

**TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE  
CHAPTER 10. LICENSED PROFESSIONAL COUNSELORS**

**RULEMAKING ACTION:**

PERMANENT final adoption

**RULES:**

Subchapter 1. General Provisions

86:10-1-1. [NEW]

86:10-1-2. [NEW]

86:10-1-3. [NEW]

Subchapter 3. Rules of Professional Conduct

86:10-3-1. [NEW]

86:10-3-2. [NEW]

86:10-3-3. [NEW]

86:10-3-3.1. [NEW]

86:10-3-4. [NEW]

86:10-3-4.1. [NEW]

86:10-3-5. [NEW]

86:10-3-6. [NEW]

Subchapter 5. Fitness of Applicants

86:10-5-1. [NEW]

86:10-5-2. [NEW]

86:10-5-3. [NEW]

Subchapter 7. Application Procedures

86:10-7-1. [NEW]

86:10-7-2. [NEW]

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86:10-7-8.1. [NEW]

86:10-7-9. [NEW]

Subchapter 9. Academic Requirements

86:10-9-1. [NEW]

86:10-9-2. [NEW]

Subchapter 11. Supervised Experience Requirements

86:10-11-1. [NEW]

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- 86:10-15-1. [NEW]
- 86:10-15-2. [NEW]
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- 86:10-19-1.1. [NEW]
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- 86:10-21-1. [NEW]
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- 86:10-25-1. [NEW]
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Subchapter 31. Post-Military Service Occupation, Education and Credentialing Rules

- 86:10-31-1. [NEW]
- 86:10-31-2. [NEW]
- 86:10-31-3. [NEW]

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State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq]

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**Superseded rules:**

Subchapter 1. General Provisions

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- 86:10-29-10. [NEW]
- 86:10-29-11. [NEW]
- 86:10-29-12. [NEW]
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**INCORPOATIONS BY REFERENCE:**

**Incorporated standards:**

Section E.5., Diagnosis of Mental Disorders, of the American Counseling Association (ACA) Code of Ethics, approved by the ACA Governing Council, 2005

Section G., Research and Publication, of the American Counseling Association (ACA) Code of Ethics, approved by the ACA Governing Council, 2005.

**Incorporating rules:**

- 86:10-3-2 (c)
- 86:10-3-2 (e)

**Availability:**

8:00 a.m. to 5:00 p.m., Monday through Friday at State Board of Behavioral Health Licensure, 3815 N. Santa Fe., Suite 110, Oklahoma City, OK 73118, 405-522-3696

**ANALYSIS:**

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

**CONTACT PERSON:**

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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**

**86:10-1-1. Purpose**

The rules in this Chapter implement the Oklahoma Licensed Professional Counselor Act, (59 O.S. 1991, Sections 1901 et seq.)

**86:10-1-2. 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 Licensed Professional Counselors Act, 59 O.S. §§ 1901 et seq., as amended.

**"Approved LPC Supervisor"** means an individual who is approved by the Board pursuant to Section 86:10-11-4 of this Chapter.

**"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.

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

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

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

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

**"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.

**"Full time"** means at least twenty (20) hours of on-the-job experience per week.

**"Group supervision"** means an assemblage of counseling supervisee consisting of from two (2) to six (6) members.

**"Home-study or technology-assisted 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.

**"License Committee"** means two LPC 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 LPC supervisor but is licensed by the state of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LPC Candidate whose assigned job duties include acting as the immediate supervisor to the LPC Candidate and who is available to the candidate at all times when counseling services are being rendered by the LPC Candidate.

**"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 LPC Supervisor and a Licensed Professional Counselor Candidate are in separate physical locations.

### **86:10-1-3. Applicability**

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

## **SUBCHAPTER 3. RULES OF PROFESSIONAL CONDUCT**

### **86:10-3-1. Responsibility**

It shall be the responsibility of Licensed Professional Counselors (LPCs), in their commitment to the understanding of human behavior, to value objectivity and integrity, and in providing services, to strive to maintain the highest standards of their profession. LPCs shall accept responsibility for the consequences of their work and make every effort to ensure that



their services are used appropriately. LPCs shall be alert to personal, social, organizational, financial, and political situations or pressures that might lead to the misuse of their influence. LPCs shall not participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation. LPCs shall not exploit their relationships with clients for personal advantage, profit, satisfaction, or interest.

#### **86:10-3-2. Competence**

(a) **Counseling.** LPCs and LPC Candidates 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. An LPC or LPC Candidate shall only practice in a new area when said LPC or LPC Candidate has received the necessary education, training and supervised experience, and shall take steps to ensure the competence of work provided and to protect others from possible harm.

(b) **Testing and assessment.** LPCs and LPC Candidates shall know the limits of their competence and shall therefore perform only those testing and assessment services for which they have received training and supervision in the administration, scoring and interpretation processes associated with the provisions of such services. LPCs and LPC Candidates shall be responsible for receiving training on testing and assessment instruments that have been revised or updated. LPCs and LPC Candidates shall be familiar with related standardization, proper application, copyright restrictions and security demands of any testing or assessment technique utilized. LPCs and LPC Candidates shall ensure that any testing instrument selected is the most current edition available, has been properly evaluated for validity and reliability and is culturally appropriate for the clients with whom it is used. LPCs and LPC Candidates using computer-based test interpretations shall be trained in the construct being measured and the specific instrument being used prior to using this type of computer application. LPCs shall ensure the proper use of assessment techniques by persons under their supervision.

(c) **Diagnosis of mental disorders.** LPCs and LPC Candidates shall provide the proper diagnosis of mental disorders in their clients, as published in Section E.5., *Diagnosis of Mental Disorders*, of the American Counseling Association (ACA) Code of Ethics, approved by the ACA Governing Council, 2005.

(d) **Specialty.** LPCs and LPC Candidates shall not represent themselves as specialists in any aspect of counseling, unless so designated by the Board.

(e) **Research.** LPCs and LPC Candidates shall plan, design, conduct, and report research only in a manner as published in

Section G., Research and Publication, of the American Counseling Association (ACA) Code of Ethics, approved by the ACA Governing Council, 2005.

(f) **Impairment.** LPCs and LPC Candidates shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LPCs and LPC Candidates shall seek assistance for any such personal problem(s) with their physical, mental or emotional condition, and, if necessary, limit, suspend, or terminate their professional activities. If an LPC or LPC Candidate 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 LPC shall not undertake to provide counseling and will terminate the counseling relationship in accordance with these rules.

(g) **Knowledge of impairment.** If a LPC or LPC Candidate becomes aware that a LPC or LPC Candidate is violating an obligation described in OAC 86:10-3-2(f), OAC 86:10-3-4(b) or other provisions of the Act or this Chapter of regulations, the LPC or LPC Candidate must, within thirty (30) days, report the situation to the Board in accordance with OAC 86:10-29-3. The report shall contain, at a minimum, the following:

- (1) Name of the LPC or LPC Candidate making the report;
- (2) Name of the LPC or LPC Candidate who is allegedly impaired;
- (3) Any facts that can be revealed concerning the impairment;
- (4) The LPC or LPC Candidate shall maintain the confidentiality of the client pursuant to Title 59 of the Oklahoma Statutes, Section 1910, unless a signed release is received from the client.

(h) **Knowledge of any sexual conduct.** If a LPC or LPC candidate becomes aware that another LPC or LPC Candidate is engaging in sexual conduct that violates the Act or this Subchapter, the LPC or LPC Candidate must, within thirty (30) days, report any sexual conduct to the Board in accordance with OAC 86:10-29-3. The report shall contain, at a minimum, the following:

- (1) Name of the LPC or LPC Candidate making the report;
- (2) Name of the LPC or LPC Candidate who is alleged to have engaged in the sexual conduct;
- (3) Any facts that can be revealed concerning the sexual conduct;
- (4) The LPC or LPC Candidate shall maintain the confidentiality of the client pursuant to Title 59 of the

Oklahoma Statutes, Section 1910, unless a signed release is received from the client.

(i) **Forensic services.** LPCs and LPC Candidates may perform forensic services, which include, but are not limited to, assessments, interviews, consultations, custody evaluations, reports, 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) LPCs and LPC Candidates must demonstrate competence by education and experience in the subject matter relevant to the issues in question, as determined by the court.

(2) LPCs and LPC Candidates shall provide a written notice and make a reasonable attempt 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) LPCs and LPC 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) LPCs and LPC Candidates must conduct a thorough examination and must utilize face-to-face interviews of the person(s) 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) LPCs and LPC Candidates shall 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) LPCs and LPC Candidates who provide counseling 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 LPCs and LPC 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. LPCs and LPC Candidates who provide mediation, parent coordinating assistance or any other neutral participation, may not undertake to provide counseling to any person(s) involved or directly affected by the LPC's and LPC Candidate's role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations made by the LPCs and LPC Candidates 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.

### **86:10-3-3. Client welfare**

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

#### **(b) Records.**

(1) **Requirement of records.** LPCs shall maintain verifiable, accurate and truthful records necessary for rendering professional services to their clients for at least five (5) years beyond termination of services. LPCs employed at an institution or facility that has a published records retention policy that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(2) **Confidentiality.** LPCs shall maintain the confidentiality of any information received from any person or source about a client, unless authorized in writing by the client or otherwise authorized or required by law or court order.

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

(4) **Client access.** LPCs shall provide the client with a copy of the client's record in accordance with state and federal laws. In situations involving multiple clients, access to records is limited to those parts of records that do not include confidential information related to another client.

(c) **Dual relationships.** LPCs shall not knowingly enter into a dual relationship(s) and shall take any necessary precautions to prevent a dual relationship from occurring. When the LPC reasonably suspects that he or she has inadvertently entered into a dual relationship the LPC shall record that fact in the records of the affected client(s) and take reasonable steps to eliminate the source or agent creating or causing the dual relationship. If the dual relationship cannot be prevented or eliminated and the LPC cannot readily refer the client to another counselor or other professional, the LPC shall complete one or more of the following measures as necessary to prevent the exploitation of the client and/or the impairment of the LPC's professional judgment:

(1) Fully disclose the circumstances of the dual relationship to the client and secure the client's written consent to continue providing counseling;

(2) Consult with the other professional(s) to understand the potential impairment to the LPC's professional judgment and the risk of harm to the client of continuing the dual relationship.

(d) **Providing counseling to persons of prior association.** LPCs shall not undertake to provide counseling to any person with whom the LPC has had any prior sexual contact or close personal relationship within the previous five (5) years.

(e) **Interaction with former clients.** LPCs shall not knowingly enter into a close personal relationship, or engage in any business or financial dealings with a former client for two (2) years after the termination of the counseling relationship. LPCs shall not engage in any activity that is or may be sexual in nature with a former client for at least five (5) years after the termination of the counseling relationship. LPCs shall not exploit or obtain an advantage over a former client by the use of information or trust gained during the counseling relationship.

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

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

(1) is licensed under this Act as a Licensed Professional Counselor; and,

(2) has met all requirements of OAC Section 86:10-11-5 of the LPC Regulations and all other requirements under the Act

rules; and

(3) has continued to meet all continuing education requirements set forth in Subchapter 17 of this Chapter.

(h) **Referral.**

(1) If LPCs determine that they are unable to be of professional assistance to a client, the LPC shall not enter a counseling relationship. LPCs shall refer clients to appropriate sources when indicated. If the client declines the suggested referral, the LPC shall terminate the relationship.

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

(3) When an LPC becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LPC's duty of responsibility to the current client, including a suspension of the LPC's license or any other situation or condition described in subchapter 3 of these rules, the LPC shall promptly notify the client in writing of the presence or existence of the disability or condition and take reasonable steps to timely terminate the therapeutic relationship.

**86:10-3-3.1. Fees and bartering**

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

(b) **Bartering.** LPCs may participate in bartering for tangible goods 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.** LPCs shall not barter for services rendered by the client. Only tangible goods, at fair market value, may be accepted by the counselor in lieu of money for counseling services.

**86:10-3-4. Professional standards**

(a) **Violations of other laws.** It shall be unprofessional conduct for an LPC to violate 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.** LPCs shall not render professional services while under the influence of alcohol or other mind or mood altering drugs.

(c) **Sexual contact.**

(1) **Current clients.** LPCs shall not have any type of sexual

contact with clients and shall not counsel persons with whom they have had a sexual relationship.

(2) **Supervisees.** LPCs shall not engage in sexual contact with supervisees and shall not supervise persons with whom they have had a sexual relationship within the previous five (5) years. LPCs shall not engage in sexual contact with supervisees they have supervised within the previous five (5) years.

(d) **Updating.** LPCs 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.

(e) **Candor to the Board.** An LPC, LPC candidate, or applicant for LPC licensure, in connection with a license application or an investigation conducted by the Board or the Board's designee pursuant to OAC 86:10-29-1 through 15, 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 LPC, LPC 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.

#### **86:10-3-4.1. Clinical responsibility to supervisees**

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

(b) LPCs are cognizant of their potentially influential position with respect to supervisees, and shall not exploit the trust and dependency of such persons. LPCs, 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) LPCs 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) LPCs 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.

**86:10-3-5. Relations with the public and other professions**

(a) **Misrepresentation.** LPCs shall not misrepresent nor allow the misrepresentation by others of the efficacy of the LPC's professional services.

(b) **Credentials claimed.** LPCs 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 counseling 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 LPCs additional knowledge or expertise in counseling.

(c) **The use of doctoral degrees and the title "Doctor".** An LPC may use the doctoral degree and the title "Doctor" in advertising, practice and status as a counselor, if the doctoral degree is in counseling or a closely related mental health field, and if the degree was granted by a regionally accredited college or university recognized by the United States Department of Education.

(1) Non-counseling doctorates. An LPC who holds a doctoral degree in a non-counseling related field shall not use the doctoral degree or the term "Dr." in advertising, practice or status as a counselor.

(2) Non-regionally accredited doctorates. An LPC who holds a doctoral degree from a college or university not regionally accredited and recognized by the United States Department of Education shall not use the doctoral degree or the title "doctor" in advertising, practice or status as a counselor, unless the following conditions are met:

(A) the degree was conferred or matriculation was begun before May 5, 1995; and

(B) the conferring institution was certified or accredited by the state wherein the institution is located.

(d) **Advertisement.** When an LPC announces services or advertises, the LPC shall represent services to the public by identifying credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent. An LPC may only advertise the highest degree earned in counseling 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 counseling services including telephone directory listings by an



LPC shall clearly state the counselor's licensure status by the use of a title such as "LPC", or "Licensed Professional Counselor" or a statement such as "licensed by the Oklahoma State Board of Behavioral Health Licensure."

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

(f) **Public statements.** When an LPC 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 LPC Rules of Professional Conduct; and

(3) There is no implication that a professional counseling relationship has been established.

(g) **Rebates.** An LPC 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 LPC shall refuse a fee or other remuneration for rendering services to persons who are entitled to such services through the employer of the LPC.

(i) **Candidates for LPC licensure.** Candidates for licensure as a Licensed Professional Counselor shall not refer to themselves as Licensed Professional Counselor or LPC.

#### **86:10-3-6. Failure to comply**

An LPC who does not comply with Subchapter 3 - Rules of Professional Conduct shall be subject to disciplinary action under Subchapter 29.

### **SUBCHAPTER 5. FITNESS OF APPLICANTS**

#### **86:10-5-1. Purpose**

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

#### **86:10-5-2. 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.

(3) A violation of the LPC Rules of Professional Conduct.

**86:10-5-3. 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 and

(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 7. APPLICATION PROCEDURES**

**86:10-7-1. 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 will not consider an application as officially submitted until receipt of the Application Form, application fee, official transcript(s), three (3) Document of Recommendation forms, Internship/Practicum Documentation Form, and completed criminal background check. The application fee must accompany the Application Form.

(d) The Board shall notify applicants of their test eligibility no later than 60 days after receiving and approving the required application materials.

**86:10-7-2. Application materials and forms**

(a) Each application shall include the following documents:

- (1) Application form,

- (2) Official transcript, mailed from the university or college,
  - (3) Three (3) Document of recommendation forms,
  - (4) Practicum documentation form,
  - (5) Two (2) classifiable sets of fingerprints, and
  - (6) Fees.
- (b) The Application Form requires the following:
- (1) Identifying information;
  - (2) Possession of other credentials;
  - (3) Previous misconduct;
  - (4) Education;
  - (5) References; and
  - (6) Proposed professional practice.
- (c) The Internship/Practicum Documentation form requires the following:
- (1) Identifying information; and
  - (2) Time, place, location of practicum.
- (d) The Document of Recommendation requires the following:
- (1) Identifying information;
  - (2) Ratings of ethical and professional characteristics; and
  - (3) Circumstances and time period submitter has known applicant.
- (e) The Statement of Professional Disclosure requires the following:
- (1) Statement providing for the applicant's disclosure of professional standing; and
  - (2) Statement providing for making contact with OSDH for further information.
- (f) The Supervision Agreement requires identifying information of supervisee and supervisor.
- (g) The On-Site Supervisor Verification Form requires identifying information as follows:
- (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.
- (h) The Licensure Verification Request Form requires the following information:
- (1) Name of licensee;
  - (2) Licensee license number; and
  - (3) Licensee license type.
- (i) 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; and
  - (11) Signature and identifying information of person verifying from out-of-state.
- (j) The Mailing Addresses Request/Order Form requires the following information:
- (1) Type of licensure list requested;
  - (2) Format requested; and
  - (3) Identifying information of person making request.
- (k) 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; and
  - (6) Dates of inactivation and reactivation of license.
- (l) The LPC Continuing Education Approval Application Form requires the following information:
- (1) name of workshop;
  - (2) program context;
  - (3) program knowledge area;
  - (4) name of presenter;
  - (5) presenter qualifications;
  - (6) date of presentation;
  - (7) number of hours requested;
  - (8) sponsoring agency;
  - (9) name of contact;
  - (10) phone number of contact;
  - (11) signature and signature date of contact;
  - (12) program content in relation to counseling ethics;
  - (13) program content in relation to counseling supervision;
  - (14) number of hours requested for counseling ethics; and
  - (15) number of hour requested for counseling supervision.
- (m) The Continuing Education Rosters for LPC Approved Supervisors requires the following information:
- (1) name of licensee;
  - (2) signature and signature date of licensee;
  - (3) total clock hours of workshop(s);
  - (4) name of counseling supervision workshop;
  - (5) sponsoring agency of workshop(s);and
  - (6) date of workshop(s), and number of hours of each workshop.
- (n) 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.

**86:10-7-2.1. 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 documents.

**86:10-7-3. Negative references**

The Board may ask an applicant for licensure as a professional counselor or specialty designation, whose file contains negative references of substance, to appear for an interview before the licensure is completed.

**86:10-7-4. Re-application for permanently 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 or college,
- (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 National Counselor Examination or another equivalent examination as determined by the Board; and
- (2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c) The Internship/Practicum Documentation Form on file shall 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 OAC Rule 86:10-29-13.

**86:10-7-5. 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. Re-application after license is revoked for administrative action shall include the following documents:

- (1) Application form,
- (2) Official transcripts, mailed from the university or college,
- (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 National Counselor Examination or another equivalent examination as determined by the Board; and
- (2) The Oklahoma Legal and Ethical Responsibilities Examination.

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

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

(e) Application materials shall be reviewed by the Board.

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

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

**86:10-7-6. 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 or college,
- (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 National Counselor Examination or another equivalent examination as determined by the Board; and
  - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
- (c) The Internship/Practicum Documentation Form on file shall 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 OAC Rule 86:10-11-5(h).

**86:10-7-7. 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 OAC Rule 86:10-11-5(i) shall include the following documents:
- (1) Application form,
  - (2) Official transcripts, mailed from the university or college,
  - (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 National Counselor Examination or another equivalent examination as determined by the Board; and
  - (2) The Oklahoma Legal and Ethical Responsibilities Examination.
- (c) The Internship/Practicum Documentation Form on file shall 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 until the supervision requirement is complete as described in OAC Rule 86:10-11-5(h).

**86:10-7-8. Re-application for denied application**

- (a) Re-application after application has been denied, as

prescribed in Section 1912 of the LPC Act, shall include the following documents:

- (1) Application form,
  - (2) Official transcripts, mailed from the university or college,
  - (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 Board.
- (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/Practicum Documentation Form on file shall 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. Failure to do so may constitute a violation of OAC Rule 86:10-29-13.

**86:10-7-8.1. Re-application for revoked approved supervisor status**

No re-application for a revoked approved supervisor status, as a result of administrative action, shall be considered for a period of five (5) years following the revocation and said re-application shall meet the requirements described in subsection 86:10-11-4 of this Chapter.

**86:10-7-9. 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 1912 (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 9. ACADEMIC REQUIREMENTS**

**86:10-9-1. Graduate hours and degrees required**

Each applicant shall possess at least a master's degree in counseling, or a mental health related graduate degree deemed substantially content-equivalent. All graduate course work applied toward licensure shall be from a regionally accredited college or university recognized by the United States Department of Education. At least sixty (60) semester credit hours or ninety



(90) quarter credit hours of graduate counseling-related course work, including internship, shall be earned. In order to be considered acceptable, the graduate degree(s) shall:

- (1) follow a planned, sequenced mental health program of study which is reflected in the university catalog and approved by the governing authority of the college or university.
- (2) include a program whose primary focus is clearly to prepare the applicant for a career in counseling.
- (3) be listed in the college or university catalog.

**86:10-9-2. Knowledge area required**

(a) Each applicant shall possess as a part of the required sixty (60) semester credit hours or ninety (90) quarter credit hours of graduate curriculum, one (1) or more courses of at least three (3) semester credit hours or four (4) quarter credit hours per course in each of the following core counseling areas:

- (1) Human growth and development - at least one (1) course which deals with the process stages of human intellectual, physical, social and emotional development of any of the stages of life from prenatal through old age.
- (2) Abnormal human behavior - at least one (1) course which offers a study of the principles of understanding dysfunction in human behavior or social disorganization.
- (3) Appraisal/assessment techniques - at least two (2) courses which deal with the principles, concepts and procedures of systematic appraisal, assessment, or interpretation of client needs, abilities, and characteristics, which may include the use of both testing and non-testing approaches.
- (4) Counseling theories/methods - at least two (2) courses which survey the major theories and/or techniques of counseling.
- (5) Professional orientation/ethics - at least one (1) course which deals primarily with the objectives of professional counseling organizations, codes of ethics, legal aspects of practice, standards of preparation and the role of persons providing direct counseling services.
- (6) Research - at least one (1) course in the methods of social science or mental health research which includes the study of statistics or a thesis project in an area relevant to the practice of counseling.
- (7) Practicum/internship - at least one (1) course of an organized practicum with at least three hundred (300) clock hours in counseling with planned experiences providing classroom and field experience with clients under the supervision of college or university approved counseling professionals.
- (8) Knowledge areas - at least five (5) courses of at least

three (3) semester credit hours or four (4) quarter credit hours each from the knowledge areas listed below.

(A) Group counseling - course that provides both theoretical and experiential understandings of group purpose, development, dynamics, theories, methods, skills, and other group approaches in a culturally diverse society, including issues of group counseling leadership, stages, skills, methods, and ethics issues.

(B) Life style and career development - course that provides an understanding of career development and related life factors, as well as an overview of career development theories, program planning, educational planning, assessment techniques, and applied career counseling processes, including those applicable to specific populations in a global economy.

(C) Social and cultural foundations - course that provides an understanding of the cultural context of relationships, issues, and trends in a culturally diverse society, including an overview of social and cultural theories, strategies, and roles to be applied by the pluralistic counselor to establish an environment for optimal client wellness and successful counseling outcomes.

(D) Personality theories - course that examines contemporary and alternative personality theories that provide the student with models to conceptualize client presentation and that help the student select appropriate counseling interventions, including an examination of models of counseling that are consistent with current professional research and practice in the field of counseling.

(E) Crisis intervention - course that provides an overview of crisis and disaster intervention strategies for the professional counselor that addresses areas including, but not limited to, crises of suicide, homicide, disability due to a mental illness, domestic violence, school violence, post-traumatic stress disorder, and vicarious trauma.

(F) Marriage/family counseling - course that provides an overview of the knowledge, skills, and practices necessary to address a wide variety of issues in the context of relationships and families, including historical, theoretical, and developmental issues in systems counseling, in addition to examining the basic skills of marriage, couple, and family counseling.

(G) Addictions counseling - course that provides an overview of assessment and treatment methods available for clients and their family members struggling with substance-related disorders or behavioral/process addiction issues.

(H) Rehabilitation counseling - course that provides an overview of the history, philosophy, and legal basis of rehabilitation programs, the roles of the rehabilitation counselor, and the process of rehabilitation, including the organizational structure of public and private rehabilitation systems, societal trends in rehabilitation, and professional issues related to the role of the rehabilitation counselor.

(I) Gerontology - course that provides a conceptual system for understanding the phenomenon of aging and the counselor's role in working with an aging client population, including practical counseling skills necessary for meeting the demands of coping with aging in a culturally diverse society.

(J) Human sexuality - course that focuses on sexual development and educational issues as applied to the field of professional counseling with emphases placed upon becoming comfortable with one's own sexuality, assisting parents with providing sexual education to their children, providing education with regard to sexual matters, and diagnosing and treating sexual dysfunction.

(K) Counseling with children/adolescents - course that provides instruction in the theories and techniques used in counseling children and adolescents, including instruction on the conceptualization of childhood and adolescent problems with an emphasis on age- and developmentally-appropriate interventions.

(L) Clinical supervision - course that serves as a didactic and experiential learning experience for counselors who wish to assume the role of clinical supervisor, including the assimilation and application of major theoretical/conceptual models and approaches to clinical supervision in a variety of settings.

(M) Psychopharmacology - course that provides an overview of commonly prescribed psychotropic medications for psychiatric disorders to assist the counselor in understanding his or her role in working with medical professionals in the concurrent treatment of mental health issues using an interdisciplinary approach.

(N) Consultation - course that provides the knowledge and skills necessary for the delivery of counselor consultation, including basic models of consultation, the content and procedural process for implementing consultation, and characteristics of an effective consultant-consultee relationship.

(O) Physical and Emotional Health - course that deals with the overlap of physiological and psychological health

models, examining the neural and hormonal bases of learning, memory, motivation, emotions, mental disorders, and other behaviors.

(P) Grief counseling - course that addresses the mental health, social, and cultural manifestations of grief counseling, including, interventions and the coverage of characteristics of grief throughout the life cycle.

(Q) Specialty areas when established.

(b) **Remaining courses.** The remaining courses needed to meet the sixty (60) semester or ninety (90) quarter graduate-hour requirement shall be in any of the knowledge areas listed in 86:10-9-2(a) and may be in increments of one (1), two (2) or three (3) graduate semester hour courses or one (1), two (2), three (3) or four (4) graduate quarter hour courses.

#### **SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENT**

##### **86:10-11-1. Documents required prior to accrual of supervision 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 Oklahoma Legal and Ethical Responsibilities Examination passing score;
- (3) Supervision agreement;
- (4) Statement of professional disclosure; and
- (5) On-Site Supervisor Verification Form.

##### **86:10-11-2. 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 the rules of the supervisor and supervisee's employers are adhered to during the course of supervision.

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

(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) business 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 11, section 86:10-11-7.

**86:10-11-3. Acceptability of supervised experience**

(a) Supervised experience is acceptable when it consists of the performance of counseling activities as described in Section 1902, of the Act under supervision as described below.

(1) Supervision shall focus 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.

(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 supervisee.

(4) Group supervision may be conducted with two (2) to six (6) supervisees 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) Supervised experience begins after all applicable academic requirements, as stated in LPC Regulations, Subchapter 9, have been completed.

(c) An LPC Candidate may accrue supervised experience hours in academic, governmental or private-not-for-profit and private for-profit settings.

(d) Supervised experienced hours shall be accrued in a private for-profit or not-for-profit counseling practice setting, only if:

(1) The LPC Candidate is employed at the same facility as a person licensed in the state of Oklahoma as a Licensed Professional Counselor, a Licensed Marital and Family Therapist, a Licensed Behavioral Practitioner, a Psychologist, a Psychiatrist, a Clinical Social Worker, or a Licensed Alcohol and Drug Counselor, whose assigned job duties include being immediately available to the LPC Candidate for supervision at any time the LPC Candidate is engaging in the practice of counseling or counseling-related services.

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

#### **86:10-11-4. Supervisor qualifications**

(a) Supervisor qualifications include:

(1) A Licensed Professional Counselor who has practiced in positions relevant to those the LPC proposes to supervise for two (2) years beyond the date of issue of the Oklahoma license.

(2) As of January 1, 2000:

(A) an LPC who has successfully completed a graduate course in counselor supervision of at least forty-five (45) contact hours or equivalent course of study acceptable to the Board. This equivalent course of study shall consist of workshops in counseling supervision in combination with directed study of counseling supervision literature. Fifteen (15) of the forty-five (45) contact hours shall be in a class or workshop format which includes four (4) supervisors-in-training; the other thirty (30) contact hours shall be reserved for directed study, and

(B) an LPC who has passed the Oklahoma Legal and Ethical Responsibilities Examination.

(3) An agreement to be "on call" to the supervisee on a twenty-four (24) hour basis and to arrange for an alternate supervisor if not available.

(4) After receipt of the LPC supervision agreement, LPC supervisor may be approved by the Board.

(5) Approved LPC Supervisors are required to complete a minimum of three (3) clock hours of continuing education in counseling supervision each renewal period.

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

(7) If continuing education requirement is not met within five (5) years of expiration, approved supervisor status will be permanently expired and the LPC must re-apply and meet all requirements in this Subchapter, including the re-taking of 86:10-11-4(2)(A) or (B) to become an approved supervisor.

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

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

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

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

(b) 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.

**86:10-11-5. Duration of supervision**

(a) Three (3) years or three-thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LPC supervisor, shall be completed.

(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) "Full time" means at least twenty (20) hours per week.

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

(e) "Group supervision" means an assemblage of counseling supervisees consisting of from two (2) to six (6) members and no more than one-half ( $\frac{1}{2}$ ) 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.

(f) One (1) or two (2) years of supervised experience may be gained at the rate of one (1) year for each thirty (30) graduate semester credit hours or forty-five (45) graduate quarter credit hours in counseling-related course work beyond the master's degree. (Minimal educational requirements are a master's degree [at least forty-five (45) hours] or doctorate with the first forty-five (45) hours meeting the minimal educational requirements. As of January 1, 2000, minimal educational requirements are a master's degree [at least sixty (60) semester credit hours or ninety (90) quarter credit hours] or a doctorate with the first sixty (60) semester credit hours or ninety (90) quarter credit hours meeting the minimal educational requirements.)

