

**TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE
CHAPTER 15. LICENSED MARITAL AND FAMILY THERAPISTS**

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions

86:15-1-1. [NEW]

86:15-1-2. [NEW]

86:15-1-3. [NEW]

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Subchapter 3. Rules of Professional Conduct

86:15-3-1. [NEW]

86:15-3-2. [NEW]

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Subchapter 5. Application for Licensure

86:15-5-1. [NEW]

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Subchapter 7. Licensure Examinations

86:15-7-1. [NEW]

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Subchapter 9. Supervised Experience Requirements

86:15-9-1. [NEW]

86:15-9-2. [NEW]

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Subchapter 11. Fees

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Subchapter 13. Issuance and Maintenance of License

86:15-13-1. [NEW]

86:15-13-2. [NEW]

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Subchapter 15. Enforcement

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ANALYSIS:

The following permanent rules interpret the Oklahoma Licensed Professional Counselor Act, (59 O.S. 1991, Sections 1901 et seq.)

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PERMANENT RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S., §253(F), WITH AN EFFECTIVE DATE OF: September 11, 2015.

SUBCHAPTER 1. GENERAL PROVISIONS

86:15-1-1. Purpose

The rules in this Chapter implement the Marital and Family Therapist Licensure Act, 59 O.S. Section 1925.1 et seq.

86:15-1-2. Consumer information

(a) **Directory.** The Board shall provide a directory of Licensed Marital and Family Therapists (LMFTs). The directory of LMFT's 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.

(b) **Brochure.** The Board shall prepare information of consumer interest which describes the regulatory functions of the Board and Board procedures to handle and resolve consumer complaints.

86:15-1-3. Definitions

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"Act" means the Marital and Family Therapist Licensure Act, 59 O.S. §§ 1925.1 et seq., as amended.

"Approved LMFT supervisor" means an individual who meets the qualifications to become an approved supervisor and is approved by the Board as set forth in Section 86:15-9-3 of this Chapter.

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

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

"Extra therapeutic relationship" means a familial, social, financial, business, professional, close personal, sexual or other non-counseling relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LMFT's professional obligation to a client.

"Forensic services" means the application of knowledge, training and experience from the mental health field to the establishment of facts and/or the establishment of evidence in a court of law or ordered by a court of law.

"Home-study or technology-assisted distance learning" refers

to the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on 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.

"License Committee" means two LMFT Board members, one Staff member, 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 LMFT supervisor but is licensed in the State of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LMFT Candidate whose assigned job duties include acting as the immediate supervisor to the LMFT Candidate.

"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 LMFT Supervisor and a Licensed Marital and Family Therapist Candidate are in separate physical locations.

86:15-1-4. Applicability

Every duty, obligation or requirement described in this Chapter and imposed upon a LMFT shall be applicable to every licensed marital and family therapist candidate, unless specifically provided otherwise.

SUBCHAPTER 3. RULES OF PROFESSIONAL CONDUCT

86:15-3-1. Responsibility to clients

(a) LMFTs are dedicated to advancing the welfare of families and individuals, including respecting the rights of those persons seeking their assistance, and making reasonable efforts to ensure that their services are used appropriately.

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

(c) LMFTs are cognizant of their potentially influential position with respect to clients, and they shall not exploit the trust and dependency of such persons. LMFTs therefore shall avoid extra therapeutic relationships with clients that could impair their professional judgment or increase the risk of exploitation. When extra-therapeutic relationships cannot be avoided, LMFTs shall take appropriate professional precautions to insure that judgment is not impaired and that no exploitation occurs. Examples of such extra therapeutic relationships include, but are not limited to, business or close personal relationships with clients. Sexual intimacy with clients is prohibited. Sexual intimacy with former clients for two years following the termination of therapy is prohibited.

(d) LMFTs shall not use their professional relationship with clients to further their own interests.

(e) LMFTs respect the right of clients to make decisions and help them to understand the consequences of those decisions. LMFTs shall clearly advise a client that a decision on marital status is the responsibility of the client.

(f) LMFTs shall continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.

(g) LMFTs shall assist persons in obtaining other therapeutic services if a marital and family therapist is unable or unwilling, for appropriate reasons, to see a person who has requested professional help.

(h) LMFTs shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment by other appropriate professionals as necessary and indicated.

(i) When an LMFT becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LMFTs duty of responsibility to the client, including a suspension of the LMFTs license or any other situation or condition described in subchapter 3 of these rules, the LMFT 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 consistent with the provisions of paragraphs (g) and (h) herein.

(j) LMFTs shall obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

86:15-3-2. Confidentiality

(a) LMFTs have unique confidentiality problems because the "client" in a therapeutic relationship may be more than one person. The overriding principle is that LMFTs respect the

confidences of their client(s).

(b) LMFTs shall not disclose client records and confidences to anyone, except:

(1) as mandated by law;

(2) to prevent a clear and immediate danger to a person or persons;

(3) where the LMFT is a defendant in a civil, criminal, or disciplinary action rising from the therapy (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.

(c) In circumstances where more than one person in a family is receiving therapy, each such family member who is legally competent to execute a waiver must agree to the waiver required by paragraph (b)(4) of this section. Absent such a waiver from each family member legally competent to execute a waiver, an LMFT shall not disclose information received from any family member.

(d) LMFTs shall use client and/or clinical materials in teaching, writing, and public presentations only if a written waiver has been received in accordance with subsection (c) of this section, or when appropriate steps have been taken to protect client identity.

(e) LMFTs shall store or dispose of client records in ways that maintain confidentiality.

(f) LMFTs shall maintain verifiable records necessary for rendering professional services to their clients for at least seven (7) years beyond termination of services. LMFTs 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.

(g) LMFTs 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.

(h) LMFTs shall be responsible for complying with the applicable state and federal regulations in regard to the security, safety and confidentiality of any therapeutic record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

86:15-3-3. Professional competence and integrity

(a) LMFTs are dedicated to maintaining high standards of professional competence and integrity.

(b) LMFTs are presumed to have violated high standards of integrity or competence if they:

- (1) are convicted of a felony;
 - (2) are convicted of a misdemeanor (related to their qualifications or functions);
 - (3) engage in conduct which could lead to conviction of felonies, or misdemeanors related to their qualifications or functions;
 - (4) have their licenses or certificates suspended or revoked;
- or
- (5) are no longer competent to practice marital and family therapy because they are impaired due to physical or mental causes or the abuse of alcohol or other substances.
- (c) LMFTs shall seek appropriate professional assistance for their own personal problems or conflicts that are likely to impair their work performance and their clinical judgment.
- (d) LMFTs, as teachers and supervisors, are dedicated to maintaining high standards of scholarship and presenting information that is accurate.
- (e) LMFTs shall remain abreast of new developments in family therapy knowledge and practice through both educational activities and clinical experiences.
- (f) LMFTs shall not engage in sexual or other harassment or exploitation of clients, students, trainees, supervisees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.
- (g) LMFTs shall not attempt to diagnose, treat, or advise on problems outside the recognized boundaries of their competence.
- (h) LMFTs shall prevent the distortion or misuse of their clinical and research findings.
- (i) LMFTs are aware that, because of their ability to influence and alter the lives of others, they must exercise special care when making public their professional recommendations and opinions through testimony or other public statements.
- (j) LMFTs shall protect the welfare of the client by storing and/or destroying, when appropriate, client files.
- (k) LMFTs shall not, under normal circumstances, offer professional services to clients concurrently receiving services from another professional except with the knowledge of the professional.
- (l) LMFTs shall display their original, current license certificate in a prominent place in the primary location of their practice.
- (m) LMFTs shall keep the Board updated regarding changes in mailing address, phone number and place of employment. Failure to do so may place the license in jeopardy due to missed renewal notices and other important communications.
- (n) LMFTs and LMFT Candidates may perform forensic services, which may 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, only under the following conditions:

(1) LMFTs and LMFT Candidates must demonstrate competence by education or experience in the subject matter relevant to the issues in question, as determined by the court.

(2) LMFTs and LMFT Candidates shall provide a written notice and make reasonable attempts to obtain a signature acknowledging receipt of such notice, from each person or persons who is the subject of the forensic services. This written notice shall include:

(A) a description of what procedure will be followed in the evaluation process;

(B) how such information, interpretations, conclusions, and recommendations will be distributed;

(C) fee arrangements; and

(D) explanation of the role of the evaluator if subsequently called upon to provide expert testimony before a trier of fact

(3) LMFTs and LMFT Candidates 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) LMFTs and LMFT Candidates 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.

(5) LMFTs and LMFT Candidates must base their findings and conclusions only upon information gained by appropriate and lawful means. Interviews of minor children shall 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) LMFTs and LMFT Candidates who provide therapy services for a client shall only provide fact witness testimony, which may include diagnostic impressions, treatment plans and other factual clinical information ordinarily included in a treatment file. Fact witness testimony by LMFTs and LMFT Candidates shall not include opinions or recommendations pertaining to matter subject to a decision by the Court, in forensic matters involving that client, unless otherwise required by law or court order. LMFTs and LMFT Candidates who provide mediation, parent coordinating assistance or any other

neutral participation, may not undertake to provide therapy concurrently or subsequently to any person(s) involved or directly affected by the LMFT's or LMFT Candidate's role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations by the LMFT or LMFT Candidate 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.

(o) An LMFT, LMFT candidate, or applicant for LMFT licensure, in connection with a license application or an investigation conducted by the Board pursuant to OAC 86:15-15-1 through 15, shall not:

(1) knowingly make a false statement of material fact; LMFT, LMFT candidate or applicant for licensure to have arisen in the application or the matter under investigation; or

(2) fail to disclose a fact necessary to correct a misapprehension known by the LMFT, LMFT 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.

(p) No person may engage in the private or independent practice of marital and family therapy work or open a facility with the intent of providing private or independent therapy practice unless that person:

(1) is licensed under this Act as a Licensed Marital and Family Therapist; and,

(2) has met all requirements of OAC 86:15-9-4 and all of the LMFT Regulations; and

(3) has continued to meet all continuing education requirements set forth in Subchapter 13 of this Chapter.

86:15-3-4. Responsibility to students, employees, and supervisees

(a) LMFTs shall not exploit the trust and dependency of students, employees and supervisees.

(b) LMFTs are cognizant of their potentially influential position with respect to students, employees, and supervisees, and shall not exploit the trust and dependency of such persons. LMFTs, therefore, shall avoid extra therapeutic relationships that impair their professional judgment or increase the risk of exploitation. Examples of such extra therapeutic relationships include, but are not limited to, provision of therapy to students, employees, or

supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy with students or supervisees is prohibited.

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

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

(1) as mandated by law;

(2) to prevent a clear and immediate danger to a person or persons;

(3) where the marital and family therapist 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.

86:15-3-5. Responsibility to research participants

(a) LMFTs shall respect the dignity and protect the welfare of persons who participate in research and are cognizant of federal and state laws and regulations and professional standards governing the conduct of research with human participants.

(b) In planning a study, the LMFT has the responsibility to make a careful examination of its ethical acceptability. To the extent that services to research participants may be compromised by participation in research, the LMFT incurs a correspondingly serious obligation to seek the ethical advice of others not directly involved in the investigation and to observe safeguards to protect the rights of research participants. Examples of compromising conditions include, but are not limited to, random assignment to control groups, waiting lists, and inflexible treatment protocols.

(c) In requesting involvement in research, LMFTs are obligated to fully inform potential participants of all aspects of the research that might reasonably be expected to influence willingness to participate and to explain all other aspects of the research about which participants inquire. LMFTs are especially sensitive to the possibility of diminished consent when participants are also receiving clinical services or when participants are children or have impairments which limit understanding and/or communication.

(d) The LMFT respects the individual's freedom to decline to participate in or to withdraw from the research at any time. This obligation requires special thought and consideration when the LMFT or other members of the research team are in positions of

authority or influence over the participant.

(e) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others, including family member, may obtain access to such information, this possibility, together with the plan for protecting confidentiality, is explained as part of the procedure for obtaining informed consent.

