

The Licensed Professional Counselor Advisory Board proposed the following changes to the LPC Rules. The rules have been approved by the Oklahoma State Board of Health, signed by the Governor, and became effective June 25, 2009. The language underlined is new and the language stricken through is now deleted.

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.

**"Approved LPC Supervisor"** means an individual who is approved by the Department pursuant to Section 310:405-11-4 of this Chapter.

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

**"Dual relationship"** means a familial, social, financial, business, professional, 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.

**"Face-to-face counseling"** means the counselor and the client shall be in the physical presence of the other during counseling.

**"Face-to-face supervision"** means the supervisor and the supervisee shall be in the physical presence of the other during individual or group supervision.

**"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.

**"Home-study or technology-assisted learning"** means the delivery of graduate coursework or continuing education by any means using synchronous or asynchronous instructional delivery methods to students who are not in the physical presence of the educator.

**"On-site supervisor"** means a person who may not be an approved LPC supervisor but is licensed by the state of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LPC Candidate whose assigned job duties include acting as the immediate supervisor to the LPC Candidate and who is available to the candidate at all times when counseling services are being rendered by the LPC Candidate.

**SUBCHAPTER 3. RULES OF PROFESSIONAL CONDUCT****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, 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 may be impaired by a personal physical, mental or emotional condition(s). LPCs shall seek assistance for any such personal problem(s) with their physical, mental or emotional condition, and, if necessary, limit, suspend, or terminate their professional 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 contraindicated, then in that event the LPC shall not undertake to provide counseling and will terminate the counseling relationship in accordance with these rules.

(f) **Knowledge of impairment.** If a LPC becomes aware that a LPC or LPC candidate is violating an obligation described in Section 310:405-3-2(e), the LPC must, within a reasonable time, report the situation to the Department in accordance with Section 310:405-31-2.

(g) **Knowledge of improper sexual contact.** If a LPC or LPC candidate becomes aware that another LPC or LPC Candidate is violating Section 310:405-3-3.1, the LPC or LPC Candidate must, within a reasonable time, report the improper sexual contact to the Department in accordance with Section 310:405-31-2.

(~~h~~) **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 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**

(a) **Discrimination.** LPCs shall not, in the rendering of their professional services, participate in, condone, or promote discrimination based on age, culture, disability, ethnicity, race, religion/spirituality, gender, gender identity, sexual orientation, marital status/partnership, language preference, socioeconomic status, or any basis proscribed by law. LPCs do not discriminate against clients, students, employees, supervisees, or research participants in a manner that has a negative impact on these persons.

**(b) Records.**

(1) **Requirement of records.** LPCs shall maintain verifiable, accurate and truthful 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.

(3) **Confidentiality of records.** LPCs shall be responsible for 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.

(4) **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 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.

(f) **Invasion of privacy.** LPCs shall not make inquiry into persons or matters that are not reasonably calculated to assist or benefit the counseling process.

(g) **Private or Independent Practice.** No person may engage in the private or independent practice of professional counseling work or open a facility with the intent of providing private or independent counseling practice unless that person:

- (1) is licensed under this Act as a Licensed Professional Counselor; and,
- (2) has met all requirements of Section 310:405-11-5 of the LPC Regulations; and
- (3) has continued to meet all continuing education requirements set forth in Subchapter 17 of this Chapter.

(h) **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.

**310:405-3-6. Failure to comply**

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

**SUBCHAPTER 7. APPLICATION PROCEDURES**

**310:405-7-8.1. Re-application for revoked approved supervisor status**

No re-application for a revoked approved supervisor status, as a result of administrative action, shall be considered for a period of five (5) years following the revocation and said re-application shall meet the requirements described in subsection 310:405-11-4 of this Chapter.

**SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENT****310:405-11-2. Responsibility of supervisors and supervisees**

(a) The supervisor and supervisee ~~hall~~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 and supervisee's employers are adhered to during the course of supervision.

(b) The supervisor shall maintain supervision records for each supervisee for at least five (5) years beyond the termination or completion of the supervised experience.

**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 Oklahoma 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.

~~(7)~~ Approved Supervisor designation will not be renewed until the continuing education requirement is met for each missed renewal period.

(7) If continuing education requirement is not met within five (5) years of expiration, approved supervisor status will be permanently expired and the LPC must re-apply and meet all requirements in this

Subchapter, including the re-taking of 310:405-11-4(2)(A) or (B) to become an approved supervisor.

