

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 or school psychologist is measured.
- (2) Scope. The rules of professional conduct shall apply to the conduct of all license holders, supervisees, 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 or school 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 "Association of State and Provincial Psychology Boards," 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 these rules of professional conduct shall prevail whenever any conflict exists between these rules and any professional association standard.
- (5) A license holder, 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 license holder in a professional psychological role, as that term is defined in paragraph (R) of rule 4732-3-01 of the Administrative Code shall be considered negligent if his/her behaviors toward his/her clients, evaluatees, supervisees, employees or students, in the judgment of the board, clearly fall below the standards for acceptable practice of psychology or school psychology.

- (2) Sexual harassment. License holders shall not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the ~~psychologist's activities or roles as a psychologist~~ license holder's professional activities, and that either (a) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (b) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts.
- (3) Misrepresentation of qualifications. A license holder shall not misrepresent ~~directly or by implication through false or misleading information~~ his/her professional qualifications such as education, specialized training, experience, or area(s) of competence.
- (4) Misrepresentation of affiliations. A license holder shall not misrepresent ~~directly or by implication through false or misleading information~~ his/her affiliations or the purposes or characteristics of institutions and organizations with which the psychologist license holder is associated.
- (a) A license holder 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~~ psychologist license holder 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 license holder shall not include false or misleading information in public statements concerning psychological services offered.
- (c) A license holder 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.
- (5) Solicitation of business by clients. A license holder shall not request or authorize any client to solicit business on behalf of the license holder.

(6) Promotional activities. A license holder 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.

(7) Maintenance and retention of records.

(a) A license holder rendering ~~professional individual~~ services to a client ~~or evaluatee; or services billed to a third-party payer;~~ shall maintain a ~~professional~~ record that includes:

~~(i) The presenting problem(s);~~

(i) Written documentation indicating that the license holder obtained written informed consent prior to the delivery of services, signed and dated by the client/evaluatee reflecting understanding of and agreement to the services, or documentation by the license holder justifying the reason(s) why a signed form was contraindicated or not feasible.

(ii) The date(s) and purpose, if not self-evident, of each service contact; description of services rendered during each professional contact,

(iii) The presenting problem or reason for evaluation,

~~(iii)~~(iv) The fee arrangement,

(v) Authorizations, if any, by the client for release of records or information,

(vi) Justification and rationale for not releasing records to a client in response to a valid request, including the reason for making a determination for clearly stated treatment reasons that disclosure of the requested records is likely to have an adverse effect on the client, and shall comply with section (B) of division 3701.74 of the Revised Code.

~~(iv)~~(vii) Any test—Test data or other evaluative results produced or obtained as part of the services rendered,

~~(v) Test data,~~

- ~~(vi)~~(viii) A copy of any ~~test or other evaluative~~ reports prepared as part of the professional relationship,
 - ~~(vii)~~(ix) Notation of providing verbal communication of assessment results in the absence of a written report,
 - ~~(viii)~~(x) Notation and results of formal contacts with other providers,
 - ~~(ix)~~ Authorizations, if any, by the client for release of records or information,;
 - ~~(x)~~ Written documentation indicating that the client or evaluatee has provided informed consent for treatment or evaluation;
 - ~~(xi)~~ Justification and rationale for not releasing records to a client in response to a valid request, including the reason for making a determination for clearly stated treatment reasons that disclosure of the requested records is likely to have an adverse effect on the client, and shall comply with section (B) of division 3701.74 of the Revised Code.
 - ~~(xii)~~(xi) Knowledge of all multiple relationships present, with reasoning as to why it is in the best interest of the client and/or not harmful to continue the professional relationship, and
- (b) To meet the requirements of these rules, but not necessarily for other legal purposes, the license holder shall ensure that all contents in the professional record are maintained for a period of not less than seven years after the last date of service rendered, or not less than the length of time required by other regulations if that is longer. A license holder shall retain records documenting services rendered to minors for not less than two years after the minor has reached the age of majority or for seven years after the last date of service, whichever is longer.
- (c) A license holder shall store and dispose of written, electronic, and other records of clients in such a manner as to ensure their confidentiality. License holders shall prepare in advance and disseminate to an identifiable person a written plan to facilitate appropriate transfer and to protect the confidentiality of records in the event of the license holder's withdrawal from positions or practice. Each license holder shall report to the board on the biennial registration (renewal) form the name, address, and telephone number of a license holder or other appropriate person knowledgeable about the location of the written plan for transfer and

custody of records and responsibility for records in the event of the licensee's absence, emergency or death. The written plan referenced in this rule shall be made available to the board upon request.

- (d) In the event a complaint has been filed, a license holder 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.
- (e) License holders shall provide clients with reasonable access to the record maintained. License holders shall be familiar with state and federal laws and regulations relevant to client access to their records of services, and shall limit clients' access to records only in exceptional circumstances in which the license holder determines for clearly stated treatment reasons that disclosure of the requested records is likely to have an adverse effect on the client.
- (f) License holders shall be aware of and adhere to divisions (H)(1) and (H)(2) of section 3109.051 of the Revised Code and other relevant laws governing a divorced non-residential parent's rights to access a license holder's records related to the parent's child.

(C) Welfare of the client, evaluatee, and associated persons:

- (1) Conflicts of interest. License holders actively identify, disclose, document, and remedy conflicts of interest and potential conflicts of interest. A conflict of interest exists when the license holder's objectivity, judgment, or competence is impaired by a multiple role/relationship or when a client/evaluatee is subject to exploitation. License holders actively clarify and document their role when providing or offering psychological or school psychological services. Notwithstanding paragraph (C)(1)(e) of this rule, conflict of interest situations include but are not limited to:
 - (a) License holders in a treatment role with ~~two or more clients who have a relationship with each other, and who are aware of each other's participation in treatment (for example, couples and family members);~~ couples, families, or groups shall clarify with all parties and document the nature of one's professional obligations to the various clients receiving services, including limits of confidentiality and access to records.
 - (b) License holders in a treatment role with one or more adults involved in a contested parenting time or custody dispute; ~~shall anticipate being asked to participate in conflicting roles. License holders shall clarify and~~

~~document as early as feasible that his/her role is restricted to providing therapeutic services, and shall take appropriate action to avoid role conflicts.~~

(i) Shall anticipate being asked to participate in conflicting roles; and

(ii) Shall clarify and document as early as feasible that his/her role is restricted to providing therapeutic services, and shall take appropriate action to avoid role conflicts; and

(iii) Shall not render verbal or written opinions to any person or entity, including but not limited to the client, any court, attorney, guardian ad litem, or other professional about a client's or other person's access to, parenting time with, or custody of, any child.

~~(e) License holders in a treatment role with one or more adults involved in a contested parenting time or custody dispute shall not render verbal or written opinions to any person or entity, including but not limited to the client, any court, attorney, guardian ad litem, or other professional about a client's access or other person's access to, or parenting time with, any child.~~

~~(d)(c) License holders in a treatment role with one or more children shall not render verbal or written opinions about any adult's access to or parenting time with the child client(s).~~

~~(e)(d) In the absence of a preexisting relationship, license~~ License holders may undertake roles specifically determined by a court or other adjudicative body or child welfare agency (concerning, for example, parenting coordination and family reunification), wherein rendering opinions and recommendations about the client(s) to the adjudicative body may be necessary and appropriate, if consistent with the parameters of a written order or directive, and if the role of the license holder is established in written informed consent procedures.

~~(f)(e)~~ (e) When there is a conflict of interest between the client and the organization with which the license holder is contracted, employed, or affiliated, the license holder shall clarify the nature and direction of his/her loyalties and responsibilities and shall keep all parties concerned informed of his/her commitments.

(2) Multiple relationships. A multiple relationship exists when a license holder is in a professional psychological role pursuant to paragraph (R) of rule 4732-3-01

of the Administrative Code and is in another relationship with the same person or entity or with an individual closely associated with the person or entity. Depending on the timing and nature of one's interactions before or after the establishment of a professional psychological role, multiple relationships can result in exploitation of others, impaired judgment by clients, supervisees and evaluatees, and/or impaired judgment, competence and objectivity of the psychologist or school psychologist. Psychologists and school psychologists actively identify and manage interpersonal boundaries to ensure that there is no exploitation of others and that professional judgment, competence, and objectivity within one's professional psychological roles are not compromised.

(a) In some communities and situations, unavoidable interpersonal contacts can occur due to cultural, linguistic, or geographical considerations. For purposes of this rule, incidental contacts in the personal life of a license holder with persons with whom there is or was a professional psychological role are not relationships. Nothing in this rule shall be construed to mean that a license holder is prohibited from undertaking a professional psychological role in an emergency situation, including effecting an appropriate referral when necessary to foster the welfare of others.

(b) Prohibited multiple relationships. The board prescribes that certain multiple relationships are expressly prohibited due to inherent risks of exploitation, impaired judgment by clients, supervisees and evaluatees, and/or impaired judgment, competence or objectivity of the license holder.

(i) A license holder shall not:

(a) Undertake a professional psychological role with persons with whom he/she has previously engaged in sexual intercourse or other sexual intimacies;

(b) Undertake a professional psychological role with persons with whom he/she has had a familial, personal, social, supervisory, employment, or other relationship, and the professional psychological role results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a license holder.

(c) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any person with whom there has been a professional

psychological role at any time within the previous twenty-four months;

(d) Enter into any personal, financial, employment or other relationship (other than reestablishing a professional psychological role) with any person with whom there has been a professional psychological role at any time within the previous twenty-four months and the multiple relationship results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a psychologist or school psychologist.

(e) Terminate or interrupt a professional role with any person for the purpose, expressed or implied, of entering into a sexual, personal, or financial relationship with that person or any individual closely associated with that person.

(ii) The prohibitions established in paragraphs (C)(2)(b) of this rule extend indefinitely beyond twenty-four months after termination of the professional role if the person, secondary to emotional, mental, or cognitive impairment, remains vulnerable to exploitative influence.

~~(2)~~(3) Unforeseen multiple relationships. If a license holder determines that, due to unforeseen factors, a prohibited multiple relationship as defined in paragraph (E)(2) of this rule has inadvertently developed, he or she shall take reasonable steps to resolve it with due regard for the welfare of the person(s) with whom there is or was a professional psychological role.

(a) All potential multiple relationships shall be discussed with the client as soon as possible after being first recognized and shall continue only with both parties' agreement.

(b) License holders document the discovery of all multiple relationships, with reasoning as to why it is in the best interest of the client and/or not harmful to continue the professional relationship.

(c) As warranted, the presence of a multiple relationship shall be reassessed and justified in the record. Issues such as informed consent and professional consultation shall be considered and documented to ensure that judgment is not impaired and that no exploitation of any person occurs.

~~(3)~~(4) Sufficient professional information. A license holder rendering a formal professional opinion or recommendation about a person shall not do so without substantial professional information within a clearly defined role.

~~(4)~~(5) Informed consent. A license holder shall accord each client informed choice, confidentiality, and reasonable protection from physical or mental harm or danger.

(a) License holders clearly document written informed consent, permission, or assent, as warranted by the circumstances, for treatment or evaluation prior to proceeding with the provision of psychological or school psychological services.

(b) When a license holder is in an individual treatment role, there may be reason for a third party to join one or more sessions for a limited purpose. The license holder shall document in the record that the client or legal guardian has acknowledged understanding the purpose and need for the third party to be present and the circumstances and extent to which confidential information may be disclosed to the third party. The license holder shall document that the third party has provided an understanding that the individual is not a client, that there is no expectation of confidentiality between the license holder and the third party, and that the third party shall not have rights to access any part of the client's file (unless the client provides written authorization to release specific confidential information). A license holder shall not render opinions or recommendations to any person or entity, including but not limited to the client, any court, attorney, guardian ad litem, or other professional concerning such third parties.

(c) The license holder shall keep the client fully informed as to the purpose and nature of any treatment or other procedures, and of the person's right to freedom of choice regarding services offered. A license holder shall give a truthful, understandable, and reasonably complete account of a client's condition to the client or to those legally responsible for the care of the client in accord with informed consent processes.

(d) When a court or other adjudicative body orders an evaluation, assessment or intervention, the license holder shall document and inform the evaluatee(s) or client(s) of the parameters of the court order and shall not provide services or opinions beyond the parameters of the order.

(e) When a license holder provides services to two or more clients who have a relationship with each other and who are aware of each other's

participation in treatment (for example, couples and family members), the license holder shall clarify with all parties and document the parties' understanding about how records of the services will be maintained, who has access to the records, and any limits of access to the records.

~~(5)~~(6) Dependency. Due to an inherently influential position, a license holder shall not exploit the trust or dependency of any client, supervisee, evaluatee or other person with whom there is a professional psychological role, as that term is defined in paragraph (R) of rule 4732-3-01 of the Administrative Code.

~~(6)~~(7) Media. Psychological or school 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;~~ internet, newspaper or magazine ~~articles;~~ radio or television ~~programs;~~ or similar social media.

~~(7)~~(8) Stereotypes. A license holder shall not impose on a client any stereotypes of behavior, values, or roles related to age, sex, gender expressions, religion, race, ethnicity, disability, nationality, or sexual orientation that would interfere with the objective provision of psychological services to the client.

~~(8)~~(9) Termination/alternatives. A license holder 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)~~(10) Referral. A license holder shall make an appropriate referral of a client to another professional when requested to do so by the client.

~~(10)~~(11) Continuity of care. A license holder 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)~~(12) Interruption of services.

(a) A license holder 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 license holder 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 license holder who serves as an employer of other license holders has an obligation to make similar appropriate arrangements.

~~(12)~~(13) Practicing while impaired. A license holder shall not undertake or continue a professional psychological role when the judgment, competence, and/or objectivity of the license holder is impaired due to mental, emotional, physiological, pharmacological, or substance abuse conditions. If impaired judgment, competence, and/or objectivity develops after a professional role has been initiated, the license holder shall terminate the professional role in an appropriate manner, shall notify the client and/or other relevant parties of the termination in writing, and shall assist the client, supervisee, or evaluatee in obtaining appropriate services from another appropriate professional.

(D) Remuneration:

(1) Financial arrangements:

- (a) All financial arrangements shall be documented and 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 license holder bears the burden of demonstrating that disclosure was contraindicated and that the client was not harmed as a result of non-disclosure.
- (b) A license holder 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 license holder shall not, in the judgment of the board, exploit a client or responsible payer ~~by charging a fee that is excessive for the services performed financially or by entering~~ into an exploitative bartering arrangement in lieu of a fee.
- (d) The primary obligation of a license holder employed by an institution, agency, or school is to persons entitled to his/her services through the institution, agency, or school. A license holder 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 license holder.

~~(e) A license holder, 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 license holder will be paid regardless of the cost or frequency of the services provided to the members of the subscriber pool.~~

(2) Improper financial ~~arrangements~~benefits:

(a) A license holder 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 license holder 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.~~

~~(e)~~(b) A license holder 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)~~(c) A license holder 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) Multiple relationships. A multiple relationship exists when a license holder is in a professional psychological role pursuant to paragraph (R) of rule 4732-3-01 of the Administrative Code and is in another relationship with the same person or entity or with an individual closely associated with the person or entity. Depending on~~

~~the timing and nature of one's interactions before or after the establishment of a professional psychological role, multiple relationships can result in exploitation of others, impaired judgment by clients, supervisees and evaluatees, and/or impaired judgment, competence and objectivity of the psychologist or school psychologist. Psychologists and school psychologists actively identify and manage interpersonal boundaries to ensure that there is no exploitation of others and that professional judgment, competence, and objectivity within one's professional psychological roles are not compromised.~~

~~(1) In some communities and situations, unavoidable interpersonal contacts can occur due to cultural, linguistic, or geographical considerations. For purposes of this rule, incidental contacts in the personal life of a license holder with persons with whom there is or was a professional psychological role are not relationships. Nothing in this rule shall be construed to mean that a license holder is prohibited from undertaking a professional psychological role in an emergency situation, including effecting an appropriate referral when necessary to foster the welfare of others.~~

~~(2) Prohibited multiple relationships. The board prescribes that certain multiple relationships are expressly prohibited due to inherent risks of exploitation, impaired judgment by clients, supervisees and evaluatees, and/or impaired judgment, competence or objectivity of the license holder.~~

~~(a) A license holder shall not:~~

~~(i) Undertake a professional psychological role with persons with whom he/she has engaged in sexual intercourse or other sexual intimacies; or~~

~~(ii) Undertake a professional psychological role with persons with whom he/she has had a familial, personal, social, supervisory, employment, or other relationship, and the professional psychological role results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a license holder.~~

~~(b) A license holder shall not:~~

~~(i) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any current client, supervisee, evaluatee, or with any person closely associated with a current client, supervisee, or evaluatee; or~~

~~(ii) Establish any personal, financial, employment, or other relationship with any current client, supervisee, or evaluatee, or with any individual closely associated with a current client, supervisee, or evaluatee and the multiple relationship results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a license holder.~~

~~(c) A license holder shall not:~~

~~(i) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any person with whom there has been a professional psychological role at any time within the previous twenty-four months; or~~

~~(ii) Enter into any personal, financial, employment or other relationship (other than reestablishing a professional psychological role) with any person with whom there has been a professional psychological role at any time within the previous twenty-four months and the multiple relationship results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a psychologist or school psychologist.~~

~~(d) A license holder shall not terminate or interrupt a professional role with any person for the purpose, expressed or implied, of entering into a sexual, personal, or financial relationship with that person or any individual closely associated with that person.~~

~~(e) The prohibitions established in paragraphs (E)(2)(b) and (E)(2)(c) of this rule extend indefinitely beyond twenty-four months after termination of the professional role if the person, secondary to emotional, mental, or cognitive impairment, remains vulnerable to exploitative influence.~~

~~(F)~~(E) Testing and test interpretation:

(1) Assessment procedures:

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

(b) A license holder 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 license holder 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 license holder 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 license holder 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 license holder 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 license holder shall make and document reasonable efforts to avoid misuse of such assessment reports.
 - ~~(e) Psychologists shall not prepare personnel reports and recommendations based on test data secured solely by mail, 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 shall 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)~~(e) A license holder 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 paragraph (F)(3)(a) of rule 4732-17-01 of the Administrative Code. License holders 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 license holder is responsible for the security of ~~psychologist~~ psychological tests and other devices and procedures used for instructional purposes.
 - (c) License holders shall not permit inadequately supervised use of psychological tests or assessment measures unless the measure is designed, intended, and validated for self-administration and self-administration is supported by the instructions of the test publisher.
- (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. License holders 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, environmental, 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 license holder 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. When a license holder provides verbal communication of assessment results in the absence of a written report, this event shall be documented in the client record.

~~(G)~~(F) Confidentiality

- (1) Confidential information is information revealed by an individual or individuals or otherwise obtained by a license holder, when there is a reasonable expectation that it was revealed or obtained as a result of the professional relationship between the individual(s) and the license holder. Such information is not to be disclosed by the license holder 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 license holder 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 license holder shall exercise reasonable care to ensure that the reported material is appropriately disguised to prevent client or subject identification.
- (c) A license holder 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 obtaining and documenting written consent from same.
- (d) A license holder 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 license holder 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 license holder to a client, the license holder 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 license holder 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 license holders 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 license holder and by preventing such free disclosure to others. Thus, the client rather than the license holder holds and may assert the privilege.
- (a) A license holder shall not testify concerning a communication made to him/her by a client. The license holder 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 license holder may be compelled to testify on the same subject; or if the client, the executor or administrator files a claim against the license holder, such filing shall constitute a waiver of the privilege with regard to the services about 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 license holder and the client.
 - (c) A license holder may disclose confidential information without the informed written consent of a client when the license holder 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 license holder may disclose the confidential information only to appropriate public authorities, the potential victim, professional workers, and/or the family of the client.
 - (d) A license holder 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 license holder shall disclose confidential information to others only with the informed written consent of the client.
 - (e) At the beginning of a professional relationship a license holder shall inform his/her client of the legal limits of confidentiality. To the extent that the client can understand, the license holder 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 license holder shall, at the beginning of the professional relationship, clarify to all parties the limits of confidentiality.

- (f) Minor clients who are offered privacy as a means of facilitating free disclosure of information shall be told by the license holder that the parent(s) and/or guardian(s) have a right to access their records, unless otherwise prohibited by court order, statute, or rule. The license holder shall document in the record this disclosure to the minor client.
- (g) A license holder may release confidential information upon court order or to conform with state or federal laws, rules, or regulations.
- (h) A license holder shall be familiar with any relevant law concerning the reporting of abuse of children or vulnerable adults.

~~(H)~~(G) Competence:

- (1) Limits on practice. A license holder shall limit his/her professional practice to those specialty 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 license holder assists his/her client in obtaining additional professional help.
- (2) Specialty standard of care. A license holder 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 license holder 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 license holder, 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 license holder 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 and shall document informed consent provided by the client or legal guardian.

- (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 license holder 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 license holder shall neither establish nor offer to establish a continuing treatment relationship with a person receiving mental health services from another professional, except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.

~~⊕~~(H) Telepsychology.

- (1) "Telepsychology" means the practice of psychology or school psychology as those terms are defined in divisions (B) and (E) of section 4732.01 of the Revised Code, including psychological and school psychological supervision, by distance communication technology such as but not necessarily limited to telephone, email, Internet-based communications, and videoconferencing.
- (2) In order to practice telepsychology in the state of Ohio one must hold a current, valid license issued by the Ohio board of psychology or shall be a registered supervisee of a licensee being delegated telepsychology practices in compliance with paragraphs (B) and (C) of rule 4732-13-04 of the Administrative Code.
- (3) License holders understand that this rule does not provide licensees with authority to practice telepsychology in service to ~~clients domiciled~~ individuals located in any jurisdiction other than Ohio, and licensees bear responsibility for complying with laws, rules, and/or policies for the practice of telepsychology set forth by other jurisdictional boards of psychology.
- (4) License holders practicing telepsychology shall comply with all of these rules of professional conduct and with requirements incurred in state and federal statutes relevant to the practice of psychology and school psychology.
- (5) License holders shall establish and maintain current competence in the professional practice of telepsychology through continuing education, consultation, or other procedures, in conformance with prevailing standards of scientific and professional knowledge. License holders shall establish and

maintain competence in the appropriate use of the information technologies utilized in the practice of telepsychology.

- (6) License holders recognize that telepsychology is not appropriate for all psychological problems and clients, and decisions regarding the appropriate use of telepsychology are made on a case-by-case basis. License holders practicing telepsychology are aware of additional risks incurred when practicing psychology or school psychology through the use of distance communication technologies and take special care to conduct their professional practice in a manner that protects the welfare of the client and ensures that the client's welfare is paramount. License holders practicing telepsychology shall:

- (a) Conduct a risk-benefit analysis and document findings specific to:
 - (i) Whether the client's presenting problems and apparent condition are consistent with the use of telepsychology to the client's benefit; and
 - (ii) Whether the client has sufficient knowledge and skills in the use of the technology involved in rendering the service or can use a personal aid or assistive device to benefit from the service.
- (b) Not provide telepsychology services to any person or persons when the outcome of the analysis required in paragraphs (I)(6)(a)(i) and (I)(a)(ii) of this rule is inconsistent with the delivery of telepsychology services, whether related to clinical or technological issues.
- (c) Upon initial and subsequent contacts with the client, make reasonable efforts to verify the identity of the client;
- (d) Obtain alternative means of contacting the client;
- (e) Provide to the client alternative means of contacting the licensee;
- (f) Establish a written agreement relative to the client's access to face-to-face emergency services in the client's geographical area, in instances such as, but not necessarily limited to, the client experiencing a suicidal or homicidal crisis;
- (g) Licensees, whenever feasible, use secure communications with clients, such as encrypted text messages via email or secure websites and obtain and document consent for the use of non-secure communications.

- (h) Prior to providing telepsychology services, obtain the written informed consent of the client, in language that is likely to be understood and consistent with accepted professional and legal requirements, relative to:
 - (i) The limitations and innovative nature of using distance technology in the provision of psychological or school psychological services;
 - (ii) Potential risks to confidentiality of information due to the use of distance technology;
 - (iii) Potential risks of sudden and unpredictable disruption of telepsychology services and how an alternative means of re-establishing electronic or other connection will be used under such circumstances;
 - (iv) When and how the licensee will respond to routine electronic messages;
 - (v) Under what circumstances the licensee and service recipient will use alternative means of communications under emergency circumstances;
 - (vi) Who else may have access to communications between the client and the licensee;
 - (vii) Specific methods for ensuring that a client's electronic communications are directed only to the licensee or supervisee;
 - (viii) How the licensee stores electronic communications exchanged with the client;
- (7) Ensure that confidential communications stored electronically cannot be recovered and/or accessed by unauthorized persons when the licensee disposes of electronic equipment and data;
- (8) If in the context of a face-to-face professional relationship the following are exempt from this rule:
 - (a) Electronic communication used specific to appointment scheduling, billing, and/or the establishment of benefits and eligibility for services; and,
 - (b) Telephone or other electronic communications made for the purpose of ensuring client welfare in accord with reasonable professional judgment.

~~(H)~~(I) Violations of law:

- (1) Violation of applicable statutes. A license holder 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 license holder 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.

~~(K)~~(J) Aiding illegal practice:

- (1) Aiding unauthorized practice. A license holder 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 license holder shall not delegate professional responsibilities to a person not qualified and/or not appropriately credentialed to provide such services.
- (3) Providing supervision. A license holder shall exercise appropriate supervision over supervisees, as set forth in the rules of the board.
- (4) Reporting of violations to board. A license holder who has substantial reason to believe that another license holder 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 license holder shall report it only with the written permission of the client. Under such circumstances the license holder 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 license holder 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 license holder from the duty to file any report required by applicable statutes.

~~(L)~~(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.

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