

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

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions
86:20-1-2. [AMENDED]
Subchapter 3. Forms
86:20-3-2. [AMENDED]
Subchapter 13. Supervised Experience Requirement
86:20-13-2. [AMENDED]
Subchapter 19. Continuing Education Requirements
86:20-19-2. [AMENDED]
Subchapter 27. Consumer Information
86:20-27-4. [NEW]
Subchapter 29. Enforcement
86:20-29-5. [AMENDED]

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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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n/a

ANALYSIS:

The following permanent rules interpret the Oklahoma Behavioral Practitioner Licensing Act, (59 O.S. 1991, Sections 1901 et seq.)

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING PERMANENT RULES ARE CONSIDERED FINALLY ADOPTED AS SET FORTH IN 75 O.S. § 253(F), WITH AN EFFECTIVE DATE OF: August 11, 2023.

SUBCHAPTER 1. GENERAL PROVISIONS

86:20-1-2. 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 Behavioral Practitioner Act, 59 O.S. §§ 1930 *et seq.*, as amended.

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

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

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

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

"Direct Client Contact Hours" means the performance of therapeutic or clinical functions that includes diagnosis, assessment and treatment of mental, emotional and behavioral disorders based primarily on verbal communications and intervention with, and in the presence of, one or more clients.

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

"Employee" means in accordance with 26 U.S.C. § 3121 (d),:

(A) Any officer of a corporation; or

(B) Any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of employee.

"Face-to-Face learning" means the delivery of graduate coursework or continuing education through instruction that is designed to deliver education to learners who are in the direct physical presence of the educator or designed to deliver education to learners through synchronous instructional delivery methods.

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

"Formal Complaint" means a written statement of alleged violation(s) of the Act and/or Rules which is filed by the Assistant Attorney General. The Formal Complaint schedules an

Individual Proceeding before the Board in accordance with 75 O.S. §309.

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

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

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

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

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

"Licensed behavioral practitioner" or **"LBP"** or **"Licensee"** means any person who offers professional behavioral health services to any person and is licensed pursuant to the provisions of the Licensed Behavioral Practitioner Act. The term shall not include those professions exempted by Section 1932 of this title;

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

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

"OAC" means the Oklahoma Administrative Code.

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

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

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

"Staff" means the personnel of the Board.

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

SUBCHAPTER 3. FORMS

86:20-3-2. Description of forms

(a) The Application Form requires the following:

- (1) Identifying information of applicant;
- (2) Possession of other credentials;
- (3) Previous misconduct;
- (4) Education;
- (5) References; and
- (6) Proposed professional Practice.

(b) The Internship/Practicum Documentation Form requires the following:

- (1) Identifying information of applicant;
- (2) Place, time, duration and nature of supervised experience;
- (3) School arranging supervision and name of supervisor; and,
- (4) Signature and title of supervisor.

(c) The Supervision Agreement requires identifying information of supervisee and supervisor as follows:

- (1) Name of candidate;
- (2) Name of candidate's place of employment;
- (3) Location supervised experience hours are being accrued;
- (4) Candidate's contact information;
- (5) Signature of Candidate;
- (6) Name of Approved LBP Supervisor;
- (7) Name of Approved LBP Supervisor's place of employment;
- (8) LBP Approved Supervisor's contact information;
- (9) Signature of LBP Approved Supervisor;
- (10) Name of On-Site Supervisor;
- (11) On-Site Supervisor's licensure information;
- (12) Name of On-Site Supervisor's place of employment;
- (13) On-Site Supervisor's contact information;
- (14) Signature of On-Site Supervisor.

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

- (1) Names of supervisee and supervisor;
- (2) Name and location of supervision site;
- (3) Duration of work experience and supervision;
- (4) Types of professional activities and clients seen;
- (5) Rating of quality of professional activities;
- (6) Supervisor and supervisee comments; and
- (7) Signatures of supervisee and supervisor.

~~(e) The Continuing Education Roster requires the following:~~

- ~~(1) Licensee's name and license number;~~
- ~~(2) Total number of hours accrued and Licensee's signature and signature date of licensee;~~
- ~~(3) Listing of workshops, sponsor, content and date of continuing education experience.~~

~~(f) The Licensure Verification Request Form requires the following information:~~

- ~~(1) Name of licensee;~~
- ~~(2) Licensee license number; and~~
- ~~(3) Licensee license type.~~

(g) The Out-of-State Licensure Verification Form requires the following information:

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

~~(h) The Mailing Addresses Request/Order Form requires the following information:~~

- ~~(1) Type of licensure list requested;~~
- ~~(2) Format requested;~~
- ~~(3) Identifying information of person making request.~~

~~(i) The Licensure Reactivation Request Form requires the following information:~~

- ~~(1) Licensure type;~~
- ~~(2) Identifying information;~~
- ~~(3) Employment information;~~
- ~~(4) Graduate education;~~
- ~~(5) License type and number;~~
- ~~(6) Dates of inactivation and reactivation of license.~~

(j) The Termination of Supervision Agreement requires the following information:

- (1) name of candidate;
- (2) current place of employment of candidate;
- (3) address of current place of employment of candidate;
- (4) phone number of candidate;
- (5) email address of candidate;
- (6) signature and signature date of candidate, (if available);
- (7) name of supervisor;
- (8) license number of supervisor;
- (9) current place of employment of supervisor;
- (10) phone number of supervisor;
- (11) email address of supervisor;
- (12) signature and signature date of supervisor, (if available); and
- (13) effective date of termination of supervision agreement.

SUBCHAPTER 13. SUPERVISED EXPERIENCE REQUIREMENT

86:20-13-2. Duration of supervision

(a) Each applicant shall complete three (3) years or three-thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LBP supervisor.

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

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

(d) No more than one-half ($\frac{1}{2}$) 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.~~

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

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

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

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

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

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

SUBCHAPTER 19. CONTINUING EDUCATION REQUIREMENTS

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

~~LBP's shall submit a Continuing Education Roster to the Board, on an official Board form, of ten (10) clock hours of continuing education per year by December 31 of each year. One (1) academic hour is equal to fifteen (15) clock hours. Rosters may be obtained from the Board. The Continuing Education Roster shall include the~~

~~name of the licensee, signature and signature date of the licensee, total clock hours of workshop(s), name of workshop(s), sponsoring agency of workshop(s), date of workshops(s), and the number of hours of each workshop. Only continuing education accrued in the preceding license renewal period shall be acceptable.~~

SUBCHAPTER 27. CONSUMER INFORMATION

86:20-27-4. Request for promulgation, amendment or repeal of a rule

(a) Any person may request the Board adopt, amend or repeal a rule in this chapter. The request shall be made in writing and shall include an explanation to support the request. A request shall also include:

- (1) the name, address and telephone number of the person making the request;
- (2) the name, address and telephone number of the agency or organization the person represents, if any;
- (3) the number used to identify the rule if the request is to amend or repeal an existing rule; and
- (4) the proposed language if the request is to amend an existing rule or adopt a new rule.

(b) It is the Board's policy to respond to such requests within 30 calendar days.

SUBCHAPTER 29. ENFORCEMENT

86:20-29-5. Cooperation with investigations.

LBP and Candidates shall cooperate when Board staff, Complaint Committee members, and/or investigators make inquiries concerning a RFI made against them. Failure to cooperate is grounds for further disciplinary action under the Act and/or Rules. In addition, LBPs and Candidates named in the complaint shall not contact, attempt to contact, or allow anyone else to contact the person(s) who filed the complaint or the person(s) who the LBP and Candidate named in the complaint believes may have filed the complaint.