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4758-6-03 Scope of practice for licensed chemical dependency counselors II (LCDC II).

- (A) In addition to practicing chemical dependency counseling, an individual holding a valid chemical dependency counselor II license may do all of the following:
- (1) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management and education services as they relate to abuse of and dependency on alcohol and other drugs;
 - (2) Provide treatment services identified and listed in ~~paragraph (OO) of~~ rule 3793:2-1-08 of the Administrative Code as they relate to abuse of and dependency on alcohol and other drugs.
 - (3) Refer individuals with nonchemical dependency conditions to appropriate sources of help.
- (B) A chemical dependency counselor II may not practice as an individual practitioner.

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4758-8-03 Code of ethics for prevention specialists.

- (A) The following rules of conduct set forth the minimum standards of conduct which all applicants for certification shall follow and establishes the minimum standard of practice for registered applicants (RA), Ohio certified prevention specialist assistants (OCPSA), Ohio certified prevention specialists I (OCPS I) and Ohio certified prevention specialists II (OCPS II).
- (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 certificate or for the denial of the initial certificate or renewal, or reinstatement of a certificate.
- (1) Professional standards:
- (a) The certificate holder shall meet and comply with all terms, conditions or limitations of certification.
 - (b) The 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-~~06~~07 through 4758-6-~~08~~10 of the Administrative Code.
 - (c) The certificate holder shall refer consumers to a person or agency that the certificate holder knows is qualified by training, experience, certification or license to provide such professional services.
 - (d) The certificate holder shall not participate in discrimination on the basis of race, ethnicity, color, sex, sexual orientation, gender identity, 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.
 - (e) A certificate holder shall seek appropriate professional assistance for any substance abuse or dependence, psychiatric or psychological impairment, emotional distress or any other physical health related adversity that interferes with the certificate holder's ability to function competently. A 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.
 - (f) The certificate holder shall not administer to him/herself any substances in a manner which would be dangerous or harmful to consumers.
 - (g) The 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) The certificate holder shall define for self and others the nature and direction of loyalties and responsibilities and keep all parties informed of these commitments.
 - (i) In the presence of professional conflict, the certificate holder shall primarily be concerned with the welfare of the consumer.
 - (j) The certificate holder shall respect the integrity and protect the welfare of the consumer and shall not

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engage in any action that violates the civil or legal rights of consumers.

- (k) The 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 certificate holder shall not place an individual in any activity or setting where such participation could harm the individual.
- (m) The certificate holder shall comply with all mandatory reporting requirements set forth in the revised code to include, but not limited to: duty and report abuse, neglect, or exploitation of a child or adult.

(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 certificate holder who is convicted of a misdemeanor which relates to the certificate holder's ability to practice ~~alcohol and other drug~~ prevention.

(3) Fraud related conduct:

- (a) The certificate holder shall not make any misrepresentation or false statement to the board.
- (b) A 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 certificate holder is not qualified to use or does not exist.
- (c) The certificate holder shall not practice under a false name or under a name other than the name in which his or her certificate is held.
- (d) The certificate holder shall not sign or issue in the certificate holder's capacity, any document or statement that he or she knows to contain either a false or misleading statement.
- (e) The certificate holder shall not produce, publish, create, or partake in the creation of any false, deceptive or misleading advertisement.
- (f) The certificate holder shall assign appropriate credit to published material.

(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 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 certificate holder shall report any violation of this code of ethics to the board.
- (c) In submitting information to the board, a certificate holder shall comply with any requirements

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pertaining to the disclosure of consumer information established by federal or state law or regulation.

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4758-11-02 Procedures in impairment cases.

- (A) Should the board have reason to believe that a licensee or certificate holder suffers from impairment as defined by paragraph (T) of rule 4758-2-01 of the Administrative Code, it may compel the individual to submit to a mental or physical examination, or both. Such examination shall be completed by a treatment provider that has been approved by the board. The notice issued to the individual ordering him to submit to examination shall specify conduct, acts or behavior committed or displayed by him to establish reason to believe that he is impaired. Failure to submit to examination ordered by the board constitutes an admission of impairment, unless the failure is due to circumstances beyond the individual's control.
- (B) If the examination outlined in paragraph (A) of the rule finds that the individual is not impaired, no action shall be initiated by the board.
- (C) If the examination outlined in paragraph (A) of this rule finds that the individual is impaired, or if the board has substantial evidence of impairment, such as evidence of a relapse, the board shall initiate proceedings to suspend the license or deny the initial application.
- (1) Before being eligible to apply for reinstatement of a license suspended under this rule, the practitioner shall provide evidence to the board of the following:
- (a) Certification from the designated treatment provider that the practitioner has successfully completed any required inpatient or outpatient program;
 - (b) Evidence of continuing compliance with an aftercare contract;
 - (c) Two written reports indicating that the practitioner has been assessed and that he or she has been found capable of practicing according to acceptable and prevailing standards of care.
- (2) The board may reinstate the suspended license or certificate or reactivate an inactive license or certificate under this rule after demonstration outlined in paragraph (C)(1) of this rule and after the individual has entered into a written consent agreement with the board.
- (3) When the licensee resumes practice under this rule, the board shall require continued monitoring of the practitioner.
- (D) A licensee or certificate holder may appeal rulings of the board in regards to impairment.

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4758-13-05 Lapsed license or certificate/restoration process.

- (A) A license or certificate that has not been renewed lapses on its expiration date.
- (B) Except in the case of the registered applicant (RA) certification and the first two year, renewable chemical dependency counselor assistant (CDCA) certification, a license or certificate that has lapsed may be restored if the individual applies for restoration no later than two years after the license or certificate has expired.
 - (1) The registered applicant certification is not renewable and shall not be restored. An individual whose registered application expires may not reapply for the registered applicant certification.
 - (2) In order to be issued the first two year, renewable CDCA certification an individual whose initial CDCA certification has lapsed shall meet the requirements in paragraph (D) of rule 4758-5-01 of the Administrative Code not later than one year after the initial CDCA certification lapses. Individuals whose initial CDCA certification is lapsed beyond one year shall be required to reapply and meet all requirements for certification as a CDCA.
- (C) The board shall issue a restored license or certificate to an applicant upon payment of any renewal fees and completion of all continuing education requirements which are currently in effect at the time of restoration.
- (D) An individual shall not be required to take an examination as a condition of having a lapsed license or certificate restored if it is restored within two years of the date in which it lapsed.
- (E) All licenses or certificates are the property of the board and shall be surrendered by the chemical dependency counselor or prevention specialist upon request by the board.

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4758-20-01 Personal information systems.

- (A) The following regulations shall govern the control of personal information maintained by the board.
- (1) The executive director shall be directly responsible for each applicant's personal information maintained in the board's personal information system. The executive director shall:
 - (a) Inform all employees who have been assigned responsibility for the operation, maintenance, or use of personal information of the applicable provisions of Chapter 1347. of the Revised Code and rules adopted there under.
 - (b) Inform all persons requested to supply personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute or rule.
 - (c) Restrict the collection, maintenance, and use of personal information to only that which is necessary and relevant to functions of the board as required or authorized by statute or rule.
 - (d) Provide to all persons asked to supply personal information that will be placed in an interconnected or combined system, with information relevant to the system, including the identity of all other agencies or organizations that have access to the system.
 - (e) Allow all persons to inspect their personal information pursuant to section 1347.08 of the Revised Code. Upon receiving a request and verifying that the person requesting access to the personal information is the subject of the information contained in the system, the employee shall:
 - (i) Provide the personal information to that person;
 - (ii) Permit the person or the person's legal guardian, or an attorney who presents a signed authorization made by the person, to inspect all personal information in the system of which the person is subject, except where prohibited by law;
 - (iii) Inform the person of the uses made of the personal information and identify other users who have access to the system;
 - (iv) Allow persons who wish to exercise their right to inspect personal information, as provided by this rule, to be accompanied by one individual of that person's choice;
 - (v) Provide, for a reasonable fee, copies of any personal information the person is authorized to inspect; and
 - (vi) Investigate disputes concerning the accuracy, relevance, timeliness or completeness of personal information pursuant to section 1347.09 of the Revised Code.
 - (2) The board shall discipline any employee who initiates or otherwise contributes to any disciplinary or other punitive action taken against another individual who brings attention to the appropriate authorities, the press, or a member of the public, any evidence of unauthorized use of any material contained in the personal information system.
 - (3) The board shall monitor its personal information system by:
 - (a) Maintaining the personal information system with the accuracy, relevance, timeliness and completeness necessary to assure fairness in any determination made by the board that is based on

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information contained in the system; and

- (b) Eliminating unnecessary information from the system.
- (4) The board shall investigate, upon request, the accuracy, relevance, timeliness or completeness of personal information which is disputed by a person who is the subject of information contained in the system within ninety days after receipt of a request. The board shall:
- (a) Notify the disputant of the results of the investigation and any action the Board intends to take with respect to the disputed information; and
 - (b) Delete any information the board cannot verify or finds to be inaccurate; and
 - (c) Permit the disputant, if the disputant is not satisfied with the determination made by the board, to include within the system:
 - (i) A brief statement of the person's position on the disputed information; or
 - (ii) A brief statement that the person finds the information in the system to be inaccurate, irrelevant, outdated, or incomplete.
 - (d) The board shall maintain a copy of all statements made by the disputant.
- (5) The board shall not place personal information into an interconnected and combined system, unless the system contributes to the efficiency of the agencies or organizations authorized to use the system in implementing programs, which are required or authorized by law.
- (6) The board shall not use personal information placed into an interconnected and combined system by another state or local agency or organization, unless the personal information is necessary and relevant to the performance of a lawful function of the board.
- (7) The board shall make available, upon request, all information concerning fees charged by the board for reproduction of materials contained in its personal information system.