

# CODE OF ETHICAL CONDUCT

## (CPRS/CSPS)

### PREAMBLE

The Delaware Certification Board (referred to herein as "the Board" or "DCB") provides voluntary certification for behavioral and community health professionals as a way of assuring competency of services to clients, to the public, and to employers. DCB is dedicated to the principle that individuals in the field of behavioral and community health must be held to the highest standards of ethical practice. The Code of Ethical Conduct exists for the protection of clients. To that end, the DCB has adopted this Code of Ethical Conduct, to be applied to all certified professionals or applicants seeking certification. Individuals are subject to this Code from the date of application to DCB by the applicant.

The Code is divided into three sections: (1) a Glossary of key terms used in the Code; (2) the Rules of Conduct, which set forth the standards which professionals are required to observe and discussions of selected standards; (3) the Disciplinary Procedures that will be followed by the Board in investigating alleged violations of the Rules. The Board is committed to investigate and sanction those who breach this Code. Certified professionals are, therefore, encouraged to thoroughly familiarize themselves with the Code and to guide their behavior according to the Rules set forth below and to all state and federal laws and regulations that govern their practice and their employment.

Transparency or being visible about your professional behavior is paramount to maintaining the high standards set by DCB's code of ethical conduct and is therefore expected of certified professionals. Transparency is not an ethical principle but a pro-ethical condition. Transparency is about information, and it embodies honesty and open communication. You must be willing to share information when it is uncomfortable to do so. Transparency entails being honest with oneself about the actions one is taking. It involves keeping one's actions aboveboard. A commitment to transparency demonstrates to the community, employers, and the client that there is nothing to hide.

All certified professionals will eventually be faced with ethical dilemmas that are difficult to resolve and offer challenges to their professional practice. Ethical resolution is a critical process, and all certified professionals are expected to engage in ethical decision-making that includes the evaluation of context of the situation, meaningful values, the appropriate ethical standards, is consultative in nature and includes a credible model for ethical decision-making. DCB, through its Ethics Committee, is available and willing to act in a consultative fashion to answer any questions pertaining to ethical conduct or dilemmas faced by certified professionals.

### GLOSSARY

**Appeals Committee:** Three DCB board members appointed to hear an appeal

**Applicant:** A person who has applied for certification but is not yet certified

**Certified Professional:** A person who holds a DCB credential

**Client/Service Recipient:** Any person(s) who, either currently or in the past, has received or is receiving services

**Complainant:** A person(s) who files a formal complaint against a certified professional or applicant for certification or, in appropriate cases, DCB may initiate an ethics inquiry and act as complainant

**Distance Services:** The delivery of peer recovery services through the use of technologies such as telephone-based services, video conferencing, texting, smartphone applications and web-based tools

**Ethics:** A standard of behavior by which certified professionals or applicants must abide

**Ethics Committee:** A DCB standing committee charged with the responsibility to review, investigate, and sanction as determined appropriate those who breach the Code of Ethical Conduct

**Hearing Panel:** A panel comprised of DCB Ethics Committee members participating in an ethics hearing and who make recommendations in accordance with the Code of Ethical Conduct

**Hearing Officer:** The DCB Ethics Committee Chairperson or Co-Chairperson who presides over an ethics hearing

**Counselor Credentials:** Certified Alcohol and Drug Counselor, Certified Advanced Alcohol and Drug Counselor

**Prevention Credential:** Certified Prevention Specialist

**Clinical Supervisor Credential:** Certified Clinical Supervisor

**Co-Occurring Credentials:** Certified Co-Occurring Disorders Professional, Certified Co-Occurring Disorders Professional Diplomate

**Peer Recovery Credentials:** Certified Peer Recovery Specialist, Certified Supervisor of Peer Specialists

**Plagiarism:** An act of appropriating the language, ideas, or thoughts from another person and representing them as one's own original work

**Public Reprimand:** A sanction that is a formal, written, published reproof, or warning to a Respondent who the Ethics Committee has determined to have breached the Code of Ethical Conduct

**Respondent:** A certified professional or applicant for certification against whom an ethical complaint has been filed

**Revocation:** A sanction resulting in the complete and permanent forfeiture of DCB certification or any future DCB certification

**Suspension:** A sanction resulting in the temporary forfeiture of DCB certification for a time-limited period to be determined by the DCB Ethics Committee

**Written Caution:** The least restrictive disciplinary action that a Respondent may receive due to breaching the Code of Ethical Conduct and is a formal, private, non-published letter of warning to the Respondent that cautions against certain conduct or behavior

## **RULES OF CONDUCT**

The following Rules of Conduct, adopted by the DCB, set forth the minimum standards of conduct which all certified professionals and applicants for certification are expected to honor. Failure to comply with an obligation or prohibition set forth in the rules may result in discipline by the DCB.

Discussion sections accompany some of the rules. These discussions are intended to interpret, explain, or illustrate the meaning of the rules, but the rules themselves remain the authoritative standards of the conduct for which disciplinary action may be imposed.

## **UNLAWFUL/CRIMINAL CONDUCT**

**Rule 1.1:** A certified professional or applicant shall not be cited, arrested, or convicted for any summary offense, misdemeanor or felony relating to the individual's ability to provide behavioral health services or that reflects

conduct unbecoming a professional as determined by DCB. All such citations, arrests, or convictions shall be reported to DCB by the certified professional within 30 days of offense.

*Discussion: A certificate of conviction shall be deemed conclusive evidence of an individual's guilt of the felony or misdemeanor for which he or she has been charged. If the citation, arrest, or conviction relates to the individual's ability to provide behavioral health services or reflects conduct unbecoming a certified professional, as determined by DCB, this shall be deemed a violation of this Rule. Some of the specific examples within this section include but are not limited to crimes involving violence, use or sale of any controlled or psychoactive substance, driving while intoxicated/impaired, fraud, theft, and sexual misconduct. DCB may choose to allow pending charges against the certified professional to be settled through the judicial system before rendering their decision on an ethics complaint.*

**Rule 1.2:** A certified professional or applicant shall not use, possess, give/lend, or sell any unprescribed or illegal substance. A certified professional or applicant shall not give/lend or sell recommended or prescribed substances.

### **ROMANTIC/SEXUAL MISCONDUCT**

**Rule 2.1:** A certified professional or applicant shall, under no circumstances, suggest or engage in romantic/sexual activities or romantic/sexual contact with service recipients, whether such contact is consensual or forced. This prohibition applies to both in person and electronic interactions or relationships.

**Rule 2.2:** A certified professional or applicant shall not suggest or engage in romantic/sexual activities or romantic/sexual contact with service recipients' immediate family. This prohibition applies to both in person and electronic interactions or relationships.

*Discussion: Romantic activities are oftentimes non-sexual in nature and may include emotional attraction toward another person such as love, intimacy, compassion, appreciation, and affinity.*

**Rule 2.3:** A certified professional or applicant shall not engage in romantic/sexual activities or romantic/sexual contact with former service recipients. This prohibition applies to both in person and electronic interactions or relationships.

*Discussion: If certified professionals engage in conduct contrary to this prohibition or claim that an exception to this prohibition is warranted because of extraordinary circumstances, it is certified professionals, not their service recipients, who assume the full burden of demonstrating that the former service recipient has not been exploited, coerced, or manipulated, intentionally or unintentionally.*

**Rule 2.4:** A certified professional or applicant shall not provide recovery support services to individuals with whom they have had a prior romantic/sexual relationship. This prohibition applies to both in person and electronic interactions or relationships.

### **FRAUD-RELATED CONDUCT**

**Rule 3.1:** A certified professional or applicant shall not prepare, present, or participate in activities related to fraudulent billing or benefit claim under any employee benefit program or insurance policy/program.

*Discussion: The term "fraudulent claim" includes but is not limited to charging a service recipient or a third-party payor for a service not performed or submitting an account or charge for services that is false or misleading. It does not include charging for an unkept appointment when the original verbal or written contract for services allows for such a charge.*

**Rule 3.2:** A certified professional or applicant shall not present fraudulent documents when applying for certification, certification upgrades, or certification renewal.

**Rule 3.3:** A certified professional or applicant shall not prepare fraudulent certification or certification renewal documents for other certification applicants.

**Rule 3.4:** A certified professional or applicant shall not use a title designation, credential or license, firm name, letterhead, publication, term, title, or document which states or implies an ability, relationship, or qualification that does not exist and to which they are not entitled.

**Rule 3.5:** A certified professional or applicant shall not sign or issue, in their professional capacity, a document or a statement that the professional knows or should have known to contain a false or misleading statement.

**Rule 3.6:** A certified professional or applicant shall not produce, publish, create, or participate in the creation of any false, fraudulent, deceptive, or misleading advertisement.

**Rule 3.7:** A certified professional or applicant who participates in the writing, editing, or publication of professional papers, media resources, online platforms, brochures, or books must act to preserve the integrity of the profession by acknowledging and documenting any materials and/or techniques or people (i.e., co-authors, researchers, etc.) used in creating their opinions/papers, books, etc.

**Rule 3.8:** A certified professional or applicant who participates in identifying themselves as part of the profession and/or the recovery community through writing, media resources, online platforms, brochures, or other forms of advertising must act to preserve the integrity of the profession by conducting themselves in a professional manner at all times.

*Discussion: Once a person applies for or earns a professional credential from DCB, it is expected that their behavior reflects the highest standards of professionalism at all times.*

#### **DUAL RELATIONSHIPS/EXPLOITATION OF SERVICE RECIPIENTS**

**Rule 4.1:** A certified professional or applicant shall not suggest, initiate, develop, and/or maintain dual/exploitative relationships with service recipients and/or family members of service recipients. This prohibition applies to both in person and electronic interactions or relationships.

*Discussion: Ethical problems are often raised when those persons providing services blend their professional relationships with another kind of relationship. Dual relationships can take many forms and are inherent in the work of all helping professions regardless of their setting or service recipient population. The nature of the professional-service recipient relationship is such that the service recipient remains vulnerable to the real or perceived influences of the professional.*

*Dual relationships may make it difficult for the professional to maintain appropriate professional boundaries. It is the professional's responsibility to assume the full burden for setting clear, appropriate, and culturally responsive boundaries. Examples of dual or multiple relationships that are potentially exploitive through the violation of professional boundaries include but are not limited to: romantic/sexual relationships, bartering arrangements, business arrangements, providing recovery support services to ones' own family members, friendship, and social networking with service recipients and/or family members of service recipients. Social networking shall be defined to include but not limited to blogs, podcasts, wikis, pictures, email, instant messaging, forums, chat rooms, Facebook, Myspace, Twitter, texting, etc. Unavoidable or potentially helpful dual relationships should be discussed with a supervisor and documented prior to the interaction when feasible.*

**Rule 4.2:** A certified professional or applicant shall not misappropriate property from service recipients and/or family members of service recipients.

**Rule 4.3:** A certified professional or applicant shall not enter or maintain a financial dual relationship that results in

financial gain to the certified professional, service recipient or a third party.

**Rule 4.4:** A certified professional or applicant shall not promote to a service recipient for their personal gain any treatment, procedure, product, or service.

**Rule 4.5:** A certified professional or applicant shall not ask for nor accept gifts or favors from service recipients and/or family members of service recipients.

*Discussion: When a certified professional "plays" or "preys" upon the service recipient's gratitude for services or covertly or overtly implies or states that the service recipient remains indebted and should "repay" him or her through gifts or other favors, violates this rule. The unique position of trust and responsibility with the service recipient not only becomes jeopardized, but the certified professional has also engaged in unethical actions.*

**Rule 4.6:** A certified professional or applicant shall not offer, give, or receive commissions, rebates, or any other forms of remuneration for a service recipient referral.

*Discussion: Notwithstanding this provision, a certified professional may pay an independent advertising or marketing agent compensation for advertising or marketing services rendered on their behalf by such agent. Included in this would be compensation for referrals of service recipients identified through such services on a per service recipient basis.*

**Rule 4.7:** A certified professional or applicant who uses testimonials shall not solicit them from current service recipients, former service recipients, or any other persons who may be vulnerable to undue influence.

## PROFESSIONAL STANDARDS

**Rule 5.1:** A certified professional or applicant shall not in any way participate in discrimination based on race, ethnicity, gender, gender identity or presentation, sexual orientation, age, religion, national origin, socio-economic status, political belief, psychiatric or psychological impairment, physical ability, immigration status, any legally protected class, criminal history, or recovery pathway.

**Rule 5.2:** A certified professional must request Inactive Status of their DCB credential for psychological, emotional, physical, or behavioral health related adversity that interferes with their professional functioning. In the event of a self-report reoccurrence/relapse, Inactive Status will be for a 12-month period of time.

**Rule 5.3:** A certified professional or applicant shall meet and comply with all terms, conditions, or limitations of a professional certification or license they hold.

**Rule 5.4:** A certified professional or applicant holding a certification, license, or other authorization to practice issued by any certification authority or any state, province, territory, tribe, or federal government whose certification or license has been suspended, revoked, placed on probation, or other restriction or discipline shall promptly alert DCB of such disciplinary action.

**Rule 5.5:** A certified professional or applicant shall not perform services outside of their area of training, expertise, competence, or scope of practice. They shall seek consultation or make appropriate referral when the service recipient's problem is beyond their area of training, expertise, competence, or scope of practice.

**Rule 5.6:** A certified professional or applicant shall demonstrate multicultural competence in training, services provided, and supervision.

**Rule 5.7:** A certified professional or applicant shall not reveal confidential information obtained as the result of a professional relationship, without the prior written consent from the recipient of services, except as authorized or

required by law.

**Rule 5.8:** The certified professional or applicant shall not permit publication of photographs, including social media, disclosure of service recipient names or records, or the nature of services being provided without securing all requisite releases from the service recipient, or parents or legal guardians of the service recipient.

*Discussion: The certified professional can unwittingly compromise a service recipient's right to confidentiality by permitting photographs and articles in publications that identify service recipients, and/or the nature of services being provided without securing releases.*

**Rule 5.9:** The certified professional or applicant shall not discontinue professional services to a service recipient, nor shall they abandon the service recipient without facilitating an appropriate closure of professional services for the service recipient.

*Discussion: In the case of a certified professional who has direct care responsibilities, this person shall not discontinue professional services to a service recipient unless 1) services have been completed; 2) the service recipient requests the discontinuation; 3) alternative or replacement services are arranged, or the service recipient is given reasonable opportunity to arrange alternative or replacement services.*

**Rule 5.10:** A certified professional or applicant shall only provide professional distance services which are appropriate to their education and experience.

**Rule 5.11:** A certified professional or applicant shall adhere to all state regulations (which vary from state to state) and/or federal regulations for providing distance services.

**Rule 5.12:** A certified professional or applicant shall ensure that any electronic means used in the delivery of distance services comply with current regulatory standards including confidentiality.

## SAFETY & WELFARE

**Rule 6.1:** When a condition of clear and imminent danger exists wherein a service recipient may inflict serious bodily harm on another person or persons, a certified professional or applicant shall, consistent with federal and state confidentiality laws, take reasonable steps to warn any likely victims of the service recipient's potential behavior.

*Discussion: If during the provision of recovery support services to a recipient, a certified professional becomes aware that a service recipient intends or is likely to commit some act which may result in serious bodily harm to another person or persons and there is a clear and imminent danger of such harm occurring, the certified professional has a duty to take reasonable steps to warn such persons. In doing so, the certified professional should be aware that state and federal regulations set forth rules concerning the confidentiality of certified professional-service recipient or person seeking certification-service recipient communications and service recipient records and identifying information. In cases where the threat is of the commission of a crime on agency premises or against agency personnel, the rules may allow disclosure of the circumstances of the threatened crime and identity of the consumer directly to law enforcement officers. In some instances, however, to warn the likely victims of the service recipient's actions, it may be necessary for the certified professional or the agency to make an emergency application to a court for an order permitting disclosure of information concerning the service recipient or communications from the service recipient before such information can be disclosed.*

**Rule 6.2:** When a condition of clear and imminent danger exists that a service recipient may inflict serious bodily self-harm, the certified professional or applicant shall, consistent with federal and state confidentiality laws, take reasonable steps to protect the service recipient.

*Discussion: If during the provision of recovery support services to a recipient, certified professional becomes aware that*

*a service recipient intends or is likely to inflict serious bodily harm to himself or herself and that there is a clear and imminent danger of such harm occurring, the certified professional has a duty to take reasonable steps to protect the service recipient. The certified professional should be aware that state and federal regulations set forth rules concerning confidentiality.*

*Under those rules, it may be permissible in some cases to communicate information about an individual if done in a manner that does not disclose the individual's status as a service recipient. In other cases, however, to protect the service recipient, it may be necessary for the certified professional or their agency to make an emergency application to a court for an order permitting disclosure of information concerning the service recipient or communication from the service recipient before such information can be disclosed.*

**Rule 6.3:** All certified professionals and applicants are mandated reporters as defined by state and federal law.

*Discussion: Certified professionals are encouraged to be familiar with all applicable state child and elder abuse reporting laws.*

**Rule 6.4:** A certified professional or applicant shall not refer a service recipient to a person that they know or should have known is not qualified by training, experience, certification, or license to perform the delegated professional responsibility.

## **RECORD KEEPING**

**Rule 7.1:** A certified professional or applicant shall not falsify, amend, or knowingly make incorrect entries or fail to make timely essential entries into the service recipient record.

**Rule 7.2:** A certified professional or applicant shall follow all federal and state regulations regarding service recipient records.

## **COOPERATION WITH THE BOARD**

**Rule 8.1:** A certified professional or applicant shall cooperate with a DCB disciplinary investigation or proceeding and shall not interfere with an investigation or a disciplinary proceeding or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed.

**Rule 8.2:** A certified professional or applicant shall not make a false statement to DCB or any other disciplinary authority; promptly alert colleagues informally to potentially unethical behavior; report violations of professional conduct of other certified professionals to the appropriate licensing/disciplinary authority when they know or should have known that another certified professional has violated ethical standards and has failed to take corrective action after informal intervention.

**Rule 8.3:** A certified professional or applicant with firsthand knowledge of the actions of a respondent or a complainant shall cooperate with the DCB investigation or disciplinary proceeding. Failure or an unwillingness to cooperate in the DCB investigation or disciplinary proceeding may be grounds for disciplinary action.

**Rule 8.4:** A certified professional or applicant shall not file a complaint or provide information to DCB which they know or should have known is false or misleading.

**Rule 8.5:** In submitting information to DCB, a certified professional or applicant shall comply with any requirements pertaining to the disclosure of service recipient information established by the federal or state law.