

The Newfoundland Board of Examiners in Psychology



STANDARDS OF PROFESSIONAL CONDUCT

(Adapted with permission from the ASPPB Code of Conduct, 2005)

July 13, 2005

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These Standards of Professional Conduct replace the ones published in the board's Reference Guide, which were adapted from the Ontario Board of Examiner's Standards of Professional Conduct.

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I. INTRODUCTION

A. Purpose. The rules within this Code of Conduct constitute the standards against which the required professional conduct of a psychologist is measured.

B. Scope. The psychologist shall be governed by this Code of Conduct whenever providing psychological services in any context. This Code shall not supersede state, federal, or provincial statutes. This Code shall apply to the conduct of all licensees and applicants, including the applicant's conduct during the period of education, training, and employment which is required for registration. The term "psychologist," as used within this Code, shall be interpreted accordingly.

C. Responsibility for own actions. The psychologist shall be fully responsible for his/her own professional decisions and professional actions.

D. Violations. A violation of this Code of Conduct constitutes unprofessional conduct and is sufficient reason for disciplinary action or denial of either original licensure or reinstatement of licensure.

E. Aids to interpretation. Ethics codes and standards for providers promulgated by the American Psychological Association, the Canadian Psychological Association, and other relevant professional groups shall be used as an aid in resolving ambiguities which may arise in the interpretation of this Code of Conduct, except that this Code of Conduct shall prevail whenever any conflict exists between this Code and any professional association standard.

II. DEFINITIONS

A. Client. "Client" means a receiver of psychological services. A corporate entity or other organization can be a client when the professional contract is to provide services of benefit primarily to the organization rather than to individuals. In the case of individuals with legal guardians, including minors and legally incompetent adults, the legal guardian shall be the client for decision making purposes, except that the individual receiving services shall be the client for:

1. Issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships, and
2. Issues specifically reserved to the individual, and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship.

B. Confidential information. "Confidential information" means information revealed by a client or clients or otherwise obtained by a psychologist, where there is reasonable expectation that because of the relationship between the client(s) and the psychologist, or the circumstances under which the information was revealed or obtained, the information shall not be disclosed by the psychologist without the informed written consent of the client(s). When a corporation or other organization is the client, rules of confidentiality apply to information pertaining to the organization, including personal information about individuals when obtained in the proper course of that contract. Such information about individuals is subject to confidential control of the organization, not of the individual, and can be made available to the organization, unless there is reasonable expectation by such individual that such information was

obtained in a separate professional relationship with that individual and is therefore subject to confidentiality requirements in itself.

C. Court order. "Court order" means the written or oral communication of a member of the judiciary, or other court magistrate or administrator, if such authority has been lawfully delegated to such magistrate or administrator.

D. Licensed. "Licensed" means licensed, certified, registered, or any other term when such term identifies a person whose professional behavior is subject to regulation by the Board.

E. Professional relationship. "Professional relationship" means a mutually agreed upon relationship between a psychologist and a client(s) for the purpose of the client(s) obtaining the psychologist's professional expertise.

F. Professional service. "Professional service" means all actions of the psychologist in the context of a professional relationship with a client.

G. Supervisee. "Supervisee" means any person who functions under the extended authority of the psychologist to provide, or while in training to provide, psychological services.

III. RULES OF CONDUCT

A. COMPETENCE

1. Limits on practice. The psychologist shall limit practice and supervision to the areas of competence in which proficiency has been gained through education, training, and experience.

2. Maintaining competency. The psychologist shall maintain current competency in the areas in which he/she practices, through continuing education, consultation, and/or other procedures, in conformance with current standards of scientific and professional knowledge.

3. Accurate representation. A licensee shall accurately represent his or her areas of competence, education, training, experience, and professional affiliations to the boards, the public, and colleagues.

4. Adding new services and techniques. The psychologist, when developing competency in a service or technique that is either new to the psychologist or new to the profession, shall engage in ongoing consultation with other psychologists or relevant professionals and shall seek appropriate education, training, and supervision in the new area. The psychologist shall inform clients of the innovative nature and the known risks associated with the services, so that the client can exercise freedom of choice concerning such services.

5. Referral. The psychologist shall make or recommend referral to other professional, technical, or administrative resources when such referral is clearly in the best interests of the client.

→ **6. Sufficient professional information.** A psychologist rendering a formal professional opinion about a person, for example about the fitness of a parent in a custody hearing, shall not do so without direct and

substantial professional contact with or a formal assessment of that person.

7. Maintenance and retention of records.

a. The psychologist rendering professional services to an individual client (or a dependent), or services billed to a third party payer, shall maintain professional records that include:

- 1) the name of the client and other identifying information
- 2) the presenting problem(s) or purpose or diagnosis,
- 3) the fee arrangement,
- 4) the date and substance of each billed or service-count contact or service,
- 5) any test results or other evaluative results obtained and any basic test data from which they were derived,
- 6) notation and results of formal consults with other providers,
- 7) a copy of all test or other evaluative reports prepared as part of the professional relationship.
- 8) any releases executed by the client.

b. To meet the requirements of this rule, so as to provide a formal record for review, but not necessarily for other legal purposes, the psychologist shall assure that all data entries in the professional records are maintained for a period of not less than five years after the last date that service was rendered. The psychologist shall also abide by other legal requirements for record retention, even if longer periods of retention are required for other purposes.

c. The psychologist shall store and dispose of written, electronic and other records in such a manner as to ensure their confidentiality. The psychologist shall maintain the confidentiality of all psychological records in the psychologist's possession or under the psychologist's control except as otherwise provided by law or pursuant to written or signed authorization of a client specifically requesting or authorizing release or disclosure of the client's psychological records.

d. For each person professionally supervised, the psychologist shall maintain, for a period of not less than five years after the last date of supervision, a record of the supervisory session that shall include, among other information, the type, place, and general content of the session.

8. Continuity of care. The psychologist shall make arrangements for another appropriate professional or professionals to deal with emergency needs of his/her clients, as appropriate, during periods of his/her foreseeable absences from professional availability.

B. IMPAIRED OBJECTIVITY AND DUAL RELATIONSHIPS

1. Impaired psychologist. The psychologist shall not undertake or continue a professional relationship with a client when the psychologist is, or could reasonably be expected by the Board to be, impaired due to mental, emotional, physiologic, pharmacologic, or substance abuse conditions. If such a condition develops after a professional relationship has been initiated, the psychologist shall terminate the relationship in an appropriate manner, shall notify the client in writing of the termination, and shall assist the client in obtaining services from another professional.

2. Prohibited Dual Relationships.

a. The psychologist shall not undertake or continue a professional relationship with a client when the objectivity or competency of the psychologist is, or could reasonably be expected by the Board to be, impaired because of the psychologist's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative, or legal relationship with the client or a relevant person associated with or related to the client.

b. The psychologist, in interacting with a client or former client to whom the psychologist has at anytime within the previous 24 months rendered counseling, psychotherapeutic, or other professional psychological services for the treatment or amelioration of emotional distress or behavioral inadequacy, shall not:

1) engage in any verbal or physical behavior toward him/ her which is sexually seductive, demeaning, or harassing; or

2) engage in sexual intercourse or other physical intimacies with him/her; or

3) enter into a financial or other potentially exploitative relationship to him/her.

c. The prohibitions set out in (b.) above shall not be limited to the 24-month period but and shall extend indefinitely if the client is proven to be clearly vulnerable, by reason of emotional or cognitive disorder, to exploitative influence by the psychologist.

C. CLIENT WELFARE

1. Providing explanation of procedures. The psychologist shall give a truthful, understandable, and appropriate account of the client's condition to the client or to those responsible for the care of the client. The psychologist shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided.

2. Termination of services. Whenever professional services are terminated, the psychologist shall offer to help locate alternative sources of professional services or assistance if indicated. The psychologist shall terminate a professional relationship when it is reasonably clear that the client is not benefitting from the relationship, and shall prepare the client appropriately for such termination.

3. Stereotyping. The psychologist shall not impose on the client any stereotypes of behavior, values, or

roles related to age, gender, religion, race, disability, nationality, sexual preference, or diagnosis which would interfere with the objective provision of psychological services to the client.

4. Sexual or other dual relationship with a client. The psychologist shall not enter into a sexual or other dual relationship with a client, as specified in Section III, B. of this Code of Conduct.

5. Solicitation of business by clients. The psychologist providing services to an individual client shall not induce that client(s) to solicit business on behalf of the psychologist.

6. Referrals on request. The psychologist providing services to a client shall make an appropriate referral of the client to another professional when requested to do so by the client.

D. WELFARE OF SUPERVISEES AND RESEARCH SUBJECTS

1. Welfare of supervisees. The psychologist shall not exploit a supervisee in any way — sexually, financially, or otherwise.

2. Welfare of research subjects. The psychologist shall respect the dignity and protect the welfare of his/her research subjects, and shall comply with all relevant statutes and administrative rules concerning treatment of research subjects.

E. PROTECTING CONFIDENTIALITY OF CLIENTS

1. Inform client promptly. As early as possible in the relationship, the psychologist shall inform the client of the limits to confidentiality.

2. In general. The psychologist shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional services. With the exceptions set forth below, the psychologist shall disclose confidential information to others only with the informed written consent of the client.

3. Disclosure without informed written consent. The psychologist may disclose confidential information without the informed written consent of the client when the psychologist judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or another person. In such case, the psychologist shall limit disclosure of the otherwise confidential information to only those persons and only that content which would be consistent with the standards of the profession in addressing such problems. When the client is an organization, disclosure shall be made only after the psychologist has made a reasonable and unsuccessful attempt to have the problems corrected within the organization.

4. Services involving more than one interested party. In a situation in which more than one party has an appropriate interest in the professional services rendered by the psychologist to a client or clients, the psychologist shall, to the extent possible, clarify to all parties prior to rendering the services the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services. Such clarification is specifically indicated, among other circumstances, when the client is an

organization.

5. Multiple clients. When service is rendered to more than one client during a joint session, for example to a family or a couple or a parent and child or a group, the psychologist shall, at the beginning of the professional relationship, clarify to all parties the manner in which confidentiality will be handled. All parties shall be given opportunity to discuss and to accept whatever limitations to confidentiality adhere in the situation.

6. Legally dependent clients. At the beginning of a professional relationship, to the extent that the client can understand, the psychologist shall inform a client who is below the age of majority or who has a legal guardian, of the limit the law imposes on the right of confidentiality with respect to his/her communications with the psychologist.

7. Limited access to client records. The psychologist shall limit access to client records to preserve their confidentiality and shall assure that all persons working under the psychologist's authority comply with the requirements for confidentiality of client material.

8. Release of confidential information. The psychologist may release confidential information upon court order, as defined in Section II of this Code, or to conform with state, federal or provincial law, rule, or regulation.

9. Reporting of abuse of children and vulnerable adults. The psychologist shall be familiar with any relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with such laws.

10. Discussion of client information among professionals. When rendering professional services as part of a team or when interacting with other appropriate professionals concerning the welfare of the client, the psychologist may share confidential information about the client provided the psychologist takes reasonable steps to assure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality.

11. Disguising confidential information. When case reports or other confidential information is used as the basis of teaching, research, or other published reports, the psychologist shall exercise reasonable care to insure that the reported material is appropriately disguised to prevent client identification.

12. Observation and electronic recording. The psychologist shall ensure that diagnostic interviews or therapeutic sessions with a client are observed or electronically recorded only with the informed written consent of the client.

13. Confidentiality after termination of professional relationship. The psychologist shall continue to treat as confidential information regarding a client after the professional relationship between the psychologist and the client has ceased.

F. REPRESENTATION OF SERVICES

1. Display of license. The psychologist shall display his/her current certificate of registration from the

Newfoundland Board of Examiners in Psychology on the premises of his/her professional office.

2. **Misrepresentation of qualifications.** The psychologist shall not misrepresent directly or by implication his/her professional qualifications such as education, experience, or areas of competence.
3. **Misrepresentation of affiliations.** The psychologist shall not misrepresent directly or by implication his/her affiliations, or the purposes or characteristics of institutions and organizations with which the psychologist is associated.
4. **False or misleading information.** The psychologist shall not include false or misleading information in public statements concerning professional services offered.
5. **Misrepresentation of services or products.** The psychologist shall not associate with or permit his/her name to be used in connection with any services or products in such a way as to misrepresent (a) the services or products, (b) the degree of his/her responsibility for the services or products, or (c) the nature of his/her association with the services or products.
6. **Correction of misrepresentation by others.** The psychologist shall correct others who misrepresent the psychologist's professional qualifications or affiliations.

G. FEES AND STATEMENTS

1. **Disclosure of cost of services.** The psychologist shall not mislead or withhold from the client, a prospective client, or third party payer, information about the cost of his/her professional services.
2. **Reasonableness of fee.** The psychologist shall not exploit the client or responsible payer by charging a fee that is excessive for the services performed or by entering into an exploitative bartering arrangement in lieu of a fee.

H. ASSESSMENT PROCEDURES

1. **Confidential information.** The psychologist shall treat an assessment result or interpretation regarding an individual as confidential information.
2. **Communication of results.** The psychologist shall accompany communication of results of assessment procedures to the client, parents, legal guardians, or other agents of the client by adequate interpretive aids or explanations.
3. **Reservations concerning results.** The psychologist shall include in his/her report of the results of a formal assessment procedure for which norms are available, any deficiencies of the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability, or other interpretation of results.
4. **Protection of integrity of assessment procedures.** The psychologist shall not reproduce or describe in popular publications, lectures, or public presentations psychological tests or other assessment devices

in ways that might invalidate them.

5. Information for professional users. The psychologist offering an assessment procedure or automated interpretation service to other professionals shall accompany this offering by a manual or other printed materials which fully describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population. The psychologist shall explicitly state the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly. The psychologist shall ensure that the advertisements for the assessment procedure or interpretive service are factual and descriptive.

I. VIOLATIONS OF LAW

1. Violation of applicable statutes. The psychologist shall not violate any applicable statute or administrative rule regulating the practice of psychology.

2. Use of fraud, misrepresentation, or deception. The psychologist shall not use fraud, misrepresentation, or deception in obtaining a psychology license, in passing a psychology licensing examination, in assisting another to obtain a psychology license or to pass a psychology licensing examination, in billing clients or third party payers, in providing psychological service, in reporting the results of psychological evaluations or services, or in conducting any other activity related to the practice of psychology.

J. AIDING ILLEGAL PRACTICE

1. Aiding unauthorized practice. The psychologist shall not aid or abet another person in misrepresenting his/her professional credentials or in illegally engaging in the practice of psychology.

2. Delegating professional responsibility. The psychologist shall not delegate professional responsibilities to a person not appropriately credentialed or otherwise appropriately qualified to provide such services.

3. Providing supervision. The psychologist shall exercise appropriate supervision over supervisees, as set forth in the rules and regulations of the Board.

4. Reporting of violations to Board. The psychologist who has substantial reason to believe that there has been a violation of the statutes or rules of the Board shall so inform the Board in writing, except that when the information regarding such violation is obtained in a professional relationship with a client, the psychologist shall report it only with the written permission of the client. Nothing in this Code shall relieve a psychologist of the duty to file any report required by applicable statutes.