



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

Throughout this document and for the purposes of this document, “client” is used to refer to the individual to whom a Certified Case Manager (“CCM[®]” or “Certificant”) provides services for or on behalf of; likewise, “payor” is used to refer to the Certificant’s customer or reimbursement source.

Certificants recognize that their actions or inactions can either aid or hinder clients in achieving their objectives and Certificants accept responsibility for their behaviors. Certificants 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, formal training, and work experience. In providing services, Certificants must adhere to the Code of Professional Conduct for Case Managers (the “Code”).

The basic objective of the Code is to protect the public interest. Accordingly, the Code consists of Principles, Rules of Conduct, and Standards for Professional Conduct, as well as the 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 Certificant. Compliance with these levels of conduct is mandatory and enforcement will be through the CCMC Procedures for Processing Complaints.

PRINCIPLES

- Principle 1:** Certificants will place the public interest above their own at all times.
- Principle 2:** Certificants will respect the rights and inherent dignity of all of their clients.
- Principle 3:** Certificants will always maintain objectivity in their relationships with clients.
- Principle 4:** Certificants will act with integrity in dealing with other professionals to facilitate their clients’ achieving maximum benefits.
- Principle 5:** Certificants will keep their competency at a level that ensures each of their clients will receive the benefit of services that are appropriate and consistent for the client’s conditions and circumstances.
- Principle 6:** Certificants will honor the integrity and respect the limitations placed on the use of the CCM designation.
- Principle 7:** Certificants will obey all laws and regulations.
- Principle 8:** Certificants will help maintain the integrity of the Code.

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 Certificant will not intentionally falsify an application or other documents.
- Rule 2:** A Certificant will not be convicted of a felony.
- Rule 3:** A Certificant 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 Certificant will not lose the primary professional credential (or licensure) upon which eligibility for the CCM designation is based.
- Rule 5:** A Certificant will not violate or breach the Standards for Professional Conduct (i.e. professional misconduct).
- Rule 6:** A Certificant will not fail to pay required fees to CCMC.
- Rule 7:** A Certificant will not violate the rules and regulations governing the taking of the certification examination.
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SCOPE OF PRACTICE FOR CASE MANAGERS

I. Assumptions

- Case management is not a profession but rather a collaborative and trans-disciplinary practice.
- Certification indicates that the case manager possesses the education, skills, moral character, licensing and experience required to render appropriate services based on sound principles of practice.
- Certificants will practice only within the boundaries of their competence, based on their education, training, appropriate professional experience, and other professional credentials. 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.

II. Underlying Values

- Belief that case management is a means for improving client health, wellness and autonomy through advocacy, communication, education, identification of service resources, and service facilitation.
- Recognition of the dignity, worth and rights of all people.
- Understanding and commitment to quality outcomes for clients, appropriate use of resources, and the empowerment of clients in a manner that is supportive and objective.
- Belief in 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.
- Recognition that case management is guided by the principles of autonomy, beneficence, nonmaleficence, and justice.

III. Definition of Case Management

Case management is a 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 quality, cost-effective outcomes.

IV. 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 profession for guidance and support in the resolution of these conflicts.

Selected Definitions

Advocacy – a process that promotes beneficence, justice and autonomy for clients. Advocacy especially aims to foster the client’s independence. It also involves educating clients about their rights, healthcare and human services, resources, and benefits, and facilitating appropriate and informed decision making, and includes considerations for the client’s values, beliefs and interests.

Assessment - The process of collecting in-depth information about a person’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 direct client contact, information should be gathered from other relevant sources (patient/client, professional caregivers, non-professional caregivers, employers, health records, educational/military records, etc.).

Autonomy - A form of personal liberty whereby the individual possesses sufficient mental capacity to determine his or her course of action in accordance with a plan chosen and developed by himself or herself.

Beneficence - The obligation or duty to promote good, to further another’s legitimate interests, and to actively prevent harm or diminish its impact as much as possible.

Client - the individual to whom a Certified Case Manager provides services for or on behalf of.

Code - The CCMC Code of Professional Conduct for Case Managers.

Commission or CCMC - The Commission for Case Manager Certification.

Coordination - The process of organizing, securing, integrating, and modifying the resources necessary to accomplish the goals set forth in the case management plan.

Evaluation - The process, repeated at appropriate intervals, of determining 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.

Implementation - The process of executing specific case management activities and/or interventions that will lead to accomplishing the goals set forth in the case management plan.

Justice - Achieving a fair distribution of benefits and burdens.

Monitoring - The ongoing process of gathering sufficient information from all relevant sources about the case management plan and its activities and/or services to enable the case manager to determine the plan's effectiveness.

Nonmaleficence - Refraining from harming others or, if harm is inevitable, insuring that as little harm occurs as possible.

Planning - The process of determining 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.

Veracity - Truth telling.

STANDARDS FOR PROFESSIONAL CONDUCT

Section 1 - Advocacy

S 1 - The Advocate

Certified case managers will serve as advocates for their clients and ensure that:

- a) a comprehensive assessment will identify the client's needs.
- b) options for necessary services will be provided to the client.
- c) clients are provided with access to resources to meet individual needs.

Section 2 – Professional Responsibility

S 2 - Representation of Practice

Certificants will practice only within the boundaries of their competence, based on their education, training, professional experience, and other professional credentials. They will not misrepresent their role or competence to clients.

S 3 - Competence

Certificants will not:

- a) handle or neglect a case in such a manner that falls below the Certificant's reasonable obligations and responsibilities.
- b) exert undue influence that adversely affects the outcome of case management services to the client.
- c) exhibit a pattern of negligence or neglect in the handling of the Certificant's obligations or responsibilities.

S 4 - Representation of Qualifications

Certificants will not represent the certification designation to imply a depth of knowledge, skills, and professional capabilities greater than those reasonably demonstrated by achievement of certification. Certificants will take the necessary steps to correct a misstatement made by a third party with respect to the Certificant's qualifications.

S 5 - Legal and Benefit System Requirements

Certificants will obey state and federal laws and the unique requirements of the various reimbursement systems by which clients are covered.

S 6 - 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 Certificant will not utilize the designation or initials as part of a company, partnership, or corporate name, trademark, or logo.

S 7 - Conflict of Interest

Certificants will fully disclose any conflict of interest to all affected parties. If, after full disclosure, an objection is made by any affected party, the Certificant will withdraw from further participation in the case.

S 8 - Reporting Misconduct

Certificants possessing knowledge, not otherwise protected as a confidence by this Code, that another Certificant has committed a violation of any provision of this Code will promptly report such knowledge to CCMC and to such other authority as may be empowered to investigate or to act upon such actions or violations. Certificants will not initiate, participate in, or encourage the filing of complaints that are malicious, unwarranted, or without a basis in fact.

S 9 - Compliance with Proceedings

Certificants will assist in the process of enforcing the Code by cooperating with investigations, participating in proceedings, and complying with the directives of the Committee on Ethics and Professional Conduct.

Section 3 – Case Manager/Client Relationships

S 10 - Description of Services

Certificants will provide information to the extent reasonably necessary to permit clients to make informed decisions. At a minimum, information provided by Certificants to clients about case management services will include a description of the services, possible benefits, significant risks, alternatives and the right to refuse services. Where applicable, Certificants will also provide the client with information about the cost of case management services prior to initiation of services.

S 11 - Relationships with Clients

Certificants will not enter into any relationship with any client (business, personal or otherwise) that will interfere with the Certificant's professional objectivity.

S 12 - Termination of Services

Prior to the discontinuation of case management services, Certificants will provide written notification of that discontinuation to all relevant parties consistent with applicable statutes and regulations.

S 13 - Objectivity

Certificants will maintain objectivity in their professional relationships and will not impose their values on their clients.

Section 4 – Confidentiality, Privacy and Recordkeeping

S 14 - Legal Compliance

Certificants will be knowledgeable about and act in accordance with federal, state, and local laws and procedures related to the scope of their practices regarding client consent, confidentiality, and the release of information.

S 15 - Disclosure

At the outset of the Certificant-client relationship, Certificants will inform the client that any information obtained through the relationship may be disclosed to third parties. Disclosure of information will be made only to clients, payors, service providers, and governmental authorities and limited to what is necessary and relevant, except that the Certificant must reveal information to appropriate authorities, as soon as and to the extent that the Certificant reasonably believes necessary, to prevent the client from: a) committing acts likely to result in bodily harm or imminent danger to the client or others; and b) committing criminal, illegal, or fraudulent acts.

S 16 - Client Identity

As required by law, Certificants will hold as confidential and private the client's identity, especially when using data for training, research, publication, and/or marketing unless a lawful, written release regarding this use is obtained from the client.

S 17 - Records

Certificants will maintain client records, whether written, taped, computerized, or stored in any other medium, in a manner designed to ensure confidentiality.

S 18 - Electronic Recording

Certificants will not electronically record communications with clients without first obtaining the client's written permission.

S 19 - Reports

Certificants will be accurate, honest, and unbiased in reporting the results of their professional activities to appropriate third parties, to avoid exerting undue influence upon the decision making process.

S 20 - Records: Maintenance/Storage and Disposal

Certificants will maintain records necessary for rendering professional services to their clients and as required by applicable laws, regulations, or agency/institution procedures. 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.

Section 5 – Professional Relationships

S 21 - Testimony

Certificants, when providing testimony in a judicial or non-judicial forum, will be impartial and limit testimony to their specific fields of expertise.

S 22 - Dual Relationships

Certificants who provide services at the request of a third-party payor will disclose the nature of their dual relationship at the outset of the Certificant/client relationship by describing their role and responsibilities to parties who have the right to know. Dual relationships, other than payor/client, include, but are not limited to, Certificants working with clients who are the Certificants' employer, employee, friend, relative, and/or research subject, and must also be disclosed.

S 23 - Unprofessional Behavior

It is unprofessional behavior if the Certificant:

- a) commits a criminal act;
- b) engages in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- c) engages in conduct involving discrimination against a client because of race, color, religion, age, gender, sexual orientation, national origin, marital status, or disability/handicap;
- d) engages in sexually intimate behavior with a client; or accepts as a client an individual with whom the Certificant has been sexually intimate.

S 24 - Fees

Certificants 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 25 - Advertising

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

S 26 - Solicitation

Certificants will not reward, pay, or compensate any individual, company, or entity for directing or referring clients to the Certificant. Nothing contained herein will preclude Certificants from making reasonable expenditures in entertaining individuals who have referred or may in the future refer clients to the Certificant or from giving gifts of minimal value to such individuals.

Section 6 – Research**S 27 - Research: Legal Compliance**

Certificants will plan, design, conduct, and report research in a manner consistent with ethical principles and federal and state laws and regulations, including those governing research with human subjects.

S 28 - Research: Subject Privacy

Certificants who supply data, aid in the research of another person, report research results, or make original data available will protect the identity of the respective subjects unless an appropriate authorization from the subjects has been obtained or as required by law.

CCMC PROCEDURES FOR PROCESSING COMPLAINTS

Release of Information

Clients of any Certificant (as defined below) who choose to file a complaint against such Certificant under these Procedures for Processing Complaints ("Procedures") will be required to grant permission to the Certificant to release all records of interactions between such complainant and the Certificant to the Committee (as defined below) and to answer all questions the Committee may ask concerning those interactions. Thus, the entire contents of such individual's file, including documents from other service providers, may become part of the evidence. Furthermore, the complainant will be required to grant permission to allow the Committee to send copies of any materials submitted in conjunction with the complaint to the Certificant.

Individuals who file a complaint but are not the client and yet use client information to support their claim, must obtain written permission from the client to submit the information, or must remove all identifying information from the materials submitted in conjunction with the complaint.

Statement of Purpose

1. The Commission for Case Manager Certification is dedicated to promoting the certification of professional case managers through credentialing to advance the quality of service provided to clients.
2. The Commission, in furthering its objectives and through the CCMC Committee on Ethics and Professional Conduct, administers the Code that has been developed and approved by the Commission. The intent of the Commission is to monitor the professional conduct of its Certificants to promote sound ethical practices. CCMC does not, however, warrant the performance of any individual.
3. These Procedures facilitate the work of the CCMC Committee on Ethics and Professional Conduct by specifying procedures for (a) processing cases of alleged violation of the Code, (b) sanctioning Certificants, and (c) processing appeals.

Section A: Definitions

1. Certificant: As used in these Procedures only, the "Certificant" will refer to the CCM who is alleged to have violated the Code.
2. Code: The CCMC Code of Professional Conduct for Case Managers.
3. Commission or CCMC: The Commission for Case Manager Certification.
4. Committee: The CCMC Committee on Ethics and Professional Conduct.
5. CCM: Certified Case Manager.
6. Procedures: These CCMC Procedures for Processing Complaints.

Section B: Committee on Ethics and Professional Conduct

1. Membership – The Committee on Ethics and Professional Conduct is a standing Committee of the Commission consisting of a minimum of four (4) members appointed by the Chair of the Commission. The Chair of the Commission will fill any vacancy occurring on the Committee.

2. Meetings – The Committee may meet in person or by telephone conference a minimum of four (4) times per year for processing complaints.

3. A quorum of three (3) members of the Committee is necessary to conduct a hearing or any other business to come before the Committee.

4. Disqualification – In the event any member of the Committee has a personal interest in the case or has any knowledge of the facts of the case other than what has been provided to all Committee members, he/she will withdraw from hearing the case. In the event that the Chair of the Committee will withdraw, the Commission Chair will appoint another Committee member to act as Chair of the Committee.

5. Replacements – If a Committee member excuses himself/herself from a complaint and insufficient members are available to conduct business, the Chair of the Commission will appoint a former CCMC Commissioner, who is a CCM, to act as a member of the Committee. In the event that no former CCMC Commissioner is available to act as a member of the Committee, the Chair of the Commission will appoint a member who is a CCM until a sufficient number of members is obtained that constitutes a quorum.

6. General Responsibilities – The Committee is responsible for (a) educating CCMs and the general public as to the provisions of the Code; (b) periodically reviewing and recommending changes in the Code, including as well as these Procedures; (c) receiving and processing complaints of alleged violations of the Code; and (d) receiving and processing questions with respect to the Code. The Committee members have an obligation to act in an unbiased manner, to work expeditiously, to safeguard the confidentiality of the Committee's activities, and to follow procedures established to protect the rights of all individuals involved.

7. Jurisdiction – The Committee has jurisdiction to consider whether an individual has violated the Code if the individual is a current CCM. In the event that the CCMC receives a complaint concerning an individual who does not possess a CCM designation, a representative of CCMC will inform the complainant and may refer the complainant to an appropriate authority. Should a Certificant attempt to relinquish certification during the course of any case, CCMC reserves the right to continue the matter for a final and binding resolution according to these rules.

Section C: Ethics Complaints

1. Persons Who May File – The Committee will accept complaints that a Certificant has violated one or more Standards of the Code from the following:

a. CCMs or members of the general public who have reason to believe that a Certificant has violated the Code.

b. The Committee Chair, when the Committee has reason to believe through reliable information received or obtained by it that a Certificant has violated the Code.

2. Complaints – The Committee will accept only signed, written complaints on the CCMC Ethics Complaint Form attached to these Procedures. If telephone inquiries from individuals are received regarding the filing of complaints, the individuals calling will be informed of the signed, written communication requirement and asked to comply.

3. Correspondence on Complaints – All correspondence related to a complaint must be in writing and addressed to the Committee on Ethics and Professional Conduct, CCMC, 15000 Commerce Parkway, Suite C, Mt. Laurel, New Jersey 08054, and must be marked “Confidential.” This process is necessary to protect the confidentiality of the complainant and the Certificant.

4. Duties of CCMs – All CCMs are pledged, in accordance with the Code, to cooperate with proceedings of the CCMC for any alleged violation of the Code.

5. Timelines – The timelines set forth in these standards are guidelines only and have been established to provide a reasonable framework for processing complaints. The Committee will grant an extension of a deadline requested by a Certificant or complainant only when justified by unusual circumstances. The Committee may, in its discretion, delay or postpone its review of any case.

