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

SUBCHAPTER 1. GENERAL PROVISIONS

86:10-1-1. Purpose

The rules in this Chapter ("Rules") 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 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 five (5) 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 asynchronous instructional delivery methods.

"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-the-job experience" means the performance of counseling activities as described in Section 1902 of the Act and 86:10-11-3 of the OAC and includes the application of mental health and developmental principles in order to facilitate human development and adjustment throughout the life span, prevent, diagnose or treat mental, emotional or behavioral disorders or associated distress which interfere with mental health; conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives; plan, implement or evaluate treatment plans using counseling treatment interventions; the application of cognitive, affective, behavioral and systemic counseling strategies which include principles of development, wellness, and pathology that reflect a pluralistic society. Such interventions are specifically implemented in the context of a professional counseling relationship; interpreting or reporting scientific fact or theory in counseling to provide assistance in solving current or potential problems of individuals, groups or organizations; the evaluating of data to identify problems and to determine the advisability of referral to other specialists; and reporting, designing, conducting or consulting on research in counseling, planning, designing, conducting, and reporting 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. (OAC 86: 10-3-2(e)).

"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.

"Semi-Annual" means every six (6) months.

"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. RULES OF PROFESSIONAL CONDUCT

86:10-3-1. Responsibility

It shall be the responsibility of 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 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 shall only practice in a new area when said LPC 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 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 shall be responsible for receiving training on testing and assessment instruments that have been revised or updated. LPCs shall be familiar with related standardization, proper application, copyright restrictions and security demands of any testing or assessment technique utilized. LPCs 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 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 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 shall not represent themselves as specialists in any aspect of counseling, unless so designated by the Board.

(e) **Research.** LPCs 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 shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LPCs 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 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 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 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 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 becomes aware that another LPC or LPC Candidate is engaging in sexual conduct that violates the Act or this Subchapter, the LPC 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 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 must demonstrate competence by education and experience in the subject matter relevant to the issues in question, as determined by the court.
(2) LPCs 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 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 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 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 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 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 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 LPCs 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) **Sexual conduct with current clients.** Sexual conduct with current clients is prohibited.

(e) **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 conduct, as defined by the Board. or LPCs shall not undertake to provide counseling to any person with whom the LPC has had familial, any prior social, financial, business, professional, close personal, or other non-therapeutic relationship with a client, or engage in any activity with another person that interferes or conflicts with the LPCs professional obligation to a client within the previous five (5) years.

(f) **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 five (5)years after the termination of the counseling relationship. LPCs shall not engage in any activity that is or may be sexual in nature, as defined by the Board, with a former client after the termination of the counseling relationship. Sexual conduct with former clients is prohibited. LPCs shall not exploit or obtain an advantage over a former client by the use of information or trust gained during the counseling relationship.

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

(h) **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.

(i) **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 plead guilty to or no contest to or be convicted of a state or federal felony crime if the violation substantially relates to the practice of counseling and poses a reasonable threat to public safety.

(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 conduct.**

(1) **Current and previous clients.** Sexual conduct with current and previous clients is prohibited.

(2) **Supervisees.** LPCs shall not engage in sexual conduct 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 their contact information, including but not limited to: mailing address, telephone number, place of employment, name and email address, within fourteen (14) days of the change.

(e) **Candor to the Board.** A LPC 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. A 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. A 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. A 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 a 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.** A 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.** A 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.** Candidates shall not refer to themselves as a Licensed Professional Counselor or LPC.

86:10-3-6. Failure to comply

A 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), Internship/Practicum Documentation Form, and completed criminal background check. The application fee must accompany the Application Form.

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) Name of Approved LPC Supervisor;

(e) The Verification of Academic Standing requires the following information:
(1) Name of applicant;
(2) Name of university;
(3) Name of graduate program;
(4) Name of degree;
(5) Total number of graduate coursework hours required to receive diploma;
(6) Date of graduation;
(7) Signature and signature date of applicant;
(8) Name of administrator and/or school official;
(9) Title/position of administrator and/or school official;
(10) Telephone number of administrator and/or school official;
(11) Email address of administrator and/or school official;
(12) Signature and signature date of administrator and/or school official.

86:10-7-3. Negative references [REVOKED]

86:10-7-3.1. Inactive application

Applications with 24 months of inactivity shall be voided.

86:10-7-4. Application for permanently expired license

(a) Application after license expires for non-renewal shall include the following documents:
(1) Application form,
(2) Official transcript(s),
(3) Supervision Agreement,

(4) Application Fee, and
(5) Completed criminal background check.

(b) Applicant shall provide a passing score on:
(1) The National Counselor Examination or another equivalent examination as determined by the Board; and
(2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c)Exam results accrued prior to date of this application shall not be considered.
(d) The Internship/Practicum Documentation Form on file shall carry over.
(e) All previously submitted and approved Supervised Experience shall carry over.

86:10-7-5. Application for revoked license

(a) No Application for a revoked license will be considered for a period of 5 years following the revocation. Application after license is revoked for administrative action shall include the following documents:
(1) Application form,
(2) Official transcript(s),
(3) Application Fee, and
(4) Completed criminal background check.

(b) Applicant shall provide a passing score on:
(1) The National Counselor Examination or another equivalent examination as determined by the Board; and
(2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c)Exam results accrued prior to date of this application shall not be considered.
(d) The Internship/Practicum Documentation Form on file shall carry over to a new application.
(e) All previously submitted and approved Supervised Experience shall not carry over to a new application.
(f) Application materials shall be reviewed by the Board.
(g) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of the revocation of licensure.
(h) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

86:10-7-6. Application for voided application for failure to provide a passing score on examinations

(a) Application after application is voided for failure to provide a passing score on examinations shall include the following documents:
(1) Application form,
(2) Official transcript(s),

(3) Application Fee, and
(4) Completed criminal background check.

(b) Applicant shall take and pass 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) Exam results accrued prior to date of application shall not be considered.

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

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

86:10-7-7. Application for voided application for failure to complete supervised experience

(a) 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,
(3) Application Fee, and
(4) Completed criminal background check.

(b) Applicant shall provide a passing score on:
(1) The National Counselor Examination or another equivalent examination as determined by the Board; and
(2) The Oklahoma Legal and Ethical Responsibilities Examination.

(c)Exam results accrued prior to date of this application shall not be considered.

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

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

86:10-7-7.1. Application procedures for voided application for inactivity

(a) Application after application is voided for remaining inactive for 24 months, in accordance with 86:10-7-2.2, shall include the following documents:
(1) Application form,
(2) Official transcript(s),
(3) Supervision Agreement,
(4) Application Fee, and
(5) Completed criminal background check.

(b) Applicant shall take and pass 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) Exam results accrued prior to date of application shall not be considered.
(d) The Internship/Practicum Documentation Form on file shall carry over to a new application.
(e) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.

86:10-7-8. Application for denied application

(a) 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,
(3) Application Fee, and
(4) Completed criminal background check.

(b) Application materials shall be reviewed by the Board.
(c) Applicant shall provide a passing score on:
(1) The National Counselor Examination or another equivalent examination as determined by the Board; and
(2) The Oklahoma Legal and Ethical Responsibilities Examination.

(d) Exam results accrued prior to date of this application shall not be considered.
(e) Applicant shall be required to accrue an additional 500 hours of supervised experience.
(f) Internship/Practicum Documentation Form on file shall carry over to a new application.
(g) All previously submitted and approved Supervised Experience shall carry over to a new application.

86:10-7-8.1. Application for revoked approved supervisor status

No 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 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 one of the following six regional accrediting associations: The New England Commission on Higher Education (NECHE), The Middle States Association of Colleges and Schools (MSCHE), The Higher Learning Commission (HLC), The Northwest Commission on Colleges and Universities (NWCCU); The WASC Senior College and University Commission (WSCUC), The Southern Association of Colleges and Schools Commission on Colleges(SACSCOC), or their predecessors or successors. 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) be accredited by the Council for Accreditation of Counseling &Related Education Programs (CACREP); or

(2) be from a program deemed content-equivalent to the CACREP educational requirements as determined by the Board. The degree must include a program whose primary focus is clearly to prepare the applicant for a career in counseling and be listed in the college or university catalog; or

(3) be from a non-CACREP approved program or a program that has not been deemed equivalent by the Board. The applicant must submit their educational credentials to the Board or the Board’s designated credentialing agency for evaluation and determination of whether the program satisfies the requirements of Subchapter 9. Applicants with degrees earned from institutions outside the United States must provide an acceptable comprehensive evaluation of the degree performed by a foreign credential evaluation service that is acceptable to the Board or the Board’s designated credentialing agency, and any other requirement(s) the Board deems necessary.

86:10-9-2. Knowledge area required

In order to qualify as a "content-equivalent" degree, a graduate transcript must document 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 life span development – 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 and diagnostic processes – course which offers a study of the principles of understanding dysfunction in human behavior or social disorganization.
(3) Appraisal/assessment techniques – course 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 Practice and Relationships – course which surveys the major theories and/or techniques of counseling, interviewing, attending, and listening skills in the counseling process, counseling strategies and techniques, application of technology to counseling, and/or critical thinking and reasoning strategies for clinical judgment.
(5) Professional counseling orientation and ethical practice – course which deals 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, history and philosophy of the counseling profession, professional counseling credentialing, legislation and regulatory standards, and/or the role and process of the professional counselor.
(6) Research and program evaluation – 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 – course of an organized practicum or internship 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) Group counseling and group work - 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.
(9) 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.
(10) Social and cultural identities and experiences - 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.

(11) Additional knowledge areas: The remaining courses needed to meet the sixty (60) semester or ninety (90) quarter graduate-hour requirement shall be in any of the core counseling areas listed above or any of the additional knowledge areas listed below. Courses must be at least three (3) semester credit hours or four (4) quarter credit hours.

(A) 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.

(B) 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.

(C) 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.

(D) 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.

(E) 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.

(F) 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.

(G) 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.
(H) 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.
(I) 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.
(J) 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.
(K) 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.
(L) 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.
(M) 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.

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) Official verification of passing results on
    (A) National Counselor Exam (NCE);
    (B) Oklahoma Legal and Ethical Responsibilities Examination; and
(3) Supervision agreement.

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.

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

(c) 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 an employee, as defined by 86:10-1-2, of the place of employment where supervised experience hours are being accrued.

(2) The LPC Candidate is receiving supervision for licensure from an approved LPC supervisor that has agreed to be 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.

86:10-11-4. Supervisor qualifications

(a) 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.

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

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

(5) 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.

(6) 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.

(7) An inactive approved supervisor may reactivate by submitting the required counseling supervision continuing education due by the end of the current renewal period.
(8) 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.
(9) 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. Included in the three-thousand (3000) clock hours of full time, on-the-job experience, a minimum of one-thousand (1000) hours shall be from direct client contact and one-hundred (100) hours shall be from face-to-face or technology-assisted supervision.

(b) "Full time" means at least five (5) hours per week.

(c) Weekly, face-to-face supervision or technology-assisted supervision shall be accrued under a Board approved LPC supervisor at a minimum of forty-five (45) minutes of supervision every week.

(d) "Group supervision" means an assemblage of counseling supervisees consisting of two (2) to six (6) members.

(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 semester credit hours or forty-five (45) graduate quarter credit hours in counseling-related course work earned beyond the master's degree, provided that such hours are clearly related to the field of counseling and are acceptable to the Board.

(f) 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 as described in subchapter 11, section 86:10-11-5(a-d).

(g) If an applicant completes the supervised experience requirement, the applicant shall continue to practice under LPC supervision as described in this subchapter, unless exempted by the Act, until licensed.

(h) 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.

86:10-11-6. Documentation of supervised experience
(a) The supervisor and supervisee shall sign and submit the "Evaluation of Supervised Experience," semi-annually beginning as of the date of the approval of the first supervision agreement.
(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.

(c) Any Evaluation of Supervised Experience form submitted beyond 60 days of the semi-annual due date will not be credited towards the duration of supervision as described in 86:10-11-5.
(d) Supervised experience shall be reported in quarter credit hours.

86:10-11-7. Supervision agreement [REVOKED]

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 or a Board approved Verification of Academic Standing from the administrator of the student’s degree program indicating that the student is expected to fulfill all degree requirements by the expected graduation date. Verification of Academic Standing shall not be signed and dated or submitted to the Board more than 60 days prior to the expected date graduation; and
(4) Completed criminal background check.

86:10-15-2. Examinations required
Each applicant shall take two examinations:
(1) The National Counselor Examination (NCE) or another equivalent examination as determined by the Board; and

(2) The Oklahoma Legal and Ethical Responsibilities Examination (OLERE).

86:10-15-3. Frequency [REVOKED]

86:10-15-4. Application

(a) The Board shall send notification of eligibility to sit for examinations to the applicant.
(b) Upon receiving test eligibility notification 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 NCE or another equivalent examination as determined by the Board and OLERE shall be valid once the application has been deemed Board approved. The applicant’s eligibility will be valid for two years, at which time if they have not successfully passed the exam(s), their licensure application shall be voided and the applicant shall be sent notification.
(d) An applicant who fails the NCE or another equivalent examination as determined by the Board or the OLERE, may schedule additional examinations, within the two-year eligibility period, with the submission of subsequent exam registration materials and fees.

86:10-15-5. Grading

(a) Licensure examinations shall be graded by the Board or its designated representatives.
(b) The passing score on the National Counselor Examination shall be that score accepted as passing by the National Board for Certified Counselors.
(c) The passing score on the Oklahoma Legal and Ethical Responsibilities Examination shall be that score accepted as passing by the Board.

86:10-15-6. Notice of results [REVOKED]

86:10-15-7. Failure to appear [REVOKED]

86:10-15-8. Failure to apply

The application of a person who fails to apply for, sit for, and successfully pass the NCE or another equivalent examination as determined by the Board or the OLERE, within the two-year eligibility period, after the applicant has been sent notification of his/her eligibility for examination, shall be voided and the applicant shall be sent notification.

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. Continuing education in counseling ethics is acceptable as meeting the 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) 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. Continuing education in Counseling Supervision is acceptable as meeting the 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.

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 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. 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
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, and date of issuance.

86:10-19-1.1. Statement of Professional Disclosure [REVOKED]

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 send notification to the licensee of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the license certificate shall be issued.

86:10-19-5. Replacement [REVOKED]

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).

86:10-21-6. Display of verification card [REVOKED]

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) 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.
(c) 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 send licensee, 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 send a notification 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 [Revoked]

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, official transcript(s), and completed criminal background check.

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

86:10-27-2. Brochure [Revoked]

86:10-27-3. Statement of professional disclosure [REVOKED]

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.

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

86:10-29-1. Purpose.

The purpose of this subchapter is to specify the procedure of for processing RFIs filed with the Board and the authorization to take disciplinary action against LPCs, Candidates, or persons who practice licensed professional counseling without a license or exemption.

86:10-29-3. Complaint Procedure.

(a) **Receiving Requests for Inquiry.** Any person may file a RFI against a LPC, Candidate, or a person who delivers licensed professional counseling services without a license. A person wishing to report a concern shall notify the Board in writing. Upon receipt of the RFI, the Executive Director will:

(1) Stamp the first page of the RFI indicating date of receipt;

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

(3) Generate a letter to the complainant indicating receipt of the RFI.

(b)**Reviewing Request for Inquiry.** If the Complaint Committee decides to meet with an individual, the Complaint Committee shall proceed by:

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

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

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

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

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

(B) Appoint an investigator to investigate the RFI;

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

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

(E) Close the RFI.

(c)**Informal Interviews.**

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

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

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

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

(d) **Requests for Investigation.**

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

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

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

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

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

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

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

86:10-29-5. 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.

86:10-29-6. Service of Formal Complaint and Notice of Hearing.
(a) **Service.** The Formal Complaint and Notice of Hearing shall be served by certified mail, return receipt requested, to the LPC or Candidate's address on file with the Board. It is the duty of the LPC or Candidate to provide current address information.
(b) **Proof of service.** Proof of service shall be filed with the Board.
(c)**Service of other papers and documents.** Service of all other papers and documents connected with an individual proceeding shall be served on the LPC, Candidate or his/her counsel via facsimile, regular mail, or hand-delivery.

86:10-29-7. Individual Proceedings.
Individual Proceedings shall be conducted by the Board in accordance with the APA, 75 O.S., § 309-321 et seq. The Board shall recommend the most appropriate penalty at the conclusion of the evidence, which may include but is not limited to probation, suspension, revocation, and an administrative penalty not to exceed Ten Thousand Dollars ($10,000.00). Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order, or default.

86:10-29-8. Continuances.
(a) **Continuances by the Board.** The Board chair may continue or adjourn the proceedings at any time for a specified time, by notice or motion.
(b) **Continuances by motion of parties.** Except for good cause shown, or by agreement of all parties, no continuance shall be granted upon motion of a party unless written request is filed with the board and served on all parties of record, including the Assistant Attorney General, at least seven (7) days prior to the date set for hearing. An agreement to continue by all parties of record shall be approved, unless the Board chair determines that the public interest requires otherwise.

86:10-29-9 Discovery.
Discovery shall be conducted 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 any time upon application of a party, may issue Protective Orders as they relate to discovery and as they may prevent hardship to a party, prevent excessive burden on a party,

or as they may be necessary or appropriate for the protection of the parties.

86:10-29-11. Subpoenas.
(a) **Issuance of subpoenas for witnesses and physical evidence.** All parties, including The Board, may compel the attendance of witnesses, and the production of physical evidence if service of process has been made by subpoena anywhere within the state. (b) **Service of subpoenas.** Service of the subpoenas will be the responsibility of the requesting party. Subpoenas shall be served and returns made in the manner prescribed by general civil law.

86:10-29-12. Final order.
The Board shall issue a final order for all disciplinary matters. Final orders are subject to Judicial Review pursuant to APA.

86:10-29-13. Unauthorized practice.
Any person found to be practicing licensed professional counseling without being 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 any order issued or approved by the Board includes a finding that the individual:

> (1) Violated any provision of the Act, including practicing licensed professional counseling without being licensed, under supervision, or exempt;
> (2) Violated any rule of the OAC as it relates to licensed professional counseling; or
> (3) Violated any order issued by the Board.

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

86:10-29-16 RFI confidentiality.
The RFI and the identity of the Complainant shall be confidential and shall not be available for public inspection, in accordance with 51 O.S. Section 24A.14.

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)

(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.
(b) Active-duty military service members seeking to make application for licensure may do so without payment of application fee.

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.

(3) 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 seeking to make application for licensure may do so without payment of application fee.

SUBCHAPTER 33. DECLARATION OF EMERGENCY LICENSURE BY ENDORSEMENT RULES

86:10-33-1. Submission of verification of license.

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

86:10-33-2. Licensing procedures.

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

86:10-33-3. Non-renewable declaration of emergency license by endorsement.

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

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

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

(3) The applicant’s license has never been suspended or revoked and fulfills all of the requirements as stated in Subchapter 5;

(4) The applicant fulfills the requirements as stated in 59 O.S. §1906(A) and 59 O.S. §§(B)(1)(3)(4)(5); and

(5) The applicant has at least a Master’s Degree in counseling or a mental health related field from a regionally accredited college or university.

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

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