



Commission for Case Manager Certification

CODE OF PROFESSIONAL CONDUCT *for* CASE MANAGERS

With Standards, Rules, Procedures, and Penalties

ADOPTED BY THE
COMMISSION FOR CASE MANAGER CERTIFICATION® (CCMC®)



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PREAMBLE

Case management is a professional, collaborative and interdisciplinary practice guided by the Code of Professional Conduct (the Code).

The objective of the Code is to protect the public interest. The Code consists of Principles, Rules of Conduct, and Standards for Professional Conduct, as well as the Commission for Case Manager Certification (CCMC) Procedures for Processing Complaints.

The Principles provide normative guidelines and are advisory in nature. The Rules of Conduct and the Standards for Professional Conduct prescribe the level of conduct required of every Board-Certified Case Manager (“CCM®”). Compliance with these levels of conduct is mandatory. Board-Certified Case Managers (CCMs) who become aware of unethical behavior of others are obligated to report such alleged infractions. Enforcement will be through the CCMC Procedures for Processing Complaints. In addition, Board-Certified Case Managers (CCMs) who face ethical dilemmas regarding their own practice and/or ethical challenges that arise in the course of professional practice are encouraged to consult the Code frequently for advice. An opinion can be requested from CCMC’s Ethics & Professional Conduct Committee.

In this document, the term, “client,” is used to refer to the individual to whom a Board-Certified Case Manager provides services. Board Certification refers to certification as a Certified Case Manager (CCM®). “Payor” is used to refer to the Board-Certified Case Manager’s (CCM) or the Client’s reimbursement source.

Board-Certified Case Managers (CCMs) recognize that their actions or inactions can aid or hinder clients in achieving their objectives. Board-Certified Case Managers (CCMs) accept responsibility for their behavior. Board-Certified Case Managers (CCMs) may be called upon to provide a variety of services and they are obligated to do so in a manner that is consistent with their education, skills, moral character, and within the boundary of their competence and experience. In providing services, Board-Certified Case Managers (CCMs) must adhere to the Code of Professional Conduct for Case Managers as well as the professional code of ethics for their specific professional discipline.

Adopted November 1996
Revised June 2001
Revised January 2003
Revised June 2004
Revised January 2009
Revised (Part II) January 2014
Revised (Part I) January 2015

PRINCIPLES

- PRINCIPLE 1:** Board-Certified Case Managers (CCMs) will place the public interest above their own at all times.
- PRINCIPLE 2:** Board-Certified Case Managers (CCMs) will respect the rights and inherent dignity of all of their clients.
- PRINCIPLE 3:** Board-Certified Case Managers (CCMs) will always maintain objectivity in their relationships with clients.
- PRINCIPLE 4:** Board-Certified Case Managers (CCMs) will act with integrity and fidelity with clients and others.
- PRINCIPLE 5:** Board-Certified Case Managers (CCMs) will maintain their competency at a level that ensures their clients will receive the highest quality of service.
- PRINCIPLE 6:** Board-Certified Case Managers (CCMs) will honor the integrity of the CCM designation and adhere to the requirements for its use.
- PRINCIPLE 7:** Board-Certified Case Managers (CCMs) will obey all laws and regulations.
- PRINCIPLE 8:** Board-Certified Case Managers (CCMs) will help maintain the integrity of the Code, by responding to requests for public comments to review and revise the code, thus helping ensure its consistency with current practice.

CCMC RULES OF CONDUCT

Violation of any of these rules may result in disciplinary action by the Commission up to and including revocation of the individual's certification.

RULE 1:

A Board-Certified Case Manager (CCM) will not intentionally falsify an application or other documents.

RULE 2:

A Board-Certified Case Manager (CCM) will not be convicted of a felony.

RULE 3:

A Board-Certified Case Manager (CCM) will not violate the code of ethics governing the profession upon which the individual's eligibility for the CCM designation is based.

RULE 4:

A Board-Certified Case Manager (CCM) will not lose the primary professional credential upon which eligibility for the CCM designation is based.

RULE 5:

A Board-Certified Case Manager (CCM) will not violate or breach the Standards for Professional Conduct

RULE 6:

A Board-Certified Case Manager (CCM) will not violate the rules and regulations governing the taking of the certification examination and maintenance of CCM Certification.

SCOPE OF PRACTICE FOR CASE MANAGERS

Case management is a professional, collaborative and inter-disciplinary practice. Board certification indicates that the professional case manager possesses the education, skills, moral character, and experience required to render appropriate services based on sound principles of practice.

Board-Certified Case Managers (CCMs) will practice only within the boundaries of their role or competence, based on their education, skills, and appropriate professional experience. They will not misrepresent their role or competence to clients. They will not represent the possession of the CCM credential to imply a depth of knowledge, skills, and professional capabilities greater than those demonstrated by achievement of certification.

I. UNDERLYING VALUES

- » Board-Certified Case Managers (CCMs) believe that case management is a means for improving client health, wellness and autonomy through advocacy, communication, education, identification of service resources, and service facilitation.

- » Board-Certified Case Managers (CCMs) recognize the dignity, worth and rights of all people.
- » Board-Certified Case Managers (CCMs) understand and commit to quality outcomes for clients, appropriate use of resources, and the empowerment of clients in a manner that is supportive and objective.
- » Board-Certified Case Managers (CCMs) embrace the underlying premise that when the individual(s) reaches the optimum level of wellness and functional capability, everyone benefits: the individual(s) served, their support systems, the health care delivery systems and the various reimbursement systems.
- » Board-Certified Case Managers (CCMs) understand that case management is guided by the ethical principles of autonomy, beneficence, nonmaleficence, justice, and fidelity.

II. DEFINITION OF CASE MANAGEMENT

The practice of case management is a professional and collaborative process that assesses, plans, implements, coordinates, monitors, and evaluates the options and services required to meet an individual's health needs. It uses communication and available resources to promote health, quality, and cost-effective outcomes in support of the "Triple Aim," of improving the experience of care, improving the health of populations, and reducing per capita costs of health care.

III. ETHICAL ISSUES

Because case management exists in an environment that may look to it to solve or resolve various problems in the health care delivery and payor systems, case managers may often confront ethical dilemmas. Case managers must abide by the Code as well as by the professional code of ethics for their specific professional discipline for guidance and support in the resolution of these conflicts.

SELECTED DEFINITIONS

ADVOCACY

The act of recommending, pleading the cause of another; to speak or write in favor of. (*CMSA Standards of Practice, 2010, p 24*)

ASSESSMENT

The process of collecting in-depth information about a client's situation and functioning to identify individual needs in order to develop a comprehensive case management plan that will address those needs. In addition to client contact, information should be gathered from other relevant sources (patient/client, professional caregivers, nonprofessional caregivers, employers, health records, educational/military records, etc.). (*CCMC Certification Guide, p 7*)

AUTONOMY

Agreement to respect another's right to self-determine a course of action; support of independent decision making. (*Beauchamp, T.L. & Childress, J.F. Principles of Biomedical Ethics, 6th Ed. 2009, NY, NY; Oxford University Press, p 38-39*)

BENEFICENCE

Compassion; taking positive action to help others; desire to do good; core principle of client advocacy. (*Beauchamp, T.L. & Childress, J.F. Principles of Biomedical Ethics, 6th Ed. 2009, NY, NY; Oxford University Press, p 38-39*)

CLIENT

Individual who is the recipient of case management services. This individual can be a patient, beneficiary, injured worker, claimant, enrollee, member, college student, resident, or health care consumer of any age group. In addition, when client is used, it may also infer the inclusion of the client's support. (*CMSA Standards of Practice, 2010 p 24*)

CARE COORDINATION

The deliberate organization of patient care activities between two or more participants (including the patient) involved in a patient's care to facilitate the appropriate delivery of health care services. Organizing care involves the marshalling of personnel and other resources to carry out all required patient care activities, and is often managed by the exchange of information among participants responsible for different aspects of care. (*CMSA Standards of Practice, 2010 p 24*)

COORDINATION

The process of organizing, securing, integrating, modifying, and documenting the resources necessary to accomplish the goals set forth in the case management plan. (*CCMC Certification Guide, p 7*)

EVALUATION

The process, repeated at appropriate intervals, of determining and documenting the case management plan's effectiveness in reaching desired outcomes and goals. This might lead to a modification or change in the case management plan in its entirety or in any of its component parts. (*CCMC Certification Guide, p 7*)

FIDELITY

The ethical principle that directs people to keep commitments or promises. (*Cottone, R.R. & Tarvydas, V.M., Counseling Ethics and Decision Making, 3rd Ed 2007, Pearson Merrill Prentice Hall, New Jersey, p 500*)

IMPLEMENTATION

The process of executing and documenting specific case management activities and/or interventions that will lead to accomplishing the goals set forth in the case management plan. (*CCMC Certification Guide, p 7*)

INTER-DISCIPLINARY

Collaboration occurs among different disciplines that address inter-connected aspects of the client's defined health problem or needs. The members of the team bring their own theories and frameworks to bear on the problem and connections are sought among the disciplines to improve client outcomes. (*Albrecht, Freeman, & Higginbotham, 1998*)

JUSTICE

The ethical principle that involves the idea of fairness and equality in terms of access to resources and treatment by others. (*Cottone, R.R. & Tarvydas, V.M., Counseling Ethics and Decision Making, 3rd Ed 2007, Pearson Merrill Prentice Hall, New Jersey, p 501*)

MONITORING

The ongoing process of gathering sufficient information from all relevant sources and its documentation regarding the case management plan and its activities and/or services to enable the case manager to determine the plan's effectiveness. (*CCMC Certification Guide, p 7*)

PLANNING

The process of determining and documenting specific objectives, goals, and actions designed to meet the client's needs as identified through the assessment process. The plan should be action-oriented and time specific. (*CCMC Certification Guide, p 7*)

VERACITY

Legal principle that states that a health professional should be honest and give full disclosure; abstain from misrepresentation or deceit; report known lapses of the standards of care to the proper agencies. (*Mosby's Dental Dictionary, 2nd Ed, 2008*)

STANDARDS FOR BOARD-CERTIFIED CASE MANAGER (CCM) CONDUCT

SECTION 1: THE CLIENT ADVOCATE

Board-Certified Case Managers (CCMs) will serve as advocates for their clients and perform a comprehensive assessment to identify the client's needs; they will identify options and provide choices, when available and appropriate.

SECTION 2: PROFESSIONAL RESPONSIBILITY

S 1 — REPRESENTATION OF PRACTICE

Board-Certified Case Managers (CCMs) will practice only within the boundaries of their role or competence, based on their education, skills, and professional experience. They will not misrepresent their role or competence to clients.

S 2 — COMPETENCE

Case Management competence is the professional responsibility of the Board-Certified Case Manager, and is defined by educational preparation, ongoing professional development, and related work experience.

S 3 — REPRESENTATION OF QUALIFICATIONS

Board-Certified Case Managers (CCMs) will represent the possession of the CCM credential to imply the depth of knowledge, skills, and professional capabilities as intended and demonstrated by the achievement of board certification.

S 4 — LEGAL AND BENEFIT SYSTEM REQUIREMENTS

Board-Certified Case Managers (CCMs) will obey state and federal laws and the unique requirements of the various reimbursement systems by which clients are covered.

S 5 — USE OF CCM DESIGNATION

The designation of Certified Case Manager and the initials "CCM" may only be used by individuals currently certified by the Commission for Case Manager Certification. The credential is only to be used by the individual to whom it is granted, and cannot be transferred to another individual or applied to an organization.

S 6 — CONFLICT OF INTEREST

Board-Certified Case Managers (CCMs) will fully disclose any conflict of interest to all affected parties, and will not take unfair advantage of any professional relationship or exploit others for personal gain. If, after full disclosure, an objection is made by any affected party, the Board-Certified Case Manager (CCM) will withdraw from further participation in the case.

S 7 — REPORTING MISCONDUCT

Anyone possessing knowledge not protected as confidential that a Board-Certified Case Manager (CCM) may have committed a violation as to the provisions of this Code is required to promptly report such knowledge to CCMC.

S 8 — COMPLIANCE WITH PROCEEDINGS

Board-Certified Case Managers (CCMs) will assist in the process of enforcing the Code by cooperating with inquiries, participating in proceedings, and complying with the directives of the Ethics & Professional Conduct Committee.

SECTION 3: CASE MANAGER/CLIENT RELATIONSHIPS

S 9 — DESCRIPTION OF SERVICES

Board-Certified Case Managers (CCMs) will provide the necessary information to educate and empower clients to make informed decisions. At a minimum, Board-Certified Case Managers (CCMs) will provide information to clients about case management services, including a description of services, benefits, risks, alternatives and the right to refuse services. Where applicable, Board-Certified Case Managers (CCMs) will also provide the client with information about the cost of case management services prior to initiation of such services.

S 10 — RELATIONSHIPS WITH CLIENTS

Board-Certified Case Managers (CCMs) will maintain objectivity in their professional relationships, will not impose their values on their clients, and will not enter into a relationship with a client (business, personal, or otherwise) that interferes with that objectivity.

S 11 — TERMINATION OF SERVICES

Prior to the discontinuation of case management services, Board-Certified Case Managers (CCMs) will document notification of discontinuation to all relevant parties consistent with applicable statutes and regulations.

SECTION 4: CONFIDENTIALITY, PRIVACY, SECURITY AND RECORDKEEPING

S 12 — LEGAL COMPLIANCE

Board-Certified Case Managers (CCMs) will be knowledgeable about and act in accordance with federal, state, and local laws and procedures related to the scope of their practice regarding client consent, confidentiality, and the release of information.

S 13 — DISCLOSURE

Board-Certified Case Managers (CCMs) will inform the client that information obtained through the relationship may be disclosed to third parties, as prescribed by law.

S 14 — CLIENT PROTECTED HEALTH INFORMATION

As required by law, Board-Certified Case Managers (CCMs) will hold as confidential the client's protected health information, including data used for training, research, publication, and/or marketing unless a lawful, written release regarding this use is obtained from the client/legal representative.

S 15 — RECORDS

Board-Certified Case Managers (CCMs) will maintain client records, whether written, taped, computerized, or stored in any other medium, in a manner designed to ensure confidentiality.

S 16 — ELECTRONIC MEDIA

Board-Certified Case Managers (CCMs) will be knowledgeable about, and comply with, the legal requirements for privacy, confidentiality and security of the transmission and use of electronic health information. Board-Certified Case Managers (CCMs) will be accurate, honest, and unbiased in reporting the results of their professional activities to appropriate third parties.

S 17 — RECORDS: MAINTENANCE/STORAGE AND DISPOSAL

Board-Certified Case Managers (CCMs) will maintain the security of records necessary for rendering professional services to their clients and as required by applicable laws, regulations, or agency/institution procedures, (including but not limited to secured or locked files, data encryption, etc.). Subsequent to file closure, records will be maintained for the number of years consistent with jurisdictional requirements or for a longer period during which maintenance of such records is necessary or helpful to provide reasonably anticipated future services to the client. After that time, records will be destroyed in a manner assuring preservation of confidentiality, such as by shredding or other appropriate means of destruction.

SECTION 5: PROFESSIONAL RELATIONSHIPS

S 18 — TESTIMONY

Board-Certified Case Managers (CCMs), when providing testimony in a judicial or non-judicial forum, will be impartial and limit testimony to their specific fields of expertise.

S 19 — DUAL RELATIONSHIPS

Dual relationships can exist between the Board-Certified Case Manager and the client, payor, employer, friend, relative, research study and/or other entities. All dual relationships and the nature of those relationships must be disclosed by describing the role and responsibilities of the Board-Certified Case Manager (CCM).

S 20 — UNPROFESSIONAL BEHAVIOR

It is unprofessional behavior if the Board-Certified Case Manager (CCM):

- » commits a criminal act;
- » engages in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- » engages in conduct involving discrimination against a client because of race, ethnicity, religion, age, gender, sexual orientation, national origin, marital status, or disability/handicap;
- » fails to maintain appropriate professional boundaries with the client;
- » engages in sexually intimate behavior with a client; or accepts as a client an individual with whom the Board-Certified Case Manager (CCM) has been sexually intimate;
- » inappropriately discloses information about a client via social media or other means.

S 21 — FEES

Board-Certified Case Managers (CCMs) will advise the referral source/payor of their fee structure in advance of the rendering of any services and will also furnish, upon request, detailed, accurate time and expense records. No fee arrangements will be made that could compromise health care for the client.

S 22 — ADVERTISING

Board-Certified Case Managers (CCMs) who describe/advertise services will do so in a manner that accurately informs the public of the skills and expertise being offered. Descriptions/advertisements by a Board-Certified Case Manager (CCM) will not contain false, inaccurate, misleading, out-of-context, or otherwise deceptive material or statements. If statements from former clients are used, the Board-Certified Case Manager (CCM) will have a written, signed, and dated release from these former clients. All advertising will be factually accurate and will not contain exaggerated claims as to costs and/or results.

S 23 — SOLICITATION

Board-Certified Case Managers (CCMs) will not reward, pay, or compensate any individual, company, or entity for directing or referring clients, other than as permitted by law and/or corporate policy.

S 24 — RESEARCH: LEGAL COMPLIANCE

Board-Certified Case Managers (CCMs) will plan, design, conduct, and report research in a manner that reflects cultural sensitivity; is culturally appropriate; and is consistent with pertinent ethical principles, federal and state laws, host institution regulations, and scientific standards governing research with human participants.

S 25 — RESEARCH: SUBJECT PRIVACY

Board-Certified Case Managers (CCMs) who collect data, aid in research, report research results, or make original data available will protect the identity of the respective subjects unless appropriate authorizations from the subjects have been obtained as required by law.

Footnotes:

1. Beauchamp, T. L., & Childress, J. F. (2009). Principles of Biomedical Ethics (6th ed., pp. 38-39). New York, NY: Oxford University Press.
2. Beauchamp, T. L., & Childress, J. F. (2009). Principles of Biomedical Ethics (6th ed., pp. 38-39). New York, NY: Oxford University Press.
3. Beauchamp, T. L., & Childress, J. F. (2009). Principles of Biomedical Ethics (6th ed., pp. 152-153). New York, NY: Oxford University Press.

CCMC PROCEDURES FOR PROCESSING COMPLAINTS

The Commission for Case Manager Certification (“CCMC” or “Commission”) has adopted the following Procedures for Processing Complaints (“Procedures”) to govern Complaints (as defined below) submitted to the Ethics & Professional Conduct Committee (“Committee”) that relate to alleged violation of the Code of Professional Conduct for Case Managers (“Code”) by an individual board certified by the Commission as a certified case manager (“CCM”).

RELEASE OF INFORMATION

A Client (as defined below) who files a Complaint or on whose behalf a Complaint is filed is required to grant permission to the Board-Certified Case Manager (CCM), as defined below, to release records of communications and interactions between the Board-Certified Case Manager and Client to the Committee and to answer all questions the Committee may have concerning such communications and interactions. A Complainant (as defined below) who is not a Client, but discloses Client information in connection with a Complaint, must submit with the Complaint written authorization from the Client to disclose such information or remove all such information from the materials submitted to the Committee. A Complainant is required to grant permission to allow the Committee to send copies of all materials submitted in conjunction with a Complaint to the Board-Certified Case Manager (CCM).

HIPAA RELEASE

A Client who files a Complaint or on whose behalf a Complaint is filed is required to submit with the Complaint a HIPAA release in a form acceptable to the Committee.

POWER OF ATTORNEY

A Complainant who is not a Client, but files a Complaint on behalf of a Client, is required to submit with the Complaint a written power of attorney in a form acceptable to the Committee.

INDEMNIFY AND HOLD HARMLESS

A Complainant is required to indemnify and hold CCMC, including, without limitation, Committee members, commissioners, CCMC staff and other persons acting for or on behalf of the Commission or the Committee, harmless

from any and all claims or actions by or on behalf of the Complainant arising out of or relating to the processing of a Complaint and/or decisions made by the Committee in connection therewith.

STATEMENT OF PURPOSE

CCMC is dedicated to promoting the certification of professional case managers through credentialing to advance the quality of case management services provided to Clients. In furthering its objectives and through the Committee, CCMC administers the Code that has been developed and approved by the Commission. The intent of the Commission is to monitor the professional conduct of CCMs to promote sound ethical practices. CCMC does not, however, warrant the performance of any CCM. These Procedures facilitate the work of the Commission and the Committee by specifying procedures for processing claims of alleged violation of the Code by a CCM and sanctioning Board-Certified Case Managers (CCMs) found to have violated the Code.

SECTION A: DEFINITIONS

As used in these Procedures, the following terms have the meanings set forth below:

1. “Board-Certified Case Manager” means a CCM who is alleged to have violated the Code.
2. “Client” means an individual who has received case management services from a CCM.
3. “Complainant” means either a Client, CCM or other person who files a Complaint against a CCM.
4. “Complaint” means the Complaint Form attached to these Procedures that is filed by a Complainant for alleged violation of the Code by a CCM.
5. “Rules” mean the CCMC Rules of Conduct set forth in the Code.
6. “Standards” mean the CCMC Standards for Professional Conduct set forth in the Code.

SECTION B: ETHICS & PROFESSIONAL CONDUCT COMMITTEE

1. Membership:
The Ethics and Professional Conduct Committee (previously defined as “Committee”) is a standing committee of the Commission consisting of a minimum of four (4) members appointed by the Chair of the Commission. A quorum of three (3) members of the Committee is necessary to conduct a hearing or take any other action with respect to the processing of a Complaint unless provided otherwise herein.
2. Disqualification:
In the event that any member of the Committee has a personal, financial or other conflict of interest with respect to matters raised in a Complaint or has

any knowledge of the facts underlying a Complaint [other than what has been provided to all Committee members by the Complainant or Board-Certified Case Manager (CCM)], he/she will withdraw from participating in the case. In the event that the Chair of the Committee (“Committee Chair”) is required to withdraw, the Chair of the Commission will appoint another Committee member to act as Committee Chair for purposes of the particular case.

3. Replacements:

If a member of the Committee excuses himself/herself from participating in a case and insufficient Committee members are available to constitute a quorum, the Chair of the Commission will appoint a former CCMC Commissioner, who is a CCM, to act as a Committee member. In the event that no former CCMC Commissioner is available, the Chair of the Commission will appoint a CCM to act as a Committee member until a sufficient number of members is obtained to constitute a quorum.

4. General Responsibilities:

The members of the Committee have an obligation to act in a fair, impartial and unbiased manner, to work expeditiously, to safeguard the confidentiality of the matters raised in a Complaint and to protect the rights of Complainants and Board-Certified Case Managers (CCMs) in accordance with these Procedures.

5. Jurisdiction:

The Committee has jurisdiction to consider whether a CCM has violated the Code if the Commission receives a Complaint within six (6) months of the alleged violation of the Code. Should a Board-Certified Case Manager (CCM) relinquish his/her CCMC certification once a Complaint has been filed against him/her, the Committee reserves the right in its discretion to terminate proceedings or continue the matter for a final determination in accordance with these Procedures.

6. Legal Advice:

The Committee and/or Committee Chair may consult with and obtain legal advice or assistance from legal counsel at any point during the Complaint process.

» The Committee Chair to the extent the Committee has reason to believe through reliable information received or obtained by it that a CCM has violated the Code.

2. Complaints:

The Committee will accept only signed, written Complaints on the Complaint Form attached to these Procedures. The Complaint must not exceed ten (10) pages exclusive of supporting documentation.

3. Correspondence on Complaints:

All correspondence related to a Complaint must be in writing, marked “CONFIDENTIAL” and addressed to the Ethics & Professional Conduct Committee, CCMC, 1120 Route 73, Suite 200, Mt. Laurel, New Jersey 08054.

4. Timelines:

Except as set forth in Subsection B.5 above and Subsections C.8, D.1 and F.2 below, the timelines set forth in these Procedures are guidelines only and have been established to provide a reasonable framework for processing Complaints. The Committee may grant an extension of a deadline requested by a Complainant or Board-Certified Case Manager (CCM) when justified by unusual circumstances. The Committee may, in its discretion, delay, postpone or terminate its review of a Complaint as provided for in these Procedures.

5. Initial Administration of Complaints:

The responsibilities of the Committee with respect to the receipt of a Complaint include the following:

- » Review Complaints that have been received within the time set forth in Subsection B.5 above;
- » Determine whether the alleged conduct, if true, would violate the Code and, if so, whether the Committee should accept the Complaint under these Procedures;
- » If the Committee determines that a Complaint contains insufficient information to make a determination as to whether the conduct alleged in the Complaint would be cause for action by the Committee, the Committee may request additional proof and/or further written information or supporting documentation from the Complainant; and
- » Notify the Complainant where a Complaint does not comply with these Procedures or where, upon its review, no further action will be taken; or, if action is to be taken, notify the Complainant and Board-Certified Case Manager (CCM) where the Committee has accepted the Complaint for further consideration.

6. Withdrawal of Complaints:

A Complainant may withdraw a Complaint at any time. Notwithstanding such withdrawal, the Committee reserves the right in its discretion to terminate

SECTION C: ETHICS COMPLAINTS

1. Persons Who May File:

The Committee will accept Complaints alleging that a CCM has violated one or more Rules or Standards from any of the following:

- » CCMs or members of the general public who have reason to believe that a CCM has violated the Code.
- » Clients or person acting on behalf of Clients pursuant to a power of attorney who have reason to believe that a CCM has violated the Code; and

proceedings or continue the matter for a final determination in accordance with these Procedures if available evidence is sufficient to do so.

7. Failure to Cooperate:

Complainants and Board-Certified Case Managers (CCMs) are expected to cooperate with the Committee in connection with the processing of a Complaint. In the event of an uncooperative Complainant, the Committee reserves the right in its discretion to terminate proceedings or continue the matter for a final determination in accordance with these Procedures if available evidence is sufficient to do so.

8. Board-Certified Case Manager (CCM) Response:

If the Committee accepts a Complaint, the Board-Certified Case Manager will be notified in writing and given thirty (30) days from receipt of such notice to respond in writing and to submit any additional supporting documentation, records or other materials he/she wishes to be considered by the Committee. The response must not exceed ten (10) pages exclusive of supporting documentation. Failure to respond will not support a determination that the Board-Certified Case Manager (CCM) violated the Code. Should the Committee request further written information or supporting documentation from the Board-Certified Case Manager (CCM), he/she will be given at least fifteen (15) business days from the date of the request to respond.

9. Preliminary Disposition of Complaint:

After receiving a written response from the Board-Certified Case Manager (CCM) or the time to receive such a response has lapsed, the Committee will discuss the Complaint, response (if any) and any supporting documentation properly submitted by the Complainant and Board-Certified Case Manager (CCM). On the basis of those submissions, the Committee may act as follows:

- » If the Committee determines that the submissions do not provide reasonable basis for a violation of the Code or where there is good cause to terminate its review of a Complaint, the case will be closed and the Complainant and Board-Certified Case Manager (CCM) will be notified of such in writing; or
- » If the Committee determines that the submissions provide reasonable basis for a violation of the Code, the Complainant and Board-Certified Case Manager (CCM) will be notified of such in writing. Such notice will include the alleged Code violations at issue.

within fifteen (15) business days of being notified that the Committee determined that there is reasonable basis for a violation of the Code. The Committee also may initiate a hearing in its discretion. If a hearing has been requested by the Board-Certified Case Manager (CCM) or initiated by the Committee, the Committee Chair will schedule a hearing on the Complaint and notify the Complainant and Board-Certified Case Manager (CCM) not less than thirty (30) days prior to the hearing.

2. Purpose:

A hearing will be conducted to determine whether a violation of the Code has occurred and, if so, to determine appropriate disciplinary action.

3. Manner of hearing:

The Committee will determine whether a hearing will be conducted in person or by telephone taking into consideration such things as the location and availability of the Committee members and the Complainant, Board-Certified Case Manager (CCM) and witnesses. In the event a hearing is to be conducted in person, the Complainant and Board-Certified Case Manager (CCM), as well as any witnesses, may participate by telephone.

4. Location of hearing:

The location of the hearing and deliberations in connection therewith will be determined at the discretion of the Committee.

5. Costs to attend hearing:

The Complainant and Board-Certified Case Manager (CCM), as well as all other persons participating in or attending a hearing on their behalf, must pay their own expenses. Parties initiating telephone contact will assume all expenses related to such calls.

6. Conduct of Hearing

- » Review Complaints that have been received
- » A transcript of the hearing will be made and preserved in accordance with Section I below. Regardless of the manner of hearing, no person (other than the Committee or a court reporter retained by or on behalf of the Committee) will be allowed to record the hearing.
- » The Board-Certified Case Manager (CCM) and Complainant will be entitled to have legal counsel or other representative present to advise and represent them throughout the hearing.
- » Legal counsel for CCMC may be present at the hearing to advise the Committee and will have the privilege of the floor.
- » The Board-Certified Case Manager (CCM) and Complainant will be entitled to call witnesses to substantiate their respective version of events underlying the case.
- » The Committee will have the right to call witnesses it believes may provide insight into the issues in the case.

SECTION D: ETHICS HEARINGS

1. Initiation:

The Board-Certified Case Manager (CCM) may make a written request for a hearing before the Committee

- » Witnesses may not be present during the hearing except when they are called upon to testify and will be excused upon completion of their testimony and any questioning as provided in these Procedures.
- » The Committee Chair may call a brief recess at any point during a hearing. The Board-Certified Case Manager (CCM) and Complainant may request a brief recess at any point during a hearing to the extent time permits.
- » If the Board-Certified Case Manager (CCM) does not appear at the hearing, the Committee will determine what testimony it will hear on the record. Failure of the Board-Certified Case Manager (CCM) to appear at the hearing will not be viewed by the Committee as sufficient grounds for taking disciplinary action.

7. Presentation of Evidence:

- » The standard order of testimony at a hearing will be as follows:

<u>ACTIVITY</u>	<u>TIME (MINS)</u>
Convening of Hearing	
Opening Statement by Committee Chair	5
Opening Statement by Board-Certified Case Manager (CCM)	5
Testimony from Complainant.	20
Questioning of Complainant by Committee	10
Questioning of Complainant by Board-Certified Case Manager (CCM)	10
Testimony from Complainant’s witnesses. (if any)	15
Questioning of Complainant’s witnesses by Committee	10
Questioning of Complainant’s witnesses by Board-Certified Case Manager (CCM)	10
Testimony from Board-Certified Case. Manager (CCM)	20
Questioning of Board-Certified Case Manager (CCM) by Committee	10
Questioning of Board-Certified Case Manager (CCM) by Complainant	10
Testimony from Board-Certified Case. Manager’s (CCM) witnesses (if any)	15
Questioning of Board-Certified Case Manager’s (CCM) witnesses by Committee	10
Questioning of Board-Certified Case Manager’s (CCM) witnesses by Complainant	10
Closing Statement from Board-Certified Case Manager (CCM)	10
Conclusion of Hearing	

- » The Committee Chair will have the authority to modify the standard order of testimony in the event he/she deems it necessary or appropriate under the circumstances.
- » The Board-Certified Case Manager (CCM) may refuse to testify at a hearing and will not be

found in violation of the Code for refusing to do so. Once the Board-Certified Case Manager (CCM) chooses to testify, he/she may be questioned by the Complainant and members of the Committee as provided in these Procedures and subject to the Board-Certified Case Manager’s (CCM) due process rights.

- » All persons providing testimony will be required to attest to the veracity of their testimony.
- » Any written information or supporting documentation submitted by the Complainant or Board-Certified Case Manager (CCM) in connection with a hearing after the deadlines determined by the Committee may, at the Committee’s discretion, be excluded or receive limited consideration.

8. Relevancy of Evidence:

- » The Committee Chair will determine what testimony is relevant to the case. Questions or testimony that are irrelevant, cumulative and/or repetitious may be excluded in the discretion of the Committee Chair.
- » A hearing pursuant to these Procedures is not a court proceeding and the Committee is not required to observe formal rules of evidence. Evidence that would be inadmissible in a court of law may be admissible in the hearing before the Committee if it is relevant to the case. Therefore, if the evidence offered tends to explain, clarify or refute any of the important facts of the case, it may be considered by the Committee.
- » The Committee will not consider evidence or testimony for the purpose of supporting an alleged violation of the Code that was not set forth in the notice of the hearing or that is not relevant to the issues of the case.

9. Burden of Proof:

The burden of proving a violation of the Code is on the Complainant. Although an alleged violation of the Code need not be proved “beyond a reasonable doubt,” a Committee finding that a Board-Certified Case Manager (CCM) has violated the Code must be supported by substantial, objective and believable evidence.

10. Deliberations of the Committee:

- » After the hearing is completed, the Committee will meet in a closed session to deliberate and reach a decision. CCMC legal counsel may attend the closed session to advise the Committee if the Committee so desires. The Committee Chair will preside over the closed session.
- » The Committee will be the sole judge of the facts and will weigh the evidence presented and assess the credibility of the witnesses.

11. Committee Decisions:

- » The decision of a majority of the members of the Committee at which a quorum is present will be the decision of the Committee and the Commission. The Committee Chair will vote only to break a tie or when the Committee consists of three members. Only members of the Committee who were present throughout the entire hearing will be eligible to vote.
- » The Committee will first resolve the issue of whether the Board-Certified Case Manager violated the Code. The Committee will vote by secret ballot unless all of the members of the Committee entitled to vote consent to an oral vote.
- » In the event the Committee does not find that the Board-Certified Case Manager (CCM) has violated the Code, the Complaint will be dismissed. If the Committee finds that the Board-Certified Case Manager (CCM) has violated the Code, it must then determine what actions or sanctions will be imposed.

SECTION E: COMMITTEE ACTIONS AND SANCTIONS

PERMISSIBLE ACTIONS

1. Letter of Instruction:

A letter of instruction is a written statement expressing concern with a Board-Certified Case Manager's (CCM) actions in regard to the Code. In the event it is determined that the Code has been violated, the Committee will consider the degree of harm and significant mitigating circumstances and may issue a letter of instruction.

2. Sanctions:

In the event it is determined that the Code has been violated, and a letter of instruction is not appropriate under the circumstances, the Committee will impose one or a combination of the possible sanctions that follow:

- » A reprimand in the form of a written statement criticizing a Board-Certified Case Manager's (CCM) action as violating the Code in one or more ways. The Committee may impose remedial requirements to be completed within a specified period of time.
- » Probation for a specified period of time subject to Committee review of compliance. The Committee may impose remedial requirements to be completed within a specified period of time.
- » Suspension from CCM certification for a specified period of time subject to Committee review of compliance. The Committee may impose remedial requirements to be completed within a specified period of time.
- » Revocation of CCM certification.

3. The penalty for failing to fulfill, in a satisfactory manner, a remedial requirement imposed by the Committee as a result of a sanction will be automatic revocation unless the Committee determines that the remedial requirement should be modified based on good cause.

SECTION F: APPEALS

1. Basis of Appeals:

Decisions of the Committee that a Board-Certified Case Manager (CCM) has violated the Code may be appealed by the Board-Certified Case Manager (CCM) based on one or more of the following grounds:

- » The Committee failed to follow these Procedures; and/or
- » The decision of the Committee (to include any sanction imposed by the Committee) was arbitrary and capricious and not supported by substantial, objective and believable evidence.

2. Time to Appeal:

After the Board-Certified Case Manager (CCM) has received written notification that he/she has been found in violation of the Code, he/she will be given thirty (30) days to appeal the decision.

3. Form of Appeal:

An appeal must be in writing and based on one or more of the grounds set forth in Subsection F.1 above. An appeal must not exceed twenty (20) pages. Absent substantial newly discovered evidence unavailable at the time of the hearing, the Board-Certified Case Manager (CCM) may not submit additional supporting documentation in connection with an appeal.

4. Appeals Panel:

The Chair of the Commission will appoint a three (3) person appeals panel consisting of at least one (1) former Commission member, who is a CCM, with the balance being CCMs. No person may participate on an appeals panel if he/she served on the Committee at the time of the original decision.

5. Legal Advice:

The appeals panel may consult with and obtain legal advice or assistance from legal counsel at any point during the appeal process.

6. Record:

The appeals panel will be given copies of the materials available to the Committee when it made its decision, a copy of the hearing transcript if a hearing was held, a copy of the Committee's decision and a copy of the appeal.

7. Decision of Appeal:

The decision of a majority of the members of the appeals panel will be the decision of the appeals panel and must include one of the following:

- » The decision of the Committee is upheld;

- » The decision of the Committee is reversed and the letter of instruction or sanction is overturned; or
- » The decision of the Committee is reversed and the case is remanded to the Committee for a new hearing. The reason for this action will be given in detail to the Committee in writing to provide guidance in connection with the new hearing.

The Complainant and Board-Certified Case Manager (CCM) will be provided written notice of the decision by the appeals panel. A decision to uphold or reverse the Committee decision is final. A decision to reverse and remand for a new hearing shall be subject to further proceedings in accordance with these Procedures.

SECTION G: NOTIFICATION OF SANCTIONS

1. The Board-Certified Case Manager (CCM) will be provided prompt written notice of Committee decisions regarding Complaints against him/her.
2. The Complainant will be provided written notice of the Committee decisions regarding his/her Complaint after the processing of an appeal if the decision is affirmed or the time for appeal has expired.
3. If a sanction has been issued, CCMC may notify counselor licensure, certification or registry boards; other mental health licensure, certification or registry boards; voluntary national certification boards; and appropriate professional associations. Such notice will be provided after the processing of an appeal if the decision is affirmed or the time for appeal has expired.
4. If a violation has been found and the Board-Certified Case Manager's (CCM) CCMC certification has been suspended or revoked, a notice of the Committee action that includes the section(s) of the Code that were found to have been violated and the sanctions imposed will be published in the CCMC newsletter after the processing of an appeal if the decision is affirmed or the time for appeal has expired.

SECTION H: NEW EVIDENCE

In the event substantial new evidence unavailable at the time of the hearing or appeal is submitted in a case where a final decision has been rendered against the Board-Certified Case Manager (CCM), the Committee may reopen the case if deemed appropriate in its discretion. To the extent the Committee considers such new evidence and, if it is found to be substantiated and capable of exonerating a Board-Certified Case Manager (CCM), the Committee may in its discretion reopen the case and proceed with the complaint process again.

SECTION I: LEGAL ACTIONS RELATING TO ETHICS COMPLAINTS

1. A Complainant and Board-Certified Case Manager (CCM) are required to notify the Committee if they learn of any type of legal action or proceeding (whether civil, criminal or administrative) involving matters raised in a Complaint.
2. In the event of such a legal action or proceeding, the Committee may in its discretion stay further processing of the Complaint until conclusion of the legal action or proceeding unless the stay is lifted by the Committee prior to such time.
3. The Complainant and Board-Certified Case Manager (CCM) will be provided written notification of the stay and the subsequent continuation of the case.
4. The Committee may in its discretion terminate its review of a Complaint if the legal action or proceeding is not finally concluded within eighteen (18) months of the alleged violation of the Code underlying the Complaint.

SECTION J: RECORDS

1. Committee records relating to Complaints are confidential except as provided hereunder or elsewhere in these Procedures.
2. All information concerning Complaints will be confidential except that the Committee may disclose such information in accordance with Subsection E.2 above or when compelled by law.
3. Nothing in this Section will be construed to prevent the Committee from communicating with the Complainant, Board-Certified Case Manager (CCM), witnesses or other sources of information necessary to enable the Committee to carry out its function in accordance with these Procedures.
4. Original copies of Complaint records will be maintained in files at CCMC's administrative office or at an offsite location chosen by CCMC for the period of time specified below:
 - » Files of Sanctions or Letters of Instruction: In cases where the Committee has found a violation of the Code and imposed a sanction or letter of instruction, a copy of the Committee's decision will be maintained indefinitely. A copy of the entire record for such matter will be maintained for not less than five (5) years after the Committee closes the case.
 - » Files for Non-Violations: In cases where the Committee has not found a violation of the Code, a copy of the entire record for such matter will be maintained for not less than two (2) years after the Committee has closed the case.

