



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-32A

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

September 30, 2015

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 applications for failure to pass or failure to register for the required examination within one year of a notice of eligibility. Three applicants—Elsie Winston, Marlene Jackson, and Lou Leake—failed to register, while two other applicants—Jacinta Dike and Glenna Jones—did not pass the examination after taking it on several occasions.

The Licensed Alcohol and Drug Counselors Act, 59 O.S.2011 & Supp.2014, §§ 1870–1885, authorizes the Board to deny or approve applications for licenses, 59 O.S.2011, § 1875(5), (6)(a). An application for licensure can only be approved upon passage of an examination. 59 O.S.2011 & Supp.2014, §§ 1876(C)(2), 1877(A)(1). Prior to September 21, 2014, the Board's administrative rules required that a person must register for the exam within one year of notice of eligibility to sit for the exam. OAC 38:10-7-7(d)(3) (2006) These rules continue to apply to applicants who submitted their applications before September 21, 2014. These actions seek to ensure that those providing alcohol and drug counseling services have qualifications shown by passage of an examination. The Board may believe that denying the applications of those who have failed the examination several times along with those who have failed to even register for the examination may advance that policy.

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 alcohol and drug abuse treatment from competent, qualified providers.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA