



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-6A

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 Behavioral Practitioner for unprofessional conduct involving taking a minor client out of the office, traveling some distance, and staying overnight at the home of a therapist’s relative. The discipline requires the therapist to wind down her practice, void any billing to the Oklahoma Healthcare Authority, and retire her license.

The Licensed Behavioral Practitioner Act, 59 O.S.2011 & Supp.2014, §§ 1930–1949.1, authorizes the Board of Behavioral Health Licensure to prescribe rules of professional conduct governing Licensed Behavioral Practitioners, 59 O.S.Supp.2014, § 1934(A)(2). The rules of professional conduct contained in the Board’s administrative rules require that Licensed Behavioral Practitioners “ensure that their services are used appropriately” and that they “shall not use their relationships with clients for personal advantage, profit, satisfaction, or interest.” OAC 86:21-7-1. Further, the rules prohibit specific conduct falling under the rubric of having “[n]on-professional relations with clients.” OAC 86:21-7-4.

The action seeks to hold a licensed professional to standards of professional conduct. Counselors and therapists should strive to maintain professionalism in their relationships with clients and, per the Board’s administrative rules, should “ensure that their services are used appropriately.” OAC 86:21-7-1. The conduct described may undermine the professionalism of Licensed Behavioral Practitioners and does not project the image of a professional relationship.

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 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