



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-525A

Richard Pierson, Executive Director
Oklahoma Board of Licensed Alcohol and Drug Counselors
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105

August 19, 2016

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 pursuant to a consent agreement in Board Complaint 405-1114. The proposed action is to place the license on probation for 12 months and impose probation fees of \$25 per month. During probation, the licensee's client files will be periodically reviewed to ensure the licensee is remaining within the permitted scope of practice. The licensee will also be required to complete continuing education on the topic of scope of practice. A complainant alleged that the licensee, whose license was originally issued in 2006, provided services outside the scope of the licensee's practice by providing mental health services to approximately 130 clients who did not have substance abuse disorder diagnoses. The licensee did not hold educational or certification requirements necessary to provide the specific services rendered.

The Licensed Alcohol and Drug Counselors Act, 59 O.S.2011 & Supp.2015, §§ 1870–1885, authorizes the Board to discipline licensees who have “[e]ngaged in unprofessional conduct,” 59 O.S.2011, § 1881(A)(6). The Board's rules require licensees to “make every effort to ensure their services are used appropriately.” OAC 38:10-3-2(b). It is “professional misconduct . . . to violate a state or federal statute if the violation directly relates to the duties and responsibilities of the counselor.” OAC 38:10-3-4(a). In 2012, statutory amendments took effect that impacted educational requirements for licensure set out in Section 1876 of the Act. Individuals licensed prior to the amendments may not “include the assessment, diagnosis, and treatment of mental health disorders” in their scope of practice unless they meet educational requirements enumerated in statute or hold a valid co-occurring disorders certification. *See* 59 O.S.Supp.2015, § 1876(F). The licensee met neither condition. The action enforces requirements that licensees refrain from providing services outside their scope of practice. The Board may reasonably believe that requiring additional education, payment of fines, and a monitored probation will prevent future violations.

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 that Oklahomans receive alcohol and drug abuse treatment from competent, qualified providers.

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a large, stylized flourish above the name.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA