



OFFICE OF THE ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2024-18A

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

March 13, 2024

Re: Beatty, Case No. 2023-LPC-371

Dear 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 the Licensed Professional Counselor Beatty.

The Licensed Professional Counselors Act ("Act") authorizes the Board to revoke the license of a person who has "[e]ngaged in fraud or deceit in connection with services rendered . . ."; "[e]ngaged in unprofessional conduct as defined by the rules established by the Board"; and "[e]ngaged in negligent or wrongful actions in the performance of his or her duties." 59 O.S.2021, § 1912(A)(2, 4-5).¹ Additionally, the Act allows the Board to assess an administrative penalty for any person who has violation any provision of the Act. 59 O.S.2021, § 1913.1(B).

In August 2023, Respondent pled guilty to (1) Medicare Fraud; and (2) Identity Theft. and was sentenced to a three-year deferred sentence, prevented from billing Medicaid for the duration of the sentence and ordered to pay restitution and other costs. Finding clear and convincing evidence of grounds for discipline under 59 O.S.2021, § 1912(A)(2, 4-5), the Board proposes to revoke Respondent's license and assess an administrative penalty of \$1,000. The Board may reasonably believe that the proposed action is necessary to deter future violations and to protect the public.

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 to uphold standards of professionalism among behavioral practitioners.



ROB JOHNSON
GENERAL COUNSEL

¹The Board also found that the licensee violated OAC 86:10-3-1 and OAC 86:10-3-4. The latter rule states that a plea of guilty to a felony substantially relating to the practice of counseling is deemed "unprofessional conduct." OAC 86:10-3-4(a).