



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2018-29A

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

January 31, 2018

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 intends to take pursuant to consent decree with respect to Complaint 2016-18. The complaint alleges that the licensee, a Licensed Clinical Social Worker, acted unprofessionally by accessing HIPAA protected information for a patient to which licensee was not assigned. The Board proposes to require licensee to complete 12 hours in HIPAA training and provide the Board with a written report.

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.2017, § 1266.1(A)(1). The Board's Code of Professional Conduct provides that "[t]he social worker shall respect the privacy of clients." OAC 675:20-1-5. 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.

Handwritten signature of Mike Hunter in black ink.

MIKE HUNTER  
ATTORNEY GENERAL OF OKLAHOMA

Handwritten signature of Amanda Otis in black ink.

AMANDA OTIS  
ASSISTANT ATTORNEY GENERAL