- » Files for Insufficient Information:
In all other cases where the Committee has terminated further proceedings, a copy of the entire record for such matter will be maintained for not less than one (1) year after the Committee has closed the case.
 - » Files After Death:
All records containing personally identifiable information will be destroyed one (1) year after the Commission is notified in writing of the death of the Board-Certified Case Manager (CCM).
5. Nothing in this Section will preclude the Committee or the Commission from maintaining records relating to any Complaint in a form that prevents identification of the Complainant or Board-Certified Case Manager (CCM) so that such records may be used for archival, educational or other legitimate purposes.
 6. Members of the Committee will keep copies of Complaint records confidential and will destroy copies of such records on the sooner of the date the time for appeal has expired, the case is otherwise terminated or finally concluded, or the date the CCM is no longer a member of the Committee.

COMMISSION FOR CASE MANAGER CERTIFICATION

COMPLAINT FORM

This complaint form (“Complaint” or “Form”) is supplied by the Commission for Case Manager Certification (“CCMC”) to those who wish to file a complaint against a person certified by CCMC for alleged violation of the CCMC Code of Professional Conduct for Case Managers (“Code”). In order to file a complaint, you must complete this Form and mail it in an envelope marked “Confidential” to: Ethics & Professional Conduct Committee, CCMC, 1120 Route 73, Suite 200, Mt. Laurel, New Jersey 08054. Capitalized terms not defined in this Form shall have the meanings contained in the CCMC Procedures for Processing Complaints (“Procedures”).

This Complaint is an official document and must be completed in its entirety, signed, notarized and submitted to CCMC along with appropriate documentation to support the alleged violations of the Code and any other forms required by the Procedures as set forth herein below on page 3. Upon receipt, the Ethics and Professional Conduct Committee (“Committee”) will determine whether to accept the Complaint in accordance with its authority as set forth in the Procedures.

PLEASE TYPE OR PRINT LEGIBLY

SECTION I

Your Name: _____

Hereinafter referred to as “Complainant”

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail: _____

Name of Client (if different from Complainant): _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail: _____

SECTION II

Name of CCM against whom you are making this claim: _____

Hereinafter referred to as “Board-Certified Case Manager (CCM)”

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____ E-mail: _____

Please respond to each of the following:

SECTION III

Cite specific Rule(s) alleged to have been violated:

SECTION V

Cite specific Standard(s) alleged to have been violated:

SECTION VI

Cite the nature of your complaint and specific dates and events (supplemental attachments must be signed and dated):

SECTION VII

Set forth all proof supporting specific Rule(s) and/or Standard(s) alleged to have been violated and identify all supporting documentation attached herewith [i.e. invoices and payments, signed statements from physician(s) and other rehabilitation professional personnel, correspondence to and from Board-Certified Case Manager (CCM), etc.]:

IMPORTANT:

1. By signing this Form, I hereby affirm that the allegations set forth herein and in any accompanying materials submitted by me are based on my own personal knowledge and are true and correct to the best of my knowledge and belief. I further affirm that I have submitted any and all information and materials that I believe relate to the allegations set forth herein that are currently available to me, and that I will provide CCMC with any and all additional information, if any, as it becomes available, whether or not requested by CCMC. I fully understand the seriousness of false allegations and agree that all information and materials provided by me in connection with this Complaint may be used as evidence by the Committee and/or CCMC.
2. By signing this Form, I hereby acknowledge that all information, including a copy of this Complaint and all accompany materials submitted by me, will be provided to the Committee, the Board-Certified Case Manager (CCM) {in the event that the Complaint is accepted by the Committee}, and may be forwarded to the CCMC Commissioners, if appropriate. I understand that, in the event this Complaint is accepted by the Committee, the Board-Certified Case Manager (CCM) will be requested to submit evidence addressing the allegations set forth herein.

3. By signing this Form, I hereby acknowledge that I must treat all information relating to this Complaint as confidential, and that CCMC will keep all such information it receives strictly confidential, except to the extent disclosed to the Committee, the Board-Certified Case Manager (CCM), CCMC staff and attorneys, or as required by law, regulation or court order.
4. By signing this Form, I hereby grant permission to the Board-Certified Case Manager (CCM) to release all records of communications and interactions between the Board-Certified Case Manager (CCM) and Client to the Committee and to answer all questions the Committee may have concerning such communications and interactions. I understand that if I am not the Client, I must obtain written authorization from the Client to disclose Client information or remove such information from the materials submitted in connection herewith. I grant permission to allow the Committee to send copies of any materials submitted in conjunction with the Complaint to the Board-Certified Case Manager (CCM).

5. By signing this Form, I hereby agree to indemnify and hold CCMC, including, without limitation, Committee members, Commissioners and other persons acting for or on behalf of the Commission or the Committee, harmless from any and all claims or actions by me or on my behalf arising out of or relating to the processing of this Complaint and/or decisions made by the Committee in connection herewith.
6. By signing this Form, I hereby acknowledge that I have read the Code and Procedures and understand the process applicable to this Complaint.
7. To the extent I am the Client or am filing this Complaint on behalf of a Client, I have submitted herewith an appropriate HIPAA release. To the extent I am filing this Complaint on behalf of a Client, I also have submitted herewith an appropriate power of attorney signed by the Client.

Signature of Complainant

Date

Sworn and subscribed before me this _____ day of _____, _____

Notary Public

My commission expires: _____