

**Rule Summary and Fiscal Analysis (Part A)****State Board Of Psychology**

Agency Name

Division

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**4732-17-01**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**General rules of professional conduct pursuant to section  
4732.17 of the Revised Code.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4732.06**

5. Statute(s) the rule, as filed, amplifies or implements: **4732.06, 4732.10, 4732.17, 4732.19, 4732.22, 4732.23**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

RC 119.032 rule review date: 8/9/04 and amendments to expand and clarify prevailing professional standards related to record keeping, dual sexual relationships, psychological test security, and reporting suspected violations to the board. The board has historically updated its regulations in response to updated publications of the American Psychological Association (APA). Without codifying any professional ethics codes, the board nonetheless uses prevailing standards in an effort to refine and expand its rules of professional conduct. A new APA code was published in June 2003.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

At 4732-17-01 (B) (6) it is proposed that this rule be expanded to include a requirement that licensees make advance plans for their professional records in the event of emergency or death. As currently written, this rule does not explicitly require that advance plans be made. Rather, it only requires that each licensee notify the board of a contact person who has knowledge of the responsibility for records in the event of emergency or death. This amendment would clarify that licensees must make a plan for their records, as patient confidentiality and access to records must be preserved after a psychologist leaves practice for any reason.

At 4732-17-01 (E) (3), an amendment is proposed to emphasize (as it states in the subsequent sentence) that students and supervisees of a licensee, given their inherently vulnerability, are included in the group protected from sexual exploitation by the licensee.

At 4732-17-01 (E) (3) (d), an amendment is proposed to emphasize prevailing standards that remind licensees of the prohibition from sexual intercourse of other physical intimacies with ex-clients and to emphasize that even after the "24 month" post-professional relationship period, licensees bear the burden of showing that any sexual relationship with an ex-client was not exploitative. Changes are also proposed to make consistent use of terminology "sexual intercourse and other physical intimacies."

At 4732-17-01 (F) (2) an amendment is proposed to update prevailing standards regarding the accepted professional meaning of "test materials" and requirements to maintain security of such materials.

Finally, 4732-17-01 (J) (4) includes a proposed amendment that clarifies a licensee's responsibility relative to reporting another licensee to the board. As currently stated, the rule requires that licensees make a judgment as to the presence of a "serious violation" of the laws and rules. This amendment would put prevailing standards in rule by providing licensees with more guidance by requiring a report to the board if it is judged that misconduct involves "substantial harm" to a person or organization.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

*This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.*

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

*Not Applicable.*

12. 119.032 Rule Review Date: **7/26/2004**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

### **FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

Not Applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not Applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Not Applicable

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**