(8) An active approved supervisor may request inactive status by submitting a request in writing to the Department. An inactive approved supervisor shall not provide any activities described in Subchapter 11 of this Chapter.

(9) An inactive approved supervisor may reactivate by submitting the required counseling supervision continuing education due by the end of the current renewal period.

(10) An active approved supervisor status may be retired by informing the Department in writing. A retired approved supervisor status shall not be reinstated but does not prevent a person from applying for approved supervisor status at a future date.

(11) No re-application for a revoked approved supervisor status, as a result of administrative proceeding, shall be considered for a period of five (5) years following the revocation.

### SUBCHAPTER 13. FEES

#### 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.

(j) **Reactivation fee.** A pro-rated fee in accordance with LPC regulation 310:405-21-3.1 shall be submitted at the time of reactivation.

#### SUBCHAPTER 15. LICENSURE EXAMINATIONS

##### 310:405-15-2. Examinations required

Each applicant shall take two examinations:

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

#### SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

Section

310:405-17-4.1. Continuing education accrual from ~~distance~~home-study or technology-assisted learning courses

##### 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) graduate academic semester credit hour is equal to fifteen (15) clock hours. One (1) graduate academic quarter credit hour is equal to ten (10) clock hours.

(b) 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, as the sole focus and 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 from programs pre-approved by the Department or 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, as the sole focus, 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;
  - (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.

**310:405-17-3. 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 under subchapter 310:405-9-2 of this chapter and;
- (2) Is presented by a person who:
  - (A) is licensed or certified by counseling related professions;
  - (B) is 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; or
  - (C) has experience teaching, at the graduate level, in a regionally accredited college or university from any of the knowledge areas listed in Section 310:405-9-2 of this Chapter; or
  - (D) the person is presenting or has presented at a national mental health conference provided by the American Counseling Association (ACA), or any of its divisions, American Psychological Association (APA), Association for Marriage and Family Therapy (AAMFT), National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field; or
  - (E) is presenting ~~or has presented~~ in a program sponsored or provided by a state or federal government agency with responsibility for mental health and substance abuse services; and
- (3) Takes place in the context of:
  - (A) a college course, in-service training, institute, seminar, workshop, conference or a Department pre-approved ~~distance~~home-study or technology-assisted learning course;
  - (B) takes place in the context of a national mental health conference provided by the American Counseling Association (ACA), or any of its divisions, American Psychological Association (APA), American Association for Marriage and Family Therapy (AAMFT), National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field; or
  - (C) a program approved or offered by a state or federal government agency with responsibility for mental health and substance abuse services; and
- (4) 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.

**310:405-17-4.1 Continuing education accrual from ~~distance~~home-study or technology-assisted learning courses**

Continuing education may be accrued when the LPC completes ~~distance~~home-study or technology-assisted learning programs that are approved by the Department. No more than ten (10) hours of continuing education may be accrued per renewal period through ~~distance~~home-study or technology-assisted learning courses. Presenter or program author must meet all requirements of 310:405-17-3 of this Chapter.

**SUBCHAPTER 21. LICENSE AND SPECIALTY RENEWAL**

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

- (a) A current license verification card shall be displayed on the original or replaced license.
- (b) A current license verification card shall be readily available on the LPC's person at any time counseling services are being provided.

**SUBCHAPTER 27. LICENSURE BY ENDORSEMENT**

**310:405-27-3. License by endorsement**

(a) The Department shall issue a license by full 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~~counselor license in the other jurisdiction is active and in good standing with no history of suspension or revocation action against the license.

(2) The applicant fulfills the requirements of Section 1906(A), ~~and~~ (B), and (C) 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~~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.

(b) The Department shall issue a two (2) year, non-renewable license by endorsement to applicants seeking full endorsement who do not fulfill the requirements set forth in subsection 310:405-27-3(a) of this Chapter, but only under the following conditions:

(1) The applicant must show proof of continuous practice in counseling for five (5) years prior to application in Oklahoma;

(2) The applicant must show proof of professional counselor licensure in the other jurisdiction is current and in good standing, with no history of suspension or revocation against the license;

(3) The applicant takes and passes the examinations as provided in subsection 310:405-15-2 of this Chapter; and,

(4) The applicant completes all deficient course work to meet the academic requirements as provided in subchapter 9 of this Chapter.

(c) The license by endorsement will expire after two years from the date of issue. Failure to fulfill the requirements as provided in this subsection, within the two (2) year licensure period, will require the applicant to fulfill licensure requirements set forth in Section 1906 (C)(1)(2) of the Act.