TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE
CHAPTER 20. LICENSED BEHAVIORAL PRACTITIONERS

SUBCHAPTER 1. GENERAL PROVISIONS

86:20-1-1. Purpose [AMENDED]

The rules in this Chapter ("Rules") implement the Oklahoma Licensed Behavioral Practitioner Act, (59 O.S., Sections 1930 et seq.)

86:20-1-2. Definitions [AMENDED]

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 the ~~Licensed~~ Behavioral Practitioner Licensing Act, 59 O.S. §§ 1930 *et seq.*, —as amended.

"Administrative Procedures Act" ("APA") ~~**"APA"**~~ means Article I and/or Article II of the Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*

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

"Complainant" means any person who files a Request for Inquiry against a LBP, Candidate, or a person who delivers behavioral health services without a license.

"Complaint Committee" means one Board member who is a LBP, the Executive Director, the Assistant Attorney General and may include other appropriate individuals as determined by the Committee.

"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 LBP's professional obligation to a client.

"Face-to-face behavioral health services" means the behavioral practitioner and the client shall be in the physical presence of the other in a behavioral health setting.

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

"Formal Complaint" means a written statement of alleged violation(s) ~~of the Licensed Behavioral Practitioner Act by a person licensed or certified by the Board and which is filed by the Board's attorney along with a Notice of Hearing scheduling an individual proceeding before the Board~~ of the Act and/or Rules which is filed by the Assistant Attorney General. The Formal Complaint schedules an Individual Proceeding before the Board in accordance with 75 O.S. §309.

"Full time practice" means working at least 20 hours per week.

"Group supervision" means an assemblage of two (2) to six (6)

~~LBP~~ Candidates.

"Home-study or technology-assisted distance learning" means the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on using synchronous or asynchronous instructional delivery methods. Home-study or technology-assisted distance learning is designed to deliver education to learners who are not in the direct physical presence of the educator.

~~**"Hearing"** means the process followed by the Board to provide Due Process to a licensee respondent in an individual proceeding.~~

"Individual Proceeding" means the formal process by which the Board takes administrative action against a person licensed or certified by the Board in accordance with the APA and the Act.

"Licensed behavioral practitioner" or "LBP" or "Licensee" 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;

"Licensed behavioral practitioner candidate" or "LBP Candidate" or "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;

"Licensure Committee" means two LBP Board members, ~~one Staff member~~ the Executive Director, and may include other appropriate individuals as determined by the Committee.

"OAC" means the Oklahoma Administrative Code.

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

~~**"Technology-assisted distance learning"** refers to the delivery of graduate coursework or continuing education, which focuses on synchronous or asynchronous instructional delivery methods. Technology-assisted distance learning is designed to deliver education to students who are not in the direct physical presence of the educator.~~

"Request for Inquiry" ("RFI") means a written or oral statement of complaint from any person alleging possible violation(s) of the Act and/or Rules.

"Respondent" means the person against whom an individual proceeding is initiated.

"Staff" means the personnel of the Board.

"Technology-assisted supervision" refers to supervision that occurs through video teleconferencing, over secure internet connections, wherein ~~an Approved LBP~~ a Supervisor and a ~~Licensed Behavioral Practitioner~~ Candidate are in separate physical locations.

86:20-1-3. Prohibition

Any person who is not specifically listed in Section 1932 of the Act shall not practice behavioral health services or use the title Licensed Behavioral Practitioner or LBP.

86:20-1-4. Applicability

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

SUBCHAPTER 3. FORMS

86:20-3-1. Forms

Each application shall include the following documents:

(1) Application Form;
(2) Official transcript, mailed from the university or college;
(3) Internship/practicum Documentation Form;
(4) Three (3) Document of Recommendation Forms;
(5) Two (2) classifiable sets of fingerprints; and
(6) Fees.

86:20-3-2. Description of forms [AMENDED]

(a) The Application Form requires the following:
(1) Identifying information of applicant;
(2) Possession of other credentials;
(3) Previous misconduct;
(4) Education;
(5) References; and
(6) Proposed professional Practice.

(b) The Internship/Practicum Documentation Form requires the following:
(1) Identifying information of applicant;
(2) Place, time, duration and nature of supervised experience;
(3) School arranging supervision and name of supervisor; and,
(4) Signature and title of supervisor.

(c) The Document of Recommendation requires the following:
(1) Identifying information of applicant;
(2) Scale of performance rating personal character and

professional skills;

(3) Circumstances and time period rater has known applicant;

(4) Space for rater's comments;

(5) Identifying information of rater.

(d) The Statement of Professional Disclosure is composed of alternative forms depending on the status of the applicant, as follows.

(1) The ~~LBP~~ Candidate's Statement of Professional Disclosure requires the following:

(A) Explanation of ~~LBP~~ Candidate's responsibilities;

(B) Name and contact information for person who will be responsible for the client's records in the event of the ~~LBP~~ Candidate's infirmity or death;

(C) Supervisor's identifying information;

(D) Address and phone number of the Agency; and,

(E) Signatures of client and ~~LBP~~ Candidate.

(2) The LBP's Statement of Professional Disclosure requires the following:

(A) Explanation of the LBP's responsibilities;

(B) Name and contact information for person who will be responsible for the client's records in the event of the LBP's infirmity or death;

(C) Address and phone number of the Agency; and,

(D) Signatures of client and LBP.

(e) The Supervision Agreement requires the following:

(1) Statement of agreement to fulfill Subchapter 13 and consequences of violation; and

(2) Identifying information and signatures of supervisee and supervisor.

(f) The On-Site Supervisor Verification Form requires the following identifying information:

(1) Name of applicant;

(2) Place of employment;

(3) On-Site Supervisor Information;

(4) A reproduction of the regulation regarding supervision accrued in a private setting.

(g) The Evaluation of Supervised Experience Form requires the following:

(1) Names of supervisee and supervisor;

(2) Name and location of supervision site;

(3) Duration of work experience and supervision;

(4) Types of professional activities and clients seen;

(5) Rating of quality of professional activities;

(6) Supervisor and supervisee comments; and

(7) Signatures of supervisee and supervisor.

(h) The Continuing Education Roster requires the following:

(1) Licensee’s name and license number;

(2) Total number of hours accrued and Licensee's signature and signature date of licensee;
(3) Listing of workshops, sponsor, content and date of continuing education experience.

(i) The Licensure Verification Request Form requires the following information:
(1) Name of licensee;
(2) Licensee license number; and
(3) Licensee license type.

(j) The Out-of-State Licensure Verification Form requires the following information:
(1) Identifying information;
(2) Type of credential held in other state;
(3) License number;
(4) Issue and expiration date of license;
(5) Current standing of license;
(6) Past complaints or sanctions;
(7) Exam information;
(8) Supervision information;
(9) Graduate education;
(10) Internship documentation;
(11) Signature and identifying information of person verifying from out-of-state.

(k) The Mailing Addresses Request/Order Form requires the following information:
(1) Type of licensure list requested;
(2) Format requested;
(3) Identifying information of person making request.

(l) The Licensure Reactivation Request Form requires the following information:
(1) Licensure type;
(2) Identifying information;
(3) Employment information;
(4) Graduate education;
(5) License type and number;
(6) Dates of inactivation and reactivation of license.

(m) The Termination of Supervision Agreement requires the following information:
(1) name of candidate;
(2) current place of employment of candidate;
(3) address of current place of employment of candidate;
(4) phone number of candidate;
(5) email address of candidate;
(6) signature and signature date of candidate, (if available);
(7) name of supervisor;
(8) license number of supervisor;
(9) current place of employment of supervisor;

(10) phone number of supervisor;
(11) email address of supervisor;
(12) signature and signature date of supervisor, (if available); and
(13) effective date of termination of supervision agreement.

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

86:20-5-1. Responsibility

LBPs shall accept responsibility for the consequences of their work and ensure that their services are used appropriately. LBPs shall not participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation. LBPs shall not use their relationships with clients for personal advantage, profit, satisfaction, or interest.

86:20-5-2. Competence [AMENDED]

(a) **Behavioral health services**. LBPs 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.** LBPs shall know the limits of their competence and shall therefore perform only those testing and assessment services for which they have been trained. LBPs shall be familiar with related standardization and proper application and security of any technique utilized. LBPs 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. LBPs shall ensure the proper use of assessment techniques by persons under their supervision.

(c) **Specialty.** LBPs shall not represent themselves as specialists in any aspect of behavioral health services, unless so designated by the Board.

(d) **Research**.

(1) LBPs shall plan, design, conduct, and report research only in a manner consistent with current, pertinent ethical principles put forth in the "Ethical Standards and Code of Conduct" governing Northamerican Association of Masters in Psychology (NAMP), federal and state laws, rules, and scientific standards governing research with human subjects.

(2) The research principles of the NAMP "Ethical Standards and Code of Conduct" are as follows:

(A) Principle 8: Research with Human and Animal Participants

(i) 8.1 Relevant research. The Masters in Psychology shall only undertake research pertaining to human

subjects when such research contributes to psychology as a science and humankind in general. On the premise of this forethought, one conducts the research with the utmost concern for the dignity and welfare of their research participants.

(ii) 8.2 Informed consent in research. The Masters in Psychology shall make certain that research participants fully understand the conditions and comprehend the general nature of the research when requesting informed consent. Research that involves deception on the part of the researcher should in general be avoided, unless the perceived outcomes far exceed any perceived minimal adverse reactions and in either case a debriefing session suitable to the research will always be conducted.

(B) Principle 10: Teaching, Training & Research Publication

(i) 10.1 Candidness in research techniques. The Masters in Psychology shall make every effort to make available any and all appropriate materials supporting research materials and to readily disseminate results for replication.

(ii) 10.2 Proper supervision. The Masters in Psychology shall maintain proper supervision of their employees, subordinates, supervisees, and research assistants in the delegation of duties and shall make every ethically appropriate effort to ensure that only those individuals competent to perform such services do so.

(e) **Impairment.** LBPs shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LBPs 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 a~~n~~ LBPs 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 LBP shall not undertake to provide counseling and shall terminate the counseling relationship in accordance with this Chapter.

(f) **Knowledge of improper sexual contact.** If a~~n~~ LBP becomes aware that another LBP or ~~LBP~~ Candidate is violating Section 86:20-5-4, the LBP ~~or LBP Candidate~~ must, within a reasonable time, report the improper sexual contact to the Board in accordance with Section 86:20-29-3.

(g) **Evaluations.** LBPs ~~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) LBPs ~~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 86:20-5-1, 86:20-5-2(a)(f), and 86:20-5-7(f)(1)(2)(3) of this Chapter.

(2) LBPs ~~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) LBPs ~~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) LBPs ~~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) Licensees and Candidates ~~LBP 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) Licensees and Candidates LBPs~~ LBP 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. LBPs ~~LBP 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 LBP's ~~LBP candidates and licensees~~ role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations made by the LBP ~~LBP candidates and licensees~~ 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.

86:20-5-3. Client welfare

(a) **Discrimination.** LBPs shall not, in the rendering of their professional services, participate in, condone, or promote discrimination on the basis of race, color, age, gender, religion or national origin.

(b) **Records.**

(1) **Requirement of records.** LBPs shall maintain verifiable records necessary for rendering professional services to their clients for at least five (5) years beyond termination of services. LBPs 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**. LBPs 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.** LBPs shall be responsible for complying with the applicable state and federal regulations in regard to the security, safety and confidentiality of any behavioral health services record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

(4) **Client access.** LBPs shall provide the client 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) **Invasion of privacy.** LBPs shall not make inquiry into persons or situations not directly associated with the client's situation.

(d) **Private or Independent Practice.** No person may engage in the private or independent practice of behavioral practitioner 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 Behavioral Practitioner; and,

(2) has met all requirements of Section 86:20-13-2 of LBP Regulations; and

(3) has continued to meet all continuing education requirements set forth in Subchapter 19 of this Chapter.

(e) **Referral.**

(1) If LBPs determine they are unable to be of professional assistance to a client, the LBP shall not enter a behavioral health services relationship. LBPs shall refer clients to appropriate sources when indicated. If the client declines the suggested referral, the LBP shall terminate the relationship.

(2) LBPs shall not abandon or neglect current clients in treatment without making reasonable arrangements for the continuation of such treatment.

(3) When an LBP becomes cognizant of a disability or other condition that my impede, undermine or otherwise interfere with the LBPs duty of responsibility to the current client, including a suspension of the LBPs license or any other situation or condition described in Subchapter 5 of these rules, the LBP 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.

86:20-5-4. Non-professional relations with clients

(a) **Dual relationships.** LBPs shall not knowingly enter into a dual relationship(s) and shall take any necessary precautions to prevent a dual relationship from occurring. When the LBP reasonably suspects that he or she has inadvertently entered into a dual relationship the LBP 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 LBP cannot readily refer the client to another counselor or other professional, the LBP shall complete one or more of the following measures as necessary to prevent the exploitation of the client

and/or the impairment of the LBP’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 other professional(s) to understand the potential impairment to the LBP's professional judgment and the risk of harm to the client of continuing the dual relationship;

(b) **Sexual contact.** The following restrictions apply to sexual contacts between LBPs and clients, students or supervisees.

(1) **Current clients.** LBPs shall not engage in sexual contact with clients and shall not counsel persons with whom they have had a sexual relationship.

(2) **Students and supervisees.** LBPs shall not engage in sexual contact with students or supervisees and shall not teach or supervise persons with whom they have had a sexual relationship.

(c) **Providing counseling to persons of prior association**. LBPs shall not undertake to provide counseling to any person with whom the LBP has had any close personal relationship within the previous five (5) years.

(d) **Interaction with former clients**. LBPs 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. LBPs 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. LBPs shall not exploit or obtain an advantage over a former client by the use of information or trust gained during the counseling relationship.

86:20-5-4.1. Responsibility to supervisees

(a) LBPs shall not exploit the trust and dependency of supervisees.

(b) LBPs are cognizant of their potentially influential position with respect to supervisees, and shall not exploit the trust and dependency of such persons. LBPs, therefore, shall avoid dual relationships that impair their professional judgment or increase the risk of exploitation. Examples of such dual relationships include, but are not limited to, provision of counseling to supervisees, and business or close personal relationships with supervisees. Sexual intimacy with current supervisees is prohibited.

(c) LBPs shall not permit supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

(d) LBPs shall not disclose supervisee confidences to anyone, except:

(1) as mandated by law;
(2) in case of clear and imminent danger to a person or persons;
(3) where the professional counselor is a defendant in a civil, criminal, or disciplinary action arising from the supervision (in which case client confidences may be disclosed only in the course of that action);
(4) if there is a waiver previously obtained in writing, and then such information may be revealed only in accordance with the terms of the waiver.
(5) to the Board in reporting ethical or professional concerns as a part of the supervision agreement.

86:20-5-5. Client fees and bartering
(a) **Advance understanding.** LBPs shall clearly explain to clients, prior to entering the behavioral health services relationship, all financial arrangements related to professional services including the consequences for non-payment of fees.
(b) **Bartering.** LBPs may participate in bartering for services 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.** LBPs shall not barter for services rendered by the client. LBPs shall accept only tangible goods, at fair market value, in lieu of money for behavioral health services.

86:20-5-6. Professional standards [AMENDED]
(a) **Violations of other laws**. It shall be unprofessional conduct for a LBP to plead guilty to or no contest to or be convicted of a state or federal statute if the violation directly relates to the duties and responsibilities of the counselor or if the violation involves moral turpitude.
(b) **Drug and alcohol use.** LBPs shall not render professional services while under the influence of alcohol or other mind or mood altering drugs.
(c) **Updating**. LBPs shall notify the Board 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 Board.
(d) **Candor to the Board.** An LBP, LBP candidate, or applicant for LBP licensure, in connection with a license application or an investigation conducted by the Board pursuant to OAC 86:20-29-4, 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 LBP, LBP 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 Board or any designated representative thereof.

86:20-5-7. Relations with the public and other professions

(a) **Misrepresentation.** LBPs shall not misrepresent nor accept the misrepresentation by others of the efficacy of the LBPs' professional services.

(b) **Credentials claimed.** LBPs shall claim or imply only the professional credentials possessed and shall be responsible for correcting any known misrepresentations of their credentials by others. Professional credentials include graduate degrees in behavioral health services or closely related mental health fields, accreditation of graduate programs, national voluntary certifications, government-issued certifications or licenses, or any other credential that might indicate to the public the LBPs' additional knowledge or expertise in behavioral health services.

(c) **The use of doctoral degrees and the title "Doctor."** An LBP may use the doctoral degree and the title "Doctor" in advertising, practice and status as an LBP, only if the doctoral degree from a program in psychology and if the degree was granted by a regionally accredited college or university recognized by the United States Department of Education.

(d) **Advertisement.** When an LBP announces services or advertises, the LBP shall represent services to the public by identifying credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent. An LBP shall only advertise the highest degree earned in behavioral health services or a closely related field from a regionally accredited college or university recognized by the U.S. Department of Education. All advertisements or announcements of behavioral health services including telephone directory listings by an LBP shall clearly state the LBP's licensure status by the use of a title such as "LBP", or "Licensed Behavioral Practitioner" or a statement such as "licensed by the Oklahoma State Board of Behavioral Health Licensure."

(e) **License.** Each LBP shall display the original, current license in a prominent place in the primary location of practice.

(f) **Public statements.** When an LBP provides advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, they shall take reasonable precautions to ensure that:

(1) The statements are based on appropriate professional literature and practice;

(2) The statements are otherwise consistent with the LBP Rules

of Professional Conduct; and

(3) There is no implication that a professional behavioral health services relationship has been established.

(g) **Rebates.** An LBP shall not give or accept a commission, rebate, or other form of remuneration for referral of clients for professional services.

(h) **Accepting fees from agency clients.** An LBP shall refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the agency or institution that employs the LBP. If the policies of a particular agency provide for agency clients to receive behavioral health services from members of its staff in private practice, the agency shall inform clients of other options open to them should they seek private behavioral health services.

(i) **Candidates for LBP licensure.** Candidates for licensure as a Licensed Behavioral Practitioner shall not refer to themselves as a Licensed Behavioral Practitioner or LBP.

86:20-5-8. Failure to comply

An LBP who does not comply with Subchapter 5 - Rules of Professional Conduct shall be guilty of unprofessional conduct and subject to disciplinary action under Subchapter 29.

SUBCHAPTER 7. FITNESS OF APPLICANTS

86:20-7-1. Purpose

The purpose of this subchapter is to establish the fitness of an applicant as one of the criterion for licensure as an LBP and to set forth the criteria by which the Board shall determine the fitness of applicants.

86:20-7-2. Fitness for licensure

The substantiation of any of the following items related to the applicant may be, as the Board determines, the basis for the denial of or delay of licensure of the applicant:

(1) Lack of necessary skills and abilities to provide adequate services;

(2) Misrepresentation on the application or other materials submitted to the Board; or

(3) A violation of the LBP Rules or the Act.

86:20-7-3. Materials considered to determine fitness

(a) Materials considered to determine fitness of skills and abilities include:

(1) Evaluations from supervisors or instructors;

(2) Statements from persons submitting references for the applicant;

(3) Evaluations from employers and/or professional associations; and

(4) A field examination submitted through questionnaires answered by persons competent to evaluate an applicant's professional competence which may include the submission of written case studies and taped interviews with an applicant's instructors, supervisors and others or submission of such documentary evidence relating to an applicant's experience and competence as required by the Board.

(b) Materials considered to determine fitness of professional conduct include:

(1) Allegations of clients;

(2) Transcripts or other findings from official court, hearing or investigative proceedings; and

(3) Any other information which the Board considers pertinent to determining the fitness of applicants.

SUBCHAPTER 9. APPLICATION PROCEDURES

86:20-9-1. General

(a) The purpose of this subchapter is to ensure that all applicants meet those requirements specified in the Act.

(b) Unless otherwise indicated, an applicant shall submit all required information and documentation of credentials on official Board forms.

(c) The Board shall not consider an application form as officially filed until it has received the application form and application fee.

86:20-9-2. Application materials

Persons desiring to be licensed as an LBP may obtain an official application form and packet from the Board.

86:20-9-3. Submission of documents

The applicant shall monitor the progress of the application. The Board shall not automatically contact applicants regarding the receipt or absence of required documents.

86:20-9-4. Negative references

If an applicant for licensure as an LBP or LBP specialty designation has negative references in his or her file, the Board may ask the applicant to appear for an interview before the licensing process is completed.

86:20-9-5. Materials required of LBP applicants

In addition to the application form and fee, an applicant for LBP licensure shall file the following completed materials with

the Board prior to taking the examination:
(1) Three documents of recommendation;
(2) Internship/practicum Documentation Form;
(3) Official university transcript(s); and
(4) Two (2) classifiable sets of fingerprints.

86:20-9-6. Re-application for expired license

(a) Re-application after license expires for non-renewal shall include the following documents:
(1) Application form,
(2) Official transcripts, mailed from the university,
(3) Document of recommendation forms,
(4) Supervision Agreement,
(5) Statement of Professional Disclosure,
(6) New Application Fee,
(7) On-Site Supervisor Verification Form; and
(8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall re-take two examinations:
(1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
(2) The LBP State Standards Test.

(c) Internship Documentation Form on file may carry over to a new application.

(d) All previously submitted and approved Supervised Experience shall carry over to a new application.

(e) Applicant shall obtain approved supervision until the exams are taken and passed as described in Subchapter 86:20-13-2(e)(2).

86:20-9-7. Re-application for revoked license

(a) No re-application for a revoked license will be considered for a period of 5 years following the revocation.

(b) Re-application after license is revoked for administrative action shall include the following documents:
(1) Application form,
(2) Official transcripts, mailed from the university,
(3) Document of recommendation forms,
(4) Supervision Agreement,
(5) Statement of Professional Disclosure,
(6) New Application Fee,
(7) On-Site Supervisor Verification Form, and
(8) Two (2) classifiable sets of fingerprints.

(c) Applicant shall re-take two examinations:
(1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and

(2) The LBP State Standards Test.

(d) Internship Documentation Form on file may carry over to a new application.

(e) All previously submitted and approved Supervised Experience shall not carry over to a new application.

(f) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of revocation.

(g) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

(h) Application materials shall be reviewed by the LBP License Committee for approval.

86:20-9-8. Re-application for voided application for failure to take scheduled examinations

(a) Re-application after application is voided for failure to take scheduled examinations or after the eligible applicant fails an examination and does not take subsequent scheduled examinations shall include the following documents:

(1) Application form,
(2) Official transcripts, mailed from the university,
(3) Document of recommendation forms,
(4) Supervision Agreement,
(5) Statement of Professional Disclosure Form,
(6) New Application Fee,
(7) On-Site Supervisor Verification Form, and
(8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall take two examinations:

(1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
(2) The LBP State Standards Test.

(c) Internship Documentation Form may carry over to a new application

(d) All previously submitted and approved Supervised Experience shall carry over to a new application.

(e) Applicant shall obtain approved supervision until the exams are taken and passed and/or until the supervision requirement is complete as described in Subchapter 86:20-13-2(e)(2) of these rules.

86:20-9-9. Re-application for voided application for failure to complete supervised experience

(a) Re-application after application is voided for failure to complete the supervised experience requirement within sixty (60) months as described in Subchapter 86:20-13-2(e)(3 shall include

the following documents:

(1) Application form,
(2) Official transcripts, mailed from the university,
(3) Document of recommendation forms,
(4) Supervision Agreement form,
(5) Statement of Professional Disclosure form,
(6) New Application Fee,
(7) On-Site Supervisor Verification Form, and
(8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall re-take two examinations:

(1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
(2) The LBP State Standards Test.

(c) Internship Documentation Form may carry over to a new application

(d) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

(e) Applicant shall obtain approved supervision until the exams are taken and passed and/or the supervision requirement is complete as described in Subchapter 86:20-13-2(e)(2).

86:20-9-10. Re-application for denied application

(a) Re-application after licensure application has been denied as prescribed in Section 1941 of the Act, shall include the following documents:

(1) Application form,
(2) Official transcripts, mailed from the university,
(3) Document of Recommendation forms,
(4) Supervision Agreement,
(5) Statement of Professional Disclosure,
(6) New Application Fee,
(7) On-Site Supervisor Verification Form, and
(8) Two (2) classifiable sets of fingerprints.

(b) Application materials shall be reviewed by the LBP License Committee for approval.

(c) Applicant shall be required to take necessary examinations.

(d) Applicant shall be required to accrue an additional 500 hours of supervised experience.

(e) Internship Documentation Form on file may carry over to a new application.

(f) All previously submitted and approved Supervised Experience shall carry over to a new application.

(g) Applicant shall obtain approved supervision until the exams are taken and passed as described in Subchapter 86:20-13-2(e)(2).

(h) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of denial of licensure application.
(i) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

86:20-9-11. Hearing upon denial of licensure application

Following the denial of a licensure application by the Board to an applicant who has a felony conviction, as prescribed in Section 1941 (B) of the Act, the applicant may request an administrative hearing to contest the denial of his/her application within 15 days of receiving notification from the Board. If a hearing is not requested within 15 days, the denial will be final.

SUBCHAPTER 11. ACADEMIC REQUIREMENTS

86:20-11-1. Graduate degree requirements

(a) Pursuant to the Act, all applicants shall possess at least a masters degree from a program in psychology from a regionally accredited college or university.
(b) The program must be intended to prepare a scientist-practitioner in the field of psychology at the masters level and meet all the following criteria:

(1) The masters program must be clearly identified as a psychology program. Such a program must specify in a pertinent institutional catalogue, its intent to educate and train students in the field of psychology at the masters level;
(2) The pertinent institutional catalogue must state the structure and content of the curriculum of the program; and
(3) The program must have faculty who hold graduate degrees in psychology or closely related fields.

(c) The academic requirements set forth in the Act must be completed before a person applies for licensure.

