

Are you in compliance with the State Board of Psychology rules and regulations: Update your practice with updated rules

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Disclaimer: Not Giving Legal Advice

- Information presented in this seminar is intended for general informational purposes only, and is not legal advice. Legal advice depends on the specific facts and circumstances of each individual's situation. Information provided should not be construed as legal advice.

Objectives

1. State what has changed as it relates to biennial registration
2. Be able to articulate the State Board's new rules pertaining to supervision.
3. Explain at least three new rules related to Professional Conduct
4. Cite to at least two laws outside of the Psychology Code that directly impact the practice of psychology in Ohio

Outline for Presentation of Material

1. Updates to the Ohio Revised Code
 - Psychology Law: Ohio Revised Code Chapter 4732 (ORC 4732)

2. Updates to the Board Rules
 - Psychology Rules: Ohio Administrative Code 4732 (OAC 4732)

3. Review of Related Statutes

Laws, Rules, and Codes - Differences

	Laws	Adm. Rules & Regs.	Codes of Conduct
Who Creates?	Legislators	Administrative Agencies	Professional groups and organizations
Who Must Follow?	Everyone in the covered jurisdiction	Licensees and supervisees	Members
Consequences of Violation?	Criminal conviction	Fines, Reprimands, Suspensions, Revocation of License	Censure, expulsion from membership

Laws, Rules, and Codes - Conflicts

- **Note:** There is much overlap between laws, administrative rules, and professional codes of conduct.
- Each may cite to the other.
- Administrative rules, for example, are written statements of law adopted by an administrative agency pursuant to authority granted by the General Assembly to carry out the policies and intent of a statute enacted by the General Assembly

ORC § 4732

- Effective:
 - a) March 20, 2014
 - b) March 20, 2015
 - c) March 20, 2016

ORC § 4732 Effective March 20, 2014

- Allows re-admission to the EPPP after:
 - a) 30 days
 - b) 6 months

ORC § 4732 Effective March 20, 2014

- Permits the Board to consider emergency summary suspension of a licensee via _____.

ORC § 4732 Effective March 20, 2014

- Permits the Board to issue investigation-related _____ under strict circumstances

ORC § 4732 Effective March 20, 2014

- Permits the Board to refer a licensee or applicant for _____ with cause.

ORC § 4732 Effective March 20, 2014

- Eliminates the “_____” of license renewal notices.

ORC § 4732 Effective March 20, 2014

- Adds what license category, effective with the 2016 renewal?

ORC § 4732 Effective March 20, 2014

- Establishes fee increases.
 - The current fee is:
 - \$300
 - \$350
 - \$400
 - In 2016, the renewal fee will be:_____.
 - In 2020, the renewal fee will be:_____.
 - In 2014, application and initial licensure fee from _____ to _____.
 - In 2016, license reinstatement / late MCE penalty fee from _____ to _____.

ORC § 4732 Effective March 20, 2014

- Establishes new fees, effective 3-20-14.
 - Written verification of licensure fee: _____.
 - Non-resident application for permission for temporary practice in Ohio: _____.
 - Retired psychologist or school psychologist status: _____.

ORC § 4732 Effective March 20, 2014

- How did the MCE requirement change, **effective renewal 2016?**

ORC § 4732 Effective March 20, 2014

- Are MCEs required for psychological supervision?

ORC § 4732 Effective March 20, 2014

- Allows the Board to develop or approve a colleague assistance program.
- And allows the Board to refer licensees and applicants to the program as part of its enforcement responsibilities.

Rules

OAC 4732

- Changes effective:
 - June 8, 2014
 - June 8, 2015
 - June 8, 2016

OAC 4732 Effective June 8, 2015

- Retired Psychologist
 - Starts in 2016 renewal period
 - Fee is \$50
 - MCE requirements: None
 - Rule E: Reinstatement of a Retired Psychologist
 - Form needs to be completed, within 5 years
 - Most recent renewal fee paid
 - Most recent MCE requirement met
 - Statutory \$250 reinstatement penalty is waived
 - Oral examination may be required, if deemed necessary by the Board

OAC 4732 Effective June 8, 2015

- Rule R – Definition of Professional Psychological Role:
 - Adds supervisor – supervisee relationship and those license holders in an evaluative role concerning a student’s academic and/or applied performance.

OAC 4732 Effective June 8, 2015

- Requirements pertaining to supervision
 - Supervisees must be registered with the Board.
 - True
 - False
 - A licensee must seek Board approval to exceed 4 supervisees.
 - True
 - False
 - A licensee's supervisees have a total client cap.
 - True
 - False

OAC 4732 Effective June 8, 2015

- General Rules of Professional Conduct
 - “Sexual harassment” is defined as negligence and is prohibited

OAC 4732 Effective June 8, 2015

- General Rules of Professional Conduct – Records (B)(7)
 - Client's access to records
 - New documentation requirements
 - Assessment results
 - Informed consent
 - Not releasing records
 - Multiple relationships
 - Records retention

OAC 4732 Effective June 8, 2015

- Welfare of the Client / Conflicts of Interest (C)(1)(2)(4)
 - Two or more clients with a relationship
 - Contested parenting time or custody dispute
 - Unforeseen multiple relationships
 - Informed consent

OAC 4732 Effective June 8, 2015

- New Rules:
 - (F)(2)(c) – Test Security
 - (G)(2)(f) – Minor client’s privacy

Related Statutes

Reporting

- Research has demonstrated that 75% of psychologists are misinformed about their legal duties when confronted with clients who are potentially dangerous to others.
- 90% of that same sample of psychologists described themselves as confident in the accuracy of their legal knowledge in this area.

Reporting

- Crime
- Document Domestic Violence
- Child Abuse / Neglect
- Elder Abuse
- Developmentally Disabled Abuse
- Suicidal
- Homicidal

Related Statutes

- Reporting child abuse or neglect. <http://codes.ohio.gov/orc/2151.421>
- Reporting abuse, neglect or other major incidents.
<http://codes.ohio.gov/orc/5123.61>
- Reporting abuse, neglect or exploitation of adult.
<http://codes.ohio.gov/orc/5101.61>
- Outpatient coverage for mental or emotional disorders.
<http://codes.ohio.gov/orc/3923.28>
- Outpatient, inpatient, and intermediate primary care benefits for alcoholism.
<http://codes.ohio.gov/orc/3923.29>
- Counselors, Social Workers, and Marriage & Family Therapists.
<http://codes.ohio.gov/orc/4757>
- Divorced parents' rights to children's records.
<http://codes.ohio.gov/orc/3109.051> [see (H)(1)]

Related Statutes

- Domestic Violence; noting in client's record.
<http://codes.ohio.gov/orc/2921.22> [see (F)(1) and (F)(2)]
- Felony, client confides s/he has committed.
<http://codes.ohio.gov/orc/2921.22> [see (G)]
- Hospitalization, Involuntary. <http://codes.ohio.gov/orc/5122.11>
- Hospitalization, Voluntary. <http://codes.ohio.gov/orc/5122.02>
- Imminent Harm to others, duty to protect, immunity from liability.
<http://codes.ohio.gov/orc/2305.51>
- Outpatient services for minors without knowledge or consent of parent or guardian. <http://codes.ohio.gov/orc/5122.04>
- Records, client access. <http://codes.ohio.gov/orc/3701.74> [see (B)]
- Records, allowable charges. <http://codes.ohio.gov/orc/3701.741>

Related Statutes

The screenshot shows the Ohio Board of Psychology website. At the top, there is a navigation menu with links for Home, License & Certificate Holders, Applicants, Supervision, Enforcement, Laws & Rules, and Additional Information. The main heading is "State Laws Related to the Practice of Psychology & School Psychology". Below this, there is a section titled "Related Statutes" which includes a disclaimer and a list of 14 laws with their respective Ohio Revised Code links.

Ohio Board of Psychology

Home License & Certificate Holders Applicants Supervision Enforcement Laws & Rules Additional Information

State Laws Related to the Practice of Psychology & School Psychology

Related Statutes

The following Ohio laws are periodically referenced in regard to situations encountered in psychological practice. This list is not intended to be exhaustive and is provided as a courtesy. The following are general descriptions and Ohio Revised Code links.

- Reporting child abuse or neglect. <http://codes.ohio.gov/orc/2151.42>
- Reporting abuse, neglect or other major incidents. <http://codes.ohio.gov/orc/3123.41>
- Reporting abuse, neglect or exploitation of adult. <http://codes.ohio.gov/orc/5101.03>
- Outpatient coverage for mental or emotional disorders. <http://codes.ohio.gov/orc/2923.26>
- Outpatient, inpatient, and intermediate primary care benefits for alcoholism. <http://codes.ohio.gov/orc/2923.29>
- Counselors, Social Workers, and Marriage & Family Therapists. <http://codes.ohio.gov/orc/4757>
- Divorced parents' rights to children's records. <http://codes.ohio.gov/orc/3109.051> [see (B)(1)]
- Domestic Violence; entry in client's record. <http://codes.ohio.gov/orc/2921.22> [see (F)(1) and (F)(2)]
- Faking client confides s/he has committed. <http://codes.ohio.gov/orc/2921.22> [see (E)]
- Hospitalization, Involuntary. <http://codes.ohio.gov/orc/3122.11>
- Hospitalization, Voluntary. <http://codes.ohio.gov/orc/3122.02>
- Imminent harm to others, duty to protect, immunity from liability. <http://codes.ohio.gov/orc/3305.01>
- Outpatient services for minors without knowledge or consent of parent or guardian. <http://codes.ohio.gov/orc/3122.04>
- Records, client access. <http://codes.ohio.gov/orc/3701.74> [see (B)]
- Records, allowable charges. <http://codes.ohio.gov/orc/3701.74>

Reminders About Ethics Questions & Available Options

Before You Call the Board
Before you call the Board please be reminded that: