to provide counseling services for individuals.
- (6) Research - any course in the research methods which include the study of statistics or a thesis project in an area relevant to the practice of counseling.
- (7) Practicum/internship - an organized program of planned experiences providing classroom and field experience with clients under the supervision of university approved counseling professionals. At least three hundred (300) clock hours of practicum/internship shall be required.
- (8) Credit shall also be earned in at least three (3) of the areas listed below:
 - (A) Group dynamics, theories, techniques - any course dealing with the theory and types or groups including dynamics and the methods of practice with groups.
 - (B) Life style and career development - any course which deals primarily with areas such as theories of vocational choice, career choice and life style, sources of occupational and educational information and career decision-making processes.
 - (C) Social and cultural foundations - any course which deals primarily in areas such as change, ethnic groups, roles of women, urban and rural societies, population patterns, cultural patterns and differing life styles.
 - (D) Professional orientation - any course which deals primarily with the objectives of professional organizations, codes of ethics, legal aspects of practice, standards of preparation and the role of persons providing direct counseling services.
 - (E) Personality theories.
 - (F) Crisis intervention strategies.
 - (G) Specialty areas when established.
- (9) The remaining courses, needed to meet the forty-five (45) graduate-hour requirement, shall be in any of the academic areas listed.
- (10) If an applicant completes a titled course which does not meet the entire content requirements of any area named, the applicant may be required to submit evidence to the Department that the required content was covered in portions of more than one (1) course.

(b) **Effective January 1, 2000.** On and after January 1, 2000, applicants shall possess as a part of the required sixty (60) credit hours of graduate curriculum, one (1) or more courses of at least three (3) credit hours per course in each of the following core counseling areas:

(1) Human growth and development - at least one (1) course which deals with the process stages of human intellectual, physical, social and emotional development of any of the stages of life from prenatal through old age.

(2) Abnormal human behavior - at least one (1) course which offers a study of the principles of understanding dysfunction in human behavior or social disorganization.

(3) Appraisal/assessment techniques - at least two (2) courses which deal with the principles, concepts and procedures of systematic appraisal, assessment, or interpretation of client needs, abilities, and characteristics, which may include the use of both testing and non-testing approaches.

(4) Counseling theories/methods - at least two (2) courses which survey the major theories and/or techniques of counseling.

(5) Professional orientation/ethics - at least one (1) course which deals primarily with the objectives of professional counseling organizations, codes of ethics, legal aspects of practice, standards of preparation and the role of persons providing direct counseling services.

(6) Research - at least one (1) course in the methods of social science or mental health research which includes the study of statistics or a thesis project in an area relevant to the practice of counseling.

(7) Practicum/internship - at least one (1) course of an organized practicum with at least three hundred (300) clock hours in counseling with planned experiences providing classroom and field experience with clients under the supervision of college or university approved counseling professionals.

(8) Knowledge areas - at least five (5) courses of at least three (3) credit hours each from the knowledge areas listed below.

- (A) Group dynamics
- (B) Life style and career development
- (C) Social and cultural foundations
- (D) Personality theories
- (E) Crisis intervention
- (F) Marriage/family counseling
- (G) Addictions counseling
- (H) Rehabilitation counseling
- (I) Gerontology
- (J) Human sexuality
- (K) Counseling with children/adolescents
- (L) Clinical supervision
- (M) Psychopharmacology
- (N) Consultation
- (O) Specialty areas when established

(c) **Remaining courses.** Effective January 1, 2000, the remaining courses needed to meet the sixty (60) graduate-hour requirement shall be in any of the knowledge areas listed in 310:405-9-2(b).

(d) **Required content.** Effective January 1, 2000, if an applicant completes a titled course which does not meet the entire content requirements of any area named in 310:405-9-2(b), the applicant may be required to submit evidence to the Department that the required content was covered in portions of more than one (1) course.

SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENT

310:405-11-1. Application required prior to accrual of supervision hours

Supervised experience shall be accrued only after official application has been made to the Department. The application includes application, application fee, official transcripts, Internship/Practicum Documentation Form and Supervision Agreement.

310:405-11-2. Responsibility of supervisors and supervisees

The supervisor and supervisee shall be jointly responsible for the following:

- (1) Ensuring that the requirements under this subchapter are fulfilled. A failure to comply may result in the loss of supervision hours, denial of licensure, or initiation of formal complaint procedures.
- (2) Ensuring that the client's right to confidentiality and the proprietary rights of the supervisor's and supervisee's respective employers are adhered to during the course of supervision.

310:405-11-3. Acceptability of supervised experience

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

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

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

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

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

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

(c) Supervised experience is accrued in a private setting under the following conditions:

(1) The supervisee is employed by the supervisor; and

(2) The supervisee works in the same location as the supervisor.

310:405-11-4. Supervisor qualifications

(a) Supervisor qualifications include:

(1) A Licensed Professional Counselor who has practiced in positions relevant to those the LPC proposes to supervise for two (2) years beyond the date of issue of the license, and

(2) An LPC who was licensed by endorsement from another state who has practiced in positions relevant to those they propose to supervise for one (1) year beyond the date of issue of the Oklahoma license.

(3) As of January 1, 2000:

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

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

- (4) An agreement to be "on call" to the supervisee on a twenty-four (24) hour basis and to arrange for an alternate supervisor if not available.
- (5) After receipt of the LPC supervision agreement, LPC supervisor may be approved by the Department.

310:405-11-5. Duration of supervision

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

310:405-11-6. Documentation of supervised experience

- (a) A supervision agreement form between the supervisor and supervisee shall be received by the LPC Department prior to beginning the accrual of supervised hours.
- (b) The supervisor and supervisee shall sign and submit the "Evaluation of Supervised Experience" semi-annually.

SUBCHAPTER 13. FEES

310:405-13-1. Fees established

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

310:405-13-2. Schedule of fees

- (a) **Application fee.** One hundred forty-five dollars (\$145.00) shall be submitted with the application form.

- (b) **License examination fee.** Ninety dollars (\$90.00) shall be submitted when the applicant registers for the examination.
- (c) **Examination processing fee.** Fifty dollars (\$50.00) shall be submitted if the National Counselor Examination has been previously taken and when the scores are received by the Department.
- (d) **Initial license fee.** Ninety dollars (\$90.00) shall be submitted upon notification by the Department. This fee validates the license for a two (2) year period.
- (e) **Annual renewal fee.** Eighty dollars (\$80.00) shall be submitted upon notification by the Department on or before June 30 and validates the license for twelve (12) months.
- (f) **Specialty application fee.** One hundred dollars (\$100.00) shall be submitted with the specialty application.
- (g) **Specialty designation fee.** Fifty dollars (\$50.00) shall be submitted upon notification by the Department.
- (h) **Specialty designation renewal fee.** Twenty dollars (\$20.00) shall be submitted on or before June 30 and validates the license for twelve (12) months.
- (i) **Late renewal fee.** Twenty-five dollars (\$25.00) shall be submitted if the license is not renewed by June 30. The licensee must submit this fee as well as the license renewal fee on or before the following June 30 to avoid revocation.
- (j) **Replacement fee.** Twenty-five dollars (\$25.00) shall be submitted for the issuance of a license certificate to replace a license which has been lost, damaged, or is in need of revision.
- (k) **Inactive license fee.** Twenty-five dollars (\$25.00). Payment of this fee renders the license inactive and suspends all rights and privileges granted by the license until the license is reactivated.
- (l) **Reactivation fee.** A pro-rated fee in accordance with LPC regulation 310:405-21-3.1 shall be submitted at the time of reactivation.

310:405-13-3. Fees non-refundable

Fees paid by applicants are not refundable.

310:405-13-4. Method of payment

Payment of fees shall be by personal check, cashier's check, money order or cash. Any check returned to the Department for non-payment will result in suspension of license.

310:405-13-5. Review of fees

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

SUBCHAPTER 15. LICENSURE EXAMINATIONS

310:405-15-1. Eligibility

An LPC applicant is eligible to take the licensing examination following the submission of:

- (1) Application fee and form;
- (2) Practicum/Internship Documentation Form;
- (3) Official transcript(s) showing completion of all academic requirements listed in subchapter 9, section 310:405-9-2; and
- (4) Examination fee or examination processing fee if the National Counselor Examination has been taken since January 1, 1995.

310:405-15-2. Forms

The examination may take the form of:

- (1) A written examination;
- (2) The results of a field examination submitted through questionnaires answered by persons competent to evaluate an applicant's professional competence which may include the submission of written case studies and taped interviews with an applicant's instructors, supervisors and others or submission of such documentary evidence relating to an applicant's experience and competence as required by the Department; and
- (3) An oral examination.

310:405-15-3. Frequency

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

310:405-15-4. Application

- (a) The Department shall mail notification of approval of the application to the last known address of applicant at least sixty (60) days prior to the date of the next scheduled examination.
- (b) An applicant who wishes to take a scheduled examination shall complete an examination registration form and return it to the Department submitting the required fee at least thirty (30) days prior to the date of the examination.

310:405-15-5. Grading

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

310:405-15-6. Notice of results

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

310:405-15-7. Failure to appear

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

310:405-15-8. Failure to apply

The application of a person who 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, shall be voided and the applicant shall be mailed notification at last known address.

SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

310:405-17-1. Purpose

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

310:405-17-2. Number of hours required

Licensees shall complete and furnish documentation to the Department of twenty (20) clock hours of continuing education per year. One (1) academic hour is equal to fifteen (15) clock hours.

310:405-17-3. Acceptable continuing education

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

- (1) Approximates the content of any of the academic areas listed in subchapter 310:405-9-2 of this chapter.
- (2) Is presented by an LPC or other person licensed or certified by other counselor related professions.
- (3) Is presented by a licensed or certified member of a non-counseling field, i.e. medicine, law if the content of the presentation is counselor related and falls within the presenter's area of training.
- (4) Takes place in the context of a graduate course, in-service training, institute, seminar, workshop, conference or a Department approved home study course.
- (5) Is accrued during the twelve (12) months preceding the renewal deadline or, in the case of the first licensing period, twenty-four (24) months preceding renewal.

310:405-17-4. Continuing education accrual from teaching

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

310:405-17-5. Professional audience

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

310:405-17-6. Documentation of attendance

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

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

310:405-17-6.1. Submission of continuing education roster

LPCs shall submit a Continuing Education Roster (not individual verification of attendance documents) with the license renewal fee. Rosters may be obtained from the Department. Only continuing education accrued in the preceding license renewal period shall be acceptable.

310:405-17-6.2. Audit of continuing education submissions

In July of each year, the Department shall randomly select from two (2) to twenty-five (25) percent of the number of LPCs on active status the previous year for an audit of their claimed continuing education credits. These selected LPCs shall provide the Department with verification of all credits claimed on their Continuing Education Roster 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.

310:405-17-6.3. Penalty for failure to submit continuing education

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

310:405-17-6.4. Submission of fraudulent continuing education

The submission of fraudulent continuing education hours shall be the cause for disciplinary action through the Commissioner and may result in suspension or revocation of license.

310:405-17-7. Responsibility

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

310:405-17-8. Failure to complete

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

SUBCHAPTER 19. ISSUANCE OF LICENSE

310:405-19-1. Certificate

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

310:405-19-2. Signature

Official licenses shall be signed by the Commissioner and the Chairperson of the Advisory Board and be affixed with the seal of the State of Oklahoma.

310:405-19-3. Property of department

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

310:405-19-4. Notification

After having fulfilled all requirements for licensure, the Department shall mail notification to the licensee, at last known address, of qualification for licensure; and when the license fee is received by the Department, the Department shall mail the certificate to the licensee.

310:405-19-5. Replacement

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

SUBCHAPTER 21. LICENSE AND SPECIALTY RENEWAL

310:405-21-1. Responsibility

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

310:405-21-2. Initial licensing period

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

310:405-21-3. Initial renewal

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

310:405-21-3.1. Interim renewal

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

- (1) License expires last day of July:
 - (A) Fee - \$71.50
 - (B) C.E. due June 30th - 16.5 hours
- (2) License expires last day of August:
 - (A) Fee - \$65.00 *
 - (B) C.E. due June 30th - 15 hours
- (3) License expires last day of September:
 - (A) Fee - \$58.50
 - (B) C.E. due June 30th - 13.5 hours
- (4) License expires last day of October:
 - (A) Fee - \$52.00
 - (B) C.E. due June 30th - 12 hours
- (5) License expires last day of November:
 - (A) Fee - \$45.50
 - (B) C.E. due June 30th - 10.5 hours
- (6) License expires last day of December:
 - (A) Fee - \$39.00
 - (B) C.E. due June 30th - 9 hours

- (7) License expires last day of January:
 - (A) Fee - \$32.50
 - (B) C.E. due June 30th - 7.5 hours
- (8) License expires last day of February:
 - (A) Fee - \$26.00
 - (B) C.E. due June 30th - 6 hours
- (9) License expires last day of March:
 - (A) Fee - \$19.50
 - (B) C.E. due June 30th - 4.5 hours
- (10) License expires last day of April:
 - (A) Fee - \$13.00
 - (B) C.E. due June 30th - 3 hours
- (11) License expires last day of May:
 - (A) Fee - \$ 6.50
 - (B) C.E. due June 30th - 1.5 hours
- (12) License expires last day of June: not prorated

310:405-21-3.2. Annual renewal

After the initial two (2) year licensing period plus the interim period, renewals shall expire each June 30th, with a renewal fee of eighty dollars (\$80.00) and a continuing education requirement of twenty (20) hours.