86:20-11-2. Required knowledge areas [AMENDED]

On or after January 1, 2008, all applicants shall have the following core knowledge areas as part of the required 60 graduate semester hours:

(1) Assessment and Diagnosis - at least six (6) semester hours. Psychological theory, research, and methods concerning the measurement and assessment of an individual's behavioral or psychological functioning, such as the assessment of psychopathology, personality characteristics, intellectual functioning, skills and interests, and neuropsychological functioning;
(2) Intervention - at least nine (9) semester hours.

Psychological theory, research, and methods regarding empirically validated treatment modalities for the remediation, treatment, or prevention of behavior disorders, adjustment problems, and psychopathology, or other disturbances in psychological functioning;

(3) Experimental Foundations - at least six (6) semester hours. Psychological theory, research, and methods concerning the design, conduct, analysis, and interpretation of psychological research, or concerning the general principles and processes for the core areas of experimental psychology;

(4) Psychopathology - at least six (6) semester hours. Psychological theory, research, and methods concerning the descriptive characteristics, diagnosis, and etiology of psychopathology, or mental and behavioral disorders of children and adults;

(5) Personality and Social Psychology - at least six (6) semester hours. Psychological theory, research, and methods concerning the psychological or behavioral development and functioning of the individual and group differences. Three (3) of these hours shall be in a course in multicultural issues or cultural bases of behavior;

(6) Professional orientation/ethics – at least (3) semester hours. Objectives of professional behavioral health services organizations, codes of ethics, legal aspects of practice, standard of preparation and the role of persons providing direct behavioral health services.

(7) Biological bases of behavior – at least three (3) semester hours. Physiological, or genetic underpinnings of behavior.

(8) Practicum/internship. Organized ~~practica~~ practicums/internships with at least three hundred (300) clock hours in behavioral health services with planned experiences providing classroom and field experience with clients under the supervision of college or university approved behavioral health services professionals; and

(9) Elective courses. The remaining courses needed to meet the sixty (60) graduate hour requirement shall be in any of the knowledge areas listed above.

SUBCHAPTER 13. SUPERVISED EXPERIENCE REQUIREMENT

86:20-13-1. Supervised experience

All applicants for licensure after December 31, 2001 shall complete the supervised experience required by the Act before being licensed.

86:20-13-2. Duration of supervision

(a) Each applicant shall complete three (3) years or three-

thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LBP supervisor.

(b) For each one thousand (1000) clock hours of full time, on-the-job experience, three hundred fifty (350) hours shall be direct face-to-face client contact.

(c) Weekly, face-to-face supervision shall be accrued at the ratio of forty-five (45) minutes of supervision for every twenty (20) hours of on-the-job experience.

(d) No more than one-half (½) of the required supervision hours may be received in group supervision. Technology-assisted supervision shall not account for more than 56.25 hours of the total requirement.

(e) One (1) or two (2) years of supervised experience may be gained at the rate of one (1) year for each thirty (30) graduate hours in behavioral health services-related course work beyond the minimum number of required graduate semester hours.

(1) Regardless of the number of hours earned beyond the minimum number of required graduate semester hours, the LBP Candidate shall receive at least one (1) year or one thousand (1000) clock hours of supervision in the ratio described in this rule.

(2) If an LBP Candidate completes the supervised experience requirement before passing the licensure examination, the LBP Candidate shall continue to practice under LBP supervision as described in this subchapter, unless exempted by the Act, until licensed.

(3) LBP Candidates shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the license application shall be voided.

(f) Approved supervisors shall perform at least two (2) observations (live or tape) per each six (6) month evaluation period for each supervisee.

(g) Approved supervisors shall consult with on-site supervisor at least once during each six (6) month evaluation period for each supervisee.

86:20-13-3. Documents required for the accrual of supervised hours

The following documents must be received and approved by the Board before the accrual of supervised experience can begin:

(1) Application materials;
(2) Verification of LBP State Standards Test passing score;
(3) Supervision agreement;
(4) Statement of professional disclosure; and
(5) On-Site Supervisor Verification Form.

86:20-13-4. Responsibility of supervisors and supervisees

(a) The supervisor and supervisee 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 rules of the supervisor’s and supervisee's employer(s) 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.

(c) When supervision is terminated by either the supervisor, or the supervisee, a Termination of Supervision Agreement Form must be submitted to the Board within three (3) days of the termination.

(d) The supervisee is responsible for negotiating a new supervision contract with a board approved supervisor and following all requirements set forth in Subchapter 13, section 86:20-13-3.

86:20-13-5. Acceptability of supervised experience

(a) Supervised experience is acceptable when it consists of the performance of behavioral health services as described in Section 1931, of the Act as described below.

(1) Supervision shall focus on the raw data from an LBP Candidate's continuing clinical practice, which may be available to the supervisor through a combination of direct observation, co-therapy, written clinical notes, and audio and video recordings.

(2) Supervision is a process clearly distinguishable from personal psychotherapy, and is contracted in order to serve professional/vocational goals.

(3) Individual supervision consists of face-to-face contact with one supervisor and one LBP Candidate.

(4) Group supervision may be conducted with two (2) to six

(6) LBP Candidates and a supervisor.

(5) Technology-assisted supervision must be approved by the Board prior to the accrual of hours. Factors to be considered by the Board include: distance between approved supervisor and candidate; financial hardship on approved supervisor or candidate; physical hardship on approved supervisor or candidate; specialty credentials; and other pertinent factors.

(b) An LBP Candidate may accrue supervised experience hours in

academic, governmental or private practice settings.
(c) The supervised experience is accrued in a private not-for-profit or a private for-profit practice without having an on-site approved LBP Supervisor providing supervision, if:

(1) The agency employing the LBP candidate employs a person licensed in the state of Oklahoma as a Licensed Behavioral Practitioner, a Licensed Professional Counselor, a Licensed Marital and Family Therapist, a Psychologist, a Physician, a Licensed Clinical Social Worker, or a Licensed Alcohol and Drug Counselor who directs and is responsible for the professional duties of the LBP Candidate and is available to the LBP candidate any time services are being rendered by the LBP candidate.

(2) The LBP Candidate is receiving supervision for licensure from an approved LBP supervisor who is not required to work at the same location as the LBP Candidate.

86:20-13-6. Supervisor qualifications

A Behavioral Practitioner, Professional Counselor, Marital and Family Therapist, Psychologist, Clinical Social Worker or Physician licensed by the state of Oklahoma is eligible as an LBP supervisor. In addition, these professionals shall have:

(1) practiced in positions similar to those the LBP proposes to practice for a period of two years past the issuance of the license;

(2) fulfilled the continuing education requirements pursuant to Section 1948 of the Act;

(3) signed an official supervision agreement;

(4) agreed to be "on call" to the LBP Candidate on a twenty-four (24) hour basis and to arrange for an alternate supervisor if not available;

(5) taken and passed the LBP State Standards Test; and

(6) agreed to teach the Oklahoman LBP Act and OAC 86:20 to the supervisee.

(4) Effective October 1, 2015, a supervisor may not supervise more than a total of twelve (12) candidates for licensure at a time. A supervisor who wants to supervise more than twelve (12) candidates must petition the Board for approval for each person above the maximum number. The petitions will be determined on a case-by-case basis depending on the circumstances of the request.

86:20-13-7. Documentation of supervised experience

(a) A Supervision Agreement Form between the supervisor and supervisee, Statement of Professional Disclosure Form, and the On-Site Supervisor Verification Form shall be received and approved by the Board prior to beginning the accrual of supervised hours.

(b) The supervisor and LBP Candidate shall sign and submit an "Evaluation of Supervised Experience," including documentation of observations, date of consultation between approved supervisor and on-site supervisor, and the Record of Supervised Experience on a semi-annual basis. Incomplete evaluations will not be accepted by the Board until all requirements for the semi-annual evaluation period have been completed.

SUBCHAPTER 15. FEES

86:20-15-1. Schedule of fees

(a) **Application fee.** Two hundred seventy-five dollars ($275.00) shall be submitted with the application form.
(b) **License examination fee.** Seventy-five dollars ($75.00) shall be submitted when the applicant registers for the Practice Examination of Psychological Knowledge.
(c) **Specialty application fee.** One hundred dollars ($100.00) shall be submitted with the specialty application.
(d) **Specialty designation fee.** Fifty dollars ($50.00) shall be submitted upon notification by the Board of the specialty designation.
(e) **Specialty designation renewal fee.** Twenty dollars ($20.00) shall be submitted on or before December 31 and validates the license for twelve (12) months for the designated specialty.
(f) **License renewal fee.** After the initial two-year period of licensure, this is a yearly fee of one hundred dollars ($100) shall be submitted on or before December 31.
(g) **Late renewal fee.** An additional twenty-five dollars ($25.00) shall be submitted for the late renewal of a license.
(h) **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.
(i) **Inactive license fee.** Twenty-five dollars ($25.00) shall be submitted with a request to place the license on inactive status.
(j) **Reactivation fee.** When an inactive license is reactivated, a pro-rated fee in accordance with OAC 86:20-23-5 shall be submitted at the time of reactivation.

86:20-15-2. Method of payment

Payment of all fees shall be by personal check, cashier's check, money order or cash. Payment of fees may be made by credit card or other electronic means, if acceptable by the Board. Any check returned to the Board for non-payment may result in expiration or suspension of license.

SUBCHAPTER 17. LICENSURE EXAMINATION

86:20-17-1. Examination required

The examination for licensure shall consist of two parts as follows:

(1) The Practice Examination of Psychological Knowledge published by the Northamerican Association for Masters In Psychology or another equivalent examination as determined by the Board; and

(2) The LBP State Standards Test.

86:20-17-1.1. Eligibility

An LBP applicant is eligible to take the licensing examination following the submission of:

(1) Application form and fee;

(2) Practicum/Internship Documentation Form;

(3) Official transcript(s) showing completion of all academic requirements listed in Subchapter 11, Section 86:20-11-2;

(4) Three (3) Document of Recommendation Forms;

(5) Two (2) classifiable sets of fingerprints; and

(6) Examination fee.

86:20-17-2. Frequency

The Board shall administer the licensure examination at least one (1) time each year or more often if necessary.

86:20-17-3. Registration

(a) The Board shall mail an applicant notice of eligibility to sit for examination at least sixty (60) days prior to the date of the next scheduled examination.

(b) An applicant's eligibility to sit for the LBP State Standards Test shall be valid once the application has been Board approved.

(c) To take the Practice Examination of Psychological Knowledge examination, the applicant shall complete an examination registration form and return it to the Board with the required fee ($75) at least thirty (30) days prior to the date of the examination.

(d) The application for licensure of a person who fails to register for and pass the Practice Examination of Psychological Knowledge one of the first two examinations for which the applicant is eligible shall be voided and the applicant shall be mailed notice.

86:20-17-4. Grading [AMENDED]

(a) The licensure examination shall be graded by the Board or its designated representative.

(b) The passing score on the Practitioner’s Examination of Psychological Knowledge ~~examination~~ shall be the passing score as set by the authors of the examination.

(c) The passing score on the LBP State Standards Exam shall be that score accepted as passing by the Board.

86:20-17-5. Notice of results

(a) The Board shall mail the examination results to the examinee within sixty (60) days of the date of the examination.

(b) No matter what numerical or other scoring system the Board may use in arriving at examination results, the official notice of results to the examinees shall be stated in terms of "pass" or "fail."

86:20-17-6. Failure to appear

If an applicant for licensure fails to appear for examination for reasons other than documented illness or other cause beyond the applicant's control after having agreed to do so by registering to take a particular examination, the applicant shall register and pay another examination fee before being admitted to a subsequent examination.

86:20-17-6.1. Failure to apply

(a) The application may be voided if a person fails to apply for and take one of the first two examinations scheduled after the applicant has been mailed notification at last know address in writing of his/her approval for examination.

(b) The application maybe voided if a person fails to apply for and take one of the first two examinations scheduled after the applicant has failed the exam and has been mailed notification at last known address in writing of this/her approval for examination.

86:20-17-7. Licensure prior to January 1, 2002

(a) Applicants for LBP licensure prior to January 1, 2002 are required to take and complete the examination.

(b) The authors of the examination shall use the results of this testing process to obtain normative data to set the passing score for other applicants.

(c) These applicants shall not receive a score but shall be notified that they completed the examination as required by statute.

SUBCHAPTER 19. CONTINUING EDUCATION REQUIREMENTS

86:20-19-1. Purpose

The purpose of this subchapter is to establish the continuing education requirements.

86:20-19-1.1. Documentation of attendance

LBPs shall retain verification of attendance documents for all continuing education hours claimed for a period of two (2) years. Acceptable continuing education verification of attendance documents include:

(1) An official continuing education validation form furnished by the presenter, or,

(2) A letter on the sponsoring presenter's letterhead giving the name of the program, location, dates, subjects taught, total number of hours attended, participant's name and presenter's name and credentials, or,

(3) An official graduate transcript showing course or audit credit, or,

(4) A letter for teaching activities on the sponsor's letterhead giving the name of the program, location, dates, subject taught, and total number of hours taught.

86:20-19-2. Submission of continuing education roster

LBPs shall submit a Continuing Education Roster to the Board, on an official Board form, of ten (10) clock hours of continuing education per year by December 31 of each year. One (1) academic hour is equal to fifteen (l5) clock hours. Rosters may be obtained from the Board. The Continuing Education Roster shall include the name of the licensee, signature and signature date of the licensee, total clock hours of workshop(s), name of workshop(s), sponsoring agency of workshop(s), date of workshops(s), and the number of hours of each workshop. Only continuing education accrued in the preceding license renewal period shall be acceptable.

86:20-19-3. Acceptable continuing education

(a) Continuing education shall take place in the context of a college course, in-service training, institute, seminar, workshop, conference or a technology-assisted distance learning program approved by the Board.

(b) Continuing education shall be accrued during the twelve (12) months preceding the renewal deadline or, in the case of the first licensing period, twenty-four (24) months preceding renewal.

(c) Of the ten (10) hours of C.E. required annually, two (2) hours must be in mental health ethics.

(d) Current LBP Board members shall receive clock hours of acceptable continuing education in mental health ethics for attendance and participation in Board and Committee meetings.

86:20-19-3.1. Continuing education accrual from teaching

Continuing education may also be accrued when the LBP teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to 86:20-19-3 of this

Subchapter, provided that such teaching is not required as part of the LBPs regular employment. Two (2) hours of continuing education are credited for each hour taught. No more than five (5) hours of continuing education may be accrued per year through teaching activities. Credit will be given only for the first presentation.

86:20-19-4. Audit of continuing education submissions

In November of each year, the Board shall randomly select from two (2) to twenty-five (23) percent of the number of LBPs on active status the previous year for an audit of their claimed continuing education credits. These selected LBPs shall provide the Board with verification of all credits claimed on their Continuing Education Roster on or before the renewal deadline. The Board may, at its discretion, audit and require verification of any credits claimed which it may consider questionable or fraudulent.

86:20-19-5. Penalty for failure to submit continuing education

Failure to fulfill the continuing education requirements by the expiration date will result in non-renewal of the license. All rights granted by the license are null and void until the license is reinstated. The LBP has twelve (12) months from the date of expiration to fulfill the requirements for reinstatement.

86:20-19-6. Submission of fraudulent continuing education

The submission of fraudulent continuing education hours will be reviewed by the License Committee for referral for disciplinary action and may result in sanction by the Board.

86:20-19-7. Responsibility

The LBP shall be responsible for providing the information necessary for the Board to make a determination of the suitability of the program for continuing education requirements.

86:20-19-8. Failure to complete continuing education

A person whose license is not renewed due to failure to complete continuing education requirements shall follow subchapter 23 of this chapter known as "License and Specialty Renewal."

SUBCHAPTER 21. ISSUANCE OF LICENSE

86:20-21-1. License

The license issued by the Board shall contain the LBP's name, license number, specialty designation, if any, highest accredited behavioral health services-related academic degree and date of issuance.

86:20-21-1.1. Statement of Professional Disclosure

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

86:20-21-2. Signature

Official licenses shall be signed by the Chair of the Board.

86:20-21-3. Property of Board

All licenses issued by the Board shall remain the property of the Board.

86:20-21-4. Notification

After having fulfilled all requirements for licensure, the Board shall mail notification to the licensee, at last known address, of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the license will be mailed to the licensee.

86:20-21-5. Replacement

The Board shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LBPs original license or be accompanied by the damaged license, if available.

SUBCHAPTER 23. LICENSE AND SPECIALTY RENEWAL

86:20-23-1. Responsibility

Each LBP is responsible for renewing the license and specialty designation before the expiration date.

86:20-23-2. Requirements for renewal

The requirements for renewal are:

(1) Compliance with the Act and rules;
(2) Documentation of the required continuing education; and
(3) Payment of the renewal fee(s).

86:20-23-3. Renewal notification

The Board shall mail to the LBP at least forty-five (45) days prior to the expiration date of the LBP's license, a notice of expiration.

86:20-23-4. Initial licensing period

(a) The expiration date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.

(b) After the first two (2) years of licensure, the LBP shall

submit a Continuing Education Roster verifying at least twenty (20) hours of continuing education required for renewal.

86:20-23-5. Interim renewal

The notice for the initial renewal shall solicit the required continuing education documentation and invoice the LBP for the interim period between the original renewal date and the following December 31 so that subsequent renewals shall be on a calendar year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by December 31. Fees and continuing education hours shall be prorated according to the schedule below.

(1) For a license expiring during January, February or March, the following shall apply:

(A) The renewal fee shall be $100.00; and

(B) Continuing education of 10 hours shall be due by December 31.

(2) For a license expiring during April, May or June, the following shall apply:

(A) The renewal fee shall be $75.00; and

(B) Continuing education of 7.5 hours shall be due by December 31.

(3) For a license expiring during July, August or September, the following shall apply:

(A) The renewal fee shall be $50.00; and

(B) Continuing education of 5 hours shall be due by December 31.

(4) For a license expiring during October, November or December, the following shall apply:

(A) The renewal fee shall be $25.00; and

(B) Continuing education of 2.5 hours shall be due by December 31.

86:20-23-6. Annual renewal

After the initial two (2) year licensing period plus the interim period, licenses shall expire each December 31, with a renewal fee of one hundred dollars ($100.00) and a continuing education requirement of ten (10) hours.

86:20-23-7. Specialty renewal

Regardless of the date the Board grants a specialty designation, the date of a specialty renewal shall be the same date as that of the licensure renewal.

86:20-23-8. Display of verification card

(a) LBPs shall display a current license verification card on the original or replaced license.

(b) A current license verification card shall be readily available on the LBPs person at any time behavioral health services are being provided.

86:20-23-9. Inactive status

(a) An active license may be placed on inactive status by written request and payment of a one-time twenty-five dollar ($25.00) fee. An inactive license forfeits all rights and privileges granted by the license.

(b) When a license is placed on inactive status, the license and active verification cards shall be returned to the Board.

(c) A license that has remained inactive for at least one (1) year may be reactivated upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year, in accordance with this Chapter, if there are no impediments to licensure.

(d) A license placed on inactive status may be reactivated within one (1) year when submitted with the required renewal fee and continuing education, in accordance with this Chapter, if there are no impediments to licensure.

86:20-23-10. Failure to renew

If the LBP fails to renew the license by the expiration date, the Board shall mail the LBP a notice to the last known address, which shall include:

(1) Expiration of the license and forfeiture of rights and privileges granted by the license, and,

(2) The LBP's right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one (1) year following the expiration of the license.

86:20-23-11. Return of license

Licenses not reinstated within the one (1) year late renewal period shall be permanently expired and not be reinstated. The license shall be returned to the Board.

86:20-23-12. Misrepresentation

An LBP whose license has been inactivated, suspended, or revoked and continues to represent himself as an LBP, is in violation of the Act and may be subject to enforcement action under OAC 86:20-29.

SUBCHAPTER 25. LICENSURE BY ENDORSEMENT

86:20-25-1. Requirements for licensure by endorsement

(a) The Board shall issue a license by full endorsement to an

applicant who is licensed as a behavioral practitioner in another jurisdiction and who meets the following:

(1) Possess a behavioral practitioner's license which is active and in good standing, with no history of suspension or revocation against license;

(2) Fulfill the requirements of Section 1935 (A), (B), and (C) of the Act;

(3) Possess at least a masters degree from a program in psychology from a regionally accredited college or university;

(4) Pass the LBP State Standards Test; and

(5) Pass the Practice Examination of Psychological Knowledge unless the applicant has passed a written examination that, in the judgment of the Board, is substantially equivalent to the examination established by the Board

(b) The Board 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 86:20-25-1(a) of this Chapter, 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 behavioral practitioner license 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 86:20-17-1 of this Chapter; and,

(4) The applicant completes all deficient course work to meet the academic requirements as provided in subchapter 7 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 1935 (C)(2)(3) of the Act.

86:20-25-2. Submission of verification of license

An applicant for licensure by endorsement shall submit documentation from the licensing agency stating the applicant is active and in good standing. The Board may require the applicant to submit a copy of the statute and rules of the agency issuing the license.

86:20-25-3. Licensing procedures

An applicant for licensure by endorsement must submit the application form, fees and related documents as required.

SUBCHAPTER 27. CONSUMER INFORMATION

86:20-27-1. Directory

(a) The Board shall provide a directory of Licensed Behavioral Practitioners.

(b) The directory of LBPs shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number, and license number of current licensees.

86:20-27-2. Brochure

The Board shall prepare information of consumer interest, which describes the regulatory functions of the Board and its procedures to handle and resolve consumer complaints.

86:20-27-3. Statement of professional disclosure

(a) The Statement of Professional Disclosure shall inform clients of the LBP's credentials, training, fees, orientation/techniques and inform the client to contact the Board should the client seek additional information about the LBP.

(b) Both LBPs and LBP candidates shall:

(1) Furnish an example copy signed by the LBP, and in the case of a candidate, signed by the LBP supervisor and the candidate, to the Board. The LBP and LBP Candidate shall submit updated copies when the situation warrants; and

(2) Have two (2) copies signed by both the client or adult caretaker and the counselor. One (1) copy shall be given to the client and the other copy shall be retained by the counselor in the client's file.

SUBCHAPTER 29. ENFORCEMENT

86:20-29-1. Purpose [AMENDED]

The purpose of this subchapter is to specify the procedure ~~of~~ for processing ~~of Requests for Inquiry~~ RFIs filed ~~by citizens and~~ with the Board and the authorization to take ~~filing of~~ disciplinary action~~s~~ against LBPs, Candidates, or ~~against~~ persons who practice licensed behavioral health practitioner services without a license or exemption.

~~**86:20-29-2. Definitions**~~ [REVOKED]

~~The following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:~~

~~"Act" means the Licensed Behavioral Practitioners Act, 59 O.S. §§ 1930 *et seq.*, as amended.~~

~~"APA" means Article I and/or Article II of the Administrative~~

~~Procedures Act, 75 O.S. §§ 250 *et seq.*~~

~~"Board" means the State Board of Behavioral Health Licensure.~~

~~"Complaint Committee" means one Board member who is a LPC, the Executive Director, the Assistant Attorney General, and may include other appropriate individuals as determined by the Committee.~~

~~"Formal Complaint" means a written statement of alleged violation of the LPC Act by a person licensed or certified by the Board and which is filed by the Board's attorney along with a Notice of Hearing scheduling an individual proceeding before the Board.~~

~~"Hearing" means the process followed by the Board to provide Due Process to a licensee respondent in an individual proceeding. "Individual Proceeding" means the formal process by which the Board takes administrative action against a person licensed or certified by the Board in accordance with the APA and the Act.~~

~~"Request for Inquiry" means a written or oral statement of complaint from any person of a possible violation of the Act or rules of the Board.~~

~~"Respondent" means the person against whom an individual proceeding is initiated.~~

~~"Staff" means the personnel of the Board.~~

86:20-29-3. Complaint Procedure [AMENDED]

(a) **Receiving Requests for Inquiry.** Any person may file a ~~Request for Inquiry~~ RFI against a ~~Licensed Professional Counselor ("LBP")~~, Candidate, or a person who delivers licensed behavioral practitioner services without a license. A person wishing to report a concern shall notify the Board in writing.~~or alleged violation against a LBP or a person delivering licensed behavioral health practitioner services without a license may notify the Board in writing, by telephone or by personal visit. The Board or its agent may require complainants to reduce oral complaints to writing to facilitate the review and investigation of the Request for Inquiry. The Complaint Committee will determine whether the Request for Inquiry alleges a possible violation of the Act.~~ Upon receipt of the ~~Request for Inquiry~~RFI, the Executive Director will:

(1) Stamp the first ~~all~~ pages of the RFI ~~with a Board stamp~~ indicating date of receipt;

(2) Review the ~~Request for Inquiry~~ RFI to determine if the person against whom the ~~Request for Inquiry~~ RFI is made is a person who is subject to the jurisdiction of the Board;

(3) Generate a letter to the complainant indicating receipt of the ~~Request for Inquiry~~ RFI~~;~~.

~~(4) Notify the members of the Complaint Committee by providing a copy of the Request for Inquiry to each member.~~

~~(b) **Authority of Complaint Committee**. The Complaint Committee has the authority to consult on professional duties and responsibilities as set forth in the LBP Act. In addition, the Complaint Committee has authority to do the following:~~

~~(1) Appoint an investigator;~~

~~(2) Meet with licensees who are the subject of the Request for Inquiry;~~

~~(3) Outline the terms of a proposed Consent Order for the informal disposition of Requests for Inquiry to be submitted at a Board hearing for approval;~~

~~(4) Authorize the filing of a formal Board Complaint in matters that may result in the revocation, suspension or probation of a license.~~

(~~c~~b)**Reviewing Request for Inquiry**. ~~Reviewing Requests for Inquiry. The Executive Director has the authority to respond directly to individuals filing a Request for Inquiry without need for referral to the Complaint Committee for matters that do not allege a violation of the law or which require no further action, and for allegations that if true, would not be a violation of the law or rules. If the allegation(s) indicate a possible violation of the law or rules, the Complaint Committee shall determine whether additional investigation is needed and shall make the following determination:~~

~~(1) The alleged violation(s) if found to be valid, would not result in a denial, revocation or suspension of a license, but one which does indicate the need for Board review and possible informal action.~~

(1) The Executive Director has the authority to do the following:

(A) Respond directly to a Complainant without need for referral to the Complaint Committee when matters do not allege a violation of the Act and/or Rules; or

(B) Refer a RFI to the Complaint Committee when allegations would be a violation of the Act and/or Rules.

(2)The Complaint Committee has the authority to do the following:

(A) Meet with individuals who are under the jurisdiction of the Board and are the subject of the RFI;

(B) Appoint an investigator to investigate the RFI;

(C) Outline the terms of a proposed Stipulation, Agreed Settlement, or Consent Order for the informal disposition of the RFI to be submitted to the Board for approval;

(D) Authorize the filing of a Formal Complaint and Notice of Hearing in order to initiate an Individual Proceeding; and

(E) Close the RFI.

~~(d) **Allegations, if substantiated, not appearing to result in a denial, revocation or suspension of a license.** If an alleged violation appears to be one which would not result in the revocation, suspension or probation of a license, the Complaint~~

~~Committee shall proceed with reviewing the Request for Inquiry. Upon the consent of the Complaint Committee and the advice of the Attorney General liaison the Complaint Committee or its designee shall proceed by:~~

~~(1) Notification to the licensee by certified mail that a Request for Inquiry has been received, outlining the nature of the inquiry.~~

~~(2) Forwarding to the licensee a copy of the informal process for addressing Requests for Inquiry which requires:~~

~~(A) a prompt letter to the Board from the licensee responding to the merits of the Request for Inquiry;~~

~~(B) an informal interview with the Complaint Committee to fully explore the issues involved in the Request for Inquiry;~~

~~(C) an agreement by the Complaint Committee and the licensee on the merits of the Request for Inquiry~~

~~(D) a proposed Consent Order for disciplinary action for the licensee, signed by Board member serving on the Complaint Committee, to be submitted for approval of the Board at an open meeting, the terms of which may include but not be limited to the following:~~

~~(i) a tutorial assigned to the licensee in areas determined by the Complaint Committee in areas determined by the Board addressing the practice in question, under the supervision of a Board Approved Supervisor assigned by the Board~~

~~(ii) a Notice of Violation reprimanding the licensee for the practice in question;~~

~~(iii)re take the Jurisprudence exam~~

~~(iv) Letter of Explanation~~

~~(E) a review of the course of action in a specified time, no longer than six months, to determine whether or not remediation has taken place; and~~

~~(F) a letter to the licensee indicating the informal process has ended; or,~~

~~(3) Referral to the formal investigation process when:~~

~~(A) the licensee fails to respond to the certified letter from the Complaint Committee;~~

~~(B) the informal process reveals new or expanded allegations that indicate the possibility of a denial, revocation or suspension of a license;~~

~~(C) the licensee fails to meet the requirements of Consent Decree without good cause.~~

~~(D) A Consent Order entered into pursuant to this subsection that is agreed to by the Board and the~~

~~licensee shall not be considered a disciplinary action and will not appear on the Board's website or be reported to a national databank.~~

~~(e)~~ **~~Allegations if substantiated, appearing to result in a revocation, suspension or probation of a license.~~** ~~If an alleged violation appears to be one which would result in a revocation, suspension or probation of a license, the Complaint Committee shall proceed with addressing the Request for Inquiry by the process detailed below based upon agreement of a majority of its members:~~

~~(1) Contacting an investigator designated by the Board as qualified to address the nature of the Request for Inquiry.~~

~~(2) Providing the designated investigator with names and addresses of the complainant, if available, and the licensee.~~

~~(3) Issuing a letter notifying the licensee of the investigation and Request for Inquiry~~

~~(4) Complaint Committee to determine whether or not the licensee is to be interviewed by the contract investigator or upon advice of the Attorney General liaison, conducting an interview by the Assistant Attorney General in a setting under oath; and to determine whether in addition, the matter is to be referred for criminal investigation.~~

~~(5) Following investigation, the Complaint Committee shall review and determine whether the Request for Inquiry should be dismissed, referred for informal resolution as there appears to be a violation of the Act but does not appear to be sufficient evidence to support a revocation, suspension or probation of a license, or to proceed with authorizing the filing of a Formal Complaint and the issuance of a Notice of Hearing by the Assistant Attorney General.~~

~~(f)~~ **~~Summary Suspension.~~** ~~After the filing of a Formal Complaint seeking revocation or other action and the issuance of a Notice of Hearing by the Assistant Attorney General, but prior to the final hearing on the merits of said Formal Complaint, in the event of an emergency, a summary suspension hearing may be held as set forth herein. The Chair of the Board upon concurrence of the Complaint Committee of the Board that an emergency exists for which the immediate suspension of a license is imperative for the protection of the public health, safety or welfare, may conduct a summary suspension hearing to temporarily suspend the license of any person under the jurisdiction of the Board, pending proceedings for revocation or other action set forth in the Formal Complaint. The Chair or Vice Chair, may issue an Order of Temporary Summary Suspension upon a finding of clear and convincing evidence that the immediate suspension is imperative for the protection of the public health, safety or welfare. The summary suspension hearing shall be conducted in accordance with~~

~~the Sections 314 and 314.1 of the APA. The licensee shall be given at least 48 hours personal notice to appear for the summary suspension hearing outlining the specific issues that constitute an emergency and for which summary suspension is imperative for the protection of the public health, safety or welfare. Following the summary suspension, the Individual Proceeding hearing on the full merits of the Formal Complaint shall be promptly instituted and determined.~~

(c) **Informal Interviews.**

(1) If the Complaint Committee decides to meet with an individual, the Complaint Committee shall proceed by:

(A) Notifying the LPC or Candidate that a RFI has been received, outlining the nature of the inquiry; and

(B) Requesting a prompt letter to the Board responding to the merits of the RFI and a meeting with the Complaint Committee for an interview at a date and time determined by the Complaint Committee.

(2) If the LBP or candidate fails to respond with a prompt letter or fails to meet with the Complaint Committee at their request, the Complaint Committee may refer the RFI for investigation.

(d) **Requests for Investigation.**

(1) If the Complaint Committee decides to forward the RFI for investigation, the Complaint Committee shall proceed by:

(A) Contacting an investigator designated by the Board to address the RFI;

(B) Providing the designated investigator with the name~~s~~ and address~~es~~ of the complainant, if available, and the LBP or candidate; and~~.~~

(C) Notifying the LBP or candidate by certified mail that a RFI has been received and an investigation is being conducted.

(2) The Complaint Committee may request that LBP or candidate be interviewed by the designated investigator or by the Assistant Attorney General in a setting under oath.

(3) The Complaint Committee may refer the RFI to a law enforcement agency for criminal investigation, if the Committee determines that a crime has or may have been committed.

(e)**Summary Suspension.** After the filing of a Formal Complaint and Notice of Hearing, but prior to an Individual Proceeding, in the event of an emergency, a summary suspension hearing may be held as set forth herein. If the Chair of the Board and the Complaint Committee determine that an emergency exists for which the immediate suspension of a license is imperative for the protection of the public health, safety or welfare, the Board may

conduct a summary suspension hearing to temporarily suspend the license of any person under the jurisdiction of the Board. The Chair or Vice-Chair may issue an Order of Temporary Summary Suspension upon a finding by clear and convincing evidence that the immediate suspension is imperative for the protection of the public health, safety or welfare. The summary suspension hearing shall be conducted in accordance with the APA. The LBP or Candidate shall be given at least 48 hours personal notice to appear for the summary suspension hearing outlining the specific issues that constitute an emergency and for which summary suspension is imperative for the protection of the public health, safety or welfare. Following the Order, an Individual Hearing on the merits of said Formal Complaint and Notice of Hearing shall be held promptly.

~~86:20-29-4. Investigation~~ [REVOKED]

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

86:20-29-5. Cooperation with investigations. [AMENDED]

~~Licensees~~ LBPs and Candidates shall cooperate when Board staff, Complaint Committee members, and/or investigators make inquiries concerning a RFI ~~Request for Inquiry~~ made against them ~~a licensee~~. Failure ~~of a licensee~~ to cooperate is grounds for further disciplinary action under the Act and/or Rules.

86:20-29-6. Service of Formal Complaint ~~petition~~ and N~~n~~otice of Hearing. [AMENDED]

(a) Service. The Formal Complaint ~~petition~~ and N~~n~~otice of Hearing shall be served ~~on the respondent(s) personally or~~ by certified mail, return receipt requested, to the LBP or Candidate's address ~~of the respondent(s)~~ on file with the Board. It is the duty of the LBP or Candidate ~~licensee~~ to provide current address information.

(b) Proof of service. Proof of service shall be filed with the Board ~~office~~.

(~~d~~c) ~~Substitute service. If the Board is unable to obtain service on a respondent, the petition and notice shall be mailed by regular mail to the last known address of the respondent, and the Board shall file an affirmation service was attempted.~~

~~(e)~~ Service of other papers and documents. Service of all other papers and documents connected with an individual proceeding shall be served on the LBP, Candidate ~~parties~~ or his/her ~~their~~ counsel ~~by delivering a copy in person or~~ via facsimile, ~~or~~ regular mail, or hand-delivery.

86:20-29-7. ~~Hearing~~ Individual Proceedings. [AMENDED]

~~Hearings~~ Individual Proceedings shall be conducted by the Board in accordance with the APA, 75 O.S., §Sections 309-321 et seq. The Board shall recommend the most appropriate penalty at the conclusion of the evidence, which may include but is not limited to probation, suspension, revocation, and an administrative penalty not to exceed Ten Thousand Dollars ($10,000.00). Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default.

86:20-29-8. Continuances. [AMENDED]
(a) Continuances by the Board. The Board chair may continue or adjourn the proceedings at any time for a specified time~~,~~ by~~with~~ notice or motion.
(b) Continuances by motion of parties. Except for good cause shown, or by agreement of all parties, no continuance shall~~will~~ be granted upon motion of a party unless written request ~~therefore~~ is filed with the board and served on all parties of record, including ~~and filed with the Board office and served on~~ the Assistant Attorney General, at least seven (7) days prior to the date set for hearing. An agreement to continue by ~~stipulation for continuance among~~ all parties of record ~~ordinarily will~~ shall be approved~~,~~ unless the Board chair determines that the public interest requires otherwise.

86:20-29-9 Discovery. [AMENDED]
Discovery shall be conducted ~~generally~~ in accordance with the APA. The Board chair may enter specific orders directing the conduct of discovery.

86:20-29-10. Protective orders. [AMENDED]
The Board chair, ~~at the hearing or~~ at any time upon application of a party, ~~with or without notice,~~ may ~~make such~~ issue Protective O~~o~~rders as they relate ~~relating~~ to discovery ~~as may be necessary or appropriate for the protection of the parties,~~ and as they may ~~to~~ prevent hardship to ~~and excessive burden upon~~ a party, prevent excessive burden on a party, or as they may be necessary or appropriate for the protection of the parties.

86:10-29-11. Subpoenas. [AMENDED]
(a) Issuance of subpoenas for witnesses and physical evidence. All parties, including t~~T~~he Board, may compel the attendance of witnesses, and the production of physical evidence ~~before it from witnesses, upon whom process is~~ if service of process has been made ~~served~~ by subpoena anywhere within the state. ~~Such subpoenas will be issued over the signature of the chairperson or vice chairperson and the seal of the Board.~~
(b) Service of subpoenas. ~~From the institution of formal Board~~

~~proceedings, subpoenas will be issued on behalf of the licensee or the Board.~~ Service of the subpoenas will be the responsibility of the requesting party. Subpoenas shall be served and returns made in the manner prescribed by general civil law.

86:20-29-12. Final order. [AMENDED]

The Board shall issue a final order for ~~on~~ all disciplinary matters. Final orders are subject to Judicial Review pursuant to APA~~appealable under the Administrative Procedures Act to the district courts~~.

86:20-29-13. Unauthorized practice. [AMENDED]

Any person found to be practicing licensed behavioral health practitioner services without being ~~either~~ properly licensed, exempt or under the approved supervision of an LBP as part of the licensure process shall be ordered to cease practicing and may be subject to an administrative penalty. The Board may seek the assistance of the courts if the actions continue.

86:20-29-14. Administrative penalties. [AMENDED]

(a) The Board may assess an administrative penalty against an individual if ~~the~~ any order issued or approved by the Board includes a finding that the individual:

(1) Violated any provision of the Act~~, including practicing licensed behavioral health practitioner services without being licensed, under supervision, licensure or exempt exemption~~; or

(2) Violated any rule of the OAC as it relates to licensed behavioral health practitioner services ~~within this Chapter~~; or

(3) Violated any order issued by the Board~~pursuant to this Chapter~~.

(b) The total amount of the administrative penalty assessed shall not exceed T~~t~~en T~~t~~housand D~~d~~ollars ($10,000.00)~~ for any related series of violations~~.

~~**86:20-29-15 Costs of investigation**~~

~~Costs of investigation may be assessed against a licensee and incorporated into a Consent Order or any other final order resolving a disciplinary matter against a licensee.~~

86:20-29-16 RFI confidentiality.[NEW]

The RFI and the identity of the Complainant shall be confidential and shall not be available for public inspection.

SUBCHAPTER 31. POST-MILITARY SERVICE OCCUPATION, EDUCATION AND CREDENTIALING RULES

86:20-31-1. Education, training and experience completed as a

member of the Armed Forces of the United States pursuant to 59 O.S. § 4100.4(A)

If an applicant otherwise qualifies for licensure, the Board shall issue an appropriate license to applicants who present satisfactory evidence of equivalent education, training and experience completed by the applicant as a member of the Armed Forces or Reserves of the United States, National Guard of any state, the Military Reserves of any state, or the Naval Militias of any state.

86:20-31-2. Automatic extension of license, payment of fees and continuing education for active-duty military service members

(a) Automatic extension pursuant to 59 O.S. § 4100.6(A). The license of active-duty military service members shall be automatically extended and placed on inactive licensure status during active-duty military service and for one (1) year after active-duty military service, unless the licensee seeks to maintain said license in good-standing.

(b) Payment of fees and continuing education pursuant to 59 O.S. § 4100.6(B), (C) and (D). Active-duty military service members seeking to maintain his or her license in good-standing may have his or her license renewed during active-duty, and for a period of one (1) year after discharge from active-duty, without:

(1) payment of fees; and

(2) obtaining continuing education credits when:

(A) circumstances associated with military duty prevent obtaining training and a waiver request has been submitted to the Board;

(B) the licensee performs social work as an occupation as part of his or her military duties as shown in Defense Department Form DD 214 (DD Form 214); or

(C) performing any other act typically required for the renewal of the license.

86:20-31-3. Reciprocal licensing of spouses of active-duty members of the Armed Forces of the United States

The procedure to expedite endorsement of licensure pursuant to Section 4100.5 of Title 59 of the laws of the State of Oklahoma for applicants who are licensed in another state and who are the spouse of an active-duty member of the Armed Forces of the United States is as follows:

(1) A license shall be issued to the applicant if the requirements for licensure of the other state are substantially equivalent to those required by this state;

(2) If specific licensure requirements in this state were not required in the state in which the Applicant was licensed, a temporary license for a set period of time shall be issued to

Applicants to allow the person to work as a licensed ~~professional counselor~~ behavioral practitioner while completing those requirements.

SUBCHAPTER 33. DECLARATION OF EMERGENCY LICENSURE BY ENDORSEMENT RULES

86:20-33-1. Submission of verification of license

An applicant applying for a non-renewable license by endorsement pursuant to a declaration of emergency shall submit verification stating the applicant is active and in good standing in the state in which they are currently licensed. The Board may require the applicant to submit a copy of the statutes and rules from the state out of which such license was issued.

86:20-33-2. Licensing procedures

An applicant must submit an application form, related documents as requested, and licensure fees.

86:20-33-3. Non-renewable declaration of emergency license by endorsement

(a) The Board shall issue a non-renewable license by endorsement pursuant to a declaration of emergency to an applicant who is licensed or certified as a professional counselor by another state or territory of the United States or the District of Columbia and the following criteria is met:

(1) A declaration of emergency is issued by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or a declaration of a catastrophic health emergency issued by the Governor pursuant to the Catastrophic Health Emergency Powers Act;

(2) The applicant's professional counselor license in the other jurisdiction is active and in good standing and allows the applicant to practice independently without supervision;

(3) The applicant’s license has never been suspended or revoked and fulfills all of the requirements as stated in Subchapter 7; and

(4) The applicant fulfills the requirements as stated in 59 O.S. 1935 (A), (B), and (C).

(b) A non-renewable license by endorsement pursuant to a declaration of emergency shall only be valid for the duration of the emergency as determined by the Governor or the Legislature pursuant to the Oklahoma Emergency Management Act of 2003 or the Catastrophic Health Emergency Powers Act.

(c) Services that are provided shall be pro bono or reimbursed by nongovernmental entities.