(g) Regardless of the number of hours earned beyond the master's degree, the LPC supervisee shall receive at least one (1) year or one-thousand (1000) clock hours of supervision in the ratio described in subchapter 11, section 86:10-11-5(b-d).

(h) If an applicant completes the supervised experience

requirement before passing the licensure examination, the applicant shall continue to practice under LPC supervision as described in this subchapter, unless exempted by the Act, until licensed. Failure to do so constitutes a violation of the Act and may be subject to prosecution under the District Attorney and sanction by the Board.

(i) Applicants shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the application shall be voided.

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

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

#### **86:10-11-6. Documentation of supervised experience**

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

(b) The supervisor and supervisee shall sign and submit the "Evaluation of Supervised Experience," including documentation of observations and date of consultation between approved supervisor and on-site supervisor, semi-annually.

#### **86:10-11-7. Supervision agreement**

(a) The Supervision Agreement shall include the following:

- (1) Supervisor and supervisee agree to terms set forth for the accrual of supervised experience; and
- (2) A reproduction of the regulation regarding supervised experience.

(b) Evaluation of Supervised Experience document shall include the following:

- (1) Identifying information;
- (2) Time, place and duration of supervised experience;
- (3) Percentage of time spent in different counseling activities;
- (4) Supervisor's rating of professional activity;
- (5) Supervisor's comment section; and
- (6) Record of supervised experience.

### **SUBCHAPTER 13. FEES**

#### **86:10-13-1. Fees established**

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



**86:10-13-2. Schedule of fees**

- (a) **Application fee.** One hundred forty-five dollars (\$145.00) shall be submitted with the application form.
- (b) **License examination fee.** One hundred dollars (\$100.00) shall be submitted when the applicant registers for the examination.
- (c) **Initial license fee.** Ninety dollars (\$90.00) shall be submitted upon notification by the Board. This fee validates the license for a two (2) year period.
- (d) **Annual renewal fee.** Eighty dollars (\$80.00) shall be submitted upon notification by the Board on or before June 30 and validates the license for twelve (12) months.
- (e) **Specialty application fee.** One hundred dollars (\$100.00) shall be submitted with the specialty application.
- (f) **Specialty designation fee.** Fifty dollars (\$50.00) shall be submitted upon notification by the Board.
- (g) **Specialty designation renewal fee.** Twenty dollars (\$20.00) shall be submitted on or before June 30 and validates the license for twelve (12) months.
- (h) **Late renewal fee.** Twenty-five dollars (\$25.00) shall be submitted if the license is not renewed by June 30. The licensee must submit this fee as well as the license renewal fee on or before the following June 30 to avoid revocation.
- (i) **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.
- (j) **Inactive license fee.** Twenty-five dollars (\$25.00). Payment of this fee renders the license inactive and suspends all rights and privileges granted by the license until the license is reactivated.
- (k) **Reactivation fee.** A pro-rated fee in accordance with LPC regulation 86:10-21-3.1 shall be submitted at the time of reactivation.

**86:10-13-3. Fees non-refundable**

Fees paid by applicants are not refundable.

**86:10-13-4. Method of payment**

Payment of 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 will result in suspension of license.

**86:10-13-5. Review of fees**

The Board shall periodically review the fee schedule and recommend any adjustments necessary to provide funds to meet its

expenses without creating an unnecessary surplus.

## **SUBCHAPTER 15. LICENSURE EXAMINATIONS**

### **86:10-15-1. Eligibility**

An LPC applicant may be eligible to sit for the licensing examination following the submission of:

- (1) Application fee and form;
- (2) Practicum/Internship Documentation Form;
- (3) Official transcript(s) showing completion of all academic requirements listed in subchapter 9, section 86:10-9-2;
- (4) Three (3) Document of Recommendation Forms; and
- (5) Two (2) classifiable sets of fingerprints.

### **86:10-15-2. Examinations required**

Each applicant shall take two examinations:

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

### **86:10-15-3. Frequency**

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

### **86:10-15-4. Application**

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

(b) Upon receiving test eligibility letter from the Board, applicant shall submit examination registration materials and fees to the Board's designee.

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

(d) An applicant's eligibility to sit for the National Counselor Examination for Certification may be valid for two years, at which time if they have not successfully passed the exam, their licensure application shall be voided and the applicant shall be mailed notification at last known address.

(e) An applicant who fails the NCE exam, may schedule additional examinations, within the two-year eligibility period, with the submission of subsequent exam registration materials and fees. The subsequent exam can be scheduled no sooner than 90 days after the prior exam.

**86:10-15-5. Grading**

(a) Licensure examinations shall be graded by the Board or its designated representatives.

(b) The passing score on the examination shall be that score accepted as passing by the National Board for Certified Counselors.

**86:10-15-6. Notice of results**

(a) The Board shall mail notification to the examinee at last known address of the examination results within sixty (60) days of the date of the examination.

(b) The Board shall furnish the applicant an analysis of performance.

(c) 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".

(d) If the notice of examination results is delayed for more than ninety (90) days after the date of the examination, the Board shall mail notification to the examinee at the last known address before the ninetieth (90th) day.

**86:10-15-7. 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 applying to take a particular examination, the applicant shall reapply and pay another examination fee before being admitted to a subsequent examination.

**86:10-15-8. Failure to apply**

The application of a person who fails to apply for, sit for, and successfully pass the National Counselor Examination, within the two-year eligibility period, after the applicant has been mailed notification at last known address in writing of his/her eligibility for examination, shall be voided and the applicant shall be mailed notification at last known address.

**SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS**

**86:10-17-1. Purpose**

The purpose of this subchapter is to establish the continuing education requirements necessary for license renewal.

**86:10-17-2. Number of hours required**

(a) Licensees shall complete and furnish documentation to the Board of twenty (20) clock hours of continuing education per year. One (1) graduate academic semester credit hour is equal to fifteen (15) clock hours. One (1) graduate academic quarter credit hour is equal to ten (10) clock hours. Current LPC License Committee members shall receive clock hours of acceptable continuing education for attendance and participation in Board or Committee meetings.

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

(1) Addresses ethics issues, as the sole focus and specifically pertains to the practice of counseling, as defined in Title 59 of the Oklahoma Statutes, Section 1902(6), counseling treatment interventions, consulting, referral activities, or research activities as defined in Title 59 of the Oklahoma Statutes, Section 1902.

(2) Addresses regulations as promulgated in Subchapter 3 of this Chapter.

(3) Meets all requirements of sections 2-5 of OAC 86:10-17-3.

(4) As of the July 1, 2008 to June 30, 2009 renewal period, the three clock hours of counseling ethics continuing education must be accrued in a face-to-face setting.

(5) Current LPC Board members shall receive clock hours of acceptable continuing education for attendance and participation in Board or Committee meetings.

(c) Approved LPC Supervisors must complete a minimum of three (3) clock hours of continuing education in counseling supervision from programs pre-approved by the Board or its designee. Continuing education in Counseling Supervision is acceptable as meeting the pre-approval requirements by the Board when the continuing education program:

(1) Addresses issues specifically related to the practice of clinical supervision, as the sole focus, pursuant to regulations promulgated in Subchapter 11 of this Chapter.

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

(A) Ethical and legal considerations in the practice of clinical supervision;

(B) Theoretical models of clinical supervision;

(C) Clinical supervision intervention methods and modalities;

(D) Research in clinical supervision; and

(3) Meets all requirements of sections 2-5 of OAC 86:10-17-3 of this Chapter.

(4) As of the July 1, 2008 to June 30, 2009 renewal period, the three clock hours of counseling supervision continuing education must be accrued in a face-to-face setting.

**86:10-17-3. Acceptable continuing education**

Continuing education (C.E.) is acceptable to the Board when it:

- (1) Approximates the content of any of the academic areas listed under OAC 86:10-9-2 of this chapter and;
- (2) Is presented by a person who:
  - (A) is licensed or certified by counseling related professions;
  - (B) is a licensed or certified member of a non-counseling field, i.e. medicine, law if the content of the presentation is counselor related and falls within the presenter's area of training; or
  - (C) has experience teaching, at the graduate level, in a regionally accredited college or university from any of the knowledge areas listed in OAC 86:10-9-2 ; or
  - (D) the person is presenting or has presented at a national mental health conference provided by the American Counseling Association (ACA), or any of its divisions, American Psychological Association (APA), Association for Marriage and Family Therapy (AAMFT), National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field; or
  - (E) is presenting in a program sponsored or provided by a state or federal government agency with responsibility for mental health and substance abuse services; and
- (3) Takes place in the context of:
  - (A) a college course, in-service training, institute, seminar, workshop, conference or a Board pre-approved home-study or technology-assisted distance learning course;
  - (B) takes place in the context of a national mental health conference provided by the American Counseling Association (ACA), or any of its divisions, American Psychological Association (APA), American Association for Marriage and Family Therapy (AAMFT), National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field; or
  - (C) a program approved or offered by a state or federal government agency with responsibility for mental health and substance abuse services; or

(D) Current LPC Board members shall receive clock hours of acceptable continuing education for attendance and participation in Board or Committee meetings.

(4) Is accrued during the twelve (12) months preceding the renewal deadline or, in the case of the first licensing period, twenty-four (24) months preceding.

**86:10-17-4. Continuing education accrual from teaching**

Continuing education may also be accrued when the LPC teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to 86:10-17-3(1) of this subchapter, provided that such teaching is not required as part of the LPC's regular employment. Two (2) hours of continuing education are credited for each hour taught. No more than ten (10) hours of continuing education may be accrued per year through teaching activities. Credit will be given only for the first presentation.

**86:10-17-4.1. Continuing education accrual from home-study or technology-assisted distance learning courses**

Continuing education may be accrued when the LPC completes home-study or technology-assisted distance learning programs that are approved by the Board. No more than ten (10) hours of continuing education may be accrued per renewal period through home-study or technology-assisted distance learning courses. Presenter or program author must meet all requirements of OAC 86:10-17-3 of this Chapter. 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.

**86:10-17-5. Professional audience**

Continuing education, whether received or presented by the LPC, shall be targeted toward a professional audience.

**86:10-17-6. Documentation of attendance**

LPCs 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.

**86:10-17-6.1. Submission of continuing education roster**

LPCs shall submit a Continuing Education Roster (not individual verification of attendance documents) on an official Board form with the license renewal fee. 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 workshop(s), and the number of hours of each workshop. Only continuing education accrued in the preceding license renewal period shall be acceptable.

**86:10-17-6.2. Audit of continuing education submissions**

In May of each year, the Board shall randomly select from two (2) to twenty-five (25) percent of the number of LPCs on active status the previous year for an audit of their claimed continuing education credits. These selected LPCs 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.

**86:10-17-6.3. Penalty for failure to submit continuing education**

Failure to fulfill the continuing education requirements 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 LPC has twelve (12) months from the date of suspension to fulfill the requirements for reinstatement. If not reinstated, the license shall expire.

**86:10-17-6.4. Submission of fraudulent continuing education**

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

**86:10-17-7. Responsibility**

The licensee shall be 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.

**86:10-17-8. Failure to complete**

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 Late Renewal and Expiration."

## **SUBCHAPTER 19. ISSUANCE OF LICENSE**

### **86:10-19-1. License**

The Board shall issue a license certificate which contains the licensee's name, license number, specialty designation, if any, highest accredited counseling-related academic degree and date of issuance.

#### **86:10-19-1.1. Statement of Professional Disclosure**

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

### **86:10-19-2. Signature**

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

### **86:10-19-3. Property of Board**

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

### **86:10-19-4. 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.

### **86:10-19-5. 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 LPCs original license or be accompanied by the damaged license, if available.

## **SUBCHAPTER 21. LICENSE AND SPECIALTY RENEWAL**

### **86:10-21-1. Responsibility**

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

### **86:10-21-2. 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.



**86:10-21-3. Initial renewal**

After the first two (2) years of licensure, the licensee shall submit verification of at least forty (40) hours of continuing education required for renewal.

**86:10-21-3.1. Interim renewal**

The renewal notice for the initial renewal shall solicit the required continuing education documentation and invoice the licensee for the interim period between the original renewal date and the following June 30th so that subsequent renewals shall be on a fiscal year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by June 30th. Fees and continuing education hours will be prorated according to the schedule below.

- (1) License expires last day of July:
  - (A) Fee - \$71.50
  - (B) C.E. due June 30th - 16.5 hours
- (2) License expires last day of August:
  - (A) Fee - \$65.00
  - (B) C.E. due June 30th - 15 hours
- (3) License expires last day of September:
  - (A) Fee - \$58.50
  - (B) C.E. due June 30th - 13.5 hours
- (4) License expires last day of October:
  - (A) Fee - \$52.00
  - (B) C.E. due June 30th - 12 hours
- (5) License expires last day of November:
  - (A) Fee - \$45.50
  - (B) C.E. due June 30th - 10.5 hours
- (6) License expires last day of December:
  - (A) Fee - \$39.00
  - (B) C.E. due June 30th - 9 hours
- (7) License expires last day of January:
  - (A) Fee - \$32.50
  - (B) C.E. due June 30th - 7.5 hours
- (8) License expires last day of February:
  - (A) Fee - \$26.00
  - (B) C.E. due June 30th - 6 hours
- (9) License expires last day of March:
  - (A) Fee - \$19.50
  - (B) C.E. due June 30th - 4.5 hours
- (10) License expires last day of April:
  - (A) Fee - \$13.00
  - (B) C.E. due June 30th - 3 hours
- (11) License expires last day of May:
  - (A) Fee - \$ 6.50
  - (B) C.E. due June 30th - 1.5 hours

(12) License expires last day of June: not prorated

**86:10-21-3.2. Annual renewal**

After the initial two (2) year licensing period plus the interim period, renewals shall expire each June 30th, with a renewal fee of eighty dollars (\$80.00) and a continuing education requirement of twenty (20) hours.

**86:10-21-4. Specialty renewal**

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

**86:10-21-5. Requirements for renewal**

Requirements for renewal include:

- (1) Compliance with the Act and rules.
- (2) Documentation of the required continuing education.
- (3) Payment of the renewal fee(s).
- (4) Submission of Continuing Education on the Continuing Educations Roster for Renewal of LPC licensure form.

**86:10-21-6. Display of verification card**

(a) A current license verification card shall be displayed on the original or replaced license.

(b) A current license verification card shall be readily available on the LPC's person at any time counseling services are being

**86:10-21-7. 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.

**SUBCHAPTER 23. LICENSE AND SPECIALTY LATE RENEWAL AND EXPIRATION**

**86:10-23-1. Renewal notification**

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

**86:10-23-2. Failure to renew**

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

- (1) Suspension of the license and forfeiture of rights and privileges granted by the license, and,
- (2) The LPC has the right to renew 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 suspension of the license.

**86:10-23-3. Return of license**

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

**86:10-23-4. Misrepresentation**

An LPC whose license has been inactivated, suspended, or revoked and continues to represent himself as an LPC, is in violation of the Act and shall be reported to the appropriate District Attorney for prosecution.

**SUBCHAPTER 25. LICENSURE BY ENDORSEMENT**

**86:10-25-1. Submission of verification of license**

An applicant applying for licensure by endorsement shall submit a letter 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.

**86:10-25-2. Licensing procedures**

An applicant must submit the application form and related documents as requested, licensure fees, three current documents of recommendation and official transcripts.

**86:10-25-3. License by endorsement**

The Board shall issue a license by endorsement 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 who meets the following:

- (1) The applicant's professional counselor license in the other jurisdiction is active and in good standing which allows

the applicant to practice independently without supervision. The applicant shall have no history of suspension or revocation action against the license and fulfills all the requirements located in OAC 86:10-5;

(2) The applicant fulfills the requirements of Title 59 of the Oklahoma Statutes, Section 1906(A) and (B)(1)(3)(4);

(3) The applicant must have at least a masters degree in a counseling or a mental health related field from a regionally accredited college or university;

(4) The applicant must show proof of one of the following:

(A) has held a license in another jurisdiction for at least five years; or

(B) satisfies the requirements located at Title 59 Oklahoma Statutes , Section 1906 (C); and

(5) The applicant successfully completes the Oklahoma Legal and Ethical Responsibilities Examination.

## **SUBCHAPTER 27. CONSUMER INFORMATION**

### **86:10-27-1. Directory**

(a) The Board shall provide a directory of Licensed Professional Counselors (LPC's).

(b) The directory of LPCs 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.

### **86:10-27-2. Brochure**

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

### **86:10-27-3. Statement of professional disclosure**

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

(b) Both LPCs and LPC candidates shall:

(1) Furnish an example copy signed by the LPC, and in the case of a candidate, signed by the LPC supervisor and the candidate, to the Board. The LPC and LPC 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.

#### **86:10-27-4. Informed consent**

Clients have the freedom to choose whether to enter into or remain in a counseling relationship and need adequate information about the counseling process and the LPC. LPCs have an obligation to review in writing and verbally with clients the rights and responsibilities of both the LPC and the client. Informed consent is an ongoing part of the counseling process, and LPCs appropriately document discussions of informed consent throughout the counseling relationship.

### **SUBCHAPTER 29. ENFORCEMENT**

#### **86:10-29-1. 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 LPCs or against persons who practice licensed professional counseling without a license or exemption.

#### **86:10-29-2. 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 Licensed Professional Counselors Act, 59 O.S. §§ 1901 *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.

### **86:10-29-3. Complaint Procedure**

(a) **Receiving Requests for Inquiry.** Any person may file a Request for Inquiry against a Licensed Professional Counselor ("LPC") or a person who delivers licensed professional counseling services without a license. A person wishing to report a concern or alleged violation against a LPC or a person delivering licensed professional counseling 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 LPC 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.

(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.

**(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.

**86:10-29-4. 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.

**86:10-29-5. 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.

**86:10-29-6. 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.

(d) **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 parties or their counsel by delivering a copy in person or via facsimile or regular mail.

#### **86:10-29-7. 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.

#### **86:10-29-8. 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.

#### **86:10-29-9 Discovery**

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

#### **86:10-29-10. 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.

#### **86:10-29-11. 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.

**86:10-29-12. 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.

**86:10-29-13. Unauthorized practice**

Any person found to be practicing licensed professional counseling without being either properly licensed, exempt or under the approved supervision of an LPC 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.

**86:10-29-14. 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 professional counseling 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.

**86:10-29-15. 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.

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

**86:10-31-1. 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.

**86:10-31-2. 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.

**86:10-31-3. 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 while completing those requirements.