



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2018-355A

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, E.L. The applicant failed to provide a passing score on a required exam and conducted supervised practiced in violation of Board rules. The Board proposes to deny the application for violating the rules of professional conduct.

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 must receive “[v]erification of Oklahoma Legal and Ethical Responsibilities Examination passing score” before an applicant can conduct supervised practice. OAC 86:10-11-1(2). Further, “substantiation of any of the following items related to the applicant may be . . . the basis for the denial . . . of licensure . . . (1) Lack of necessary skills and abilities to provide adequate services; (2) Misrepresentation on the application or other materials submitted to the Board; (3) A violation of the LPC Rules of Professional Conduct.” OAC 86:10-5-2. The Board may reasonably believe that the proposed action will 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 the public from unprofessional conduct by an applicant.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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