

Code of Ethics

Preamble

The Code of Ethics was developed in response to membership's need and desire for guidelines in providing services to the public in an ethical manner. Ethics is defined by Webster's Dictionary as "the discipline dealing with what is good and bad and with moral duty and obligation."

It is inherent in the promulgation of this Code of Ethics that the Association and its members covenant to protect and preserve the basic rights of their clients and to deal with them in an honest and ethical manner.

This Code of Ethics serves as notice to government officials that the Association expects its members to abide by all applicable laws and regulations. The Code of Ethics serves as a statement to the general public as to what is generally acceptable conduct for home care providers/suppliers and their employees.

The Code of Ethics is intended to serve as a guideline to home and community support services agencies for professional and ethical conduct.

Clients Rights

Member agencies have the responsibility to develop, adopt, and observe client rights in a manner necessary to contribute to lawful and effective client care and satisfaction. A copy of these client rights will be made available to all clients, regardless of age or reimbursement source, at or before the time of admission. The client rights will be respected and observed by all home care personnel and integrated into all provider programs. In addition, members will comply with the requirements of the Patient Self-Determination Act of 1990, where applicable. Attachment A outlines the rights which should be provided to every client.

Texas Association for Home Care

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(512) 338-9293 ♦ fax (512) 338-9496 ♦ (800) 880-8893 ♦ www.tahec.org



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Relationship to Other Provider Agencies

1. Agencies shall honestly and conscientiously cooperate in providing information about referrals and work together to assure comprehensive services tailored to meet the clients' needs.
2. A member or its employees shall not knowingly initiate contact with a client currently treated by another home care provider for the purpose of attempting to persuade the client to change home care providers.
3. Member agencies shall not engage in coercive or unreasonably restrictive exclusionary behavior which would restrict or impede consumer choice of provider agencies. A member agency or related entity that provides a screen to clients for home care referrals shall not use that position to influence a client's choice and shall inform clients of the availability of other providers and their right to choose.
4. Member agencies shall refrain from making false or misleading statements regarding other agencies and the services they provide.

Marketing and Public Relations

1. Oral and written statements to the public, clients, and other health care providers shall honestly and accurately represent services, benefits, cost and provider capability.
2. Members shall not engage in door-to-door solicitation of clients and shall not coerce or harass clients or families to utilize their services.
3. Members shall not, either directly or indirectly, offer or provide compensation, gifts, loans, entertainment, favors, goods or services of value to any person or entity, including, but not limited to, employees, physicians or other health care providers, or businesses, for the purpose of inducing or influencing such person or entity to refer clients to the member (excludes nominal promotional items).

Fiscal

1. The amount of services billed is consistent with the amount and type of services provided.
2. Include only legitimate expenses on Federal or state cost reports.
3. Do not engage in illegal "kick-backs" and "pay-offs" or other schemes to circumvent the law.
4. Members shall promptly submit dues to TAHC based on the actual revenues received from all home and community support services activities for the previous fiscal year.

Personnel

1. Members shall provide and promote continuing education and in-service training for all employees to update knowledge and skills needed to give competent client care;
2. Members shall have qualified and adequate staff, adequately supervised, to meet the needs of its clients

General Agency Responsibilities

1. Members shall comply with all applicable federal and state laws, rules and regulations.
2. Members shall not falsify records.
3. Members shall participate and contribute knowledge, experience, and talents to TAHC in order to foster a dynamic, progressive organization from which all members can benefit professionally.
4. Members shall give all clients a copy of Client Rights and Responsibilities
5. Members shall report suspected abuse of applicable laws and regulations to the appropriate authorities. Texas Department of Aging and Disability Services hot line (800) 458-9858; Federal Office of Inspector General fraud hot line (800) HHS-TIPS; State fraud and abuse hotline (800) 436-6184.

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Client Rights and Responsibilities

The Rights of the Client

The federal government mandates certain rights for clients receiving home care through a Medicare certified agency. The state of Texas also requires that clients 60 years or older be given the list of rights titled "The Rights of the Elderly." All clients of home and community support services agencies have the following rights regardless of age, reimbursement source, or category of service provided:

- ◆ The client has the right to choose his or her health care provider, to include physician, hospital, and home and community support services agency.
- ◆ The client has the right to voice grievances or recommend changes in policy, staff, or service without restraint, interference, coercion, discrimination, or reprisal.
- ◆ The client has the right to be informed, in advance about the care to be furnished, and of any changes in the care to be furnished.
- ◆ The client has the right to participate in planning the individual's total care and medical treatment.
- ◆ The client has the right to receive information, in a language that the individual can understand, necessary to give informed consent prior to the start of any treatment or procedure. The client shall be given the opportunity to refuse treatment after the possible consequences of refusing treatment are fully explained.
- ◆ The client has the right to be advised, before care is initiated, and upon any change, of the extent to which payment for the agency services may be expected from Medicare, Medicaid, insurance or other sources, and the extent to which payment may be required from the client.
- ◆ The client has the right to be treated with respect, consideration, and recognition of the individual's dignity and individuality.
- ◆ The client has the right to have personal property and goods treated with care and protected from damage and unauthorized use/consumption by agency personnel. Agency personnel are not to receive gifts, gratuities or any services from the client.
- ◆ The client may not be physically or chemically restrained unless the restraint:
 - ◆ is necessary in an emergency to protect the client or others from injury after the individual harms or threatens to harm himself or another; or
 - ◆ is authorized in writing by a physician for a limited and specified period of time.

- ◆ The client may not be denied appropriate care on the basis of the individual's race, religion, color, national origin, sex, age, handicap, marital status, or source of payment.
- ◆ The client has the right to keep confidential personal, clinical, financial and social information and related records. This information may not be released or disclosed without the individual's written permission. The client has the right to inspect personal records maintained by the agency.
- ◆ The client has the right to be informed about advance directives. The agency must inform and distribute written information to the client, in advance, concerning its policies on advance directives, including a description of applicable state law

The Responsibilities of the Client

- ◆ The client has the responsibility to remain under a physician's care while receiving agency services, if care requires a doctor's oversight.
- ◆ The client has the responsibility to provide the agency with accurate and complete health information as required by the nature of the services rendered.
- ◆ The client has the responsibility to provide the agency with all requested insurance and financial information as required by the nature of the services and payor source. This includes the responsibility of the client to notify the agency when and if the client adds, drops or changes insurance coverage or elects a Medicare health maintenance organization (HMO) in lieu of traditional Medicare coverage.
- ◆ The client has the responsibility to sign the required consents and releases for services and billing.
- ◆ The client has the responsibility to participate in his or her own care by asking questions and expressing concerns.
- ◆ The client has the responsibility to provide a safe home environment in which the care will be given.
- ◆ The client has the responsibility to accept the consequences for any refusal of treatment or noncompliance with treatment.
- ◆ The client has the responsibility to treat agency personnel with respect and consideration and without harassment or discrimination.
- ◆ The client has the responsibility to abide by The client has the responsibility to cooperate with their physician, agency staff and other caregivers, once the client has consented to the services to be provided.

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