86:15-3-6. Responsibility to colleagues

(a) Marital and family therapists shall respect the rights and responsibilities of professional colleagues.

(b) LMFTs shall assign publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.

(c) LMFTs who author books or other materials that are published or distributed shall cite appropriately persons to whom credit for original ideas is due.

(d) LMFTs who author books or other materials published or distributed by an organization shall take reasonable precautions to ensure that the organization promotes and advertises the materials accurately and factually.

86:15-3-7. Financial arrangements

(a) LMFTs shall clearly explain to clients, prior to entering the therapy relationship, all financial arrangements related to professional services including the consequences for non-payment of fees.

(b) LMFTs shall not offer or accept payment for referrals.

(c) LMFTs shall not charge excessive fees for services.

(d) LMFTs shall represent facts truthfully to clients and third party payor regarding services rendered.

86:15-3-8. Advertising

(a) LMFTs shall accurately represent their competence, education, training, and experience relevant to their practice of marriage and family therapy.

(b) LMFTs shall not use a name which could mislead the public concerning the identity, responsibility, source, and status of those practicing under that name and shall not hold themselves out as being partners or associates of a firm if they are not.

(c) LMFTs shall not use any professional identification (such as a professional card, office sign, letterhead, or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading or deceptive. A statement is false, fraudulent, misleading, or deceptive if it:

- (1) contains a material misrepresentation of fact;
 - (2) fails to state any material fact necessary to make the statement, in light of all circumstances, not misleading;
 - (3) is intended to or is likely to create an unjustified expectation.
- (d) LMFTs shall correct false, misleading, or inaccurate information and representations made by others concerning the marriage and family therapist's qualifications, services or products.
- (e) LMFTs shall make certain that the qualifications of persons in their employ are represented in a manner that is not false, misleading or deceptive.

86:15-3-8.1. Candidate for LMFT licensure

Candidates for licensure as a Licensed Marital and Family Therapist shall not refer to themselves as a Licensed Marital and Family Therapist or LMFT.

86:15-3-9. Failure to comply

An LMFT who does not comply with the Rules of Professional Conduct in this Subchapter shall be guilty of unprofessional conduct.

SUBCHAPTER 5. APPLICATION FOR LICENSURE

86:15-5-1. Fitness of applicants

- (a) **Purpose.** The purpose of this section is to establish the fitness of an applicant as one of the criteria for approval for licensure as an LMFT.
- (b) **Fitness for licensure.** 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.
 - (3) A violation of the Code of Ethics of the professional discipline espoused by the applicant.
 - (4) Any violation of the Board rules in effect at the time of application which is applicable to an unlicensed person.
- (c) **Materials considered to determine fitness.**
 - (1) Materials considered to determine fitness of skills and abilities include:
 - (A) Evaluations of supervisors or instructors.
 - (B) Statements from persons submitting references for the applicant.
 - (C) Evaluations of employers and/or professional

associations.

(2) Materials considered to determine fitness of professional conduct includes:

(A) Allegations of clients.

(B) Transcripts or other findings from official court, hearing or investigative proceedings.

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

86:15-5-2. Application procedures

(a) General.

(1) The purpose of this section is to insure that all applicants meet those requirements specified in Section 1925.6 of the Act.

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

(3) The Board will not consider an application as officially submitted until receipt of the Application, application fee, official graduate transcripts, three (3) Document of Recommendation Forms, Internship/Practicum Documentation Form, and completed criminal background check. The fee must accompany the Application Form.

(4) The Board must receive all required application materials at least 60 days prior to the date the applicant wishes to take the examination.

(b) **Application materials.** The purpose of this section is to list the materials required in the application process. All forms must be completed in full by the applicant, as per the instructions on the following individual forms:

(1) Application form.

(2) Official graduate transcript.

(3) Documents of recommendation.

(4) Internship/practicum documentation form.

(5) Two (2) classifiable sets of fingerprints.

(6) Fees.

(c) Application forms.

(1) Application form - identifying information; graduate education and course work; possession of other credentials; professional ethics and conduct.

(2) Internship/Practicum Documentation form - identifying information; time, place, location of practicum

(3) Document of Recommendation - identifying information; ratings of ethical and professional characteristics; circumstances and time period submitter has know applicant

(4) Supervision Agreement - supervisor and supervisee agree to terms set forth for the accrual of supervised experience; a

reproduction of the regulation regarding supervised experience
(5) Evaluation of Supervised Experience document - identifying information; time, place and duration of supervised experience; number of hours of direct client contact with different populations; supervisor's rating of professional activity; supervisor's comment section, and record of supervised experience.

(6) On-Site Supervisor Verification form - identifying information; name of applicant; place of employment; on-site supervisor information; a reproduction of the regulation regarding supervision accrued in a private setting.

(7) Two (2) classifiable sets of fingerprints.

(d) **Negative references.** The License Committee may ask any applicant for licensure as an LMFT, whose file contains negative references of substance, to come before the License Committee for an interview before the licensure designation process may proceed.

86:15-5-2.1. Reapplication procedures

(a) **Re-application for permanently expired license.**

(1) Re-application after license expires for non-renewal shall

include the following documents:

- (A) Application form,
- (B) Three (3) Documents of Recommendation,
- (C) Supervision Agreement,
- (D) On-Site Supervisor Verification Form,
- (E) New Application Fee, and
- (F) Two (2) classifiable sets or fingerprints.

(2) Applicant shall re-take two examinations:

- (A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Board, and
- (B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.

(3) The Internship/Practicum Documentation Form on file shall carry over to a new application.

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

(5) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 86:15-15-13.

(b) **Re-application for revoked license.**

(1) No re-application for a revoked license will be considered for a period of 5 years following the revocation. Re-application after license is revoked as a result of administrative action shall include the following documents:

- (A) Application form,

- (B) Official university or college transcript,
 - (C) Three (3) Documents of recommendation.
 - (D) Internship/Practicum Documentation form,
 - (E) Supervision Agreement,
 - (F) On-Site Supervisor Verification Form,
 - (G) New Application Fee, and
 - (H) Two (2) classifiable sets of fingerprints.
- (2) Applicant shall re-take two examinations:
- (A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Board, and
 - (B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.
- (3) All previously submitted and approved Supervised Experience shall not carry over to a new application.
- (4) Application materials shall be reviewed by the License Committee.
- (5) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of the revocation of licensure.
- (6) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.
- (c) **Re-application for voided application.**
- (1) 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:
- (A) Application form,
 - (B) Three (3) Documents of Recommendation,
 - (C) Supervision Agreement,
 - (D) On-Site Supervisor Verification Form,
 - (E) New Application Fee, and
 - (F) Two (2) classifiable sets of fingerprints.
- (2) Applicant shall take two examinations:
- (A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Board, and
 - (B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.
- (3) The Internship/Practicum Documentation Form on file shall carry over to a new application.
- (4) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (5) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute

a violation of OAC Rule 86:15-15-13.

(d) **Re-application for denied application.**

(1) Re-application after application has been denied as prescribed in Section 1925.15 of the Act shall include the following documents:

- (A) Application form,
- (B) Official university or college transcripts,
- (C) Three (3) Documents of Recommendation,
- (D) Internship/Practicum Documentation form,
- (E) Supervision Agreement,
- (F) On-Site Supervisor Verification Form,
- (G) New Application Fee, and
- (H) Two (2) classifiable sets of fingerprints.

(2) Application materials shall be reviewed by the LMFT License Committee.

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

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

(5) Internship/Practicum Documentation Form on file shall carry over to a new application.

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

(7) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 86:15-15-13.

(8) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of denial of licensure application.

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

86:15-5-2.2. 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 1925.15 (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.

86:15-5-3. Academic and experience requirements

(a) **Fulfillment of Section 1925.6, subsection B of the LMFT Act.** Persons applying for licensure must have fulfilled the requirements listed in Section 1925.6, Subsection B of the LMFT Act.

(b) **Academic requirements.** Applicants must possess at least a masters degree in marital and family therapy or in a mental health, behavioral science, or counseling related field from a college or university accredited by one of the following six regional accrediting associations recognized by the U.S. Department of Education: The New England Association of Schools and Colleges, The Middle States Association of Colleges and Schools, The North Central Association of Colleges and Schools, The Northwestern Association of Schools and Colleges; The Western Association of Schools and Colleges, or The Southern Association of Colleges and Schools which is content-equivalent to a graduate degree in marital and family therapy. In order to qualify as a "content-equivalent" degree, a graduate transcript must document the minimum number of graduate hours and knowledge areas listed below. Academic courses (3 semester hours or 4 quarter credit hours) must include a minimum of 45 class hours for each course.

(1) Theoretical Foundations of Marital and Family Systems - any course which deals primarily in areas such as family life cycle; theories of family development; marriage and/or the family; sociology of the family; families under stress; the contemporary family; family in a social context; the cross-cultural family; youth/adult/aging and the family; family subsystems; individual, interpersonal relationships (marital, parental, sibling). (3 courses: 9 semester or 12 quarter hours.)

(2) Assessment and Treatment in Marital and Family Therapy - any course which deals primarily in areas such as family therapy methodology; family assessment; treatment and intervention methods; overview of major clinical theories of marital and family therapy such as: communications, contextual, experiential, object relations, strategic, structural, systemic, transgenerational. (3 courses: 9 semester or 12 quarter hours.)

(3) Human Development - any course which deals primarily in areas such as human development; personality theory; human sexuality, psychopathology; at least one of which must be in psychopathology or abnormal human behavior. (3 courses: 9 semester or 12 quarter hours.)

(4) Ethics and Professional Studies - any course which deals primarily in areas such as professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law. (1 course: 3 semester or 4 quarter hours.)

(5) Research - any course which deals primarily in areas such as research design, methods, statistics; research in marital and family studies and therapy. (1 course: 3 semester or 4

quarter hours.)

(6) Practicum/Internship (at least 300 clock hours.)

(c) **International degrees.** For applicants with international degrees, the Board shall review the applications of applicants for licensure under this Chapter who have received a post-secondary degree from an educational institution outside the United States. The Board shall determine whether the applicant's experience, command of the English language, and completed academic program meet the standards of an academic program of an accredited educational institution.

(d) **Experience requirement.**

(1) Applicants must complete two (2) calendar years of work in marital and family therapy following the receipt of the qualifying degree.

(2) These two years must be completed under a supervisor approved by the Board.

(e) **Examination.** Applicants must achieve a passing score on the LMFT examinations.

86:15-5-4. Additional forms

(a) Licensure Verification Request Form - name of licensee; licensee license number; and licensee license type.

(b) Out-of-State License Verification Form - identifying information; type of credential held in other state; license number; issue and expiration date of license; current standing of license; past complaints or sanctions; exam information; supervision information; graduate education; internship documentation; signature and identifying information of person verifying from out-of-state.

(c) Mailing Addresses Request/Order Form - type of licensure list requested; format requested; identifying information of person making request.

(d) Licensure Reactivation Request Form - licensure type, identifying information; employment information; graduate education; license type and number; dates of inactivation and reactivation of license.

(e) LMFT Continuing Education Approval Application Form - name of workshop; program context; program knowledge area; name of presenter; presenter qualifications; date of presentation; number of hours requested; sponsoring agency; name of contact; phone number of contact; signature and signature date of contact; program content in relation to mental health ethics; program content in relation to therapy supervision; number of hours requested for mental health ethics; number of hour requested for therapy supervision.

(f) 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 7. LICENSURE EXAMINATIONS

86:15-7-1. Eligibility

An LMFT applicant is eligible to sit for the licensing examination following the submission and approval of:

- (1) Application Form and fee
- (2) Practicum/Internship Documentation Form
- (3) Official transcript(s) showing completion of all academic requirements listed in Subchapter 5 of this Chapter
- (4) Three (3) Document of Recommendation Forms; and
- (5) Two (2) classifiable sets of fingerprints.

86:15-7-2. Format

Applicants shall take two examinations:

- (1) The Licensing Examination in Marital and Family Therapy or another equivalent examination as determined by the Board and
- (2) The Oklahoma LMFT Examination covering the LMFT law and regulations as approved by the Board.

86:15-7-3. Frequency

The Board shall administer licensure examinations at least once a year or more often if deemed necessary.

86:15-7-4. Application

(a) The Board shall mail notification of eligibility to sit for examination(s) to the last known address of applicant no later than sixty (60) days after receiving the required and completed application materials.

(b) The Board will schedule the Licensing Examination in Marital and Family Therapy or another equivalent examination as determined by the Board and notify the applicant of test date. An applicant

who wishes to take a scheduled national examination must complete an examination registration form, return it to the Board's designee and submit the required fee prior to the date of the examination.

(c) An applicant's eligibility to sit for the Oklahoma LMFT Examination shall be valid once the application has been Board approved.

(d) An applicant's eligibility to sit for the national examination shall be valid for three years, at which time if the applicant has not successfully passed the national exam, the licensure application shall be voided and the applicant shall be mailed notification at last known address. An applicant may re-apply with an additional requirement of a plan of remediation acceptable to the License Committee.

86:15-7-5. Notice of results

(a) The Board shall mail notification of the examination results and an analysis of performance to examinee at last known address.

(b) If the notice of examination results will be delayed for more than 90 days after the date of the examination, the Board shall mail notification of the delay to the applicant at last known address before the 90th day.

86:15-7-6. 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 applying to take a particular examination, the applicant must re-register and pay another examination fee before being admitted to a subsequent examination.

SUBCHAPTER 9. SUPERVISED EXPERIENCE REQUIREMENTS

86:15-9-1. Supervisor and supervisee responsibilities

Supervisor and Supervisee shall be jointly responsible for:

(1) insuring the requirements under this subchapter are fulfilled. Any 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) insuring the client's right to confidentiality is protected and the rules of the supervisor's and supervisee's respective employers are adhered to during the course of supervision.

(3) 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) business days of the termination.

(4) The supervisee is responsible for negotiating a new supervision contract with a board approved supervisor and

following all requirements set forth in Subchapter 5, section 86:15-5-2(c).

86:15-9-2. Acceptable supervised experience

Supervised experience is acceptable when:

(1) it begins after all applicable academic requirements as stated in Subchapter 5 have been completed, verification of Oklahoma LMFT Examination passing score has been received by the Board, and supervision agreement has been approved by the Board.

(2) official application for licensure has been made. This includes Application, application fee, Internship/Practicum Documentation Form, official graduate transcript, three (3) Document of Recommendation Forms, completed criminal background check, On-Site Supervisor Verification Form, and Supervision Agreement. Applicants who have met part or all of supervision experience requirements for clinical membership in AAMFT will be considered to have met part or all of the supervision requirements for licensure in Oklahoma.

(3) it consists of the performance of therapy activities as described in Section 1925.2, subsection 7 and 9 of the LMFT Act and contains the following characteristics:

(A) supervision focuses on the raw data from a supervisee'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 and the LMFT Act and Regulations.

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

(C) individual supervision shall be face-to-face with one supervisor and one or two supervisees.

(D) group supervision may be done with up to six supervisees and a supervisor.

(E) 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.

(4) supervised experience hours may be accrued in academic, governmental, or private practice settings.

(5) the supervised experience is accrued in a private for-profit or private not-for-profit therapy setting without having an approved LMFT supervisor providing on-site supervision, if the agency employing the LMFT Candidate

provides an on-site supervisor who is available to the LMFT Candidate any time services are being rendered by the LMFT Candidate, and the LMFT Candidate is receiving supervision for licensure from an approved LMFT supervisor.

86:15-9-3. Supervisor qualifications

(a) In order to be approved as a supervisor for therapists seeking MFT licensure, an individual must:

(1) be an American Association for Marriage and Family Therapy approved Supervisor familiar with Oklahoma LMFT Act and Rules duly promulgated, or

(2) be an LMFT

(A) with two (2) years of experience in marital and family therapy beyond the number of years of experience required for licensure and

(B) who has successfully completed a graduate course in therapist supervision (at least 45 contact hours) or equivalent course of study acceptable to the Board. This equivalent course of study should consist of workshops in marriage and family therapy supervision in combination with directed study of the marriage and family therapy supervision literature. Fifteen (15) of the 45 clock hours should be in a class or workshop format which includes a minimum of four supervisors-in-training; the other 30 clock hours should be reserved for the directed study. Directed study must be approved and monitored by an Approved Supervisor.

(b) Approved LMFT Supervisors are required to complete a minimum of three (3) clock hours, every three (3) years, of continuing education in therapy supervision specific to Oklahoma law provided by the LMFT License Committee, or its designee. Approved Supervisor designation will not be renewed until the continuing education requirement for each missed renewal period is met.

(c) If continuing education requirement is not met within six (6) years of expiration, approved supervisor status will be permanently expired and the LMFT must re-apply and meet all requirements, including passing the Oklahoma LMFT Examination, in this Subchapter to become an approved supervisor.

(d) An active approved supervisor may request inactive status by submitting a request in writing to the Board. An inactive approved supervisor shall not provide any activities described in Subchapter 9 of this Chapter.

(e) An inactive approved supervisor may reactivate by submitting the required therapy supervision continuing education due by the end of the current renewal period. If approved supervisor status has been inactive for three (3) or more years, the supervisor must retake and pass the Oklahoma LMFT Examination before approved status is reinstated.

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

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

(h) 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.

86:15-9-4. Duration of supervised experience

(a) Work experience under supervision must extend over a minimum of 24 months. This marital and family therapy related experience must include a minimum of 1000 hours of direct client contact. The candidate must have a minimum of 250 relational hours with two or more members of the relational system present in the session.

(b) Supervision sessions:

(1) should be scheduled weekly and shall be no less than 6.25 hours of supervision for each 42 hours of direct client contact. No more than 42 hours of direct client contact can be counted in a four week period of time, or

(2) may be arranged on a different schedule upon:

(A) written request of the supervisor and supervisee in advance, and

(B) approval of the schedule by the Board.

(c) Total number of face-to-face supervision hours must be at least 150. Supervision in group sessions shall equal no more than 75 hours of the total requirement. Technology-assisted supervision shall not account for more than 75 hours of the total requirement.

