



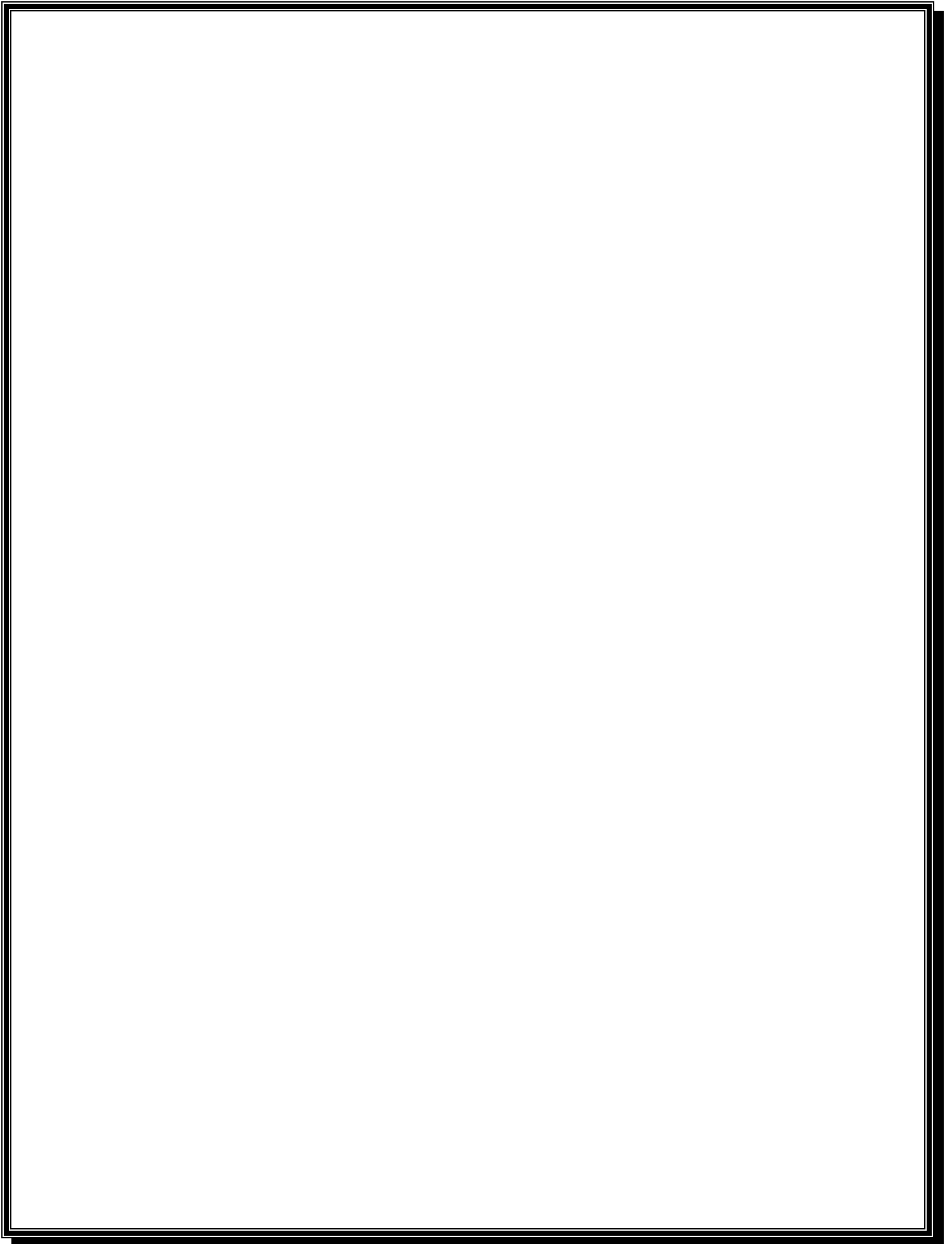
HOME CARE STANDARDS BUREAU

CODE OF STANDARDS AND ETHICS

2012

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I. Introduction

The purpose of the Home Care Standards Bureau (HCSB) is to provide a method of rating non-medical home care agencies now operating in the United States. The HCSB grants only an A+ rating to those agencies that are willing to vigilantly uphold the HCSB Code of Standards and Ethics. By providing a rating for non-medical home care agencies, HCSB is helping to ensure that the clients, patients and their family members are fully confident in the ability of these agencies and their employees to provide ethical as well as compassionate service while complying with all applicable laws and regulations.

II. Purpose

The HCSB created the HCSB Code of Standards and Ethics (Code) to provide ethical standards and rules of conduct for all A+ agencies and its employees. The HCSB investigates formal complaints lodged against the A+ agency, staff, or caregivers for alleged violations of the Code and disciplines when appropriate.

An A+ agency is required to comply with the Standards and Rules set forth in this Code. A+ agencies and their employees must also follow all rules and regulations for their profession that are promulgated by state and federal law, licensing boards, state agencies, companies and industry organizations of which the A+ agency is a member.

III. Mission Statement

The Mission of HCSB is to raise the standards for professional caregiving.

IV. The A+ Rating Criteria

In order to obtain and maintain the prestigious A+ Rating, agencies must adhere to the following criteria:

- ü The agency must be fully and properly licensed by their states regulatory offices for non-medical home care agencies**
- ü The agency must have on staff a qualified person in the field of aging that meets the HCSB requirements. Examples that meet the HCSB requirements include the following:**
 - o Gerontologist**
 - o Registered Nurse**
 - o Geriatric Care Manager**
 - o Certified Senior Advisor**
- ü All caregivers employed or contracted by the agency must have all applicable licenses.**
- ü The caregivers employed or contracted by the agency must be fluent in the English language**
- ü The agency owner or operating manager or a person in a control position must have been in the paying home care business for at least one year**
- ü All caregivers employed or contracted by the agency must have passed a multi-tiered background check, including but not limited to a 50 state multi-jurisdictional, criminal, sex offender registry and driving record**

- ü The agency must have no unresolved complaints with state licensing agencies
- ü The agency must agree to abide and sign the HCSB Code of Standards and Ethics
- ü The agency must agree to both scheduled and unannounced on-site audits
- ü The agency must complete a monthly disclosure form
- ü The agency must agree to hold their care givers to high standards.

V. The Standards

The Standards define the ethical and professional conduct to which A+ agencies must adhere to while carrying out their business activities.

Standard #1—Kindness

All persons representing the agency will adhere to a standard of kindness and will treat each patient, client and their family members with compassion and respect.

Standard #2—Honesty

All persons representing the agency will adhere to a standard of honesty. They will not lie, cheat or steal. All representatives must accurately and completely communicate to their potential clients, patients and their family members both orally and in business materials of their qualifications and credentials. All representatives must ensure that their potential clients, patients and their family members fully comprehend proposed services or products.

Standard #3—Respect

All persons representing the agency will adhere to a standard of respect. They will treat each client, patient, their family members and all other persons in contact with the agency with respect of inherent worth, dignity and human rights of every individual.

Standard #4—Dignity

All persons representing the agency will adhere to a standard of dignity. They will regard each client, patient, their family members in the highest esteem and will ensure to maintain the self- respect of the individual.

Standard #5—Safety

All persons representing the agency will adhere to a standard of safety. They will ensure their actions are not intended to do harm or foul to any individual in contact with the agency.

Standard #6—Competency

All persons representing the agency will adhere to a standard of competence. They have an obligation to keep his/her professional training, skills, and knowledge current and comprehensive in order to competently provide professional services to clients, patients, their family members and any other individuals in contact with the agency. Such competency must be maintained and enhanced over time as a result of changes in legal, regulatory, and professional standards and processes.

VI. The Rules

The Rules are derived from the Standards. The Rules establish requirements for professional behavior that an A+ agency can readily apply to business situations.

RULES THAT RELATE TO THE STANDARD OF KINDNESS

Rule 101: An A+ Agency will ensure that its staff members and employees treat every client and family member of the client with kindness and compassion. Under no circumstances will the A+ agency or employee of the agency inflict intentional harm physically or emotionally nor conduct malicious behavior toward the client.

RULES THAT RELATE TO THE STANDARD OF HONESTY

Rule 201: The A+ agency, its staff and employees, shall accurately and completely convey to clients and potential clients and/or family members whether presented orally or on business materials, their true profession and active professional licenses or credentials.

Rule 202: The A+ agency, its staff and employees, shall not solicit clients through false or misleading communications or advertisements, whether written, oral, or electronic. This includes misrepresentation via an incomplete description of a product or service.

Rule 203: The A+ agency, its staff and employees, shall not provide make false or misleading statements to a client or the client's family members, or to any governmental, administrative or other regulatory body or official, or any other person or entity.

Rule 204: The A+ agency, its staff and employees, shall not represent the views of HCSB, or purport to represent such views

unless the agency has been expressly authorized by HCSB to do so.

RULES THAT RELATE TO THE STANDARD OF RESPECT

Rule 301: The A+ agency, its staff and employees, shall hold each client and the client's family members in the highest esteem and will ensure that they are mindful of offensive or degrading remarks or actions and will refrain from disrespecting, offending or degrading the client and the client's family members.

RULES THAT RELATE TO THE STANDARD OF DIGNITY

Rule 401: The A+ agency, its staff and employees, shall hold each client and client's family members in the highest regard and will ensure to be mindful of each client's worthiness and maintain constant respect for their dignity.

RULES THAT RELATE TO THE STANDARD OF SAFETY

Rule 501: The A+ agency, its staff and employees, shall ensure that the safety of the client and the client's family members is maintained and will be mindful to ensure the client and the client's family members are free from injury, danger or loss at all times.

RULES THAT RELATE TO THE STANDARD OF COMPETENCY

Rule 601: An A+ agency holding professional licenses or credentials will comply with the rules, regulations, and ethical codes that govern the holders of such licenses or credentials.

Rule 602: An A+ agency shall stay current with governmental, regulatory, administrative, and professional standards or requirements that affect, or have the potential to affect, such

agencies skill set and professional competence. These professional development steps include, but are not limited to, completing any Continuing Education (CE) requirements as mandated by such agencies professional licensing authority, credentialing body.

Rule 603: An A+ agency, its staff and employees, shall limit their professional advice or services to those areas in which they are competent. Otherwise, as warranted, such agency shall direct their client to obtain, or shall obtain on their behalf, professional advice and/or services from other individuals qualified to provide them.

Rule 604: Any A+ agency that has been named as a subject of a complaint, an indictment, an administrative order, a court issued injunctive order or an administrative investigation, or appears as an associated party to the subject of any such complaint, indictment, order or investigation, that has been filed by a governmental, regulatory or administrative body, including, but not limited to, by any attorney general or criminal prosecutor, may be administratively suspended by the HCSB, at its discretion, pending the results of further action. HCSB may presume for any and all purposes that the allegations or findings of any such complaint, indictment or order are true.

VII. The Disciplinary Procedures

HCSB has original jurisdiction over all such complaints and is solely and exclusively responsible for imposing any sanctions on A+ agencies as a result of complaint case review.

In addition to all other powers and authority expressly granted and fairly implied by the other provisions of this Code, HCSB is authorized to:

1. Impose an administrative suspension of an A+ agency's right to use the HCSB Credential. The administrative suspension is put in place prior to notifying the A+ agency that they have been named

as the subject of a complaint — and in advance of the complaint hearing. The administrative suspension, which may be imposed by HCSB, suspends an A+ agency's right to use the credential if such agency is named as the subject of, or is named as an associate to the subject of, a complaint or investigation by any governmental, licensing, or certifying agency or body authorized to instigate such action that charges, alleges, or investigates conduct of the agency, which would, if proven, establish a violation of this Code by the agency.

2. Adopt amendments to the disciplinary procedures as presented in this Code.

3. Adopt such other rules, procedures, and policies, including any changes to the HCSB Code of Ethics and Standards, as may be necessary or appropriate to govern the internal operations of the HCSB or to interpret or establish an accepted interpretation of this Code.

4. Impose sanctions against and discipline A+ agencies as provided for in this Code.

DISCIPLINARY ACTIONS IMPOSED

HCSB is empowered to impose a range of sanctions, which include:

1. **Administrative Suspension.** HCSB may choose to impose an administrative suspension of an A+ agency's right to use the credential prior to notifying the agency that they have been named as the subject of a complaint — and in advance of the initial complaint hearing. HCSB may lift or continue the administrative suspension depending on its review findings.

2. **Private Censure.** HCSB may order private censure of an A+ agency. This form of censure shall be an unpublished written reproach sent by HCSB to a censured agency. HCSB may publish

the case without naming parties involved.

3. Public Censure. HCSB may order that a public letter of censure be issued against an agency, which letter shall be a publishable written reproach of the agency's behavior.

4. Suspension. HCSB may order suspension of the right of the agency to use the credential for a specified period of time, not to exceed three (3) years, for those agencies whose violations of the Code are deemed less egregious. HCSB may assign these agencies certain educational or other tasks, completion of which is required in order to lift the suspension. HCSB reserves the right to publish the fact of suspension together with identification of the agency in a press release or by another method, although the fact of an administrative suspension is not published. After a suspension has been lifted, the agency may be required to reinstate or recertify under terms prescribed by HCSB.

5. Revocation. HCSB may order permanent revocation of an A+ agency's right to use the credential. In the event of a permanent revocation, HCSB reserves the right to publish the fact of the revocation together with identification of the agency on HCSB's website, or by another method. Unless otherwise mandated by HCSB, revocation of an agency's right to use the credential shall be permanent.

Appendix A

Sample Monthly Disclosure Form

Please answer each question below honestly and to the best of your ability. Failure to disclose any criminal or civil action against the agency will result in revocation of A+ Rating, and will consequently be publicly censored.

This form is to be completed and returned to HCSB on a monthly basis.

Return to HCSB no later than the 5th of each month.

In the last 30 days has the agency, it's administrators, staff or caregivers

1. Been accused or convicted of a felony?

No Yes: Explain

2. Been a defendant or respondent in any criminal proceeding relating to the/their professional business conduct, or is currently named as a party in any such action?

No Yes: Explain

3. Been a defendant or respondent in a civil action, which includes, but is not limited to, a lawsuit, arbitration, or mediation relating to the/their professional or business conduct, or is currently named as a party in any such action?

No Yes: Explain

4. Had a license, permit, certificate, registration, or membership denied, suspended, revoked or restricted by any governmental, regulatory, or administrative body, or has any such body censured, fined, restricted or reprimanded the agency or its affiliates?

No **Yes: Explain**

5. Has any governmental, regulatory, or administrative body named the agency, staff, or its affiliates as a subject of an investigation or complaint?

No **Yes: Explain**

6. Been censured, fined, reprimanded, or otherwise disciplined by any professional credentialing organization to which the agency or its affiliates did or do belong, or has such organization named the agency or its affiliates as a subject of an investigation or complaint?

No **Yes: Explain**
