



## Ohio Administrative Code

### Rule 4758-8-01 Code of ethics for chemical dependency counselors.

Effective: April 1, 2024

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(A) The following rules of conduct set forth the minimum standards of conduct which all applicants for licensure or certification shall follow and establishes the minimum standard of practice for certified chemical dependency counselor assistants (CDCA), licensed chemical dependency counselors II (LCDCII), licensed chemical dependency counselors III (LCDCIII), licensed independent chemical dependency counselors (LICDC), licensed independent chemical dependency counselors-clinical supervisors (LICDC-CS), and those licensees who carry the gambling disorder endorsement.

(B) A violation of rules of ethical practice and professional conduct constitutes unprofessional conduct and is sufficient reason for a reprimand, suspension, revocation or for restrictions to be placed on a license or certificate or for the denial of the initial license or certificate or renewal, or reinstatement of a license or certificate.

(C) Licensees and certificate holders are expected to exemplify unwavering integrity in their professional endeavors. They should consistently act in a manner that is ethical, honest, and transparent. Maintaining the trust and confidence of their clients and colleagues is paramount. Additionally, licensees and certificate holders are obligated to uphold integrity in their personal relationships and activities, understanding that their actions outside of work can significantly impact their professional reputation. By demonstrating integrity both professionally and personally, licensees and certificate holders can foster an environment of trust, credibility, and accountability within their field.

(1) Professional standards:

(a) The licensee or certificate holder shall meet and comply with all terms, conditions or limitations of licensure or certification.

(b) The licensee or certificate holder shall recognize limitations of his or her competency based on



professional qualifications, education and experience and shall not offer services or use techniques outside his or her professional competency or scope of practice defined by rules 4758-6-01 to 4758-6-14 of the Administrative Code.

(c) A licensee or certificate holder shall obtain appropriate consultation or make an appropriate referral when the client's problem is beyond the licensee or certificate holder's area of training, expertise, competency or scope of practice.

(d) The licensee or certificate holder shall refer clients to a person or agency that the licensee or certificate holder knows is qualified by training, experience, certification or license to provide such professional services.

(e) The licensee or certificate holder shall not participate in discrimination of clients and family members, including but not limited to, on the basis of race, ethnicity, color, sex, gender identity or expression, sexual orientation, religion, age, national ancestry, genetic information, parental status, military status, socioeconomic status, political belief, psychiatric or psychological conditions, disability, the amount of previous therapeutic or treatment occurrences, or against other persons that could be subject to discrimination but are not expressly protected by state or federal law.

(f) The licensee or certificate holder shall be aware of and comply with all applicable state and federal guidelines, regulations, and statutes.

(g) In general, in substance use disorder and gambling disorder counseling, the best interest of the client is considered to be of paramount importance in making decisions regarding treatment. The "best interest" of the client would reflect these things that would most benefit the client economically, socially, vocationally and in terms of freedom from external restrictions. However, there may exist in the context of substance use disorder or gambling disorder treatment certain protocols, restrictions, or arrangements which are contrary to what clients would consider to be in their best interest. There may also be circumstances in which agency philosophy or orientation or the personal beliefs of the counselor may influence decisions regarding the client's treatment. When such circumstances or restrictions are present, they should be disclosed and explained to the client unless such disclosure is expressly prohibited or would clearly violate the safety, rights or interests of another person.



- (h) The licensee or certificate holder shall primarily be concerned with the welfare of the client. The licensee or certificate holder shall respect the integrity of the client.
- (i) The licensee or certificate holder shall not engage in any action that violates the civil or legal rights of clients.
- (j) The licensee or certificate holder shall have an obligation to protect the client's right to confidentiality as established by law or the professional standards of practice. Confidential information shall only be revealed to others when the client or other persons legally authorize to give consent on the behalf of the client, have given their informed and written consent, unless there is a serious and current or imminent threat of harm to the client or others or as otherwise authorized by law.
- (k) The licensee or certificate holder shall not place an individual in any activity or setting where such participation could harm the individual.
- (l) The licensee or certificate holder shall not offer professional services to a client in substance use disorder or gambling disorder counseling with another professional except with the knowledge of the other professional or after the termination of the client relationship with the other professional.
- (m) A licensee or certificate holder shall terminate a substance use disorder or gambling disorder counseling or consulting relationship when it is reasonably clear to the licensee or certificate holder that the client is not benefiting from it.
- (n) A licensee or certificate holder shall not discontinue professional services to a client unless:
- (i) Services have been completed;
  - (ii) The client requests the discontinuation;
  - (iii) Alternative or replacement services are arranged; or
  - (iv) The client is given reasonable opportunity to arrange alternative or replacement services.



- (o) A licensee or certificate holder shall not physically or verbally abuse or threaten clients, former clients, or family members of clients or former clients.
- (p) A licensee or certificate holder shall not use derogatory language in their written or verbal communications to or about clients, former clients, or family members of clients or former clients.
- (q) A licensee or certificate holder is required to submit and maintain their legal address and contact information through the board's electronic licensure system and is required to notify the board of any changes to their name, mailing address, phone number or email address within thirty days.
- (r) A licensee or certificate holder shall not provide services without appropriate supervision in accordance with their scope of practice, which shall include completion of any required supervision documentation.
- (2) Unlawful conduct:
- (a) A conviction for a felony offense in the state of Ohio or any act in another state, tribal or military court, or foreign nation that would constitute a felony in Ohio shall be grounds for disciplinary action.
- (b) A conviction in the state of Ohio or any act in another state, tribal or military court, or foreign nation that would constitute a misdemeanor offense in Ohio for a theft, fraud, violent, alcohol, drug, or sexual misdemeanor offense, or any other offense which relates to the ability to practice substance use disorder or gambling disorder counseling shall be grounds for disciplinary action.
- (3) Fraud related conduct:
- (a) The licensee or certificate holder shall not omit, make any misrepresentation, or make any false statement to the board.
- (b) A licensee or certificate holder shall not use a title, designation, credential, license, name, name or organization affiliation, or other language on a letterhead, publication, or document, any social media, or other medium which states or implies an ability, relationship or qualification the licensee or



certificate holder is not qualified to use or does not exist.

(c) The licensee or certificate holder shall not practice under a false name or under a name other than the name in which his or her certificate/license is held.

(d) The licensee or certificate holder shall not sign or issue in the licensee or certificate holders capacity, any document or statement that he or she knows to contain either a false or misleading statement.

(e) The licensee or certificate holder shall not produce, publish, create, or partake in the creation of any false, deceptive or misleading advertisement.

(f) The licensee or certificate holder shall assign appropriate credit to published material.

(g) A licensee or certificate holder shall not falsify, fraudulently amend, knowingly make incorrect entries or fail to make timely essential entries into the client records.

(h) A licensee or certificate holder shall not condone, partake, or assist in billing irregularities or fraud with respect to grants, insurance companies or direct billing.

(i) A licensee or certificate holder shall not bill for services that are not rendered.

(j) A licensee or certificate holder shall not aid or abet another person in misrepresenting professional credentials or engaging in illegal or unethical practice.

(k) A licensee or certificate holder shall not provide services under the signature of their license or certificate while said license or certificate is in an inactive lapsed, escrow, or expired status.

(l) A licensee or certificate holder shall not engage in deceptive behavior in a professional setting whether it is to advance their professional standing, avoid disciplinary action or for any other reason.

(4) Discipline in other jurisdictions:



(a) Any denial, suspension, revocation, probation or other restriction or discipline on certification, license or other authorization to practice issued by any certification authority or any state, province, territory, tribe or other federal government shall be regarded by the board as an ethics complaint and shall be reported to the board.

(5) Cooperation with the board:

(a) The licensee or certificate holder shall cooperate in any investigation conducted pursuant to this code of ethics and shall not interfere with an investigation or a disciplinary proceeding or other legal action.

(b) Except as in rule 4758-11-03 of the Administrative Code, the licensee or certificate holder has the duty to report any violation of this code of ethics to the board.

(c) In submitting information to the board, a licensee or certificate holder shall comply with any requirements pertaining to the disclosure of client information established by federal or state law or regulation.

(d) The license or certificate holder shall comply with all mandatory reporting requirements set forth in the Revised Code to include, but not limited to, a duty to report abuse, neglect, or exploitation of a minor child or protected adult.

(6) Client relationships:

(a) A licensee or certificate holder shall maintain an objective and non-possessive relationship with those they serve and shall not develop, implement, or maintain a multiple relationship or conflict of interest with any client, former client, family member of a client or a former client, or other person encountered in professional or non-professional settings, which may impair professional judgment, increase the risk of exploitation, or not be in the best interest of a client at any time.

(b) A licensee or certificate holder shall not enter into a substance use disorder or gambling disorder counseling relationship with members of his or her own family, friends or close associates or others who might be jeopardized by such a multiple relationship.



- (c) If a multiple relationship is recognized, a dependent licensee or certificate holder shall:
- (i) Discuss as soon as reasonably possible any potential multiple relationship and/or conflict of interest with the appropriate supervisor;
  - (ii) Immediately discuss any potential multiple relationship and/or conflict of interest with the client;
  - (iii) Obtain written consent between the supervisor, licensee or certificate holder, and the client;
  - (iv) Document how continuation of the multiple relationship and/or conflict of interest serves the best interest of the client. The best interest of the client shall be reassessed and documented.
  - (v) Consider all factors on a case-by-case basis, such as informed consent, consultation, and supervision.
- (d) If a multiple relationship is recognized, an independent licensee shall consult with another independent licensee and document that consultation in addition to following paragraphs (C)(6)(c)(ii) to (C)(6)(c)(v) of this rule
- (e) Multiple relationships include, but are not limited to, the following:
- (i) Familial relationships;
  - (ii) Social relationships;
  - (iii) Emotional relationships;
  - (iv) Financial relationships, including but not limited to, accepting gifts, bartering for services, accepting free services, or accepting discounts on services;
  - (v) Supervisory relationships;



(vi) Professional relationships;

(vii) Administrative relationships;

(viii) Legal relationships, and/or;

(ix) Social media/personal virtual relationships.

(f) Regardless if no services were provided to a client by the licensee or certificate holder, all clients of a treatment provider or agency are also considered a client of the licensee or certificate holder that is employed or contracted by that treatment provider or agency.

(g) This paragraph shall also apply to license or certificate holders employed to work in any capacity in recovery housing. Residents in recovery housing shall be considered clients of the licensee or certificate holder.

(7) Sexual relationships and misconduct:

(a) Sexual conduct is any contact with another person, consensual or non-consensual, that engages, or attempts to engage, in any activity that a reasonable person may consider sexual or sexual in nature, including but not limited to: sexual relationship; sexual advance; sexual solicitation; request for a sexual favor; a text, picture, or video or social media post of a sexual nature; or any other verbal, non-verbal, or physical activity, contact, or conduct that is sexual or sexual in nature.

(b) A license or certificate holder shall not engage in any type of sexual conduct or sexual relationship with a current client.

(c) A license or certificate holder shall not provide services to anyone in which they have had a prior sexual relationship.

(d) A licensee or certificate holder shall not have a sexual relationship, nor engage in any form of sexual conduct with former client within two years, at a minimum, after the termination of





professional services. A licensee or certificate holder shall never engage in a sexual relationship with a former client if such relationship is not in the best interest of the client or increases the risk of client exploitation.

(e) A licensee or certificate holder who chooses to engage in a sexual relationship with a former client after the mandatory two year period of time will have the full burden of demonstrating that the former client has not been exploited, coerced or manipulated intentionally or unintentionally.

(f) A licensee or certificate holder shall never engage in a sexual relationship with a former client's family member if that relationship is not in the best interest of the client or increases the risk of client exploitation.

(g) A licensee or certificate holder shall not sexually harass a client, former client, or family members of a client or former client.

Sexual harassment includes any activity, contact, or conduct that a reasonable person may consider offensive or harassing that is sexual or sexual in nature, including but not limited to: sexual advance; sexual solicitation; request for a sexual favor; a text, picture, or video or social media post of a sexual nature; or any other verbal, non-verbal, or physical activity, contact, or conduct that is sexually offensive or harassing.

(h) A licensee or certificate holder shall not sexually harass persons they encounter in professional settings.

(i) Regardless if no services were provided to a client by the licensee or certificate holder, all clients of a treatment provider or agency are also considered a client of the licensee or certificate holder that is employed or contracted by that treatment provider or agency.

(j) This paragraph shall also apply to license or certificate holders employed to work in any capacity in recovery housing. Residents in recovery housing shall be considered clients of the licensee or certificate holder.

(8) Private practice:



(a) An independent licensee employed by an agency may not solicit or refer a current client of the agency to the independent licensee's private practice. Independent licensees may offer referrals to client's which include multiple options for the client to choose from and the independent licensee's private practice may be one of the multiple programs.

(b) When setting fees, an independent licensee shall ensure that fees are fair, reasonable and commensurate with the services performed.

(c) An independent licensee shall maintain client records for a period of seven years from the time services are completed.

(9) Professional disclosure:

(a) A licensee or certificate holder shall display a professional disclosure statement at the place where services are performed and shall provide a copy of the disclosure statement to clients upon request.

(b) Professional disclosure statements shall include the name, title, license or certificate type, license or certification number, business address and business phone number of the licensee or certificate holder.

(c) Professional disclosure statements shall identify licensee or certificate holder's formal professional education, areas of competence and the services they provide.

(d) Professional disclosure statements shall include language that directs the client to contact the board should they have complaints about the licensee or certificate holder. The name, address and phone number of the licensing board should be included in this language.

(e) For a licensee employed in a private practice, a fee schedule shall be listed by type of service or hourly rate.

(10) Impairment:



(a) A licensee or certificate holder shall not undertake or continue a professional counseling role when there is a reasonable belief that the judgment, competence and/or objectivity of the licensee or certificate holder is impaired due to mental, emotional, physiological, pharmacological, or substance use conditions.

(b) A licensee or certificate holder shall seek appropriate professional assistance for any substance abuse or dependence, psychiatric or psychological impairment, emotional distress or an other physical health related adversity that interferes with the licensee or certificate holders ability to function competently. A licensee or certificate holder shall request inactive status for medical reasons when appropriate and notify the board and comply with rule 4758-11-02 of the Administrative Code, or may contact the board's confidential safe-haven program and comply with rule 4758-11-03 of the Administrative Code.

(11) Procedure for processing ethical complaints:

A violation of any of the rules of conduct may result in disciplinary action being taken by the board pursuant to section 4758.30 of the Revised Code and rule 4758-10-01 of the Administrative Code.