



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-4A

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

September 16, 2015

Dear Executive Director Ashmore:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Behavioral Health Licensure intends to take. The proposed action seeks to discipline—pursuant to a consent order—a Licensed Marital and Family Therapist for accepting a \$600 monetary gift from a client with a mental health disability. The discipline includes reimbursement of the gift, payment of a \$1,200 fine, payment of \$210 in costs, and probation with payments of the costs of supervision.

The Marital and Family Therapist Licensure Act, 59 O.S.2011 & Supp.2014, §§ 1925.1–1925.18, authorizes the Board of Behavioral Health Licensure to prescribe rules of professional conduct governing Licensed Marital and Family Therapists. 59 O.S.Supp.2014, § 1925.5(A)(3). The rules of professional conduct contained in the Board’s administrative rules require that “[Licensed Marital and Family Therapists] . . . not exploit the trust and dependency of” clients. OAC 86:16-5-1(c). Licensed Marital and Family Therapists must therefore avoid expanding a client relationship to areas such as business dealings. *Id.* Further, the rules required that professionals “shall not use their professional relationship with clients to further their own interests.” OAC 86:16-5-1(d). The rules also require that fees be set prior to a therapy relationship. OAC 86:16-5-7.

The action seeks to hold a licensed professional to standards of professional conduct. The rules of the Board of Behavioral Health Licensure generally require licensed marital and family therapists not to use their position of power in a professional-client relationship for their own gain at the expense of a client, and compensation for therapy services must be set before entering the relationship. The receipt of substantial monetary gifts beyond fees paid for professional service may reflect compromised professional advice and may stem from exploitation of clients.

It is, therefore, the official opinion of the Attorney General that the Board of Behavioral Health Licensure has adequate support for the conclusion that this action advances the State of Oklahoma’s policy to hold counselors to high standards of professional conduct.

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

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA