

Chapter 10.46.02. Code of Ethics

01. General Conduct

A. The licensee shall:

- (1) Provide appropriate services for clients without regard to age, race, creed, ethnicity, gender, lifestyle choices, impairment, disability, diagnosis, spirituality, or religious affiliation;
- (2) Provide the highest quality services to the client;
- (3) Show respect for the client's rights, including the right to refuse treatment;
- (4) Follow all applicable laws regarding the client's privacy;
- (5) Inform the client if the licensee determines that additional occupational therapy services would be beneficial;
- (6) Recommend termination of services as appropriate to client needs, goals, and circumstances;
- (7) Represent accurately the licensee's skills;
- (8) Seek a consultation with or refer the client to an appropriate health care professional if the licensee determines that the licensee cannot effectively manage the client's needs;
- (9) Exercise sound professional judgment in the use of evaluation and treatment procedures;
- (10) Discontinue immediately a procedure which appears to be harmful to the client;
- (11) Function with discretion and integrity in relations with other health professionals;
- (12) Report to the Board a concern with the quality of the service provided by other health professionals;
- (13) Ascertain whether all occupational therapy personnel within the facility are licensed if the licensee practices within a facility;
- (14) Report to the Board a person whom the licensee believes to be performing or aiding and abetting the illegal practice of occupational therapy;
- (15) Comply with all applicable laws dealing with occupational therapy practice;

(16) Accurately record and report all information related to continuing competency requirements as specified in COMAR 10.46.04;

(17) Provide information about fees upon request by a client;

(18) Notify the referring professional and the client if the licensee declines to carry out evaluation and treatment that has been ordered but that the licensee believes to be contraindicated or unjustified; and

(19) Comply with a lawful investigation conducted by the Board.

B. The licensee may:

(1) Inform the patient's referring health professional if additional occupational therapy services would be beneficial to the patient; and

(2) Decline to carry out evaluation and treatment that has been requested but that the licensee believes is contraindicated or unjustified.

C. The licensee may not:

(1) Engage in a cruel, inhumane, or degrading practice in the treatment of the client;

(2) Allow financial gain to be paramount to the delivery of service to the client;

(3) Provide a service or instruction, either for pay or gratuitously, that is not within the licensee's demonstrated competencies; or

(4) Use, or participate in the use of, a form of communication that contains or implies a:

(a) Guarantee of satisfaction, except the guarantee to return a fee if the client is not satisfied with the treatment rendered, or

(b) False, fraudulent, misleading, deceptive, or unfair statement or claim.

02. Sexual Misconduct

A. The licensee shall avoid a relationship or an activity with the client that interferes with professional judgment and objectivity.

B. The licensee may not:

(1) Exploit the client sexually, physically, emotionally, socially, or in another manner; or

(2) Engage in sexual misconduct which includes, but is not limited to, sexual behavior with the client or patient:

(a) Regardless of whether the behavior occurs in the context of a professional evaluation, treatment, procedure, or other service to the client or patient, or

(b) Under the pretense of diagnostic or therapeutic intent or benefit.

03. Professional Competence

An occupational therapist and occupational therapy assistant shall:

A. Limit practice to the areas of competency by which proficiency has been gained through education, training, and experience;

B. Acquire the education and training needed to address the cultural differences of diverse populations;

C. Avoid unfair discrimination based on age, gender, race, ethnicity, culture, national origin, disability, socioeconomic status, sexual orientation, or other basis proscribed by law;

D. Use treatment only when the occupational therapist or occupational therapy assistant knows that the circumstances are appropriate;

E. Maintain competence by meeting the requirements of continuing education in accordance with COMAR 10.46.04;

F. Engage in ongoing consultation with other occupational therapists and occupational therapy assistants or relevant professionals and seek appropriate education, training, and experience when developing competence in a new service or technique; and

G. Document and maintain appropriate records of all relevant work and training used to gain competence in new techniques or services.

04. Penalties

Violation of Regulation .01 or .02 of this chapter may result in the Board taking action to reprimand the licensee or place the licensee on probation, or to suspend or revoke the licensee's license.

Sec. 10.46.02.9999. Administrative History

Effective date: January 31, 1983 (10:2 Md. R. 109)

Regulation A (19) adopted effective April 4, 2022.

Regulations .01-.03 repealed and new Regulations .01-.03 adopted effective August 7, 2000 (27:15 Md. R. 1401)

Regulation .01A amended effective April 21, 2008 (35:8 Md. R. 805)

Regulation .03 recodified to be Regulation .04 and new Regulation .03 adopted effective April 2, 2012 (39:6 Md. R. 409)