Chapter 4757-5 Code of Ethics

4757-5-01 Standards of ethical practice and professional conduct.

(A) The code of ethical practice and professional conduct constitutes the standards by which the professional conduct of counselors, social workers, and marriage and family therapists shall be measured. Each subject area is in a separate rule within Chapter 4757-5 of the Administrative Code.

(B) The rules of standards of ethical practice and conduct shall apply to the conduct of all counselor, social worker, and marriage and family therapist licensees and registrants.

(C) A violation of these rules of standards of ethical practice and professional conduct constitutes unprofessional conduct and is sufficient reason for a reprimand, suspension, revocation, other disciplinary action, or for restrictions placed upon a license or for the denial of the initial license or renewal, or reinstatement of a license.

(D) The board subscribes to codes of ethics and practice standards for counselors, social workers, and marriage and family therapists promulgated by the "American Counseling Association" and the "National Association of Social Workers" and the "American Association for Marriage and Family Therapy". These association standards shall be used as aids in resolving ambiguities which may arise in the interpretation of the rules of professional ethics and conduct, except that the board's rules of standards of ethical practice and professional conduct shall prevail whenever any conflict exists between these rules and the professional association standards.

Five Year Review (FYR) Dates: 5/24/2018 and 09/20/2022
Promulgated Under: 119.03 Statutory Authority: 4757.11 Rule Amplifies: 4757.11

4757-5-02 Standards of ethical practice and professional conduct: clients/ consumers of services.

(A) Responsibility to clients/consumers of services as to competency:

(1) Licensees and registrants shall be able to present reliable and substantial evidence of competency in the areas in which they practice. Licensees and registrants shall not misrepresent directly, indirectly or by implication their professional qualifications such as education, specialized training, experience, or area(s) of competence. Licensees or registrants shall not use a doctorate designation in their professional capacity unless it is related to the field of mental health and is from a recognized accredited educational institution.

(2) Licensees and registrants shall practice only within the competency areas for which they are qualified by education and training. Licensees and registrants shall maintain appropriate standards of care based on their individual professional license. Standards of care shall be defined as what an ordinary, reasonable professional with similar training would have done in a similar circumstance.

(3) While developing new skills in specialty areas, a counselor, social worker, or marriage and family therapist shall take steps to ensure the competence of their work and to protect the clients from possible harm. A counselor, social worker, or marriage and family therapist shall claim skills in specialty areas only after appropriate education, training, and while receiving appropriate peer consultation.
(4) Licensees and registrants **do not diagnose, treat, or advise on problems outside the recognized boundaries of their competencies.** Licensees and registrants shall make appropriate referrals when the client's needs exceed the counselor's, social worker's, or marriage and family therapist's competence level or scope of practice. The referrals shall be made in a timely manner.

(5) All counselors, social workers and marriage and family therapists shall **use techniques/procedures/modalities in diagnosing and treating mental and emotional disorders that are grounded in theory and/or have an empirical or scientific foundation,** otherwise, they shall define the techniques/procedures as "unproven" or "developing" and explain to their clients the potential risks and ethical considerations of using such techniques/procedures and take steps to protect clients from possible harm. Individuals licensed at the level of professional counselor, social worker and marriage and family therapist shall diagnose and treat mental and emotional disorders only under proper supervision.

(B) Responsibility to clients/consumers of services as to informed consent:

(1) Counselors, social workers, or marriage and family therapists shall inform clients/consumers of services the extent and nature of services available to them, as well as the limits, rights, opportunities and obligations associated with the services to be provided which might effect the clients/consumers of services decisions to enter into or continue the relationship.

(2) Licensees and registrants shall provide services to clients only in the context of a professional relationship based on valid informed consent. Licensees and registrants shall use clear and understandable language to inform clients of the purposes of services, limit to the services due to legal requirements, relevant costs, reasonable alternatives, the clients’ rights to refuse or withdraw consent, and the timeframe covered by the consent.

(3) In instances when clients are unable to read or understand the consent document or have trouble understanding the primary language contained in the informed consent document, licensees shall take steps to ensure the client's comprehension including providing a detailed verbal explanation or arranging for a qualified interpreter or translator as needed. If a client because of age or mental condition is not competent to provide informed consent, the licensee shall obtain consent from the parent, guardian, or court appointed representative.

(4) Best professional practice dictates that a counselor, social worker, or marriage and family therapist shall adhere to the court documents provided such documents do not conflict with Chapter 4757. of the Revised Code or agency 4757 of the Administrative Code. If a counselor, social worker, or marriage and family therapist does not understand the court document, they shall attempt to gain clarification before proceeding with treatment.

(5) Counselors, social workers, and MFTs as part of the on-going informed consent process shall obtain any relevant court documents pertaining to custody, visitation, shared parenting, guardianship, or other matters, before proceeding with treatment.

(6) In situations when clients are receiving services involuntarily, counselors, social workers, and marriage and family therapists shall provide information about the nature and extent of the services and about the client's right to refuse services and the consequences of that refusal.

(7) Counselors, social workers, and marriage and family therapists who provide services via electronic means shall inform the clients and recipients of the limitations and risks associated with such services.

(8) When a counselor, social worker, or marriage and family therapist 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, family members), a counselor, social worker, or marriage and family
therapist shall clarify with all parties the nature of the licensee's professional obligations to the various clients receiving services, including limits of confidentiality. A counselor, social worker, or marriage and family therapist who anticipates a conflict of interest among the clients receiving services or anticipates having to perform in potentially conflicting roles (for example a licensee who is asked or ordered to testify in a child custody dispute or divorce proceeding involving clients) shall clarify their role with the parties involved and take appropriate action to minimize any conflict of interest.

(9) When a counselor, social worker, or marriage and family therapist sees clients for individual or group treatment, there may be reason for a third party to join the session for a limited purpose. The licensee shall ask the client or legal guardian to provide written authorization that describes the purpose and need for the third party to join the session and describes the circumstances and extent to which confidential information may be disclosed to the third party. The counselor, social worker, or marriage and family therapist shall make it clear that the third party is not a client and there is no confidentiality between the licensee and the third party. The counselor, social worker, and marriage and family therapist shall make it clear to the third party that he/she shall not have rights to access any part of the client's file including any session in which they participated unless the client signs a release. A counselor, social worker, or marriage or family therapist shall not make recommendations to courts, attorneys or other professional concerning non-clients.

(10) When a court or other judicial body orders an evaluation, assessment or other official report, the licensee shall inform the client of the parameters of the court order. The counselor, social worker, or marriage and family therapist shall not go beyond the parameters of the court order without obtaining written permission from the court or other judicial body.

(11) A counselor, social worker, or marriage and family therapist shall only make recommendations to a court, attorney or other professional concerning a client.

(12) Counselors, social workers, or marriage and family therapists shall communicate information in ways that are both developmentally and culturally appropriate. Counselors, social workers, or marriage and family therapists shall use clear and understandable language when discussing issues related to informed consent. When clients have difficulty understanding the language used by counselors, social workers, or marriage and family therapists, they shall provide necessary services (e.g., arranging for a qualified interpreter or translator) to ensure comprehension by clients. In collaboration with clients, counselors, social workers, or marriage and family therapists shall consider cultural implications of informed consent procedures and, where possible, counselors, social workers, or marriage and family therapists shall adjust their practices accordingly.

(C) Responsibility to clients/consumers of services as to delegation:

Counselors, social workers, or marriage and family therapists shall delegate professional responsibilities to another person only when the licensee delegating the responsibilities knows that the task is within the person's scope of practice and the person qualifies by training, experience and/or licensure to perform them.

(D) Responsibility to clients/consumers of services as to confidentiality:

(1) Counselors, social workers, and marriage and family therapists shall have a primary obligation to protect the client's right to confidentiality as established by law and the professional standards of practice. Confidential information shall only be revealed to others when the clients or other persons legally authorized to give consent on behalf of the clients, have given their informed consent, except in those circumstances in which failure to do so would violate other laws or result in clear and
present danger to the client or others. Unless specifically contraindicated by such situations, clients shall be informed and written consent shall be obtained before the confidential information is revealed.

(2) Counselors, social workers, and marriage and family therapists shall discuss with clients and the clients’ legally authorized representatives, the nature of confidentiality and the limitation of clients’ right to confidentiality. Licensees shall review with clients circumstances where confidential information may be requested and where disclosure of confidential information is legally required. This discussion shall occur as soon as possible in the professional relationship and as needed throughout the course of the relationship.

(3) When counselors, social workers, and marriage and family therapists provide counseling services to families, couples, or groups, licensee's shall seek agreement among the parties involved concerning each individual's right to confidentiality and obligations to preserve the confidentiality of information shared by others. Licensees shall inform participants in family, group, or couples counseling that the licensee cannot guarantee that all participants shall honor such agreements.

(4) Counselors, social workers, and marriage and family therapists shall take reasonable and appropriate steps to protect the confidentiality of information transmitted to other parties when using computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology.

(5) Counselors, social workers, and marriage and family therapists, shall explain the required limitations of confidentiality imposed by a mandating authority when working with clients who have been mandated for counseling services. Licensees shall also explain what type of information and with whom that information is shared prior to the beginning of counseling. The mandated client has the right to refuse services and the licensee shall, to the best of their ability, explain the consequences possibly imposed by the mandating authority of refusing the counseling services.

(E) Responsibility to clients/consumers of services as to termination:

(1) Counselors, social workers, and marriage and family therapists shall terminate services only after giving careful consideration to factors affecting the relationship and making effort to minimize possible adverse effects. If an interruption or termination of services is anticipated, reasonable notification and appropriate referral for continued services shall be provided to the client/consumer of services.

(2) Counselors, social workers, and marriage and family therapists employed by an agency or practice, may not solicit or refer a current client of the agency or practice, to the licensee's private practice. Licensees and registrants when leaving the employment of an agency or practice may offer referrals to the client. The referral shall include multiple options for the client to choose from, and the agency where the client is currently being seen shall be included as an option, the licensee's private practice may be one of the multiple options.

(3) In the event that a licensee or registrant is terminated for cause from a position as a volunteer or paid licensee, it is not the responsibility of the licensee or registrant to provide continuation of services or appropriate referrals. Licensees who are terminated for cause shall not contact their ex-clients.

(F) Responsibility to clients/consumers of services as to sexual harassment:

Counselors, social workers, and marriage and family therapists shall not sexually harass clients/consumers of services family members of clients, ex-clients or other persons encountered in professional settings. Licensees shall not sexually harass supervisees, students, or colleagues. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal, non-verbal or physical conduct of a
A client of the agency is considered a client of each counselor, social worker, or marriage and family therapist employed or contracted by the agency for purposes of ethics under the sexual harassment section of this chapter. The duty of the licensee is based on that particular licensee's knowledge of a client's identity prior to starting a relationship.

(G) Responsibility to clients/consumers of services as to discrimination:

(1) Counselors, social workers, and marriage and family therapists shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, veteran status, immigration status, or mental or physical challenge.

(2) Counselors, social workers, and marriage and family therapists should obtain education about and seek to understand the nature of social diversity with respect to race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, veteran status, immigration status, and mental or physical disability.

(H) Responsibility to clients/consumers of services as to conduct with clients and other individuals:

(1) Counselors, social workers, and marriage and family therapists shall not physically or verbally abuse or threaten clients, family members of clients, ex-clients or other persons encountered in professional settings. Licensees shall be aware that any physical touching between the professional and the client is subject to review for appropriate professional boundaries. The professional shall have the burden of proof to explain why physical touching was professionally necessary.

(2) Counselors, social workers, and marriage and family therapists shall not use derogatory language in their written or verbal communications to or about clients, ex-clients or family members of clients or ex-clients. Licensees shall use accurate and respectful language in all communications to and about clients and other persons in professional settings.

(I) Licensed independent social workers, professional clinical counselors, and independent marriage and family therapists shall provide appropriate supervision to licensees who do not hold an independent license. This shall include ensuring all supervision documentation is provided to the board in a timely fashion and meeting with the supervisee on a regular basis to discuss the specific issues in the dependent licensee's practice. Supervisors shall be accurate with all supervision reporting issues. Supervisors shall not sign as the training supervisor, if they did not provide direct supervision.

Promulgated Under: 119.03 Statutory Authority: 4757.10 Rule Amplifies: 4757.11
Prior Effective Dates: 9/19/85 (Emer.), 12/19/85, 5/22/86, 6/11/95 (Emer.), 7/3/97, 8/2/01, 9/20/02, 4/10/04, 1/1/06, 11/8/07, 10/18/09, 4/1/11, 1/1/13, 12/1/14

4757-5-03 Standards of ethical practice and professional conduct: multiple relationships.

(A) Counselors, social workers, or marriage and family therapists shall avoid multiple relationships and conflicts of interest with any client/consumer-of-services, ex-clients, family members of clients or ex-clients, or other persons encountered in professional or non-professional setting, which are not in the best interest of the client and might impair professional judgment or which increases the risk of client/consumer-of-services exploitation.

(1) When a multiple relationship is first recognized or cannot be avoided, counselors, social workers, and marriage and family therapists shall take the following appropriate professional precautions:
(a) All potential multiple relationship and/or conflicts of interest shall be discussed with the client as soon as possible after being first recognized and shall continue only with both parties agreement;

(b) All multiple relationships and/or conflicts of interest shall be noted in the client record with reasoning as to why it is in the best interest of the client and/or not harmful;

(c) Such notation shall be continually reassessed and justified in the record;

(d) Issues such as informed consent, consultation, and supervision shall be considered to ensure that judgment is not impaired and that no exploitation occurs.

(2) A client of the agency is considered a client of each counselor, social worker, or marriage and family therapist employed or contracted by the agency for purposes of ethics under the multiple relationships rule of this chapter.

(3) The licensed professional shall not undertake or continue a professional relationship with a client/consumer-of-services when the objectivity or competency of the counselor, social worker, or marriage and family therapist is, or could reasonably be expected to be, impaired or where the relationship with the client/consumer-of-services is exploitative.

(4) Examples of multiple relationships that shall be avoided include but are not limited to those listed below.

   (a) Familial relationships;
   (b) Social relationships;
   (c) Emotional relationships;
   (d) Financial relationships;
   (e) Supervisory relationships;
   (f) Political relationships;
   (g) Administrative relationships; and/or
   (h) Legal relationships.
   (i) Social media/personal virtual relationships, including online communities.

(5) The list of relationships in paragraph (A)(4) of this rule as well as others require careful consideration to insure that impaired judgment or exploitation is not involved and that the best interest of the client is served at all times.

(B) Counselors, social workers, and marriage and family therapists shall avoid potentially harmful effects of non-client contacts on their practice that would reasonably impair the professional’s objectivity or otherwise interfere with the professional’s effectiveness as a counselor, social worker, or marriage and family therapist or would reasonably harm or exploit the other party. The standard to be used shall be what an ordinary, reasonable professional with similar education and training would have considered in similar circumstances.

(C) When counselors, social workers, and marriage and family therapists provide services to two or more people who have a relationship with each other (for example couples, family members), licensees shall clarify with all parties which individuals shall be considered clients and the nature of the licensee’s professional
obligations to the various individuals who are receiving services. Licensees, who anticipate a conflict of interest among the individuals receiving services or who anticipate having to perform in potentially conflicting roles (for example, a licensee who is asked or ordered to testify in a child custody dispute or divorce proceeding involving clients), shall clarify their role with the parties involved and take appropriate action to minimize any conflict of interest. **If a licensee is asked to testify in a child custody case, they should review rule 4757-6-01 of the Administrative Code prior to any court appearance for guidance as to their role in these circumstances.**

Effective: 9/3/2018 Five Year Review (FYR) Dates: 5/24/2018 and 07/03/2023
Promulgated Under: 119.03 Statutory Authority: 4757.11 Rule Amplifies: 4757.11

**4757-5-04 Standards of ethical practice and professional conduct: sexual relationships.**

(A) Counselors, social workers, and marriage and family therapists **shall not engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.** A client of the agency is considered a client of each counselor, social worker, or marriage and family therapist employed or contracted at the agency for purposes of ethics under the sexual relationships section of this chapter. The duty of the licensee is based on that particular licensee's knowledge of a client's identity prior to starting a relationship.

(B) Counselors, social workers, and marriage and family therapists **shall not have sexual intimacies with clients and shall not counsel persons with whom they have had a sexual relationship.**

(C) Counselors, social workers, and marriage and family therapists **shall not engage in sexual intimacies with former clients within a minimum of five years after terminating the therapeutic relationship.** Counselors, social workers, and marriage and family therapists who choose to engage in such a relationship after a minimum of five years following termination have the responsibility to **thoroughly examine and document in the clients record that such a relationship does not have an exploitative nature,** based upon factors such as duration of therapy, amount of time since therapy, termination circumstances, client's personal history and mental status, adverse impact on the client, power differentials, and actions by the professional suggesting a plan with the client after termination.

(D) A client of the agency is considered a client of each counselor, social worker, or marriage and family therapist employed or contracted by the agency for purposes of ethics under the sexual harassment, multiple relationships and sexual relationships sections of this rule. Counselors, social workers and marriage and family therapists **shall not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship** when there is a risk of exploitation or potential harm to the client. Sexual activity or sexual contact with clients' relatives or other individuals with whom the client maintains a personal relationship has the potential to be harmful to the client and may make it difficult for the counselor, social worker or marriage and family therapist to maintain appropriate professional boundaries. Counselors, social workers and marriage and family therapists, not their clients, their clients' relatives, or other individuals with whom the client maintains a personal relationship **assume the full burden for setting clear, appropriate, and culturally sensitive boundaries.** The duty of the licensee is based on that particular licensee's knowledge of a client's identity prior to starting a relationship.

Effective: 9/3/2018 Five Year Review (FYR) Dates: 5/24/2018 and 07/03/2023
Promulgated Under: 119.03 Statutory Authority: 4757.11 Rule Amplifies: 4757.11
4757-5-05 Standards of ethical practice and professional conduct: impaired practice.

In impaired practice situations: counselors, social workers and marriage and family therapists shall not undertake or continue professional relationships with a client, supervisee, or student when the objectivity or competency of the counselor, social worker, or marriage and family therapist is or could reasonably be expected to be, impaired due to mental, emotional, physiological, pharmacological, or substance abuse conditions. If such a condition develops after a professional relationship has been initiated, the counselor, social worker, or marriage and family therapist shall terminate the professional relationship in an appropriate manner, shall notify the client of termination in writing, and shall assist the client in obtaining services from another professional.

Five Year Review (FYR) Dates: 5/24/2018 and 09/20/2022
Promulgated Under: 119.03 Statutory Authority: 4757.11 Rule Amplifies: 4757.11

4757-5-06 Standards of ethical practice and professional conduct: assessment and testing instruments.

(A) General use of assessment and testing instruments:

(1) Appraisal techniques: the primary purpose of educational and psychological assessment is to provide measures that are objective and interpretable in either comparative or absolute terms. Counselors, social workers, and marriage and family therapists shall interpret the statements in this rule as applying to the whole range of appraisal techniques, including test and non-test data.

(2) Client welfare: counselors, social workers, and marriage and family therapists shall promote the welfare and best interests of the client in the development, publication, and utilization of educational and psychological assessment results and interpretations and take reasonable steps to prevent others from misusing the information these techniques provide. They shall respect the client's rights to know the results, of the interpretations made, and the bases for their conclusions and recommendations.

