

Standards and Code of Ethics

The Code of Ethics are presented in the CDEC Standards and Examination Guidelines beginning on page 23, and are reproduced in their entirety for the benefit of the reader. We thought it would be beneficial to the interested practitioner to display our standards on this web site for easy reference. These standards are those by which the Commission bases its decisions of its reviews of all complaints filed under this certification agency. These standards are based on the input of the 14 Commissioners who comprise this agency in addition to the professional organizations listed below.

Code of Professional Ethics

Preamble

The Commission on Disability Examiner Certification has adopted the Code of Professional Ethics with direction and input from documents from the Codes and Standards of and statements from the following professional organizations:

Commission on Rehabilitation Counselor Certification
International Association of Rehabilitation Professionals
National Rehabilitation Administration Association
Virginia Board of Professional Counselors
North Carolina Board of Professional Counselors

For purposes of clarification and consistency, Certified Disability Examiners, Categories I, II, and III, (CDE I, II, III) are referenced as disability examiners in this section. Similarly, Certified Life Care Planners (CLCP) are referenced as life care planners.

Disability examiners and life care planners are committed to making fair and impartial assessments regarding the functional capabilities and needs of the referred individual, whether that individual is considered to be catastrophically injured or adventitiously injured with a manageable orthopaedic or neurological diagnosis. Life care plans are required to be thorough with competent research conducted for each identified category of need, and opinions and conclusions structured without regard for personal reimbursement resources. Similarly, the disability examiner is required to provide a detailed and thorough examination with conclusions and recommendations supported by tests or evaluation components that have established reliability and validity. Concluding opinions are based on the performance results over an entire test battery, and are not based on the results of one test within the examination protocol. The disability examiner is committed to render concluding opinions without regard for third-party reimbursement resource attitudes or biases.

Disability examiners and life care planners are obligated to perform activities within their respective certification areas which have been researched to suggest that these activities are an integral part of their roles and functions. For example, disability examiners are responsible for collecting and processing intake information, assessing physical and cognitive tolerances for work activities, and evaluating primarily neurological and orthopaedic disorders. Life care planners are required at the minimum to assess the client's medical and independent living service needs, assess their vocational feasibility and options, and to provide consulting services to the legal system. But above all, disability examiners and life care planners must demonstrate adherence to ethical standards and must ensure that the standards are enforced. The Code of Professional Ethics is designed to serve as a reference for professionals who carry CDEC certification credentials, thus ensuring that acceptable behavior and conduct are clarified, defined and maintained. The basic objective of the Code of Professional Ethics is to promote the welfare of service recipients by specifying and enforcing ethical behavior expected of disability examiners and life care planners.

The primary obligation of the disability examiner and life care planner is to the disabled person in question. Only when the disability examiner is requested to perform an independent medical examination does the obligation of the disability examiner shift to that of the referring party since there is no physician/patient relationship. The same principal applies to the life care planner when approached by the third party funding source to critique a previously written life care plan developed per the request of the disabled individual's legal representative. However, the disability examiner and the life care planner are obligated to communicate to the third party referral source any discoveries which may benefit the disabled person in question regarding additional rehabilitation or vocational options.

The Code of Professional Ethics consists of two types of standards; Principles and Rules of Professional Conduct. The Principles are general standards which provide a definition of the category under which specific rules are assigned. While the Principles are general in concept, the rules are exacting standards which provide guidance in specific circumstances.

Disability examiners and life care planners who violate the Professional Code of Ethics are subject to disciplinary action. A Rule violation is interpreted as a violation of the applicable Principle and any one of its general applicable principles. The CDEC considers the use of Certified Disability Examiner and Certified Life Care Planner a privilege, and reserves unto itself the power to suspend or to revoke the privilege or to approve other penalties for a Rule violation. Disciplinary penalties are imposed as warranted by the severity of the offense and circumstances. All disciplinary actions are undertaken in accordance with published procedures and penalties designed to assure the proper enforcement of the Code of Professional Ethics within the framework of due process and equal protection of the laws.

When there is reason to question the ethical propriety of specific behaviors, persons are encouraged to refrain from engaging in such behaviors until the matter has been clarified by the CDEC Ethics Committee. Certified Disability Examiners and

Certified Life Care Planners who need assistance in interpreting the Code should request in writing an advisory opinion from the Commission on Disability Examiner Certification. This applies to those professionals who are not certified under the CDEC as well, and these practitioners are encouraged to consult with their own individual professional organization regarding an interpretation of the Code and/or individual Rule as disseminated from the CDEC.

Principles and Associated Rules

Principle 1 - Moral and Legal Standards

Disability examiners and life care planners shall behave in legal, ethical, and moral manner in the conduct of their profession, maintaining the integrity of the Code of Professional Ethics and avoiding any behavior which would cause harm to others.

Rules of Professional Conduct

- R1.1 Disability examiners and life care planners will obey the laws and statutes in the legal jurisdiction in which they practice and are subject to disciplinary action for any violation, the extent that such violation suggests the likelihood of professional misconduct.
 - R1.2 Disability examiners and life care planners will be familiar with, will observe, and will discuss with their clients the legal limitations of their services.
 - R1.3. Disability examiners and life care planners will be alert to legal parameters relevant to their practices and to disparities between legally mandated ethical and professional standards and the Code of Professional Ethics. Where such disparities exist, disability examiners and life care planners will follow the legal mandates and will formally communicate any disparities to the appropriate committee on professional ethics. In the absence of legal guidelines, the Code of Professional Ethics is binding.
 - R1.4 Disability examiners and life care planners will not engage in any act or omission of a dishonest, deceitful, or fraudulent nature in the conduct of their professional activities. They will not allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment and skills, nor will disability examiners and life care planners abuse their relationships with clients to promote personal or financial gain of their employing agencies.
 - R1.5 Disability examiners and life care planners will understand and abide by the Principles and Rules of Professional Conduct which are prescribed in the Code of Professional Ethics.
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- R1.6 Disability examiners and life care planners will not advocate, sanction, participate in, cause to be accomplished, otherwise carry out through another, or condone any act which disability examiners and life care planners are prohibited from performing by the Code of Professional Ethics.
- R1.7 Disability examiners and life care planners will avoid public behavior that clearly is in violation of accepted moral and ethical standards
- R1.8 Disability examiners and life care planners will refuse to participate in employment practices which are inconsistent with the moral or legal standards regarding the treatment of employees or the public. Disability examiners and life care planners will not condone practices which result in illegal or otherwise unjustifiable discrimination on any basis in hiring, promotion, or training.

Principle 2 - Disability Examiners and Life Care Planners/Patient Relationship

Disability examiners and life care planners shall respect the integrity and protect the welfare of people and groups with whom they work. The primary obligation of disability examiners and life care planners is to their patients outside of independent medical examinations and independent review of care plans in which no physician/patient relationship exists.

Rules of Professional Conduct

- R2.1 Disability examiners and life care planners will not misrepresent their role or competence to patients. Disability examiners and life care planners will provide information about their credentials, if requested, and will refer patients to other specialists as the needs dictate.
- R2.2 Disability examiners and life care planners will avoid establishing dual relationships with patients that could impair one's professional judgment or increase the risk of exploitation. Sexual intimacies with patients are unethical and will not be tolerated by the CDEC.
- R2.3 Disability examiners and life care planners are obligated to clarify the nature of their relationship to all involved parties when providing services at the request of a third party. Similarly and as expected, disability examiners and life care planners have an obligation to provide unbiased, objective opinions whether the evaluation or care planning service be requested by the third party or directly from the plaintiff counsel. Disability examiners and life care planners retained by third party referral sources will clearly define through written or oral means, the limits of their relationship, particularly in the areas of informed consent and legally privileged communications, to all involved individuals.
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R2.4 Disability examiners and life care planners primary obligation and responsibility is to the catastrophically or non-catastrophically disabled person for whom assessment, evaluation, medical, and vocational and rehabilitation needs are being determined.

Principle 3 - Patient Advocacy

Life care planners shall serve as advocates for people with disabilities.

Rule of Professional Conduct

R3.1 The life care planner will further use his or her specialized knowledge and abilities to promote understanding and the general welfare of disabled persons in the community and to assist in efforts to expand the knowledge needed to serve disabled persons with increased effectiveness. This Rule applies only to life care planners rather than to disability evaluators since life care planners assume a "case manager" role and function in the development of care plans.

Principle 4 - Professional Relationships

Disability examiners and life care planners shall act with integrity in their relationships with colleagues, other organizations, agencies, institutions, referral sources, and other professions so as to facilitate the contribution of all specialists toward achieving optimum benefit for patients.

Rules of Professional Conduct

R4.1 Disability examiners and life care planners will ensure that there is a mutual understanding of the evaluation report or life care plan by all parties involved in the rehabilitation process of the individual in question.

R4.2 Life care planners will abide by and assist in the implementation of "team" decisions in formulating care plans and procedures.

R4.3 When transferring patients to other colleagues or agencies, life care planners will not commit the recipient of the case to any prescribed courses of action which may be specified in the care plan. Similarly, when disability examiners provide rehabilitation recommendations in their reports, they will not commit the recipient of the transferred case to any specified course of action.

R4.4 Disability examiners and life care planners, as referring professionals, will supply all information necessary for a cooperating agency or professional to begin service delivery, and will provide these records in a prompt manner.

- R4.5 Disability examiners and life care planners will secure from other professionals all medical records and evaluation reports when such reports and records are essential for life care plan development or for evaluating function and impairment.
- R4.6 Disability examiners and life care planners will not discuss with patients the reputations and/or competency of colleagues in a disparaging manner, nor will they provide judgments to the patients regarding the quality of treatment they may have received from other professionals.
- R4.7 Disability examiners and life care planners will not exploit their professional relationships with supervisors, colleagues, students, residents, or employees sexually or otherwise, and will not engage in any form of sexual harassment, defined as repeated or deliberate comments, gestures, or physical contacts of a sexual nature undesired and unsolicited by recipients.
- R4.8 Disability examiners and life care planners who employ or supervise other professionals or residents/students will facilitate professional development of such individuals through the provision of appropriate working conditions, timely evaluations, constructive consultations, and experience opportunities.
- R4.9 Disability examiners and life care planners possessing knowledge of any rule violation of this Code of Professional Ethics is obligated to reveal, upon request, such information to the Commission on Disability Examiner Certification unless the information is protected by law. Disability examiners and life care planners who have knowledge of ethical infractions by their peers or colleagues will attempt to resolve the issue with the professional in question given that the infraction appears to arise from the professional's lack of sensitivity, knowledge, or experience. However, if the infraction does not seem amenable to an informal solution, then the matter must be brought before the Ethical Committee of the CDEC.

Principle 5 - Public Statements/Fees

Disability examiners and life care planners shall adhere to professional standards in establishing fees and promoting their services.

Rules of Professional Conduct

- R5.1 Disability examiners and life care planners will neither give nor receive a commission or rebate or any other form of remuneration for referral of patients for professional services.
- R5.2 Disability examiners and life care planners who advertise their services to the general public will fairly and accurately present the mate-
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rial, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Any reporting of "numbers" such as, average fee charged per patient for services, average length of involvement in the program, shall be derived directly from actual patient records and appropriate descriptive statistics used in report the outcome data in the respective advertisement.

- R5.3 Disability examiners and life care planners are obligated to see all referred patients for the initial assessment and intake interview regardless of their ability to pay. If insurance coverage is nonexistent, disability examiners and life care planners are obligated to establish a mutually acceptable payment plan, or refer the individual promptly to a facility which accepts indigent patients.

Principle 6 - Confidentiality

Disability examiners and life care planners shall respect the confidentiality of information from clients in the course of their work.

Rules of Professional Conduct

- R6.1 Disability examiners and life care planners will inform patients at the onset of the service to be provided of the limits of confidentiality.
- R6.2 Disability examiners and life care planners will inform responsible authorities when the conditions or actions of patients indicate that there is clear and imminent danger to patients or others after advising patients that this must be done.
- R6.3 Disability examiners and life care planners will not forward to another person or agency any confidential information without the written consent of patients or their legal guardians. This does not apply in the situation in which the third party funding source has requested a record review of independent medical/life care plan evaluation.
- R6.4 Disability examiners and life care planners will safeguard the maintenance, storage, and disposal of patient records so that unauthorized persons shall not have access to these records.
- R6.5 Disability examiners will include in their insurance sign-in sheets a statement regarding the requirement for biomechanical imaging regarding functional capacity evaluations and impairment ratings, of which the patient will sign indicating their acceptance of such policy. Life care planners will obtain written permission from the patient or patient's guardian for video or audio taping of any interview session and interaction they may have with the patient.
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R6.6 Disability examiners and life care planners will persist in claiming the privileged status of confidential information obtained from patients, where communications are privileged by statute for disability examiners and life care planners.

Principle 7 - Assessment

Disability examiners and life care planners shall promote the welfare of patients in the selection, utilization, and interpretation of assessment measures.

Rules of Professional Conduct

R7.1 Disability examiners and life care planners will recognize that different tests demand different levels of competence for administration, scoring, and interpretation, and will recognize the limits of their competence and perform only those functions for which they are trained and licensed to perform by their respective states.

R7.2 Disability examiners and life care planners will investigate and utilize those tests or protocols which have established validity and reliability, and which are safe to administer to the patient given the patient's diagnosis and functional capabilities at the time of testing.

R7.3 Disability examiners and life care planners will comply with the Americans with Disabilities Act of 1990 in terms of normative data applications and usage in interpretation of results, and will abide by testing protocol structures/administration as outlined in this Federal legislation.

R7.4 Disability examiners and life care planners will make known the purpose of testing and the explicit use of the results to clients prior to administration. Test results may be disseminated to the patient provided the referral source approves of the patient having access to such information, whether it be a plaintiff or third party referral.

R7.5 Disability examiners and life care planners will administer tests under the same conditions that were established in their standardization. When tests are modified to assess a domain set of trait factors or to accommodate the patient's biomechanical limitations, such modifications must be documented at the time of interpretation in the report.

R7.6 The interpretation of data will be directly related to the particular goals of the evaluation, or referral questions submitted by the referral source.

R7.7 Disability examiners and life care planners will attempt to ensure, when utilizing computerized assessment services or software, that such services and software are based on appropriate research to estab-

lish the validity of the computer programs, software and procedures used in arriving at interpretations.

Principle 8 - Research Activities

Disability examiners and life care planners shall assist in efforts to improve upon evaluation and life care plan protocols through participation in research programs or through literature reviews.

Rules of Professional Conduct

- R8.1 Disability examiners and life care planners will ensure that data for research meet rigid standards of validity, honesty, and protection of confidentiality.
- R8.2 Disability examiners and life care planners will be aware of and responsive to all pertinent guidelines on research with human subjects. When planning any research activity dealing with human subjects, disability examiners and life care planners will ensure that research problems, design, and execution are in full compliance with such guidelines.
- R8.3 Disability examiners and life care planners presenting case studies in class, professional meetings, or publications will confine the content to that which can be disguised to ensure full protection of the identify of patients.
- R8.4 Disability examiners and life care planners will assign credit to those who have contributed to publications in proportion to their contribution, or as agreed upon with the senior author if the senior author is other than the CDEC credential professional.

Principle 9 - Competence

Disability examiners and life care planners shall establish and maintain their professional competencies at such a level that their patients receive the benefit of the highest quality of services the credentialed professional is capable of offering.

Rules of Professional Conduct

- R9.1 Disability examiners and life care planners will function within the limits of their defined role, training, and technical competency and will accept only those positions for which they are professionally qualified.
 - R9.2 Disability examiners and life care planners will continuously strive through reading, attending professional meetings, and taking course instruction to keep abreast of new developments, concepts, and prac-
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tices that are essential to providing the highest quality of services to their patients.

R9.3 Disability examiners and life care planners who are educators will perform their duties based on careful preparation so that their instruction is accurate, up-to-date, and scholarly.

R9.4 Disability examiners and life care planners who are educators will ensure that statements in catalogs and course outlines are accurate, particularly in terms of subject matter covered, bases for grading, and nature of classroom experiences.

R9.5 Disability examiners and life care planners who are educators will maintain high standards of knowledge and skill by presenting disability examiners and life care planners information fully and accurately.

Principle 10 - CDE, and CLCP Credential

Disability examiners and life care planners holding the Certified Disability Examiner and/or Certified Life Care Planner designation(s) shall honor the integrity and respect the limitations placed upon its use.

Rules of Professional Conduct

R10.1 Disability examiners and life care planners will use their certification designations only in accordance with the relevant guidelines promulgated by the Commission on Disability Examiner Certification.

R10.2 Disability examiners and life care planners will not attribute to the mere possession of the designation depth or scope of knowledge, skill, and professional capabilities greater than those demonstrated by achievement of the CLCP or CDE designations.

R10.3 Disability examiners and life care planners will not write, speak, nor act in ways that lead others to believe CLCP's or CDE's are officially representing the Commission on Disability Examiner Certification, unless such written permission has been granted by the CDEC.

R10.4 Disability examiners and life care planners will make no claims to unique skills or devices not available to others in the profession unless the special efficacy of such unique skills or device has been demonstrated scientifically accepted evidence.

R10.5 Disability examiners and life care planners will not initiate or support the candidacy of an individual for certification by the CDEC if the individual is known to engage in professional practices which violate the Code of Professional Ethics.
