

State of Ohio Counselor, Social Worker & Marriage and Family Therapist Board

Chapter 4757-5 Rules for Standards of ethical and professional conduct

4757-5-04 Standards of ethical practice and professional conduct: sexual relationships.

(A) Counselors, social workers, and marriage and family therapists shall not engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced. A client of the agency is considered a client of each counselor, social worker, or marriage and family therapist employed or contracted at the agency for purposes of ethics under the sexual relationships section of this chapter. The duty of the licensee is based on that particular licensee's knowledge of a client's identity prior to starting a relationship.

(B) Counselors, social workers, and marriage and family therapists shall not have sexual intimacies with clients and shall not counsel persons with whom they have had a sexual relationship.

(C) Counselors, social workers, and marriage and family therapists shall not engage in sexual intimacies with former clients within five years after terminating the therapeutic relationship. Counselors, social workers, and marriage and family therapists who choose to engage in such a relationship after five years following termination have the responsibility to thoroughly examine and document in the clients record that such a relationship does not have an exploitative nature, based upon factors such as, duration of therapy, amount of time since therapy, termination circumstances, client's personal history and mental status, adverse impact on the client, power differentials, and actions by the professional suggesting a plan with the client after termination.

(D) A client of the agency is considered a client of each counselor, social worker, or marriage and family therapist employed or contracted by the agency for purposes of ethics under the sexual harassment, multiple relationships and sexual relationships sections of this rule. Counselors, social workers and marriage and family therapists shall not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client. Sexual activity or sexual contact with clients' relatives or other individuals with whom the client maintains a personal relationship has the potential to be harmful to the client and may make it difficult for the counselor, social worker or marriage and family therapist to maintain appropriate professional boundaries. Counselors, social workers and marriage and family therapists, not their clients, their clients' relatives, or other individuals with whom the client maintains a personal relationship assume the full burden for setting clear, appropriate, and culturally sensitive boundaries. The duty of the licensee is based on that particular licensee's knowledge of a client's identity prior to starting a relationship.

(E) If the counselor, social worker or marriage and family therapist engages in conduct contrary to this prohibition or claims that an exception to this prohibition is warranted because of extraordinary circumstances, the counselor, social worker, or marriage and family therapist not his or her clients assumes the full burden of demonstrating that the client or former client has not been exploited, coerced, or manipulated, intentionally or unintentionally. The licensee shall document how this is so in the client's record.

HISTORY: 9/19/85 (Emer.), 12/19/85, 5/22/86, 6/11/95 (Emer.), 7/3/97,8/2/01, 9/20/02, 4/10/04, 1/1/06, 11-8-07,10-18-09

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