



OFFICE OF ATTORNEY GENERAL  
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION  
2016-324A

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

May 31, 2016

Dear Executive Director Marks:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Licensed Social Workers intends to take with respect to Board complaint 2015-14. The licensee, a licensed clinical social worker, obtained access to confidential health information of a coworker on at least two occasions. Because the licensee had no care relationship or consent, this action violated the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The coworker filed a complaint about the licensee's actions, after which the Board sent a proposed consent decree. The proposed action, as outlined in the consent decree, is to require the licensee to attend 12 hours of courses on HIPAA compliance, privacy regulations, and boundary limitations. The action also imposes a reprimand and the licensee's submission of a written report on the corrective actions taken.

The Social Worker's Licensing Act, 59 O.S.2011 & Supp.2015, §§ 1250–1273, authorizes the Board to discipline licensees who engage in “[u]nprofessional conduct as determined by the Board” or who violate federal law pertinent to the practice of social work, 59 O.S.Supp.2015, § 1266.1(A)(1), (7). The Board's Code of Professional Conduct, included in its administrative rules, requires that licensees “respect the privacy of clients and hold in confidence all information obtained in the course of professional service except for the client's voluntary consent for the release of information.” OAC 675:20-1-5(e). Further, the Board's regulations specify the consent decree that must be offered when a licensee receives notice of a complaint: it must reprimand the licensee and offer educational rehabilitation. *See* OAC 675:3-1-3(c)(2)(D). The Board may reasonably believe that a reprimand and education will ensure future compliance.

It is, therefore, the official opinion of the Attorney General that the State Board of Licensed Social Workers has adequate support for the conclusion that this action advances the State of Oklahoma's policy to uphold minimum standards of professionalism for licensed social workers.

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

E. SCOTT PRUITT  
ATTORNEY GENERAL OF OKLAHOMA