



# Ohio Board of Psychology

## **ORAL EXAMINATION PREPARATION MANUAL FOR OHIO BOARD OF PSYCHOLOGY LICENSURE CANDIDATES**

**2023-24**

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TO: Psychologist and School Psychologist License Candidates

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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. Although this packet contains the Ohio laws and Board rules used to write oral examination questions, there are additional laws and rules governing Board procedures and various responsibilities of Ohio psychologists and school 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. Mastery requires memorization of substantial lists, circumstances, and criteria.

Examinations are generally administered by two members of the Board. The examination does not include a clinical skills assessment or any specific references to ethics codes.

Ohio laws governing psychologists and school psychologists are found in Ohio Revised Code (ORC) 4732.01 through 4732.99. The administrative rules governing psychologists and school psychologists are found in Ohio Administrative Code (OAC) 4732-01 through 4732-21. Important statutes relevant to license holders' professional practice are found in various sections of the ORC. Licensure candidates, psychologists, school psychologists, 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).

Please pay careful attention to the acknowledgment you'll sign and return to the Board.

## Ohio Board of Psychology

### Oral Examination Preparation Manual Acknowledgement 2020

Candidates must answer **five questions correctly** although up to two alternate questions may be administered (limit one alternate in each of two content areas). Oral examination questions are drawn directly and exclusively from the Ohio Revised Code (ORC) and the Ohio Administrative Code (OAC) divided among the following four (4) areas:

Area 1) Drawn from the Supervision Rules [OAC 4732-13-02 through 13-04]

Area 2) Drawn from the General Rules of Professional Conduct [OAC 4732-17-01 (A) to (L)]

Area 3) Drawn from other Psychology Board Laws and Rules as specified below:

ORC 4732.01	Definitions
ORC 4732.14	Registration of licenses
ORC 4732.17 (A)-(D)	Actions against applicants or license holders
OAC 4732-3-01(B)(C)(Q)(R)(S)	Definitions
OAC 4732-5-01	Psychological procedures which create a serious hazard to mental health and require expertise in psychology
OAC 4732-5-02	Exemptions from licensure

Area 4) Drawn from the following Ohio laws relevant to the practice of psychology:

ORC 2151.421	Duty to report child abuse or neglect
ORC 5101.61	Duty to report abuse, neglect, or exploitation of adult
ORC 5101.60	Adult protective services definitions
ORC 2305.51	Immunity of mental health professional or organization as to violent behavior by client or patient
ORC 2921.22 (F)	Domestic violence, documentation in client record
ORC 2921.22 (G)	Patient confides that a felony has been committed
ORC 3901.051 (H)	Order granting parenting time companionship or visitation rights; non-residential parent access to child's records
ORC 5122.04	Outpatient services for minors without knowledge or consent of parent/guardian

Successful candidates must answer five questions correctly—two from Professional Conduct and one in each of the other three areas. Standards for passing each question are established prior to the examination. If a question is not answered correctly, an alternate question is given in the same content area. Up to two alternate questions are allowed during the course of an examination. Failure of a question and the alternate question in the same content area results in a failed examination. Candidates may be asked to recite circumstances, behaviors, prohibited behaviors, standards, or conditions, or lists that are outlined in the laws and rules as being specifically required in professional practice or, conversely, specifically prohibited. Candidates should know concepts (categories) by heading (not necessarily by numbers) and must be able to differentiate the rules/conditions/examples under each heading. Successful candidates are thoroughly familiar with all sections of these laws and rules to the point where they can fluently recite lists, conditions, and circumstances. **Therefore, successful candidates must memorize substantial amounts of information and have reported to the Board that they spend a minimum of 30-50 hours preparing for the exam.**

The law, rules, and examination content have changed over the years. Please be cautioned that there is outdated and erroneous information about preparing for this examination on various Internet sites.

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

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

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

#### **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";
- (G) To assure that supervisees have non-exploitative employment or training experiences; and,
- (H) To make available the general administrative, supervisory, and mental health expertise of licensed psychologists providing mental health worker supervision, as that term is defined in paragraph (C) of rule 4732-13-03 of the Administrative Code.

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

(A) Professional supervision in psychology:

(1) "Psychological work supervision" means the professional oversight 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. Telepsychology, as that term is defined in paragraph (S) of rule [4732-3-01](#) of the Administrative Code, may be used in the provision of psychological work supervision if conducted in accord with requirements set forth in paragraph (B)(29) of rule [4732-13-04](#) of the Administrative Code.

(2) "Psychological training supervision" means the formal provision by licensed psychologists or licensed school psychologists of systematic education and training that is primarily case-focused and evaluative. Telepsychology, as that term is defined in paragraph (S) of rule [4732-3-01](#) of the Administrative Code, may be used in the provision of psychological training supervision to meet the requirements set forth in paragraph (A) and paragraph (B) of rule [4732-9-01](#) of the Administrative Code only if using synchronous audiovisual communication and supervision is conducted in accord with requirements set forth in paragraph (B)(20) of rule 4732-13-04 of the

Administrative Code. The supervisory relationship supports and directs the work and professional development of graduate students (including predoctoral interns),

postdoctoral trainees or other qualified individuals to help them gain experience for the purposes of licensure as psychologists.

(3) "Psychological umbrella supervision" means the supervision of a candidate for licensure to help him/her develop supervisory skills. It exists when a psychological training supervisee supervises other psychological training 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 psychological training supervisees at the pre-doctoral and post-doctoral levels deemed prepared by the supervisor to enter into an umbrella supervisory relationship.

(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. Telepsychology, as that term is defined in paragraph (S) of rule 4732-3-01 of the Administrative Code, may be used in the provision of school psychological work supervision if conducted in accord with requirements set forth in paragraph (B)(29) of rule 4732-13-04.

(2) "School psychological training supervision" means the formal provision by licensed psychologists or licensed school psychologists of systematic education and training that is primarily case-focused and evaluative. Telepsychology, as that term is defined in paragraph (S) of rule 4732-3-01 of the Administrative Code, may be used in the provision of school psychological training supervision to meet the requirements set forth in paragraph (C)(3)(b) of rule 4732-9-02 of the Administrative Code only if using synchronous audiovisual communication and supervision is conducted in accord with requirements set forth in paragraph (B)(20) of rule 4732-13-04 of the Administrative Code. The supervisory relationship supports and directs the work and professional development of graduate students (including pre-doctoral interns), postdoctoral trainees or other qualified individuals to help them gain experience for purposes of licensure as a school psychologist or as a psychologist.

...(E) "Psychology Intern," "Psychology Doctoral Intern," "Psychology Predoctoral Intern," "Psychology Fellow," "Psychology Resident," "Psychology Postdoctoral Intern," "Psychology Postdoctoral Fellow," "Psychology Postdoctoral 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."

(K) "Telepsychology," as used herein, has the same meaning as that term is defined in paragraph (S) of rule 4732-3-01 of the Administrative Code.

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

##### **(B) Requirements for psychological work supervision and psychological training supervision.**

- (1) A supervisee is subject to all relevant statutes and rules of the board.
- (2) A supervisor is responsible for the psychological diagnosis, psychological prescription, and psychological client supervision of all clients; these functions may be delegated to a psychological work supervisee or psychological training supervisee in accord with paragraph (B)(7) and paragraph (B)(8) of this rule.
- (3) A supervisor has responsibility for the school psychological diagnosis, school psychological prescription, and school psychological client supervision of all clients; these functions may be delegated to a school psychological work supervisee or school psychological training supervisee in accord with paragraph (B)(7) and paragraph (B)(8) of this rule.
- (4) A supervisee shall carry out his/her psychological or school psychological activities in a suitable professional setting over which the supervisor has organizational responsibility for assignment and management of the supervisee's professional 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.
- (5) A supervisor shall document the type of psychological supervision being provided, and select and assign an appropriate title to the supervisee from the titles found in paragraphs (E), (F), (G), or (H), (I), and (J) in rule 4732-13-03 of the Administrative Code, and shall so inform the supervisee and, when applicable, the work setting administrator.
- (6) A supervisor shall register with the board, in a manner prescribed by 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 license holder of this board who is:
  - (a) Completely retraining for a general specialty of psychology pursuant to paragraph (F) 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) of rule 4732-13-02 of the Administrative Code.
- (7) A supervisor shall deactivate supervisory relationships, in a manner prescribed by the board, upon termination of psychological or school psychological work under his/her authority
- (8) A supervisor shall keep records of supervision. These records shall include any training supervision plans and co-supervision agreements, dates of supervision meetings, and notes regarding supervision, including specific clients/cases reviewed. For persons under psychological training supervision, these records shall also provide evidence of training activities. 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.
- (9) A supervisor has responsibility to make reasonable efforts to ensure that the 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 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 and 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 audio or video recordings, test protocols, or other client-generated material.

(11) A supervisor shall make reasonable efforts to plan for continuity of client care in the event that his/her supervision is 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.

(12) A supervisor has 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. All clients shall be 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, 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 or integrated into organizational informed consent documents 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, schedule of charges, and an indication that billing will come from the supervisor, agency, or institution under the supervisor's name;

(b) Name, license number, and professional address and telephone number of the supervisor;

(c) 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;

(d) Statement about the parameters of the professional relationship involving the supervisor, the supervisee, and the client;

(e) Statement about the availability of the supervisor to meet with the client, on request;

(f) Signatures of the supervisor, the supervisee, and the client(s) or guardian, with one copy being maintained by the supervisor.

(13) Supervisee evaluative reports and letters dealing with client welfare shall be co-signed by the supervisor.

(14) Supervisors who shares ongoing supervisory responsibility for the psychological or school psychological work of a supervisee with another license holder, including but not limited to those in academic and other training settings, shall prepare a written supervision plan, available to the board, that is agreed upon and signed by each supervisor and the supervisee.

(15) License holders of 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, although the

supervisor/consultant shall maintain a record of the supervision/consultation relationship. These records shall be maintained for a period of five years following the termination of supervision/consultation and shall be available for inspection by the board.

(16) Supervisors in private practice settings may charge for individual supervision only, and shall limit their 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.

(17) 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.

(18) Supervisors are aware that the amount of supervision required for training supervisees is specified in rule 4732-9-01 of the Administrative Code.

(19) A supervisor providing psychological training supervision to assist the supervisee toward licensure in psychology or school psychology shall comply with the following:

(a) A supervisor shall accept for psychological training supervision only persons who have completed appropriate academic or professional preparation for that area or are at an appropriate level of progress toward such completion.

(b) A supervisor and supervisee shall have a co-signed, 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.

(c) A supervisor shall ensure that the training provides adequate breadth of experience to enhance: the supervisee's professional attitudes and identity as a professional psychologist or school psychologist; professional, ethical, and legal responsibility; communication skills; critical judgment; and technical skills and competencies in the broad areas of psychological and/or school psychological assessment, psychological and/or school psychological interventions, and ethical decision making. Training experiences shall not take place until the supervisee has initiated or completed appropriate educational preparation, including both didactic course work and practica.

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

(20) In accord with paragraphs (A)(1), (A)(2), (B)(1) and (B)(2) of rule 4732-13-03 of the Administrative Code, licensees may conduct psychological supervision or school psychological supervision via telepsychology as follows:

(a) Supervisors recognize that the use of telepsychology is not appropriate for all cases and supervisees, and decisions regarding the appropriate use of telepsychology are made on a case-by-case basis. Licensees providing supervision via telepsychology are aware of additional risks incurred when providing supervision through the use of distance communication technologies and take special care to conduct their supervision in a manner that protects the welfare of the client and ensures that the client's welfare is paramount.

(b) Supervisors establish and maintain current competence in the conduct of psychological supervision via telepsychology through continuing education, consultation, or other procedures, in conformance with prevailing standards of scientific and professional knowledge. Licensees establish and maintain competence



in the appropriate use of the information technologies utilized in the rendering of psychological supervision.

(c) Supervisors providing supervision via telepsychology shall:

(i) Consider and document findings specific to:

(a) Whether a given client's presenting problems and apparent condition are consistent with the use of telepsychology in the supervisory process to the client's benefit; and

(b) Whether the supervisee has sufficient knowledge and skills in the use of the technology involved in rendering the supervision.

(ii) Not provide supervision via telepsychology services to any supervisee when the outcome of the analysis required in paragraphs (B)(29)(c)(i)(a) and (B)(29)(c)(i)(b) of this rule is inconsistent with the delivery of supervision via telepsychology, whether related to issues involving a given case or issues involving the technological knowledge and skills of the supervisee.

(iii) Upon initial and subsequent contacts with the supervisee, make reasonable efforts to verify the identity of the supervisee;

(iv) Obtain alternative means of contacting the supervisee;

(v) Provide to the supervisee alternative means of contacting the supervisor;

(vi) Supervisors, whenever feasible, use secure communications with supervisees, such as encrypted text messages via email or secure websites or secure real-time video;

(vii) Prior to providing supervision via telepsychology services, the supervisor and supervisee shall enter into a written agreement, in plain language consistent with accepted professional and legal requirements, relative to:

(a) Potential risks of sudden and unpredictable disruption of supervision dependent on telepsychology services and how an alternative means of re-establishing electronic or other connection will be used under such circumstances;

(b) When and how the supervisor will respond to routine electronic messages from the supervisee;

(c) Under what circumstances the supervisor and supervisee will use alternative means of communications under emergency circumstances;

(viii) Ensure that confidential communications stored electronically cannot be recovered and/or accessed by unauthorized persons when the licensee disposes of electronic equipment and data.

**(C) Prohibitions for psychological work supervision and psychological training supervision.**

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

(2) A supervisor 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.

(3) A supervisor shall not assume supervisory responsibility for psychological work that he/she is not personally competent to perform.

(4) A supervisor 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.

(5) Pursuant to paragraph (E) of rule 4732-17-01 of the Administrative Code:

(a) There shall be no direct family relationship between a supervisor and a supervisee.

(b) A supervisor shall not engage in sexual intercourse or other sexual intimacies with any supervisee.

- (c) A supervisor shall not engage in sexual harassment or any verbal or nonverbal conduct that is sexual in nature with any supervisee.
- (d) A supervisor shall not enter into a supervisory relationship for psychological work as an employee of a supervisee.
- (e) A supervisor shall not exploit the supervisee for financial gain or with excessive work demands.
- (6) A supervisor, emergency situations excepted, shall ensure that there are no more than two hundred forty work hours scheduled among all supervisees on a weekly basis, inclusive of both direct client contact hours and other non-clinical activities. This limitation on supervision does not apply to mental health worker supervision as described in paragraph (A) of this rule.
- (7) A supervisor shall not allow exploitation of a supervisee by an agency with which the supervisor and the supervisee are affiliated.
- (8) A supervisor shall not charge a supervisee for group supervision.
- (9) A supervisee shall not use the title "Psychologist"; a supervisee shall not use the title "School Psychologist," except when the supervisee holds an active certificate or license granted by the Ohio department of education (ODE) to render school psychological services under the authority of the ODE.
- (10) 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.
- (11) A supervisee shall not collect fees for psychological work in his/her own name.
- (12) A supervisee shall not independently advertise; use a business card or other listing that identifies any procedure or technique performed; 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 electronic or other directory under a title incorporating "Psychologist" or "Psychology"; or, otherwise hold himself/herself out to the public as being authorized to provide independent psychological services. Notwithstanding these prohibitions, the following shall be allowed:
  - (a) 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 client's understanding that the work is psychological in nature and that the supervising psychologist or school psychologist is professionally responsible for the work.
  - (b) A supervisee may use a printed business card on which the supervisee's name, appropriate title, supervisor's name and license number, and supervisory relationship are stated.
- (13) 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 two questions drawn from the following rules governing psychologists and school 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 or school psychologist is measured.

(2) Scope. The rules of professional conduct shall apply to the conduct of all license holders, supervisees, and applicants, including the applicant's conduct during the period of education, training, and employment that is required for licensure. The term "psychologist," as used within these rules of professional conduct, shall be interpreted accordingly, whenever psychological or school 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 "Association of State and Provincial Psychology Boards," and other relevant professional groups shall be used as aids in resolving ambiguities that may arise in the interpretation of the rules of professional conduct, except that these rules of professional conduct shall prevail whenever any conflict exists between these rules and any professional association standard.

(5) A license holder, or an applicant for licensure, shall provide a written response within a reasonable period of time not to exceed sixty days to any written inquiry, regarding compliance with law or rule, received from the board.

**(B) Negligence:**

(1) A license holder in a professional psychological role, as that term is defined in paragraph (R) of rule [4732-3-01](#) of the Administrative Code shall be considered negligent if his/her behaviors toward his/her clients, evaluatees, supervisees, employees or students, in the judgment of the board, clearly fall below the standards for acceptable practice of psychology or school psychology.

(2) Sexual harassment. License holders shall not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the license holder's professional activities, and that either (a) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (b) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts.

(3) Misrepresentation of qualifications. A license holder shall not misrepresent through false or misleading information his/her professional qualifications such as education, specialized training, experience, or area(s) of competence.

(4) Misrepresentation of affiliations. A license holder shall not misrepresent through false or misleading information his/her affiliations or the purposes or characteristics of institutions and organizations with which the license holder is associated.

(a) A license holder shall not claim either directly or by implication professional qualifications that differ from actual qualifications, including use of a degree or title that is not relevant to his/her psychological training or that is issued by an educational institution not meeting accreditation standards, he/she shall not misrepresent affiliation with any institution, organization, or individual, nor lead others to assume he/she has affiliations that he/she does not have. A license holder 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 license holder shall not include false or misleading information in public statements concerning psychological services offered.

(c) A license holder shall not associate with or permit his/her name to be used in connection with any services or products in such a way as to misrepresent them, the

degree of his/her responsibility for them, or the nature of his/her association with them.

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

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

(7) Maintenance and retention of records.

(a) A license holder rendering services to a client or evaluatee shall maintain a record that includes:

(i) Written documentation indicating that the license holder obtained written informed consent prior to the delivery of services, signed and dated by the client/evaluatee reflecting understanding of and agreement to the services, or documentation by the license holder justifying the reason(s) why a signed form was contraindicated or not feasible,

(ii) The date(s) and description of services rendered during each professional contact,

(iii) The presenting problem or reason for evaluation,

(iv) The fee arrangement,

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

(vi) Justification and rationale for not releasing records to a client in response to a valid request, including the reason for making a determination for clearly stated treatment reasons that disclosure of the requested records is likely to have an adverse effect on the client, and shall comply with division (B) of section [3701.74](#) of the Revised Code.

(vii) Test data or other evaluative results produced or obtained as part of the services rendered,

(viii) A copy of any reports prepared as part of the professional relationship,

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

(x) Notation and results of formal contacts with other providers,

(xi) Knowledge of all multiple relationships present, with reasoning as to why it is in the best interest of the client and/or not harmful to continue the professional relationship, and

(b) To meet the requirements of these rules, but not necessarily for other legal purposes, the license holder shall ensure that all contents in the professional record are maintained for a period of not less than seven years after the last date of service rendered, or not less than the length of time required by other regulations if that is longer. A license holder shall retain records documenting services rendered to minors for not less than two years after the minor has reached the age of majority or for seven years after the last date of service, whichever is longer.

(c) A license holder shall store and dispose of written, electronic, and other records of clients in such a manner as to ensure their confidentiality. License holders shall prepare in advance and disseminate to an identifiable person a written plan to facilitate appropriate transfer and to protect the confidentiality of records in the event of the license holder's withdrawal from positions or practice. Each license holder shall report to the board on the biennial registration (renewal) form the name, address, and telephone number of a license holder or other appropriate person knowledgeable about the location of the written plan for transfer and custody of records and responsibility for records in the event of the licensee's absence, emergency or death. The written plan referenced in this rule shall be made available to the board upon request.

(d) In the event a complaint has been filed, a license holder shall provide the original or a full copy of the client file or other client-identifiable documents to the board upon request, provided that the request is accompanied by a copy of a release signed by the client.

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

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

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

(1) Conflicts of interest. License holders actively identify, disclose, document, and remedy conflicts of interest and potential conflicts of interest. A conflict of interest exists when the license holder's objectivity, judgment, or competence is impaired by a multiple role/relationship or when a client/evaluatee is subject to exploitation.

License holders actively clarify and document their role when providing or offering psychological or school psychological services. Notwithstanding paragraph (e) of this rule, conflict of interest situations include but are not limited to:

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

(b) License holders in a treatment role with one or more adults involved in a contested parenting time or custody dispute:

(i) Shall anticipate being asked to participate in conflicting roles; and

(ii) Shall clarify and document as early as feasible that his/her role is restricted to providing therapeutic services, and shall take appropriate action to avoid role conflicts; and

(iii) Shall not render verbal or written opinions to any person or entity, including but not limited to the client, any court, attorney, guardian ad litem, or other professional about a client's or other person's access to, parenting time with, or custody of, any child.

(c) License holders in a treatment role with one or more children involved in a contested parenting time or custody dispute:

(i) Shall anticipate being asked to participate in conflicting roles; and

(ii) Shall clarify and document as early as feasible that his/her role is restricted to providing therapeutic services, and shall take appropriate action to avoid role conflicts; and

(iii) Shall not render verbal or written opinions to any person or entity, including but not limited to the client, any court, attorney, guardian ad litem, or other professional about a client's or other person's access to, parenting time with, or custody of, any child.

(d) License holders may undertake roles specifically determined by a court or other adjudicative body or child welfare agency (concerning, for example, parenting coordination and family reunification), wherein rendering opinions and recommendations about the client(s) to the adjudicative body may be necessary and appropriate, if consistent with the

parameters of a written order or directive, and if the role of the license holder is established in written informed consent procedures.

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

(2) Multiple relationships. A multiple relationship exists when a license holder is in a professional psychological role pursuant to paragraph (R) of rule [4732-3-01](#) of the Administrative Code and is in another relationship with the same person or entity or with an individual closely associated with the person or entity. Depending on the timing and nature of one's interactions before or after the establishment of a professional psychological role, multiple relationships can result in exploitation of others, impaired judgment by clients, supervisees and evaluatees, and/or impaired judgment, competence and objectivity of the psychologist or school psychologist. Psychologists and school psychologists actively identify and manage interpersonal boundaries to ensure that there is no exploitation of others and that professional judgment, competence, and objectivity within one's professional psychological roles are not compromised.

(a) 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 license holder with persons with whom there is or was a professional psychological role are not relationships. Nothing in this rule shall be construed to mean that a license holder is prohibited from undertaking a professional psychological role in an emergency situation, including effecting an appropriate referral when necessary to foster the welfare of others.

(b) 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 license holder.

(i) A license holder shall not:

(a) Undertake a professional psychological role with persons with whom he/she has previously engaged in sexual intercourse or other sexual intimacies;

(b) 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 license holder.

(c) 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;

(d) 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 multiple relationship results in: exploitation of the person; or, impaired judgment, competence, and/or objectivity in the performance of one's functions as a psychologist or school psychologist.

(e) 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.

(ii) The prohibitions established in paragraph (C)(2)(b) 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.

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

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

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

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

(4) Sufficient professional information. A license holder rendering a formal professional opinion or recommendation about a person shall not do so without substantial professional information within a clearly defined role.

(5) Informed consent. A license holder shall accord each client informed choice, confidentiality, and reasonable protection from physical or mental harm or danger.

(a) License holders clearly document written informed consent, permission, or assent, as warranted by the circumstances, for treatment or evaluation prior to proceeding with the provision of psychological or school psychological services.

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

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

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

(e) When a license holder provides services to two or more clients who have a relationship with each other and who are aware of each other's participation in treatment (for example, couples and family members), the license holder shall clarify with all parties and document the parties' understanding about how records of the

services will be maintained, who has access to the records, and any limits of access to the records.

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

(7) Media. Psychological or school 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; internet, newspaper, or magazine; radio or television; or social media.

(8) Stereotypes. A license holder shall not impose on a client any stereotypes of behavior, values, or roles related to age, sex, gender expressions,, religion, race, ethnicity, disability, nationality, or sexual orientation that would interfere with the objective provision of psychological services to the client.

(9) Termination/alternatives. A license holder shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship, and shall offer to help locate alternative sources of professional services or assistance if indicated.

(10) Referral. A license holder shall make an appropriate referral of a client to another professional when requested to do so by the client.

(11) Continuity of care. A license holder shall make arrangements for another appropriate professional or professionals to deal with the emergency needs of his/her clients, as appropriate, during periods of foreseeable absence from professional availability.

(12) Interruption of services.

(a) A license holder makes reasonable efforts to plan for continuity of care in the event that psychological services are interrupted by factors such as the license holder's illness, unavailability, relocation, or death, or the client's relocation or financial limitations.

(b) A license holder entering into employment or contractual relationships shall make reasonable efforts to provide for orderly and appropriate resolution of responsibility for client care in the event that the employment or contractual relationship ends, with paramount consideration being given to the welfare of the client. A license holder who serves as an employer of other license holders has an obligation to make similar appropriate arrangements.

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

**(D) Remuneration:**

(1) Financial arrangements:

(a) All financial arrangements shall be documented and made clear to each client in advance of billing, preferably within the initial session but no later than the end of the second session, unless such disclosure is contraindicated in the professional judgment of the licensee. In the event that disclosure is not made by the end of the second session, the license holder bears the burden of demonstrating that disclosure was contraindicated and that the client was not harmed as a result of non-disclosure.



(b) A license holder shall not mislead or withhold from any client, prospective client, or third-party payer, information about the cost of his/her professional services.

(c) A license holder shall not, in the judgment of the board, exploit a client or responsible payer financially or enter into an exploitative bartering arrangement in lieu of a fee.

(d) The primary obligation of a license holder employed by an institution, agency, or school is to persons entitled to his/her services through the institution, agency, or school. A license holder shall not accept a private fee or any other form of remuneration from such persons unless the policies of a particular institution, agency or school make explicit provision for private work with its clients by members of its staff. In such instances the client or guardian shall be fully apprised of available services and all policies affecting him/her, prior to entering into a private professional relationship with a license holder.

(2) Improper financial benefits:

(a) A license holder shall neither derive nor solicit any form of monetary profit or personal gain as a result of his/her professional relationship with clients or immediate ex-clients, beyond the payment of fees for psychological services rendered. However, unsolicited token gifts from a client are permissible.

(b) A license holder shall neither give nor receive any commission, rebate, or other form of remuneration for referral of a client for professional services, without full disclosure in advance to the client of the terms of such an agreement.

(c) A license holder shall not bill for services that are not rendered. However, he/she may bill for missed appointments that the client did not cancel in advance, if this is part of the financial arrangements made in accordance with paragraph (D)(1)(a) of this rule.

**(E) Testing and test interpretation:**

(1) Assessment procedures:

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

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

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

(d) A license holder offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering with a manual or other printed material that fully describes the development of the assessment procedure or service, its rationale, evidence of validity and reliability, and characteristics of the normative population. A license holder shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. A license holder shall ensure that any advertisements for the assessment procedure or interpretive service are factual and descriptive. Such services are to be considered as a professional-to-professional consultation. A license holder shall make and document reasonable efforts to avoid misuse of such assessment reports.

(e) A license holder shall choose only appropriate tests and give them only for a justifiable purpose to the benefit of a client.

(2) Test security. Psychological tests and other assessment devices shall not be reproduced or described in popular publications in ways that might invalidate the techniques. Test materials means manuals, instruments, protocols, and test

questions or stimuli and does not include test data except as specified in paragraph (F)(3)(a) of rule [4732-17-01](#) of the Administrative Code. License holders make reasonable efforts to maintain the integrity and security of test materials and other assessment techniques consistent with law and contractual obligations. Access to such devices is limited to persons with professional interests who will safeguard their use.

(a) Sample items made up to resemble those of tests being discussed may be reproduced in popular articles and elsewhere, but scorable tests and actual test items shall not be reproduced except in professional publications.

(b) A license holder is responsible for the security of psychological tests and other devices and procedures used for instructional purposes.

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

(3) Test interpretation.

(a) Test scores, like test materials, may be released to another person or an organization only in a manner that adheres to the client's rights to confidentiality as set forth in paragraph (G) of this rule.

(b) Test results or other assessment data used for evaluation or classification are communicated to employers, relatives, or other appropriate persons in such a manner as to guard against misinterpretation or misuse. License holders when interpreting and communicating assessment results take into account the purpose of the assessment as well as various test factors, test-taking abilities, and other characteristics of the person being assessed, such as situational, environmental, personal, linguistic, and cultural, that might affect professional judgments or reduce the accuracy of interpretations, and significant limitations of interpretations are indicated.

(c) A license holder always respects the client's or guardian's right to know the results, the interpretations made, his/her conclusions, and the bases for his/her recommendations. When a license holder provides verbal communication of assessment results in the absence of a written report, this event shall be documented in the client record.

### **(F) Confidentiality**

(1) Confidential information is information revealed by an individual or individuals or otherwise obtained by a license holder, when there is a reasonable expectation that it was revealed or obtained as a result of the professional relationship between the individual(s) and the license holder. Such information is not to be disclosed by the license holder without the informed consent of the individual(s).

(a) When rendering psychological services as part of a team or when interacting with other appropriate professionals concerning the welfare of a client, a license holder may share confidential information about the client provided that reasonable steps are taken to ensure that all persons receiving the information are informed about the confidential nature of the information being shared and agree to abide by the rules of confidentiality.

(b) When any case report or other confidential information is used as the basis of teaching, research, or other published reports, a license holder shall exercise reasonable care to ensure that the reported material is appropriately disguised to prevent client or subject identification.

(c) A license holder shall ensure that no diagnostic interview or therapeutic sessions with a client are observed or electronically recorded without first informing the client or the client's guardian obtaining and documenting written consent from same.

- (d) A license holder shall limit access to client records and shall ensure that all persons working under his/her authority comply with the requirements for confidentiality of client material.
- (e) A license holder shall continue to treat all information regarding a client as confidential after the professional relationship between the psychologist or school psychologist and the client has ceased.
- (f) In a situation in which more than one party has an appropriate interest in the professional services rendered by a license holder to a client, the license holder shall, to the extent possible, clarify to all parties the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services.
- (i) Such clarification is specifically indicated, among other circumstances, when the client is an organization or when the client has been referred by a third party.
- (ii) In accord with paragraphs (C)(3) and (F)(3)(c) of this rule, a license holder shall clarify with the individual receiving services because of a third-party referral whether, and under what conditions-including costs, information or feedback will be provided to the individual receiving those psychological services.
- (2) Protecting confidentiality of clients. In accordance with section [4732.19](#) of the Revised Code, the confidential relations and communications between license holders and clients are placed under the same umbrella of a privilege as those between physician and patient under division (B) of section [2317.02](#) of the Revised Code. The privilege is intended to protect the interest of the client by encouraging free disclosure to the license holder and by preventing such free disclosure to others. Thus, the client rather than the license holder holds and may assert the privilege.
- (a) A license holder shall not testify concerning a communication made to him/her by a client. The license holder may testify by express consent of the client or legal guardian or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of such deceased client. If the client voluntarily testifies, the license holder may be compelled to testify on the same subject; or if the client, the executor or administrator files a claim against the license holder, such filing shall constitute a waiver of the privilege with regard to the services about 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 license holder and the client.
- (c) A license holder may disclose confidential information without the informed written consent of a client when the license holder judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on himself/herself or on another person. In such case, the license holder may disclose the confidential information only to appropriate public authorities, the potential victim, professional workers, and/or the family of the client.
- (d) A license holder shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional duties. With the exceptions as required or permitted by statute, a license holder shall disclose confidential information to others only with the informed written consent of the client.
- (e) At the beginning of a professional relationship a license holder shall inform his/her client of the legal limits of confidentiality. To the extent that the client can understand, the license holder shall inform a client who is below the age of majority or who has a legal guardian of the limit the law imposes on the right of confidentiality. When services are provided to more than one patient or client during a joint session (for example to a family or couple, or parent and child, or group), a license holder shall, at the beginning of the professional relationship, clarify to all parties the limits of confidentiality.

(f) Minor clients who are offered privacy as a means of facilitating free disclosure of information shall be told by the license holder that the parent(s) and/or guardian(s) have a right to access their records, unless otherwise prohibited by court order, statute, or rule. The license holder shall document in the record this disclosure to the minor client.

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

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

**(G) Competence:**

(1) Limits on practice. A license holder shall limit his/her professional practice to those specialty areas in which competence has been gained through education, training, and experience. If important aspects of the client's problem fall outside the boundaries of competence, then the license holder assists his/her client in obtaining additional professional help.

(2) Specialty standard of care. A license holder shall exercise sound judgment and care in determining what constitutes his/her area(s) of competence. A guiding principle is that one who undertakes practice in a given specialty area will be held to the standard of care within that specialty while he/she is practicing in that area.

(3) Maintaining competency. A license holder shall maintain current competency in the areas in which he/she practices, through continuing education, consultation, and/or other training, in conformance with current standards of scientific and professional knowledge.

(4) Adding new services and techniques. A license holder, when developing competency in a new area or in a new service or technique, shall engage in ongoing consultation with other psychologists, school psychologists, or appropriate professionals and shall seek continuing education in the new area, service or technique. A license holder shall inform any client whose treatment will involve a newly developing service or technique of its innovative nature and the known risks concerning those services and shall document informed consent provided by the client or legal guardian.

(5) Limits on practice under school psychologist license. A school psychologist who does not hold a psychologist license shall not practice beyond the scope of the school psychologist license, as defined in division (E) of section [4732.01](#) of the Revised Code.

(6) Referrals. A license holder shall make or recommend referral to other professional, technical, or administrative resources when such referral is in the best interests of the client.

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

**(H) Telepsychology.**

(1) "Telepsychology" means the practice of psychology or school psychology as those terms are defined in divisions (B) and (E) of section [4732.01](#) of the Revised Code, including psychological and school psychological supervision, by distance communication technology such as but not necessarily limited to telephone, email, Internet-based communications, and videoconferencing.

(2) In order to practice telepsychology in the state of Ohio one must hold a current, valid license issued by the Ohio board of psychology or shall be a registered supervisee of a licensee being delegated telepsychology practices in compliance with paragraphs (B) and (C) of rule [4732-13-04](#) of the Administrative Code.

(3) License holders understand that this rule does not provide licensees with authority to practice telepsychology in service to individuals located in any jurisdiction other than Ohio, and licensees bear responsibility for complying with laws, rules, and/or policies for the practice of telepsychology set forth by other jurisdictional boards of psychology.

(4) License holders practicing telepsychology shall comply with all of these rules of professional conduct and with requirements incurred in state and federal statutes relevant to the practice of psychology and school psychology.

(5) License holders shall establish and maintain current competence in the professional practice of telepsychology through continuing education, consultation, or other procedures, in conformance with prevailing standards of scientific and professional knowledge. License holders shall establish and maintain competence in the appropriate use of the information technologies utilized in the practice of telepsychology.

(6) License holders recognize that telepsychology is not appropriate for all psychological problems and clients, and decisions regarding the appropriate use of telepsychology are made on a case-by-case basis. License holders practicing telepsychology are aware of additional risks incurred when practicing psychology or school psychology through the use of distance communication technologies and take special care to conduct their professional practice in a manner that protects the welfare of the client and ensures that the client's welfare is paramount. License holders practicing telepsychology shall:

(a) Conduct a risk-benefit analysis and document findings specific to:

(i) Whether the client's presenting problems and apparent condition are consistent with the use of telepsychology to the client's benefit; and

(ii) Whether the client has sufficient knowledge and skills in the use of the technology involved in rendering the service or can use a personal aid or assistive device to benefit from the service.

(b) Not provide telepsychology services to any person or persons when the outcome of the analysis required in paragraphs (I)(6)(a)(i) and (I)(a)(ii) of this rule is inconsistent with the delivery of telepsychology services, whether related to clinical or technological issues.

(c) Upon initial and subsequent contacts with the client, make reasonable efforts to verify the identity of the client;

(d) Obtain alternative means of contacting the client;

(e) Provide to the client alternative means of contacting the licensee;

(f) Establish a written agreement relative to the client's access to face-to-face emergency services in the client's geographical area, in instances such as, but not necessarily limited to, the client experiencing a suicidal or homicidal crisis;

(g) Licensees, whenever feasible, use secure communications with clients, such as encrypted text messages via email or secure websites and obtain and document consent for the use of non-secure communications.

(h) Prior to providing telepsychology services, obtain the written informed consent of the client, in language that is likely to be understood and consistent with accepted professional and legal requirements, relative to:

(i) The limitations and innovative nature of using distance technology in the provision of psychological or school psychological services;

(ii) Potential risks to confidentiality of information due to the use of distance technology;

- (iii) Potential risks of sudden and unpredictable disruption of telepsychology services and how an alternative means of re-establishing electronic or other connection will be used under such circumstances;
- (iv) When and how the licensee will respond to routine electronic messages;
- (v) Under what circumstances the licensee and service recipient will use alternative means of communications under emergency circumstances;
- (vi) Who else may have access to communications between the client and the licensee;
- (vii) Specific methods for ensuring that a client's electronic communications are directed only to the licensee or supervisee;
- (viii) How the licensee stores electronic communications exchanged with the client;
- (7) Ensure that confidential communications stored electronically cannot be recovered and/or accessed by unauthorized persons when the licensee disposes of electronic equipment and data;
- (8) If in the context of a face-to-face professional relationship the following are exempt from this rule:
  - (a) Electronic communication used specific to appointment scheduling, billing, and/or the establishment of benefits and eligibility for services; and,
  - (b) Telephone or other electronic communications made for the purpose of ensuring client welfare in accord with reasonable professional judgment.

**(I) Violations of law:**

- (1) Violation of applicable statutes. A license holder shall not violate any applicable statute or administrative rule regulating the practice of psychology or school psychology.
- (2) Use of fraud, misrepresentation, or deception. A license holder shall not use fraud, misrepresentation, or deception in obtaining a psychology or school psychology license, in taking a psychology or school psychology licensing examination, in assisting another to obtain a psychology or school psychology license or to take a psychology or school psychology licensing examination, in billing clients or third-party payers, in providing psychological or school psychological services, in reporting the results of those services, or in conducting any other activity related to the practice of psychology or school psychology.

**(J) Aiding illegal practice:**

- (1) Aiding unauthorized practice. A license holder shall not aid or abet another person in misrepresenting his/her professional credentials or in illegally engaging in the practice of psychology or school psychology.
- (2) Delegating professional responsibility. A license holder shall not delegate professional responsibilities to a person not qualified and/or not appropriately credentialed to provide such services.
- (3) Providing supervision. A license holder shall exercise appropriate supervision over supervisees, as set forth in the rules of the board.
- (4) Reporting of violations to board. A license holder who has substantial reason to believe that another license holder or psychological or school psychological supervisee has committed an apparent violation of the statutes or rules of the board that has substantially harmed or is likely to substantially harm a person or organization shall so inform the board in writing; however, when the information regarding such violation is obtained in a professional relationship with a client, the license holder shall report it only with the written permission of the client. Under such circumstances the license holder shall advise the client of the name, address, and telephone number of the state board of psychology and of the client's right to file a complaint. The license holder shall make reasonable efforts to guide and/or

facilitate the client in the complaint process as needed or requested by the client. Nothing in this rule shall relieve a license holder 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 and school psychologists:

#### **ORC 4732.01 Definitions.**

As used in this chapter:

(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 an individual's welfare is directly affected by the application of psychological procedures.

(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, behavior, or personality factors directly related to learning problems;
- (2) Intervention services, including counseling, for children or adults for amelioration or prevention of educationally related learning problems, including emotional and behavioral aspects of such problems;
- (3) Psychological, 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) " School psychologist licensed by the state board of psychology" 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) " School psychologist licensed by the state board of education" means an individual holding a current, valid school psychologist license issued under rules adopted under 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.

(J) "Telepsychology" means the practice of psychology or school psychology by distance communication technology, including telephone, electronic mail, internet-based communications, and video conferencing.

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

(A) On or before the thirty-first day of August of each even-numbered year, each person who holds an active license issued by the state board of psychology shall register with the board in a format and manner prescribed by the board, giving the person's name, address, license number, the continuing education information required by section 4732.141 of the Revised Code, and such other reasonable information as the board requires. The person shall pay to the board a biennial registration fee , as follows:

- (1) From the effective date of this amendment through June 30, 2016, three hundred fifty dollars;
- (2) From July 1, 2016, through June 30, 2020, three hundred sixty dollars;
- (3) July 1, 2020, and thereafter three hundred sixty-five dollars.

A person licensed for the first time on or before the thirtieth day of September of an even-numbered year shall next be required to register on or before the thirtieth day of September of the next even-numbered year.

(B) Before the first day of August of each even-numbered year, the board shall send a notice to each license holder, whether a resident or not, at the license holder's last provided official mailing address, that the license holder's continuing education compliance must be completed on or before the last day of August and the biennial registration form and fee are due on or before the last day of September. A license of any license holder shall automatically expire if any of the following are not received on or before the thirtieth day of September of a renewal year :



- (1) The biennial registration fee;
- (2) The registration form;
- (3) A report of compliance with continuing education requirements.

Within five years thereafter, the board may reinstate any expired license upon payment of the current registration fee and a penalty fee established by the board, not to exceed two hundred fifty dollars, and receipt of the registration form completed by the registrant in accordance with this section and section 4732.141 of the Revised Code or in accordance with any modifications authorized by the board under division (F) of section 4732.141 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 of the Revised Code by a license holder when the license holder is on active duty in the armed forces of the United States or a reserve component of the armed forces of the United States, including the Ohio national guard or the national guard of any other state.

An individual who has had a license placed on retired status under section 4732.142 of the Revised Code may seek reinstatement of the license in accordance with rules adopted by the board.

(C) Each license holder shall notify the executive director of any change in the license holder's official mailing address, office address, or employment within sixty days of such change.

### **ORC 4732.17 Actions against applicants or license holders**

(A) Subject to division (F) of this section, the state board of psychology may take any of the actions specified in division (C) of this section against an applicant for or a person who holds a license issued under this chapter on any of the following grounds as applicable:

- (1) Conviction, including a plea of guilty or no contest, 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) A judicial finding of eligibility for intervention in lieu of conviction for a felony or any offense involving moral turpitude in a court of this or any other state or in a federal court;
- (3) 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;
- (4) Accepting commissions or rebates or other forms of remuneration for referring persons to other professionals;
- (5) Willful, unauthorized communication of information received in professional confidence;
- (6) Being negligent in the practice of psychology or school psychology;
- (7) Inability to practice according to acceptable and prevailing standards of care by reason of a mental, emotional, physiological, or pharmacological condition or substance abuse;
- (8) Subject to section 4732.28 of the Revised Code, violating any rule of professional conduct promulgated by the board;

- (9) Practicing in an area of psychology for which the person is clearly untrained or incompetent;
- (10) 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 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.
- (11) 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;
- (12) 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;
- (13) Any of the following actions taken by the agency responsible for authorizing or certifying the person to practice or regulating the person's practice of a health care occupation or provision of health care services in this state or another jurisdiction, as evidenced by a certified copy of that agency's records and findings for any reason other than the nonpayment of fees:
- (a) Limitation, revocation, or suspension of the person's license to practice;
  - (b) Acceptance of the person's license surrender;
  - (c) Denial of a license to the person;
  - (d) Refuse to renew or reinstate the person's license;
  - (e) Imposition of probation on the person;
  - (f) Issuance of an order of censure or other reprimand against the person;
  - (g) Other negative action or finding against the person about which information is available to the public.
- (14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;
- (15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;
- (16) Unless the person is a school psychologist licensed by the state board of education:
- (a) Offering or rendering school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;
  - (b) Offering or rendering school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.
- (17) Violating any adjudication order or consent agreement adopted by the board;

(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.

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

(1) 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.

(2) 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.

(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:

(1) Refuse to issue a license to an applicant;

(2) Issue a reprimand to a license holder;

(3) Suspend the license of a license holder;

(4) Revoke the license of a license holder;

(5) Limit or restrict the areas of practice of an applicant or a license holder;

(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;

(7) Require remedial education and training of an applicant or a license holder.

(D) When it revokes the license of a license holder under division (C)(4) of this section, the board may specify that the revocation is permanent. An individual subject to permanent revocation is forever thereafter ineligible to hold a license, and the board shall not accept an application for reinstatement of the license or issuance of a new license.

### **OAC 4732-3-01 Definitions**

(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

(Q) "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.

(R) 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.

(S) "Telepsychology" means the practice of psychology or school psychology as those terms are defined in divisions (B) and (E) of section 4732.01 of the Revised Code, including psychological and school psychological supervision, by distance communication technology such as but not necessarily limited to telephone, email, Internet-based communications, and videoconferencing.

(T) "License holder" means a licensed psychologist or licensed school psychologist.

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

(A) Consistent with division (A)(7) of section 4732.22 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 following psychological procedures are a serious hazard to mental health as that term is defined in paragraph (L) of rule 4732-3-01 of the Administrative Code 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) Hypnotic techniques for diagnostic, treatment, or other psychotherapeutic purposes
- (5) Individual intelligence testing, assessment of cognitive processing, or determination of individual intelligence
- (6) Personality evaluation
- (7) Individual and group psychological psychotherapy
- (8) Psychological behavior psychotherapy such as, but not limited to, implosive therapy, aversive therapy, and desensitization
- (9) Couples and family psychological psychotherapy
- (10) Psychological psychotherapy for sexual dysfunctions or disorders
- (11) Psychological pharmacological consultation, as defined by procedures specified in paragraph (C) (3) of rule [4732-3-01](#) of the Administrative Code.

### **OAC 4732-5-02 Exemptions from licensure requirements**

Persons exempt from licensure requirements are generally set forth in division (A) of section 4732.22 of the Revised Code. In addition, exemptions from licensure requirements shall include:

(A) A person who holds a license issued by the state board of education authorizing the practice of school psychology, 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 children with disabilities established under Chapter 3323. or 5126. of the Revised Code. A person exempted under this division shall not offer psychological services to any other individual, organization, or group unless the person is licensed by the state board of psychology;

(B) A nonresident temporarily employed in this state to render psychological services for not more than thirty days a year who successfully submits a board-prescribed application prior to practicing in Ohio and 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;

(C) Any student or other person working under the supervision of a psychologist or school psychologist licensed under this chapter, while engaging in training experiences or carrying out specific tasks, under the license holder's supervision, as an extension of the license holder's legal and ethical authority as specified under this chapter. The person working under the license holder's supervision shall not represent oneself to the public as a psychologist or school psychologist, and supervised persons shall be ascribed an appropriate title by the supervisor from those listed in paragraphs (E), (F), (G), (H), (I) and (J) of rule 4732-13-03;

(D) 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 under this chapter or is a qualified supervisor pursuant to rules of the board;

(E) Recognized religious officials, including ministers, priests, rabbis, imams, Christian science practitioners, and other persons recognized by the board, conducting counseling when the counseling activities are within the scope of the performance of their regular duties and are performed under the auspices or sponsorship of an established and legally cognizable religious denomination or sect, as defined in current federal tax regulations, and when the religious official does not refer to the official's self as a psychologist and remains accountable to the established authority of the religious denomination or sect;

(F) 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;

(G) 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";

(H) Persons using the term "social psychologist," "experimental psychologist," "developmental psychologist," "research psychologist," "cognitive psychologist," and other terms used by those in academic and research settings who possess a doctoral degree in psychology from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards and who do not use such a term in the solicitation or rendering of professional psychological services;

(I) 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;

(J) 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.

**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**
- § 5101.63.....Duty to report abuse, neglect, or exploitation of adult**
- § 5101.60..... Adult protective services definitions**
- § 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**
- § ORC 5122.04.....Outpatient services for minors without knowledge or consent of parent or guardian**

## **ORC 2151.421**

### **REPORTING CHILD ABUSE OR NEGLECT**

(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 has reasonable cause to suspect based on facts that would cause a reasonable person in a similar position to suspect, that a child under eighteen years of age, or a person, under twenty-one years of age with a developmental disability or physical impairment, 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 reasonable cause to suspect to the entity or persons specified in this division. Except as provided in section [5120.173](#) 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](#) 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;**...

(C) Any report made pursuant to...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.



## **ORC 5101.63**

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

(A) As used in this section:

Any attorney, physician, osteopath, podiatrist, chiropractor, dentist, **psychologist (includes Board-licensed school psychologists)**...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.

(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.

### **5101.60 Adult protective services definitions.**

As used in sections 5101.60 to 5101.71 of the Revised Code:

(A) "Abuse" means the infliction upon an adult by self or others of injury, unreasonable confinement, intimidation, or cruel punishment with resulting physical harm, pain, or mental anguish.

(B) "Adult" means any person sixty years of age or older within this state who is handicapped by the infirmities of aging or who has a physical or mental impairment which prevents the person from providing for the person's own care or protection, and who resides in an independent living arrangement. An "independent living arrangement" is a domicile of a person's own choosing, including, but not limited to, a private home, apartment, trailer, or rooming house. An "independent living

arrangement" includes an adult care facility licensed pursuant to Chapter 5119. of the Revised Code, but does not include other institutions or facilities licensed by the state or facilities in which a person resides as a result of voluntary, civil, or criminal commitment.

(K) "Neglect" means the failure of an adult to provide for self the goods or services necessary to avoid physical harm, mental anguish, or mental illness or the failure of a caretaker to provide such goods or services.

## **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 (includes Board-licensed school psychologists)**, 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) Disclosure of information pursuant to this section does not give rise to any liability or recrimination for a breach of privilege or confidence.

## **ORC 3109.051 (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 5122.04**

### **OUTPATIENT SERVICES FOR MINORS WITHOUT KNOWLEDGE OR CONSENT OF PARENT OR GUARDIAN.**

(A) Upon the request of a minor fourteen years of age or older, a mental health professional may provide outpatient mental health services, excluding the use of medication, without the consent or knowledge of the minor's parent or guardian. Except as otherwise provided in this section, the minor's parent or guardian shall not be informed of the services without the minor's consent unless the mental health professional treating the minor determines that there is a compelling need for disclosure based on a substantial probability of harm to the minor or to other persons, and if the minor is notified of the mental health professional's intent to inform the minor's parent, or guardian.

(B) Services provided to a minor pursuant to this section shall be limited to not more than six sessions or thirty days of services whichever occurs sooner. After the sixth session or thirty days of services the mental health professional shall terminate the services or, with the consent of the minor, notify the parent, or guardian, to obtain consent to provide further outpatient services.

(C) The minor's parent or guardian shall not be liable for the costs of services which are received by a minor under division (A).

(D) Nothing in this section relieves a mental health professional from the obligations of section 2151.421 of the Revised Code.