



Code of Ethics

PREAMBLE

The conduct of members of the ND Association of Community Providers (NDACP), an advocacy and trade organization must be ethical at all times. The Standards and Ethics Guidelines are set forth to express the commitment of NDACP to persons with disabilities.

CONDUCT AND PROFESSIONAL PRACTICES

As members of the NDACP, each organization:

Affirms that our obligation is to work for and with persons with disabilities and that our first responsibility is to the individual.

Shall provide services as a public trust which requires integrity, compassion and respect for individual choices and differences. Members of NDACP shall provide services to persons without preference as to race, color, religion, age, gender, sexual orientation or national origin.

Shall provide services designed to meet the individual needs of each person, with an emphasis on the choice for integration in the least restrictive environment, designed to enhance growth and development.

Shall respect the privacy of persons we serve and protect the rights of confidentiality.

Shall give preference to our professional responsibility over any personal interests.

Shall meet applicable licensing and certification requirements.

Shall advocate for services within our own community and State which provide support to the individual and their family.

Shall work cooperatively with other members of NDACP to advocate for the protection of the individual and the community against unethical and/or inappropriate practices or actions by other individuals or organizations providing services to persons with disabilities.

Shall work cooperatively with other members of NDACP to contribute ideas, findings, concepts, understanding, knowledge and practice to the provision of services to persons with disabilities.

Shall not speak on behalf of NDACP without authorization.

VALUE STATEMENTS

NDACP supports the viability of all existing members. Diversity of providers enhances the quality of services.

COMMUNICATION

It is encouraged that any discussion, comments or criticism directed toward a fellow NDACP member or organization be positive and/or constructive. Members are expected to treat the Executive Director of NDACP, and all members in a respectful manner at all times.

If a member has issues with the Executive Director of NDACP or another member organization, that organization should voice their concern directly with that individual or organization in an attempt to resolve the dispute, prior to filing a formal complaint.

Members shall work through the Association to define stands on issues and accept the majority decision of the membership on any issue. In some cases, a position may conflict with an individual Member's needs, however, when speaking as a Member of this Association, it is imperative to support the majority decision

CONFIDENTIALITY

The purpose of confidentiality is to safeguard information that is obtained in the course of participation in NDAPC. In order to foster a climate of trust, members will not disclose information to outside parties that compromise the integrity of NDACP, or its individual members. Unauthorized release of confidential information will not be tolerated.

BUSINESS PRACTICES

NDACP recognizes the free enterprise system and believes that fair competition encourages the development of quality services to the person served and other involved parties.

Members should compete solely on the merits of their services and products and their intention and ability to provide those services, and not engage in any form of unfair competition.

Organizations will not engage in inappropriate activities such as bribing prospective consumers, unfairly recruiting or misrepresenting potential staff, or pay staff a bounty or finder fee to bring individuals into their organization.

If an NDACP member is submitting a competitive bid for funding that potentially impacts another organization, the member will notify that organization as a professional courtesy.

The initiation of direct contact with persons receiving services, their families, guardians or other involved parties to solicit an individual for a change of service provider is prohibited and considered unethical.

When recruiting an employee, NDACP members should not falsely promise benefits, employment advancements or salaries, which they know, or have reason to know, they cannot meet.

ETHICS COMMITTEE

Members will elect five NDACP members to serve annually on the Ethics Committee to investigate and rule on alleged infractions of the approved Code of Ethics of NDACP. Elections for the Committee will be held annually at the NDACP Annual Meeting. Vacancies that occur between Annual Meetings will be filled by Special Election.

All complaints should be filed by mailing them in an envelope marked:

PERSONAL AND CONFIDENTIAL
Chairperson, Ethics Committee
NDACP
Address

Resolutions for violations of the NDACP Code of Ethics may include ethics education, temporary suspension of voting privileges, and/or termination of NDACP membership as recommended by the Ethics Committee, and reviewed and determined by the Executive Committee.

ACCEPTANCE

I have reviewed the NDACP Code of Ethics and agree to comply with the guidelines outlined above.

Name of Organization

Signature

Title

Date

Additional possible competition language

Accordingly, under no circumstances should any Member agree with a competitor to restrict competition by any means. Generally, Members should not even discuss with a competitor any matters directly involved in competition between such competitor and the Member entity.

Members should not arbitrarily refuse to deal with others, nor should they decline to utilize services or purchase goods from others simply because they are competitors in other respects.

Equally important, Members should not require others to utilize the Member's services before the Member will utilize their services.

Persons Receiving Services should not be required to take from any Member a service they do not want in order to obtain from the Member a service the Person Receiving Services does want.

Members will be accurate and truthful in all dealings with others and be careful not to misrepresent the quality, features or availability of the Member's services or products.

Members will not interfere with contracts made between a prospective Person Receiving Services and a supplier competing with any Member.

Members will not engage in espionage, bribery or coercion.

Members will not disparage or malign a competitor's services or products. Members shall not create libelous documents or make slanderous or defaming remarks about others, whether Member, non-member, Person Receiving Services, or DDSD.

Solicitation.- Definition

A. "Solicitation" means the use of a method described in Section 10.B of this policy to attempt to unduly influence an individual served by a nonprofit community program or program component or his or her family or guardian to transfer from one program to another program. Solicitation is prohibited by the all of the following:

- 1) A nonprofit community program and any program component or any individual acting on behalf of the program or program component,*
- 2) Any staff member of a nonprofit community program or program component or any individual acting on behalf of the staff member, and*
- 3) Any individual who provides or has provided professional or direct care services for a nonprofit community program or program component or any individual acting on his or her behalf.*

B. The following methods of solicitation are prohibited:

- 1) With the intent of soliciting consumers, hiring an individual who has been previously employed by or contracted with another nonprofit community program or program component who subsequently contacts consumers on the individual's caseload with the previous program or program component with the intent of inducing the consumer to transfer to the nonprofit community program or program component with which the individual is currently employed or contracted.*

Protected Health Information, such as consumer addresses and telephone numbers, are considered confidential and the property of the nonprofit community program or program component with which the individual was or is employed or contracted. An individual formerly employed or contracted with a nonprofit community program or program component may not disclose Protected Health Information without a signed release from the consumer according to HIPAA. If DDS finds that an individual has released Protected Health Information in a manner contrary to HIPAA, DDS will notify the appropriate licensing or certification entity and the Office of Inspector General of the U.S. Department of Health and Human Services.

- 2) Offering cash or gift incentives to an individual served or his or family or guardian to induce the individual served or his or her family or guardian to change programs,*
- 3) Offering an individual served or his or her family or guardian free goods or services that are not available to other similarly stationed consumers to induce the individual served or his or her family or guardian to change programs,*
- 4) Refusing to provide an individual served access to entitlement services for which the individual is eligible if the individual served or his or her family or guardian selects another nonprofit community program or program component to provide waiver services to the individual,*

5) *Making negative comments to a potential individual served, his or her family or guardian, or an advocate regarding the quality of services provided by another nonprofit community program or program component other than for the purpose of monitoring or official advocacy,*

6) *Promising to provide services in excess of those necessary to induce an individual served or his or her family or guardian to change programs,*

7) *Directly or indirectly giving an individual served or his or her family or guardian the false impression that the nonprofit community program or program component is the only agency that can provide the services desired by the individual served or his or her family or guardian, and*

8) *Engaging in any activity that DDS determines was intended to be solicitation as defined in Section 10.A of this policy.*

C. Only an authorized DDS representative may offer an individual or his or her family or guardian provider choice.

D. DDS investigates claims of solicitation that appear to be consistent with the definition of solicitation in Section 10.A of this policy. If DDS makes a finding of prohibited solicitation, DDS imposes enforcement remedies under Section 9 consistent with the scope and severity of the solicitation. If a pattern of solicitation occurs, DDS may impose Licensure Revocation.

E. Marketing is distinguishable from solicitation and is considered an allowable practice. Examples of acceptable marketing practices include without limitation:

1) *General advertisement using traditional media,*

2) *Distribution of brochures and other informational materials regarding the services provided by a nonprofit community program or program component if the brochures and materials are factual and honestly presented,*

3) *Providing tours of a nonprofit community program or program component to interested individuals,*

4) *Mentioning other services provided by the nonprofit community program or program component in which a consumer might have an interest, and*

5) *Hosting informational gatherings during which the services provided by a nonprofit community program or program component are honestly described.*