

BEHAVIORAL PRACTITIONER LICENSING ACT
TITLE 59 OF THE OKLAHOMA STATUTES
As amended 2013
(Unofficial Version)

§59-1930. Short title.

This act shall be identified as Chapter 44B of Title 59 of the Oklahoma Statutes and shall be known and may be cited as the "Licensed Behavioral Practitioner Act".

Added by Laws 1999, c. 133, § 1, emerg. eff. April 28, 1999.

§59-1931. Definitions.

For the purpose of the Licensed Behavioral Practitioner Act:

1. "Behavioral health services" means the application of the scientific components of psychological and mental health 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 behavioral treatment interventions;
2. "Behavioral treatment interventions" means the application of empirically validated treatment modalities, including, but not limited to, operant and classical conditioning techniques, adherence/compliance methods, habit reversal procedures, cognitive behavior therapy, biofeedback procedures and parent training. Such interventions are specifically implemented in the context of a professional therapeutic relationship;
3. "Board" means the State Board of Behavioral Health Licensure;
4. "Consulting" means interpreting or reporting scientific fact or theory in behavioral health to provide assistance in solving current or potential problems of individuals, groups, or organizations;
5. "Licensed behavioral practitioner" or "LBP" means any person who offers professional behavioral health services to any person and is licensed pursuant to the provisions of the Licensed Behavioral Practitioner Act. The term shall not include those professions exempted by Section 1932 of this title;

6. "Licensed behavioral practitioner candidate" means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in Section 1935 of this title;

7. "Referral activities" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists;

8. "Research activities" means reporting, designing, conducting, or consulting on research in behavioral health services;

9. "Specialty" means the designation of a subarea of behavioral practice that is recognized by a national certification agency or by the Board;

10. "Supervisor" means a person who meets the requirements established by the Board; and

11. "Executive Director" means the Executive Director of the State Board of Behavioral Health Licensure.

Added by Laws 1999, c. 133, § 2, emerg. eff. April 28, 1999.
Amended by Laws 2000, c. 53, § 14, emerg. eff. April 14, 2000;
Laws 2013, c. 229, § 27, eff. Nov. 1, 2013.

§59-1932. Professions excluded from application of act - Practice of other professions by LBP forbidden - Exemptions from licensure requirements.

A. The Licensed Behavioral Practitioner 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 Behavioral Practitioner" or "LBP" be used by such professionals:

1. Physicians, psychologists, social workers, licensed professional counselors, 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. Members of the clergy and lay pastoral counselors.

B. The Licensed Behavioral Practitioner Act shall not be construed to allow the practice of any of the professions specified in subsection A of this section by a licensed behavioral practitioner unless the licensed behavioral

practitioner is also licensed or accredited by an appropriate agency, institution, or board.

C. 1. 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 Behavioral Practitioner if such activities and services are a part of the official duties of such person with the private nonprofit agency.

2. 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,
- g. marital and family therapist, or
- h. licensed behavioral practitioner.

3. 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.

4. State agencies contracting to provide behavioral health services shall 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.

5. The persons exempt under the provisions of this subsection shall provide services that are consistent with their training and experience.

6. Agencies shall 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.

D. 1. 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 Behavioral Practitioner if such activities and services are a part of the official duties of such person with the private for-profit contracting agency.

2. Any person who is unlicensed and operating pursuant to the exemptions specified in this subsection 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,
- g. marital and family therapist, or
- h. licensed behavioral practitioner.

3. 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.

4. State agencies contracting to provide behavioral health services shall 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.

5. The persons exempt under the provisions of this section shall provide services that are consistent with their training and experience.

6. Agencies shall 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.

Added by Laws 1999, c. 133, § 3, emerg. eff. April 28, 1999.

Amended by Laws 2000, c. 53, § 15, emerg. eff. April 14, 2000.

§59-1933. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§59-1934. Powers of State Board of Behavioral Health Licensure.

A. The State Board of Behavioral Health Licensure shall:

1. Prescribe, adopt, and promulgate rules to implement and enforce the provisions of the Licensed Behavioral Practitioner Act, including the adoption of State Department of Health rules by reference;

2. Adopt and establish rules of professional conduct; and

3. Set license and examination fees as required by the Licensed Behavioral Practitioner Act.

B. The Board shall have the authority to:

1. Seek injunctive relief;
2. Request the district attorney to bring an action to enforce the provisions of the Licensed Behavioral Practitioner Act;
3. Receive fees and deposit the fees into the Licensed Behavioral Practitioners Revolving Fund as required by the Licensed Behavioral Practitioner Act;
4. Issue, renew, revoke, deny, suspend and place on probation licenses to practice behavioral health pursuant to the provisions of the Licensed Behavioral Practitioner Act;
5. Examine all qualified applicants for licenses to practice behavioral health;
6. Investigate complaints and possible violations of the Licensed Behavioral Practitioner Act;
7. Accept grants and gifts from various foundations and institutions;
8. Make such expenditures and employ such personnel as the Commissioner may deem necessary for the administration of the Licensed Behavioral Practitioner Act; and
9. Request assistance from the State Board of Medical Licensure and Supervision for the purposes of investigating complaints and violations of the Licensed Behavioral Practitioner Act.

Added by Laws 1999, c. 133, § 5, emerg. eff. April 28, 1999.
Amended by Laws 2013, c. 229, § 28, eff. Nov. 1, 2013.

§59-1935. Application for license - Qualifications - Educational requirements.

A. Applications for a license to practice as a licensed behavioral practitioner shall be made to the State Board of Behavioral Health Licensure in writing. Such applications shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by the Licensed Behavioral Practitioner Act, which shall be retained by the Board and not returned to the applicant.

B. Each applicant for a license to practice as a licensed behavioral practitioner shall:

1. Be possessed of good moral character;
2. Pass an examination based on standards promulgated by the Board pursuant to the Licensed Behavioral Practitioner 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 the Licensed Behavioral Practitioner Act; and

5. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Licensed Behavioral Practitioner 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 behavioral practitioner shall have:

1. Successfully completed at least forty-five (45) graduate semester hours (sixty (60) graduate quarter hours) of behavioral science-related course work. These forty-five (45) hours shall include at least a master's degree from a program in psychology. All course work and degrees shall be earned from a regionally accredited college or university. The Board shall define what course work qualifies as "behavioral science-related";

2. On or after January 1, 2008, successfully completed at least sixty (60) graduate semester hours (ninety (90) graduate quarter hours) of behavioral science-related course work. These sixty (60) hours shall include at least a master's degree from a program in psychology. All courses shall be earned from a regionally accredited college or university.

The Board shall define what course work qualifies as "behavioral science-related"; and

3. Three (3) years of supervised full-time experience in professional behavioral health services subject to the supervision of a licensed mental health professional 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 psychology or behavioral sciences and are acceptable to the Board. The applicant shall have no less than one (1) year of supervised full-time experience in behavioral science.

D. Applicants with degrees from schools outside the United States may qualify with Board approval by providing the Board with an acceptable comprehensive evaluation of the degree performed by a foreign credential evaluation service that is acceptable to the Board, and any other requirement the Board deems necessary.

Added by Laws 1999, c. 133, § 6, emerg. eff. April 28, 1999.
Amended by Laws 2004, c. 523, § 15, emerg. eff. June 9, 2004;
Laws 2007, c. 133, § 1, eff. Nov. 1, 2007; Laws 2013, c. 229, § 29, eff. Nov. 1, 2013; Laws 2014, c. 367, § 3, eff. Nov. 1, 2014.

§59-1936. Examinations.

A. Examinations for licensure shall be held at such times, at such place, and in such manner as the State Board of

Behavioral Health Licensure directs. The examination shall be held at least annually. The Board shall determine the acceptable grade on examinations. The examination shall cover such technical, professional, and practical subjects as relate to the practice of behavioral science. If an applicant fails to pass the examination, the applicant may reapply.

B. The Board shall preserve answers to any examination, and the applicant's performance on each section, for a period of two (2) years following the date of the examination.

Added by Laws 1999, c. 133, § 7, emerg. eff. April 28, 1999.

Amended by Laws 2000, c. 53, § 17, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 30, eff. Nov. 1, 2013.

§59-1937. Issuance of license - Renewal - Forfeiture - Expiration.

A. An applicant who meets the requirements for licensure pursuant to the provisions of the Licensed Behavioral Practitioner Act, has paid the required license fees, and has otherwise complied with the provisions of the Licensed Behavioral Practitioner Act shall be licensed by the State Board of Behavioral Health Licensure.

B. Each initial license issued pursuant to the Licensed Behavioral Practitioner Act shall expire twenty-four (24) months from the date of issuance unless revoked. A license may be renewed upon application and payment of fees. The application for renewal shall be accompanied by evidence satisfactory to the Board that the licensed behavioral practitioner 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 Board requesting reinstatement in a manner prescribed by the Board and payment of the fees required by the provisions of Licensed Behavioral Practitioner Act. The license of a person whose license has expired for more than one (1) year shall not be reinstated. A person may apply for a new license as provided in Section 1935 of this title.

C. A licensed behavioral practitioner whose license is current and in good standing, who wishes to retire the license, may do so by informing the Board in writing and returning the license to the Board. A license so retired shall not be reinstated but retirement of the license shall preclude a person from applying for a new license at a future date.

Added by Laws 1999, c. 133, § 8, emerg. eff. April 28, 1999.

Amended by Laws 2000, c. 53, § 18, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 31, eff. Nov. 1, 2013.

§59-1938. License by endorsement.

The State Board of Behavioral Health Licensure shall have the power to issue a license by endorsement for an applicant licensed in another state to practice as a behavioral practitioner or under similar title if the Board deems such applicant to have qualifications comparable to those required under the Licensed Behavioral Practitioner Act and if the Board finds the applicant meets the standards, provided by rule, for license by endorsement.

Added by Laws 1999, c. 133, § 9, emerg. eff. April 28, 1999.

Amended by Laws 2000, c. 53, § 19, emerg. eff. April 14, 2000;
Laws 2013, c. 229, § 32, eff. Nov. 1, 2013.

§59-1939. Disclosure of information - Exceptions.

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

2. If the client 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 the 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 behavioral practitioner 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 Behavioral Practitioner Act as to any information acquired by the person licensed pursuant to the Licensed Behavioral Practitioner Act when such information pertains to criminal acts or violation of any law.

C. The Licensed Behavioral Practitioner 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.

Added by Laws 1999, c. 133, § 10, emerg. eff. April 28, 1999.

§59-1940. Representing to be a "Licensed Behavioral Practitioner" or "LBP" - Advertisement or offer to perform behavioral health services without license - Penalties - Injunction.

A. Any person who represents himself or herself by the title "Licensed Behavioral Practitioner" or "LBP" without having first complied with the provisions of the Licensed Behavioral Practitioner Act, or who otherwise offers to perform behavioral health services, or who uses the title of Licensed Behavioral Practitioner or any other name, style, or description denoting that the person is licensed as a behavioral practitioner, or who practices behavioral science, 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 not licensed or supervised pursuant to or specifically exempt from the Licensed Behavioral Practitioner Act to advertise or otherwise offer to perform behavioral health services or to use the title of Licensed Behavioral Practitioner or any other name, style, or description denoting that the person is licensed as a licensed behavioral practitioner, or to practice behavioral science. Such action shall be subject to injunctive action by the State Board of Behavioral Health Licensure.

Added by Laws 1999, c. 133, § 11, emerg. eff. April 28, 1999.
Amended by Laws 2000, c. 53, § 20, emerg. eff. April 14, 2000;
Laws 2013, c. 229, § 33, eff. Nov. 1, 2013.