

4732-17-01

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

Pursuant to section 4732.17 of the Revised Code, the board promulgates the following rules of professional conduct:

(A) General considerations:

- (1) Purpose. The rules of professional conduct constitute the standards against which the required professional conduct of a psychologist is measured.
- (2) Scope. The rules of professional conduct shall apply to the conduct of all psychology and school psychology licensees and applicants, including the applicant's conduct during the period of education, training, and employment that is required for licensure. The term "psychologist," as used within these rules of professional conduct, shall be interpreted accordingly, whenever psychological services are being provided in any context.
- (3) Violations. A violation of the rules of professional conduct constitutes unprofessional conduct and is sufficient reason for a reprimand, suspension or revocation of a license, or denial of either original licensure or reinstatement of licensure.
- (4) Aids to interpretation. Ethics codes and standards for providers promulgated by the "American Psychological Association," the "Canadian Psychological Association," and other relevant professional groups shall be used as aids in resolving ambiguities that may arise in the interpretation of the rules of professional conduct, except that those rules of professional conduct shall prevail whenever any conflict exists between these rules and any professional association standard.
- (5) A psychologist or school psychologist, or an applicant for licensure, shall provide a written response within a reasonable period of time not to exceed sixty days to any written inquiry, regarding compliance with law or rule, received from the board.

(B) Negligence:

- (1) A psychologist or school psychologist shall be considered negligent if his/her behaviors toward his/her clients, supervisees, employees or students, in the judgment of the board, clearly fall below the standards for acceptable practice of psychology or school psychology.
- (2) Misrepresentation of qualifications. The psychologist or school psychologist

shall not misrepresent directly or by implication his/her professional qualifications such as education, specialized training, experience, or area(s) of competence.

(3) Misrepresentation of affiliations. The psychologist or school psychologist shall not misrepresent directly or by implication his/her affiliations or the purposes or characteristics of institutions and organizations with which the psychologist is associated.

(a) A psychologist or school psychologist shall not claim either directly or by implication professional qualifications that differ from actual qualifications, including use of a degree or title that is not relevant to his/her psychological training or that is issued by an educational institution not meeting accreditation standards, he/she shall not misrepresent affiliation with any institution, organization, or individual, nor lead others to assume he/she has affiliations that he/she does not have. A psychologist or school psychologist is responsible for correcting a client or public media who misrepresent his/her professional qualifications or affiliations, if he/she has knowledge of this misrepresentation.

(b) A psychologist or school psychologist shall ensure that his/her name is included as the responsible psychologist or school psychologist when his/her psychological services are listed, advertised, or otherwise announced to the public in any form, including, but not limited to, letterhead, brochures, internet websites, telephone listings, business cards, or newspaper or other media advertisements.

(c) A psychologist or school psychologist shall not include false or misleading information in public statements concerning psychological services offered.

(d) A psychologist or school psychologist shall not associate with or permit his/her name to be used in connection with any services or products in such a way as to misrepresent them, the degree of his/her responsibility for them, or the nature of his/her association with them.

(4) Solicitation of business by clients. A psychologist or school psychologist shall not request or authorize any client to solicit business on behalf of the psychologist or school psychologist.

(5) Promotional activities. A psychologist or school psychologist associated with the development, promotion, or sale of psychological devices, books, or other

products shall ensure that such devices, books, or products are not misrepresented as to qualities, performance or results to be obtained from their use.

(6) Maintenance and retention of records.

(a) A psychologist or school psychologist rendering professional individual services to a client, or services billed to a third-party payer, shall maintain a professional record that includes:

- (i) The presenting problem(s),
- (ii) The date(s) and purpose, if not self-evident, of each service contact,
- (iii) The fee arrangement,
- (iv) Any test or other evaluative results obtained,
- (v) Test data,
- (vi) A copy of any test or other evaluative reports prepared as part of the professional relationship,
- (vii) Notation and results of formal contacts with other providers, and
- (viii) Authorizations, if any, by the client for release of records or information.

(b) To meet the requirements of these rules, but not necessarily for other legal purposes, the psychologist or school psychologist shall ensure that each data entry in the professional record is maintained for a period of not less than five years after the last date of service rendered, or not less than the length of time required by other regulations if that is longer. The general record or a summary thereof shall be kept for a period of not less than twelve years after the last date of service rendered.

(c) A psychologist or school psychologist shall store and dispose of written, electronic, and other records of clients in such a manner as to ensure their confidentiality. Licensees shall make plans in advance to facilitate appropriate transfer and to protect the confidentiality of records in the event of the psychologist's or school psychologist's withdrawal from

positions or practice. Each licensee shall report to the board on the biennial registration (renewal) form the name, address, and telephone number of ~~the person~~ a psychologist or school psychologist or other appropriate person knowledgeable about transfer and custody of records and responsibility for records in the event of the licensee's absence, emergency or death.

- (d) In the event a complaint has been filed, a psychologist or school psychologist shall provide the original or a full copy of the client file or other client-identifiable documents to the board upon request, provided that the request is accompanied by a copy of a release signed by the client.

(C) Welfare of the client:

- (1) Conflict of interest. When there is a conflict of interest between the client and a psychologist's or school psychologist's employing institution, the psychologist or school psychologist shall clarify the nature and direction of his/her loyalties and responsibilities and keep all parties concerned informed of his/her commitments.
- (2) Sufficient professional information. A psychologist or school psychologist rendering a formal professional opinion or recommendation about a person shall not do so without substantial professional client information.
- (3) Informed client. A psychologist or school psychologist shall give a truthful, understandable, and reasonably complete account of a client's condition to the client or to those responsible for the care of the client. The psychologist or school psychologist shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided.
- (4) Dependency. Due to inherently influential position, a psychologist or school psychologist shall not exploit the trust or dependency of any clients
- (5) Informed choice. A psychologist or school psychologist shall accord each client informed choice, confidentiality, and reasonable protection from physical or mental harm or danger.
- (6) Media. Psychological services for the purpose of diagnosis, treatment, or personalized advice shall be provided only in the context of a professional relationship, and shall not be given by means of public lectures or

demonstrations, mail, newspaper or magazine articles, radio or television programs, or similar media.

- (7) Stereotypes. A psychologist or school psychologist shall not impose on a client any stereotypes of behavior, values, or roles related to age, gender, religion, race, disability, nationality, or sexual preference that would interfere with the objective provision of psychological services to the client.
- (8) Termination/alternatives. A psychologist or school psychologist shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship, and shall offer to help locate alternative sources of professional services or assistance if indicated.
- (9) Referral. A psychologist or school psychologist shall make an appropriate referral of a client to another professional when requested to do so by the client.
- (10) Continuity of care. A psychologist or school psychologist shall make arrangements for another appropriate professional or professionals to deal with the emergency needs of his/her clients, as appropriate, during periods of foreseeable absence from professional availability.
- (11) Interruption of services.
 - (a) A psychologist or school psychologist makes reasonable efforts to plan for continuity of care in the event that psychological services are interrupted by factors such as the license holder's illness, unavailability, relocation, or death, or the client's relocation or financial limitations.
 - (b) A psychologist or school psychologist entering into employment or contractual relationships shall make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client care in the event that the employment or contractual relationship ends, with paramount consideration being given to the welfare of the client. A psychologist or school psychologist who serves as an employer of other psychologists or school psychologists has an obligation to make similar appropriate arrangements.

(D) Remuneration:

- (1) Financial arrangements:

- (a) All financial arrangements shall be made clear to each client in advance of billing, preferably within the initial session but no later than the end of the second session, unless such disclosure is contraindicated in the professional judgment of the licensee. In the event that disclosure is not made by the end of the second session, the psychologist or school psychologist bears the burden of demonstrating that the client was not harmed as a result of non-disclosure.
- (b) A psychologist or school psychologist shall not mislead or withhold from any client, prospective client, or third-party payer, information about the cost of his/her professional services.
- (c) A psychologist or school psychologist shall not exploit a client or responsible payer by charging a fee that is excessive for the services performed or by entering into an exploitative bartering arrangement in lieu of a fee.
- (d) The primary obligation of a psychologist or school psychologist employed by an institution, agency, or school is to persons entitled to his/her services through the institution, agency, or school. A psychologist or school psychologist shall not accept a private fee or any other form of remuneration from such persons unless the policies of a particular institution, agency or school make explicit provision for private work with its clients by members of its staff. In such instances the client or guardian shall be fully apprised of available services and all policies affecting him/her, prior to entering into a private professional relationship with a psychologist or school psychologist.
- (e) A psychologist or school psychologist when providing services to a pool of subscribers through a third-party payer capitation, or variation of capitation, reimbursement arrangement, who is thus being paid on other than a strictly fee-for-service basis, shall disclose that information in writing to each client member of the subscriber pool at the beginning of the professional relationship with the client member. The written disclosure shall describe the nature of the reimbursement arrangement including that the third-party payer has established a set dollar amount that the psychologist or school psychologist will be paid regardless of the cost or frequency of the services provided to the members of the subscriber pool.

(2) Improper arrangements:

- (a) A psychologist or school psychologist shall neither derive nor solicit any form of monetary profit or personal gain as a result of his/her professional relationship with clients or immediate ex-clients, beyond the payment of fees for psychological services rendered. However, unsolicited token gifts from a client are permissible.
- (b) A psychologist or school psychologist shall not use his/her professional relationship with clients or immediate ex-clients to derive personal gain, other than through fees for professional services, for himself/herself, or for any other person, or for any organization from the sale or promotion of a non psychology-related product or service.
- (c) A psychologist or school psychologist shall neither give nor receive any commission, rebate, or other form of remuneration for referral of a client for professional services, without full disclosure in advance to the client of the terms of such an agreement.
- (d) A psychologist or school psychologist shall not bill for services that are not rendered. However, he/she may bill for missed appointments that the client did not cancel in advance, if this is part of the financial arrangements made in accordance with paragraph (D)(1)(a) of this rule.

(E) Impaired objectivity and dual relationships:

- (1) Impaired psychologist or impaired school psychologist. A psychologist or school psychologist shall not undertake or continue professional relationships with a client, supervisee, or student when the objectivity or competency of the psychologist or school psychologist is or could reasonably be expected to be impaired due to mental, emotional, physiological, pharmacological, or substances abuse conditions. If such condition develops after a professional relationship has been initiated, the psychologist or school psychologist shall terminate the professional relationship in an appropriate manner, shall notify the client of the termination in writing, and shall assist the client in obtaining services from another professional.
- (2) Multiple relationships affecting psychologist's or school psychologist's judgment. A psychologist or school psychologist should avoid multiple relationships with any client that might impair professional judgment or increase the risk of client exploitation. He/she shall not undertake or continue a professional relationship with a client, supervisee, or student when the objectivity or competency of the psychologist or school psychologist is or could reasonably be expected to be impaired or where the relationship with

the client, supervisee or student is exploitative. The psychologist or school psychologist should be particularly aware that familial, social, emotional, financial, supervisory, political, administrative, or legal relationships with a client or a person related to or associated with the client must be carefully considered to insure that impaired judgment or exploitation is not involved. For purposes of this rule:

- (a) Psychologists and school psychologists must always be sensitive to the potentially harmful effects of other contacts on their work and on those persons with whom they deal. A psychologist or school psychologist refrains from entering into or promising another personal, scientific, professional, or other relationship with such persons if it appears likely that such a relationship reasonably might impair the psychologist's or school psychologist's objectivity or otherwise interfere with the psychologist or school psychologist effectively performing his/her functions as a psychologist or school psychologist or might harm or exploit the other party.
 - (b) If a psychologist or school psychologist finds that, due to unforeseen factors, a potentially harmful, multiple relationship has arisen, the psychologist or school psychologist attempts to resolve it with due regard for the best interests of the affected person and maximal compliance with board rules.
- (3) Multiple relationship affecting client's, supervisee's or student's judgment. A psychologist or school psychologist, in interacting with any current client, supervisee, student, or with any person to whom the psychologist or school psychologist has at any time within the previous twenty-four months rendered counseling, psychotherapeutic, or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not:
- (a) Engage in sexual intercourse or other physical intimacies with him/her; or
 - (b) Engage in any verbal or physical behavior toward him/her that is sexually seductive, demeaning, or harassing; or
 - (c) Enter into a financial relationship when it is structured in an exploitative way; or
 - (d) Engage in sexual intercourse or other physical intimacies with former clients even after twenty-four months following the termination of the professional relationship except under the most unusual circumstances.

and those who engage in such activity after twenty-four months bear the burden of demonstrating that there has been no exploitation; or

~~(d)~~(e) Terminate a ~~therapeutic~~ professional psychological relationship with a client, or a relationship with a psychological supervisee or student for the purpose, expressed or implied, of ~~having a~~ engaging in sexual intercourse or other physical intimacies ~~relationship~~ with that person.

(4) Emergency situations. Nothing in this rule shall be construed to mean that a psychologist or school psychologist is prohibited from acting to apply necessary psychological procedures in an emergency situation, including effecting an appropriate referral where necessary.

(F) Testing and test interpretation:

(1) Assessment procedures:

(a) A psychologist or school psychologist shall treat the results or interpretations of assessment regarding an individual as confidential information.

(b) A psychologist or school psychologist shall accompany communication of results of assessment procedures to a client, or the parents, legal guardians, or other agents of the client with adequate interpretive aids or explanations in language these persons can understand.

(c) A psychologist or school psychologist shall include in his/her report of the results of a test or assessment procedures any reservations regarding the possible inappropriateness of the test for the person assessed.

(d) A psychologist or school psychologist offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering with a manual or other printed material that fully describes the development of the assessment procedure or service, its rationale, evidence of validity and reliability, and characteristics of the normative population. A psychologist or school psychologist shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. A psychologist or school psychologist shall ensure that any advertisements for the assessment procedure or interpretive service are factual and descriptive. Such services are to be considered as a professional-to-professional consultation. A psychologist or school psychologist shall make every effort to avoid

misuse of such assessment reports.

- (e) The preparation of personnel reports and recommendations based on test data secured solely by mail is unethical, unless such appraisals are an integral part of a continuing client relationship with a company, as a result of which the consulting psychologist has intimate knowledge of the client's personnel situation and can be assured thereby that his/her written appraisals will be adequate to the purpose and will be properly interpreted by the client. These reports must not be embellished with such comprehensive analyses of the subject's personality traits as would be appropriate only after intensive interviews with the subject.
 - (f) A psychologist or school psychologist shall choose only appropriate tests and give them only for a justifiable purpose to the benefit of a client.
- (2) Test security. Psychological tests and other assessment devices shall not be reproduced or described in popular publications in ways that might invalidate the techniques. Test materials means manuals, instruments, protocols, and test questions or stimuli and does not include test data except as specified in rule 4732-17-01 (F) (3) (a). Psychologists and school psychologists make reasonable efforts to maintain the integrity and security of test materials and other assessment techniques consistent with law and contractual obligations. Access to such devices is limited to persons with professional interests who will safeguard their use.
- (a) Sample items made up to resemble those of tests being discussed may be reproduced in popular articles and elsewhere, but scorable tests and actual test items shall not be reproduced except in professional publications.
 - (b) A psychologist or school psychologist is responsible for the security of psychologist tests and other devices and procedures used for instructional purposes.
- (3) Test interpretation.
- (a) Test scores, like test materials, may be released to another person or an organization only in a manner that adheres to the client's rights to confidentiality as set forth in paragraph (G) of this rule.
 - (b) Test results or other assessment data used for evaluation or classification are communicated to employers, relatives, or other appropriate persons

in such a manner as to guard against misinterpretation or misuse. ~~In the usual case, an interpretation of the test result rather than the score is communicated.~~ Psychologists and school psychologists when interpreting and communicating assessment results take into account the purpose of the assessment as well as various test factors, test-taking abilities, and other characteristics of the person being assessed, such as situational, personal, linguistic, and cultural differences, that might affect professional judgments or reduce the accuracy of interpretations, and significant limitations of interpretations are indicated.

- (c) A psychologist or school psychologist always respects the client's or guardian's right to know the results, the interpretations made, his/her conclusions, and the bases for his/her recommendations.

(G) Confidentiality:

- (1) Confidential information is information revealed by an individual or individuals or otherwise obtained by a psychologist or school psychologist, where there is reasonable expectation that it was revealed or obtained as a result of the professional relationship between the individual(s) and the psychologist or school psychologist. Such information is not to be disclosed by the psychologist or school psychologist without the informed consent of the individual(s).
 - (a) When rendering psychological services as part of a team or when interacting with other appropriate professionals concerning the welfare of a client, a psychologist or school psychologist may share confidential information about the client provided that reasonable steps are taken to ensure that all persons receiving the information are informed about the confidential nature of the information being shared and agree to abide by the rules of confidentiality.
 - (b) When any case report or other confidential information is used as the basis of teaching, research, or other published reports, a psychologist or school psychologist shall exercise reasonable care to ensure that the reported material is appropriately disguised to prevent client or subject identification.
 - (c) A psychologist or school psychologist shall ensure that no diagnostic interview or therapeutic sessions with a client are observed or electronically recorded without first informing the client or the client's guardian and, where the sensitivity of the material requires it, obtaining written consent from same.

- (d) A psychologist or school psychologist shall limit access to client records and shall ensure that all persons working under his/her authority comply with the requirements for confidentiality of client material.
 - (e) A psychologist or school psychologist shall continue to treat all information regarding a client as confidential after the professional relationship between the psychologist or school psychologist and the client has ceased.
 - (f) In a situation in which more than one party has an appropriate interest in the professional services rendered by a psychologist or school psychologist to a client, the psychologist or school psychologist shall, to the extent possible, clarify to all parties the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services.
 - (i) Such clarification is specifically indicated, among other circumstances, when the client is an organization or when the client has been referred by a third party.
 - (ii) In accord with paragraphs (C)(3) and (F)(3)(c) of this rule, a psychologist or school psychologist shall clarify with the individual receiving services because of a third-party referral whether, and under what conditions-including costs, information or feedback will be provided to the individual receiving those psychological services.
- (2) Protecting confidentiality of clients. In accordance with section 4732.19 of the Revised Code, the confidential relations and communications between a licensed psychologist or licensed school psychologist and clients are placed under the same umbrella of a privilege as those between physician and patient under division (B) of section 2317.02 of the Revised Code. The privilege is intended to protect the interest of the client by encouraging free disclosure to the licensed psychologist or the licensed school psychologist and by preventing such free disclosure to others. Thus, the client rather than the licensed psychologist or the licensed school psychologist holds and may assert the privilege.
- (a) A psychologist or school psychologist shall not testify concerning a communication made to him/her by a client. The psychologist or school psychologist may testify by express consent of the client or legal guardian or, if the client is deceased, by the express consent of the

surviving spouse or the executor or administrator of the estate of such deceased client. If the client voluntarily testifies, the psychologist or school psychologist may be compelled to testify on the same subject; or if the client, the executor or administrator files a claim against the psychologist or school psychologist, such filing shall constitute a waiver of this privilege with regard to the care and treatment of which complaint is made.

- (b) Court decisions construing the scope of the physician-patient privilege, pursuant to section 2317.02 of the Revised Code, are applicable to this privilege between the licensed psychologist or licensed school psychologist and the client.
- (c) A psychologist or school psychologist may disclose confidential information without the informed written consent of a client when the psychologist or school psychologist judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on himself/herself or on another person. In such case, the psychologist or school psychologist may disclose the confidential information only to appropriate public authorities, the potential victim, professional workers, and/or the family of the client.
- (d) A psychologist or school psychologist shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional duties. With the exceptions as required or permitted by statute, a psychologist or school psychologist shall disclose confidential information to others only with the informed written consent of the client.
- (e) At the beginning of a professional relationship a psychologist or school psychologist shall inform his/her client of the legal limit of confidentiality. To the extent that the client can understand, the psychologist or school psychologist shall inform a client who is below the age of majority or who has a legal guardian of the limit the law imposes on the right of confidentiality. When services are provided to more than one patient or client during a joint session (for example to a family or couple, or parent and child, or group), a psychologist or school psychologist shall, at the beginning of the professional relationship, clarify to all parties the limits of confidentiality.
- (f) A psychologist or school psychologist may release confidential information upon court order or to conform with state or federal laws, rules, or regulations.

- (g) A psychologist or school psychologist shall be familiar with any relevant law concerning the reporting of abuse of children or vulnerable adults.

(H) Competence:

- (1) Limits on practice. A psychologist or school psychologist shall limit his/her professional practice to those speciality areas in which competence has been gained through education, training, and experience. If important aspects of the client's problem fall outside the boundaries of competence, then the psychologist or school psychologist assists his/her client in obtaining additional professional help.
- (2) Specialty standard of care. A psychologist or school psychologist shall exercise sound judgment and care in determining what constitutes his/her area(s) of competence. A guiding principle is that one who undertakes practice in a given specialty area will be held to the standard of care within that specialty while he/she is practicing in that area.
- (3) Maintaining competency. A psychologist or school psychologist shall maintain current competency in the areas in which he/she practices, through continuing education, consultation, and/or other training, in conformance with current standards of scientific and professional knowledge.
- (4) Adding new services and techniques. A psychologist or school psychologist, when developing competency in a new area or in a new service or technique, shall engage in ongoing consultation with other psychologists, school psychologists, or appropriate professionals and shall seek continuing education in the new area, service or technique. A psychologist or school psychologist shall inform any client whose treatment will involve a newly developing service or technique of its innovative nature and the known risks concerning those services.
- (5) Limits on practice under school psychologist license. A school psychologist who does not hold a psychologist license shall not practice beyond the scope of the school psychologist license, as defined in division (E) of section 4732.01 of the Revised Code.
- (6) Referrals. A psychologist or school psychologist shall make or recommend referral to other professional, technical, or administrative resources when such referral is in the best interests of the client.
- (7) Interprofessional relations. A psychologist or school psychologist shall neither

establish nor offer to establish a continuing treatment relationship with a person receiving psychological assistance from another professional, except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.

(I) Violations of law:

- (1) Violation of applicable statutes. A psychologist or school psychologist shall not violate any applicable statute or administrative rule regulating the practice of psychology or school psychology.
- (2) Use of fraud, misrepresentation, or deception. A psychologist or school psychologist shall not use fraud, misrepresentation, or deception in obtaining a psychology or school psychology license, in taking a psychology or school psychology licensing examination, in assisting another to obtain a psychology or school psychology license or to take a psychology or school psychology licensing examination, in billing clients or third-party payers, in providing psychological or school psychological services, in reporting the results of those services, or in conducting any other activity related to the practice of psychology or school psychology.

(J) Aiding illegal practice:

- (1) Aiding unauthorized practice. A psychologist or school psychologist shall not aid or abet another person in misrepresenting his/her professional credentials or in illegally engaging in the practice of psychology or school psychology.
- (2) Delegating professional responsibility. A psychologist or school psychologist shall not delegate professional responsibilities to a person not qualified and/or not appropriately credentialed to provide such services.
- (3) Providing supervision. A psychologist or school psychologist shall exercise appropriate supervision over supervisees, as set forth in the rules of the board.
- (4) Reporting of violations to board. A psychologist or school psychologist who has substantial reason to believe that ~~there has been a serious~~ another licensee or psychological or school psychological supervisee has committed an apparent violation of the statutes or rules of the board that has substantially harmed or is likely to substantially harm a person or organization shall so inform the board in writing; however, when the information regarding such violation is obtained in a professional relationship with a client, the psychologist or school psychologist shall report it only with the written permission of the

client. Under such circumstances the psychologist or school psychologist shall advise the client of the name, address, and telephone number of the state board of psychology and of the client's right to file a complaint. The psychologist or school psychologist shall make reasonable efforts to guide and/or facilitate the client in the complaint process as needed or requested by the client. Nothing in this rule shall relieve a psychologist or school psychologist from the duty to file any report required by applicable statutes.

- (K) Supervision. Rules 4732-13-01, 4732-13-02, 4732-13-03, and 4732-13-04 of the Administrative Code, pertaining to supervision of persons performing psychological or school psychological work, shall be considered as a part of these rules of professional conduct.

Effective:

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Certification

Date

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