310:405-21-4. Specialty renewal

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

310:405-21-5. Requirements for renewal

Requirements for renewal include:

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

310:405-21-6. Display of renewal certificate

A current license renewal certificate shall be displayed on the original or replaced license certificate.

310:405-21-7. Inactive status

- (a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar (\$25.00) fee. An inactive license forfeits all rights and privileges granted by the license.
- (b) When a license is placed on inactive status, the license and active verification cards shall be returned to the 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.

SUBCHAPTER 23. LICENSE AND SPECIALTY LATE RENEWAL AND REVOCATION

310:405-23-1. Renewal notification

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

310:405-23-2. Failure to renew

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

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

310:405-23-3. Return of certificate

Licenses not renewed within the one (1) year renewal period shall be revoked and the license certificate shall be returned to the Department.

310:405-23-4. Misrepresentation

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

SUBCHAPTER 25. COMPLAINT PROCEDURES

310:405-25-1. Reporting a complaint

A person wishing to report a complaint or alleged violation against a licensee may notify the Department in writing, by telephone, or by a personal visit.

310:405-25-2. Complaint form

Upon receipt of a complaint, the Department shall send an acknowledgement letter to the complainant and an official complaint form to be completed and returned by the complainant before further action is considered.

310:405-25-3. Advisory Board action

Upon receipt of the official complaint form, the Department shall notify the Advisory Board who will direct further consideration.

310:405-25-5. Investigation

Based on the results of the investigation, the Department may:

- (1) Dismiss the complaint.
- (2) Order an informal hearing.
- (3) Order a formal hearing.

SUBCHAPTER 27. LICENSURE BY ENDORSEMENT

310:405-27-1. Submission of verification of license

An applicant applying for licensure by endorsement shall submit a copy of the current verification card by which the endorsed licensure is requested, a copy of the statute and rules of the agency issuing the license and the name and address of the licensing agency.

310:405-27-2. Licensing procedures

All application materials, as listed in 310:405-7-2 of this chapter, must be submitted and the application and licensure fees must be paid by the applicant.

SUBCHAPTER 29. CONSUMER INFORMATION

310:405-29-1. Registry

- (a) Each year the Department shall publish a roster of Licensed Professional Counselors (LPC's).
- (b) The roster of LPCs shall include but not be limited to the name, academic degree under which the license is held, preferred mailing business address, telephone number, license number, and the counseling specialties, if any, of current licensees.

310:405-29-2. 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.

310:405-29-3. Statement of professional disclosure

- (a) The Statement of Professional Disclosure informs clients of the counselor's professional credentials, training, fees, orientation/techniques and informs about the LPC Administrator should the client seek additional information about the counselor.
- (b) Both LPCs and LPC applicants under supervision who charge clients a fee for service as provided for by Section 1916 of the LPC Act shall:
 - (1) Furnish an example copy signed by the LPC, and in the case an applicant supervisee, signed by the LPC supervisor and the supervisee, to the Department. Updated copies shall be submitted when the counselor's situation warrants.
 - (2) In the counseling setting, two (2) copies shall be signed by both the client or adult caretaker and the counselor. One (1) copy shall be given to the client and the other copy shall be retained by the counselor in the client's file.

SUBCHAPTER 31. ENFORCEMENT

310:405-31-1. Purpose

The purpose of this subchapter is to specify the procedures for disciplinary actions against LPCs or against persons who practice counseling without a license or exemption.

310:405-31-2. Complaints

Any person may file a complaint against an LPC or a person practicing counseling. The Department will make a preliminary investigation to determine which allegations are likely to be true. The Department shall present the allegations to the Advisory Board as specified in Subchapter 25 of this Chapter.

310:405-31-3. Investigation

If the Advisory Board determines that a possible violation of the Act or this Chapter has occurred, the Department shall investigate.

310:405-31-4. Filing of an action

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

310:405-31-5. 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. In making its recommendation, the Department may seek the counsel of the Advisory Board. Any decision made will be based on the record before the Department.

310:405-31-6. 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.

310:405-31-7. Unauthorized practice

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

310:405-31-8. 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 counseling without licensure or exemption; or
- (2) Violated any rule within this Chapter; or
- (3) Violated any order issued pursuant to this Chapter.

(b) The administrative penalty shall not exceed one hundred dollars (\$100.00) per day for each day the violation occurred. The total amount of the administrative penalty assessed shall not exceed ten-thousand dollars (\$10,000.00) for any related series of violations.