



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-302A

Richard Pierson, Executive Director
Oklahoma Board of Licensed Alcohol
and Drug Counselors
P.O. Box 54388
Oklahoma City, OK 73154

July 31, 2018

Dear Executive Director Pierson:

This office has received your request for a written Attorney General Opinion regarding action that the Oklahoma Board of Licensed Alcohol and Drug Counselors intends to take pursuant to consent agreement with licensee #292 in regard to complaint numbers 506-0517 and 525-0218. The licensee improperly billed for services not provided and misrepresented his/her credentials on an office sign and business card. The Board proposes to impose a \$200 administrative fine, require the payment of \$477 in investigative costs, require the removal of the misrepresented credentials, require the submission of a Provider Self Disclosure Form to the entity that was improperly billed, and require the licensee to meet with his/her LADC supervisor regarding ethical, accurate and timely documentation and to present a written summary of the discussion and plan of correction to the Board.

The Licensed Alcohol and Drug Counselors Act authorizes the Board to discipline licensees who have “engaged in unprofessional conduct as defined by rules promulgated by the Board.” 59 O.S.2011, § 1881(A)(6), (D); *see also id.* § 1875(9). The Board’s Rules of Professional Conduct specifically provide that it is unethical for a licensee to “participate in, condone, or be associated with dishonesty, fraud, . . . deceit or misrepresentation” and to “represent that he or she performed services which he or she did not perform.” OAC 38:10-3-2(d), (k). Those rules also provide that licensees shall “claim only the professional credentials possessed.” OAC 38:10-3-5(b), (c). 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 Oklahoma Board of Licensed Alcohol and Drug Counselors has adequate support for the conclusion that this action advances the State's policy to ensure that its licensees behave in an ethical and professional manner.



MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA



RYAN CHAFFIN
DEPUTY CHIEF ASSISTANT ATTORNEY GENERAL