



JOHN M. O'CONNOR
ATTORNEY GENERAL

**ATTORNEY GENERAL OPINION
2022-39A**

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

September 29, 2022

Re: Boykins, Case No. 21-LPC-31

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 Licensed Professional Counselor ("LPC") D.B.

The Licensed Professional Counselors Act authorizes the Board to revoke the license of a person who engages in "fraud or deceit in connection with services rendered[.]" "wrongful actions in the performance of . . . duties" or unprofessional conduct.¹ 59 O.S.2021, § 1912(A)(2), (4-5).

In September 2021, D.B. pled "no contest" to felony Medicaid fraud and identify theft and was given a ten-year deferred sentence, prevented from billing Medicaid for the duration of the sentence, and ordered to pay restitution and costs. The Board proposes to revoke D.B.'s license.

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.

A handwritten signature in black ink, appearing to read "John M. O'Connor".

JOHN M. O'CONNOR
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in blue ink, appearing to read "Thomas R. Schneider".

THOMAS R. SCHNEIDER
DEPUTY GENERAL COUNSEL

¹ Under the Board's rules, a plea of "no contest" to a felony substantially relating to the practice of counseling is deemed "unprofessional conduct." OAC 86:10-3-4(a).