(d) Approved LMFT Supervisors shall meet with LMFT candidate(s) in person at least once every six month evaluation period when performing technology-assisted supervision.

(e) Supervisors shall perform at least two (2) observations, (live or tape) per each six (6) month evaluation period for each supervisee.

(f) Approved supervisors shall consult with on-site supervisor at least once per supervisee during each reporting period.

86:15-9-5. Documentation of supervised experience

(a) An LMFT Supervision Agreement between supervisor and supervisee as well as the On-Site Supervisor Verification form must be received and approved by the Board prior to the accrual of

supervision hours.

(b) Semi-annual documentation of supervision hours, evaluation of competence, date of observations (live or tape), and date of consultation between approved supervisor and on-site supervisor must be submitted by the supervisor and co-signed by the supervisee on official Supervision Evaluation Forms. Incomplete evaluations will not be accepted by the Board until all requirements for the semi-annual evaluation period have been completed.

(c) Upon completing the supervision requirement, the supervisee must complete and submit the Final Evaluation of Supervision Experience by Supervisee form for each supervisor. The Final Evaluation of Supervision Experience by Supervisee Form shall include the name of the supervisee and supervisor; period covered by supervision; ratings of supervision; recommendation of supervisor to other supervisees.

(d) Supervisors shall maintain supervision records for at least seven (7) years beyond termination of supervision.

SUBCHAPTER 11. FEES

86:15-11-1. Fees established

The Board shall establish fees to provide for the support of the administration of the Act.

86:15-11-2. Schedule of fees

The following fees apply to the administration of the Act:

(1) Application fee - \$200.00 - Shall be submitted with the application form.

(2) License examination - \$295.00 - Shall be submitted when the applicant is notified of eligibility to sit for the examination.

(3) License fee - \$100.00 - Shall be submitted upon notification that all application materials and fees have been received and are in order. This fee validates the license for the initial two-year period.

(4) License renewal fee - \$100.00 - After the initial two-year period of licensure, this is a yearly fee to be submitted on or before December 31 of each year.

(5) Late renewal fee - \$25.00 - This fee is assessed in addition to the renewal fee for failure to renew license on or before December 31.

(6) Replacement fee - \$25.00 - This fee is for the issuance of a license certificate to replace a license certificate which has been lost, damaged, or is in need of revision to be submitted with documentation of the necessary replacement.

(7) Inactive license fee - \$25.00 - Payment of this fee renders

the license inactive and suspends all rights and privileges granted by the license until the license is reinstated.

86:15-11-3. Fees non-refundable

Fees paid by applicants are not refundable.

86:15-11-4. Method of payment

Any remittance submitted to the Board in payment of a required fee may be in the form of a cashiers check, money order, personal check 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.

86:15-11-5. Review of fees

The Board shall make periodic reviews of its fee schedule and make any adjustments necessary to provide funds to meet its expenses without creating an unnecessary surplus.

SUBCHAPTER 13. ISSUANCE AND MAINTENANCE OF LICENSE

86:15-13-1. Issuance of license

(a) **Certificate.** The license issued by the Board shall contain the licensee's name, license number, highest accredited therapy-related academic degree and date of issuance.

(b) **Signature.** Official licenses shall be signed by the Chair of the Board and be affixed with the seal of the Board.

(c) **Property of the Board.** All licenses issued by the Board shall remain the property of the Board and must be surrendered on demand.

(d) **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.

86:15-13-2. Replacement of certificate

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

86:15-13-3. License renewal

(a) **Responsibility.** Each LMFT is responsible for renewing his/her license before the expiration date.

(b) **Initial licensing period.** The renewal date of the original

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

(c) **Annual renewal.** Subsequent renewals will be yearly, on or before January 1. License fees will be prorated on a quarterly basis for the first renewal.

(d) **Interim renewal.** The notice for the initial renewal shall solicit the required continuing education documentation and invoice the LMFT 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 20 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 15 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 10 hours shall be due by December 31.

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

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

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

(5) Licenses expiring in December are not prorated.

(e) **Requirements for renewal.** Requirements for renewal are:

(1) Compliance with the Act and Board rules.

(2) Documentation of the required continuing education. (See 86:15-13-4 for information regarding C.E.).

(3) Payment of the renewal fee(s).

(4) Submission of Continuing Education Roster, on official Board form.

(f) **Display of renewal certificate.**

(1) License renewal verification cards shall be displayed on the original (or replaced) license certificate.

(2) A current license verification card shall be readily available on the LMFT's person at any time marital and therapy services are being provided.

86:15-13-4. Continuing education

(a) **Purpose.** The purpose of the requirements in this Section is to establish the continuing education requirements necessary for license renewal.

(b) **Number of hours required.**

(1) Licensees shall complete and furnish documentation to the Board of twenty (20) clock hours of acceptable continuing education per year. One college credit hour is equal to fifteen (15) clock hours.

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

(A) Addresses ethics issues specifically pertaining to the practice of therapy, as defined in Section 1925.2(7) of this Act;

(B) Addresses regulations as promulgated in Subchapter 3 of this Chapter; and

(C) Meets all requirements of subsections (b) through (e) of OAC 86:15-13-4 of this Chapter.

(D) Beginning renewal year 2009, the three clock hours of mental health ethics continuing education must be accrued in a face-to-face setting.

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

(3) Approved LMFT Supervisors are required to complete a minimum of three (3) clock hours, every three (3) years, of continuing education in therapy supervision specific to Oklahoma law provided by the Board or its designee. Continuing education in Therapy Supervision is acceptable as meeting the pre-approval requirements by the Board when the continuing education program:

(A) Addresses issues specifically related to the practice of therapy supervision pursuant to regulations promulgated in Subchapter 9 of this Chapter; and

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

(i) Overview of a supervision model;

(ii) Supervisors' areas of focus and roles in supervision;

(iii) Supervisors' process and practical application;

(iv) Ethical dilemmas involved in therapy supervision;

(v) Methods of effectively addressing and preventing

ethical dilemmas in therapy supervision;

(vi) Overview of AAMFT standards of supervision; or

(vii) Overview of Oklahoma LMFT Rules and Regulations regarding therapy supervision; and

(C) Meets all requirements of subsections (b) through (e) of OAC 86:15-13-4 of this Chapter.

