

Newfoundland and Labrador Psychology Board

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Website: <http://www.nlpsychboard.ca>

Standards of Professional Conduct

(Adapted with permission from the ASPPB Code of Conduct, 2018)

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Standards of Professional Conduct (2018)

Introduction

- PURPOSE. The rules within this Code of Conduct constitute the standards by which the required professional conduct of a psychologist or psychological associate is measured.
- SCOPE. The psychologist or psychological associate 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 licensure. The term "psychologist," as used within this code, shall be interpreted to mean any psychologist, psychological associate, or applicant for licensure.
- RESPONSIBILITY FOR OWN ACTIONS. The psychologist shall be responsible for his/her own professional decisions and professional actions.
- VIOLATIONS. A violation of this code of conduct constitutes unprofessional conduct and is sufficient grounds for disciplinary action or denial of licensure or reinstatement of licensure.
- 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 other professional association standard.

Definitions

A. Client (also known as patient) is:

1. A direct recipient of psychological services within the context of a professional relationship including a child, adolescent, adult, couple, family, group, organization, community, or other populations, or other entities receiving psychological services;
2. The individual or entity requesting the psychological services and not necessarily the recipient of those services (E.G., an evaluation that is court-ordered, requested by an attorney, an agency, other administrative body or organization or business);
3. An organization, such as a business, corporate entity, community or government that receives services directed primarily to the organization, rather than to the individuals associated with the organization; or
4. An individual who has a legal guardian, 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 considered to be the client for:
 - a. Issues directly affecting the physical or emotional safety of the individual, such as sexual or any other exploitative dual relationships; or
 - b. 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 is 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).

C. Court Order

Court order is the written or oral communication of a member of the judiciary, or other judicial or administrative official, when such authority has been lawfully delegated to such official.

D. Licensed

Licensed denotes having a professional license issued by a board of psychology which is statutorily mandated to grant the authority to its licensees to engage in the practice of psychology as permitted by the act and rules and regulations of the board. The terms "licensed," "certified," "registered," or any other term chosen by a jurisdiction when used in the same capacity as licensed are considered equivalent terms. When any such term identifies a licensee, it denotes that the person's professional behavior is subject to regulation by the board.

E. Professional Relationship

Professional relationship is a mutually agreed upon relationship between a psychologist and a client(s) for the purpose of the client(s) being provided psychological services and/or obtaining the psychologist's professional expertise.

F. Professional Service

Professional service is any action provided by the psychologist in the context of a professional relationship with a client.

G. Supervisee

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

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 professional development, consultation, and/or other procedures, in conformance with current standards of scientific and professional knowledge and the rules and regulations of the board.
3. Accurate Representation. A licensee shall accurately represent his/her areas of competence, education, training, experience, and professional affiliations to the board, employers, contractors, 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 seek appropriate education and training in the new area and engage in ongoing consultation with other psychologists or relevant professionals until such time that competence is established. 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 recommend or make referrals 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 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 payor, shall maintain professional records that include:
 - i. The name of the client and other pertinent identifying information;
 - ii. The presenting problem(s) or reason for providing service(s) or diagnosis;
 - iii. The fee arrangement;
 - iv. The date and substance of each billed or service-count contractor service;
 - v. Any test results or other evaluative results obtained and any basic test data from which test results were derived;
 - vi. Notation and results of formal consults with other providers;
 - vii. Any communications through any medium;
 - viii. A copy of all testing or other evaluative reports prepared as part of the professional relationship;
 - ix. Any releases executed by the client;
 - x. Any records of the court or any other agency directing services by the psychologist; and
 - xi. Health insurance portability and accountability act (HIPAA) authorization or documentation.
 - b. The psychologist shall ensure that all data entries in professional records are maintained for a period of not less than five years after the last date that service was rendered or the records were accessed, whichever is later, or for a longer period if required by law. This includes any releases executed by the client to meet the requirements of this rule.

- c. If the psychologist is providing psychological services to minors, the psychologist shall maintain those records at least until the client reaches the age of majority plus 5 years.
 - d. The psychologist shall store and dispose of written, electronic or other records, regardless of the format or media in which they are maintained, in such a manner as to ensure their confidentiality. The psychologist must retain documentation of any records that are destroyed. The psychologist shall maintain the confidentiality of all 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 record.
 - e. The psychologist shall provide for the confidential disposition of records in compliance with the maintenance and retention of records (as noted in b, c, d above) in the event of the psychologist's withdrawal from practice, incapacity or death.
 - f. For a period of not less than five (5) years after the last date of supervision, the psychologist shall maintain a record that shall include, among other information, the type, place, and general content of the supervision sessions for each person professionally supervised.
8. Continuing of Care. The psychologist shall make arrangements for another appropriate professional or professionals to be available for the emergency needs of his/her clients, as appropriate, during periods of the psychologist's foreseeable absence from professional availability.
9. Providing Supervision. The psychologist shall exercise appropriate supervision over supervisees, as set forth in the rules and regulations of the board.
10. Delegating Professional Responsibility. The psychologist shall not delegate professional responsibilities to a person not appropriately licensed, credentialed or otherwise qualified to provide such services.

B. Multiple Relationships

1. Definition of Multiple Relationships. Psychologists recognize that multiple relationships may occur because of the psychologist's present or previous familial, social, emotional, financial, supervisory, political, administrative, or legal relationship with the client or relevant person associated with or related to the client. Psychologists take reasonable steps to ensure that if such a multiple relationship occurs, it is not exploitative of the client or a relevant person associated with or related to the client.

2. Prohibited Multiple Relationships.

- a. A multiple relationship that is exploitative of the client or a relevant person associated with or related to the client is prohibited. Psychologists take all reasonable steps to ensure that any multiple relationships do not impair the psychologist's professional judgment or objectivity or result in a conflict of interest with the client or a relevant person associated with or related to the client.
- b. Multiple relationships that would not reasonably be expected to impair a psychologist's judgment or objectivity or risk harm to the client or relevant person associated with or related to the client are not expressly prohibited.

3. Sexual Relationships

- a. Psychologists do not engage in sexual intimacies of any kind with current clients.
- b. Psychologists do not engage in sexual intimacies of any kind with individuals they know to be close relatives of a current client or guardians of a current client or with anyone else who has a significant relationship with a current client. Psychologists also do not engage in sexual intimacies of any kind with individuals they know to be close relatives of a former clients, guardians of a former client, or anyone else who has had a significant relationship with a former client within the previous 24 months of having provided psychological services including, which include, but are not limited to, performing an assessment or rendering counseling, psychotherapeutic, or other professional psychological services. Psychologists do not terminate the professional relationship to circumvent this standard.
- c. Psychologists do not accept as clients, persons with whom they have engaged in sexual intimacies of any kind.
- d. Psychologists do not engage in sexual intimacies of any kind with former clients to whom the psychologist has at any time within the previous 24 months provided a psychological service including but limited to performing an assessment or rendering counseling, psychotherapeutic, or other professional psychological services.
- e. The prohibitions set out in (d) above shall not be limited to the 24-month period but shall extend indefinitely if the client is proven to be clearly vulnerable, by reason of an emotional or cognitive disorder, to exploitative influence by the psychologist.
- f. Psychologists do not engage in sexual intimacies of any kind with any student, trainee, intern or resident for whom the psychologist has, or is likely to have, evaluative authority.

C. Impairment

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, cognitive, psychological, pharmacological, substance abuse or induced 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.

D. Welfare of Client

1. Providing Explanation of Procedures. Prior to providing any psychological services, the psychologist shall obtain informed consent from the client for any psychological services that are provided. 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, if feasible, the psychologist shall offer to help locate alternative sources of professional services or assistance when indicated. The psychologist shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from the relationship, or if mutually agreed upon goals have been met, and, if feasible, shall prepare the client appropriately for such termination. A psychologist may terminate a professional relationship when threatened or otherwise endangered by the client or another person associated with or related to the client.
3. Stereotyping. The psychologist shall not impose on the client any stereotypes behavior, values, or roles related to age, gender, religion, race, disability, nationality, sexual orientation, or diagnosis which would interfere with the objective provision of psychological services to the client.
4. Solicitation of Business by Clients. The psychologist providing services to a client(s) shall not induce, pressure or coerce client(s) to solicit business on behalf of the psychologist.
5. Referrals on Request. The psychologist providing services to a client shall, if feasible, make an appropriate referral of the client to another professional when requested to do so by the client.
6. Preserving Human Rights. The psychologist does not engage in any verbal or physical behavior with client(s) which is seductive, demeaning, harassing, or exploitative in any way.

E. Welfare of Supervisees, Research Participants and Students

1. Welfare of Supervisees. The psychologist shall not engage in any verbal or physical behavior with supervisees which is seductive, demeaning, harassing, or exploitative in any way.
2. Welfare of Research Participants. The psychologist shall not engage in any verbal or physical behavior with research participants which is seductive, demeaning, harassing or exploitative in any way. The psychologist shall respect the dignity and protect the welfare of his/her research participants and shall comply with all relevant statutes and administrative rules concerning treatment of research participants.
3. Welfare of Students. The psychologist shall not engage in any verbal or physical behavior with students which is seductive, demeaning, harassing or exploitative in any way.

F. Protecting Confidentiality of Clients

1. In General. The psychologist shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional services. The psychologist shall disclose confidential information to others only with the informed consent of the client unless otherwise required or permitted by the law.
2. Disclosure Without Informed Consent. The psychologist may disclose confidential information without the informed consent of the client when the psychologist determines that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client him/herself or on another person. The psychologist shall limit disclosure of the otherwise confidential information to only those persons and only that content which would be permissible under the standards of the profession for addressing such problems. When the client is an organization, business, or similar entity, disclosure shall be made only after the psychologist has made a reasonable but unsuccessful attempt to have any problem arising out of the relationship corrected within the organization.
3. Release of Confidential Information. The psychologist shall release confidential information to others only with the informed consent of the client unless otherwise required or permitted by law.

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 involved prior to rendering such 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 a minor or an organization, business, or other such entity.
5. Multiple Clients. When such services are rendered to more than one client during a joint session, the psychologist shall at the beginning of the professional relationship clarify to all parties the manner by which confidentiality will be addressed. All parties shall be given an opportunity to discuss and to accept whatever limitations to confidentiality attach to the professional relationship.
6. Legally Dependent Clients. At the beginning of a professional relationship with a legally dependent client the psychologist shall inform the client who is below the age of majority or who has a legal guardian of any limits the law imposes on the right to confidentiality with respect to the client's communications with the psychologist. The psychologist shall provide such information to the extent possible in language that is understandable to the client.
7. Limited Access to Client Records. The psychologist shall limit access to client records to preserve their confidentiality and shall ensure that all persons working under the psychologist's authority shall comply with the requirements for confidentiality of any client records.
8. Reporting of Abuse of Children and Vulnerable Adults. The psychologist shall comply with any relevant law concerning the reporting of abuse of children and vulnerable adults.
9. Consultation Regarding Client Information Among Professionals. When rendering professional services as part of a team or when interacting with other appropriate professional concerning the welfare of the client, the psychologist may share confidential information about the client provided the psychologist takes reasonable steps to ensure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality. Such information shall be disclosed only to the extent necessary to receive the requested consultation.
10. Redacting Confidential Information. When any information from otherwise confidential records is to be used for teaching, research, professional publication or for any other public or professional purpose the psychologist shall exercise reasonable care to ensure that the disclosed material has been properly redacted to prevent client identification.

11. Observation and Electronic Recording. The psychologist shall ensure that observation or electronic recording of a client occurs only with the informed written consent of the client.
12. Confidentiality After Termination Of Professional Relationship. The psychologist shall continue to treat any information regarding a client as confidential after the professional relationship between the psychologist and the client is over. Such information shall continue to be confidential following the death of a client.

G. Representation of Services

1. Display of License. The psychologist shall display his/her current Newfoundland and Labrador Psychology Board license to practice psychology, on the premises of his/her professional practice site.
2. Misrepresentation of Qualifications. 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.
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 in public statements about 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. The psychologist shall, when he/she becomes aware, make all reasonable attempts to correct any public information about the psychologist, their credentials, qualifications, or services displayed in a public medium.

H. Fees and Statements

1. Disclosure of Cost of Services. As early as feasible in a professional relationship, the psychologist shall inform the recipient of psychological services of all compensation and billing arrangements. The psychologist shall not mislead or withhold from the client, a prospective client, or third-party payor, information about the cost of his/her professional services.

2. Reasonableness of Fee. The psychologist shall not exploit the client or responsible payor by charging a fee that is excessive for the services performed or by entering into an exploitive bartering arrangement in lieu of a fee.

I. Assessment Procedures

1. Confidential Information. The psychologist shall treat the result or interpretation of any assessment of an individual as confidential information.
2. Communication of Results. When communicating the results of any assessment to the client, parents, legal guardians or other agents of the client, the psychologist shall also provide adequate interpretive aids or explanations necessary to permit the party to understand and make decisions based on those results.
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 limitations in the assessment norms for the individual assessed and any relevant reservations or qualifications which affect the validity, reliability, or interpretation of results.
4. Protection of Integrity of Assessment Procedures. The psychologist shall not reproduce or describe in publications, lectures, presentations or any other public disclosures any psychological tests or other assessment measures or devices in ways that might compromise their security or violate their copyright.
5. Information for Professional Users. The psychologist offering an assessment procedure or automated interpretation service to other professionals shall accompany such offering by a manual or other printed material that fully describe 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 advertisement for the assessment procedure or interpretive service is factual and descriptive.

J. 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 taking a psychology licensing examination, in assisting any other individual to obtain a psychology license or to take a psychology licensing examination, in billing clients or third-party payors, in providing psychological services, in reporting the results of psychological evaluations or services, or in conducting any other activity related to the practice of psychology.

K. Aiding Unauthorized 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 licensed, credentialed or otherwise qualified to provide such services.

L. Delegating Professional Responsibility

1. Reporting of Violations to Board. The psychologist who has reason to believe that there has been a violation of the statutes or rules of the board, that might reasonably be expected to harm a client, may report such a violation to the board, or if required by statute shall report to the board. Unless otherwise required by statute, the client's name may be provided only with the written consent of the client.
2. Providing Information to Client. When a psychologist learns from a client of a possible violation of the statutes or rules of the board, or when a psychologist receives a request from a client for information on how to file a complaint with the board, the psychologist is obligated to inform the client of the standards of practice of psychology and how to file a complaint with the board.