

# STATE BOARD OF PSYCHOLOGY OF OHIO

APPROVED MEETING MINUTES  
NOVEMBER 14, 2014  
RIFFE CENTER, ROOM 31 EAST B  
77 S. HIGH ST. COLUMBUS 43215

## **BOARD MEMBERS**

President\*: Alice Randolph, Ed.D., Licensee Member, 2015  
Secretary: Steven Keller, J.D., Consumer Advocate Member, 2018  
Julie A. Harmon, Ph.D., Licensee Member, 2014  
Victor McCarley, Psy.D., Licensee Member, 2015  
Kenneth Drude, Ph.D., Licensee Member, 2016  
Amy Hess, Consumer Advocate Member, 2016  
Charles Hoffman, Consumer Advocate Organization Rep. Member, 2017  
Douglas Cole, Ph.D., Licensee Member, 2018  
Denise Rabold, Ph.D., Licensee Member, 2018

## **STAFF/BOARD LEGAL COUNSEL PRESENT**

Ronald Ross, Ph.D., Executive Director; Carolyn Knauss, Investigator; Amanda Danko, Investigator; Roger F. Carroll, Board Counsel

## **9:30 AM MEETING CALLED TO ORDER BY DR. RANDOLPH**

### **MR. KELLER CALLED THE ROLL**

Dr. McCarley	Present
Mrs. Hess	Absent
Dr. Randolph	Present
Dr. Harmon	Absent
Dr. Drude	Present
Mr. Hoffman	Present
Dr. Cole	Present
Mr. Keller	Present
Dr. Rabold	Present

### **APPROVAL OF OCTOBER 2, 2014 MINUTES**

Dr. Randolph invited comments about the October 2, 2014 draft meeting minutes distributed with the agenda. Dr. Drude called attention to 4732-11-01 (E) on page 49, pointing out that the final sentence was confusing. Discussion resulted in agreement that the proposed changes should be deleted and the sentence should be left as is in the current rule. Dr. Cole called attention to page 47, under (3)(a)(ii), suggesting that the word "of" should be inserted after "authority." Mr. Keller made a motion to approve the minutes reflecting the typographical correction suggested by Dr. Cole; Dr. Drude second.

### **A vote was taken:\***

Aye: Dr. Drude, Dr. McCarley, Dr. Cole, Dr. Rabold, Mr. Hoffman, Mr. Keller  
Nay: None  
Abstain: None

### **The motion passed.**

Dr. Randolph then asked for a motion to amend the rule draft specific to 4732-11-01 (E). Dr. Drude offered a motion to reinstate the text *may include 'but is not limited to'* and to delete the word *'oral,' resulting in: The exam may include, but is not limited to:...* ; Mr. Keller second.

<sup>1</sup> Year Board Member term ends (terms expire October 5 or December 4 if not re-appointed or replaced)

\* President votes only to break a tie

**A vote was taken:**

Aye: Dr. Drude, Dr. McCarley, Dr. Cole, Dr. Rabold, Mr. Hoffman, Mr. Keller  
Nay: None  
Abstain: None

**The motion passed.**

Dr. Randolph gave an orientation to the meeting agenda, emphasizing that the primary goals were to complete a review of and approve rule changes, hold a working lunch during which there will be a discussion about the oral examination process, review the new website, and conduct additional business in between.

**RULES COMMITTEE REPORT AND RECOMMENDATIONS**

Dr. Randolph called attention to a need to complete the Board's review of the Rules of Professional Conduct (OAC 4732-17-01). The Board had agreed on October 2, 2014 to resume the rule approval process by reviewing the entire chapter.

Specific to 4732-17-01 (B) Negligence (7) Maintenance and retention of records (xi), discussion focused on Dr. McCarley's suggestion to provide guidance in the form of a rule addressing the potential withholding of records requested because a client has a balance due (unpaid professional fees). Discussion centered on ORC 3701.74, which addresses options available to the license holder when in receipt of a valid request for records. Several members indicated that there is a need for additional research prior to writing a rule specific to the status of records when there is a balance due. Concerns were raised that a rule specific to withholding records under various circumstances, including unpaid fees, could, for example, exceed statutory authority and potentially conflict with HIPPA, and that additional research was needed prior to amending the rule.

The following reflects the changes agreed to by the Board during its discussion:

**4732-17-01 General rules of professional conduct pursuant to section 4732.17 of the Revised Code.**

Pursuant to section 4732.17 of the Revised Code, the board promulgates the following rules of professional conduct:

(A) General considerations:

- (1) Purpose. The rules of professional conduct constitute the standards against which the required professional conduct of a psychologist is measured.
- (2) Scope. The rules of professional conduct shall apply to the conduct of all ~~psychology and school psychology licensees~~ license holders, supervisees, and applicants, including the applicant's conduct during the period of education, training, and employment that is required for licensure. The term "psychologist," as used within these rules of professional conduct, shall be interpreted accordingly, whenever psychological services are being provided in any context.
- (3) Violations. A violation of the rules of professional conduct constitutes unprofessional conduct and is sufficient reason for a reprimand, suspension or revocation of a license, or denial of either original licensure or reinstatement of licensure.

- (4) Aids to interpretation. Ethics codes and standards for providers promulgated by the "American Psychological Association," ~~the "Canadian Psychological Association,"~~ the "Association of State and Provincial Psychology Boards," and other relevant professional groups shall be used as aids in resolving ambiguities that may arise in the interpretation of the rules of professional conduct, except that these rules of professional conduct shall prevail whenever any conflict exists between these rules and any professional association standard.
- (5) A ~~psychologist or school psychologist~~ license holder, or an applicant for licensure, shall provide a written response within a reasonable period of time not to exceed sixty days to any written inquiry, regarding compliance with law or rule, received from the board.
- (B) Negligence:
- (1) A ~~psychologist or school psychologist~~ license holder in a professional psychological role, as that term is defined in paragraph (R) of rule 4732-3-01 of the Administrative Code shall be considered negligent if his/her behaviors toward his/her clients, evaluatees, supervisees, employees or students, in the judgment of the board, clearly fall below the standards for acceptable practice of psychology or school psychology.
- (2) Sexual harassment. License holders shall not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist's activities or roles as a psychologist, and that either (a) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (b) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts.
- ~~(2)~~ (3) Misrepresentation of qualifications. ~~The psychologist or school psychologist~~ A license holder shall not misrepresent directly or by implication his/her professional qualifications such as education, specialized training, experience, or area(s) of competence.
- ~~(3)~~ (4) Misrepresentation of affiliations. ~~The psychologist or school psychologist~~ A license holder shall not misrepresent directly or by implication his/her affiliations or the purposes or characteristics of institutions and organizations with which the psychologist is associated.
- (a) A ~~psychologist or school psychologist~~ license holder shall not claim either directly or by implication professional qualifications that differ from actual qualifications, including use of a degree or title that is not relevant to his/her psychological training or that is issued by an educational institution not meeting accreditation standards, he/she shall not misrepresent affiliation with any

institution, organization, or individual, nor lead others to assume he/she has affiliations that he/she does not have. A psychologist or school psychologist is responsible for correcting a client or public media who misrepresent his/her professional qualifications or affiliations, if he/she has knowledge of this misrepresentation.

~~(b)~~ A ~~psychologist or school psychologist~~

~~(e)~~ ~~(b)~~ A ~~psychologist or school psychologist~~ license holder shall not include false or misleading information in public statements concerning psychological services offered.

~~(d)~~ ~~(c)~~ A ~~psychologist or school psychologist~~ license holder shall not associate with or permit his/her name to be used in connection with any services or products in such a way as to misrepresent them, the degree of his/her responsibility for them, or the nature of his/her association with them.

~~(4)~~ ~~(5)~~ Solicitation of business by clients. A ~~psychologist or school psychologist~~ license holder shall not request or authorize any client to solicit business on behalf of the ~~psychologist or school psychologist~~ license holder.

~~(5)~~ ~~(6)~~ Promotional activities. A ~~psychologist or school psychologist~~ license holder associated with the development, promotion, or sale of psychological devices, books, or other products shall ensure that such devices, books, or products are not misrepresented as to qualities, performance or results to be obtained from their use.

~~(6)~~ ~~(7)~~ Maintenance and retention of records.

(a) A ~~psychologist or school psychologist~~ license holder rendering professional individual services to a client, or services billed to a third-party payer, shall maintain a professional record that includes:

- (i) The presenting problem(s),
- (ii) The date(s) and purpose, if not self-evident, of each service contact,
- (iii) The fee arrangement,
- (iv) Any test or other evaluative results obtained,
- (v) Test data,
- (vi) A copy of any test or other evaluative reports prepared as part of the professional relationship,

(vii) Notation of providing verbal communication of assessment results in the absence of a written report,

- ~~(vii)~~ (viii) Notation and results of formal contacts with other providers, ~~and~~
  - ~~(viii)~~ (ix) Authorizations, if any, by the client for release of records or information,.
  - ~~(ix)~~ (x) Written documentation indicating that the client or evaluatee has provided informed consent for treatment or evaluation,
  - ~~(x)~~ (xi) Justification and rationale for not releasing records to a client in response to a valid request, including the reason for making a determination for clearly stated treatment reasons that disclosure of the requested records is likely to have an adverse effect on the client,
  - ~~(x)~~ (xii) Knowledge of all multiple relationships present, with reasoning as to why it is in the best interest of the client and/or not harmful to continue the professional relationship, and
- (b) To meet the requirements of these rules, but not necessarily for other legal purposes, the ~~psychologist or school psychologist~~ license holder shall ensure that ~~each data entry all contents~~ in the professional record ~~is~~ are maintained for a period of not less than ~~five~~ seven years after the last date of service rendered, or not less than the length of time required by other regulations if that is longer. A license holder shall retain records documenting services rendered to minors for not less than two years after the minor has reached the age of majority or for seven years after the last date of service, whichever is longer. The general record or a summary thereof shall be kept for a period of not less than twelve years after the last date of service rendered.
- (c) A ~~psychologist or school psychologist~~ license holder shall store and dispose of written, electronic, and other records of clients in such a manner as to ensure their confidentiality. ~~Licensees~~ License holders shall ~~make plans~~ prepare in advance and disseminate to an identifiable person a written plan to facilitate appropriate transfer and to protect the confidentiality of records in the event of the ~~psychologist's or school psychologist's~~ license holder's withdrawal from positions or practice. Each ~~licensee~~ license holder shall report to the board on the biennial registration (renewal) form the name, address, and telephone number of a ~~psychologist or school psychologist~~ license holder or other appropriate person knowledgeable about the location of the written plan for transfer and custody of records and responsibility for records in the event of the licensee's absence, emergency or death. The written plan referenced in this rule shall be made available to the board upon request.
- (d) In the event a complaint has been filed, a ~~psychologist or school psychologist~~ license holder shall provide the original or a full copy of the client file or other client-identifiable documents to the board upon request, provided that the

request is accompanied by a copy of a release signed by the client.

(e) License holders shall provide clients with reasonable access to the record maintained. License holders shall be familiar with state and federal laws and regulations relevant to client access to their records of services, and shall limit clients' access to records only in exceptional circumstances in which the license holder determines for clearly stated treatment reasons that disclosure of the requested records is likely to have an adverse effect on the client.

(f) License holders shall be aware of and adhere to divisions (H)(1) and (H)(2) of section 3109.051 of the Revised Code and other relevant laws governing a divorced non-residential parent's rights to access a license holder's records related to the parent's child.

(C) Welfare of the client, evaluate, and associated persons:

(1) Conflicts of interest. ~~When there is a conflict of interest between the client and a psychologist's or school psychologist's employing institution, the psychologist or school psychologist shall clarify the nature and direction of his/her loyalties and responsibilities and keep all parties concerned informed of his/her commitments.~~ License holders actively identify, disclose, document, and remedy conflicts of interest and potential conflicts of interest. License holders actively clarify and document their role when providing or offering psychological or school psychological services. Notwithstanding paragraph (e) of this rule, conflict of interest situations include but are not limited to:

(a) License holders in a treatment role with 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 and family members), shall clarify with all parties and document the nature of one's professional obligations to the various clients receiving services, including limits of confidentiality and access to records.

(b) License holders in a treatment role with one or more adults involved in a contested parenting time or custody dispute shall anticipate being asked to participate in conflicting roles. License holders shall clarify and document as early as feasible that his/her role is restricted to providing therapeutic services, and shall take appropriate action to avoid role conflicts.

(c) License holders in a treatment role with one or more adults involved in a contested parenting time or custody dispute shall not render verbal or written opinions to any person or entity, including but not limited to the client, any court, attorney, guardian ad litem, or other professional about a client's access or other person's access to, or parenting time with, any child.

(d) License holders in a treatment role with one or more children shall not render verbal or written opinions about any adult's access to or parenting time with the child client(s).

(e) In the absence of a preexisting relationship, license holders may undertake roles specifically determined by a court or other adjudicative body or child welfare agency (concerning, for example, parenting coordination and family reunification), wherein rendering opinions and recommendations about the client(s) to the adjudicative body or individual may be necessary and appropriate, if consistent with the parameters of a written order or directive, and if the role of the license holder is established in written informed consent procedures.

(f) When there is a conflict of interest between the client and the organization with which the license holder is contracted, employed, or affiliated, the license holder shall clarify the nature and direction of his/her loyalties and responsibilities and shall keep all parties concerned informed of his/her commitments.

(2) Unforeseen multiple relationships. If a license holder determines that, due to unforeseen factors, a prohibited multiple relationship as defined in paragraph (E)(2) of this rule has inadvertently developed, he or she shall take reasonable steps to resolve it with due regard for the welfare of the person(s) with whom there is or was a professional psychological role.

(a) All potential multiple relationships shall be discussed with the client as soon as possible after being first recognized and shall continue only with both parties' agreement.

(b) License holders document the discovery of all multiple relationships, with reasoning as to why it is in the best interest of the client and/or not harmful to continue the professional relationship.

(c) As warranted, the presence of a multiple relationship shall be reassessed and justified in the record. Issues such as informed consent and professional consultation shall be considered and documented to ensure that judgment is not impaired and that no exploitation of any person occurs.

~~(2)~~ (3) Sufficient professional information. A ~~psychologist or school psychologist~~ license holder rendering a formal professional opinion or recommendation about a person shall not do so without substantial professional ~~client~~ information within a clearly defined role.

~~(3)~~ (4) Informed ~~client~~ consent. A license holder shall accord each client informed choice, confidentiality, and reasonable protection from physical or mental harm or danger. ~~A psychologist or school psychologist shall give a truthful, understandable, and reasonably complete account of a client's condition to the client or to those responsible for the care of the client. The psychologist or school psychologist shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided.~~

(a) License holders clearly document written informed consent, permission, or assent,

as warranted by the circumstances, for treatment or evaluation prior to proceeding with the provision of psychological or school psychological services.

(b) When a license holder is in an individual treatment role, there may be reason for a third party to join one or more sessions for a limited purpose. The license holder shall document in the record that the client or legal guardian has acknowledged understanding the purpose and need for the third party to be present and the circumstances and extent to which confidential information may be disclosed to the third party. The license holder shall document that the third party has provided an understanding that the individual is not a client, that there is no expectation of confidentiality between the license holder and the third party, and that the third party shall not have rights to access any part of the client's file (unless the client provides written authorization to release specific confidential information). A license holder shall not render opinions or recommendations to any person or entity, including but not limited to the client, any court, attorney, guardian ad litem, or other professional concerning such third parties.

(c) The license holder shall keep the client fully informed as to the purpose and nature of any treatment or other procedures, and of the person's right to freedom of choice regarding services offered. A license holder shall give a truthful, understandable, and reasonably complete account of a client's condition to the client or to those legally responsible for the care of the client in accord with informed consent processes.

(d) When a court or other adjudicative body orders an evaluation, assessment or intervention, the license holder shall document and inform the evaluatee(s) or client(s) of the parameters of the court order and shall not provide services or opinions beyond the parameters of the order.

(e) When a license holder 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 and family members), the license holder shall clarify with all parties and document the parties' understanding about how records of the services will be maintained, who has access to the records, and any limits of access to the records.

~~(4)~~ (5) Dependency. Due to an inherently influential position, a ~~psychologist or school psychologist~~ psychologist license holder shall not exploit the trust or dependency of any client, supervisee, evaluatee or other person with whom there is a professional psychological role, as that term is defined in paragraph ~~(Q)~~ (R) of rule 4732-3-01 of the Administrative Code.

~~(5)~~ (5) ~~Informed choice. A psychologist or school psychologist~~ shall accord each client informed choice, confidentiality, and reasonable protection from physical or mental harm or danger.

(6) Media. Psychological services for the purpose of diagnosis, treatment, or personalized advice shall be provided only in the context of a professional relationship, and shall

not be given by means of public lectures or demonstrations, ~~mail~~, newspaper or magazine articles, radio or television programs, or similar media.

- (7) Stereotypes. A ~~psychologist or school psychologist~~ license holder shall not impose on a client any stereotypes of behavior, values, or roles related to age, gender, religion, race, disability, nationality, or sexual orientation that would interfere with the objective provision of psychological services to the client.
- (8) Termination/alternatives. A ~~psychologist or school psychologist~~ license holder shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship, and shall offer to help locate alternative sources of professional services or assistance if indicated.
- (9) Referral. A ~~psychologist or school psychologist~~ license holder shall make an appropriate referral of a client to another professional when requested to do so by the client.
- (10) Continuity of care. A ~~psychologist or school psychologist~~ license holder shall make arrangements for another appropriate professional or professionals to deal with the emergency needs of his/her clients, as appropriate, during periods of foreseeable absence from professional availability.
- (11) Interruption of services.
  - (a) A ~~psychologist or school psychologist~~ license holder makes reasonable efforts to plan for continuity of care in the event that psychological services are interrupted by factors such as the license holder's illness, unavailability, relocation, or death, or the client's relocation or financial limitations.
  - (b) A ~~psychologist or school psychologist~~ license holder entering into employment or contractual relationships shall make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client care in the event that the employment or contractual relationship ends, with paramount consideration being given to the welfare of the client. A ~~psychologist or school psychologist~~ license holder who serves as an employer of other ~~psychologists or school psychologists~~ license holders has an obligation to make similar appropriate arrangements.
- (12) Practicing while impaired. A ~~psychologist or school psychologist~~ license holder shall not undertake or continue a professional psychological role when the judgment, competence, and/or objectivity of the ~~psychologist or school psychologist~~ license holder is impaired due to mental, emotional, physiological, pharmacological, or ~~substances~~ substance abuse conditions. If impaired judgment, competence, and/or objectivity develops after a professional role has been initiated, the ~~psychologist or~~

~~school psychologist~~ license holder shall terminate the professional role in an appropriate manner, shall notify the client and/or other relevant parties of the termination in writing, and shall assist the client, supervisee, or evaluatee in obtaining appropriate services from another appropriate professional.

~~(13)~~ (13) ~~Unforeseen multiple relationships. If a psychologist or school psychologist~~ determines that, due to unforeseen factors, a prohibited multiple relationship has developed, he or she shall take reasonable steps to resolve it with due regard for the welfare of the person(s) with whom there is or was a professional psychological role.

(D) Remuneration:

(1) Financial arrangements:

- (a) All financial arrangements shall be documented and made clear to each client in advance of billing, preferably within the initial session but no later than the end of the second session, unless such disclosure is contraindicated in the professional judgment of the licensee. In the event that disclosure is not made by the end of the second session, the ~~psychologist or school psychologist~~ license holder bears the burden of demonstrating that disclosure was contraindicated and that the client was not harmed as a result of non-disclosure.
- (b) A ~~psychologist or school psychologist~~ license holder shall not mislead or withhold from any client, prospective client, or third-party payer, information about the cost of his/her professional services.
- (c) A ~~psychologist or school psychologist~~ license holder shall not exploit a client or responsible payer by charging a fee that is excessive for the services performed or by entering into an exploitative bartering arrangement in lieu of a fee.
- (d) The primary obligation of a ~~psychologist or school psychologist~~ license holder employed by an institution, agency, or school is to persons entitled to his/her services through the institution, agency, or school. A ~~psychologist or school psychologist~~ license holder shall not accept a private fee or any other form of remuneration from such persons unless the policies of a particular institution, agency or school make explicit provision for private work with its clients by members of its staff. In such instances the client or guardian shall be fully apprised of available services and all policies affecting him/her, prior to entering into a private professional relationship with a ~~psychologist or school psychologist~~ license holder.
- (e) A ~~psychologist or school psychologist~~ license holder, when providing services to a pool of subscribers through a third-party payer capitation, or variation of capitation, reimbursement arrangement, who is thus being paid on other than a

strictly fee-for-service basis, shall disclose that information in writing to each client member of the subscriber pool at the beginning of the professional relationship with the client member. The written disclosure shall describe the nature of the reimbursement arrangement including that the third-party payer has established a set dollar amount that the ~~psychologist or school psychologist~~ license holder will be paid regardless of the cost or frequency of the services provided to the members of the subscriber pool.

- (2) Improper financial arrangements:
- (a) A ~~psychologist or school psychologist~~ license holder shall neither derive nor solicit any form of monetary profit or personal gain as a result of his/her professional relationship with clients or immediate ex-clients, beyond the payment of fees for psychological services rendered. However, unsolicited token gifts from a client are permissible.
  - (b) A ~~psychologist or school psychologist~~ license holder shall not use his/her professional relationship with clients or immediate ex-clients to derive personal gain, other than through fees for professional services, for himself/herself, or for any other person, or for any organization from the sale or promotion of a non psychology-related product or service.
  - (c) A ~~psychologist or school psychologist~~ license holder shall neither give nor receive any commission, rebate, or other form of remuneration for referral of a client for professional services, without full disclosure in advance to the client of the terms of such an agreement.
  - (d) A ~~psychologist or school psychologist~~ license holder shall not bill for services that are not rendered. However, he/she may bill for missed appointments that the client did not cancel in advance, if this is part of the financial arrangements made in accordance with paragraph (D)(1)(a) of this rule.
- (E) Multiple relationships. A multiple relationship exists when a ~~psychologist or school psychologist~~ license holder is in a professional psychological role pursuant to paragraph ~~(Q)~~(R) of rule 4732-3-01 of the Administrative Code and is in another relationship with the same person or entity or with an individual closely associated with the person or entity. Depending on the timing and nature of one's interactions before or after the establishment of a professional psychological role, multiple relationships can result in exploitation of others, impaired judgment by clients, supervisees and evaluatees, and/or impaired judgment, competence and objectivity of the psychologist or school psychologist. Psychologists and school psychologists actively identify and manage interpersonal boundaries to ensure that there is no exploitation of others and that professional judgment, competence, and objectivity within one's professional

psychological roles are not compromised.

- (1) In some communities and situations, unavoidable interpersonal contacts can occur due to cultural, linguistic, or geographical considerations. For purposes of this rule, incidental contacts in the personal life of a ~~psychologist or school psychologist~~ license holder with persons with whom there is or was a professional psychological role are not relationships. Nothing in this rule shall be construed to mean that a ~~psychologist or school psychologist~~ license holder is prohibited from undertaking a professional psychological role in an emergency situation, including effecting an appropriate referral when necessary to foster the welfare of others.
- (2) Prohibited multiple relationships. The board prescribes that certain multiple relationships are expressly prohibited due to inherent risks of exploitation, impaired judgment by clients, supervisees and evaluatees, and/or impaired judgment, competence or objectivity of the ~~psychologist or school psychologist~~ license holder.
  - (a) A ~~psychologist or school psychologist~~ license holder shall not:
    - (i) Undertake a professional psychological role with persons with whom he/she has engaged in sexual intercourse or other sexual intimacies; or
    - (ii) Undertake a professional psychological role with persons with whom he/she has had a familial, personal, social, supervisory, employment, or other relationship, and the professional psychological role results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a ~~psychologist or school psychologist~~ license holder.
  - (b) A ~~psychologist or school psychologist~~ license holder shall not:
    - (i) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any current client, supervisee, evaluatee, or with any person closely associated with a current client, supervisee, or evaluatee; or
    - (ii) Establish any personal, financial, employment, or other relationship with any current client, supervisee, or evaluatee, or with any individual closely associated with a current client, supervisee, or evaluatee and the ~~non-professional role multiple relationship~~ results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a ~~psychologist or school psychologist~~ license holder.
  - (c) A ~~psychologist or school psychologist~~ license holder shall not:
    - (i) Engage in sexual intercourse or other sexual intimacies; or, verbal or nonverbal conduct that is sexual in nature with any person with whom there

has been a professional psychological role at any time within the previous twenty-four months; or

(ii) Enter into any personal, financial, employment or other relationship (other than reestablishing a professional psychological role) with any person with whom there has been a professional psychological role at any time within the previous twenty-four months and the ~~non-professional role~~ multiple relationship results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a psychologist or school psychologist.

(d) A ~~psychologist or school psychologist~~ license holder shall not terminate or interrupt a professional role with any person for the purpose, expressed or implied, of entering into a sexual, personal, or financial relationship with that person or any individual closely associated with that person.

(e) The prohibitions established in paragraphs (E)(2)(b) and (E)(2)(c) of this rule extend indefinitely beyond twenty-four months after termination of the professional role if the person, secondary to emotional, mental, or cognitive impairment, remains vulnerable to exploitative influence.

(F) Testing and test interpretation:

(1) Assessment procedures:

(a) A ~~psychologist or school psychologist~~ license holder shall treat the results or interpretations of assessment regarding an individual as confidential information.

(b) A ~~psychologist or school psychologist~~ license holder shall accompany communication of results of assessment procedures to a client, or the parents, legal guardians, or other agents of the client with adequate interpretive aids or explanations in language these persons can understand.

(c) A ~~psychologist or school psychologist~~ license holder shall include in his/her report of the results of a test or assessment procedures any reservations regarding the possible inappropriateness of the test for the person assessed.

(d) A ~~psychologist or school psychologist~~ license holder offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering with a manual or other printed material that fully describes the development of the assessment procedure or service, its rationale, evidence of validity and reliability, and characteristics of the normative population. A ~~psychologist or school psychologist~~ license holder shall explicitly state the purpose and application for which the procedure is recommended and

identify special qualifications required to administer and interpret it properly. A ~~psychologist or school psychologist~~ license holder shall ensure that any advertisements for the assessment procedure or interpretive service are factual and descriptive. Such services are to be considered as a professional-to-professional consultation. A ~~psychologist or school psychologist~~ license holder shall make and document reasonable every effort efforts to avoid misuse of such assessment reports.

- (e) ~~The preparation of Psychologists shall not prepare~~ personnel reports and recommendations based on test data secured solely by mail ~~is unethical~~, unless such appraisals are an integral part of a continuing client relationship with a company, as a result of which the consulting psychologist has intimate knowledge of the client's personnel situation and can be assured thereby that his/her written appraisals will be adequate to the purpose and will be properly interpreted by the client. These reports ~~must~~ shall not be embellished with such comprehensive analyses of the subject's personality traits as would be appropriate only after intensive interviews with the subject.
- (f) A ~~psychologist or school psychologist~~ license holder shall choose only appropriate tests and give them only for a justifiable purpose to the benefit of a client.

(2) Test security. Psychological tests and other assessment devices shall not be reproduced or described in popular publications in ways that might invalidate the techniques. Test materials means manuals, instruments, protocols, and test questions or stimuli and does not include test data except as specified in paragraph (F)(3)(a) of rule 4732-17-01 of the Administrative Code. ~~Psychologists and school psychologists~~ License holders make reasonable efforts to maintain the integrity and security of test materials and other assessment techniques consistent with law and contractual obligations. Access to such devices is limited to persons with professional interests who will safeguard their use.

- (a) Sample items made up to resemble those of tests being discussed may be reproduced in popular articles and elsewhere, but scorable tests and actual test items shall not be reproduced except in professional publications.
- (b) A ~~psychologist or school psychologist~~ license holder is responsible for the security of psychologist tests and other devices and procedures used for instructional purposes.

(c) License holders shall not permit inadequately supervised use of psychological tests or assessment measures unless the measure is designed, intended, and validated for self-administration and self-administration is supported by the instructions of the test publisher.

(3) Test interpretation.

- (a) Test scores, like test materials, may be released to another person or an organization only in a manner that adheres to the client's rights to confidentiality as set forth in paragraph (G) of this rule.
- (b) Test results or other assessment data used for evaluation or classification are communicated to employers, relatives, or other appropriate persons in such a manner as to guard against misinterpretation or misuse. ~~Psychologists and school psychologists~~ License holders when interpreting and communicating assessment results take into account the purpose of the assessment as well as various test factors, test-taking abilities, and other characteristics of the person being assessed, such as situational, personal, linguistic, and cultural differences, that might affect professional judgments or reduce the accuracy of interpretations, and significant limitations of interpretations are indicated.
- (c) A ~~psychologist or school psychologist~~ license holder always respects the client's or guardian's right to know the results, the interpretations made, his/her conclusions, and the bases for his/her recommendations. When a license holder provides verbal communication of assessment results in the absence of a written report, this event shall be documented in the client record.

(G) Confidentiality

- (1) Confidential information is information revealed by an individual or individuals or otherwise obtained by a ~~psychologist or school psychologist~~ license holder, where when there is a reasonable expectation that it was revealed or obtained as a result of the professional relationship between the individual(s) and the ~~psychologist or school psychologist~~ license holder. Such information is not to be disclosed by the ~~psychologist or school psychologist~~ license holder without the informed consent of the individual(s).
  - (a) When rendering psychological services as part of a team or when interacting with other appropriate professionals concerning the welfare of a client, a ~~psychologist or school psychologist~~ license holder may share confidential information about the client provided that reasonable steps are taken to ensure that all persons receiving the information are informed about the confidential nature of the information being shared and agree to abide by the rules of confidentiality.
  - (b) When any case report or other confidential information is used as the basis of teaching, research, or other published reports, a ~~psychologist or school psychologist~~ license holder shall exercise reasonable care to ensure that the reported material is appropriately disguised to prevent client or subject identification.
  - (c) A ~~psychologist or school psychologist~~ license holder shall ensure that no

diagnostic interview or therapeutic sessions with a client are observed or electronically recorded without first informing the client or the client's guardian ~~and, where the sensitivity of the material requires it,~~ obtaining and documenting written consent from same.

- (d) A ~~psychologist or school psychologist~~ license holder shall limit access to client records and shall ensure that all persons working under his/her authority comply with the requirements for confidentiality of client material.
  - (e) A ~~psychologist or school psychologist~~ license holder shall continue to treat all information regarding a client as confidential after the professional relationship between the psychologist or school psychologist and the client has ceased.
  - (f) In a situation in which more than one party has an appropriate interest in the professional services rendered by a ~~psychologist or school psychologist~~ license holder to a client, the ~~psychologist or school psychologist~~ license holder shall, to the extent possible, clarify to all parties the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services.
    - (i) Such clarification is specifically indicated, among other circumstances, when the client is an organization or when the client has been referred by a third party.
    - (ii) In accord with paragraphs (C)(3) and (F)(3)(c) of this rule, a ~~psychologist or school psychologist~~ license holder shall clarify with the individual receiving services because of a third-party referral whether, and under what conditions-including costs, information or feedback will be provided to the individual receiving those psychological services.
- (2) Protecting confidentiality of clients. In accordance with section 4732.19 of the Revised Code, the confidential relations and communications between ~~a licensed psychologist or licensed school psychologist~~ license holders and clients are placed under the same umbrella of a privilege as those between physician and patient under division (B) of section 2317.02 of the Revised Code. The privilege is intended to protect the interest of the client by encouraging free disclosure to the ~~licensed psychologist or the licensed school psychologist~~ license holder and by preventing such free disclosure to others. Thus, the client rather than the ~~licensed psychologist or the licensed school psychologist~~ license holder holds and may assert the privilege.
- (a) A ~~psychologist or school psychologist~~ license holder shall not testify concerning a communication made to him/her by a client. The ~~psychologist or school psychologist~~ license holder may testify by express consent of the client or legal guardian or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of such deceased client. If

the client voluntarily testifies, the ~~psychologist or school psychologist~~ license holder may be compelled to testify on the same subject; or if the client, the executor or administrator files a claim against the ~~psychologist or school psychologist~~ license holder, such filing shall constitute a waiver of ~~this~~ the privilege with regard to the ~~care and treatment~~ services about ~~of~~ which complaint is made.

- (b) Court decisions construing the scope of the physician-patient privilege, pursuant to section 2317.02 of the Revised Code, are applicable to this privilege between ~~the licensed psychologist or licensed school psychologist~~ the license holder and the client.
- (c) A ~~psychologist or school psychologist~~ license holder may disclose confidential information without the informed written consent of a client when the ~~psychologist or school psychologist~~ license holder judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on himself/herself or on another person. In such case, the ~~psychologist or school psychologist~~ license holder may disclose the confidential information only to appropriate public authorities, the potential victim, professional workers, and/or the family of the client.
- (d) A ~~psychologist or school psychologist~~ license holder shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional duties. With the exceptions as required or permitted by statute, a ~~psychologist or school psychologist~~ license holder shall disclose confidential information to others only with the informed written consent of the client.
- (e) At the beginning of a professional relationship a ~~psychologist or school psychologist~~ license holder shall inform his/her client of the legal ~~limit~~ limits of confidentiality. To the extent that the client can understand, the ~~psychologist or school psychologist~~ license holder shall inform a client who is below the age of majority or who has a legal guardian of the limit the law imposes on the right of confidentiality. When services are provided to more than one patient or client during a joint session (for example to a family or couple, or parent and child, or group), a ~~psychologist or school psychologist~~ license holder shall, at the beginning of the professional relationship, clarify to all parties the limits of confidentiality.
- (f) Minor clients who are offered privacy as a means of facilitating free disclosure of information shall be told by the license holder that the parent(s) and/or guardian(s) have a right to access their records, unless otherwise prohibited by court order, statute, or rule. The license holder shall document in the record this disclosure to the minor client.

~~(f)~~(g) A ~~psychologist or school psychologist~~ license holder may release confidential information upon court order or to conform with state or federal laws, rules, or regulations.

~~(g)~~(h) A ~~psychologist or school psychologist~~ license holder shall be familiar with any relevant law concerning the reporting of abuse of children or vulnerable adults.

(H) Competence:

- (1) Limits on practice. A ~~psychologist or school psychologist~~ license holder shall limit his/her professional practice to those specialty areas in which competence has been gained through education, training, and experience. If important aspects of the client's problem fall outside the boundaries of competence, then the ~~psychologist or school psychologist~~ license holder assists his/her client in obtaining additional professional help.
- (2) Specialty standard of care. A ~~psychologist or school psychologist~~ license holder shall exercise sound judgment and care in determining what constitutes his/her area(s) of competence. A guiding principle is that one who undertakes practice in a given specialty area will be held to the standard of care within that specialty while he/she is practicing in that area.
- (3) Maintaining competency. A ~~psychologist or school psychologist~~ license holder shall maintain current competency in the areas in which he/she practices, through continuing education, consultation, and/or other training, in conformance with current standards of scientific and professional knowledge.
- (4) Adding new services and techniques. A ~~psychologist or school psychologist~~ license holder, when developing competency in a new area or in a new service or technique, shall engage in ongoing consultation with other psychologists, school psychologists, or appropriate professionals and shall seek continuing education in the new area, service or technique. A ~~psychologist or school psychologist~~ license holder shall inform any client whose treatment will involve a newly developing service or technique of its innovative nature and the known risks concerning those services and shall document informed consent provided by the client or legal guardian.
- (5) Limits on practice under school psychologist license. A school psychologist who does not hold a psychologist license shall not practice beyond the scope of the school psychologist license, as defined in division (E) of section 4732.01 of the Revised Code.
- (6) Referrals. A ~~psychologist or school psychologist~~ license holder shall make or recommend referral to other professional, technical, or administrative resources when such referral is in the best interests of the client.

- (7) Interprofessional relations. A ~~psychologist or school psychologist~~ license holder shall neither establish nor offer to establish a continuing treatment relationship with a person receiving ~~psychological assistance~~ mental health services from another professional, except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.

(I) Telepsychology.

- (1) "Telepsychology" means the practice of psychology or school psychology as those terms are defined in divisions (B) and (E) of section 4732.01 of the Revised Code, including psychological and school psychological supervision, by distance communication technology such as but not necessarily limited to telephone, email, Internet-based communications, and videoconferencing.
- (2) In order to practice telepsychology in the state of Ohio one must hold a current, valid license issued by the Ohio board of psychology or shall be a registered supervisee of a licensee being delegated telepsychology practices in compliance with paragraphs (B) and (C) of rule 4732-13-04 of the Administrative Code.
- (3) ~~Licensees~~ License holders understand that this rule does not provide licensees with authority to practice telepsychology in service to clients domiciled in any jurisdiction other than Ohio, and licensees bear responsibility for complying with laws, rules, and/or policies for the practice of telepsychology set forth by other jurisdictional boards of psychology.
- (4) ~~Licensees~~ License holders practicing telepsychology shall comply with all of these rules of professional conduct and with requirements incurred in state and federal statutes relevant to the practice of psychology and school psychology.
- (5) ~~Licensees~~ License holders shall establish and maintain current competence in the professional practice of telepsychology through continuing education, consultation, or other procedures, in conformance with prevailing standards of scientific and professional knowledge. ~~Licensees~~ License holders shall establish and maintain competence in the appropriate use of the information technologies utilized in the practice of telepsychology.
- (6) ~~Licensees~~ License holders recognize that telepsychology is not appropriate for all psychological problems and clients, and decisions regarding the appropriate use of telepsychology are made on a case-by-case basis. ~~Licensees~~ License holders practicing telepsychology are aware of additional risks incurred when practicing psychology or school psychology through the use of distance communication technologies and take special care to conduct their professional practice in a manner that protects the welfare of the client and ensures that the client's welfare is paramount. ~~Licensees~~ License holders practicing telepsychology shall:
- (a) Conduct a risk-benefit analysis and document findings specific to:

- (i) Whether the client's presenting problems and apparent condition are consistent with the use of telepsychology to the client's benefit; and
  - (ii) Whether the client has sufficient knowledge and skills in the use of the technology involved in rendering the service or can use a personal aid or assistive device to benefit from the service.
- (b) Not provide telepsychology services to any person or persons when the outcome of the analysis required in paragraphs (I)(6)(a)(i) and (I)(a)(ii) of this rule is inconsistent with the delivery of telepsychology services, whether related to clinical or technological issues.
- (c) Upon initial and subsequent contacts with the client, make reasonable efforts to verify the identity of the client;
- (d) Obtain alternative means of contacting the client;
- (e) Provide to the client alternative means of contacting the licensee;
- (f) Establish a written agreement relative to the client's access to face-to-face emergency services in the client's geographical area, in instances such as, but not necessarily limited to, the client experiencing a suicidal or homicidal crisis;
- (g) Licensees, whenever feasible, use secure communications with clients, such as encrypted text messages via email or secure websites and obtain and document consent for the use of non-secure communications.
- (h) Prior to providing telepsychology services, obtain the written informed consent of the client, in language that is likely to be understood and consistent with accepted professional and legal requirements, relative to:
- (i) The limitations and innovative nature of using distance technology in the provision of psychological or school psychological services;
  - (ii) Potential risks to confidentiality of information due to the use of distance technology;
  - (iii) Potential risks of sudden and unpredictable disruption of telepsychology services and how an alternative means of re-establishing electronic or other connection will be used under such circumstances;
  - (iv) When and how the licensee will respond to routine electronic messages;
  - (v) Under what circumstances the licensee and service recipient will use alternative means of communications under emergency circumstances;
  - (vi) Who else may have access to communications between the client and the licensee;
  - (vii) Specific methods for ensuring that a client's electronic communications are directed only to the licensee or supervisee;

- (viii) How the licensee stores electronic communications exchanged with the client;
- (7) Ensure that confidential communications stored electronically cannot be recovered and/or accessed by unauthorized persons when the licensee disposes of electronic equipment and data;
- (8) If in the context of a face-to-face professional relationship the following are exempt from this rule:
  - (a) Electronic communication used specific to appointment scheduling, billing, and/or the establishment of benefits and eligibility for services; and,
  - (b) Telephone or other electronic communications made for the purpose of ensuring client welfare in accord with reasonable professional judgment.
- (J) Violations of law:
  - (1) Violation of applicable statutes. A ~~psychologist or school psychologist~~ license holder shall not violate any applicable statute or administrative rule regulating the practice of psychology or school psychology.
  - (2) Use of fraud, misrepresentation, or deception. A ~~psychologist or school psychologist~~ license holder shall not use fraud, misrepresentation, or deception in obtaining a psychology or school psychology license, in taking a psychology or school psychology licensing examination, in assisting another to obtain a psychology or school psychology license or to take a psychology or school psychology licensing examination, in billing clients or third-party payers, in providing psychological or school psychological services, in reporting the results of those services, or in conducting any other activity related to the practice of psychology or school psychology.
- (K) Aiding illegal practice:
  - (1) Aiding unauthorized practice. A ~~psychologist or school psychologist~~ license holder shall not aid or abet another person in misrepresenting his/her professional credentials or in illegally engaging in the practice of psychology or school psychology.
  - (2) Delegating professional responsibility. A ~~psychologist or school psychologist~~ license holder shall not delegate professional responsibilities to a person not qualified and/or not appropriately credentialed to provide such services.
  - (3) Providing supervision. A ~~psychologist or school psychologist~~ license holder shall exercise appropriate supervision over supervisees, as set forth in the rules of the board.

- (4) Reporting of violations to board. A ~~psychologist or school psychologist~~ license holder who has substantial reason to believe that another ~~licensee~~ license holder or psychological or school psychological supervisee has committed an apparent violation of the statutes or rules of the board that has substantially harmed or is likely to substantially harm a person or organization shall so inform the board in writing; however, when the information regarding such violation is obtained in a professional relationship with a client, the ~~psychologist or school psychologist~~ license holder shall report it only with the written permission of the client. Under such circumstances the ~~psychologist or school psychologist~~ license holder shall advise the client of the name, address, and telephone number of the state board of psychology and of the client's right to file a complaint. The ~~psychologist or school psychologist~~ license holder shall make reasonable efforts to guide and/or facilitate the client in the complaint process as needed or requested by the client. Nothing in this rule shall relieve a ~~psychologist or school psychologist~~ license holder from the duty to file any report required by applicable statutes.
- (L) Supervision. Rules 4732-13-01, 4732-13-02, 4732-13-03, and 4732-13-04 of the Administrative Code, pertaining to supervision of persons performing psychological or school psychological work, shall be considered as a part of these rules of professional conduct.

This concluded review of OAC 4732-17-01.

Next, there was consensus to rescind and replace 4732-17-02 as follows:

**4732-17-02    ~~Ethics governing research insofar as said research involves the professional practice of psychology or school psychology in which client welfare is directly affected.~~**

~~null Ethical acceptability. In planning a study, the investigator has the personal responsibility to make a careful evaluation of its ethical acceptability, taking into account these principles for research with human beings. To the extent that this appraisal, weighing scientific and humane values, suggests a deviation from any principle, the investigator incurs an increasingly serious obligation to seek ethical advice and to observe more stringent safeguards to protect the rights of the human research participant.~~

~~(B) Treatment of participants. Responsibility for the establishment and maintenance of acceptable ethical practice in research always remains with the individual investigator. The investigator is also responsible for the ethical treatment of research participants by collaborators, assistants, students, and employees, all of whom, however, incur parallel obligations.~~

~~(C) Full disclosure. Ethical practice requires the investigator to inform the participant of all features of the research that reasonably might be expected to influence willingness to participate, and to explain all other aspects of the research about which the participant inquires. Failure to make full disclosure gives added emphasis to the investigator's abiding responsibility to protect the welfare and dignity of the research participant.~~

- ~~(D) Deception. Openness and honesty are essential characteristics of the relationship between investigator and research participant. When the methodological requirements of a study necessitate concealment or deception, the investigator is required to ensure the participant's understanding of the reasons for this action and to restore the quality of the relationship with the investigator.~~
- ~~(E) Freedom to decline. Ethical research practice requires the investigator to respect the individual's freedom to decline to participate in research or to discontinue participation at any time. The obligation to protect this freedom requires special vigilance when the investigator is in a position of power over the participant. The decision to limit this freedom gives added emphasis to the investigator's abiding responsibility to protect the participant's dignity and welfare.~~
- ~~(F) Agreement. Ethically acceptable research begins with the establishment of a clear and fair agreement between the investigator and the research participant that clarifies the responsibilities of each. The investigator has the obligation to honor all promises and commitments included in that agreement.~~
- ~~(G) Risk. The ethical investigator protects participants from physical and mental discomfort, harm and danger. If the risk of such consequences exists, the investigator is required to inform the participant of that fact, secure consent before proceeding, and take all possible measures to minimize distress. A research procedure may not be used if it is likely to cause serious and lasting harm to participants. The investigator shall comply with all relevant statutes and administrative rules concerning treatment of research subjects.~~
- ~~(H) Nature of study. After the data are collected, ethical practice requires the investigator to provide the participant with a full clarification of the nature of the study and to remove any misconceptions that may have arisen. Where scientific or humane values justify delaying or withholding information, the investigator acquires a special responsibility to assure that there are no damaging consequences for the participant.~~
- ~~(I) Debriefing. Where research procedures may result in undesirable consequences for the participant, the investigator has the responsibility to detect and remove or correct these consequences, including, where relevant, long-term aftereffects.~~
- ~~(J) Research confidentiality. Information obtained about the 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 this possibility, together with any rights that the participants may have to confidentiality as set forth in division (G) of rule 4732-17-01 of the Administrative Code, be explained to the participants as a part of the procedure for obtaining informed consent.~~
- ~~(K) Safeguards. Investigations of human subjects using experimental drugs (for example: hallucinogenic, psychotomimetic, psychedelic, or similar substances) should be conducted only in such settings as clinics, hospitals, or research facilities maintaining appropriate safeguards for the subjects.~~

(A) Institutional approval. When institutional approval is required, license holders provide accurate information about their research proposals and obtain approval prior to conducting the research. They conduct the research in accordance with the approved research protocol.

(B) Informed consent to research. When obtaining informed consent license holders inform participants about:

(1) The purpose of the research, expected duration, and procedures;

(2) Their right to decline to participate and to withdraw from the research once participation has begun;

(3) The foreseeable consequences of declining or withdrawing;

(4) Reasonably foreseeable factors that may be expected to influence their willingness to participate such as potential risks, discomfort, or adverse effects;

(5) Any prospective research benefits;

(6) Limits of confidentiality;

(7) Incentives for participation; and

(8) Whom to contact for questions about the research and research participants' rights. They provide opportunity for the prospective participants to ask questions and receive answers.

(C) License holders conducting intervention research involving the use of experimental treatments clarify to participants at the outset of the research:

(1) The experimental nature of the treatment;

(2) The services that will or will not be available to the control group(s) if appropriate;

(3) The means by which assignment to treatment and control groups will be made;

(4) Available treatment alternatives if an individual does not wish to participate in the research or wishes to withdraw once a study has begun; and

(5) Compensation for or monetary costs of participating including, if appropriate, whether reimbursement from the participant or a third-party payor will be sought.

(D) Informed consent for recording voices and images in research. License holders obtain informed consent from research participants prior to recording their voices or images for data collection unless:

(1) The research consists solely of naturalistic observations in public places, and it is not anticipated that the recording will be used in a manner that could cause personal identification or harm; or

(2) The research design includes deception, and consent for the use of the recording is obtained during debriefing.

(E) Client/patient, student, and subordinate research participants.

- (1) When license holders conduct research with clients/patients, students, or subordinates as participants, license holders take steps to protect the prospective participants from adverse consequences of declining or withdrawing from participation;
  - (2) When research participation is a course requirement or an opportunity for extra credit, the prospective participant is given the choice of equitable alternative activities.
- (F) Dispensing with informed consent for research. License holders may dispense with informed consent only where research would not reasonably be assumed to create distress or harm and involves :

- (1) The study of normal educational practices, curricula, or classroom management methods conducted in educational settings;
- (2) Only anonymous questionnaires, naturalistic observations, or archival research for which disclosure of responses would not place participants at risk of criminal or civil liability or damage their financial standing, employability, or reputation, and confidentiality is protected; or
- (3) The study of factors related to job or organization effectiveness conducted in organizational settings for which there is no risk to participants' employability, and confidentiality is protected; or
- (4) Where otherwise permitted by law or federal or institutional regulations.

(G) Offering inducements for research participation.

- (1) License holders make reasonable efforts to avoid offering excessive or inappropriate financial or other inducements for research participation when such inducements are likely to coerce participation;
- (2) When offering professional services as an inducement for research participation, license holders clarify the nature of the services, as well as the risks, obligations, and limitations.

(H) Deception in Research.

- (1) License holders do not conduct a study involving deception unless they have determined that the use of deceptive techniques is justified by the study's significant prospective scientific, educational, or applied value and that effective non-deceptive alternative procedures are not feasible;
- (2) License holders do not deceive prospective participants about research that is reasonably expected to cause physical pain or severe emotional distress;
- (3) License holders explain any deception that is an integral feature of the design and conduct of an experiment to participants as early as is feasible, preferably at the conclusion of their participation, but no later than at the conclusion of the data collection, and permit participants to withdraw their data.

(I) Debriefing.

- (1) License holders provide a prompt opportunity for participants to obtain appropriate information about the nature, results, and conclusions of the research, and they take reasonable steps to correct any misconceptions that participants may have of which the license holders are aware;
- (2) If scientific or humane values justify delaying or withholding this information, license holders take reasonable measures to reduce the risk of harm; and
- (3) When license holders become aware that research procedures have harmed a participant, they take reasonable steps to minimize the harm.

(J) Humane care and use of animals in research.

- (1) License holders acquire, care for, use, and dispose of animals in compliance with current federal, state, and local laws and regulations, and with professional standards;
- (2) License holders trained in research methods and experienced in the care of laboratory animals supervise all procedures involving animals and are responsible for ensuring appropriate consideration of their comfort, health, and humane treatment;
- (3) License holders ensure that all individuals under their supervision who are using animals have received instruction in research methods and in the care, maintenance, and handling of the species being used, to the extent appropriate to their role;
- (4) License holders make reasonable efforts to minimize the discomfort, infection, illness, and pain of animal subjects;
- (5) License holders use a procedure subjecting animals to pain, stress, or privation only when an alternative procedure is unavailable and the goal is justified by its prospective scientific, educational, or applied value;
- (6) License holders perform surgical procedures under appropriate anesthesia and follow techniques to avoid infection and minimize pain during and after surgery;
- (7) When it is appropriate that an animal's life be terminated, license holders proceed rapidly, with an effort to minimize pain and in accordance with accepted procedures;

(K) Reporting research results.

- (1) License holders do not fabricate data;
- (2) If license holders discover significant errors in their published data, they take reasonable steps to correct such errors in a correction, retraction, erratum, or other appropriate publication means.

(L) Plagiarism. License holders do not present portions of another's work or data as their own, even if the other work or data source is cited occasionally.

(M) Publication credit.

- (1) License holders take responsibility and credit, including authorship credit, only for work they have actually performed or to which they have substantially contributed;
- (2) Principal authorship and other publication credits accurately reflect the relative scientific or professional contributions of the individuals involved, regardless of their relative status. Mere possession of an institutional position, such as department chair, does not justify authorship credit. Minor contributions to the research or to the writing for publications are acknowledged appropriately, such as in footnotes or in an introductory statement.
- (3) Except under exceptional circumstances, a student is listed as principal author on any multiple-authored article that is substantially based on the student's doctoral dissertation. Faculty advisors discuss publication credit with students as early as feasible and throughout the research and publication process as appropriate.
- (N) Duplicate publication of data. License holders do not publish, as original data, data that have been previously published. This does not preclude republishing data when they are accompanied by proper acknowledgment.
- (O) Sharing research data for verification.
  - (1) After research results are published, license holders do not withhold the data on which their conclusions are based from other competent professionals who seek to verify the substantive claims through reanalysis and who intend to use such data only for that purpose provided that the confidentiality of the participants can be protected and unless legal rights concerning proprietary data preclude their release. This does not preclude license holders from requiring that such individuals or groups be responsible for costs associated with the provision of such information;
  - (2) License holders who request data from other license holders to verify the substantive claims through reanalysis may use shared data only for the declared purpose. Requesting license holders obtain prior written agreement for all other uses of the data.
- (P) Reviewers. License holders who review material submitted for presentation, publication, grant, or research proposal review respect the confidentiality of and the proprietary rights in such information of those who submitted it.

Based on the recommendation of the Rules Committee regarding OAC 4732-17-03, the following changes were presented and agreed to:

**4732-17-03 Bases and procedures for disciplinary actions.**

- (A) In accordance with section 4732.17 of the Revised Code, after considering charges filed by the secretary and after providing a hearing in accordance with Chapter 119. of the Revised Code, the board may refuse to issue a license to any applicant, including any person whose license ~~was previously lapsed~~ has expired, placed in retired status, or has been revoked or suspended, or may issue a reprimand, or suspend or revoke the license of any licensed psychologist or licensed school psychologist, on any of the ~~following~~

grounds enumerated in division (A) of section 4732.17 of the Revised Code.:

- ~~(1) Conviction of a felony, or of any offense involving moral turpitude, in a court of this or any other state or in a federal court;~~
  - ~~(2) Using~~
  - ~~(3) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals without full disclosure in advance to the consumer of the terms of such an agreement;~~
  - ~~(4) Willful unauthorized communication of information received in professional confidence;~~
  - ~~(5) Being negligent in the practice of psychology or school psychology;~~
  - ~~(6) Using (7) Violating any rule of professional conduct promulgated by the board;~~
  - ~~(8) Practicing in an area of psychology or school psychology for which the person is clearly untrained or incompetent;~~
  - ~~(9) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have his/her license issued or restored only upon determination by a court that he/she is competent for the purpose of holding the license and upon the decision by the board that such license be issued or restored. The board may require an examination prior to such issuance or restoration.~~
  - ~~(10) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider. However, no sanction will be imposed against any licensee who waives deductibles and copayments in compliance with a health benefit plan that expressly allows such a practice...or for services rendered to another licensee of this board to the extent allowed under law and the rules of the board.~~
  - ~~(11) Advertising that he/she will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers psychological services, would otherwise be required to pay.~~
- (B) Notice and hearing requirements incident to the revocation, suspension, or refusal to issue, reinstate, or renew a license to practice psychology or school psychology, or incident to the reprimand of a licensee, as described in paragraph (A) of this rule, shall be in compliance with the provisions of Chapters 119. and 4732. of the Revised Code, including the following:
- (1) Notice of opportunity. Notice shall be given to the licensee or applicant for licensure by certified mail of the right to a hearing on the question of whether or not the license should be revoked, suspended, not reinstated, or denied, or whether, if a

licensee, he/she should be reprimanded;

- (2) Charges. The notice shall include the charges or other reasons for such proposed action, the law(s) and/or rule(s) directly involved, and a statement informing the licensee or applicant for licensure that he/she is entitled to a hearing, if it is requested within thirty days after the date of mailing the notice.
  - (3) Representation. The notice shall also inform the licensee or applicant for licensure that at the hearing he/she may appear in person, or be represented by his/her attorney, or may present his/her position, arguments, or contentions in writing and that at the hearing he/she may present evidence and examine witnesses appearing for and against him/her;
  - (4) Hearing date. Whenever a licensee or applicant for licensure requests a hearing, the board shall immediately set the date, time, and place for such hearing and forthwith notify the licensee or applicant for licensure thereof. The date set for such hearing shall be within fifteen days, but not earlier than seven days, after the licensee or applicant for licensure has requested a hearing, unless otherwise agreed to by both the board and the licensee or applicant for licensure. However, the board may postpone or continue any adjudication hearing upon the application of any party or upon its own motion;
  - (5) Hearing. The board may empower any one or more of its members to conduct any proceeding, hearing, or investigation necessary to its purposes;
  - (6) Appeal. Any party adversely affected by any order of the board issued pursuant to an adjudication hearing may appeal from the order of the board to the court of common pleas of the county in which the place of business of the licensee or applicant for licensure is located or the county in which the licensee or applicant for licensure is a resident. If any such party is not a resident of and has no place of business in Ohio, he/she may appeal to the court of common pleas of Franklin county, Ohio. Any party desiring to appeal shall file a notice of appeal with the board setting forth the order appealed from and the grounds of the appeal. A copy of such notice of appeal shall also be filed by appellant with the court. Such notices of appeal shall be filed within fifteen days after the mailing of the notice of the board's order.
- (C) If the board receives notice pursuant to section 2301.373 of the Revised Code, effective November 15, 1996, that an individual is in default under a child support order, the board will refuse to issue or renew any license for that individual and will suspend any current license of that individual as required by that section. The board need determine only that the individual named in the notice received pursuant to section 2301.373 of the Revised Code is the same individual applying for issuance or renewal of a license or holding a current license. The procedures applicable to refusal to issue or renew a license or suspend a license pursuant to section 2301.373 of the Revised Code shall be governed only by that section and, therefore, are not subject to the procedures set forth in Chapter 119. or section 4732.17 of the Revised Code, or paragraphs (A) and/or (B) of this rule.
- (D) Pre-hearing procedures

(1) Exchange of documents and witness lists

- (a) Any representative of record may serve upon the opposing representative of record a written request for a list of both the witnesses and the documents intended to be introduced at hearing. All lists requested under this rule shall be exchanged no later than seven days prior to the commencement of the administrative hearing.
- (b) Failure without good cause to comply with paragraph (A) of this rule may result in exclusion from the hearing of such testimony or documents, upon motion of the representative to whom disclosure is refused.

(2) Pre-hearing conference

- (a) At any time prior to hearing, the attorney hearing examiner or presiding board member may direct participation by the representatives of record in a prehearing conference. Such conference may be initiated by the attorney hearing examiner, by the board, or upon motion of either representative.
- (b) Pre-hearing conferences may be held for the following purposes:
  - (i) Identification of issues;
  - (ii) Obtaining stipulations and admissions;
  - (iii) Agreements limiting the number of witnesses; Discussion of documents, exhibits, and witness lists;
  - (iv) Discussion of documents, exhibits, and witness lists;
  - (v) Estimating the time necessary for hearing;
  - (vi) Discussion of any other matters tending to expedite the proceedings.
- (c) All representatives of record shall attend the prehearing conference fully prepared to discuss the items enumerated in paragraph (B) of this rule.
- (d) Procedural orders may be issued by the attorney hearing examiner or presiding board member based upon information obtained at a prehearing conference.

(3) Requirements for pre-hearing exchange of information. The hearing examiner or presiding board member shall, upon written motion of any representative of a party, issue an order setting forth a schedule by which the parties shall exchange hearing exhibits, identify lay and expert witnesses and exchange written reports from expert witnesses. Any written report by an expert required to be exchanged shall set forth the opinions to which the expert will testify and the bases for such opinions. The failure of a party to produce a written report from an expert under the terms of the order shall result in the exclusion of that expert's testimony at hearing. The failure of a party to produce an exhibit under the terms of the order shall result in the exclusion of that exhibit from evidence. The failure of a party to identify a lay or expert witness under the terms of the order may result in the exclusion of that witness' testimony at hearing.

- (4) Status conference. With or without written motion from the representative of any party, the attorney hearing examiner or presiding board member may convene a status conference with representatives of the parties to address any matter related to preparation for hearing or the conduct of a hearing. The hearing examiner may issue such orders related to preparation for hearing and the conduct of the hearing which in the judgment of the hearing examiner facilitate the just and efficient disposition of the subject of the hearing.
- (5) Depositions and transcripts of prior testimony.
  - (a) Upon written motion of any representative of record, and upon service of that motion to all other representatives, the attorney hearing examiner may order that the testimony of a prospective witness be taken by deposition under such conditions and terms as specified in the order and that any designated books, papers, documents or tangible objects, not privileged, be produced at the same time and place if it appears probable that:
    - (i) The prospective witness will be unavailable to attend or will be prevented from attending a hearing; and
    - (ii) The testimony of the prospective witness is material; and
    - (iii) The testimony of the prospective witness is necessary in order to prevent a failure of justice. In the case of an expert witness, a showing of the unavailability of the expert shall not be necessary for consideration of the motion of a representative to take a deposition.
  - (b) The representatives shall agree to the time and place for taking the deposition in lieu of live testimony. Depositions shall be conducted in the same county in which the hearing is conducted unless otherwise agreed to by the representatives. If the representatives are unable to agree, the attorney hearing examiner or presiding board member shall set the time or fix the place of deposition. At a deposition taken pursuant to this rule, representatives shall have the right, as at hearing, to fully examine witnesses. The attorney hearing examiner has the discretion to be present at the deposition in lieu of testimony at hearing.
  - (c) A deposition taken under this rule shall be filed with the board not later than one day prior to hearing, and may be offered into evidence at hearing by either representative in lieu of the prospective witness' personal appearance. The cost of preparing a transcript of any testimony taken by deposition in lieu of live testimony which is offered as evidence at the hearing shall be borne by the board. In the event of appeal, such costs shall be made a part of the cost of the hearing record. The expense of any video deposition shall be borne by the requestor.
  - (d) Any deposition or transcript of prior testimony of a witness may be used for the purpose of refreshing the recollection, contradicting the testimony or impeaching the credibility of that witness. If only a part of a deposition is offered into evidence by a representative, the opposing representative may offer

any other part. Nothing in this paragraph shall be construed to permit the taking of depositions for purposes other than those set forth in paragraph (A) of this rule.

- (e) A transcript of testimony and exhibits from a prior proceeding may be introduced for any purpose if that prior proceeding forms the basis for the allegations in the current case. Upon offering part of a transcript or exhibit from a prior proceeding, the offering representative may be required by the opposing representative to present any other part of the offered item which should in fairness be considered contemporaneously with it.
- (6) Prior action by the board. The attorney hearing examiner or presiding board member shall admit evidence of any prior action entered by the state board of psychology against the respondent.
- (7) Stipulation of facts. Representatives of record may, by stipulation, agree on any or all facts involved in proceedings before the attorney hearing examiner or presiding board member. Thereafter the attorney hearing examiner or presiding board member may require development of any fact deemed necessary for just adjudication.
- (8) Witnesses.
  - (a) All witnesses shall testify under oath or affirmation.
  - (b) A witness may be accompanied and advised by legal counsel. Participation by counsel for a witness other than the respondent is limited to protection of that witness' rights, and that legal counsel may neither examine nor cross-examine any witnesses.
  - (c) Should a witness refuse to answer a question ruled proper at a hearing or disobey a subpoena, the board may institute contempt proceedings pursuant to section 119.09 of the Revised Code.
  - (d) The presiding attorney hearing examiner or any board member, because of his [or her](#) duties, shall not be a competent witness nor subject to deposition in any adjudication proceeding. Unless the testimony of a board member or an attorney hearing examiner is material to the factual allegations set forth in the notice of opportunity for hearing, board members and attorney hearing examiners shall not be competent witnesses nor subject to deposition in any adjudication proceeding. Evidence from other persons relating to the mental processes of the presiding attorney hearing examiner or board members shall not be admissible.
  - (e) Any representative of record may move for a separation of witnesses. Expert witnesses shall not be separated.
  - (f) Each representative of record shall inform the attorney hearing examiner or presiding board member prior to the commencement of a hearing of the identity of each potential witness for his cause present in the hearing room. Failure to so identify potential witnesses at this time may be grounds for their later

disqualification as witnesses.

(g) No witnesses shall be permitted to testify as to the nature, extent, or propriety of disciplinary action to be taken by the board. A witness may, in the discretion of the attorney hearing examiner or presiding board member, testify as to an ultimate issue of fact.

(9) Conviction of a crime. A certified copy of a plea of guilty to, or a judicial finding of guilt of any crime in a court of competent jurisdiction is conclusive proof of the commission of all of the elements of that crime.

(10) The "Ohio Rules of Evidence" may be taken into consideration by the board or its attorney hearing examiner in determining the admissibility of evidence, but shall not be controlling. The attorney hearing examiner or presiding board member may permit the use of electronic or photographic means for the presentation of evidence.

Finally, OAC 4732-19-01 and OAC 4732-21-01 were presented and it was agreed that there would be no changes to the rules:

**4732-19-01 Enforcement and discipline.**

Licensed psychologists and licensed school psychologists governed by Chapter 4732. of the Revised Code and by these rules shall be disciplined in accordance with Chapters 4732. and 119. of the Revised Code for violation of these rules.

**4732-21-01 Independent rules.**

Each rule of rules 4732-1-01 to 4732-21-01 of the Administrative Code and every part of each rule is hereby declared to be an independent rule, and the holding of any rule or part thereof to be unconstitutional, void or ineffective for any cause shall not affect the validity or constitutionality of any other rule or part thereof.

Relative to a rule previously approved on October 2, 2014, Dr. Ross called attention to a proposed change that would eliminate the limit of four supervisees in favor of a limit on the number of clients and/or training subjects seen on a weekly basis by all supervisees. The previously approved rule read:

**4732-13-04 Requirements pertaining to supervision.**

(B) Supervisor responsibilities pertaining to professional work supervision and professional training supervision.

~~(8)~~ (9) A ~~licensed psychologist or licensed school psychologist~~ supervisor shall not concurrently supervise more than four unlicensed persons who are working under professional work and/or training supervision, as defined in paragraph (A) or (B) of rule 4732-13-03 of the Administrative Code, without the written, express permission of the state board of psychology. This limitation on supervision does not apply to mental health worker supervision as described in paragraph (A) of this rule.

The proposed changes were presented. After discussion, including a recommendation made by Dr. McCarley to afford some flexibility in emergency situations, the following language was agreed to:

~~(8)-(9) A licensed psychologist or licensed school psychologist supervisor shall not concurrently supervise more than four unlicensed persons actively monitor the weekly number of clients and/or training subjects of supervisees~~ who are working under professional work and/or training supervision, as defined in paragraph (A) or (B) of rule 4732-13-03 of the Administrative Code, ~~without the written, express permission of the state board of psychology.~~ Although there is no limit on the number of supervisees registered with the board as required in paragraph (25) of this rule, a supervisor shall not on a weekly basis, emergency situations excepted, delegate work to supervisees that affects more than one hundred total clients and/or training subjects. This limitation on supervision does not apply to mental health worker supervision as described in paragraph (A) of this rule.

There was strong agreement to make this change based upon the rationale that the Board should be more concerned about the number of clients/training subjects for which the supervisor has responsibility, as opposed to the number of supervisees per se, and that the current form and process required to seek Board authorization to exceed for supervisees seems to be an unnecessary regulatory burden.

Dr. McCarely also suggested that the Supervisee Registration Form be amended via the addition of a section requiring the supervisor to estimate the weekly client contact hours of the supervisee. This is intended to assist supervisors with self-monitoring of the number of clients to be seen on a weekly basis, and to assist the staff with monitoring. Dr. Ross agreed to make a change to the SRF for this purpose, given the consensus of the Board.

Dr. Randolph commended the Rules Committee for its work, and she invited a motion to approve all of the rules agreed to above. Dr. Drude made a motion to authorize Dr. Ross to file the rules; Mr. Hoffman second.

**A vote was taken:**

Aye: Dr. Drude, Dr. McCarley, Dr. Cole, Dr. Rabold, Mr. Hoffman, Mr. Keller

Nay: None

Abstain: None

**The motion passed.**

Next, the test version of the Board's new website was reviewed. There was great praise and gratitude offered by Dr. Randolph, Dr. Ross, and the entire Board to Ms. Knauss and Ms. Danko for their efforts and initiative on this project, completed under the guidance of Dr. Drude as Chair of the Communications and Technology Committee.

The new (test) website was projected for the Board's review of the its functionality, structure, and design. The primary change agreed to by the Board related to adding a new section that provides links directly to the ethics codes of the Association of State and Provincial Psychology Boards, the American Psychological Association, the National Association of School Psychologists, and the Behavior Analyst Certification Board. This followed discussion about linking directly to the external websites vs. linking to PDF versions

of the ethics codes. Mr. Hoffman raised particularly pertinent issues about risks incurred when linking to external websites. Ultimately he recommended linking directly to the external sites (as opposed to linking to PDF files of ethics codes) and monitoring for broken links, which could signal changes on the external sites and which would trigger staff research into the changes.

Dr. Rabold asked when the new rules will go into effect. Dr. Ross briefly explained the steps to be taken, and estimated that the rules should be effective in March, 2015.

Dr. Randolph sought any additional comments concerning the website. Hearing none, a motion was sought, and Dr. Drude made a motion authorizing the staff to take necessary steps to put the test website into production; Dr. McCarley second.

**A vote was taken:**

Aye: Dr. Drude, Dr. McCarley, Dr. Cole, Dr. Rabold, Mr. Hoffman, Mr. Keller

Nay: None

Abstain: None

**The motion passed.**

Dr. Randolph reported that she wanted to go on record thanking Dr. Drude, Ms. Knauss, Ms. Danko, and Dr. Ross for their work on the website.

Dr. McCarley made a motion that Dr. Ross draft a policy requiring the Communications and Technology Committee to conduct an annual review of the website, and to make a report to the Board during the first meeting of each calendar year about major changes to content and structure; Dr. Drude second.

**A vote was taken:**

Aye: Dr. Drude, Dr. McCarley, Dr. Cole, Dr. Rabold, Mr. Hoffman, Mr. Keller

Nay: None

Abstain: None

**The motion passed.**

Dr. Ross reported that the oral examination will need to be updated as the new rules are promulgated, and Drs. Cole and Rabold reported that there are already some outdated questions from the statute (which was amended effective March 2014). This served as a segue to the pending discussion.

At 12:05 PM Dr. Randolph called for a 15-minute break to be followed by a working lunch and open forum on the oral examination, a report from Dr. Ross, and a brief president's report.

At 12:20 PM a discussion about the oral examination was led by Dr. Randolph. She first asked each member to share perspectives about the purpose of the examination process. There was general consensus that the purpose was to protect the public by requiring the licensure applicant to demonstrate a command of the laws and rules, to be able to distinguish among them, and to be able to locate them as needed.

Dr. Randolph stated that determining the best vehicle to meet this purpose is the next step. There was discussion and some various perspectives about the value in meeting each licensure candidate in a face-to-face forum. Dr. Ross expressed his longstanding belief that it would be better to use resources to teach candidates about the laws and rules as opposed

to testing memorization. He added that potentially there should be a pre-test to ensure adequate studying of the law and rules, to be followed by some type of workshop. There was general consensus that "workshop" was not the best word to capture the possible process. There was some discussion about preparing an online measure, and Dr. McCarley raised the concept of offering Mandatory Continuing Education (MCE) credit for licensees who engage in the process and demonstrate current knowledge. Inter-rater reliability was discussed. Several members offered a vision for what a new process could look like.

Dr. Randolph stated that there seemed to be consensus that there is a desire for a different vehicle than the current examination process. She reported that it sounded as though there is some agreement that the candidate should demonstrate core knowledge, possibly through a qualifying "pre-test," a "seminar," and then an oral examination. She referred to a "three-step process" that deserves more discussion. Additional discussion followed about accommodating an increasing number of candidates, which required the addition of four additional examination dates in 2014, in excess of the quarterly examinations following meetings of the Board. There was agreement that the discussion would continue at the January 29, 2015 business meeting.

### **EXECUTIVE DIRECTOR'S REPORT**

- 1) **Payroll and time sheet submission deadlines.** Dr. Ross reminded the members of the Board to make a concerted effort to submit time sheets following each pay period, no later than the Tuesday following the end of the pay period. He explained that consistently receiving time sheets helps with budgeting, which can become problematic and require resources from DAS and OBM, especially when time sheets from previous quarters are turned in late.
- 2) **COBA certification and jurisprudence workshop in rule.** Dr. Ross reported that approximately fifty-eight Certified Ohio Behavior Analysts have been certified so far during the grandfather period (ending with applications received after April 7, 2015), during which there is no fee and no examination. He directed the Board's attention OAC 4783-4-01, which requires that, starting April 2015, there needs to be a "jurisprudence workshop" and that candidates must pass a "post-workshop written examination." He expressed concern that there could be very few attendees, given the number of applications received and certificates issued during the grandfather period. He reported that we can change the rule or follow through with the current rule. He sought feedback. Dr. Drude stated that developing a workshop and examination did not seem to be a good use of resources. Discussion followed.

Dr. Drude made a motion that the Board develop an amended rule that would not require a "jurisprudence workshop," and would, instead potentially require passing a written examination, to be discussed in detail during the January 29, 2015 meeting; Dr. Cole second.

#### **A vote was taken:**

Aye: Dr. Drude, Dr. McCarley, Dr. Cole, Dr. Rabold, Mr. Hoffman, Mr. Keller

Nay: None

Abstain: None

#### **The motion passed.**

- 3) **New payroll approval process for executive director.** Dr. Ross reviewed recommended changes to Policy 10.5 *Executive Director Time Reporting and Accountability*, because of technical issues within the payroll system and a desire for the Board President or designee to review the time sheet and indicate receipt so that

the payroll can be approved by proxy (DAS Human Resources).

Dr. McCarley made a motion to approve the policy change; Mr. Keller second;

**A vote was taken:**

Aye: Dr. Drude, Dr. McCarley, Dr. Cole, Dr. Rabold, Mr. Hoffman, Mr. Keller

Nay: None

Abstain: None

**The motion passed.**

- 4) **ASPPB annual meeting summary.** Dr. Ross thanked Dr. Drude for writing a brief summary of the October 2014 Annual Meeting of ASPPB distributed by Dr. Ross with the daily meeting agenda. He asked Dr. Drude for comments. Dr. Drude expressed being encouraged by the most noteworthy highlight—apparent unanimity among the jurisdictions present that the Interstate Compact for Telepsychology was moving in the right direction.

**PRESIDENT'S REPORT**

- 1) **Oral examination summary, backlog, and additional scheduling.** Dr. Randolph reviewed a summary report distributed with the agenda, indicating an increase in demand for the oral examination during 2014. There was discussion about the number of times that the oral examination will need to be offered during 2015.
- 2) **Committee assignments and chair appointments.**
  - a. Rules Committee: There was consensus to delay until a future meeting any action on assigning a chair to the Rules Committee, given that the committee is not active in between episodes of rule writing.
  - b. Communications and Technology Committee: Dr. Drude agreed to continue to chair this committee, with Mr. Hoffman, Ms. Knauss, and Dr. Ross to serve on the committee.
  - c. Education Committee: Dr. Randolph recommended that this committee continue, emphasizing its potential importance relative to new examination processes, but will step down as chair. Dr. Cole will serve as committee chair, with Dr. Rabold, Dr. Ross, and potentially others to serve on the committee.

**New Business**

Dr. Drude offered a motion to reappoint Dr. Ross to serve as the entrance examiner during 2015, pursuant to ORC 4732.10 (A); Mr. Hoffman second.

**A vote was taken:**

Aye: Dr. Drude, Dr. McCarley, Dr. Cole, Dr. Rabold, Mr. Hoffman, Mr. Keller

Nay: None

Abstain: None

**The motion passed.**

Dr. Ross reported that he would present his workforce plan to the Board in January, 2015, emphasizing that the primary challenges facing the Board and its staff is the unanticipated loss of personnel, and that the remedy is to create "desk manuals" with step-by-step instructions on critical tasks to foster cross-training and continuity of customer service.

**ADJOURN**

Hearing no other new business, in response to a request by Dr. Randolph, the meeting was adjourned by consensus.

**The meeting was adjourned at 2:15 PM.**

**[SIGNED COPY ON FILE AT THE BOARD OFFICE]**

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Ronald Ross, Ph.D.  
Executive Director

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Alice Randolph, Ed.D.  
President

Scheduled meetings:

Board Business Meeting: January 29, 2015; 10:30AM	Columbus, Riffe Center
Board Meeting (Retreat): March 5, 2015; 9:00AM	Columbus, Riffe Center
Board Business Meeting: April 23, 2015; 10:30AM	Columbus, Riffe Center