

DORS Ethical Standards Agreement for Benefits Planning Vendors

Each Division of Rehabilitation Services (DORS) vendor of benefits planning services is required to sign this agreement and abide by the ethical standards and rules it specifies during the performance of all benefits planning services provided as a DORS vendor.

Ethical Standards

Standards are described in the following sections/categories:

- [Ethical Standards](#)
- [Section 1 – Moral and Legal Standards](#)
- [Section 2 – Vendor/Consumer Relationship](#)
- [Section 3 – Consumer/Claimant Advocacy](#)
- [Section 4 – Professional Relationships](#)
- [Section 5 – Confidentiality](#)
- [Section 6 – Competence](#)

For each section, a description of the standard is provided, followed by more specific rules of conduct for DORS-approved benefits planning vendors. DORS vendors are expected to perform their duties in accordance with these guidelines. Violation may result in sanctions or termination of status as a DORS vendor.

Section 1 – Moral and Legal Standards

DORS-approved benefits planning vendors shall conduct themselves in a legal, ethical, and moral manner in the performance of their duties and avoid any behavior which would cause harm to others.

Rules of Conduct

DORS-approved benefits planning vendors will:

- 1.1 Obey the laws and statutes in the jurisdictions in which they provide services as DORS vendors and are subject to sanctions or termination of DORS vendor status for any violation, to the extent that such violation results in misconduct.
 - 1.1.1 Make certain that, if they have contact with students who are receiving Pre-Employment Transition Services (Pre-ETS) or Student Employment Services, they (as an independent benefits planning practitioner or as an employee, agent, or contractor of a benefits planning provider) are fingerprinted and have a background check in compliance with Family Law Article, Annotated Code of Maryland, Section 5-551 through 5-557.
 - 1.1.2 A benefits planning provider is prohibited from providing any benefits planning service to a DORS consumer if that benefits planner is a registered sex offender.
- 1.2 Be thoroughly familiar with, observe, and discuss with their consumers the limitations of their services so as to facilitate honest and open communication and realistic expectations.

- 1.3 Not engage in any act or omission of a dishonest, deceitful, or fraudulent nature in the conduct of their activities.
- 1.4 Exercise sound professional judgment in the service delivery process.
- 1.5 Assure that their practice is consistent with current federal and State law and regulation.
- 1.6 Refrain from imposing their personal standards, beliefs, or cultural values on others.
- 1.7 Avoid public behavior during provision of benefits planning services that violates commonly accepted moral and ethical standards or otherwise causes public disrepute.
- 1.8 Respect the integrity of any institution, organization, or firm with which they are associated when making oral or written statements, and, in those instances where they are critical policies, will attempt to effect change by constructive and responsible actions.
- 1.9 Oppose employment practices which result in illegal or otherwise unjustifiable discrimination on any basis in hiring, promotion, or training.

Section 2 – Vendor/Consumer Relationship

DORS-approved benefits planning vendors shall carry out their duties consistent with the principles of respect for individual dignity, personal responsibility, self-determination, and informed choice in the provision of services for individuals with disabilities.

Rules of Conduct

DORS-approved benefits planning vendors will:

- 2.1 Make clear to consumers the purposes, goals, and limitations that may affect professional relationships.
- 2.2 Not accept a fee, gratuity, property, loan, promise, or any other form of remuneration from consumers.
- 2.3 Not accept gifts or personal services from consumers.
- 2.4 Not accept a referral from DORS for provision of benefits planning services to a family member, spouse, companion or any other individual with whom a personal relationship exists. (In such an instance, the DORS counselor will identify a different benefits planner.)
- 2.5 Not misrepresent their role or competence to consumers; will provide information about their credentials, upon request.
- 2.6 Not establish any type of personal or social relationship with consumers.
- 2.7 Not engage in or condone harassment as defined in the [Commission of Certification of Rehabilitation Counselors Code of Professional Ethics for Rehabilitation Counselors](#), effective January 2023:

HARASSMENT: Unwelcome conduct—whether verbal, written, physical, or visual—that is based upon a person’s legally protected status. This includes sexual harassment, defined as sexual solicitation, physical advances, or verbal

or nonverbal conduct that is sexual in nature. Harassment occurs when (1) CRCs/CCRCs know or are told the act is unwelcome, offensive, or creates a hostile workplace or learning environment and (2) the act(s) would be perceived as harassment to a reasonable person or persons in the context in which the behavior occurred. Harassment may occur in person or through electronic format.

- 2.8 Not condone or engage in activities which exploit consumers for personal gain, expect or demand receipt of any benefit or otherwise impose demands which compromise the delivery of professional services.
- 2.9 Honor the rights of consumers to consent to participate in benefits planning services and inform them or their legal representatives, as appropriate, of their options and impact of each option on benefits.
- 2.10 Recognize that families and others are often an important factor in helping an individual understand their benefits, work incentives, and the impact of going to work; and strive to enlist their understanding and involvement if the individual with a disability requests, desires, or needs such support.
- 2.11 Avoid initiating or continuing a service relationship if it is expected that the relationships will be of no benefit, in which case appropriate alternatives will be suggested.
- 2.12 Assure that information about benefits and work incentives is provided in the requested alternate format of the consumer. If the vendor is unable to provide information in alternate formats, she or he will notify the referring DORS staff member and either make other arrangements to secure the alternate formats, or decline to provide services to the consumer.
- 2.13 Not condone or engage in discrimination based on age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, marital status, or socioeconomic status.
- 2.14 Demonstrate respect for consumers' cultural backgrounds.

Section 3 – Consumer/Claimant Advocacy

DORS-approved benefits planning vendors shall advocate for people with disabilities within the parameters established by the Rehabilitation Act, the Social Security Act, and other federal and State laws and regulations.

Rules of Conduct

DORS-approved benefits planning vendors will:

- 3.1 Strive to understand accessibility problems of individuals with cognitive, hearing, mobility, and/or visual disabilities and demonstrate such understanding in the practice of their profession.
- 3.2 Strive to eliminate attitudinal barriers, including stereotyping and discrimination, toward individuals with disabilities and will enhance their own sensitivity and awareness toward individuals with disabilities.

Section 4 – Professional Relationships

DORS-approved benefits planning vendors shall act with integrity in their relationships with colleagues, other organizations, agencies, institutions, referral sources, and other professions so as to facilitate the planning and delivery of effective services for their consumers.

Rules of Conduct

DORS-approved benefits planning vendors will:

- 4.1 Promptly supply all necessary information to the referring DORS rehabilitation specialist regarding services delivered to consumers.
- 4.2 Not attempt to influence consumers or rehabilitation specialists to refer consumers to the vendor who are already being served by another vendor.
- 4.3 Not accept gifts (aside from a token of nominal value not exceeding \$5) from partner agencies, other DORS vendors, or DORS employees.
- 4.4 Not discuss with consumers other staff or agencies, the judgments which they make, or the methods which they use to develop and provide services.
- 4.5 Not seek or accept assignment from DORS to deliver services to family members.
- 4.6 Not exploit their professional relationships with others, sexually or otherwise. DORS vendors will not condone or engage in sexual harassment as defined by the MSDE Policy on Sexual Harassment (see attached).
- 4.7 Report information concerning an alleged violation of Ethical Guidelines directly to the DORS Administration & Financial Services Director.

Section 5 – Confidentiality

DORS-approved benefits planning vendors shall respect the confidentiality of information obtained from consumers in the course of their work, consistent with agency policy and procedures. Vendors shall gather only personal information needed to deliver appropriate benefits planning services, and shall access confidential information of consumers only on a need to know basis.

Rules of Conduct

DORS-approved benefits planning vendors will:

- 5.1 Inform consumers during benefits planning of the extent and limits of confidentiality.
- 5.2 Take responsible professional action to protect a consumer or other persons if there is a threat to their safety or the safety of others; and will take such actions only after careful deliberations and consultation with others, including the DORS Administration & Financial Services Director.
 - 5.2.1 Report suspected abuse or neglect of a child to the local social services department or appropriate law enforcement agency as required by Maryland Code Ann., Family Law Art. Title 5, Subtitle 7.

- 5.2.2 Report suspected abuse, neglect, self-neglect, or exploitation to the local social services department as required by Maryland Code Ann., Family Law Art. Title 5, Subtitle 14.
- 5.2.3 Any person who reports abuse or neglect of a child; or reports abuse, neglect, or exploitation of a vulnerable adult; as required by the Maryland Family Law Art., or participates in an investigation or a resulting judicial proceeding is entitled to immunity from civil liability or criminal penalty. Maryland Code Ann., Family Law Art. §§5-708 and 14-309.
- 5.3 Not forward to another person, agency, or potential employer, any confidential information without the written permission of consumers or their legal guardians, except as permitted by law or regulation.
- 5.4 Inform other parties encountered during the delivery of benefits planning services of confidentiality policies and procedures as necessary.
- 5.5 Safeguard the maintenance, storage, and disposal of the records, both hard copy and electronic, of consumers so that unauthorized persons shall not have access to these records. This includes refraining from:
- a. Accessing confidential information that is not within the scope of the job assignment.
 - b. Disclosing a username or password credentials used to access confidential data.
 - c. Leaving a secure application open unattended exposing confidential information.
 - d. Disclosing or altering confidential information without proper authorization.
- 5.6 Make reasonable efforts in all communication with consumers to safeguard the confidentiality of the consumer's private information. When meeting with consumers, vendors will ensure that conversations are held in private settings or, if it is necessary to meet in public spaces, will take necessary precautions to ensure that confidential information is not disclosed to others (e.g., meeting away from other people, speaking or signing in a manner not audible or visible to others, use written or electronic communication if necessary to avoid disclosing private information to others, etc.).
- 5.7 Present only germane data in the preparation of written and oral reports, and make every effort to avoid undue invasion of privacy.
- 5.8 Obtain written permission from consumers or their legal guardians prior to taping or otherwise recording consumer sessions. Even with guardians' written consent, DORS-approved benefits planning vendors shall not record sessions against the expressed wishes of consumers.
- 5.9 Contact employers of consumers only with the consumer's explicit permission of the consumer, and then provide to, or request from, the employer only information necessary to provide appropriate benefits planning services, such as verifying wages and benefits and verifying employer subsidies.

Section 6 – Competence

DORS-approved benefits planning vendors shall establish and maintain their competencies at such a level that their consumers receive the benefit of the highest quality of services the vendor is capable of offering.

Rules of Conduct

DORS-approved benefits planning vendors will:

- 6.1 Function within the limits of their defined role, training, and technical competency and accept only those referrals for which they are qualified.
- 6.2 Continuously strive through reading, attending professional meetings, or taking courses of instruction to keep abreast of new developments, concepts, and practices that are essential to providing the highest quality of services to consumers. Vendors will satisfy all the requirements to maintain the professional credential as specified by the educational institution through which the individual initially obtained the credential.
- 6.3 Read and apply information disseminated to vendors by DORS management, requesting clarification of implications if needed.

Appendix A

State of Maryland Policy on Sexual Harassment in the Workplace

Maryland State government is dedicated to a strong policy against discrimination on the basis of any factor prohibited by law, including sex, as set forth in Title VII of the Civil Rights Act of 1964; the Annotated Code of Maryland State Personnel and Pensions Article, Title 5, Subtitle 2; the Annotated Code of Maryland, State Government Article, Title 20; Maryland Code of Fair Employment Practices (Executive Order 01.01.2007.16) and the United States Equal Employment Opportunity Commission Policy Guidance on Sexual Harassment. Sexual harassment is a type of discrimination that is not only illegal but is in conflict with the personnel practices of the State of Maryland.

Sexual Harassment is defined as conduct which need not be severe or pervasive, that consists of unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when (1) submission to the conduct is made either explicitly or implicitly a term or condition of employment of an individual; (2) submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or (3) based on the totality of the circumstances, the conduct unreasonably creates a working environment that a reasonable person would perceive to be abusive or hostile.

An employee who believes that they are a victim of sexual harassment should report the alleged incident promptly to the agency's Fair Practices Officer, Equal Employment Opportunity (EEO) Officer, supervisor or any other management representative. A prompt and thorough investigation of the complaint must be conducted by the EEO Officer, or other designee assigned to investigate the complaint to determine whether a violation has occurred. Any employee found to have engaged in sexual harassment will be subject to appropriate disciplinary action, up to and including dismissal from employment. Retaliation against an employee for filing a complaint or participating in an investigation is not permitted.

All State government employees are provided the opportunity to work in an environment free from sexual harassment. Cabinet Secretaries and other agency heads have the responsibility to ensure compliance with this policy, including the prompt investigation and resolution of all complaints of sexual harassment.

All employees are to be given a copy of this policy and advised of the name and telephone number of the agency's Fair Practices Officer and EEO Officer. This policy should be posted conspicuously in all State work sites.

For Further Information or to File a Complaint of Sexual Harassment, Contact:

Delinda Johnson Blake, Director

Office of Equity Assurance and Compliance, Room 610

200 West Baltimore Street, Baltimore, Maryland, 21201

410-767-1126 (o) / 443-928-8236 (c) / Delinda.blake1@maryland.gov

Deaf and/or Hard of Hearing Use Relay

Appendix B
DORS Ethical Standards Agreement
for Benefits Planning Vendors
Acknowledgement

I hereby certify that I have received and read a copy of the **DORS Ethical Standards Agreement for Benefits Counseling Vendors**.

I hereby agree to abide by all of the standards and rules detailed in this agreement and in **Attachment A: State of Maryland Policy on Sexual Harassment in the Workplace** during the performance of my duties as a DORS-approved Benefits Planning Provider/Vendor.

Benefits Planning Vendor Name

Benefits Planning Vendor Signature & Date