

The Licensed Professional Counselor Advisory Board proposed the following changes to the LPC Rules. They have been approved by the Oklahoma State Board of Health, signed by the Governor, and became effective June 25, 2007. The language underlined is new and the language stricken through is now deleted. A current copy of the rules is available to view and download at the Professional Counselor Licensing website at www.health.ok.gov/program/lpc, or you may call 405/271-6030 to request a copy be mailed to you.

TITLE 310. OKLAHOMA STATE DEPARTMENT OF HEALTH
CHAPTER 405. LICENSED PROFESSIONAL COUNSELORS

SUBCHAPTER 1. GENERAL PROVISIONS

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, sexual or other non-therapeutic relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LPC's professional obligation to 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.

310:405-1-2.2. Applicability

Every duty, obligation or requirement described in this Chapter and imposed upon a LPC shall be applicable to every licensed professional counselor candidate, unless specifically provided otherwise.

SUBCHAPTER 3. RULES OF PROFESSIONAL CONDUCT

310:405-3-2. Competence

(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~~ may be impaired by a personal physical, mental or emotional ~~problems~~ condition(s). LPCs shall seek assistance for ~~problems~~ any such personal problem(s) with their physical, mental or emotional condition, and, if necessary, limit, suspend, or terminate their professional ~~responsibilities~~ activities. If an LPC possesses a bias, disposition, attitude, moral persuasion or other similar condition that limits his or her ability to recommend a course of treatment or decision-making that is indicated, and under such circumstances where all other treatment and decision options are contra-indicated, then in that event the LPC shall not undertake to provide counseling and will terminate the counseling relationship in accordance with these rules.

(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 has/have a legally recognizable right in the subject matter of the proceeding, which may be directly adversely affected by the findings and conclusions made by the candidate or licensee, a copy of the written report at no cost to the person or persons entitled to receive a copy of the written report pursuant to this section. The copy(ies) must be provided at least ten (10) days prior to the

report's publication unless otherwise required by law or court order.

(3) 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 has/have a legally recognizable right in the subject matter of the proceeding, which may be directly adversely affected by the findings and conclusions made by the candidate or licensee, and must utilize a "face-to-face" interview of the person who is the subject of the forensic analysis, or any other such person who may be directly adversely affected by the findings and conclusions made by the candidate or licensee.

(5) 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~~ may only provide fact witness testimony 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. Fact witness testimony means evidentiary statements that are limited to direct observations made by the LPC candidate or licensee and shall not include conclusions, opinions or recommendations.

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

310:405-3-3. Client welfare

(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. LPCs employed at an institution or facility that has

a published records retention policy that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(2) Confidentiality. LPCs shall maintain the confidentiality of any information received from any person or source about a client, unless authorized in writing by the client or otherwise authorized or required by law or court order.

~~(2)~~ (3) Confidentiality of records. LPCs shall be responsible for ~~securing the~~ complying with the applicable state and federal regulations in regard to the security, 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)~~ (4) Client access. LPCs shall provide the client with a copy of the client's record in accordance with state ~~and~~ 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.~~ LPCs shall not knowingly enter into a dual relationship(s) and shall take any necessary precautions to prevent a dual relationship from occurring. When the LPC reasonably suspects that he or she has inadvertently entered into a dual relationship the LPC shall record that fact in the records of the affected client(s) and take reasonable steps to eliminate the source or agent creating or causing the dual relationship. If the dual relationship cannot be prevented or eliminated and the LPC cannot readily refer the client to another counselor or other professional, the LPC shall complete one or more of the following measures as necessary to prevent the exploitation of the client and/or the impairment of the LPC's professional judgment:

(1) Fully disclose the circumstances of the dual relationship to the client and secure the client's written consent to continue providing counseling;

(2) Consult with the other professional(s) to understand the potential impairment to the LPC's professional judgment and the risk of harm to the client of continuing the dual relationship.

(d) **Providing counseling to persons of prior association.** LPCs shall not undertake to provide counseling to any person with whom the LPC has had any prior sexual contact or close personal relationship within the previous five (5) years.

(e) **Interaction with former clients.** LPCs shall not knowingly enter into a close personal relationship, or engage in any business or financial dealings with a former client for two (2) years after the termination of the counseling relationship. LPCs shall not engage in any activity that is or may be sexual in nature with a former client for at least five (5) years after the termination of the counseling relationship. LPCs shall not exploit or obtain an advantage over a former client by the use of information or trust gained during the counseling relationship.

~~(d)–~~ (f) **Invasion of privacy.** LPCs shall not make inquiry into persons or situations not directly associated with the client's situations matters that are not reasonably calculated to assist or benefit the counseling process.

~~(e)–~~ (g) **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 current 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 current 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.

310:405-3-3.1. Fees and bartering

(b) **Bartering.** LPCs may participate in bartering for ~~services~~ tangible goods only if the relationship is not exploitive, if the client requests it, if a clear written contract is established and if such arrangements are an accepted practice among professionals in the community.

(c) **Tangible goods.** LPCs shall not barter for services rendered by the client. Only tangible goods, at fair market value, may be

accepted by the counselor in lieu of money for counseling services.

310:405-3-4. Professional standards

(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.~~

(2) **Supervisees.** LPCs shall not engage in sexual contact with supervisees and shall not supervise persons with whom they have had a sexual relationship within the previous five (5) years. LPCs shall not engage in sexual contact with supervisees they have supervised within the previous five (5) years.

(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) **Candor to the Department.** 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.

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

(i) **Candidates for LPC licensure.** Candidates for licensure as a Licensed Professional Counselor shall not refer to themselves as Licensed Professional Counselor or LPC.

SUBCHAPTER 7. APPLICATION PROCEDURES

310:405-7-9. Denial of licensure application

Following the denial of a licensure application by the Commissioner of Health, as prescribed in Section 1905 of the LPC Act, the applicant may request an administrative hearing to contest the denial of their application within 15 days of receiving notification from the Department. If a hearing is not requested within 15 days, the denial will be final.

SUBCHAPTER 9. ACADEMIC REQUIREMENTS

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) semester credit hours or ninety (90) quarter 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).

310:405-9-2. Knowledge area required

(a) Each applicant shall possess as a part of the required sixty (60) semester credit hours or ninety (90) quarter credit hours of graduate curriculum, one (1) or more courses of at least three (3) semester credit hours or four (4) quarter 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) semester credit hours or four (4) quarter 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) semester or ninety (90) quarter graduate-hour requirement shall be in any of the knowledge areas listed in 310:405-9-2(a) and may be in increments of one (1), two (2) or three (3) semester hour courses or one (1), two (2), three (3) or four (4) quarter hour courses.

~~(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.~~

SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENT

310:405-11-5. Duration of 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 semester credit hours or forty-five (45) graduate quarter credit 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) semester credit hours or ninety (90) quarter credit hours] or a doctorate with the first sixty (60) semester credit hours or ninety (90) quarter credit hours meeting the minimal educational requirements.)

SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

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

~~(b) A minimum of three (3) clock hours of continuing education hours must be in counseling ethics.~~A minimum of three (3) clock hours of continuing education hours must be in counseling ethics from programs pre-approved by the Department or its designee. Continuing education in counseling ethics is acceptable as meeting the pre-approval requirements by the Department when the continuing education program:

(1) Addresses ethics issues specifically pertaining to the practice of counseling, as defined in Section 1902(6) of this Act, counseling treatment interventions, consulting, referral activities, or research activities as defined in Section 1902 of this Act.

(2) Addresses regulations as promulgated in Subchapter 3 of this Chapter.

(3) Meets all requirements of sections 2-5 of Section 310:405-17-3 of this Chapter.

(4) As of the July 1, 2008 to June 30, 2009 renewal period, the three clock hours of counseling ethics continuing education must be accrued in a face-to-face setting.

~~(c) Approved LPC Supervisors must complete a minimum of three (3) clock hours of continuing education in counseling supervision.~~Approved LPC Supervisors must complete a minimum of three (3) clock hours of continuing education in counseling supervision from programs pre-approved by the Department of its

designee. Continuing education in Counseling Supervision is acceptable as meeting the pre-approval requirements by the Department when the continuing education program:

(1) Addresses issues specifically related to the practice of clinical supervision pursuant to regulations promulgated in Subchapter 11 of this Chapter.

(2) Contains content in one or more of the following knowledge areas:

(A) Ethical and legal considerations in the practice of clinical supervision;

(B) Theoretical models of clinical supervision;

(C) Clinical supervision intervention methods and modalities; and

(D) Research in clinical supervision; and

(3) Meets all requirements of sections 2-5 of Subchapter 310:405-17-3 of this Chapter.

(4) As of the July 1, 2008 to June 30, 2009 renewal period, the three clock hours of counseling supervision continuing education must be accrued in a face-to-face setting.

310:405-17-4.1. Continuing education accrual from home study courses

Continuing education may be accrued when the LPC completes home study programs that are approved by the Department. No more than ten (10) hours of continuing education may be accrued per renewal period through home study courses.

SUBCHAPTER 19. ISSUANCE OF LICENSE

310:405-19-1.1. Statement of Professional Disclosure

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