

***ORAL EXAMINATION  
PREPARATION MANUAL  
FOR SCHOOL PSYCHOLOGY LICENSURE CANDIDATES  
IN THE STATE OF OHIO***

**FOR ORAL EXAMINATIONS ADMINISTERED AFTER OCTOBER 1, 2008**



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TO: SCHOOL PSYCHOLOGY LICENSURE CANDIDATES  
STATE OF OHIO

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EXECUTIVE DIRECTOR

DATE: August 2008

As described elsewhere, the State Board of Psychology recently amended its policies relative to the examination process for the School Psychology license. In addition to discontinuing the use of an essay examination and establishing a new pass-point on the Praxis-School Psychology Specialty Area Examination, the Board is now using an updated version of the oral examination administered to all candidates for licensure in Ohio. While it is similar to past versions in its format, the updated examination contains questions drawn from a subset of important Ohio statutes relevant to the practice of psychology and not specifically contained with the psychology law. In addition, previous versions of the examination were not accompanied by a manual serving to focus the candidate's attention on the specific subset of laws and rules on which examination questions are based. Note that the oral examination is based exclusively on Ohio laws and administrative rules.

Accordingly, this manual has been prepared for your use and is intended to provide easy access to each Ohio law and administrative rule from which oral examination questions are drawn. Candidates are reminded that, while this packet contains the State laws and Board rules used to write the updated oral examination questions, there are additional laws and rules governing Board procedures and various responsibilities of Ohio psychologists not referenced within the current version of the examination. Licensees are responsible for adhering to all laws and rules governing the profession. Examination candidates are responsible for demonstrating mastery of the subset of selected statutes and rules contained in the manual.

Members of the School Psychology Licensing Committee administer the examination to candidates for the School Psychology license. The examination does not include a clinical skills assessment or any specific references to NASP Code, or other professional codes of conduct. Candidates will note, however, that the Rules of Professional Conduct (OAC 4732-17-01) are based on various historical versions of the Code of Conduct published by the American Psychological Association. Ohio laws governing psychologists are found in ORC 4732.01 through 4732.99. The administrative rules governing psychologists are found in OAC 4732-01 through 4732-21. Important statutes relevant to the practice of professional psychology are found in various sections of the ORC. Licensure candidates, licensees, and supervisees can find the entire text of the laws and rules governing psychologists and a selection of related statutes at the Board's homepage: [www.psychology.ohio.gov](http://www.psychology.ohio.gov).

The Board hopes that this manual proves useful in your preparations.

## **ORAL EXAMINATION AREA 1 (SUPERVISION RULES):**

Successful candidates shall correctly answer a question drawn from the following rules governing psychologists:

### **OAC 4732-13 Supervisory Relationship**

#### **4732-13-01 Psychologist and school psychologist scope of supervision.**

These supervision rules apply to supervision of:

(A) Unlicensed persons who are working toward licensure as psychologists or school psychologists according to rules [4732-9-01](#) and [4732-9-02](#) of the Administrative Code; and/or

(B) Unlicensed persons who hold a master's degree or a doctoral degree in psychology from a program approved by the board and who are supervised by a licensed psychologist, as described in paragraph (B)(4) of rule [4732-5-02](#) of the Administrative Code; and/or

(C) Other persons, not licensed in psychology or school psychology, providing psychological or school psychological services under the professional supervision of a licensed psychologist or a licensed school psychologist, as identified in division (C) of section [4732.22](#) of the Revised Code; and/or

(D) Licensed psychologists or licensed school psychologists who are functioning as supervisors or supervisees; and/or

(E) Mental health workers delivering services under Chapter 1737., 1738., 1739. or 3923. of the Revised Code, or under other similarly legally established arrangements, as provided in and limited to the provisions of paragraph (C) of rule [4732-13-03](#) and paragraph (A) of rule [4732-13-04](#) of the Administrative Code.

#### **4732-13-02 Purposes of supervision.**

Supervision by a licensed psychologist or a licensed school psychologist of an unlicensed or licensed person as described in rule [4732-13-01](#) of the Administrative Code shall have the following purposes:

(A) To protect the welfare of clients receiving psychological services from a supervisee of a licensed psychologist or a licensed school psychologist;

(B) To protect the welfare of persons who serve as training subjects for students learning psychological procedures, or as psychology subjects for classroom demonstrations or research;

(C) To structure the activities of the supervisee so that competent services of a psychological nature by an unlicensed person can safely be made available to clients;

(D) To assure that the unlicensed person functions within the limits of his/her competence;

(E) To assure that training of an unlicensed person who intends to apply to the board for licensure occurs in a variety of activities relevant to the profession and to his/her academic background;

(F) To assure that the training of a licensed person who seeks supervised experience will:

(1) Expand competence in a recognized subspecialty for which the licensed person has inadequate training but does have the appropriate academic background; or

(2) Satisfy retraining requirements according to recognized standards of the "American Psychological Association"; or

(3) Meet requirements for licensure purposes as described in paragraph (H) of rule [4732-9-01](#) of the Administrative Code;

- (G) To assure that supervisees have non-exploitative employment or training experiences;
- (H) To make available the general administrative, supervisory, and mental health expertise of licensed psychologists in regulating the delivery of services of other mental health professionals, as provided by law.

**4732-13-03 Supervision definitions.**

(A) Professional supervision in psychology:

- (1) "Psychological work supervision" means the supervision of persons who work under the licensing authority of the licensed psychologist. The psychological work shall be consistent with previous academic and professional training. Both didactic and practica, of the supervisor and the supervisee. The supervisee's work shall not include the functions of psychological diagnoses, psychological prescriptions, nor psychological client supervision.
- (2) "Psychological training supervision" means the supervision of graduate students, postdoctoral trainees or other individuals to help them:
  - (a) Gain experience for purposes of licensure as psychologists,
  - (b) Develop another competency area, or
  - (c) Develop skills in the performance of psychological procedures.
- (3) "Psychological umbrella supervision," means the supervision of a candidate for licensure to help him/her develop supervisory skills. It exists when a supervisee supervises other psychology supervisees in hazardous practices as defined in rule [4732-5-01](#) of the Administrative Code under the umbrella authority of a psychologist. Supervision under umbrella supervision may be performed only by:
  - (a) A postdoctoral trainee working toward licensure as a psychologist, with the training in supervision not to exceed one twelve-month period; or
  - (b) An otherwise exempt student, as defined in division (E) of section [4732.22](#) of the Revised Code, provided the student is a senior "Psychology Trainee" in a doctoral program.

(B) Professional supervision in school psychology:

- (1) "School psychological work supervision" means the supervision of persons who work under the licensing authority of a licensed psychologist or a licensed school psychologist. Any work done under the authority of a licensed school psychologist shall not exceed the scope of practice described in division (E) of section [4732.01](#) of the Revised Code and shall be consistent with the previous academic and professional training of the supervisor and the supervisee.
- (2) "School psychological training supervision" means supervision of individuals in school psychological work to help them:
  - (a) Gain experience for purposes of licensure as a school psychologist or as a psychologist, or
  - (b) Develop skills used in the practice of school psychology.
- (C) "Mental health worker supervision" means the supervision of another licensed, certified, or registered mental health professional delivering services under Chapter 1737., 1738., 1739., or 3923. of the Revised Code, or other similarly legally established arrangements, in which the psychologist provides "clinical supervision" as that term is used in Chapter 1737., 1738., 1739. or 3923. of the Revised Code.
- (D) "Administrative supervision" means responsibility for office or agency organizational procedures, practices or policies, and does not involve professional supervision. The administrative supervisor may or may not be qualified to provide professional supervision as described in paragraph (A) or (B) of this rule.
- (E) "Psychology Intern," "Psychology Fellow," "Psychology Resident," "Psychology

Trainee," or "Psychology Postdoctoral Trainee" mean persons under appropriate supervision, working toward licensure in psychology.

(F) "School Psychology Intern," "School Psychology Assistant," or "School Psychology Trainee" mean persons doing school psychological work under appropriate supervision, while they may or may not be working toward licensure in school psychology or psychology.

(G) "Psychology Assistant" means a person with a master's degree in psychology who may or may not be working toward licensure in psychology.

(H) "Assistant" means a person with a master's degree in a field other than psychology, working under "psychological work supervision."

(I) "Psychology Aide" means a person with a bachelor's degree in psychology, working under "psychological work supervision."

(J) "Aide" means a person with a bachelor's degree in a field other than psychology or two or more years of college course work, such as a mental health technology degree, working under "psychological work supervision."

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

##### **(A) Requirements for mental health worker supervision.**

(1) Work done under mental health worker supervision shall not be represented to any party or included in any report or official form as psychological work.

(2) A treatment plan shall be prepared for each recipient of services as part of the initial evaluation and shall be signed by the mental health worker delivering the services and the recipient or his/her legal guardian.

(3) Within a reasonable time period thereafter, the supervising licensed psychologist shall review the plan and shall either:

(a) Sign it as submitted;

(b) Require modifications prior to signing it; or

(c) Refuse to sign it if in his/her professional judgment in conformance with the standards of the profession of psychology it is unsatisfactory or unnecessary.

(4) A licensed psychologist shall exercise reasonable professional judgment, consistent with the standards of the profession of psychology, when providing mental health worker supervision.

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

(1) A licensed psychologist or licensed school psychologist shall not provide supervision of psychological work to a person who has administrative or funding authority over him/her.

(2) A licensed psychologist or licensed school psychologist shall not enter into a supervisory relationship for psychological work as an employee of a supervisee. However, a supervisee whose supervisor is not so employed may remunerate his/her supervisor in a private practice setting for providing psychological supervision by paying a fee for an individual face-to-face supervision hour that does not exceed the supervisor's reasonable and standard hourly fee for professional services to clients. If the supervisor charges per individual face-to-face hour of supervision, the supervisee shall receive all fees from reimbursements, minus reasonable overhead expenses, for clients served by the supervisee.

(3) There shall be no direct family relationship between a licensed psychologist or licensed school psychologist supervisor and a supervisee if the supervisee's experience is to be accepted toward fulfillment of the experience requirements for licensure in psychology or school psychology.

(4) A licensed psychologist or licensed school psychologist shall not provide work or

training supervision to a person with whom he/she is associated in any business relationship...except one where the psychologist or the school psychologist is an employer of the supervisee for the practice of psychology or school psychology.

(5) A licensed psychologist or licensed school psychologist shall not assume supervisory responsibility for psychological work that he/she is not personally competent to perform.

(6) A licensed psychologist or licensed school psychologist shall not supervise any person whom he/she knows is illegally providing psychological services to the public either within or outside of the supervisory relationship.

(7) A licensed psychologist or licensed school psychologist shall accept for training supervision, as described in paragraph (A)(2) of rule [4732-13-03](#) of the Administrative Code, for purposes of achieving competency in a recognized practice area only persons, either licensed or unlicensed, who have completed appropriate academic or professional preparation for that area or are at an appropriate level of progress toward such completion.

(8) A licensed psychologist or licensed school psychologist 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.

(9) A supervisor has responsibility to make reasonable efforts to ensure that the supervised work of the supervisee is conducted only for clients for whom the supervisee is competent to provide services and that such services are performed in compliance with the provisions of [Chapter 4732](#). of the Revised Code and associated administrative rules.

(10) A supervisor has responsibility for the psychological diagnosis, psychological prescription, and psychological client supervision of all clients. These responsibilities cannot be delegated to a non-psychologist or work supervisee. They may be delegated to a training supervisee, as part of his/her training, only after this supervisee is registered with the board as being under training supervision as defined in paragraphs (A)(2) and/or (A)(3) of rule [4732-13-03](#) of the Administrative Code in preparation for licensure as a psychologist.

(11) A supervisor has responsibility for the school psychological diagnosis, school psychological prescription, and school psychological client supervision of all clients. These responsibilities cannot be delegated to a non-psychologist, non-school psychologist, or work supervisee. They may be delegated to a training supervisee, as part of his/her training, during the year preceding eligibility for the licensure examination in school psychology or psychology.

(12) A supervisor has full responsibility to assure that each client is clearly informed of the relationship between the supervisor and the supervisee, and their respective legal and professional responsibilities for the services rendered to or received by the client.

(13) A supervisor is responsible for determining the competencies of the supervisee as described in paragraphs (A)(1) and (B)(1) of rule [4732-13-03](#) of the Administrative Code and paragraph (B)(7) of this rule, and shall not assign the supervisee tasks that the supervisee is not competent to perform.

(14) A supervisor shall identify each supervisee, according to rule [4732-13-03](#) of the Administrative Code, as to type of supervision being provided and shall so inform the supervisee and, when applicable, the work setting administrator.

(15) A licensed psychologist or licensed school psychologist who shares ongoing supervisory responsibility for the psychological or school psychological work of a

supervisee with another licensed psychologist or licensed school psychologist shall prepare a written supervision plan, available to the board, that is agreed upon and signed by each supervisor and the supervisee.

(16) A supervisor shall keep records of supervision. These records shall include any supervision plan or agreement pursuant to paragraph (B)(15) of this rule, dates of supervision, and notes regarding supervision, including specific clients/cases reviewed. These records shall be maintained for a period of five years following the termination of supervision and shall be available for inspection by the board.

(17) A supervisor shall base the intensity of the supervision on his/her professional judgment of the supervisee's credentials, years of experience, and the complexity of the cases under supervision but shall have direct knowledge of all clients served by his/her supervisee. This knowledge may be acquired through direct client contact or through other appropriate means such as tape recordings, videotapes, test protocols, or other client-generated material.

(18) A supervisor shall not engage in sexual intercourse or other sexual intimacies with any supervisee; or, engage in sexual harassment or any verbal or nonverbal conduct that is sexual in nature with any supervisee.

(19) A supervisor shall not exploit the supervisee for financial gain or with excessive work demands.

(20) A supervisor shall not allow exploitation of a supervisee by an agency with which the supervisor and the supervisee are affiliated.

(21) A supervisor shall require the supervisee to have consultation with relevant professionals other than the supervisor when counseling or intervention is indicated concerning personal problems.

(22) When training supervision is provided to assist the supervisee toward licensure in psychology or school psychology:

(a) A supervisor and supervisee shall have a written agreement describing the goals and content of the training experience, including clearly stated expectations for:

(i) The nature of the experiences offered through supervision,  
(ii) The expected working arrangements, quantity, and quality of the trainee's work,  
and

(iii) The financial arrangements between the supervisee and his/her employer.

(b) A supervisor shall ensure that the training provides adequate breadth of experience to enhance the supervisee's professional attitudes, responsibility, communication skills, critical judgment, and technical skills. Training experiences shall not take place until the supervisee has initiated or completed appropriate educational preparation, including both didactic and practica course work.

(c) Paragraph (B)(17) of this rule notwithstanding, A supervisor shall schedule individual face-to-face training supervision for no less than five per cent of the weekly client contact time. More time may be needed, depending upon the supervisee's credentials, experience, and the complexity of the cases being supervised.

(d) When appropriate to meet the training needs of the supervisee, the supervisor shall arrange for consultation with other relevant professionals.

(23) Group supervision where there is significant discussion of cases is encouraged. However, group supervision as part of training supervision shall not be a substitute for required individual face-to-face supervision. Under no circumstance shall a supervisor charge a supervisee for group supervision.

(24) Except for supervisees described in paragraph (B)(27) of this rule. A licensed psychologist or licensed school psychologist serving as a supervisor shall register with the board all supervisees who will perform psychological or school psychological work, under his/her authority, that is restricted under rule [4732-5-01](#) of the

Administrative Code, including a licensee of this board who is:

(a) Completely retraining for a general specialty of psychology pursuant to paragraph (F)(2) of rule 4372-13-02 of the Administrative Code; or

(b) Being trained for the purpose of earning a different license pursuant to paragraph (F)(3) of rule [4732-13-02](#) of the Administrative Code.

(25) A supervisor shall specify what restricted services the supervisee will perform. In no case shall work of a hazardous nature, as defined in rule [4732-5-01](#) of the Administrative Code, be assigned to any supervisee with less than the appropriate academic preparation.

(26) A supervisor shall make reasonable efforts to plan for continuity of client care in the event that his/her psychological services to supervisees are interrupted by factors such as illness, vacation, or other unavailability as listed in paragraph (C)(11) of rule [4732-17-01](#) of the Administrative Code. When a supervisor arranges such back-up supervision for a period of more than thirty working days, he/she shall notify the board in advance.

(27) Persons licensed by this board who are receiving supervision/consultation to add a subspecialty skill pursuant to paragraph (F)(1) of rule [4732-13-02](#) of the Administrative Code need *not* be registered with the board. The supervisor/consultant and the licensed person expanding competence in a subspecialty shall maintain a record of the supervision/consultation relationship to be provided upon request of the board.

(28) The violation of any statute or rule of the board by a supervisee may result in an investigation of the adequacy of the supervision.

**(C) Supervisee responsibilities pertaining to professional work supervision and professional training supervision.**

(1) A supervisee is subject to all relevant statutes and rules of the board.

(2) A supervisee shall not use the title "Psychologist" or "School Psychologist."

(3) A supervisee shall not solicit clients or generate his/her own case load and shall not represent himself/herself as having independent choice of clients.

(4) A supervisee shall not collect fees for psychological work in his/her own name. All billing shall be done by the employer, the employing agency, or the licensed supervisor.

(5) A supervisee shall not independently advertise; announce the establishment of a practice; have his/her name included on business letterhead stationery, office building directory, office suite entrance door; or in any directory under the title "Psychologist"; or otherwise hold himself/herself out to the public as being authorized to provide independent psychological services.

(6) A supervisee may use a printed business card in which the name, appropriate title, supervisor, and supervisory relationship are stated. Such cards shall not identify any procedure or technique performed as a supervisee.

(7) A supervisee shall use an appropriate title, specified by the supervisor, such as found in paragraph (E), (F), (G), or (H) in rule [4732-13-03](#) of the Administrative Code.

(8) A supervisee's degrees earned from accredited universities, credentials granted by the state of Ohio, and appropriate job titles may be published or posted so long as they do not confuse the clients' understanding that the work is psychological in nature and that the supervising psychologist or school psychologist is professionally responsible for the work.

(9) The professional activities of the supervisee shall be limited to only those procedures that are delegable under these rules by the supervising licensed psychologist or licensed school psychologist.

(10) A supervisee shall carry out his/her psychological activities in the office of the supervisor or in some other suitable professional setting over which the supervisor has responsibility for assignment and management of psychological activities. All psychological activities of the supervisee shall be performed pursuant to the licensed supervisor's directives. Reasonable efforts shall be taken to ensure that the supervisee provides services in compliance with the provisions of Chapter [4732](#) of the Revised Code and associated administrative rules.

(11) A supervisee may pay a fee to a supervisor for supervision in a private practice setting only in accord with paragraphs (B)(2) and (B)(23) of this rule.

(12) A supervisee and supervisor are both responsible for ensuring that all clients are informed of the supervised nature of the work of the supervisee, and of the ultimate professional responsibility of the supervisor. In the case of adult, legally competent clients receiving psychotherapy and other psychological interventions as described in rule [4732-5-01](#) of the Administrative Code, rendered to outpatients for remuneration, this information shall be provided in the form of a written statement explained and given to each client at the initial professional contact. In the case of other clients, this information may be provided in the form of a statement given to the guardian of the client. In terms of clients receiving services for psychological evaluations as described in rule [4732-5-01](#) of the Administrative Code and/or from individuals working in agencies and/or hospitals, such a statement may be modified to meet the circumstances unique to the facility and the client. The statement shall include, but not be limited to, the following:

- (a) Brief description of services to be provided and the office procedures;
- (b) Name of supervising psychologist or school psychologist;
- (c) Schedule of charges and an indication that the billing will come from the supervisor or agency or institution under the supervisor's name;
- (d) Name, address and telephone number of the office (plus any ancillary telephone number used by the supervisee);
- (e) Statement on the limits of confidentiality, including the possible need to report certain information according to law, and the supervisor's review of the client's progress;
- (f) Statement about the parameters of the professional relationship involving the psychologist or school psychologist, the supervisee, and the client;
- (g) Statement about the availability of the supervisor to meet with the client, on request;
- (h) Signature of the psychologist, the supervisee, and the client(s) or guardian...with one copy being maintained by the supervisor.

(13) The supervisee and the supervisor are both responsible for ensuring that supervisee evaluative reports and letters dealing with client welfare are co-signed by the licensed psychologist or licensed school psychologist serving as supervisor.

(14) A supervisee not under training supervision, who does psychological diagnosis, psychological prescription, or psychological client supervision, shall be deemed to be practicing psychology without a license, subject to the penalties of sections 4732.24 and 4732.99 of the Revised Code.

(15) In accordance with section [4732.17](#) of the Revised Code, the board may refuse to issue a license to any supervisee who violates any provision of Chapter [4732](#) of the Revised Code or any rules adopted by the board.

## **ORAL EXAMINATION AREA 2 (PROFESSIONAL CONDUCT):**

Successful candidates shall correctly answer a question drawn from the following rules governing psychologists:

**OAC 4732-17-01 General rules of professional conduct pursuant to section [4732.17](#) of the Revised Code.**

### **(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 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," 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 those rules of professional conduct shall prevail whenever any conflict exists between these rules and any professional association standard.
- (5) A psychologist or school psychologist, 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 shall be considered negligent if his/her behaviors toward his/her clients, supervisees, employees or students, in the judgment of the board, clearly fall below the standards for acceptable practice of psychology or school psychology.
- (2) Misrepresentation of qualifications. The psychologist or school psychologist shall not misrepresent directly or by implication his/her professional qualifications such as education, specialized training, experience, or area(s) of competence.
- (3) Misrepresentation of affiliations. The psychologist or school psychologist 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 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 shall ensure that his/her name is included as the responsible psychologist or school psychologist when his/her psychological services are listed, advertised, or otherwise announced to the public in any form, including, but not limited to, letterhead, brochures, internet websites, telephone listings, business cards, or newspaper or other media advertisements.

(c) A psychologist or school psychologist shall not include false or misleading information in public statements concerning psychological services offered.

(d) A psychologist or school psychologist 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) Solicitation of business by clients. A psychologist or school psychologist shall not request or authorize any client to solicit business on behalf of the psychologist or school psychologist.

(5) Promotional activities. A psychologist or school psychologist 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) Maintenance and retention of records.

(a) A psychologist or school psychologist 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 and results of formal contacts with other providers, and

(viii) Authorizations, if any, by the client for release of records or information.

(b) To meet the requirements of these rules, but not necessarily for other legal purposes, the psychologist or school psychologist shall ensure that each data entry in the professional record is maintained for a period of not less than five years after the last date of service rendered, or not less than the length of time required by other regulations if that 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 shall store and dispose of written, electronic, and other records of clients in such a manner as to ensure their confidentiality. Licensees shall make plans in advance to facilitate appropriate transfer and to protect the confidentiality of records in the event of the psychologist's or school psychologist's withdrawal from positions or practice. Each licensee shall report to the board on the biennial registration (renewal) form the name, address, and telephone number of a psychologist or school psychologist or other appropriate person knowledgeable about transfer and custody of records and responsibility for records in the event of the licensee's absence, emergency or death.

(d) In the event a complaint has been filed, a psychologist or school psychologist 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.

**(C) Welfare of the client:**

- (1) Conflict 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.
- (2) Sufficient professional information. A psychologist or school psychologist rendering a formal professional opinion or recommendation about a person shall not do so without substantial professional client information.
- (3) Informed client. 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.
- (4) Dependency. Due to inherently influential position, a psychologist or school psychologist 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 rule 4732-3-01.
- (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 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 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 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 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 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 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 who serves as an employer of other psychologists or school psychologists has an obligation to make similar appropriate arrangements.

(12) Practicing while impaired. A psychologist or school psychologist shall not undertake or continue a professional psychological role when the judgment, competence, and/or objectivity of the psychologist or school psychologist is impaired due to mental, emotional, physiological, pharmacological, or substance abuse conditions. If impaired judgment, competence, and/or objectivity develops after a professional psychological role has been initiated, the psychologist or school psychologist shall terminate the professional role in an appropriate manner, shall notify the client or other relevant parties of the termination in writing, and shall assist the client, supervisee, or evaluatee in obtaining services from another appropriate professional.

(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 preserving 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 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 bears the burden of demonstrating that the client was not harmed as a result of non-disclosure.

(b) A psychologist or school psychologist 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 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 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 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.

(e) A psychologist or school psychologist 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 will be paid regardless of the cost or frequency of the services provided to the members of the subscriber pool.

(2) Improper arrangements:

(a) A psychologist or school psychologist 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 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 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 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 is in a professional psychological role pursuant to paragraph (Q) of rule 4732-3-01 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 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 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.

(a) A psychologist or school psychologist 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.

- (b) A psychologist or school psychologist 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 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.
  
- (c) A psychologist or school psychologist 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 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 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 2 (b) and (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 shall treat the results or interpretations of assessment regarding an individual as confidential information.
  - (b) A psychologist or school psychologist 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 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 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 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 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 shall make every effort to avoid misuse of such assessment reports.

(e) The preparation of 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 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 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 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 is responsible for the security of psychologist tests and other devices and procedures used for instructional purposes.

(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 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 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.

**(G) Confidentiality:**

(1) Confidential information is information revealed by an individual or individuals or otherwise obtained by a psychologist or school psychologist, where there is 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. Such information is not to be disclosed by the psychologist or school

psychologist 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 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 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 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 written consent from same.

(d) A psychologist or school psychologist 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 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 to a client, the psychologist or school psychologist 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 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 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 and by preventing such free disclosure to others. Thus, the client rather than the licensed psychologist or the licensed school psychologist holds and may assert the privilege.

(a) A psychologist or school psychologist shall not testify concerning a communication made to him/her by a client. The psychologist or school psychologist 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 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, such filing shall constitute a waiver of this privilege with regard to the care and treatment 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 and the client.

(c) A psychologist or school psychologist may disclose confidential information without the informed written consent of a client when the psychologist or school psychologist 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 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 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 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 shall inform his/her client of the legal limit of confidentiality. To the extent that the client can understand, the psychologist or school psychologist 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 shall, at the beginning of the professional relationship, clarify to all parties the limits of confidentiality.

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

(g) A psychologist or school psychologist 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 shall limit his/her professional practice to those speciality 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 assists his/her client in obtaining additional professional help.

(2) Specialty standard of care. A psychologist or school psychologist 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 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, 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 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.

(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 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 shall neither establish nor offer to establish a continuing treatment relationship with a person receiving psychological assistance 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) Violations of law:**

(1) Violation of applicable statutes. A psychologist or school psychologist 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 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.

**(J) Aiding illegal practice:**

(1) Aiding unauthorized practice. A psychologist or school psychologist 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 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 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 who has substantial reason to believe that another licensee 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 shall report it only with the written permission of the client. Under such circumstances the psychologist or school psychologist 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 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 from the duty to file any report required by applicable statutes.

(K) 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.

**ORAL EXAMINATION AREA 3 (OTHER PSYCHOLOGY BOARD LAWS AND RULES):**

Successful candidates shall correctly answer a question drawn from the following laws and rules governing psychologists:

**ORC 4732.01. Definitions.**

As used in [sections 4732.01](#) to [4732.25](#) of the Revised Code:

(A) "Psychologist" means any person who holds self out to the public by any title or description of services incorporating the words "psychologic," "psychological," "psychologist," "psychology," or any other terms that imply the person is trained, experienced, or an expert in the field of psychology.

(B) "The practice of psychology" means rendering or offering to render to individuals, groups, organizations, or the public any service involving the application of psychological procedures to assessment, diagnosis, prevention, treatment, or amelioration of psychological problems or emotional or mental disorders of individuals or groups; or to the assessment or improvement of psychological adjustment or functioning of individuals or groups, whether or not there is a diagnosable pre-existing psychological problem. Practice of psychology includes the practice of school psychology. For purposes of this chapter, teaching or research shall not be regarded as the practice of psychology, even when dealing with psychological subject matter, provided it does not otherwise involve the professional practice of psychology in which patient or client welfare is directly affected.

(C) "Psychological procedures" include but are not restricted to application of principles, methods, or procedures of understanding, predicting, or influencing behavior, such as the principles pertaining to learning, conditioning, perception, motivation, thinking, emotions, or interpersonal relationships; the methods or procedures of verbal interaction, interviewing, counseling, behavior modification, environmental manipulation, group process, psychological psychotherapy, or hypnosis; and the methods or procedures of administering or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, or motivation.

(D) "School psychologist" means any person who holds self out to the public by any title or description of services incorporating the words "school psychologist" or "school psychology," or who holds self out to be trained, experienced, or an expert in the practice of school psychology.

(E) "Practice of school psychology" means rendering or offering to render to individuals, groups, organizations, or the public any of the following services:

(1) Evaluation, diagnosis, or test interpretation limited to assessment of intellectual ability, learning patterns, achievement, motivation, or personality factors directly related to learning problems in an educational setting;

(2) Counseling services for children or adults for amelioration or prevention of educationally related learning problems;

(3) Educational or vocational consultation or direct educational services. This does not include industrial consultation or counseling services to clients undergoing vocational rehabilitation.

(F) "Licensed psychologist" means an individual holding a current, valid license to practice psychology issued under [section 4732.12](#) or [4732.15](#) of the Revised Code.

(G) "Licensed school psychologist" means an individual holding a current, valid license to practice school psychology issued under [section 4732.12](#) or [4732.15](#) of the Revised Code.

(H) "Certificated school psychologist" means an individual holding a current, valid school psychologist certificate issued under division (M) of section 3319.22 of the Revised Code.

(I) "Mental health professional" and "mental health service" have the same meanings as in [section 2305.51](#) of the Revised Code.

#### **ORC 4732.14. Registration of licensees.**

On or before the thirty-first day of August of each even-numbered year, each person licensed by the state board of psychology shall register with the board on a form prescribed by the board, giving the person's name, address, license number, the continuing education information required by [section 4732.141](#) [4732.14.1] of the Revised Code, and such other reasonable information as the board requires, and pay to the board secretary a biennial registration fee in an amount determined by the board, but not to exceed two hundred seventy-five dollars in fiscal year 2000 and three hundred fifty dollars in each fiscal year thereafter. A person licensed for the first time on or before the thirty-first day of August of an even-numbered year shall next be required to register on or before the thirty-first day of August of the next even-numbered year.

Before the first day of August of each even-numbered year, the secretary shall send a notice to each licensed psychologist and licensed school psychologist, whether a resident or not, at the licensed psychologist's or licensed school psychologist's last known address, that the licensed psychologist's or licensed school psychologist's biennial registration form and fee are due on or before the last day of August. Before the fifteenth day of September of such years, the secretary shall send a second notice to each such person who has not paid the registration fee or registered with the board as required by this section. A license of any licensed psychologist or licensed school psychologist shall automatically be suspended if the biennial registration fee is not paid or the registration form is not received on or before the thirtieth day of September of a renewal year. Within five years thereafter, the board may reinstate any license so suspended upon payment of the current registration fee and a penalty not to exceed fifty dollars, as determined by the board, and receipt of the registration form completed by the registrant in accordance with this section and [section 4732.141](#) [4732.14.1] of the Revised Code or in accordance with any modifications authorized by the board under division (F) of [section 4732.141](#) [4732.14.1] of the Revised Code. The board may by rule waive the payment of the registration fee and completion of the continuing psychology education required by [section 4732.141](#) [4732.14.1] of the Revised Code by a licensed psychologist or licensed school psychologist when the licensed psychologist or licensed school psychologist is on active duty in the armed forces of the United States.

Each licensed psychologist and licensed school psychologist shall notify the secretary of any change in the licensed psychologist's or licensed school psychologist's office address or employment within ninety days of such change.

**ORC 4732.17. Grounds for denial, suspension, or revocation of license.**

(A) The state board of psychology may refuse to issue a license to any applicant, may issue a reprimand, or suspend or revoke the license of any licensed psychologist or licensed school psychologist, on any of the following grounds:

- (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 fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;
- (3) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;
- (4) Willful, unauthorized communication of information received in professional confidence;
- (5) Being negligent in the practice of psychology or school psychology;
- (6) Using any controlled substance or alcoholic beverage to an extent that such use impairs the person's ability to perform the work of a psychologist or school psychologist with safety to the public;
- (7) Subject to [section 4732.28](#) of the Revised Code, violating any rule of professional conduct promulgated by the board;
- (8) Practicing in an area of psychology for which the person is clearly untrained or incompetent;
- (9) An adjudication by a court, as provided in section 5122.301 [5122.30.1] of the Revised Code, that the person is incompetent for the purpose of holding the license. Such person may have the person's license issued or restored only upon determination by a court that the person 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;
- (11) Advertising that the person 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;

(12) Notwithstanding divisions (A)(10) and (11) of this section, sanctions shall not be imposed against any licensee who waives deductibles and copayments:

(a) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.

(b) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.

(B) Except as provided in [section 4732.171](#) [4732.17.1] of the Revised Code, before the board may deny, suspend, or revoke a license under this section, or otherwise discipline the holder of a license, written charges shall be filed with the board by the secretary and a hearing shall be had thereon in accordance with [Chapter 119.](#) of the Revised Code.

**OAC 4732-3-01 Definitions.**

(A) As used in agency-level 4732 of the Administrative Code, the terms "psychologist," "the practice of psychology," "psychological procedures," "school psychologist," "practice of school psychology," "licensed psychologist," "licensed school psychologist," and "certificated school psychologist" have the same meanings as set forth in section [4732.01](#) of the Revised Code. Effective July 1, 1998, school psychologists may be credentialed with educator licenses, rather than certificates, from the state board of education, pursuant to section 3319.22 of the Revised Code. Certificates may continue in effect until upgraded.

(B) The practice of psychology or school psychology, as distinct from the performance of psychological or school psychological tasks, includes but is not restricted to the use of the title "psychologist" or "school psychologist" and/or the exercise of the professional judgments of psychological or school psychological diagnosis, psychological or school psychological prescription, or psychological or school psychological client supervision.

(1) "Psychological or school psychological diagnosis" is the determination, after study, analysis, and description, that a problem is a psychological problem.

(2) "Psychological or school psychological prescription" is the determination of which psychological procedures should be applied for the prevention, treatment or amelioration of psychological problems.

(3) "Psychological or school psychological client supervision" is the determination of when, in what sequence, and to what degree particular approaches for dealing with the psychological problem of the client shall be initiated, continued, or discontinued. It may include the evaluation and management of patients and psychological effects to determine if prescribed medications might be helpful in alleviating their psychological symptoms and referring a client to a physician for prescription medication(s) if that is in the best interest of the client. When a client is on a prescribed medication, the psychologist may evaluate and monitor the psychological effects of that medication to determine the psychological effects of such medications on the patient, in a consultative relationship with the prescribing physician.

(C) "Consultative relationship" with a physician licensed to practice medicine, as used in section [4732.20](#) of the Revised Code:

(1) Shall mean that when a licensed psychologist judges the medical problems of his/her client to warrant medical attention, he/she will either determine that the client is under the medical care of a physician or offer to assist the client to obtain

the medical help of an appropriate physician, and shall consult with that physician as the psychologist deems necessary for the client's welfare, consonant with section [4732.19](#) of the Revised Code, relative to privileged communication.

(2) Shall not be interpreted to imply that the physician is to supervise the licensed psychologist or is necessarily to be the source of referrals of patients/clients to the licensed psychologist.

(3) May include evaluating and managing the psychological effects of various medications on a patient who has been prescribed medications by a physician and reporting, as appropriate for the welfare of the patient

(P) "Evaluatee," as used in agency-level 4732 of the Administrative Code, means a person evaluated by a psychologist or school psychologist pursuant to a third party referral from a court, other adjudicative body, or other agency or organization when the referring party might serve as the client for the purpose of receiving a report of services specific to the person(s) evaluated.

(Q) A "professional psychological role," as used in agency-level 4732 of the Administrative Code, exists when a psychologist renders directly or through supervision to an individual, group, organization, or the public any service involving the application of psychological procedures to the assessment, diagnosis, prevention, treatment, or amelioration of psychological problems or emotional or mental disorders; or to the assessment or improvement of psychological adjustment or functioning of individuals or groups, whether or not there is a diagnosable pre-existing psychological problem. A professional psychological role exists when school psychological services are rendered and when psychological supervision or mental health worker supervision is provided. For the purposes of this rule, professional psychological roles do not include teaching or research even when dealing with psychological subject matter, provided that it does not otherwise involve rendering or offering to render professional services in which patient or client welfare is directly affected.

**4732-5-01 Psychological procedures which create a serious hazard to mental health and require professional expertise in psychology.**

(A) Consistent with division (B) of section [4732.23](#) of the Revised Code, persons regulated under other sections of the Revised Code can use hazardous psychological procedures when consistent with their professions, provided they do not hold themselves out to the public by the title "psychologist." As defined in division (A) of section [4732.01](#) of the Revised Code, using the terms "psychologic," "psychological," or "psychology" in describing the services offered constitutes holding oneself out to the public as a psychologist even though use of the procedures under other names may be permitted, as provided by law.

(B) The board judges, in accord with division (C) of section [4732.23](#) of the Revised Code, that the following psychological procedures are a serious hazard to mental health and require professional expertise in psychology:

- (1) Psychological and school psychological diagnosis
- (2) Psychological and school psychological prescription
- (3) Psychological and school psychological client supervision
- (4) Sensitivity training
- (5) Confrontation groups
- (6) Hypnotic techniques for diagnostic, treatment, or other psychotherapeutic purposes
- (7) Individual intelligence testing, assessment of cognitive processing, or determination of individual intelligence
- (8) Personality evaluation

- (9) Individual and group psychological psychotherapy
- (10) Psychological behavior psychotherapy such as, but not limited to, implosive therapy, aversive therapy, and desensitization
- (11) Couples and family psychological psychotherapy
- (12) Psychological psychotherapy for sexual dysfunctions or disorders
- (13) Psychological pharmacological consultation, as defined by procedures specified in paragraph (C) (3) of rule [4732-3-01](#) of the Administrative Code.

**4732-5-02 Scope of psychological procedures which create a serious hazard to mental health and require professional expertise in psychology; exemptions from licensure requirements.**

(A) The scope of rules [4732-5-01](#) and [4732-5-02](#) of the Administrative Code concerns solely the implementation of the board's rule-making authority under division (C) of section [4732.23](#) of the Revised Code. These above-mentioned rules apply to those persons who do not hold a license granted by this board and who are not exempted from the licensure requirements of Chapter [4732.](#) of the Revised Code and who utilize psychological procedures as indicated in rule [4732-5-01](#) of the Administrative Code for a compensation or other personal gain.

(B) Exemptions from licensure requirements include:

- (1) A certificated or educator licensed school psychologist while practicing school psychology within the scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code, or while acting as a school psychologist within the scope of employment in a program for persons with mental retardation and/or developmental disabilities established under section 5126.06 of the Revised Code;
- (2) A nonresident temporarily employed in this state to render psychological services for not more than thirty days a year who, in the opinion of the board, meets the standards for admission to the psychology examination as described in rule [4732-9-01](#) of the Administrative Code and who holds whatever license or certificate, if any, is required for such practice in his/her home state or home country;
- (3) Any unlicensed person registered with the board pursuant to paragraph (B)(24) of rule [4732-14-04](#) to practice psychology or school psychology under the license of a licensed psychologist or a licensed school psychologist, while carrying out specific tasks under the licensee's supervision as an extension of the licensee's legal and ethical authority;
- (4) An unlicensed person holding a master's degree or a doctoral degree in psychology from a program approved by the board, while working under the supervision of a licensed psychologist;
- (5) A student in an accredited educational institution, while carrying out activities that are part of the prescribed course of study, provided such activities are supervised by a professional person who is qualified to perform such activities and is licensed as a psychologist or as a school psychologist or is license eligible or license exempt as described in this rule. Such student shall hold himself/herself out to the public only by clearly indicating student status and the profession in which he/she is being trained;
- (6) A duly ordained minister while functioning in his/her ministerial capacity;
- (7) A person in the employ of the federal government, including use of an official title, insofar as such activities are a part of the duties in his/her position;
- (8) A person licensed, certified, or registered under a provision of the Revised Code other than in Chapter [4732.](#) of the Revised Code, providing he/she is practicing those

arts and utilizing psychological procedures that are allowed and within the standards and ethics of the other profession or within new areas of practice that represent appropriate extensions of that profession and providing he/she does not hold himself/herself out to the public by the title "psychologist";

(9) A person in any capacity who offers services of a psychological nature, provided he/she neither holds himself/herself out to the public by the title "psychologist" or "school psychologist" nor utilizes any psychological procedure this board judges to be a serious hazard to mental health and to require professional expertise in psychology, as listed in rule [4732-5-01](#) of the Administrative Code;

(10) A person using the term "social psychologist" who has an earned doctoral degree in social psychology or in sociology with a social psychology major, from a sociology or social psychology department of an accredited educational institution, and who has filed with this board an appropriate official transcript demonstrating possession of such a degree, providing that such a person does not engage in the practice of psychology as set forth under division (B) of section [4732.01](#) of the Revised Code;

(11) A person who is teaching, even when dealing with psychological subject matter, provided it does not otherwise involve the professional practice of psychology in which student or client welfare is directly affected;

(12) A person who is conducting research in the field of psychology, provided it does not otherwise involve the professional practice of psychology in which student or client welfare is directly affected.

#### **OAC 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 or 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:

(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 fraud or deceit in the procurement of the license to practice psychology or school psychology or knowingly assisting another in the procurement of such a license through fraud or deceit;

(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 any controlled substance or alcoholic beverage to an extent that such use impairs his/her ability to perform the work of a psychologist or school psychologist with safety to the public;

(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.

**ORAL EXAMINATION AREA 4 (RELATED LAWS)**

Successful candidates shall correctly answer a question drawn from the following Ohio statutes relevant to the practice of psychology:

**OHIO REVISED CODE**

- [§ 2151.42.1] § 2151.421..... Duty to report child abuse or neglect**
- § 5101.61..... Duty to report abuse, neglect, or exploitation of adult**
- § 2305.51..... Immunity of mental health professional or organization as to violent behavior by client or patient**
- § 2921.22 (F)..... Domestic violence, documentation in client record**
- § 2921.22 (G)..... Patient confides that a felony has been committed**
- § 3901.051 (H)..... Order granting parenting time companionship or visitation rights; non-residential parent access to child's records**
- § 3701.74..... Patient or representative may request access to medical record**

## **ORC [2151.42.1] § 2151.421.**

### **DUTY TO REPORT CHILD ABUSE OR NEGLECT; INVESTIGATION AND FOLLOWUP PROCEDURES.**

(A) (1) (a) No person described in division (A)(1)(b) of this section who is acting in an official or professional capacity and knows or suspects that a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired child under twenty-one years of age has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the child, shall fail to immediately report that knowledge or suspicion to the entity or persons specified in this division. Except as provided in section 5120.173 [5120.17.3] of the Revised Code, the person making the report shall make it to the public children services agency or a municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred. In the circumstances described in section 5120.173 [5120.17.3] of the Revised Code, the person making the report shall make it to the entity specified in that section.

(b) Division (A)(1)(a) of this section applies to any person who is an attorney; physician, including a hospital intern or resident; dentist; podiatrist; practitioner of a limited branch of medicine as specified in section 4731.15 of the Revised Code; registered nurse; licensed practical nurse; visiting nurse; other health care professional; **licensed psychologist; licensed school psychologist**; independent marriage and family therapist or marriage and family therapist; speech pathologist or audiologist; coroner; administrator or employee of a child day-care center; administrator or employee of a residential camp or child day camp; administrator or employee of a certified child care agency or other public or private children services agency; school teacher; school employee; school authority; person engaged in social work or the practice of professional counseling; agent of a county humane society; person rendering spiritual treatment through prayer in accordance with the tenets of a well-recognized religion; superintendent, board member, or employee of a county board of mental retardation; investigative agent contracted with by a county board of mental retardation; or employee of the department of mental retardation and developmental disabilities.

(2) An attorney or a physician is not required to make a report pursuant to division (A)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of [section 2317.02](#) of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding, except that the client or patient is deemed to have waived any testimonial privilege under division (A) or (B) of [section 2317.02](#) of the Revised Code with respect to that communication and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

(a) The client or patient, at the time of the communication, is either a child under eighteen years of age or a mentally retarded, developmentally disabled, or physically impaired person under twenty-one years of age.

(b) The attorney or physician knows or suspects, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(c) The attorney-client or physician-patient relationship does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code...

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's known or suspected injuries, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the known or suspected injury, abuse, or neglect or of the known or suspected threat of injury, abuse, or neglect.

Any person, who is required by division (A) of this section to report known or suspected child abuse or child neglect, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(G) (1) (a) Except as provided in division (H)(3) of this section, anyone or any hospital, institution, school, health department, or agency participating in the making of reports under division (A) of this section, anyone or any hospital, institution, school, health department, or agency participating in good faith in the making of reports under division (B) of this section, and anyone participating in good faith in a judicial proceeding resulting from the reports, shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of the making of the reports or the participation in the judicial proceeding.

## **ORC 5101.61.**

### **DUTY TO REPORT ABUSE, NEGLECT OR EXPLOITATION OF ADULT.**

(A) As used in this section:

Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, **psychologist**, any employee of a hospital as defined in section 3701.01 of the Revised Code, any nurse licensed under Chapter 4723. of the Revised Code, any employee of an ambulatory health facility, any employee of a home health agency, any employee of an adult care facility as defined in section 3722.01 of the Revised Code, any employee of a community alternative home as defined in section 3724.01 of the Revised Code, any employee of a nursing home, residential care facility, or home for the aging, as defined in section 3721.01 of the Revised Code, any senior service provider, any peace officer, coroner, clergyman, any employee of a community mental health facility, and any person engaged in social work or counseling having reasonable cause to believe that an adult is being abused, neglected, or exploited, or is in a condition which is the result of abuse, neglect, or exploitation shall immediately report such belief to the county department of job and family services. This section does not apply to employees of any hospital or public hospital as defined in section 5122.01 of the Revised Code.

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports to be made of such belief to the department.

(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:

- (1) The name, address, and approximate age of the adult who is the subject of the report;
- (2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;
- (3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;
- (4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

## **ORC 2305.51.**

### **IMMUNITY OF MENTAL HEALTH PROFESSIONAL OR ORGANIZATION AS TO VIOLENT BEHAVIOR BY CLIENT OR PATIENT.**

(A) (1) As used in this section:

(b) "Mental health client or patient" means an individual who is receiving mental health services from a mental health professional or organization.

(c) "Mental health organization" means an organization that engages one or more mental health professionals to provide mental health services to one or more mental health clients or patients.

(d) "Mental health professional" means an individual who is licensed, certified, or registered under the Revised Code, or otherwise authorized in this state, to provide mental health services for compensation, remuneration, or other personal gain...

(f) "Knowledgeable person" means an individual who has reason to believe that a mental health client or patient has the intent and ability to carry out an explicit threat of inflicting imminent and serious physical harm to or causing the death of a clearly identifiable potential victim or victims and who is either an immediate family member of the client or patient or an individual who otherwise personally knows the client or patient.

(2) For the purpose of this section, in the case of a threat to a readily identifiable structure, "clearly identifiable potential victim" includes any potential occupant of the structure.

(B) A mental health professional or mental health organization may be held liable in damages in a civil action, or may be made subject to disciplinary action by an entity with licensing or other regulatory authority over the professional or organization, for serious physical harm or death resulting from failing to predict, warn of, or take precautions to provide protection from the violent behavior of a mental health client or patient, only if the client or patient or a knowledgeable person has communicated to the professional or organization an explicit threat of inflicting imminent and serious physical harm to or causing the death of one or more clearly identifiable potential victims, the professional or organization has reason to believe that the client or patient has the intent and ability to carry out the threat, and the professional or organization fails to take one or more of the following actions in a timely manner:

(1) Exercise any authority the professional or organization possesses to hospitalize the client or patient on an emergency basis pursuant to section 5122.10 of the Revised Code;

(2) Exercise any authority the professional or organization possesses to have the client or patient involuntarily or voluntarily hospitalized under [Chapter 5122](#), of the Revised Code;

(3) Establish and undertake a documented treatment plan that is reasonably calculated, according to appropriate standards of professional practice, to eliminate

the possibility that the client or patient will carry out the threat, and, concurrent with establishing and undertaking the treatment plan, initiate arrangements for a second opinion risk assessment through a management consultation about the treatment plan with, in the case of a mental health organization, the clinical director of the organization, or, in the case of a mental health professional who is not acting as part of a mental health organization, any mental health professional who is licensed to engage in independent practice;

(4) Communicate to a law enforcement agency with jurisdiction in the area where each potential victim resides, where a structure threatened by a mental health client or patient is located, or where the mental health client or patient resides, and if feasible, communicate to each potential victim or a potential victim's parent or guardian if the potential victim is a minor or has been adjudicated incompetent, all of the following information:

(a) The nature of the threat;

(b) The identity of the mental health client or patient making the threat;

(c) The identity of each potential victim of the threat.

(C) All of the following apply when a mental health professional or organization takes one or more of the actions set forth in divisions (B)(1) to (4) of this section:

(1) The mental health professional or organization shall consider each of the alternatives set forth and shall document the reasons for choosing or rejecting each alternative.

(2) The mental health professional or organization may give special consideration to those alternatives which, consistent with public safety, would least abridge the rights of the mental health client or patient established under the Revised Code, including the rights specified in sections 5122.27 to 5122.31 of the Revised Code.

(3) The mental health professional or organization is not required to take an action that, in the exercise of reasonable professional judgment, would physically endanger the professional or organization, increase the danger to a potential victim, or increase the danger to the mental health client or patient.

(4) The mental health professional or organization is not liable in damages in a civil action, and shall not be made subject to disciplinary action by any entity with licensing or other regulatory authority over the professional or organization, for disclosing any confidential information about a mental health client or patient that is disclosed for the purpose of taking any of the actions.

(D) The immunities from civil liability and disciplinary action conferred by this section are in addition to and not in limitation of any immunity conferred on a mental health professional or organization by any other section of the Revised Code or by judicial precedent.

## ORC 2921.22 (F)

### **DOMESTIC VIOLENCE, VICTIM OF, DOCUMENTATION IN CLIENT RECORD**

(F) (1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, **psychologist**, social worker, independent social worker, social work assistant, professional clinical counselor, or professional counselor who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence, as defined in section 3113.31 of the Revised Code, shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding section 4731.22 of the Revised Code, the doctor-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under division (F)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

## ORC 2921.22 (G)

### **PATIENT CONFIDES THAT A FELONY HAS BEEN COMMITTED**

(A) No person, knowing that a felony has been or is being committed, shall knowingly fail to report such information to law enforcement authorities.

(G) Divisions (A) and (D) of this section **do not require** disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; doctor and patient; **licensed psychologist or licensed school psychologist and client**; member of the clergy, rabbi, minister, or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(H) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.

## **ORC 3901.051 (H)**

### **ORDER GRANTING PARENTING TIME COMPANIONSHIP OR VISITATION RIGHTS; NON-RESIDENTIAL PARENT ACCESS TO CHILD'S RECORDS**

(H) (1) Subject to section 3125.16 and division (F) of section 3319.321 [3319.32.1] of the Revised Code, a parent of a child who is not the residential parent of the child is entitled to access, under the same terms and conditions under which access is provided to the residential parent, to any record that is related to the child and to which the residential parent of the child legally is provided access, unless the court determines that it would not be in the best interest of the child for the parent who is not the residential parent to have access to the records under those same terms and conditions. If the court determines that the parent of a child who is not the residential parent should not have access to records related to the child under the same terms and conditions as provided for the residential parent, the court shall specify the terms and conditions under which the parent who is not the residential parent is to have access to those records, shall enter its written findings of facts and opinion in the journal, and shall issue an order containing the terms and conditions to both the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court.

(2) Subject to section 3125.16 and division (F) of section 3319.321 [3319.32.1] of the Revised Code, subsequent to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H)(1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H)(1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division (H)(1) or (2) of this section of any confidential law enforcement investigatory record. The court shall schedule a hearing on the motion and give notice of the date, time, and location of the hearing to all parties.

## **ORC 3701.74**

### **PATIENT OR REPRESENTATIVE MAY REQUEST ACCESS TO MEDICAL RECORD**

(A) As used in this section and [section 3701.741](#) [3701.74.1] of the Revised Code:

(i) A psychologist licensed under [Chapter 4732.](#) of the Revised Code;

(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment.

(10) "Patient" means either of the following:

(a) An individual who received health care treatment from a health care provider;

(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section.

(11) "Patient's representative" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical records, except that if the patient is deceased, "patient's representative" means the executor or administrator of the patient's estate or the person responsible for the patient's estate if it is not to be probated. "Patient's representative" does not include an insurer authorized under Title XXXIX [39] of the Revised Code to do the business of sickness and accident insurance in this state or a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code.

(B) A patient or patient's representative who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient dated not more than sixty days before the date on which it is submitted. The patient or patient's representative who wishes to obtain a copy of the record shall indicate in the request whether the copy is to be sent to the patient's residence, physician or chiropractor, or representative, or held for the patient at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with [section 3701.741](#) [3701.74.1] of the Revised Code, except that if a physician or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician or chiropractor designated by the patient. The health care provider shall take reasonable steps to establish the identity of the person making the request to examine or obtain a copy of the patient's record.

(C) If a health care provider fails to furnish a medical record as required by division (B) of this section, the patient or patient's representative who requested the record may bring a civil action to enforce the patient's right of access to the record.