

PROFESSIONAL COUNSELOR LICENSURE ACT
TITLE 59 OF THE OKLAHOMA STATUTES
AS AMENDED 2013
(Unofficial Version)

§59-1901. Short title.

Chapter 44 of this title shall be known and may be cited as the "Licensed Professional Counselors Act".
Added by Laws 1985, c. 145, § 1, eff. Sept. 1, 1985. Amended by Laws 1998, c. 295, § 1, eff. Nov. 1, 1998.

§59-1902. Definitions.

For the purpose of the Licensed Professional Counselors Act:

1. "Licensed professional counselor" or "LPC" means any person who offers professional counseling services for compensation to any person and is licensed pursuant to the provisions of the Licensed Professional Counselors Act. The term shall not include those professions exempted by Section 1903 of this title;
2. "Board" means the State Board of Behavioral Health Licensure;
3. "Counseling" means the application of mental health and developmental principles in order to:
 - a. facilitate human development and adjustment throughout the life span,
 - b. prevent, diagnose or treat mental, emotional or behavioral disorders or associated distress which interfere with mental health,
 - c. conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives, and
 - d. plan, implement or evaluate treatment plans using counseling treatment interventions;
4. "Counseling treatment interventions" means 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;
5. "Consulting" means interpreting or reporting scientific fact or theory in counseling to provide assistance in solving current or potential problems of individuals, groups or organizations;
6. "Referral activities" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists;

7. "Research activities" means reporting, designing, conducting or consulting on research in counseling;

8. "Specialty" means the designation of a subarea of counseling practice that is recognized by a national certification agency or by the Board;

9. "Supervisor" means a person who meets the requirements established by the Board and who is licensed pursuant to the Licensed Professional Counselors Act;

10. "Licensed professional counselor candidate" means a person whose application for licensure has been accepted and who is under supervision for licensure as provided in Section 1906 of this title; and

11. "Executive Director" means the Executive Director of the State Board of Behavioral Health Licensure. Added by Laws 1985, c. 145, § 2, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 1, eff. Nov. 1, 1995; Laws 1998, c. 295, § 2, eff. Nov. 1, 1998; Laws 2013, c. 229, § 5, eff. Nov. 1, 2013.

§59-1903. Construction and application of act - Exemptions.

A. The Licensed Professional Counselors Act shall not be construed to include the pursuits of the following professionals acting within the scope of their duties as such professionals, nor shall the title "Licensed Professional Counselor" or "LPC" be used by such professionals:

1. Physicians, psychologists, social workers, marital and family therapists and attorneys, who are licensed by their respective licensing authorities;

2. Rehabilitation counselors, vocational evaluation specialists, psychiatric and mental health nurses, alcohol and drug counselors, school administrators, school teachers and school counselors, who are certified by their respective certifying authorities;

3. Persons in the employ of accredited institutions of higher education, or in the employ of local, state or federal government; and

4. Members of clergy.

B. The Licensed Professional Counselors Act shall not be construed to allow the practice of any of the professions specified in subsection A of this section by a licensed professional counselor unless said licensed professional counselor is also licensed or accredited by an appropriate agency, institution or board.

C. The activities and services of a person in the employ of a private, nonprofit behavioral services provider contracting with the state to provide behavioral services with the state shall be exempt from licensure as a Licensed Professional Counselor if such activities and services are a part of the

official duties of such person with the private nonprofit agency.

1. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions:

- a. psychologist, psychology or psychological,
- b. licensed social worker,
- c. clinical social worker,
- d. certified rehabilitation specialist,
- e. licensed professional counselor,
- f. psychoanalyst, or
- g. marital and family therapist.

2. Such exemption to the provisions of this section shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the nonprofit agency contracting with the state. Such exemption will not be applicable to any other setting.

3. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this section shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public.

D. The activities and services of a person in the employ of a private, for-profit behavioral services provider contracting with the state to provide behavioral services to youth and families in the care and custody of the Office of Juvenile Affairs or the Department of Human Services on March 14, 1997, shall be exempt from licensure as a Licensed Professional Counselor if such activities and services are a part of the official duties of such person with the private for-profit contracting agency.

1. Any person who is unlicensed and operating under these exemptions shall not use any of the following official titles or descriptions:

- a. psychologist, psychology or psychological,
- b. licensed social worker,
- c. clinical social worker,
- d. certified rehabilitation specialist,
- e. licensed professional counselor,
- f. psychoanalyst, or

g. marital and family therapist.

2. Such exemption to the provisions of this section shall apply only while the unlicensed individual is operating under the auspices of a contract with the state and within the employ of the for-profit agency contracting with the state. Such exemption shall only be available for ongoing contracts and contract renewals with the same state agency and will not be applicable to any other setting.

3. State agencies contracting to provide behavioral health services will strive to ensure that quality of care is not compromised by contracting with external providers and that the quality of service is at least equal to the service that would be delivered if that agency were able to provide the service directly. The persons exempt under the provisions of this section shall provide services that are consistent with their training and experience. Agencies will also ensure that the entity with which they are contracting has qualified professionals in its employ and that sufficient liability insurance is in place to allow for reasonable recourse by the public.

Added by Laws 1985, c. 145, § 3, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 2, eff. Nov. 1, 1995; Laws 1998, c. 153, § 3, emerg. eff. April 27, 1998; Laws 1998, c. 295, § 3, eff. Nov. 1, 1998.

§59-1904. Repealed by Laws 2013, c. 229, § 99, eff. Nov. 1, 2013.

§59-1905. Duties and responsibilities of State Board of Behavioral Health Licensure.

A. The State Board of Behavioral Health Licensure shall:

1. Prescribe, adopt and promulgate rules to implement and enforce the provisions of the Licensed Professional Counselors Act, including the adoption of the State Department of Health rules by reference;

2. Adopt and establish rules of professional conduct; and

3. Set license and examination fees as required by the Licensed Professional Counselors Act.

B. The Board shall have the authority to:

1. Seek injunctive relief;

2. Request the district attorney to bring an action to enforce the provisions of the Licensed Professional Counselors Act;

3. Receive fees and deposit said fees into the Licensed Professional Counselors Revolving Fund as required by the Licensed Professional Counselors Act;

4. Issue, renew, revoke, deny, suspend and place on probation licenses to practice professional counseling pursuant to the provisions of the Licensed Professional Counselors Act;

5. Examine all qualified applicants for licenses to practice professional counseling;

6. Request assistance from the State Board of Medical Licensure and Supervision for the purposes of investigating complaints and possible violations of the Licensed Professional Counselors Act;

7. Accept grants and gifts from various foundations and institutions; and

8. Make such expenditures and employ such personnel as the Executive Director may deem necessary for the administration of the Licensed Professional Counselors Act.

Added by Laws 1985, c. 145, § 5, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 4, eff. Nov. 1, 1995; Laws 1998, c. 295, § 5, eff. Nov. 1, 1998; Laws 2013, c. 229, § 6, eff. Nov. 1, 2013.

§59-1906. License - Application - Form and manner - Fee - Qualifications.

A. Applications for a license to practice as a licensed professional counselor shall be made to the State Board of Behavioral Health Licensure in writing. Such applications shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by the Licensed Professional Counselors Act, which shall be retained by the Board and not returned to the applicant.

B. Each applicant for a license to practice as a licensed professional counselor shall:

1. Be possessed of good moral character;

2. Pass an examination based on standards promulgated by the Board pursuant to the Licensed Professional Counselors Act;

3. Be at least twenty-one (21) years of age;

4. Not have engaged in, nor be engaged in, any practice or conduct which would be grounds for denying, revoking or suspending a license pursuant to this title; and

5. Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Licensed Professional Counselors Act.

C. In addition to the qualifications specified by the provisions of subsection B of this section, an applicant for a license to practice as a licensed professional counselor shall have:

1. Successfully completed at least sixty (60) graduate semester hours (ninety (90) graduate quarter hours) of counseling-related course work. These sixty (60) hours shall include at least a master's degree in a counseling field. All

courses and degrees shall be earned from a regionally accredited college or university. The Board shall define what course work qualifies as "counseling-related" and what degrees/majors qualify as a "counseling field"; and

2. Three (3) years of supervised full-time experience in professional counseling subject to the supervision of a licensed professional counselor pursuant to conditions established by the Board. One (1) or two (2) years of experience may be gained at the rate of one (1) year for each thirty (30) graduate semester hours earned beyond the master's degree, provided that such hours are clearly related to the field of counseling and are acceptable to the Board. The applicant shall have no less than one (1) year of supervised full-time experience in counseling.

D. Applicants with degrees from schools outside the United States may qualify with Board approval by providing the Board with an acceptable comprehensive evaluation of the degree performed by a foreign credential evaluation service that is acceptable to the Board, and any other requirement the Board deems necessary.

Added by Laws 1985, c. 145, § 6, eff. Sept. 1, 1985. Amended by Laws 1986, c. 92, § 1, emerg. eff. April 3, 1986; Laws 1995, c. 167, § 5, eff. Nov. 1, 1995; Laws 1998, c. 295, § 6, eff. Nov. 1, 1998; Laws 2000, c. 53, § 1, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 7, eff. Nov. 1, 2013; Laws 2014, c. 367, § 2, eff. Nov. 1, 2014.

§59-1907. Examinations.

A. 1. Examinations shall be held at such times, at such place and in such manner as the State Board of Behavioral Health Licensure directs. An examination shall be held at least annually. The Board shall determine the acceptable grade on examinations. The examination shall cover such technical, professional and practical subjects as relate to the practice of professional counseling.

2. If an applicant fails to pass the examinations, the applicant may reapply.

B. The Board shall preserve answers to any examination, and the applicant's performance on each section, as part of the records of the Board for a period of two (2) years following the date of the examination.

Added by Laws 1985, c. 145, § 7, eff. Sept. 1, 1985. Amended by Laws 1998, c. 295, § 7, eff. Nov. 1, 1998; Laws 2000, c. 53, § 2, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 8, eff. Nov. 1, 2013.

§59-1908. Issuance of license - Expiration - Renewal - Suspension - Retirement.

A. An applicant who meets the requirements for licensure pursuant to the provisions of the Licensed Professional Counselors Act, has paid the required license fees and has otherwise complied with the provisions of the Licensed Professional Counselors Act shall be licensed by the State Board of Behavioral Health Licensure.

B. Each initial license issued pursuant to the Licensed Professional Counselors Act shall expire twenty-four (24) months from the date of issuance unless revoked. A license may be renewed annually upon application and payment of fees. The application for renewal shall be accompanied by evidence satisfactory to the Board that the applicant has completed relevant professional or continued educational experience during the previous twenty-four (24) months. Failure to renew a license shall result in forfeiture of the rights and privileges granted by the license. A person whose license has expired may make application within one (1) year following the expiration in writing to the Board requesting reinstatement in a manner prescribed by the Board and payment of the fees required by the provisions of the Licensed Professional Counselors Act. The license of a person whose license has expired for more than one (1) year shall not be reinstated. A person may reapply for a new license as provided in Section 1906 of this title.

C. A licensed professional counselor whose license is current and in good standing, who wishes to retire the license, may do so by informing the Board in writing and returning the license to the Office of Licensed Professional Counselors. A license so retired shall not be reinstated but does not prevent a person from applying for a new license at a future date. Added by Laws 1985, c. 145, § 8, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 6, eff. Nov. 1, 1995; Laws 1998, c. 295, § 8, eff. Nov. 1, 1998; Laws 2000, c. 53, § 3, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 9, eff. Nov. 1, 2013.

