

Case Manager (CM), Consultant, and Community Supports Coordinator (CSC) Code of Ethics and Conduct

All newly hired Case Managers (CM), Consultants, and Community Support Coordinators (CSC) must sign that they have received a copy of the Code of Ethics and Conduct. This signed form should be in their personnel files.

This Code of Ethics and Conduct upholds the professional status of CM, Consultant, and CSC services to participants requesting or receiving services under the Developmental Disabilities (DD) Waiver, Mi Via Waiver, Medically Fragile Waiver, or Supports Waiver.

Annually, the CM, Consultant, or CSC must provide each individual that is served on a Waiver and/or their guardian with a copy of the Code of Ethics and Conduct.

I. FUNCTIONS AND STANDARDS

CM, Consultants, and CSC shall behave in an ethical manner in the conduct of their profession, maintaining the integrity of this Code and avoiding any behavior which would cause harm to others.

- A. The CM/Consultant/CSC shall not exploit their relationships with participants for personal advantage.
- B. The CM/Consultant/CSC shall not engage in sexual activities with participants.
- C. The CM/Consultant/CSC shall not involve the participant in any illegal activities.
- D. The CM/Consultant/CSC shall follow the applicable waiver application appendices, New Mexico Administrative Code (NMAC), waiver service standards, person centered principles, Centers for Medicare and Medicaid (CMS) Home and Community-Based Services Settings requirements, and guidelines put forth from CMS, the Developmental Disabilities Supports Division and the Health Care Authority.
- E. The CM/Consultant/CSC shall respect the rights and protect the health and welfare of the clients with whom they work. The CM/Consultant/CSC primary responsibility is to the participant and the CM/Consultant/CSC must endeavor at all times to place that interest above their own.
- F. The CM/Consultant/CSC shall advise participants of their human, civil and disability rights and responsibilities, along with their responsibilities of being a waiver participant.
- G. The CM/Consultant/CSC who anticipates the termination, interruption or reduction of services to participants shall notify participants promptly and seek the transfer, referral, or continuation of services in relation to the participants' needs and

preferences. The CM/Consultant/CSC shall also advise participants of their rights and responsibilities regarding transfer, referral or reduction in services.

- H. The CM/Consultant/CSC is a mandated reporter. The CM/Consultant/CSC is required to report any instance of abuse, neglect, or exploitation (ANE) or suspected ANE using designated channels.
- I. The CM/Consultant/CSC shall not mentally, physically, emotionally, spiritually, or in any other manner abuse, neglect or exploit any participant.
- J. The CM/Consultant/CSC shall not accept any gifts for CM/Consultant/CSC services.
- K. The CM/Consultant/CSC shall not alter documents and other information provided by other services.

II. CONFLICTS OF INTEREST

Conflicts of interest are any interests or connections, direct or indirect, or any other situations that may raise the question of bias in work being carried out by a CM/Consultant/CSC.

- A. The CM/Consultant/CSC will avoid any conflicts of interest or potential conflicts of interest while carrying out their professional duties.
- B. The CM/Consultant/CSC shall not exploit professional relationships for personal gain.
- C. The CM/Consultant/CSC will not, due to conscious or unconscious opinion, steer towards or away from certain providers or services, which could limit the choice of the available pool of providers or set of available services for participants.
- D. CM/Consultant/CSC duties are not carried out by providers of direct services.
- E. The CM/Consultant/CSC cannot be related by blood or affinity to the person supported, or to any paid caregiver or provider of the individual supported.
- F. The CM/Consultant/CSC may not have material financial interest in any entity that is paid to provide services on any of the four waiver program's secondary freedom of choice or in the person-centered plan.
- G. A CM/Consultant/CSC may not be a Provider Agency for any other waiver service.

III. PARTICIPANT ADVOCACY

CM/Consultant/CSC shall serve as advocates for participants of the DD, Mi Via, Medically Fragile, and Supports Waiver programs.

- A. The CM/Consultant/CSC must safeguard the interests, autonomy, and the rights of the participants.
- B. The CM/Consultant/CSC shall not engage in any action that violates or diminishes the civil or legal rights of the participants.
- C. The CM/Consultant/CSC shall provide information to educate, guide and assist the participant, and other relevant individuals such as a participants circle of support, to make informed and effective planning decisions about services and supports.
- D. When an individual has been legally authorized to act on behalf of a participant, the CM/Consultant/CSC shall consider the expressed interest of the participant as well as those interests as expressed by the legal representative. The participant's voice, desires and preferences should be at the forefront of discussions with legal representatives.
- E. CM/Consultant/CSC services are to be delivered in accordance with the participants identified needs.
- F. The CM/Consultant/CSC shall act to prevent practices that are inhumane or discriminatory against any person or group of persons.

IV. PROFESSIONAL RELATIONSHIPS

CM/Consultant/CSC shall possess and maintain integrity and dignity in their professional relationships in all settings, including but not limited to communication with individuals' circle of supports, State staff, waiver service providers, and external CM/Consultant/CSCs.

- A. The CM/Consultant/CSC shall cooperate with colleagues to promote professional interests and concerns.
- B. The CM/Consultant/CSC shall respect confidences shared by colleagues during the course of their professional relationships and transactions.
- C. The CM/Consultant/CSC shall create and maintain conditions of practice that facilitate ethical and competent professional performance by colleagues.
- D. The CM/Consultant/CSC shall access appropriate administrative channels to resolve differences.
- E. The CM/Consultant/CSC shall seek arbitration or mediation when conflicts with colleagues require resolution for compelling professional reasons.
- F. The CM/Consultant/CSC shall treat with respect, and represent accurately and fairly, the qualifications, views, and findings of colleagues.

- G. The CM/Consultant/CSC shall not attempt in any way to influence a participant's freedom of choice of CM/Consultant/CSC or services.
- H. The CM/Consultant/CSC shall assist participants to transfer to another CM/Consultant/CSC provider when requested.
- I. The CM/Consultant/CSC who replaces, or is replaced by, a colleague in professional practice shall act with consideration for the interest, character, and reputation of that colleague.
- J. The CM/Consultant/CSC who serves the participant of a colleague during temporary absence or emergency shall serve those participants with the same consideration as that afforded to any participant.
- K. The CM/Consultant/CSC shall assist participants to transition from and to other waiver programs.
- L. The CM/Consultant/CSC shall extend to colleagues of other professions respect and cooperation.
- M. The CM/Consultant/CSC will be compliant with and have timely responses to requests from individuals, families, providers, and state agencies, and will respond promptly to communications from these and other entities.
- N. The CM/Consultant/CSC who serves as an employer, supervisor, or mentor to colleagues shall have orderly and explicit expectations regarding the conditions of their continuing professional relationships.
- O. The CM/Consultant/CSC who has the responsibility for employing and evaluating the performance of other CM/Consultant/CSC shall fulfill such responsibilities in a fair, considerate, and equitable manner on the basis of clearly communicated criteria.
- P. The CM/Consultant/CSC who has the responsibility for evaluating the performance of CM/Consultant/CSC employees, supervisors or student interns shall share evaluations with them.
- Q. The CM/Consultant/CSC shall not assume professional responsibility for participants of another agency or a colleague without appropriate communication with that agency or colleague as authorized by the appropriate state entity.
- R. The CM/Consultant/CSC shall not misuse the resources of the employing organization.
- S. The CM/Consultant/CSC will consult fellow colleagues and examine best practices in the field when seeking assistance and resources to problem solve or answer questions.

V. CONFIDENTIALITY

CM/Consultant/CSC shall respect the confidentiality of information obtained from participants in the course of their work, aligned with the Health Insurance Portability and Accountability Act (HIPAA).

- A. The CM/Consultant/CSC will take all necessary steps to safeguard the privacy and confidentiality of waiver participants.
- B. The CM/Consultant/CSC shall obtain informed consent from participants before sharing or dispersing identifiable information about a participant outside of permitted uses and disclosures.
- C. In accordance with HIPAA, CM/Consultant/CSC will deidentify information before sharing it with outside parties and will provide only the minimum necessary information on participants to accomplish the intended purpose of the use, disclosure, or request of participants information.
- D. The CM/Consultant/CSC shall obtain informed consent from participants before taping, recording, or permitting third party observation of their activities.
- E. The CM/Consultant/CSC shall inform the participant about the limits of confidentiality in a given situation, the purposes for which information is obtained, and how it may be used.
- F. The CM/Consultant/CSC shall afford participants reasonable access to any official records concerning their case.
- G. When providing participants with access to records, the CM/Consultant/CSC shall take due care to protect the confidences of others contained in those records as afforded by law.
- H. The CM/Consultant/CSC shall not discuss the participants outside the work environment.

VI. ASSESSMENT/EVALUATION

- A. The CM/Consultant/CSC shall not in any way tamper with results of assessment measures administered to participants.
- B. The CM/Consultant/CSC shall explain assessments as requested and explain results in a professional and sensitive manner.
- C. As applicable, the CM/Consultant/CSC will use results of assessments to inform person-centered planning and supports needs for individuals when developing an individual's Individual Service Plan (ISP) or Service and Support Plan (SSP).

- D. As applicable, the CM/Consultant/CSC shall include the information in the participant's risk assessments when the ISP or SSP is being completed.
- E. The CM/Consultant/CSC shall respect the decision-making authority of individuals and guardians when informed decisions are made in the best interests of the individual.

VII. COMPETENCE

CM/Consultant/CSC shall establish and maintain their professional competencies at such a level that participants receive the benefit of the highest quality of services the profession is capable of offering.

- A. The CM/Consultant/CSC shall strive to become and remain proficient in professional practice and in the performance of CM/Consultant/CSC functions.
- B. The CM/Consultant/CSC shall not misrepresent professional qualifications, education, experience, or affiliations.
- C. The CM/Consultant/CSC shall adhere to the DD, Mi Via, Medically Fragile, or Supports Waiver CMS waiver applications, NMAC, and waiver service standards for CM/Consultant/CSC services.
- D. The CM/Consultant/CSC shall attend and complete the competency for all required trainings and meetings.
- E. The CM/Consultant/CSC shall retain responsibility for the quality and extent of the service they assume, assign or perform.
- F. The CM/Consultant/CSC shall take responsibility for identifying, developing and fully utilizing knowledge of professional practice, including training as mandated by the Human Services Department and the Health Care Authority Developmental Disabilities Supports Division.

I _____, do verify that I have received the Case Manager/
(name)
Consultant/Community Support Coordinator Code of Ethics/Conduct on _____.
(date)

Case Manager/Consultant/Community Supports Coordinator Signature

Date

Supervisor Signature

Date