



# California Association for Adult Day Services

## CODE OF ETHICS

### PREAMBLE

First and foremost, the industry of adult day services is dedicated to the health and well-being of program participants. The members of the California Association for Adult Day Services are committed to the highest standards of quality of care, of service to the community, and of professionalism. CAADS' core values reflect this commitment: 1) making a difference through leadership and pioneering actions; 2) serving individuals, families, and community with compassion; 3) respect for individuality and independence at all stages of life; 4) achieving excellence through innovation, creativity, resourcefulness, and change.

Every member of the California Association for Adult Day Services has voluntarily committed itself/himself/herself to the following *Code of Ethics*. This *Code of Ethics* sets forth principles and rules of conduct above and beyond those required by law, and is actively enforced by the Association.

### Principle 1: QUALITY OF CARE

Members shall strive to uphold the highest possible levels of quality care, including (1) conformance to standards promulgated by this Association; (2) conformance to standards and requirements imposed by regulatory authorities having jurisdiction over each member facility; and (3) commitment to ongoing professional development and education.

### Principle 2: PARTICIPANT RIGHTS

Members shall strive to recognize and respect the rights, dignity and individuality of all participants. Members shall maintain confidentiality concerning participants except as otherwise required by law.

Members and their staff shall be obliged to become familiar with and to report suspected cases of elder abuse and other reportable offenses against participants to the proper authorities, consistent with state law.

### Principle 3: PARTICIPANT SELECTION

In serving the public, members shall not refuse to accept participants or deny services based on the participant's race, creed, religion, color, sex, sexual orientation or national origin. Members shall not allow differences in culture and values to influence selection of participants, services and or relationships. However, members may exercise reasonable discretion in selecting participants appropriate for their program.

### Principle 4: APPROPRIATENESS OF CARE

Members shall inform prospective participants of alternative programs or services that appear suited to the needs of the participant, regardless of whether or not those services are offered by that member. Members shall not actively propose to serve participants in excess of their needs.

### Principle 5: REPRESENTATION OF CARE AND FEES

Members shall make no representations to participants and/or their representatives in a manner that is false or misleading in any material respect.

Members shall fully disclose all applicable charges for care, materials and related services prior to their provision. Members shall not pay rebates or referral fees, or engage in fee splitting in any form unless specifically authorized by law.

### Principle 6: CONFLICTS OF INTEREST

Members shall avoid actual, apparent or potential conflicts of interest with regard to their professional involvements and personal, financial or other interests. In the event that an actual, apparent or potential conflict of interest exists, the Member shall refrain from

providing services or materials until full disclosure has been made, and the conflict waived by the participant or his/her representative.

**Principle 7: ACCOUNTABILITY OF MEMBERS**

Members and their principals (if applicable) shall maintain high standards of personal and professional conduct both within and outside the adult day services community.

Members shall abide by the reasonable decisions of duly constituted committees of the Association.

**Principle 8: PROTECTION OF THE PUBLIC**

Members shall have an affirmative duty to report, to appropriate regulatory authorities, fraud and abuse occurring within the adult day care industry, either known or reasonably suspected by the Member to exist.

Members shall maintain financial accountability concerning all participant funds and property. Participant funds shall be maintained separately and not commingled with Member funds until fully earned.

# CAADS CODE OF ETHICS JUDICIAL PROCEDURES

## 1. PROFESSIONAL CONDUCT:

The professional conduct of the members of this Association shall be governed by the California Association for Adult Day Services' (CAADS) *Code of Ethics*.

## 2. PLEDGE:

Every new applicant of this Association, upon applying for membership, and every member upon renewing, must sign a statement pledging to adhere to the CAADS' *Code of Ethics*, policies, rules, regulations, bylaws and the reasonable decisions of duly constituted committees of the Association.

## 3. CONDUCT SUBJECT TO DISCIPLINE:

A member may be subject to disciplinary sanctions if the member is found to have: (a) been guilty of committing a felony; (b) violated the laws or regulations of the state, or county in which the member practices; (c) violating the CAADS' *Code of Ethics*, policies, rules, regulations or bylaws; (d) his/her license to operate an adult day service facility is either suspended or revoked by the political jurisdiction in which it operates; (e) displayed any conduct detrimental to the reputation or the best interests of CAADS (f) or failure to abide by the reasonable decisions of duly constituted committees of the Association. Any member sanctioned in any manner by a state or regulatory board shall have an affirmative obligation to notify the CAADS Ethics Committee.

## 4. INITIATION OF COMPLAINTS:

Complaints raising disciplinary considerations may be made by any interested party. All complaints must be submitted to the Investigating Panel of the Ethics Committee in writing and supported by sufficient corroborative evidence.

## 5. PRELIMINARY INVESTIGATION OF COMPLAINTS:

The person in question is assigned a number so their identity is kept confidential throughout this process, from the other committee members. Only the Ethics Committee Chair and Executive Office know the identity. The Ethics Committee shall make initial investigation into complaints. It shall collect evidence of violations. It shall determine the precise nature of the conduct which is subject to criticism, whether there is any factual basis to support the alleged misconduct, and whether such conduct, if proven, would constitute a violation of the Association's *Code of Ethics* or other established conduct standards. The Association member against whom charges have been made should be informed that a preliminary investigation is being conducted and that he/she will be informed of its results. The accused member may be asked to comment, orally or in writing, to the Ethics Committee. After the completion of the preliminary investigation, the Ethics Committee will determine whether the information obtained may reasonably be interpreted to constitute a violation of the Association's conduct standards. A decision not to commence any disciplinary proceedings against a member should be made known to the member in question and the person(s) who initiated the charges in the first instance.

## 6. DUE PROCESS:

A decision to commence disciplinary proceedings will initiate "due process requirements." To satisfy due process requirements there must be: (a) Reasonable notice of charges, (b) notice of a hearing, (c) the right of confrontation and cross examination, (d) an opportunity to refute all charges, and (e) a hearing before the Ethics Committee. The guidelines of due process must be followed providing notice of charges with specificity, providing for assistance of counsel, and utilizing uniform procedures and establishing rights of appeal. In this manner, judicial members will avoid prejudicial error.

## 7. CONFIDENTIALITY:

Confidentiality by the members of the Ethics Committee is to be strictly maintained throughout the entire judicial proceedings except to the extent necessary for a full review of the facts.

## 8. DISCIPLINE:

The Association may impose the following:

(1) Censure - written record of censure shall be placed in the permanent record of the guilty member and a copy shall be mailed "returned receipt requested" to the guilty member. The returned receipt will also be placed in the member's permanent record.

(2) Suspension - means that all membership privileges, except continued entitlement to coverages under insurance programs, are lost during the suspension period. Suspension shall be unconditional and for a specified period at the termination of which full membership privileges are automatically restored. A written record of suspension shall be placed in the permanent record of the guilty member and a copy shall be mailed "returned receipt requested" to the guilty member. The return receipt will also be placed in the permanent record of the guilty member.

(3) Expulsion - shall be an absolute discipline and shall not be imposed conditionally. A written record of the expulsion shall be placed in the permanent record of the guilty member and a copy shall be mailed "return receipt requested" to the guilty member. The return receipt will also be placed in the member's permanent record. After the expulsion period, as determined by Due Process, the individual may reapply for membership to the Association.

## 9. DECISION:

The decision of the Ethics Committee, following the hearing shall be subject to the review of the Board of Directors. Every decision, whether for acquittal, censure, suspension, or expulsion, shall be presented in writing and shall specify the charges made against the member, the facts presented in substantiation and/or refutation of the

charges, the verdict rendered, and the penalty, if any, imposed. Following the review of the Board of Directors, notice of the decision shall be sent by return receipt requested mail to the member. Such notice shall also inform the member of the right to appeal.

## 10. APPEAL:

The member may appeal the decision of the Ethics Committee and the Board of Directors by filing a statement of particulars with the Executive of the CAADS no later than sixty (60) days after the mailing of the decision accompanied by a request for a hearing before the Appeals Board.

## 11. APPEALS BOARD:

The Appeals Board shall be composed of three (3) members to be selected by the current Ethics Committee Chair. This Board shall be comprised of past-Presidents, past-Board members and/or past-Ethics Committee members. All decisions shall be stayed pending appeal. All notice and hearing requirements shall be applicable to appeals to the Appeals Board. The Appeals Board shall hold its hearing at the next annual session following the receipt of the notice to appeal. The decision of the Appeals Board following the appeal shall be final.

## 12. HOLD HARMLESS:

Every member of this Association does waive the right to hold the Association, its directors, officers members and/or employees responsible for any damage, pecuniary or otherwise, which may result from discipline associated with disciplinary proceedings against said member.