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MISSOURI CREDENTIALING BOARD

Code of Ethical Practice and Professional Conduct

Introduction

This document is the foundation for standards which will enable the credentialed professional to measure the propriety of his or her conduct in dealing with clients, other professionals and other members of the community. All professionals credentialed by MCB are expected to thoroughly familiarize themselves with the Code of Ethical Practice and Professional Conduct. The Board is committed to investigate and sanction those who fail to abide by its standards.

Note: All of the principles and ethical standards have been identified with a dual range of seriousness (except for a few that have only one option available). The intention of this guide is to assist all parties in applying an "indication" of seriousness so that a more standardized method of sanction can be used during the complaint process. The MCB is aware that there may be "extenuating circumstances" that differentiate seriousness for violations, i.e., some violations may be a result of oversight or carelessness while others are clearly intentional and without remorse. With any substantiated violation, it is now expected that the complaint will have a level of seriousness assigned to it before a sanction is imposed. The levels of seriousness are: S=Serious; VS = Very Serious; ES = Extremely Serious

Principles:

Principle 1: Responsibility to Clients

Principle 2: Counseling Relationship

Principle 3: Legal and Moral Standards

Principle 4: Diversity

Principle 5: Professional Competence and Integrity

Principle 6: Compliance with the Law

Principle 7: Cooperation with the Board

Principle 1: Responsibility to Clients

Informed Consent:

Clients have the right to be informed of their rights and responsibilities as they relate to the counseling process. **Professionals** assume the responsibility of informing clients, in language

appropriate to the client, how information obtained from assessments will be used in their treatment. Further, clients also have the right to obtain clear information about their case records; treatment plans, discharge summaries and recommendations for aftercare. Clients have the right to expect confidentiality in the counseling relationship and be informed of exceptions to confidentiality. **Professionals** shall inform clients of their right to refuse any recommended services and the consequence(s) for their refusal. If a client is unable to exercise their rights, **Professionals** will act in the client's best interest. (S/VS)

Principle 2: Counseling Relationship

General respect and caring:

MCB **Professionals** provide an appropriate setting for clinical work to protect the client from harm. **Professionals** make every effort to respect the dignity and protect the welfare of each client under their care and shall show respect for each client and colleague by maintaining an objective professional relationship at all times. Any activity that results in exploitation of clients for personal gain be it sexual, financial or social will be avoided. **Professionals** avoid fostering dependent counseling relationships and refrain from imposing their values on clients. (S/VS)

Professionals will remain aware of their own skills and limitations and will not attempt to counsel or advise clients on matters outside their area of expertise. When it is in the best interest of the client, **Professionals** will release or refer the client to another program or professional. The **Professional** is responsible for making appropriate arrangements for the continuation of treatment, during interruptions such as vacations and following termination of the counseling relationship. (VS/ES)

Prior to entering into a counseling relationship, the **Professional** will clearly explain to the client, the financial arrangements including the use of collection agencies or legal measures for nonpayment. (S/VS)

Dual Relationships:

Professionals shall make every effort to avoid dual relationships with clients that may include, but are not limited to: familial; social; financial; business; or other types of close personal relationships with clients. It is the **Professionals'** responsibility to refer the client to another professional, if possible, when a dual relationship exists. When a dual relationship cannot be avoided, **Professionals** take appropriate professional precautions to ensure that judgment is not impaired and no exploitation occurs. **Professionals** do not accept superiors or subordinates with whom they have administrative, supervisory or evaluative relationships as clients. (ES)

Relationships With Former Clients

Professionals shall not engage in sexual intimacies with former clients within a minimum of two years after terminating the counseling relationship. (ES)

Professionals shall not cultivate and make every effort to avoid any type of personal relationships with former clients for a period of two years. This may include, but is not limited to: familial; social; financial; business; or other types of close personal relationships with former clients. (ES)

Multiple Clients:

If a **Professional** provides counseling services to two or more persons who have a relationship (such as husband and wife, or parents and children), the **Professional** will identify the individual considered to be the primary client(s). If it becomes apparent that the **Professional** may be called upon to perform potentially conflicting roles, they clarify, adjust, or withdraw from the roles appropriately. (VS)

Conflict of Interest:

If a client is receiving services from another mental health professional, the **Professional** will, with informed client consent, inform the professional persons already involved and develop clear agreements to avoid confusion and conflict for the client. (S/VS)

Principle 3: Legal and Moral Standards

Confidentiality:

Professionals consider their clients' right to privacy to be of paramount importance and avoid illegal disclosures of confidential information. The **Professional** adheres to all federal, state, and local laws regarding confidentiality. Clients are informed of the limitations of confidentiality and identify foreseeable situations in which confidentiality might be breached. **Professionals** make every effort to ensure that the privacy and confidentiality of clients is maintained by subordinates including employees, supervisees, clerical assistants, and volunteers. (S/VS/ES)

Records:

Professionals maintain records necessary for rendering counseling services to their clients as required by laws, regulations, or agency or institutional procedures. The **Professiona**l is responsible for securing the safety and confidentiality of any counseling records they create, maintain, transfer, or destroy in whatever forms the record is produced. This applies to records which are written, taped, computerized, or stored in any other medium. (S/VS)

Professionals acknowledge counseling records are kept for the benefit of clients. Consequently, access is provided only when requested by competent clients and when it is determined that the records contain information that is not considered to be misleading or detrimental to the client. When the records involve multiple clients, access to records is limited to those parts of records that do not include confidential information related to another client. The **Professional** discusses information obtained in clinical, consulting, or observational relationships only in the appropriate settings for professional purposes that are in the client's best interest. Every effort is made to avoid undue invasion of privacy. (S/VS)

Fraud-Related Conduct:

Professionals provide accurate, honest, and unbiased information when reporting professional evaluations to third parties including courts and health insurance companies. When **Professionals** provide advice or comment by whatever means, they take reasonable pre-cautions to ensure that the statements are based on appropriate professional counseling literature and practice; and the statements are consistent with MCB's **Code of Ethical Practice and Professional Conduct**. (VS/ES)

The **Professiona**l does not use their official position to seek or receive unjustified personal gains, sexual favors, unfair advantage, or unearned goods or services. **Professionals** refrain from charging a client or a third party payer for a service not performed, or submitting an account or charge for services that is false or misleading. (VS/ES)

Professionals do not publish any advertisement that is false, fraudulent, deceptive or misleading. The **Professional** also refrains from engaging in fraud, misrepresentation, deception or concealment of material fact when applying for or assisting in securing credentialing or credentialing renewal or taking any examination. (VS/ES)

Principle 4: Diversity

Nondiscrimination:

The **Professional** does not condone or engage in discrimination based on age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, marital status, or socioeconomic status. (S/VS)

Respecting Differences:

Professionals will 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 **Professional's** cultural/ethnic/racial identity impacts his/her values and beliefs about the counseling process. The **Professional** should understand culture and its function in human behavior and society, recognizing the strengths that exist in all cultures. (S/VS)

Professionals should have a knowledge base of their client's cultures and be able to demonstrate competence in the provision of services that are sensitive to clients' cultures and to differences among people and cultural groups. The **Professional** should obtain education about and seek to understand, the nature of social diversity and oppression with respect to race, ethnicity, national origin, color, sexual orientation, age marital status, religion, and mental or physical disability. (S/VS)

Principle 5: Professional Competence and Integrity

Competence and Self-Knowledge:

Professionals strive to give precedence to their professional responsibility over personal interests and uphold the dignity and honor of the profession. The **Professional** shall seek appropriate professional assistance for their personal problems or conflicts that may impair work performance or clinical judgment. **Professionals** have a responsibility to read, understand, and follow the **Code of Ethical Practice and Professional Conduct**. **Professionals** practice only within the boundaries of their competence and avoid practice in specialty areas new to them until they obtain appropriate education, training, and supervised experience. (S/VS/ES)

Professionals accept responsibility for their continuing education and professional development as part of their commitment to providing quality care for persons who seek their services. **Professionals** take responsibility for identifying their values and beliefs and take measures to prevent imposing their values on clients. The **Professional** makes a commitment to continually review their ethical competence and attend traditional (not online) training session on ethical conduct as determined by MCB. (S/VS/ES)

Professionals in private practice take reasonable steps to seek out peer supervision to evaluate their efficacy as counseling professionals. (S/VS/ES)

Sexual Misconduct:

Professionals do not have any type of sexual intimacies with clients and do not counsel persons with whom they have had a sexual relationship. (ES)

Professionals do not engage in sexual harassment. Sexual harassment is defined as sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with professional activities or roles, and that either is unwelcome, offensive, or creates a hostile workplace environment. Sexual harassment can consist of a single intense or severe act or multiple persistent or pervasive acts. (ES)

Do no harm:

Professionals refrain from offering or accepting professional services when their physical, mental or emotional problems may pose a risk to clients or others. They are alert to the signs of impairment, seek assistance for problems, and, if necessary, limit, suspend, or terminate their professional responsibilities. The **Professional** abstains from the non-medical use of any mood altering chemicals while on the job, and will abstain from all illegal substances at all times. **Professionals** strive to serve as a responsible role model for clients, staff and the community. (VS/ES)

Superior/Subordinate Relationships (Clinical Supervision):

Clinical Supervisors clearly define and maintain ethical, professional, and social relationship boundaries with their trainees, interns and supervisees. They respect the differential in power that exists between the supervisor and the trainees, interns or supervisees. The **Clinical Supervisor** explains to the trainees, interns and supervisees the potential for the relationship to become exploitative. **Clinical Supervisors** do not engage in sexual relationships with trainees, interns or supervisees and do not subject them to sexual harassment. Clinical Supervisors who supervise the counseling services of others take reasonable measures to ensure that counseling services provided to clients are professional. **Clinical Supervisors** do not endorse trainees, interns or supervisees for credentialing, employment, or completion of an academic or training program if they believe trainees, interns or supervisees are not qualified for the endorsement. **Clinical Supervisors** take reasonable steps to assist students or supervisees who are not qualified for endorsement to become qualified. **Clinical Supervisors** clearly state to trainees, interns and supervisees, in advance of training, the levels of competency expected, appraisal methods and timing of evaluations for both didactic and experiential components. Trainees, interns and supervisees are provided with periodic performance appraisal and evaluation feedback throughout the training program. Trainees, interns and supervisees are informed of the ethical responsibilities and standards of the profession and the trainees, interns and supervisee's ethical responsibilities to the profession. (VS/ES)

Counselors who supervise others accept the obligation to facilitate further professional development of these individuals by providing accurate and current information, timely evaluations and constructive consultation. (VS/ES)

Unprofessional Conduct:

Professionals refrain from participating in inappropriate conduct not befitting their profession. In the event of an ethics complaint &/or hearing, the **Professional's** conduct will be measured against accepted standards and practices. **Professionals** have a responsibility to alert their employers to conditions that may be potentially disruptive or damaging or that may limit their effectiveness. (VS/ES)

Inter-Professional Relationships:

Professionals actively participate in local, state, and national associations that foster the development and improvement of counseling. The **Professional** shall adhere to a strict policy of respect for the views, actions, and findings of colleagues and members of other professions and programs. Appropriate practices will be used when expressing agreement or disagreement in judgment on such matters. The **Professional** shall not denigrate other professions nor engage in any false or misleading communications about their own or other professionals' abilities, training/experience and ethical conduct. The **Professional** is respectful of approaches to counseling that differ from her/his own. **Professionals** know and take into account the traditions and practices of other professional groups with which they work. **Professionals** select competent staff and assign responsibilities compatible with their skills and experiences. The **Professional** refuses to participate in an employer's practices which are inconsistent with the ethical standards enumerated in this Code. (S/VS)

Principle 6: Compliance with the Law

Unlawful conduct:

All credentialed professionals are expected to comply with all federal, state, and local laws. Anyone who is convicted of a felony or a misdemeanor offense shall report the conviction to the MCB. The definition of conviction includes: A plea or verdict of guilty or a conviction following an Alford Plea, or any other plea which is treated by the court as a plea of guilty and all the proceedings in which the sentence was deferred or suspended, or the conviction expunged shall be deemed a conviction within the meaning of this section. (VS/ES)

Grounds for Discipline:

Permitting, aiding, abetting, assisting, hiring or conspiring with an individual to violate or circumvent any of the laws relating to licensure or credentialing under any licensing or credentialing act. (ES)

Principle 7: Cooperation with the Board

The **Professional** shall cooperate in any investigation conducted pursuant to this Code and shall not interfere with an investigation or a disciplinary proceeding or attempt to prevent a disciplinary proceeding or other legal action form being filed, prosecuted, or completed. Interference attempts may include but are not limited to: The willful misrepresentation of facts before the disciplining authority or its authorized representative; the use of threats or harassment against, or an inducement to, any consumer or witness in an effort to prevent them from providing evidence in a disciplinary proceeding or any other legal action; the use of threats or harassment against, or an inducement to any person in an effort to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted or completed. (VS/ES)

Professionals shall report any violation of the **Code of Ethical Practice and Professional Conduct.** Failure to report a violation may be grounds for discipline. A **Professional** who has firsthand knowledge of the actions of a respondent or complainant shall cooperate with a MCB complaint investigation or disciplinary proceeding. Failure or an unwillingness to cooperate in a MCB complaint investigation or disciplinary proceeding shall be grounds for disciplinary action. **Professionals** shall not knowingly file a complaint or provide information to the MCB which they know or should have known is false or misleading. When submitting any information to the Board, the **Professional** shall comply with any requirements pertaining to the disclosure of consumer information established by the federal or state government. (VS)

The primary commitment of the **Professional** is to the health, welfare, and safety of the client. As an advocate for the client, the **Professional** must take appropriate action to report instances of incompetent, unethical, or illegal practice by other credentialed professionals that places the rights or best interests of the client in jeopardy. (VS/ES)

Sanction Levels:

Serious:

1. Additional Education – Ethics, Counseling Techniques, Specific Substances, Other topics
2. Increased Supervision
3. Reprimand
4. Denial of Application or Credential
5. Written Reports

Very Serious:

1. Suspension of Application or Credential
2. Additional Education – Ethics, Counseling Techniques, Specific Substances, Other topics
3. Assessment Referral
4. Denial of Application or Credential
5. Posting on the MCB Web Site
6. Agency Notification

Extremely Serious:

1. Revocation of Credential
2. Suspension of Credential
3. Denial of Future Application/Credential
4. Agency Notification
5. Posting on MCB Web Site
6. Required Permission Before Applying for Credential

Revised 12-12-14

Applicant's Agreement to the Code of Ethical Practice and Professional Conduct

I have read the Code of Ethical Practice and Professional Conduct and agree to abide by this code:

_____

Signature Date

Please Print Name

AUTHORIZATION AND RELEASE

I hereby certify all of the information given herein is true and complete to the best of my knowledge and belief. I also authorize any relevant investigations, or the release of personal information to the Missouri Credentialing Board, its agents, or contractors pursuant to this application/renewal procedure. I understand falsification of any portion of this application/renewal will result in my being denied credentialing, or revocation of same upon discovery.

I further agree to hold the Missouri Credentialing Board and its Board Members, officers, agents, staff, peer evaluators and examiners, free from any civil liability for damages or complaints by reason of any action that is within the scope and arise out of the performance of their duties which they, or any of them, may take in connection with this application/renewal, any examination, the grades with respect to any examination, and/or the failure of the MCB to issue me said credential or renewal.

This Authorization and Release shall also apply to personal information requested by the Board at any time following credentialing in connection with any investigation concerning allegations that could lead to disciplinary action against me.

Signature Date

Please Print Name

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