



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-172A

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

May 24, 2018

Dear Executive Director Ashmore:

This office has received your request for a written Attorney General Opinion regarding action that the State Board of Behavioral Health Licensure intends to take with respect to Licensed Professional Counselor ("LPC") license number 5768 in complaint number 18-LPC-05. The licensee took a patient to a casino several times and on at least one occasion asked the patient for money. Further, the licensee failed to keep appropriate records of sessions with the patient. The Board proposes to revoke the license and assess a \$5,000 fine.

The Licensed Professional Counselors Act authorizes the Board to revoke license of a person who engages in "unprofessional conduct as defined by the rules established by the Board[.]" 59 O.S.Supp.2017, § 1912(A)(5). Under the Board's rules of professional conduct, "LPCs shall not exploit their relationships with clients for personal advantage, profit, satisfaction, or interest." OAC 86:10-3-1. Further, the Board's rules state that "LPCs shall maintain verifiable, accurate and truthful records necessary for rendering professional services to their clients for at least five (5) years beyond termination of services." OAC 86:10-3-3(b)(1). The Board may reasonably believe that the proposed action is necessary to deter future violations.

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's policy of protecting members of the public who are in need of professional counseling services.

A handwritten signature in black ink, appearing to read "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL