



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-190A

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

December 9, 2015

Dear Executive Director Ashmore:

This office has received your request for a written Attorney General Opinion regarding agency actions that the State Board of Behavioral Health Licensure intends to take with respect to licensee Donald Suggs. The proposed action is to, pursuant to a consent agreement, accept the surrender of a Licensed Professional Counselor license and impose several conditions on that licensee's reinstatement. Those conditions include receiving a mental health assessment and complying with any recommendations from it; receiving a substance abuse evaluation and fulfilling any recommendations from it; maintaining sobriety with supporting documentation for six months prior to filing an application; undergoing counseling by a Licensed Professional Counselor until discharged with a report on fitness to practice. As part of any undertaking to practice again, licensee must also personally appear before the Board to answer questions and undergo supervision in areas including professional conduct, dual relationships, and verbal boundaries with clients.

The licensee left employment in a facility by showing up, apparently intoxicated and carrying a beer container; removing personal belongings; and sending an unprofessional message to licensee's supervisor. Licensee left in circumstances indicating dual relationships and unprofessional conduct with clients, including invitations to perform work outside the facility at licensee's home and inappropriate discussion between licensee and one client about sexual intentions of licensee toward the client.

The Licensed Professional Counselors Act, 59 O.S.2011 & Supp.2015, §§ 1901–1920, authorizes the Board to discipline Licensed Professional Counselors who “[e]ngaged in unprofessional conduct as defined by the rules established by the Board,” 59 O.S.Supp.2015, § 1912(A)(5). The Board's administrative rules state that Licensed Professional Counselors must “not participate in, condone, or be associated with dishonesty, fraud, deceit or misrepresentation” and “shall not exploit their relationships with clients for personal advantage, profit, satisfaction, or interest.” OAC 86:10-3-1. They must also “not knowingly enter into a dual relationship(s),” OAC 86:10-3-3(c), and must “not render professional services while under the influence of alcohol,” OAC 86:10-3-4(b). The Board may reasonably believe that, based on licensee's conduct, a revocation of the license as well as the conditions on reinstatement identified in the

order will adequately protect counseling clients while allowing licensee to reenter the profession in the future.

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 these actions advance the State of Oklahoma's policy to protect the public health and welfare by ensuring licensed counselors provide services in a professional manner.

A handwritten signature in black ink, appearing to read "Scott Pruitt". The signature is stylized with a large, sweeping initial "S" and a prominent "P".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA