

ENGROSSED HOUSE  
BILL NO. 1551

By: Roach of the House  
and  
Brown of the Senate

An Act relating to professions and occupations;  
amending 59 O.S. 1991, Sections 1902, 1904, 1905,  
1906, 1908, 1909, 1911 and 1917, which relate to  
the Licensed Professional Counselors Act; modifying  
and adding terms; renaming the Oklahoma Licensed  
Professional Counselors Committee to the Oklahoma  
Licensed Professional Counselors Advisory Board;  
providing for new members; providing for  
appointment; deleting outdated language; increasing  
membership; removing hearing requirements for  
members; removing certain authority of Attorney  
General; authorizing LPC to retire license; setting  
procedures; making certain representations  
unlawful; prohibiting certain actions; providing  
for injunctions; removing certain qualifications;  
modifying license qualifications; requiring certain  
educational requirements; requiring promulgation of  
rules; exempting certain LPC from certain  
educational requirements; requiring certain  
information to be furnished to clients; providing  
exception; modifying petition requirements;  
modifying semester credits; requiring certain  
education facility accreditation; increasing  
graduate credit hours; setting effective date;

amending 59 O.S. 1991, Sections 1925.2, 1925.4 and 1925.5, which relate to the Oklahoma Licensed Marital and Family Therapist Act; modifying terms; changing name of Oklahoma Marital and Family Therapist Committee to the Oklahoma Licensed Marital and Family Therapist Advisory Board; removing Department employee member; removing certain authority of Attorney General; modifying membership; repealing 59 O.S. 1991, Sections 1913, 1915 and 1916, which relate to licensure of certain persons; removing certain requirements for publishing certain information and removing certain notice and hearing requirements for violations; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 59 O.S. 1991, Section 1902, is amended to read as follows:

Section 1902. 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 ~~3~~ 1903 of this ~~act~~ title;

2. "Board" means the State Board of Health;

3. "Department" means the State Department of Health;

4. ~~"Committee" means the Oklahoma Licensed Professional Counselors Committee appointed by the State Board of Health~~

"Advisory Board" means the Oklahoma Licensed Professional Counselors Advisory Board appointed by the State Board of Health;

5. "Commissioner" means the Commissioner of Health;

6. ~~"Hearing Committee" means the Oklahoma Licensed Professional Counselors Hearing Committee, constituted of the Oklahoma Licensed Professional Counselors Committee and the Commissioner of Health;~~

7. ~~"Professional counseling" means assisting an individual or groups, through a counseling relationship, to develop understandings of personal problems, to define goals and to plan actions reflecting his interests, abilities, aptitudes and needs as these are related to personal-social concerns, educational progress, and occupations and careers~~ "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, and treat mental, emotional, and behavioral disorders and associated distress which interfere with mental health,
- c. conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives, and
- d. plan, implement, and evaluate treatment plans using counseling treatment interventions;

7. "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;

8. "Consulting" means interpreting or reporting scientific fact or theory in professional counseling to provide assistance in solving current or potential problems of individuals, groups or organizations;

9. "Referral activities" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists;

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

11. "Specialty" means the designation of a subarea of counseling practice and includes but is not limited to career counseling, pastoral counseling, rehabilitative counseling, school or other educational counseling, and substance abuse counseling; and

12. "Supervisor" means a person who meets the requirements established by the Board for that specialty which is being supervised and who is licensed pursuant to the Licensed Professional Counselors Act.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1904, is amended to read as follows:

Section 1904. A. There is hereby created the "Oklahoma Licensed Professional Counselors ~~Committee~~ Advisory Board" whose duty shall be to ~~administer~~ advise the Department on the provisions of the Licensed Professional Counselors Act except as otherwise provided by law. The ~~Committee~~ Advisory Board shall consist of ~~five~~ ~~(5)~~ seven (7) members who shall be appointed by the Commissioner of Health with the advice and consent of the State Board of Health. ~~Three~~ Five members shall be licensed professional counselors and ~~one member~~ two members shall be a lay ~~person~~ persons who ~~is~~ are not affiliated with any practice of counseling or delivering of health or mental health services. ~~The first appointees, other than the lay person, shall meet the qualifications for licensure under this act and shall become licensed professional counselors immediately upon appointment. Thereafter, all appointees to the Committee except the lay person shall be licensed professional counselors prior to appointment. All appointees shall be citizens of the United States and residents of Oklahoma. The members of the first Committee shall~~

~~be appointed September 1, 1985. The Commissioner shall select the first appointees from a list of qualified candidates submitted by the Executive Committee of the Oklahoma Association of Counseling and Development in conjunction with the executive committees of state professional counseling associations. One member shall be appointed from among the employees of the State Department of Health and shall serve at the pleasure of the Commissioner. The other members of the first Committee shall serve the following terms: One member for one (1) year, one member for two (2) years, one member for three (3) years and one member for four (4) years~~ The five current members of the Oklahoma Licensed Professional Counselors Committee shall serve out their current terms. The Commissioner shall appoint the two new members for terms of four (4) years. Thereafter, at the expiration of the term of each member, the Commissioner shall appoint a successor for four (4) years. All professional appointees shall be selected from a list of qualified candidates submitted by the Executive Committee of the Oklahoma Counseling Association ~~of Counseling and Development~~ acting in conjunction with the executive committees of all state professional counseling associations which represent a specialty recognized ~~under this act~~ pursuant to the Licensed Professional Counselors Act.

Vacancies occurring in the Committee Advisory Board shall be filled for the unexpired term by appointment of the Commissioner with the advice and consent of the Board from a list of qualified candidates submitted within thirty (30) days of such vacancy by the Executive Committee of the Oklahoma Counseling Association ~~of Counseling and Development~~ acting in conjunction with the executive committees of all state professional counseling associations which represent a specialty recognized ~~under this act~~ pursuant to the Licensed Professional Counselors Act. Such appointments shall be made within thirty (30) days after the candidates' names have been submitted if possible.

Any ~~Committee~~ Advisory Board member may be removed by the Commissioner, after written notice ~~and hearing~~, for incapacity, incompetence, neglect of duty, misfeasance or malfeasance in office.

Members of the ~~Committee~~ Advisory Board shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses as provided by the provisions of the State Travel Reimbursement Act.

~~Committee~~ Advisory Board members shall be ineligible for reappointment for a period of three (3) years following completion of their term.

B. ~~The Committee shall meet within thirty (30) days after the appointment of its members by the Commissioner. Thereafter the~~ Advisory Board shall hold at least four regular meetings each year. Meetings shall be held at such time and place as the Advisory Board may provide. The Advisory Board shall elect annually the following officers: A Chairman, a Vice Chairman, and a secretary. ~~Three~~ Four members of the ~~Committee~~ Advisory Board shall constitute a quorum.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 1905, is amended to read as follows:

Section 1905. A. The State Board of Health shall, giving regard to the recommendations of the Oklahoma Licensed Professional Counselors ~~Committee~~ Advisory Board:

1. Prescribe, adopt and promulgate rules and regulations to implement and enforce the provisions of the Licensed Professional Counselors Act;

2. Request the ~~Attorney General~~ or district attorney to bring an action to enforce the provisions of the Licensed Professional Counselors Act; and

3. Adopt and establish rules of professional conduct.

B. The Commissioner of Health shall, giving regard to the recommendations of the ~~Committee~~ Advisory Board, have the authority to:

1. Initiate prosecution and injunctive proceedings;
2. Set license and examination fees as required by ~~this act~~ the Licensed Professional Counselors Act;
3. Receive fees and deposit said fees as required by ~~this act~~ the Licensed Professional Counselors Act;
4. Issue, renew, revoke, deny and suspend 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. Investigate complaints;
7. Accept grants and gifts from various foundations and institutions; and
8. Make such expenditures and employ such personnel as the Commissioner may deem necessary for the administration of the Licensed Professional Counselors Act.

SECTION 4. AMENDATORY 59 O.S. 1991, Section 1906, is amended to read as follows:

Section 1906. A. Applications for a license to practice as a licensed professional counselor shall be made to the Commissioner of Health in writing. Such applications shall be on a form and in a manner prescribed by the Commissioner. The application shall be accompanied by the fee required by ~~this act~~ the Licensed Professional Counselors Act which shall be retained by the State Department of Health and not returned to the applicant.

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

1. ~~Be a citizen of the United States;~~

~~2. Be a resident of this state or be in the process of establishing residency in this state;~~

~~3. Be possessed of good moral character;~~

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

~~5. 3.~~ Be at least twenty-one (21) years of age; and

~~6. 4.~~ Otherwise comply with the rules and regulations 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. Acquired at least forty-five (45) semester hours of graduate credit with course work concentrating in mental health counseling, community psychology, psychology, guidance counseling or rehabilitation counseling. These forty-five (45) semester hours must include a master's degree from a college or university accredited by an accrediting agency recognized by the United States Department of Education. Such course work shall emphasize mental health in a planned program of study, including courses in counseling skills and theories~~ Until December 31, 1999, successful completion of at least forty-five (45) graduate semester hours (sixty (60) graduate quarter hours) of counseling-related course work. These forty-five (45) hours must include at least a masters degree in a counseling field. All course work and degrees must be earned from a regionally accredited college or university. The Oklahoma State Board of Health shall define what course work qualifies as "counseling related" and what degrees/majors qualify as a "counseling field";

2. As of January 1, 2000, successful completion of at least sixty (60) graduate semester hours (ninety (90) graduate quarter hours) of counseling-related course work. These sixty (60) hours must include at least a master's degree in a counseling field. All

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

~~2.~~ 3. 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 professional counseling.

SECTION 5. AMENDATORY 59 O.S. 1991, Section 1908, is amended to read as follows:

Section 1908. 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 Oklahoma State Board of Health.

B. Licenses 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 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 as required by the Licensed Professional Counselors Act shall constitute a suspension of said license. A person whose license has been suspended may make application within one (1) year following the suspension 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 been suspended pursuant to this section for more than one (1) year shall not be renewed except upon making application and taking and passing the examination as required by the Licensed Professional Counselors Act.

C. An LPC 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 LPC office. A license so retired shall not be reinstated but does not prevent a person from applying for a new license at a future date.

SECTION 6. AMENDATORY 59 O.S. 1991, Section 1909, is amended to read as follows:

Section 1909. The Commissioner of Health shall have the power to issue ~~reciprocal~~ licenses by endorsement for applicants licensed in other states to practice as a licensed professional counselor if the Commissioner deems such states to have qualifications and standards comparable to those required under this act.

SECTION 7. AMENDATORY 59 O.S. 1991, Section 1911, is amended to read as follows:

Section 1911. A. Any person who represents himself by the title "licensed professional counselor" or "LPC" without having first complied with the provisions of the Licensed Professional Counselors Act, who otherwise offers to perform counseling services, who 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 who practices counseling, upon conviction, 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 not licensed under or specifically exempt from this act to advertise or otherwise offer to perform counseling services, to 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 to practice counseling. Such action shall be subject to injunctive action by the Commissioner.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1913.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Board of Health 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 Commissioner determines that there exists a threat to the health and safety of the residents of Oklahoma.

B. Any person who has been determined by the Department to have violated any provision of the Licensed Professional Counselors Act or any rule or order issued pursuant to these provisions may be liable for an administrative penalty of not more than One Hundred Dollars (\$100.00) for each day that said violation continues. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1915.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. On or before January 1, 2000, any persons holding a valid license as a Licensed Professional Counselor shall be exempted from the revised education requirements in Section 4 of this act.

B. Persons whose LPC license are inactive, under suspension, on probation, or in any other status other than active shall remain in that status.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1916.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

All Licensed Professional Counselors, except those employed by public institutions, 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 Oklahoma State Board of Health. A current copy shall be on file with the Department at all times.

SECTION 11. AMENDATORY 59 O.S. 1991, Section 1917, is amended to read as follows:

Section 1917. A. A professional specialty designation area may be established by the Oklahoma State Board of Health upon receipt of a petition signed by ~~thirty (30)~~ fifteen (15) qualified applicants who are currently licensed as licensed professional counselors, who have acquired at least sixty (60) semester hours of graduate credit in ~~mental health counseling, community psychology, psychology,~~ guidance counseling or rehabilitative counseling counseling-related course work from a regionally accredited college or university ~~accredited by an agency recognized by the United States Department of Education,~~ and who have met the recognized minimum standards as established by appropriate nationally recognized certification agencies. On January 1, 2000, the number of semester hours of graduate credit hours shall be increased to seventy-five (75).

B. Upon receipt of credentials from the appropriate certification agency, the Board may grant the licensed applicant the appropriate specialty designation. The applicant may attain specialty designation through examination. A professional counselor cannot claim or advertise a counseling specialty and cannot

incorporate the specialty designation into his professional title, unless the qualifications and certification requirements of that specialty have been met and have been approved by the Board and the appropriate certification agency.

SECTION 12. AMENDATORY 59 O.S. 1991, Section 1925.2, is amended to read as follows:

Section 1925.2 For purposes of the Marital and Family Therapist Licensure Act:

1. "Advertise" means, but is not limited to, the issuing or causing to be distributed any card, sign, or device to any person; or the causing, permitting or allowing any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, or on radio or television, or by advertising by any other means designed to secure public attention;

2. "Board" means the State Board of Health;

3. "Commissioner" means the Commissioner of Health;

4. "~~Committee~~ Advisory Board" means the Oklahoma Licensed Marital and Family Therapist ~~Committee~~ Advisory Board appointed by the State Board of Health;

5. "Department" means the State Department of Health;

6. "Licensed marital and family therapist" means a person holding a current license issued pursuant to the provisions of the Marital and Family Therapist Licensure Act;

7. "Marital and family therapy" means the treatment of disorders, whether cognitive, affective, or behavioral, within the context of marital and family systems. Marital and family therapy involves the professional application of family systems theories and techniques in the delivery of services to individuals, marital pairs, and families for the purpose of treating such disorders;

8. "Person" means any individual, firm, corporation, partnership, organization or body politic;

9. "Practice of marital and family therapy" means the rendering of professional marital and family therapy services to individuals, family groups and marital pairs, singly or in groups, whether such services are offered directly to the general public or through organizations either public or private, for a fee, monetary or otherwise;

10. "Recognized educational institution" means any educational institution which grants a bachelor's, master's, or doctor's degree and which is recognized by the Oklahoma Licensed Marital and Family Therapist Committee and by a nationally or regionally recognized educational or professional accrediting body; and

11. "Use a title or description of" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, calling cards or other instruments of professional identification.

SECTION 13. AMENDATORY 59 O.S. 1991, Section 1925.4, is amended to read as follows:

Section 1925.4 A. 1. There is hereby created the "Oklahoma Licensed Marital and Family Therapist ~~Committee~~ Advisory Board" whose duty shall be to assist in administering the provisions of the Marital and Family Therapist Licensure Act except as otherwise provided by law.

2. The ~~Committee~~ Advisory Board shall consist of seven (7) members who shall be appointed by the Commissioner of Health with the advice and consent of the State Board of Health. Five members shall be licensed marital and family therapists who shall each have been for at least five (5) years immediately preceding appointment actively engaged as marital and family therapists in rendering professional services in marital and family therapy, or in rendering services in marital and family therapy as members of the clergy, who are in good standing in their denominations, or in the education and training of master's, doctoral or post-doctoral students of marital

and family therapy, or in marital and family therapy research, and shall have spent the majority of the time devoted to such activity during the two (2) years preceding appointment to the ~~Committee~~ Advisory Board. ~~One member~~ Two members shall be a lay ~~person~~ persons who ~~is~~ are not affiliated with any practice of marital and family therapy. ~~One member shall be appointed from among the employees of the State Department of Health.~~

3. The first appointees, other than the lay ~~person~~ and the ~~State Department of Health employee~~ persons, shall meet the qualifications for licensure required by the Marital and Family Therapist Licensure Act and shall become licensed marital and family therapists immediately upon appointment unless the appointee is a member of the clergy who is in good standing in the clergy's denomination. Thereafter, all appointees to the ~~Committee~~ Advisory Board except the lay ~~person~~ and the ~~State Department of Health employee~~ persons shall be licensed marital and family therapists prior to appointment.

4. All appointees shall be residents of the State of Oklahoma. The members of the first ~~Committee~~ Advisory Board shall be appointed prior to September 1, 1991. Except for ~~the State Department of Health employee~~ and the lay ~~member~~ members, the Commissioner shall select the first appointees from a list of qualified candidates submitted by the executive committees of state marital and family therapists' associations. ~~The State Department of Health employee shall serve at the pleasure of the Commissioner.~~ The other members of the first Committee shall serve the following terms: One member for one (1) year, two members for two (2) years, two members for three (3) years and one member for four (4) years. Thereafter, at the expiration of the term of each member, the Commissioner shall appoint a successor for four (4) years. All appointees other than the ~~State Department of Health employee~~ and the lay ~~member~~ members shall be selected from a list of qualified candidates submitted by

the executive committees of all marital and family therapists in this state which represent a specialty recognized pursuant to the provisions of the Marital and Family Therapist Licensure Act.

B. Vacancies occurring in the ~~Committee~~ Advisory Board shall be filled for the unexpired term by appointment of the Commissioner with the advice and consent of the Board from a list of qualified candidates submitted within thirty (30) days of such vacancy by the executive committees of all marital and family therapists associations in this state which represent a specialty recognized pursuant to the provisions of the Marital and Family Therapist Licensure Act. Such appointments shall be made within thirty (30) days after the candidates' names have been submitted if possible.

C. Any ~~Committee~~ Advisory Board member may be removed by the Commissioner, after written notice ~~and hearing~~, for incapacity, incompetence, neglect of duty, misfeasance or malfeasance in office.

D. Members of the ~~Committee~~ Advisory Board shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses as provided by the provisions of the State Travel Reimbursement Act.

E. ~~Committee~~ Advisory Board members ~~other than the State Department of Health employee~~ shall be ineligible for reappointment for a period of three (3) years following completion of their term.

F. The ~~Committee~~ Advisory Board shall meet within thirty (30) days after the appointment of its members by the Commissioner. Thereafter the ~~Committee~~ Advisory Board shall hold at least four regular meetings each year. Meetings shall be held at such time and place as the ~~Committee~~ Advisory Board may provide. The ~~Committee~~ Advisory Board shall elect annually the following officers: a chairman, a vice-chairman, and a secretary. Four members of the ~~Committee~~ Advisory Board shall constitute a quorum.

SECTION 14. AMENDATORY 59 O.S. 1991, Section 1925.5, is amended to read as follows:

Section 1925.5 A. The State Board of Health, giving regard to the recommendations of the Oklahoma Licensed Marital and Family Therapist ~~Committee~~ Advisory Board, shall:

1. Prescribe, adopt and promulgate rules and regulations to implement and enforce the provisions of the Marital and Family Therapist Licensure Act;

2. Request the ~~Attorney General~~ or district attorney to bring an action to enforce the provisions of the Marital and Family Therapist Licensure Act; and

3. Adopt and establish rules of professional conduct.

B. The Commissioner of Health, ~~giving regard to the recommendations of the Committee~~, shall have the authority to:

1. Initiate prosecution and injunctive proceedings;

2. Set license and examination fees as required by the Marital and Family Therapist Licensure Act;

3. Receive fees and deposit said fees as required by the Marital and Family Therapist Licensure Act;

4. Issue, renew, revoke, deny and suspend licenses to practice marital and family therapy pursuant to the provisions of the Marital and Family Therapist Licensure Act;

5. Examine all qualified applicants for licenses to practice marital and family therapy except as otherwise provided by the Marital and Family Therapist Licensure Act;

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

7. Make such expenditures and employ such personnel as the Commissioner may deem necessary for the administration of the Marital and Family Therapist Licensure Act.

SECTION 15. REPEALER 59 O.S. 1991, Section 1913, 1915 and 1916, is hereby repealed.

SECTION 16. This act shall become effective November 1, 1995.

Passed the House of Representatives the 7th day of March, 1995.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1995.

President of the Senate