**Section 1283.100 Dishonorable, Unethical, Unprofessional Conduct**

The Division may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action, based upon its finding of "dishonorable, unethical, or unprofessional conduct" within the meaning of Section 85 of the Act which is interpreted to include, but is not limited to, the following acts or practices:

a) A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's scope of practice. A therapist must not misrepresent credentials, degrees, professional associations, or competencies either through spoken word or written materials. A therapist must immediately retract or correct any misrepresentation. A therapist must correct misrepresentations by third parties as soon as the therapist is informed of the error.

b) A therapist must not permit an intern or trainee under the therapist's supervision to perform, or to pretend to be competent to perform, professional services beyond the trainee's or intern's level of training. Disclosure of the trainee or intern's status and the name of the supervisor is required. A waiver of liability signed by the client is required when a marriage and family therapy intern or trainee is treating the client.

c) Therapists must recognize the potentially influential position they may have with respect to clients, students, employees and supervisees. Therapists must conduct themselves with sensitivity to clients' potential vulnerability. Therapists shall avoid exploiting clients' trust and dependency. Therapists must also make every effort to avoid dual relationships with clients during treatment and following termination of therapy. When a dual relationship cannot be avoided, therapists must take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of dual relationships include but are not limited to close personal friendships, business or other relationships that are used to further a therapist's own interests, or the provision of therapy to students, employees, or supervisees. Sexual intimacy between therapist and client, students or supervisees is prohibited. Sexual intimacy with former clients is prohibited for at least two years after termination of treatment.

d) A therapist must not engage in sexual or other harassment or exploitation of students, trainees, employees, colleagues, research subjects, actual or potential witnesses or complainants in legal or ethical proceedings.

e) A therapist who is convicted of any crime related to the therapist's qualifications or professional responsibilities may be subject to disciplinary action by the Division. Likewise, a therapist who engages in conduct which could lead to conviction of a crime related to the therapist's qualifications or professional responsibilities may be subject to disciplinary action.

f) A therapist who becomes impaired and unable to function according to the standards of practice may be subject to disciplinary action if active practice continues. Causes of impairment may include, but are not limited to, the abuse of mood-altering chemicals and physical or mental problems.

g) It is the responsibility of therapists to seek supervision and/or personal therapy for any problem that is interfering with their ability to perform their professional services.

h) A therapist must not subject a client to discrimination based on race, gender, religion, national origin, political affiliation, social or economic status, choice of lifestyle, or sexual or affectional orientation.

i) A therapist must inform a client of any conflict of interest, values, attitudes, or biases between them that are sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship. However, it is the therapist's responsibility to terminate the professional relationship when it no longer serves the client's needs or interests. It is the responsibility of the therapist to facilitate termination and to assist in referring the client to another professional. Termination shall be handled with care and sensitivity.

j) A therapist has the responsibility to be informed of other professional, technical, and administrative resources available to clients. A therapist must utilize those resources and/or refer clients when it is in the best interests of the client.

k) A therapist must make a referral upon client request regardless of administrative and/or funding mandates.

l) A therapist must not allow an individual or agency paying for the professional services to a client to exert undue influence over the therapist's work performance and clinical judgment.

m) A therapist must offer all facts regarding services rendered to the client prior to administration of professional services. The purpose of informed consent is to ensure client's complete access to information pertaining to professional services. Examples include, but are not limited to, fees for services, length of treatment and utilization of consultants. The client's signature indicating receipt of pertinent information is strongly encouraged.

n) A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. The therapist must make this known to the client and assist the client in obtaining a referral to another professional.

o) A therapist must hold in confidence all information pertaining to a client's therapy. It is the responsibility of the therapist to safeguard client confidences as required by law. This includes a therapist's employees and professional associates.

p) A therapist must inform a client of the limitations of confidentiality. These limitations include, but are not limited, to:

1) Limitations mandated by the law.

2) The prevention of clear and immediate danger to one or more persons.

3) When the therapist is a defendant in a civil, criminal, or disciplinary action arising from the therapy, client confidences may be disclosed in the course of that action.

4) When a written waiver of confidentiality has been obtained, all information revealed must be in accordance with the terms of the waiver. If there is more than one party involved in the therapy, the waiver must be signed by all members legally competent to execute such a waiver.

5) When release of information pertaining to a minor is requested, it must be signed by a parent or guardian.

q) Therapists are responsible to ensure that all records and written data are stored using security measures that prevent access to records by unauthorized persons.

r) Therapists are responsible for ensuring that the content and disposition of all records are in compliance with all relevant State laws and rules.

s) The Division hereby incorporates by reference the AAMFT Code of Ethics, the American Association for Marriage and Family Therapy, 112 South Alfred Street, Alexandria VA 22314-3061, January 2015, with no later amendments or editions.

(Source: Amended at 48 Ill. Reg. 12727, effective August 9, 2024)