§59-1909. Licenses by endorsement.

The State Board of Behavioral Health Licensure shall have the power to issue a license by endorsement to an applicant licensed in another state to practice as a licensed professional counselor if the Board deems such applicant to have qualifications comparable to those required under the Licensed Professional Counselors Act and if the Board finds the applicant meets the standards, provided by rules, for license by endorsement.

Added by Laws 1985, c. 145, § 9, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 7, eff. Nov. 1, 1995; Laws 2000, c. 53, § 4, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 10, eff. Nov. 1, 2013.

§59-1910. Information acquired in professional capacity - Disclosure - Privileges and immunities - Court proceeding.

A. No person licensed pursuant to the provisions of the Licensed Professional Counselors Act shall knowingly and willfully disclose any information the licensee may have acquired from persons consulting the licensee in his professional capacity as a professional counselor or be compelled to disclose such information except:

1. With the written consent of the client, or in the case of death or disability of the client, the consent of his personal representative or other person authorized to sue or the beneficiary of any insurance policy on his life, health or physical condition;

2. If the person is a child under the age of eighteen (18) years and the information acquired by the licensed person indicated that the child was the victim or subject of a crime, the licensed person may be required to testify fully in relation thereto upon an examination, trial or other proceeding in which the commission of such a crime is a subject of inquiry;

3. If the client waives the privilege by bringing charges against the licensed person;

4. When failure to disclose such information presents a danger to the health of any person; or

5. If the licensed professional counselor is a party to a civil, criminal or disciplinary action arising from such therapy, in which case any waiver of the privilege accorded by this section shall be limited to that action.

B. No information shall be treated as privileged and there shall be no privileges created by the Licensed Professional Counselors Act as to any information acquired by the person licensed pursuant to the Licensed Professional Counselors Act when such information pertains to criminal acts or violation of any law.

C. The Licensed Professional Counselors Act shall not be construed to prohibit any licensed person from testifying in court hearings concerning matters of adoption, child abuse, child neglect, battery or matters pertaining to the welfare of children or from seeking collaboration or consultation with professional colleagues or administrative superiors on behalf of this client.

Added by Laws 1985, c. 145, § 10, eff. Sept. 1, 1985. Amended by Laws 1998, c. 295, § 9, eff. Nov. 1, 1998; Laws 2002, c. 100, § 1, emerg. eff. April 19, 2002.

§59-1911. Failure to comply with act - Penalties.

A. Any person who:

1. Represents himself or herself by the title "Licensed Professional Counselor" or "LPC" without having first complied with the provisions of the Licensed Professional Counselors Act;
2. Otherwise offers to perform counseling services;
3. Uses the title of Licensed Professional Counselor or any other name, style or description denoting that the person is licensed as a licensed professional counselor; or
4. Practices counseling,

upon conviction thereof, shall be guilty of a misdemeanor and shall be punished by imposition of a fine of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) for each offense and in addition may be imprisoned for a term not to exceed six (6) months in the county jail or by both such fine and imprisonment.

B. It shall be unlawful for any person who is not licensed or supervised pursuant to or specifically exempt from the provisions of the Licensed Professional Counselors Act to:

1. Advertise or otherwise offer to perform counseling services;
2. Use the title of Licensed Professional Counselor or any other name, style or description denoting that the person is licensed as a licensed professional counselor; or
3. Practice counseling.

Such action shall be subject to injunctive action by the State Board of Behavioral Health Licensure.

Added by Laws 1985, c. 145, § 11, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 8, eff. Nov. 1, 1995; Laws 2000, c. 53, § 5, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 11, eff. Nov. 1, 2013.

§59-1912. Denial, revocation, suspension or probation of license - Administrative hearing for applicant with felony conviction.

A. The State Board of Behavioral Health Licensure may deny, revoke, suspend or place on probation any license or specialty designation issued pursuant to the provisions of the Licensed Professional Counselors Act to a licensed professional counselor, if the person has:

1. Been convicted of a felony;
2. Been convicted of a misdemeanor determined to be of such a nature as to render the person convicted unfit to practice counseling;
3. Engaged in fraud or deceit in connection with services rendered or in establishing needed qualifications pursuant to the provisions of this act;

4. Knowingly aided or abetted a person not licensed pursuant to these provisions in representing himself as a licensed professional counselor in this state;

5. Engaged in unprofessional conduct as defined by the rules established by the Board;

6. Engaged in negligence or wrongful actions in the performance of his or her duties; or

7. Misrepresented any information required in obtaining a license.

B. If the Board determines that a felony conviction of an applicant renders the convicted applicant unfit to practice counseling, the Board shall provide notice and opportunity to the applicant, by certified mail at the last-known address, for an administrative hearing to contest such determination before the Board may deny the application. The request shall be made by the applicant within fifteen (15) days of receipt of the notice.

C. No license or specialty designation shall be suspended or revoked, nor a licensed professional counselor placed on probation until notice is served upon the licensed professional counselor and a hearing is held in conformity with Article II of the Administrative Procedures Act.

Added by Laws 1985, c. 145, § 12, eff. Sept. 1, 1985. Amended by Laws 1998, c. 295, § 10, eff. Nov. 1, 1998; Laws 2009, c. 220, § 2, eff. Nov. 1, 2009; Laws 2013, c. 229, § 12, eff. Nov. 1, 2013.

§59-1913. Repealed by Laws 1995, c. 167, § 16, eff. Nov. 1, 1995.

§59-1913.1. Rules and orders - Penalty.

A. The State Board of Behavioral Health Licensure shall promulgate rules governing any licensure action to be taken pursuant to the Licensed Professional Counselors Act which shall be consistent with the requirements of notice and hearing under the Administrative Procedures Act. No action shall be taken without prior notice unless the Board determines that there exists a threat to the health and safety of the residents of Oklahoma.

B. 1. Any person who is determined by the Board to have violated any provision of the Licensed Professional Counselors Act, or any rule promulgated or order issued pursuant thereto, may be subject to an administrative penalty.

2. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00).

3. Administrative penalties imposed pursuant to this subsection shall be enforceable in the district courts of this state.

4. All administrative penalties collected shall be deposited into the Licensed Professional Counselors Revolving Fund.

Added by Laws 1995, c. 167, § 9, eff. Nov. 1, 1995. Amended by Laws 1998, c. 295, § 11, eff. Nov. 1, 1998; Laws 2013, c. 229, § 13, eff. Nov. 1, 2013.

§59-1914. Application of Administrative Procedures Act.

The hearings provided for by the Licensed Professional Counselors Act shall be conducted in conformity with, and records made thereof as provided by, the provisions of Sections 301 through 325 of Title 75 of the Oklahoma Statutes.

Added by Laws 1985, c. 145, § 14, eff. Sept. 1, 1985.

§59-1915. Repealed by Laws 1995, c. 167, § 16, eff. Nov. 1, 1995.

§59-1915.1. Exemption from education requirements.

On or before January 1, 2000, any person holding a valid license as a Licensed Professional Counselor shall be exempt from the revised education requirements of Section 1906 of this title.

Added by Laws 1995, c. 167, § 10, eff. Nov. 1, 1995. Amended by Laws 1998, c. 295, § 12, eff. Nov. 1, 1998.

§59-1916. Repealed by Laws 1995, c. 167, § 16, eff. Nov. 1, 1995.

§59-1916.1. Statement of Professional Disclosure - Copy to be furnished to client.

All licensed professional counselors, except those employed by federal, state, or local governmental agencies, shall, prior to the performance of service, furnish the client with a copy of the Statement of Professional Disclosure as promulgated by rule of the State Board of Behavioral Health Licensure. A current copy shall be on file with the Board at all times.

Added by Laws 1995, c. 167, § 11, eff. Nov. 1, 1995. Amended by Laws 1998, c. 295, § 13, eff. Nov. 1, 1998; Laws 2013, c. 229, § 14, eff. Nov. 1, 2013.

§59-1917. Specialty designation.

A. A professional specialty designation area may be established by the State Board of Behavioral Health Licensure upon receipt of a petition signed by fifteen qualified persons

who are currently licensed as licensed professional counselors, and who meet the recognized minimum standards as established by appropriate nationally recognized certification agencies; provided, if a nationally recognized certification does not exist, the Board may establish minimum standards for specialty designations.

B. Upon receipt of credentials from the appropriate certification agency, the Board may grant the licensed professional counselor the appropriate specialty designation. The licensed professional counselor may attain specialty designation through examination. A licensed professional counselor shall not claim or advertise a counseling specialty and shall not incorporate the specialty designation into the professional title of such licensed professional counselor, unless the qualifications and certification requirements of that specialty have been met and have been approved by the Board and the appropriate certification agency.

Added by Laws 1985, c. 145, § 17, eff. Sept. 1, 1985. Amended by Laws 1995, c. 167, § 12, eff. Nov. 1, 1995; Laws 1998, c. 295, § 14, eff. Nov. 1, 1998; Laws 2000, c. 53, § 6, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 15, eff. Nov. 1, 2013.

§59-1918. Licensed Professional Counselors Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the State Board of Behavioral Health Licensure, to be designated the "Licensed Professional Counselors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received pursuant to this act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Executive Director to meet expenses necessary for carrying out the purpose of the Licensed Professional Counselors Act. Expenditures from said fund shall be approved by the Board and shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

Added by Laws 1985, c. 145, § 18, eff. Sept. 1, 1985. Amended by Laws 2012, c. 304, § 288; Laws 2013, c. 229, § 16, eff. Nov. 1, 2013.

§59-1919. License fee and annual renewal fee - Fixing amount.

A. The licensing fee and the annual renewal fee shall be amounts fixed by the State Board of Behavioral Health Licensure upon recommendations of the Oklahoma Licensed Professional Counselors Advisory Board.

B. The Board shall fix the amount of the fees so that the total fees collected will be sufficient to meet the expenses of administering the provisions of the Licensed Professional Counselors Act and so that there are no unnecessary surpluses in the Licensed Professional Counselors Revolving Fund.

C. The Board shall not fix a license fee at an amount in excess of Three Hundred Dollars (\$300.00) and a renewal fee at an amount in excess of Two Hundred Dollars (\$200.00).

D. 1. The fee for the issuance of a license to replace a license which was lost, destroyed or mutilated shall be Twenty-five Dollars (\$25.00).

2. The fee shall accompany the application for a replacement license.

3. The fee for specialty designation shall not exceed One Hundred Fifty Dollars (\$150.00).

4. The fee for an examination required pursuant to the Licensed Professional Counselors Act shall not exceed the Board's actual costs for holding and grading the examination. Added by Laws 1985, c. 145, § 19, eff. Sept. 1, 1985. Amended by Laws 1998, c. 295, § 15, eff. Nov. 1, 1998; Laws 2000, c. 53, § 7, emerg. eff. April 14, 2000; Laws 2013, c. 229, § 17, eff. Nov. 1, 2013.

§59-1920. Reimbursement under health insurance and nonprofit hospital or medical service plan not required.

Nothing in this act shall be construed to require reimbursement under the policies of health insurers and nonprofit hospital or medical service plans unless the contract specifically calls for reimbursement to licensed professional counselors.

Added by Laws 1985, c. 145, § 20, eff. Sept. 1, 1985.