

Maryland State Department of Education (MSDE)

Division of Rehabilitation Services (DORS)

**DORS Ethical Standards Agreement for
Benefits Planning Vendors**

Each Division of Rehabilitation Services 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 Division of Rehabilitation Services vendor.

Ethical Standards. Standards are described in the following sections/categories:

- Section 1 – Moral and Legal Standards
- Section 2 – Employee Consumer/Claimant 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 Division of Rehabilitation Services Benefits Planning vendors. Division of Rehabilitation Services vendors are expected to perform their duties in accordance with these guidelines; violation may result in sanctions or termination of Division of Rehabilitation Services vendor status.

Section 1 – Moral and Legal Standards

Benefits Planning vendors of the Division of Rehabilitation Services 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

Benefits Planning vendors of the Division of Rehabilitation Services:

- 1.1 Will obey the laws and statutes in the jurisdictions in which they provide services as Division of Rehabilitation Services vendors and are subject to sanctions or termination of Division of Rehabilitation Services vendor status for any violation, to the extent that such violation results in misconduct.

1.1.1 Will make certain that, if they have contact with students who are receiving Pre-Employment Transition 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 5-561 through 5-567.

1.1.2 Will, at all times, be compliant with the Criminal Procedure Article, Annotated Code of Maryland, Section 11-722, and, in the case of benefits planning providers with multiple staff, not knowingly employ an individual who is a registered child sex offender to provide Pre-Employment Transition Services on school property or property where formal or informal child care is provided. A benefits planning provider is prohibited from performing any benefits planning as a Pre-Employment Transition Service, on their own premises or the premises of their employer, if that benefits planner is a registered child sex offender.

- 1.2 Will 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 Will not engage in any act or omission of a dishonest, deceitful, or fraudulent nature in the conduct of their activities.
- 1.4 Will exercise sound professional judgment in the service delivery process.
- 1.5 Will assure that their practice is consistent with current federal and state law and regulation.
- 1.6 Will refrain from imposing their personal standards, beliefs or cultural values on others.
- 1.7 Will avoid public behavior during provision of benefits planning services that violates commonly accepted moral and ethical standards or otherwise causes public disrepute.
- 1.8 Will 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 Will oppose employment practices which result in illegal or otherwise unjustifiable discrimination on any basis in hiring, promotion, or training.

Section 2 – Vendor/Consumer Relationship

Benefits Planning vendors of the Division of Rehabilitation Services 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

Benefits Planning vendors of the Division of Rehabilitation Services:

- 2.1 Will make clear to consumers the purposes, goals, and limitations that may affect professional relationships.
- 2.2 Will not accept a fee, gratuity, property, loan, promise or any other form of remuneration from consumers.
- 2.3 Will not accept gifts or personal services from consumers.
- 2.4 Will not accept a referral from the Division of Rehabilitation Services 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 Division of Rehabilitation Services counselor will identify a different benefits planner.)
- 2.5 Will not misrepresent their role or competence to consumers; will provide information about their credentials, upon request.
- 2.6 Will not establish any type of personal or social relationship with consumers.
- 2.7 Will not engage in or condone sexual harassment as defined in the Commission of Certification of Rehabilitation Counselors Code of Professional Ethics for Rehabilitation Counselors, effective 1/2010:

SEXUAL HARASSMENT: sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with professional activities or roles, and (1) rehabilitation counselors know or are told the act is unwelcome, offensive, or creates a hostile workplace or learning environment; and (2) is sufficiently severe or intense to be perceived as harassment to a reasonable person in the context in which the behavior occurred. Sexual harassment may consist of a single intense or severe act considered

harassment by a reasonable person, or multiple persistent or pervasive acts.

- 2.8 Will 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 Will honor the rights of consumers to consent to participate in benefits planning services; will inform them or their legal representatives, as appropriate, of their options and impact of each option on benefits.
- 2.10 Will 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 will strive to enlist their understanding and involvement if the individual with a disability requests, desires or needs such support.
- 2.11 Will 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 Will 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 Division of Rehabilitation Services staff member and either make other arrangements to secure the alternate formats, or decline to provide services to the consumer.
- 2.13 Will 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 Will demonstrate respect for consumers' cultural backgrounds.

Section 3 – Consumer/Claimant Advocacy

Benefits Planning vendors of the Division of Rehabilitation Services 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

Benefits Planning vendors of the Division of Rehabilitation Services:

- 3.1 Will strive to understand accessibility problems of individuals with cognitive, hearing, mobility, visual and/or disabilities and demonstrate such understanding in the practice of their profession.
- 3.2 Will 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

Benefits Planning vendors of the Division of Rehabilitation Services 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

Benefits Planning vendors of the Division of Rehabilitation Services:

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

Section 5 – Confidentiality

Benefits Planning vendors of the Division of Rehabilitation Services 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

Benefits Planning vendors of the Division of Rehabilitation Services:

- 5.1 Will inform consumers during benefits planning of the extent and limits of confidentiality.
- 5.2 Will take responsible professional action to protect a consumer or other persons if there is a threat to his or her safety or the safety of others; and will take such actions only after careful deliberations and consultation with others, including the Division of Rehabilitation Services Director of Administration and Financial Services.
 - 5.2.1 Will 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 Will 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 Will 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 Will inform other parties encountered during the delivery of benefits planning services of confidentiality policies and procedures as necessary.
- 5.5 Will 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, and (d) disclosing or altering confidential information without proper authorization.
- 5.6 Will 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 Will, in the preparation of written and oral reports, present only germane data and make every effort to avoid undue invasion of privacy.
- 5.8 Will obtain written permission from consumers or their legal guardians prior to taping or otherwise recording consumer sessions. Even with guardians' written consent,

Division of Rehabilitation Services vendors shall not record sessions against the expressed wishes of consumers.

- 5.9 Will contact employers of consumers only with the 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

Benefit Planning vendors of the Division of Rehabilitation Services 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

Benefits Planning vendors of the Division of Rehabilitation Services:

- 6.1 Will function within the limits of their defined role, training and technical competency and will accept only those referrals for which they are qualified.
- 6.2 Will 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 Will read and apply information disseminated to vendors by Division of Rehabilitation Services management, requesting clarification of implications if needed.

Attachment: Maryland State Department of Education Sexual Harassment Policy

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