



OFFICE OF THE
ATTORNEY GENERAL

ATTORNEY GENERAL OPINION
2024-11A

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

February 20, 2024

Re: Scarberry, Case No. 2023-LPC-270

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 (“LPC”) Scarberry.

The Licensed Professional Counselors Act authorizes the Board to revoke the license of a person who has “[b]een convicted of a felony crime that substantially relates to the practice of counseling and poses a reasonable threat to public safety” or engages in unprofessional conduct.¹ 59 O.S.2021, § 1912(A)(1), (4).

In June 2023, Respondent pled guilty to Felony Conspiracy to Possess Contraband in a Penal Institution and was sentenced to a two-year deferred sentence and eighteen months supervised probation. While working for the Cimarron Prison as a mental health coordinator, the Respondent procured one thousand dollars (\$1000) to secure a contraband cell phone for an inmate assigned to her caseload and with whom she interacted. Finding clear and convincing evidence of grounds for discipline under 59 O.S.2021, § 1912(A)(1), (4), the Board proposes to revoke Respondent’s license. 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

¹Under the Board’s rules, a plea of guilty to a felony substantially relating to the practice of counseling is deemed “unprofessional conduct.” OAC 86:10-3-4(a).