

THE CASE MANAGEMENT CODE OF ETHICS

The Case Management Code of Ethics, which was originally developed by the New Mexico Case Management Advisory Board in 1997, has been included in the Developmental Disabilities Case Management Standards effective 2/01/06 and guides professional conduct of case managers. The Code of Ethics is required by standards to be used in the following manner:

1. All newly hired case managers must sign that they have received a copy of the Case Management Code of Ethics. This signed form should be in their personnel files.
2. Complaints against a case manager for violation of the Code of Ethics must be submitted to NMDOH - Developmental Disabilities Supports Division (DDSD). DDSD will then send the allegation to the case manager's supervisor who has 10 working days to provide DDSD with action taken. Complaints may be forwarded to the Internal Review Committee.
3. Annually, the case manager must provide each individual served and/or their guardian with a copy of the Case Management Code of Ethics.

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This Code of Ethics shall apply to case managers providing Independent Case Management services as authorized by the Human Services Department and the Department of Health. Agencies providing Independent Case Management services must assure that all case managers acknowledge receipt of the Code of Ethics and must maintain a copy of the signed acknowledgment in the case manager's personnel file.

This Code of Ethics serves to reinforce our claim to upholding professional status in reference to Independent Case Management services to individuals requesting or receiving Medicaid long-term care services.

Case Managers shall act with integrity in their relationships with colleagues, other organizations, agencies, institutions, referral sources, and other professions so as to facilitate the contribution of all providers toward achieving optimum benefit for recipients.

I. MORAL AND LEGAL STANDARDS

Case managers shall behave in a legal, ethical, and moral manner in the conduct of their profession, maintaining the integrity of the Code and avoiding any behavior which would cause harm to others.

- A. The case manager shall not exploit relationships with recipients for personal advantage.
- B. The case manager shall not engage in sexual activities with recipients.
- C. The case manager shall not involve the recipient in any illegal activities, nor promote the use of any potential substance which could be abused.
- D. The case manager shall terminate services to recipients, and professional relationships with them, when such services and relationships are no longer required or no longer serve the recipient's needs or interests.
- E. The case manager shall not withdraw services precipitously, but must carefully consider all factors in the situation and take care to minimize possible adverse effects.
- F. The case manager who anticipates the termination, interruption or reduction of services to recipients shall notify recipients promptly and seek the transfer, referral, or continuation of services in relation to the recipients' needs and preferences. The case manager shall also advise recipients of their rights and responsibilities regarding transfer, referral or reduction in services.
- G. The case manager shall respect the integrity and protect the health and welfare of people and groups with whom they work. The case manager's

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primary responsibility is to the recipient and case managers must endeavor at all times to place that interest above their own.

- H. The case manager shall not mentally, physically, emotionally, spiritually, or in any other manner abuse, neglect or exploit any recipient.
- I. The case manager shall not accept anything of value for making a referral.
- J. The case manager shall not alter documents and other information provided from other sources, nor knowingly utilize documents containing untrue information, including backdated documents.

II. RECIPIENT ADVOCACY

Case managers shall serve as advocates for recipients of long term services.

- A. The case manager must safeguard the interests, autonomy, and the rights of the recipient.
- B. When an individual has been legally authorized to act on behalf of a recipient, the case manager shall consider the expressed interest of the recipient as well as those interests as expressed by the legal representative.
- C. The case manager shall not engage in any action that violates or diminishes the civil or legal rights of recipients.
- D. The case manager shall act to prevent practices that are inhumane or discriminatory against any person or group of persons.

III. PROFESSIONAL RELATIONSHIPS

Case managers shall possess and maintain integrity and dignity in their professional relationships.

- A. The case manager shall not attempt in any way to influence a recipient's choice of case managers or service providers.
- B. The case manager shall cooperate with colleagues to promote professional interests and concerns.
- C. The case manager shall respect confidences shared by colleagues in the course of their professional relationships and transactions.
- D. The case manager shall create and maintain conditions of practice that facilitate ethical and competent professional performance by colleagues.

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- E. The case manager shall treat with respect, and represent accurately and fairly, the qualifications, views, and findings of colleagues. Appropriate administrative channels shall be used to resolve differences.
- F. The case manager who replaces, or is replaced by, a colleague in professional practice shall act with consideration for the interest, character, and reputation of that colleague.
- G. The case manager shall not exploit a dispute between a colleague and an employer to obtain a position or otherwise advance the case manager's interest.
- H. The case manager shall seek arbitration or mediation when conflicts with colleagues require resolution for compelling professional reasons.
- I. The case manager shall extend to colleagues of other professions the same respect and cooperation that is extended to case manager colleagues.
- J. The case manager who serves as an employer, supervisor, or mentor to colleagues shall make orderly and explicit arrangements regarding the conditions of their continuing professional relationships.
- K. The case manager who has the responsibility for employing and evaluating the performance of other case managers shall fulfill such responsibilities in a fair, considerate, and equitable manner on the basis of clearly enunciated criteria.
- L. The case manager who has the responsibility for evaluating the performance of case manager employees, supervisors or student interns shall share evaluations with them.
- M. The case manager shall not assume professional responsibility for recipients of another agency or a colleague without appropriate communication with that agency or colleague as authorized by the appropriate state entity.
- N. The case manager, who serves the recipient of a colleague during temporary absence or emergency, shall serve those recipients with the same consideration as that afforded any recipient.
- O. The case manager shall work to improve the employing agency's policies and procedures and the efficiency and effectiveness of its services.
- P. The case manager shall act to prevent and eliminate discrimination in the employing organization's work assignments and in its employment policies and procedures.

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- Q. The case manager shall not misuse the resources of the employing organization.
- R. The case manager shall not exploit professional relationships for personal gain.

IV. CONFIDENTIALITY

Case managers shall respect the confidentiality of information obtained from recipients in the course of their work.

- A. The case manager shall inform the recipient about the limits of confidentiality in a given situation, the purposes for which information is obtained, and how it may be used.
- B. The case manager shall afford recipients reasonable access to any official case management records concerning their case.
- C. When providing recipients with access to records, the case manager shall take due care to protect the confidences of others contained in those records as afforded by law.
- D. The case manager shall obtain informed consent from recipients before taping, recording, or permitting third party observation of their activities.
- E. The case manager shall not discuss the recipient outside the work environment.

V. ASSESSMENT/EVALUATION

Case managers shall promote the health and welfare of recipients in the selection, utilization and interpretation of assessment measures.

- A. Case managers shall not in any way tamper with results of assessment measures administered to recipients.
- B. Case managers shall explain assessments as requested and explain results in a professional and sensitive manner.

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VI. RESEARCH ACTIVITIES

- A. Case managers shall assist in professional efforts to expand the knowledge needed to more effectively serve recipients in need of long term services.
- B. Case managers shall follow the doctrines of informed consent, as well as appropriate research protocols, when conducting research with special populations.

VII. COMPETENCE

Case managers shall establish and maintain their professional competencies at such a level that their recipients receive the benefit of the highest quality of services the profession is capable of offering.

- A. The case manager shall strive to become and remain proficient in professional practice and in the performance of case management functions.
- B. The case manager shall not misrepresent professional qualifications, education, experience or affiliations.
- C. The case manager shall retain responsibility for the quality and extent of the service that individual assumes, assigns or performs.
- D. The case manager shall take responsibility for identifying, developing and fully utilizing knowledge of professional practice, including training as mandated by the Human Services Department and the Department of Health.

VIII. CODE OF ETHICS VIOLATIONS /SANCTIONS

Case managers providing independent case management services, as authorized by the Human Services Department and the Department of Health, will be sanctioned for violation(s) of this Code of Ethics to the extent allowable by state or federal statute. Should the violation(s) adversely impact the health and welfare of recipients receiving long term care services, or otherwise prevent appropriate care and support, the case management organization shall also be sanctioned. These sanctions include, but may not be limited to the following:

- A. Referral to the Adult Protective Services unit of the Aging and Long Term Services Department (ALTSD) or Child Protective Services unit of the Children, Youth and Families Department (CYFD);
- B. Referral to the Medicaid Fraud and Abuse Unit of the Human Services Department;

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- C. Referral to the Office of Inspector General;
- D. Referral to the Division of Health Improvement of the Department of Health;
- E. Referral to the Developmental Disabilities Supports Division (DDSD) of the Department of Health;
- F. Referral to the Quality Assurance Unit of the Human Services Department; and
- G. Complaint filed with the appropriate licensing board.

Any of the above actions may result in termination of the Medicaid contract to provide Independent Case Management services. Additional sanctions or actions may be taken by the agencies listed above.

Source: Case Management Advisory Board, 1997

CASE MANAGER CODE OF ETHICS AGREEMENT

I _____, do verify that I have received the
(name)
Case Manager's Code of Ethics on _____.
(date)

I agree to abide by this code of ethics.

Signature of Case Manager

Date

Supervisor Signature

Date