

Performance of professional acts by electroencephalography technician

9. An electroencephalography technician –
- (a) shall perform professional acts only under the supervision of clinical technologists, specialists or practitioners approved by the board for such purpose;
 - (b) shall limit the acts referred to in paragraph (a) to acts related to his or her education and training in electroencephalography;
 - (c) shall not conduct a private practice; and
 - (d) shall not fail to communicate and cooperate, where appropriate, with registered practitioners approved by the board in the treatment of a patient.

Performance of professional acts by student in clinical technology

10. A student in clinical technology –
- (a) shall perform professional acts only under the supervision of clinical technologists, specialists or practitioners approved by the board for such purpose; and
 - (b) shall limit the acts referred to in paragraph (a) to acts related to his or her education and training in clinical technology.

Performance of professional acts by student electroencephalography technician

11. A student electroencephalography technician –
- (a) shall perform professional acts only under the supervision of clinical technologists, specialists or practitioners approved by the board for such purpose; and
 - (b) shall limit the acts referred to in paragraph (a) to acts related to his or her education and training in electroencephalography technology.

ANNEXURE 11**PROFESSIONAL BOARD FOR SPEECH, LANGUAGE AND HEARING PROFESSIONS****RULES OF CONDUCT PERTAINING SPECIFICALLY TO THE SPEECH, LANGUAGE AND HEARING PROFESSIONS**

A speech therapist, an audiologist, an audiometrician, a hearing aid acoustician, speech and hearing correctionist, speech and hearing community worker, speech and hearing assistant, student in speech profession, student in language profession and student in hearing profession shall adhere to the following rules of conduct in addition to the rules of conduct referred to in rules 2 to 27. Failure by such speech therapist, audiologist, audiometrician, hearing aid acoustician, speech and hearing correctionist, speech and hearing community worker, speech and hearing assistant, student in speech profession, student in language profession and student in hearing profession to comply with the rules of conduct listed herein shall constitute an act or omission in respect of which the board may take disciplinary steps in terms of Chapter IV of the Act.

Performance of professional acts by speech therapist or audiologist

1. A speech therapist or an audiologist -
 - (a) shall confine himself or herself to clinical diagnoses, and practising in the field of speech-language therapy or audiology in which he or she was educated and trained and in which he or she has gained experience, with due regard to both the extent and the limits of his or her professional expertise;
 - (b) shall not fail to communicate and cooperate, where appropriate, with medical practitioners and other practitioners in the diagnosis and treatment of a patient; and
 - (c) shall refer a patient to a practitioner or educational professional when the patient's problems and needs are beyond the scope of speech-language therapy or audiology.

Performance of professional acts by audiometrician

2. An audiometrician -
 - (a) shall practice only in the appropriate fields in which he or she has been trained and in which he or she has gained experience, with due regard to both the extent and the limits of his or her professional expertise; and
 - (b) shall perform any work in audiometry only -
 - (i) under the supervision of an audiologist; or
 - (ii) with the prior written approval of the board, under the direction and supervision of a medical practitioner or other practitioners approved by the board.

Performance of professional acts by hearing aid acoustician

3. A hearing aid acoustician -
 - (a) shall confine himself or herself to practising in the appropriate fields in which he or she has been trained and in which he or she has gained experience, with due regard to both the extent and the limits of his or her professional expertise;
 - (b) shall refer a patient to a practitioner when the patient's problem is beyond the scope of the practice of the hearing aid acoustician;
 - (c) shall not diagnose a person's hearing ability;
 - (d) shall not select and fit a hearing aid to children under the age of 10 years, or to persons with multiple handicaps; and
 - (e) shall not affix his or her nameplate at the entrance of a pharmacy, unless he or she is also registered as a pharmacist.

Performance of professional acts by speech and hearing correctionist

4. A speech and hearing correctionist –
 - (a) shall confine himself or herself to practising in the appropriate fields in which he or she has been trained and in which he or she has gained experience, with due regard to both the extent and the limits of his or her professional expertise;
 - (b) shall not perform any speech or language therapy or audiology, except in a primary school, nursery school or school for the deaf or hearing impaired controlled by the government or the provincial Department of Education concerned or in such other institution as may be approved for this purpose by the board;
 - (c) shall not perform any speech or language therapy or audiology, in assessment and treatment clinics associated with education departments or other institutions, except under the direct supervision of a speech therapist or audiologist; and
 - (d) shall not conduct a private practice.

Performance of professional acts by speech and hearing community worker

5. A speech and hearing community worker –
 - (a) shall confine himself or herself to the appropriate fields in which he or she has been trained and in which he or she has gained experience, with due regard to both the extent and the limits of his or her professional expertise;
 - (b) shall not perform any speech or language and hearing community work, except when employed by an institution or establishment recognised by the board;
 - (c) shall not perform any speech or language and hearing community work in an institution or establishment where a speech therapist or audiologist is employed except under the direction of such speech therapist and/or audiologist;

- (d) shall not perform any speech or language and hearing community work, except in consultation with a general medical practitioner or, in cases involving oral conditions, in consultation with a dentist;
- (e) shall not perform any speech or language and hearing community work where supervision by a speech therapist and/or an audiologist is possible, or regard being had to geographical proximity where such supervision is not possible, in consultation with a speech therapist or an audiologist; and
- (f) shall not conduct a private practice.

Performance of professional acts by speech and hearing assistant

6. A speech and hearing assistant –

- (a) shall confine himself or herself to practising in the appropriate fields in which he or she has been trained and in which he or she has gained experience, with due regard to both the extent and the limits of his or her professional expertise;
- (b) shall perform professional acts only-
 - (i) under the direction and supervision or in the employment of a speech therapist or an audiologist in the health or education sectors; and
 - (ii) with the approval of the board under the direction and supervision of a general medical practitioner or other practitioner registered with the board;
- (c) shall not accept employment without the prior written approval of the board: Provided that this prohibition shall not apply in the case of a full-time or part-time appointment in the health or education sectors in the public service; and
- (d) shall not conduct a private practice.

Performance of professional acts by student in the speech, language and hearing professions

7. A student in the speech, language and hearing professions –

- (a) shall perform professional acts only under supervision of a practitioner; and
- (b) shall limit the acts referred to in paragraph (a) to acts related to his or her education and training in the profession concerned.

ANNEXURE 12

PROFESSIONAL BOARD FOR PSYCHOLOGY

RULES OF CONDUCT PERTAINING SPECIFICALLY TO THE PROFESSION OF PSYCHOLOGY

A psychologist shall adhere to the following rules of conduct in addition to the rules of conduct referred to in rules 2 to 27. Failure by such psychologist to comply with the rules of conduct listed herein shall constitute an act or omission in respect of which the board may take disciplinary steps in terms of Chapter IV of the Act.

Definitions

1. In these rules, any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates –

“Act” means the Health Professions Act, 1974(Act No.56 of 1974);

“**barter**” means the acceptance of goods, services or other non-monetary remuneration from clients in return for psychological services;

“**board**” means the Professional Board for Psychology established in terms of section15 of the Act;

“**children**” means persons 14 years and younger and the word “child” has a similar meaning;

“**client**” means a user of psychological services, irrespective of whether the recipient of such services is an individual, a family, a group, an organisation or a community;

“**competency**” means the ability to conduct the psychological acts in which a psychologist was trained and in which he obtained a qualification as prescribed in terms of the Act;

“**confidential information**” means any information conveyed in confidence to a psychologist by a client, colleague, collateral source or another professional;

“**health committee**” means a committee established by the council in terms of section 10(1) and the regulations made under section 51 of the Act;

“**intern**” means a person registered as an intern in psychology under the Act;

“**psychological services**” means the acts of psychological assessment, diagnosis and intervention rendered to a client;

"psychologist" includes a person registered under the Act as a psychologist, registered counsellor, psychometrist, psycho-technician, intern in psychology or student in professional psychology;

"psychometrist" means a person registered as a psychometrist in terms of the Act;

"psycho-technician" means a person registered as a psycho-technician in terms of the Act;

"registered counsellor" means a person registered as a registered counsellor in terms of the Act;

"section" means a section of the Act;

"sexual harassment" means any act of sexual solicitation, physical advances, or verbal or non-verbal conduct that is sexual in nature that is committed by a psychologist in the course of his or her professional activities and that is unwelcome or offensive or creates an untenable situation in the workplace or educational environment;

"student" means a person registered under the Act as a student in professional psychology;

"test data" means the test protocols, record forms, scores and notes regarding an individual's responses to test items in any medium;

"the code" means these rules.

CHAPTER 1 PROFESSIONAL COMPETENCE

General

2. (1) A psychologist shall develop, maintain and encourage high standards of professional competence to ensure that clients are protected from professional practices that fall short of international and national best practice standards.
- (2) A psychologist shall be accountable for professional actions in all domains of his or her professional life.

Competency limits

3. (1) A psychologist shall limit his or her practice to areas within the boundaries of his or her competency based on his or her formal education, training, supervised experience and/or appropriate professional experience.

- (2) A psychologist shall ensure that his or her work is based on established scientific and professional knowledge of the discipline of psychology.

Maintaining competency

4. A psychologist shall maintain up-to-date competency in his or her areas of practice through continued professional development, consultation and/or other procedures in conformity with current standards of scientific or professional knowledge.

Adding new competencies

5. (1) When a psychologist is developing competency in a psychological service or technique that is either new to him or her or new to the profession, he or she shall engage in ongoing consultation with other psychologists or relevant professions and shall seek and obtain appropriate education and training in the new area.
(2) A psychologist shall inform a client of the innovative nature of and the known risks associated with such new psychological services or techniques, so that the client may have freedom of choice concerning such services or the application of such techniques.

Extraordinary circumstances

6. A psychologist may, when, in an emergency, he or she is asked to provide psychological services for which he or she has not obtained the necessary competency, provide such services to ensure that the client is not denied services.

Personal impairment

7. A psychologist who, in the opinion of the health committee, appears to be impaired as defined in the Act –
 - (a) shall refrain from undertaking professional activities when there is the likelihood that his or her personal circumstances (including mental, emotional or physiological conditions, or pharmacological or substance abuse considerations) may prevent him or her from performing such professional activities in a competent manner;
 - (b) shall be alert to signs of, and obtain appropriate professional assistance for, his or her personal problems at an early stage in order to prevent impaired performance; and
 - (c) shall, if he or she becomes aware of personal circumstances that may interfere with his or her performing his or her professional duties adequately, take appropriate measures, such as consulting and obtaining the assistance of a professional as determined by the health committee, to determine whether he or she should limit, suspend or terminate his or her professional duties.

Delegation of work

8. A psychologist who delegates work to an employee, supervisee, psychometrist, registered counsellor or research or teaching assistant shall take all reasonable steps –
- (a) to avoid delegating such work to a person who has a multiple relationship with the client that is likely to lead to exploitation or loss of objectivity;
 - (b) to authorise only those responsibilities that such a person can be expected to perform competently on the basis of his or her education, training and experience; and
 - (c) to ensure that such a person performs those services competently.

Use of interpreters

9. (1) When it is clear that a client is not fluent in the psychologist's language, the psychologist shall propose the use of an interpreter to that client.
- (2) An interpreter engaged by a psychologist as contemplated in subrule (1) shall be fluent in at least the two languages concerned and shall, in particular, be proficient in the client's language of preference.
- (3) A psychologist who engages an interpreter as contemplated in subrule (1) shall take all reasonable steps to ensure that –
- (a) the interpreter does not have a multiple relationship with the client concerned that is likely to lead to exploitation or loss of objectivity; and
 - (b) the interpreter performs the interpretation tasks competently.

CHAPTER 2 PROFESSIONAL RELATIONS

Respect for human rights and others

10. (1) A psychologist shall, in all his or her professional activities, respect the dignity and human worth of a client and shall strive to preserve and protect the client's fundamental human rights.
- (2) A psychologist shall respect the right of a client to hold values, attitudes, beliefs and opinions that differ from his or her own.
- (3) A psychologist shall recognise a client's inalienable human right to bodily and psychological integrity, including security in and control over his or her body and person, and a client's right not to be subjected to any procedure or experiment without his or her informed consent as referred to in rule 11 and such consent shall be sought and given in a language that is easily understood by the client.
- (4) A psychologist shall not coerce a client into agreeing that a psychological service be

rendered to him or her nor compel a client to give self-incriminating evidence through the use of psychological techniques or otherwise.

Informed consent to professional procedures

11. (1) When a psychologist conducts research or provides assessment, psychotherapy, counselling or consulting services in person or via electronic transmission or other forms of communication, he or she shall obtain the written informed consent of the client concerned, using a language that is reasonably understandable to such client.
- (2) While the content of the written informed consent referred to in subrule (1) will vary depending on the circumstances, informed consent ordinarily requires that a client –
- (a) has the capacity to consent;
 - (b) has been provided with information concerning participation in the activity that might reasonably be expected to affect his or her willingness to participate, including exceptions to the requirement of confidentiality and monetary or other costs or remuneration;
 - (c) is aware of the voluntary nature of participation and has freely and without undue influence given his or her consent; and
 - (d) has had the opportunity to ask questions and be given answers regarding the activities concerned:

Provided that, in the case of a client who is legally incapable of giving informed consent, a psychologist shall nevertheless –

- (i) provide an appropriate explanation;
 - (ii) seek the client's assent;
 - (iii) consider such client's preferences and best interests; and
 - (iv) obtain appropriate permission from a person legally authorised to give consent if such substitute consent is permitted or required by law, but if consent by a legally authorised person is not permitted or required by law, a psychologist shall take all reasonable steps to protect the client's rights and welfare.
- (3) When psychological services are ordered by a court or required administratively or ordered through mediation or arbitration, a psychologist shall –
- (a) before proceeding, inform the individual concerned of the nature of the anticipated services, including whether the services were ordered and whether there are any exceptions to the requirement of confidentiality; and
 - (b) appropriately document written or oral consent, permission or assent.

Unfair discrimination

12. (1) A psychologist shall not impose on a client, an employee, a research participant, student, supervisee, trainee or any other person over whom he or she has or had authority any stereotypes of behaviour, values or roles relating to age, belief, birth, conscience, colour,

culture, disability, disease, ethnic or social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation, socio-economic status or any other factor prohibited by law.

- (2) A psychologist shall not unfairly discriminate on the basis of age, belief, birth, colour, conscience, culture, disability, disease, ethnic or social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation, socio-economic status or any other factor prohibited by law.
- (3) A psychologist shall make every effort to ensure that language-appropriate and culture-appropriate services are made available to a client and that acceptable standards of language proficiency are met in rendering a service to a client whose primary language differs from that of the psychologist.

Sexual harassment

13. A psychologist shall not be guilty of sexual harassment.

Other harassment

14. A psychologist shall not behave in a manner that is harassing or demeaning to persons with whom he or she interacts in his or her work on the basis of factors such as those persons' age, belief, birth, colour, conscience, culture, disability, disease, ethnic or social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation or socio-economic status.

Avoiding harm

15. A psychologist shall take all reasonable steps to avoid harming a client, an employee, a research participant, student, supervisee, trainee or other person with whom he or she works, including harm through victimisation, harassment or coercion.

Conflict of interest

16. A psychologist shall refrain from assuming a professional role when personal, professional, legal, scientific, financial or other interests or relationships could reasonably be expected to –
 - (a) impair his or her objectivity, competence or effectiveness in performing his or her functions as a psychologist; or
 - (b) expose the client concerned to harm or exploitation.

Third-party requests for service

17. (1) When a psychologist agrees to render a psychological service to a client at the request of a third party, the psychologist shall clarify at the outset of such service the nature of the

- relationship with each of the parties involved (whether individuals or organisations).
- (2) The clarification referred to in subrule (1) shall cover the role of the psychologist (such as therapist, consultant, diagnostician, expert witness), the probable uses of the psychological service provided or the information obtained, and the fact that there may be exceptions to the requirement of confidentiality.
 - (3) If there is a foreseeable risk of the psychologist's being called upon to fulfil conflicting roles because of the involvement of a third party, the psychologist shall clarify the nature of his or her responsibilities, keep all parties properly informed as matters develop, and resolve the situation in accordance with these rules.

Multiple relationships

18. (1) A multiple relationship occurs when a psychologist fulfils a professional role with respect to a person or organisation and at the same time –
 - (a) fulfils or fulfilled another role with respect to the same person or organisation;
 - (b) is in a relationship with a person or organisation closely associated with or related to the person or organisation with whom he or she has the professional relationship; or
 - (c) promises to enter into another relationship in the future with that person or organisation or a person or organisation closely associated with or related to that person or organisation.
- (2) A psychologist shall refrain from entering into a multiple relationship if that multiple relationship could reasonably be expected to impair the psychologist's objectivity, competence or effectiveness in performing his or her functions as psychologist or cause a risk of exploitation of or harm to the person or organisation with whom the professional relationship exists.
- (3) If a psychologist finds that, owing to unforeseen factors, a potentially harmful multiple relationship has developed, he or she shall attempt to resolve the problem with due regard to the best interests of the client concerned and maximum compliance with these rules.
- (4) In the circumstances referred to in subrule (3), the psychologist shall assist the client in obtaining the services of another professional, and shall not enter into any professional or other relationship with such client until at least twenty-four months have elapsed after termination of such multiple relationship: Provided that where a client is emotionally or cognitively vulnerable to influencing by such psychologist, no such relationship shall be established between the psychologist and the client.
- (5) When a psychologist is required by law, institutional policy or other circumstances to fulfil more than one role in judicial or administrative proceedings, he or she shall, at the outset, clarify the role expectations and any exceptions to the requirement of confidentiality.

Exploitative relationships

19. A psychologist shall not exploit a person over whom he or she has supervisory, evaluative, or other

authority, such as a client, employee, research participant, student, supervisee or trainee.

Cooperation with other professionals

20. Where indicated and professionally appropriate, a psychologist shall –
- (a) cooperate with such professionals as approved by the board in order to serve his or her clients effectively and appropriately; and
 - (b) arrange for appropriate consultations and referrals based on the best interests of his or her clients, subject to such consent and other relevant considerations as may be appropriate, including the applicable legal and contractual obligations.

Interruption of psychological services

21. A psychologist shall not abandon a client by terminating the professional relationship prematurely or abruptly, but shall –
- (a) make appropriate arrangements for another psychologist to deal with the needs of the client in the event of an emergency during periods of foreseeable absence when the psychologist will not be available; and
 - (b) make every reasonable effort to plan for continuity of service in the event that such service is interrupted by factors such as the psychologist's illness, death, unavailability or relocation or by the client's relocation or financial limitations.

Psychological services rendered to or through organisations

22. (1) A psychologist who renders psychological services to or through an organisation shall, in advance, provide a client with information about –
- (a) the nature and objectives of the psychological services concerned;
 - (b) the relationship between the psychologist and every individual affected by the psychological services concerned;
 - (c) the uses to which the psychological information provided by a client will be put;
 - (d) the persons that will have access to the information referred to in paragraph (c); and
 - (e) exceptions to the requirement of confidentiality.
- (2) As soon as is feasible, a psychologist shall provide the appropriate persons with information about the results and conclusions of the psychological service concerned and if the law or organisational rules prohibit the psychologist from providing particular individuals or groups with information, the psychologist shall so inform the individuals or groups concerned at the outset of the psychological service.

Delegation and supervision of psychological services

23. (1) A psychologist shall not delegate professional responsibilities to any person who is not qualified to assume such responsibilities.
- (2) A psychologist may delegate to a supervisee, with the appropriate level of supervision, only such professional responsibilities as the supervisee can reasonably be expected to perform competently and ethically on the basis of that supervisee's education, training and experience.
- (3) In order to perform the responsibilities contemplated in subrule (2), a supervisee shall have education and training that was accredited by the board, including training in ethical issues.
- (4) A psychologist shall be responsible for determining the competency of a supervisee and shall not assign to such supervisee, or allow such supervisee to undertake, responsibilities beyond the scope of that supervisee's training and/or competency.
- (5) A psychologist shall be responsible for providing a supervisee with specific instructions regarding the limits of his or her role as a supervisee.
- (6) A supervisee shall fully inform a client receiving psychological services of his or her status as supervisee and of the right of the client to confer with the supervising psychologist with regard to any aspect of the psychological services being performed.
- (7) When a clinical psychological service is rendered, a psychologist shall –
- (a) take part in the psychological intake process;
 - (b) personally make a diagnosis when a diagnosis is required; and
 - (c) personally approve a treatment plan for each client.
- (8) A psychologist shall, on a continuous and regular basis, personally meet with a supervisee concerning each client and shall review the treatment record, including progress notes, on a regular basis as appropriate to the task to be performed.

CHAPTER 3

PRIVACY, CONFIDENTIALITY AND RECORDS

Rights to confidentiality

24. (1) A psychologist shall safeguard the confidential information obtained in the course of his or her practice, teaching, research or other professional duties, subject only to such exceptions to the requirement of confidentiality as may be determined by law or a court of law.
- (2) A psychologist may disclose confidential information to other persons only with the written, informed consent of the client concerned.

Discussing exceptions to the requirement of confidentiality

25. (1) A psychologist is obliged to discuss with persons and organisations with whom he or she establishes a scientific or professional relationship (including, to the extent feasible, persons who are legally incapable of giving informed consent and their legal representatives) the exceptions to the requirement of confidentiality, including any such exceptions that may apply to group, marital or family therapy or to organisational consulting and the foreseeable uses of the information obtained.
- (2) A psychologist shall, unless it is contraindicated, discuss confidentiality at the outset of the relationship and thereafter as new circumstances warrant its discussion.
- (3) A psychologist shall, prior to doing so, obtain permission from the client concerned to record interviews electronically or to transmit information electronically and shall inform the client of the risk of breach of privacy or confidentiality inherent in the electronic recording or transmission of information.
- (4) A psychologist shall, when engaging in electronically transmitted services, ensure that confidentiality and privacy are maintained and shall inform a client of the measures taken to maintain confidentiality.
- (5) A psychologist shall not withhold information from a client who is entitled to that information, provided it does not violate the right to confidentiality of any other person and provided the information requested is required for the exercise or protection of any rights.

Limits on invasion of privacy

26. A psychologist may, in any written report, oral report or consultations with a third party, disclose only such information as is relevant to the purpose for which that communication is made and may discuss confidential information obtained in his or her work only for appropriate scientific or professional purposes and then only with persons with a legitimate interest in such matters.

Disclosures

27. (1) A psychologist may disclose confidential information –
- (a) only with the permission of the client concerned;
 - (b) when permitted by law to do so for a legitimate purpose, such as providing a client with the professional services required;
 - (c) to appropriate professionals and then for strictly professional purposes only;
 - (d) to protect a client or other persons from harm; or
 - (e) to obtain payment for a psychological service, in which instance disclosure is limited to the minimum necessary to achieve that purpose.
- (2) When required to do so by law or a court of law, a psychologist shall disclose the confidential information so required.

Multiple clients

28. (1) When more than one client is provided with a psychological service during a joint session (for example with a family or couple, or a parent and child, labour disputants, or a group), a psychologist shall, at the beginning of the professional relationship, clarify to all parties the manner in which confidentiality will be handled.
- (2) All clients referred to in subrule (1) shall be given the opportunity to discuss with the psychologist what information is to remain confidential and what information the psychologist is obliged to disclose.

Legally dependent clients

29. (1) A psychologist shall bear in mind that a child's best interest is of paramount importance in the provision of psychological services that have bearing on the psychological well-being of such child.
- (2) A psychologist shall take special care when dealing with children of the age of 14 years or younger.
- (3) A psychologist shall, at the beginning of a professional relationship, inform a child or a client who has a legal guardian or who is otherwise legally dependent, of the limits the law imposes on that child's or client's right to confidentiality with respect to his or her communication with the psychologist.

Release of confidential information

30. A psychologist shall release confidential information when ordered to do so by a court of law or when required to do so by law or when authorised to do so in writing by the client concerned or the parent or legal guardian of a minor client.

Reporting abuse of children and vulnerable adults

31. A psychologist shall, in terms of any relevant law or by virtue of professional responsibility, report the abuse of any child or vulnerable adult.

Professional consultations

32. (1) When a psychologist renders professional psychological services as part of a team or when he or she interacts with other professionals concerning the welfare of a client, the psychologist may share confidential information about that client with such team members or other professionals: Provided that the psychologist take all reasonable steps to ensure that all persons who receive such information are informed of its confidential nature and are bound by the rule of professional confidentiality.

- (2) When consulting with colleagues, a psychologist –
 - (a) shall not disclose confidential information that could reasonably be expected to lead to the identification of a client, research participant or other person or organisation with whom he or she has a confidential relationship unless –
 - (i) he or she has obtained the prior consent of the client, research participant, person or organisation concerned; or
 - (ii) the disclosure cannot be avoided; and
 - (b) may disclose information only to the extent necessary to achieve the purposes of the consultation.

Disguising confidential information used for didactic or other purposes

33. A psychologist shall not disclose in his or her writings or lectures or in any other public way confidential information or information that can be linked to an identifiable person which he or she obtained in the course of his or her work with a client, organisation, research participant, supervisee, student or other recipient of his or her psychological services, unless –
- (a) he or she has taken all reasonable steps to disguise the identity of such client, organisation, research participant, supervisee, student or other recipient;
 - (b) such client, organisation, research participant, supervisee, student or other recipient has consented to such disclosure in writing; or
 - (c) there is other ethical or legal authorisation to do so.

Maintenance, dissemination and keeping of records

34. (1) A psychologist shall create, maintain, store, disseminate and retain records and data relating to his or her scientific and professional work in order to –
- (a) facilitate the efficacious provision of services by him or her or another professional;
 - (b) allow for replication of research design and analysis;
 - (c) meet institutional requirements;
 - (d) ensure accuracy of billing and payments;
 - (e) facilitate subsequent professional intervention or inquiry; and
 - (f) ensure compliance with all applicable legal provisions.
- (2) A psychologist shall maintain confidentiality in creating, storing, accessing, transferring and disposing of records under his or her control, whether these are kept in written, automated or any other form.
- (3) A psychologist shall, if confidential information concerning users of psychological services is entered into a database or system of records available to persons whose access has not been consented to by the user, use coding or other techniques to avoid the inclusion of personal identifiers.

- (4) A psychologist shall plan in advance to facilitate the appropriate transfer and to protect the confidentiality of records and data in the event of his or her unavailability through factors such as death, incapacity or withdrawal from practice.

CHAPTER 4 FEES AND FINANCIAL ARRANGEMENTS

Agreement about fees

35. Notwithstanding the provisions of rule 36, a psychologist and client or other user of the psychological services concerned may negotiate a fee as early as is feasible in a professional or scientific relationship.

Overcharging

36. A psychologist shall not exploit users of psychological services or payers with regard to fees.

Accuracy in billing

37. A psychologist shall not misrepresent his or her fees, nor bill for psychological services partially rendered or not rendered at all.

Limitations

38. If limitations on the provision of psychological services are anticipated because of financial limitations, a psychologist shall, as early as is feasible, discuss such limitations with the client or other user of the psychological services concerned.

Collection of outstanding fees

39. (1) If a client does not pay for psychological services as agreed with the psychologist concerned, and if the psychologist wishes to use a collection agency or take legal steps to collect any outstanding fees, he or she shall first inform the client that such measures will be taken and shall afford the client the opportunity to make prompt payment.
- (2) A psychologist shall use only a collection agent who is reputable and registered in terms of the Debt Collectors Act, 1998 (Act No. 114 of 1998), and who will not bring the profession of psychology into disrepute.

Withholding information, reports or records owing to non-payment

40. A psychologist shall not, on the grounds of non-payment of fees, withhold information, reports or records under his or her control which are required for the treatment of the client concerned or for any court action.

Account itemisation

41. (1) A psychologist shall submit billing claims to third-party funders which clearly state the name of the person who provided the psychological services.
- (2) When a psychologist supervises another professional, including the intern, registered counsellor, psychometrist, psycho-technician or student who primarily provided the psychological services, the itemised bill and/or reimbursement form shall contain such psychologist's signature as supervisor and the other professional's signature as service provider. There may be no ambiguity as to who the direct service provider was.

Barter with clients

42. A psychologist may barter only if –
- (a) it is not professionally contraindicated;
 - (b) the resulting arrangement is not exploitative; and
 - (c) it is the client's only mode of remuneration for the psychological service provided.

Withholding of emergency services

43. A psychologist shall not withhold emergency psychological services because the client is unable to guarantee remuneration for such services.

**CHAPTER 5
ASSESSMENT ACTIVITIES**

Assessment in professional context

44. (1) A psychologist shall perform evaluations and diagnostic services only in the context of a defined professional relationship.
- (2) Assessments, recommendations, reports and psychological diagnostic or evaluative statements by a psychologist shall be based on information and techniques sufficient to substantiate his or her findings.
- (3) A psychologist may provide an opinion of the psychological characteristics of a client only after he or she has conducted an examination of such client that is professionally adequate to support his or her findings.

- (4) When, despite reasonable efforts, an examination referred to in subrule (3) is not practical, a psychologist shall document the efforts made, and shall state the probable impact of his or her limited information on the reliability and validity of his or her opinions, and limit the nature and extent of his or her findings accordingly.
- (5) When a group assessment is conducted, the psychologist concerned shall declare the limits to his or her findings taking into account that "limits" implies that the score of a group has less reliability and validity than an individually-derived score.
- (6) When a psychologist conducts a review of records and the examination of a client is not warranted or necessary to give an opinion, the psychologist shall declare the limits to his or her findings taking into account that "limits" implies that the score of a group has less reliability and validity than an individually-derived score.
- (7) When any electronic, internet or other indirect means of assessment is used, the psychologist concerned shall declare this and appropriately limit the nature and extent of his or her findings.

Appropriate use of assessment methods

45. A psychologist who develops, administers, scores, interprets or otherwise uses psychological assessment techniques, interviews, tests, instruments or other measures referred to in the Act shall –
 - (a) do so in a manner and for purposes that are appropriate in light of the research or evidence of the usefulness and proper application of such assessment methods; and
 - (b) refrain from misusing assessment techniques, interventions, results and interpretations and take all reasonable steps to prevent others from misusing the information such methods provide, and such misuse includes releasing raw test results or raw data to persons, other than the clients concerned, who are not qualified to use that information.

Informed consent in assessments

46. (1) A psychologist shall obtain the written, informed consent of a client for assessments, evaluations or diagnostic services.
- (2) The written, informed consent referred to in subrule (1) shall contain at least the following:
 - (a) Personal details of the client concerned;
 - (b) the exact nature of the psychological service(s) to be provided; and
 - (c) any limits inherent in providing psychological services to the client, for example –
 - (i) a client's right to refuse participation;
 - (ii) exceptions to the requirement of confidentiality; or
 - (iii) any potential harmful effects inherent in providing the psychological services concerned.
- (3) Written, informed consent as contemplated in subrule (1) is not necessary when –
 - (a) testing is a legal requirement;

- (b) informed consent is implied because testing is conducted as a routine educational, institutional or organisational activity (as in job-interview testing); or
 - (c) the purpose of the testing by the psychologist is to evaluate decision-making and mental incapacity.
- (4) A psychologist shall inform a client with questionable capacity to consent or for whom testing is required by law, of the nature and purpose of the proposed assessment services, using language that is reasonably understandable to the client being assessed.
- (5) (a) A psychologist shall, when using the services of an interpreter, obtain the informed consent of a client to use the interpreter, and shall take all reasonable steps to ensure that the confidentiality of test results and test security are maintained, and shall discuss any limitations of the data obtained.
- (b) A psychologist shall remain cognizant of the limits to data obtained via the use of an interpreter and frame his or her conclusions and recommendations accordingly.
- (6) A psychologist shall, when conducting automated or internet-based testing, obtain the informed consent of the client and shall –
- (a) ensure that the confidentiality of test results and test security are maintained; and
 - (b) discuss with the client any limitations of the data obtained.

Test development

47. A psychologist who develops and conducts research with tests and other assessment methods shall use scientific procedures and current professional knowledge for test design, standardisation, validation, reduction or elimination of bias, and recommendations for use.

Cultural diversity

48. A psychologist who performs interventions or administers, scores, interprets or uses assessment methods shall –
- (a) be familiar with the reliability, validation and related standardisation or outcome studies and the proper applications and uses of the methods he or she uses;
 - (b) recognise limits to the certainty with which diagnoses, findings or predictions can be made about individuals, especially where there are linguistic, cultural and socio-economic variances; and
 - (c) make every effort to identify situations in which particular assessment methods or norms may not be applicable or may require adjustment in administration, scoring and interpretation because of factors such as age, belief, birth, colour, conscience, culture, disability, disease, ethnic or social origin, gender, language, marital status, pregnancy, race, religion, sexual orientation or socio-economic status.

Communication of results

49. A psychologist shall ensure that the communication of results of assessment procedures to a client,