

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

Agency Name

Division

**Ronald R Ross**

Contact

**77 South High St Suite 1830 Columbus OH  
43215-6108**

Agency Mailing Address (Plus Zip)

**614-466-1085**

Phone

**614-728-7081**

Fax

**ronald.ross@exchange.state.oh.us**

Email

**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 for five year review (FYR)? **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: **4732.17**

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

FYR

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:

This rule contains the rules of professional conduct, sometimes referred to as the "ethics" of the profession. The proposed amendments include repeated, small-scale changes such as using "license holder" in lieu of the cumbersome "licensed psychologist or licensed school psychologist," in addition to substantial changes intended to clarify the requirements to practice in accord with updated prevailing standards of care in the profession. In (A) there are proposed clarifications, including deleting reference to the ethics code of the Canadian Psychological Association. In (B) Negligence there are mostly cosmetic changes with a couple of exceptions. Sexual harassment was added as (2) to clarify current standards, and the records retention rule in (7)(a) is being amended in order to provide guidance and requirements related to informed consent, entering into a permitted multiple relationship, and documenting justification regarding a refusal to release records when requested by a client. Rule (7) (b) includes a change in the length of time the client record must be retained, by moving to a flat seven years (this is a common retention requirement across a majority of the state boards of psychology). Rule (7)(c) is proposed for clarification of the importance of having a written plan for the disposition of one's records in the event of emergency or death. Too many psychologists are retiring or dying with no plan for how their clients can access their records for the purpose of getting them to a new provider for continuity of care. Rules (7) (e) and (f) include new requirements regarding a client's rights to their records in accord with prevailing standards and Ohio law. Major updates are proposed to (C) Welfare of the client, including a series of rules in (1) (a) through (f) specific to role conflicts involving clients who are also parties to domestic court litigation. These rules were carefully written with association representatives and experts to provide guidance based on prevailing standards of care and based on the fact that these role conflicts are the most common reason for board disciplinary action over the past decade. New rule (C)(2) is proposed in order to clarify responsibilities incurred when a license holder has another relationship with a client and proceeds to conduct services in the presence of various risks to client welfare. Rule (C)(4) (a) through (e) contain numerous proposed additions intended to clarify the importance of documenting a client's informed consent to services, and the importance of documenting the purpose of the presence of a third party and that person's role when attending an individual's sessions (such as a spouse attending an individual psychotherapy session). In addition, there are new requirements proposed in (C)(4)(d) related to responsibilities to document the parameters of orders from courts for evaluation or treatment, for example, because this is a prevailing standard and too many license holders are not following court orders or clarifying orders with the litigant-client. Rule (C)(4)(e) is proposed because it is a prevailing standard and license holders are not clarifying client's rights to know about the parameters surrounding access to records. Mostly cosmetic changes are found throughout (D) and (E). A proposed new rule (c) under (F) (2) Test security is proposed to provide guidance regarding a common error made by license holders when they allow certain psychological tests to be taken home for completion, in the face of publisher instructions that the test administration must be supervised even if it is comprised of self-report items. Under (G) Confidentiality (2) a new rule (f) is

proposed to reflect current practice when providing services to minors. The remainder of the rule contains clean-up and cosmetic changes.

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. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **3/16/2015**

(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.

0

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**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

These rules of professional conduct include the professional standards against which license holders and their supervisees are judged when complaints are

received and investigations conducted.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

These rules of professional conduct include the professional standards against which license holders and their supervisees are judged when complaints are received and investigations conducted. Sanctions that can be levied against a license are specified in ORC 4732.17 (C).

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

There are rules that require a license holder to provide client records to the board when there is a valid release signed and reference to requirements during the license renewal process, when license holders are required to specify on the renewal form the name and contact information of a person who is aware of the written plan for the disposition of records in the event of emergency or death.