

MARITAL AND FAMILY THERAPIST LICENSURE ACT
TITLE 59 OF THE OKLAHOMA STATUTES
As amended 2013
(Unofficial Version)

§59-1925.1. Short title.

Chapter 44A of this title shall be known and may be cited as the "Marital and Family Therapist Licensure Act".
Added by Laws 1990, c. 166, § 1, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 16, eff. Nov. 1, 1998.

§59-1925.2. Definitions.

For purposes of the Marital and Family Therapist Licensure Act:

1. "Advertise" means, but is not limited to, the issuing or causing to be distributed any card, sign, or device to any person; or the causing, permitting or allowing any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, or on radio or television, or by advertising by any other means designed to secure public attention;

2. "Board" means the State Board of Behavioral Health Licensure;

3. "Licensed marital and family therapist" means a person holding a current license issued pursuant to the provisions of the Marital and Family Therapist Licensure Act;

4. "Marital and family therapy" means the assessment, diagnosis and treatment of disorders, whether cognitive, affective, or behavioral, within the context of marital and family systems. Marital and family therapy involves the professional application of family systems theories and techniques in the delivery of services to individuals, marital pairs, and families for the purpose of treating such disorders;

5. "Person" means any individual, firm, corporation, partnership, organization or body politic;

6. "Practice of marital and family therapy" means the rendering of professional marital and family therapy services to individuals, family groups and marital pairs, singly or in groups, whether such services are offered directly to the general public or through organizations either public or private, for a fee, monetary or otherwise;

7. "Recognized educational institution" means a regionally accredited college or university recognized by the United States Department of Education;

8. "Use a title or description of" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery,

announcements, calling cards or other instruments of professional identification;

9. "Licensed marital and family therapist candidate" means a person whose application for licensure has been accepted and who is under supervision for licensure as set forth in Section 1925.6 of this title; and

10. "Executive Director" means the Executive Director of the State Board of Behavioral Health Licensure. Added by Laws 1990, c. 166, § 2, eff. Jan. 1, 1991. Amended by Laws 1995, c. 167, § 13, eff. Nov. 1, 1995; Laws 1998, c. 295, § 17, eff. Nov. 1, 1998; Laws 2013, c. 229, § 18, eff. Nov. 1, 2013.

§59-1925.3. Application to other professionals - Exemptions.

A. The Marital and Family Therapist Licensure Act shall not be construed to apply to the following professionals while acting within the scope of their respective professions:

1. Social workers;
2. Licensed professional counselors;
3. Psychiatric nurses;
4. Psychologists;
5. Physicians;
6. Attorneys;
7. Members of the clergy who are in good standing with their denominations;
8. Christian Science practitioners;
9. Certified alcohol-drug counselors;
10. School administrators;
11. School counselors certified by the State Department of Education; or
12. Employees of a recognized academic institution, and employees of a federal, state, county or local governmental institution or agency while performing those duties for which employed by such institution or agency or facility.

B. 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 Marital and Family Therapist if such activities and services are a part of the official duties of such person with the private nonprofit agency. No such person shall use the title or description stating or implying that such person is a licensed marital and family therapist.

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 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.

C. 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 Marital and Family Therapist 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 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.

Added by Laws 1990, c. 166, § 3, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 18, eff. Nov. 1, 1998.

§59-1925.4. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§59-1925.5. Duties 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 Marital and Family Therapist Licensure Act;
 2. Set license and examination fees as required by the Marital and Family Therapist Licensure Act, including the adoption of the State Department of Health rules by reference; and
 3. Adopt and establish rules of professional conduct.
- B. The Board shall have the authority to:
1. Seek injunctive relief;
 2. Receive fees and deposit said fees into the Licensed Marital and Family Therapist Revolving Fund as required by the Marital and Family Therapist Licensure Act;
 3. Issue, renew, revoke, deny, suspend and place on probation licenses to practice marital and family therapy pursuant to the provisions of the Marital and Family Therapist Licensure Act;
 4. Examine all qualified applicants for licenses to practice marital and family therapy;
 5. Accept grants and gifts from various foundations and institutions;
 6. Make such expenditures and employ such personnel as the Commissioner may deem necessary for the administration of the Marital and Family Therapist Licensure Act;

7. Request the district attorney to bring an action to enforce the provisions of the Marital and Family Therapist Licensure Act; and

8. Request assistance from the State Board of Medical Licensure and Supervision for the purposes of investigating complaints and possible violations of the Marital and Family Therapist Licensure Act.

Added by Laws 1990, c. 166, § 5, eff. Jan. 1, 1991. Amended by Laws 1995, c. 167, § 15, eff. Nov. 1, 1995; Laws 1998, c. 295, § 20, eff. Nov. 1, 1998; Laws 2013, c. 229, § 19, eff. Nov. 1, 2013.

§59-1925.6. License - Application - Qualifications - Examinations.

A. Applications for a license to practice as a licensed marital and family therapist 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 Section 1925.18 of this title which shall be retained by the Board and not returned to the applicant.

B. Each applicant for a license to practice as a licensed marital and family therapist shall:

1. Be possessed of good moral character;
2. Be at least twenty-one (21) years of age;
3. Not have engaged in, nor be engaged in, any practice or conduct which would be a grounds for revoking, suspending or placing on probation a license under Section 1925.15 of this title; and

4. Otherwise comply with the rules and regulations promulgated by the Board pursuant to the provisions of the Marital and Family Therapist Licensure Act.

C. In addition to the qualifications specified by the provisions of subsection B of this section any person applying for a license after September 1, 1991, to practice as a licensed marital and family therapist shall have the following educational and experience qualifications:

1. A master's degree or a doctoral degree in marital and family therapy, or a content-equivalent degree as defined by the Board;

2. Successful completion of two (2) calendar years of work experience in marital and family therapy following receipt of a qualifying degree, under supervision in accordance with standards established by the Board; and

3. An applicant applying for a license after September 1, 1991, shall also be required to pass a written or oral examination or both written and oral examination administered by

the Board if, at the discretion of the Board, such examination is deemed necessary in order to determine the applicant's qualifications for the practice of marital and family therapy. Added by Laws 1990, c. 166, § 6, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 21, eff. Nov. 1, 1998; Laws 2013, c. 229, § 20, eff. Nov. 1, 2013.

§59-1925.7. Examinations.

A. Examinations shall be held at such times, at such place and in such manner as the State Board of Behavioral Health Licensure directs. An examination shall be held at least annually. Examinations may be written or oral or both written and oral. In any written examination each applicant shall be designated so that such applicant's name shall not be disclosed to the Board until the examinations have been graded. Examinations shall include questions in such theoretical and applied fields as the Board deems most suitable to test an applicant's knowledge and competence to engage in the practice of marital and family therapy.

B. The Board shall determine the acceptable grade on examinations. If an applicant fails to pass the examinations, the applicant may reapply.

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

Added by Laws 1990, c. 166, § 7, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 22, eff. Nov. 1, 1998; Laws 2000, c. 53, § 8, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 21, eff. Nov. 1, 2013.

§59-1925.8. Issuance of license - Renewal - Reinstatement.

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

B. Each initial license issued pursuant to the Marital and Family Therapist Licensure Act shall expire twenty-four (24) months from the date of issuance. A license may be renewed annually upon application and payment of fees. Failure to timely renew a license shall result in expiration of the license and forfeiture of the rights and privileges granted by the license. A person whose license has expired may within one (1) year following the expiration request reinstatement in a manner prescribed by the Board. The license of a person whose license

has expired pursuant to this section for more than one (1) year shall not be reinstated.

Added by Laws 1990, c. 166, § 8, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 23, eff. Nov. 1, 1998; Laws 2000, c. 53, § 9, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 22, eff. Nov. 1, 2013.

§59-1925.9. Reciprocal licenses.

The State Board of Behavioral Health Licensure shall have the power to issue, upon application and payment of fees, a license by endorsement for an applicant licensed in another state to practice as a licensed marital and family therapist if the Board deems such applicant to have qualifications equivalent to or which exceed those required pursuant to the provisions of the Marital and Family Therapist Licensure Act and if the Board finds the applicant meets the standards, provided by rule, for license by endorsement.

Added by Laws 1990, c. 166, § 9, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 24, eff. Nov. 1, 1998; Laws 2000, c. 53, § 10, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 23, eff. Nov. 1, 2013.

§59-1925.10. Advertisement, self description or practice of marital or family therapy without license.

Commencing September 1, 1991, no person who is not licensed under this act shall:

1. Advertise the performance of marital and family therapy service by such person unless pursuant to another professional license in accordance with Oklahoma Statutes;
2. Use a title or description such as "licensed marital or family therapist", or any other name, style or description denoting that the person is a licensed marital and family therapist; or
3. Practice marital and family therapy except as provided for in subsection B of Section 3 of this act.

Added by Laws 1990, c. 166, § 10, eff. Jan. 1, 1991.

§59-1925.11. Confidentiality - Exceptions - Professional privilege - Court testimony.

A. No person licensed pursuant to the provisions of the Marital and Family Therapist Licensure Act as a marital and family therapist, nor any of his employees or associates, shall be required to disclose any information which he may have acquired in rendering marital and family therapy services, except when:

1. Authorized by other state laws;

2. Failure to disclose such information presents a clear and present danger to the health or safety of any person;

3. The marital and family therapist is a party defendant 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;

4. The patient is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process and/or right to present testimony and witnesses in his own behalf; or

5. A patient agrees to waiver of the privilege accorded by this section, in the case of death or disability of the patient, 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. In circumstances where more than one person in a family is receiving therapy, each such family member must agree to the waiver. Absent such a waiver from each family member, a marital and family therapist shall not disclose information received from any family member.

B. No information shall be treated as privileged and there shall be no privileges created by the Marital and Family Therapist Licensure Act as to any information acquired by the person licensed pursuant to the Marital and Family Therapist Licensure Act when such information pertains to criminal acts or violation of any law.

C. The Marital and Family Therapist Licensure 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 his client.

Added by Laws 1990, c. 166, § 11, eff. Jan. 1, 1991.

§59-1925.12. Alimony or divorce actions - Custody actions - Testimony by therapist.

If both parties to a marriage have obtained marital and family therapy by a licensed marital and family therapist, the therapist shall not be competent to testify in an alimony or divorce action concerning information acquired in the course of the therapeutic relationship unless a party relies on such information as an element of his claim or defense in such an action, or said information is gathered as a result of a court-ordered examination. This section shall not apply to custody actions.

Added by Laws 1990, c. 166, § 12, eff. Jan. 1, 1991.

§59-1925.13. Repealed by Laws 2000, c. 53, § 24, emerg. eff. April 14, 2000.

§59-1925.14. Application of Administrative Procedures Act.

The hearings provided for by the Marital and Family Therapist Licensure Act shall be conducted in conformity with, and records made thereof as provided by, the provisions of the Administrative Procedures Act.

Added by Laws 1990, c. 166, § 14. eff. Jan. 1, 1991.

§59-1925.15. Denial, revocation, suspension or probation of license - Administrative hearing for applicant with felony conviction.

