



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2021-49A

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

November 10, 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, M.R. The Board has voided and/or denied Applicant’s three previous applications for licensure, citing failure to complete required examinations, falsely reporting the number of supervised hours worked and a lack of fitness. *See* A.G. Opin. 2017-338A and A.G. Opin. 2017-659A. In May 2021, Applicant submitted a fourth application. The Board proposes to deny the application for lack of fitness.

The Licensed Professional Counselors Act authorizes the Board to deny a license of any person who has “[e]ngaged in fraud or deceit . . . in establishing needed qualifications pursuant to the provisions of this act [,]” or “[m]isrepresented any information required in obtaining a license.” 59 O.S.Supp.2020, § 1912(A)(2), (6). Further, the Board may deny a license if the applicant lacks the “necessary skill and abilities to provide adequate services.” OAC 86:10-5-2(1). The Board may reasonably believe that the proposed action is necessary to ensure only qualified applicants are licensed to practice.

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 unqualified individuals practicing as LPCs.

Handwritten signature of John M. O'Connor in black ink.

JOHN M. O’CONNOR
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Ethan Shaner in blue ink.

ETHAN SHANER
DEPUTY GENERAL COUNSEL