

**4758-8-01 Code of ethics for chemical dependency counselors.**

- (A) The following rules of conduct set forth the minimum standards of conduct which all applicants for licensure or certification shall follow and establishes the minimum standard of practice for certified chemical dependency counselor assistants (CDCA), certified chemical dependency counselors I (CCDCI), licensed chemical dependency counselors II (LCDCII), licensed chemical dependency counselors III (LCDCIII), and licensed independent chemical dependency counselors (LICDC).
- (B) A violation of these rules of ethical practice and professional conduct constitutes unprofessional conduct and is sufficient reason for a reprimand, suspension, revocation or for restrictions to be placed on a license or certificate or for the denial of the initial license or certificate or renewal, or reinstatement of a license or certificate.
  - (1) Professional standards:
    - (a) The licensee or certificate holder shall meet and comply with all terms, conditions or limitations of licensure or certification.
    - (b) The licensee or certificate holder shall recognize limitations of his or her competency based on professional qualifications, education and experience and shall not offer services or use techniques outside his or her professional competency or scope of practice defined by rules 4758-6-01 through 4758-6-05 of the Administrative Code.
    - (c) A licensee or certificate holder shall obtain appropriate consultation or make an appropriate referral when the client's problem is beyond the licensee or certificate holder's area of training, expertise, competency or scope of practice.
    - (d) The licensee or certificate holder shall refer clients to a person or agency that the licensee or certificate holder knows is qualified by training, experience, certification or license to provide such professional services.
    - (e) The licensee or certificate holder shall not participate in discrimination on the basis of race, ethnicity, color, sex, sexual orientation, religion, age, national ancestry, socioeconomic status, political belief, psychiatric or psychological impairment, disability according to "Title VII of the Civil Rights Act of 1964", HIV/AIDS status, the amount of previous therapeutic or treatment occurrences or against other persons that could be subject to discrimination but are not expressly protected by state or federal law.
    - (f) A licensee or certificate holder shall seek therapy for any substance abuse or dependence, psychiatric or psychological impairment, emotional distress or

any other physical health related adversity that interferes with the licensee or certificate holder's ability to function competently. A licensee or certificate holder shall request inactive status for medical reasons when appropriate and notify the Board and comply with rule 4758-11-02 of the Administrative Code.

- (g) The licensee or certificate holder shall be aware of and comply with all applicable state and federal guidelines, regulations, statutes and agency policies including, but not limited, to confidentiality.
- (h) In general, in chemical dependency counseling, the best interest of the client is considered to be of paramount importance in making decisions regarding treatment. The "best interest" of the client would reflect these things that would most benefit the client economically, socially, vocationally and in terms of freedom from external restrictions. However, there may exist in the context of chemical dependency treatment certain protocols, restrictions, or arrangements which are contrary to what clients would consider to be in their best interest. There may also be circumstances in which agency philosophy or orientation or the personal beliefs of the counselor may influence decisions regarding the client's treatment. When such circumstances or restrictions are present, they should be disclosed and explained to the client unless such disclosure is expressly prohibited or would clearly violate the safety, rights or interests of another person.
- (i) In the presence of professional conflict, the licensee or certificate holder shall primarily be concerned with the welfare of the client.
- (j) The licensee or certificate holder shall respect the integrity and protect the welfare of the client and shall not engage in any action that violates the civil or legal rights of clients.
- (k) The licensee or certificate holder shall maintain an objective and non-possessive relationship with those he or she serves and shall not exploit them sexually, emotionally, financially or otherwise.
- (l) The licensee or certificate holder shall not place an individual in any activity or setting where such participation could harm the individual.
- (m) The licensee or certificate holder shall not offer professional services to a client in chemical dependency counseling with another professional except with the knowledge of the other professional or after the termination of the client relationship with the other professional.
- (n) A licensee or certificate holder shall terminate a chemical dependency counseling or consulting relationship when it is reasonably clear to the licensee or certificate holder that the client is not benefiting from it.

(o) A licensee or certificate holder shall not discontinue professional services to a client unless:

(i) Services have been completed;

(ii) The client requests the discontinuation;

(iii) Alternative or replacement services are arranged; or

(iv) The client is given reasonable opportunity to arrange alternative or replacement services.

(2) Unlawful conduct:

(a) A conviction for a felony in the state of Ohio or any act in another state that would constitute a felony in Ohio shall be grounds for disciplinary action. The board may also discipline a licensee or certificate holder who is convicted of a misdemeanor which relates to the licensee or certificate holder's ability to practice chemical dependency counseling.

(3) Fraud related conduct:

(a) The licensee or certificate holder shall not make any misrepresentation or false statement to the board.

(b) A licensee or certificate holder shall not use a title, designation, credential, license, firm name, letterhead, publication, term, title or document which states or implies an ability, relationship or qualification the licensee or certificate holder is not qualified to use or does not exist.

(c) The licensee or certificate holder shall not practice under a false name or under a name other than the name in which his or her certificate/license is held.

(d) The licensee or certificate holder shall not sign or issue in the licensee or certificate holder's capacity, any document or statement that he or she knows to contain either a false or misleading statement.

(e) The licensee or certificate holder shall not produce, publish, create, or partake in the creation of any false, deceptive or misleading advertisement.

(f) The licensee or certificate holder shall assign appropriate credit to published material.

- (g) A licensee or certificate holder shall not falsify, fraudulently amend, knowingly make incorrect entries or fail to make timely essential entries into the client records.

(4) Discipline in other jurisdictions:

- (a) Any denial, suspension, revocation, probation or other restriction or discipline on certification, license or other authorization to practice issued by any certification authority or any state, province, territory, tribe or other federal government shall be regarded by the board as an ethics complaint and shall be reported to the board.

(5) Cooperation with the board:

- (a) The licensee or certificate holder shall cooperate in any investigation conducted pursuant to this code of ethics and shall not interfere with an investigation or a disciplinary proceeding or other legal action.
- (b) The licensee or certificate holder shall report any violation of this code of ethics to the board.
- (c) In submitting information to the board, a licensee or certificate holder shall comply with any requirements pertaining to the disclosure of client information established by federal or state law or regulation.

(6) Client relationships:

- (a) A licensee or certificate holder shall not develop, implement or maintain exploitive relationships (dual relationships) with current or past clients.
- (b) A licensee or certificate holder shall not enter into a chemical dependency counseling relationship with members of his or her own family, friends or close associates or others who might be jeopardized by such a dual relationship.

(7) Sexual misconduct:

- (a) A licensee or certificate holder shall neither engage in any form of sexual conduct or behavior with clients, nor engage in any form of sexual conduct or behavior with former client for two years, at a minimum, after the cessation or termination of professional services within the client's treatment continuum. The prohibition shall apply with respect to any client of the treatment provider, which employs or retains the licensee or certificate holder regardless of whether the client is or was on the licensee or certificate holder's case load.