

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

RULEMAKING ACTION:

PERMANENT final adoption

RULES:

Subchapter 1. General Provisions
86:10-1-2. [AMENDED]
Subchapter 7. Application Procedures
86:10-7-2. [AMENDED]
Subchapter 11. Supervised Experience Requirement
86:10-11-4. [AMENDED]
86:10-11-5. [AMENDED]
Subchapter 17. Continuing Education Requirements
86:10-17-2. [AMENDED]
86:10-17-4.1. [AMENDED]
86:10-17-6.1. [AMENDED]
Subchapter 21. License and Specialty Renewal
86:10-21-5. [AMENDED]
Subchapter 27. Consumer Information
86:10-27-5. [New]
Subchapter 29. Enforcement
86:10-29-5. [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 Professional Counselor Licensure 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

86:10-1-2. Definitions

When used in this Chapter, the following words and/or terms shall have the following meaning unless the context clearly requires otherwise:

"Act" means the Licensed Professional Counselors Act, 59 O.S. §§ 1901 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.

"Applicant" means a person who has made a formal application with the Board.

"Approved LPC Supervisor" ("Supervisor") means an individual who meets the qualifications to become an approved supervisor and is approved by the Board pursuant to Section 86:10-11-4 of this Chapter.

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

"Complainant" means any person who files a Request for Inquiry against a LPC, Candidate, or a person who delivers licensed professional counseling services without a license.

"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.

"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.

"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.

"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 Candidate 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.

"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" means at least twenty (20) hours of on-the-job experience 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.~~

"Licensed Professional Counselor" ("LPC") means a person holding a current license issued pursuant to the provision of the Professional Counselor Licensure Act.

"Licensed Professional Counselor Candidate" ("Candidate") means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in 59 O.S. §1906.

"Licensure Committee" means two LPC 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 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.

"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 7. APPLICATION PROCEDURES

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

- (a) Each application shall include the following documents:
- (1) Application form,
 - (2) Official transcript(s),
 - (3) Internship/Practicum Documentation Form,
 - (4) Completed criminal background check, and
 - (5) Fees.
- (b) The Application Form requires the following:
- (1) Identifying information;
 - (2) Possession of other credentials;
 - (3) Previous misconduct;
 - (4) Education; and
 - (5) Proposed professional practice.
- (c) The Internship/Practicum Documentation form requires the following:
- (1) Identifying information; and
 - (2) Time, place, location of practicum.
- (d) 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 LPC Supervisor;
 - (7) Name of Approved LPC Supervisor's place of employment;
 - (8) LPC Approved Supervisor's contact information;
 - (9) Signature of LPC 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.
- ~~(e) The Licensure Verification Request Form requires the following information:~~
- ~~(1) Name of licensee;~~

- ~~(2) Licensee license number; and~~
- ~~(3) Licensee license type.~~

~~(f) 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.~~

~~(g) 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.~~

~~(h) 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.~~

~~(i) 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. The~~

~~(j) 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.~~

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

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

SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENT

86:10-11-4. Supervisor qualifications

(a) Supervisor qualifications include: In order to be approved as a supervisor for counselors seeking LPC licensure, an individual must:

- (1) be an Approved Clinical Supervisor (ACS) by the National Board for Certified Counselors familiar with Oklahoma LPC Act and Rules duly promulgated, or
- (2) be 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 client contact hours.

(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 (½) of the required supervision hours may be received in group supervision. ~~Technology-assisted supervision shall not account for more than 56.25 hours of the total requirement. 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.

SUBCHAPTER 17. CONTINUING EDUCATION REQUIREMENTS

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.~~

86:10-17-4.1. 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.

86:10-17-6.1. 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.~~

SUBCHAPTER 21. LICENSE AND SPECIALTY 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.~~

SUBCHAPTER 27. CONSUMER INFORMATION

86:10-27-5. 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

86:10-29-5. Cooperation with investigations-

LPCs 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, LPCs 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 LPC and Candidate named in the complaint believes may have filed the complaint.