



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-814A

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

December 1, 2017

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 Licensed Professional Counselor applicant, E.W. The applicant has submitted four previous applications but failed the necessary examinations. Additionally, the applicant failed to provide documentation supporting the required supervised hours on another application. The proposed action is to deny the application of LPC Candidate for lack of fitness as an applicant.

The Licensed Professional Counselors Act authorizes the Board to deny any license of a person who engages in "unprofessional conduct as defined by the rules established by the Board[.]" 59 O.S.Supp.2017, § 1912(A)(5). Under the Board's rules of professional conduct, an "applicant for LPC licensure . . . shall not: (1) knowingly make a false statement of material fact[.]" OAC 86:10-3-4(e). Further, the Board's rules state that "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 public from unprofessional conduct by an applicant.

A handwritten signature in black ink that reads "Mike Hunter".

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink that reads "Amanda Otis".

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL