



Chemical Dependency Professionals Board
77 S. High Street, 16th Floor ♦ Columbus, Ohio 43215

Notice of Public Hearing

Ohio Chemical Dependency Professionals Board

Pursuant to Section 119.03 of the Ohio Revised Code, notice is hereby given that the Ohio Chemical Dependency Professionals (OCDP) Board intends to conduct a public hearing.

The four rules described below are being proposed as revised rules. The revised rules are being proposed in order to ensure the Board's rules related to its felony review process are aligned, clarify treatment counselor and clinical supervisor codes of ethics and incorporate ethics education hours into the Board's continuing education hours required for renewal.

The proposed revised rules are:

Revised: OAC 4758-4-01 Formal application for licensure or certification

The revisions to OAC 4758-4-01 were recommended by the Board's legal counsel in order to harmonize the rule and the Board's felony review process, policies and procedures. Additionally, minor changes are needed regarding reference to the IC&RC Alcohol and Drug Counselor examination and the purchase of IC&RC study guides.

The following is a summary of the changes and content of the proposed rule:

- The Board is proposing that the terms "approved" and "approval or denial" regarding the felony charges or convictions be amended to "reviewed" and "review" respectively. The Board only reviews felony charges or convictions in the review of a formal application for licensure or certification.
- The Board is proposing that references to probation or post release (parole) be struck from the list of documentation of felony charges or convictions because the Board does not accept applications from individuals on probation or parole. Under provisions related to applicants that will not be considered, the Board is proposing the addition of language to the rule that reflects and clarifies this standing policy.
- The Board is proposing to add language that reflects and clarifies its standing policy not to accept applications from individuals whose felony

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offense was drug related and occurred less than one year from the date of application.

- The Board is proposing to revise references to IC&RC's treatment counselor exam to reflect IC&RC's current naming. The proposed changes also clarify the availability of exams in Spanish and large print, as well as in the computer based testing format. Additionally, reference to the purchase of study guides from the Board is being struck because the Board no longer sells study guides. Study guides are available for purchase online from IC&RC recognized vendors.

Revised: OAC 4758-8-01 Code of ethics for chemical dependency counselors

The revisions to 4758-8-01 are intended to add greater specificity and clarity to the Board's Code of Ethics for Chemical Dependency Counselors. The purpose is to assist professionals licensed and certified by the Board in identifying ethical and non-ethical activities and behavior. Additionally, the proposed rule strikes any reference to Certified Chemical Dependency Counselor I credential since it is no longer issued by the Board and is no longer a recognized credential in the State of Ohio.

The Board is proposing additional provisions related to conduct that is not clearly and specifically covered by the Board's Code of Ethics for Chemical Dependency Counselors. These additional provisions relate directly to cases in which the Board was unable to take action against activities or behavior considered unethical because those activities or behaviors were not clearly or specifically addressed in the Chemical Dependency Counselor Code of Ethics.

The following is a summary of the changes and content of the proposed rule:

- Including in the professional standards section provisions against: physical and verbal abuse of clients and family members of clients, ex-clients or other persons encountered in professional settings
- Including in the fraud related conduct provisions against: billing irregularities and fraud; billing for services not rendered; misrepresenting professional credentials or illegal/unethical practice; providing services under a lapsed, inactive or expired license or certificate; deceptive behavior in the professional setting
- Including in the client relationships section a provision regarding the avoidance of multiple relationships and multiple conflicts of interest with clients and client's family members that are not in the best interest of the client and might impair professional judgment or increase the risk of client exploitation
- Including in the sexual misconduct section provisions related to or against: any sexual relationship with former clients if the relationship is not in the

best interest of the client or increases the risk of client exploitation; the professional's responsibility to demonstrate sexual relations with a former client following the two year moratorium are not exploitative, coercive or manipulative; sexual harassment or sexual activities/contact with a client's or former client's family members; sexual harassment of persons encountered in professional settings

The proposed rule also includes three provisions addressing the areas of private practice, professional disclosure and impairment. The provisions pertaining to private practice and professional disclosure are new and are intended to address ethics gaps that the Board's current chemical dependency counselor code of ethics does not address. They are:

- The private practice provisions address issues related to: client referrals, setting of fees and the maintenance of client records.
- The professional disclosure provisions address issues related to: the displaying of a professional disclosure statement, information to be included on the professional disclosure statement and the posting of fee schedules by licensed employees in private practice.
- The impairment provision currently exists but is to be moved to a more appropriate location within the proposed rule. It remains essentially unchanged except for the addition of a provision regarding the conduct of professional counseling if impaired.

Revised: OAC 4758-8-02 Code of ethics for clinical supervisors

The Board is proposing revisions to 4758-8-02 primarily to include Licensed Chemical Dependency Counselor IIIs (LCDC III) under the provisions of the Board's Code of Ethics for Clinical Supervisors since they are authorized to provide supervision. The rule is also being revised in order to incorporate provisions related to supervisor conduct that are not clearly and specifically covered by the Board's current supervisor code of ethics.

In summary, changes to the proposed rule do the following:

- The Licensed Chemical Dependency Counselor III is added to the first paragraph of the proposed rule.
- Throughout the proposed rule references to LICDCs are struck and replaced by the phrase "A supervisor". This allows for the inclusion of the LCDC III's in the Board's supervisor code of ethics. The LCDC III credential needs to be included in the proposed rule because a person holding the LCDC III credential is authorized to provide supervision.
- Under the section Supervisory Role, provisions related to the following were added: a supervisor's delegation of professional responsibilities, the exploitation of the supervisee for financial gain and a prohibition not to

instruct a supervisee to perform in a manner that would violate any section of the supervisee's code of ethical conduct.

Revised: OAC 4758-13-01 Continuing education requirements for CDCA, LCDC II, LCDC III, LICDC

Revisions to 4758-20-05 are being proposed primarily to incorporate three (3) hours of ethics education as part of the forty (40) hours of continuing education required for renewal as a LICDC, LCDC III, LCDC II and CDCA. Additionally, the proposed rule strikes any reference to the Certified Chemical Dependency Counselor I credential and the mailing of renewals by the Board.

In summary, the changes to 4758-13-01 do the following:

- Strikes any reference to the Certified Chemical Dependency Counselor I credential since it is no longer issued by the Board and is no longer a recognized credential in the State of Ohio.
- Under the provision pertaining to the completion of a renewal application the Board proposes incorporating a requirement that three (3) hours of ethics education be included as part of the forty (40) hours of continuing education required for renewal as a LICDC, LCDC III, LCDC II and CDCA. The intent is to heighten awareness of licensee and certificate holder ethical duties and reduce the number of ethical violations committed by the Board's licensed and certified treatment professionals.
- Changes the provision that the Board will mail renewal applications ninety (90) days prior to the lapse date to the Board will send renewal reminders ninety (90) days prior to the lapse date. For budgetary reasons the Board no longer mails renewal applications but instead sends a reminder via email or post card ninety (90) days prior to a licensee or certificate holders' lapse date.

A public hearing will be conducted:

Date: August 9, 2010
Time: 10:00 a.m.
Room: 1932
Location: 77 S. High Street, 19th Floor, Columbus, OH 43215