

Chapter 135-7 CODE OF ETHICS

Rule 135-7-.01 Responsibility to Clients

- (1) A licensee's primary professional responsibility is to the client. The licensee shall make every reasonable effort to promote the welfare, autonomy and best interests of families and individuals, including respecting the rights of those persons seeking assistance, obtaining informed consent, and making reasonable efforts to ensure that the licensee's services are used appropriately.
- (2) Unprofessional conduct includes, but is not limited to, the following:
 - (a) exploiting relationships with clients for personal or financial advantages;
 - (b) using any confidence of a client to the client's disadvantage;
 - (c) participating in dual relationships with clients that create a conflict of interest which could impair the licensee's professional judgment, harm the client, or compromise the therapy;
 - (d) undertaking a course of treatment when the client, or the client's representative, does not understand and agree with the treatment goals;
 - (e) knowingly withholding information about accepted and prevailing treatment alternatives that differ from those provided by the licensee;
 - (f) failing to inform the client of any contractual obligations, limitations, or requirements resulting from an agreement between the licensee and a third party payer which could influence the course of the client's treatment;
 - (g) when there are clear and established risks to the client, failing to provide the client with a description of any foreseeable negative consequences of the proposed treatment;
 - (h) charging a fee for anything without having informed the client in advance of the fee;
 - (i) taking any action for nonpayment of fees without first advising the client of the intended action and providing the client with an opportunity to settle the debt;
 - (j) when termination or interruption of service to the client is anticipated, failing to notify the client promptly and failing to assist the client in seeking alternative services consistent with the client's needs and preferences;
 - (k) failing to terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interest;
 - (l) delegating professional responsibilities to another person when the licensee delegating the responsibilities knows or has reason to know that such person is not qualified by training, by experience, or by licensure to perform them; and

- (m) failing to provide information regarding a client's evaluation or treatment, in a timely fashion and to the extent deemed prudent and clinically appropriate by the licensee, when that information has been requested and released by the client.

Rule 135-7-.02 Integrity

- (1) The licensee shall act in accordance with the highest standards of professional integrity and competence. The licensee is honest in dealing with clients, students, trainees, colleagues, and the public. The licensee seeks to eliminate incompetence or dishonesty from the profession.
- (2) Unprofessional conduct includes, but is not limited to:
 - (a) practicing inhumane or discriminatory treatment toward any person or group of persons;
 - (b) engaging in dishonesty, fraud, deceit, or misrepresentation while performing professional activities;
 - (c) engaging in sexual activities or sexual advances with any client, trainee, or student;
 - (d) practicing while under the influence of alcohol or drugs not prescribed by a licensed physician;
 - (e) practicing in an area in which the licensee has not obtained university level graduate training or substantially equivalent supervised experience;
 - (f) failing either to obtain supervision or consultation, or to refer the client to a qualified practitioner, who faced with treatment, assessment or evaluation issues beyond the licensee's competence;
 - (g) accepting or giving a fee or anything of value for making or receiving a referral;
 - (h) using an institutional affiliation to solicit clients for the licensee's private practice; and
 - (i) allowing an individual or agency that is paying for the professional services to exert undue influence over the licensee's evaluation or treatment of a client.

Rule 135-7-.03 Confidentiality

- (1) The licensee holds in confidence all information obtained at any time during the course of a professional relationship, beginning with the first professional contact. The licensee safeguards clients' confidences as permitted by law.
- (2) Unprofessional conduct includes but is not limited to the following:
 - (a) revealing a confidence of a client, whether living or deceased, to anyone except:
 - 1. as required by law;

2. after obtaining the consent of the client, when the client is a legally competent adult, or the legal custodian, when the client is a minor or a mentally incapacitated adult. The licensee shall provide a description of the information to be revealed and the persons to whom the information will be revealed prior to obtaining such consent. When more than one client has participated in the therapy, the licensee may reveal information regarding only those clients who have consented to the disclosure;
 3. where the licensee is a defendant in a civil, criminal, or disciplinary action arising from the therapy, in which case client confidences may be disclosed in the course of that action;
 4. where there is clear and imminent danger to the client or others, in which case the licensee shall take whatever reasonable steps are necessary to protect those at risk including, but not limited to, warning any identified victims and informing the responsible authorities; and
 5. when discussing case material with a professional colleague for the purpose of consultation or supervision;
- (b) failing to obtain written, informed consent from each client before electronically recording sessions with that client or before permitting third party observation of their sessions;
 - (c) failing to store or dispose of client records in a way that maintains confidentiality, and when providing any client with access to that client's records, failing to protect the confidences of other persons contained in that record;
 - (d) failing to protect the confidences of the client from disclosure by employees, associates, and others whose services are utilized by the licensee; and
 - (e) failing to disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training or research.

Rule 135-7-.04 Responsibility to Colleagues

- (1) The licensee respects the rights and responsibilities of professional colleagues and, as the employee of an organization, remains accountable as an individual to the ethical principles of the profession. The licensee treats colleagues with respect and good faith, and relates to the clients of colleagues with full professional consideration.
- (2) Unprofessional conduct includes, but is not limited to:
 - (a) soliciting the clients of colleagues or assuming professional responsibility for clients of another agency or colleague without appropriate communication with that agency or colleague;
 - (b) failing to maintain the confidences shared by colleagues and supervisees in the course of professional relationships and transactions;
 - (c) when a supervisee is unlicensed, failing to inform the supervisee of the legal limitations on unlicensed practice;

- (d) when a supervisor is aware that a supervisee is engaging in any unethical, unprofessional or deleterious conduct, failing to provide the supervisee with a forthright evaluation and appropriate recommendations regarding such practice; and
- (e) taking credit for work not personally performed, whether by giving inaccurate information or failing to give accurate information.

Rule 135-7-.05 Assessment Instruments

- (1) When using assessment instruments or techniques, the licensee shall make every effort to promote the welfare and best interests of the client. The licensee guards against the misuse of assessment results, and respects the client's right to know the results, the interpretations and the basis for any conclusions or recommendations.
- (2) Unprofessional conduct, includes but is not limited to the following:
 - (a) failing to provide the client with an orientation to the purpose of testing or the proposed use of the test results prior to administration of assessment instruments or techniques;
 - (b) failing to consider the specific validity, reliability, and appropriateness of test measures for use in a given situation or with a particular client;
 - (c) using unsupervised or inadequately supervised test-taking techniques with clients, such as testing through the mail, unless the test is specifically self-administered or self-scored;
 - (d) administering test instruments either beyond the licensee's competence for scoring and interpretation or outside of the licensee's scope of practice, as defined by law; and
 - (e) failing to make available to the client, upon request, copies of documents in the possession of the licensee which have been prepared for and paid for by the client.

Rule 135-7-.06 Research

- (1) The licensee recognizes that research activities must be conducted with full respect for the rights and dignity of participants and with full concern for their welfare. Participation in research must be voluntary unless it can be demonstrated that involuntary participation will have no harmful effects on the subjects and is essential to the investigation.
- (2) Unprofessional conduct includes, but is not limited to:
 - (a) failing to consider carefully the possible consequences for human beings participating in the research;
 - (b) failing to protect each research participant from unwarranted physical and mental harm;

- (c) failing to ascertain that the consent of the research participant is voluntary and informed;
- (d) failing to treat information obtained through research as confidential;
- (e) knowingly reporting distorted, erroneous, or misleading information.

Rule 135-7-.07 Advertising and Professional Representation

- (1) The licensee adheres to professional rather than commercial standards when making known their availability for professional services. The licensee may provide information that accurately informs the public of the professional services, expertise, and techniques available.
- (2) Unprofessional conduct includes, but is not limited to:
 - (a) intentionally misrepresenting the licensee's professional competence, education, training, and experience, or knowingly failing to correct any misrepresentations provided by others;
 - (b) using as a credential an academic degree in a manner which is intentionally misleading or deceiving to the public;
 - (c) intentionally providing information that contains false, inaccurate, misleading, partial, out-of-context, or otherwise deceptive statements about the licensee's professional services, or knowingly failing to correct inaccurate information provided by others; and
 - (d) making claims or guarantees which promise more than the licensee can realistically provide.