

Licensed Alcohol and Drug Counselors
State of Oklahoma



OKLAHOMA STATUTES
TITLE 38

RULES

This is an unofficial copy of chapters one (1) and three (3) and ten (10) of Title 38 of the Oklahoma Administrative code.
Official copies may be obtained at the Office of Administrative Rules.

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CHAPTER 1
ADMINISTRATION

INDIVIDUAL PROCEEDINGS: SUBCHAPTER 1

38:1-1-1. PURPOSE

These rules are promulgated pursuant to the requirements of the Administrative Procedures Act, 75 O.S. § 250, et seq. The purpose of these rules is to effectively implement the provisions of Licensed Alcohol and Drug Counselors Act (Title 59, § 1870 et seq.) of the Oklahoma Statutes. These rules supplement existing state and federal laws, and being duly promulgated, have the force and effect of law.

38:1-1-2. DEFINITIONS

The following words or terms shall have the following meaning unless the context clearly indicates otherwise:

"Act" means Title 59 O.S., §§ 1870 et seq. of the Oklahoma Statutes.

"Administrative Hearing Officer" means an individual who is an attorney licensed to practice law in the State of Oklahoma and is appointed by the Board to preside over and issue a proposed order in individual proceedings.

"Administrative Procedures Act" or "APA" means Title 75 of the Oklahoma Statutes, §§250.1 through 323.

"Alcohol and drug counseling" means the application of substance use disorders and counseling principles in order to:

- (A) develop an understanding of alcoholism and drug dependency;
- (B) prevent, diagnose or treat alcohol and drug dependency problems;
- (C) conduct assessments or diagnoses for the purpose of establishing treatment goals and objectives;
- and
- (D) plan, implement or evaluate treatment plans using counseling treatment interventions.

"Board" means the Oklahoma Board of Licensed Alcohol and Drug Counselors created by Section 4 of the Act.

"Certified alcohol and drug counseling" is a practice which focuses on rendering services to individuals, families or groups of individuals that involve the evaluation, diagnosis, treatment, and prevention of substance use and abuse disorders as related to the total health of the client system according to alcohol and drug counseling theory.

"Certified Alcohol and Drug Counselor" or "CADC" means any person who offers alcohol and drug counseling services for compensation to any person and is certified pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "certified alcohol and drug counselor" shall not include those professions exempted by Section 1872 of this Title.

"Complaint" means a written statement of alleged violation of the Act or these rules by an individual practicing alcohol and drug counseling, submitted to the Board for review and action.

"Complaint Review Committee" or "CRC" is a committee appointed by the Board whose purpose is to review complaints received by the Board regarding alleged infractions on the part of a licensed or certified alcohol and drug counselor.

"Individual proceeding" means the formal process employed by an agency having jurisdiction by law to resolve issues of law or fact between parties and which results in the exercise of discretion of a judicial nature.

"Licensed Alcohol and Drug Counselor" or "LADC" means any person who offers alcohol and drug counseling services for compensation to any person and is licensed pursuant to the provisions of the Act. The term "licensed alcohol and drug counselor" shall not include those professions exempted by the Act.

"Oklahoma Administrative Code" or "OAC" means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"Respondent" means the person(s) or entity(ies) named in a petition for an individual proceeding against whom relief is sought.

"Rule" means any agency statement or group of related statements of general applicability and future effect that implements, interprets or prescribes law or policy or describes the procedure or practice requirements of the agency. The term "rule" includes the amendment or revocation of an effective rule, but does not include:

- (A) the issuance, renewal, denial, suspension, or revocation or other sanction of an individual specific license;
- (B) the approval, disapproval, or prescription of rates. For purposes of this subparagraph, the term "rates" shall not include fees or charges fixed by an agency for services provided by that agency including but not limited to fees charged for licensing, permitting, inspections or publications;
- (C) statements and memoranda concerning only the internal management of an agency and not affecting private rights or procedures available to the public;
- (D) declaratory rulings issued pursuant to 75 O.S. § 307;
- (E) orders by an agency; or
- (F) press releases or "agency s releases", provided such releases are not for the purpose of interpreting, implementing or prescribing law or agency policy.

38:1-1-3. INDIVIDUAL PROCEEDINGS

Article II of the Administrative Procedures Act ("APA"), 75 O.S. §§ 308a, *et seq.*, governs individual proceedings by the Board for revocation, suspension, probation and non-renewal of license or certification.

38:1-1-5. RECEIVING COMPLAINTS

(a) Any person may file a complaint against an LADC or CADC or a person practicing alcohol and drug counseling. A person wishing to register a complaint or alleged violation against LADC or CADC or person practicing alcohol and drug counseling may notify the Board in writing, by telephone, or by a personal visit. The Board will determine whether the complaint alleges a possible violation of the Act or this chapter.

(b) The complaint and the identity of the complainant shall be confidential and shall not be available for public inspection. Upon receipt of the complaint, the Board staff shall:

- (1) stamp all pages with a Board stamp, which indicates the date of receipt;
- (2) review the complaint to determine if the person against whom the complaint is registered is a current licensee or certified person;
- (3) log the complaint, assigning a number consisting of the year and sequence number in which it was received; further, recording the date received, name of complainant, if provided, and the name and license or certification number or the licensee or certified person;
- (4) generate a letter to the complainant indicating receipt and review of the complaint, if applicable;
- (5) notify the Board chair and Complaint Review Committee.

(c) **Petition and Notice.** In the event the Board chair or Complaint Review Committee determines action should be taken, an individual proceeding may be initiated by filing a petition and notice with the hearing clerk for the Board, who shall be designated by the Board chair, and by serving the petition on all respondents. The petition and notice shall include a statement of the legal authority and jurisdiction under which the action is taken, reference to the statutes and rules involved, a short and plain statement of the matters asserted and the relief requested. The petition may allege facts by attaching and incorporating a document by reference.

38:1-1-6. SERVICE OF PETION AND NOTICE

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- (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.
- (b) **Proof of service.** Proof of service shall be filed with the hearing clerk.
- (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.

38:1-1-7. EMERGENCY ACTIONS

When the Board chair or Hearing Officer finds that the public health, safety or welfare requires action be taken immediately and when such a finding is incorporated in an order, emergency action or summary suspension of a licensure or certification may be ordered pending the filing of a petition or the outcome of an individual proceeding.

38: 1-1-8. PROCEDURES IN INDIVIDUAL PROCEEDINGS

- (a) **Procedures.** The order of procedure in all individual proceedings shall generally be governed by the APA.
- (b) **Hearing officers.** The Board chair or designee may appoint an Administrative Hearing Officer in individual proceedings filed before the Board, otherwise the proceedings are before the Board.

38:1-1-9. CONTINUANCES

- (a) **Continuance by the Board.** The Board chair or the Hearing Officer 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 Hearing Clerk 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 or the Hearing Officer determines that the public interest requires otherwise.

38:1-1-10. DISCOVERY

Discovery shall be conducted generally in accordance with the APA. The Board chair or Hearing Officer may enter specific orders directing the conduct of discovery.

38:1-1-11. PROTECTIVE ORDERS

The Board chair or the Hearing Officer at the hearing or at anytime 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.

38:1-1-12. SUBPOENAS

- (a) **Issuance and service.** Subpoenas for the attendance of witnesses, the furnishing of information and the production of evidence shall be issued by the Hearing Clerk upon request by a party.
- (b) **Failure to obey.** The Board chair or the Petitioner may seek an appropriate judicial proceeding to compel compliance by persons who fail to obey a subpoena, who refuse to be sworn or make an affirmation at a hearing or who refuse to answer a proper question during a hearing. The hearing shall proceed despite any such refusal but the Board chair or the Hearing Officer may, in his or her discretion at any time, continue the proceedings as necessary to secure a court ruling.
- (c) **Motions to quash.** Any person, to whom a subpoena is directed, may file a motion to quash or limit the subpoena with the Hearing Clerk, setting forth the reasons why the subpoena should not be complied with or why it should be limited in scope and the Board Chair or Hearing Officer will rule

on the motion.

38:1-1-13. CONDUCT AND RECORD OF HEARING

- (a) **Open to public.** Every hearing before the Board shall be conducted by the Board chair or designated Hearing Officer. Upon motion of a party to the proceeding, the Board Chair or Hearing Officer may exclude from the hearing room any witness not at that time under examination. A party to the proceeding and that party's attorney may not be excluded.
- (b) **Record.** All testimony shall be taken on the record unless otherwise designated by the Hearing Officer. An electronic recording of the hearing proceedings shall be made. The recording will not be transcribed as a matter of course. The electronic recording of Board shall be the official record. Copies of the recordings shall be provided to a party on written request. The cost of transcription, if done, shall be borne by the party having the recording transcribed.
- (c) **Court reporter.** A party may have the proceeding transcribed by a court reporter at the expense of the party. Each party requesting copies shall make arrangements for such with the reporter, and pay the costs.
- (d) **Maintenance of the record.** The record of a proceeding and the file containing the notices and the pleadings will be maintained by the Hearing Clerk in a location designated by the Hearing Clerk. All pleadings, motions, orders and other papers submitted for filing in an individual proceeding shall be stamped with the date filed by the Hearing Clerk upon receipt.
- (e) **Designation on appeal.** On an appeal to district court, the parties may designate and counter-designate portions of the record to save costs, following the procedures in the APA.

39:1-1-14. SANCTIONS FOR NON-COMPLIANCE WITH HEARING AND DISCOVERY PROCEDURES

The Hearing Officer may impose sanctions upon the parties as necessary to serve the ends of justice.

39:1-1-15. ORDER OF HEARING

- (a) **Appearances and default.** At the hearing, every party shall announce an appearance. An individual may appear on their own behalf or be represented by an attorney. A corporation must be represented by counsel. Any respondent who fails to appear as directed, after service of the petition and notice of hearing as provided by these rules, may be determined to have waived the right to appear and present a defense to the allegations contained in the petition, and the Hearing Officer may default the party and issue an order sustaining the allegations.
- (b) **Preliminary matters.** The following shall be taken up prior to receiving evidence:
 - (1) The Board and other parties may offer preliminary exhibits, including pleadings necessary to present the issues to be heard.
 - (2) Ruling shall be made on any pending motions, including requests for delivery of documents.
 - (3) Stipulations of fact and stipulated exhibits shall be received.
 - (4) Parties shall make opening statements where appropriate.
 - (5) Any other preliminary matters appropriate for dispositions prior to offers of evidence.
- (c) **Rules of evidence.** The rules of evidence shall be those specified by the APA.
- (d) **Presentation of the case.** At the hearing, each party may make a brief opening statement, present witnesses and exhibits, cross-examine adverse witnesses, and make closing arguments.

38:1-1-16. PROPOSED ORDER AND SETTLEMENT

- (a) **Issuance and services of final order.** Not more than twenty (20) calendar days after conclusion of the hearing, the Board chair, or the Hearing Officer shall issue a proposed order with findings of fact and conclusions of law. If the Board proves its allegations in the petition and notice by clear and convincing evidence, the Board chair or the Hearing Officer shall issue an order sustaining the allegations. If the Board does not meet its burden, the Board chair or Hearing Officer shall issue an order in favor of the respondent(s).

- (b) Appeal. A party may appeal a Final Order as provided in the APA.
- (c) Settlement. Unless precluded by law, individual proceedings may be resolved by agreed settlement or consent order, with the concurrence of the Board chair or the Hearing Officer.

ADMINISTRATIVE OPERATIONS: SUBCHAPTER 3

38:1-3-1. PURPOSE

The purpose of this subchapter is the establishment of administrative operations of the Board and agency.

38:1-3-6. AGENCY ADMINISTRATION

The Board may employ an executive director who shall be in charge of the office of the Board. The executive director shall have shall have qualifications established by the Board. The executive director shall, among others:

- (1) devote his or her entire time to the duties of the office;
- (2) receive salary and benefits as provided by law;
- (3) keep and preserve all books and records pertaining to the Board;
- (4) have the authority to collect all fees and penalties provided for by the Act;
- (5) make quarterly reports to the Board of all monies collected and the sources from which derived;
- (6) have authority to approve payrolls and all claims for the Board;
- (7) have authority to employ staff, subject to Board approval;
- (8) keep a continuous inventory of all properties, excluding supplies, belonging to the board;
- (9) develop, institute and administer such administrative and professional policies and official forms as may be necessary to guarantee effective, efficient and uniform operation of the Board; and
- (10) perform other duties as may be directed by the Board.

CHAPTER 10

**LICENSURE AND CERTIFICATION OF
ALCOHOL AND DRUG COUNSELORS**

GENERAL PROVISIONS: SUBCHAPTER 1

38:10-1-2. DEFINITIONS

The following words or terms shall have the following meaning unless the context clearly indicates otherwise:

"Act" means Title 59 O.S., §§ 1870 et seq. of the Oklahoma Statutes.

"Administrative Procedures Act" or "APA" means Title 75 of the Oklahoma Statutes, §§250.1 through 323.

"Alcohol and drug counseling" means the application of substance use disorders and counseling principles in order to:

- (A) develop an understanding of alcoholism and drug dependency;
- (B) prevent, diagnose or treat alcohol and drug dependency problems;
- (C) conduct assessments or diagnoses for the purpose of establishing treatment goals an objectives; and
- (D) plan, implement or evaluate treatment plans using counseling treatment interventions.

"Board" means the Oklahoma Board of Licensed Alcohol and Drug Counselors created by Section 4 of the Act.

"Certified alcohol and drug counseling" is a practice which focuses on rendering services to individuals, families or groups of individuals that involve the evaluation, diagnosis, treatment, and

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prevention of substance use and abuse disorders as related to the total health of the client system according to alcohol and drug counseling theory.

"Certified Alcohol and Drug Counselor" or "CADC" means any person who offers alcohol and drug counseling services for compensation to any person and is certified pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act. The term "certified alcohol and drug counselor" shall not include those professions exempted by Section 1872 of this Title.

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

"Group supervision" is educational supervision conducted with one supervisee and no more than six supervisees in a group.

"Licensed alcohol and drug counseling" is a practice which focuses on rendering services to individuals, families or groups of individuals that involve the evaluation, diagnosis, treatment, and prevention of substance use and abuse disorders as related to the total health of the client system according to alcohol and drug counseling theory.

"Licensed Alcohol and Drug Counselor" or "LADC" means any person who offers alcohol and drug counseling services for compensation to any person and is licensed pursuant to the provisions of the Act. The term "licensed alcohol and drug counselor" shall not include those professions exempted by the Act.

"Oklahoma Administrative Code" or "OAC" means the publication authorized by 75 O.S. § 256 known as The Oklahoma Administrative Code, or, prior to its publication, the compilation of codified rules authorized by 75 O.S. § 256(A)(1)(a) and maintained in the Office of Administrative Rules.

"Rule" means any agency statement or group of related statements of general applicability and future effect that implements, interprets or prescribes law or policy or describes the procedure or practice requirements of the agency. The term "rule" includes the amendment or revocation of an effective rule, but does not include:

- (A) the issuance, renewal, denial, suspension or revocation or other sanction of an individual specific license;
- (B) the approval, disapproval, or prescription of rates. For purposes of this subparagraph, the term "rates" shall not include fees or charges fixed by an agency for services provided by that agency including but not limited to fees charged for licensing, permitting, inspections or publications.
- (C) statements and memoranda concerning only the internal management of an agency and not affecting private rights or procedures available to the public,
- (D) declaratory rulings issued pursuant to 75 O.S. § 307.
- (E) orders by an agency, or
- (F) press releases or "agency news releases", provided such releases are not for the purpose of interpreting, implementing, or prescribing law or agency policy;

"Sexual harassment" means deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient.

38:10-1-3. COMPLIANCE WITH LAWS AND RULES

- (a) Any statute of the United States or of the state of Oklahoma now existing, or duly enacted in the future, shall supersede any conflicting provision of the rules of this and all subsequent chapters to the extent of such conflict, but shall not affect the remaining provisions therein.
- (b) All persons and organizations affected by the rules of this and all subsequent subchapters and related laws shall be knowledgeable of the conduct pertinent in operating in accordance with all such rules and laws.

38:10-1-4. ORGANIZATION

- (a) The Board is the entity vested with authority to make rules for the implementation of its statutorily mandated and permissible functions under 59 O.S. §§ 1870, et seq.
- (b) The Board shall employ, direct and discharge staff as authorized by law and assign said staff to carry

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out the duties and responsibilities required to fulfill the statutory requirements of 59 O.S. §§ 1870, et seq., and the rules and directives of the Board.

38:10-1-5. PUBLIC RECORDS

- (a) **Official records.** Official records of the Board include information, rules, forms, the record in individual proceedings, records submitted to the Board, and other public records in accordance with the Oklahoma Open Records Act 51 O.S. §§ 24A.1, et seq.
- (b) **Copies.** Copies of official records of the Board not privileged or protected from publication by law, shall be available to the public.

38:10-1-6. REQUESTS FOR AGENCY PUBLIC INFORMATION

Any person making a request pursuant to 38:10-1-5 shall comply with the following:

- (1) The request must be in writing and may be mailed Oklahoma Board of Licensed Alcohol and Drug Counselors, or sent via facsimile or made in person during regular office hours between 8:00 a.m. and 5:00 p.m.
- (2) The request must describe the record(s) requested, be signed by the party making the request, and have the party's mailing address and telephone number.
- (3) The requesting party shall pay a fee for copies. Said fee shall be twenty-five cents (25¢) per page, twelve dollars (\$12.00) per 3½-inch diskette, and \$1.00 per page for certified documents. For commercial requests or those that would cause excessive disruption of office function, such as documents that are archived, either internally or with the Oklahoma Archives and Records Commission, a search fee will be charged based upon the hourly rate of the individual(s) searching for, and locating, the requested records.
- (4) Certain Board employee personnel records are confidential and not subject to the Oklahoma Open Records Act, including employee evaluations, payroll deductions, applications submitted by persons not hired by the Board; internal personnel investigations including examination and selection material, employees home addresses, telephone numbers, and social security numbers, medical and employee assistance records, and other personnel records where disclosure would constitute a clear invasion of privacy. Personnel records information that are subject to release are the application of a person who becomes an employee of the Board, gross receipt of public funds, dates of employment, title or position and any final disciplinary action resulting in loss of pay, suspension, demotion or termination.
- (5) Any other document protected, as confidential, by any Oklahoma or federal law, or Oklahoma or federal administrative rule, or by order of a court of competent jurisdiction, is not subject to the Oklahoma Open Records Act.

38:10-1-7. FORMS

In order to maintain efficiency and uniformity in the administration of duties, the Board will devise and maintain forms for use by any party. The forms may be revised periodically to insure uniformity, efficiency, and expediency. The prescribed forms must be used by all affected parties unless another form is approved by the Board prior to its submission or other provisions are stated in subsequent chapters. Board employees shall make available to the public all rules and other written statements of policy adopted or used in the discharge of its functions, all forms, applications and instructions for use by the public, including those required to apply for a licensure or certification. Additionally, forms may be acquired by request under 38:10-1-7.

38:10-1-8. PROCEDURES TO SECURE A DECLATORY RULING AS TO THE APPLICABILITY OF ANY RULE OR ORDER OF THE BOARD

- (a) Any person subject to the rules contained in rules of the Board (Oklahoma Administrative Code Title 38) may petition for a declaratory ruling as to the applicability of a specific rule and its effect on petitioner. In petitioning the Board for a declaratory ruling, the following procedures must be followed:

- (1) The petition must be in writing and submitted to the Board in person, or via regular or certified mail;
 - (2) The petition shall state with specificity the rule or order in question;
 - (3) The petition shall set forth the contents of the rule or order;
 - (4) The petition shall state clearly and with specificity the basis for the action and the action or relief sought; and
 - (5) The petition shall pose the specific question(s) to be answered by the Board.
- (b) Upon receipt of the petition requesting such declaratory ruling, The Board shall consider the petition and response to the request at its next regularly scheduled Board meeting subsequent to the filing of the petition.
 - (c) The Board may entertain oral presentation or argument on the request of the petitioner and, on its own motion, may request such argument or presentation.
 - (d) On considering the petition, the Board, in its sound discretion may refuse to issue a declaratory ruling, may decide the issue and determine the validity of the rule or order or the applicability to the petitioner of the rule or order.
 - (e) Appeals from declaratory rulings of the Board may be taken in a manner consistent with the Oklahoma Administrative Procedures Act.
 - (f) A declaratory ruling or refusal to issue such ruling, shall be subject to judicial review in the manner provided for review of decisions in individual proceedings in the Oklahoma Administrative Procedures Act (75 O.S. § 307).

38:10-1-9. PROCEDURE TO PETITION THE BOARD TO REQUEST THE PROMULGATION AMENDMENT OF REPEAL OF A RULE

Any person affected either by a rule adopted and promulgated by the Board, or the lack of a rule and regulation may petition the Board to promulgate, adopt, amend or repeal the rule pursuant to 75 O.S. § 305 and in accordance with this section.

- (1) The petition must be in writing and submitted to the Board in person or via regular or certified mail, and include:
 - (A) The proposed amendment, promulgation, or repeal of a specific rule.
 - (B) The reason for the petition to repeal, promulgate, or amend a rule.
 - (C) The effect that the repeal, amendment or promulgation of the rule would have on the petitioner.
- (2) The petitioner must print his or her name, address, and telephone number on the petition and it must be signed by the petitioner.
- (3) The Board shall timely respond to such petition, either by initiating rulemaking proceedings or by denying the petition.
- (4) The petitioner will be notified by regular mail if rulemaking proceedings are initiated.

RULES OF PROFESSIONAL CONDUCT: SUBCHAPTER 3

38:10-3-1. PURPOSE

The rules of this subchapter are intended to define unprofessional conduct in the context of providing alcohol and drug counseling and to establish norms of professional conduct for Licensed and Certified Alcohol and Drug Counselors.

38:10-3-2. CODE OF ETHICS

- (a) It shall be the responsibility of Licensed and Certified Alcohol and Drug Counselors to value objectivity and integrity, and in providing services, to strive to maintain the highest standards of their profession.
- (b) LADCs and CADCs shall accept responsibility for the consequences of their work and make every effort to ensure their services are used appropriately.

- (c) LADCs and CADCs shall be alert to personal, social, organizational, financial, and political situations or pressures that might lead to the misuse of their influence.
- (d) LADCs and CADCs shall not participate in, condone, or be associated with dishonesty, fraud, sexual harassment, deceit, or misrepresentation.
- (e) LADCs and CADCs shall not exploit their relationships with current or former clients, supervisees, students, employees, or research participants, sexually or otherwise, for personal advantage, profit, satisfaction, or interest.
- (f) LADCs and CADCs shall not solicit the clients of one's employing agency for private practice.
- (g) LADCs and CADCs shall terminate service to clients, and professional relationships with them when such service and relationships are no longer required or in which a conflict of interest arises.
- (h) LADCs and CADCs shall not engage in any sexual act with a client or with a person who has been a client.
- (i) The LADC or CADC/client relationship shall be presumed to exist for a period of six months after the termination of services except where circumstances such as, but not limited to, selection of a new therapist shows otherwise.
- (j) The LADC and CADC shall give precedence to his or her professional responsibility over personal interests.
- (k) The LADC and CADC shall not represent that he or she performed services, which he or she did not perform.
- (l) LADCs and CADCs shall not divide a fee or accept or give anything of value for receiving or making a referral.
- (m) LADCs and CADCs shall provide clients at the beginning of service written, accurate and complete information regarding the extent and nature of the services available to them, to include fees and manner of payment.
- (n) In addition to the above stated provisions each LADC and CADC shall sign and adhere to the written code of ethics as set forth in Appendix A of this Chapter.

38:10-3-3. CLIENT WELFARE

- (a) **Titles 42 and 45 CFR.** All drug or alcohol abuse treatment information, whether recorded or not, and all communications between a LADC or CADC and his or her client are both privileged and confidential. In addition, the identity of all clients who have received or are receiving drug or alcohol abuse treatment services is both confidential and privileged. Such information shall only be available to persons or agencies actively engaged in the treatment of the client unless an exception under state or federal law applies. The information available to persons or agencies actively engaged in the treatment of the client shall be limited to the minimum amount of information necessary for the person or agency to carry out its function or the purpose for the release.
- (b) **Discrimination.** LADCs and CADCs shall not participate in, condone or promote discrimination on the basis of race, color, age, gender, religion, sexual orientation, or national origin.
- (c) **Credentials.** LADCs and CADCs shall not misrepresent professional qualifications, education, affiliations, or services performed.
- (d) **Records.**
 - (1) **Retention.** LADCs and CADCs shall maintain verifiable records necessary for rendering professional services to their clients for at least five (5) years beyond termination of services, or in compliance with the employing agency's records disposition schedule.
 - (2) **Confidentiality.** LADCs and CADCs shall be responsible for securing the 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.
 - (3) **Client access.** LADCs and CADCs shall provide the client with a copy of the client's record in accordance with state and federal law. In situations involving multiple clients, access to records is limited to those parts of the record that do not include confidential information related to another client.

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- (e) **Dual relationships.** LADCs and CADCs shall be aware of their influential positions with respect to clients, and shall not exploit the trust and dependency of clients. Examples of such relationships include, but are not limited to, familial, social, financial, business, professional or close personal relationships with clients. When the possibility that a dual relationship exists, the LADC and CADC shall take appropriate professional precautions such as informed consent, consultation, supervision and documentation to ensure judgment is not impaired and no exploitation occurs.
- (f) **Privacy.**
 - (1) LADCs and CADCs shall not make inquiry into persons or situations not directly associated with the client's treatment.
 - (2) LADCs and CADCs shall respect the privacy of clients and hold in confidence all information obtained in the course of professional service except for the client's voluntary consent for release of information; in case of death or disability, with the written consent of a personal representative, other person authorized to sue, or the beneficiary of an insurance policy on the person's life, health, or physical condition; when the person waives the privilege by bringing any public charges against the licensee; and for compelling reasons, which include, but are not necessarily limited to:
 - (i) consultation with another professional on behalf of the client;
 - (ii) duty to warn;
 - (iii) child abuse and sexual molestation; or,
 - (iv) any other situation in accordance with statutory requirements.
- (g) **Referral.** The LADC or CADC shall not enter into a counseling relationship if he or she determines that he or she is unable to be of professional assistance to a client. LADCs and CADCs shall refer clients to appropriate sources when indicated. If the client declines the suggested referral, the LADC or CADC shall terminate the relationship.
- (h) **Confidentiality.** LADCs and CADCs shall obtain informed consent of clients before audio or video taping, or recording or permitting third party observation of their activities.
- (i) **Sanctions.** Any LADC or CADC who violates any provision of this subchapter shall be subject to sanction(s) as provided in the Licensed Alcohol and Drug Counselors Act.

38:10-3-4. PROFESSIONAL STANDARDS

- (a) **Violations of other laws.** It shall be professional misconduct for an LADC or CADC 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 or alcohol use.** LADCs and CADCs shall not render professional services while under the influence of alcohol or other mind or mood altering drugs.
- (c) **Sexual contact.**
 - (1) **Current clients.** LADCs and CADCs shall not have any type of sexual contact with clients and shall not counsel persons with whom they have had a sexual relationship.
 - (2) **Former clients.** LADCs and CADCs shall not engage in sexual contact with former clients.
- (d) **Updating.** LADCs and CADCs shall notify the Board of any change in address, telephone number, and employment.

38:10-3-5. RELATIONS WITH THE PUBLIC AND OTHER PROFESSIONALS

- (a) **Misrepresentation.** LADCs and CADCs shall not misrepresent nor allow the misrepresentation by others of the efficacy of the LADCs and CADCs professional services.
- (b) **Credentials claimed.** LADCs and CADCs shall claim or imply only the professional credentials possessed and shall be responsible for correcting any known misrepresentations of their credentials by others.
- (c) **Advertisement.** When an LADC or CADC announces services or advertises, he or she shall represent services to the public by identifying credentials in an accurate manner that is not false,

- misleading, deceptive, or fraudulent. An LADC or CADC may only advertise the highest degree earned from a regionally accredited college or university recognized by the US Department of Education. All advertisements or announcements of counseling services including telephone directory or internet listings by an LADC or CADC shall clearly state his or her licensure or certification status by the use of "LADC" or "CADC" or a statement such as "licensed by the Oklahoma Board of Licensed Alcohol and Drug Counselors" or "certified by the Oklahoma Board of Licensed Alcohol and Drug Counselors."
- (d) **License.** Each LADC or CADC must display the original, current license or certificate, in a prominent place in the primary location of practice.
 - (e) **Public statements.** When an LADC or CADC provides advice or comment by means of public lectures, demonstrations, radio or television programs, prerecorded tapes, printed articles, mailed material, or other media, he, or she 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 mandates of the Rules of Professional Conduct.
 - (3) There is no implication that a professional counseling relationship has been established.
 - (f) **Rebates.** An LADC or CADC shall not give or accept a commission, rebate, or other form of remuneration for referral of clients for professional services.
 - (g) **Accepting fees from agency clients.** An LADC or CADC shall refuse a private fee or other remuneration for rendering services to persons who are entitled to such services through the employer of the LADC or CADC

38:10-3-6. FAILURE TO COMPLY

An LADC or CADC who does not comply with Subchapter 3, Rules of Professional Conduct shall be guilty of professional misconduct and subject to sanction and any other penalties granted in these rules and the Act.

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38:10-3-7 Counselor Assistance Program

(a) **Purpose.** These rules have been adopted as pursuant to 59 O.S. Section 1875 for the purpose of establishing a Counselor Assistance Program. This program known as the Counselor Assistance Program, shall assist in the rehabilitation of counselors, whose competency may be compromised by the use of alcohol, drugs, chemicals or any other substances or any other mental or physical condition, including deteriorating through the aging process. This allows for the Board to retain control of counseling practice for the protection of the public and provides an alternative to the disciplinary process.

(b) **Definitions.** The following words and terms used in this subchapter, shall have the following meaning unless the context clearly indicates otherwise;

- (1) 'The Board' or 'OBLADC' means the Oklahoma Board of Licensed Alcohol and Drug Counselors.
- (2) 'LADC' means Licensed Alcohol and Drug Counselor
- (3) 'CADC' means Certified Alcohol and Drug Counselor
- (4) 'LADC OR CADC Candidate' means under supervision for LADC or CADC as defined in Oklahoma Statute 1871.
- (5) 'Program Coordinator' means the person approved by the Oklahoma Board of Licensed Alcohol and Drug Counselors to administer the Counselor Assistance Program.

(c) **Administration.**

- (1) Guidelines and policies for the program will be approved by the Board
- (2) The Board will have responsibility for approval and oversight of the budget.

(3) The Program Coordinator will make an annual report to the Board on the activities of the committee.

(d) Counselor Assistance Committee(s)

(1) Members of the Counselor Assistance Committee(s) shall have expertise in treatment of chemical dependency and/or mental health.

(2) Composition of the Committee shall be

(A) at least three members

(B) the majority to be currently LADC or CADC, and

(C) at least one person recovering from chemical dependency and/or a mental health diagnosis.

(3) The Committee shall have the following responsibilities:

(A) determine counselor or counselor candidate acceptance into the program,

(B) develop with counselor or counselor candidate a contract for program participation,

(C) meet with counselor or counselor candidate on a specified basis to monitor and determine progress,

(D) determine successful completion of program,

(E) determine termination from program for failure to comply,

(F) report all terminations to the Board.

(4) The Counselor Assistance Committee(s) shall be appointed by the Board from applications for a term of three (3) years.

(e) Qualifications of Applicant

(1) To be eligible for participation in the Counselor Assistance Program, each applicant must:

(A) have a current unrestricted certification or license, or be under supervision, unless referred by the Board,

(B) have no pending felony charge or conviction that would prevent the counselor,

or counselor candidate from practicing,

(C) voluntarily submit an application for participation, and

(D) reside in this state.

(2) Counselors or counselor candidates previously disciplined by the Board shall be ineligible, unless referred to the Counselor Assistance Program by the Board.

(f) Participation in the Program. The counselor or counselor candidate shall:

(1) agree in writing to cooperate with program and comply with provisions of the contract, and

(2) assume the financial cost of participation.

(g) Discharge from Program A counselor or counselor candidate shall be considered discharged from the program when the following criteria are met:

(1) The counselor or counselor candidate has been in compliance with all the terms of the contract with the Counselor Assistance Committee and had completed the required program,

(2) Counselor Assistance Committee documents completion of program and eligibility for discharge with written notification to the licensee.

(3) A counselor or counselor candidate may transfer to another state upon submission to

the jurisdiction of that state's regulatory Board for Alcohol and Drug Counselors or its equivalent for a Counselor Assistance Program or for discipline. A counselor or counselor candidate shall be considered discharged upon submitting documentation verifying successful completion of that state's regulatory Board for Alcohol and Drug Counselors or its equivalent for a Counselor Assistance Program.

(h) Termination from Program. The Counselor Assistance Committee shall make determination that a counselor or counselor candidate has failed to comply with the contract and treatment plan. A counselor or counselor candidate may be terminated for any of the following reasons, including but not limited to:

- (1) the counselor or counselor candidate fails to comply with the terms of the contract with the Counselor Assistance Committee,
- (2) the counselor or counselor candidate has become unsafe to practice with reasonable skill and safety to consumers under his/her care, or
- (3) the counselor or counselor candidate transfers to another state and fails to submit to that state's regulatory Board for Alcohol and Drug Counselors or its equivalent.

FITNESS OF APPLICANTS: SUBCHAPTER 5

38:10-5-1. PURPOSE

The purpose of this subchapter is to establish the fitness of an applicant as one of the criterion for licensure as a LADC or certification as a CADC and to set forth the criteria by which the Board shall determine the fitness of applicants.

38:10-5-2. FITNESS FOR LICENSURE OR CERTIFICATION

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 Rules of Professional Conduct delineated in Subchapter 3.

38:10-5-3. MATERIALS CONSIDERED IN DETERMINING FITNESS

(a) Materials considered determining fitness of skills and abilities include but are not necessarily limited to:

- (1) Evaluations from supervisors or instructors;
- (2) Statements from persons submitting references for the applicant; and;
- (3) Evaluations from employers or professional associations.

(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.

APPLICATION: SUBCHAPTER 7

38:10-7-1. PURPOSE

- (a) The purpose of this subchapter is to meet those requirements specified in the Act.
- (b) Unless otherwise indicated, an applicant shall submit all required information and documentation of

credentials in a manner and format prescribed by the Board

38:10-7-2. REQUIREMENTS FOR LICENSURE OR CERTIFICATION

(a) Licensed Alcohol and Drug Counselor.

- (1) Prior to January 1, 2010, an application for a license to practice as a LADC shall be made to the Oklahoma Board of Licensed Alcohol and Drug Counselors in writing. Such application shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by the act, which shall be retained by the Board and not returned to the applicant.
- (2) Each applicant for a licensure:
 - (A) Be possessed of good moral character;
 - (B) Pass an oral and written examination;
 - (C) Be at least twenty-one (21) years of age;
 - (D) Not have engaged in, nor be engaged in, any practice or conduct, which would be grounds for denying, revoking or suspending a license pursuant to the provisions of the Act;
 - (E) Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Act.
 - (F) At a minimum, hold a master's degree in a behavioral science field that is recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as appropriate to practice as a licensed alcohol and drug counselor;
 - (G) Successfully completed at least one (1) year of full-time supervised work experience. For the purpose of the Act, "one (1) year of full-time work experience" shall be defined as two thousand (2,000) hours of work experience, of which at least one thousand (1,000) hours shall consist of providing alcohol and drug counseling services to an individual and/or the individual's family;
 - (H) Successfully completed at least one hundred eighty (180) clock hours of education related to alcohol and drug counseling subjects, theory, practice or research; and,
 - (I) Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.

(b) Certified Alcohol and Drug Counselor.

- (1) An application for certification as a CADC shall be made to the Oklahoma Board of Licensed Alcohol and Drug Counselors in writing. Such application shall be on a form and in a manner prescribed by the Board. The application shall be accompanied by the fee required by the Act, which shall be retained by the Board and not returned to the applicant.
- (2) Each applicant for certification shall:
 - (A) Be possessed of good moral character;
 - (B) Pass an oral and written examination;
 - (C) Be at least twenty-one (21) years of age;
 - (D) Not have engaged in, nor be engaged in, any practice or conduct, which would be grounds for denying, revoking or suspending a license pursuant to the provisions of the Act;
 - (E) Otherwise comply with the rules promulgated by the Board pursuant to the provisions of the Act.
 - (F) At a minimum, a bachelor's degree in a behavioral science field that is recognized by the Oklahoma Board of Licensed Alcohol and Drug Counselors as appropriate to practice as a certified drug and alcohol counselor in this state;
 - (G) Have successfully completed at least two (2) years of full-time supervised work experience. For the purpose of the Act, "two years of full-time work experience" shall be defined as four thousand (4,000) hours of work experience of which at least two thousand (2,000) hours shall consist of providing alcohol and drug counseling services to an individual and/or the individual's family;
 - (H) Have successfully completed at least two hundred seventy (270) clock hours of education related to alcohol and drug counseling subjects, theory, practice, or research;

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- (I) Successfully completed, as a part of or in addition to the education requirements established in paragraph three of this subsection, a minimum of forty-five (45) clock hours of specialized training approved by the Board in identifying co-occurring disorders and making appropriate referrals for treatment of co-occurring disorders; and
- (J) Successfully completed at least three hundred (300) hours of supervised practicum experience in the field of drug and alcohol counseling.

38:10-7-3. PRIVATE OR INDEPENDENT PRACTICE

No person may engage in the private or independent practice of alcohol and drug counseling work unless:

- (1) licensed under the Act as a Licensed Alcohol and Drug Counselor; and,
- (2) has had no less than two (2) years of full-time or the equivalent thereto of part-time experience, a total of 4,000 hours, supervised work experience, in the alcohol and drug counseling field, and shall continue to meet continuing education requirements set by the Board; or,
- (3) is certified under the Act as a certified alcohol and drug counselor; and
- (4) has had no less than three years of full-time or the equivalent thereto of part-time experience, a total of 6,000 hours of supervised work experience in the alcohol and drug counseling field, and shall continue to meet continuing education requirements set by the Board; and,
- (5) is supervised by a licensed alcohol and drug counselor

38:10-7-5. ISSUANCE OF LICENSE OR CERTIFICATION

The Board shall issue an appropriate license or certification to all applicants who meet the requirements for licensure or certification in order to identify the alcohol and drug counselor to the public as an LADC or CADC.

38:10-7-6. APPLICATION

- (a) Applicants for licensure or certification shall timely submit a completed application on the form prescribed by the Board, as well as the required fee(s) and documentation. The application includes:
 - (1) Application fee;
 - (2) Application form completed, signed, dated, and notarized;
 - (3) A full-face photograph, at least two inch by three inches, taken within the last 12 months, or a photocopy of a current driver's license;
 - (4) Official transcript in sealed envelope;
 - (5) Signed consent authorizing the Board to conduct a criminal background check and collect any additional information or references necessary;
 - (6) Signed code of ethics;
 - (7) Personal philosophy;
 - (8) Three professional references; and,
 - (9) Supervision contract;
- (b) An applicant shall:
 - (1) Read and be familiar with the rules for the licensed alcohol and drug counselors act;
 - (2) Follow all laws and rules, including the ethical standards;
 - (3) Notify the Board in writing within 30 days of a change in address;
- (c) All application materials become the property of the Board.
- (d) An application packet will not be accepted unless it is complete.
- (e) The use of false or fraudulent information by an applicant may be grounds for denial of a license.
- (f) Incomplete documents will be returned to the sender. The Board will hold the remaining documents, but will not accept the application until all outstanding documents have been completed and approved.
- (g) The application fee is not refundable and will not be returned. When resubmitting documents that were returned to the sender as incomplete, a second application fee is not required.
- (h) A document may be considered incomplete if it does not conform to the following standards:

- (1) All blanks must be completed and questions answered, the forms signed and dated. If the documentation relates to past activity, the date of the activity shall also be recorded;
 - (2) Documentation shall be permanent and legible (e.g., typed or printed in black ink); and,
 - (3) When it is necessary to correct a document, the error shall be marked through with a single line, dated, and initialed by the writer. Correction fluid shall not be used.
- (i) An applicant must receive written notice of receipt of his or her application from the Board before accumulating any supervised work experience or taking the examination or providing substance abuse services.
 - (j) Within 45 days of receipt of the completed application, the Board shall notify the applicant that the application is complete or specify the additional information required.
 - (k) By signing the application, the applicant accepts responsibility for remaining knowledgeable of licensure rules.

38:10-7-7. EXAMINATIONS

- (a) **Eligibility.** An LADC or CADC applicant is eligible to take the licensing or certification examination once his or her application documentation is deemed complete and applicable fee(s) are received.
- (b) **Examination.** Each applicant shall take and pass written and oral examinations.
- (c) **Administration.** The Board shall administer the licensure examinations at least one (1) time each year or as often as deemed necessary.
- (d) **Application.**
 - (1) The Board shall mail notification of eligibility to sit for examination to the last known address of applicant at least sixty (60) days prior to the date of the next scheduled examination.
 - (2) An applicant who wishes to take a scheduled examination shall complete an examination registration form and return it to the Board submitting the required fee at least thirty (30) days prior to the date of the examination.
 - (3) The applicant has one year from the date of receipt of his or her written notification, which shall be mailed to the last known address to register for the test. If applicant fails to register in writing for the test, eligibility for examination and his or her application will be voided.
- (e) **Grading.** Licensure examinations shall be graded by the Board or its designee.
- (f) **Notice of results.**
 - (1) The Board shall notify the applicant of the examination results within sixty (60) days of the date of the examination.
 - (2) Examination results shall be in writing and shall specify "pass" or "fail."
- (g) **Failure to appear.** If the applicant for licensure or certification 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.
- (h) **Failure to apply.** If an applicant fails to timely register for and take the applicable examination pursuant to section (d)(3) of this section, his or her application shall be voided, and the applicant will be so notified in writing.
- (i) **Failure to pass.** In the event of failure to pass the examination, the applicant may retake the examination on the next available testing date.

38:10-7-8. RENEWAL OF LICENSE OR CERTIFICATION

- (a) **Renewal timeline.** All licenses or certifications shall expire at the end of each fiscal year (June 30th) and shall be subject to renewal on the first day of the next fiscal year (July 1st).
- (b) **Renewal package.** All licensed or certified persons must submit a complete renewal package, including fee, postmarked by June 30th of the fiscal year. Only renewals submitted on the most current forms provided by the Board will be accepted.

- (c) **Individual responsibility.** Each LADC or CADC is responsible for renewing the license or certification and specialty designation before the expiration date.
- (d) **Renewal notification.** The Board shall mail a written notice of expiration to LADC or CADC at least forty-five (45) days prior to the expiration date of the license or certification.
- (e) **Failure to renew.** If the licensee or certified person fails to timely renew his or her license or certification by the expiration date, the Board shall notify him or her in writing that:
 - (1) suspension of the license and or certification, and forfeiture of rights and privileges granted by the license or certification;
 - (2) the LADC or CADC 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; and
 - (3) Licenses or certifications not renewed within the one (1) year renewal period shall not be reinstated and the license or certification shall be returned to the Board.

38:10-7-9. RECIPROCITY

- (a) Any person who becomes a resident of Oklahoma and who is or has been, immediately preceding his residency in this state, licensed or certified in good standing to practice alcohol and drug counseling by another state and who meets the testing, educational, and work experience qualifications for licensure or certification in Oklahoma may, upon payment of the necessary fee and submission of documentation as required by the Board, be licensed or certified under these provisions.
- (b) Reciprocity shall be based upon an evaluation of the licensing or certification criteria of the other state to determine if criteria are equal to or more stringent than Oklahoma licensing or certification requirements.

SUBCHAPTER 7. APPLICATION

38:10-7-10 Co-occurring Disorders Credential Rules

- (a) **Definitions.**
 - (1) Bachelor of Co-occurring Disorders Certification (BCDC) is a bachelor's degree level credential which shall be achieved by certified alcohol and drug counselors (CADC), or certified alcohol and drug counselors candidates that seek to be certified in co-occurring disorders (COD). This credential is required for CADC's to recognize co-occurring disorders and integrate that into substance abuse treatment.
 - (2) Master's of Co-occurring Disorders Certification (MCDC) is a master's degree level credential which shall be achieved by licensed alcohol and drug counselors (LADC), licensed alcohol and drug counselor candidates, or other Master's level candidates that seek to be certified in co-occurring disorders (COD). LADC's may treat co-occurring disorder within their scope of practice.
- (b) **Qualifications.** To be eligible for Board approval as a Bachelor's of Co-occurring Disorders Certification, a CADC or CADC candidate must be in good standing and:
 - (1) Have a minimum education of a bachelor's degree in co-occurring disorders or a behavioral science field with a clinical application from a college or university that is accredited by the United States Department of Education or the Council on Higher Education Accreditation or an international equivalent if the degree is from an international institution.
 - (2) 200 clock hours of continuing education units. Most of these should be covered by the appropriate degree in a behavioral science field. This includes a minimum of 140

hours of COD specific training, 30 hours of addiction specific training and 30 hours of mental health specific training to equal 200 hours.

(3) Have completed 4000 hours of COD specific supervised work experience AND 2000 hours of documented work experience in counseling in the last 10 years (6000 hours total).

(4) The two years (4000 hours) of supervised experience requirements for certification as a BCDC must be under the supervision of a Board approved co-occurring disorders supervisor.

(5) 200 Hour Practicum with a minimum of 20 hours in each of the domains. The domains include (A) Screening and Assessment, (B) Crisis Prevention and Management, (C) Treatment and Recovery Planning, (D) Counseling and Interventions, (E) Recovery Support and Coordination of Care, (F) Psychopathology and Etiology, (G) Psychopharmacology, and (H) Ethics.

(6) Successfully pass the written exam for BCDC.

(7) Employed in a nationally accredited or Oklahoma Department of Mental Health and Substance Abuse Services certified agency, unless exempt from such certification.

(8) CADC's shall not provide private or independent practice for co-occurring disorders

(9) This is not a freestanding credential.

(10) This credential is required for CADC's to recognize co-occurring disorders and integrate that into substance abuse treatment.

(c) Qualifications. To be eligible for Board approval as a Master's of Co-occurring Disorders Certification an LADC, LADC candidate, or other Master's level candidate must be in good standing and:

(1) Have a minimum education of a Master's degree in co-occurring disorders or behavioral science field with a clinical application from a college or university that is accredited by the United States Department of Education or the Council on Higher Education Accreditation or an international equivalent if degree is from an international institution.

(2) Complete 140 hours of COD specific training.

(3) Complete 2000 hours (one year) of supervised work experience in COD specific work.

(4) Complete a Practicum of 100 hours with a minimum of 10 hours in each of the domains. The domains include (A) Screening and Assessment, (B) Crisis Prevention and Management, (C) Treatment and Recovery Planning, (D) Counseling and Interventions, (E) Recovery Support and Coordination of Care, (F) Psychopathology and Etiology, (G) Psychopharmacology, and (H) Ethics.

(5) Successfully pass the written exam for MCDC.

(6) This is not a freestanding credential.

(7) LADC's may treat co-occurring disorders within the scope of their practice.

(d) Application

(1) Complete an application form provided by the Board

(2) Submit two letters of reference

(3) Sign a supervision contract and submit to the Board for approval.

(4) Sign a COD code of ethics.

(5) Pay application fee of \$140.00

(6) The BCDC must be completed within five (5) years from the original date of

application.

(7) The MCDC must be completed within three (3) years from the original date of application.

(e) **Supervision.** To be a Board approved supervisor for co-occurring disorders certification, you must:

(1) Be in good standing as a licensed alcohol and drug counselor and a state mental health professional; or

(2) A licensed mental health professional whose license is in good standing, and whose scope of practice includes treatment of alcohol and drug abuse or dependency; or

(3) A LADC whose license is in good standing and whose scope of practice includes co-occurring disorders; and

(4) Be approved by the Board to supervise CADC's, CADC candidates, or LADC candidates or other Master's level candidates for co-occurring disorders.

(f) **Renewal of BCDC or MCDC credential.** To maintain the BCDC or MCDC credential, the certified person shall complete, prior to June 30:

(1) The requirements for renewal of CADC/LADC.

(2) Pay a co-occurring disorders credential renewal fee of \$50.00

SUPERVISION: SUBCHAPTER 9

38:10-9-1. PURPOSE

The purpose of this subchapter is the establishment of guidelines for the documentation of supervised experience that must be received from all persons applying for drug and alcohol counselor licensure or certification.

38:10-9-2. Supervision or work experience

(a) **Licensed alcohol and drug counselor.** The one-year supervised experience requirement for licensure as an LADC must be under the supervision of an alcohol and drug counselor holding the LADC license.

(b) **Certified alcohol and drug counselor.** The two-year supervised experience requirement for certification as a CADC must be under the supervision of an alcohol and drug counselor holding an LADC license.

(c) **Practicum.** Practicum supervision may be signed off by anyone who is in a supervisory or educational role and has first hand knowledge that the candidate did complete the requirement for the practicum.

(d) Supervision hours acquired outside the State of Oklahoma, whether completed or in the process, may be approved by the Board on a case-by-case basis.

38:10-9-4. SUPERVISED WORK EXPERIENCE

(a) A candidate for licensure or certification must obtain an average of one hour per week of live, interactive, and visual supervision from a Board approved supervisor until the candidate becomes licensed or certified. Group supervision is acceptable if such supervision does not exceed at least one half of the total supervisory times per evaluation period.

(b) The supervisor and supervisee must negotiate a supervision contract and furnish a copy to the Board for approval prior to beginning the supervision. Any supervision completed prior to approval of the

supervision contract will not be accepted. Such a contract shall not be valid if the supervisor and supervisee have a relationship that could affect the employment or benefits of the supervisor, and that relationship could, in any way, bias or compromise the completion of the minimum number of required hours of supervised work experience. When supervision is terminated, the supervisee is responsible for negotiating a new contract and obtaining all evaluation and termination forms required to document prior supervision.

(c) If supervision is terminated by either party, the supervisee must notify the Board within 14 days of the termination in writing in a format prescribed by the Board.

(d) When requested, the supervisee must provide a sample of work to his or her supervisor. Disclosure of work samples shall be in accordance with state and federal rules and statutes governing confidentiality of patient records.

38:10-9-5. Requirements for Supervision Status

(a) **Qualifications.** To be eligible for Board approval to supervise LADC and CADC candidates for licensure, a Licensed Alcohol and Drug Counselor must be licensed and in good standing and:

- (1) if originally licensed in Oklahoma, must have practiced alcohol and drug counseling for at least two years after licensure; or
- (2) if licensed by endorsement from another state, must have practiced alcohol and drug counseling for at least one year beyond Oklahoma licensure; or
- (3) also hold a license in good standing with supervision privileges in another behavioral health field as determined by the Board; or
- (4) hold a current valid IC&RC Certified Clinical supervisor credential, and
- (5) successfully complete the Board approved alcohol and drug counselor supervision training course, and
- (6) pass the Oklahoma LADC Supervisor Examination(s)
 - (A) Examination Part A shall consist of clinical supervision skills and knowledge by NAADAC or IC&RC CCS course and exam.
 - (B) Examination Part B shall consist of Oklahoma State Laws, Rules, and procedures.

(b) Application Process

- (1) Complete an application form provided by the Board.
- (2) Submit two letters of reference. At least one letter must be from a current Board approved LADC supervisor. The other shall be from another professional holding a current Oklahoma behavioral health license.
- (3) Sign a supervision agreement and supervisor code of ethics.
- (4) Pay an application processing fee.

(c) Supervision Training Course and Supervisor Examination.

- (1) The Supervision course shall consist of a fifteen hour Board approved workshop on counseling supervision in combination with thirty hours of directed individual study of Board approved counseling supervision literature for a total of forty-five contact hours. The workshop or class must have a minimum of four enrolled supervisor candidates.
- (2) For persons who meet the qualifications in subsection (a)(3) or (4), or were Board approved supervisors prior to the effective date of this rule, the supervision course shall consist of a seven and one-half hour Board approved advanced LADC supervisor training workshop and exam Part B – Oklahoma State Laws, Rules and procedures only.

(d) LADC's with Prior Supervisor Status. LADC's who were approved by the Board as supervisors prior to the effective date of this rule must complete the 7 ½ hour advanced supervision training course and pass the Oklahoma LADC Supervisor Examination Part B within eighteen months of the effective date of this rule to retain their Board approved supervision status. Such persons who fail to complete the supervision training course and pass the exam within this time period shall lose their supervision privileges and must reapply.

(e) Renewal of Supervisor Status. To maintain Board approved supervisor status, LADC supervisors must complete, prior to June 30 of each year

(1) Three (3) clock hours of continuing education in counseling supervision, and
(2) These hours are included in the twenty (20) continuing education hours required for Licensure renewal.

(3) With the exception of the twenty hour requirements in 38:10-13-2(a), the Rules in subchapter 13 regarding continuing education requirements for licensure renewal shall also apply to continuing education requirements for supervision status.

(4) Approved supervisor designation will not be renewed until renewal fee has been paid and

(5) Continuing education requirements have been met.

(f) Supervisor Responsibilities

(1) The supervisor is responsible for having and maintaining knowledge about the supervisee's practice whether in a private or agency setting.

(2) The supervisor is responsible for providing professional consultation and monitoring the supervisee's ethical and professional practices.

(3) The supervisor must provide an average of one hour per week of live, interactive and visual supervision until the candidate becomes licensed or certified. Group supervision is acceptable if such supervision does not exceed at least one half of the total supervisory time per evaluation period. Group size is limited to a maximum of six (6) supervisees.

(A) The phrase 'an average of one hour per week of live, interactive and visual supervision' means one continuous hour in one day of each week of face-to-face or interactive video supervision relating to the supervisee's skills, knowledge, and practices in providing alcohol and drug counseling to clients. Video supervision shall not exceed 1/8 of the total supervision time (13 sessions for LADC or 26 sessions for CADC). Video supervision must meet all Federal and State Laws of confidentiality.

(B) The Supervisor must provide four hours of face-to-face supervision per calendar month, at the rate of one hour per week, or two hours per week, every other week.

(C) When unforeseen circumstances arise that result in a supervisor providing less than four hours per month, or less than two hours every other week of face-to-face contact, the Supervisor and supervisee shall provide notice of such circumstances to the Board, and shall submit a plan to make up the missed hours to the Board for approval. The plan may include designation of a back-up or alternate supervisor, providing that the supervisee has entered into a supervision contract with the alternate supervisor and such contract has been approved by the Board.

(D) Clinical staff meetings attended by supervisees or meetings with supervisees that consist of discussion of issues other than supervisee's skills, knowledge, and

practices in providing alcohol and drug counseling to clients shall not be counted as group supervision.

(4) When the proposed supervisor is not a staff member of the supervisee's agency, the proposed supervisor will ensure that the agency administration, or its representative, is in accord with the arrangements for supervision. This is essential whether these arrangements are made by the agency or the supervisee and regardless of whether the agency contributes to the financial compensation of the supervisor. The supervisor is responsible for securing agreement from the agency administration as to the purpose and content of the desired supervision and the supervisor's specific role responsibilities and limitations. The supervisor is also responsible for learning agency functions and policies so that any supervisory suggestions are constructive and realistic within agency purposes and resources.

(5) The Supervisor must be available to the supervisee for consultation 'on call' 24 hours a day, seven days a week, and arrange for alternate 'on call' supervisor to provide consultation when the primary supervisor is unavailable.

(6) The supervisor must immediately notify the Board of any ethical or professional violations by supervisee.

(7) The supervisor must notify the Board in writing within 14 days of the date supervision is terminated.

FEES: SUBCHAPTER 11

38:10-11-1. Schedule of fees

Fees are non-refundable and include:

(1) **Application fee.** One-hundred and forty dollars (\$140.00) and shall be submitted with the application form.

(2) **Written examination fee.** One-hundred and twenty-five dollars (\$125.00). Shall be submitted prior to taking the written examination.

(3) **Oral examination fee.** Seventy-five dollars (\$75.00). Shall be submitted prior to taking the oral examination.

(4) **Initial license or certification fee.** One-hundred dollars shall be submitted prior to the receipt of license or certificate. The initial license or certification notices shall invoice the licensed or certified person for the interim period between the original license or certification date and the following June 30 so that subsequent renewals shall be on a July 1 annual basis.

(5) **Renewal fee.** One-hundred dollars (\$100.00). Shall be submitted upon notification by the Board on or before June 30, and validates the license or certification for twelve (12) months.

(6) **Late renewal fee.** Twenty-five dollars (\$25.00) will be charged each month, if the license or certification is not renewed by June 30. This fee combined with the renewal fee shall not exceed \$200.00. The licensed or certified person must submit this fee as well as the renewal fee on or before the following June 30 to avoid revocation.

(7) **Replacement fee.** Twenty-five dollars (\$25.00). Shall be submitted for the issuance of a license or certification to replace a license, which has been lost, damaged, or is in need of revision.

(8) **Inactive license or certification fee.** Twenty-five dollars (\$25.00). Payment of this fee renders the license or certification inactive and suspends all rights and privileges granted by the

license or certification for a period of no more than two (2) years. If not renewed within the two (2) year period, license or certification is considered lapsed.

- (9) Mailing list of licensed and certified counselors. Thirty-five dollars (\$35.00).
- (10) Written verification of licensure or certification. Five dollars (\$5.00).
- (11) Duplication of public records. Twenty-five cents (\$.25) per page.
- (12) Investigation or prosecution. At cost incurred.
- (13) Returned check processing fee, or denied or non-payment of credit card fees. Fifty Dollars (\$50.00).
- (14) Probation. Twenty-five dollars (\$25.00) per month.
- (15) Board approved supervisor status designation. Thirty-five Dollars (\$35.00) for initial application fee.
- (16) Supervisor status designation annual renewal fee. Twenty-five Dollars (\$25.00).
- (17) Co-occurring disorders Certification application fee. One Hundred Forty Dollars (\$140.00)
- (18) Co-occurring disorders Certification renewal fee. Fifty Dollars (\$50.00).

38:10-11-2. METHOD OF PAYMENT

Payment of fees shall be by personal check, cashiers check, money order, cash, or credit card. The Board will accept Visa, Master Card, Discover, or American Express. Any check returned, or denied payment or fee(s) to the Board for non-payment may result in sanction(s).

38:10-11-3. REVIEW OF FEES

The Board shall periodically review the fee schedule and recommend any adjustment necessary to provide funds to meet its expenses without creating any unnecessary surplus.

CONTINUING EDUCATION REQUIREMENTS: SUBCHAPTER 13

38:10-13-1. PURPOSE

The purpose of this subchapter is to establish the continuing education requirements necessary for license or certification renewal.

38:10-13-2. CONTINUING EDUCATION STANDARDS

- (a) Continuing education hours required. As a requirement for license or certification renewal, twenty (20) clock hours of continuing education units shall be required for each license or certification held. These hours must have been obtained during the previous renewal period (July through June) and approved by the Board. At least three (3) hours must be categorized as ethics training as defined by the Board.
- (b) Continuing education approval. Approval of continuing education shall be at the discretion of the Oklahoma Board of Licensed Alcohol and Drug Counselors and shall be in accordance with standards acceptable to the profession of alcohol and drug counseling.
- (c) Armed services. A licensed or certified person called to active duty in the armed forces of the United States for a period of time exceeding one hundred and twenty (120) days during a calendar year shall be exempt from obtaining the continuing education required during that calendar year.
- (d) Exemption. A licensee or certified person experiencing physical disability, illness or other extenuating circumstances may request partial or complete exemption from the continuing education requirements. The licensee or certified person shall provide supporting documentation for the Board's review. Such hardship cases will be considered by the Board on an individual basis.
- (e) Prorating. Licensees or certified persons upon initial certification will have their CEU hours prorated according to the date of their initial certification.

38:10-13-3. DOCUMENTATION OF ATTENDANCE

LADCs and CADCs 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 approved teaching activities on the sponsor's letterhead giving the name of the program, location, dates, subject taught, and total number of hours taught.

38:10-13-4. AUDIT OF CONTINUING EDUCATION SUBMISSIONS

- (a) Each year, the Board may randomly, or at any time for cause, select up to twenty-five (25) percent of the number of LADCs and CADCs on active status the previous year for an audit of their claimed continuing education.
- (b) Licensees or certified persons selected for audit must submit verification of all continuing education credits claimed within thirty (30) days following receipt of the audit notice. The Board may, at its discretion, audit and require verification of any credits claims which it may consider questionable or fraudulent.

38:10-13-5. FAILURE TO COMPLETE CONTINUING EDUCATION OR SUBMIT VERIFICATION

Failure to complete continuing education requirements or submit such records shall constitute failure to renew a license or certification and may result in forfeiture of the individual's rights and privileges granted by the license or certificate.

38:10-13-6. FRAUDULENT CONTINUING EDUCATION SUBMISSIONS

The submission of fraudulent continuing education hours shall be cause for sanction.