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# A BILL FOR AN ACT

RELATING TO CASE MANAGEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Chapter 346, Hawaii Revised Statutes, is  
2 amended by adding a new section to part XIV to be appropriately  
3 designated and to read as follows:

4           "§346-       Case management agencies and case managers; code  
5 of professional conduct. (a) Each case management agency  
6 subject to this part and each case manager, whether employed by  
7 a case management agency or not, shall adhere to the code of  
8 professional conduct set forth in this section.

9           (b) Persons subject to this section shall protect the  
10 public interest at all times according to the following  
11 standards:

12           (1) Advocate for clients to:

13                   (A) Provide a comprehensive assessment to identify  
14                   the client's needs;

15                   (B) Provide options for necessary services; and

16                   (C) Provide access to resources to meet individual  
17                   needs.



- 1        (2) Recognize that the primary client may not be the  
2        person responsible for payment for services;
- 3        (3) Facilitate, in the event of conflicting needs between  
4        a client and family, friends, or other health  
5        professionals, a resolution through review and  
6        discussion among the relevant parties; and
- 7        (4) Provide, prior to termination of services, written  
8        notification to all relevant parties and assistance to  
9        ensure reasonable and safe transition of care.
- 10       (c) Persons subject to this section shall respect the  
11       rights and dignity of clients according to the following  
12       standards:
- 13       (1) Provide information to enable clients to make informed  
14       choices;
- 15       (2) Involve clients in decision-making and encourage  
16       verbal or non-verbal communication of their wishes;
- 17       (3) Ensure that decisions concerning clients who  
18       themselves are unable to comprehend factors involved  
19       in the decision-making are made by individuals who are  
20       authorized to make them;
- 21       (4) Include a description of services, possible benefits,  
22       significant risks, alternatives, and the right to



1 refuse services in information provided to clients  
2 concerning case management services; and

3 (5) Provide case management services cost information  
4 prior to provision of services.

5 (d) Persons subject to this section shall maintain  
6 objectivity in relationships with clients according to the  
7 following standards:

8 (1) Refrain from entering into any business, professional,  
9 or other relationship with a client or member of the  
10 client system that interferes with the case manager's  
11 or agency's professional objectivity or leads to  
12 exploitation of the client or the client system;

13 (2) Maintain objectivity in professional relationships and  
14 refrain from imposing personal values; and

15 (3) Disclose fully any conflict of interest that  
16 interferes with the ability to act in the client's  
17 best interest or leads to potential exploitation of  
18 the case manager-client relationship.

19 (e) Persons subject to this section shall act with  
20 integrity in dealing with other professionals to facilitate the  
21 client's best interests according to the following standards:



1       (1) Refrain from accepting a referral if acceptance  
2       creates a high probability of compromising personal  
3       and professional ethics;

4       (2) Refrain from accepting any compensation, gift, or  
5       gratuity in exchange for the provision of professional  
6       services, including placement into a foster home; and

7       (3) Refrain from rewarding, paying, or compensating any  
8       individual, company, or entity for directing or  
9       referring clients.

10       (f) Persons subject to this section shall maintain  
11 competency at a level that ensures each client receives the  
12 benefit of services that are appropriate for and consistent with  
13 the client's conditions and circumstances, according to the  
14 following standards:

15       (1) Act only in the roles for which the case manager or  
16       agency has attained appropriate skills, knowledge, and  
17       training; and

18       (2) Operate within respective scopes of practice as  
19       defined by law.

20       (g) Persons subject to this section shall obey all  
21 applicable laws and rules by being knowledgeable about and  
22 acting in accordance with all applicable federal, state, and



1 county laws and procedures relating to the scope of practice of  
2 case management.

3 (h) Persons subject to this section shall respect the  
4 client's right to privacy according to the following standards:

5 (1) Be knowledgeable about and act in accordance with all  
6 applicable federal, state, and county laws and  
7 procedures relating to client consent,  
8 confidentiality, and release of information;

9 (2) Obtain written authorization for release of personal  
10 health information if the release benefits the client;

11 (3) Inform the client, at the beginning of the case  
12 manager-client relationship, that the case manager is  
13 mandated to reveal information to appropriate  
14 authorities as soon as and to the extent the case  
15 manager or agency reasonably believes necessary to  
16 prevent the client from either committing acts likely  
17 to result in bodily harm or imminent danger to the  
18 client or others, or committing criminal, illegal, or  
19 fraudulent acts; and

20 (4) Maintain client records to ensure confidentiality.

21 (i) Persons subject to this section shall maintain fiscal  
22 accountability according to the following standards:



- 1        (1) Disclose a written fee structure before providing
- 2            services and provide, upon request, a detailed and
- 3            accurate accounting of fees charged;
- 4        (2) Refrain from structuring fees on a percentage of a
- 5            client's assets or providing quality of care based on
- 6            the level of fees charged;
- 7        (3) Refrain from directly accessing a client's financial
- 8            accounts for payment of services without supervision
- 9            by a third party; and
- 10        (4) Establish and maintain billing practices that
- 11            accurately reflect the nature and extent of services
- 12            provided, in accordance with applicable laws and
- 13            contractual requirements.
- 14        (j) Persons subject to this section shall refrain from
- 15 engaging in unprofessional behavior according to the following
- 16 standards:
- 17        (1) Refrain from committing any criminal act;
- 18        (2) Refrain from dishonest, fraudulent, or deceptive
- 19            conduct;
- 20        (3) Refrain from discriminatory conduct against a client
- 21            with regard to race, color, religion, age, gender,



1           sexual orientation, national origin, marital status,  
2           or disability; and

3           (4) Refrain from sexually intimate behavior with a client  
4           or caregiver of a client.

5           (k) Persons subject to this section shall maintain the  
6           integrity of this code of conduct according to the following  
7           standards:

8           (1) Report promptly to the Commission for Case Manager  
9           Certification and any authorized investigative agency,  
10           any knowledge of a violation of this section by  
11           another case manager subject to this section if that  
12           knowledge is not subject to confidentiality;

13           (2) Refrain from initiating, participating, or encouraging  
14           malicious, unwarranted, or frivolous filing of  
15           complaints; and

16           (3) Make accurate, honest, and unbiased reports of results  
17           of professional activities to appropriate third  
18           parties to avoid exerting undue influence upon the  
19           decision-making process."

20           SECTION 2. New statutory material is underscored.



1 SECTION 3. This Act shall take effect upon approval.

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INTRODUCED BY:

John M. Pappas

Tom Bauer

Z. P.

Doriney. Mayrow

D.C. Fitch-Agna

Karen Aronson

C. J.

Debra C. Belatti

RANDY J. III





**Report Title:**

Case Management Agencies & Case Managers; Code of Conduct

**Description:**

Requires case management agencies and case managers to adhere to a professional code of conduct. Establishes requirements for code of conduct.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

