

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 1903 of this title;

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

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

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

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

6. "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;

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 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 counseling;

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

12. "Supervisor" means a person who meets the requirements established by the Board and who is licensed pursuant to the Licensed Professional Counselors Act, Section 1901 et seq. of this title.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 1903, is amended to read as follows:

Section 1903. The Licensed Professional Counselors Act, Section 1901 et seq. of this title, shall not be construed to include the professional pursuits of clergymen, lay pastoral counselors, practitioners of medicine, psychologists, attorneys, social workers, certified alcohol-drug counselors, marriage and family therapists, certified rehabilitation counselors, certified vocational evaluation specialists, school administrators, school teachers and school counselors certified by the State Department of Education within the scope of their duties in recognized public and private schools, persons in the employ of federal, state or local government or accredited institutions of higher education, or other professionals,

insofar as such activities and services are a part of the official duties in salaried positions and the title "licensed professional counselor" or "LPC" is not used. Provided, the Licensed Professional Counselors Act shall not be construed to allow the practice of any of the above listed professions by an LPC unless said LPC is also licensed or accredited by an appropriate agency, institution or board.

SECTION 3. 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 Advisory Board" whose duty shall be to advise the Department on the provisions of the Licensed Professional Counselors Act, Section 1901 et seq. of this title, except as otherwise provided by law. The Advisory Board shall consist of seven (7) members who shall be appointed by the State Commissioner of Health with the advice and consent of the State Board of Health. Five members shall be licensed professional counselors and two members shall be lay persons who are not affiliated with any practice of counseling or delivering of health or mental health services. 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 acting in conjunction with the executive committees of all state professional counseling associations which represent a specialty recognized pursuant to the Licensed Professional Counselors Act.

Vacancies occurring in the 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 acting in conjunction with the executive committees of all state professional counseling associations which represent a specialty recognized 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 Advisory Board member may be removed by the Commissioner, after written notice for incapacity, incompetence, neglect of duty, misfeasance or malfeasance in office.

Members of the 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, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

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

B. 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 chair, a vice-chair, and a secretary. Four members of the Advisory Board shall constitute a quorum.

SECTION 4. 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 Advisory Board:

1. Prescribe, adopt and promulgate rules to implement and enforce the provisions of the Licensed Professional Counselors Act, Section 1901 et seq. of this title;

2. Request the 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 State Commissioner of Health shall, giving regard to the recommendations of the Advisory Board, have the authority to:

1. Initiate prosecution and injunctive proceedings;
2. Set license and examination fees as required by the Licensed Professional Counselors Act;
3. Receive fees and deposit said fees as required by 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 5. 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 State 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 the Licensed Professional Counselors Act, Section 1901 et seq. of this title, 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 possessed of good moral character;
2. Pass an examination based on standards promulgated by the State Board of Health pursuant to the Licensed Professional Counselors Act;
3. Be at least twenty-one (21) years of age; and
4. 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 forty-five (45) graduate semester hours (sixty (60) graduate quarter hours) of counseling-related course work. These forty-five (45) hours shall include at least a master's degree in a counseling field. All course work and degrees shall be earned from a regionally accredited college or university. The 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, 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

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 counseling.

SECTION 6. 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, Section 1901 et seq. of this title, 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 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 State Department of Health 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 Department requesting reinstatement in a manner prescribed by the Department 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 Department 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 7. AMENDATORY 59 O.S. 1991, Section 1909, is amended to read as follows:

Section 1909. The State Commissioner of Health shall have the power to issue 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 8. AMENDATORY 59 O.S. 1991, Section 1911, is amended to read as follows:

Section 1911. A. Any person who 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, Section 1901 et seq. of this title, or who otherwise offers to perform counseling services, or 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 or 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 State Commissioner of Health.

SECTION 9. 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 State Board of Health shall promulgate rules governing any licensure action to be taken pursuant to the Licensed Professional Counselors Act, Section 1901 et seq. of this title, which shall be consistent with the requirements of notice and hearing under the Administrative Procedures Act, Section 250 et seq. of Title 75 of the Oklahoma Statutes. No action shall be taken without prior notice unless the State Commissioner of Health 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 State Department of Health 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 the violation continues. The maximum administrative penalty shall not exceed Ten Thousand Dollars (\$10,000.00) for any related series of violations.

SECTION 10. 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 person holding a valid license as a Licensed Professional Counselor shall be exempt from the revised education requirements of Section 4 of this act.

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

SECTION 11. 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 State Board of Health. A current copy shall be on file with the State Department of Health at all times.

SECTION 12. 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 State Board of Health upon receipt of a petition signed by fifteen qualified persons who are currently licensed as licensed professional counselors, who have acquired at least sixty (60) semester hours, to increase to seventy-five (75) hours on and after January 1, 2000, of graduate credit in counseling-related course work from a regionally accredited college or university and who meet the recognized minimum standards as established by appropriate nationally recognized certification agencies; provided, however, 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 applicant the appropriate specialty designation. The applicant may attain specialty designation through examination. A licensed counselor shall not claim or advertise a counseling specialty and shall not incorporate the specialty designation into his or her 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 13. 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, Section 1925.1 et seq. of this title:

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 State Commissioner of Health;

4. "Advisory Board" means the Oklahoma Licensed Marital and Family Therapist 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 14. 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 Advisory Board" whose duty shall be to assist in administering the provisions of the Marital and Family Therapist Licensure Act, Section 1925.1 et seq. of this title, except as otherwise provided by law.

2. The Advisory Board shall consist of seven (7) members who shall be appointed by the State 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 Advisory Board. Two members shall be lay persons who are not affiliated with any practice of marital and family therapy.

3. The first appointees, other than the lay 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 Advisory Board except the lay 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 Advisory Board shall be appointed prior to September 1, 1991. Except for the lay 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 other members of the first Advisory Board 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 lay members shall be selected from a list of qualified candidates submitted 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.

B. Vacancies occurring on the 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 Advisory Board member may be removed by the Commissioner, after written notice for incapacity, incompetence, neglect of duty, misfeasance or malfeasance in office.

D. Members of the Advisory Board shall serve without compensation, but shall be reimbursed their actual and necessary travel expenses pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

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

F. The Advisory Board 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 chair, a vice-chair, and a secretary. Four members of the Advisory Board shall constitute a quorum.

SECTION 15. 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 Advisory Board, shall:

1. Prescribe, adopt and promulgate rules to implement and enforce the provisions of the Marital and Family Therapist Licensure Act, Section 1925.1 et seq. of this title;

2. Request the 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 State Commissioner of Health 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 16. REPEALER 59 O.S. 1991, Sections 1913, 1915 and 1916, are hereby repealed.

SECTION 17. This act shall become effective November 1, 1995.