A. The State Board of Behavioral Health Licensure may deny, revoke, suspend or place on probation any license issued subject to the provisions of the Marital and Family Therapist Licensure Act, if the person has:

1. Been convicted of a felony;
2. Been convicted of a crime the Board determines after a hearing to be of such a nature as to render the person convicted unfit to practice marital and family therapy;
3. Violated ethical standards of such a nature as to render the person found by the Board to have engaged in such violation unfit to practice marital and family therapy;
4. Misrepresented any information required in obtaining a license;
5. Engaged in fraud or deceit in connection with services rendered or in establishing needed qualifications pursuant to the provisions of the Marital and Family Therapist Licensure Act;
6. Knowingly aided or abetted a person not licensed pursuant to these provisions in representing himself or herself as a licensed marital and family therapist in this state;
7. Engaged in unprofessional conduct as defined by the rules promulgated by the Board; or
8. Engaged in negligence or wrongful actions in the performance of the duties of such person.

B. If the Board determines that a felony conviction of an applicant renders the convicted applicant unfit to practice counseling, the Board shall provide notice and opportunity to the applicant, by certified mail at the last-known address, for an administrative hearing to contest such determination before the Board may deny the application. The request shall be made by the applicant within fifteen (15) days of receipt of the notice.

C. No license shall be suspended, revoked or placed on probation until notice is served upon the licensed marital and

family therapist and a hearing is held in such manner as is required by the Marital and Family Therapist Licensure Act.

D. Any person who is determined by the Board to have violated any of the provisions of the Marital and Family Therapist Licensure Act or any rule promulgated or order issued pursuant thereto may be subject to an administrative penalty. The maximum fine shall not exceed Ten Thousand Dollars (\$10,000.00). All administrative penalties collected pursuant to the Marital and Family Therapist Licensure Act shall be deposited into the Licensed Marital and Family Therapist Revolving Fund. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.

Added by Laws 1990, c. 166, § 15, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 25, eff. Nov. 1, 1998; Laws 2000, c. 53, § 11, emerg. eff. April 14, 2000; Laws 2009, c. 220, § 3, eff. Nov. 1, 2009; Laws 2013, c. 229, § 24, eff. Nov. 1, 2013.

§59-1925.16. False representation as licensed marital and family therapist - Penalty - Injunction.

A. Any person who represents himself or herself by the title "licensed marital and family therapist" or any designation representing such person to be a licensed marital and family therapist without having first complied with the provisions of the Marital and Family Therapist Licensure Act, 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. The Commissioner may also proceed in district court to enjoin and restrain any unlicensed person from violating the Marital and Family Therapist Licensure Act.

Added by Laws 1990, c. 166, § 16, eff. Jan. 1, 1991. Amended by Laws 2000, c. 53, § 12, emerg. eff. April 14, 2000.

§59-1925.17. Licensed Marital and Family Therapist Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Behavioral Health Licensure, to be designated the "Licensed Marital and Family Therapist Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to the provisions of the Marital and Family Therapist Licensure Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and

expended by the Executive Director to meet expenses necessary for carrying out the purpose of the Marital and Family Therapist Licensure Act. Expenditures from said fund shall be approved by the Board and shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1990, c. 166, § 17, eff. Jan. 1, 1991. Amended by Laws 2012, c. 304, § 289; Laws 2013, c. 229, § 25, eff. Nov. 1, 2013.

§59-1925.18. License fee and annual renewal fee - Fixing by Board.

A. The licensing fee and the annual renewal fee shall be amounts fixed by the State Board of Behavioral Health Licensure.

B. 1. 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 Marital and Family Therapist Licensure Act and so that there are no unnecessary surpluses in the Licensed Marital and Family Therapist Revolving Fund.

2. 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).

3. 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).

4. The fee shall accompany the application for a replacement license.

5. The fee for an examination required pursuant to the Marital and Family Therapist Licensure Act shall not exceed the actual costs incurred by the Board for holding and grading the examinations.

Added by Laws 1990, c. 166, § 18, eff. Jan. 1, 1991. Amended by Laws 1998, c. 295, § 26, eff. Nov. 1, 1998; Laws 2000, c. 53, § 13, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 26, eff. Nov. 1, 2013.