



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-303A

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 13-LPC-62. That case involves an applicant for licensure as a licensed professional counselor. The proposed action is to deny the application.

While obtaining supervised experience, the applicant submitted documentation showing several weeks with less than twenty hours per week of work or supervision. After State Department of Health personnel informed the applicant that these weeks were inadequate, the applicant submitted new documentation showing exactly twenty hours of client contact for several weeks that had shown less time before. At an investigatory meeting, the applicant could not confirm working the reported number of weeks, although the applicant apparently deflected some responsibility onto the supervisor.

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 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 enforce the supervised experience requirement and prevent fraudulent or deceitful representations from impairing the integrity of that requirement. The Board may reasonably believe that the applicant engaged in or allowed misrepresentation to occur without correcting the false information, supporting a denial of the application 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 complete supervised experience and not commit deceitful acts.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with large, sweeping letters and a prominent flourish at the end.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA