



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-46A

James Marks, Executive Director
Board of Licensed Social Workers
3700 N. Classen Blvd., Suite 162
Oklahoma City, Oklahoma 73118

February 20, 2019

Dear Executive Director Marks:

This office has received your request for a written Attorney General Opinion regarding action that the Board of Licensed Social Workers (“Board”) intends to take pursuant to an evaluation agreement with respect to Complaint 2018-13. A citizen complaint was filed with the Board alleging that the licensee exhibited the appearance of being under the influence of an intoxicating substance in a public setting. The Board proposes to require the licensee to undergo a substance abuse evaluation and, if the evaluation reveals a chemical dependency issue, enter an approved treatment program. The licensee shall not practice social work pending results of the evaluation.

The Social Worker’s Licensing Act provides that “the [Board is] responsible for the control and regulation of the practice of social work in this state” including licensing and “[t]he establishment and enforcement of compliance with professional standards of practice and rules of conduct of social workers [.]” 59 O.S.2011, § 1256.1(A)(1)-(3). The Board may discipline licensees who engage in “[u]nprofessional conduct as determined by the Board.” 59 O.S.Supp.2018, § 1266.1(A)(1). The Board’s Code of Professional Conduct adopts the Code of Ethics of the National Association of Social Workers. OAC 675:20-1-6. Standard 4.05(a) of that code requires licensees to seek appropriate professional help when experiencing substance abuse problems. The Board may reasonably believe that its proposed action is necessary to uphold the professional standards of clinical social workers.

It is, therefore, the official opinion of the Attorney General that the Board of Licensed Social Workers has adequate support for the conclusion that this action advances the State’s policy to safeguard the welfare of the people of the State of Oklahoma.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

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