

**LICENSED
PROFESSIONAL COUNSELOR
ACT
and
REGULATIONS**



**Oklahoma State Department of Health
Licensed Professional Counselor Advisory Board
1000 N.E. 10th Street
Oklahoma City, OK 73117-1299
(405) 271-6030
www.health.ok.gov/program/lpc**

LICENSED PROFESSIONAL COUNSELOR ACT (UNOFFICIAL FORMAT)

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**LICENSED PROFESSIONAL
COUNSELORS ACT
TITLE 59 OF THE OKLAHOMA STATUTES
CHAPTER 44 -- LICENSED PROFESSIONAL COUNSELORS ACT
AS AMENDED 2002
(Unofficial Format)**

Section 1901. Short Title

Chapter 44 of this title 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 Commissioner;
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 sub area of counseling practice that is recognized by a national certification agency or by the Board;
12. **"Supervisor"** means a person who meets the requirements established by the Board and who is licensed pursuant to the Licensed Professional Counselors Act; and
13. **"Licensed professional counselor candidate"** means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in Section 1906 of this title.

Section 1903. Construction of Act

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

1. Physicians, psychologists, social workers, marital and family therapists, and attorneys, who are licensed by their respective licensing authorities;
2. Rehabilitation counselors, vocational evaluation specialists, psychiatric and mental health nurses, alcohol and drug counselors, school administrators, school teachers and school counselors who are certified by their respective certifying authorities;
3. Persons in the employ of accredited institutions of higher education, or in the employ of local, state or

federal government; and

4. Member' s of clergy.

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

C. 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 Professional Counselor if such activities and services area part of the official duties of such person with the nonprofit 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 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.

4. Members of clergy.

D. 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 Professional Counselor if such activities and services are a 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 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 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 quality of care is not compromised 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.

Section 1904. Oklahoma Licensed Professional Counselors Advisory Board – Members - Meeting.

- A. 1. 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, 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 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 Commissioner shall appoint successors for a four-year term.
- 3. 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.
- B. Vacancies occurring in the Advisory Board shall be filled for the UN-expired 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.
- 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 as provided by the provisions of the State Travel Reimbursement Act.
- E. Advisory Board members shall be ineligible for reappointment for a period of three (3) years following completion of their term.
- F. 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. State Board of Health – State Commissioner of Health – Duties and Authority

- 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;
 - 2. Adopt and establish rules of professional conduct; and
 - 3. Set license and examination fees as required by the Licensed Professional Counselors Act.
- B. The State Department of Health shall, giving regard to the recommendation of the Advisory Board, have the authority to:
 - 1. Seek injunctive relief;
 - 2. Request the district attorney to bring an action to enforce the provisions of the Licensed Professional Counselors Act;
 - 3. Receive fees and deposit said fees into the Licensed Professional Counselors Revolving Fund as required by the Licensed Professional Counselors Act;
 - 4. Issue, renew, revoke, deny, suspend and place on probation 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 and possible violations of the Licensed Professional Counselors Act;
 - 7. Accept grants and gifts from various foundations and institutions; and
 - 8. Make such expenditures and employ such personnel as the Commissioner may deem necessary for the administration of the Licensed Professional Counselors Act.

Section 1906. Application for license to practice – Eligibility – Qualifications

- A. Applications for a license to practice as a licensed professional counselor shall be made to the State Department of Health in writing. Such applications shall be on a form and in a manner prescribed by the Commissioner of

Health. The application shall be accompanied by the fee required by the Licensed Professional Counselors Act, which shall be retained by the Department 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;
4. Not have engaged in, nor be engaged in, any practice or conduct which would be grounds for denying, revoking or suspending a license pursuant to this title; and
5. 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 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 State Board of Health shall define what course work qualifies as "counseling-related" and what degrees/majors qualify as a "counseling field"; and
2. 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. Time of Examinations – Reapplication - Materials

- A. 1. 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 State Department of Health shall determine the acceptable grade on examinations. The examination shall cover such technical, professional and practical subjects as relate to the practice of professional counseling.
2. If an applicant fails to pass the examinations, the applicant may reapply.
- B. The Commissioner shall preserve answers to any examination, and the applicant's performance on each section, as part the records of the Department for a period of two (2) years following the date of the examination.

Section 1908. Issuance of licenses – Renewal – Retiring of License.

- A. An applicant who meets the requirements for licensure pursuant to the provisions of the Licensed Professional Counselors Act, 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 Department of Health.
- B. Each initial license 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 annually upon application and payment of fees. The application for renewal shall be accompanied by evidence satisfactory to the Department that the applicant has completed relevant professional or continued educational experience during the previous twenty-four (24) months. Failure to renew a license shall result in forfeiture of the rights and privileges granted by the license. A person whose license has expired may make application within one (1) year following the expiration in writing to the Department requesting reinstatement in a manner prescribed by the Department and payment of the fees required by the provisions of the Licensed Professional Counselors Act. The license of a person whose license has expired for more than one (1) year shall not be reinstated. A person may reapply for a new license as provided in Section 1906 of this title.
- C. A licensed professional counselor 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 office of Professional Counselor Licensing. 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. Issuance of licenses by Endorsement to Persons Licensed in another State with Comparable Standards.

The Commissioner of Health shall have the power to issue a license by endorsement to an applicant in another state to practice as a licensed professional counselor if the Commissioner deems such applicant to have qualifications comparable to those required under the Licensed Professional Counselors act and if the Commissioner finds the applicant meets the standards, provided by the rules, for licensure by endorsement.

Section 1910. Disclosure of Confidential Information – Privileges – Testimony in Hearings

A. No person licensed pursuant to the provisions of the Licensed Professional Counselors Act shall knowingly or willfully 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;
3. If the client waives the privilege by bringing charges against the licensed person.
4. When failure to disclose such information presents a danger to the health of any person; or
5. If the licensed professional counselor is a party to a civil, criminal or disciplinary action arising from such therapy, in which case any waiver of the privilege accorded by this section shall be limited to that action.

B. No information shall be treated as privileged and there shall be no privileges created by the Licensed 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. Representation as a “Licensed Professional Counselor” or “LPC”

A. Any person who:

1. 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;
2. Otherwise offers to perform counseling services;
3. 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;
4. Practices counseling, upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense and in addition may be imprisoned for a term not to exceed six (6) months in the county jail or by both such fine and imprisonment.

B. It shall be unlawful for any person who is not licensed or supervised pursuant to or specifically exempt from the provisions of the Licensed Professional Counselors Act to:

1. Advertise or otherwise offer to perform counseling services;
2. 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;
3. Practice counseling. Such action shall be subject to injunctive action by the Commissioner of Health.

Section 1912. Reasons to Deny, Revoke or Suspend License or Specialty Designation

A. The Department, may deny, revoke suspend or place on probation any license or specialty designation issued pursuant to the provisions of the Licensed Professional Counselors Act to a licensed professional counselor, if the person has:

1. Been convicted of a felony;
2. Been convicted of a misdemeanor determined to be such a nature as to render the person convicted unfit to

practice counseling;

3. Engaged in fraud or deceit in connection with services rendered or in establishing needed qualifications to the provisions of the act;

4. Knowingly aided or abetted a person not licensed pursuant to these provisions in representing himself as a licensed professional counselor in this state;

5. Engaged in unprofessional conduct as defined by the rules established by the Board;

6. Engaging in negligence or wrongful actions in the performance of his duties; or

7. Misrepresented any information required in obtaining a license.

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

Section 1913. Repealed effective November 1, 1995

Section 1913.1 Promulgation of Rules – Penalties for Violations.

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

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

2. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00).

3. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.

4. All administrative penalties collected shall be deposited into the Licensed Professional Counselors Revolving Fund.

Section 1914. Conduct of Hearings – Conformity with Provisions.

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 effective November 1, 1995

Section 1915.1. Exemption from Revised Education Requirements.

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 1906 of this title.

Section 1916. Repealed effective November 1, 1995

Section 1916.1. Copy of Statement of Professional Disclosure to Client and State Department of Health.

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

Section 1917. Professional Specialty Designation Area – Specialty Designation.

A. A professional specialty designation area may be established by the State Department of Health upon receipt of a petition signed by fifteen qualified persons who are currently licensed as licensed professional counselors, and who meet the recognized minimum standards as established by appropriate nationally recognized certification agencies; provided, if a nationally recognized certification does not exist, the Department may establish minimum standards for specialty designations.

B. Upon receipt of credentials from the appropriate certification agency, the Department may grant the licensed

professional counselor the appropriate specialty designation. The licensed professional counselor may attain specialty designation through examination. A licensed professional counselor shall not claim or advertise a counseling specialty and shall not incorporate the specialty designation into the professional title of such licensed professional counselor, unless the qualifications and certification requirements of that specialty have been met and have been approved by the Department and the appropriate certification agency.

Section 1918. Licensed Professional Counselors Revolving Fund - Creation.

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 moneys received pursuant to this act. All moneys 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. Licensing and Annual Renewal Fees.

- A. 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 Advisory Board.
- B. 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.
- C. 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).
- D.
 - 1. The fee for the issuance of a license to replace a license which was lost, destroyed, or mutilated shall be Twenty-Five Dollars (\$25.00).
 - 2. The fee shall accompany the application for a replacement license.
 - 3. The fee for specialty designation shall not exceed One Hundred Fifty Dollars (\$150.00)
 - 4. The fee for an examination required pursuant to the Licensed Professional Counselor Act shall not exceed the Departments actual costs for holding and grading the examination.

Section 1920. Reimbursement not Construed from Act.

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)**

**TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
 CHAPTER 405. LICENSED PROFESSIONAL COUNSELORS
 As Amended June 2006
 "Unofficial Rules"**

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[**Authority:** 59 O.S. 2001, Section 1905(A); 63 O.S. 2001, Section 1-106.1]

[**Source:** Codified 12-31-91]

SUBCHAPTER 1. GENERAL PROVISIONS

Section	
310:405-1-1.	Purpose
310:405-1-2.	Description [REVOKED]
310:405-1-2.1	Definitions
310:405-1-3.	Officers [REVOKED]
310:405-1-3.1.	Prohibition [REVOKED]
310:405-1-4.	Administrator [REVOKED]
310:405-1-5.	Transactions of official business [REVOKED]
310:405-1-6.	Agendas [REVOKED]
310:405-1-7.	Minutes [REVOKED]
310:405-1-8.	Rules of order [REVOKED]
310:405-1-9.	Official records [REVOKED]
310:405-1-10.	Sub-committees [REVOKED]
310:405-1-11.	Impartiality [REVOKED]
310:405-1-12.	Discrimination policy [REVOKED]
310:405-1-13.	Policy on handicapped applicants [REVOKED]
310:405-1-14.	Seal [REVOKED]

310:405-1-1. Purpose

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-2. Description [Revoked]

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

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 supervisee consisting of from two (2) to six (6) members.

[Source: Added at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

310:405-1-3. Officers (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-3.1. Prohibition (Revoked)

[Source: Added at 13 Ok Reg 2495, eff 6-27-96; Revoked at 17 Ok Reg 2935, eff 7-13-00]

310:405-1-4. Administrator (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-5. Transactions of official business (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-6. Agendas (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-7. Minutes (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-8. Rules of order (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-9. Official records (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-10. Sub-committees (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-11. Impartiality (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-12. Discrimination policy (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-13. Policy on handicapped applicants (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-1-14. Seal (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

SUBCHAPTER 3. RULES OF PROFESSIONAL CONDUCT

Section	
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310:405-3-2.	Competence
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310:405-3-4.1	Clinical responsibility to supervisees
310:405-3-5.	Relations with the public and other professions
310:405-3-6.	Failure to comply

310:405-3-1. Responsibility

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

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 such services are impaired by physical, mental or emotional problems. LPCs shall seek assistance for problems, and, if necessary, limit, suspend, or terminate their professional responsibilities.

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

(1) LPC 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 310:405-3-1, 310:405-3-2(a)(f), and 310:405-3-5(f)(1)(2)(3) of this Chapter.

(2) LPC 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) LPC 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) LPC 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) LPC candidates and licensees must base their findings and conclusions only upon information gained by appropriate and lawful means. Interviews of minor children must be preceded by written consent from the joint-custodial parents or from the custodial parent or from the legal guardian or from the legal custodian appointed by the Court.

(6) LPC 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. LPC candidates and licensees who provide mediation, parent coordinating assistance or any other neutral participation, may not undertake to provide counseling to any person(s) involved or directly affected by the LPC candidate's or licensee's role as a neutral participant.

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 17 Ok Reg 2935, eff 7-13-00; Amended at 20 Ok Reg 521, eff 1-6-03 (emergency); Amended at 20 Ok Reg 2365, eff 7-11-2003; Amended at 23 Ok Reg 2380, eff 6-25-2006]

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

(c) **Dual relationships.** LPCs 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.**

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

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

(3) When an LPC becomes cognizant of a disability or other condition that may impede, undermine or otherwise

interfere with the LPC's duty of responsibility to the client, including a suspension of the LPC's license or any other situation or condition described in subchapter 3 of these rules, the LPC shall promptly notify the client in writing of the presence or existence of the disability or condition and take reasonable steps to timely terminate the therapeutic relationship.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 17 Ok Reg 2935, eff 7-13-00; Amended at 23 Ok Reg 2380, eff 6-25-2006]

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.

[Source: Added at 13 Ok Reg 2495, eff 6-27-96]

310:405-3-4. Professional standards

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

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

(c) **Sexual contact.**

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

(2) **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.

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

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

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

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99; Amended at 17 Ok Reg 2935, eff 7-13-00; Amended at 21 Ok Reg 2750, eff 7-12-2004]

310:405-3-4.1. Clinical responsibility to supervisees

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

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

(c) LPCs shall not permit supervisees to perform or to hold themselves out as competent to perform professional

services beyond their training, level of experience, and competence.

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

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

[Source: Added at 23 Ok Reg 2380, eff 6-25-2006]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99; Amended at 17 Ok Reg 2938, eff 7-13-00]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

SUBCHAPTER 5. FITNESS OF APPLICANTS

Section

- 310:405-5-1. Purpose
- 310:405-5-2. Fitness for licensure
- 310:405-5-3. Materials considered to determine fitness

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

SUBCHAPTER 7. APPLICATION PROCEDURES

Section

- 310:405-7-1. General
- 310:405-7-2. Application materials and forms
- 310:405-7-2.1. Submission of documents
- 310:405-7-3. Negative references
- 310:405-7-4. Re-application for permanently expired license
- 310:405-7-5. Re-application for revoked license
- 310:405-7-6. Re-application for voided application for failure to take scheduled examinations
- 310:405-7-7. Re-application for voided application for failure to complete supervised experience
- 310:405-7-8. Re-application for denied application

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 will not consider an application as officially submitted until receipt of the Application Form, application fee, official transcript(s), three (3) Document of Recommendation forms, Internship/Practicum Documentation Form, and completed criminal background check. The application fee must accompany the Application Form.
- (d) The Department shall notify applicants of their test eligibility no later than 60 days after receiving and approving the required application materials.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 17 Ok Reg 2935, eff 7-13-00; Amended at 23 Ok Reg 2380, eff 6-25-2006]

310:405-7-2. Application materials and forms

- (a) Each application shall include the following documents:
 - (1) Application form,
 - (2) Official transcript, mailed from the university or college,
 - (3) Three (3) Document of recommendation forms,
 - (4) Practicum documentation form,
 - (5) Two (2) classifiable sets of fingerprints, and
 - (6) Fees.
- (b) The Application Form requires the following:
 - (1) Identifying information;
 - (2) Possession of other credentials;
 - (3) Previous misconduct;
 - (4) Education;
 - (5) References;
 - (6) Proposed professional practice; and
 - (7) Notarization.
- (c) The Internship/Practicum Documentation form requires the following:
 - (1) Identifying information; and
 - (2) Time, place, location of practicum.
- (d) The Document of Recommendation requires the following:
 - (1) Identifying information;
 - (2) Ratings of ethical and professional characteristics; and
 - (3) Circumstances and time period submitter has known applicant.

- (e) The Statement of Professional Disclosure requires the following:
 - (1) Statement providing for the applicant's disclosure of professional standing; and
 - (2) Statement providing for making contact with OSDH for further information.
- (f) The Supervision Agreement requires identifying information of supervisee and supervisor.
- (g) The On-Site Supervisor Verification Form requires identifying information as follows:
 - (1) Name of applicant;
 - (2) Place of employment;
 - (3) On-Site Supervisor information;
 - (4) A reproduction of the regulation regarding supervision accrued in a private setting.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 17 Ok Reg 2935, eff 7-13-00; Amended at 23 Ok Reg 2380, eff 6-25-2006]

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.

[Source: Added at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

310:405-7-4. Re-application for permanently expired license

- (a) Re-application after license expires for non-renewal shall include the following documents:
 - (1) Application form,
 - (2) Official transcripts, mailed from the university or college,
 - (3) Document of Recommendation forms,
 - (4) Supervision Agreement,
 - (5) Statement of Professional Disclosure,
 - (6) New Application Fee,
 - (7) On-Site Supervisor Verification Form, and
 - (8) Two (2) classifiable sets of fingerprints.
- (b) Applicant shall re-take two examinations:
 - (1) The National Counselor Examination or another equivalent examination as determined by the Department; and
 - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
- (c) The Internship/Practicum Documentation Form on file shall carry over to a new application.
- (d) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (e) Applicant shall obtain approved supervision until the exams are taken and passed as described in OAC Rule 310:405-11-5(h).

[Source: Added at 21 Ok Reg 1039, eff 5-13-2004; Amended at 23 Ok Reg 2380, eff 6-25-2006]

310:405-7-5. Re-application for revoked license

- (a) Re-application after license is revoked for administrative action shall include the following documents:
 - (1) Application form,
 - (2) Official transcripts, mailed from the university or college,
 - (3) Document of Recommendation forms,
 - (4) Supervision Agreement,
 - (5) Statement of Professional Disclosure,
 - (6) New Application Fee,
 - (7) On-Site Supervisor Verification Form, and

- (8) Two (2) classifiable sets of fingerprints.
 - (b) Applicant shall re-take two examinations:
 - (1) The National Counselor Examination or another equivalent examination as determined by the Department; and
 - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
 - (c) The Internship/Practicum Documentation Form on file shall carry over to a new application.
 - (d) All previously submitted and approved Supervised Experience shall not carry over to a new application.
- [Source: Added at 21 Ok Reg 1039, eff 5-13-2004; Amended at 23 Ok Reg 2380, eff 6-25-2006]**

310:405-7-6. Re-application for voided application for failure to take scheduled examinations

- (a) Re-application after application is voided for failure to take scheduled examinations or after the eligible applicant fails an examination and does not take subsequent scheduled examinations shall include the following documents:
 - (1) Application form,
 - (2) Official transcripts, mailed from the university or college,
 - (3) Document of Recommendation forms,
 - (4) Supervision Agreement,
 - (5) Statement of Professional Disclosure Form,
 - (6) New Application Fee,
 - (7) On-Site Supervisor Verification Form, and
 - (8) Two (2) classifiable sets of fingerprints.
 - (b) Applicant shall take two examinations:
 - (1) The National Counselor Examination or another equivalent examination as determined by the Department; and
 - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
 - (c) The Internship/Practicum Documentation Form on file shall carry over to a new application.
 - (d) All previously submitted and approved Supervised Experience shall carry over to a new application.
 - (e) Applicant shall obtain approved supervision until the exams are taken and passed and/or until the supervision requirement is complete as described in OAC Rule 310:405-11-5(h).
- [Source: Added at 21 Ok Reg 1039, eff 5-13-2004; Amended at 23 Ok Reg 2380, eff 6-25-2006]**

310:405-7-7. Re-application for voided application for failure to complete supervised experience

- (a) Re-application after application is voided for failure to complete the supervised experience requirement within sixty (60) months as described in OAC Rule 310:405-11-5(i) shall include the following documents:
 - (1) Application form,
 - (2) Official transcripts, mailed from the university or college,
 - (3) Document of Recommendation forms,
 - (4) Supervision Agreement,
 - (5) Statement of Professional Disclosure,
 - (6) New Application Fee,
 - (7) On-Site Supervisor Verification Form, and
 - (8) Two (2) classifiable sets of fingerprints.
 - (b) Applicant shall re-take two examinations:
 - (1) The National Counselor Examination or another equivalent examination as determined by the Department; and
 - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
 - (c) The Internship/Practicum Documentation Form on file shall carry over to a new application.
 - (d) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.
 - (e) Applicant shall obtain approved supervision until the exams are taken and passed and/or until the supervision requirement is complete as described in OAC Rule 310:405-11-5(h).
- [Source: Added at 21 Ok Reg 1039, eff 5-13-2004; Amended at 23 Ok Reg 2380, eff 6-25-2006]**

310:405-7-8. Re-application for denied application

- (a) Re-application after application has been denied shall include the following documents:
 - (1) Application form,
 - (2) Official transcripts, mailed from the university or college,
 - (3) Document of Recommendation forms,
 - (4) Supervision Agreement,
 - (5) Statement of Professional Disclosure,
 - (6) New Application Fee,
 - (7) On-Site Supervisor Verification Form, and
 - (8) Two (2) classifiable sets of fingerprints.
- (b) Application materials shall be reviewed by the LPC Advisory Board.
- (c) Applicant shall be required to take necessary examinations.
- (d) Applicant shall be required to accrue an additional 500 hours of supervised experience.
- (e) Internship/Practicum Documentation Form on file shall carry over to a new application.
- (f) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (g) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 310:405-31-7.

[Source: Added at 21 Ok Reg 2750, eff 7-12-2004; Amended at 23 Ok Reg 2380, eff 6-25-2006]

SUBCHAPTER 9. ACADEMIC REQUIREMENTS

Section

- 310:405-9-1. Graduate hours and degrees required
- 310:405-9-2. Knowledge area required
- 310:405-7-2.1. Submission of documents
- 310:405-7-3. Negative references

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

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

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 17 Ok Reg 2935, eff 7-13-00; Amended at 22 Ok Reg 2407, eff 7-11-2005]

310:405-9-2. Knowledge area required

(a) Each applicant 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) Physical and Emotional Health
- (P) Specialty areas when established

(b) **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(a).

(c) **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(a), 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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 17 Ok Reg 2935, eff 7-13-00; Amended at 22 Ok Reg 2407, eff 7-11-2005; Amended at 23 Ok Reg 2380, eff 6-25-2006]

SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENT

Section

- 310:405-11-1. Documents required prior to accrual of supervision hours
- 310:405-11-2. Responsibility of supervisors and supervisees
- 310:405-11-3. Acceptability of supervised experience
- 310:405-11-4. Supervisor qualifications
- 310:405-11-5. Duration of supervision
- 310:405-11-6. Documentation of supervised experience
- 310:405-11-7. Supervision agreement

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

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

- (1) Application materials;
- (2) Supervision agreement;
- (3) Statement of professional disclosure;
- (4) On-Site Supervisor Verification Form.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 17 Ok Reg 2935, eff 7-13-00; Amended at 23 Ok Reg 2380, eff 6-25-2006]

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

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

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

[Source: Amended at 10 Ok Reg 627, eff 1-1-93 (emergency); Amended at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 17 Ok Reg 2935, eff 7-13-00; Amended at 23 Ok Reg 2380, eff 6-25-2006]

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

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

- (1) The LPC Candidate works at the same location as a person licensed in the state of Oklahoma as a Licensed

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

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99; Amended at 17 Ok Reg 2935, eff 7-13-00]

310:405-11-4. Supervisor qualifications

Supervisor qualifications include:

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

(6) Approved LPC Supervisors are required to complete a minimum of three (3) clock hours of continuing education in counseling supervision each renewal period.

[Source: Amended at 10 Ok Reg 627, eff 1-1-93 (emergency); Amended at 10 Ok Reg 1711, eff 6-1-93; Amended at Ok Reg 2495, eff 6-27-96; Amended at 17 Ok Reg 2935, eff 7-13-00; Amended at 22 Ok Reg 2407, eff 7-11-2005]

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 (½) of the required supervision hours may be received in group supervision.

(f) One (1) or two (2) years of supervised experience may be gained at the rate of one (1) year for each thirty (30) graduate 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.

(j) Approved supervisors shall perform at least two (2) observations (live or tape) per each six (6) month evaluation period for each supervisee.

(k) Approved supervisors shall consult with on-site supervisor at least once during each six (6) month evaluation period for each supervisee.

[Source: Amended at 10 Ok Reg 627, eff 1-1-93 (emergency); Amended at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 23 Ok Reg 2380, eff 6-25-2006]

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

(a) A supervision agreement form between the supervisor and supervisee, the Statement of Professional Disclosure Form, and the On-Site Supervisor Verification Form shall be received by the LPC Department prior to beginning the accrual of supervised hours.

(b) The supervisor and supervisee shall sign and submit the "Evaluation of Supervised Experience," including documentation of observations and date of consultation between approved supervisor and on-site supervisor, semi-annually.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 23 Ok Reg 2380, eff 6-25-2006]

310:405-11-7. Supervision agreement

(a) The Supervision Agreement shall include the following:

- (1) Supervisor and supervisee agree to terms set forth for the accrual of supervised experience; and
- (2) A reproduction of the regulation regarding supervised experience.

(b) Evaluation of Supervised Experience document shall include the following:

- (1) Identifying information;
- (2) Time, place and duration of supervised experience;
- (3) Percentage of time spent in different counseling activities;
- (4) Supervisor's rating of professional activity;
- (5) Supervisor's comment section; and
- (6) Record of supervised experience.

[Source: Added at 17 Ok Reg 2935, eff 7-13-00; Amended at 23 Ok Reg 2380, eff 6-25-2006]

SUBCHAPTER 13. FEES

Section

- 310:405-13-1. Fees established
- 310:405-13-2. Schedule of fees
- 310:405-13-3. Fees non-refundable
- 310:405-13-4. Method of payment
- 310:405-13-5. Review of fees

310:405-13-1. Fees established

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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.** One hundred dollars (\$100.00) 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 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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99; Amended at 17 Ok Reg 2935, eff 7-13-00]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

SUBCHAPTER 15. LICENSURE EXAMINATIONS

Section	
310:405-15-1.	Eligibility
310:405-15-2.	Examinations required
310:405-15-3.	Frequency
310:405-15-4.	Application
310:405-15-5.	Grading
310:405-15-6.	Notice of results
310:405-15-7.	Failure to appear
310:405-15-8.	Failure to apply

310:405-15-1. Eligibility

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

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 23 Ok Reg 2380, eff 6-25-2006]

310:405-15-2. Examinations required

Each applicant shall take two examinations:

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99; Amended at 17 Ok Reg 2935, eff 7-13-00]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

310:405-15-4. Application

(a) The Department shall mail notification of eligibility to sit for examination to the last known address of applicant no later than sixty (60) days after receiving the required and completed application materials.

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

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

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99; Amended at 23 Ok Reg 2380, eff 6-25-2006]

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.

[Source: Amended at 11 Ok Reg 1533, eff 4-12-94 (emergency); Amended at 11 Ok Reg 3169, eff 6-27-94; Amended at 13 Ok Reg 2495, eff 6-27-96]

310:405-15-6. Notice of results

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

310:405-15-7. Failure to appear

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

310:405-15-8. Failure to apply

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

[Source: Amended at 23 Ok Reg 2380, eff 6-25-2006]

SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

Section

310:405-17-1.	Purpose
310:405-17-2.	Number of hours required
310:405-17-3.	Acceptable continuing education
310:405-17-4.	Continuing education accrual from teaching
310:405-17-5.	Professional audience
310:405-17-6.	Documentation of attendance
310:405-17-6.1.	Submission of continuing education roster
310:405-17-6.2.	Audit of continuing education submissions
310:405-17-6.3.	Penalty for failure to submit continuing education
310:405-17-6.4.	Submission of fraudulent continuing education
310:405-17-7.	Responsibility
310:405-17-8.	Failure to complete

310:405-17-1. Purpose

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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

- (a) Licensees shall complete and furnish documentation to the Department of twenty (20) clock hours of continuing education per year. One (1) academic hour is equal to fifteen (15) clock hours.
- (b) A minimum of three (3) clock hours of continuing education hours must be in counseling ethics.
- (c) Approved LPC Supervisors must complete a minimum of three (3) clock hours of continuing education in counseling supervision.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 22 Ok Reg 2407, eff 7-11-2005]

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.

[Source: Amended at 10 Ok Reg 627, eff 1-1-93 (emergency); Amended at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Amended at 10 Ok Reg 627, eff 1-1-93 (emergency); Amended at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96]

310:405-17-5. Professional audience

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Amended at 10 Ok Reg 627, eff 1-1-93 (emergency); Amended at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Added at 10 Ok Reg 627, eff 1-1-93 (emergency); Added at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96]

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

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

[Source: Added at 10 Ok Reg 627, eff 1-1-93 (emergency); Added at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 23 Ok Reg 2380, eff 6-25-2006]

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 fulfill the requirements for reinstatement. If not reinstated, the license shall expire.

[Source: Added at 10 Ok Reg 627, eff 1-1-93 (emergency); Added at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

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 sanction by the Department.

[Source: Added at 10 Ok Reg 627, eff 1-1-93 (emergency); Added at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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."

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

SUBCHAPTER 19. ISSUANCE OF LICENSE

Section

- 310:405-19-1. License
- 310:405-19-2. Signature
- 310:405-19-3. Property of department
- 310:405-19-4. Notification
- 310:405-19-5. Replacement

310:405-19-1. License

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

[Source: Amended at 16 Ok Reg 2499, eff 6-25-99]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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 license to the counselor.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

310:405-19-5. Replacement

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

SUBCHAPTER 21. LICENSE AND SPECIALTY RENEWAL

Section

- 310:405-21-1. Responsibility
- 310:405-21-2. Initial licensing period
- 310:405-21-3. Initial renewal
- 310:405-21-3.1. Interim renewal
- 310:405-21-3.2. Annual renewal
- 310:405-21-4. Specialty renewal
- 310:405-21-5. Requirements for renewal
- 310:405-21-6. Display of verification card
- 310:405-21-7. Inactive status
- 310:405-21-8. Compassionate exception [REVOKED]

310:405-21-1. Responsibility

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Amended at 10 Ok Reg 627, eff 1-1-93 (emergency); Amended at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96]

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

[Source: Added at 10 Ok Reg 627, eff 1-1-93 (emergency); Added at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Added at 10 Ok Reg 627, eff 1-1-93 (emergency); Added at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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).

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

310:405-21-6. Display of verification card

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

[Source: Amended at 13 Ok Reg 2495, eff 6-26-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

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.

[Source: Amended at 11 Ok Reg 1533, eff 4-12-94 (emergency); Amended at 11 Ok Reg 3169, eff 6-27-94; Amended at 13 Ok Reg 2495, eff 6-27-96]

310:405-21-8. Compassionate exception (Revoked)

[Source: Added at 11 Ok Reg 1533, eff 4-12-94 (emergency); Added at 11 Ok Reg 3169, eff 6-27-94; Revoked at 13 Ok Reg 2495, eff 6-27-96]

SUBCHAPTER 23. LICENSE AND SPECIALTY LATE RENEWAL AND EXPIRATION

Section

- 310:405-23-1. Renewal notification
- 310:405-23-2. Failure to renew
- 310:405-23-3. Return of license
- 310:405-23-4. Misrepresentation
- 310:405-23-5. Reapplication [REVOKED]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

310:405-23-3. Return of license

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99; Amended at 23 Ok Reg 2380, eff 6-25-2006]

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.

[Source: Amended at 13 Ok Reg 2495, 6-27-96]

310:405-23-5. Reapplication (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

SUBCHAPTER 25. COMPLAINT PROCEDURES [REVOKED]

Section

- 310:405-25-1. Reporting a complaint [REVOKED]
- 310:405-25-2. Complaint form [REVOKED]
- 310:405-25-3. Advisory Board action [REVOKED]
- 310:405-25-4. Hearing committee action [REVOKED]
- 310:405-25-5. Investigation [REVOKED]

310:405-25-1. Reporting a complaint [REVOKED]

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Revoked at 16 Ok Reg 2499, eff 6-25-99]

310:405-25-2. Complaint form [REVOKED]

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Revoked at 16 Ok Reg 2499, eff 6-25-99]

310:405-25-3. Advisory Board action [REVOKED]

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Revoked at 16 Ok Reg 2499, eff 6-25-99]

310:405-25-4. Hearing committee action (Revoked)

[Source: Revoked at 13 Ok Reg 2495, eff 6-27-96]

310:405-25-5. Investigation [REVOKED]

[Source: Amended at 13 Ok Reg 2495, eff. 6-27-96; Revoked at 16 Ok Reg 2499, eff 6-25-99]

SUBCHAPTER 27. LICENSURE BY ENDORSEMENT

Section

- 310:405-27-1. Submission of verification of license
- 310:405-27-2. Licensing procedures
- 310:405-27-3. License by endorsement

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

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

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

310:405-27-2. Licensing procedures

An applicant must submit the application form and related documents as requested, licensure fees, three current documents of recommendation and official transcripts.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

310:405-27-3. License by endorsement

The Department shall issue a license by endorsement to an applicant who is licensed or certified as a professional counselor in another jurisdiction and who meets the following:

- (1) The applicant's professional counselor's license in the other jurisdiction is active and in good standing;
- (2) The applicant fulfills the requirements of Section 1906(A) and (B) of the LPC Act;
- (3) The applicant must have at least a masters degree in a counseling field from a regionally accredited college or university;
- (4) The applicant takes and passes the examination as provided in Section 1907(A)(1) of the LPC Act, unless:
 - (A) The applicant has passed a written, counseling examination that, in the judgment of the Department, is substantially equivalent to the examination established by the Department; or
 - (B) Has practiced professional counseling for seven (7) of the last (10) years immediately preceding application for licensure in Oklahoma; and
- (5) The applicant takes and passes the Oklahoma Legal and Ethical Responsibilities Examination.

[Source: Added at 17 Ok Reg 2935, eff 7-13-00]

SUBCHAPTER 29. CONSUMER INFORMATION

Section

- 310:405-29-1. Directory
- 310:405-29-2. Brochure
- 310:405-29-3. Statement of professional disclosure

310:405-29-1. Directory

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

[Source: Amended at 10 Ok Reg 627, eff 1-1-93 (emergency); Amended at 10 Ok Reg 1711, eff 6-1-93; Amended at 16 Ok Reg 2499, eff 6-25-99]

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.

[Source: Amended at 13 Ok Reg 2495, eff 6-27-96]

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

(a) The Statement of Professional Disclosure states the LPC shall inform clients of the counselor's professional credentials, training, fees, orientation/techniques and informs about the LPC Director should the client seek additional information about the counselor.

(b) Both LPCs and LPC candidates as provided by Section 1916.1 of the LPC Act shall:

(1) Furnish an example copy signed by the LPC, and in the case a candidate, signed by the LPC supervisor and the candidate to the Department. Updated copies shall be submitted when the counselor's situation warrants.

(2) In the counseling setting, two (2) copies shall be signed by both the client or adult caretaker and the counselor.

One (1) copy shall be given to the client and the other copy shall be retained by the counselor in the client's file.

[Source: Amended at 10 Ok Reg 627, eff 1-1-93 (emergency); Amended at 10 Ok Reg 1711, eff 6-1-93; Amended at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

SUBCHAPTER 31. ENFORCEMENT

Section	
310:405-31-1.	Purpose
310:405-31-2.	Complaints
310:405-31-3.	Investigation
310:405-31-4.	Filing of an action
310:405-31-5.	Hearing
310:405-31-6.	Final order
310:405-31-7.	Unauthorized practice
310:405-31-8.	Administrative penalties

310:405-31-1. Purpose

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

[Source: Added at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

310:405-31-2. Complaints

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

(b) The complaint and the identity of the complainant shall be confidential and shall not be available for public inspection.

[Source: Added at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99; Amended at 17 Ok Reg 2935, eff 7-13-00]

310:405-31-3. Investigation

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

[Source: Added at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

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

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

(b) If in the course of an investigation the Department determines that a licensee or candidate for licensure has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the counselor's license or authorization to conduct counseling, counseling treatment interventions, and/or consulting. A presumption of imminent harm to the public shall exist if the Department determines that probable cause exists that a licensee or candidate has violated 310:405-3-3(c) or 310:405-3-4(a,b,c or e).

[Source: Added at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99; Amended at 21 Ok Reg 2750, eff 7-12-2004]

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.

[Source: Added at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]

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.

[Source: Added at 13 Ok Reg 2495, eff 6-27-96]

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.

[Source: Added at 13 Ok Reg 2495, eff 6-27-96]

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

[Source: Added at 13 Ok Reg 2495, eff 6-27-96; Amended at 16 Ok Reg 2499, eff 6-25-99]