



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-302A

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

May 19, 2016

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 in Board case 15-LPC-75. That case involves an applicant for licensure as a licensed professional counselor. While obtaining supervised experience, the applicant failed to document seeing clients to which the applicant was assigned; inconsistently appeared for appointments with clients and supervisors; verbally reported different hours than he documented; and failed to prepare required documentation. An investigatory meeting was held due to discrepancies in claimed supervised experience hours; afterward, the applicant never provided requested documentation to the Board. The proposed action is to deny the application.

The Licensed Professional Counselors Act, 59 O.S.2011 & Supp.2015, §§ 1901–1920, requires applicants for licensure as licensed professional counselors to obtain “[t]hree (3) years of supervised full-time experience in professional counseling” to qualify for licensure, 59 O.S.Supp.2015, § 1906(C)(2). The Act also requires that applicants “[n]ot have engaged in, nor be engaged in, any practice or conduct which would be grounds for denying, revoking or suspending a license” and “[o]therwise comply with the rules promulgated by the Board” under the Act, 59 O.S.Supp.2015, § 1906(B)(4)–(5).

The Board’s rules state that a license may be denied for “[m]isrepresentation on the application or other materials submitted to the Board.” OAC 86:10-5-2. Further, the Board’s rules require that licensed professional counselors “accept responsibility for the consequences of their work,” OAC 86:10-3-1, that they maintain accurate records regarding professional services for five years, OAC 86:10-3-3(b)(1), and that they “not abandon or neglect current clients,” OAC 86:10-3-3(h)(2). Further, licensees may not “knowingly make a false statement of material fact” to Board personnel nor “fail to disclose a fact necessary to correct a misapprehension” nor “fail to respond to a demand for information.” OAC 86:10-3-4(e).

The action seeks to uphold standards of professionalism among applicants for licensure as licensed professional counselors. The Board may reasonably believe that the applicant’s representations about care provided, particularly during the applicant’s meeting with Board

representatives, constituted misrepresentation. The overall tenor of the applicant's conduct also supports the Board's conclusion that the applicant is not fit for licensure at this time.

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 requiring applicants for licensure to complete supervised experience and not commit acts that would subject them to discipline if licensed.

A handwritten signature in black ink, appearing to read "Scott Pruitt". The signature is stylized with a large, sweeping initial "S" and "P".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA