

## COMMUNITY CARE ALLIANCE

### POLICY & PROCEDURE MANUAL

<b>TITLE:</b>	Code of Ethical Conduct
<b>AREA:</b>	Administration
<b>REVIEW DATE:</b>	On a yearly basis
<b>REVIEWED BY:</b>	Quality Improvement/Human Resources
<b>REFERENCE DOCUMENT(S):</b>	COA – ETH 5 Rules and Regulations for the Licensing of Behavioral Healthcare Organizations, December 2018; Subchapter 00; Section 1.17.1 Provider Governance – C. Organization Ethics “Code of Ethics” (National Board for Certified Counselors - NBCC) “Code of Ethics” (National Association of Social Workers - NASW) “Ethical Standards of Alcoholism and Drug Abuse Counselors” (National Association of Alcoholism and Drug Abuse Counselors-NAADAC) “Principles of Medical Ethics for Psychiatry” (American Psychiatric Association-APA) Code of Ethics (National Council of Community Mental Health Centers-NCCMHC) <b>CCA Policies:</b> Conflict of Interest; Non-Retaliation for Qui Tam Reporting (Whistle Blowers); Nepotism; Private Practice or Other Place of Employment Referral Form; Reporters of Suspected Misconduct; Confidentiality and Access to Protected Health Information; Incident Report Policy; Authorization for Release of Confidential Information; Media Consent Form; Social Media Policy
<b>APPROVED BY BOARD:</b>	September 2015
<b>REVISED:</b>	April 2016; April 2019; March 2022

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#### **POLICY:**

Community Care Alliance (CCA) is committed to operating within an environment that emphasizes respect for each individual served by the agency. One manifestation of this respect is the agency's adherence to ethical practice throughout its service delivery system. All staff are required to conform to the agency's Code of Ethical Conduct and the Professional Practice Standards, as well as to the code(s) of ethics for any professional associations, which may be relevant to each employee's profession.

#### **GUIDELINES:**

- In addition to compliance to CCA's Code of Ethical Conduct and the Professional Practice Standards, all clinical and support staff are expected to adhere to any code(s) of ethics, which may apply to their particular profession. Examples of this include, but are not limited to, the following: the NBCC “Code of Ethics” for counselors; the NAADAC “Ethical Standards” for addictions professionals, the NASW “Code of Ethics” for social workers; the APA “Principles of Medical Ethics” for psychiatry; the NCCMHC “Code of Conduct” for mental health agency operations; and those codes of ethics established for marriage and family therapists, psychiatric nurses, rehabilitation counselors, health information specialists, human resource professionals, accounting and fiscal specialists and other administrative and clinical specialties.
- CCA provides an array of behavioral health and human services frequently provided in non-agency locations and/or involve the provision of complementary interventions, such as health screening, promotion initiatives, information and referral, psycho-educational services and case management. Providing mental health, substance abuse and other related services in non-agency locations presents unique challenges, as does the delivery of complementary services. Consequently, many of the professional practice guidelines designed to shape ethical practice in traditional office-based psychotherapy settings, do not adequately address the issues raised by the delivery of complementary and/or non-agency located services. Therefore, the following guidelines are offered to help staff adhere to professional boundaries in their working relationships with individuals served by the agency, regardless of where the service takes place or the nature of the service.

- CCA is committed to ensuring that all employees perform their responsibilities within the parameters of the agency's standards for professional and ethical behavior, therefore an annual training is held that focuses solely on the agency's Code of Ethics. Training attendees sign in at this meeting, which is then logged into the Training Tracking Log book, which is maintained within each agency division.
- Integral to these standards is the obligation of staff to report misconduct or suspected misconduct of fellow employees. Employee action may be taken against staff who fail to report suspected misconduct.

**PRINCIPLES:**

**At a minimum, staff are expected to practice the following principles at all times while employed at CCA:**

**Dignity and Worth:** The dignity and worth of every individual shall be recognized. Therefore, discrimination in the provision of agency services on the basis of race, color, religion, type of disability, age, sex or sexual orientation is neither tolerated nor practiced.

**Rights to Privacy:** All staff shall be aware of the rights to privacy stipulated in applicable state and federal laws which govern the services provided to individuals. Communications, both verbal and written, must be on a need-to-know basis and held confidential. *At a minimum, compliance with this standard may be demonstrated by:*

1. Not revealing individual names or any other confidential information to agency staff who do not have a need to know;
2. Never discussing individual names or related confidential matters in public places, such as hallways, coffee shops or restaurants;
3. Never giving out written or verbal information to anyone without a signed Authorization for Release of Confidential Information or in other circumstances permitted by law;
4. Only giving out information over the telephone to a person definitely known and with proper legal or signed authorization;
5. Never leaving records or other confidential data exposed to public view;
6. Not taking home any client identifying information, unless authorized by immediate supervisor as a job specific requirement (e.g., clinical risk management information taken home by Emergency Services personnel; laptop for remote access to the electronic record; etc.).

**Professional Relationship:** Staff shall ensure that an objective, professional relationship is maintained at all times with any individual receiving a professional service. Staff are expected to maintain a professional relationship with each individual served throughout the service delivery period, as well as after the cessation of the professional relationship. The expectation of a professional relationship extends to family members and significant others of the identified individual. *At a minimum, compliance with this standard includes such practices as:*

1. Focusing all contacts on the needs, concerns and issues of the individual being served;
2. Limiting contact and activities to those services prescribed in the treatment, service or education plan;
3. Not developing non-therapeutic emotional attachments;
4. Not engaging in social contacts, such as dating or parties;
5. Not engaging in any sexual or romantic involvement;

**Conflicts of Interest:** Staff shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impair judgment. Similarly, staff shall not engage in dual relationships with current or former clients. Generally speaking, the intent of this standard is to protect individuals, as well as their family members and significant others, from exploitation or potential harm.

- **Dual Relationship:** A dual relationship exists whenever a staff member who either has or may deliver a professional service, or have a professional contact with a individual, or a family member/significant other of the identified client, has/may become involved with any of these same individuals in a non-professional manner.

Employees are expected to immediately notify their supervisor of any actual or potential conflicts of interest arising from dual relationships, which may occur while they are employed at CCA. Employees are expected to immediately notify the Chief Operating Officer or the Director of Human Resources of any actual or potential conflicts of interest arising from dual clinical relationships, which may occur while they are employed. Whenever a dual relationship exists, or is a possibility, it is the employee's responsibility to inform one of the aforementioned individuals. The Chief Operating Officer and Director of Human Resources will consult with each other and assist the employee in reviewing the matter and making recommendations for resolving the issue. The Vice Presidents will document the issue and the recommended course of action on an Incident Report form, which will be forwarded to the Chief Operating Officer. The Chief Operating Officer will review the written recommendations as necessary, to identify if the matter involves risk or non-compliance with regulatory standards that warrant further review. Documentation of this review process will be entered into the employee's personnel record. Any employee who fails to follow the above process for alerting the appropriate individual(s) of a potential conflict or dual relationship will be subject to disciplinary action which may include immediate termination.

*Potential dual relationships include, but are not limited to, the following examples:*

1. An administrative support person is asked to update, transport, file or type confidential information about an individual with whom he/she currently or previously had a personal relationship.
2. An employee suddenly finds out that a person with whom he/she is or was involved with personally, is now or will be, receiving services from the program in which the employee works.
3. An agency employee, who works in one agency program, while simultaneously receiving services from another program, is involved in a personal relationship with a staff member employed by the same program in which he/she is or will be receiving services. In this example, both employees have a responsibility to report this potential conflict/dual relationship to their respective supervisors.
4. An employee of a particular agency program is, or has been, romantically involved with a family member or significant other of an individual recently admitted to the same agency program.
5. An agency supervisor is, or has been, romantically involved with another agency employee over whom he/she holds direct supervisory or administrative responsibility. When this occurs, the risk of employee morale problems is high, which, in turn, can result in an adverse environment for persons served by the agency. Therefore, it is expected that every dual staff to staff relationship fall within the purview of the agency's Code of Ethical Conduct.
6. A substance abuse counselor is asked by a current/former client to be a sponsor in a self-help program.

**Supervisory Dual Relationship:** It is expected that every supervisor will avoid any dual-relationship or situation in which supervisors objectivity is compromised due to a dual-relationship. For example, an existing agency employee is assigned clinical or administrative supervision or oversight responsibilities over another employee for whom the supervisor previously provided professional services; or a new agency employee is assigned clinical or administrative supervision or oversight responsibilities over another employee for whom the supervisor is/was providing professional services. In these examples, the confidential nature of the client-therapist relationship must be balanced with CCAs need to ensure that supervisory functions are performed objectively. To address confidentiality concerns, the supervisor should not name the individual for whom professional services were/are provided, nor should the employee who is/was receiving these professional services self-disclose this fact. While these two measures protect the privacy of the client-therapist relationship, they do not address CCAs need to ensure that actual, as well as perceived, professional objectivity is maintained in all supervisory actions and decisions. To protect the interests of CCA, any supervisor who finds him/herself in such a dual-relationship is expected to alert either his/her Program Director/Vice President, the Human Rights Officer or the Director of Human Resources of the need to review assigned supervisory functions due to a possible/actual conflict. The intent of this disclosure is the development and implementation of a strategy to reduce/eliminate any situations in which supervisory objectivity is compromised. Successful mediation of the actual/potential conflict is not possible unless the supervisor who finds him/herself facing such a dilemma continually guards against accepting any supervisory responsibilities that are likely to compromise the nature of the supervisory-supervisee relationship.

At any point in time, should an employee in such a dual-relationship wish to explore program transfer options with the Director of Human Resources, then he/she is free to do so confidentially. Should the employee wish to exercise this option, he/she should contact the Director of Human Resources and initiate a self-disclosure of the dual-relationship. The Director of Human Resources will work with the employee and the appropriate management staff to mediate this request based on position availability and the employees' skills/qualifications. It is CCAs intent throughout this process to afford the employee professional objectivity within the supervisory relationship.

**Unethical Conduct:** It is each agency employee's responsibility to immediately report any known or suspected unethical behavior by another employee. Such reports may be made verbally to the immediate supervisor, Chief Operating Officer or the Director of Human Resources or may be documented on an Incident Report form and processed per agency standards.

Staff shall respect and adhere to the administrative and professional policies of the agency. *At a minimum, this respect shall be demonstrated by such practices as:*

1. Maintaining current knowledge of agency and program policies and procedures;
2. Voicing disagreement only for the positive purpose of resolving misunderstandings and conflicts or raising the possibility of revision of dated policies;
3. Never undermining the confidence of individuals served by the agency by voicing disagreement with policies in their presence;
4. Resigning if there is an unresolvable conflict between the agency's policies and one's personal ethical standards.

**Location of Visits:** Any service provision which occurs in non-agency locations must be identified and authorized in the individualized treatment, education or service plan, or must be part of a contract with another organization.

**Social Contact with Clients or with their Family Members/Significant Others:** All employees are expected to avoid any off-hours social contacts with clients or their family members/significant others, as this could result in a conflict of interest or dual relationship. While this is the general rule, it is also understood that off-hours social contacts between employees and persons served may be unavoidable in certain circumstances. For example, when an employee and a person served are related; when an employee and a person served meet outside the agency as a result of a religious, political or civic affiliation; when employees and persons served jointly attend an agency sponsored social event; when an employee and person served have a personal relationship which predates the initiation of agency services; and when an employee who is receiving agency services develops a personal relationship with a fellow employee who is not working in the program from which the services are being provided. It is each employee's responsibility to alert his/her supervisor whenever any of the aforementioned circumstances occur or have the potential to occur. If the issues raised by this disclosure cannot be resolved through the normal supervisory chain of command, the matter can be referred to the Chief Operating Officer/Human Rights Officer or the Director of Human Resources, whom may consult with one another to determine the appropriate course of action. The failure of an employee to notify either his/her supervisor, the Chief Operating Officer/Human Rights Officer or the Director of Human Resources, may result in disciplinary action, up to and including immediate termination.

**Gifts From Persons Served:** Generally speaking, staff are not permitted to solicit or accept gifts or any other form of compensation, except under the following circumstances:

- The gift is shared with other staff members and is accepted as recognizing both the work of the agency, as well as the work of an individual employee (e.g., candy, flowers, wall hanging, etc.).
- The gift is shared with persons served and is accepted as a gift to the agency, as well as to an individual worker (e.g., wall hanging, furniture).
- A donation to the agency fund drive as an expression of appreciation.

**Financial Contributions:**

- Employees will provide appropriate care without bias/consideration for the client's personal financial resources.
- Employees may not solicit persons served for the purchase of tickets for or donations to non-agency events or raffles (e.g., political fundraisers, church activities, etc.), which will result in financial gain to other individuals or organizations and are not directly related to sustaining programs at CCA.
- Employees may not accept direct cash payments, personal checks or other forms of personal gifts offered by any other party (e.g., landlords, parents, etc.), as a result of the employee's performance of agency services.
- Employees may not accept donations in the form of checks or cash from a client, parent or related party even if there is a verbal or written understanding that the equivalent amount will be donated or transferred to CCA by the employee.

**Socialization and Normalization:** CCAs clinical services are intended to reinforce the client's development and maintenance of a healthy social support system and involvement in age and culturally appropriate community sponsored activities. In assisting clients with the above and other normalizing activities, staff must not engage in the following: offering persons served employee paid for meals, gifts, temporary lodging, babysitting, or compensated work in employee's personal home; visiting socially or in the home of the person served; meeting socially, dating, providing personal phone numbers or addresses to persons served; offering off-hours recreational/leisure-time activities to be personally provided by the employee; or encouraging any other socialization with persons served which interferes with the employee's or agency's ability to provide objective professional services.

**Personal Gain/Conflict of Interest:** Generally speaking, employees may not offer a client or their family members/significant others, verbally or via a marketing device such as a business card), a referral to that employee's private practice or to any other agency at which that employee is employed when the employee's knowledge of the individual's need/desire for that service is based on privileged agency information (e.g., assessment, treatment plans, etc.).

**Conflict of Interest:** Requests by Northern Rhode Island residents, active or former clients or students (and their family members/significant others) for compensated services, which are not available through CCA, will generally not be considered a conflict of interest. If the individual in question has insurance for which CCA is not an authorized provider, a CCA referral to an employee's private practice or other place of employment may not constitute a conflict of interest. However, in all cases where an CCA employee believes an CCA client may benefit from a referral to his/her private practice or other place of employment, that employee is responsible for seeking a written decision from Chief Operating Officer/Human Rights Officer. The referral to the Chief Operating Officer/Human Rights Officer is intended to remove any appearance of impropriety. The Quality Improvement review of such a request is facilitated through use of Private Practice or Other Place of Employment Referral Form. This form will be scanned or filed under the "Correspondence" section of the client's electronic record.

**Non-Solicitation:** All employees, students, volunteers and consultants that conduct some other business or hold another position with another employer must adhere to the following guidelines to assure CCA is a workplace free of conflicts of interest and a non-profit, tax exempt workplace that does not give unfair advantage to one business venture over another.

- **Prohibited Activities**

- Posters, leaflets and other forms of marketing of a personal business or another business to employees and clients in the workplace (e.g., Avon sales, psychotherapy referrals, housekeeping/chore services, third party billing services and computer repair services);
- Conducting personal or third party business during CCA work hours, whether by personal pager and/or cell phone or by using CCA phones, faxes and/or copy machines (e.g., emergency telephone support to private clients, distributing order forms, selling Girl Scout cookies, promoting a political candidate, etc.).

- **Allowable Activities**

In recognition of the proliferation of cell phones and other forms of instant communications and with an awareness that our workforce includes parents and professionals that sometimes need to provide emergency consultation, and furthermore, recognizing that many of our staff serve on civic and non-profit organizations either as CCA designated representatives or volunteer representatives of CCA, the following are allowed:

- Employees, consultants, students and volunteers may receive and respond to essential pages, emails, cell phone calls and hard-line telephone calls, with the permission of their supervisor, provided that the CCA representative manages the frequency and length of their calls and, whenever possible, uses break or lunch times to respond to this type of personal or third party business.
- Employees may also use CCA offices and office equipment, with the permission of their supervisor, for personal or third party activities if the activity relates to either a civic (non-lobbying) or non-profit organization with some affiliation to CCA (e.g., meeting rooms, typing minutes) or in the case of a personal matter, if CCA is reimbursed for the costs associated (e.g., urgent and personal copying or telephone calls).

**Client Privacy/Confidentiality:** The use of photographic, video or audio recording devices, in conjunction with the provision of CCA services, is permitted only with client consent and with the supervisor's permission. Such permission will be granted only upon receipt of a properly executed Authorization for Release of Confidential Information or Media Release form.

## **REPORTING UNETHICAL EMPLOYEE CONDUCT**

### **PROCEDURE:**

1. When an employee's performance raises concern about ethical or competent behavior, staff should discuss the issue with their immediate Supervisor, Executive Management of your Program or the Director of Human Resources and/or complete and forward an Incident Report, according to established protocol. In such instances, all staff involved in reporting the incident are not to discuss the allegation with any other staff.

2. The review of these types of incidents will occur within 24 hours of the initial report. At a minimum, the review will:
  - a. assess the severity of the problem or alleged unethical behavior and evaluate and contain any risk to clients or other staff;
  - b. assess the impact on the overall organization and the community (e.g., the need for other departments to know);
  - c. plan an investigation of facts to determine course of action to take with the employee.
3. Dependent on the nature of the alleged incident, the Director of Human Resources may elect to consult with the Chief Executive Officer, the Department Vice President or Director, the Chief Operating Officer/Human Rights Officer or CCAs Legal Counsel. Any Personnel action deemed necessary shall be determined by the Director of Human Resources and/or the Chief Executive Officer, based on input from the above referenced individuals.
4. Any report of suspected misconduct should follow the guidelines outlined in “*Reporters of Suspected Misconduct Policy*”. The Director of Human Resources and the Chief Operating Officer may be contacted at:

Community Care Alliance  
P.O. Box 1700  
Woonsocket, RI 02895  
(401) 235-7000

I have reviewed and understand the agency’s Code of Ethical Conduct Policy.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

*(LAD: September, 1999; January, 2001; CM: February, 2001; LAD: May, 2001; LLD: July, 2001; KPR: September, 2003; November, 2004; LAD: March, 2005; KPR: March, 2006; KPR/BI: November, 2007; LB: November, 2008; KPR: November, 2009; November, 2010; December, 2011; January, 2015; K. Rathbun, July 2015; April, 2016; T. O’Brien June 2016; J. Berard, April 2019; K. Rathbun, July 2019; March 2022)*

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