



Ohio

Chemical Dependency
Professionals Board

OHIO CHEMICAL DEPENDENCY PROFESSIONALS BOARD POSITION STATEMENT

RE: Code of Ethical Practice and Professional Conduct regarding departure from employment

Purpose:

The purpose of this Position Statement is to provide direction in regard to Codes of Ethical Practice and Professional Conduct to the license and certificate holders when leaving employment to avoid client/patient abandonment and provide clarification regarding the Board's application of the relevant Ohio Administrative Code (OAC) sections

Code Language:

OAC sections:

4758-08-01(B)(1)(h) In the presence of professional conflict, the licensee or certificate holder shall primarily be concerned with the welfare of the client.

4758-8-01(1)(n) A license or certificate holder shall not discontinue professional services to a client unless:

- (i) Services have been completed;
- (ii) The client requests the discontinuation;
- (iii) Alternative or preplacement services are arranged; or
- (iv) The client is given reasonable opportunity to arrange alternative or replacement services

4758-08-01 (B) (3)(g) A licensee or certificate holder shall not falsify, fraudulently amend, knowingly make incorrect entries or fail to make timely essential entries into the client records. (emphasis added)

Application:

It is more than a professional courtesy to provide notice of resignation, it is an opportunity for clients to have appropriate closure and adjustment period before transitioning to a new counselor, and an opportunity for counselors to review clinical records in preparation for their new case.

Allowing documentation to remain incomplete or abruptly resigning can be reflective of purposeful client abandonment and professional negligence.

While the Board recognizes that changes in employment can be abrupt, it is still the responsibility of license and certificate holders to make reasonable efforts to ensure continuous care for their clients to the best of their professional ability. It is also the responsibility of the employers to support efforts to make reasonable transitions of client care whenever a service care provider vacates a position.

If a grievance is filed, the board will consider that the license or certificate holder can demonstrate reasonable efforts under the circumstance of a departure to ensure continuance of client care.

After notification of an employee impending departure, the clinical supervisor and agency staff should also make every effort to assume responsibility for the clients' welfare and a smooth transition of care plan is created within a reasonable timeframe based on a totality of the circumstances. There may be some situations

in which an employer needs to abruptly terminate the employment of a license or certificate holder who was performing direct care services. In that case, the employer is under no obligation to the Board to report the license or certificate holder for client abandonment. Conversely, if the direct care provider elects to resign and fails to provide reasonable notice of their departure and make provisions for transition of client care, then the employer should consider filing a grievance with the Board for violations of the above-stated codes.

This positions statement is for Informational and/or Educational guidance purposes only, are not legal advice, and is not a substitute for legal advice, and is not a substitution for seeking legal counsel.

Title:	Code of Ethical Practice and Professional Conduct for those departing employment
Type:	Position Statement
Related References:	n/a
Legal References:	See references within Position Statement, if any. ORC: 4758.02, 4758.20 OAC: 4758-8-01
Supersedes:	Prior versions.
Effective Date:	August 20, 2021
Next Review Date:*	July 1, 2023
Implementation Date:	August 20, 2021
Approved:	Jill Smock, Executive Director on behalf of the Board by direct authority  (ratification of action by the Board on 8.20.21)

* The Executive Director, or designee, shall review position, policy, and procedures statements (collectively Statements) on or before the stated review date listed above and if applicable, make any necessary revisions in accordance with any Board Statements regarding development, review, dissemination and acknowledgement.

Pursuant to Ohio Revised Code 4758.15, the Executive Director (ED) has been granted discretionary authority on behalf of the Board to develop, implement, maintain, and amend position statements to support rules, policies, and position statements.

Unless otherwise stated, all employees, Board members, and contractors for the Board (collectively Board employees) shall follow all laws, rules, policies, and procedures. A Board employee may be subject to discipline up to and including removal for violating laws, rules, policies, and procedures.

Definitions as stated in Chapters 4758 of the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) are incorporated by reference herein.

Helpful Links

Ohio Revised Code: <https://codes.ohio.gov/ohio-revised-code/chapter-4758>

Ohio Administrative Code: <https://codes.ohio.gov/ohio-administrative-code/4758>