

## Policy & Procedure

<b>SUBJECT:</b>  <b>Code of Ethics</b>	<b>POLICY NO.:</b>  <b>2.02</b>	<b>EFFECTIVE DATE:</b>  <b>10/18/2006</b>	<b>PAGE:</b>  <b>1 of 9</b>
<b>APPROVED BY:</b>  <b>Executive Director</b>	<b>SUPERCEDES:</b>	<b>ORIGINAL ISSUE DATE:</b>  <b>07/15/1999</b>	<b>RESPONSIBLE PARTIES:</b>  <b>All Staff</b>

### PURPOSE

- 1.1 To set forth a Code of Ethics for all staff to follow in pursuit of Tri-City Mental Health Center's mission and core values.

### POLICY

- 2.1 All Tri-City Mental Health Center personnel, including students and volunteers, must be committed to a belief in the dignity and worth of the individual human being. They shall maintain integrity with respect to their duties as they come in contact with consumers, other service providers, and the public. All staff shall be aware and observant of the laws, regulations, respective professional codes of ethics, and other regulations and policies which relate to their professional conduct.
- 2.2 Tri-City Mental Health Center takes a proactive approach to potential policy violations and will conduct an investigation upon notification that an ethical code violation may be occurring.

### DEFINITIONS

- 3.1 **Code of Ethics.** A written statement describing expectations for conducting treatment and business and behaving in a professional, fair and honest manner.
- 3.2 **Breach of Confidentiality.** Improper disclosure to a third-party (without consumer consent or court order) of Protected Health Information (PHI) that Tri-City has acquired within the consumer-provider relationship. By definition, an improper disclosure can be verbal communications exchanged by telephone, facsimile, or by electronic transmission (e.g., e-mail, health information networks, etc.), including the unlawful copying, release and exchange of written consumer information and/or records.

# Policy & Procedure

SUBJECT:	POLICY NO.:	EFFECTIVE DATE:	PAGE:
Code of Ethics	2.02	10/18/2006	2 of 9

3.3 **PHI.** Protected Health Information.

## PROCEDURES

### 4.1 Confidentiality, Privileged Communication and Privacy

4.1.1 All staff members shall be aware of and abide by the laws and regulations pertaining to confidentiality of consumer Protected Health Information (PHI), as well as the applicable Privacy Policies enacted by Tri-City.

4.1.2 All confidential information obtained from and about Tri-City Mental Health Center is kept private and shall not be disclosed.

### 4.2 Conduct and Behavior

4.2.1 All staff members are expected to maintain high standards of behavior and responsibility at all times.

4.2.2 Professional opinions shall be respected and appropriate forums shall be used to express disagreements. Confidences among colleagues shall be respected.

4.2.3 A staff member shall avoid misrepresentation of his or her own professional qualifications, affiliations and purposes, or those of the colleagues, institutions, and organization with which the staff member is associated.

4.2.4 Concerns regarding a colleague's services or procedures shall be directed first to the colleague, when appropriate, and/or to appropriate third-party when superseded by statute/mandate (e.g., child abuse reporting). If necessary, the reporting of the concerns to the supervisor shall follow. In the case of mandated reporting, direct supervisor or Deputy Director/Program Chief **MUST** be consulted before the filing.

4.2.5 A staff member shall make no distinction in his/her professional conduct toward co-workers on the basis of the colleague's sex, age, race, color, religion, national origin, handicap or sexual preference.

4.2.6 A staff member shall not deny mental health services to consumers due to their race, color, religion, national origin, sex, age, handicap, or sexual orientation.

SUBJECT:	POLICY NO.:	EFFECTIVE DATE:	PAGE:
Code of Ethics	2.02	10/18/2006	3 of 9

4.2.7 No staff member shall engage in sexual harassment with either a current or former co-worker, or treatment recipients. Sexual harassment means any sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature directed at another person, regardless of sex.

4.2.8 No staff member shall come to work or represent Tri-City if they are under the influence of any intoxicant or drug, unless prescribed by and is under the supervision of a physician, and the person can clearly demonstrate his/her ability to perform his/her duties.

#### 4.3 **Quality of Service**

4.3.1 The maintenance of high standards of professional competence and quality of service is the responsibility of all Tri-City staff members.

4.3.2 Clinical staff shall offer services and use techniques that are generally acceptable professional standards of practice, in terms of effectiveness and procedure, professional judgment, and the community expectations or more. Experimental and/or controversial approaches must be approved by the Deputy Director/Program Chief.

4.3.3 Each member of the clinical staff shall be responsible for recognizing the limitations of his/her competence and will only provide services or use only procedures with which he/she is qualified and familiar.

4.3.4 All staff members have an obligation to seek appropriate consultation for problematic issues of consumer care.

#### 4.4 **Moral and Legal Standards**

4.4.1 Tri-City staff shall show regard for social codes and moral expectations of the professional community in which the staff member works, recognizing that violations of accepted moral and legal standards on staff member's part may involve the staff member's consumers or colleagues in damaging personal conflicts, as well as injure the staff member's own name and the reputation of Tri-City.

## Policy & Procedure

SUBJECT:	POLICY NO.:	EFFECTIVE DATE:	PAGE:
Code of Ethics	2.02	10/18/2006	4 of 9

### 4.5 Consumers' Rights

4.5.1 All Tri-City staff members shall respect the dignity, privacy, self-worth and self-determination of all consumers, and shall be conversant with and abide by the provisions of law pertaining to consumers' rights.

### 4.6 Service Provider – Consumer Relationships

4.6.1 The professional relationship between a service provider and a consumer shall be based on acceptable therapeutic principles and standards as determined by Tri-City, and pertinent professional Codes of Ethics and professional standards.

4.6.2 The service provider shall maintain professional and objective personal conduct between the service provider, the consumer's family and/or close associates.

4.6.3 The service provider shall have a professional concern for his/her consumer. The service provider shall always maintain professional concern within the bounds of the service provider's professional responsibilities so as to safeguard the welfare of both current and former consumers, both during and after treatment. Service providers recognize the influential position they have with regard to both current and former consumers and shall avoid exploiting their trust and dependency.

4.6.4 A staff member shall not refer consumers receiving mental health services from Tri-City to any private service – whether psychological services, legal services, or the like – that may be of potential monetary gain to the staff member or associates of the staff member.

4.6.5 No staff member shall participate in a personal arrangement or business transaction which would generate potential conflicts of interest or compromise the staff member's ability to provide treatment and/or other services fairly and objectively. Such prohibited arrangements include, but are not limited to, direct provision of services to family members, neighbors or acquaintances, joint vacations or trips which are not part of regular services provided by Tri-City, any exchange or loans of funds or goods between staff member and a consumer of services or their family members, any business or financial arrangement which would directly or indirectly benefit the staff member (e.g., a gift of funds from a consumer to a staff member, etc..

## Policy & Procedure

<b>SUBJECT:</b>	<b>POLICY NO.:</b>	<b>EFFECTIVE DATE:</b>	<b>PAGE:</b>
<b>Code of Ethics</b>	<b>2.02</b>	<b>10/18/2006</b>	<b>5 of 9</b>

- 4.6.6 The development of personal favors and/or obligations in the therapeutic relationship is unacceptable. The service provider shall not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political, financial or business interests.
- 4.6.7 The therapeutic relationship shall never include behaviors which would be abusive or damaging to the consumer. Any sexual behavior is interpreted to be abusive and damaging.
- 4.6.8 Civil Code, Section 4393, prohibits sexual involvement with a consumer during the period a consumer is receiving services, and, within two years following the termination of treatment services.
- 4.6.9 A service provider, in consultation with his/her supervisor, shall attempt to terminate services and/or transfer the consumer when it is reasonably clear that the consumer will not benefit from the current therapeutic relationship.
- 4.6.10 Care will be taken by the agency to ensure an appropriate setting for clinical work to protect both consumer and service provider.
- 4.6.11 Service providers shall not deliver services to consumers with pre-existing social ties and/or where familial or other relationship exists, as this constitutes a dual relationship.
- 4.6.12 Each service provider shall make every effort to ensure the continuity of his/her consumer' care.
- 4.6.13 Staff members recognize that trust is a cornerstone of the counseling relationship. Counselors aspire to earn the trust of consumers by creating an ongoing partnership, establishing and upholding appropriate boundaries, and maintaining confidentiality. Staff members communicate for parameters of confidentiality in a culturally competent manner.

### 4.7 **Education**

- 4.7.1 Supervisors, Directors and/or Human Resources shall take reasonable steps to provide or arrange for continuing education and staff development for all staff for whom they are responsible. Continuing education and staff development shall address current knowledge and emerging developments related to social work practices and ethics.

## Policy & Procedure

<b>SUBJECT:</b>	<b>POLICY NO.:</b>	<b>EFFECTIVE DATE:</b>	<b>PAGE:</b>
<b>Code of Ethics</b>	<b>2.02</b>	<b>10/18/2006</b>	<b>6 of 9</b>

- 4.7.2 Ethical codes of conduct will be included as part of general orientation to all new employees, including students and volunteers. Details regarding these ethical statements, as well as the methods for reporting suspected violations, will be included as part of that training and documented in training materials. Training materials will emphasize that under no circumstances will there be any reprisals to an informant for reporting unethical behavior.
- 4.7.3 Ethical codes of conduct will be included as part of general orientation to training materials. Training materials will emphasize that under no circumstances will there be any reprisals to an informant for reporting unethical behavior.
- 4.7.4 The Code of Ethics policy will be presented to the Governing Board for approval, as well as education.
- 4.7.5 Consumers/stakeholders will be made aware that this policy is posted in the lobby, on the Tri-City website, and will be made available to them upon request.

### 4.8 Ethical Code Violations

- 4.8.1 If a staff member believes that another staff member is violating or has violated an ethical standard, they may make a complaint verbally or in writing with any of the following. There is no need to follow the chain of command:
- 4.8.1.1 Immediate Supervisor
  - 4.8.1.2 Any Supervisor
  - 4.8.1.3 Deputy Director/Program Chief
  - 4.8.1.4 Director of Operations
  - 4.8.1.5 Executive Director
  - 4.8.1.6 Chief Financial Officer
  - 4.8.1.7 Executive Assistant
  - 4.8.1.8 Human Resources Department and/or designee

## Policy & Procedure

SUBJECT:	POLICY NO.:	EFFECTIVE DATE:	PAGE:
Code of Ethics	2.02	10/18/2006	7 of 9

- 4.8.2 Any staff member holding one of the positions as outlined in the preceding section who receives an ethical code violation shall notify the Human Resources Department immediately.
- 4.8.3 If conduct in violation of this policy occurred, Human Resources or designee will recommend prompt and effective remedial action. The action will be commensurate with the severity of the offense.
- 4.8.4 Tri City Mental Health Center takes a proactive approach to potential Policy violations and will conduct an investigation if its officers, supervisors, or managers become aware that an ethical code violation may be occurring, regardless of whether the recipient or third party reports a potential violation.
- 4.8.5 If a consumer/stakeholder believes that there has been a violation of an ethical standard by their counselor, they are encouraged to speak with the counselor's supervisor or ask to speak to Tri-City's Complaint Representative. Any actions taken as a result of a violation will not result in retaliation or barriers to service. If the violation does not get resolved at this level, they may file a Formal Grievance as described in 4.8.7.
- 4.8.6 The consumer/stakeholder will be made aware by their service provider of the procedure on how to respond to any allegations of violations of ethical codes. The consumer will be advised that under no circumstances will there be any reprisals for reporting unethical behavior, such as any retaliation or barriers to service.
- 4.8.7 If the consumer's/stakeholder's complaint is not resolved within the Informal Complaint Process, a Formal Grievance process is available to them. They may file a formal complaint orally or in writing at any time by filling out a Beneficiary/Client Grievance Form. *(The remainder of this Formal Grievance and Appeal Process is the same as detailed in the Beneficiary/Client Problem Solution Guide.)*

### 4.9 Annual Review

- 4.9.1 Tri City Mental Health Center shall conduct an annual review of formal complaints received in order to identify trends and areas for performance improvement, as well as the specific actions to be taken.

<b>SUBJECT:</b>	<b>POLICY NO.:</b>	<b>EFFECTIVE DATE:</b>	<b>PAGE:</b>
<b>Code of Ethics</b>	<b>2.02</b>	<b>10/18/2006</b>	<b>8 of 9</b>

## LEGAL/REGULATORY REFERENCES

- 5.1 Civil Code Section 4393
- 5.2 County of Los Angeles, Department of Mental Health  
<http://www.lacdmh.org>
- 5.3 American Psychiatric Association – Code of Ethics  
[http://www.psych.org/apa\\_members/medicalethics.cfm](http://www.psych.org/apa_members/medicalethics.cfm)
- 5.4 National Association of Social Workers – Code of Ethics  
<http://www.naswdc.org/pubs/code/code.asp>
- 5.5 California Association of Marriage and Family Therapists  
<http://www.camft.org/ScriptContent/Index.cfm>
- 5.6 American Psychological Association  
<http://www.apa.org/ethics/code2002.html>

## FORMS

The forms associated with this Policy and Procedure may include but are not limited to:

- 5.1 Code of Ethics Statement

## **CODE OF ETHICS STATEMENT**

All staff members of the agency, including students and volunteers, and subcontractors must be committed to a belief in the dignity and worth of the individual human being. They shall maintain integrity with respect to their duties as they come into contact with consumers, other service providers, and the public. They shall be aware and observant of the laws, regulations, respective professional codes of ethics, and other regulations and policies which are related to their professional conduct and understand that this code of ethics shall not be taken as a comprehensive exploration of either ethics or professional conduct. They are expected to abide by such professional ethical cannons and procedures as they apply, on or off the premises of Tri-City Mental Health Center or any contracted provider.

### **Conduct and Behavior**

Tri-City staff is expected to maintain high standards of behavior and responsibility at all time. No staff member shall participate in a personal arrangement or business transaction, which would generate potential conflicts of interest or compromise the staff member's ability to provide treatment and/or other services fairly and objectively. A staff member shall avoid misrepresentation of his or her own professional qualifications, affiliations and purposes, or those of the colleagues, institutions, and organization with which the staff member is associated.

A staff member shall not refer consumers receiving mental health services from Tri-City to any private service – whether psychological services, legal services or the like – that may be of potential monetary gain to the staff member or associates of the staff member. A staff member shall make no distinction in his/her professional conduct toward co-workers on the basis of the colleague's sex, age, race, color, religion, national origin, handicap, or sexual preference. No staff member shall engage in sexual harassment either/or co-workers (current or former) or treatment recipients. Sexual harassment means any sexual advances, requests for sexual favors and other inappropriate verbal or physical conduct of a sexual nature directed at another person regardless of sex.

No staff member shall come to work, or represent Tri-City, if they are under the influence of any intoxicant or drug, unless prescribed by, and is under, the supervision of a physician, and the person can clearly demonstrate his/her ability to perform his/her duties.

### **Consumer's Rights**

All Tri-City staff members shall respect the dignity, privacy, self-worth and self-determination of all consumers, and shall be conversant with and abide by the provisions of law pertaining to consumer's rights.

### **Service Provider-Consumer Relationships**

The professional relationship between a service provider and a consumer shall be based on accepted therapeutic principles and standards as determined by Tri-City and the service provider's professional Code of Ethics and professional standards of practice. The service provider shall maintain professional and objective personal conduct between the service provider, the consumer's family, and/or close associates. The service provider shall have a professional concern for his/her consumer. The service provider shall always maintain professional concern within the bounds of the service provider's professional responsibilities, so as to safeguard the welfare of both former and current consumers, both during and after treatment. Service providers recognize the influential position they have with regard to both current and former consumers and shall avoid exploiting their trust and dependency.

The development of personal favors and/or obligations in the therapeutic relationship is unacceptable. If the service provider knows the consumer, the service provider shall disqualify themselves from the treatment and records pertaining to the consumer. The service provider shall not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political, financial, or business interests. The therapeutic relationship shall never include behaviors, which would be abusive or damaging to the consumer. Any sexual behavior is interpreted to be abusive and damaging. Civil Code, Section 4393, prohibits sexual involvement with a consumer during the period a consumer is receiving services and within two years following the termination of treatment services.

I hereby acknowledge that I have read and will comply with the Code of Ethics Statement. I understand the procedure on how to respond to any allegations of violations of ethical codes. I understand that under no circumstances will there be any reprisals for reporting unethical behavior.

---

Employee Name (Printed)

---

Signature

---

Date