



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-49A

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 case 16-LPC-10. The proposed action is to revoke the licensee's authorization to act as an Approved Supervisor. After an investigation revealed several violations of the Licensed Professional Counselors Act, the licensee admitted incompetency as a supervisor and ignorance of the responsibilities of a supervisor under the Board's 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 “engaged 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.*

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.

A handwritten signature in blue ink, appearing to read "Scott Pruitt". The signature is stylized with a large, sweeping initial "S" and a horizontal line extending to the right.

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA