



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-76A

Eric Ashmore, Executive Director
State Board of Behavioral Health Licensure
3815 N. Santa Fe, Suite 110
Oklahoma City, OK 73118

February 28, 2018

Dear Executive Director Ashmore:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Behavioral Health Licensure intends to take with respect to complaint number 15-LPC-39. The licensee formed a close personal and financial relationship with a client by renting to and then evicting the client from a residential property. The Board proposes to suspend the license for one year and assess a fine of \$517.50.

The Licensed Professional Counselors Act authorizes the Board to “deny, revoke, suspend or place on probation” any license of a person who engages in “unprofessional conduct as defined by the rules established by the Board[.]” 59 O.S.Supp.2017, § 1912(A)(5). Under the Board’s rules, it is considered unprofessional conduct to “knowingly enter into a dual relationship.” OAC 86:10-3-3(c). Dual relationship is defined as “familial, social, financial, business, professional, close personal, sexual or other non-therapeutic relationship with a client.” OAC 86:10-1-2. The Board may reasonably believe that the proposed action is necessary to deter future violations.

It is, therefore, the official opinion of the Attorney General that the State Board of Behavioral Health Licensure has adequate support for the conclusion that this action advances the State’s policy of protecting public from unprofessional conduct by a licensee.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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