

**Maryland State Department of Education
Division of Rehabilitation Services**

**DORS Ethical Standards Agreement for
Career Assessment Private Practitioners**

Each DORS-approved Private Practitioner of Career Assessment Services (CAS) is required to read this agreement and abide by the ethical standards and rules it specifies during the performance of all career assessment services provided as a Division of Rehabilitation Services (DORS) vendor/practitioner. Signature of the CAS Practitioner on the Cooperative Agreement to which this is attached confirms agreement to abide by these ethical practices. This is in addition to their obligation to abide by applicable Codes of Ethics of certifying entities (e.g., Certified Vocational Evaluators, Professional Vocational Evaluators, and Certified Rehabilitation Counselors).

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 CAS Private Practitioners providing services to DORS. CAS Private Practitioners are expected to perform their duties in accordance with these guidelines; violation may result in sanctions or termination of DORS vendor/practitioner status.

Section 1 – Moral and Legal Standards

CAS Private Practitioners providing services to DORS 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

CAS Private Practitioners:

- 1.1 Will obey the laws and statutes in the jurisdictions in which they provide services as DORS vendors/practitioners and are subject to sanctions or termination of DORS vendor/practitioner status for any violation, to the extent that such violation results in misconduct.
 - 1.1.1 Make certain that, if the vendor has contact with DORS consumers, they 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 Vendors are prohibited from providing any services to a DORS consumer if that practitioner is a registered 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 career assessment 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 of 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

CAS Private Practitioners providing services to DORS 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

CAS Private Practitioners:

- 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 DORS for provision of career assessment 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 CAS practitioner.)
- 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 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) Vendors 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 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 career assessment services; will inform them or their legal representatives, as appropriate, of their options and impact of each option.
- 2.10 Will recognize that families and others are often an important factor in determining employment options and will contact family members as appropriate.
- 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 the individual will be provided appropriate accommodations, including provision of alternate formats and translation services.
- 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 Advocacy

CAS Private Practitioners providing services to DORS shall advocate for people with disabilities within the parameters established by the Rehabilitation Act and other pertinent federal and state laws and regulations.

Rules of Conduct

CAS Private Practitioners:

- 3.1 Will strive to understand accessibility problems of individuals with cognitive, hearing, mobility, visual and/or other 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

CAS Private Practitioners providing services to DORS 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

CAS Private Practitioners:

- 4.1 Will promptly supply all necessary information to the referring DORS 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 \$5.00 from partner agencies, other DORS vendors, or DORS 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 DORS to deliver services to family members.
- 4.6 Will 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 [Appendix A](#)).
- 4.7 Will report information concerning an alleged violation of Ethical Guidelines directly to the Director of DORS Office of Administration & Financial Services (AFS).

Section 5 – Confidentiality

DORS CAS Private Practitioners shall respect the confidentiality, privacy, and security of information obtained from consumers, DORS, MSDE, or other authorized sources in the course of their work, consistent with agency policy, applicable law, regulation, contract requirements, and DORS procedures. CAS Private Practitioners shall gather, access, use, disclose, store, transmit, retain, and dispose of consumer and program information only as necessary to deliver authorized services and only on a need-to-know basis.

For purposes of this section, confidential information includes, but is not limited to, consumer records, personally identifiable information, protected or sensitive personal information, disability-related information, Social Security numbers, medical, educational, vocational, financial, case-management, referral, authorization, billing, assessment, employment, and service-delivery information, whether maintained in paper, verbal, electronic, or any other form.

Rules of Conduct

CAS Private Practitioners:

- 5.1 Will inform consumers during the counseling relationship 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 DORS AFS Director.
 - 5.2.1 Report suspected of 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 14, Subtitle 3.

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, disclose, transmit, upload, copy, or otherwise provide confidential information to another person, agency, organization, subcontractor, technology platform, artificial intelligence tool, cloud service, personal account, personal device, or potential employer without the written permission of consumers or their legal guardians, and authorization from DORS where required, except as permitted by law, regulation, contract, or DORS policy.

5.4 Will inform other parties encountered during the delivery of career assessment 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 vendor's authorized job assignment or service authorization.
- b. Disclosing, sharing, reusing, or failing to protect usernames, passwords, multi-factor authentication methods, access tokens, or other credentials used to access confidential information or DORS systems.
- c. Leaving a secure application, device, file, paper record, email, browser session, or workspace open or unattended in a manner that may expose confidential information.
- d. Disclosing, altering, deleting, downloading, copying, photographing, printing, transmitting, or otherwise using confidential information without proper authorization.
- e. Storing DORS or consumer information on personal email accounts, personal cloud storage, unauthorized file-sharing platforms, removable media, or personally owned devices unless expressly authorized by DORS in writing.
- f. Using consumer or DORS information with generative artificial intelligence tools, automated transcription tools, external analytics tools, or other third-party technology services unless expressly authorized by DORS in writing.
- g. Transmitting confidential information by unsecured methods, including unencrypted email or text message, unless specifically authorized and necessary for service delivery.
- h. Discussing confidential information in public areas or in any setting where the information may be overheard or observed by unauthorized persons.

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, CAS Private Practitioners 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, using written or electronic communication if necessary to avoid disclosing private information to others, etc.).

- 5.7 Present only relevant data in the preparation of written and oral reports and make every effort to avoid undue invasion of privacy. Vendors shall use the minimum amount of confidential information necessary to complete the authorized service, report, communication, billing activity, or other approved purpose.
- 5.8 Obtain written permission from consumers or their legal guardians prior to taping, photographing, video recording, audio recording, screen recording, transcribing, or otherwise recording consumer sessions or consumer information. Even with guardians' written consent, DORS vendors shall not record sessions against the expressed wishes of consumers. Vendors shall not use automated recording, transcription, or meeting-summary tools unless expressly authorized by DORS and disclosed to the consumer as appropriate.
- 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 career assessment services, such as verifying employment history and job duties.
- 5.10 Maintain administrative, physical, and technical safeguards appropriate to the sensitivity of DORS and consumer information. Such safeguards shall include reasonable measures to prevent unauthorized access, loss, theft, misuse, disclosure, alteration, or destruction of confidential information.
- 5.11 Ensure that any employees, agents, temporary staff, volunteers, or subcontractors who may access DORS or consumer information are authorized, appropriately trained, and bound by confidentiality, privacy, and security obligations at least as protective as those contained in this agreement. The vendor remains responsible for the actions or omissions of such individuals.
- 5.12 Promptly report any actual or suspected unauthorized access, disclosure, loss, theft, misuse, alteration, transmission, compromise, or improper disposal of DORS or consumer information to the referring DORS staff member and the DORS AFS Director, or other DORS-designated contact, as soon as discovered. Vendors shall cooperate with DORS, MSDE, and other appropriate authorities in reviewing, investigating, mitigating, documenting, and responding to such incidents.
- 5.13 Preserve relevant records, logs, communications, devices, files, and other information related to an actual or suspected confidentiality, privacy, or security incident until DORS provides further direction.
- 5.14 Retain DORS and consumer records only for the period necessary to complete the authorized service, meet applicable legal, regulatory, contractual, audit, billing, or records-retention requirements, or as otherwise directed by DORS. Vendors shall not retain DORS or consumer information for personal, unrelated business, marketing, training, research, artificial intelligence model development, or other unauthorized purposes.
- 5.15 Return, transfer, archive, or securely destroy DORS and consumer information at the conclusion of services, termination of vendor status, expiration of the applicable retention period, or upon request by DORS, unless retention is required by law, regulation, contract, audit, or written DORS direction. Secure destruction shall be appropriate to the format of the information, including shredding paper records and securely deleting electronic records so they cannot reasonably be reconstructed.

- 5.16 Notify DORS if the vendor is unable to comply with any confidentiality, privacy, security, reporting, or retention requirement in this section before accepting or continuing services involving confidential information.

Section 6 – Competence

CAS Private Practitioners providing services to DORS 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

CAS Private Practitioners:

- 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/practitioners will perform the necessary obligations to secure and maintain their ICVE certification.
- 6.3 Will read and apply information disseminated to vendors/practitioners 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 CAS Private Practitioner Ethical Standards Agreement
Acknowledgement

I hereby certify that I have received and read a copy of the [DORS CAS Private Practitioner Ethical Standards Agreement.](#)

I hereby agree to abide by all the standards and rules detailed in this agreement and during the performance of services as a DORS Vendor.

CAS Practitioner Name

CAS Practitioner Signature & Date