

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4732-17-01

Rule Type: Amendment

Rule Title/Tagline: General rules of professional conduct pursuant to section 4732.17 of the Revised Code.

Agency Name: State Board of Psychology

Division:

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 9/4/2019
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 4732.06
5. What statute(s) does the rule implement or amplify? 4732.17
6. What are the reasons for proposing the rule?

FYR; amendments
7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This long chapter contains the rules of professional conduct (ethical provisions for practice). Several amendments are proposed as updates and clarifications:

- Proposed amendments in (A) are for clarification that the rules pertain to both the school psychologist license and the psychologist license.
- Proposed amendments in (B) Negligence: (2) (3) and (4) include clarifications and rewordings, and amendments to (7) are generally reordering the existing requirements for record keeping. One substantive amendment with adverse impact is in (7)(a)(i), which would require the licensee to obtain informed consent to treatment on a form signed by the client unless a signature is not feasible. This change is justifiable because clients have a right to clear informed consent prior to services and psychologists should be responsible for demonstrating that consent to specific services within specific parameters is documented.
- Proposed amendments to (C): This rule was first promulgated in 2015, and paragraph (1) needs clarification reflecting feedback from a workgroup/community of psychologists. This rule deals with the longstanding prohibition against therapists making custody recommendations because it is a conflict of interest. The changes in paragraphs (a) through (f) are cosmetic and intended to clarify the meaning, although a substantive change in paragraph (e) would strike "In the absence of a preexisting relationship" because the community of psychologists has demonstrated to the Board that this is overburdensome and prevents psychologists from providing ethical evaluations and recommendations under certain circumstances. The Board sees this proposed amendment as clarifying and reducing regulation.
- The text in "(2) Multiple Relationships" is not new. It is relocated from current rule 4732-17-01 (E). This reorganization is proposed so that the Board's prohibitions against dual sexual relationships is placed under the "Conflicts of Interest" rule. The workgroup of psychologists determined that this location is more intuitive. Note that rule (E) is therefore proposed to be struck.
- The proposed amendments are in (C). Rules (7) and (8) contain updates that are overdue relative to internet, social media, and appropriate terms related to sex, gender and ethnicity. Each of these recommendations emanated from the Board workgroup.
- Proposed amendments in (D)(1) are as follows: Clarification by rewording in (c); and, proposed deletion of (e) because it is judged to be outdated and confusing to psychologists. This rule from the 1980's attempts to describe a capitation program (most commonly associated with employee assistance programs), and it is unnecessary because the informed consent requirements are already outlined in (C) (4). This is one of several attempts to eliminate unnecessary or redundant rules.

- Proposed amendment to (D)(2): It is proposed to delete (b) because the prohibition is already addressed in (a).

- In the next sections, (E) Multiple relationships is struck because it is being moved to (C)(2). In the current (F), which is proposed to become (E), it is proposed to eliminate another rule (1)(e) because it is no longer reflective of current practices. It relates to risks that were present decades ago, when personnel assessments were frequently completed by sending testing through the mail.

8. Does the rule incorporate material by reference? No
9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.

Not Applicable

10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.

This will have no impact on revenues or expenditures.

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Not Applicable

12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Not Applicable

13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

III. Common Sense Initiative (CSI) Questions

15. Was this rule filed with the Common Sense Initiative Office? Yes

16. Does this rule have an adverse impact on business? Yes

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

These are the rules of professional conduct serving to establish the standards of conduct against which psychologists' and school psychologists' behavior is measured.

- 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

By statute, violation of the Board's rules of professional conduct can result in disciplinary action against the license or denial of the application for initial license.

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

The rule includes a requirement to maintain records, document services, and release information to the Board upon request if accompanied by a release of information signed by the client or patient. This rule does not contain fees.