



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2019-60A

Richard Pierson, Executive Director
Oklahoma Board of Licensed Alcohol
and Drug Counselors
P.O. Box 54388
Oklahoma City, OK 73154

February 22, 2019

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 licensed alcohol and drug counselor licensee, E.H. The licensee allegedly left a satchel containing confidential information on the hood of his car and drove away, resulting in a private citizen finding the contents. The Board proposes to issue a Letter of Caution and develop a policy for securing the safety and confidentiality of records when taken outside of his office.

The Licensed Alcohol and Drug Counselors Act provides that the Board may “[i]nitiate disciplinary, prosecution and injunctive proceedings against any person . . . who violates any of the provisions of the Licensed Alcohol and Drug Counselors Act, or any rule promulgated or order issued pursuant thereto[.]” 59 O.S.Supp.2018, § 1875(9). Board rules state that licensees “shall be responsible for securing the safety and confidentiality of any counseling record they create, maintain, transfer, or destroy whether the record is written, taped, computerized, or stored in any other medium.” OAC 38:10-3-3(d)(2). The Board may reasonably believe that the proposed action is necessary to deter 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 the proposed action advances the State’s policy to ensure that confidential documents are properly protected.

A handwritten signature in black ink, appearing to read 'Mike Hunter'.

MIKE HUNTER
ATTORNEY GENERAL OF OKLAHOMA

A handwritten signature in black ink, appearing to read 'Amanda Otis'.

AMANDA OTIS
ASSISTANT ATTORNEY GENERAL