

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), licensed chemical dependency counselors II (LCDCII), licensed chemical dependency counselors III (LCDCIII), licensed independent chemical dependency counselors (LICDC), licensed independent chemical dependency counselors-clinical supervisors (LICDC-CS), and those licensees who carry the gambling disorder endorsement.
- (B) A violation of 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 to 4758-6-14 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) 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.

- (g) In general, in chemical dependency and gambling disorder 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 or gambling disorder 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.
- (h) In the presence of professional conflict, the licensee or certificate holder shall primarily be concerned with the welfare of the client.
- (i) 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.
- (j) 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 in any way that could create a multiple relationship.
- (k) The licensee or certificate holder shall not place an individual in any activity or setting where such participation could harm the individual.
- (l) The licensee or certificate holder shall not offer professional services to a client in chemical dependency or gambling disorder counseling with another professional except with the knowledge of the other professional or after the termination of the client relationship with the other professional.
- (m) A licensee or certificate holder shall terminate a chemical dependency or gambling disorder counseling or consulting relationship when it is reasonably clear to the licensee or certificate holder that the client is not benefiting from it.
- (n) 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.

- (o) A licensee or certificate holder shall not physically or verbally abuse or threaten clients, family members of clients, ex-clients or other persons encountered in professional settings.
- (p) A licensee or certificate holder 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.

(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 or gambling disorder 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.
- (h) A licensee or certificate holder shall not condone, partake, or assist in billing irregularities or fraud with respect to grants, insurance companies or direct billing.
- (i) A licensee or certificate holder shall not bill for services that are not rendered.

- (j) A licensee or certificate holder shall not aid or abet another person in misrepresenting professional credentials or engaging in illegal or unethical practice.
- (k) A licensee or certificate holder shall not provide services under the signature of their license or certificate while said license or certificate is in a lapsed, inactive or expired status.
- (l) A licensee or certificate holder shall not engage in deceptive behavior in a professional setting whether it is to advance their professional standing, avoid disciplinary action or for any other reason.

(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 with current or past clients.
- (b) A licensee or certificate holder shall not enter into a chemical dependency or gambling disorder counseling relationship with members of his or her own family, friends or close associates or others who might be jeopardized by such a multiple relationship.
- (c) A licensee or certificate holder shall avoid multiple relationships and conflicts of interest with any current or past clients, family members of current or past clients or other persons encountered in a professional setting which are not in the best interest of the client and might impair professional judgment or which increase the risk of client exploitation which includes but is not limited to

accepting gifts, bartering for services, accepting free services or accepting discounts on services.

(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. A licensee or certificate holder shall never engage in a sexual relationship with a former client if such relationship is not in the best interest of the client or increases the risk of client exploitation. 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.
- (b) A licensee or certificate holder who chooses to engage in a sexual relationship with a former client after the mandatory two year period of time will have the full burden of demonstrating that the former client has not been exploited, coerced or manipulated intentionally or unintentionally.
- (c) A licensee or certificate holder shall not sexually harass current or past client's family members. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors and other verbal, non-verbal or physical conduct of a sexual nature. A licensee or certificate holder shall not engage in sexual activities or sexual contact with current or past client's family members for two years, at a minimum, after the cessation or termination of professional services within the client's treatment continuum. A licensee or certificate holder shall never engage in a sexual relationship with a former client's family member if such a relationship is not in the best interest of the client or increases the risk of client exploitation.
- (d) A licensee or certificate holder shall not sexually harass persons they encounter in professional settings.

(8) Private practice:

- (a) An independent licensee employed by an agency may not solicit or refer a current client of the agency to the independent licensee's private practice. Independent licensees may offer referrals to client's which include multiple options for the client to choose from and the independent licensee's private practice may be one of the multiple programs.
- (b) When setting fees, an independent licensee shall ensure that fees are fair, reasonable and commensurate with the services performed.
- (c) An independent licensee shall maintain client records for a period of seven years from the time services are completed.

(9) Professional disclosure:

- (a) A licensee or certificate holder shall display a professional disclosure statement at the place where services are performed and shall provide a copy of the disclosure statement to clients upon request.
- (b) Professional disclosure statements shall include the name, title, license or certificate type, license or certification number, business address and business phone number of the licensee or certificate holder.
- (c) Professional disclosure statements shall identify licensee or certificate holder's formal professional education, areas of competence and the services they provide.
- (d) Professional disclosure statements shall include language that directs the client to contact the board should they have complaints about the licensee or certificate holder. The name, address and phone number of the licensing board should be included in this language.
- (e) For a licensee employed in a private practice, a fee schedule shall be listed by type of service or hourly rate.

(10) Impairment:

- (a) A licensee or certificate holder shall not undertake or continue a professional counseling role when the judgment, competence and/or objectivity of the licensee is impaired due to mental, emotional, physiological, pharmacological, or substance abuse conditions.
- (b) A licensee or certificate holder shall seek appropriate professional assistance for any substance abuse or dependence, psychiatric or psychological impairment, emotional distress or an 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.

Effective: 9/1/2016

Five Year Review (FYR) Dates: 05/19/2016 and 09/01/2021

Promulgated Under: 119.03

Statutory Authority: 4758.20

Rule Amplifies: 4758.23

Prior Effective Dates: 6/13/04, 10/1/10, 3/22/13 (Emer), 05/06/13, 3/22/15