

Prohibitions.

Sexual behavior between a licensee and a patient is never diagnostic or therapeutic.

(A) A licensee shall not engage in sexual misconduct with a patient, key third party, or chaperone.

(B) Conduct included within the definition of sexual misconduct occurring between a licensee and a former patient constitutes sexual misconduct and is prohibited if it meets any of the following criteria:

(1) The conduct occurred within ninety days after the physician-patient relationship was terminated;

(2) The conduct occurred between a psychiatrist and a person to whom the physician formerly provided psychiatric or mental health services, in violation of the code of ethics of the American Psychiatric Association; or

(3) The board determines that the conduct constitutes sexual misconduct upon consideration of the following factors:

(a) The duration of the physician-patient relationship;

(b) The nature of the medical services provided;

(c) The lapse of time since the physician-patient relationship ended;

(d) The extent to which the patient confided personal or private information to the licensee;

(e) The degree of emotional dependence that the former patient has on the licensee; and

(f) The extent to which the licensee used or exploited the trust, knowledge, emotions, or influence derived from the previous physician-patient relationship.

Effective:

R.C. 119.032 review dates:

Certification

Date

Promulgated Under:

119.03

Statutory Authority:

4730.07, 4731.05, 4760.19

Rule Amplifies:

4730.25, 4731.22, 4760.13