Ohio Board of Psychology

Summary of Selected Rule Changes
Effective June 8, 2015
Ohio Administrative Code (OAC) Chapter 4732

The Ohio Board of Psychology's recent rule writing process included stakeholder meetings and a call for comments sent by email to all license holders. The amended rules effective June 8, 2015 have been published in the OAC and can be found at http://psychology.ohio.gov/Laws-Rules/Psychology-Law-and-Rules. Although several rules were not amended and there were some technical and cosmetic corrections, many rules have undergone significant substantive changes. There are numerous rule changes not referenced in this summary, so do not rely on this summary in isolation.

OAC 4732-1-06 Biennial registration

Changes reflect the new renewal category of "retired" psychologist or school psychologist set in statute (Ohio Revised Code 4732.142). Those wishing to retire and cease practice while maintaining use of the title "psychologist" may do so starting with the 2016 license renewal period for a fee of $50 without any MCE requirements. New rule (E) addresses requirements for the reinstatement of a "retired" license—a form will need to be completed, the most recent renewal fee paid and the most recent MCE requirements met, but the statutory $250 reinstatement penalty is waived. If deemed necessary by the Board to determine the current competency of the retired license holder seeking license reinstatement, an oral examination may be required.

OAC 4732-3-01 Definitions

The definition of "professional psychological role" was updated in paragraph (R) to add the supervisor-supervisee relationship and those license holders in an evaluative role concerning a student's academic and/or applied performance.

OAC 4732-13-04 Requirements pertaining to supervision

There is no longer a requirement to seek Board permission to exceed four supervisees, although there is a new cap on supervisees' weekly clients. This change in (B) Supervisor responsibilities (9) eliminates the longstanding "more than four" requirement, but sets a total supervisee client cap at one hundred per week. The rule states, "A supervisor shall actively monitor the weekly number of clients and/or training subjects of supervisees…Although there is no limit on the number of supervisees registered with the board…a supervisor shall not on a weekly basis, emergency situations excepted, delegate work to supervisees that affects more than one hundred total clients." There is no requirement to notify the Board about weekly supervisee client hours, although all supervisees still need to be registered. Supervisors with large supervisee client caseloads should immediately review weekly contacts and make any necessary adjustments to comply with the new cap. Limiting the weekly supervisee client caseload to one hundred (whether you have four supervisees or ten supervisees) is a matter of self-governance and ethical practice.

OAC 4732-17-01 General rules of professional conduct

1) "Sexual harassment" is newly defined in (B) Negligence (2) and is prohibited in connection with the license holder's professional activities and roles.

2) New rules address the client's access to records in (B) Negligence (7) Maintenance and retention of records. License holders "shall provide clients with reasonable access to records…and only 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."

3) There are new documentation requirements in (B) Negligence (7):

    - Notation of providing verbal communication of assessment results in the absence of a written report.
    - Documentation of written informed consent, permission, or assent, as warranted by the circumstances, for treatment or evaluation prior to proceeding with the provision of services.
    - Justification and rationale for not releasing records to a client in response to a request, including clearly stated treatment reasons that disclosure of the requested records is likely to have an adverse effect on the client.
    - 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.

4) Another change to (B) Negligence (7) eliminates the requirement to keep the full record for five years and a summary or general record for an additional seven years (a total of twelve years). Effective immediately, instead of the two retention periods, there is only one retention period—all contents of the record must be retained for 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. This applies to all of your records regardless of when the services began. If you have files with a last date of service before June 8, 2008, they may be destroyed in a manner that safeguards confidentiality. Another new rule indicates that records documenting services rendered to minors must be retained 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. This is also effective immediately.

5) Significant changes have been made to (C) Welfare of the client (1) Conflicts of interest, including the following new rules:

    - "(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)."

6) Another new rule (C) Welfare of the client (1) (e) clarifies that, "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 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."

7) Updated (C) Welfare of the client (2) includes new rules specific to "unforeseen multiple relationships":

    - "(b) 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."
    - "(c) 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."
    - "(d) 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."

8) Updated (C) Welfare of the client (4) clarifies and expands on informed consent requirements relative to clients, evaluees, and other persons:

    - "(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."

- "(d) When a court or other adjudicative body orders an evaluation, assessment or intervention, the license holder shall document and inform the evaluee(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."

9) A new rule (F) Testing and test interpretation (2) Test security (c) states, "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."

10) A new rule (G) Confidentiality (2) (f) indicates that "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."

11) The old text of the research ethics and safeguards rule 4732-17-02 has been replaced by new requirements found in the most recent APA Code of Conduct.

We hope this summary is helpful. Please make time to become familiar with all of the updated rules.

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Executive Director

June 5, 2015