



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2017-104A

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

February 16, 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 regarding the Licensed Professional Counselor candidates T.L.H., S.P., and S.A.W. In each case, the proposed action is to deny the application of the candidate. Each applicant received supervised experience at an agency which the applicant themselves own.

The Licensed Professional Counselors Act, 59 O.S.2011 & Supp.2016, §§ 1901–1920, requires applicants for licensure as licensed professional counselors to obtain “[t]hree (3) years of supervised full-time experience in professional counseling” to qualify for licensure, 59 O.S.Supp.2016, § 1906(C)(2). The Act mandates applicants neither “engage in, nor be engaged in, any practice or conduct which would be grounds for denying, revoking or suspending a license” and to “[o]therwise comply with the rules promulgated by the Board.” 59 O.S.Supp.2016, § 1906(B)(4)–(5). The Board’s rules prohibit any person from “engag[ing] in the private or independent practice of professional counseling work or open a facility with the intent of providing private or independent counseling practice unless that person . . . is licensed under this Act as a Licensed Professional Counselor” OAC 86:10-3-3(g). These actions seek to enforce the supervised experience requirement and prevent fraudulent or deceitful representations from impairing the integrity of that requirement. The Board may reasonably believe that the applicant engaged in or allowed misrepresentation to occur, supporting a denial of the application at this time.

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 these actions advance the State of Oklahoma’s policy requiring applicants for licensure complete supervised experience and not commit deceitful acts.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt", written over a horizontal line.

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA