



Ohio Administrative Code

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

Effective: December 26, 2023

(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 licensee or registrant of the board shall take steps to ensure the competence of their work and to protect the clients from possible harm. A licensee or registrant 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 and scope of practice. Licensees and registrants shall make appropriate referrals when the client's needs exceed the licensee or registrant's competence level or scope of practice. The referrals shall be made in a timely manner.

(5) All licensees or registrants of the board, in accordance with their scope of practice and competence level, 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) Licensees or registrants of the board 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 licensee or registrant of the board 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) Licensee and registrants, 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, licensees and registrants 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) Licensees or registrants of the board who provide services via electronic means shall inform the clients and recipients of the limitations and risks associated with such services.

(8) When a licensee or registrant 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 licensee or registrant 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 licensee or registrant 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 licensees or registrant shall make it clear to the third party that the third party 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) Licensees and registrants shall communicate information in ways that are both developmentally and culturally appropriate. Licensees and registrants shall use clear and understandable language when discussing issues related to informed consent. When clients have difficulty understanding the language used by the licensee or registrant, 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, licensees and registrant shall adjust their practices accordingly.

(C) Responsibility to clients/consumers of services as to delegation: Licensees and registrants 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) Licensees and registrants 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) Licensees and registrants shall discuss with clients and the clients' legally authorized representatives, the nature of confidentiality and the limitation of clients' right to confidentiality. Licensees and registrants 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 licensees and registrants, within their scope of practice, provide counseling services to families, couples, or groups, licensees and registrants 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 and registrants shall inform participants in family, group, or couples counseling that the licensee cannot guarantee that all participants shall honor such agreements.

(4) Licensees and registrants 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) Licensees and registrants, 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) Licensees and registrants 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) Licensees and registrants employed by or contracted with an agency or practice, when leaving the agency or practice, shall 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 new practice location or agency may be one of the multiple options. A licensee or registrant shall not offer their new practice or agency location as the sole referral for services upon termination. Licensee and registrants are prohibited from soliciting former clients

(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: Licensees and registrants 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 sexual nature. A client of the agency is considered a client of each licensees and registrant employed or contracted by the agency for purposes of ethics under the sexual harassment section of this chapter. The duty of the licensee or registrant is based on that particular clinician's knowledge of a client's identity prior to starting a relationship.

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

(1) Licensees and registrants shall not practice, condone, facilitate or collaborate with any form of discrimination on the basis of age, sex, gender identity and expression, sexual orientation, race, ethnicity, national origin, immigration status, disability, religion, language, culture, veteran status, marital status, political belief, housing status, and socioeconomic status.

(2) Licensees and registrants should obtain education about and seek to understand the nature of diversity with respect to age, sex, gender identity and expression, sexual orientation, race, ethnicity, national origin, immigration status, disability, religion, language, culture, veteran status, marital status, political belief, housing status, and socioeconomic status.

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



(1) Licensees and registrants 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) Licensees and registrants 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 and registrants 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.