



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-746A

Richard Pierson, Executive Director
Oklahoma Board of Licensed Alcohol and Drug Counselors
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105

December 19, 2016

Dear Executive Director Pierson:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Board of Licensed Alcohol and Drug Counselors intends to take with respect to license 195. The proposed action is to accept the voluntary surrender of the licensee's supervision credential and impose a fine of \$500. The licensee entered into a Board approved supervision contract with a licensee candidate in December 2008. In May 2015, the Board contacted the licensee to confirm the status of the supervision. The licensee admitted that the supervision never actually took place; however the licensee failed to notify the Board of the termination of the agreement. Over a two year period from 2013 to 2015, the candidate had been employed with a separate counseling entity, who billed Medicaid over \$193,000 for the candidate's services. All claims have been repaid.

The Licensed Alcohol and Drug Counselors Act, 59 O.S.2011 & Supp.2016, §§ 1870–1885, authorizes the Board to promulgate rules necessary to regulate the practice of licensed alcohol and drug counseling and to discipline licensees for acts deemed to be unprofessional conduct, *see* 59 O.S.2011, §§ 1875, 1881. Unprofessional conduct includes "dishonesty, fraud, . . . deceit or misrepresentation," OAC 38:10-3-2(d). The Board's rules elsewhere require the licensee supervisor to notify the Board in writing within three business days of the date that supervision is terminated. The action seeks to enforce the requirements prohibiting fraudulent and dishonest conduct. The Board may reasonably believe that imposing a fine and accepting the surrender of the licensee's supervision credential is necessary to prevent future violations.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Board of Licensed Alcohol and Drug Counselors has adequate support for the conclusion that this action advances the State of Oklahoma's policy prohibiting misrepresentation and ensuring that recipients of alcohol and drug counseling receive services from competent, qualified providers.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA