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Table of Contents

Agency/Action/Subject Index	iii
Rules Affected Index	iv
Agency Index (Title numbers assigned)	vii
Notices of Rulemaking Intent	
Aeronautics Commission, Oklahoma (Title 25)	111
Agriculture, Food, and Forestry, Oklahoma Department of (Title 35)	112, 113, 114, 115, 116
Education, State Department of (Title 210)	116, 117, 118
Environmental Quality, Department of (Title 252)	119, 120, 121, 122, 123, 124, 125
Nursing, Oklahoma Board of (Title 485)	126, 127
Water Resources Board, Oklahoma (Title 785)	129, 130, 131
Wildlife Conservation, Department of (Title 800)	132, 133
Submissions to Governor and Legislature	
Podiatric Medical Examiners, Board of (Title 545)	135
Withdrawn Rules	
Health Care Authority, Oklahoma (Title 317)	137
Emergency Adoptions	
State Board of Behavioral Health Licensure (Title 86)	139, 159, 175
Construction Industries Board (Title 158)	193

Agency/Action/Subject Index

AERONAUTICS Commission, Oklahoma (Title 25)

Notices of Rulemaking Intent

<u>Aerospace and Aviation Education Grant Program</u> (Chapter 25)	111
<u>Anemometer Towers</u> (Chapter 35)	111

AGRICULTURE, Food, and Forestry, Oklahoma Department of (Title 35)

Notices of Rulemaking Intent

Fees (Chapter 2)	112
Agricultural Products (Chapter 10)	112
Fuel Alcohol (Chapter 13)	113
Animal Industry (Chapter 15)	113
Water Quality (Chapter 17)	114
Consumer Protection (Chapter 30)	114
Food Safety (Chapter 37)	115
Agriculture Pollutant Discharge Elimination System (Chapter 44)	115
Commercial Pet Breeders and Animal Shelters (Chapter 55)	116

STATE Board of Behavioral Health Licensure (Title 86)

Emergency Adoptions

<u>Licensed Professional Counselors</u> (Chapter 10)	139
<u>Licensed Marital and Family Therapists</u> (Chapter 15)	159
<u>Licensed Behavioral Practitioners</u> (Chapter 20)	175

CONSTRUCTION Industries Board (Title 158)

Emergency Adoptions

Plumbing Industry Regulations (Chapter 30)	193
--	-----

EDUCATION, State Department of (Title 210)

Notices of Rulemaking Intent

School Administration and Instructional Services (Chapter 10)	116, 117
Finance (Chapter 25)	118
Grants and Programs-In-Aid (Chapter 40)	118

ENVIRONMENTAL Quality, Department of (Title 252)

Notices of Rulemaking Intent

Rules of Practice and Procedure (Chapter 4)	119
---	-----

ENVIRONMENTAL Quality, Department of – *continued*

Notices of Rulemaking Intent – continued

Management of Solid Waste (Chapter 515)	120, 121
Oklahoma Pollutant Discharge Elimination System (OPDES) Standards (Chapter 606)	122
Operation and Maintenance of Water Reuse Systems (Chapter 627)	123
Public Water Supply Operation (Chapter 631)	124
Underground Injection Control [REVOKED] (Chapter 650)	125
Water Pollution Control Facility Construction Standards (Chapter 656)	125

HEALTH Care Authority, Oklahoma (Title 317)

Withdrawn Rules

Medical Assistance for Adults and Children-Eligibility (Chapter 35)	137
--	-----

NURSING, Oklahoma Board of (Title 485)

Notices of Rulemaking Intent

Administration (Chapter 1)	126
Licensure of Practical and Registered Nurses (Chapter 10)	127

PODIATRIC Medical Examiners, Board of (Title 545)

Submissions to Governor and Legislature

Fee Schedule (Chapter 35)	135
---------------------------------	-----

WATER Resources Board, Oklahoma (Title 785)

Notices of Rulemaking Intent

Oklahoma's Water Quality Standards (Chapter 45)	129
Implementation of Oklahoma's Water Quality Standards (Chapter 46)	130
Financial Assistance (Chapter 50)	131

WILDLIFE Conservation, Department of (Title 800)

Notices of Rulemaking Intent

Sport Fishing Rules (Chapter 10)	132
Wildlife Rules (Chapter 25)	133
Department of Wildlife Lands Management (Chapter 30)	133

Rules Affected Index

[(E) = Emergency action]

Rule	Register Page	Rule	Register Page
86:10-1-1.....	[NEW] (E) 140	86:10-19-1.1.....	[NEW] (E) 154
86:10-1-2.....	[NEW] (E) 140	86:10-19-2.....	[NEW] (E) 154
86:10-1-3.....	[NEW] (E) 141	86:10-19-3.....	[NEW] (E) 154
86:10-3-1.....	[NEW] (E) 141	86:10-19-4.....	[NEW] (E) 154
86:10-3-2.....	[NEW] (E) 141	86:10-19-5.....	[NEW] (E) 154
86:10-3-3.....	[NEW] (E) 142	86:10-21-1.....	[NEW] (E) 154
86:10-3-3.1.....	[NEW] (E) 143	86:10-21-2.....	[NEW] (E) 154
86:10-3-4.....	[NEW] (E) 143	86:10-21-3.....	[NEW] (E) 154
86:10-3-4.1.....	[NEW] (E) 143	86:10-21-3.1.....	[NEW] (E) 154
86:10-3-5.....	[NEW] (E) 144	86:10-21-3.2.....	[NEW] (E) 155
86:10-3-6.....	[NEW] (E) 144	86:10-21-4.....	[NEW] (E) 155
86:10-5-1.....	[NEW] (E) 144	86:10-21-5.....	[NEW] (E) 155
86:10-5-2.....	[NEW] (E) 144	86:10-21-6.....	[NEW] (E) 155
86:10-5-3.....	[NEW] (E) 145	86:10-21-7.....	[NEW] (E) 155
86:10-7-1.....	[NEW] (E) 145	86:10-23-1.....	[NEW] (E) 155
86:10-7-2.....	[NEW] (E) 145	86:10-23-2.....	[NEW] (E) 155
86:10-7-2.1.....	[NEW] (E) 146	86:10-23-3.....	[NEW] (E) 155
86:10-7-3.....	[NEW] (E) 146	86:10-23-4.....	[NEW] (E) 155
86:10-7-4.....	[NEW] (E) 146	86:10-25-1.....	[NEW] (E) 155
86:10-7-5.....	[NEW] (E) 146	86:10-25-2.....	[NEW] (E) 156
86:10-7-6.....	[NEW] (E) 146	86:10-25-3.....	[NEW] (E) 156
86:10-7-7.....	[NEW] (E) 147	86:10-27-1.....	[NEW] (E) 156
86:10-7-8.....	[NEW] (E) 147	86:10-27-2.....	[NEW] (E) 156
86:10-7-8.1.....	[NEW] (E) 147	86:10-27-3.....	[NEW] (E) 156
86:10-7-9.....	[NEW] (E) 147	86:10-27-4.....	[NEW] (E) 156
86:10-9-1.....	[NEW] (E) 147	86:10-29-1.....	[NEW] (E) 156
86:10-9-2.....	[NEW] (E) 147	86:10-29-2.....	[NEW] (E) 156
86:10-11-1.....	[NEW] (E) 149	86:10-29-3.....	[NEW] (E) 157
86:10-11-2.....	[NEW] (E) 149	86:10-29-4.....	[NEW] (E) 158
86:10-11-3.....	[NEW] (E) 149	86:10-29-5.....	[NEW] (E) 158
86:10-11-4.....	[NEW] (E) 149	86:10-29-6.....	[NEW] (E) 158
86:10-11-5.....	[NEW] (E) 150	86:10-29-7.....	[NEW] (E) 158
86:10-11-6.....	[NEW] (E) 150	86:10-29-8.....	[NEW] (E) 158
86:10-11-7.....	[NEW] (E) 150	86:10-29-9.....	[NEW] (E) 159
86:10-13-1.....	[NEW] (E) 151	86:10-29-10.....	[NEW] (E) 159
86:10-13-2.....	[NEW] (E) 151	86:10-29-11.....	[NEW] (E) 159
86:10-13-3.....	[NEW] (E) 151	86:10-29-12.....	[NEW] (E) 159
86:10-13-4.....	[NEW] (E) 151	86:10-29-13.....	[NEW] (E) 159
86:10-13-5.....	[NEW] (E) 151	86:10-29-14.....	[NEW] (E) 159
86:10-15-1.....	[NEW] (E) 151	86:10-29-15.....	[NEW] (E) 159
86:10-15-2.....	[NEW] (E) 151	86:15-1-1.....	[NEW] (E) 160
86:10-15-3.....	[NEW] (E) 151	86:15-1-2.....	[NEW] (E) 160
86:10-15-4.....	[NEW] (E) 151	86:15-1-3.....	[NEW] (E) 160
86:10-15-5.....	[NEW] (E) 152	86:15-1-4.....	[NEW] (E) 161
86:10-15-6.....	[NEW] (E) 152	86:15-3-1.....	[NEW] (E) 161
86:10-15-7.....	[NEW] (E) 152	86:15-3-2.....	[NEW] (E) 161
86:10-15-8.....	[NEW] (E) 152	86:15-3-3.....	[NEW] (E) 162
86:10-17-1.....	[NEW] (E) 152	86:15-3-4.....	[NEW] (E) 163
86:10-17-2.....	[NEW] (E) 152	86:15-3-5.....	[NEW] (E) 163
86:10-17-3.....	[NEW] (E) 152	86:15-3-6.....	[NEW] (E) 163
86:10-17-4.....	[NEW] (E) 153	86:15-3-7.....	[NEW] (E) 163
86:10-17-4.1.....	[NEW] (E) 153	86:15-3-8.....	[NEW] (E) 164
86:10-17-5.....	[NEW] (E) 153	86:15-3-8.1.....	[NEW] (E) 164
86:10-17-6.....	[NEW] (E) 153	86:15-3-9.....	[NEW] (E) 164
86:10-17-6.1.....	[NEW] (E) 153	86:15-5-1.....	[NEW] (E) 164
86:10-17-6.2.....	[NEW] (E) 154	86:15-5-2.....	[NEW] (E) 164
86:10-17-6.3.....	[NEW] (E) 154	86:15-5-2.1.....	[NEW] (E) 165
86:10-17-6.4.....	[NEW] (E) 154	86:15-5-2.2.....	[NEW] (E) 166
86:10-17-7.....	[NEW] (E) 154	86:15-5-3.....	[NEW] (E) 166
86:10-17-8.....	[NEW] (E) 154	86:15-5-4.....	[NEW] (E) 166
86:10-19-1.....	[NEW] (E) 154	86:15-7-1.....	[NEW] (E) 167

Rules Affected Index – *continued*

86:20-29-14. [NEW] (E)	193	715:1-1-19. [NEW] (E)	8
86:20-29-15. [AMENDED] (E)	193	765:40-1-1. [NEW] (E)	98
158:30-9-1. [AMENDED] (E)	193	765:40-1-2. [NEW] (E)	98
210:10-1-18. [AMENDED] (E)	19	765:40-1-3. [NEW] (E)	98
210:15-4-1. [REVOKED] (E)	5	765:40-1-4. [NEW] (E)	98
210:15-4-2. [REVOKED] (E)	5	765:40-1-5. [NEW] (E)	99
210:15-4-3. [REVOKED] (E)	6	765:40-1-6. [NEW] (E)	99
210:15-34-1. [AMENDED] (E)	7	765:40-1-7. [NEW] (E)	99
210:20-9-105. [NEW] (E)	23	765:40-1-8. [NEW] (E)	99
365:25-3-1. [AMENDED] (E)	25	765:40-3-1. [NEW] (E)	99
365:25-3-14. [AMENDED] (E)	29	765:40-3-2. [NEW] (E)	100
435:10-7-12. [AMENDED] (E)	97	765:40-5-1. [NEW] (E)	100
595:10-1-25. [AMENDED] (E)	33	765:40-5-2. [NEW] (E)	100
595:10-1-26. [AMENDED] (E)	34	770:1-1-1. [AMENDED] (E)	101
595:10-1-27. [AMENDED] (E)	34	770:1-3-2. [AMENDED] (E)	101
595:11-1-12. [AMENDED] (E)	35	770:1-5-1. [AMENDED] (E)	101
595:11-1-51. [AMENDED] (E)	36	770:10-1-3. [AMENDED] (E)	102
595:11-3-6. [AMENDED] (E)	37	770:10-1-4. [AMENDED] (E)	102
595:11-3-7. [AMENDED] (E)	38	770:10-3-1. [AMENDED] (E)	103
595:11-5-7. [AMENDED] (E)	38	770:15-1-1. [AMENDED] (E)	105
595:11-5-9. [AMENDED] (E)	39	770:15-3-1. [AMENDED] (E)	105
595:11-5-15. [AMENDED] (E)	39	770:15-3-2. [AMENDED] (E)	106
595:11-7-3. [AMENDED] (E)	40	770:15-5-1. [AMENDED] (E)	106
595:11-7-4. [AMENDED] (E)	41	800:10-5-3. [AMENDED] (E)	53
595:11-7-13. [AMENDED] (E)	41		

Agency/Title Index

[Assigned as of 12-1-14]

Agency	Title	Agency	Title
Oklahoma ABSTRACTORS Board	5	Board of Regents of EASTERN Oklahoma State College (<i>exempted 11-1-98</i>)	205
Oklahoma ACCOUNTANCY Board	10	EDGE Fund Policy Board	208
State ACCREDITING Agency	15	State Department of EDUCATION	210
AD Valorem Task Force (<i>abolished 7-1-93</i>)	20	EDUCATION Oversight Board (<i>merged under Office of Educational Quality and Accountability 7-1-14 - See Title 218</i>)	215
Oklahoma AERONAUTICS Commission	25	Office of EDUCATIONAL Quality and Accountability	218
Board of Regents for the Oklahoma AGRICULTURAL and Mechanical Colleges (<i>exempted 11-1-98</i>)	30	Oklahoma EDUCATIONAL Television Authority	220
Oklahoma Department of AGRICULTURE , Food, and Forestry	35	[RESERVED]	225
Oklahoma Board of Licensed ALCOHOL and Drug Counselors	38	State ELECTION Board	230
Board of Tests for ALCOHOL and Drug Influence	40	Oklahoma FUNERAL Board (<i>Formerly: Oklahoma State Board of EMBALMERS and Funeral Directors</i>)	235
ALCOHOLIC Beverage Laws Enforcement Commission	45	Oklahoma Department of EMERGENCY Management (<i>Formerly: Department of CIVIL Emergency Management</i>) - <i>See Title 145</i>	
ANATOMICAL Board of the State of Oklahoma	50	Oklahoma EMPLOYMENT Security Commission	240
Board of Governors of the Licensed ARCHITECTS , Landscape Architects and Registered Interior Designers of Oklahoma (<i>Formerly: Board of Governors of the Licensed ARCHITECTS and Landscape Architects of Oklahoma; and Board of Governors of the Licensed ARCHITECTS, Landscape Architects and Interior Designers of Oklahoma</i>)	55	Oklahoma ENERGY Resources Board	243
ARCHIVES and Records Commission	60	State Board of Licensure for Professional ENGINEERS and Land Surveyors (<i>Formerly: State Board of Registration for Professional ENGINEERS and Land Surveyors</i>)	245
Board of Trustees for the ARDMORE Higher Education Program (<i>exempted 11-1-98</i>)	65	Board of Trustees for the ENID Higher Education Program (<i>exempted 11-1-98</i>)	250
Oklahoma ARTS Council	70	Department of ENVIRONMENTAL Quality	252
Oklahoma State ATHLETIC Commission (<i>Formerly: Oklahoma Professional BOXING Commission</i>) - <i>See Title 92</i>		State Board of EQUALIZATION	255
ATTORNEY General	75	ETHICS Commission (<i>Title revoked</i>)	257
State AUDITOR and Inspector	80	ETHICS Commission	258
State BANKING Department	85	Office of MANAGEMENT and Enterprise Services (<i>Formerly: Office of State FINANCE</i>)	260
State Board of BEHAVIORAL Health Licensure	86	State FIRE Marshal Commission	265
Oklahoma State Employees BENEFITS Council	87	Oklahoma Council on FIREFIGHTER Training	268
Council of BOND Oversight	90	Oklahoma FIREFIGHTERS Pension and Retirement System	270
Oklahoma State ATHLETIC Commission (<i>Formerly: Oklahoma Professional BOXING Commission</i>)	92	[RESERVED]	275
State BURIAL Board (<i>abolished 7-1-92</i>)	95	FORENSIC Review Board	277
[RESERVED]	100	State Board of Registration for FORESTERS	280
Oklahoma CAPITAL Investment Board	105	FOSTER Care Review Advisory Board	285
Oklahoma CAPITOL Improvement Authority	110	Oklahoma FUNERAL Board (<i>Formerly: Oklahoma State Board of Embalmers and Funeral Directors</i>) - <i>See Title 235</i>	
State CAPITOL Preservation Commission	115	Oklahoma FUTURES	290
CAPITOL-MEDICAL Center Improvement and Zoning Commission	120	GOVERNOR (<i>See also Title 1, Executive Orders</i>)	295
Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL and Technical Education</i>) - <i>See Title 780</i>		GRAND River Dam Authority	300
Board of Regents of CARL Albert State College (<i>exempted 11-1-98</i>)	125	Group Self-Insurance Association GUARANTY Fund Board	302
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs</i>) - <i>See Title 580</i>		Individual Self-Insured GUARANTY Fund Board	303
CEREBRAL Palsy Commission	130	STATE Use Committee (<i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i>)	304
Commission on CHILDREN and Youth	135	Office of DISABILITY Concerns (<i>Formerly: Office of HANDICAPPED Concerns</i>)	305
Board of CHIROPRACTIC Examiners	140	Oklahoma State Department of HEALTH	310
Oklahoma Department of EMERGENCY Management (<i>Formerly: Department of CIVIL Emergency Management</i>)	145	Oklahoma Basic HEALTH Benefits Board (<i>abolished 11-1-97</i>)	315
Oklahoma Department of COMMERCE	150	Oklahoma HEALTH Care Authority	317
COMMUNITY Hospitals Authority	152	HIGHWAY Construction Materials Technician Certification Board	318
COMPSOURCE Oklahoma (<i>Formerly: State INSURANCE Fund</i>) - <i>See Title 370</i>		Oklahoma HISTORICAL Society	320
Oklahoma CONSERVATION Commission	155	Oklahoma HORSE Racing Commission	325
CONSTRUCTION Industries Board	158	Oklahoma HOUSING Finance Agency	330
Department of CONSUMER Credit	160	Oklahoma HUMAN Rights Commission	335
CORPORATION Commission	165	Department of HUMAN Services	340
Department of CORRECTIONS	170	Committee for INCENTIVE Awards for State Employees	345
State Board of COSMETOLOGY and Barbering	175	Oklahoma INDIAN Affairs Commission	350
Oklahoma State CREDIT Union Board	180	Oklahoma INDIGENT Defense System	352
CRIME Victims Compensation Board	185	Oklahoma INDUSTRIAL Finance Authority	355
Joint CRIMINAL Justice System Task Force Committee	190	INJURY Review Board	357
Board of DENTISTRY	195	Oklahoma State and Education Employees Group INSURANCE Board	360
Oklahoma DEVELOPMENT Finance Authority	200	INSURANCE Department	365
Office of DISABILITY Concerns (<i>Formerly: Office of HANDICAPPED Concerns</i>) - <i>See Title 305</i>		COMPSOURCE Oklahoma (<i>Formerly: State INSURANCE Fund</i>)	370
		Oklahoma State Bureau of INVESTIGATION	375
		Council on JUDICIAL Complaints	376
		Office of JUVENILE Affairs	377

Agency/Title Index – *continued*

Agency	Title	Agency	Title
Department of LABOR	380	Board of Regents of ROSE State College (<i>exempted 11-1-98</i>)	620
Department of the Commissioners of the LAND Office	385	Oklahoma SAVINGS and Loan Board (<i>abolished 7-1-93</i>)	625
Council on LAW Enforcement Education and Training	390	SCENIC Rivers Commission	630
Oklahoma LAW Enforcement Retirement System	395	Oklahoma Commission on SCHOOL and County Funds Management	635
Board on LEGISLATIVE Compensation	400	Advisory Task Force on the Sale of SCHOOL Lands (<i>functions concluded 2-92</i>)	640
Oklahoma Department of LIBRARIES	405	The Oklahoma School of SCIENCE and Mathematics	645
LIEUTENANT Governor	410	Oklahoma Center for the Advancement of SCIENCE and Technology	650
Oklahoma LINKED Deposit Review Board	415	SECRETARY of State	655
Oklahoma LIQUEFIED Petroleum Gas Board	420	Department of SECURITIES	660
Oklahoma LIQUEFIED Petroleum Gas Research, Marketing and Safety Commission	422	Board of Regents of SEMINOLE State College (<i>exempted 11-1-98</i>)	665
LITERACY Initiatives Commission	425	SHEEP and Wool Commission	670
LONG-RANGE Capital Planning Commission	428	State Board of Licensed SOCIAL Workers	675
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING</i> Home Administrators) - <i>See</i> Title 490	429	SOUTHERN Growth Policies Board	680
LOTTERY Commission, Oklahoma	429	Oklahoma SOYBEAN Commission (<i>abolished 7-1-97</i>)	685
Board of Trustees for the MCCURTAIN County Higher Education Program (<i>exempted 11-1-98</i>)	430	Board of Examiners for SPEECH-LANGUAGE Pathology and Audiology (<i>Formerly: Board of Examiners for SPEECH Pathology and Audiology</i>)	690
Office of MANAGEMENT and Enterprise Services (<i>Formerly: Office of State FINANCE</i>) - <i>See</i> Title 260	432	STATE Employee Charitable Contributions, Oversight Committee for (<i>Formerly: STATE</i> Agency Review Committee)	695
Commission on MARGINALLY Producing Oil and Gas Wells	432	STATE Use Committee (<i>Formerly: Committee on Purchases of Products and Services of the Severely HANDICAPPED</i>) - <i>See</i> Title 304	700
State Board of MEDICAL Licensure and Supervision	435	Oklahoma STUDENT Loan Authority	705
MEDICAL Technology and Research Authority of Oklahoma	440	TASK Force 2000	710
Board of MEDICOLEGAL Investigations	445	Oklahoma TAX Commission	710
Department of MENTAL Health and Substance Abuse Services	450	Oklahoma Commission for TEACHER Preparation (<i>merged under Office of Educational Quality and Accountability 7-1-14 - See Title 218</i>)	712
MERIT Protection Commission	455	TEACHERS' Retirement System	715
MILITARY Planning Commission, Oklahoma Strategic	457	State TEXTBOOK Committee	720
Department of MINES	460	TOBACCO Settlement Endowment Trust Fund	723
Oklahoma MOTOR Vehicle Commission	465	Oklahoma TOURISM and Recreation Department	725
Board of Regents of MURRAY State College (<i>exempted 11-1-98</i>)	470	Department of TRANSPORTATION	730
Oklahoma State Bureau of NARCOTICS and Dangerous Drugs Control	475	Oklahoma TRANSPORTATION Authority (<i>Name changed to Oklahoma TURNPIKE Authority 11-1-05) - <i>See</i> Title 731</i>	731
Board of Regents of NORTHERN Oklahoma College (<i>exempted 11-1-98</i>)	480	Oklahoma TURNPIKE Authority (<i>Formerly: Oklahoma TRANSPORTATION Authority AND Oklahoma TURNPIKE Authority) - <i>See</i> also Title 745</i>	735
Oklahoma Board of NURSING	485	State TREASURER	740
Oklahoma State Board of Examiners for LONG-TERM Care Administrators (<i>Formerly: Oklahoma State Board of Examiners for NURSING Home Administrators)</i>	490	Board of Regents of TULSA Community College (<i>exempted 11-1-98</i>)	740
Board of Regents of OKLAHOMA City Community College (<i>exempted 11-1-98</i>)	495	Oklahoma TURNPIKE Authority (<i>Name changed to Oklahoma TRANSPORTATION Authority 11-1-99 - <i>no rules enacted in this Title - See</i> Title 731)</i>	745
Board of Regents of OKLAHOMA Colleges (<i>exempted 11-1-98</i>)	500	Oklahoma UNIFORM Building Code Commission	748
Board of Examiners in OPTOMETRY	505	Board of Trustees for the UNIVERSITY Center at Tulsa (<i>exempted 11-1-98</i>)	750
State Board of OSTEOPATHIC Examiners	510	UNIVERSITY Hospitals Authority	752
PARDON and Parole Board	515	UNIVERSITY Hospitals Trust	753
Oklahoma PEANUT Commission	520	Board of Regents of the UNIVERSITY of Oklahoma (<i>exempted 11-1-98</i>)	755
Oklahoma State PENSION Commission	525	Board of Regents of the UNIVERSITY of Science and Arts of Oklahoma (<i>exempted 11-1-98</i>)	760
State Board of Examiners of PERFUSIONISTS	527	Oklahoma USED Motor Vehicle and Parts Commission	765
Office of PERSONNEL Management	530	Oklahoma Department of VETERANS Affairs	770
Board of Commercial PET Breeders	532	Board of VETERINARY Medical Examiners	775
Oklahoma State Board of PHARMACY	535	Statewide VIRTUAL Charter School Board	777
PHYSICIAN Manpower Training Commission	540	Oklahoma Department of CAREER and Technology Education (<i>Formerly: Oklahoma Department of VOCATIONAL</i> and Technical Education)	780
Board of PODIATRIC Medical Examiners	545	Oklahoma WATER Resources Board	785
Oklahoma POLICE Pension and Retirement System	550	Board of Regents of WESTERN Oklahoma State College (<i>exempted 11-1-98</i>)	790
State Department of POLLUTION Control (<i>abolished 1-1-93</i>)	555	Oklahoma WHEAT Commission	795
POLYGRAPH Examiners Board	560	Department of WILDLIFE Conservation	800
Oklahoma Board of PRIVATE Vocational Schools	565	WILL Rogers and J.M. Davis Memorials Commission	805
State Board for PROPERTY and Casualty Rates (<i>abolished 7-1-06; see also Title 365</i>)	570	Oklahoma WORKERS' Compensation Commission	810
State Board of Examiners of PSYCHOLOGISTS	575		
Department of CENTRAL Services (<i>Formerly: Office of PUBLIC Affairs</i>)	580		
PUBLIC Employees Relations Board	585		
Oklahoma PUBLIC Employees Retirement System	590		
Department of PUBLIC Safety	595		
REAL Estate Appraiser Board	600		
Oklahoma REAL Estate Commission	605		
Board of Regents of REDLANDS Community College (<i>exempted 11-1-98</i>)	607		
State REGENTS for Higher Education	610		
State Department of REHABILITATION Services	612		
Board of Regents of ROGERS State College (<i>exempted 11-1-98</i>)	615		

Notices of Rulemaking Intent

Prior to adoption and gubernatorial/legislative review of a proposed PERMANENT rulemaking action, an agency must publish a Notice of Rulemaking Intent in the *Register*. In addition, an agency may publish a Notice of Rulemaking Intent in the *Register* prior to adoption of a proposed EMERGENCY or PREEMPTIVE rulemaking action.

A Notice of Rulemaking Intent announces a comment period, or a comment period and public hearing, and provides other information about the intended rulemaking action as required by law, including where copies of proposed rules may be obtained.

For additional information on Notices of Rulemaking Intent, see 75 O.S., Section 303.

TITLE 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 25. AEROSPACE AND AVIATION EDUCATION GRANT PROGRAM

[OAR Docket #14-942]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

25:25-1-2. Requirements for receiving funding for an Aerospace and Aviation Education Grant Program [AMENDED]

25:25-1-3. Criteria selection for applicants [AMENDED]

25:25-1-4. Procedures for awarding funding to an Aerospace and Aviation Education Grant Program [AMENDED]

SUMMARY:

The proposed amended rules clarify the requirements for receiving an Aerospace and Aviation Education Grant so that applicants know specifically what is required and the deadlines for the requirements to be received. If applicants do not meet the requirements within the specified time period they forfeit any outstanding balances owed to them by the Oklahoma Aeronautics Commission.

AUTHORITY:

3 O.S. Section 85 (L); Oklahoma Aeronautics Commission

COMMENT PERIOD:

Persons may submit written comments to Treasure Morgan at the Oklahoma Aeronautics Commission at 120 N. Robinson, Suite 1244W, Oklahoma City, OK 73102 during the period from December 1, 2014 through December 31, 2014.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m. on Wednesday, December 31, 2014 at the Oklahoma Water Resources Board, 3800 North Classen Boulevard, 2nd Floor Board Room, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person and from the Oklahoma of Aeronautics Commission's website at <http://www.ok.gov/OAC/index.html>.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person on or after December 15, 2014 and

from the Oklahoma Aeronautics Commission's website at <http://www.ok.gov/OAC/index.html>.

CONTACT PERSON:

Treasure Morgan, Aviation Education & Government Affairs Liaison, Oklahoma Aeronautics Commission, 120 N. Robinson Avenue, Suite 1244W, Oklahoma City, OK 73102, (405) 604-6915.

[OAR Docket #14-942; filed 11-7-14]

TITLE 25. OKLAHOMA AERONAUTICS COMMISSION CHAPTER 35. ANEMOMETER TOWERS

[OAR Docket #14-943]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [NEW]

25:35-1-1. Purpose [NEW]

25:35-1-2. Definitions [NEW]

25:35-1-3. Additional zoning requirements [NEW]

Subchapter 3. Marking of Anemometer Towers [NEW]

25:35-3-1. Marking of Anemometer Towers [NEW]

25:35-3-2. Deadlines for marking of Anemometer Towers [NEW]

Subchapter 5. Establishment of Database [NEW]

25:35-5-1. Database requirements [NEW]

Subchapter 7. Administrative Penalties [NEW]

25:35-7-1. Violations [NEW]

SUMMARY:

The proposed permanent rules establish administrative rules for the implementation of HB 3348, which became law on November 1, 2014. HB 3348 gives the Commission the authority to promulgate rules to ensure that anemometer towers are marked for clear visibility and to establish a data base of anemometer tower locations throughout the state in order to provide aviation safety for general aviation pilots.

AUTHORITY:

3 O.S. Section 121; Oklahoma Aeronautics Commission

COMMENT PERIOD:

Persons may submit written comments to Treasure Morgan at the Oklahoma Aeronautics Commission at 120 N. Robinson, Suite 1244W, Oklahoma City, OK 73102 during the period from December 1, 2014 through December 31, 2014.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m. on Wednesday, December 31, 2014 at the Oklahoma Water Resources Board, 3800 North Classen Boulevard, 2nd Floor Board Room, Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Oklahoma Aeronautics Commission (OAC) requests that business entities affected by these proposed rules provide OAC within the comment period the dollar amounts, if possible, of revenue loss, or other costs expected to be incurred by recordkeeping, equipment, construction, or labor, due to compliance with the proposed rules. Business entities may submit this information in writing to Treasure Morgan at the address listed above in the Comment Period section, before the close of the comment period on December 31, 2014.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person and from the Oklahoma Aeronautics Commission's website at http://www.ok.gov/OAC/Airport_Development/index.html.

RULE IMPACT STATEMENT:

Copies of the Rule Impact Statement may be obtained from the contact person on or after December 15, 2014 and will be available on the Oklahoma Aeronautics Commission's website at http://www.ok.gov/OAC/Airport_Development/index.html.

CONTACT PERSON:

Treasure Morgan, Aviation Education & Government Affairs Liaison, Oklahoma Aeronautics Commission, 120 N. Robinson Avenue, Suite 1244W, Oklahoma City, OK 73102, (405) 604-6915.

[OAR Docket #14-943; filed 11-7-14]

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2014 through January 8, 2015.

PUBLIC HEARING:

A public hearing will be held at 12:30 p.m., January 8, 2015 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2014 through January 8, 2015.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #14-944; filed 11-7-14]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 2. FEES

[OAR Docket #14-944]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Fee Schedules [AMENDED]

SUMMARY:

The proposed rule amendments revise fee structures, delete obsolete or unused laboratory testing procedures and associated fees, add new laboratory testing procedures and associated fees, and adjust fees for laboratory testing procedures and inspection services to cover the costs of labor and testing supplies.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2) and 2-4(A)(20); 2 O.S. § 6-181 et seq.; and 2 O.S. § 14-81 et seq.

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 10. AGRICULTURAL PRODUCTS

[OAR Docket #14-947]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions [AMENDED]

SUMMARY:

The proposed amendments update legal citations.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); and 2 O.S. § 14-31 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2014 through January 8, 2015.

PUBLIC HEARING:

A public hearing will be held at 10:00 a.m., January 8, 2015 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2014 through January 8, 2015.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #14-947; filed 11-7-14]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 13. FUEL ALCOHOL**

[OAR Docket #14-948]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 13. Fuel Alcohol [AMENDED]

SUMMARY:

The proposed amendments update legal citations and correct minor grammatical errors.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); and 2 O.S. § 11-20 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2014 through January 8, 2015.

PUBLIC HEARING:

A public hearing will be held at 9:00 a.m., January 8, 2015 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2014 through January 8, 2015.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #14-948; filed 11-7-14]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 15. ANIMAL INDUSTRY**

[OAR Docket #14-946]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 13. Testing and Inspection for Disease and Release of Livestock at Auction Markets [AMENDED]

Subchapter 36. Scrapie [AMENDED]

Subchapter 40. Bovine Tuberculosis [AMENDED]

Subchapter 42. Tuberculosis Eradication in Cervidae [AMENDED]

Subchapter 47. Chronic Wasting Disease (CWD) in Cervids [AMENDED]

SUMMARY:

The proposed rules update legal citations, revise rules for the traceability of disease in livestock, and correct minor grammatical errors.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); 2 O.S. § 6-91 et seq.; 2 O.S. § 6-131 et seq.; 2 O.S. § 6-141 et seq.; 2 O.S. § 6-150 et seq.; 2 O.S. § 6-181 et seq.; 2 O.S. § 6-501 et seq.; 2 O.S. § 9-130 et seq.; and 2 O.S. § 9-141 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2014 through January 8, 2015.

Notices of Rulemaking Intent

PUBLIC HEARING:

A public hearing will be held at 11:30 a.m., January 8, 2015 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2014 through January 8, 2015.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #14-946; filed 11-7-14]

PUBLIC HEARING:

A public hearing will be held at 10:30 a.m., January 8, 2015 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2014 through January 8, 2015.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #14-950; filed 11-7-14]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 17. WATER QUALITY

[OAR Docket #14-950]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Swine Feeding Operations [AMENDED]
Subchapter 4. Concentrated Animal Feeding Operations [AMENDED]

SUMMARY:

The proposed amendments clarify the calculation of fees and delete obsolete rules.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); 2 O.S. § 2A-1 et seq.; 2 O.S. § 2A-21 et seq.; 2 O.S. § 20-1 et seq.; and 2 O.S. § 20-40 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2014 through January 8, 2015.

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 30. CONSUMER PROTECTION

[OAR Docket #14-949]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 17. Combined Pesticide [AMENDED]
Subchapter 45. Scrap Metal Dealers [AMENDED]

SUMMARY:

The proposed amendments to Subchapter 17 update legal citations, correct minor grammatical errors, clarify insurance coverage requirements, and expand reporting requirements for pesticide spills into the waters of the state. The proposed amendments to Subchapter 45 update legal citations, correct minor grammatical errors, and incorporate changes made to 2 O.S. § 11-90 et seq. by HB 3160, approved by the Governor on April 7, 2014 related to scrap metal dealers.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); 2 O.S. § 3-81 et seq.; and 2 O.S. § 11-90 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804

during the period from December 1, 2014 through January 8, 2015.

PUBLIC HEARING:

A public hearing will be held at 9:30 a.m., January 8, 2015 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2014 through January 8, 2015.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: bennett.abbott@ag.ok.gov.

[OAR Docket #14-949; filed 11-7-14]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 37. FOOD SAFETY**

[OAR Docket #14-945]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Eggs [AMENDED]
- Subchapter 3. Meat Inspection [AMENDED]
- Subchapter 5. Poultry Products Inspection [AMENDED]
- Subchapter 13. Milk and Milk Products [AMENDED]
- Subchapter 15. Organic Products [AMENDED]

SUMMARY:

The proposed rules update legal citations, delete obsolete definitions, revise the fee structure for organic certification, replaces Appendix A, and correct minor grammatical errors.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); 2 O.S. § 5-301 et seq.; 2 O.S. 6-181 et seq.; 2 O.S. § 6-251 et seq.; 2 O.S. § 7-401 et seq.; and 2 O.S. § 10-71 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard,

P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2014 through January 8, 2015.

PUBLIC HEARING:

A public hearing will be held at 12:00 p.m., January 8, 2015 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2014 through January 8, 2015.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: bennett.abbott@ag.ok.gov.

[OAR Docket #14-945; filed 11-7-14]

**TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
CHAPTER 44. AGRICULTURE POLLUTANT DISCHARGE ELIMINATION SYSTEM**

[OAR Docket #14-952]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Agriculture Environmental Permitting and AgPDES [AMENDED]
- Subchapter 3. Permit Conditions and Requirements [AMENDED]

SUMMARY:

The proposed amendments update legal citations.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); 2 O.S. § 2-18.2; 2 O.S. § 2A-1 et seq.; 2 O.S. § 2A-21 et seq.; 27A O.S. § 1-3-101(D).

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804

Notices of Rulemaking Intent

during the period from December 1, 2014 through January 8, 2015.

PUBLIC HEARING:

A public hearing will be held at 11:00 a.m., January 8, 2015 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2014 through January 8, 2015.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #14-952; filed 11-7-14]

TITLE 35. OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY CHAPTER 55. COMMERCIAL PET BREEDERS AND ANIMAL SHELTERS

[OAR Docket #14-951]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Licensing [AMENDED]

SUMMARY:

The proposed amendments update legal citations and revise the licensing period for commercial pet breeders and animal shelter program from a fiscal year to a calendar year.

AUTHORITY:

Okla. Const., Art. 6, § 31; 2 O.S. § 2-4(A)(2); and 4 O.S. § 30.1 et seq.

COMMENT PERIOD:

Persons may submit written comments to Bennett Abbott at bennett.abbott@ag.ok.gov, 2800 North Lincoln Boulevard, P.O. Box 528804, Oklahoma City, Oklahoma 73152-8804 during the period from December 1, 2014 through January 8, 2015.

PUBLIC HEARING:

A public hearing will be held at 1:00 p.m., January 8, 2015 in the ODAFF Board Room, located at the Oklahoma Department of Agriculture, Food, and Forestry, 2800 North Lincoln Boulevard, Oklahoma City, Oklahoma.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Bennett Abbott at the address listed above during the period from December 1, 2014 through January 8, 2015.

COPIES OF PROPOSED RULES:

Copies of proposed rules may be obtained by visiting www.ag.ok.gov/proposedrules or by contacting Bennett Abbott at the address listed above.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is available at the address listed above.

CONTACT PERSON:

Bennett Abbott, (405) 522-5803, e-mail address: at bennett.abbott@ag.ok.gov.

[OAR Docket #14-951; filed 11-7-14]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES

[OAR Docket #14-953]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Child Nutrition Program

Part 11. Foods of Minimal Nutritional Value [REVOKED]

210:10-3-111. Restricting access to foods of minimal nutritional value [REVOKED]

SUMMARY:

The purpose of the proposed change is to revoke the outdated rule at 210:10-3-111, regarding restricting access to foods of minimal nutritional value. This revocation is necessary because the USDA has revised its nutritional standards for foods sold in schools outside the federal school meal programs. The new USDA standards are outlined in a proposed rule, 210:10-3-112.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 1, 2014 until 4:30 p.m., Friday, January 9, 2015.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 1:00 p.m. on Friday, January 9, 2015, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #14-953; filed 11-7-14]

**TITLE 210. STATE DEPARTMENT OF EDUCATION
CHAPTER 10. SCHOOL ADMINISTRATION AND INSTRUCTIONAL SERVICES**

[OAR Docket #14-954]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Child Nutrition Program

Part 13. Nutrition Guidelines for Competitive Foods Sold in Schools [NEW]

210:10-3-112. Smart Snacks in School [NEW]

SUMMARY:

The proposed new rule at 210:10-3-112 lists federal nutritional guidelines for foods and beverages sold at schools, during the school day, outside the school meal programs. The rule is necessary to update state regulations to reflect recent State Board of Education implementation of revised federal nutritional requirements for foods sold in schools. The rule also provides for certain fundraiser sales that are exempt from the nutritional requirements, as permitted by federal law.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 1, 2014 until 4:30 p.m., Friday, January 9, 2015.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 1:00 p.m. on Friday, January 9, 2015, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also

Notices of Rulemaking Intent

available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #14-954; filed 11-7-14]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 25. FINANCE

[OAR Docket #14-955]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 3. Funding Criteria
210:25-3-2. Average daily attendance/membership
[AMENDED]

SUMMARY:

The proposed amendments to 210:25-3-2 update the average daily attendance/average daily membership (ADA/ADM) formulas to include children 3 years of age and older who have an Individualized Education Program (IEP). The amendments are necessary to clarify that a school district's ADA and ADM are intended to include 3 and 4 year old children with an IEP, as well as all other students age 5 through 21.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 1, 2014 until 4:30 p.m., Friday, January 9, 2015.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 1:00 p.m. on Friday, January 9, 2015, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #14-955; filed 11-7-14]

TITLE 210. STATE DEPARTMENT OF EDUCATION CHAPTER 40. GRANTS AND PROGRAMS-IN-AID

[OAR Docket #14-956]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 87. Rules for Payments to Charter Schools
210:40-87-3. Distribution and reporting of state appropriated funds to charter school sponsors and charter schools [AMENDED]

SUMMARY:

The proposed amendments to 210:40-87-3 state requirements related to a charter school's duty to report income and expenditures, and specifies a due date for the annual statement. The amendments are necessary to implement changes to 70 O.S. § 3-136 enacted in 2014 by Senate Bill 1461.

AUTHORITY:

State Board of Education; 70 O.S. § 3-104; 70 O.S. § 3-130 et seq.

COMMENT PERIOD:

Written comments on the proposed rule(s) will be accepted from December 1, 2014 until 4:30 p.m., Friday, January 9, 2015.

Written comments in electronic form will be accepted during the open public comment period via email at rules@sde.ok.gov or by fax at (405) 521-6256. During the open public comment period, written comments may also be hand delivered to the agency during regular business hours or via regular mail to the individual at the address shown below under "Contact Person."

Oral comments may be submitted for the record at the public hearing at the time, date, and place shown below.

PUBLIC HEARING:

A public hearing is scheduled for 1:00 p.m. on Friday, January 9, 2015, at the Hodge Education Building, State Board Room, Room 1-20, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Persons wishing to speak must sign in at the door of the State Board Room prior to the start of the hearing. Time limitations may be imposed on oral presentations to ensure that all persons who desire to make oral comments will have an opportunity to do so.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rule(s) may be obtained for review by the public from the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma. Electronic copies of proposed rules are also available for review thirty (30) days prior to the hearing on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a Rule Impact Statement will be prepared and available for review at the Office of Legal Services, State Department of Education, Room 1-17, Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma on and after the date of publication of this Notice of Rulemaking Intent. A copy of the RIS will also be available on the State Department of Education Legal Services website at: <http://ok.gov/sde/administrative-rules>

CONTACT PERSON:

Lori Murphy, Assistant General Counsel, Office of Legal Services, State Department of Education, Room 1-17,

Hodge Education Building, 2500 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105-4599. Telephone number: (405) 522-5260

[OAR Docket #14-956; filed 11-7-14]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 4. RULES OF PRACTICE AND PROCEDURE**

[OAR Docket #14-928]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking.

PROPOSED RULES:

- Subchapter 7. Environmental Permit Process
- Part 7. Water Quality Division Tiers and Timelines
- 252:4-7-76. UIC applications - Tier I [AMENDED]
- 252:4-7-77. UIC applications - Tier II [AMENDED]
- 252:4-7-78. UIC applications - Tier III [AMENDED]

SUMMARY:

The proposed rulemaking is to amend section 76 UIC applications-Tier I, section 77 UIC applications -Tier II, and section 78 UIC applications - Tier III of subchapter 7 Water Quality Division Tiers and Time Lines, which describes underground injection control authorizations requiring Tier I, Tier II and Tier III applications. The proposed rulemaking will make it possible to apply for a Class V injection well permit for disposal of drinking water treatment residuals into a Class II-D well, permitted by OCC by submitting a Tier I application. The proposed rulemaking is intended to reduce the burden of drinking water treatment residuals management for communities that are faced with increasing water demands and have difficulties meeting surface water discharge standards for the disposal of the drinking water treatment residuals.

AUTHORITY:

Environmental Quality Board; Oklahoma Environmental Quality Code 27A O.S. §2-1-101; Water Quality Management Advisory Council 27A O.S. §2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2014 through January 12, 2015. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2015, and at the Environmental Quality Board meeting on February 20, 2015.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 13, 2015, at 1:00 p.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 20, 2015, at 9:30 a.m. at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Notices of Rulemaking Intent

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102, or reviewed online at <http://deq.state.ok.us/LPDnew/LPPProprules.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://deq.state.ok.us/LPDnew/LPPProprules.htm>.

CONTACT PERSON:

The contact person is Hillary Young, Chief Engineer, Land Protection Division. She can be reached at Hillary.Young@deq.ok.gov (e-mail), (405) 702-5100 (phone) or (405) 702-5101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) working days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #14-928; filed 11-7-14]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 515. MANAGEMENT OF SOLID WASTE

[OAR Docket #14-929]

RULEMAKING ACTION:

Notice of proposed EMERGENCY rulemaking

PROPOSED RULES:

Subchapter 21. Used Tire Processing, Certification, Permits and Compensation

Part 3. Used Tire Facilities

252:515-21-32. Facility operation requirements
[AMENDED]

Part 7. Compensation from the Used Tire Indemnity Fund
252:515-21-71. Eligibility requirements [AMENDED]

SUMMARY:

The Department is proposing an emergency rulemaking action to remove a regulatory requirement that is now unattainable. The proposed amendments are necessary as an emergency rulemaking action to ensure used tire facilities and qualified applicants are not out of compliance or ineligible for compensation from the Used Tire Recycling Indemnity Fund.

The Department is proposing to amend OAC 252:515-21-32 and 515-21-71 by removing the requirement that fifty percent of priority cleanup list tires come from illegal dumps. Due to the success of tire dump remediation efforts, the referenced percentage requirement is now unattainable.

The proposed amendments to the rules are necessary as an emergency rulemaking action to allow for used tire facilities and qualified applicants to be eligible for compensation from the Used Tire Recycling Indemnity Fund. If a facility or qualified applicant is ineligible for compensation, there is no incentive to perform the cleanup, transportation, and processing of used tires. It is necessary to appropriately handle used tires and address tire dumps in order to protect the public health and welfare. In addition, failure to be able to compensate facilities and qualified applicants would be a serious prejudice to the public interest.

AUTHORITY:

Environmental Quality Board, 27A O.S. §§ 2-2-101, 2-10-201, and 2-11-401.6; Solid Waste Management Advisory Council, 27A O.S. § 2-2-201.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 1, 2014 through January 14, 2015. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 15, 2015 and at the Environmental Quality Board at 9:30 a.m. on February 20, 2015.

PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 15, 2015, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 20, 2015, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these proposed rules provide the Department, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ web site at www.deq.state.ok.us/LPDnew/LPProprules.htm, or may be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or viewed on the DEQ web site at www.deq.state.ok.us/LPDnew/LPProprules.htm.

CONTACT PERSON:

Mike Stickney, Land Protection Division, Solid Waste Compliance Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at Mike.Stickney@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

[OAR Docket #14-929; filed 11-7-14]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 515. MANAGEMENT OF SOLID WASTE**

[OAR Docket #14-930]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 252:515-1-8. Special considerations [AMENDED]
- Subchapter 3. Permit Provisions and Applications
- Part 1. General Provisions
- 252:515-3-5. Duration of permit [AMENDED]
- Subchapter 15. Methane Gas Monitoring and Control Applicability
- 252:515-15-4. Installation of gas monitoring probes [AMENDED]
- Subchapter 21. Used Tire Processing, Certification, Permits and Compensation
- Part 3. Used Tire Facilities
- 252:515-21-32. Facility operation requirements [AMENDED]
- Part 5. Used Tire Transportation
- 252:515-21-51. Used tire manifests [AMENDED]
- Part 7. Compensation from the Used Tire Indemnity Fund
- 252:515-21-71. Eligibility requirements [AMENDED]
- Part 9. Erosion Control, River Bank Stabilization and Other Conservation Projects
- 252:515-21-92. Eligibility requirements [AMENDED]
- Subchapter 41. Roofing Material Recycling

252:515-41-8. Variance from the rules of this Chapter [AMENDED]

252:515-41-15. Closure [AMENDED]

SUMMARY:

The Department is proposing to amend OAC 252:515-15-4 and OAC 252:515-1-8(J) by requiring gas monitoring probes to be constructed with a sampling port to make sampling techniques more consistent and allow a representative sample to be obtained without purging or emitting gas to the atmosphere. In response to a legislative change to 27A O.S. § 2-10-301(D), the Department is proposing to amend OAC 252:515-3-5 by allowing DEQ to specify timelines within permits for the construction and operation of new disposal facilities. In response to an unattainable requirement, the Department is proposing to amend OAC 252:515-21-32, 515-21-71, and 515-21-92 by removing the requirement that 50% of priority cleanup list tires come from illegal dumps. The Department is proposing to amend OAC 252:515-21-51 to remove the requirement that Used Tire Manifests have to be four parts and carbonless. The Department is also proposing to amend OAC 252:515-41 by removing a reference to an invalid citation and clarifying closure cost estimate procedures.

AUTHORITY:

Environmental Quality Board, 27A O.S. §§ 2-2-101, 2-10-201, 2-10-301(D) and 2-11-401.6; Solid Waste Management Advisory Council, 27A O.S. § 2-2-201.

COMMENT PERIOD:

Deliver or mail written comments on the proposed rules to the contact person from December 1, 2014 through January 14, 2015. Oral comments may be made at the Solid Waste Management Advisory Council meeting at 9:00 a.m. on January 15, 2015 and at the Environmental Quality Board meeting at 9:30 a.m. on February 20, 2015.

PUBLIC HEARINGS:

Before the Solid Waste Management Advisory Council at 9:00 a.m. on January 15, 2015, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

Before the Environmental Quality Board at 9:30 a.m. on February 20, 2015, in the Multi-Purpose Room, first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, OK 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The Department requests that business entities affected by these proposed rules provide the Department, within the comment period and in dollar amounts if possible, the increase or decrease in the level of direct costs such as fees and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, may be viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPProprules.htm, or may

Notices of Rulemaking Intent

be reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

RULE IMPACT STATEMENT:

The Rule Impact Statement for the proposed rules will be on file at the Department of Environmental Quality and may be requested from the contact person, or viewed on the DEQ website at www.deq.state.ok.us/LPDnew/LPPrules.htm.

CONTACT PERSON:

Mike Stickney, Land Protection Division, Solid Waste Compliance Section, P.O. Box 1677, Oklahoma City, OK 73101-1677, e-mail at Mike.Stickney@deq.ok.gov, phone 405-702-5100, or fax 405-702-5101.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the public hearing and need assistance should notify the contact person three days in advance of the meeting during business hours at 405-702-5100 or by using TDD relay number 1-800-522-8506.

[OAR Docket #14-930; filed 11-7-14]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 606. OKLAHOMA POLLUTANT DISCHARGE ELIMINATION SYSTEM (OPDES) STANDARDS

[OAR Docket #14-931]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction

252:606-1-1. Purpose [AMENDED]

252:606-1-2. Definitions [AMENDED]

252:606-1-4. Date of federal regulations incorporated [AMENDED]

252:606-1-6. Spill reporting [AMENDED]

Subchapter 3. Discharge Permitting Process for Individual and General Discharge Permits

252:606-3-3. Draft permit [AMENDED]

252:606-3-7. Timely application for permit renewals - continuation of expired permits [NEW]

Subchapter 5. Discharge Permit Requirements

252:606-5-2. Technology-based methodologies [AMENDED]

Subchapter 8. Biosolids Requirements

252:606-8-6. Land application of biosolids [AMENDED]

Subchapter 11. Tests and Reports

252:606-11-2. Laboratory analyses and reporting [AMENDED]

252:606-11-4. Records [AMENDED]

SUMMARY:

The Department is proposing to: (1) reference the applicable laboratory accreditation rules; (2) include a citation to the Oklahoma Water Quality Standards; (3) add or modify definitions for "accredited laboratory," "compliance testing,"

"DMR," and "control tests;" (4) delete the definitions of "approved laboratory" and "laboratory checks;" (5) replace all language using "approved laboratory" with "accredited laboratory," which is consistent with simultaneous changes being made in OAC 252:301 (revoke) and OAC 252:307 (new); (6) update the CFR publication date to the most recent CFR publication year; (7) clarify the language regarding the OPDES permit applications, including adding section titles; (8) add section 606-3-7 that authorizes the continuation and/or enforcement of expired state permits; (9) allow a university familiar with Oklahoma crops and soils to perform certain soil analyses; (10) clarify that analytical results for compliance tests are to be from an accredited laboratory; (11) clarify that DMRs are to include all valid compliance test results; (12) and other minor language clarifications.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101 and 2-3-402; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-203, 2-6-402 and 2-6-501.

COMMENT PERIOD:

The comment period will be held from December 1, 2014 to December 31, 2014. Persons wishing to present their views in writing may do so before 5:00 p.m. on December 31, 2014 at the following address: Mark Hildebrand, Water Quality Division, 707 N. Robinson, Oklahoma City, Oklahoma 73102 or Mark.Hildebrand@deq.ok.gov.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2015, and at the Environmental Quality Board meeting on February 20, 2015.

PUBLIC HEARING:

The public hearing before the Water Quality Management Advisory Council will be on January 13, 2015, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

The public hearing before the Environmental Quality Board will be on February 20, 2015, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide to the agency with information, in dollar amounts if possible, about increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mark Hildebrand at the above address during the period from December 1, 2014 to December 31, 2014.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at <http://www.deq.state.ok.us> and copies may be obtained from the Department of Environmental Quality's at 707 N. Robinson, Oklahoma City, Oklahoma, during normal business

hours (8:00 a.m. - 4:30 p.m. Monday through Friday). Copies may also be obtained by written request mailed to the attention of Mark Hildebrand, at 707 N. Robinson, Oklahoma City, Oklahoma 73102 or emailed to Mark.Hildebrand@deq.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review after December 15, 2014. Copies of the rule impact statement may be obtained at DEQ, from the contact person, or online at <http://www.deq.state.ok.us>.

CONTACT PERSON:

Mark Hildebrand, (405) 702-8100 or Mark.Hildebrand@deq.ok.gov (Procedural, legal and technical questions). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The DEQ's mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #14-931; filed 11-7-14]

**TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY
CHAPTER 627. OPERATION AND MAINTENANCE OF WATER REUSE SYSTEMS**

[OAR Docket #14-932]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 252:627-1-3. [AMENDED]
 - 252:627-1-5. [AMENDED]
 - 252:627-1-6. [AMENDED]
- Subchapter 3. Operation and Maintenance
 - 252:627-3-1. [AMENDED]
 - 252:627-3-3. [AMENDED]
 - 252:627-3-5. [NEW]
- Subchapter 5. Sampling, Record Keeping and Reporting Requirements
 - 252:627-5-1. [AMENDED]

SUMMARY:

The Department is proposing to: (1) remove the requirement to obtain a permit to supply for the use of reclaimed water within the wastewater treatment plant boundaries; (2) add reference to OAC 252:656 regarding buffer zone and setback distance requirements; (3) reserve Category 1 as a future category of reclaimed water; (4) add permitted uses for Category 2 and Category 3 reclaimed water; (5) add Category 6 (use of reclaimed water within

boundaries of a wastewater treatment plant) to the list of categories of reclaimed water; (6) add permitted uses for Category 6 reclaimed water; (7) add a requirement for supplier to maintain flow measuring device in proper working order; (8) remove reference to OAC 252:627-1-6(a)(2)(H) regarding use restrictions for Category 3 and 4 reclaimed water and replace with reference to OAC 252:627-1-6(2)(I); (9) add requirements for using Category 6 reclaimed water; and (10) clarify sampling and MOR requirements regarding the use of Category 6 reclaimed water.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-303 and 2-6-306.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00pm on December 31, 2014 at the following address: Mark Hildebrand, Water Quality Division, 707 N. Robinson, Oklahoma City, Oklahoma 73102 or Mark.Hildebrand@deq.ok.gov.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2015, and at the Environmental Quality Board meeting on February 20, 2015.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 13, 2015, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 20, 2015, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide to the agency with information, in dollar amounts if possible, about increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mark Hildebrand at the above address during the period from December 1, 2014, to December 31, 2014.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at <http://www.deq.state.ok.us> and copies may be obtained from the Department of Environmental Quality's at 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday). Copies may also be obtained by written request mailed to the attention of Mark Hildebrand, at 707 N. Robinson, Oklahoma City, Oklahoma 73102 or emailed to Mark.Hildebrand@deq.ok.gov

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review after 12/1/2014, at the above addresses.

Notices of Rulemaking Intent

CONTACT PERSON:

Mark Hildebrand, (405) 702-8100 or
Mark.Hildebrand@deq.ok.gov (Procedural, legal and
technical questions)

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the
rulemaking hearing and need an accommodation should notify
the contact person three (3) days in advance of the hearing. For
hearing impaired, the TDD relay number is 1-800-522-8506 or
1-800-722-0353, for TDD machine use only.

[OAR Docket #14-932; filed 11-7-14]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 631. PUBLIC WATER SUPPLY OPERATION

[OAR Docket #14-933]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. Introduction
252:631-1-2 [AMENDED]
252:631-1-3 [AMENDED]
Subchapter 3. Operations
252:631-3-2 [AMENDED]
252:631-3-4 [AMENDED]
252:631-3-10 [AMENDED]
252:631-3-11 [AMENDED]

SUMMARY:

The Department is proposing to: (1) replace "approved
laboratory" with "accredited laboratory", add a definition
for "accredited laboratory", and add definitions for "direct
integrity test", "indirect integrity monitoring" and "point
of connection"; (2) update the rules concerning the date of
the incorporation by reference of certain federal regulations
from July 1, 2013, to July 1, 2014; (3) remove language
referring to "laboratory approval" and replace with language
for "laboratory accreditation"; (4) remove the requirement
to determine the disinfection residual once daily at the
point(s) of connection to the wholesale system for purchase
water systems; (5) modify the requirements for monitoring
disinfection residual in the distribution system for purchase
water systems; (6) clarify the requirements for submitting
fluoridation analytical reports to DEQ and ODH; (7) clarify the
requirements for membrane filtration systems to be consistent
with federal requirements; and (8) other minor clarifications.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water
Quality Management Advisory Council, 27A O.S. § 2-2-201;
and 27A O.S. §§ 2-6-103, 2-6-303 and 2-6-306.

COMMENT PERIOD:

Persons wishing to present their views in writing may do
so before 5:00pm on December 31, 2014 at the following

address: Mark Hildebrand, Water Quality Division,
707 N. Robinson, Oklahoma City, Oklahoma 73102 or
Mark.Hildebrand@deq.ok.gov.

Oral comments may be made at the Water Quality
Management Advisory Council meeting on January 13,
2015, and at the Environmental Quality Board meeting on
February 20, 2015.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council
on January 13, 2015, at 1:00 p.m. in the Multi-Purpose Room
on the first floor of the Department of Environmental Quality,
707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 20,
2015, at 9:30 a.m. in the Multi-Purpose Room on the first floor
of the Department of Environmental Quality, 707 N. Robinson,
Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are
requested to provide to the agency with information, in dollar
amounts if possible, about increase in the level of direct costs,
indirect costs, or other costs expected to be incurred by the
business entity due to compliance with the proposed rules.
Business entities may submit this information in writing to
Mark Hildebrand at the above address during the period from
December 1, 2014 to December 31, 2014.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website
at <http://www.deq.state.ok.us> and copies may be obtained
from the Department of Environmental Quality's at 707 N.
Robinson, Oklahoma City, Oklahoma, during normal business
hours (8:00 am - 4:30 pm Monday through Friday) Copies
may also be obtained by written request mailed to the attention
of Mark Hildebrand, at 707 N. Robinson, Oklahoma City,
Oklahoma 73102 or emailed to Mark.Hildebrand@deq.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is
being prepared and will be available for review after December
1, 2014 at the above addresses.

CONTACT PERSON:

Mark Hildebrand, (405) 702-8100 or
Mark.Hildebrand@deq.ok.gov (Procedural, legal and
technical questions)

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the
rulemaking hearing and need an accommodation should notify
the contact person three (3) days in advance of the hearing. For
hearing impaired, the TDD relay number is 1-800-522-8506 or
1-800-722-0353, for TDD machine use only.

[OAR Docket #14-933; filed 11-7-14]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 650. UNDERGROUND INJECTION CONTROL [REVOKED]

[OAR Docket #14-934]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 650. Underground Injection Control [REVOKED]

SUMMARY:

The proposed rulemaking is to revoke the Chapter 650 Underground Injection Control rules, which pertain to the construction and operation of any injection well facility for the disposal of liquid non-hazardous waste. Chapter 650 was previously revoked; however, due to a technical error, the proposed rulemaking was never recorded with the Office of Administrative Rules. This proposed rulemaking is to correct the error.

AUTHORITY:

Environmental Quality Board; Oklahoma Environmental Quality Code 27A O.S. §2-1-101; Water Quality Management Advisory Council 27A O.S. §2-2-201.

COMMENT PERIOD:

Written comments may be submitted to the contact person from December 1, 2014 through January 12, 2015. Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2015, and at the Environmental Quality Board meeting on February 20, 2015.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 13, 2015, at 1:00 p.m. at the Department of Environmental Quality Multipurpose room, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 20, 2015 at 9:30 a.m. at the Department of Environmental Quality Multipurpose room, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

The DEQ requests that business entities affected by these rules provide the DEQ, within the comment period, in dollar amounts if possible, the increase in the level of direct costs such as fees, and the indirect costs such as reporting, record keeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rule.

COPIES OF PROPOSED RULES:

Copies of the proposed rules may be obtained from the contact person, reviewed at the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102, or reviewed online at <http://deq.state.ok.us/LPDnew/LPPrules.htm>.

RULE IMPACT STATEMENT:

Copies of the rule impact statement may be obtained from the contact person or may be reviewed online at <http://deq.state.ok.us/LPDnew/LPPrules.htm>.

CONTACT PERSON:

The contact person is Hillary Young, Chief Engineer, Land Protection Division. She can be reached at Hillary.Young@deq.ok.gov (e-mail), (405) 702-5100 (phone) or (405) 702-5101 (fax). The DEQ is located at 707 N. Robinson, Oklahoma City, Oklahoma 73102. The mailing address is P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677.

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #14-934; filed 11-7-14]

TITLE 252. DEPARTMENT OF ENVIRONMENTAL QUALITY CHAPTER 656. WATER POLLUTION CONTROL FACILITY CONSTRUCTION STANDARDS

[OAR Docket #14-935]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. Introduction
- 252:656-1-2 [AMENDED]
- 252:656-1-3 [AMENDED]
- Subchapter 3. Permit Procedures
- 252:656-3-4 [AMENDED]
- 252:656-3-5 [AMENDED]
- 252:656-3-10 [AMENDED]
- Subchapter 11. Lagoon Standards
- 252:656-11-2 [AMENDED]
- 252:656-11-3 [AMENDED]
- Subchapter 13. Preliminary Treatment Standards
- 252:656-13-2 [AMENDED]
- Subchapter 21. Disinfection Standards
- 252:656-21-2 [AMENDED]
- 252:656-21-4 [AMENDED]
- Subchapter 23. Supplemental Treatment Standards
- 252:656-23-4 [AMENDED]
- Subchapter 27. Water Reuse
- 252:656-27-1 [AMENDED]
- 252:656-27-4 [AMENDED]
- Appendix A. Design Tables [REVOKED]
- Appendix A. Design Tables [NEW]

Notices of Rulemaking Intent

SUMMARY:

The Department is proposing to: (1) add definitions for "25-year flood," "100-year flood," and "CT"; (2) clarify requirements to obtain a permit to supply with regard to the use of reclaimed water within the wastewater treatment plant boundaries pursuant to Category 6; (3) add Best Management Practices for Category 6 uses within a wastewater treatment plant to the minimum Operation and Maintenance Manual requirements; (4) clarify the requirements for surface evaporation lagoons (total retention lagoons); (5) remove requirements for backfill consistency and cover on lined dike slopes; (6) allow the use of top mounted self-priming suction lift pumps in grit chambers; (7) add standards for on-site generation of sodium hypochlorite; (8) add ozone disinfection standards; (9) add membrane filtration to supplemental treatment standards requirements; (10) reserve Category 1 as a future category of reclaimed water; (11) add permitted uses for Category 2 and Category 3 reclaimed water; (12) add Category 6 to the list of categories of reclaimed water; (13) add permitted uses for Category 6 reclaimed water; (14) clarify cautionary language requirements for reclaimed water use from hose bibbs and yard hydrants; and (15) other minor clarifications.

AUTHORITY:

Environmental Quality Board, 27A O.S. § 2-2-101; Water Quality Management Advisory Council, 27A O.S. § 2-2-201; and 27A O.S. §§ 2-6-103, 2-6-303 and 2-6-306.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so before 5:00pm on December 31, 2014 at the following address: Mark Hildebrand, Water Quality Division, 707 N. Robinson, Oklahoma City, Oklahoma 73102 or Mark.Hildebrand@deq.ok.gov.

Oral comments may be made at the Water Quality Management Advisory Council meeting on January 13, 2015, and at the Environmental Quality Board meeting on February 20, 2015.

PUBLIC HEARING:

Before the Water Quality Management Advisory Council on January 13, 2015, at 1:00 p.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

Before the Environmental Quality Board on February 20, 2015, at 9:30 a.m. in the Multi-Purpose Room on the first floor of the Department of Environmental Quality, 707 N. Robinson, Oklahoma City, Oklahoma 73102.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide to the agency with information, in dollar amounts if possible, about increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing to Mark Hildebrand at the above address during the period from December 1, 2014 to December, 31, 2014.

COPIES OF PROPOSED RULES:

The proposed rules may be viewed on the agency's website at <http://www.deq.state.ok.us> and copies may be obtained from the Department of Environmental Quality's at 707 N. Robinson, Oklahoma City, Oklahoma, during normal business hours (8:00 am - 4:30 pm Monday through Friday) Copies may also be obtained by written request mailed to the attention of Mark Hildebrand, at 707 N. Robinson, Oklahoma City, Oklahoma 73102 or emailed to Mark.Hildebrand@deq.ok.gov.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. § 303(D), a rule impact statement is being prepared and will be available for review after 12/1/2014 at the above addresses.

CONTACT PERSON:

Mark Hildebrand, (405) 702-8100 or Mark.Hildebrand@deq.ok.gov (Procedural, legal and technical questions)

ADDITIONAL INFORMATION:

Persons with disabilities who desire to attend the rulemaking hearing and need an accommodation should notify the contact person three (3) days in advance of the hearing. For hearing impaired, the TDD relay number is 1-800-522-8506 or 1-800-722-0353, for TDD machine use only.

[OAR Docket #14-935; filed 11-7-14]

TITLE 485. OKLAHOMA BOARD OF NURSING CHAPTER 1. ADMINISTRATION

[OAR Docket #14-925]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

485:1-1-3. [AMENDED]

SUMMARY:

Proposed revisions include: 485:1-1-3. Staff members: Clarifies appointment and employment of qualified persons to agency positions.

AUTHORITY:

Oklahoma Board of Nursing 59 O.S. §§567.2 A, 567.4.F.

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 15, 2015, at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Jackye Ward, MS, RN, NEA-BC.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 26, 2015, at 5:30 p.m., at The Reed Conference Center, 5800 Will Rogers Road, Midwest City, Oklahoma. Anyone who wishes to speak at this public hearing must sign in with the Oklahoma Board of Nursing by 5:00 p.m., January 26, 2015.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed *Rules* are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed *Rules*. Business entities may submit this information in writing by January 15, 2015, at 4:30 p.m., to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Jackye Ward, MS, RN, NEA-BC.

COPIES OF PROPOSED RULES:

Copies of the proposed *Rules* may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The proposed amendments may also be viewed on the Oklahoma Board of Nursing web site at <http://www.ok.gov/nursing/rules.html>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement has been prepared. The rule impact statement may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The Rule Impact Statement may also be viewed on the Oklahoma Board of Nursing web site at <http://www.ok.gov/nursing/rules.html>.

CONTACT PERSON:

Jackye Ward, MS, RN, NEA-BC

[OAR Docket #14-925; filed 11-6-14]

**TITLE 485. OKLAHOMA BOARD OF NURSING
CHAPTER 10. LICENSURE OF PRACTICAL AND REGISTERED NURSES**

[OAR Docket #14-926]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 3. Regulations for Approved Nursing Education Programs
 - 485:10-3-2. [AMENDED]
 - 485:10-3-3. [AMENDED]
- Subchapter 5. Minimum Standards for Approved Nursing Education Programs
 - 485:10-5-12. [AMENDED]
- Subchapter 6. Minimum Standards for Approved Advanced Practice Registered Nursing (APRN) Education Programs (Effective January 1, 2016) [NEW]
 - 485:10-6-1. [NEW]
 - 485:10-6-2. [NEW]
 - 485:10-6-3. [NEW]
 - 485:10-6-4. [NEW]
 - 485:10-6-5. [NEW]

- Subchapter 7. Requirements for Registration and Licensure as a Registered Nurse
 - 485:10-7-1. [AMENDED]
 - 485:10-7-2. [AMENDED]
 - 485:10-7-3. [AMENDED]
 - 485:10-7-4. [AMENDED]
 - 485:10-7-5. [AMENDED]
- Subchapter 8. Criminal Background Checks for Applicants for Licensure/Certification
 - 485:10-8-1. [AMENDED]
- Subchapter 9. Requirements for Registration and Licensure as a Licensed Practical Nurse
 - 485:10-9-1. [AMENDED]
 - 485:10-9-2. [AMENDED]
 - 485:10-9-3. [AMENDED]
 - 485:10-9-4. [AMENDED]
 - 485:10-9-5. [AMENDED]
- Subchapter 10. Advanced Unlicensed Assistant
 - 485:10-10-7. [AMENDED]
 - 485:10-10-8. [AMENDED]
 - 485:10-10-8.2. [NEW]
- Subchapter 11. Disciplinary Action
 - 485:10-11-2. [AMENDED]
- Subchapter 15. Requirements for Practice as an Advanced Practice Registered Nurse
 - 485:10-15-4. [AMENDED]
 - 485:10-15-5. [AMENDED]
 - 485:10-15-6. [AMENDED]
 - 485:10-15-7. [AMENDED]
 - 485:10-15-9.1. [REVOKED]
- Subchapter 16. Requirements for Prescriptive Authority for Advanced Practice Registered Nurses
 - 485:10-16-3. [AMENDED]
 - 485:10-16-3.1. [NEW]
 - 485:10-16-6. [AMENDED]
 - 485:10-16-7. [AMENDED]
- Subchapter 18. Prescriptive Authority for CRNA
 - 485:10-18-2. [AMENDED]
 - 485:10-18-4. [AMENDED]
 - 485:10-18-5. [AMENDED]

SUMMARY:

Throughout the document, the following revisions are made: The addition of "territory" and/or "country," where applicable regarding previous licensure. Capitalization of proper titles: Registered Nurse, Licensed Practical Nurse and Rules. The adjective of "work" is added to hours for clarification and consistency of continuing qualifications for nursing practice (renewal) in describing the number of hours employed in a position requiring the licensee's level of licensure. Specific to licensure status, replacing "lapsed" with "not been in an active status" where appropriate. Adding language, where appropriate, requiring a new application and new fee to be submitted if the application on file is not completed within one (1) year. Adding where appropriate, the new National League for Nursing accrediting division, the Commission for Nursing Education Accreditation.

Notices of Rulemaking Intent

Other proposed revisions include:

485:10-3-2.(a)(2)(F) and 485:10-3-2.(b)(2)(D) Deletes language related to the effect of a new nursing education program on other nursing programs in the area as the legitimate important factors regarding other programs in the area are already sufficiently addressed in subparts presently denoted as 485:10-3-2.(a)(2)(H), (J) and (M). The inclusion of present language creates confusion because it implies that the Board of Nursing should consider whether the new program might be a business competitor of existing programs. Because there is nothing in the law that requires a certificate of need prior to the establishment of a new nursing program, the Board does not consider it appropriate to consider possible business competition when assessing the adequacy of a new nursing program and to consider such a thing might be regarded as restraint of trade.

485:10-3-3.(b)(1) Provides the correct statutory citation for the Archives and Records Commission of the Oklahoma Department of Libraries Archives Division.

485:10-5-12.(c)(2) Clarifies requirements for faculty overseeing the clinical component of an out-of-state nursing program when the clinical component is conducted in Oklahoma.

Subchapter 6 adds new language specific to Board approval of Advanced Practice Registered Nurse (APRN) education programs located in Oklahoma in accordance with 59 O.S. § 567.12a B., effective January 1, 2016. The specificity of the new language allows for the deletion of general information related to Board approval of APRN education programs noted in 485:10-15-9.1.

485:10-7-1.(e)(5) and 485:10-9-1.(e)(5) Adds requirements ensuring competency of examination applicants who successfully passed the NCLEX exam within two years of graduation, yet did not obtain licensure within that same two year period.

485:10-7-2.(e)(1)(E) and 485:10-9-2.(e)(1)(E) Waives the requirement of demonstrating current competence in oral and written English for endorsement applicants when graduating from nursing education programs in specific countries when the nursing program is taught in English and/or when the foreign educated applicant is licensed in another US state or territory, has passed the Board-approved licensure exam, and can provide evidence of specified work experience.

485:10-8-1. Advanced Practice Registered Nurses are listed in this section in alignment with 59 O.S. § 567.5a B.2. In addition, the type of initial applicants currently required to submit national fingerprint criminal background checks in alignment with the law are listed and electronic payment for the background checks is added as an additional payment option.

485:10-9-1.(a), 485:10-9-2(a) and 485:10-9-2(d): Senate Bill 1262 (2014) removed statutory requirement of applicants for licensure as a Licensed Practical Nurse to have a high school diploma or a General Education Development credential, therefore this requirement is deleted from Rules.

485:10-10-8.2.: Adds language addressing inactive status for Advanced Unlicensed Assistants as is currently present for Registered Nurses and Licensed Practical Nurses.

485:10-11-2.: Revisions clarify hearings and notices are conducted in accordance with the Oklahoma Administrative Procedures Act and the order of procedure in a hearing is outlined.

485:10-15-4(d): Adds new language for temporary licenses for Advanced Practice Registered Nurse endorsement applicants.

485:10-15-5.(b)(4)(D) and 485:10-15-5.(c)(5)(D): Emergency Rules approved by the Governor on July 31, 2014, are moving forward to supersede via permanent Rule adoption.

485:10-16-3.1.: New language supporting endorsement of prescriptive authority for Certified Nurse Practitioners, Certified Nurse Midwives, and Clinical Nurse Specialists is added to support statutory authority as cited in the Oklahoma Nursing Practice Act, 59 O.S. § 567.5a D.

485:10-16-7.(a)(2) and 485:10-16-7.(b)(3): Provides consistency in language for reinstatement of prescriptive authority recognition as is currently in place for reinstatement of Advanced Practice Registered Nurse (APRN) licensure [OAC 485:10-15-5.(b)(4)(C) and OAC 485:10-15-5.(c)(5)(C)] by adding option of verification of at least 520 work hours as an APRN in the same role with prescriptive authority in another state or territory during the past two years preceding receipt of the reinstatement application.

485:10-18-5.(c): Revision clarifies the requirements for Certified Registered Nurse Anesthetists' compliance in prescribing controlled substances with state and federal law.

AUTHORITY:

Oklahoma Board of Nursing 59 O.S. §§ 567.2 A; 567.4.F.; 567.4a; 567.5.B; 567.5.D; 567.5a.B; 567.5a.D.; 567.6.B.; 567.6.D.; 567.6a.B.; 567.7.A.; 567.7.B.; 567.7.C.; 567.8.F.; 567.12; 567.12a; and 567.18

COMMENT PERIOD:

Persons wishing to submit written comments must do so by January 15, 2015, at 4:30 p.m. to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106 Attn: Jackye Ward, MS, RN, NEA-BC.

PUBLIC HEARING:

A public hearing will be held to provide an opportunity for persons to orally present their views on Tuesday, January 26, 2015, at 5:30 p.m., at The Reed Conference Center, 5800 Will Rogers Road, Midwest City, Oklahoma. Anyone who wishes to speak at this public hearing must sign in with the Oklahoma Board of Nursing by 5:00 p.m., January 26, 2015.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed *Rules* are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed *Rules*. Business entities may submit this information in writing by

January 15, 2015, at 4:30 p.m., to the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, OK 73106, Attn: Jackye Ward, MS, RN, NEA-BC.

COPIES OF PROPOSED RULES:

Copies of the proposed *Rules* may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The proposed amendments may also be viewed on the Oklahoma Board of Nursing web site at <http://www.ok.gov/nursing/rules.html>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S. Section 303(D), a rule impact statement has been prepared. The rule impact statement may be obtained by contacting Jackye Ward, MS, RN, NEA-BC, at the Oklahoma Board of Nursing, 2915 N. Classen, Suite 524, Oklahoma City, Oklahoma 73106, (405) 962-1809. The Rule Impact Statement may also be viewed on the Oklahoma Board of Nursing web site at <http://www.ok.gov/nursing/rules.html>.

CONTACT PERSON:

Jackye Ward, MS, RN, NEA-BC

[OAR Docket #14-926; filed 11-6-14]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 45. OKLAHOMA'S WATER QUALITY STANDARDS**

[OAR Docket #14-939]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
- 785:45-1-2. Definitions [AMENDED]
- Subchapter 5. Surface Water Quality Standards
- Part 3. Beneficial Uses and Criteria to Protect Uses
- 785:45-5-12. Fish and wildlife propagation [AMENDED]
- 785:45-5-21. Wetland beneficial uses and criteria [NEW]
- Part 5. Special Provisions
- 785:45-5-26. Mixing zones and zones of passage [AMENDED]
- 785:45-5-30. Other provisions [NEW]
- Appendix E. Requirements for Development of Site-Specific Criteria for Certain Parameters [REVOKED]
- Appendix E. Requirements for Development of Site-Specific Criteria for Certain Parameters [NEW]
- Appendix G. Numerical Criteria to Protect Beneficial Uses [REVOKED]
- Appendix G. Numerical Criteria to Protect Beneficial Uses [NEW]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") is proposing to amend various provisions of Oklahoma Administrative Code ("OAC") 785:45 as follows:

Several amendments are proposed to clarify language associated with dissolved oxygen criteria. The amendments proposed include striking the use support assessment language found in OAC 785:45-5-12(f)(1)(D), modifying OAC 785:45-5-12(f)(1)(C) to include (i) and (ii) which will retain the provisions that pertain to acute dissolved oxygen events, and revoking and reenacting Table 1 of Appendix G with two additional footnotes clarifying how the 10% exceedance frequency is to be used and specifying where the WWAC dissolved oxygen criteria apply in lakes. The circumstances which created the need for this amendment are potential confusion caused by having use support assessment language duplicated from OAC 785:46, and the need for clarification as to how and where components of the criteria are applied. The intended effect of this amendment is to eliminate possible ambiguity that may cause problems in the use support assessment process.

Several amendments are proposed regarding the development water quality standards applicable to wetland waterbodies. OAC 785:45-1-2 is proposed to be amended to include definitions for the terms "Wetland" and "Ecological Integrity". A new subsection (OAC 785:45-5-21. Wetland Beneficial Uses and Criteria) is proposed and will contain beneficial uses and criteria applicable to wetland waterbodies. OAC 785:45-5-26 is proposed to be amended to add a mixing zone provision specific for wetland waterbodies. A new subsection (OAC 785:45-5-30. Additional Provisions) is proposed and will add provisions found in other state and federal statutes related to water quality standards. This addition will ensure consistency between these other statues and water quality standards. The circumstances which created the need for these amendments are that currently the default beneficial uses and criteria apply to wetland waterbodies. The default water quality standards were developed for streams and lakes and in many cases are not suitable for wetlands and are sometimes overly stringent when applied to wetlands. The intended effects of these amendments are to provide scientifically sound water quality standards applicable to Oklahoma's wetland waterbodies.

Appendix E, Requirements For Development of Site-Specific Criteria For Certain Parameters, is proposed to be revoked and reenacted with the addition of a site specific Water Effect Ratio and Dissolved Translator standards for use in calculating permit limits for copper and zinc for the Broken Bow Public Works Authority's OPDES permit related to discharge of municipal and industrial wastewater to a tributary of Yanubbe Creek. The circumstance which created the need for this amendment was that the facility has not consistently achieved concentration limits for certain metals. The intended effect of this amendment is to provide more achievable criteria for copper and zinc that is demonstrated to provide an equivalent level of water quality protection as the statewide criteria.

Other amendments may be considered as a result of public comments.

Notices of Rulemaking Intent

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S., §§ 1085.30 and 1085.30a; 27A O.S., § 1-3-101; and 82 O.S., § 1085.2.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 20, 2015.

PUBLIC HEARING:

A public hearing will be held January 20, 2015 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 1, 2014 through January 20, 2015, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Jason Childress at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 20, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

CONTACT PERSON:

Jason Childress, Water Quality Standards Section Head, 405/530-8800, Jason.Childress@owrb.ok.gov.

[OAR Docket #14-939; filed 11-7-14]

**TITLE 785. OKLAHOMA WATER
RESOURCES BOARD
CHAPTER 46. IMPLEMENTATION
OF OKLAHOMA'S WATER QUALITY
STANDARDS**

[OAR Docket #14-940]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 15. Use Support Assessment Protocols

785:46-15-5. Assessment of Fish and Wildlife propagation support [AMENDED]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") is proposing to amend Oklahoma Administrative Code ("OAC") 785:46-15-5 as follows:

Amendments are being proposed to clarify language associated with Fish and Wildlife Propagation use support assessments for dissolved oxygen. The amendments being proposed include reformatting language for the support tests to more clearly describe the applicable dates and magnitudes, including language in the support tests to more clearly specify that the assessments are made across all life stages and seasons, including a new subsection (D) to describe how the term "surface" is used in this section, removing language in subsection (6) that refers to periods of thermal stratification, and addition of language in (B) to specify that the undetermined status for the water column criteria is only applicable when no volumetric data is available.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board, 82 O.S., §§ 1085.30 and 1085.30a; 27A O.S., § 1-3-101; and 82 O.S., § 1085.2.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 20, 2015.

PUBLIC HEARING:

A public hearing will be held January 20, 2015 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 1, 2014 through January 20, 2015, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Jason Childress at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 20, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North

Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

CONTACT PERSON:

Jason Childress, Water Quality Standards Section Head, 405/530-8800 or Jason.Childress@owrb.ok.gov.

[OAR Docket #14-940; filed 11-7-14]

**TITLE 785. OKLAHOMA WATER RESOURCES BOARD
CHAPTER 50. FINANCIAL ASSISTANCE**

[OAR Docket #14-941]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

- Subchapter 1. General Provisions
 - 785:50-1-2. Definitions [AMENDED]
- Subchapter 3. Projects and Entities Eligible
 - 785:50-3-1. Project eligibility [AMENDED]
- Subchapter 7. Water and Sewer Program (Bond Proceed Loans and Emergency Grants) Requirements and Procedures
 - 785:50-7-5. Emergency grant priority point system [AMENDED]
- Subchapter 8. Rural Economic Action Plan (REAP) Grant Program Requirements and Procedures
 - 785:50-8-2. Definitions [AMENDED]
 - 785:50-8-4. Applicable law; deadline for applications; eligible project costs [AMENDED]
 - 785:50-8-5. REAP grant priority point system [AMENDED]
- Subchapter 9. Clean Water State Revolving Fund Regulations
 - Part 1. General Provisions
 - 785:50-9-9. Definitions [AMENDED]
 - Part 3. General Program Requirements
 - 785:50-9-21. Eligible project [AMENDED]
 - 785:50-9-23. Clean Water SRF Project Priority System [AMENDED]
 - 785:50-9-24. Intended use plan [AMENDED]
 - 785:50-9-28. Pre-application for funding [AMENDED]
 - 785:50-9-33. Application for financial assistance [AMENDED]
 - 785:50-9-35. Loan closing [AMENDED]
 - 785:50-9-38. Construction phase [AMENDED]
 - 785:50-9-45. Compliance with federal authorities [AMENDED]
 - Part 7. SRF Environmental Review Process
 - 785:50-9-60. Requirement of environmental review [AMENDED]
 - 785:50-9-61. Environmental information required by the Board [AMENDED]

785:50-9-62. Environmental review by the Board [AMENDED]

SUMMARY:

The Oklahoma Water Resources Board ("OWRB") proposes to amend this Chapter of the Oklahoma Administrative Code ("OAC") as follows:

Section 785:50-1-2 is proposed to be amended to include a definition for Census Population. The intended effect is to make the rules more cohesive and clarify what tools OWRB uses to gather information that can be provided by the United State Census Bureau.

Sections 785:50-3-1, 785:50-9-9, 785:50-9-21, 785:50-9-23, 785:50-9-24; 785:50-9-60, 785:50-9-61, and 785:50-9-62 are proposed to change words and acronyms to be consistent with the National Environmentally Policy Act (NEPA). The intended effect is to clarify language and accurately reflect what is in NEPA.

Sections 785:50-7-5, 785:50-8-2, 785:50-8-5, and 785:50-9-21 are proposed to be amended to include updated language regarding the information regarding the census. The intended effect is to make the language cohesive and be consistent with the proposed definition of a Census Population.

Section 785:50-8-4 is proposed to be amended to clarify the date the Rural Economic Action Plan Grants are due and be consistent throughout the rules. The intended effect is to clarify the language for grant applicants.

Section 785:50-8-5 is proposed to be amended to change the point system for REAP grant applicants who have previously received a grant. The change is intended to make the point system for applicants more easily understood and to maintain a fair point system for applicants.

Section 785:50-9-9 is proposed to amend the definition of the 303D list and to remove federal when referring to the Clean Water Act in definitions. The changes are proposed to update the language and correct the definitions.

Section 785:50-9-9 is proposed to add the definition of Clean Water Act. The intended effect is to update the definition to include all amendments and reauthorizations of the Clean Water Act.

Section 785:50-9-9 is proposed to add the definitions of Loan Application and Programmatic Application. The intended effect is to update the definitions to follow the new reauthorized Clean Water Act and to clarify what is needed from potential borrowers.

Sections 785:50-9-21, 785:50-9-24, 785:50-9-35 and 785:50-9-45 are proposed to add and amend language reflecting the new requirements of the Clean Water Act. The intended effect is to make the rules consistent with the Clean Water Act and clarify the new requirements for potential borrowers.

Sections 785:50-9-23, 785:50-9-60 and 785:50-9-61 are proposed correct grammatical errors in the rules.

Sections 785:50-9-23, 785:50-9-24 and 785:50-9-60 are proposed to update the language to reflect the current process. The intended effect of the amendments is to accurately reflect the work process in the rules.

Notices of Rulemaking Intent

Sections 785:50-9-23, 785:50-9-28, and 785:50-9-33 are proposed to update the language to reflect the new definitions of Loan Application and Programmatic application. The intended effect is to clarify the language for potential borrowers and make the language cohesive throughout the rules.

Section 785:50-9-33 is proposed to change "state priority list" to "project priority list". The intended effect is to correct the language to reflect what is used in all other Clean Water State Revolving Fund documents.

Sections 785:50-9-33, 785:50-9-35, 785:50-9-38 and 785:50-9-60 are proposed to move certain existing sections of the rules to reflect the correct process of loan closing and construction. The intended effect is to create more cohesive sections and make the language easily understood for potential applicants.

Section 785:50-9-35 is proposed to reflect the new definition of the Clean Water Act and update the language. The intended effect is to make the rules cohesive and update the Clean Water Act definition to include all amendments past and future.

Section 785:50-9-60 is proposed to include a broader definition of projects exempt from an environmental review. The intended effect is to make the language reflect the new Clean Water Act guidance and to add flexibility for potential borrowers.

Other amendments may be considered as a result of public comments.

AUTHORITY:

Oklahoma Water Resources Board; 82 O.S. § 1085.2; 82 O.S. §§ 1085.31 et seq.; 82 O.S. §§ 1085.51 et seq.; 62 O.S. § 2003.

COMMENT PERIOD:

Persons wishing to present data, views, or arguments orally or in writing may do so to Kate Burum at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 20, 2015, or by email to Kate.Burum@owrb.ok.gov.

PUBLIC HEARING:

A public hearing will be held January 20, 2015 during the monthly meeting of the OWRB which will begin at 9:30 A.M. in the Board Room of the OWRB's offices located at 3800 North Classen, Oklahoma City, Oklahoma.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

The OWRB requests that any business entities affected by these proposed rules provide the OWRB, within the Comment Period from December 1, 2014 through January 20, 2015, in dollar amounts if possible, the increase in the level of direct costs such as fees, and indirect costs such as reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs expected to be incurred by a particular entity due to compliance with the proposed rules. Business entities may submit this information in writing to Kate Burum at 3800 North Classen, Oklahoma City, Oklahoma 73118 before 5:00 P.M. on January 20, 2015.

COPIES OF PROPOSED RULES:

Copies of the proposed amendments may be reviewed at the OWRB's office location at 3800 North Classen, Oklahoma City, Oklahoma 73118, or may be obtained from the "Contact Person" identified below upon prepayment of the copying charge. The proposed amendments may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., § 303(D), a Rule Impact Statement is available for review at the OWRB's office, 3800 North Classen, Oklahoma City, Oklahoma. The Rule Impact Statement may also be viewed on the OWRB web site at <http://www.owrb.ok.gov>.

CONTACT PERSON:

Kate Burum, Assistant General Counsel and Funds Manager, 405-530-8800 or Kate.Burum@owrb.ok.gov.

[OAR Docket #14-941; filed 11-7-14]

TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION CHAPTER 10. SPORT FISHING RULES

[OAR Docket #14-921]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 10. Sport Fishing Rules [AMENDED]

SUMMARY:

The rule change proposals for Title 800, Chapter 10 will decrease the walleye, saugeye and sauger length limit to 14 inches statewide with certain exceptions, add fishing regulations for Doc Hollis and American Horse lakes, standardize the catfish bag limit for all methods of harvest, reduce the flathead catfish limit from ten to five, restrict tiger muskie harvest at Lake Carl Etling, prohibit the possession of filleted fish while fishing, simplify bowfishing rules, define "fish remains", prohibit noodling and snagging in the Wister Lake tailwater, define the Wister Lake tailwater, define tackle approved for use in portions of the Lower Mountain Fork trout stream, restrict boats and motors on Doc Hollis and American Horse Lakes, allow hunting on Doc Hollis Lake, remove Lake Pawhuska from the list of Designated Trout Areas and add Perry CCC Lake, and require anglers to keep fish separate with name and license number when fishing in tailwaters.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 5-401, 6-302; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 9, 2015, at the following address: Oklahoma Department of Wildlife Conservation,

Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 6, 2015

Time: 7:00 p.m.

Oklahoma City - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 8, 2014 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Barry Bolton, Chief of Fisheries Division, 405/521-3721 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #14-921; filed 11-4-14]

**TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION
CHAPTER 25. WILDLIFE RULES**

[OAR Docket #14-922]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 25. Wildlife Rules [AMENDED]

SUMMARY:

The proposed rule amendments are to adjust regulations on several small COE properties for safety, clarification of acres, and simplicity including Kaw, Webbers Falls, Choteau, Ft. Gibson, Tenkiller and Robert S. Kerr. Standardize seasons and correct wording on Camp Gruber and Cherokee PHA. Delete rules for waterfowl stamp competition. HB 2618 created a new Nuisance Wildlife Control Operator Permit (NWCO) and rules are needed to clarify permitting, certification, reporting, and procedures.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 5-401 and HB 2618; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 9, 2015, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 6, 2015

Time: 7:00 p.m.

Oklahoma City - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd.

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December 8, 2014 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #14-922; filed 11-4-14]

**TITLE 800. DEPARTMENT OF WILDLIFE CONSERVATION
CHAPTER 30. DEPARTMENT OF WILDLIFE LANDS MANAGEMENT**

[OAR Docket #14-923]

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Chapter 30. Department of Wildlife Lands Management [AMENDED]

SUMMARY:

The purpose of the proposed rule is to make it illegal to remove feral hogs from a Wildlife Management Area (WMA) that are still alive.

STATUTORY AUTHORITY:

Title 29 O.S., Section 3-103, 5-401; Article XXVI, Section 1 and 3 of the Constitution of Oklahoma; Department of Wildlife Conservation Commission.

COMMENT PERIOD:

Persons wishing to present their views in writing may do so on or before 4:30 p.m., January 9, 2015, at the following address: Oklahoma Department of Wildlife Conservation, Room 221, 1801 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105 or online at www.wildlifedepartment.com.

PUBLIC HEARINGS:

Date: January 6, 2015

Time: 7:00 p.m.

Oklahoma City - OK Department of Wildlife Conservation, 1801 N. Lincoln Blvd.

Notices of Rulemaking Intent

REQUEST FOR COMMENTS FROM BUSINESS ENTITIES:

N/A

COPIES OF PROPOSED RULES:

Copies of the proposed rules will be available to the public at 1801 N. Lincoln Boulevard, Oklahoma City, OK 73105, Room 221.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., 303(D), a rule impact statement is being prepared and will be available for review after December

8, 2014 at the above address for the Oklahoma Department of Wildlife Conservation.

CONTACT PERSON:

Alan Peoples, Chief of Wildlife Division, 405/521-2739 or Rhonda Hurst, APA Liaison, 405/522-6279.

[OAR Docket #14-923; filed 11-4-14]

Submissions to Governor and Legislature

Within 10 calendar days after adoption by an agency of proposed PERMANENT rules, the agency must submit the rules to the Governor and the Legislature. A "statement" of such submission must subsequently be published by the agency in the *Register*.
For additional information on submissions to the Governor/Legislature, see 75 O.S., Section 303.1 and 308.

**TITLE 545. BOARD OF PODIATRIC
MEDICAL EXAMINERS
CHAPTER 35. FEE SCHEDULE**

[OAR Docket #14-924]

RULEMAKING ACTION:

Submission to Governor and Legislature

RULES:

545:35-1-2. Fees [AMENDED]

**SUBMISSION OF ADOPTED RULES TO GOVERNOR
AND LEGISLATURE:**

November 3, 2014

[OAR Docket #14-924; filed 11-5-14]

Withdrawn Rules

An agency may withdraw proposed PERMANENT rules prior to "final adoption," as defined in 75 O.S., Section 250.3(5), by notifying the Governor and the Legislature, and by publishing a notice of such a withdrawal in the *Register*.

An agency may withdraw proposed EMERGENCY rules prior to approval/disapproval by the Governor by notifying the Governor, the Legislature, and the Office of Administrative Rules. However, the withdrawal notice is not published in the *Register* unless the agency published a Notice of Rulemaking Intent in the *Register* before adopting the emergency rules.

For additional information on withdrawal of proposed rules, see 75 O.S., Section 308(F) and 253(K) and OAC 655:10-7-33.

**TITLE 317. OKLAHOMA HEALTH CARE
AUTHORITY
CHAPTER 35. MEDICAL ASSISTANCE FOR
ADULTS AND CHILDREN-ELIGIBILITY**

[OAR Docket #14-920]

RULEMAKING ACTION:

Withdrawal of PERMANENT rulemaking

RULES:

Subchapter 1. General Provisions

317:35-1-2 [AMENDED]

Subchapter 5. Eligibility and Countable Income

Part 1. Determination of Qualifying Categorical Relationships

317:35-5-4 [AMENDED]

317:35-5-4.1 [AMENDED]

Subchapter 9. ICF/MR, HCBW/MR, and Individuals Age 65 or Older in Mental Health Hospitals

Part 5. Determination of Medical Eligibility for ICF/~~MR~~IID, HCBW/~~HC~~IID, and Individuals Age 65 or Older in Mental Health Hospitals

317:35-9-48.1 [AMENDED]

(Reference APA WF # 13-34)

DATES:

Adoption:

March 27, 2014

Submission of adopted rules to Governor and Legislature:

April 4, 2014

Withdrawn:

October 27, 2014

[OAR Docket #14-920; filed 10-27-14]

Emergency Adoptions

"If an agency finds that a rule is necessary as an emergency measure, the rule may be promulgated" if the Governor approves the rules after determining "that the rule is necessary as an emergency measure to do any of the following:

- a. protect public health, safety or welfare,
- b. comply with deadlines in amendments to an agency's governing law or federal programs,
- c. avoid violation of federal law or regulation or other state law,
- d. avoid imminent reduction to the agency's budget, or
- e. avoid serious prejudice to the public interest." [75 O.S., Section 253(A)]

An emergency rule is considered promulgated immediately upon approval by the Governor, and effective immediately upon the Governor's approval or a later date specified by the agency in the emergency rule document. An emergency rule expires on September 15 following the next regular legislative session after its promulgation, or on an earlier date specified by the agency, if not already superseded by a permanent rule or terminated through legislative action as described in 75 O.S., Section 253(H)(2).

Emergency rules are not published in the *Oklahoma Administrative Code*; however, a source note entry, which cites to the *Register* publication of the emergency action, is added to the *Code* upon promulgation of a superseding permanent rule or expiration/termination of the emergency action.

For additional information on the emergency rulemaking process, see 75 O.S., Section 253.

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

[OAR Docket #14-936]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions [NEW]

86:10-1-1. [NEW]

86:10-1-2. [NEW]

86:10-1-3. [NEW]

Subchapter 3. Rules of Professional Conduct [NEW]

86:10-3-1. [NEW]

86:10-3-2. [NEW]

86:10-3-3. [NEW]

86:10-3-3.1. [NEW]

86:10-3-4. [NEW]

86:10-3-4.1. [NEW]

86:10-3-5. [NEW]

86:10-3-6. [NEW]

Subchapter 5. Fitness of Applicants [NEW]

86:10-5-1. [NEW]

86:10-5-2. [NEW]

86:10-5-3. [NEW]

Subchapter 7. Application Procedures [NEW]

86:10-7-1. [NEW]

86:10-7-2. [NEW]

86:10-7-2.1. [NEW]

86:10-7-3. [NEW]

86:10-7-4. [NEW]

86:10-7-5. [NEW]

86:10-7-6. [NEW]

86:10-7-7. [NEW]

86:10-7-8. [NEW]

86:10-7-8.1. [NEW]

86:10-7-9. [NEW]

Subchapter 9. Academic Requirements [NEW]

86:10-9-1. [NEW]

86:10-9-2. [NEW]

Subchapter 11. Supervised Experience Requirements [NEW]

86:10-11-1. [NEW]

86:10-11-2. [NEW]

86:10-11-3. [NEW]

86:10-11-4. [NEW]

86:10-11-5. [NEW]

86:10-11-6. [NEW]

86:10-11-7. [NEW]

Subchapter 13. Fees [NEW]

86:10-13-1. [NEW]

86:10-13-2. [NEW]

86:10-13-3. [NEW]

86:10-13-4. [NEW]

86:10-13-5. [NEW]

Subchapter 15. Licensure Examinations [NEW]

86:10-15-1. [NEW]

86:10-15-2. [NEW]

86:10-15-3. [NEW]

86:10-15-4. [NEW]

86:10-15-5. [NEW]

86:10-15-6. [NEW]

86:10-15-7. [NEW]

86:10-15-8. [NEW]

Subchapter 17. Continuing Education Requirements [NEW]

86:10-17-1. [NEW]

86:10-17-2. [NEW]

86:10-17-3. [NEW]

86:10-17-4. [NEW]

86:10-17-4.1. [NEW]

86:10-17-5. [NEW]

86:10-17-6. [NEW]

86:10-17-6.1. [NEW]

86:10-17-6.2. [NEW]

86:10-17-6.3. [NEW]

86:10-17-6.4. [NEW]

86:10-17-7. [NEW]

86:10-17-8. [NEW]

Subchapter 19. Issuance of License [NEW]

86:10-19-1. [NEW]

86:10-19-1.1. [NEW]

86:10-19-2. [NEW]

86:10-19-3. [NEW]

86:10-19-4. [NEW]

86:10-19-5. [NEW]

Subchapter 21. License and Specialty Renewal [NEW]

86:10-21-1. [NEW]

86:10-21-2. [NEW]

86:10-21-3. [NEW]

86:10-21-3.1. [NEW]

86:10-21-3.2. [NEW]

86:10-21-4. [NEW]

86:10-21-5. [NEW]

86:10-21-6. [NEW]

86:10-21-7. [NEW]

Subchapter 23. License and Specialty Late Renewal and Expiration [NEW]

86:10-23-1. [NEW]

86:10-23-2. [NEW]

86:10-23-3. [NEW]

86:10-23-4. [NEW]

Subchapter 25. Licensure By Endorsement [NEW]

86:10-25-1. [NEW]

86:10-25-2. [NEW]

86:10-25-3. [NEW]

Emergency Adoptions

Subchapter 27. Consumer Information [NEW]

86:10-27-1. [NEW]

86:10-27-2. [NEW]

86:10-27-3. [NEW]

86:10-27-4. [NEW]

Subchapter 29. Enforcement [NEW]

86:10-29-1. [NEW]

86:10-29-2. [NEW]

86:10-29-3. [NEW]

86:10-29-4. [NEW]

86:10-29-5. [NEW]

86:10-29-6. [NEW]

86:10-29-7. [NEW]

86:10-29-8. [NEW]

86:10-29-9. [NEW]

86:10-29-10. [NEW]

86:10-29-11. [NEW]

86:10-29-12. [NEW]

86:10-29-13. [NEW]

86:10-29-14. [NEW]

86:10-29-15. [NEW]

AUTHORITY:

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq]

ADOPTION:

March 28, 2014

APPROVED BY GOVERNOR:

April 23, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The passage of HB1467 established the newly formed State Board of Behavioral Health Licensure. The State Board of Behavioral Health Licensure is responsible for the enforcement of Licensed Professional Counselor Act. The following emergency rules are necessary to maintain the governance of Licensed Professional Counselors in Oklahoma.

ANALYSIS:

The following emergency rules interpret the Oklahoma Licensed Professional Counselor Act, (59 O.S. 1991, Sections 1901 et seq.)

CONTACT PERSON:

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PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. § 253(F):

SUBCHAPTER 1. GENERAL PROVISIONS

86:10-1-1. Purpose

The rules in this Chapter 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 or terms shall have the following meaning unless the context of the sentence requires another meaning:

"Act" means the Licensed Professional Counselors Act, 59 O.S. §§ 1901 et seq., as amended.

"Approved LPC Supervisor" means an individual who is approved by the Board pursuant to Section 86:10-11-4 of this Chapter.

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

"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.

"Counselor" means a person licensed as a Licensed Professional Counselor pursuant to this Act.

"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.

"Face-to-face counseling" means the counselor and the client shall be in the physical presence of the other during counseling.

"Face-to-face supervision" means the supervisor and the supervisee 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.

"Full time" means at least twenty (20) hours of on-the-job experience per week.

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

"Home-study or technology-assisted distance learning" means the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on using synchronous or asynchronous instructional delivery methods.

"License Committee" means two LPC Board members, one Staff member, and may include other appropriate individuals as determined by the Committee.

"OAC" means the Oklahoma Administrative Code.

"On-site supervisor" means a person who may not be an approved LPC supervisor but is licensed by the state of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LPC Candidate whose assigned job duties include acting as the immediate supervisor to the LPC Candidate and who is available to the candidate at all times when counseling services are being rendered by the LPC Candidate.

"Staff" means the personnel of the Board.

86:10-1-3. Applicability

Every duty, obligation or requirement described in this Chapter and imposed upon a LPC shall be applicable to every licensed professional counselor candidate, unless specifically provided otherwise.

SUBCHAPTER 3. RULES OF PROFESSIONAL CONDUCT

86:10-3-1. Responsibility

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

(e) **Research.** LPCs and LPC Candidates 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 and LPC Candidates shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LPCs and LPC Candidates 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 or LPC Candidate 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 or LPC Candidate 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 or LPC Candidate 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 or LPC Candidate 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 or LPC candidate becomes aware that another LPC or LPC Candidate is engaging in sexual conduct that violates the Act or this Subchapter, the LPC or LPC Candidate 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;

Emergency Adoptions

(4) The LPC or LPC Candidate 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 and LPC Candidates must demonstrate competence by education and experience in the subject matter relevant to the issues in question, as determined by the court.

(2) LPCs and LPC Candidates 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 and LPC Candidates 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 and LPC Candidates 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 and LPC Candidates 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 and LPC Candidates 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 and LPC Candidates 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 and LPC Candidates 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 LPC's and LPC Candidate's 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) **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 contact or close personal relationship within the previous five (5) years.
- (e) **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 two (2) years after the termination of the counseling relationship. LPCs shall not engage in any activity that is or may be sexual in nature with a former client for at least five (5) years after the termination of the counseling relationship. LPCs shall not exploit or obtain an advantage over a former client by the use of information or trust gained during the counseling relationship.
- (f) **Invasion of privacy.** LPCs shall not make inquiry into persons or matters that are not reasonably calculated to assist or benefit the counseling process.
- (g) **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.
- (h) **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 violate a state or federal statute if the violation directly relates to the duties and responsibilities of the counselor or if the violation involves moral turpitude.
- (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 contact.**
 - (1) **Current clients.** LPCs shall not have any type of sexual contact with clients and shall not counsel persons with whom they have had a sexual relationship.
 - (2) **Supervisees.** LPCs shall not engage in sexual contact 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 address, telephone number, and employment and shall make necessary adjustments on the Statement of Professional Disclosure, supplying an updated copy to the Board.
- (e) **Candor to the Board.** An LPC, LPC candidate, 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

Emergency Adoptions

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.** An 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.** An 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. An 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) **Licensure.** Each LPC shall display the original, current license in a prominent place in the primary location of practice.

(f) **Public statements.** When an 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.** An 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.** An 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 for LPC licensure.** Candidates for licensure as a Licensed Professional Counselor shall not refer to themselves as Licensed Professional Counselor or LPC.

86:10-3-6. Failure to comply

An 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), three (3) Document of Recommendation forms, Internship/Practicum Documentation Form, and completed criminal background check. The application fee must accompany the Application Form.

(d) The Board shall notify applicants of their test eligibility no later than 60 days after receiving and approving the required application materials.

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

(a) Each application shall include the following documents:

- (1) Application form.
- (2) Official transcript, mailed from the university or college.
- (3) Three (3) Document of recommendation forms.
- (4) Practicum documentation form.
- (5) Two (2) classifiable sets of fingerprints, and
- (6) Fees.

(b) The Application Form requires the following:

- (1) Identifying information;

- (2) Possession of other credentials;

- (3) Previous misconduct;

- (4) Education;

- (5) References; and

- (6) Proposed professional practice.

(c) The Internship/Practicum Documentation form requires the following:

- (1) Identifying information; and

- (2) Time, place, location of practicum.

(d) The Document of Recommendation requires the following:

- (1) Identifying information;

- (2) Ratings of ethical and professional characteristics; and

- (3) Circumstances and time period submitter has known applicant.

(e) The Statement of Professional Disclosure requires the following:

- (1) Statement providing for the applicant's disclosure of professional standing; and

- (2) Statement providing for making contact with OSDH for further information.

(f) The Supervision Agreement requires identifying information of supervisee and supervisor.

(g) The On-Site Supervisor Verification Form requires identifying information as follows:

- (1) Name of applicant;

- (2) Place of employment;

- (3) On-Site Supervisor information;

- (4) A reproduction of the regulation regarding supervision accrued in a private setting.

(h) The Licensure Verification Request Form requires the following information:

- (1) Name of licensee;

- (2) Licensee license number; and

- (3) Licensee license type.

(i) The Out-of-State Licensure Verification Form requires the following information:

- (1) Identifying information;

- (2) Type of credential held in other state;

- (3) License number;

- (4) Issue and expiration date of license;

- (5) Current standing of license;

- (6) Past complaints or sanctions;

- (7) Exam information;

- (8) Supervision information;

- (9) Graduate education;

- (10) Internship documentation; and

- (11) Signature and identifying information of person verifying from out-of-state.

(j) The Mailing Addresses Request/Order Form requires the following information:

- (1) Type of licensure list requested;

- (2) Format requested; and

- (3) Identifying information of person making request.

(k) The Licensure Reactivation Request Form requires the following information:

- (1) Licensure type;

Emergency Adoptions

- (2) Identifying information;
- (3) Employment information;
- (4) Graduate education;
- (5) License type and number; and
- (6) Dates of inactivation and reactivation of license.

(l) The LPC Continuing Education Approval Application Form requires the following information:

- (1) name of workshop;
- (2) program context;
- (3) program knowledge area;
- (4) name of presenter;
- (5) presenter qualifications;
- (6) date of presentation;
- (7) number of hours requested;
- (8) sponsoring agency;
- (9) name of contact;
- (10) phone number of contact;
- (11) signature and signature date of contact;
- (12) program content in relation to counseling ethics;
- (13) program content in relation to counseling supervision;
- (14) number of hours requested for counseling ethics; and
- (15) number of hour requested for counseling supervision.

(m) The Continuing Education Rosters for LPC Approved Supervisors require the following information:

- (1) name of licensee;
- (2) signature and signature date of licensee;
- (3) total clock hours of workshop(s);
- (4) name of counseling supervision workshop;
- (5) sponsoring agency of workshop(s);and
- (6) date of workshop(s), and number of hours of each workshop.

86:10-7-2.1. Submission of documents

The applicant shall monitor the progress of the application. The Board shall not automatically contact applicants regarding the receipt or absence of documents.

86:10-7-3. Negative references

The Board may ask an applicant for licensure as a professional counselor or specialty designation, whose file contains negative references of substance, to appear for an interview before the licensure is completed.

86:10-7-4. Re-application for permanently expired license

(a) Re-application after license expires for non-renewal shall include the following documents:

- (1) Application form.
- (2) Official transcripts, mailed from the university or college.
- (3) Document of Recommendation forms,
- (4) Supervision Agreement,
- (5) Statement of Professional Disclosure,
- (6) New Application Fee.

- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall re-take 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) The Internship/Practicum Documentation Form on file shall carry over to a new application.

(d) All previously submitted and approved Supervised Experience shall carry over to a new application.

(e) Applicant shall obtain approved supervision until the exams are taken and passed as described in OAC Rule 86:10-29-13.

86:10-7-5. Re-application for revoked license

(a) No re-application for a revoked license will be considered for a period of 5 years following the revocation. Re-application after license is revoked for administrative action shall include the following documents:

- (1) Application form.
- (2) Official transcripts, mailed from the university or college.
- (3) Document of Recommendation forms,
- (4) Supervision Agreement,
- (5) Statement of Professional Disclosure,
- (6) New Application Fee.
- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall re-take 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) The Internship/Practicum Documentation Form on file shall carry over to a new application.

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

(e) Application materials shall be reviewed by the Board.

(f) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of the revocation of licensure.

(g) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

86:10-7-6. Re-application for voided application for failure to take scheduled examinations

(a) Re-application after application is voided for failure to take scheduled examinations or after the eligible applicant fails an examination and does not take subsequent scheduled examinations shall include the following documents:

- (1) Application form.
- (2) Official transcripts, mailed from the university or college.
- (3) Document of Recommendation forms,
- (4) Supervision Agreement,

- (5) Statement of Professional Disclosure Form,
- (6) New Application Fee.
- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.
- (b) Applicant shall take 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) The Internship/Practicum Documentation Form on file shall carry over to a new application.
- (d) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (e) Applicant shall obtain approved supervision until the exams are taken and passed and/or until the supervision requirement is complete as described in OAC Rule 86:10-11-5(h).

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

- (a) Re-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, mailed from the university or college,
 - (3) Document of Recommendation forms,
 - (4) Supervision Agreement,
 - (5) Statement of Professional Disclosure,
 - (6) New Application Fee,
 - (7) On-Site Supervisor Verification Form, and
 - (8) Two (2) classifiable sets of fingerprints.
- (b) Applicant shall re-take 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) The Internship/Practicum Documentation Form on file shall carry over to a new application.
- (d) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.
- (e) Applicant shall obtain approved supervision until the exams are taken and passed and/or until the supervision requirement is complete as described in OAC Rule 86:10-11-5(h).

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

- (a) Re-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, mailed from the university or college,
 - (3) Document of Recommendation forms,
 - (4) Supervision Agreement,
 - (5) Statement of Professional Disclosure,
 - (6) New Application Fee,

- (7) On-Site Supervisor Verification Form, and
- (8) Two (2) classifiable sets of fingerprints.
- (b) Application materials shall be reviewed by the Board.
- (c) Applicant shall be required to take necessary examinations.
- (d) Applicant shall be required to accrue an additional 500 hours of supervised experience.
- (e) Internship/Practicum Documentation Form on file shall carry over to a new application.
- (f) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (g) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 86:10-29-13.

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

No re-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 re-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 the United States Department of Education. 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) follow a planned, sequenced mental health program of study which is reflected in the university catalog and approved by the governing authority of the college or university.
- (2) include a program whose primary focus is clearly to prepare the applicant for a career in counseling.
- (3) be listed in the college or university catalog.

86:10-9-2. Knowledge area required

- (a) Each applicant shall possess as a part of the required sixty (60) semester credit hours or ninety (90) quarter credit

Emergency Adoptions

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 development - at least one (1) 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 - at least one (1) course which offers a study of the principles of understanding dysfunction in human behavior or social disorganization.
- (3) Appraisal/assessment techniques - at least two (2) courses 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 theories/methods - at least two (2) courses which survey the major theories and/or techniques of counseling.
- (5) Professional orientation/ethics - at least one (1) course which deals primarily 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.
- (6) Research - at least one (1) 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 - at least one (1) course of an organized practicum 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) Knowledge areas - at least five (5) courses of at least three (3) semester credit hours or four (4) quarter credit hours each from the knowledge areas listed below.

(A) Group counseling - 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.

(B) Life style and 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.

(C) Social and cultural foundations - 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.

(D) 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.

(E) 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.

(F) 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.

(G) 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.

(H) 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.

(I) 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.

(J) 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.

(K) 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.

(L) 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.

(M) 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.

(N) 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.

(O) 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.

(P) 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.

(Q) Specialty areas when established.

(b) Remaining courses. The remaining courses needed to meet the sixty (60) semester or ninety (90) quarter graduate-hour requirement shall be in any of the knowledge areas listed in 86:10-9-2(a) and may be in increments of one (1), two (2) or three (3) graduate semester hour courses or one (1), two (2), three (3) or four (4) graduate quarter hour courses.

SUBCHAPTER 11. SUPERVISED EXPERIENCE REQUIREMENT

86:10-11-1. Documents required prior to accrual of supervision hours

The following documents must be received by the Board before the accrual of supervised experience can begin:

- (1) Application materials;
- (2) Supervision agreement;
- (3) Statement of professional disclosure;
- (4) On-Site Supervisor Verification Form.

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.

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) Supervised experience begins after all applicable academic requirements, as stated in LPC Regulations, Subchapter 9, have been completed.

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

(d) 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 employed at the same facility as a person licensed in the state of Oklahoma as a Licensed Professional Counselor, a Licensed Marital and Family Therapist, a Licensed Behavioral Practitioner, a Psychologist, a Psychiatrist, a Clinical Social Worker, or a Licensed Alcohol and Drug Counselor, whose assigned job duties include being 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. Out of state on-site supervisors may be approved on a case-by-case basis; and

(2) The LPC Candidate is receiving supervision for licensure from an approved LPC supervisor who is not required to work at the same location as the LPC Candidate.

86:10-11-4. Supervisor qualifications

Supervisor qualifications include:

(1) A Licensed Professional Counselor who has practiced in positions relevant to those the LPC proposes to

Emergency Adoptions

supervise for two (2) years beyond the date of issue of the Oklahoma license.

(2) As of January 1, 2000:

(A) an LPC who has successfully completed a graduate course in counselor supervision of at least forty-five (45) contact hours or equivalent course of study acceptable to the Board. This equivalent course of study shall consist of workshops in counseling supervision in combination with directed study of counseling supervision literature. Fifteen (15) of the forty-five (45) contact hours shall be in a class or workshop format which includes four (4) supervisors-in-training; the other thirty (30) contact hours shall be reserved for directed study, and

(B) an LPC who has passed the Oklahoma Legal and Ethical Responsibilities Examination.

(3) An agreement to be "on call" to the supervisee on a twenty-four (24) hour basis and to arrange for an alternate supervisor if not available.

(4) After receipt of the LPC supervision agreement, LPC supervisor may be approved by the Board.

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

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

(7) If continuing education requirement is not met within five (5) years of expiration, approved supervisor status will be permanently expired and the LPC must re-apply and meet all requirements in this Subchapter, including the re-taking of 86:10-11-4(2)(A) or (B) to become an approved supervisor.

(8) An active approved supervisor may request inactive status by submitting a request in writing to the Board. An inactive approved supervisor shall not provide any activities described in Subchapter 11 of this Chapter.

(9) An inactive approved supervisor may reactivate by submitting the required counseling supervision continuing education due by the end of the current renewal period.

(10) An active approved supervisor status may be retired by informing the Board in writing. A retired approved supervisor status shall not be reinstated but does not prevent a person from applying for approved supervisor status at a future date.

(11) No re-application for a revoked approved supervisor status, as a result of administrative proceeding, shall be considered for a period of five (5) years following the revocation.

86:10-11-5. Duration of supervision

(a) Three (3) years or three-thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LPC supervisor, shall be completed.

(b) For each one-thousand (1000) clock hours of full time, on-the-job experience, three hundred fifty (350) hours shall be direct face to face client contact.

(c) "Full time" means at least twenty (20) hours per week.

(d) Weekly, face-to-face supervision shall be accrued under an LPC at the ratio of forty-five (45) minutes of supervision for every twenty (20) hours of on-the-job experience.

(e) "Group supervision" means an assemblage of counseling supervisees consisting of from two (2) to six (6) members and no more than one-half ($\frac{1}{2}$) of the required supervision hours may be received in group supervision.

(f) One (1) or two (2) years of supervised experience may be gained at the rate of one (1) year for each thirty (30) graduate semester credit hours or forty-five (45) graduate quarter credit hours in counseling-related course work beyond the master's degree. (Minimal educational requirements are a master's degree [at least forty-five (45) hours] or doctorate with the first forty-five (45) hours meeting the minimal educational requirements. As of January 1, 2000, minimal educational requirements are a master's degree [at least sixty (60) semester credit hours or ninety (90) quarter credit hours] or a doctorate with the first sixty (60) semester credit hours or ninety (90) quarter credit hours meeting the minimal educational requirements.)

(g) Regardless of the number of hours earned beyond the master's degree, the LPC supervisee shall receive at least one (1) year or one-thousand (1000) clock hours of supervision in the ratio described in subchapter 11, section 86:10-11-5(b-d).

(h) If an applicant completes the supervised experience requirement before passing the licensure examination, the applicant shall continue to practice under LPC supervision as described in this subchapter, unless exempted by the Act, until licensed. Failure to do so constitutes a violation of the Act and may be subject to prosecution under the District Attorney and sanction by the Board. (i) Applicants shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the application shall be voided.

(j) Approved supervisors shall perform at least two (2) observations (live or tape) per each six (6) month evaluation period for each supervisee.

(k) Approved supervisors shall consult with on-site supervisor at least once during each six (6) month evaluation period for each supervisee.

86:10-11-6. Documentation of supervised experience

(a) A supervision agreement form between the supervisor and supervisee, the Statement of Professional Disclosure Form, and the On-Site Supervisor Verification Form shall be received by the LPC Board prior to beginning the accrual of supervised hours.

(b) The supervisor and supervisee shall sign and submit the "Evaluation of Supervised Experience," including documentation of observations and date of consultation between approved supervisor and on-site supervisor, semi-annually.

86:10-11-7. Supervision agreement

(a) The Supervision Agreement shall include the following:

(1) Supervisor and supervisee agree to terms set forth for the accrual of supervised experience; and

(2) A reproduction of the regulation regarding supervised experience.

(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.

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;
- (4) Three (3) Document of Recommendation Forms; and
- (5) Two (2) classifiable sets of fingerprints.

86:10-15-2. Examinations required

Each applicant shall take two examinations:

- (1) The National Counselor Examination for Certification and Licensure or another equivalent examination as determined by the Board; and
- (2) The Oklahoma Legal and Ethical Responsibilities Examination.

86:10-15-3. Frequency

The Board shall administer the licensure examination at least one (1) time each year or as often as deemed necessary.

86:10-15-4. Application

- (a) The Board shall mail notification of eligibility to sit for examination to the last known address of applicant no later than sixty (60) days after receiving the required and completed application materials.
- (b) Upon receiving test eligibility letter 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 exam may be valid for two years, at which time if they have not successfully passed the exams, their licensure application shall be voided and the applicant shall be mailed notification at last known address.
- (d) An applicant who fails the NCE exam, may schedule additional examinations, within the two-year eligibility period, with the submission of subsequent exam registration materials

Emergency Adoptions

and fees. The subsequent exam can be scheduled no sooner than 90 days after the prior exam.

86:10-15-5. Grading

(a) Licensure examinations shall be graded by the Board or its designated representatives.

(b) The passing score on the examination shall be that score accepted as passing by the National Board for Certified Counselors.

86:10-15-6. Notice of results

(a) The Board shall mail notification to the examinee at last known address of the examination results within sixty (60) days of the date of the examination.

(b) The Board shall furnish the applicant an analysis of performance.

(c) No matter what numerical or other scoring system the Board may use in arriving at examination results, the official notice of results to the examinees shall be stated in terms of "pass" or "fail".

(d) If the notice of examination results is delayed for more than ninety (90) days after the date of the examination, the Board shall mail notification to the examinee at the last known address before the ninetieth (90th) day.

86:10-15-7. Failure to appear

If an applicant for licensure fails to appear for examination for reasons other than documented illness or other cause beyond the applicant's control after having agreed to do so by applying to take a particular examination, the applicant shall reapply and pay another examination fee before being admitted to a subsequent examination.

86:10-15-8. Failure to apply

The application of a person who fails to apply for, sit for, and successfully pass the National Counselor Examination and the Oklahoma Legal and Ethical Responsibilities Examination, within the two-year eligibility period, after the applicant has been mailed notification at last known address in writing of his/her eligibility for examination, shall be voided and the applicant shall be mailed notification at last known address.

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 from programs pre-approved by the Board or its designee. Continuing education in counseling ethics is acceptable as meeting the pre-approval requirements by the Board when the continuing education program:

(1) Addresses ethics issues, as the sole focus and specifically pertains to the practice of counseling, as defined in Title 59 of the Oklahoma Statutes, Section 1902(6), counseling treatment interventions, consulting, referral activities, or research activities as defined in Title 59 of the Oklahoma Statutes, Section 1902.

(2) Addresses regulations as promulgated in Subchapter 3 of this Chapter.

(3) Meets all requirements of sections 2-5 of OAC 86:10-17-3.

(4) As of the July 1, 2008 to June 30, 2009 renewal period, the three clock hours of counseling ethics continuing education must be accrued in a face-to-face setting.

(5) Current LPC Board members shall receive clock hours of acceptable continuing education for attendance and participation in Board or Committee meetings.

(c) Approved LPC Supervisors must complete a minimum of three (3) clock hours of continuing education in counseling supervision from programs pre-approved by the Board of its designee. Continuing education in Counseling Supervision is acceptable as meeting the pre-approval requirements by the Board when the continuing education program:

(1) Addresses issues specifically related to the practice of clinical supervision, as the sole focus, pursuant to regulations promulgated in Subchapter 11 of this Chapter.

(2) Contains content in one or more of the following knowledge areas:

(A) Ethical and legal considerations in the practice of clinical supervision;

(B) Theoretical models of clinical supervision;

(C) Clinical supervision intervention methods and modalities;

(D) Research in clinical supervision; and

(3) Meets all requirements of sections 2-5 of OAC 86:10-17-3 of this Chapter.

(4) As of the July 1, 2008 to June 30, 2009 renewal period, the three clock hours of counseling supervision continuing education must be accrued in a face-to-face setting.

86:10-17-3. 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 Board pre-approved 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. No more than ten (10) hours of continuing education may be accrued per renewal period through home-study or technology-assisted distance learning courses. Presenter or program author must meet all requirements of OAC 86:10-17-3 of this Chapter. Home-study or technology-assisted distance learning is designed to deliver education to learners who are not in the direct physical presence of the educator.

86:10-17-5. 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 roster

LPCs shall submit a Continuing Education Roster (not individual verification of attendance documents) on an official Board form with the license renewal fee. Rosters may be obtained from the Board. The Continuing Education Roster shall include the name of the licensee, signature and signature date of the licensee, total clock hours of workshop(s), name of workshop(s), sponsoring agency of workshop(s), date of workshop(s), and the number of hours of each workshop. Only continuing education accrued in the preceding license renewal period shall be acceptable.

Emergency Adoptions

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, specialty designation, if any, highest accredited counseling-related academic degree and date of issuance.

86:10-19-1.1. Statement of Professional Disclosure

An LPC license shall be issued only after the Board has received the applicant's Statement of Professional Disclosure.

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 mail notification to the licensee, at last known address, of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the license will be mailed to the licensee.

86:10-19-5. Replacement

The Board shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LPC's original license or be accompanied by the damaged license, if available.

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).
- (4) Submission of Continuing Education on the Continuing Educations Roster for Renewal of LPC licensure form.

86:10-21-6. Display of verification card

- (a) A current license verification card shall be displayed on the original or replaced license.
- (b) A current license verification card shall be readily available on the LPC's person at any time counseling services are being

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) When a license is placed on inactive status, the license and active verification cards shall be returned to the Board.
- (c) When a license is placed on inactive status, it remains inactive for at least one (1) year from the date of inactivation.
- (d) Active status may be re-established upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year 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 mail to licensee's last known address, 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 mail a notification to the last known address 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

Licenses not renewed within the one (1) year renewal period shall be permanently expired and shall not be reinstated. The license shall be returned to the Board.

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.

Emergency Adoptions

86:10-25-2. Licensing procedures

An applicant must submit the application form and related documents as requested, licensure fees, three current documents of recommendation and official transcripts.

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 must show proof of one of the following:
 - (A) has held a license in another jurisdiction for at least five years; or
 - (B) satisfies the requirements located at Title 59 Oklahoma Statutes, Section 1906 (C); and
- (5) 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 directory of LPCs shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number, and license number of current licensees.

86:10-27-2. Brochure

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.

86:10-27-3. Statement of professional disclosure

- (a) The Statement of Professional Disclosure shall inform clients of the LPC's credentials, training, fees, orientation/techniques and inform the client to contact the Board should the client seek additional information about the LPC.
- (b) Both LPCs and LPC candidates shall:
 - (1) Furnish an example copy signed by the LPC, and in the case of a candidate, signed by the LPC supervisor and the candidate, to the Board. The LPC and LPC Candidate

shall submit updated copies when the situation warrants; and

- (2) Have two (2) copies signed by both the client or adult caretaker and the counselor. One (1) copy shall be given to the client and the other copy shall be retained by the counselor in the client's file.

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.

SUBCHAPTER 29. ENFORCEMENT

86:10-29-1. Purpose

The purpose of this subchapter is to specify the procedure of processing of Requests for Inquiry filed by citizens and the filing of disciplinary actions against LPCs or against persons who practice licensed professional counseling without a license or exemption.

86:10-29-2. Definitions

The following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Licensed Professional Counselors Act, 59 O.S. §§ 1901 *et seq.*, as amended.

"APA" means Article I and/or Article II of the Administrative Procedures Act, 75 O.S. §§ 250*et seq.*

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

"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.

"Formal Complaint" means a written statement of alleged violation of the LPC Act by a person licensed or certified by the Board and which is filed by the Board's attorney along with a Notice of Hearing scheduling an individual proceeding before the Board.

"Hearing" means the process followed by the Board to provide Due Process to a licensee respondent in an individual proceeding. "Individual Proceeding" means the formal process by which the Board takes administrative action against a person licensed or certified by the Board in accordance with the APA and the Act.

"Request for Inquiry" means a written or oral statement of complaint from any person of a possible violation of the Act or rules of the Board.

"Respondent" means the person against whom an individual proceeding is initiated.

"Staff" means the personnel of the Board.

86:10-29-3. Complaint Procedure

(a) **Receiving Requests for Inquiry.** Any person may file a Request for Inquiry against a Licensed Professional Counselor ("LPC") or a person who delivers licensed professional counseling services without a license. A person wishing to report a concern or alleged violation against a LPC or a person delivering licensed professional counseling services without a license may notify the Board in writing, by telephone or by personal visit. The Board or its agent may require complainants to reduce oral complaints to writing to facilitate the review and investigation of the Request for Inquiry. The Complaint Committee will determine whether the Request for Inquiry alleges a possible violation of the Act. Upon receipt of the Request for Inquiry, the Executive Director will:

- (1) Stamp all pages with a Board stamp indicating date of receipt;
- (2) Review the Request for Inquiry to determine if the person against whom the Request for Inquiry 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 Request for Inquiry;
- (4) Notify the members of the Complaint Committee by providing a copy of the Request for Inquiry to each member.

(b) **Authority of Complaint Committee.** The Complaint Committee has the authority to consult on professional duties and responsibilities as set forth in the LPC Act. In addition, the Complaint Committee has authority to do the following:

- (1) Appoint an investigator;
- (2) Meet with licensees who are the subject of the Request for Inquiry;
- (3) Outline the terms of a proposed Consent Order for the informal disposition of Requests for Inquiry to be submitted at a Board hearing for approval;
- (4) Authorize the filing of a formal Board Complaint in matters that may result in the revocation, suspension or probation of a license.

(c) **Reviewing Requests for Inquiry.** The Executive Director has the authority to respond directly to individuals filing a Request for Inquiry without need for referral to the Complaint Committee for matters that do not allege a violation of the law or which require no further action, and for allegations that if true, would not be a violation of the law or rules. If the allegation(s) indicate a possible violation of the law or rules, the Complaint Committee shall determine whether additional investigation is needed and shall make the following determination:

- (1) The alleged violation(s) if found to be valid, would not result in a denial, revocation or suspension of a license, but one which does indicate the need for Board review and possible informal action.
- (2) The alleged violation(s) if found to be valid, would result in a denial, revocation, suspension or probation of a license.

(d) **Allegations, if substantiated, not appearing to result in a denial, revocation or suspension of a license.** If an alleged violation appears to be one which would not result in the revocation, suspension or probation of a license, the Complaint Committee shall proceed with reviewing the Request for Inquiry. Upon the consent of the Complaint Committee and the advice of the Attorney General liaison the Complaint Committee or its designee shall proceed by:

- (1) Notification to the licensee by certified mail that a Request for Inquiry has been received, outlining the nature of the inquiry.
- (2) Forwarding to the licensee a copy of the informal process for addressing Requests for Inquiry which requires:

- (A) a prompt letter to the Board from the licensee responding to the merits of the Request for Inquiry;
- (B) an informal interview with the Complaint Committee to fully explore the issues involved in the Request for Inquiry;
- (C) an agreement by the Complaint Committee and the licensee on the merits of the Request for Inquiry
- (D) a proposed Consent Order for disciplinary action for the licensee, signed by Board member serving on the Complaint Committee, to be submitted for approval of the Board at an open meeting, the terms of which may include but not be limited to the following:

- (i) a tutorial assigned to the licensee in areas determined by the Complaint Committee in areas determined by the Board addressing the practice in question, under the supervision of a Board Approved Supervisor assigned by the Board
 - (ii) a Notice of Violation reprimanding the licensee for the practice in question;
 - (iii) re take the Jurisprudence exam
 - (iv) Letter of Explanation
- (E) a review of the course of action in a specified time, no longer than six months, to determine whether or not remediation has taken place; and
- (F) a letter to the licensee indicating the informal process has ended; or,

- (3) Referral to the formal investigation process when:
 - (A) the licensee fails to respond to the certified letter from the Complaint Committee;
 - (B) the informal process reveals new or expanded allegations that indicate the possibility of a denial, revocation or suspension of a license;
 - (C) the licensee fails to meet the requirements of Consent Decree without good cause.
- (4) A Consent Order entered into pursuant to this subsection that is agreed to by the Board and the licensee shall not be considered a disciplinary action and will not appear on the Board's website or be reported to a national database.

(e) **Allegations if substantiated, appearing to result in a revocation, suspension or probation of a license.** If an alleged violation appears to be one which would result in a revocation, suspension or probation of a license, the Complaint

Emergency Adoptions

Committee shall proceed with addressing the Request for Inquiry by the process detailed below based upon agreement of a majority of its members:

- (1) Contacting an investigator designated by the Board as qualified to address the nature of the Request for Inquiry.
 - (2) Providing the designated investigator with names and addresses of the complainant, if available, and the licensee.
 - (3) Issuing a letter notifying the licensee of the investigation and Request for Inquiry
 - (4) Complaint Committee to determine whether or not the licensee is to be interviewed by the contract investigator or upon advice of the Attorney General liaison, conducting an interview by the Assistant Attorney General in a setting under oath; and to determine whether in addition, the matter is to be referred for criminal investigation.
 - (5) Following investigation, the Complaint Committee shall review and determine whether the Request for Inquiry should be dismissed, referred for informal resolution as there appears to be a violation of the Act but does not appear to be sufficient evidence to support a revocation, suspension or probation of a license, or to proceed with authorizing the filing of a Formal Complaint and the issuance of a Notice of Hearing by the Assistant Attorney General.
- (f) **Summary Suspension.** After the filing of a Formal Complaint seeking revocation or other action and the issuance of a Notice of Hearing by the Assistant Attorney General, but prior to the final hearing on the merits of said Formal Complaint, in the event of an emergency, a summary suspension hearing may be held as set forth herein. The Chair of the Board upon concurrence of the Complaint Committee of the Board that an emergency exists for which the immediate suspension of a license is imperative for the protection of the public health, safety or welfare, may conduct a summary suspension hearing to temporarily suspend the license of any person under the jurisdiction of the Board, pending proceedings for revocation or other action set forth in the Formal Complaint. The Chair or Vice Chair, may issue an Order of Temporary Summary Suspension upon a finding of 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 Sections 314 and 314.1 of the APA. The licensee 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 summary suspension, the Individual Proceeding hearing on the full merits of the Formal Complaint shall be promptly instituted and determined.
- (g) **Request for Inquiry confidentiality**
- (1) The request for inquiry and the identity of the complainant or informant shall be confidential and shall not be available for public inspection.
 - (2) The investigator's report are to be used solely to determine whether or not to pursue disciplinary action

against the Respondent, and thus constitute confidential and privileged work product material, not subject to disclosure.

86:10-29-4. Investigation

If the Complaint Committee determines a possible violation of the Act or this Chapter has occurred, the Complaint Committee may commence an investigation of the complaint.

86:10-29-5. Cooperation with investigations

Licensees shall cooperate when Board staff, Complaint Committee members, and/or investigators make inquiries concerning a Request for Inquiry made against a licensee. Failure of a licensee to cooperate is grounds for further disciplinary action under the Act.

86:10-29-6. Service of petition and notice

- (a) **Service.** The petition and notice shall be served on the respondent(s) personally or by certified mail, return receipt requested to the address of the respondent(s) on file with the Board. It is the duty of the licensee to provide current address information.
- (b) **Proof of service.** Proof of service shall be filed with the Board office.
- (c) **Substitute service.** If the Board is unable to obtain service on a respondent, the petition and notice shall be mailed by regular mail to the last known address of the respondent, and the Board shall file an affirmation service was attempted.
- (d) **Service of other papers and documents.** Service of all other papers and documents connected with an individual proceeding shall be served on the parties or their counsel by delivering a copy in person or via facsimile or regular mail.

86:10-29-7. Hearing

Hearings shall be conducted by the Board in accordance with the APA, 75 O.S., Sections 309-321. The Board shall recommend the most appropriate penalty at the conclusion of the evidence.

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, with notice or motion.
- (b) **Continuance by motion of parties.** Except for good cause shown, or by agreement of all parties, no continuance will be granted upon motion of a party unless written request therefore is filed and served on all parties of record and filed with the Board office and served on the Assistant Attorney General at least seven (7) days prior to the date set for hearing. A stipulation for continuance among all parties of record ordinarily will be approved, unless the Board chair determines that the public interest requires otherwise.

86:10-29-9. Discovery

Discovery shall be conducted generally 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 the hearing or at any time upon application of a party, with or without notice, may make such orders relating to discovery as may be necessary or appropriate for the protection of the parties, and to prevent hardship to and excessive burden upon a party.

86:10-29-11. Subpoenas

(a) Issuance of subpoenas for witnesses and physical evidence. The Board may compel the attendance of witnesses, and the production of physical evidence before it from witnesses, upon whom process is served by subpoena anywhere within the state. Such subpoenas will be issued over the signature of the chairperson or vice chairperson and the seal of the Board.

(b) Service of subpoenas. From the institution of formal Board proceedings, subpoenas will be issued on behalf of the licensee or the Board. Service of the subpoena will be the responsibility of the requesting party. Subpoenas shall be served and return made in the manner prescribed by general civil law.

86:10-29-12. Final order

The Board shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.

86:10-29-13. Unauthorized practice

Any person found to be practicing licensed professional counseling without being either 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 the order includes a finding that the individual:

- (1) Violated any provision of the Act, including practicing licensed professional counseling without licensure or exemption; or
- (2) Violated any rule within this Chapter; or
- (3) Violated any order issued pursuant to this Chapter.

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

86:10-29-15. Costs of Investigation

Costs of investigation may be assessed against a licensee and incorporated into a Consent Order or any other final order resolving a disciplinary matter against a licensee.

[OAR Docket #14-936; filed 11-7-14]

**TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE
CHAPTER 15. LICENSED MARITAL AND FAMILY THERAPISTS**

[OAR Docket #14-937]

RULEMAKING ACTION:

EMERGENCY adoption

RULES:

Subchapter 1. General Provisions [NEW]

86:15-1-1. [NEW]

86:15-1-2. [NEW]

86:15-1-3. [NEW]

86:15-1-4. [NEW]

Subchapter 3. Rules of Professional Conduct [NEW]

86:15-3-1. [NEW]

86:15-3-2. [NEW]

86:15-3-3. [NEW]

86:15-3-4. [NEW]

86:15-3-5. [NEW]

86:15-3-6. [NEW]

86:15-3-7. [NEW]

86:15-3-8. [NEW]

86:15-3-8.1. [NEW]

86:15-3-9. [NEW]

Subchapter 5. Application for Licensure [NEW]

86:15-5-1. [NEW]

86:15-5-2. [NEW]

86:15-5-2.1. [NEW]

86:15-5-2.2. [NEW]

86:15-5-3. [NEW]

86:15-5-4. [NEW]

Subchapter 7. Licensure Examinations [NEW]

86:15-7-1. [NEW]

86:15-7-2. [NEW]

86:15-7-3. [NEW]

86:15-7-4. [NEW]

86:15-7-5. [NEW]

86:15-7-6. [NEW]

Subchapter 9. Supervised Experience Requirements [NEW]

86:15-9-1. [NEW]

86:15-9-2. [NEW]

86:15-9-3. [NEW]

86:15-9-4. [NEW]

86:15-9-5. [NEW]

Subchapter 11. Fees [NEW]

86:15-11-1. [NEW]

86:15-11-2. [NEW]

86:15-11-3. [NEW]

86:15-11-4. [NEW]

86:15-11-5. [NEW]

Subchapter 13. Issuance and Maintenance of License [NEW]

86:15-13-1. [NEW]

86:15-13-2. [NEW]

86:15-13-3. [NEW]

86:15-13-4. [NEW]

86:15-13-5. [NEW]

86:15-13-6. [NEW]

86:15-13-7. [NEW]

86:15-13-8. [NEW]

Subchapter 15. Enforcement [NEW]

86:15-15-1. [NEW]

Emergency Adoptions

86:15-15-2. [NEW]
86:15-15-3. [NEW]
86:15-15-4. [NEW]
86:15-15-5. [NEW]
86:15-15-6. [NEW]
86:15-15-7. [NEW]
86:15-15-8. [NEW]
86:15-15-9. [NEW]
86:15-15-10. [NEW]
86:15-15-11. [NEW]
86:15-15-12. [NEW]
86:15-15-13. [NEW]
86:15-15-14. [NEW]
86:15-15-15. [NEW]

AUTHORITY:

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq]

ADOPTION:

March 28, 2014

APPROVED BY GOVERNOR:

April 23, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The passage of HB1467 established the newly formed State Board of Behavioral Health Licensure. The State Board of Behavioral Health Licensure is responsible for the enforcement of Licensed Professional Counselor Act. The following emergency rules are necessary to maintain the governance of Licensed Marital and Family Therapists in Oklahoma.

ANALYSIS:

The following emergency rules interpret the Oklahoma Marital and Family Therapist Licensure Act, (59 O.S. Section 1925.1 et seq.)

CONTACT PERSON:

Thom Balmer, Ph.D., LPC, LMFT, Chairman State Board of Behavioral Health Licensure (580) 581-2567, tbalmer@cameron.edu

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. § 253(F):

SUBCHAPTER 1. GENERAL PROVISIONS

86:15-1-1. Purpose

The rules in this Chapter implement the Marital and Family Therapist Licensure Act, 59 O.S. Section 1925.1 et seq.

86:15-1-2. Consumer information

(a) **Directory.** The Board shall provide a directory of Licensed Marital and Family Therapists (LMFTs). The directory of LMFT's shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number and license number.

(b) **Brochure.** The Board shall prepare information of consumer interest which describes the regulatory functions of the Board and Board procedures to handle and resolve consumer complaints.

86:15-1-3. Definitions

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"Act" means the Marital and Family Therapist Licensure Act, 59 O.S. §§ 1925.1 *et seq.*, as amended.

"Approved LMFT supervisor" means an individual who meets the qualifications to become an approved supervisor and is approved by the Board as set forth in Section 86:15-9-3 of this Chapter.

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

"Complaint Committee" means one Board member who is a LMFT, the Executive Director, the Assistant Attorney General and may include other appropriate individuals as determined by the Committee.

"Extra therapeutic relationship" means a familial, social, financial, business, professional, close personal, sexual or other non-counseling relationship with a client, or engaging in any activity with another person that interferes or conflicts with the LMFT's professional obligation to a client.

"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.

"Home-study or technology-assisted distance learning" refers to the delivery of graduate coursework or continuing education through mailed correspondence or other distance learning technologies, which focuses on synchronous or asynchronous instructional delivery methods. Home-study or technology-assisted distance learning is designed to deliver education to learners who are not in the direct physical presence of the educator.

"License Committee" means two LMFT Board members, one Staff member, and may include other appropriate individuals as determined by the Committee.

"OAC" means the Oklahoma Administrative Code.

"On-site supervisor" means a person who may not be an approved LMFT supervisor but is licensed in the State of Oklahoma as a Licensed Marital and Family Therapist, Licensed Professional Counselor, Licensed Behavioral Practitioner, Psychologist, Clinical Social Worker, Psychiatrist, or Licensed Alcohol and Drug Counselor employed by the agency employing the LMFT Candidate whose assigned job duties include acting as the immediate supervisor to the LMFT Candidate.

"Staff" means the personnel of the Board.

"Technology-assisted supervision" refers to supervision that occurs through video teleconferencing, over secure internet connections, wherein an Approved LMFT Supervisor and a Licensed Marital and Family Therapist Candidate are in separate physical locations. Technology-assisted supervision must be approved by the Board prior to the accrual of hours. Factors to be considered by the Board include: distance between approved supervisor and candidate; financial hardship on approved supervisor or candidate; physical hardship on approved supervisor or candidate; specialty credentials; and other pertinent factors.

86:15-1-4. Applicability

Every duty, obligation or requirement described in this Chapter and imposed upon a LMFT shall be applicable to every licensed marital and family therapist candidate, unless specifically provided otherwise.

SUBCHAPTER 3. RULES OF PROFESSIONAL CONDUCT

86:15-3-1. Responsibility to clients

(a) LMFTs are dedicated to advancing the welfare of families and individuals, including respecting the rights of those persons seeking their assistance, and making reasonable efforts to ensure that their services are used appropriately.

(b) LMFTs 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. LMFTs do not discriminate against clients, students, employees, supervisees, or research participants in a manner that has a negative impact on these persons.

(c) LMFTs are cognizant of their potentially influential position with respect to clients, and they shall not exploit the trust and dependency of such persons. LMFTs therefore shall avoid extra therapeutic relationships with clients that could impair their professional judgment or increase the risk of exploitation. When extra-therapeutic relationships cannot be avoided, LMFTs shall take appropriate professional precautions to insure that judgment is not impaired and that no exploitation occurs. Examples of such extra therapeutic relationships include, but are not limited to, business or close personal relationships with clients. Sexual intimacy with clients is prohibited. Sexual intimacy with former clients for two years following the termination of therapy is prohibited.

(d) LMFTs shall not use their professional relationship with clients to further their own interests.

(e) LMFTs respect the right of clients to make decisions and help them to understand the consequences of those decisions. LMFTs shall clearly advise a client that a decision on marital status is the responsibility of the client.

(f) LMFTs shall continue therapeutic relationships only so long as it is reasonably clear that clients are benefiting from the relationship.

(g) LMFTs shall assist persons in obtaining other therapeutic services if a marital and family therapist is unable or unwilling, for appropriate reasons, to see a person who has requested professional help.

(h) LMFTs shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment by other appropriate professionals as necessary and indicated.

(i) When an LMFT becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LMFTs duty of responsibility to the client, including a suspension of the LMFTs license or any other situation or

condition described in subchapter 3 of these rules, the LMFT 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 consistent with the provisions of paragraphs (g) and (h) herein.

(j) LMFTs shall obtain informed consent of clients before taping, recording, or permitting third party observation of their activities.

86:15-3-2. Confidentiality

(a) LMFTs have unique confidentiality problems because the "client" in a therapeutic relationship may be more than one person. The overriding principle is that LMFTs respect the confidences of their client(s).

(b) LMFTs shall not disclose client records and confidences to anyone, except:

(1) as mandated by law;

(2) to prevent a clear and immediate danger to a person or persons;

(3) where the LMFT is a defendant in a civil, criminal, or disciplinary action rising from the therapy (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.

(c) In circumstances where more than one person in a family is receiving therapy, each such family member who is legally competent to execute a waiver must agree to the waiver required by paragraph (b)(4) of this section. Absent such a waiver from each family member legally competent to execute a waiver, an LMFT shall not disclose information received from any family member.

(d) LMFTs shall use client and/or clinical materials in teaching, writing, and public presentations only if a written waiver has been received in accordance with subsection (c) of this section, or when appropriate steps have been taken to protect client identity.

(e) LMFTs shall store or dispose of client records in ways that maintain confidentiality.

(f) LMFTs shall maintain verifiable records necessary for rendering professional services to their clients for at least seven (7) years beyond termination of services. LMFTs 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.

(g) LMFTs 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.

(h) LMFTs shall be responsible for complying with the applicable state and federal regulations in regard to the security, safety and confidentiality of any therapeutic record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

Emergency Adoptions

86:15-3-3. Professional competence and integrity

- (a) LMFTs are dedicated to maintaining high standards of professional competence and integrity.
- (b) LMFTs are presumed to have violated high standards of integrity or competence if they:
 - (1) are convicted of a felony;
 - (2) are convicted of a misdemeanor (related to their qualifications or functions);
 - (3) engage in conduct which could lead to conviction of felonies, or misdemeanors related to their qualifications or functions;
 - (4) have their licenses or certificates suspended or revoked; or
 - (5) are no longer competent to practice marital and family therapy because they are impaired due to physical or mental causes or the abuse of alcohol or other substances.
- (c) LMFTs shall seek appropriate professional assistance for their own personal problems or conflicts that are likely to impair their work performance and their clinical judgment.
- (d) LMFTs, as teachers and supervisors, are dedicated to maintaining high standards of scholarship and presenting information that is accurate.
- (e) LMFTs shall remain abreast of new developments in family therapy knowledge and practice through both educational activities and clinical experiences.
- (f) LMFTs shall not engage in sexual or other harassment or exploitation of clients, students, trainees, supervisees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.
- (g) LMFTs shall not attempt to diagnose, treat, or advise on problems outside the recognized boundaries of their competence.
- (h) LMFTs shall prevent the distortion or misuse of their clinical and research findings.
- (i) LMFTs are aware that, because of their ability to influence and alter the lives of others, they must exercise special care when making public their professional recommendations and opinions through testimony or other public statements.
- (j) LMFTs shall protect the welfare of the client by storing and/or destroying, when appropriate, client files.
- (k) LMFTs shall not, under normal circumstances, offer professional services to clients concurrently receiving services from another professional except with the knowledge of the professional.
- (l) LMFTs shall display their original, current license certificate in a prominent place in the primary location of their practice.
- (m) LMFTs shall keep the Board updated regarding changes in mailing address, phone number and place of employment. Failure to do so may place the license in jeopardy due to missed renewal notices and other important communications.
- (n) LMFTs and LMFT Candidates may perform forensic services, which may include, but are not limited to, assessments, interviews, consultations, custody evaluations, reports, or 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) LMFTs and LMFT Candidates must demonstrate competence by education or experience in the subject matter relevant to the issues in question, as determined by the court.
- (2) LMFTs and LMFT Candidates shall provide a written notice and make reasonable attempts 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) LMFTs and LMFT Candidates 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) LMFTs and LMFT Candidates must conduct a thorough examination of the person 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) LMFTs and LMFT Candidates must 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) LMFTs and LMFT Candidates who provide therapy 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 LMFTs and LMFT Candidates 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. LMFTs and LMFT Candidates who provide mediation, parent coordinating assistance or any other neutral participation, may not undertake to provide therapy concurrently or subsequently to any person(s) involved or directly affected by the LMFT's or LMFT Candidate's role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations by the LMFT or LMFT Candidate 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.

(o) An LMFT, LMFT candidate, or applicant for LMFT licensure, in connection with a license application or an investigation conducted by the Board pursuant to OAC 86:15-15-1 through 15, shall not:

(1) knowingly make a false statement of material fact; LMFT, LMFT candidate or applicant for licensure to have arisen in the application or the matter under investigation; or

(2) fail to disclose a fact necessary to correct a misapprehension known by the LMFT, LMFT 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.

(p) No person may engage in the private or independent practice of marital and family therapy work or open a facility with the intent of providing private or independent therapy practice unless that person:

(1) is licensed under this Act as a Licensed Marital and Family Therapist; and,

(2) has met all requirements of OAC 86:15-9-4 and all of the LMFT Regulations; and

(3) has continued to meet all continuing education requirements set forth in Subchapter 13 of this Chapter.

86:15-3-4. Responsibility to students, employees, and supervisees

(a) LMFTs shall not exploit the trust and dependency of students, employees and supervisees.

(b) LMFTs are cognizant of their potentially influential position with respect to students, employees, and supervisees, and shall not exploit the trust and dependency of such persons. LMFTs, therefore, shall avoid extra therapeutic relationships that impair their professional judgment or increase the risk of exploitation. Examples of such extra therapeutic relationships include, but are not limited to, provision of therapy to students, employees, or supervisees, and business or close personal relationships with students, employees, or supervisees. Sexual intimacy with students or supervisees is prohibited.

(c) LMFTs shall not permit students, employees, or supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.

(d) LMFTs shall not disclose supervisee confidences to anyone, except:

(1) as mandated by law;

(2) to prevent a clear and immediate danger to a person or persons;

(3) where the marital and family therapist 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.

86:15-3-5. Responsibility to research participants

(a) LMFTs shall respect the dignity and protect the welfare of persons who participate in research and are cognizant of federal and state laws and regulations and professional standards governing the conduct of research with human participants.

(b) In planning a study, the LMFT has the responsibility to make a careful examination of its ethical acceptability. To the extent that services to research participants may be compromised by participation in research, the LMFT incurs a correspondingly serious obligation to seek the ethical advice of others not directly involved in the investigation and to observe safeguards to protect the rights of research participants. Examples of compromising conditions include, but are not limited to, random assignment to control groups, waiting lists, and inflexible treatment protocols.

(c) In requesting involvement in research, LMFTs are obligated to fully inform potential participants of all aspects of the research that might reasonably be expected to influence willingness to participate and to explain all other aspects of the research about which participants inquire. LMFTs are especially sensitive to the possibility of diminished consent when participants are also receiving clinical services or when participants are children or have impairments which limit understanding and/or communication.

(d) The LMFT respects the individual's freedom to decline to participate in or to withdraw from the research at any time. This obligation requires special thought and consideration when the LMFT or other members of the research team are in positions of authority or influence over the participant.

(e) Information obtained about a research participant during the course of an investigation is confidential unless otherwise agreed upon in advance. When the possibility exists that others, including family member, may obtain access to such information, this possibility, together with the plan for protecting confidentiality, is explained as part of the procedure for obtaining informed consent.

86:15-3-6. Responsibility to colleagues

(a) Marital and family therapists shall respect the rights and responsibilities of professional colleagues.

(b) LMFTs shall assign publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.

(c) LMFTs who author books or other materials that are published or distributed shall cite appropriately persons to whom credit for original ideas is due.

(d) LMFTs who author books or other materials published or distributed by an organization shall take reasonable precautions to ensure that the organization promotes and advertises the materials accurately and factually.

86:15-3-7. Financial arrangements

(a) LMFTs shall clearly explain to clients, prior to entering the therapy relationship, all financial arrangements related to professional services including the consequences for non-payment of fees.

Emergency Adoptions

- (b) LMFTs shall not offer or accept payment for referrals.
- (c) LMFTs shall not charge excessive fees for services.
- (d) LMFTs shall represent facts truthfully to clients and third party payor regarding services rendered.

86:15-3-8. Advertising

- (a) LMFTs shall accurately represent their competence, education, training, and experience relevant to their practice of marriage and family therapy.
- (b) LMFTs shall not use a name which could mislead the public concerning the identity, responsibility, source, and status of those practicing under that name and shall not hold themselves out as being partners or associates of a firm if they are not.
- (c) LMFTs shall not use any professional identification (such as a professional card, office sign, letterhead, or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading or deceptive. A statement is false, fraudulent, misleading, or deceptive if it:
 - (1) contains a material misrepresentation of fact;
 - (2) fails to state any material fact necessary to make the statement, in light of all circumstances, not misleading;
 - (3) is intended to or is likely to create an unjustified expectation.
- (d) LMFTs shall correct false, misleading, or inaccurate information and representations made by others concerning the marriage and family therapist's qualifications, services or products.
- (e) LMFTs shall make certain that the qualifications of persons in their employ are represented in a manner that is not false, misleading or deceptive.

86:15-3-8.1. Candidate for LMFT licensure

Candidates for licensure as a Licensed Marital and Family Therapist shall not refer to themselves as a Licensed Marital and Family Therapist or LMFT.

86:15-3-9. Failure to comply

An LMFT who does not comply with the Rules of Professional Conduct in this Subchapter shall be guilty of unprofessional conduct.

SUBCHAPTER 5. APPLICATION FOR LICENSURE

86:15-5-1. Fitness of applicants

- (a) **Purpose.** The purpose of this section is to establish the fitness of an applicant as one of the criteria for approval for licensure as an LMFT.
- (b) **Fitness for licensure.** 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 Code of Ethics of the professional discipline espoused by the applicant.
- (4) Any violation of the Board rules in effect at the time of application which is applicable to an unlicensed person.

(c) **Materials considered to determine fitness.**

- (1) Materials considered to determine fitness of skills and abilities include:
 - (A) Evaluations of supervisors or instructors.
 - (B) Statements from persons submitting references for the applicant.
 - (C) Evaluations of employers and/or professional associations.
- (2) Materials considered to determine fitness of professional conduct includes:
 - (A) Allegations of clients.
 - (B) Transcripts or other findings from official court, hearing or investigative proceedings.
 - (C) Any other information which the Board considers pertinent to determining the fitness of applicants.

86:15-5-2. Application procedures

(a) **General.**

- (1) The purpose of this section is to insure that all applicants meet those requirements specified in Section 1925.6 of the Act.
 - (2) Unless otherwise indicated, an applicant must submit all required information and documentation of credentials on official Board forms.
 - (3) The Board will not consider an application as officially submitted until receipt of the Application, application fee, official graduate transcripts, three (3) Document of Recommendation Forms, Internship/Practicum Documentation Form, and completed criminal background check. The fee must accompany the Application Form.
 - (4) The Board must receive all required application materials at least 60 days prior to the date the applicant wishes to take the examination.
- (b) **Application materials.** The purpose of this section is to list the materials required in the application process. All forms must be completed in full by the applicant, as per the instructions on the following individual forms:

- (1) Application form.
 - (2) Official graduate transcript.
 - (3) Documents of recommendation.
 - (4) Internship/practicum documentation form.
 - (5) Two (2) classifiable sets of fingerprints.
 - (6) Fees.
- (c) **Application forms**
- (1) Application form - identifying information; graduate education and course work; possession of other credentials; professional ethics and conduct.
 - (2) Internship/Practicum Documentation form - identifying information; time, place, location of practicum
 - (3) Document of Recommendation - identifying information; ratings of ethical and professional characteristics;

circumstances and time period submitter has know applicant

(4) Supervision Agreement - supervisor and supervisee agree to terms set forth for the accrual of supervised experience; a reproduction of the regulation regarding supervised experience

(5) Evaluation of Supervised Experience document - identifying information; time, place and duration of supervised experience; number of hours of direct client contact with different populations; supervisor's rating of professional activity; supervisor's comment section, and record of supervised experience.

(6) On-Site Supervisor Verification form - identifying information; name of applicant; place of employment; on-site supervisor information; a reproduction of the regulation regarding supervision accrued in a private setting.

(7) Two (2) classifiable sets of fingerprints.

(d) **Negative references.** The License Committee may ask any applicant for licensure as an LMFT, whose file contains negative references of substance, to come before the License Committee for an interview before the licensure designation process may proceed.

86:15-5-2.1. Reapplication procedures

(a) **Re-application for permanently expired license.**

(1) Re-application after license expires for non-renewal shall include the following documents:

- (A) Application form.
- (B) Three (3) Documents of Recommendation.
- (C) Supervision Agreement.
- (D) On-Site Supervisor Verification Form.
- (E) New Application Fee, and
- (F) Two (2) classifiable sets or fingerprints.

(2) Applicant shall re-take two examinations:

- (A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Board, and
- (B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.

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

(4) All previously submitted and approved Supervised Experience shall carry over to a new application.

(5) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 86:15-15-13.

(b) **Re-application for revoked license.**

(1) No re-application for a revoked license will be considered for a period of 5 years following the revocation. Re-application after license is revoked as a result of administrative action shall include the following documents:

- (A) Application form.
- (B) Official university or college transcript.
- (C) Three (3) Documents of recommendation.
- (D) Internship/Practicum Documentation form.

(E) Supervision Agreement.

(F) On-Site Supervisor Verification Form.

(G) New Application Fee, and

(H) Two (2) classifiable sets of fingerprints.

(2) Applicant shall re-take two examinations:

(A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Board, and

(B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.

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

(4) Application materials shall be reviewed by the License Committee.

(5) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of the revocation of licensure.

(6) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

(c) **Re-application for voided application.**

(1) Re-application after application is voided for failure to take scheduled examinations or after the eligible applicant fails an examination and does not take subsequent scheduled examinations shall include the following documents:

- (A) Application form.
- (B) Three (3) Documents of Recommendation.
- (C) Supervision Agreement.
- (D) On-Site Supervisor Verification Form.
- (E) New Application Fee, and
- (F) Two (2) classifiable sets of fingerprints.

(2) Applicant shall take two examinations:

(A) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Board, and

(B) An oral and/or written examination covering the LMFT law and regulations as approved by the Board.

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

(4) All previously submitted and approved Supervised Experience shall carry over to a new application.

(5) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 86:15-15-13.

(d) **Re-application for denied application.**

(1) Re-application after application has been denied as prescribed in Section 1925.15 of the Act shall include the following documents:

- (A) Application form.
- (B) Official university or college transcripts.
- (C) Three (3) Documents of Recommendation.
- (D) Internship/Practicum Documentation form.
- (E) Supervision Agreement.

Emergency Adoptions

- (F) On-Site Supervisor Verification Form,
- (G) New Application Fee, and
- (H) Two (2) classifiable sets of fingerprints.
- (2) Application materials shall be reviewed by the LMFT License Committee.
- (3) Applicant shall be required to take necessary examinations.
- (4) Applicant shall be required to accrue an additional 500 hours of supervised experience.
- (5) Internship/Practicum Documentation Form on file shall carry over to a new application.
- (6) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (7) Applicant shall obtain approved supervision until the exams are taken and passed. Failure to do so may constitute a violation of OAC Rule 86:15-15-13.
- (8) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of denial of licensure application.
- (9) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

86:15-5-2.2. Hearing upon 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 1925.15 (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.

86:15-5-3. Academic and experience requirements

(a) Fulfillment of Section 1925, 6, subsection B of the LMFT Act.

Persons applying for licensure must have fulfilled the requirements listed in Section 1925.6, Subsection B of the LMFT Act.

(b) Academic requirements. Applicants must possess at least a masters degree in marital and family therapy or in a mental health, behavioral science, or counseling related field from a college or university accredited by one of the following six regional accrediting associations recognized by the U.S. Department of Education: The New England Association of Schools and Colleges, The Middle States Association of Colleges and Schools, The North Central Association of Colleges and Schools, The Northwestern Association of Schools and Colleges; The Western Association of Schools and Colleges, or The Southern Association of Colleges and Schools which is content-equivalent to a graduate degree in marital and family therapy. In order to qualify as a "content-equivalent" degree, a graduate transcript must document the minimum number of graduate hours and knowledge areas listed below. Academic courses (3 semester hours or 4 quarter credit hours) must include a minimum of 45 class hours for each course.

(1) Theoretical Foundations of Marital and Family Systems - any course which deals primarily in areas such

as family life cycle; theories of family development; marriage and/or the family; sociology of the family; families under stress; the contemporary family; family in a social context; the cross-cultural family; youth/adult/aging and the family; family subsystems; individual, interpersonal relationships (marital, parental, sibling). (3 courses: 9 semester or 12 quarter hours.)

(2) Assessment and Treatment in Marital and Family Therapy -any course which deals primarily in areas such as family therapy methodology; family assessment; treatment and intervention methods; overview of major clinical theories of marital and family therapy such as: communicational, contextual, experiential, object relations, strategic, structural, systemic, transgenerational. (3 courses: 9 semester or 12 quarter hours.)

(3) Human Development - any course which deals primarily in areas such as human development; personality theory; human sexuality, psychopathology; at least one of which must be in psychopathology or abnormal human behavior. (3 courses: 9 semester or 12 quarter hours.)

(4) Ethics and Professional Studies - any course which deals primarily in areas such as professional socialization and the role of the professional organization; legal responsibilities and liabilities; independent practice and interprofessional cooperation; ethics; family law. (1 course: 3 semester or 4 quarter hours.)

(5) Research - any course which deals primarily in areas such as research design, methods, statistics; research in marital and family studies and therapy. (1 course: 3 semester or 4 quarter hours.)

(6) Practicum/Internship (at least 300 clock hours.)

(c) International degrees. For applicants with international degrees, the Board shall review the applications of applicants for licensure under this Chapter who have received a post-secondary degree from an educational institution outside the United States. The Board shall determine whether the applicant's experience, command of the English language, and completed academic program meet the standards of an academic program of an accredited educational institution.

(d) Experience requirement.

(1) Applicants must complete two (2) calendar years of work in marital and family therapy following the receipt of the qualifying degree.

(2) These two years must be completed under a supervisor approved by the Board.

(e) Examination. Applicants must achieve a passing score on the LMFT examinations.

86:15-5-4. Additional forms

(a) Licensure Verification Request Form - name of licensee; licensee license number; and licensee license type.

(b) Out-of-State License Verification Form - identifying information; type of credential held in other state; license number; issue and expiration date of license; current standing of license; past complaints or sanctions; exam information; supervision information; graduate education; internship documentation; signature and identifying information of person verifying from out-of-state.

(c) Mailing Addresses Request/Order Form - type of licensure list requested; format requested; identifying information of person making request.

(d) Licensure Reactivation Request Form - licensure type, identifying information; employment information; graduate education; license type and number; dates of inactivation and reactivation of license.

(e) LMFT Continuing Education Approval Application Form - name of workshop; program context; program knowledge area; name of presenter; presenter qualifications; date of presentation; number of hours requested; sponsoring agency; name of contact; phone number of contact; signature and signature date of contact; program content in relation to mental health ethics; program content in relation to therapy supervision; number of hours requested for mental health ethics; number of hour requested for therapy supervision.

SUBCHAPTER 7. LICENSURE EXAMINATIONS

86:15-7-1. Eligibility

An LMFT applicant is eligible to sit for the licensing examination following the submission and approval of:

- (1) Application Form and fee
- (2) Practicum/Internship Documentation Form
- (3) Official transcript(s) showing completion of all academic requirements listed in Subchapter 5 of this Chapter
- (4) Three (3) Document of Recommendation Forms; and
- (5) Two (2) classifiable sets of fingerprints.

86:15-7-2. Format

Applicants shall take two examinations:

- (1) The Licensing Examination in Marital and Family Therapy (Professional Examination Service) or another equivalent examination as determined by the Board and
- (2) The Oklahoma LMFT Examination covering the LMFT law and regulations as approved by the Board.

86:15-7-3. Frequency

The Board shall administer licensure examinations at least once a year or more often if deemed necessary.

86:15-7-4. Application

(a) The Board shall mail notification of eligibility to sit for examination(s) to the last known address of applicant no later than sixty (60) days after receiving the required and completed application materials.

(b) The Board will schedule the Oklahoma LMFT Examination and notify the applicant of test date. An applicant who wishes to take a scheduled national examination must complete an examination registration form, return it to the Board's designee and submit the required fee prior to the date of the examination.

(c) The applicant must pass the Oklahoma LMFT Examination within one year from the first date applicant is eligible to

test or the supervision agreement will be revoked and the applicant shall be mailed notification at last known address. After passing the Oklahoma LMFT Examination, the applicant may submit a new supervision agreement and on-site supervisor verification form for Board approval.

(d) An applicant's eligibility to sit for the national examination shall be valid for three years, at which time if the applicant has not successfully passed the national exam, the licensure application shall be voided and the applicant shall be mailed notification at last known address. An applicant may re-apply with an additional requirement of a plan of remediation acceptable to the License Committee.

86:15-7-5. Notice of results

(a) The Board shall mail notification of the examination results and an analysis of performance to examinee at last known address.

(b) If the notice of examination results will be delayed for more than 90 days after the date of the examination, the Board shall mail notification of the delay to the applicant at last known address before the 90th day.

86:15-7-6. Failure to appear

If an applicant for licensure fails to appear for examination for reasons other than documented illness or other cause beyond the applicant's control after applying to take a particular examination, the applicant must re-register and pay another examination fee before being admitted to a subsequent examination.

SUBCHAPTER 9. SUPERVISED EXPERIENCE REQUIREMENTS

86:15-9-1. Supervisor and supervisee responsibilities

Supervisor and Supervisee shall be jointly responsible for:

- (1) insuring the requirements under this subchapter are fulfilled. Any 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) insuring the client's right to confidentiality is protected and the rules of the supervisor's and supervisee's respective employers are adhered to during the course of supervision.

86:15-9-2. Acceptable supervised experience

Supervised experience is acceptable when:

- (1) it begins after all applicable academic requirements as stated in Subchapter 5 have been completed, and supervision agreement has been approved by the Board.
- (2) official application for licensure has been made. This includes Application, application fee, Internship/Practicum Documentation Form, official graduate transcript, three (3) Document of Recommendation

Emergency Adoptions

Forms, completed criminal background check, On-Site Supervisor Verification Form, and Supervision Agreement. Applicants who have met part or all of supervision experience requirements for clinical membership in AAMFT will be considered to have met part or all of the supervision requirements for licensure in Oklahoma.

(3) it consists of the performance of therapy activities as described in Section 1925.2, subsection 7 and 9 of the LMFT Act and contains the following characteristics:

(A) supervision focuses 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 and the LMFT Act and Regulations.

(B) supervision is a process clearly distinguishable from personal psychotherapy, and is contracted in order to serve professional/vocational goals.

(C) individual supervision shall be face-to-face with one supervisor and one or two supervisees.

(D) group supervision may be done with up to six supervisees and a supervisor.

(4) supervised experience hours may be accrued in academic, governmental, or private practice settings.

(5) the supervised experience is accrued in a private for-profit or private not-for-profit therapy setting without having an approved LMFT supervisor providing on-site supervision, if the agency employing the LMFT Candidate provides an on-site supervisor who is available to the LMFT Candidate any time services are being rendered by the LMFT Candidate, and the LMFT Candidate is receiving supervision for licensure from an approved LMFT supervisor. Out of state on-site supervisors may be approved on a case-by-case basis.

86:15-9-3. Supervisor qualifications

(a) In order to be approved as a supervisor for therapists seeking MFT licensure, an individual must:

(1) be an American Association for Marriage and Family Therapy approved Supervisor familiar with Oklahoma LMFT Act and Rules duly promulgated, or

(2) be an LMFT

(A) with two (2) years of experience in marital and family therapy beyond the number of years of experience required for licensure and

(B) who has successfully completed a graduate course in therapist supervision (at least 45 contact hours) or equivalent course of study acceptable to the Board. This equivalent course of study should consist of workshops in marriage and family therapy supervision in combination with directed study of the marriage and family therapy supervision literature. Fifteen (15) of the 45 clock hours should be in a class or workshop format which includes a minimum of four supervisors-in-training; the other 30 clock hours should be reserved for the directed study. Directed study must be approved and monitored by an Approved Supervisor.

(b) Approved LMFT Supervisors are required to complete a minimum of three (3) clock hours, every three (3) years, of continuing education in therapy supervision specific to Oklahoma law provided by the LMFT License Committee, or its designee. Approved Supervisor designation will not be renewed until the continuing education requirement for each missed renewal period is met.

(c) If continuing education requirement is not met within six (6) years of expiration, approved supervisor status will be permanently expired and the LMFT must re-apply and meet all requirements, including passing the Oklahoma LMFT Examination, in this Subchapter to become an approved supervisor.

(d) 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 9 of this Chapter.

(e) An inactive approved supervisor may reactivate by submitting the required therapy supervision continuing education due by the end of the current renewal period. If approved supervisor status has been inactive for three (3) or more years, the supervisor must retake and pass the Oklahoma LMFT Examination before approved status is reinstated.

(f) An active approved supervisor status may be retired by informing the Board in writing. Retired approved supervisor status shall not be reinstated but does not prevent a person from applying for approved supervisor status at a future date.

(g) 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.

86:15-9-4. Duration of supervised experience

(a) Work experience under supervision must extend over a minimum of 24 months. This marital and family therapy related experience must include a minimum of 1000 hours of direct client contact. The candidate must have a minimum of 250 relational hours with two or more members of the relational system present in the session.

(b) Supervision sessions:

(1) should be scheduled weekly and shall be no less than 6.25 hours of supervision for each 42 hours of direct client contact. No more than 42 hours of direct client contact can be counted in a four week period of time, or

(2) may be arranged on a different schedule upon:

(A) written request of the supervisor and supervisee in advance, and

(B) approval of the schedule by the Board.

(c) Total number of face-to-face supervision hours must be at least 150. Supervision in group sessions shall equal no more than 75 hours of the total requirement. Technology-assisted supervision shall not account for more than 75 hours of the total requirement.

(d) Approved LMFT Supervisors shall meet with LMFT candidate(s) in person at least once every six month evaluation period when performing technology-assisted supervision.

(e) Supervisors shall perform at least two (2) observations, (live or tape) per each six (6) month evaluation period for each supervisee.

(f) Approved supervisors shall consult with on-site supervisor at least once per supervisee during each reporting period.

86:15-9-5. Documentation of supervised experience

(a) An LMFT Supervision Agreement between supervisor and supervisee as well as the On-Site Supervisor Verification form must be received and approved by the Board prior to the accrual of supervision hours.

(b) Semi-annual documentation of supervision hours, evaluation of competence, date of observations (live or tape), and date of consultation between approved supervisor and on-site supervisor must be submitted by the supervisor and co-signed by the supervisee on official Supervision Evaluation Forms. Incomplete evaluations will not be accepted by the Board until all requirements for the semi-annual evaluation period have been completed.

(c) Upon completing the supervision requirement, the supervisee must complete and submit the Final Evaluation of Supervision Experience by Supervisee form for each supervisor. The Final Evaluation of Supervision Experience by Supervisee Form shall include the name of the supervisee and supervisor; period covered by supervision; ratings of supervision; recommendation of supervisor to other supervisees.

(d) Supervisors shall maintain supervision records for at least seven (7) years beyond termination of supervision.

SUBCHAPTER 11. FEES

86:15-11-1. Fees established

The Board shall establish fees to provide for the support of the administration of the Act.

86:15-11-2. Schedule of fees

The following fees apply to the administration of the Act:

(1) Application fee - \$200.00 - Shall be submitted with the application form.

(2) License examination - \$295.00 - Shall be submitted when the applicant is notified of eligibility to sit for the examination.

(3) License fee - \$100.00 - Shall be submitted upon notification that all application materials and fees have been received and are in order. This fee validates the license for the initial two-year period.

(4) License renewal fee - \$100.00 - After the initial two-year period of licensure, this is a yearly fee to be submitted on or before December 31 of each year.

(5) Late renewal fee - \$25.00 - This fee is assessed in addition to the renewal fee for failure to renew license on or before December 31.

(6) Replacement fee - \$25.00 - This fee is for the issuance of a license certificate to replace a license certificate which has been lost, damaged, or is in need of revision to be submitted with documentation of the necessary replacement.

(7) Inactive license fee - \$25.00 - Payment of this fee renders the license inactive and suspends all rights and

privileges granted by the license until the license is reinstated.

86:15-11-3. Fees non-refundable

Fees paid by applicants are not refundable.

86:15-11-4. Method of payment

Any remittance submitted to the Board in payment of a required fee may be in the form of a cashiers check, money order, personal check 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 may result in expiration or suspension of license.

86:15-11-5. Review of fees

The Board shall make periodic reviews of its fee schedule and make any adjustments necessary to provide funds to meet its expenses without creating an unnecessary surplus.

SUBCHAPTER 13. ISSUANCE AND MAINTENANCE OF LICENSE

86:15-13-1. Issuance of license

(a) Certificate. The license issued by the Board shall contain the licensee's name, license number, highest accredited therapy-related academic degree and date of issuance.

(b) Signature. Official licenses shall be signed by the Chair of the Board and be affixed with the seal of the Board.

(c) Property of the Board. All licenses issued by the Board shall remain the property of the Board and must be surrendered on demand.

(d) Notification. After having fulfilled all requirements for licensure, the Board shall mail notification to the licensee, at last known address, of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the license will be mailed to the licensee.

86:15-13-2. Replacement of certificate

The Board will replace a license certificate that is lost, damaged, or is in need of revision upon written request from the LMFT and payment of the license replacement fee. Requests must include the LMFT's original license or be accompanied by the damaged certificate, if available.

86:15-13-3. License renewal

(a) Responsibility. Each LMFT is responsible for renewing his/her license before the expiration date.

(b) 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.

(c) Annual renewal. Subsequent renewals will be yearly, on or before January 1. License fees will be prorated on a quarterly basis for the first renewal.

Emergency Adoptions

(d) **Interim renewal.** The notice for the initial renewal shall solicit the required continuing education documentation and invoice the LMFT for the interim period between the original renewal date and the following December 31 so that subsequent renewals shall be on a calendar year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by December 31. Fees and continuing education hours shall be prorated according to the schedule below.

(1) For a license expiring during January, February or March the following shall apply:

- (A) The renewal fee shall be \$100.00; and
- (B) Continuing education of 20 hours shall be due by December 31.

(2) For a license expiring during April, May or June the following shall apply:

- (A) The renewal fee shall be \$75.00; and
- (B) Continuing education of 15 hours shall be due by December 31.

(3) For a license expiring during July, August or September the following shall apply:

- (A) The renewal fee shall be \$50.00; and
- (B) Continuing education of 10 hours shall be due by December 31.

(4) For a license expiring during October or November, the following shall apply:

- (A) The renewal fee shall be \$25.00; and
- (B) Continuing education of 5 hours shall be due by December 31.

(5) Licenses expiring in December are not prorated.

(e) **Requirements for renewal.** Requirements for renewal are:

- (1) Compliance with the Act and Board rules.
- (2) Documentation of the required continuing education. (See 86:15-13-4 for information regarding C.E.).
- (3) Payment of the renewal fee(s).
- (4) Submission of Continuing Education Roster, on official Board form.

(f) **Display of renewal certificate.**

- (1) License renewal verification cards shall be displayed on the original (or replaced) license certificate.
- (2) A current license verification card shall be readily available on the LMFT's person at any time marital and therapy services are being provided.

86:15-13-4. Continuing education.

(a) **Purpose.** The purpose of the requirements in this Section is to establish the continuing education requirements necessary for license renewal.

(b) **Number of hours required.**

- (1) Licensees shall complete and furnish documentation to the Board of twenty (20) clock hours of acceptable continuing education per year. One college credit hour is equal to fifteen (15) clock hours.
- (2) A minimum of three (3) clock hours of continuing education hours must be in mental health ethics from programs pre-approved by the Board or its designee. Continuing education in mental health ethics is acceptable as

meeting the pre-approval requirements by the Board when the continuing education program:

(A) Addresses ethics issues specifically pertaining to the practice of therapy, as defined in Section 1925.2(7) of this Act;

(B) Addresses regulations as promulgated in Subchapter 3 of this Chapter; and

(C) Meets all requirements of subsections (b) through (e) of OAC 86:15-13-4 of this Chapter.

(D) Beginning renewal year 2009, the three clock hours of mental health ethics continuing education must be accrued in a face-to-face setting.

(E) Current LMFT Board members shall receive clock hours of acceptable continuing education in mental health ethics for attendance and participation in Board or Committee meetings.

(3) Approved LMFT Supervisors are required to complete a minimum of three (3) clock hours, every three (3) years, of continuing education in therapy supervision specific to Oklahoma law provided by the Board or its designee. Continuing education in Therapy Supervision is acceptable as meeting the pre-approval requirements by the Board when the continuing education program:

(A) Addresses issues specifically related to the practice of therapy supervision pursuant to regulations promulgated in Subchapter 9 of this Chapter; and

(B) Contains content in one or more of the following knowledge areas:

(i) Overview of a supervision model;

(ii) Supervisors' areas of focus and roles in supervision;

(iii) Supervisors' process and practical application;

(iv) Ethical dilemmas involved in therapy supervision;

(v) Methods of effectively addressing and preventing ethical dilemmas in therapy supervision;

(vi) Overview of AAMFT standards of supervision; or

(vii) Overview of Oklahoma LMFT Rules and Regulations regarding therapy supervision; and

(C) Meets all requirements of subsections (b) through (e) of OAC 86:15-13-4 of this Chapter.

(c) **Acceptable continuing education.** Continuing education is acceptable to the Board when it:

(1) approximates the content of any of the academic areas listed under Subchapter 5 of this Chapter and;

(2) is presented by a person who meets one of the following qualifications:

(A) is licensed or certified by therapy related professions;

(B) is a licensed or certified member of a non-therapy field (i.e. medicine, law) if the content of the presentation is therapy related and falls within the presenter's area of training;

(C) has experience teaching, at the graduate level, in a regionally accredited college or university from

- any of the knowledge areas listed in OAC 86:15-5-3 of this Chapter;
- (D) the person is presenting or has presented at a national mental health conference provided by the American Association for Marriage and Family Therapy (AAMFT), American Psychological Association (APA), American Counseling Association (ACA), or any of its divisions, National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field;
- (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 one of the following:
- (A) a college course, in-service training, institute, seminar, workshop, conference or a Board pre-approved technology-assisted distance learning or home-study course;
- (B) a national mental health conference provided by the American Association for Marriage and Family Therapy (AAMFT), American Psychological Association (APA), American Counseling Association (ACA), or any of its divisions, National Association for Social Workers (NASW), the Association for Addiction Professionals (NAADAC), or other nationally recognized professional organization in the mental health field;
- (C) a program approved or offered by a state or federal government agency with responsibility for mental health and substance abuse services; or
- (D) Board or Committee meetings, for current Board members.
- (d) **Continuing education accrual from teaching.** Continuing education may also be accrued when the LMFT teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to OAC 86:15-13-4(c) of this subchapter, provided that such teaching is not required as part of the LMFT's regular employment. Two hours of C.E. is credited for each hour taught.
- (e) **Continuing education accrual from technology-assisted distance learning or home-study courses.** Continuing education may be accrued when the LMFT completes technology-assisted distance learning or home-study programs that are approved by the Board. No more than ten (10) hours of continuing education may be accrued per renewal period through technology-assisted distance learning or home-study courses.
- (f) **Professional audience.** Continuing education, whether received or presented by the LMFT must be targeted toward a professional audience.
- (g) **Documentation of attendance.** LMFT's shall retain verification of attendance documents for all C.E. hours claimed for a period of two (2) years. Acceptable C.E. verification of attendance documents are:
- (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 college transcript showing courses or audit credit, or
- (4) (For teaching) a letter on sponsoring agency's letterhead giving the name of the program, location, dates, subject taught and total number of hours taught.
- (h) **Submission of continuing education roster.** LMFT's shall submit a Continuing Education Roster, on official Board forms, (not individual verification of attendance documents) with the license renewal fee. Rosters may be obtained from the LMFT office. The Continuing Education Roster shall include the name of the licensee, signature and signature date of the licensee, total clock hours of workshop(s), name of workshop(s), sponsoring agency of workshop, date of workshop, and the number of hours of each workshop. Only C.E. accrued in the preceding license renewal period is acceptable.
- (i) **Audit of continuing education submissions.** In November of each year, the Board will randomly select from two (2) to twenty-five (25) percent of the number of LMFT's on active status the previous year for an audit of their claimed Continuing Education credits. These selected LMFT's must then 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.
- (j) **Penalty for failure to submit continuing education.** Failure to fulfill the C.E. requirement 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 LMFT has 12 months from the date of suspension to become reinstated. If not reinstated, the license shall be revoked.
- (k) **Submission of fraudulent continuing education.** The submission of fraudulent C.E. hours will be reviewed by the License Committee for disciplinary action and may result in suspension or revocation of license.
- (l) **Responsibility.** The licensee is ultimately 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.
- (m) **Continuing Education Rosters for LMFT Approved Supervisors.** Every three (3) years, LMFT Approved Supervisors are required to submit three (3) hours of continuing education in therapy supervision on the LMFT Approved Supervisor Continuing Education Roster. The LMFT Approved Supervisor Continuing Education Roster shall include name of licensee, signature and signature date of licensee, total clock hours of workshop(s), name of therapy supervision workshop, sponsoring agency of workshop(s), date of workshop(s), and number of hours of each workshop.

Emergency Adoptions

86:15-13-5. 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) When a license is placed on inactive status, it remains inactive for at least one (1) year from the date of inactivation.
- (c) Active status may be re-established upon payment of the current renewal fee if there are no impediments to licensure.

86:15-13-6. Late license renewal; reapplication

- (a) **Renewal notification.** The Board shall mail a notice of expiration to licensee's last known address, 45 days prior to the expiration date of the LMFT's license.
- (b) **Failure to renew.** If the licensee fails to renew his/her license by the expiration date:
 - (1) the license will expire and the rights and privileges granted by the license will be forfeited.
 - (2) the LMFT has the right to reinstate the license by payment of the renewal fee and the late renewal fee and fulfillment of all other renewal requirements for up to one year following the expiration of the license.
 - (3) licenses not renewed within the 1 year renewal period shall not be reinstated and shall be permanently expired. The license must be returned to the Board.
- (c) **Reapplication.** It shall be the responsibility of the former licensee to reapply for licensure. Reapplication means making application, payment of all fees, taking and passing the exam and fulfillment of all requirements for licensure in effect at the time of reapplication. No contact will be initiated by the Board.
- (d) **Retirement of license.** An LMFT 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 LMFT office. A license so retired shall not be reinstated but does not prevent a person from applying for a license at a future date.

86:15-13-7. Misrepresentation

If a therapist whose license has been inactivated, suspended, or revoked continues to represent himself as a Licensed Marital and Family Therapist or practices Marital and Family Therapy, he is in violation of Section 1925.10 and 1925.16 of the Licensed Marital and Family Therapist Act and shall be subject to discipline and injunction reported to the appropriate District Attorney for prosecution.

86:15-13-8. Licensure by endorsement

The Board may grant a license by endorsement, in accordance with Section 1925.9 of the LMFT Act.

- (1) **Submission of Out-of-State License Verification Form.** An applicant for licensure by endorsement must submit the Out-of-State License Verification Form and may be required to submit a copy of the statute and rules of the agency issuing the license and the name and address of the licensing agency.

(2) **Licensing procedures.** An applicant must submit all application materials as described in OAC 86:15-5-2(b)(1), (2), (3), (5) and (6).

(3) The Board shall issue a license by endorsement to an applicant who is licensed or certified as a marital and family therapist in another jurisdiction and who meets the following:

(A) The applicant's marital and family therapy license in the other jurisdiction is active and in good standing with no history of suspension or revocation action against the license.

(B) The applicant fulfills the requirements of Section 1925.6 (A), (B), (C) of the LMFT Act;

(C) The applicant must have at least a masters degree in marital and family therapy, or in a mental health, behavioral science, or counseling related field, or a content-equivalent degree from a regionally accredited college or university;

(D) The applicant takes and passes the examination as provided in Section 1925.7, unless the applicant has passed a written, marital and family therapist examination that, in the judgment of the Board, is substantially equivalent to the examination established by the Board; and

(E) The applicant takes and passes the Oklahoma LMFT Examination.

(4) If the Applicant cannot meet the requirements of Paragraph (3) of this section, the Board shall issue a license by endorsement to an applicant who is licensed or certified as a marital and family therapist in another jurisdiction and who meets the following:

(A) The applicant's marital and family therapy license in the other jurisdiction is active and in good standing which allows the applicant to practice independently without supervision and shall have no history of suspension or revocation action against the license;

(B) The applicant must show proof of practice in marital and family therapy for five (5) years prior to application in Oklahoma;

(C) The applicant fulfills the requirements of Section 1925.6 (A), (B), (C) of the LMFT Act;

(D) The applicant must have at least a masters degree in marital and family therapy or in a mental health, behavioral science, or counseling related field from a regionally accredited college or university;

(E) The applicant takes and passes the Oklahoma LMFT Examination as described in OAC 86:15-7-2(2) of this Chapter.

(F) The applicant meets the requirements in OAC 86:15-5-1(b).

(5) The applicant must meet the requirements in OAC 86:15-5-2(a)(2),(3) and (4).

SUBCHAPTER 15. ENFORCEMENT

86:15-15-1. Purpose

The purpose of this subchapter is to specify the procedure of processing of Requests for Inquiry filed by citizens and the filing of disciplinary actions against Licensed Marital Family Therapists ("LMFT") or against persons who practice as a licensed marital family therapist without a license or exemption.

86:15-15-2. Definitions

The following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"**Act**" means the Marital and Family Therapist Licensure Act, 59 O.S. §§ 1925.1 *et seq.*, as amended.

"**APA**" means Article I and/or Article II of the Administrative Procedures Act, 75 O.S. §§ 250 *et seq.*

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

"**Complaint Committee**" means one Board member who is a LMFT, the Executive Director, the Assistant Attorney General, and may include other appropriate individuals as determined by the Committee.

"**Formal Complaint**" means a written statement of alleged violation of the LMFT Act by a person licensed or certified by the Board and which is filed by the Board's attorney along with a Notice of Hearing scheduling an individual proceeding before the Board.

"**Hearing**" means the process followed by the Board to provide Due Process to a licensee respondent in an individual proceeding. "Individual Proceeding" means the formal process by which the Board takes administrative action against a person licensed or certified by the Board in accordance with the APA and the Act.

"**Request for Inquiry**" means a written or oral statement of complaint from any person of a possible violation of the Act or rules of the Board.

"**Respondent**" means the person against whom an individual proceeding is initiated.

"**Staff**" means the personnel of the Board.

86:15-15-3. Complaint Procedure

(a) **Receiving Requests for Inquiry.** Any person may file a Request for Inquiry against a Licensed Marital and Family Therapist ("LMFT") or a person who delivers licensed marital and family therapy services without a license. A person wishing to report a concern or alleged violation against a LMFT or a person delivering licensed marital and family therapy services without a license may notify the Board in writing, by telephone or by personal visit. The Board or its agent may require complainants to reduce oral complaints to writing to facilitate the review and investigation of the Request for Inquiry. The Complaint Committee will determine whether the Request for Inquiry alleges a possible violation of the Act. Upon receipt of the Request for Inquiry, the Executive Director will:

- (1) Stamp all pages with a Board stamp indicating date of receipt;

(2) Review the Request for Inquiry to determine if the person against whom the Request for Inquiry 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 Request for Inquiry;

(4) Notify the members of the Complaint Committee by providing a copy of the Request for Inquiry to each member.

(b) **Authority of Complaint Committee.** The Complaint Committee has the authority to consult on professional duties and responsibilities as set forth in the LMFT Act. In addition, the Complaint Committee has authority to do the following:

(1) Appoint an investigator;

(2) Meet with licensees who are the subject of the Request for Inquiry;

(3) Outline the terms of a proposed Consent Order for the informal disposition of Requests for Inquiry to be submitted at a Board hearing for approval;

(4) Authorize the filing of a formal Board Complaint in matters that may result in the revocation, suspension or probation of a license.

(c) **Reviewing Requests for Inquiry.** The Executive Director has the authority to respond directly to individuals filing a Request for Inquiry without need for referral to the Complaint Committee for matters that do not allege a violation of the law or which require no further action, and for allegations that if true, would not be a violation of the law or rules. If the allegation(s) indicate a possible violation of the law or rules, the Complaint Committee shall determine whether additional investigation is needed and shall make the following determination:

(1) The alleged violation(s) if found to be valid, would not result in a denial, revocation or suspension of a license, but one which does indicate the need for Board review and possible informal action.

(2) The alleged violation(s) if found to be valid, would result in a denial, revocation, suspension or probation of a license.

(d) **Allegations, if substantiated, not appearing to result in a denial, revocation or suspension of a license.** If an alleged violation appears to be one which would not result in the revocation, suspension or probation of a license, the Complaint Committee shall proceed with reviewing the Request for Inquiry. Upon the consent of the Complaint Committee and the advice of the Attorney General liaison the Complaint Committee or its designee shall proceed by:

(1) Notification to the licensee by certified mail that a Request for Inquiry has been received, outlining the nature of the inquiry.

(2) Forwarding to the licensee a copy of the informal process for addressing Requests for Inquiry which requires:

(A) a prompt letter to the Board from the licensee responding to the merits of the Request for Inquiry;

(B) an informal interview with the Complaint Committee to fully explore the issues involved in the Request for Inquiry;

Emergency Adoptions

- (C) an agreement by the Complaint Committee and the licensee on the merits of the Request for Inquiry
- (D) a proposed Consent Order for disciplinary action for the licensee, signed by Board member serving on the Complaint Committee, to be submitted for approval of the Board at an open meeting, the terms of which may include but not be limited to the following:
- (i) a tutorial assigned to the licensee in areas determined by the Complaint Committee in areas determined by the Board addressing the practice in question, under the supervision of a Board Approved Supervisor assigned by the Board
 - (ii) a Notice of Violation reprimanding the licensee for the practice in question;
 - (iii) re take the Jurisprudence exam
 - (iv) Letter of Explanation
- (E) a review of the course of action in a specified time, no longer than six months, to determine whether or not remediation has taken place; and
- (F) a letter to the licensee indicating the informal process has ended; or,
- (3) Referral to the formal investigation process when:
- (A) the licensee fails to respond to the certified letter from the Complaint Committee;
 - (B) the informal process reveals new or expanded allegations that indicate the possibility of a denial, revocation or suspension of a license;
 - (C) the licensee fails to meet the requirements of Consent Decree without good cause.
- (4) A Consent Order entered into pursuant to this subsection that is agreed to by the Board and the licensee shall not be considered a disciplinary action and will not appear on the Board's website or be reported to a national data-bank.
- (e) **Allegations if substantiated, appearing to result in a revocation, suspension or probation of a license.** If an alleged violation appears to be one which would result in a revocation, suspension or probation of a license, the Complaint Committee shall proceed with addressing the Request for Inquiry by the process detailed below based upon agreement of a majority of its members:
- (1) Contacting an investigator designated by the Board as qualified to address the nature of the Request for Inquiry.
 - (2) Providing the designated investigator with names and addresses of the complainant, if available, and the licensee.
 - (3) Issuing a letter notifying the licensee of the investigation and Request for Inquiry
 - (4) Complaint Committee to determine whether or not the licensee is to be interviewed by the contract investigator or upon advice of the Attorney General liaison, conducting an interview by the Assistant Attorney General in a setting under oath; and to determine whether in addition, the matter is to be referred for criminal investigation.
- (5) Following investigation, the Complaint Committee shall review and determine whether the Request for Inquiry should be dismissed, referred for informal resolution as there appears to be a violation of the Act but does not appear to be sufficient evidence to support a revocation, suspension or probation of a license, or to proceed with authorizing the filing of a Formal Complaint and the issuance of a Notice of Hearing by the Assistant Attorney General.
- (f) **Summary Suspension.** After the filing of a Formal Complaint seeking revocation or other action and the issuance of a Notice of Hearing by the Assistant Attorney General, but prior to the final hearing on the merits of said Formal Complaint, in the event of an emergency, a summary suspension hearing may be held as set forth herein. The Chair of the Board upon concurrence of the Complaint Committee that an emergency exists for which the immediate suspension of a license is imperative for the protection of the public health, safety or welfare, may conduct a summary suspension hearing to temporarily suspend the license of any person under the jurisdiction of the Board, pending proceedings for revocation or other action set forth in the Formal Complaint. The Chair or Vice Chair, may issue an Order of Temporary Summary Suspension upon a finding of 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 Sections 314 and 314.1 of the APA. The licensee 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 summary suspension, the Individual Proceeding hearing on the full merits of the Formal Complaint shall be promptly instituted and determined.
- (g) **Request for Inquiry confidentiality.**
- (1) The request for inquiry and the identity of the complainant or informant shall be confidential and shall not be available for public inspection.
 - (2) The investigator's report are to be used solely to determine whether or not to pursue disciplinary action against the Respondent, and thus constitute confidential and privileged work product material, not subject to disclosure.
- 86:15-15-4. Investigation**
If the Complaint Committee determines a possible violation of the Act or this Chapter has occurred, the Complaint Committee may commence an investigation of the complaint.
- 86:15-15-5. Cooperation with investigations**
Licensees shall cooperate when Board staff, Complaint Committee members, and/or investigators make inquiries concerning a Request for Inquiry made against a licensee. Failure of a licensee to cooperate is grounds for further disciplinary action under the Act.

86:15-15-6. Service of petition and notice

(a) **Service.** The petition and notice shall be served on the respondent(s) personally or by certified mail, return receipt requested to the address of the respondent(s) on file with the Board. It is the duty of the licensee to provide current address information.

(b) **Proof of service.** Proof of service shall be filed with the Board office.

(c) **Substitute service.** If the Board is unable to obtain service on a respondent, the petition and notice shall be mailed by regular mail to the last known address of the respondent, and the Board shall file an affirmation service was attempted.

(d) **Service of other papers and documents.** Service of all other papers and documents connected with an individual proceeding shall be served on the parties or their counsel by delivering a copy in person or via facsimile or regular mail.

86:15-15-7. Hearing

Hearings shall be conducted by the Board in accordance with the APA, 75 O.S., Sections 309-321. The Board shall recommend the most appropriate penalty at the conclusion of the evidence.

86:15-15-8. Continuances

(a) **Continuances by the Board.** The Board chair may continue or adjourn the proceedings at any time for a specified time, with notice or motion.

(b) **Continuance by motion of parties.** Except for good cause shown, or by agreement of all parties, no continuance will be granted upon motion of a party unless written request therefore is filed and served on all parties of record and filed with the Board office and served on the Assistant Attorney General at least seven (7) days prior to the date set for hearing. A stipulation for continuance among all parties of record ordinarily will be approved, unless the Board chair determines that the public interest requires otherwise.

86:15-15-9. Discovery

Discovery shall be conducted generally in accordance with the APA. The Board chair may enter specific orders directing the conduct of discovery.

86:15-15-10. Protective orders

The Board chair at the hearing or at any time upon application of a party, with or without notice, may make such orders relating to discovery as may be necessary or appropriate for the protection of the parties, and to prevent hardship to and excessive burden upon a party.

86:15-15-11. Subpoenas

(a) **Issuance of subpoenas for witnesses and physical evidence.** The Board may compel the attendance of witnesses, and the production of physical evidence before it from witnesses, upon whom process is served by subpoena anywhere

within the state. Such subpoenas will be issued over the signature of the chairperson or vice chairperson and the seal of the Board.

(b) **Service of subpoenas.** From the institution of formal Board proceedings, subpoenas will be issued on behalf of the licensee or the Board. Service of the subpoena will be the responsibility of the requesting party. Subpoenas shall be served and return made in the manner prescribed by general civil law.

86:15-15-12. Final order

The Board shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.

86:15-15-13. Unauthorized practice

Any person found to be practicing licensed marital and family counseling without being either properly licensed, exempt or under the approved supervision of an LMFT 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.

86:15-15-14. Administrative penalties

(a) The Board may assess an administrative penalty against an individual if the order includes a finding that the individual:

- (1) Violated any provision of the Act, including practicing licensed marital and family therapy without licensure or exemption; or
- (2) Violated any rule within this Chapter; or
- (3) Violated any order issued pursuant to this Chapter.

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

86:15-15-15. Costs of Investigation

Costs of investigation may be assessed against a licensee and incorporated into a Consent Order or any other final order resolving a disciplinary matter against a licensee.

[OAR Docket #14-937; filed 11-7-14]

**TITLE 86. STATE BOARD OF BEHAVIORAL HEALTH LICENSURE
CHAPTER 20. LICENSED BEHAVIORAL PRACTITIONERS**

[OAR Docket #14-938]

RULEMAKING ACTION:
EMERGENCY adoption

- RULES:**
- Subchapter 1. General Provisions [NEW]
 - 86:20-1-1. [NEW]
 - 86:20-1-2. [NEW]
 - 86:20-1-3. [NEW]
 - 86:20-1-4. [NEW]
 - Subchapter 3. Forms [NEW]

Emergency Adoptions

86:20-3-1. [NEW]
86:20-3-2. [NEW]
Subchapter 5. Rules of Professional Conduct [NEW]
86:20-5-1. [NEW]
86:20-5-2. [NEW]
86:20-5-3. [NEW]
86:20-5-4. [NEW]
86:20-5-4.1. [NEW]
86:20-5-5. [NEW]
86:20-5-6. [NEW]
86:20-5-7. [NEW]
86:20-5-8. [NEW]
Subchapter 7. Fitness of Applicants [NEW]
86:20-7-1. [NEW]
86:20-7-2. [NEW]
86:20-7-3. [NEW]
Subchapter 9. Application Procedures [NEW]
86:20-9-1. [NEW]
86:20-9-2. [NEW]
86:20-9-3. [NEW]
86:20-9-4. [NEW]
86:20-9-5. [NEW]
86:20-9-6. [NEW]
86:20-9-7. [NEW]
86:20-9-8. [NEW]
86:20-9-9. [NEW]
86:20-9-10. [NEW]
86:20-9-11. [NEW]
Subchapter 11. Academic Requirements [NEW]
86:20-11-1. [NEW]
86:20-11-2. [NEW]
Subchapter 13. Supervised Experience Requirement [NEW]
86:20-13-1. [NEW]
86:20-13-2. [NEW]
86:20-13-3. [NEW]
86:20-13-4. [NEW]
86:20-13-5. [NEW]
86:20-13-6. [NEW]
86:20-13-7. [NEW]
Subchapter 15. Fees [NEW]
86:20-15-1. [NEW]
86:20-15-2. [NEW]
Subchapter 17. Licensure Examination [NEW]
86:20-17-1. [NEW]
86:20-17-1.1. [NEW]
86:20-17-2. [NEW]
86:20-17-3. [NEW]
86:20-17-4. [NEW]
86:20-17-5. [NEW]
86:20-17-6. [NEW]
86:20-17-6.1. [NEW]
86:20-17-7. [NEW]
Subchapter 19. Continuing Education Requirements [NEW]
86:20-19-1. [NEW]
86:20-19-1.1. [NEW]
86:20-19-2. [NEW]
86:20-19-3. [NEW]
86:20-19-3.1. [NEW]
86:20-19-4. [NEW]
86:20-19-5. [NEW]
86:20-19-6. [NEW]
86:20-19-7. [NEW]
86:20-19-8. [NEW]
Subchapter 21. Issuance of Licensure [NEW]
86:20-21-1. [NEW]
86:20-21-1.1. [NEW]
86:20-21-2. [NEW]
86:20-21-3. [NEW]
86:20-21-4. [NEW]
86:20-21-5. [NEW]
Subchapter 23. License and Specialty Renewal [NEW]
86:20-23-1. [NEW]
86:20-23-2. [NEW]
86:20-23-3. [NEW]

86:20-23-4. [NEW]
86:20-23-5. [NEW]
86:20-23-6. [NEW]
86:20-23-7. [NEW]
86:20-23-8. [NEW]
86:20-23-9. [NEW]
86:20-23-10. [NEW]
86:20-23-11. [NEW]
86:20-23-12 [NEW]
Subchapter 25. Licensure By Endorsement [NEW]
86:20-25-1. [NEW]
86:20-25-2. [NEW]
86:20-25-3. [NEW]
Subchapter 27. Consumer Information [NEW]
86:20-27-1. [NEW]
86:20-27-2. [NEW]
86:20-27-3. [NEW]
Subchapter 29. Enforcement [NEW]
86:20-29-1. [NEW]
86:20-29-2. [NEW]
86:20-29-3. [NEW]
86:20-29-4. [NEW]
86:20-29-5. [NEW]
86:20-29-6. [NEW]
86:20-29-7. [NEW]
86:20-29-8. [NEW]
86:20-29-9. [NEW]
86:20-29-10. [NEW]
86:20-29-11. [NEW]
86:20-29-12. [NEW]
86:20-29-13. [NEW]
86:20-29-14. [NEW]
86:20-29-15. [NEW]

AUTHORITY:

State Board of Behavioral Health Licensure; 59 O.S. 2011; 59 O.S. 2001, Section 1901 et. seq]

ADOPTION:

March 28, 2014

APPROVED BY GOVERNOR:

April 23, 2014

EFFECTIVE:

Immediately upon Governor's approval

EXPIRATION:

Effective through September 14, 2015, unless superseded by another rule or disapproved by the legislature

SUPERSEDED EMERGENCY ACTIONS:

N/A

INCORPORATIONS BY REFERENCE:

N/A

FINDING OF EMERGENCY:

The passage of HB1467 established the newly formed State Board of Behavioral Health Licensure. The State Board of Behavioral Health Licensure is responsible for the enforcement of Licensed Professional Counselor Act. The following emergency rules are necessary to maintain the governance of Licensed Behavioral Practitioners in Oklahoma.

ANALYSIS:

The following emergency rules interpret the Oklahoma Licensed Behavioral Practitioner Act, (59 O.S. Sections 1930 et seq.)

CONTACT PERSON:

Thom Balmer, Ph.D., LPC, LMFT, Chairman State Board of Behavioral Health Licensure (580) 581-2567, tbalmer@cameron.edu

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S. § 253(F):

SUBCHAPTER 1. GENERAL PROVISIONS

86:20-1-1. Purpose

The rules in this Chapter implement the Oklahoma Licensed Behavioral Practitioner Act, (59 O.S., Sections 1930 et seq.)

86:20-1-2. Definitions

When used in this Chapter, the following words or terms shall have the following meaning unless the context of the sentence requires another meaning:

"Act" means the Licensed Behavioral Practitioner Act, 59 O.S. §§ 1930 *et seq.*, as amended.

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

"Complaint Committee" means one Board member who is a LBP, 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 LBP's professional obligation to a client.

"Face-to-face behavioral health services" means the behavioral practitioner and the client shall be in the physical presence of the other in a behavioral health setting.

"Face-to-face supervision" means the supervisor and the supervisee shall be in the physical presence of the other.

"Full time practice" means working at least 20 hours per week.

"Group supervision" means two (2) to six (6) LBP Candidates.

"Technology-assisted distance learning" refers to the delivery of graduate coursework or continuing education, which focuses on synchronous or asynchronous instructional delivery methods. Technology-assisted distance learning is designed to deliver education to students who are not in the direct physical presence of the educator.

"License Committee" means two LBP Board members, one Staff member, and may include other appropriate individuals as determined by the Committee.

"Staff" means the personnel of the Board.

86:20-1-3. Prohibition

Any person who is not specifically listed in Section 1932 of the Act shall not practice behavioral health services or use the title Licensed Behavioral Practitioner or LBP.

86:20-1-4. Applicability

Every duty, obligation or requirement described in this Chapter and imposed upon a LBP shall be applicable to every licensed behavioral practitioner candidate, unless specifically provided otherwise.

86:20-3-1. Forms

Each application shall include the following documents:

- (1) Application Form;
- (2) Official transcript, mailed from the university or college;
- (3) Internship/practicum Documentation Form;
- (4) Three (3) Document of Recommendation Forms;
- (5) Two (2) classifiable sets of fingerprints; and
- (6) Fees.

86:20-3-2. Description of forms

- (a) The Application Form requires the following:
 - (1) Identifying information of applicant;
 - (2) Possession of other credentials;
 - (3) Previous misconduct;
 - (4) Education;
 - (5) References; and
 - (6) Proposed professional Practice.
- (b) The Internship/Practicum Documentation Form requires the following:
 - (1) Identifying information of applicant;
 - (2) Place, time, duration and nature of supervised experience;
 - (3) School arranging supervision and name of supervisor; and,
 - (4) Signature and title of supervisor.
- (c) The Document of Recommendation requires the following:
 - (1) Identifying information of applicant;
 - (2) Scale of performance rating personal character and professional skills;
 - (3) Circumstances and time period rater has known applicant;
 - (4) Space for rater's comments;
 - (5) Identifying information of rater.
- (d) The Statement of Professional Disclosure is composed of alternative forms depending on the status of the applicant, as follows.
 - (1) The LBP Candidate's Statement of Professional Disclosure requires the following:
 - (A) Explanation of LBP Candidate's responsibilities;
 - (B) Name and contact information for person who will be responsible for the client's records in the event of the LBP Candidate's infirmity or death;
 - (C) Supervisor's identifying information;
 - (D) Address and phone number of the Agency; and,
 - (E) Signatures of client and LBP Candidate.
 - (2) The LBP's Statement of Professional Disclosure requires the following:
 - (A) Explanation of the LBP's responsibilities;
 - (B) Name and contact information for person who will be responsible for the client's records in the event of the LBP's infirmity or death;
 - (C) Address and phone number of the Agency; and,
 - (D) Signatures of client and LBP.
- (e) The Supervision Agreement requires the following:

SUBCHAPTER 3. FORMS

Emergency Adoptions

- (1) Statement of agreement to fulfill Subchapter 13 and consequences of violation; and
 - (2) Identifying information and signatures of supervisee and supervisor.
- (f) The On-Site Supervisor Verification Form requires the following identifying information:
- (1) Name of applicant;
 - (2) Place of employment;
 - (3) On-Site Supervisor Information;
 - (4) A reproduction of the regulation regarding supervision accrued in a private setting.
- (g) The Evaluation of Supervised Experience Form requires the following:
- (1) Names of supervisee and supervisor;
 - (2) Name and location of supervision site;
 - (3) Duration of work experience and supervision;
 - (4) Types of professional activities and clients seen;
 - (5) Rating of quality of professional activities;
 - (6) Supervisor and supervisee comments; and
 - (7) Signatures of supervisee and supervisor.
- (h) The Continuing Education Roster requires the following:
- (1) LBP's name and license number;
 - (2) Total number of hours accrued and LBP's signature and signature date of licensee;
 - (3) Listing of workshops, sponsor, content and date of continuing education experience.
- (i) The Licensure Verification Request Form requires the following information:
- (1) Name of licensee;
 - (2) Licensee license number; and
 - (3) Licensee license type.
- (j) The Out-of-State Licensure Verification Form requires the following information:
- (1) Identifying information;
 - (2) Type of credential held in other state;
 - (3) License number;
 - (4) Issue and expiration date of license;
 - (5) Current standing of license;
 - (6) Past complaints or sanctions;
 - (7) Exam information;
 - (8) Supervision information;
 - (9) Graduate education;
 - (10) Internship documentation;
 - (11) Signature and identifying information of person verifying from out-of-state.
- (k) The Mailing Addresses Request/Order Form requires the following information:
- (1) Type of licensure list requested;
 - (2) Format requested;
 - (3) Identifying information of person making request.
- (l) The Licensure Reactivation Request Form requires the following information:
- (1) Licensure type;
 - (2) Identifying information;
 - (3) Employment information;
 - (4) Graduate education;
 - (5) License type and number;
 - (6) Dates of inactivation and reactivation of license.

SUBCHAPTER 5. RULES OF PROFESSIONAL CONDUCT

86:20-5-1. Responsibility

LBP's shall accept responsibility for the consequences of their work and ensure that their services are used appropriately. LBP's shall not participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation. LBP's shall not use their relationships with clients for personal advantage, profit, satisfaction, or interest.

86:20-5-2. Competence

(a) **Behavioral health services.** LBP's 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.

(b) **Testing.** LBP's shall know the limits of their competence and shall therefore perform only those testing and assessment services for which they have been trained. LBP's shall be familiar with related standardization and proper application and security of any technique utilized. LBP's 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. LBP's shall ensure the proper use of assessment techniques by persons under their supervision.

(c) **Specialty.** LBP's shall not represent themselves as specialists in any aspect of behavioral health services, unless so designated by the Board.

(d) Research.

(1) LBP's shall plan, design, conduct, and report research only in a manner consistent with current, pertinent ethical principles put forth in the "Ethical Standards and Code of Conduct" governing Northamerican Association of Masters in Psychology (NAMPS), federal and state laws, rules, and scientific standards governing research with human subjects.

(2) The research principles of the NAMPS "Ethical Standards and Code of Conduct" are as follows:

(A) Principle 8: Research with Human and Animal Participants

(i) **8.1 Relevant research.** The Masters in Psychology shall only undertake research pertaining to human subjects when such research contributes to psychology as a science and humankind in general. On the premise of this forethought, one conducts the research with the utmost concern for the dignity and welfare of their research participants.

(ii) **8.2 Informed consent in research.** The Masters in Psychology shall make certain that research participants fully understand the conditions and comprehend the general nature of the research when requesting informed consent. Research that involves deception on the part of the researcher should in general be avoided, unless the perceived outcomes far exceed any perceived minimal adverse reactions and in either case a

debriefing session suitable to the research will always be conducted.

(B) Principle 10: Teaching, Training & Research Publication

(i) 10.1 Candidness in research techniques. The Masters in Psychology shall make every effort to make available any and all appropriate materials supporting research materials and to readily disseminate results for replication.

(ii) 10.2 Proper supervision. The Masters in Psychology shall maintain proper supervision of their employees, subordinates, supervisees, and research assistants in the delegation of duties and shall make every ethically appropriate effort to ensure that only those individuals competent to perform such services do so.

(e) Impairment. LBP's shall not offer or render professional services when such services may be impaired by a personal physical, mental or emotional condition(s). LBP's 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 LBP 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 LBP shall not undertake to provide counseling and shall terminate the counseling relationship in accordance with this Chapter.

(f) Knowledge of improper sexual contact. If an LBP becomes aware that another LBP or LBP Candidate is violating Section 86:20-5-4, the LBP or LBP Candidate must, within a reasonable time, report the improper sexual contact to the Board in accordance with Section 86:20-29-3.

(g) Evaluations. LBP candidates and licensees may not perform forensic services, which include, but are not limited to, assessments, interviews, consultations, custody evaluations, reports, or 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, except under the following conditions:

(1) LBP candidates and licensees must demonstrate competence by certification, education or experience in the subject matter relevant to the issues in question and must certify in writing that they have complied with all applicable provisions of the Rules and Regulations (described in Sections 86:20-5-1, 86:20-5-2(a)(f), and 86:20-5-7(f)(1)(2)(3) of this Chapter.

(2) LBP candidates and licensees shall prepare a written report and include a separate section therein containing the author's findings and conclusions relative to their analysis. Additionally, the candidate or licensee must provide to the person 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, which may be directly adversely affected by the findings

and conclusions made by the candidate or licensee, a copy of the written report at no cost to the person or persons entitled to receive a copy of the written report pursuant to this section. The copy(ies) must be provided at least ten (10) days prior to the report's publication unless otherwise required by law or court order.

(3) LBP candidates and licensees 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) LBP candidates and licensees must conduct a thorough examination of the person 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, which may be directly adversely affected by the findings and conclusions made by the candidate or licensee, and must utilize a "face-to-face" interview of the person who is the subject of the forensic analysis, or any other such person who may be directly adversely affected by the findings and conclusions made by the candidate or licensee.

(5) LBP candidates and licensees must base their findings and conclusions only upon information gained by appropriate and lawful means. Interviews of minor children must 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) LBP candidates and licensees who provide counseling services for a client may only provide fact witness testimony in forensic matters involving that client, unless otherwise required by law or court order. LBP candidates and licensees 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 LBP candidate's or licensee's role as a neutral participant. Fact witness testimony means evidentiary statements that are limited to direct observations made by the LBP candidate or licensee 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.

86:20-5-3. Client welfare

(a) Discrimination. LBP's shall not, in the rendering of their professional services, participate in, condone, or promote discrimination on the basis of race, color, age, gender, religion or national origin.

(b) Records.

(1) Requirement of records. LBP's shall maintain verifiable records necessary for rendering professional services to their clients for at least five (5) years beyond termination of services. LBP's employed at an institution or facility that has a published records retention policy

Emergency Adoptions

that is equal to the retention required by this subsection will be deemed to be in compliance with this subsection.

(2) **Confidentiality.** LBP's 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.** LBP's shall be responsible for complying with the applicable state and federal regulations in regard to the security, safety and confidentiality of any behavioral health services record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.

(4) **Client access.** LBP's shall provide the client 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) **Invasion of privacy.** LBP's shall not make inquiry into persons or situations not directly associated with the client's situation.

(d) **Private or Independent Practice.** No person may engage in the private or independent practice of behavioral practitioner 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 Behavioral Practitioner; and,

(2) has met all requirements of Section 86:20-13-2 of LBP Regulations; and

(3) has continued to meet all continuing education requirements set forth in Subchapter 19 of this Chapter.

(e) **Referral.**

(1) If LBP's determine they are unable to be of professional assistance to a client, the LBP shall not enter a behavioral health services relationship. LBP's shall refer clients to appropriate sources when indicated. If the client declines the suggested referral, the LBP shall terminate the relationship.

(2) LBP's shall not abandon or neglect current clients in treatment without making reasonable arrangements for the continuation of such treatment.

(3) When an LBP becomes cognizant of a disability or other condition that may impede, undermine or otherwise interfere with the LBP's duty of responsibility to the current client, including a suspension of the LBP's license or any other situation or condition described in Subchapter 5 of these rules, the LBP 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.

86:20-5-4. Non-professional relations with clients

(a) **Dual relationships.** LBP's shall not knowingly enter into a dual relationship(s) and shall take any necessary precautions to prevent a dual relationship from occurring. When the LBP reasonably suspects that he or she has inadvertently entered into a dual relationship the LBP 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 LBP cannot readily refer the client to another counselor or other professional, the LBP shall complete one or more of the following measures as necessary to prevent the exploitation of the client and/or the impairment of the LBP'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 other professional(s) to understand the potential impairment to the LBP's professional judgment and the risk of harm to the client of continuing the dual relationship;

(b) **Sexual contact.** The following restrictions apply to sexual contacts between LBP's and clients, students or supervisees.

(1) **Current clients.** LBP's shall not engage in sexual contact with clients and shall not counsel persons with whom they have had a sexual relationship.

(2) **Students and supervisees.** LBP's shall not engage in sexual contact with students or supervisees and shall not teach or supervise persons with whom they have had a sexual relationship.

(c) **Providing counseling to persons of prior association.** LBP's shall not undertake to provide counseling to any person with whom the LBP has had any close personal relationship within the previous five (5) years.

(d) **Interaction with former clients.** LBP's shall not knowingly enter into a close personal relationship, or engage in any business or financial dealings with a former client for two (2) years after the termination of the counseling relationship. LBP's shall not engage in any activity that is or may be sexual in nature with a former client for at least five (5) years after the termination of the counseling relationship. LBP's shall not exploit or obtain an advantage over a former client by the use of information or trust gained during the counseling relationship.

86:20-5-4.1. Responsibility to supervisees

(a) LBP's shall not exploit the trust and dependency of supervisees.

(b) LBP's are cognizant of their potentially influential position with respect to supervisees, and shall not exploit the trust and dependency of such persons. LBP's, 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) LBP's 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) LBP's 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.
- (5) to the Board in reporting ethical or professional concerns as a part of the supervision agreement.

86:20-5-5. Client fees and bartering

- (a) **Advance understanding.** LBP's shall clearly explain to clients, prior to entering the behavioral health services relationship, all financial arrangements related to professional services including the consequences for non-payment of fees.
- (b) **Bartering.** LBP's may participate in bartering for services 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.** LBP's shall not barter for services rendered by the client. LBP's shall accept only tangible goods, at fair market value, in lieu of money for behavioral health services.

86:20-5-6. Professional standards

- (a) **Violations of other laws.** It shall be unprofessional conduct for an LBP to violate a state or federal law if the law directly relates to the duties and responsibilities of the LBP or if the violation involves moral turpitude.
- (b) **Drug and alcohol use.** LBP's shall not render professional services while under the influence of alcohol or other mind or mood altering drugs.
- (c) **Updating.** LBP's shall notify the Board of any change in address, telephone number, and employment and shall make necessary adjustments on the Statement of Professional Disclosure, supplying an updated copy to the Board.
- (d) **Candor to the Board.** An LBP, LBP candidate, or applicant for LBP licensure, in connection with a license application or an investigation conducted by the Board pursuant to OAC 86:20-29-4, 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 LBP, LBP 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.

86:20-5-7. Relations with the public and other professions

- (a) **Misrepresentation.** LBP's shall not misrepresent nor accept the misrepresentation by others of the efficacy of the LBP's professional services.

- (b) **Credentials claimed.** LBP's 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 behavioral health services 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 LBP's additional knowledge or expertise in behavioral health services.

- (c) **The use of doctoral degrees and the title "Doctor."** An LBP may use the doctoral degree and the title "Doctor" in advertising, practice and status as an LBP, only if the doctoral degree from a program in psychology and if the degree was granted by a regionally accredited college or university recognized by the United States Department of Education.

- (d) **Advertisement.** When an LBP announces services or advertises, the LBP shall represent services to the public by identifying credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent. An LBP shall only advertise the highest degree earned in behavioral health services 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 behavioral health services including telephone directory listings by an LBP shall clearly state the LBP's licensure status by the use of a title such as "LBP", or "Licensed Behavioral Practitioner" or a statement such as "licensed by the Oklahoma State Board of Behavioral Health Licensure."

- (e) **License.** Each LBP shall display the original, current license in a prominent place in the primary location of practice.

- (f) **Public statements.** When an LBP 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 LBP Rules of Professional Conduct; and
- (3) There is no implication that a professional behavioral health services relationship has been established.

- (g) **Rebates.** An LBP 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.** An LBP shall refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the agency or institution that employs the LBP. If the policies of a particular agency provide for agency clients to receive behavioral health services from members of its staff in private practice, the agency shall inform clients of other options open to them should they seek private behavioral health services.

- (i) **Candidates for LBP licensure.** Candidates for licensure as a Licensed Behavioral Practitioner shall not refer to themselves as a Licensed Behavioral Practitioner or LBP.

Emergency Adoptions

86:20-5-8. Failure to comply

An LBP who does not comply with Subchapter 5 - Rules of Professional Conduct shall be guilty of unprofessional conduct and subject to disciplinary action under Subchapter 29.

SUBCHAPTER 7. FITNESS OF APPLICANTS

86:20-7-1. Purpose

The purpose of this subchapter is to establish the fitness of an applicant as one of the criterion for licensure as an LBP and to set forth the criteria by which the Board shall determine the fitness of applicants.

86:20-7-2. 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; or
- (3) A violation of the LBP Rules or the Act.

86:20-7-3. 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.

(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 9. APPLICATION PROCEDURES

86:20-9-1. 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 shall not consider an application form as officially filed until it has received the application form and application fee.

86:20-9-2. Application materials

Persons desiring to be licensed as an LBP may obtain an official application form and packet from the Board.

86:20-9-3. Submission of documents

The applicant shall monitor the progress of the application. The Board shall not automatically contact applicants regarding the receipt or absence of required documents.

86:20-9-4. Negative references

If an applicant for licensure as an LBP or LBP specialty designation has negative references in his or her file, the Board may ask the applicant to appear for an interview before the licensing process is completed.

86:20-9-5. Materials required of LBP applicants

In addition to the application form and fee, an applicant for LBP licensure shall file the following completed materials with the Board prior to taking the examination:

- (1) Three documents of recommendation;
- (2) Internship/practicum Documentation Form;
- (3) Official university transcript(s); and
- (4) Two (2) classifiable sets of fingerprints.

86:20-9-6. Re-application for expired license

(a) Re-application after license expires for non-renewal shall include the following documents:

- (1) Application form.
- (2) Official transcripts, mailed from the university.
- (3) Document of recommendation forms.
- (4) Supervision Agreement.
- (5) Statement of Professional Disclosure.
- (6) New Application Fee.
- (7) On-Site Supervisor Verification Form; and
- (8) Two (2) classifiable sets of fingerprints.

(b) Applicant shall re-take two examinations:

- (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
- (2) The LBP State Standards Test.

(c) Internship Documentation Form on file may carry over to a new application.

(d) All previously submitted and approved Supervised Experience shall carry over to a new application.

(e) Applicant shall obtain approved supervision until the exams are taken and passed as described in Subchapter 86:20-13-2(e)(2).

86:20-9-7. Re-application for revoked license

- (a) No re-application for a revoked license will be considered for a period of 5 years following the revocation.
- (b) Re-application after license is revoked for administrative action shall include the following documents:
 - (1) Application form.
 - (2) Official transcripts, mailed from the university.
 - (3) Document of recommendation forms.
 - (4) Supervision Agreement.
 - (5) Statement of Professional Disclosure.
 - (6) New Application Fee.
 - (7) On-Site Supervisor Verification Form, and
 - (8) Two (2) classifiable sets of fingerprints.
- (c) Applicant shall re-take two examinations:
 - (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
 - (2) The LBP State Standards Test.
- (d) Internship Documentation Form on file may carry over to a new application.
- (e) All previously submitted and approved Supervised Experience shall not carry over to a new application.
- (f) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of revocation.
- (g) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.
- (h) Application materials shall be reviewed by the LBP License Committee for approval.

86:20-9-8. Re-application for voided application for failure to take scheduled examinations

- (a) Re-application after application is voided for failure to take scheduled examinations or after the eligible applicant fails an examination and does not take subsequent scheduled examinations shall include the following documents:
 - (1) Application form.
 - (2) Official transcripts, mailed from the university.
 - (3) Document of recommendation forms.
 - (4) Supervision Agreement.
 - (5) Statement of Professional Disclosure Form.
 - (6) New Application Fee.
 - (7) On-Site Supervisor Verification Form, and
 - (8) Two (2) classifiable sets of fingerprints.
- (b) Applicant shall take two examinations:
 - (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
 - (2) The LBP State Standards Test.
- (c) Internship Documentation Form may carry over to a new application
- (d) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (e) Applicant shall obtain approved supervision until the exams are taken and passed and/or until the supervision requirement is complete as described in Subchapter 86:20-13-2(e)(2) of these rules.

86:20-9-9. Re-application for voided application for failure to complete supervised experience

- (a) Re-application after application is voided for failure to complete the supervised experience requirement within sixty (60) months as described in Subchapter 86:20-13-2(e)(3) shall include the following documents:
 - (1) Application form.
 - (2) Official transcripts, mailed from the university.
 - (3) Document of recommendation forms.
 - (4) Supervision Agreement form.
 - (5) Statement of Professional Disclosure form.
 - (6) New Application Fee.
 - (7) On-Site Supervisor Verification Form, and
 - (8) Two (2) classifiable sets of fingerprints.
- (b) Applicant shall re-take two examinations:
 - (1) The Practitioner's Examination of Psychological Knowledge or another equivalent examination as determined by the Board; and
 - (2) The LBP State Standards Test.
- (c) Internship Documentation Form may carry over to a new application
- (d) All previously submitted and approved Supervised Experience shall be voided with prior application and shall not carry over to a new application.
- (e) Applicant shall obtain approved supervision until the exams are taken and passed and/or the supervision requirement is complete as described in Subchapter 86:20-13-2(e)(2).

86:20-9-10. Re-application for denied application

- (a) Re-application after licensure application has been denied as prescribed in Section 1941 of the Act, shall include the following documents:
 - (1) Application form.
 - (2) Official transcripts, mailed from the university.
 - (3) Document of Recommendation forms.
 - (4) Supervision Agreement.
 - (5) Statement of Professional Disclosure.
 - (6) New Application Fee.
 - (7) On-Site Supervisor Verification Form, and
 - (8) Two (2) classifiable sets of fingerprints.
- (b) Application materials shall be reviewed by the LBP License Committee for approval.
- (c) Applicant shall be required to take necessary examinations.
- (d) Applicant shall be required to accrue an additional 500 hours of supervised experience.
- (e) Internship Documentation Form on file may carry over to a new application.
- (f) All previously submitted and approved Supervised Experience shall carry over to a new application.
- (g) Applicant shall obtain approved supervision until the exams are taken and passed as described in Subchapter 86:20-13-2(e)(2).
- (h) At the time of application, applicant must provide additional documentation to demonstrate rehabilitation relating to the cause of denial of licensure application.

Emergency Adoptions

(i) The Board may impose reasonable practice limitations that are in addition to the requirements for completion of approved supervised experience.

86:20-9-11. Hearing upon 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 1941 (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 11. ACADEMIC REQUIREMENTS

86:20-11-1. Graduate degree requirements

(a) Pursuant to the Act, all applicants shall possess at least a masters degree from a program in psychology from a regionally accredited college or university.

(b) The program must be intended to prepare a scientist-practitioner in the field of psychology at the masters level and meet all the following criteria:

(1) The masters program must be clearly identified as a psychology program. Such a program must specify in a pertinent institutional catalogue, its intent to educate and train students in the field of psychology at the masters level;

(2) The pertinent institutional catalogue must state the structure and content of the curriculum of the program; and

(3) The program must have faculty who hold graduate degrees in psychology or closely related fields.

(c) The academic requirements set forth in the Act must be completed before a person applies for licensure.

86:20-11-2. Required knowledge areas

On or after January 1, 2008, all applicants shall have the following core knowledge areas as part of the required 60 graduate semester hours:

(1) Assessment and Diagnosis - at least six (6) semester hours. Psychological theory, research, and methods concerning the measurement and assessment of an individual's behavioral or psychological functioning, such as the assessment of psychopathology, personality characteristics, intellectual functioning, skills and interests, and neuropsychological functioning;

(2) Intervention - at least nine (9) semester hours. Psychological theory, research, and methods regarding empirically validated treatment modalities for the remediation, treatment, or prevention of behavior disorders, adjustment problems, and psychopathology, or other disturbances in psychological functioning;

(3) Experimental Foundations - at least six (6) semester hours. Psychological theory, research, and methods concerning the design, conduct, analysis, and interpretation of psychological research, or concerning the general principles and processes for the core areas of experimental psychology;

(4) Psychopathology - at least six (6) semester hours. Psychological theory, research, and methods concerning the descriptive characteristics, diagnosis, and etiology of psychopathology, or mental and behavioral disorders of children and adults;

(5) Personality and Social Psychology - at least six (6) semester hours. Psychological theory, research, and methods concerning the psychological or behavioral development and functioning of the individual and group differences. Three (3) of these hours shall be in a course in multicultural issues or cultural bases of behavior;

(6) Professional orientation/ethics - at least (3) semester hours. Objectives of professional behavioral health services organizations, codes of ethics, legal aspects of practice, standard of preparation and the role of persons providing direct behavioral health services.

(7) Biological bases of behavior - at least three (3) semester hours. Physiological, or genetic underpinnings of behavior.

(8) Practicum/internship. Organized practica/internships with at least three hundred (300) clock hours in behavioral health services with planned experiences providing classroom and field experience with clients under the supervision of college or university approved behavioral health services professionals; and

(9) Elective courses. The remaining courses needed to meet the sixty (60) graduate hour requirement shall be in any of the knowledge areas listed above.

SUBCHAPTER 13. SUPERVISED EXPERIENCE REQUIREMENT

86:20-13-1. Supervised experience

All applicants for licensure after December 31, 2001 shall complete the supervised experience required by the Act before being licensed.

86:20-13-2. Duration of supervision

(a) Each applicant shall complete three (3) years or three-thousand (3000) clock hours of full time, on-the-job experience, which is supervised by an approved LBP supervisor.

(b) For each one thousand (1000) clock hours of full time, on-the-job experience, three hundred fifty (350) hours shall be direct face-to-face client contact.

(c) Weekly, face-to-face supervision shall be accrued at the ratio of forty-five (45) minutes of supervision for every twenty (20) hours of on-the-job experience.

(d) No more than one-half ($\frac{1}{2}$) of the required supervision hours may be received in group supervision.

(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 hours in behavioral health services-related course work beyond the minimum number of required graduate semester hours.

(1) Regardless of the number of hours earned beyond the minimum number of required graduate semester hours, the LBP Candidate shall receive at least one (1) year or one thousand (1000) clock hours of supervision in the ratio described in this rule.

(2) If an LBP Candidate completes the supervised experience requirement before passing the licensure examination, the LBP Candidate shall continue to practice under LBP supervision as described in this subchapter, unless exempted by the Act, until licensed.

(3) LBP Candidates shall complete supervised experience requirements within sixty (60) months of the date of the approval of the first supervision agreement or the license application shall be voided.

(f) Approved supervisors shall perform at least two (2) observations (live or tape) per each six (6) month evaluation period for each supervisee.

(g) Approved supervisors shall consult with on-site supervisor at least once during each six (6) month evaluation period for each supervisee.

86:20-13-3. Documents required for the accrual of supervised hours

The following documents must be received and approved by the Board before the accrual of supervised experience can begin:

- (1) Application materials;
- (2) Supervision agreement;
- (3) Statement of professional disclosure; and
- (4) On-Site Supervisor Verification Form.

86:20-13-4. 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 rules of the supervisor's and supervisee's employer(s) 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.

86:20-13-5. Acceptability of supervised experience

(a) Supervised experience is acceptable when it consists of the performance of behavioral health services as described in Section 1931, of the Act as described below.

(1) Supervision shall focus on the raw data from an LBP Candidate'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 LBP Candidate.

(4) Group supervision may be conducted with two (2) to six (6) LBP Candidates and a supervisor.

(b) An LBP Candidate may accrue supervised experience hours in academic, governmental or private practice settings.

(c) The supervised experience is accrued in a private not-for-profit or a private for-profit practice without having an on-site approved LBP Supervisor providing supervision, if:

(1) The agency employing the LBP candidate employs a person licensed in the state of Oklahoma as a Licensed Behavioral Practitioner, a Licensed Professional Counselor, a Licensed Marital and Family Therapist, a Psychologist, a Physician, a Licensed Clinical Social Worker, or a Licensed Alcohol and Drug Counselor who directs and is responsible for the professional duties of the LBP Candidate and is available to the LBP candidate any time services are being rendered by the LBP candidate. Out of state on-site supervisors may be approved on a case-by-case basis.

(2) The LBP Candidate is receiving supervision for licensure from an approved LBP supervisor who is not required to work at the same location as the LBP Candidate.

86:20-13-6. Supervisor qualifications

A Behavioral Practitioner, Professional Counselor, Marital and Family Therapist, Psychologist, Clinical Social Worker or Physician licensed by the state of Oklahoma is eligible as an LBP supervisor. In addition, these professionals shall have:

(1) practiced in positions similar to those the LBP proposes to practice for a period of two years past the issuance of the license;

(2) fulfilled the continuing education requirements pursuant to Section 1948 of the Act;

(3) signed an official supervision agreement;

(4) agreed to be "on call" to the LBP Candidate on a twenty-four (24) hour basis and to arrange for an alternate supervisor if not available;

(5) taken and passed the LBP State Standards Test; and

(6) agreed to teach the Oklahoman LBP Act and OAC 86:20 to the supervisee.

86:20-13-7. Documentation of supervised experience

(a) A Supervision Agreement Form between the supervisor and supervisee, Statement of Professional Disclosure Form, and the On-Site Supervisor Verification Form shall be received and approved by the Board prior to beginning the accrual of supervised hours.

Emergency Adoptions

(b) The supervisor and LBP Candidate shall sign and submit an "Evaluation of Supervised Experience," including documentation of observations, date of consultation between approved supervisor and on-site supervisor, and the Record of Supervised Experience on a semi-annual basis. Incomplete evaluations will not be accepted by the Board until all requirements for the semi-annual evaluation period have been completed.

SUBCHAPTER 15. FEES

86:20-15-1. Schedule of fees

- (a) Application fee. Two hundred seventy-five dollars (\$275.00) shall be submitted with the application form.
- (b) License examination fee. Seventy-five dollars (\$75.00) shall be submitted when the applicant registers for the Practice Examination of Psychological Knowledge.
- (c) Specialty application fee. One hundred dollars (\$100.00) shall be submitted with the specialty application.
- (d) Specialty designation fee. Fifty dollars (\$50.00) shall be submitted upon notification by the Board of the specialty designation.
- (e) Specialty designation renewal fee. Twenty dollars (\$20.00) shall be submitted on or before December 31 and validates the license for twelve (12) months for the designated specialty.
- (f) License renewal fee. After the initial two-year period of licensure, this is a yearly fee of one hundred dollars (\$100) shall be submitted on or before December 31.
- (g) Late renewal fee. An additional twenty-five dollars (\$25.00) shall be submitted for the late renewal of a license.
- (h) 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.
- (i) Inactive license fee. Twenty-five dollars (\$25.00) shall be submitted with a request to place the license on inactive status.
- (j) Reactivation fee. When an inactive license is reactivated, a pro-rated fee in accordance with OAC 86:20-23-5 shall be submitted at the time of reactivation.

86:20-15-2. Method of payment

Payment of all 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 may result in expiration or suspension of license.

SUBCHAPTER 17. LICENSURE EXAMINATION

86:20-17-1. Examination required

The examination for licensure shall consist of two parts as follows:

- (1) The Practice Examination of Psychological Knowledge published by the Northamerican Association for

Masters In Psychology or another equivalent examination as determined by the Board; and

- (2) The LBP State Standards Test.

86:20-17-1.1. Eligibility

An LBP applicant is eligible to take the licensing examination following the submission of:

- (1) Application form and fee;
(2) Practicum/Internship Documentation Form;
(3) Official transcript(s) showing completion of all academic requirements listed in Subchapter 11, Section 86:20-11-2;
(4) Three (3) Document of Recommendation Forms;
(5) Two (2) classifiable sets of fingerprints; and
(6) Examination fee.

86:20-17-2. Frequency

The Board shall administer the licensure examination at least one (1) time each year or more often if necessary.

86:20-17-3. Registration

- (a) The Board shall mail an applicant notice of eligibility to sit for examination at least sixty (60) days prior to the date of the next scheduled examination.
- (b) To take a scheduled examination, the applicant shall complete an examination registration form and return it to the Board with the required fee (\$75) at least thirty (30) days prior to the date of the examination.
- (c) The application for licensure of a person who fails to register for and take one of the first two examinations for which the applicant is eligible shall be voided and the applicant shall be mailed notice.

86:20-17-4. Grading

- (a) The licensure examination shall be graded by the Board or its designated representative.
- (b) The passing score on the examination shall be the passing score as set by the authors of the examination.

86:20-17-5. Notice of results

- (a) The Board shall mail the examination results to the examinee within sixty (60) days of the date of the examination.
- (b) No matter what numerical or other scoring system the Board may use in arriving at examination results, the official notice of results to the examinees shall be stated in terms of "pass" or "fail."

86:20-17-6. Failure to appear

If an applicant for licensure fails to appear for examination for reasons other than documented illness or other cause beyond the applicant's control after having agreed to do so by registering to take a particular examination, the applicant shall register and pay another examination fee before being admitted to a subsequent examination.

86:20-17-6.1. Failure to apply

(a) The application may be voided if a person fails to apply for and take one of the first two examinations scheduled after the applicant has been mailed notification at last known address in writing of his/her approval for examination.

(b) The application may be voided if a person fails to apply for and take one of the first two examinations scheduled after the applicant has failed the exam and has been mailed notification at last known address in writing of this/her approval for examination.

86:20-17-7. Licensure prior to January 1, 2002

(a) Applicants for LBP licensure prior to January 1, 2002 are required to take and complete the examination.

(b) The authors of the examination shall use the results of this testing process to obtain normative data to set the passing score for other applicants.

(c) These applicants shall not receive a score but shall be notified that they completed the examination as required by statute.

SUBCHAPTER 19. CONTINUING EDUCATION REQUIREMENTS

86:20-19-1. Purpose

The purpose of this subchapter is to establish the continuing education requirements.

86:20-19-1.1. Documentation of attendance

LBPs 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.

86:20-19-2. Submission of continuing education roster

LBPs shall submit a Continuing Education Roster to the Board, on an official Board form, of ten (10) clock hours of continuing education per year by December 31 of each year. One (1) academic hour is equal to fifteen (15) clock hours. Rosters may be obtained from the Board. The Continuing Education Roster shall include the name of the licensee, signature and

signature date of the licensee, total clock hours of workshop(s), name of workshop(s), sponsoring agency of workshop(s), date of workshops(s), and the number of hours of each workshop. Only continuing education accrued in the preceding license renewal period shall be acceptable.

86:20-19-3. Acceptable continuing education

(a) Continuing education shall take place in the context of a college course, in-service training, institute, seminar, workshop, conference or a technology-assisted distance learning program approved by the Board.

(b) Continuing education shall be accrued during the twelve (12) months preceding the renewal deadline or, in the case of the first licensing period, twenty-four (24) months preceding renewal.

(c) Of the ten (10) hours of C.E. required annually, two (2) hours must be in mental health ethics.

(d) Current LBP Board members shall receive clock hours of acceptable continuing education in mental health ethics for attendance and participation in Board and Committee meetings.

86:20-19-3.1. Continuing education accrual from teaching

Continuing education may also be accrued when the LBP teaches in programs such as institutes, seminars, workshops, and conferences, when the content conforms to 86:20-19-3 of this Subchapter, provided that such teaching is not required as part of the LBPs regular employment. Two (2) hours of continuing education are credited for each hour taught. No more than five (5) hours of continuing education may be accrued per year through teaching activities. Credit will be given only for the first presentation.

86:20-19-4. Audit of continuing education submissions

In November of each year, the Board shall randomly select from two (2) to twenty-five (25) percent of the number of LBPs on active status the previous year for an audit of their claimed continuing education credits. These selected LBPs 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.

86:20-19-5. Penalty for failure to submit continuing education

Failure to fulfill the continuing education requirements by the expiration date will result in non-renewal of the license. All rights granted by the license are null and void until the license is reinstated. The LBP has twelve (12) months from the date of expiration to fulfill the requirements for reinstatement.

Emergency Adoptions

86:20-19-6. Submission of fraudulent continuing education

The submission of fraudulent continuing education hours will be reviewed by the License Committee for referral for disciplinary action and may result in sanction by the Board.

86:20-19-7. Responsibility

The LBP shall be responsible for providing the information necessary for the Board to make a determination of the suitability of the program for continuing education requirements.

86:20-19-8. Failure to complete continuing education

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 Renewal."

SUBCHAPTER 21. ISSUANCE OF LICENSE

86:20-21-1. License

The license issued by the Board shall contain the LBP's name, license number, specialty designation, if any, highest accredited behavioral health services-related academic degree and date of issuance.

86:20-21-1.1. Statement of Professional Disclosure

An LBP license shall be issued only after the Board has received the applicant's Statement of Professional Disclosure.

86:20-21-2. Signature

Official licenses shall be signed by the Chair of the Board.

86:20-21-3. Property of Board

All licenses issued by the Board shall remain the property of the Board.

86:20-21-4. Notification

After having fulfilled all requirements for licensure, the Board shall mail notification to the licensee, at last known address, of qualification for licensure; and when the license fee is received and the Board approves the candidate for licensure, the license will be mailed to the licensee.

86:20-21-5. Replacement

The Board shall replace a license that is lost, damaged, or is in need of revision upon written request and payment of the license replacement fee. Requests must include the LBPs original license or be accompanied by the damaged license, if available.

SUBCHAPTER 23. LICENSE AND SPECIALTY RENEWAL

86:20-23-1. Responsibility

Each LBP is responsible for renewing the license and specialty designation before the expiration date.

86:20-23-2. Requirements for renewal

The requirements for renewal are:

- (1) Compliance with the Act and rules;
- (2) Documentation of the required continuing education; and
- (3) Payment of the renewal fee(s).

86:20-23-3. Renewal notification

The Board shall mail to the LBP at least forty-five (45) days prior to the expiration date of the LBP's license, a notice of expiration.

86:20-23-4. Initial licensing period

(a) The expiration date of the original license shall be two (2) years from the last day of the month in which the license was originally issued.

(b) After the first two (2) years of licensure, the LBP shall submit a Continuing Education Roster verifying at least twenty (20) hours of continuing education required for renewal.

86:20-23-5. Interim renewal

The notice for the initial renewal shall solicit the required continuing education documentation and invoice the LBP for the interim period between the original renewal date and the following December 31 so that subsequent renewals shall be on a calendar year basis. The renewal notice shall inform the licensee of the number of continuing education hours required by December 31. Fees and continuing education hours shall be prorated according to the schedule below.

- (1) For a license expiring during January, February or March, the following shall apply:
 - (A) The renewal fee shall be \$100.00; and
 - (B) Continuing education of 10 hours shall be due by December 31.
- (2) For a license expiring during April, May or June, the following shall apply:
 - (A) The renewal fee shall be \$75.00; and
 - (B) Continuing education of 7.5 hours shall be due by December 31.
- (3) For a license expiring during July, August or September, the following shall apply:
 - (A) The renewal fee shall be \$50.00; and
 - (B) Continuing education of 5 hours shall be due by December 31.
- (4) For a license expiring during October, November or December, the following shall apply:
 - (A) The renewal fee shall be \$25.00; and

(B) Continuing education of 2.5 hours shall be due by December 31.

violation of the Act and may be subject to enforcement action under OAC 86:20-29.

86:20-23-6. Annual renewal

After the initial two (2) year licensing period plus the interim period, licenses shall expire each December 31, with a renewal fee of one hundred dollars (\$100.00) and a continuing education requirement of ten (10) hours.

86:20-23-7. Specialty renewal

Regardless of the date the Board grants a specialty designation, the date of a specialty renewal shall be the same date as that of the licensure renewal.

86:20-23-8. Display of verification card

(a) LBP's shall display a current license verification card on the original or replaced license.

(b) A current license verification card shall be readily available on the LBP's person at any time behavioral health services are being provided.

86:20-23-9. 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) When a license is placed on inactive status, the license and active verification cards shall be returned to the Board.

(c) When a license is placed on inactive status, it remains inactive for at least one (1) year from the date of inactivation.

(d) Active status may be re-established upon payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year if there are no impediments to licensure.

86:20-23-10. Failure to renew

If the LBP fails to renew the license by the expiration date, the Board shall mail the LBP a notice to the last known address, which shall include:

(1) Expiration of the license and forfeiture of rights and privileges granted by the license, and,

(2) The LBP's right to reinstate 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 expiration of the license.

86:20-23-11. Return of license

Licenses not reinstated within the one (1) year late renewal period shall be permanently expired and not be reinstated. The license shall be returned to the Board.

86:20-23-12. Misrepresentation

An LBP whose license has been inactivated, suspended, or revoked and continues to represent himself as an LBP, is in

SUBCHAPTER 25. LICENSURE BY ENDORSEMENT

86:20-25-1. Requirements for licensure by endorsement

(a) The Board shall issue a license by full endorsement to an applicant who is licensed as a behavioral practitioner in another jurisdiction and who meets the following:

(1) Possess a behavioral practitioner's license which is active and in good standing, with no history of suspension or revocation against license;

(2) Fulfill the requirements of Section 1935 (A), (B), and (C) of the Act;

(3) Possess at least a masters degree from a program in psychology from a regionally accredited college or university;

(4) Pass the LBP State Standards Test; and

(5) Pass the Practice Examination of Psychological Knowledge unless the applicant has passed a written examination that, in the judgment of the Board, is substantially equivalent to the examination established by the Board

(b) The Board shall issue a two (2) year, non-renewable, license by endorsement to applicants seeking full endorsement who do not fulfill the requirements set forth in subsection 86:20-25-1(a) of this Chapter, under the following conditions:

(1) The applicant must show proof of continuous practice in counseling for five (5) years prior to application in Oklahoma;

(2) The applicant must show proof of behavioral practitioner license in the other jurisdiction is current and in good standing, with no history of suspension or revocation against the license;

(3) The applicant takes and passes the examinations as provided in subsection 86:20-17-1 of this Chapter; and,

(4) The applicant completes all deficient course work to meet the academic requirements as provided in subchapter 7 of this Chapter.

(c) The license by endorsement will expire after two years from the date of issue. Failure to fulfill the requirements as provided in this subsection, within the two (2) year licensure period, will require the applicant to fulfill licensure requirements set forth in Section 1935 (C)(2)(3) of the Act.

86:20-25-2. Submission of verification of license

An applicant for licensure by endorsement shall submit documentation 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.

Emergency Adoptions

86:20-25-3. Licensing procedures

An applicant for licensure by endorsement must submit the application form, fees and related documents as required.

SUBCHAPTER 27. CONSUMER INFORMATION

86:20-27-1. Directory

(a) The Board shall provide a directory of Licensed Behavioral Practitioners.

(b) The directory of LBPs shall include but not be limited to the name, academic degree under which the license is held, preferred mailing address, telephone number, and license number of current licensees.

86:20-27-2. Brochure

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

86:20-27-3. Statement of professional disclosure

(a) The Statement of Professional Disclosure shall inform clients of the LBP's credentials, training, fees, orientation/techniques and inform the client to contact the Board should the client seek additional information about the LBP.

(b) Both LBPs and LBP candidates shall:

(1) Furnish an example copy signed by the LBP, and in the case of a candidate, signed by the LBP supervisor and the candidate, to the Board. The LBP and LBP Candidate shall submit updated copies when the situation warrants; and

(2) Have two (2) copies signed by both the client or adult caretaker and the counselor. One (1) copy shall be given to the client and the other copy shall be retained by the counselor in the client's file.

SUBCHAPTER 29. ENFORCEMENT

86:20-29-1. Purpose

The purpose of this subchapter is to specify the procedure of processing of Requests for Inquiry filed by citizens and the filing of disciplinary actions against LBPs or against persons who practice behavioral health services without a license or exemption.

86:20-29-2. Definitions

The following words and terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Licensed Behavioral Practitioner Act, 59 O.S. §§ 1930 et seq., as amended.

"APA" means Article I and/or Article II of the Administrative Procedures Act, 75 O.S. §§ 250 et seq.

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

"Complaint Committee" means one Board member who is a LBP, the Executive Director, the Assistant Attorney General, and may include other appropriate individuals as determined by the Committee.

"Formal Complaint" means a written statement of alleged violation of the Licensed Behavioral Practitioner Act by a person licensed or certified by the Board and which is filed by the Board's attorney along with a Notice of Hearing scheduling an individual proceeding before the Board.

"Hearing" means the process followed by the Board to provide Due Process to a licensee respondent in an individual proceeding. "Individual Proceeding" means the formal process by which the Board takes administrative action against a person licensed or certified by the Board in accordance with the APA and the Act.

"Request for Inquiry" means a written or oral statement of complaint from any person of a possible violation of the Act or rules of the Board.

"Respondent" means the person against whom an individual proceeding is initiated.

"Staff" means the personnel of the Board.

86:20-29-3. Complaint Procedure

(a) Receiving Requests for Inquiry. Any person may file a Request for Inquiry against a Licensed Behavioral Practitioner ("LBP") or a person who delivers licensed behavioral health practitioner services without a license. A person wishing to report a concern or alleged violation against a LBP or a person delivering licensed behavioral health practitioner services without a license may notify the Board in writing, by telephone or by personal visit. The Board or its agent may require complainants to reduce oral complaints to writing to facilitate the review and investigation of the Request for Inquiry. The Complaint Committee will determine whether the Request for Inquiry alleges a possible violation of the Act. Upon receipt of the Request for Inquiry, the Executive Director will:

(1) Stamp all pages with a Board stamp indicating date of receipt;

(2) Review the Request for Inquiry to determine if the person against whom the Request for Inquiry 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 Request for Inquiry;

(4) Notify the members of the Complaint Committee by providing a copy of the Request for Inquiry to each member.

(b) Authority of Complaint Committee. The Complaint Committee has the authority to consult on professional duties and responsibilities as set forth in the Licensed Behavioral Practitioners Act. In addition, the Complaint Committee has authority to do the following:

(1) Appoint an investigator;

(2) Meet with licensees who are the subject of the Request for Inquiry;

- (3) Outline the terms of a proposed Consent Order for the informal disposition of Requests for Inquiry to be submitted at a Board hearing for approval;
- (4) Authorize the filing of a formal Board Complaint in matters that may result in the revocation, suspension or probation of a license.
- (c) **Reviewing Requests for Inquiry.** The Executive Director has the authority to respond directly to individuals filing a Request for Inquiry without need for referral to the Complaint Committee for matters that do not allege a violation of the law or which require no further action, and for allegations that if true, would not be a violation of the law or rules. If the allegation(s) indicate a possible violation of the law or rules, the Complaint Committee shall determine whether additional investigation is needed and shall make the following determination:
- (1) The alleged violation(s) if found to be valid, would not result in a denial, revocation or suspension of a license, but one which does indicate the need for Board review and possible informal action.
- (2) The alleged violation(s) if found to be valid, would result in a denial, revocation, suspension or probation of a license.
- (d) **Allegations, if substantiated, not appearing to result in a denial, revocation or suspension of a license.** If an alleged violation appears to be one which would not result in the revocation, suspension or probation of a license, the Complaint Committee shall proceed with reviewing the Request for Inquiry. Upon the consent of the Complaint Committee and the advice of the Attorney General liaison the Complaint Committee or its designee shall proceed by:
- (1) Notification to the licensee by certified mail that a Request for Inquiry has been received, outlining the nature of the inquiry.
- (2) Forwarding to the licensee a copy of the informal process for addressing Requests for Inquiry which requires:
- (A) a prompt letter to the Board from the licensee responding to the merits of the Request for Inquiry;
- (B) an informal interview with the Complaint Committee to fully explore the issues involved in the Request for Inquiry;
- (C) an agreement by the Complaint Committee and the licensee on the merits of the Request for Inquiry
- (D) a proposed Consent Order for disciplinary action for the licensee, signed by Board member serving on the Complaint Committee, to be submitted for approval of the Board at an open meeting, the terms of which may include but not be limited to the following:
- (i) a tutorial assigned to the licensee in areas determined by the Complaint Committee in areas determined by the Board addressing the practice in question, under the supervision of a Board Approved Supervisor assigned by the Board
- (ii) a Notice of Violation reprimanding the licensee for the practice in question;
- (iii) re take the Jurisprudence exam
- (iv) Letter of Explanation
- (E) a review of the course of action in a specified time, no longer than six months, to determine whether or not remediation has taken place; and
- (F) a letter to the licensee indicating the informal process has ended; or.
- (3) Referral to the formal investigation process when:
- (A) the licensee fails to respond to the certified letter from the Complaint Committee;
- (B) the informal process reveals new or expanded allegations that indicate the possibility of a denial, revocation or suspension of a license;
- (C) the licensee fails to meet the requirements of Consent Decree without good cause.
- (4) A Consent Order entered into pursuant to this subsection that is agreed to by the Board and the licensee shall not be considered a disciplinary action and will not appear on the Board's website or be reported to a national data-bank.
- (e) **Allegations if substantiated, appearing to result in a revocation, suspension or probation of a license.** If an alleged violation appears to be one which would result in a revocation, suspension or probation of a license, the Complaint Committee shall proceed with addressing the Request for Inquiry by the process detailed below based upon agreement of a majority of its members:
- (1) Contacting an investigator designated by the Board as qualified to address the nature of the Request for Inquiry.
- (2) Providing the designated investigator with names and addresses of the complainant, if available, and the licensee.
- (3) Issuing a letter notifying the licensee of the investigation and Request for Inquiry
- (4) Complaint Committee to determine whether or not the licensee is to be interviewed by the contract investigator or upon advice of the Attorney General liaison, conducting an interview by the Assistant Attorney General in a setting under oath; and to determine whether in addition, the matter is to be referred for criminal investigation.
- (5) Following investigation, the Complaint Committee shall review and determine whether the Request for Inquiry should be dismissed, referred for informal resolution as there appears to be a violation of the Act but does not appear to be sufficient evidence to support a revocation, suspension or probation of a license, or to proceed with authorizing the filing of a Formal Complaint and the issuance of a Notice of Hearing by the Assistant Attorney General.
- (f) **Summary Suspension.** After the filing of a Formal Complaint seeking revocation or other action and the issuance of a Notice of Hearing by the Assistant Attorney General, but prior to the final hearing on the merits of said Formal Complaint, in the event of an emergency, a summary suspension hearing may be held as set forth herein. The Chair of the Board upon concurrence of the Complaint Committee that an emergency exists for which the immediate suspension of a license is imperative for the protection of the public

Emergency Adoptions

health, safety or welfare, may conduct a summary suspension hearing to temporarily suspend the license of any person under the jurisdiction of the Board, pending proceedings for revocation or other action set forth in the Formal Complaint. The Chair or Vice Chair, may issue an Order of Temporary Summary Suspension upon a finding of 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 Sections 314 and 314.1 of the APA. The licensee shall be given 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 summary suspension, the Individual Proceeding hearing on the full merits of the Formal Complaint shall be promptly instituted and determined.

(g) **Request for Inquiry confidentiality**

(1) The request for inquiry and the identity of the complainant or informant shall be confidential and shall not be available for public inspection.

(2) The investigator's report are to be used solely to determine whether or not to pursue disciplinary action against the Respondent, and thus constitute confidential and privileged work product material, not subject to disclosure.

86:20-29-4. Investigation

If the Complaint Committee determines a possible violation of the Act or this Chapter has occurred, the Complaint Committee may commence an investigation of the complaint.

86:20-29-5. Cooperation with investigations

Licensees shall cooperate when Board staff, Complaint Committee members, and/or investigators make inquiries concerning a Request for Inquiry made against a licensee. Failure of a licensee to cooperate is grounds for further disciplinary action under the Act.

86:20-29-6. Service of petition and notice

(a) **Service.** The petition and notice shall be served on the respondent(s) personally or by certified mail, return receipt requested to the address of the respondent(s) on file with the Board. It is the duty of the licensee to provide current address information.

(b) **Proof of service.** Proof of service shall be filed with the Board office.

(c) **Substitute service.** If the Board is unable to obtain service on a respondent, the petition and notice shall be mailed by regular mail to the last known address of the respondent, and the Board shall file an affirmation service was attempted.

(d) **Service of other papers and documents.** Service of all other papers and documents connected with an individual proceeding shall be served on the parties or their counsel by delivering a copy in person or via facsimile or regular mail.

86:20-29-7. Hearing

Hearings shall be conducted by the Board in accordance with the APA, 75 O.S., Sections 309-321. The Board shall recommend the most appropriate penalty at the conclusion of the evidence.

86:20-29-8. Continuances

(a) **Continuances by the Board.** The Board chair may continue or adjourn the proceedings at any time for a specified time, with notice or motion.

(b) **Continuance by motion of parties.** Except for good cause shown, or by agreement of all parties, no continuance will be granted upon motion of a party unless written request therefore is filed and served on all parties of record and filed with the Board office and served on the Assistant Attorney General at least seven (7) days prior to the date set for hearing. A stipulation for continuance among all parties of record ordinarily will be approved, unless the Board chair determines that the public interest requires otherwise.

86:20-29-9. Discovery

Discovery shall be conducted generally in accordance with the APA. The Board chair may enter specific orders directing the conduct of discovery.

86:20-29-10. Protective orders.

The Board chair at the hearing or at any time upon application of a party, with or without notice, may make such orders relating to discovery as may be necessary or appropriate for the protection of the parties, and to prevent hardship to and excessive burden upon a party.

86:20-29-11. Subpoenas

(a) **Issuance of subpoenas for witnesses and physical evidence.** The Board may compel the attendance of witnesses, and the production of physical evidence before it from witnesses, upon whom process is served by subpoena anywhere within the state. Such subpoenas will be issued over the signature of the chairperson or vice chairperson and the seal of the Board.

(b) **Service of subpoenas.** From the institution of formal Board proceedings, subpoenas will be issued on behalf of the licensee or the Board. Service of the subpoena will be the responsibility of the requesting party. Subpoenas shall be served and return made in the manner prescribed by general civil law.

86:20-29-12. Final order

The Board shall issue a final order on all disciplinary matters. Final orders are appealable under the Administrative Procedures Act to the district courts.

86:20-29-13. Unauthorized practice

Any person found to be practicing behavioral health services without being either properly licensed, exempt or under the approved supervision of an LBP 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.

86:20-29-14. Administrative penalties

(a) The Board may assess an administrative penalty against an individual if the order includes a finding that the individual:

- (1) Violated any provision of the Act, including practicing behavioral health services without licensure or exemption; or
- (2) Violated any rule within this Chapter; or
- (3) Violated any order issued pursuant to this Chapter.

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

86:20-29-15. Costs of Investigation

Costs of investigation may be assessed against a licensee and incorporated into a Consent Order or any other final order resolving a disciplinary matter against a licensee.

[OAR Docket #14-938; filed 11-7-14]

TITLE 158. CONSTRUCTION INDUSTRIES BOARD
CHAPTER 30. PLUMBING INDUSTRY REGULATIONS

[OAR Docket #14-927]

RULEMAKING ACTION:
EMERGENCY adoption

RULES:
Subchapter 9. Examination Procedures, License and Registration Fees and Duration of Licenses
158:30-9-1. Examination procedures [AMENDED]

AUTHORITY:
Construction Industries Board; 59 O.S. §§ 1000.4(A)(1) and 1002

ADOPTION:
September 24, 2014

APPROVED BY GOVERNOR:
November 3, 2014

EFFECTIVE:
Immediately upon Governor's approval

EXPIRATION:
Effective through September 14, 2015, unless superseded by another rule or disapproved by the Legislature.

SUPERSEDED EMERGENCY ACTIONS:
N/A

INCORPORATIONS BY REFERENCE:
N/A

FINDING OF EMERGENCY:
The Construction Industries Board finds that promulgation of emergency rules is necessary in order to avoid serious prejudice to the public interest. There is currently a shortage of formal plumbing education programs in the State, especially in Eastern Oklahoma. Tulsa Tech has developed a plumbing educational program which will begin in the Spring of 2015. The program has been approved by the Committee of Plumbing Examiners; however, it is less than 500 classroom hours. Current rules provide that in order to substitute education for a portion of the experience required to take the exam for a plumbing license, you must have completed a minimum of 500 classroom hours which would substitute for one (1) year of experience. The emergency rules would help to avoid serious prejudice to the public interest by allowing those who participate in approved plumbing educational programs that are

less than 500 classroom hours, such as the Tulsa Tech plumbing education program, to substitute at least a portion of the classroom hours completed for a portion of the experience required to test for licensing which would help one to qualify sooner to sit for the plumbing exam. Tulsa Tech and the plumbing industry are ready to begin advertising the program as soon as this rule process is completed.

ANALYSIS:
The proposed rules would allow substitution of vocational education of less than 500 hours for comparable experience which would encourage plumbing program development and attendance.

CONTACT PERSON:
Linda Ruckman 405-521-6550

PURSUANT TO THE ACTIONS DESCRIBED HEREIN, THE FOLLOWING EMERGENCY RULES ARE CONSIDERED PROMULGATED AND EFFECTIVE UPON APPROVAL BY THE GOVERNOR AS SET FORTH IN 75 O.S., SECTION 253(F):

SUBCHAPTER 9. EXAMINATION PROCEDURES, LICENSE AND REGISTRATION FEES AND DURATION OF LICENSES

158:30-9-1. Examination procedures

- (a) The plumbing standards for the plumbing examination shall be the International Plumbing Code as adopted in OAC 158:30-1-4.
- (b) Any previously certified examination may be used to meet an examination requirement.
- (c) Examination for a plumber's license shall include, but not be limited to, written questions and drawings and/or charts.
- (d) The maximum grade value of each part of the plumbing examination shall be 100 points. An examinee must make 75% or more on each part, above, to pass the examination.
- (e) Applicants for the plumbing contractor examination must be capable of reading English without assistance. A person who cannot meet this requirement may request a hearing before the Committee to request reasonable accommodations.
- (f) Except as authorized by the Plumbing Examining Committee, no person, other than examinees, shall be permitted in the examination area.
- (g) An examinee who is caught cheating during the course of an examination shall be deemed to have failed the examination.
- (h) Applicants for the journeyman examination must be eighteen (18) years of age or older and have either
 - (1) three (3) years of experience in the plumbing trade while employed by a licensed Plumbing contractor.
 - (2) equivalent verifiable three (3) years of experience in the plumbing trade while serving in the U.S. military.
 - (3) a verifiable out-of-state plumbing license that must be:
 - (A) current, and
 - (B) in good standing.
- (i) Applicants for the contractors examination must be eighteen (18) years of age or older and have four (4) years of experience in the plumbing trade while employed by a licensed Plumbing contractor.
- (j) The following may be substituted for a portion of the experience requirement in (h)(1) and (i) of this Section:

Emergency Adoptions

(1) An associate degree or Career Tech diploma certifying completion of a plumbing educational program consisting of a minimum of 1000 classroom hours from a school, approved by the Committee, may be substituted for two (2) years of experience.

(2) A Career Tech diploma certifying completion of an educational program consisting of a minimum of 500 classroom hours from a school, approved by the Committee, may be substituted for one (1) year of experience.

(3) A Career Tech diploma certifying completion of an educational program consisting of a minimum of three hundred and seventy five (375) classroom hours from a school, approved by the Committee, may be substituted for three-fourths (3/4) of a year, or nine months of experience.

(4) A Career Tech diploma certifying completion of an educational program consisting of a minimum of three

hundred and thirty four (334) classroom hours from a school, approved by the Committee, may be substituted for two-thirds (2/3) of a year, or eight months of experience.

(5) A Career Tech diploma certifying completion of an educational program consisting of a minimum of two hundred and fifty (250) classroom hours from a school, approved by the Committee, may be substituted for one-half (1/2) year, or six months of experience.

(k) The fees for a license must be on deposit with the Administrator in advance of the examination.

(l) If the applicant fails to meet the minimum qualifications to take the examination, the application fee will be forfeited.

[OAR Docket #14-927; filed 11-7-14]
