



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-48A

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

February 8, 2017

Dear Executive Director Ashmore:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Behavioral Health Licensure intends to take under a consent agreement in Board cases 13-LPC-23 and 14-LPC-37, which involve the same licensee. The proposed action is to revoke the licensee's authorization to act as an approved supervisor. The licensee committed several violations of The Licensed Professional Counselors Act and Board rules.

The Licensed Professional Counselors Act, 59 O.S.2011 & Supp.2016, §§ 1901–1920, authorizes the Board to discipline licensed professional counselors who have “[e]ngaged in fraud or deceit in connection with services rendered,” those who have “[e]ngaged in unprofessional conduct as defined by the rules established by the Board,” or those who have “[e]ngaged in negligence or wrongful actions in the performance of his or her duties.” 59 O.S.Supp.2016, § 1912(A)(3),(5),(6). The Board's rules hold the supervisor and supervisee jointly responsible for ensuring the supervision requirements are fulfilled, *see* OAC 86:10-11-2(a)(1). “A failure to comply may result in the loss of supervision hours, denial of licensure, initiation of formal complaint procedures, and/or loss of approved supervisor status.” *Id.*

Investigations found at least twenty-eight instances in which the licensee signed the on-site supervisor form but was not employed at the same agency as the candidate supervised, in violation of Board rules, OAC 86:10-11-3(d)(1). In addition, the licensee did not submit termination of supervision forms for candidates, OAC 86:10-11-2(c); supervised thirty people, which is eighteen over the limit allowed to supervise, OAC 86:10-11-4(b); and signed supervision hours for a candidate which proved fraudulent, *see* OAC 86:10-11-5(e).

The action seeks to hold approved supervisors accountable to legal requirements to not engage in unprofessional or fraudulent conduct. Deviation from these legal requirements could undermine the integrity of the profession and result in harm to consumers by receiving subpar services from inexperienced, unsupervised professionals in the sensitive area of psychological therapy.

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 of Oklahoma's policy that approved supervisors uphold standards of professionalism and meet the minimum standards in adequately supervising candidates for licensure.



E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA