

## Memo

To: ALL EMPLOYEES, STUDENTS, INTERNS, and VOLUNTEERS  
From: Executive Management  
Re: Summary Care Plus NJ, Inc. Policies regarding Referring Entities and Professional Employee Boundaries

### Referring Entities

As the Agency continues to grow and expand, reaching beyond our physical sites into the community, as well as other non-traditional settings, we will experience an increase in client referrals from both traditional and non-traditional entities. Therefore, it is important that all employees, regardless of whether you provide clinical, non-clinical or administrative services, to understand the relationship between referring entities and the Agency<sup>1</sup>. Specifically, it is important to know that:

1. Care Plus NJ, Inc. is a private not-for profit corporation. Our services and programs are offered to clients on **a voluntary basis**.
2. While we work with and receive funding from various government and private entities, we are not the employees or agents of such entities. **The services that you provide during the course of your employment are on behalf of Care Plus NJ, Inc.**
3. Regardless as to how the client is referred (i.e. mandated to treatment by Probation/Parole, the Courts, Division of Youth Family Services, Division of Mental Health and Addictive Services, etc. ) clients' participation is voluntary.
4. **As an employees of Care Plus NJ, Inc. you do not have any authority or disciplinary power over a client.**
5. **Any Care Plus NJ, Inc. client has the right to refuse services or otherwise not comply with treatment.** However, staff should make clients aware of the Agency's responsibilities in reporting to those authorities so that the client can make an informed decision.
6. It is not a Care Plus NJ employee's responsibility to enforce mandates of referring entities. It is the responsibility of the employee to provide services, to report to the mandating authority and to ensure the client's rights to confidentiality are observed.
7. Often times a client may be resistant to treatment. It is the expectation of the Agency that as professionals, staff utilize appropriate clinical methodologies and techniques to engage the client. **You can not force a client to participate in services. Nor can you use the threat of reporting non-compliance to a referring entity, as a persuasive tool.**
8. It is important to obtain the client's written Authorization to Release Information at the time of intake/admission to your program.<sup>2</sup> This avoids potential issues due to "urgent"

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<sup>1</sup> Care Plus NJ, Inc. is referred to herein as Care Plus and/or the Agency. This memo applies to all employees, interns, students and volunteers involved in the provision of services at Care Plus NJ, Inc.

<sup>2</sup> Authorizations to Release should be reviewed periodically by the staff assigned to provide services.

request at later dates. It also ensures informed consent and adds to the professionalism of staff.

9. If the referring entity is asking you to report non-compliance with treatment directly to them, you can only do so with the client's written permission. The best way to obtain this permission is at intake/admission to your program, when the client completes all HIPAA forms, including the Authorization to Release Information.<sup>3</sup>
10. A client may wish to revoke a release to communicate with a referring entity, yet still wish to participate in services. If the client has signed the Authorization to Release Information, he/she should be informed that:
  - a. The CPNJ Authorization to Release contains a paragraph printed in bold which reads as follows... **I understand that if I have been referred to Care Plus by either Probation/Parole, Court, DYFS or any other legal entity, and I choose to revoke/withdraw this authorization, Care Plus will notify the referring entity of this decision. Care Plus will not divulge any other information in regards to my decision to revoke/withdraw this authorization. I further understand that my decision to revoke/withdraw may be a violation of the rules and regulations set forth by the referring entity.**
  - b. Through this clause the Agency will notify the referring entity of his/her decision to revoke/withdraw the authorization.
  - c. However, we will not discuss any further information regarding the decision or treatment status with the referring entity.<sup>4</sup>
11. It is therefore, extremely important to have the Authorization to Release Information signed as soon as possible and also to make sure you thoroughly explain the above referenced clause.
12. **Your role and obligations as a Care Plus NJ employee should be explained to the client during your initial intake/admission process.** A need may arise to remind the client of your role throughout the course of the program.
13. Should a client question your role or services being rendered, he/she should be referred to your immediate supervisor.

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<sup>3</sup> If the referring entity attaches a Court Order signed to the referring documentation requiring Care Plus to report compliance to treatment, we may respond to same, without a release. Clients should also be made aware of such Orders and the obligations to report compliance to treatment, if so required. Obtaining the written release even when a Court Order is presented is still a best practice (doing so, shows that you had the discussion with the client and he/she understands the Agency's obligations, a written note in the chart would also be proof of the discussion as well.) It is important to review Court Orders with your supervisor immediately to ensure compliance.

<sup>4</sup> If the referring entity is also the funder paying for treatment services, the client should be informed that if the Authorization to Release is revoked, the funder may decide not to pay for services. In such cases, the client should be informed of his/her responsibility to pay for services directly. These types of matters should be discussed with your supervisor immediately.

14. Any questions from a referring entity regarding the responsibilities of Care Plus NJ or its employees should be directed to your immediate supervisor, Program Director or Division Vice President.

### **Professional Employee Boundaries**

Care Plus has set forth in its policies and procedures the expectations for professional conduct as well as the boundaries and role limitations of our staff. These policies can be found in the Agency's Policy and Procedure Manual, **Chapter 1 Rights and Ethics**. Below is a summary of important boundary issues taken from our Rights and Ethics Policy that we ask for each employee to observe at all times. **It is the expectation of the Agency that each employee, volunteer, student and intern will review the Rights and Ethics policies and procedures in its entirety.**

### **Summary of Rights and Ethics Policy section XIX. Client/Employee Relationship (with emphasis added):**

1. All clients treated at the Agency are the clinical and legal responsibility of Care Plus and not exclusively that of the individual staff member providing services. Staff functions as representatives of Care Plus and must reflect Care Plus' stated mission, values and policies at all times.
2. It is the obligation of every employee, (this term includes interns, students, volunteers and individuals acting on behalf of Care Plus NJ), whether clinical or non-clinical to observe the professional boundaries of their relationship with clients.
3. **Sexual contact between any employee and a client is in conflict with the very essence of the practice of all services offered within this Agency.**
4. All verbal or physical behavior which might be interpreted as inviting a romantic or sexual relations is prohibited.
5. Even if the client encourages such behavior **it is the employee's responsibility to maintain a professional manner, refuse such advance and inform and consult with appropriate supervisory personnel, immediately.**
6. Staff may and should discuss his/her training or job qualifications with clients, in the interest of maintaining appropriate boundaries, **however, staff should avoid discussion of their own personal issues or disclosure of the details of their lives.**
7. All interactions with clients should take place during usual working hours (including on call hours) and in a professional setting (unless the particular job necessitates otherwise). Any deviations from the latter must be reviewed and cleared by the employee's supervisor.
8. No employee shall condone or encourage in any type of harassment of any client.
9. **For the purposes of this policy harassment is defined as deliberate or repeated comments, contacts or gestures which are demeaning, suggestive, seductive or unwelcome.**

10. All employees (this term includes interns, students, volunteers and individuals acting on behalf of Care Plus NJ) must clearly describe their role to clients and their families.
11. Students, Interns and Volunteers are required to advise clients of their status, including the limitations of their ability to function independently and the period of time that they will be available at the Agency.
12. **Non-clinical staff, including (students, interns and volunteers) must also work within their defined roles and job duties.**
13. **Non-clinical staff shall not take on responsibility or roles assigned to clinical staff, nor represent themselves as providers of clinical services.**
14. Observance of professional boundaries also extends to vendors, sub-contractors and independent contractors hired to provide services to Care Plus NJ, its clients or employees.
15. If you know of, or observe an employee failing to adhere to role limitations, you should report this to your supervisor immediately.<sup>5</sup>
16. If you receive a complaint from a client or staff that any Care Plus NJ employee has breached professional boundaries, you are obligated to report this complaint to your supervisor immediately.<sup>6</sup>
  - You may also report your complaints or concerns to:
    - **The Agency Ombudsperson/Client Advocate** (for client complaints);
    - **The Associate VP of Human Resources** (for complaints involving clients, employees or vendors);
    - **Any Member of Executive Management** (for complaints involving clients, employee or vendors);
    - **The Agency Compliance and/or Privacy Officers** (for complaints involving clients, employees or vendors).

**All Employees are expected to review Chapter 1 Rights and Ethics Policies and Procedures in its entirety.**

**FAILURE OF ANY EMPLOYEE, INTERN, STUDENT, VOLUNTEER OR INDIVIDUAL WORKING ON BEHALF OF CARE PLUS TO OBSERVE THE POLICIES AND PROCEDURES AS SUMMARIZED HEREIN MAY RESULT IN DISCIPLINARY ACTION BEING TAKEN UP TO AND INCLUDING TERMINATION FROM EMPLOYMENT<sup>7</sup>.**

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<sup>5</sup> See Care Plus Code of Conduct for reporting of complaints.

<sup>6</sup> Employees may report suspected violations of the Client/Employee Relationship without fear of retaliation. See Compliance Policy and Procedures on Reporting and Non-Retaliation CC 010.

<sup>7</sup> Violations of the policies summarized herein can result in termination from employment, internships and student placements. The Agency also reserves the right to bar volunteers and terminate contracts with vendors, sub-contractors or independent contractors for violations of the policies as summarized herein.