

Chapter Psy 3

CONDUCT

Psy 3.01 Definitions

Psy 3.02 Unprofessional conduct

Psy 3.01 Definitions. (1) "Client" means the individual, group, business, agency, school, organization, or association for whom the licensed psychologist provides professional services for a fee or other consideration. The term client, as defined here, includes the term and concept of "patient".

(2) "Grossly negligent" means some higher degree of a failure to exercise ordinary care of judgment in a given situation. In other words, gross negligence or grossly negligent distinguishes between gross or grave acts of negligence as compared to less serious or more ordinary acts of negligence.

(3) "Advertising" means to give notice in any sign, brochure, circular, card, notice, telephone book listing, magazine, newspaper, or other printed material or communication by any radio, film, television, or by any other means.

(4) "Informational service" means advertising to inform and assist the public in easily contracting for psychological services. Such informational advertising shall be descriptive of services offered but not evaluative as to their quality or uniqueness; it shall not contain testimonials by quotation or by implication; it shall not claim uniqueness of skills or methods beyond those available to others in the profession. Informational services include the following:

(a) Cards or announcements concerning psychological practice, which shall be limited to a simple statement of the name, title, highest relevant educational degree, license and/or diplomate status, date, address, telephone number(s), office hours, and major areas of field of specialization. Cards or announcements conforming to the foregoing restrictions may be used also to announce change of place of business, except these cards or announcements may include a single additional line of print stating the purpose for the card or announcement. Appointment cards shall also conform to the foregoing restrictions of the professional card of announcement in addition to which only information pertaining to the time and place of the appointment may be included.

(b) Telephone directory listings shall be limited to name, title, highest relevant educational degree, diplomate status, address, telephone number(s), and areas or field of specialization. The length of listing shall be limited to one additional line of print under the name line. No bold face or other non-uniform type faces, lines, boxes, or designs shall be used. No more than one telephone listing as a psychologist shall be allowed each licensed psychologist. All licensed psychologists who are listed as psychologists in the yellow pages of the telephone directory must be listed under "psychologists". They may not be listed anywhere else in the telephone directory as "psychologists". "Psychology" and "psychological" may not be used

under any section of the telephone directory other than that of "Psychologists".

(c) Brochures or catalogs of individual licensed psychologists, or of agencies or organizations employing licensed psychologists, announcing such services as assessing public opinion, educational and vocational planning, counseling and clinical services, personnel selection and management, the arrangement of effective work and learning situations, advertising and market research, personnel and selection, management and organizational development, shall describe such services accurately, not misrepresent their predicted outcome, not claim or imply superior professional competence, and may be sent to professional persons, to schools, and to business organizations, but to individuals only in response to inquiries.

(d) Contacts with businesses, agencies, and schools to advise them of the availability and range of services offered.

(e) Notices to clients advising them of informational meetings or services due.

(5) "Variable services" include but are not limited to services for which the fee charged the client cannot be predetermined because they depend upon the presenting condition of the client and the judgment of the licensed psychologist regarding that condition. Variable services depend upon the licensed psychologist's advanced training and level and area(s) of expertise, amount of professional time involved, and other factors related to the practice of psychology. Variable services include assessment and diagnosis, prognosis, research, biofeedback procedures, intervention or treatment, and consultation.

(6) "Non-variable services" include but is not limited to services for which the fee charged the client can be objectively determined without viewing the specific patient.

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Psy 3.02 Unprofessional conduct. The following acts constitute unprofessional conduct by a licensed psychologist and are prohibited, and shall be considered exclusively as evidence of lack of "good moral character" in reviewing application for licensure.

- (1) Advertising except as informational service.
- (2) Indulging in announcements of variable services by television, radio, newspapers, magazines, display signs, etc.
- (3) Misrepresentation of professional competency by offering to perform services that are clearly unwarranted on the basis of education, training, or experience.
- (4) Performance of professional services inconsistent with training, education, or experience.
- (5) Conviction of a crime resulting from or relating to the practice of psychology.
- (6) Undertaking or continuing professional services after having been adjudged incompetent by a court of law.

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(7) Reporting distorted, erroneous, and/or misleading psychological information.

(8) Taking credit for work not personally performed.

(9) Allowing professional judgment to be controlled by another.

(10) Failure or refusal to render professional services to a person because of race, color, sex, or creed.

(11) Aiding or furthering discrimination on the basis of race, color, sex, or creed by means of service given to a client.

(12) Practicing of psychology while under the influence of alcoholic beverages or drugs, except drugs prescribed, and in those doses specified, by a physician for individual use by a licensed psychologist while practicing.

(13) Conviction by a court of law on a charge of child abuse.

(14) Revealing facts, data, or information relating to a client, or the client's records obtained by the licensed psychologist in a professional capacity, without the consent of the client or the client's duly authorized representative, or without having made certain at the time the information was elicited that the client understood the possible uses and distributions of the information; or with or without such consent, revealing such facts, data or information, unless necessary to prevent injury to the client or another person. However, this shall not be interpreted to mean that case history material cannot be used for teaching or research purposes or in textbooks or other literature, provided that proper precautions are taken to conceal the identity of the individual or individuals involved.

(15) Failure to obtain written, informed consent from the client(s) or legal representative prior to recording sessions with the client.

(16) Treating employes, supervisees, close friends, or family members without consultation with other licensed psychologists in establishing diagnosis and treatment.

(17) Indulging in sexual intimacies with clients.

(18) Receiving or giving commissions, rebates, fee-splitting, kickbacks, or other forms of remuneration for referral, diagnosis, and treatment of clients.

(19) Failure to provide to clients a clear description of what the client may expect in the way of tests, consultation, reports, fees, billing, therapeutic regimen or schedule.

(20) Failure to provide to clients a clear description of possible effects of proposed treatment.

(21) Offering services directly to a client who is receiving services from another mental health professional without informing the professional person(s) already offering services.

(22) Fails to conduct an adequate assessment, evaluation, or diagnosis as a basis for treatment or consultation.

(23) Employs or claims to have available secret techniques or procedures which he or she refuses to divulge.

(24) Engaging in experimental or unproven treatment or services without assuring objectivity through keeping adequate records and consulting with colleagues.

(25) In the conduct of research, fails to remove the possible harmful aftereffects of emotional stress as soon as the design of the research permits, or fails to inform prospective research subjects or their authorized representative fully of the danger of serious aftereffects, if such danger exists, before asking them to volunteer.

(26) Failing to inform the client of any financial interests that might accrue to the licensed psychologist for referral to any other service or for the use of any tests, books, apparatus, etc.

(27) Refusal upon request to advise the board of the nature of the specialties included within their practice.

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