(B) Competence to use and interpret assessment and testing instruments:

(1) Limits of competence: Counselors, social workers, and marriage and family therapists shall recognize the limits of their competence and perform only those testing and assessment services for which they have training. They shall be familiar with reliability, validity, related standardization, error of measurement, and proper application of any technique utilized. Counselors, social workers, and marriage and family therapists using computer-based test interpretations shall be trained in the construct being measured and the specific instrument being used prior to using this type of computer application. Counselors, social workers, and marriage and family therapists shall take reasonable measures to ensure the proper use of psychological assessment techniques by persons under their supervision.

(2) Appropriate use: Counselors, social workers, and marriage and family therapists are responsible for the appropriate selection, application, scoring, interpretation, and use of assessment instruments, whether they score and interpret such tests themselves or use computerized or other services.

(3) Decisions based on results: Counselors, social workers, and marriage and family therapists responsible for decisions involving individuals or policies that are based on assessment results shall have a thorough understanding of educational and psychological measurement, including validation criteria, test research, and guidelines for test development and use.
(4) **Accurate information**: Counselors, social workers, and marriage and family therapists shall provide accurate information and shall not make false claims when making statements about assessment instruments or techniques. Counselors, social workers, and marriage and family therapists shall seek to identify and correct client misconceptions about assessment instruments or techniques and about the meaning of scores, charts, or graphs given to them as assessment product. Special efforts shall be made to avoid unwarranted connotations of such terms as "IQ" and grade equivalent scores.

(C) **Informed consent in the use of assessment and testing instruments:**

(1) **Explanation to clients**: Prior to assessment, counselors, social workers, and marriage and family therapists shall explain the nature and purposes of assessment and the specific use of results in language the client (or other legally authorized person on behalf of the client) can understand, unless an explicit exception to this right has been agreed upon in advance. Regardless of whether scoring and interpretation are completed by counselors, social workers, marriage and family therapists, by assistants, or by computer or other outside services, counselors, social workers, and marriage and family therapists shall take reasonable steps to ensure that appropriate explanations are given to the client.

(2) **Recipients of results**: The examinee's welfare, explicit understanding, and prior agreement shall determine the recipients of test results. Counselors, social workers, and marriage and family therapists shall include accurate and appropriate interpretations with any release of individual or group test results.

(D) **Release of information to competent professionals of assessment and testing instrument results:**

(1) **Misuse of results**: Counselors, social workers, and marriage and family therapists shall not misuse assessment results, including test results, and interpretations, and take reasonable steps to prevent the misuse of such by others.

(2) **Release of raw data**: Counselors, social workers, and marriage and family therapists shall ordinarily release data (e.g. protocols, counseling or interview notes, or questionnaires) in which the client is identified only with the consent of the client or the client's legal representative. Such data shall usually be released only to persons recognized by counselors, social workers, and marriage and family therapists as competent to interpret the data.

(E) **Proper diagnosis of mental disorders with the use of assessment and testing instruments:**

(1) **Proper diagnosis**: Counselors, social workers, and marriage and family therapists, shall take special care to provide accurate diagnosis of mental disorders. Assessment techniques (including personal interview) used to determine client care (e.g., locus of treatment, type of treatment or recommended follow-up) shall be carefully selected and appropriately used.

(2) **Cultural sensitivity**: Counselors, social workers, and marriage and family therapists, shall recognize that culture affects the manner in which client's problems are defined. Clients' socioeconomic and cultural experience shall be considered when diagnosing mental disorders.

(F) **Test selection in the use and interpretation of assessment and testing instruments:**

(1) **Appropriateness of instruments**: Counselors, social workers, and marriage and family therapists shall carefully consider the validity, reliability, psychometric limitations and appropriateness of instruments when selecting tests for use in a given situation or with a particular client.

(2) **Culturally diverse populations**: Counselors, social workers, and marriage and family therapists recognize that the psychometric characteristics of a test (e.g., reliability, validity) are a function of the cultural composition of the population in which they were evaluated, validated, or normed. Licensees
shall exercise due diligence in selecting tests to be used within a culturally diverse population in order to minimize the risk of inappropriate interpretation of test scores.

(G) Conditions of test administration when using assessment and testing instruments:

(1) Administration conditions: Counselors, social workers, and marriage and family therapists shall administer tests under the same conditions that were established in their standardization. When tests are not administered under standard conditions or when unusual behavior or irregularities occur during the testing session, those conditions shall be noted in interpretation, and the results may be designated as invalid or of questionable validity.

(2) Computer administration: Counselors, social workers, and marriage and family therapists shall be responsible for ensuring that assessment administration programs function properly to provide clients with accurate results when a computer or other electronic methods are used for test administration.

(3) Unsupervised test-taking: Counselors, social workers, and marriage and family therapists shall not permit unsupervised or inadequately supervised use of tests or assessments unless the tests or assessments are designed, intended, and validated for self administration and/or scoring.

(4) Disclosure of favorable conditions: Prior to test administration, conditions that produce most favorable test results shall be made known to the examinee.

(H) Diversity when using assessment and testing instruments:

Counselors, social workers, and marriage and family therapists shall be cautious in using assessment techniques, making evaluations, and interpreting the performance of populations not represented in the norm group on which an instrument was standardized. They shall recognize the effects of age, culture, disability, ethnic group, gender, race, religion, sexual orientation and socioeconomic status on test administration and interpretation and place test results in proper perspective with these and other relevant factors.

(I) Test scoring and interpretation when using assessment and testing instruments:

(1) Reporting reservations: In reporting assessment results, counselors, social workers, and marriage and family therapists, shall indicate any reservations that exist regarding validity or reliability because of the circumstances of the assessment or the inappropriateness of the norms for the person tested.

(2) Research instruments: Counselors, social workers, and marriage and family therapists shall exercise caution when interpreting the results of research instruments possessing insufficient technical data to support respondent results. The specific purposes for the use of such instruments shall be stated explicitly to the examinee.

(3) Testing services: Counselors, social workers, and marriage and family therapists who provide test scoring and test interpretation services to support the assessment process shall confirm the validity of such interpretations. They shall accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use. The public offering of an automated test interpretations service is considered a professional-to-professional consultation. The formal responsibility of the consultant is to the consultee, but the ultimate and overriding responsibility of the counselor, marriage and family therapist, or social worker is to the client.

(J) Test security when using assessment and testing instruments:

Counselors, social workers, and marriage and family therapists shall maintain the integrity and security of tests and other assessment techniques consistent with legal and contractual obligations. Counselors,
social workers, and marriage and family therapists shall not appropriate, reproduce, or modify published
tests or parts thereof without acknowledgment and permission from the publisher.

(K) Obsolete tests and outdated test results when using assessment and testing instruments:

Counselors, social workers, and marriage and family therapists shall not use data or test results that are
obsolete or outdated for the current purpose. Counselors, social workers, and marriage and family
therapists shall make every effort to prevent the misuse of obsolete measures and test data by others.

(L) Test construction for assessment and testing instruments:

Counselors, social workers, and marriage and family therapists shall use established scientific
procedures, relevant standards, and current professional knowledge for test design in the development,
publishation, and utilization of educational and psychological assessment techniques.

Promulgated Under: 119.03 Statutory Authority: 4757.11 Rule Amplifies: 4757.11
Prior Effective Dates: 06/11/1985 (Emer.), 09/19/1985 (Emer.), 12/19/1985, 05/22/1986, 07/03/1997,

4757-5-07 Standards of ethical practice and professional conduct: research and publication.

(A) Responsibilities in conducting research:

(1) Use of human subjects: Counselors, social workers, and marriage and family therapists shall plan,
design, conduct, and report research in a manner consistent with pertinent ethical principles, federal and
state laws, host institutional regulations, and scientific standards governing research with human
subjects. Counselors, social workers, and marriage and family therapists shall design and conduct
research that reflects cultural sensitivity appropriateness.

(2) Deviation from standard practices: Counselors, social workers, and marriage and family therapists
shall seek consultation and observe stringent safeguards to protect the rights of research participants
when a research problem suggests a deviation from standard acceptable practices.

(3) Precautions to avoid injury: Counselors, social workers, and marriage and family therapists who
conduct research with human subjects are responsible for the subjects' welfare throughout the
experiment and shall take reasonable precautions to avoid causing injurious psychological, physical, or
social effects to their subjects. Counselors, social workers, and marriage and family therapists shall warn
clients of any possible harm that might come from being involved in a research project.

(4) Principal researcher responsibility: The ultimate responsibility for ethical research practice lies
with the principal researcher. All others involved in the research activities share ethical obligations and
full responsibility for their own actions.

(5) Minimal interference: Counselors, social workers, and marriage and family therapists shall take
reasonable precautions to avoid causing disruptions in subjects' lives due to participation in research.

(6) Diversity: Counselors, social workers, and marriage and family therapists shall be sensitive to
diversity and research issues.

(B) Informed consent in conducting research and publishing:

(1) Topics disclosed: In obtaining informed consent for research, counselors, social workers, and
marriage and family therapists shall use language that is understandable to research participants and that:
(a) Accurately explain the purpose and procedures to be followed;
(b) Identify any procedures that are experimental or relatively untried;
(c) Describe the attendant discomforts and risks;
(d) Describe the benefits or changes in individuals or organizations that might be reasonably expected;
(e) Disclose appropriate alternative procedures that would be advantageous for subject:
(f) Offer to answer any inquiries concerning the procedures;
(g) Ascribe any limitations on confidentiality, and;
(h) Instruct that subjects are free to withdraw their consent and discontinue participation in the project at any time.

(2) Deception: Counselors, social workers, and marriage and family therapists shall not conduct research involving deception unless alternative procedures are not feasible and the prospective value of the research justifies the deception. When the methodological requirements of a study necessitate concealment or deception, the investigator shall explain clearly the reasons for this action as soon as possible.

(3) Voluntary participation: Counselors, social workers, and marriage and family therapists shall ensure that participation in research is voluntary and without any penalty for refusal to participate. Involuntary participation shall be appropriate only when investigators can demonstrate that participation shall have no harmful effects on subjects and is essential to the investigation.

(4) Confidentiality of information: Counselors, social workers, and marriage and family therapists shall be responsible for ensuring information obtained about research participants during the course of an investigation is confidential. When the possibility exists that others may obtain access to such information, ethical research practice requires that the possibility, together with the plans for protecting confidentiality, shall be explained to participants as a part of the procedure for obtaining informed consent.

(5) Persons incapable of giving informed consent: When a person is not capable of giving informed consent, counselors, social workers and marriage and family therapists shall provide an appropriate explanation, obtain agreement for participation and obtain appropriate consent from a legally authorized person.

(6) Commitments to participants: Counselors, social workers, and marriage and family therapists shall take reasonable measures to honor all commitments to research participants.

(7) Explanations after data collections: After data is collected, counselors, social workers, and marriage and family therapists shall provide participants with full clarifications of the nature of the study to remove any misconceptions. Where scientific or human values justify delaying or withholding information, counselors, social workers and marriage and family therapists shall take reasonable measures to avoid causing harm.

(8) Agreements to cooperate: Counselors, social workers, and marriage and family therapists who agree to cooperate with another individual in research or publication incur an obligation to cooperate as promised in terms of punctuality of performance and with regard to the completeness and accuracy of the information required.
(9) **Informed consent for sponsors:** In the pursuit of research, counselors, social workers, and marriage and family therapists shall give sponsors, institutions, and publication channels the same respect and opportunity for giving informed consent that they accord to individual research participants. Counselors, social workers, and marriage and family therapists shall be aware of their obligation to future research workers and ensure that host institutions are given feedback information and proper acknowledgment.

**(C) Reporting results of research and publishing:**

(1) **Information affecting outcome:** When reporting research results, counselors, social workers, and marriage and family therapists shall explicitly mention all variables and conditions known to the investigator that may have affected the outcome of a study or the interpretation of this data.

(2) **Accurate results:** Counselors, social workers, and marriage and family therapists shall plan, conduct and report research accurately and in a manner that minimizes the possibility that results will be misleading. They shall provide thorough discussions of the limitations of their data and alternative hypotheses. Counselors, social workers, and marriage and family therapists shall not engage in fraudulent research, distort data, misrepresent data, or deliberately bias their results.

(3) **Obligation to report unfavorable results:** Counselors, social workers, and marriage and family therapists shall communicate to other counselors, social workers, and marriage and family therapists the results of any research judged to be of professional value. Results that reflect unfavorably on institutions, programs, services, prevailing opinions, or vested interests shall not be withheld.

(4) **Identity of subjects:** Counselors, social workers, and marriage and family therapists who supply data, aid in the research of another person, report research results, or make original data available shall take due care to disguise the identity of respective subjects in the absence of specific authorization from the subjects to do otherwise.

(5) **Replication studies:** Counselors, social workers, and marriage and family therapists shall make available sufficient original research data to qualified professionals who may wish to replicate the study.

**(D) Publication of research results:**

(1) **Recognition of others:** When conducting and reporting research, counselors, social workers, and marriage and family therapists shall be familiar with, and give recognition to, previous work on the topic, observe copyright laws, and give full credit to those to whom credit is due.

(2) **Contributors:** Counselors, social workers, and marriage and family therapists shall give credit through joint authorship, acknowledgment, footnote statements, or other appropriate means to those who have contributed significantly to research or concept development in accordance with such contributions. The principal contributor shall be listed first and minor technical or professional contributions shall be acknowledged in notes or introductory statements.

(3) **Student research:** For an article that is substantially based on a student's dissertation or thesis, the student shall be listed as the principal author.

(4) **Duplicate submission:** Counselors, social workers, and marriage and family therapists shall submit manuscripts for consideration to only one journal at a time. Manuscripts that are published in whole or in substantial part in another journal or published work shall not be submitted for publication without acknowledgment and permission from the previous publication.
(5) **Professional review**: Counselors, social workers, and marriage and family therapists who review material submitted for publication, research, or other scholarly purposes shall respect the confidentiality and proprietary rights of those who submitted it.

Effective: 9/3/2018 Five Year Review (FYR) Dates: 5/24/2018 and 07/03/2023
Promulgated Under: 119.03 Statutory Authority: 4757.11 Rule Amplifies: 4757.11

4757-5-08 **Standards of ethical practice and professional conduct**: payment for services.

(A) **Payment for services**: When setting fees, counselors, social workers, and marriage and family therapists shall ensure that the fees are **fair, reasonable, and commensurate with the services performed**.

(B) Counselors, social workers, and marriage and family therapists **shall not accept goods or services as payment for professional services**. Bartering is prohibited.

(C) Counselors, social workers, and marriage and family therapists **shall not solicit a private fee** or other remuneration for providing services to clients who are entitled to such available services through the counselor's, social worker's, or marriage and family therapist's employer or agency.

Five Year Review (FYR) Dates: 5/24/2018 and 12/17/2022
Promulgated Under: 119.03 Statutory Authority: 4757.11 Rule Amplifies: 4757.11

4757-5-09 **Standards of ethical practice and professional conduct**: record keeping.

(A) **Record keeping requirements**: For each client/consumer of services, a licensee or registrant shall keep records of the dates of counseling, social work, or marriage and family therapy services, types of counseling, social work, or marriage and family therapy services, termination, and billing information. **Records held by the licensee shall be kept for seven years**. Records held or owned by government agencies or educational institutions are not subject to this requirement. Licensees shall keep all records in a secure location and shall allow only authorized persons access to records.

(B) Counselors, social workers, and marriage and family therapists shall take reasonable steps to **ensure that documentation in records is accurate and reflects the services provided**. Dates reflected in case notes shall be accurate with respect to **dates of service and dates the case notes were recorded**. Clinical records shall include but not be limited to appropriate diagnosis, if any; individual service plans; in-take assessments; informed consent documents; and releases of information documents.

(C) Counselors, social workers, and marriage and family therapists shall include **sufficient and timely documentation in records** to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.

(D) Counselors', social workers', and marriage and family therapists' documentation shall **protect clients' privacy** to the extent that it is possible and appropriate and shall **include only information that is directly relevant to the delivery of services**.

(E) Counselors, social workers, and marriage and family therapists shall **store records following termination** of services to ensure reasonable future access. Records should be maintained as required by this rule unless a longer retention period is required by statute or relevant contracts.
(F) Requirements regarding client access to records are established in section 3701.74 of the Revised Code. Counselors, social workers, and marriage and family therapists shall provide clients with reasonable access to records concerning the client. Counselors, social workers, and marriage and family therapists who are concerned that a client's access to their records could cause serious misunderstanding or harm to the client shall provide assistance in interpreting the records and consultation with the client regarding the records. If a counselor, social worker, or marriage and family therapist who has treated the client determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the client, the licensee shall provide the record to a physician, psychologist, licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, or chiropractor designated by the client. The licensee shall take reasonable steps to establish the identity of the person making the request to examine or obtain a copy of the client's record.

(G) A counselor, social worker, or marriage and family therapist shall not condone, partake, or assist in billing irregularities with respect to insurance companies or direct billing.

(H) Counselors, social workers and marriage and family therapists shall be aware of and adhere to divisions (H)(1) and (H)(2) of section 3109.051 of the Revised Code. That section in part states: "a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access...unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions...any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court." A complete reading and understanding of this section is mandatory for any counselor, social worker or marriage and family therapist providing services for children.

(I) When counselors, social workers, or marriage and family therapists leave a practice, they shall follow a prepared plan for transfer of clients and files. Counselors, social workers, or marriage and family therapists shall prepare and disseminate to an identified colleague or "records custodian" a plan for the transfer of clients and files in the case of their incapacitation, death, or termination of practice. Licensees at agencies that close can reference division (A) (14) of section 5122.31 of the Revised Code for proper transfer of records.

Effective: 9/3/2018 Five Year Review (FYR) Dates: 5/24/2018 and 07/03/2023
Promulgated Under: 119.03 Statutory Authority: 4757.11 Rule Amplifies: 4757.11

4757-5-10 Standards of ethical practice and professional conduct: reporting unethical actions.

(A) Mandatory reporting: All licensees, registrants, supervisors and trainees have a responsibility to report any alleged violations of this act or rules adopted under it to the counselor, social worker, and marriage and family therapist board. Also, if they have knowledge or reason to suspect that a licensed colleague or other licensee is acting in an unethical way or is incompetent or impaired they shall report that practitioner to the board. All mandatory reporting shall be in writing and bear the name and license number or registration of the reporter. When client confidentiality limits the licensee's ability to provide details the licensee is still mandated to report the allegations against another licensee without breaching client confidentiality.

(B) Counselors, social workers, and marriage and family therapists are required to comply with all mandatory reporting requirements set forth in the Revised Code to include, but not limited to:
(1) Section 2305.51 of the Revised Code - Immunity of mental health professional for reporting violent behavior by a client or patient;

(2) Section 2151.421 of the Revised Code - Duty to report child abuse or neglect;

(3) Section 5101.61 of the Revised Code - Duty to report abuse, neglect or exploitation of an adult;

(4) Section 2317.02 of the Revised Code - Privileged communications; and

(5) Section 5123.61 of the Revised Code - Mandatory "duty to report abuse, neglect and other major incidents for a person with mental retardation or a developmental disability."

R.C. 119.032 review dates: 09/05/2014 and 09/20/2018
Promulgated Under: 119.03 Statutory Authority: 4757.10 Rule Amplifies: 4757.10
Prior Effective Dates: 9/19/85 (Emer.), 12/19/85, 5/22/86, 6/11/95 (Emer.), 7/3/97, 8/2/01, 9/20/02, 4/10/04, 1/1/06, 11/8/07

4757-5-11 Standards of ethical practice and professional conduct: change of name and/or address.

(A) All licensees or registrants are required within ninety days to notify the board of any changes of name or mailing address. Failure to do so may result in disciplinary action by the board.

(B) All applicants, licensees, or registrants must furnish to the board, and maintain, an electronic mail (e-mail) address for the purposes of licensure system access.

Promulgated Under: 119.03 Statutory Authority: 4757.10 Rule Amplifies: 4757.11
Prior Effective Dates: 9/19/85 (Emer.), 12/19/85, 5/22/86, 6/11/95 (Emer.), 7/3/97, 8/2/01, 9/20/02, 4/10/04, 1/1/06, 11/8/07

4757-5-12 [Rescinded] Standards of ethical practice and professional conduct: professional disclosure for counselors, social workers and marriage and family therapists.

Effective: 11/03/2014 Five Year Review (FYR) Dates: 08/15/2014
Promulgated Under: 119.03 Statutory Authority: 4757.12 Rule Amplifies: 4757.12
Prior Effective Dates: 5/22/86, 7/3/97, 9/20/02, 1/1/06, 11-8-07, 11/2/08, 10/18/09

4757-5-13 Standards of practice and professional conduct: electronic service delivery (internet, email, teleconference, etc.).

Electronic service delivery is defined in paragraph (EE) of rule 4757-3-01 of the Administrative Code. Licensees are reminded that standards of ethical practice and professional conduct rules 4757-5-01 to 4757-5-12 of the Administrative Code apply to electronic service delivery.

(A) These standards govern the practice of electronic service delivery and address practices that are unique to electronic service delivery and electronic service delivery practitioners.

(1) All practitioners providing counseling, social work or marriage and family therapy via electronic service delivery to persons physically present in Ohio shall be licensed in Ohio.

(2) All licensees of this board providing services to clients outside the state of Ohio shall comply with the laws and rules of that jurisdiction.

(3) Licensees shall provide only electronic services for which they are qualified by education, training, and experience. Licensees shall assume responsibility to continually assess both their professional and technical competence when providing electronic services. This includes ensuring that all methods of
delivering services are compliant with commonly accepted standards of technology safety and security at the time at which services are rendered.

(4) Licensees shall screen potential distance service clients for appropriateness to receive services via distance methods, which includes considering their current mental and emotional status. Licensees shall screen the client's technological capabilities as part of the intake process. Therapists shall acknowledge power dynamics when working with a family or group with differing levels of technological competence. These considerations shall be documented in the records.

(5) Licensees shall be aware of cultural differences and how they can affect non-verbal cues. Electronic service delivery methods should be appropriate to the client's cultural experiences and environment, and shall also be sensitive to audio/visual impairment and cognitive impairment.

(6) Licensee shall regularly review whether electronic service delivery is meeting the goals of therapy.

(7) Electronic service delivery shall require an initial face-to-face meeting, which may be via video/audio electronically, to verify the identity of the electronic service delivery client. At that meeting steps shall be taken to address impostor concerns, such as by establishing passwords or phrases to identify the client in future electronic contacts.

(8) Licensees shall identify an appropriately trained professional who can provide local assistance, including crisis intervention, if needed. Licensees shall provide electronic service delivery clients the local crisis hotline telephone number and the local emergency mental health telephone number.

(9) Licensees shall retain copies of all written therapeutically relevant communication with clients, to include emails, texts, instant messages, and chat history. Records. Such records should be maintained for a minimum of seven years.

(10) Licensees must maintain records in accordance with rule 4757-5-09 of the Administrative Code.

(B) Informed consent shall include information defining electronic service delivery as practiced by the licensee and the potential risks and ethical considerations per paragraph (B) of rule 4757-5-02 of the Administrative Code.

(1) Clients shall be given sufficient opportunity to ask questions and receive answers about electronic service delivery. These discussions should be documented in the client record.

(2) Informed consent should include the risks of entering private information when using a public access computer, or one that is on a shared network, and caution against using auto-fill user names and passwords. Clients should be advised to consider employer policies related to use of work computers for personal communication.

(3) Informed consent shall include the associated needs of delivery method, for example owning a computer with the correct capabilities or internet access, possibility of technology failure and what the procedure is in the event that services are disrupted, anticipated response time to electronic communication, alternative service deliveries, and electronic communication between scheduled appointments and after normal working hours.

(4) Informed consent should include a discussion of how electronic service delivery may affect billing and access to insurance benefits.

(5) Licensees shall obtain written permission prior to recording any part of the electronic service delivery session. If licensees are storing audiovisual data from sessions, these cannot be released to clients unless the client authorization specifically states they are to be released.
(6) Licensees shall **obtain client consent when using electronic search engines** to gather information about the client, except in emergency circumstances when such searches may provide information to help protect the client or other parties who may be at risk. The licensee must **document the rationale** for conducting any electronic search and why it is not harmful to the client.

(7) Licensees shall provide **links to websites for all of their certification bodies and licensure boards** to facilitate consumer protection. Licensees shall provide a **link to the board online license verification site on their web page**.

(8) Licensees shall **obtain written informed consent**.

(9) Licensees shall not provide services without client signed informed consent.

(C) **Confidentiality** in electronic service delivery and records maintenance shall be maintained by the licensee.

(1) Licensees shall use **encryption methods that are Health Insurance Portability and Accountability Act of 1996 compliant** for electronic service delivery, except for treatment reminders, scheduling contacts or other information provided outside of a therapeutic context.

Clients may waive encryption via informed consent. Licensees must ensure clients **understand the risk** of non-encrypted communications.

(2) Licensees shall **develop and disclose policies** for notifying clients as soon as possible of any breach of confidential information.

(3) Licensees shall create a **policy** for the secure storage, recovery, and destruction of data, as well as the technologies used to store, maintain, and transmit data.

Effective: 9/3/2018 Five Year Review (FYR) Dates: 5/24/2018 and 07/03/2023
Promulgated Under: 119.03 Statutory Authority: 4757.11 Rule Amplifies: 4757.11
Prior Effective Dates: 10/18/2009, 07/01/2016

**Chapter 4757-6 Ethical Practice**

**4757-6-01 Reports prepared for court review including custody, visitation and guardianship concerns.**

(A) The role of the counselor, social worker, or marriage and family therapist is that of a **professional expert who strives to maintain an objective, impartial stance**. A counselor, social worker or marriage and family therapist does not act as a judge who makes the ultimate decision applying the law to all relevant evidence. Neither does a counselor, social worker or marriage and family therapist act as an advocating attorney who strives to present his or her client's best possible case. A counselor, social worker, or marriage and family therapist in a balanced, impartial manner informs and advises the court and the respective parties of the relevant mental health factors pertaining to the issue. A counselor, social worker, or marriage and family therapist **should be impartial regardless of whether he or she is retained by the court or by a party to the proceedings**. If either the counselor, social worker, marriage and family therapist, or the client cannot accept this neutral role, the counselor, social worker, or marriage and family therapist shall withdraw from the case. If not permitted to withdraw, the counselor, social worker, or marriage and family therapist acknowledges past roles and other factors that could affect impartiality.

(B) A counselor, social worker, or marriage and family therapist contemplating performing court reports, including child custody reports, is aware that **special competencies and knowledge are required for the undertaking of such evaluations**. Competence in performing psychological assessments of children, adults and families is necessary but not sufficient. Education, training, experience and/or supervision in the areas to be evaluated are essential in preparing a report.
(C) A counselor, social worker, or marriage and family therapist uses current knowledge of scientific and professional developments consistent with accepted clinical and scientific standards in selecting data collection methods and procedures.

(D) In the course of preparing a report, allegations of other issues may occur that are not necessarily within the scope of a particular evaluator's expertise. If this is so, the counselor, social worker, or marriage and family therapist seeks additional consultation, supervision, and/or specialized knowledge or training to address these issues.

(E) A counselor, social worker, or marriage and family therapist engaging in preparing reports that will likely be used in court is aware of how biases regarding age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, culture, and socioeconomic status may interfere with an objective evaluation and recommendations. A counselor, social worker, or marriage and family therapist recognizes and strives to overcome any such biases or withdraws from the evaluation.

(F) A counselor, social worker, or marriage and family therapist shall not conduct a court evaluation in a case in which that counselor, social worker, or marriage and family therapist served in a therapeutic role for the client or his or her immediate family or has had other involvement that may compromise the counselor, social worker, or marriage and family therapist's objectivity. This should not preclude a counselor, social worker, or marriage and family therapist from testifying in the case as a fact witness concerning treatment. In addition, during the course of a court evaluation, a counselor, social worker, or marriage and family therapist shall not accept any of the involved participants in the evaluation as a therapy client. Therapeutic contact with the participants following the court evaluation is undertaken with caution. A counselor, social worker, or marriage and family therapist asked to testify in court is aware of the limitations and possible biases inherent in such a role and the possible impact on the ongoing therapeutic relationship. Although the court may require the counselor, social worker, or marriage and family therapist to testify as a fact witness regarding factual information he or she became aware of in a professional relationship with a client, that counselor, social worker, or marriage and family therapist shall decline the role of expert witness who gives a professional opinion regarding the custody, visitation and/or guardianship issues.

1. Licensees with a client involved in a custody, visitation and/or guardianship case, if asked by a client and/or their lawyer or the guardian ad litem to make a recommendation as to custody, visitation and/or guardianship, shall cite their role as the primary therapist for their client. This section does not apply to a licensee hired to make a custody, visitation and/or guardianship recommendation for the court. Licensees shall inform the requestor that they have not performed a custody, visitation and/or guardianship evaluation and it would be unethical for them to make any recommendation outside of their role as a treating therapist.

2. Licensees asked by a judge to make a recommendation in a custody, visitation and/or guardianship hearing, not hired by the court to do so, shall cite their role as a client's therapist and note that any testimony would be an ethics violation of their license and they can only testify to facts that they know. Any recommendation would be based on limited facts and not within their role as this client's therapist. However, if ordered by the court to make a recommendation after stating these limitations, the licensee shall follow the court's order in order to avoid being found in contempt of court.

(G) The scope of the court evaluation is determined by the nature of the question or issue raised by the referring person or court, or is inherent in the situation. A counselor, social worker, or marriage and family therapist may be asked to critique the assumptions and methodology of the assessment of another mental
health professional. A counselor, social worker, or marriage and family therapist also might serve as an expert witness providing expertise to the court without relating it specifically to the parties involved in a case.

(H) A counselor, social worker, or marriage and family therapist will adhere to the requirements regarding informed consent as outlined in paragraph (B)(2) of rule 4757-5-01 of the Administrative Code.

(I) A counselor, social worker, or marriage and family therapist will adhere to the requirements regarding confidentiality as outlined in paragraph (B)(4) of rule 4757-5-01 of the Administrative Code.

(J) A counselor, social worker, or marriage and family therapist strives to use the most appropriate methods available for addressing the questions raised in a specific evaluation and generally uses multiple methods of data gathering, including but not limited to clinical interviews, observation, and/or testing and assessment instruments. Important facts and opinions are documented from at least two sources whenever those methods' reliability is questionable. A counselor, social worker, or marriage and family therapist may also interview extended family, friends, and other individuals on occasions when the information is likely to be useful. If information is gathered from third parties that is significant and may be used as a basis for conclusions, licensees corroborate it by at least one other source wherever possible and appropriate and document this in the report.

(K) A counselor, social worker, or marriage and family therapist refrains from drawing conclusions not adequately supported by data. The counselor, social worker, or marriage and family therapist interprets any data from interviews or tests, as well as any questions of data reliability and validity cautiously and conservatively seeking convergent validity. A counselor, social worker, or marriage and family therapist strives to acknowledge to the court any limitations in methods or data used.

(L) A counselor, social worker, or marriage and family therapist does not give a professional opinion regarding the mental health functioning of any individual who has not been personally evaluated other than in addressing theoretical issues of hypothetical questions, so long as the limited basis of the information is noted.

(M) If a counselor, social worker, or marriage and family therapist chooses to make recommendations, these recommendations should be derived from sound data and shall be based on the best interests of the client involved. Recommendations are based on articulated assumptions, data, interpretations, and inferences based upon established professional and scientific standards. A counselor, social worker, or marriage and family therapist guards against relying on their own biases or unsupported beliefs in rendering opinions in particular cases.

(N) A counselor, social worker, or marriage and family therapist shall adhere to the requirements regarding record keeping as outlined in paragraph (I) of rule 4757-5-01 of the Administrative Code.

Effective: 12/01/2014 Five Year Review (FYR) Dates: 09/05/2014 and 12/01/2019 Promulgated Under: 119.03 Statutory Authority: 4757.10 Rule Amplifies: 4757.10 Prior Effective Dates: 4/10/04, 9/20/07, 10/18/09, 4/1/11