(c) **Acceptable continuing education.** Continuing education is acceptable to the Board when it:

(1) approximates the content of any of the academic areas listed under Subchapter 5 of this Chapter and;

(2) is presented by a person who meets one of the following qualifications:

(A) is licensed or certified by therapy related professions;

(B) is a licensed or certified member of a non-therapy field (i.e. medicine, law) if the content of the presentation is therapy related and falls within the presenter's area of training;

(C) has experience teaching, at the graduate level, in a regionally accredited college or university from any of the knowledge areas listed in OAC 86:15-5-3 of this Chapter;

(D) the person is presenting or has presented at a national mental health conference provided by the American Association for Marriage and Family Therapy (AAMFT), American Psychological Association (APA), American Counseling Association (ACA), or any of its divisions, National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field;

(E) is presenting in a program sponsored or provided by a state or federal government agency with responsibility for mental health and substance abuse services; and

(3) takes place in the context of one of the following:

(A) a college course, in-service training, institute, seminar, workshop, conference or a Board pre-approved technology-assisted distance learning or home-study course;

(B) a national mental health conference provided by the American Association for Marriage and Family Therapy (AAMFT), American Psychological Association (APA), American Counseling Association (ACA), or any of its divisions, National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field;

(C) a program approved or offered by a state or federal government agency with responsibility for mental health and substance abuse services; or

(D) Board or Committee meetings, for current Board members.

(d) **Continuing education accrual from teaching.** Continuing education may also be accrued when the LMFT teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to OAC 86:15-13-4(c) of this subchapter, provided that such teaching is not required as part of the LMFT's regular employment. Two hours of C.E. is credited for each hour taught.

(e) **Continuing education accrual from technology-assisted distance learning or home-study courses.** Continuing education may be accrued when the LMFT completes technology-assisted distance learning or home-study programs that are approved by the Board. No more than ten (10) hours of continuing education may be accrued per renewal period through technology-assisted distance learning or home-study courses.

(f) **Professional audience.** Continuing education, whether received or presented by the LMFT must be targeted toward a professional audience.

(g) **Documentation of attendance.** LMFT's shall retain verification of attendance documents for all C.E. hours claimed for a period of two (2) years. Acceptable C.E. verification of attendance documents are:

(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 college transcript showing courses or audit credit, or

(4) (For teaching) a letter on sponsoring agency's letterhead giving the name of the program, location, dates, subject taught and total number of hours taught.

(h) **Submission of continuing education roster.** LMFT's shall submit a Continuing Education Roster, on official Board forms, (not individual verification of attendance documents) with the license renewal fee. Rosters may be obtained from the LMFT office. 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, date of workshop, and the number of hours of each workshop. Only C.E. accrued in the preceding license renewal period is acceptable.

(i) **Audit of continuing education submissions.** In November of each year, the Board will randomly select from two (2) to twenty-five (25) percent of the number of LMFT's on active status the previous year for an audit of their claimed Continuing

Education credits. These selected LMFT's must then 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.

(j) **Penalty for failure to submit continuing education.** Failure to fulfill the C.E. requirement by the renewal date renders the license in suspension. All rights granted by the license are null and void until the requirement is fulfilled and a late renewal fee is paid. The LMFT has 12 months from the date of suspension to become reinstated. If not reinstated, the license shall be revoked.

(k) **Submission of fraudulent continuing education.** The submission of fraudulent C.E. hours will be reviewed by the License Committee for disciplinary action and may result in suspension or revocation of license.

(l) **Responsibility.** The licensee is ultimately responsible for providing or arranging for sponsors to provide the information necessary for the Board to make a determination of the suitability of the program for continuing education requirements.

(m) **Continuing Education Rosters for LMFT Approved Supervisors.** Every three (3) years, LMFT Approved Supervisors are required to submit three (3) hours of continuing education in therapy supervision on the LMFT Approved Supervisor Continuing Education Roster. The LMFT Approved Supervisor Continuing Education Roster shall include name of licensee, signature and signature date of licensee, total clock hours of workshop(s), name of therapy supervision workshop, sponsoring agency of workshop(s), date of workshop(s), and number of hours of each workshop.

86:15-13-5. 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.

86:15-13-6. Late license renewal; reapplication

(a) **Renewal notification.** The Board shall mail a notice of expiration to licensee's last known address, 45 days prior to the expiration date of the LMFT's license.

(b) **Failure to renew.** If the licensee fails to renew his/her license by the expiration date:

(1) the license will expire and the rights and privileges granted by the license will be forfeited.

(2) the LMFT has the 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 year following the expiration of the license.

(3) licenses not renewed within the 1 year renewal period shall not be reinstated and shall be permanently expired. The license must be returned to the Board.

(c) **Reapplication.** It shall be the responsibility of the former licensee to reapply for licensure. Reapplication means making application, payment of all fees, taking and passing the exam and fulfillment of all requirements for licensure in effect at the time of reapplication. No contact will be initiated by the Board.

(d) **Retirement of license.** An LMFT whose license is current and in good standing, who wishes to retire the license, may do so by informing the Board in writing and returning the license to the LMFT office. A license so retired shall not be reinstated but does not prevent a person from applying for a license at a future date.

86:15-13-7. Misrepresentation

If a therapist whose license has been inactivated, suspended, or revoked continues to represent himself as a Licensed Marital and Family Therapist or practices Marital and Family Therapy, he is in violation of Section 1925.10 and 1925.16 of the Licensed Marital and Family Therapist Act and shall be subject to discipline and injunction reported to the appropriate District Attorney for prosecution.

86:15-13-8. Licensure by endorsement

The Board may grant a license by endorsement, in accordance with Section 1925.9 of the LMFT Act.

(1) **Submission of Out-of-State License Verification Form.**

An applicant for licensure by endorsement must submit the Out-of-State License Verification Form and may be required to submit a copy of the statute and rules of the agency issuing the license and the name and address of the licensing agency.

(2) **Licensing procedures.** An applicant must submit all application materials as described in OAC 86:15-5-2(b)(1), (2), (3), (5) and (6).

