

SECTION .0500 - ETHICAL PRINCIPLES OF CONDUCT FOR THE SUBSTANCE ABUSE PROFESSIONAL

21 NCAC 68 .0501 PURPOSE AND SCOPE

- (a) The ethical principles governing the credentialed substance abuse professional are established to protect the public health, safety and welfare.
- (b) The primary goal of this code is to set forth principles to guide the conduct of the substance abuse professional. The Board may deem violation of these standards malpractice, negligence, incompetence, or engaging in conduct that could result in harm or injury to the public.
- (c) Ethical principles shall provide a standard for the substance abuse professional in his or her professional roles, relationships and responsibilities.
- (d) Upon submission of an application for a credential, each applicant shall review the ethical standards in these Rules, sign the "Applicant's Code of Ethical Conduct" form, and return it to the Board agreeing to uphold the ethical principles of conduct.

21 NCAC 68 .0502 NON-DISCRIMINATION

The substance abuse professional shall consider the issue of discrimination against clients or professionals based on race, religion, age, sex, handicaps, national ancestry, sexual orientation or economic condition, but in all cases the professional shall not discriminate on any basis prohibited by federal or state law.

21 NCAC 68 .0503 COMPETENCE

- (a) The substance abuse professional shall employ the requisite knowledge, skill and proficiencies of a substance abuse practitioner competently providing services within his or her scope of practice.
- (b) The substance abuse professional shall strive to learn about cultural and ethnic values in order to provide the highest level of care for a client who possesses a diverse or unfamiliar cultural or ethnic background.
- (c) The substance abuse professional shall provide the necessary interpretive services to any client or refer the person for necessary services.
- (d) The substance abuse professional shall assist in eliminating prevention, intervention, treatment, and supervision practices by persons unqualified or unauthorized to practice in the field.
- (e) The substance abuse professional who knows of unethical conduct or of unprofessional practices by a substance abuse professional shall report such violations to the Board.
- (f) The substance abuse professional shall recognize boundaries and limitations of his or her competencies and not offer services or use techniques outside of his or her professional competencies and scope of practice.

(g) The substance abuse professional who identifies a need for services outside his or her skill, training or experience shall refer the client to an appropriate professional or shall seek supervision and training to provide the required services for the individual.

(h) The substance abuse professional shall complete reports and record keeping functions in a manner that supports the client's treatment experience and welfare.

(i) The substance abuse professional shall recognize the negative impact impairment has on his or her functioning in public and professional performance and shall seek an assessment by a Board-approved provider and follow the recommendations.

(j) No applicant shall be credentialed as a substance abuse professional who is serving any part of a court-ordered sentence as specifically prohibited by 21 NCAC 68 .0224.

21 NCAC 68 .0504 LEGAL STANDARDS AND ETHICAL STANDARDS

(a) The substance abuse professional shall not claim or imply educational, experiential or professional qualifications or affiliations that the substance abuse professional does not possess.

(b) The substance abuse professional shall not use membership on the North Carolina Substance Abuse Professional Practice Board for purposes that are not consistent with these Rules. No Board member shall advertise, promise, or provide special treatment to any individual because of membership on the North Carolina Substance Abuse Professional Practice Board or its committees.

(c) The substance abuse professional shall not lend his or her name to or participate in any professional or business relationship that may knowingly mislead the public.

(d) The substance abuse professional shall follow established guidelines on research with human subjects when he or she engages in such research.

21 NCAC 68 .0505 EDUCATION AND TRAINING STANDARDS

(a) The substance abuse professional shall be prepared to provide the source for any materials or techniques used when making either public statements or providing education and training.

(b) The substance abuse professional shall not knowingly make false, deceptive, or fraudulent statements concerning his or her:

- (1) Training, experience, or competence;
- (2) Academic degrees;
- (3) Credentials;
- (4) Institutional or association affiliations;
- (5) Services;

- (6) Fees;
- (7) Publications or research findings; and
- (8) Scientific or clinical basis for, or results or degree of success of his or her services.

21 NCAC 68 .0506 PUBLICATION CREDIT

The substance abuse professional shall assign credit to all who have contributed to the published material and for the work upon which the publication is based.

- (1) The substance abuse professional shall recognize joint authorship, major contributions of a professional character, made by several persons to a common project. The author who has made the principle contribution to a publication shall be identified as a first listed.
- (2) The substance abuse professional shall acknowledge in footnotes or an introductory statement minor contribution of a professional character, extensive clerical or similar assistance and other minor contributions.
- (3) The substance abuse professional shall acknowledge, through specific citations, unpublished, as well as published material, that has directly influenced the research or writing.
- (4) The substance abuse professional who compiles and edits for publication the contributions of others shall list oneself as editor, along with the names of those others who have contributed.

21 NCAC 68 .0507 CLIENT WELFARE

- (a) The substance abuse professional shall protect the safety and welfare of the client.
- (b) The substance abuse professional shall inform clients of the nature and direction of loyalties and responsibilities and keep all parties participating in the client's care informed of these commitments.
- (c) The substance abuse professional, in the presence of professional conflict, shall be concerned primarily with the welfare of the client.
- (d) The substance abuse professional shall withdraw services only after giving consideration to all factors in the situation and taking care to minimize adverse actual or possible effects.
- (e) The substance abuse professional shall, after minimizing any adverse impact, end a counseling or consulting relationship when the professional knows or should know that the client is not benefiting from services.
- (f) The substance abuse professional who anticipates the cessation or interruption of service to a client shall notify the client promptly and seek the cessation, transfer, referral, or continuation of service in relation to the client's needs and preferences.

(g) The substance abuse professional shall not use a client in a demonstration where such participation would foreseeably harm the client.

(h) The substance abuse professional shall deliver services in a setting that respects client privacy and confidentiality.

(i) The substance abuse professional shall collaborate with other health care professionals providing treatment or support services to a client.

21 NCAC 68 .0508 CONFIDENTIALITY

(a) The substance abuse professional shall protect the privacy of current and former clients and shall not disclose confidential information without prior consent.

(b) The substance abuse professional shall inform the client and obtain written permission for the use of interview material for training purposes and observation of an interview.

(c) The substance abuse professional shall make provisions for the maintenance of confidentiality and the ultimate disposition of confidential records. These provisions shall be consistent with the prohibition against disclosure of records or other information concerning any client in a federally-assisted alcohol or drug abuse program as it appears in 42 C.F.R., Part 2, 42 U.S.C. 290ee-3, the HIPAA Privacy Rule appearing in 45 CFR Sections 160 and 164 and State law.

(d) The substance abuse professional shall disclose confidential information only:

- (1) when there is clear and imminent danger to the client or to other persons or a medical emergency and then only to the appropriate professional worker or public authorities;
- (2) when compelled by law to provide such information;
- (3) with a proper consent form in writing issued pursuant to 42 C.F.R., Part 2, 42 U.S.C. 290ee-3; or
- (4) for internal program communications and communications that do not disclose patient-identifying information.

(e) With prior written consent the substance abuse professional shall discuss the information obtained in a clinical or consulting relationship only in a professional setting and only for a professional purpose concerned with the case. Written and oral reports shall present only data germane to the purpose of the evaluation.

(f) The substance abuse professional shall use material in classroom teaching and writing only when the identity of the person involved is disguised adequately to prevent disclosure or documented permission is given by the party or the information is in the public domain.

21 NCAC 68 .0509**CLIENT RELATIONSHIPS**

(a) The substance abuse professional shall not enter into a client/professional relationship with members of one's immediate family. For the purpose of this Rule "immediate family" means spouse, parent, sibling, child, grandparent, grandchild, stepchild, stepparent, parent-in-law, and child-in-law.

(b) The professional shall avoid dual relationships that could impair professional judgment or increase the risk of exploitation of a client.

(c) Sexual activity or sexual contact of a substance abuse professional with a client shall be restricted as follows:

(1) The substance abuse professional shall not engage in or solicit sexual activity or sexual contact with a current client.

(2) The substance abuse professional shall not engage in or solicit sexual activity or sexual contact with a former client for five years after the termination of the counseling or consulting relationship.

(3) The substance abuse professional shall not engage in or solicit sexual activity or sexual contact with any client the professional knows to be currently in treatment at his or her own agency or place of professional employment.

(4) The substance abuse professional shall not knowingly engage in or solicit sexual activity or sexual contact with any identified former client of his or her own agency or place of professional employment for five years after the termination of the counseling or consulting relationship if both the professional was employed at the agency and the former client was a client of the agency during the same time period.

(5) Because sexual activity with a client is harmful to the client, a substance abuse professional shall not engage in sexual activities with a former client even after a five-year interval unless the substance abuse professional who engages in such activity after the five years following cessation or termination of treatment bears the burden of demonstrating that there has been no harm to the client in light of all relevant factors, including the following:

(A) The amount of time that has passed since treatment services were terminated;

(B) The nature and duration of the treatment services;

(C) The circumstances of termination;

(D) The client's personal history;

(E) The client's current mental status;

(F) The likelihood of adverse impact on the client and others; and

(G) Any statement made or action taken by the substance abuse professional during the course of treatment suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.

(d) The substance abuse professional shall not misuse his or her professional relationship for sexual, financial, or any other personal advantage.

21 NCAC 68 .0510 INTERPROFESSIONAL RELATIONSHIPS

(a) The substance abuse professional shall treat colleagues with respect, courtesy and fairness and shall afford the same professional courtesy to other professionals.

(b) The substance abuse professional shall not offer professional services to a client in counseling or consulting with another professional except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.

(c) The substance abuse professional shall cooperate with duly constituted professional ethics committees and promptly supply necessary information unless prohibited by law.

21 NCAC 68 .0511 REMUNERATION

(a) The substance abuse professional shall establish financial arrangements in professional practice and in accord with the best interests of the client or person served, the professional and of the profession.

(b) The substance abuse professional shall not send or receive any commission, rebate, or any other form of remuneration for referral of a client or a person served for professional services.

(c) The substance abuse professional shall not accept a private fee or any other gift or gratuity having a cumulative value of twenty-five dollars (\$25.00) or more for professional work with a person who is receiving such services with the professional or through the professional's institution or agency.

(d) A particular agency may make written provisions for private work with its clients or persons served by members of its staff and in such instances the client or person served shall be apprised of all policies affecting him or her. Additional referral options shall be presented to the client or person served if available.

(e) A substance abuse professional shall not use his or her employer's organization to solicit clients or persons served for one's private practice without written authorization from the employer.

21 NCAC 68 .0512**RESPONSIBILITY OF SUPERVISOR TO SUPERVISEE**

A professional who has received a credential from the Board and who is serving as a clinical or practice supervisor shall:

- (1) Be aware of his or her influential position with respect to supervisees and therefore not exploit the trust and reliance of such persons.
- (2) Avoid dual relationships that could impair professional judgment, increase the risk of exploitation, or cause harm to the supervisee. To implement this standard the supervisor shall not:
 - (A) Instruct or supervise family members who are related by blood to the second degree or marriage or a person living in the supervisor's household;
 - (B) Provide therapy or therapeutic counseling services to supervisees; or
 - (C) Solicit or engage in sexual activity or contact with supervisees during the period of supervision.
- (3) Be trained in and knowledgeable about supervision methods and techniques.
- (4) Supervise or consult only within his or her knowledge, training, and competency.
- (5) Guide his or her supervisee to perform services responsibly, competently, and ethically. As authorized by the supervisee's employer, the supervisor shall assign to his or her supervisees only those tasks or duties that these individuals can be expected to perform competently, based on the supervisee's education, experience, or training, either independently or with the level of supervision being provided.
- (6) Not disclose the confidential information provided by a supervisee except:
 - (A) As mandated by law;
 - (B) To prevent harm to a client or other person involved with the supervision;
 - (C) In educational or training settings where there are multiple supervisors, and then only to other professional colleagues who share responsibility for the performance or training of the supervisee; or
 - (D) If consent is obtained.
- (7) Establish and facilitate a process for providing evaluation of performance and feedback to a supervisee. To implement this process the supervisee shall be informed of the timing of evaluations, methods, and levels of competency expected. Supervision documentation shall be signed by the supervisor and supervisee and include the date, time, duration, method, and topic of the supervision session.

(8) Not endorse supervisees for credentialing, employment, or completion of an academic training program if they believe the supervisees are not qualified for the endorsement. A supervisor shall develop a plan to assist a supervisee who is not qualified for endorsement to become qualified.

(9) Make financial arrangements for any remuneration with supervisees and organizations only if these arrangements are clear and in writing. All fees shall be disclosed to the supervisee prior to the beginning of supervision if practicable.