

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

CHAPTER Mhp 500 ETHICAL AND PROFESSIONAL STANDARDS, RESPONSIBILITIES OF LICENSEES

PART Mhp 501 ETHICAL AND PROFESSIONAL STANDARDS

Mhp 501.01 Obligation to Obey. All licensees shall be bound to the ethical standards set forth in this part. Disciplinary sanctions may be imposed for violation of any such standards.

Source. (See Revision Note at chapter heading for Mhp 100) #5675, eff 7-22-93; EXPIRED: 7-22-99

New. #7625, eff 1-10-02, EXPIRED: 1-10-10

New. #9854, eff 1-25-11; ss by #10790, eff 2-24-15; ss by #13278, eff 10-19-21)

Mhp 501.02 Code of Ethics.

(a) A licensee shall adhere to the code of ethics of the profession in which they are licensed, as adopted by the following entities:

- (1) For pastoral psychotherapists, the NH Pastoral Psychotherapist Association Code of Ethics, dated December 2019, available as referenced in Appendix B;
- (2) For licensed independent clinical social workers, licensed social workers, and social work associates, the National Association of Social Workers Code of Ethics, updated in 2021, available as referenced in Appendix B;
- (3) For mental health counselors, the American Mental Health Counselors Association Code of Ethics, revised 2020, available as referenced in Appendix B; and
- (4) For marriage and family therapists, the Code of Ethics for Marriage and Family Therapists dated January 1, 2015, available as referenced in Appendix B.

(b) A copy of all codes of ethics referenced in Mhp 501.02(a) above may be obtained either in the manner referenced in Appendix B or by contacting the board office and requesting a copy be sent via:

- (1) Email at no cost; or
- (2) US Mail at \$.10 per page copy fee.

(c) A licensee shall adhere to the following standards:

- (1) A licensee shall provide honest and accurate information in reports; and
- (2) A licensee shall maintain sexual boundaries by:
 - a. Refraining from any behavior a reasonable person would interpret as exploiting the practitioner-patient relationship in a sexual way; and
 - b. Avoiding any behavior by the mental health practitioner, which could be interpreted as sexual by a reasonable person, even when initiated by or consented to by the patient.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93; EXPIRED: 7-22-99

New. #7625, eff 1-10-02, EXPIRED: 1-10-10

New. #9854, eff 1-25-11; ss by #10790, eff 2-24-15; amd by
#12505, eff 3-30-18; amd by #13013, EMERGENCY RULE,
eff 3-30-21, EXPIRED: 9-26-20

New. #13278, eff 10-19-21; ss by #14157, eff 2-18-25

PART Mhp 502 RESPONSIBILITIES OF LICENSEES

Mhp 502.01 Responsibilities of Licensees.

- (a) A licensee shall comply with all applicable rules adopted by the board.
- (b) A licensee shall submit only truthful and correct information, to the best of the licensee's knowledge and belief, in any application or other document filed with or statement made to the board.
- (c) A licensee shall cooperate with investigations and requests for information from the board.
- (d) A licensee shall inform the board of:
 - (1) A principal business address to which all official board communications should be directed; and
 - (2) All addresses where the licensee is practicing.
- (e) A licensee shall report to the board within 30 days any change or abandonment of a business address by completing the "Change of Address" form, dated June 10, 2014, as supplied by the board.
- (f) A licensee shall display in a conspicuous place at his or her principal business address a current license issued by the board.
- (g) A licensee shall know and have available in his or her office information regarding how patients may contact the board regarding complaints about their treatment or billing.
- (h) A licensee shall display at his or her principal business address a copy of the mental health bill of rights described in Mhp 502.02.
- (i) A licensee shall not advertise any service as free if the patient is charged for any aspect of the treatment provided on the office visit when the free service was provided, or otherwise engage in any false or misleading advertising.
- (j) A licensee shall not engage in any fraudulent or dishonest billing practices.
- (k) A licensee shall maintain complete and accurate clinical and business records pertaining to each patient seen for a minimum of 7 years following the last activity on the account and for minors for a period of 7 years past the age of majority.
- (l) A licensee shall maintain clinical records that include, at a minimum, legible date of service, type of service, outcome of service and signature of service provider.

(m) Except as otherwise provided by law, a licensee shall within 30 days furnish complete and accurate copies of patient records, or in appropriate circumstances, original patient records upon request of the patient, or if the patient is under the age of 18, the request of their parent or guardian, unless prohibited by a court order.

(n) A licensee shall inform the board within 30 days of any disciplinary action taken against the licensee by a state, regional, or national agency or association.

(o) A licensee shall have a professional will which means a written plan in place for management of clinical records in case his or her incapacitation, retirement, or practice closure, which identifies an individual or entity who shall oversee the professional will. Such individual shall be a licensee of the board.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93; EXPIRED: 7-22-99

New. #7625, eff 1-10-02, EXPIRED: 1-10-10

New. #9854, eff 1-25-11; ss by #10790, eff 2-24-15; ss by
#13278, eff 10-19-21

Mhp 502.02 Mental Health Bill of Rights.

(a) The board shall provide each licensee with a client bill of rights to read as follows:

“This Mental Health Bill of Rights is provided by law to persons receiving mental health services in the State of New Hampshire. Its purpose is to protect the rights and enhance the well being of clients, by informing them of key aspects of the clinical relationship. As a client of a New Hampshire Mental Health Practitioner, you have, without asking, the right:

(1) To be treated in a professional, respectful, competent, and ethical manner consistent with all applicable state laws and the following professional ethical standards:

- a. For independent clinical social workers; the National Association of Social Workers;
- b. For pastoral psychotherapists; the NH Association of Pastoral Psychotherapists;
- c. For clinical mental health counselors; the American Mental Health Counselors Association; and
- d. For marriage and family therapists; the American Association for Marriage and Family Therapists.

(2) To receive full information about your treatment provider’s knowledge, skills, experience and credentials.

(3) To have the information you disclose to your mental health provider kept confidential within the limits of state and federal law. Communications between mental health providers and clients are typically confidential, unless the law requires their disclosure. Mental health providers will inform you of the legal exceptions to confidentiality, and should such an exception arise, will share only such information as required by law. Examples of such exceptions include but are not limited to:

- a. Abuse of a child;
- b. Abuse of an incapacitated adult;

- c. Health Information Portability and Accountability Act (HIPAA) regulation compliance;
- d. Certain rights you may have waived when contracting for third party financial coverage;
- e. Orders of the court; and
- f. Significant threats to self, others or property.

(4) To a safe setting and to know that the services provided are effective and of a quality consistent with the standard of care within each profession and to know that sexual relations between a mental health provider and a client or former client are a violation of the law (RSA 330-A:36).

(5) To obtain information, as allowed by law, pertaining to the mental health provider's assessment, assessment procedures and mental health diagnoses (RSA 330-A:2 VI).

(6) To participate meaningfully in the planning, implementation, and termination or referral of your treatment.

(7) To document informed consent: to be informed of the risks and benefits of the proposed treatment, the risks and benefits of alternative treatments, and the risks and benefits of no treatment. When obtaining informed consent for treatment for which safety and effectiveness have not been established, therapists will inform their clients of this and of the voluntary nature of their participation. In addition, clients have the right to be informed of their rights and responsibilities, and of the mental health provider's practice policies regarding confidentiality, office hours, fees, missed appointments, billing policies, electronic communications, managed care issues, record management, and other relevant matters except as otherwise provided by law.

(8) To obtain information regarding the provision(s) for emergency coverage.

(9) To receive a copy of your mental health record within 30 days upon written request (except as otherwise provided by law), by paying a nominal fee designed to defray the administrative costs of reproducing the record.

(10) To know that your mental health provider is licensed by the State of New Hampshire to provide mental health services.

- a. You have the right to obtain information about mental health practice in New Hampshire. You may contact the Board of Mental Health Practice for a list names, addresses, phone numbers and websites of state and national professional associations listed in Mhp 502.02(a)(1)a.

- b. You have the right to discuss questions or concerns about the mental health services you receive with your provider.

- c. You have the right to file a complaint with the Board of Mental Health Practice."

(b) A licensee shall post a copy of the above mental health bill of rights in a prominent location in the office of the mental health practitioner and provide a copy upon request.

(c) A licensee shall provide a copy of the mental health bill of rights to the client and/or agency if the assessment, consultation or intervention is provided outside the office.

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES

(d) A licensee shall, when a client is under the age of 18, assure these rights are applied through, and to, the parent or guardian of their client, unless limited by a court order.

Source. (See Revision Note at chapter heading for Mhp 100)
#5675, eff 7-22-93; EXPIRED: 7-22-99

New. #7625, eff 1-10-02; ss by #8056, eff 2-28-04; ss by #9854, eff 1-25-11; ss by #10790, eff 2-24-15; ss by #13278, eff 10-19-21

APPENDIX A

Rule	Specific State Statute the Rule Implements
Mhp 501.01-502.01	RSA 330-A:10, VII-X, XVIII
Mhp 501.02	RSA 330-A:10, IV - VI
Mhp 501.02(a)(3)	RSA 330-A:10, IX
Mhp 502.02	RSA 330-A:10, XI, XVIII; RSA 330-A:15
Mhp 503 (repeal)	2023, 212:21, III
Mhp 504 (repeal)	2023, 212:21, IV
Mhp 505 (repeal)	2023, 212:21, II

Appendix B: Incorporation by Reference Information

RULE	TITLE	OBTAIN AT
Mhp 501.02 (a)(1)	Code of Ethics for pastoral psychotherapists, 2019 edition	https://www.oplc.nh.gov/sites/g/files/ehbemt441/files/inline-documents/new-hampshire-association-of-pastoral-psychotherapists-code-of-ethics.pdf
Mhp 501.02 (a)(2)	Code of Ethics for Clinical Social Workers, 2021 edition	National Association of Social Workers 750 First Street, NE Suite 700 Washington DC 20002-4241 (202)321-6834 Free online at: https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English
Mhp 501.02 (a)(3)	American Mental Health Counselors Association Code of Ethics, effective 2020	American Mental Health Counselors Association 801 N. Fairfax Street, Suite 304 Alexandria, VA 22314 (703)548-6002 Free online at: https://www.amhca.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=24a27502-196e-b763-ff57-490a12f7edb1&forceDialog=0
Mhp 501.02 (a)(4)	Code of Ethics for Marriage and Family Therapists, 2015 Edition	American Association for Marriage and Family Therapy 112 South Alfred Street Alexandria, VA 22314-4061 (703)838-9808 Free online at: https://aamft.org/Legal_Ethics/Code_of_Ethics.aspx