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

applicant who is licensed or certified as a marital and family therapist in another jurisdiction and who meets the following:

(A) The applicant's marital and family therapy license in the other jurisdiction is active and in good standing with no history of suspension or revocation action against the license.

(B) The applicant fulfills the requirements of Section 1925.6 (A), (B), (C) of the LMFT Act;

(C) The applicant must have at least a masters degree in marital and family therapy, or in a mental health, behavioral science, or counseling related field, or a content-equivalent degree from a regionally accredited college or university;

(D) The applicant takes and passes the examination as provided in Section 1925.7, unless the applicant has passed a written, marital and family therapist examination that, in the judgment of the Board, is substantially equivalent to the examination established by the Board; and

(E) The applicant takes and passes the Oklahoma LMFT Examination.

(4) If the Applicant cannot meet the requirements of Paragraph (3) of this section, the Board shall issue a license by endorsement to an applicant who is licensed or certified as a marital and family therapist in another jurisdiction and who meets the following:

(A) The applicant's marital and family therapy license in the other jurisdiction is active and in good standing which allows the applicant to practice independently without supervision and shall have no history of suspension or revocation action against the license;

(B) The applicant must show proof of practice in marital and family therapy for five (5) years prior to application in Oklahoma;

(C) The applicant fulfills the requirements of Section 1925.6 (A), (B), (C) of the LMFT Act;

(D) The applicant must have at least a masters degree in marital and family therapy or in a mental health, behavioral science, or counseling related field from a regionally accredited college or university;

(E) The applicant takes and passes the Oklahoma LMFT Examination as described in OAC 86:15-7-2(2) of this Chapter.

(F) The applicant meets the requirements in OAC 86:15-5-1(b).

(5) The applicant must meet the requirements in OAC 86:15-5-2(a) (2), (3) and (4).

SUBCHAPTER 15. ENFORCEMENT

86:15-15-1. Purpose

The purpose of this subchapter is to specify the procedure of processing of Requests for Inquiry filed by citizens and the filing of disciplinary actions against Licensed Marital Family Therapists ("LMFT") or against persons who practice as a licensed marital family therapist without a license or exemption.

86:15-15-2. Definitions

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

"**Act**" means the Marital and Family Therapist Licensure Act, 59 O.S. §§ 1925.1 *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 LMFT, 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 LMFT 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.

86:15-15-3. Complaint Procedure

(a) **Receiving Requests for Inquiry.** Any person may file a Request for Inquiry against a Licensed Marital and Family Therapist ("LMFT") or a person who delivers licensed marital and family therapy services without a license. A person wishing to

report a concern or alleged violation against a LMFT or a person delivering licensed marital and family therapy 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, the Executive Director will:

- (1) Stamp all pages with a Board stamp indicating date of receipt;
- (2) Review the Request for Inquiry to determine if the person against whom the Request for Inquiry 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;
- (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 LMFT 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) **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.
- (2) The alleged violation(s) if found to be valid, would result in a denial, revocation, suspension or

probation of a license.

(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.

(4) 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 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.

(g) Request for inquiry confidentiality

(1) The request for inquiry and the identity of the complainant or informant shall be confidential and shall not be available for public inspection.

(2) The investigator's report are to be used solely to determine whether or not to pursue disciplinary action against the Respondent, and thus constitute confidential and privileged work product material, not subject to disclosure.

86:15-15-4. Investigation

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.

86:15-15-5 Cooperation with investigations

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

86:15-15-6. Service of petition and notice

(a) **Service.** The petition and notice shall be served on the respondent(s) personally or by certified mail, return receipt requested to the address of the respondent(s) on file with the Board. It is the duty of the licensee to provide current address information.

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

(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.

(d) **Service of other papers and documents.** Service of all other papers and documents connected with an individual proceeding shall be served on the parties or their counsel by delivering a copy in person or via facsimile or regular mail.

86:15-15-7. Hearing

Hearings shall be conducted by the Board in accordance with the APA, 75 O.S., Sections 309-321. The Board shall recommend the most appropriate penalty at the conclusion of the evidence.

86:15-15-8. Continuances

(a) **Continuances by the Board.** The Board chair may continue or adjourn the proceedings at any time for a specified time, with notice or motion.

(b) **Continuance by motion of parties.** Except for good cause shown, or by agreement of all parties, no continuance will be granted upon motion of a party unless written request therefore is filed and served on all parties of record 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. A stipulation for continuance among all parties of record ordinarily will be approved, unless the Board chair determines that the public interest requires otherwise.

86:15-15-9 Discovery

Discovery shall be conducted generally in accordance with the APA. The Board chair may enter specific orders directing the conduct of discovery.

86:15-15-10. Protective orders

The Board chair at the hearing or at any time upon application of a party, with or without notice, may make such orders relating to discovery as may be necessary or appropriate for the protection of the parties, and to prevent hardship to and excessive burden upon a party.

86:15-15-11. Subpoenas

(a) **Issuance of subpoenas for witnesses and physical evidence.** The Board may compel the attendance of witnesses, and the production of physical evidence before it from witnesses, upon whom process is 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 subpoena will be the responsibility of the requesting party. Subpoenas shall be served and return made in the manner prescribed by general civil law.

86:15-15-12. Final order

The Board shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.

86:15-15-13. Unauthorized practice

Any person found to be practicing licensed marital and family counseling without being either properly licensed, exempt or under the approved supervision of an LMFT 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.

86:15-15-14. Administrative penalties

(a) The Board may assess an administrative penalty against an individual if the order includes a finding that the individual:

- (1) Violated any provision of the Act, including practicing licensed marital and family therapy without licensure or exemption; or
- (2) Violated any rule within this Chapter; or
- (3) Violated any order issued pursuant to this Chapter.

(b) The total amount of the administrative penalty assessed shall not exceed ten thousand dollars (\$10,000.00) for any related series of violations.

86:15-15-15. 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.

SUBCHAPTER 17. POST-MILITARY SERVICE OCCUPATION, EDUCATION, AND CREDENTIALING RULES

86:15-17-1. 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.

86:15-31-2. 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.

86:15-17-3. 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 while completing those requirements.