



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-766A

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

November 3, 2017

Dear Executive Director Marks:

This office has received your request for a written Attorney General Opinion regarding agency action that the Board of Licensed Social Workers intends to take pursuant to consent decree with respect to Complaint 2017-05. The complaint alleges that the licensee, a Licensed Clinical Social Worker, acted unprofessionally by filming a client and posting the video on the internet. The Board proposes to require additional training, supervision by a Board-approved supervisor, and a written report detailing corrective actions taken.

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.2016, § 1266.1(A)(1). The Board's Code of Professional Conduct provides that "[t]he social worker shall obtain informed consent of clients before taping, recording, or permitting third party observation of their activities." OAC 675:20-1-5(f). By rule, the Board may enter into a "Consent Decree...agreed to by the Board and the licensee," see OAC 675:3-1-3(c)(4), which "may include, but is not limited to...a letter of education instructing the licensee to correct the aspect of practice in question...[and] a tutorial assigned to the licensee to remedy the practice in question, under the supervision of a Board Approved Supervisor[.]" OAC 675:3-1-3(c)(2)(D)(i), (ii). 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

RYAN CHAFFIN
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