

## SUBCHAPTER 17. ENFORCEMENT

### Section

- 310:400-17-1. Reporting a complaint [REVOKED]
- 310:400-17-1.1. Purpose
- 310:400-17-2. Complaint form [REVOKED]
- 310:400-17-2.1. Complaints
- 310:400-17-3. Committee action [REVOKED]
- 310:400-17-3.1. Investigation
- 310:400-17-4. Investigation and committee action [REVOKED]
- 310:400-17-4.1. Filing of an action
- 310:400-17-5. Hearing
- 310:400-17-6. Final order
- 310:400-17-7. Unauthorized practice
- 310:400-17-8. Administrative penalties

### **310:400-17-1. Reporting a complaint [REVOKED]**

[Source: Added at 8 Ok Reg 2983, eff 6-12-91 (emergency); Added at 9 Ok Reg 1461, eff 5-1-92; Revoked at 17 Ok Reg 3436, eff 8-29-00 (emergency); Revoked at 18 Ok Reg 1688, eff 5-25-01]

#### **310:400-17-1.1. Purpose**

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

[Source: Added at 17 Ok Reg 3436, eff 8-29-00 (emergency); Added at 18 Ok Reg 1688, eff 5-25-01]

### **310:400-17-2. Complaint form [REVOKED]**

[Source: Added at 8 Ok Reg 2983, eff 6-12-91 (emergency); Added at 9 Ok Reg 1461, eff 5-1-92; Revoked at 17 Ok Reg 3436, eff 8-29-00 (emergency); Revoked at 18 Ok Reg 1688, eff 5-25-01]

#### **310:400-17-2.1. Complaints**

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

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

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

[Source: Added at 17 Ok Reg 3436, eff 8-29-00 (emergency); Added at 18 Ok Reg 1688, eff 5-25-01; Amended at 20 Ok Reg 518, eff 1-6-2003 (emergency); Amended at 20 Ok Reg 2362, eff 7-11-2003]

### **310:400-17-3. Committee action [REVOKED]**

[Source: Added at 8 Ok Reg 2983, eff 6-12-91 (emergency); Added at 9 Ok Reg 1461, eff 5-1-92; Revoked at 17 Ok Reg 3436, eff 8-29-00 (emergency); Revoked at 18 Ok Reg 1688, eff 5-25-01]

#### **310:400-17-3.1. Investigation**

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

[Source: Added at 17 Ok Reg 3436, eff 8-29-00 (emergency); Added at 18 Ok Reg 1688, eff 5-25-01]

### **310:400-17-4. Investigation and committee action [REVOKED]**

[Source: Added at 8 Ok Reg 2983, eff 6-12-91 (emergency); Added at 9 Ok Reg 1461, eff 5-1-92; Revoked at 17 Ok Reg 3436, eff 8-29-00 (emergency); Revoked at 18 Ok Reg 1688, eff 5-25-01]

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

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

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

[Source: Added at 17 Ok Reg 3436, eff 8-29-00 (emergency); Added at 18 Ok Reg 1688, eff 5-25-01; Amended at 21 Ok Reg 2745, eff 7-12-2004]

#### **310:400-17-5. Hearing**

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

[Source: Added at 17 Ok Reg 3436, eff 8-29-00 (emergency); Added at 18 Ok Reg 1688, eff 5-25-01]

#### **310:400-17-6. Final order**

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

[Source: Added at 17 Ok Reg 3436, eff 8-29-00 (emergency); Added at 18 Ok Reg 1688, eff 5-25-01]

#### **310:400-17-7. Unauthorized practice**

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

[Source: Added at 17 Ok Reg 3436, eff 8-29-00 (emergency); Added at 18 Ok Reg 1688, eff 5-25-01]

#### **310:400-17-8. Administrative penalties**

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

(1) Violated any provision of the Act, including practicing marital and family therapy without licensure or exemption; or

(2) Violated any rule within this Chapter; or

(3) Violated any order issued pursuant to this Chapter.

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

[Source: Added at 17 Ok Reg 3436, eff 8-29-00 (emergency); Added at 18 Ok Reg 1688, eff 5-25-01 ]