

Board of Licensed Professional Counselors and Therapists

OAR Chapter 833

DIVISION 100 - CODE OF ETHICS

(This version effective 1/1/10 through 12/31/17)

833-100-0011 General Purpose and Scope

(1) This code constitutes the standards against which the required professional conduct of licensed professional counselors and marriage and family therapists is measured. It has as its goal the welfare and protection of the individuals and groups with whom counselors and therapists work. This code applies to the conduct of all licensees, registered interns and applicants, including the applicant's conduct during the period of education, training, and employment which is required for licensure. Violation of the provisions of this code of ethics will be considered unprofessional or unethical conduct and is sufficient reason for disciplinary action, including, but not limited to, denial of licensure.

(2) If ethical responsibilities appear to conflict with law, regulations, or other governing legal authority, licensees are to make known their commitment to their ethical responsibilities and take steps to resolve the apparent conflict. If demands of an organization with which a licensee is affiliated conflicts with any aspect of the code of ethics, the licensee must clarify the nature of the conflict, make known their commitment to this code and resolve the conflict in a way that permits adherence to this code of ethics.

833-100-0021 Responsibility

(1) A licensee's primary professional responsibility is to the client. A licensee makes every reasonable effort to advance the welfare and best interests of all clients for whom the licensee provides professional services. A licensee respects the rights of those persons seeking assistance and makes reasonable efforts to ensure that the licensee's services are used appropriately.

(2) A licensee recognizes that there are other professional, technical, and administrative resources available to clients. The licensee makes a reasonable effort to provide referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services or when the client requests a referral.

(3) Licensees do not give or receive commissions, rebates or any other form of remuneration when referring clients for professional services.

(4) A licensee seeks appropriate professional assistance for the licensee's own personal problems or conflicts that are likely to impair the licensee's work performance or clinical judgment.

(5) A licensee provides supervision only when the licensee's professional competence is sufficient to meet the needs of the trainee or intern. A licensee does not permit a trainee or intern under the licensee's supervision to perform, nor purport to be competent to perform, professional services beyond the trainee's or intern's level of training and accepts responsibility for the effects of the actions of the trainee or intern of which they should be aware.

(6) A licensee does not practice under the influence of alcohol or any controlled substance not prescribed by a physician, or if incapacitated by habitual or excessive use of intoxicants, drugs or controlled substances.

(7) A licensee does not practice when adversely influenced by either physical or emotional impairment that would interfere with their ability to provide professional services.

(8) A licensee abides by all applicable statutes and administrative rules regulating the practice of counseling or therapy or any other applicable laws, including, but not limited to, the reporting of abuse of children or vulnerable adults.

(9) A licensee does not condone or engage in discrimination based on age, color, culture, disability, ethnicity, national origin, gender, race, religion, sexual orientation, marital status, or socioeconomic status.

(10) A licensee does not provide services to a client when the licensee's objectivity or effectiveness is impaired. If a licensee's objectivity or effectiveness becomes impaired during a professional relationship with a client, the licensee notifies the client that the licensee can no longer serve the client professionally and makes a reasonable effort to assist the client in obtaining other professional services.

(11) A licensee respects the right of a client to make decisions and helps the client understand the consequences of these decisions. A licensee advises a client that all decisions are the responsibility of the client.

(12) A licensee displays in a prominent place, available to clients, a Board issued license.

(13) A licensee practices under his or her name or other name that describes a place or organization with which the licensee practices.

(14) Licensees and registered interns obtain written informed consent from each client for rendering professional services. Informed consent constitutes informing the client as early in the therapeutic relationship as possible:

(a) The nature and anticipated course of therapy;

(b) Services and approaches to be used;

(c) Potential risks or experimental methods proposed;

(d) Alternatives for treatment;

(e) Fees;

(f) Involvement of third parties;

(g) Limits of confidentiality; and

(h) The client's right to accept or refuse part or all therapeutic treatment.

(15) Licensees or registered interns may submit a written request for an exemption to distribution of informed consent. The licensee or intern must:

(a) Satisfy the Board that good cause exists, justifying exemption from specific requirements; and

(b) Obtain written exemption from the Board.

(c) Situations qualifying for waiver include but are not limited to licensees or registered interns providing crisis services.

(16) A licensee makes available as part of the disclosure statement a bill of rights of clients, including a statement that consumers of counseling or therapy services offered by Oregon licensees have the right:

(a) To expect that a licensee has met the minimum qualifications of training and experience required by state law;

(b) To examine public records maintained by the Board and to have the Board confirm credentials of a licensee;

(c) To obtain a copy of the Code of Ethics;

(d) To report complaints to the Board;

(e) To be informed of the cost of professional services before receiving the services;

(f) To be assured of privacy and confidentiality while receiving services as defined by rule or law, including the following exceptions:

(A) Reporting suspected child abuse;

(B) Reporting imminent danger to the client or others;

(C) Reporting information required in court proceedings or by client's insurance company or other relevant agencies;

(D) Providing information concerning licensee case consultation or supervision; and

(E) Defending claims brought by the client against licensee;

(g) To be free from being the object of discrimination on any basis listed in subsection (9) of this rule while receiving services.

(17) A licensee terminates a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests. Whenever possible prior to termination, a licensee provides pre-termination counseling and recommendations and alternatives for the client.

833-100-0031 Client Welfare

(1) Licensees strive to benefit those with whom they work and take care to do no harm. In their professional actions, licensees seek to safeguard the welfare and rights of those with whom they interact professionally and other affected persons and shall hold the welfare and interests of clients as primary.

(2) Licensees take reasonable steps to avoid harming their client, students, supervisees, research participants, organizational clients and others with whom they work, and to minimize harm where it is foreseeable and unavoidable.

(3) The primary obligation of licensees is to respect the integrity and promote the welfare of their clients, including treating the client at all times in a caring, fair, courteous and respectful manner. This is particularly true for vulnerable populations such as children, seniors or clients with disabilities.

(4) Licensees actively attempt to understand the diverse cultural backgrounds of the clients with whom they work. This includes, but is not limited to, learning how the licensee's own background and identity impacts the licensee's values and beliefs about the counseling process.

(5) Licensees do not engage in physical contact with clients when there is a possibility of physical or psychological harm from the contact.

(6) Licensees avoid actions or words that clients could reasonably interpret as demeaning or derogatory, including, but not limited to, coarse or harsh language directed at the client.

833-100-0041 Integrity

(1) A licensee acts in accordance with the highest standards of professional integrity and competence. A licensee is honest in dealing with clients, students, trainees, colleagues, related third parties, and the public.

(2) Licensees are aware of their influential positions with respect to their students, employees, supervisees, and clients; they avoid exploiting the trust and dependency of such persons. Licensees make every effort to avoid conditions and multiple relationships with clients, clients' relatives, and supervisees that could impair professional judgment or increase the risk of exploitation. Such relationships include, but are not limited to, business, personal, or sexual relationships with clients, clients' relatives, students, employees, or supervisees.

(3) A licensee does not enter into an employer, supervisor, or other relationship where there is potential for exercising undue influence on any client or supervisee. This includes the sale of services or goods that will exploit the client for financial gain or personal gratification of the licensee or a third party.

(4) A licensee shall not engage in or solicit sexual acts or a sexual relationship with a client or supervisee.

(5) A licensee does not engage in or solicit sexual acts or a sexual relationship with a client or with individuals the licensee knows to be immediate relatives, guardians, supervisees, or significant others of current clients, or with a former client within three years since the rendering of professional services.

(6) A licensee does not engage in or solicit sexual acts or a sexual relationship with a former client or supervisee after three years from the termination of services if such act or solicitation could exploit the client or supervisee. Exploitation may be indicated by such factors as the time elapsed between the termination of the professional relationship and the beginning of the sexual

relationship, nature and duration of therapy, circumstances of termination of professional relationship, client personal history, client's current mental status, likelihood of adverse impact on client, any statements or actions made by the licensee during the course of therapy suggesting or inviting the possibility of a post-termination sexual or romantic relationship, and whether the licensee attempted to protect the client by referral or consultation. Licensees do not accept as clients those with whom they have engaged in sexual intimacies.

(7) A licensee does not enter into an employment, business, supervisory, or personal relationship, or one that involves the exchange of goods and services, with a former client or supervisee if exploitation can be demonstrated by review of such factors as amount of time that has passed, nature and duration of therapy, circumstances of termination of professional relationship, client's personal history, client's current mental status, likelihood of adverse impact on client, and whether client encouraged a post-treatment relationship during the professional relationship.

(8) A licensee does not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the licensee's evaluation or treatment of the client. Regardless of the source of payment, the licensee's first obligation is to the client.

(9) A licensee does not engage in sexual or other harassment of a client, former client, or supervisee. A licensee does not engage in any form of communication or physical behavior that is sexually suggestive, seductive, or demeaning to the client or former client.

(10) A licensee does not use the counseling relationship to further personal, religious, political, sexual, or financial interests.

(11) A licensee informs a client of a divergence of interests, values, attitudes, or biases between a client and the licensee that is sufficient to impair their professional relationship. Either the client or the licensee may terminate the relationship.

833-100-0051 Confidentiality

(1) A licensee holds in confidence all information obtained in the course of professional services, as within the limits of the setting, such as a public agency. A licensee safeguards client confidences as permitted by rule or law.

(2) A licensee does not use any confidence of a client to the client's disadvantage.

(3) A licensee, including employees and professional associates of the licensee, does not disclose any confidential information that the licensee, employee, or associate may have acquired in rendering services except as provided by rule or law. All other confidential information is disclosed only with the written informed consent of the client.

(4) A licensee is responsible for being aware of the state and federal regulations concerning confidentiality and for informing clients of the limits of confidentiality as a part of informed consent for services in the context of couple, family, or group treatment. A licensee does not reveal any individual's confidences to others in the client unit without the prior written permission of that individual.

- (5) Whenever a licensee provides services to groups of clients such as couples, families or therapy groups, special care must be taken related to issues of confidentiality. In group therapy, confidentiality issues are to be discussed in the beginning of the group. The parameters of confidentiality within marriage and family therapy are to be discussed early in the counseling process and a clear understanding achieved with all involved.
- (6) Whenever a licensee's services are requested or paid for by one client for another, the licensee informs both clients of the licensee's responsibility to treat any information gained in the course of rendering the services as confidential information.
- (7) A licensee limits access to client records and informs every individual associated with the agency or facility of the licensee, such as a staff member, student, or volunteer, that access to client records must be limited to only the licensee with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the written informed written consent of the client.
- (8) A licensee maintains the records of a client after the professional relationship between the licensee and the client has ceased and informs clients as to how long records are retained. The licensee stores and disposes of records in ways that maintain confidentiality. The licensee makes advance provision for the confidential disposition of records in the event the licensee is unable to do so for reasons such as illness or death.
- (9) A licensee discloses to the Board and its agents any client records that the Board and its agents consider germane to a disciplinary proceeding. The general requirement that licensees keep information confidential does not apply when:
- (a) Disclosure is required to prevent clear and imminent danger to the client or others; or
 - (b) Legal requirements demand that confidential information must be revealed.
- (10) A licensee must obtain written informed consent from each client before electronically recording sessions with that client or before permitting third party observations of their sessions.
- (11) A licensee adequately disguises the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.
- (12) A licensee provides clients reasonable access to records concerning them and should take due care to protect the confidences of others contained in those records, or when information from others about the client could result in harm to that person or persons upon disclosure to the client. Following guidelines set forth in ORS 192.518(2) and 675.765(1), unless otherwise ordered by the court, parents shall have access to the client records of juveniles who are receiving professional services from the licensee.
- (13) When a licensee is unclear on professional issues or standards of practice, consultation is to be obtained while protecting any confidentiality issue that may be involved.
- (14) Licensees proceed cautiously when asked to provide services to a client currently seeing another professional. Consideration is given to the client's welfare and the situation. Care is given to minimize the risk of confusion and conflict; and when appropriate, the other service provider is consulted. It is not ethical to provide the same therapeutic service that is

simultaneously being provided by another professional without collaboration regarding the best interests of the client.

833-100-0061 Conduct and Competence

(1) A licensee accepts the obligation to conform to higher standards of conduct in the capacity of a counseling professional. The private conduct of a licensee is a personal matter to the degree that it does not compromise the fulfillment of professional responsibilities. A licensee will respect the traditions of the profession, and refrain from any conduct that would bring discredit to the profession.

(2) Licensees correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the licensee's qualifications, services, or products. A licensee does not advertise in a way that is false, fraudulent, or misleading to the public. Testimonials from current clients are not solicited for advertising or other purposes due to the client's vulnerability to undue influence. A licensee does not engage in any conduct likely to deceive or defraud the public or the Board. A licensee does not participate in, condone, or become associated with dishonesty, fraud, deceit, or misrepresentation.

(3) Licensee reports to the Board within 30 days any civil lawsuit brought against the licensee that relates in any way to the licensee's professional conduct and notifies the Board of any disciplinary action or loss of a mental health professional or state license, certification, or registration.

(4) A licensee convicted of a misdemeanor or felony or who is arrested for a felony reports that information to the Board within 10 days after the conviction or arrest.

(5) A licensee files a complaint with the Board when the licensee has reason to believe that another licensee is or has been engaged in conduct that violates law or rules adopted by the Board. This requirement to file a complaint does not apply when the belief is based on information obtained in the course of a professional relationship with a client who is the other counselor or therapist. In that case, the client-therapist confidentiality supersedes the licensee's requirement to report the other therapist. However, this does not relieve a licensee from the duty to file any reports required by law concerning abuse of children or vulnerable adults. Licensees do not initiate, participate in, or encourage the filing of ethics complaints that are unwarranted or intended to harm a counselor/therapist rather than to protect clients or the public.

(6) A licensee who believes that a licensee of another health professional licensing agency has engaged in prohibited or unprofessional conduct will report the conduct to the other licensee's board within 10 days of learning of the conduct.

(7) A licensee does not engage in sexual or other harassment or exploitation of clients, students, trainees, employees, colleagues, research subjects, or actual or potential witnesses or complainants in disciplinary proceedings. A licensee cooperates with the Board, or any committee or representative of the Board, in any investigation it may pursue relating to licensee misconduct or violation of the law or rules of the Board. Failure to cooperate is an ethics violation.

- (8) A licensee understands the areas of competence of related professions and acts with due regard for the needs, special competencies, and obligations of colleagues in other allied professions, and does not disparage the qualifications of any colleague.
- (9) A licensee recognizes the importance of a clear understandings on financial matters with clients. Arrangements for fees and payments are made at the beginning of the counseling or therapeutic relationship. When a client presents financial hardship, the licensee will make reasonable effort to direct the client to possible affordable options. Licensees do not withhold records under their control that are requested by the client solely because payment has not been received for services. Licensees who work in an organizational setting do not divert clients to the licensee's own private practice unless it is in the best interests of the client in the opinion of the client and the organization.
- (10) A licensee makes certain that the qualifications of persons in a licensee's employ are represented in a manner that is not false or misleading.
- (11) A licensee does not perform, nor pretend to be able to perform, professional services beyond the licensee's field or fields of competence based on their education, training, supervision, consultation, study or professional experience. Licensees are responsible for keeping current in areas of competence. When working in emerging areas of the profession, the licensee ensures competence through relevant education, training, supervised experience, consultation, or study.
- (12) A licensee does not misrepresent professional qualifications, education, experience, or affiliations.
- (13) A licensee does not provide what is, or may be reasonably considered, inappropriate, unnecessary, or inadequate treatment or counseling/therapeutic services. A licensee practices within accepted professional standards based on recognized knowledge through research and theoretical best practices.

833-100-0071 Assessment, Measurement, Research and Consulting

- (1) Licensees who conduct professional services related to counseling do so with regard to high ethical standards.
- (2) Licensees conduct proper assessments of clients within their level of competence and base findings on reliable information and techniques sufficient to substantiate their conclusions. Licensees administer, adapt, score, interpret or use assessment techniques, such as tests and measurement instruments, only with training and consistency with therapeutic objectives.
- (3) Licensees who conduct research do so with the welfare of participants of primary importance. Ethical research includes informed consent from participants, institutional approval, when appropriate, including measures to protect research participants, and debriefing participants as soon as possible regarding the nature, results and conclusions of the research. The results of research are reported accurately without fabrication or unreported errors.
- (4) Licensees who consult or provide services where the client is an organization do so with a high degree of self-awareness of their own values, knowledge, skills, limitations and goals and

match these factors with the needs and goals of the organization. It is the licensee's responsibility to ensure agreement on the issues, goals and predicted consequences of consulting interventions.