



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-713A

Richard Pierson, Executive Director  
Oklahoma Board of Licensed Alcohol  
and Drug Counselors  
P.O. Box 54388  
Oklahoma City, OK 73154

September 29, 2017

Dear Executive Director Pierson:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Licensed Alcohol and Drug Counselors intends to take. The proposed action is to void the application of K.C. for failure to register for examination within 1 year of eligibility.

K.C. applied for licensure as a licensed alcohol and drug counselor on February 19, 2009. The applicant failed a licensure examination on July 6, 2016, and had not registered to re-take the exam as of August 21, 2017. On September 18, 2017, the Board voted not to reinstate the voided application.

The Licensed Alcohol and Drug Counselors Act, 59 O.S.2011 & Supp.2016, §§ 1870-1885, provides that, unless exempt, “any person wishing to practice alcohol and drug counseling in this state shall obtain a certificate or license to practice[.]” 59 O.S.Supp.2016, § 1876(A); *see also* 59 O.S.2011, § 1880(A). Any application to practice alcohol and drug counseling in the state is made to the Board and must be in writing. The Act gives the Board the authority to grant or deny said applications. *See* 59 O.S.2011 & Supp.2016, §§ 1876(B), 1871(10), 1875(2-6) and (14), and 1878. The Act also empowers the Board to “promulgate rules governing any certification or licensure action[.]” 59 O.S.2011, § 1882; *see also id.* § 1875(1). The Act specifically requires that an applicant for a license to practice alcohol and drug counseling “[p]ass an examination” and “[o]therwise comply with the rules promulgated by the Board[.]” 59 O.S.Supp.2016, § 1876(C)(2), (5). Furthermore, Board rule OAC 38:10-7-7(d)(3), which was repealed effective September 21, 2014 but was in effect at the time the applicant applied for licensure as an alcohol and drug counselor, provided that an “applicant has one year from the date of receipt of his or her written notification . . . to register for the test . . . [and] [i]f the applicant fails to register in writing for the test, eligibility for examination and his or her application will be voided.” The Board may reasonably believe that voiding the application for licensure will ensure that licensed alcohol and drug counselors meet minimum requirements.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Licensed Alcohol and Drug Counselors has adequate support for the conclusion that this action advances the State of Oklahoma's policy to ensure Oklahomans receive drug and alcohol treatment from competent, qualified providers.



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ATTORNEY GENERAL OF OKLAHOMA



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