



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-354A

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

August 30, 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") applicant, T.G. The applicant has applied and failed to provide a passing score on the required exam ten times and failed to submit mandatory supervised practice forms. The applicant requested to appear at a Board meeting to discuss his sixth application. The applicant appeared at the hearing, but was unable to explain his inadequate record keeping practices. The Board proposes to deny the application for lack of fitness.

The Licensed Professional Counselors Act authorizes the Board to deny a license of any person who engages in "unprofessional conduct as defined by the rules established by the Board[.]" 59 O.S.Supp.2017, § 1912(A)(5). Board rules state that the Board may deny an application when the applicant has exhibited a "[l]ack of necessary skills and abilities to provide adequate services." OAC 86:10-5-2(1). The Board may reasonably believe that the proposed action is necessary to uphold the standards of LPCs.

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 public from the unfitness of an applicant.

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