



MIKE HUNTER
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-17A

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

May 6, 2021

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 (“Board”) intends to take with respect to Licensed Professional Counselor (“LPC”) applicant, R.D. In March 2020, the LPC Complaint Committee investigated an inquiry concerning the number of indirect hours of supervised experience. R.D. explained that the hours consisted of reading books, researching continuing education courses, and training a therapy dog. After a hearing, the Board found that the hours were not accrued in compliance with the LPC rules. The Board proposes to deny the applicant credit for certain hours of experience.

The Licensed Professional Counselors Act requires all applicants “[c]omply with the rules promulgated by the Board[.]” 59 O.S.Supp.2020, § 1906(B)(4). “A failure to comply may result in the loss of supervision hours[.] OAC 86:10-11-2(a)(1). Acceptable supervised experience includes only the performance of “counseling activities as described in Section 1902, of the Act under supervision[.]” *Id.* 86:10-11-3. 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 the public from an applicant that has not met experience requirements.

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MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink that reads "Ethan Shaner".

ETHAN SHANER
DEPUTY GENERAL COUNSEL