



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2015-7A

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 is to, pursuant to a consent order, require a Licensed Marital and Family Therapist Candidate to close the business where the Candidate provided unlicensed therapy services; review the rules of the Board; write a paper on lessons learned from the disciplinary process; and pay a \$500 fine. The Candidate provided therapy services without the requisite license or supervision, held himself out as having a license he did not have, and falsely advertised that he offered full bilingual services.

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 Act also requires candidates for licensure as Licensed Marital and Family Therapists to comply with the rules promulgated by the Board. *Id.* § 1925.6(B)(4). The statutes also broadly prohibit holding oneself out as a Licensed Marital and Family Therapist or practicing such therapy without actually holding a license. 59 O.S.2011, § 1925.10; *cf. id.* § 1925.3. Candidates for licensure specifically must not refer to themselves as Licensed Marital and Family Therapists, OAC 86:16-5-9, and they must also only provide service and accumulate hours under supervision with the requisite documentation, OAC 86:16-11-5(b). Finally, statutes and rules prohibit misleading or false advertising or statements with respect to providing marital and family therapy services. 59 O.S.Supp.2014, § 1925.15(A)(5); OAC 86:16-5-8.

The action seeks to hold a candidate for licensure as a Licensed Marital and Family Therapist accountable to legal requirements that the candidate not engage in misleading conduct and only provide therapy services under the supervision of an experienced practitioner. Deviation from these legal requirements could undermine the integrity of the profession and result in harm to consumers from being misled and from receiving subpar services from inexperienced, unsupervised professionals in the sensitive area of psychological therapy.

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 ensure that candidates for licensure as marital and family therapists operate under the supervision of experienced practitioners and engage in no misleading or false advertising.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and a long, horizontal stroke extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA