



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-90A

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

March 20, 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 Licensed Professional Counselor (“LPC”) applicants, J.S., M.S., and B.S. The applicants inaccurately reported hours of direct client contact that the applicants had not actually worked. The Board proposes to deny each application for violating the rules of professional conduct.

The Licensed Professional Counselors Act authorizes the Board to deny 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 of professional conduct, an “applicant for LPC licensure . . . shall not: (1) knowingly make a false statement of material fact[.]” OAC 86:10-3-4(e). Further, the Board’s rules state that “substantiation of any of the following items related to the applicant may be . . . the basis for the denial . . . of licensure . . . (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.” OAC 86:10-5-2. 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 the public from unprofessional conduct by an applicant.

MIKE HUNTER
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