6. Administration of Complaints – The responsibilities of the Committee with respect to ethics complaints will include, but not be limited to, the following:

- a. Review complaints that have been received;
- b. Determine whether the alleged behavior, if true, would violate the Code, and whether the Committee should accept the complaint under these Procedures;
- c. If the Committee determines that the complaint contains insufficient information to make a fair determination of whether the behavior alleged in the complaint would be cause for action by the Committee, the Committee may request further written information from the complainant or other person;
- d. Notify the complainant that the Committee has determined that no action will be taken; or, if action is to be taken, notify the complainant and the Certificant of acceptance of the complaint; and
- e. When appropriate, the Committee will arrange for legal advice with the assistance of the CCMC Chief Executive Officer.

7. Withdrawal of Complaints – If the Certificant voluntarily relinquishes certification or if the Certificant or complainant fails to cooperate with an ethical inquiry in any way, the CCMC may, at its discretion, continue its investigation, noting in its final report the circumstances of the Certificant’s or complainant’s failure to cooperate. The Committee, in its sole discretion, may terminate the complaint of an uncooperative complainant. Even if the complainant and Certificant agree to discontinue the complaint process, the Committee may, at its discretion, complete the adjudication process if available evidence indicates that this is warranted.

8. Certificant Response – If a complaint is accepted, the Certificant will be asked to respond in writing to the complaint against him/her, addressing each of the following:

- a. Acknowledge the section of the Code which he/she has been accused of having violated; and

b. Submit any fact affidavits, documents, or written arguments that he/she wishes to be considered by the Committee in reviewing the complaint. The Certificant will be informed that if he/she wants to respond, he/she must do so in writing within thirty (30) days from the date of notification. If a Certificant fails to respond in writing to a request from the Committee, the Committee may impose sanctions on the basis of the complaint alone. Should the Committee request further information from the Certificant, the Certificant will be given thirty (30) days from the date of the request to respond.

9. Preliminary Disposition of Complaint – After receiving the response of the Certificant, Committee members will be provided copies of the response and supporting fact affidavits, documents, or written arguments provided by the Certificant and others. At the next meeting or teleconference of the Committee, the Committee will discuss the complaint, response and any supporting documentation. On the basis of the complaint and the Certificant's response, the Committee must act as follows:

- a. If no violation is found, the case will be closed and all parties will be notified of case closure in writing; or
- b. If reasonable basis is found to exist for any violation alleged in the complaint, all parties will be notified in writing. Upon a finding of reasonable basis, the Certificant may make a written request for a hearing before the Committee or the Committee, in its discretion, may initiate a hearing.

Section D: Ethics Hearings

1. Initiation – If a hearing has been requested by the Certificant or initiated by the Committee, the Committee Chair will schedule a hearing on the case and notify the complainant and the Certificant of their right to attend the hearing with legal counsel. The hearing will be held before the Committee.

2. Purpose –

- a. A hearing will be conducted to determine whether a violation of the Code has occurred and, if so, to determine appropriate disciplinary action.
- b. The Committee will be guided in its deliberations by principles of basic fairness and professionalism, and will keep its deliberations as confidential as possible, except as provided herein.

3. Notice to Parties – The Certificant or his/her legal counsel and the complainant will be advised in writing by the Chair of the Committee of the time and place for the hearing.

4. Conduct of Hearing –

- a. The location of the hearing will be determined at the discretion of the Committee. Parties to the complaint, including witnesses, may participate by telephone. The Committee will provide a private room to conduct the hearing and no observers, other than appropriate CCMC staff, or recording devices other than a recording device used by the Committee will be permitted.
- b. The Committee Chair administering the complaint will preside over the hearing and deliberations of the Committee. At the conclusion of the hearing and deliberations of the

Committee, the Commission will promptly issue written notice to the Certificant of the Committee's decision. The Commission will also notify the complainant in writing of the disposition of the complaint.

c. A record of the hearing will be made and preserved until all appeals are completed or the appeals period has expired. The record will consist of a summary of testimony received or a verbatim transcript, at the discretion of the Committee. Documents presented in evidence will be retained, at CCMC's administrative office, as set forth in Section I below.

d. The Certificant and the complainant will be entitled to have legal counsel or a representative present to advise and represent them throughout the hearing. Legal counsel for CCMC may also be present at the hearing to advise the Committee and will have the privilege of the floor.

e. Either party will have the right to call witnesses to substantiate his/her version of the case.

f. The Committee will have the right to call witnesses it believes may provide further insight into the matter.

g. Witnesses will 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 cross-examination.

h. The Chair of the Committee will allow questions to be asked of any witness by members of the Committee and, in its discretion, by the opposition if such questions and testimony are relevant to the issues in the case.

i. The Chair administering the complaint will determine what questions and testimony are relevant to the case. Should the hearing be subject to irrelevant testimony, the Chair may call a brief recess until order can be restored.

j. Both the complainant and the Certificant, and any witnesses and legal counsel that they may have must pay their own expenses. CCMC will pay the expenses of the Committee members. Parties initiating telephone contact will assume the expenses related to the calls.

k. If the Certificant fails to appear at the hearing, the Committee will decide the complaint and determine what testimony it will hear on record. Failure of the Certificant to appear at the hearing will not be viewed by the Committee as sufficient grounds alone for taking disciplinary action.

5. Presentation of Evidence –

a. The Standard Order of Testimony for CCMC Hearings will be as follows, as applicable:

<u>Activity</u>	<u>Time</u>
Convening of Hearing	
Opening Statement by Committee Chair	
Opening Statement by Certificant's Attorney or Certificant	10 Minutes
Testimony from Complainant	20 Minutes
Questioning of Complainant by Committee & CCMC Attorney	
Questioning of Complainant by Certificant's Attorney or Certificant	15 Minutes
Testimony from Complainant's Witnesses	30 Minutes
Questioning of Complainant's Witnesses by Committee & CCMC Attorney	
Testimony from Certificant	20 Minutes
Questioning of Certificant by Committee & CCMC Attorney	
Questioning of Certificant by Complainant's Attorney or Complainant	15 Minutes
Testimony from Certificant's Witnesses	30 Minutes
Questioning of Certificant's Witnesses by Committee & CCMC Attorney	
Closing Statement from Certificant's Attorney or Certificant	5 Minutes
Conclusion of Hearing	

b. The Chair of the Committee will have the authority to modify the Standard Order of Testimony for any hearing, in the event the Chair deems it necessary or appropriate.

c. The Certificant may refuse to testify at a hearing and will not be found in violation of the Code simply for refusing to testify. Once the Certificant chooses to testify, however, he/she may be questioned by the complainant and members of the Committee, subject to the constitutional rights of the Certificant.

d. Testimony that is merely cumulative or repetitious may, at the discretion of the Committee Chair, be excluded.

e. All parties providing testimony will be required to attest to the veracity of their statements.

f. Any written documentation submitted by the parties in connection with a hearing after the deadlines determined by the Committee may, at the Committee's discretion, be excluded or receive limited consideration.

6. Relevancy of Evidence –

a. The Committee hearing is not a court of law and 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 should be considered.

b. The Committee will not consider evidence or testimony for the purpose of supporting any charge that was not set forth in the notice of the hearing or that is not relevant to the issues of the case.

7. Burden of Proof –
 - a. The burden of proving a violation of the Code is on the complainant.
 - b. Although the charge(s) need not be proved “beyond a reasonable doubt,” a Committee finding that a Certificant has violated the Code must be supported by substantial, objective, and believable evidence.
8. Deliberations of the Committee –
 - a. After the hearing is completed, the Committee will meet in a closed session to review the evidence presented and reach a conclusion. CCMC legal counsel may attend the closed session to advise the Committee if the Committee so desires.
 - b. The Committee will be the sole judge of the facts and will weigh the evidence presented and assess the credibility of the witnesses. The decision of a majority of the members of the Committee present will be the decision of the Committee and the Commission. The Chair of the Committee will vote only to break a tie or when the Committee consists of three members.
 - c. Only members of the Committee who were present throughout the entire hearing will be eligible to vote.
9. Committee Decisions –
 - a. The Committee will first resolve the issue of whether the Certificant violated the Code. Applying the burden of proof in Subsection 7 above, the Committee will vote by secret ballot, unless all of the members of the Committee entitled to vote consent to an oral vote.
 - b. In the event the Committee does not find that the Certificant has violated the Code, the charges will be dismissed. If the Committee finds the Certificant has violated the Code, it must then determine what actions or sanctions will be imposed.

Section E: Committee Actions and Sanctions

1. Permissible Actions and Sanctions –
 - a. Letter of Instruction. 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 of letter of instruction, which is not a sanction.
 - b. Sanctions. In the event it is determined that the Code has been violated, and a letter of instruction is not appropriate, the Committee will impose one or a combination of the possible sanctions that follow:
 - i. Reprimand. The Committee may stipulate remedial requirements.
 - ii. 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.

iii. 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.

iv. Revocation of CCM certification.

c. 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.

2. Notification of Sanctions –

a. The Certificant will be given written notice within thirty days (30) of Committee decisions regarding complaints against him/her.

b. The complainant will be given written notice of Committee decisions regarding his/her complaint after the time for appeal has expired.

c. If a sanction has been issued, counselor licensure, certification, or registry boards; other mental health licensure, certification, or registry boards; voluntary national certification boards; and appropriate professional associations will also be notified of the results.

d. If a violation has been found and the Certificant's CCM 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.

Section F: Appeals

1. Basis of Appeals – Decisions of the Committee that a Certificant has violated the Code may be appealed by the Certificant found to have been in violation based on one or more of the following grounds:

a. The Committee violated its policies and procedures for processing complaints of ethical violations; and/or

b. The decision of the Committee was arbitrary and capricious and was not supported by the materials and testimony presented by the complainant and the Certificant.

2. Limitation of Appeals – After the Certificant has received notification that he/she has been found in violation of one or more sections of the Code, he/she will be given thirty (30) days from the date such written notification is sent to notify the Committee in writing via certified mail that he/she is appealing the decision.

3. Form of Appeal – An appeal must be in writing stating one or more of the grounds of appeal listed in Subsection F.1(a) or (b) above, and the reasons for the appeal.

4. Appeals Panel – The CCMC Chair will appoint a three (3) person appeals panel consisting of at least one (1) former Commission member, who is currently a CCM, with the balance being

CCMs, none of whom served on the Committee at the time the original decision was rendered. The CCMC attorney will serve as legal advisor and have the privilege of the floor.

5. Standard of Review – The three (3) member 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 letter filed by the appealing Certificant. The appeals panel will not accept new evidence, but will review the complaint only on the basis of the existing record.

6. Decision of Appeal – The decision of a majority of the members of the appeals panel will be the final decision. The decision will be rendered within a reasonable period of time. The decision of the appeals panel may include one of the following:

- a. The decision of the Committee is upheld.
- b. The decision of the Committee is reversed and/or remanded with guidance to the Committee for a new hearing. The reason for this action will be given in detail to the Committee in writing.

When a Committee decision is reversed and/or remanded, the complainant and the Certificant will be informed in writing and additional information may be requested. The Committee will then render another decision after further hearing. A decision of the appeals panel to uphold the Committee decision is final.

Section G: New Evidence

In the event substantial new evidence, which was not available to the Certificant at the time of the hearing, is presented in a case where a final decision has been rendered, the Committee may reopen the case, if deemed appropriate by the Committee. The Committee will consider substantial new evidence and, if it is found to be substantiated and capable of exonerating a Certificant originally found to have violated the Code, the Committee will reopen the case and proceed with the entire complaint process again.

Section H: Legal Actions Relating to Ethics Complaints

1. All parties to a complaint are required to notify the Committee if they learn of any type of legal action (civil, criminal, or administrative) being filed in relation to the complaint.
2. In the event any type of legal action is filed regarding an accepted complaint, all actions related to the complaint may, at the discretion of the Committee, be stayed until the legal action has been concluded.
3. If actions to a complaint are stayed, the complainant and the Certificant will be notified in writing.
4. When actions on a complaint are continued after a legal action is concluded, the complainant and the Certificant will be notified in writing.

Section I: Records

1. The records of the Committee regarding complaints are confidential except as provided herein.

a. All information concerning complaints against Certificants will be confidential except that the Committee may disclose such information when compelled by a validly issued subpoena or when otherwise required by law or valid court order.

b. Nothing in this Section will be construed to prevent the Committee from communicating with the complainant, witnesses, potential members of fact-finding committees, or other sources of information necessary to enable the Committee to carry out its function, nor to prevent the notice of sanctions described in Subsection E.2 above.

2. Original copies of complaint records will be maintained in files at CCMC's administrative office or at an offsite location chosen by CCMC for a specified period of time as listed below:

a. Files of Sanctions or Letters of Instruction – In cases where the Committee has found an ethical violation and imposed any sanction or Letter of Instruction, a copy of the Committee's decision will be maintained indefinitely. A copy of the entire record on such matter will be maintained for not less than five (5) years after the Committee closed the case.

b. Files for Non-Violations – Except for those cases closed for insufficient evidence, personally identifiable information concerning a Certificant who has been found not to have violated the Code will be maintained for not less than one (1) year after the Committee has closed the case.

c. Files for Insufficient Information – In cases where the Committee has closed a case due to evidence insufficient to sustain a complaint of ethical violation, records containing personally identifiable information will be maintained for not less than one (1) year after the Committee has closed the case.

d. 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 Certificant.

e. Records for Education Purposes – Nothing in this Section will preclude the Committee from maintaining records in a form that prevents identification of the Certificant so that it may be used for archival, educational, or other legitimate purposes.

3. Members of the Committee will keep copies of complaint records confidential and will destroy copies of their records relating to a complaint on the sooner of the date the time for appeal has expired or the date the member is no longer a member of the Committee.

Commission for Case Manager Certification

COMPLAINT FORM

This form is supplied by the Commission for Case Manager Certification (CCMC) to individuals (complainants) who wish to submit a complaint against an individual certified by CCMC. In order to file a complaint, you must complete this form and mail it in an envelope marked "Confidential" to: Committee on Ethics and Professional Conduct, CCMC, 15000 Commerce Parkway, Suite C, Mt. Laurel, New Jersey 08054.

This complaint form is an official form and must be completed in its entirety, signed and submitted to the CCMC along with suitable documentation in support of this complaint. Upon receipt, the Committee on Ethics and Professional Conduct will determine whether an inquiry can be initiated under its authority.

(Please Type or Print Legibly)

SECTION I

Your Name (hereinafter referred to as "Complainant"): _____

Address: _____

City: State: Zip: _____

Phone Number: E-mail: _____

SECTION II

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

Address: _____

City: State: Zip: _____

Please respond to each of the following:

SECTION III

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

SECTION IV

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

SECTION V

Supporting documentation attached (i.e. invoices and payments, signed statements from physician(s) and other rehabilitation professional personnel, correspondence to and from Certificant, etc.):

IMPORTANT:

1. By signing this form, I affirm that the allegations set forth in this complaint and any accompanying materials 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 in the complaint 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 understand and agree that all information and materials provided by me in connection with this complaint may be used as evidence by the Committee on Ethics and Professional Conduct and/or CCMC.

2. Further, by signing this form, I acknowledge that all information, including a copy of this complaint form, any accompanying letters of complaint and supporting documentation will be submitted to the Committee on Ethics and Professional Conduct, the Certificant (in the event that an inquiry is initiated), and may be forwarded to the CCMC Commissioners, if necessary. I understand that, in the event a complaint is accepted by the Committee on Ethics and Professional Conduct, the Certificant will be requested to submit evidence addressing the allegations of the complaint.

3. Further, by signing this form, I acknowledge that I must treat all information as confidential, and that CCMC will keep all information it receives strictly confidential, except if it discloses the information to its attorneys, the Respondent, or me, or is required by law, regulation or court order to disclose the information.

4. Further, by signing this form, I hereby grant permission to the Certificant to release all records of interactions between such complainant and the Certificant to the Committee (as defined below) and to answer all questions the Committee may ask concerning those interactions. I grant permission to allow the Committee to send copies of any materials submitted in conjunction with the complaint to the Certificant. I understand that if I am not the client and yet use client information to support my complaint, that I must obtain written permission from the client to submit the information, or must remove all identifying information from the materials submitted in conjunction with the complaint.

5. I further acknowledge that I have read the enclosed Rules and Procedures and understand the Process applicable to professional ethics complaints.

Signature of Complainant _____ Date _____

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

Notary Public