



The ADMS Guide for Candidate Designation, Renewal & Professional Code of Conduct



Certification of Disability
Management Specialists
COMMISSION

Competency. Collaboration. Assurance.

**Developed and Administered by the
CDMS Commission**

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A Note from the CDMS Commission

Thank you for your interest in the Associate Disability Management Specialist (ADMSSM) designation.

The Certification of Disability Management Specialists Commission (CDMS Commission²) administers the CDMS[®] certification program and the ADMSSM designation. The CDMS[®] certification is a widely acknowledged credential of professional excellence in the field of disability management and is the standard for measuring the level of knowledge, competence and professional experience of the holder. In the interest of expanding the use of their body of knowledge and job analysis research, the CDMS Commission developed a robust online, case-based educational tool known as the CDMS Core Knowledge Curriculum (CKC). The CKC is the pathway to ADMS designation.

The CDMS Commission was originally established in 1984 as the Certification of Insurance Rehabilitation Specialists Commission (CIRSC) to implement recognized professional standards for the rehabilitation services provided under public and private sector disability compensation systems, and changed its name in 1996 to reflect the growth and development of the field and its practitioners. The overall goal of the CDMS Commission is to ensure that prospective employers will be able to recruit and hire individuals who have demonstrated an acceptable level of knowledge in the field of disability management.

Many professionals in disability management hold more than one credential, and some may have licenses related to specific occupations. Those who hold additional credentials do not see them as competing but rather as complementary, demonstrating expertise in more than one area.

Importantly, the CDMS[®] certification and ADMSSM designation attest to an individual's specific knowledge and experience regarding workplace disability and related issues. Those who work in disability management find the CDMS credentials to be a powerful way to distinguish themselves in this dynamic and evolving field.

Purpose of this Guide

The purpose of the Guide for ADMSSM Candidate Designation and Renewal is to provide information about the CDMS Core Knowledge Curriculum and ADMS designation, renewal and maintenance.

Potential applicants should read this guide in its entirety prior to beginning the application process.

Complimentary copies of this guide are available on the CDMS Commission's website at www.CDMS.org. Click on ADMS Designation/Earn Your ADMS and download a copy. Since information in this Guide is updated periodically, it is the applicant's responsibility to ensure that the most current edition is used.

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Name and Address Changes

In the event of a change in your name or address, please notify the CDMS Commission immediately by sending a letter to the Commission office at 8735 W Higgins Rd., Suite 300, Chicago, IL 60631 or you may log-in to your account and update your information, call 847-375-6380 or email infor@cdms.org

We appreciate your efforts to keep our mailing list current and allowing us to keep you up to date regarding news of the Commission and other matters of interest.

Release of Information

Information submitted as part of the Core Knowledge Curriculum application, designation and renewal processes becomes the property of the CDMS Commission and will not be released to outside parties unless authorized by the applicant/certificant or unless required by law. Individual score reports are released only to the candidate, not to any other institution or employer.

Section 1: Scope of Practice – Disability Management Specialist

The Disability Management Specialist analyzes, prevents and mitigates the human and economic impact of injury/illness and disability for employees and employers to optimize quality of care, productivity, organizational health, and regulatory compliance.

The specific techniques and practice behaviors within disability management may include, but are not limited to:

- Disability and Work Interruption Case Management
- Workplace Intervention for Disability Prevention
- Program Development, Management and Evaluation
- Employment Leaves and Benefit Administration

Practice Characteristics

The delivery of disability management services involves a complex interplay among workers with disabilities, employers, insurance carriers, labor unions, medical service providers, government agencies, and others. A major goal of disability management is to facilitate the worker's physical recovery, rehabilitation and return-to-work process while, concurrently, controlling the escalating costs of injury and disability for employers, insurance carriers and government. Within this context of competing interests, the disability management specialist must function in an objective and ethical fashion. The disability management specialist must maintain a balance between providing services and interventions that protect jobs for workers with disabilities while controlling the financial, safety and other risks that confront employers.

Ethical Issues

Those involved in the practice of disability management may face ethical dilemmas surrounding client rights, payor interpretation of state regulations and individual state laws.

All ADMSSM designees who participate in the practice of disability management must abide by the ADMSSM Code of Professional Conduct. In addition, the designee must also adhere to



any other professional code of conduct to which the designee is bound for guidance and support in evaluating and determining how to approach ethical conflicts.

Designees shall practice only within the boundaries of their competence, based on their education, training, appropriate professional experience, and other professional credentials. They shall not misrepresent their role or competence to clients.

Section 2: Knowledge Domains

The CDMS Core Knowledge Curriculum (CKC) is a unique self-paced, online learning program for those in the field of disability management or those who may be charged with administering programs related to disability or leave of absence. This comprehensive educational resource was designed around the job analysis study conducted by the CDMS Commission in 2009. The most recent job analysis study which was conducted in 2014, confirmed no changes.

The CDMS Core Knowledge Curriculum is organized into an introductory module and four domain modules, each reflecting an area of practice. They include:

- I. **Disability and Work Interruption Case Management**, including gathering relevant case information, synthesizing information, interpreting case-specific local, state and federal regulations, and developing a case management plan.
- II. **Workplace Intervention for Disability Prevention**, including conducting organizational assessments, evaluating policies and procedures, presenting the business rationale for disability management programs, managing human resources, applying labor relation laws, and managing financial resources.
- III. **Program Development, Management and Evaluation**, including organizing and planning disability management programs, applying qualitative and quantitative measurements, interpreting financial risk data, designing programs with rewards and incentives, and tracking cost, operational and outcomes data.
- IV. **Employment Leaves and Benefits Administration**, including managing health-related employment leaves, administering health and welfare plans, managing payroll and systems data, as well as identifying risks associated with interruptions and leaves.

Section 3: Obtaining, Maintaining and Renewing the ADMS Designation

CDMS Core Knowledge Curriculum Post-Test Scoring

The ADMSSM designation is directly affiliated with the CDMS Core Knowledge Curriculum. Curriculum students begin the work on each domain module by taking a pre-test to assess their knowledge base prior to the going through the learning modules of the curriculum. Upon completion of the material in each domain, curriculum students take a post-test to assist students in measuring their progress. Each post-test may be taken up to three times. The CDMS Core Knowledge Curriculum Online Learning tool will record the best possible score for each domain post-test. Upon completion of all four domains, a cumulative score



will be calculated. Those who achieve a cumulative score of 80% or more across all domains will be awarded the ADMS designation which will be valid for three years.

The CDMS Commission disapproves of using post-test results for any purpose other than the use for which they were developed. This includes using test results for internship or employment selection. In addition, test results may not be used to compare educational programs. The post tests are assessment tools – not achievement or selection instruments.

Post-Test Results and Final Steps

Curriculum students must complete all of the following steps for each module in order to receive post-test results:

Checklist for each module:

- ✓ Take the module pre-test
- ✓ Complete study assignments and interactive exercise in the Core Knowledge Curriculum
- ✓ Take the module post-test
- ✓ Complete module evaluation
- ✓ Complete the module certificate of assignment

Approximately four weeks following the completion of all modules, curriculum students will receive notification of their post-test results. Post-test results are confidential and will be released only to the candidate in writing by first class mail. Individual results will not be released to any institution or employer.

ADMS Certificates

A certificate will be sent to each CDMS Core Knowledge Curriculum student who receives a passing cumulative score of 80% or more on the domain post-tests. After receiving the certificate and letter that reports their passing status, individuals are entitled to begin using the “ADMSSM” designation after their names.

Duplicate or replacement certificates can be requested from the CDMS Commission office. There is a fee for this service.

Section 4: Use of the “ADMSSM” Designation

Use of the “ADMSSM” designation is strictly limited to those individuals who:

1. Have enrolled as a CDMS Core Knowledge Curriculum student and passed the domain post-tests with a minimum cumulative score of 80%.
2. Have been officially notified by the Commission through the receipt of a confirmation letter and certificate showing that the designee has met all designation criteria.
3. Have subsequently maintained their designation status as required under the Commission’s designation renewal process.

Individuals who use the ADMSSM designation or otherwise represent themselves as being a designee without first having fulfilled these requirements, will be deemed to be in violation



of the ADMSSM Code of Professional Conduct and may be denied the right of designation and certification. Such individuals may also be subject to legal action.

Section 5: Designation Renewal

Initial designation as an ADMSSM is valid for three years. The Commission believes that all who hold the ADMSSM designation should continue to expand their skills in order to enhance the quality of the services that they provide. Designation renewal is achieved by acquiring thirty (30) clock hours (including a minimum of two hours in the area of ethics) of continuing education every three years.

Those individuals who do not renew their designations will be officially notified that they may no longer use the “ADMSSM” designation nor represent themselves to the profession or the public as being credentialed. Likewise, they may not exercise any rights and privileges ascribed to a designation holder. A letter to the individual’s last known address shall constitute sufficient notification. An ADMSSM renewal notification will be mailed to the individual’s last known address five to six months prior to the expiration date of the current designation. The Commission will make every reasonable effort to send the renewal notification to designation holders. However, it is the individual’s responsibility to renew at the appropriate time. Failure to receive a renewal application is not considered grounds for an extension.

The CDMS Commission requires all designation holders to keep the office advised of any changes in their name or address to ensure prompt receipt of all commission communications. A designee may either submit this information in writing via mail to the Commission office at 8735 W Higgins Rd, Suite 300, Chicago, IL 60631 or by accessing their customer record and updating it online.

Guidelines for ADMSSM Renewal

ADMSSM Renewal allows the designee to extend his/her status as an Associate Disability Management Specialist (ADMSSM) at three year intervals from the valid-through date of their initial designation. To renew, designees must document 30 clock hours of approved continuing education, of which two hours must be in ethics.

Failure to renew your designation will result in the expiration of your credential status. Should you fail to renew your designation, you will be required to re-purchase the CDMS Core Knowledge Curriculum and retake all current domain post-tests and achieve a minimum cumulative score of 80%.

Procedures for ADMSSM Renewal

ADMS renewal is an online process. In the year a designee is due to renew, an online renewal application will be available in March of that year and may be accessed at www.cdms.org. An email notification will be distributed to designees alerting them to the opening of that year’s ADMS Renewal application. If a designee is due to renew, the renewal process must be completed by December 31 of the year of renewal.

Signing and completing the ADMS renewal application indicates acknowledgement that the information provided by the applicant is accurate. If the CDMS Commission subsequently



learns that a designation was granted or renewed on the basis of false, misleading or inaccurate information, it has the right to revoke or suspend the designation.

Completing the ADMS Renewal Process

To complete the renewal process, follow these steps:

1. Prior to completing your application, make sure you have the appropriate documentation to complete your continuing education hour entries.
2. Visit www.CDMS.org and login.
3. **IMPORTANT: Do NOT create a new account.** Since you are due to renew, you already have an account set-up in the system. If you click create a new account, it will prevent you from being able to complete your renewal application. If you do not know your username and/or password, please click on the links provided and an email will be sent to you to reset. If you have any questions, please contact a service representative at: 847-375-6380.
4. Once logged in, click ADMS Designation/Renewal from the homepage top navigation. On the Renewal page click on the “2016 ADMS Renewal Application” to process your payment. Once purchase is processed, you will receive instructions and a link, via email, to the application.
5. Click on the link and complete your renewal application.
6. The application will require approximately 15-30 minutes and should be completed in one sitting. You **WILL Not** have the ability to save your work and continue at a later time. Should you need to terminate your session, you will still have access to the link, but all entries will need to be input again.
7. Once your application is complete, hit the submit button. You will receive a message that your application is being processed.
8. Once submitted, you will be notified of your renewal within 10 – 15 business days. All renewal applications must be completed by December 31, in the year of the valid through date on your certificate.

Application Audits

Each year the CDMS Commission will randomly select 10% of all ADMS renewal applications to be audited. If a designee’s application is audited, they will receive a request to send documentation for all entered CE activities. Documentation must be received within 21 days of the notice of the audit. If audited, be prepared to submit photocopies of each CE certificate and written documentation of other reported activities. If a particular CE program does not meet the definition of an approved program, a copy of the behavioral objectives and an outline of the content must accompany the CE certificate.

The CDMS Commission strongly urges you to complete your application well in advance of the valid-through date on your current certificate. Please pay particular attention to deadlines that occur during the renewal process. A late fee will be assessed for applications received later than December 31 of year of renewal through January 31 of the following year.

Continuing Education

The Process

To renew your designation, a minimum of 30 clock hours of approved continuing education must be completed. This would include a minimum of 12 hours in domains I-IV shown in this guide, a minimum of 2 hours in ethics, and a maximum of 15 hours in the area of professional



development. Professional development (see page 9) is an option, not a requirement. You must also:

1. Complete the online renewal application by the designated deadline.
2. Enter all continuing education hours you wish to have considered for renewal, on your online application. Your total clock hours must be at least 30 for the three-year interval and meet the requirements listed above.
3. Continuing education hours must be entered on your online application. Please DO NOT submit paperwork to the CDMS Commission office. Paperwork submitted to the office will be returned unprocessed.
4. Retain all CE certificates and appropriate documentation. In the event that you should be audited, it is important that you produce requested documentation to support your continuing education hours.

Please do not submit any paperwork to the office unless requested. It may NOT be returned.

The Plan

The CDMS Commission is committed to facilitating the professional development of its certified practitioners and ADMSSM designees. It has instituted the following plan to provide designees with the flexibility to create a more personal experience for self-development.

To ensure that ADMSSMs maintain their knowledge, skills and abilities in the field, the CDMS Commission requires that a minimum of 12 of the 30 hours be taken in the focus areas that are found on the CDMS Core Knowledge Curriculum and which are continually validated through ongoing role and function studies. The focus areas are listed in this section.

CDMS Core Knowledge Curriculum students can earn up to 32 pre-approved CE hours when they participate in the full-curriculum learning program. Each domain module qualifies for eight CE hours. Newcomers to the field may find the curriculum helpful as supplemental material to deepen their understanding across the breadth of disability management practice as they prepare for the CDMS[®] exam.

Note: For the Core Knowledge Curriculum to be considered for continuing education credit hours, the curriculum must be started on or after the date the designee can begin earning continuing education credit. Utilization of the Core Knowledge Curriculum to earn the ADMS designation will not count toward Continuing Education credit.

Please refer to the following categories when developing your personalized plan for maintaining your knowledge, skills and abilities through continuing education.

Focus Area--Domains I-IV

A minimum of 12 hours of continuing education needed to maintain ADMSSM status must fall within the following focus areas-- Domains I-IV:

I. Disability and Work Interruption Case Management

Disability and Work Interruption Case Management involves ethical performance of necessary activities pertaining to an individual's illness or injury to ensure quality of care, recovery and cost effectiveness. This entails planning, managing and advocating for that individual's return to meaningful work, a process that includes coordination of benefits and services and implementation of return-to-work plans.

Acceptable coursework topics include how to:

- Perform individual case analyses and benefits assessments
- Review disability case management interventions
- Promote collaboration among stakeholders
- Perform worksite/job analyses
- Develop return-to-work and work retention plans
- Implement interventions
- Coordinate benefits, services and community resources
- Monitor case progress
- Communicate in compliance with practice standards and regulations
- Develop solutions that optimize health and employment
- Communicate benefits and employment policies

II. Workplace Intervention for Disability Prevention

Workplace Intervention for Disability Prevention involves joint labor/management collaboration in the identification of workplace safety and risk factors. It also covers the recommendation and implementation of prevention, health and wellness-intervention practices and strategies, such as ergonomics, job analyses and return-to-work programs.

Acceptable coursework topics include how to:

- Implement disability prevention practices
- Develop a transitional work program
- Develop a process for worksite modification, job accommodations or task reassignment
- Recommend strategies to address ergonomic, safety and risk factors
- Recommend strategies that integrate benefits plan designs and related services
- Promote health and wellness interventions

III. Program Development, Management and Evaluation

Program Development, Management and Evaluation include identification of, need for and implementation of comprehensive disability management programs utilizing best practices and metrics.

Acceptable coursework topics include how to:

- Establish program goals
- Design the program
- Design a financial plan
- Develop staff
- Select metrics for evaluating the program
- Implement cross-functional processes
- Offering education and training
- Manage program's operational and financial performance
- Integrate data from all relevant sources
- Procure internal and external services
- Manage service providers



IV. **Employment Leaves and Benefits Administration**

Employment Leaves and Benefits Administration includes management of employment leaves, health and welfare plans, payroll and systems management and other risks associated with work interruption.

Acceptable coursework topics include how to:

- Manage employment leaves
- Administer health and welfare plans
- Manage payroll and system data
- Identify risks associated with interruptions and leaves

Focus Area -- Ethics

A minimum of 2 hours of continuing education is required in this focus area.

Acceptable coursework topics include:

- Ethical Practice in Disability Case Management
- Ethical Practice in Disability Prevention and Workplace Intervention
- Ethical Practice in Program Development, Management and Evaluation

Focus Area -- Professional Development:

Professional development is an option, not a requirement. A **MAXIMUM** of 15 hours of continuing education is permitted in this focus area.

Professional development encompasses those activities intended to enhance a certified individual's overall abilities with respect to his or her professional skills and the delivery of services to individuals with disabilities. This includes but is not necessarily limited to authorship or article, published books, or chapters in published books; computer applications and technology; development of in-service training programs; legislation; professional presentations or demonstrations of services to a professional organization serving the field of disability management or health and productivity.

Pre-Approved Continuing Education

The CDMS Commission has a process for sponsors or workshops, seminars, and courses to obtain pre-approval for their training programs.

To verify that a program you wish to attend has obtained pre-approval, you must contact the program sponsor directly. The CDMS Commission does not publish lists of pre-approved continuing education.

Required Documentation

A copy of the original attendance verification form provided by the program sponsor is required for credit. Designee's should maintain this verification for their records. In the event a designee is audited, they will be required to produce this documentation. Be sure that the form shows the program title, the dates of the program, the number of approved hours of continuing education and the sponsor's signature. Also, check to ensure that the form has your identification number, current address and daytime telephone number. All verifications must be in English or include an official translation from the program sponsor.



One clock hour of continuing education is equivalent to 60 minutes of instruction or participation. All continuing education must be at least one hour in duration. Clock hour credit is not given for opening/closing remarks, social hours, coffee breaks or meals during which instruction is not provided.

Continuing Education that is NOT Pre-approved (previously Post-Approval)

The CDMS Commission will accept continuing education activities for individuals that have not been pre-approved by CDMS.

Such activities may include but are not limited to workshops, seminars, university courses, and similar activities, as long as the subject matter falls into one of the focus area Domains.

Submission Process

An applicant will simply enter the information of the course into the online application. If selected for audit, the applicant must supply certificates of attendance and in some cases the outlines of the courses.

Documentation Required for Continuing Education Activities not pre-approved, if selected for Audit

Type of Training	Clock Hours Awarded	Proof of Attendance or Completion*
Attendance of conferences, workshops, seminars, in-service training programs and distance learning courses	1 hour for each hour of training	Program agenda and certificate of attendance/ completion. OR A letter from the sponsor stating you have completed the program, the dates of completion and the number of clock hours attended.
Attendance of college/ university courses	15 hours for 1 semester credit OR 10 hours for 1 quarter credit	Original transcript or original grade report that documents credit earned. <i>Photocopies of transcripts and internet verifications are not acceptable.</i>
Authorship/Co-authorship of published articles	15	Copy of the article developed. OR The internet citation for the article. <i>Information submitted must reflect date of publication.</i>
Authorship/Co-authorship of published book chapter	15	Copy of the book chapter developed. OR A copy of the cover, title page and table of contents from the book where the chapter appears. <i>Information submitted must reflect your name as the author/co-author and date of publication.</i>
Authorship/Co-authorship	40	Copy of the book developed.



of published book		<p>OR</p> <p>A copy of the cover, title page and table of contents from the book.</p> <p><i>Information submitted must reflect your name as the author/co-author and date of publication.</i></p>
Computer applications and technology	1 hour for each hour of training	<p>Certificate of attendance or completion.</p> <p>OR</p> <p>A letter from the sponsor stating you have completed the program, the dates of completion and the number of clock hours attended.</p>
Development of Legislation or Regulations	1 hour for each hour of service	Documentation of appointment to committee and information developed in relation to legislation or regulation.
<p>Development of professional presentations</p> <p>OR</p> <p>Development of In-service training programs</p>	2 hours for each hour of training	<p>Outline of the training program or presentation AND a program agenda listing you as presenter which states the length and date of the program or presentation.</p> <p>OR</p> <p>A letter from the supervisor or training director stating you are the developer which includes the length and date of the program or presentation.</p> <p><i>Credit is given on a one-time-only basis for the learning experience, which is the research and development of the program or presentation, not for the presentation itself.</i></p>
Editorial review of disability management publication	15	Copy of page from publication listing you as editor. Must reflect date and title of the publication.
Research/Independent study	40	Copy of qualitative and/or quantitative research, including a list of source materials.
Service to professional disability management or health and productivity organization	1 hour for each hour of service provided to the organization	Letter from the president/director of organization documenting services performed, the number of hours served and the dates of service.

NOTE: The CDMS Commission reserves the right to request additional information to determine compliance with the documentation requirements outlined above for non- pre-approved continuing education.

Criteria for Appropriate Continuing Education

To qualify for approval of continuing education, a program must meet the following criteria:

- Continuing education must be above and beyond your normal job duties.
- It must be at least one hour in duration.
- It must be held in an accessible, barrier-free location so that no one with a disability is excluded from participation. (Reference: Section 504, Rehabilitation Act of 1973, as amended.)



- It must include an evaluation by the participants to assess its effectiveness.
- The purpose of the program must be clearly defined in terms of its objectives or expected outcomes.
- It must increase the participant’s knowledge or skill regarding the practice of disability management in one or more of the focus areas listed in this guide.

Appeals

The CDMS Commission’s appeal process is available to any designee who feels that the Commission inaccurately, inconsistently or unfairly applied the criteria for ADMSSM renewal.

The Full Commission will consider only those facts that were reviewed by the Executive Committee. It will not consider any information submitted after the disputed review, unless specifically requested by the Executive Committee.

The appeals process is designed to provide:

- Complete review of the facts at issue.
- A second, independent evaluation of the material presented to document the designee’s eligibility for certification renewal.
- Due process.
- Fair, consistent application of the criteria for designation renewal

Requesting an Appeal

At the time a designee is informed that continuing education or designation renewal documentation submitted has been denied, this individual will also receive information about his or her right to appeal, as well as the procedures, instructions and time schedules for making such appeals.

A designee who chooses to exercise this right will have his or her continuing education/ renewal file presented to the Executive Committee.

If the designee is dissatisfied with the decision of the Executive Committee, the case may be directed to the full membership of the commission. However, requests for such appeals must be sent to the commission in writing within 30 days of the decision by the Executive Committee.

Section 6: Fees

All fees are subject to change and are non-refundable. At the time of renewal, payment may be made online using a VISA/MasterCard charge.

Renewal **\$175**

This fee must be submitted in full at the time you apply for renewal.

Related Fees

Late Fee **\$75**

(Assessed for applications received later than December 31 of year of renewal through January 31 of the following year)

Replacement Certificate (except at renewal time) **\$25**

ALL FEES ARE NON-REFUNDABLE



ADMS CODE OF PROFESSIONAL CONDUCT

PREAMBLE

Associate Disability Management Specialists (designees) recognize that their actions or inactions can either aid or hinder clients in achieving their objectives, and they accept this responsibility as part of their professional obligation. Designees may be called upon to provide a variety of services and they are obligated to do so in a manner that is consistent with their education, formal training, and work experience. In providing services, designees must demonstrate their adherence to certain standards. The ADMSSM Code of Professional Conduct (Code) has been designed to achieve these goals.

The basic objective of the Code is to protect the public interest. Accordingly, the Code consists of two kinds of standards: Principles and Rules of Professional Conduct.

The Principles are fundamental assumptions to guide professional conduct. They are aspirational in nature and their intent is to guide and inspire disability management specialists toward the very highest ethical ideals of the profession. They are not intended to relieve designees of their obligation to be aware of and follow the applicable laws and regulations that govern their practice.

The Rules of Professional Conduct (RPCs) are divided into three sections:

Section I – Relationship with All Parties

Section II – Provision of Services to Individual Clients

Section III – Provision of Services to Organizational Clients

The fundamental spirit of caring and respect with which the Code is written is based upon five principles of ethical behavior. These include autonomy, beneficence, nonmaleficence, justice, and fidelity, as defined below:

Autonomy: To honor the right to make individual decision

Beneficence: To do good to others

Nonmaleficence: To do no harm to others

Justice: To act or treat justly or fairly

Fidelity: To adhere to fact or detail

Special consideration to these principles of ethical behavior must be given because of the unique service provider/individual client relationship, and because the designee is in a position to potentially impact decisions made in favor or against the individual client.

The primary obligation of the designee is to exercise independent judgment in offering appropriate recommendations that consider the client's needs and the parameters of the applicable disability management system. Regardless of whether direct client contact occurs or whether indirect services are provided, designees are obligated to adhere to the Code. The RPCs prescribe the level of professional conduct required of every designee. These rules shall apply to all modes of communication including, but not limited to, written, oral,



electronic, telephonic, and Internet communications. Compliance with this level of conduct is mandatory and will be enforced through the Procedures for Processing Complaints.

A code of professional conduct cannot guarantee ethical behavior. Moreover, a code of professional conduct cannot resolve all ethical issues or disputes or capture the richness of complexity involved in providing professional input within a moral community. Rather, a code of conduct sets forth values, ethical principles, and ethical standards to which professionals aspire and by which their actions can be judged. Disability management specialists' ethical behavior should result from their personal commitment to engage in ethical practice. The Code reflects the commitment of all disability managers to uphold the profession's values and to act ethically. Principles and rules of conduct must be applied by individuals of integrity who discern moral questions and, in good faith, seek to make reliable ethical judgments.

The CDMS Commission (the Commission) recognizes that many designees may hold more than one professional license, certification or designation. It is the intent of the Commission that the ADMSSM Code of Professional Conduct (ethics) which offers the greatest amount of protection for all parties, be in effect at any given time. At the same time, the Commission recognizes that it would not be appropriate to presume to enforce the codes of professional conduct or the code of ethics of any other organization or any legal jurisdiction affecting a designee. For that reason, the Commission will not review any allegations or violations of codes of ethics or professional conduct of any other agency or legal jurisdiction.

DEFINITIONS

Throughout this document, and for the purposes of this document, the following words are defined as:

Designee: One who holds an active Associate Disability Management Specialist (ADMSSM) designation.

Consultative or indirect services: Provision of expert or professional information, advice, and/or testimony related to disability management.

Direct contact: Any written, oral or electronic communication.

Direct services: Provision of disability management services for an individual client or organizational client, not purely consultative in nature.

Disability management services: The prevention and minimization of the human and economic impact of illness and disability for the employee/employer to optimize the quality of care, productivity, organizational health, and regulatory compliance. The goal of disability management is to provide necessary services, using appropriate resources in order to promote the ill or injured individual's maximum recovery and function. Disability management services include the following activities: case management; disability assessment and evaluation; return-to-work intervention; labor market analysis; career exploration and counseling; and reporting (plan development and report preparation).



Electronic technology: The following kinds of devices and tools about which there is growing concern because of their vulnerability, including but not limited to: laptops; home-based personal computers; PDAs and smartphones; hotel, library or other public workstations and Wireless Access Points (WAPs); USB flash drives and memory cards; CDs; DVDs; backup media; email; smart cards; and remote access devices (including security hardware).

Expert witness: A person qualified by education, experience, occupation, present position, degrees held, publications, and professional organization membership that establishes his/her credibility as an expert to give opinions.

Forensic evaluation: Acting as an expert on matters to assist the courts, parties to legal matters, attorneys, or agencies, on matters proceeding to adjudication.

Harm: A negative consequence to a client as a result of a designee's failure to adhere to the Principles and RCPs.

Indirect contact: Providing disability management services without contact with the client.

Indirect or consultative services: Provision of expert or professional advice and/or testimony related to disability management.

Individual client: The person for whom a designee provides direct disability management services.

Organizational client: An entity for which a designee provides disability management services.

Payor: The individual who or organization that has the financial obligation to pay for the services provided by the designee, which may or may not be a third party.

Records: Any communication regarding a client, whether written, taped, computerized, or stored in any other medium.

PRINCIPLES

Principle 1: Designees shall endeavor to place the public interest above their own at all times.

Principle 2: Designees shall respect the integrity and protect the welfare of those persons or groups with whom they are working.

Principle 3: Designees shall always maintain objectivity in their relationships with clients.

Principle 4: Designees shall act with integrity in dealing with other professionals.

Principle 5: Designees shall keep their technical competency at a level that ensures their clients will receive the benefit of the highest quality of service the profession can offer.



Principle 6: Designees shall honor the integrity and respect the limitations placed on the use of the ADMSSM designation.

Principle 7: Designees shall obey all laws and regulations, avoiding any conduct or activity that could harm others.

Principle 8: Designees shall help maintain the integrity of the ADMS Code of Professional Conduct.

RULES OF PROFESSIONAL CONDUCT

SECTION 1 – Relationship with All Parties

RPC 1.01 – Representation of Practice

Designees shall practice only within the boundaries of their competence, based on their education, training, appropriate professional experience, and other professional credentials. They shall not misrepresent their role or competence. They shall not attribute the possession of the designation to a depth of knowledge, skills, and professional capabilities greater than those demonstrated by achievement of the designation.

RPC 1.02 – Representation of Qualifications

Designees shall neither claim nor imply professional qualifications that exceed those possessed and shall take all necessary steps to correct any misrepresentation of these qualifications. A designee who becomes aware of a misstatement of credentials by another designee or CDMS certificiant shall inform the Commission.

RPC 1.03 – Competence

a. Negligence

Designees shall not:

1. handle or neglect a case in such a manner that the designee's conduct constitutes gross negligence (which for the purpose of this rule shall mean willful, wanton, or reckless disregard of the designee's obligations and responsibilities).
2. exhibit a pattern of negligence in the handling of the designee's obligations or responsibilities.

b. Impairment

Designees shall refrain from accepting cases and/or providing professional services when their own physical, mental, or emotional impairments are likely to cause harm to a client or others. Designees are to be alert to the signs of impairment, to seek assistance for problems, and, if necessary, limit, suspend, or terminate their professional responsibilities.

RPC 1.04 – Description of Services

Designees shall explain services to be provided to the extent necessary to assist the client to make informed decisions, understand the purpose, techniques, rules, procedures, expected



outcomes, billing arrangements, and limitations of the services rendered and identify to whom and for what purpose the results of the services will be communicated.

RPC 1.05 – Legal Compliance

Designees shall be knowledgeable about and act in accordance with federal, state, and local laws and regulations, including procedures related to the scope of their practices regarding client consent, confidentiality, and the release of information.

RPC 1.06 – Benefit System Requirements

Designees shall work in accordance with the unique requirements of the various reimbursement systems involved.

RPC 1.07 – Testimony

When providing testimony in a judicial or non-judicial forum, designees shall be impartial and limit testimony to their specific fields of expertise.

RPC 1.08 – Objectivity

Designees shall maintain objectivity in their professional relationships and shall not impose their values on their clients.

RPC 1.09 – Reports

Designees shall be accurate, honest, unbiased, and timely in reporting the results of their professional activities to appropriate third parties.

RPC 1.10 – Records

This rule applies only to those records for which designees have responsibility during the course of their employment or practice.

- a. **Maintenance**
Designees shall maintain records necessary for rendering professional services to their clients and as required by applicable laws and/or regulations.
- b. **Storage and Disposal**
Designees shall maintain records after the file has been closed for the number of years consistent with jurisdictional requirements or for a longer period during which maintenance of such records is necessary or helpful to provide reasonably anticipated future services to the client. After that time, records shall be destroyed in a manner assuring preservation of confidentiality and as required by applicable laws and/or regulations.
- c. **Confidentiality**
Designees shall maintain any and all client records, whether written or recorded using electronic technology or audio/video devices, in a manner designed to ensure confidentiality, taking additional effort to maintain confidentiality as required by applicable laws and/or regulations.
- d. **Security**
Designees will use comprehensive and effective security to safeguard confidential information as required by applicable laws and/or regulations.



RPC 1.11 – Research

- a. Legal Compliance
Designees shall plan, design, conduct, and report research in a manner consistent with the ethical principles of autonomy, beneficence, nonmaleficence, justice, and fidelity, and federal and state laws and regulations, including those governing research with human subjects.
- b. Subject Confidentiality
Designees who make original data available, report research results, or contribute to research in any other way shall omit the identity of the subjects unless an appropriate authorization has been obtained.

RPC 1.12 – Misconduct

Designees shall not engage in professional misconduct. It is professional misconduct if the designee:

- a. knowingly assists or induces another to violate or attempt to violate the Code, or does so through the acts of another;
- b. commits a criminal act that reflects adversely on the designee's honesty or trustworthiness;
- c. engages in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- d. engages in sexually intimate behavior with an individual client; or
- e. accepts as a client an individual with whom the designee has been sexually intimate.

RPC 1.13 – Human Relations

- a. Discrimination
Designees shall:
 1. demonstrate respect for clients with diverse populations regardless of age, color, culture, disability, ethnicity, gender, gender identity, race, national origin, religion/spirituality, sexual orientation, marital status/partnership, language preference, or socioeconomic status.
 2. develop and adapt interventions and services to incorporate consideration of individual clients' cultural perspectives and recognition of barriers external to clients that may interfere with achieving effective outcomes.
 3. not condone or engage in discrimination based on age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.
- b. Harassment
Designees shall not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advance, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the designee's activities or roles as a disability management specialist, and that either (1) is unwelcome, is objectively or



subjectively offensive, or creates a hostile environment or (2) is sufficiently severe, persistent or pervasive, or intends to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or multiple persistent or pervasive acts.

Designees shall not knowingly engage in harassment based on behavior that is harassing or demeaning to persons with whom they interact in their work based on factors such as those persons' age, gender, gender identity, race, ethnicity, culture, national origin, religion, sexual orientation, disability, language, or socioeconomic status.

RPC 1.14 – Conflict of Interest

Designees shall fully disclose an actual or potential conflict of interest to all affected parties. If, after full disclosure, an objection is made by any affected party, the designee shall withdraw from further participation in the case. Designees shall refrain from taking on a professional role when personal, scientific, professional, legal, financial, or other interests or relationships could reasonably be expected to (1) impair their objectivity, competence, or effectiveness in performing their functions as disability managers or (2) expose the person or organization with whom the professional relationship exists to harm or exploitation.

RPC 1.15 – Advertising

Designees who describe/advertise services shall do so in a manner that accurately informs the public of the services, expertise, and techniques being offered. Descriptions/advertisements by a designee shall not contain false, inaccurate, misleading, out-of-context, or otherwise deceptive material or statements. If statements from former clients are to be used, the designee shall have a written, signed, and dated release from the former clients. All advertising shall be factually accurate and shall not contain exaggerated claims as to costs and/or results.

RPC 1.16 – Solicitation

Designees shall neither solicit nor accept commissions, rebates, or any form of remuneration for the referral of clients for professional services or goods.

RPC 1.17 – Relationships with Designees' Employers

Designees shall alert their employers to conditions that may be potentially disruptive or damaging to the designee's professional responsibilities or that may limit their effectiveness. In those instances where designees believe their employers' policies are in violation of the Code, they shall attempt to affect change through constructive action within the organization. Where such change cannot be affected, designees shall take appropriate further action, which may include referral to appropriate certification, accreditation, or state licensure organizations for an advisory opinion. Once an opinion has been rendered, however, the designee's obligation to adhere to the Code continues.

RPC 1.18 – Fees

Designees shall advise the payor of their fee structure in advance of rendering any services and shall also furnish, upon request, detailed, accurate records of professional activities.

RPC 1.19 – Complaint Proceedings

- a. Reporting Misconduct



Designees possessing personal knowledge concerning a violation or any perceived violation of the Code by a designee or a CDMS certificant shall report such information to the Commission.

- b. **Compliance with Proceedings**
Designees shall assist in the process of enforcing the Code by cooperating with investigations, participating in proceedings, and complying with the directives of the CDMS Commission's Executive Committee.
- c. **Frivolous Complaints**
Designees shall not initiate, participate in, or encourage the filing of complaints that are malicious, unwarranted, or without a basis in fact.

RPC 1.20 – Use of ADMS Designation

The Associate Disability Management Specialist (ADMS) is a professional designation, and the initials "ADMS" are personal in nature and may be used only by a current designated individual. The designee shall not utilize the designation or initials as part of a company, partnership, corporate name, trademark, or logo.

RPC 1.21 – Supervision and Consultation

- a. **Limitations**
A designee, through ongoing evaluation and appraisal, must be aware of the academic and personal limitation of supervisees that may impede performance. The designee will assist supervisees to secure remedial assistance when needed and will discontinue supervision of individuals unable to provide competent DM services due to professional, academic, or personal limitations. The designee will seek professional consultation and supervision themselves and document their decisions to dismiss or refer supervisees for assistance.
- b. **Professional Growth and Development**
As a designee, professional development and growth is necessary for maintenance and building of professional skills and competencies. A designee who employs or supervisees other designees or CDMS certificants and applicants will encourage and support professional development activities and opportunities as well as conduct timely performance evaluations and consultations as necessary. Designees will also be aware of their own professional growth and development needs and seek continuing education, training, supervision, and consultation for themselves.
- c. **Supervision of Applicants and Supervisees**
A designee who is responsible for the supervision of an applicant or another designee will conduct themselves in a professional manner.
- d. **Supervision Preparation**
A designee will supervise others only within the boundaries of their competence, based on their education, training, professional experience, and credentials.
- e. **Ethical Practice**
When a designee has reason to believe that he/she is faced with an ethical dilemma, they are required to seek out peer-to-peer consultation.



f. Endorsement

A designee will not endorse an applicant or supervisee for designation, certification, licensure, or employment if they believe that the applicant or supervisee is not qualified for the endorsement. A designee will take appropriate steps to assist applicants and supervisees who are not qualified for endorsement to become qualified.

SECTION 2 – Provision of Services to Individual Clients

RPC 2.01 – Dual Relationships

All dual relationships must be disclosed. Designees who provide services to an individual client at the request of a third-party payor shall disclose the nature of their dual relationship by describing their role and responsibilities to each party involved in the dual relationship. Dual relationships, other than payor/client, include but are not limited to familial, social, financial, business, close personal relationships with individual clients, or volunteer or paid work within an office in which the client is actively receiving services.

RPC 2.02 – Business Relationships with Clients

Designees shall not enter into a commercial enterprise with any individual client.

RPC 2.03 – Confidentiality

a. Disclosure

Designees shall inform the individual client at the outset of the designee-client relationship that any information obtained through the relationship may be disclosed to third parties. Disclosure of information shall be limited to what is necessary and relevant, expect that the designee must reveal information to appropriate authorities, as soon as and to the extent that the designee reasonably believes necessary, to prevent the individual client from (1) committing acts likely to result in bodily harm or imminent danger to the individual client or others or (2) committing criminal, illegal, or fraudulent acts.

b. Recording

Designees shall obtain permission from individual clients prior to electronically recording a client.

c. Contagious, Fatal Diseases

Designees shall be aware of and follow the applicable legal requirements for disclosure of contagious and fatal diseases.

d. Client Identity

Designees shall omit the identity of the individual client when using data for training, research, publication, and/or marketing unless a written release is obtained from the individual client.

e. Technology

It is recommended that designees utilize the most recent security available for all technology used.

f. Transmitting Confidential Information



Designees shall take precautions by using the most current security measures available to ensure the confidentiality of information transmitted through the use of telecommunication and electronic technologies. A recommended practice would be to limit transmissions to general communications that are not client specific, and/or use non-descript language.

RPC 2.04 – Interruption of Services

Designees shall make reasonable efforts to ensure continuity of services in the event that services are interrupted by factors such as unavailability, relocation, illness, disability, or death of any party involved in the case.

RPC 2.05 – Termination of Services

Designees shall terminate disability management services to individual clients when such services are no longer required, no longer serve the individual client's needs or interests, or when requested by the organizational client/payor. When requested in writing by the organizational client/payor to remain working on an individual client's case by providing indirect services, designees will notify all relevant parties in writing of their continuation of work on the case. Designees in fee-for-service relationships may also terminate services with clients due to nonpayment of fees under the following conditions: (1) the client was informed of payment responsibilities and the effects of nonpayment or the termination of payment by a third party and (2) the client poses an imminent danger to self or others. As appropriate, designees shall refer clients to another qualified professional to address issues unresolved at the time of termination.

SECTION 3 – Provision of Services to Organizational Clients

RPC 3.01 – Forensic Evaluation

When providing forensic evaluations for an individual or organization, the primary obligation of designees shall be to produce objective findings and opinions that can be substantiated based on information and techniques appropriate to the evaluation, and as required by applicable case law within the appropriate jurisdiction, which may include assessment of the individual and/or review of records. Designees shall define the limits of their reports or testimony, especially when an assessment of the individual has not been conducted.

RPC 3.02 – Indirect Service Provision

Designees who are employed by third parties as case consultants or expert witnesses and who engage in communication with the individual client shall fully disclose to the client and/or his or her designee their role and limits of their relationship. Communication includes all forms of written or oral interactions regardless of the type of communication tool used. When there is no pretense or intent to provide disability management services directly to an individual client, and where there will be no communication, disclosure by the designee is not required. When serving as case consultants or expert witnesses, designees shall provide unbiased, objective opinions.



PROCEDURES FOR PROCESSING COMPLAINTS

Release of Information

Clients of any designee (as defined below) who choose to file a complaint against such designee under these Procedures for Processing Complaints will be required to grant permission to the designee to release all records of interactions between such complainant and the designee to the Committee (as defined below) and to answer all questions the Committee may ask concerning those interactions. Thus, the entire contents of such individual's file, including documents from other service providers, may become part of the evidence. Furthermore, the complainant will be required to grant permission to allow the Committee to send copies of any materials submitted in conjunction with the complaint to the designee.

Individuals who file a complaint but are not the client and yet use client information to support their claim, must obtain written permission from the client to submit the information, or must remove all identifying information from the materials submitted in conjunction with the complaint.

Statement of Purpose

1. The Certification of Disability Management Specialists Commission is dedicated to promoting the education and credentialing of professional disability managers through credentialing to advance the quality of service provided to clients.
2. The Commission, in furthering its objectives and through the Executive Committee, administers the Code that has been developed and approved by the Commission. The intent of the Commission is to monitor the professional conduct of its designees and certificants to promote sound ethical practices. The Commission does not, however, warrant the performance of any individual.
3. These Procedures for Processing Complaints facilitate the work of the Executive Committee by specifying procedures for (a) processing cases of alleged violation of the Code, (b) sanctioning certificants and designees, and (c) appeals.

SECTION A – Definitions

Designee: As used in these Procedures only, the “designee” will refer to the ADMS who is alleged to have violated the Code.

Code: The ADMS Code of Professional Conduct.

CDMS Commission: The Certification of Disability Management Specialists Commission.

Committee: The Executive Committee.

ADMS: Associate Disability Management Specialist.



Procedures: These Procedures for Processing Complaints.

SECTION B – Executive Committee Members

1. **Membership** – The Executive Committee is a standing Committee of the CDMS Commission (the Commission) consisting of five (5) members of the Commission.
2. **Meetings** – The Committee may meet in person or by telephone conference a minimum of four (4) times per year.
3. **Quorum** – A quorum of three (3) members of the Committee is necessary to conduct a hearing or any other business to come before the Committee.
4. **Recusal** – In the event any member of the Committee has a personal interest in the case or has any knowledge of the facts of the case other than what has been provided to all Committee members, he/she will withdraw from hearing the case. In the event that the Commission Chair will withdraw, the Chair will appoint another Committee member as Acting Chair.
5. **Replacements** – If a Committee member excuses himself/herself from a complaint and insufficient members are available to conduct business, the Chair of the Commission will appoint a former CDMS Commissioner, who is a CDMS certificant or ADMS designee, to act as a member of the Committee.
6. **General Responsibilities related to Professional Conduct** – The Committee is responsible for (a) educating designees and the general public as to the provisions of the Code; (b) periodically reviewing and recommending changes in the Code, including these Procedures; (c) receiving and processing complaints of alleged violations of the Code; and (d) receiving and processing questions with respect to the Code. The Committee members have an obligation to act in an unbiased manner, to work expeditiously, to safeguard the confidentiality of the Committee’s activities, and to follow procedures established to protect the rights of all individuals involved.
7. **Jurisdiction** – The Committee has jurisdiction to consider whether an individual has violated the Code if the individual is a current designee. In the event that the Commission receives a complaint concerning an individual who does not possess an ADMS designation, a representative of the Commission will inform the complainant and may refer the complainant to an appropriate authority. Should a designee attempt to relinquish the designation during the course of any case, the Commission reserves the right to continue the matter for a final and binding resolution according to these rules.

SECTION C – Professional Conduct Complaints

1. **Persons Who May File** – The Committee will accept complaints that a designee has violated one or more Rules of the Code from the following:
 - a. ADMS designees, CDMS certificants or members of the general public who have reason to believe that a designee has violated the Code.



- b. The Committee Chair, when the Committee has reason to believe through reliable information received or obtained by it that a designee has violated the Code.
2. **Complaints** – The Committee will accept only signed, written complaints on the ADMS Complaint Form, available on the website at www.CDMS.org. If telephone inquiries from individuals are received regarding the filing of complaints, the individuals calling will be informed of the signed, written communication requirement and asked to comply. Complainants should provide supporting documentation related to their complaint for the committee’s consideration. If applicable, court testimony submitted as part of a complaint must be in the form of an official transcript of the proceedings.
3. **Correspondence on Complaints** – All correspondence related to a complaint must be in writing and addressed to the Executive Committee, CDMS Commission, 8735 W. Higgins Rd., Suite 300, Chicago, IL 60631, and must be marked “Confidential.” This process is necessary to protect the confidentiality of the complainant and the designee.
4. **Duties of an ADMS** – All designees are pledged, in accordance with the Code, to cooperate with proceedings of the Commission for any alleged violation of the Code.
5. **Timelines** – The timelines set forth in these standards are guidelines only and have been established to provide a reasonable framework for processing complaints. The Committee will grant an extension of a deadline requested by a designee or complainant only when justified by unusual circumstances. The Committee may, at its discretion, delay or postpone its review of any case.
6. **Administration of Complaints** – The responsibilities of the Committee with respect to professional conduct complaints will include but not be limited to the following:

Review complaints that have been received;

 - a. Determine whether the alleged behavior, if true, would violate the RCPs, and whether the Committee should accept the complaint under these Procedures;
 - b. If the Committee determines that the complaint contains insufficient information to make a fair determination of whether the behavior alleged in the complaint would be cause for action by the Committee, the Committee may request further written information from the complainant or other person;
 - c. Notify the complainant that the Committee has determined that no action will be taken; or, if action is to be taken, notify the complainant and the designee of acceptance of the complaint; and
 - d. When appropriate, the Committee will arrange for legal advice with the assistance of the Commission Executive Director.
7. **Withdrawal of Complaints** – If the designee voluntarily relinquishes the designation or if the designee or complainant fails to cooperate with an ethical inquiry in any way, the Commission may, at its discretion, continue its investigation, noting in its final report the circumstances of the designee’s or complainant’s failure to cooperate. The Committee, in its sole discretion, may terminate the complaint of an uncooperative complainant.



Even if the complainant and designee agree to discontinue the complaint process, the Committee may, at its discretion, complete the adjudication process if available evidence indicates that this is warranted.

8. **Designee Response** – If a complaint is accepted, the designee will be asked to respond in writing to the complaint against him/her, addressing each of the following:
 - a. Acknowledge the section of the Code that he/she has been accused of having violated; and
 - b. Submit any fact affidavits, documents, or written arguments that he/she wishes to be considered by the Committee in reviewing the complaint.

The designee will be informed, by certified and regular mail, that if he/she wants to respond, he/she must do so in writing within thirty (30) days from the date of notification. If a designee fails to respond in writing to a request from the Committee, the Committee may impose sanctions on the basis of the complaint alone. Should the Committee request further information from the designee, the designee will be given thirty (30) days from the date of the request to respond.

9. **Preliminary Disposition of Complaint** – After receiving the response of the designee, Committee members will be provided copies of the response and supporting fact affidavits, documents, or written arguments provided by the designee and others. At the next meeting or teleconference of the Committee, the Committee will discuss the complaint, response, and any supporting documentation. On the basis of the complaint and the designee’s response, the Committee must act as follows:
 - a. If no violation is found, the case will be closed and all parties will be notified of case closure in writing; or
 - b. If reasonable basis is found to exist for any violation alleged in the complaint, all parties will be notified in writing. Upon a finding of reasonable basis and within 10 days of notification, the designee may make a written request for a hearing before the Committee or the Committee, in its discretion, may initiate a hearing.

SECTION D – Professional Conduct Hearings

1. **Initiation** – If a hearing has been requested by the designee or initiated by the Committee, the Chair will schedule a hearing on the case and notify the complainant and the designee, by certified and regular mail, of their right to participate in the hearing with legal counsel. The hearing will be conducted before the Committee.
2. **Purpose**
 - a. A hearing will be conducted to determine whether a violation of the Code has occurred and, if so, to determine appropriate disciplinary action.

- b. The Committee will be guided in its deliberations by principles of basic fairness and professionalism, and will keep its deliberations as confidential as possible, except as provided herein.
3. **Notice to Parties** – The Chair will advise the designee or his/her legal counsel and the complainant, by certified and regular mail, of the time and method for conducting the hearing.
4. **Conduct of Hearing**
 - a. The Committee, at its discretion, will determine the time and method for conducting the hearing. Parties to the complaint, including witnesses, may participate by telephone. The Committee will conduct a private hearing and no observers, other than appropriate Commission staff, or recording devices other than a recording device used by the Committee, will be permitted.
 - b. The Chair administering the complaint will preside over the hearing and deliberations of the Committee. At the conclusion of the hearing and deliberations of the Committee, the Commission will promptly issue written notice to the designee of the Committee's decision. The Commission will also notify the complainant in writing of the disposition of the complaint.
 - c. A record of the hearing will be made and preserved until all appeals are completed or the appeals period has expired. The record will consist of a summary of testimony received or a verbatim transcript, at the discretion of the Committee. Documents presented in evidence will be retained, at the Commission's administrative office, as set forth in Section I below.
 - d. The designee and the complainant will be entitled to have legal counsel or a representative present to advise and represent them throughout the hearing. Legal counsel for the Commission may also be present at the hearing to advise the Committee and will have the privilege of the floor.
 - e. Either party will have the right to call witnesses to substantiate his/her version of the case.
 - f. The Committee will have the right to call witnesses it believes may provide further insight into the matter.
 - g. Witnesses will not be present during the hearing except when they are called upon to testify and will be excused upon completion of their testimony and any cross-examination.
 - h. The Chair will allow questions to be asked of any witness by members of the Committee and, at its discretion, by the opposition if such questions and testimony are relevant to the issues in the case.
 - i. The Chair will determine what questions and testimony are relevant to the case. Should the hearing be subject to irrelevant testimony, the Chair may call a brief recess until order can be restored.



- j. Both the complainant and the designee, and any witnesses and legal counsel that they may have must pay their own expenses. The Commission will pay the expenses of the Committee members. Parties initiating telephone contact will assume the expenses related to the calls.
- k. If the designee fails to participate in the hearing, the Committee will decide the complaint and determine what testimony it will hear on record. Failure of the designee to participate in the hearing will not be viewed by the Committee as sufficient grounds alone for taking disciplinary action.

5. Presentation of Evidence

- a. The Standard Order of Testimony for Commission Hearings will be as follows, as applicable:

<u>Activity</u>	<u>Time</u>
Convening of Hearing	
Opening Statement by Chair	
Opening Statement by Designee’s Attorney or Designee	10 Minutes
Testimony from Complainant	20 Minutes
Questioning of Complainant by Committee & Commission Attorney	
Questioning of Complainant by Designee’s Attorney or Designee	15 Minutes
Testimony from Complainant’s Witnesses	30 Minutes
Questioning of Complainant’s Witnesses by Committee & Commission Attorney	
Testimony from Designee	20 Minutes
Questioning of Designee by Committee & Commission Attorney	
Questioning of Designee by Complainant’s Attorney or Complainant	15 Minutes
Testimony from Designee’s Witnesses	30 Minutes
Questioning of Designee’s Witnesses by Committee & Commission Attorney	
Closing Statement from Designee’s Attorney or Designee	5 Minutes
Conclusion of Hearing	

- b. The Chair will have the authority to modify the Standard Order of Testimony for any hearing, in the event the Chair deems it necessary or appropriate.
- c. The designee may refuse to testify at a hearing and will not be found in violation of the Code simply for refusing to testify. Once the designee chooses to testify, however, he/she may be questioned by the complainant and members of the Committee, subject to the constitutional rights of the designee.
- d. Testimony that is merely cumulative or repetitious may, at the discretion of the Chair, be excluded.
- e. All parties providing testimony will be required to attest to the veracity of their statements.
- f. Any written documentation submitted by the parties in connection with a hearing after the deadlines determined by the Committee may, at the Committee’s discretion, be excluded or receive limited consideration.



6. Relevancy of Evidence

- a. The Committee hearing is not a court of law and is not required to observe formal rules of evidence. Evidence that would be inadmissible in a court of law may be admissible in the hearing before the Committee, if it is relevant to the case. Therefore, if the evidence offered tends to explain, clarify, or refute any of the important facts of the case, it should be considered.
- b. The Committee will not consider evidence or testimony for the purpose of supporting any charge that was not set forth in the notice of the hearing or that is not relevant to the issues of the case.

7. Burden of Proof

- a. The burden of proving a violation of the Code is on the complainant.
- b. Although the charge(s) need not be proved “beyond a reasonable doubt,” a Committee finding that a designee has violated the Code must be supported by substantial, objective, and believable evidence.

8. Deliberations of the Committee

- a. After the hearing is completed, the Committee will meet in a closed session to review the evidence presented and reach a conclusion. The Commission legal counsel may attend the closed session to advise the Committee if the Committee so desires.
- b. The Committee will be the sole judge of the facts and will weigh the evidence presented and assess the credibility of the witnesses. The decision of a majority of the members of the Committee present will be the decision of the Committee and the Commission. The Chair will vote only to break a tie or when the Committee consists of three members.
- c. Only members of the Committee who were present throughout the entire hearing will be eligible to vote.

9. Committee Decisions

- a. The Committee will first resolve the issue of whether the designee violated the Code. Applying the burden of proof in Subsection 7 above, the Committee will vote by secret ballot, unless all of the members of the Committee entitled to vote consent to an oral vote.
- b. In the event the Committee does not find that the designee has violated the Code, the charges will be dismissed. If the Committee finds the designee has violated the Code, it must then determine what actions or sanctions will be imposed.



SECTION E – Committee Actions and Sanctions

1. Permissible Actions and Sanctions

- a. **Letter of Instruction:** In the event it is determined that the Code has been violated, the Committee will consider the degree of harm and significant mitigating circumstances and may issue a letter of instruction, by certified and regular mail, which is not a sanction.
- b. **Sanctions:** In the event it is determined that the Code has been violated, and a letter of instruction is not appropriate, the Committee will impose one or a combination of the possible sanctions that follow:
 - i. Reprimand. The Committee may stipulate remedial requirements.
 - ii. Probation for a specified period of time subject to Committee review of compliance. The Committee may impose remedial requirements to be completed within a specified period of time.
 - iii. Suspension from ADMSSM designation for a specified period of time subject to Committee review of compliance. The Committee may impose remedial requirements to be completed within a specified period of time.
 - iv. Revocation of ADMSSM designation.
- c. The penalty for failing to fulfill, in a satisfactory manner, a remedial requirement imposed by the Committee as a result of a sanction will be automatic revocation unless the Committee determines that the remedial requirement should be modified based on good cause.

2. Notification of Sanctions

- a. The designee will be given written notice within thirty days (30) of Committee decisions regarding complaints against him/her. All mailings from the Committee will be sent by regular and certified mail.
- b. The complainant will be given written notice of Committee decisions regarding his/her complaint after the time for appeal has expired.
- c. If a sanction has been issued, appropriate licensure, certification, or registry boards; other mental health licensure, certification, or registry boards; voluntary national certification boards; and appropriate professional associations will also be notified of the results.
- d. If a violation has been found and the designee's ADMSSM designation has been suspended or revoked, a notice of the Committee action that includes the section(s) of the Code that were found to have been violated and the sanctions imposed will be published in the Commission newsletter.



SECTION F – Appeals

1. **Basis of Appeals** – Decisions of the Committee that a designee has violated the Code may be appealed by the designee found to have been in violation based on one or more of the following grounds:
 - a. The Committee violated its policies and procedures for processing complaints of ethical violations; and/or
 - b. The decision of the Committee was arbitrary and capricious and was not supported by the materials and testimony presented by the complainant and the designee.
2. **Limitation of Appeals** – After the designee has received notification that he/she has been found in violation of one or more sections of the Code, he/she will be given thirty (30) days from the date such written notification is sent to notify the Committee in writing via certified mail that he/she is appealing the decision.
3. **Form of Appeal** – An appeal must be in writing stating one or more of the grounds of appeal listed in Subsection F.1(a) or (b) above, and the reasons for the appeal.
4. **Appeals Panel** – The Commission Chair will appoint a three (3) person appeals panel consisting of at least one (1) former Commission member, with the balance being CDMS certificants or ADMSSM designees, none of whom served on the Committee at the time the original decision was rendered. The Commission’s attorney will serve as legal advisor and have the privilege of the floor.
5. **Standard of Review** – The three (3) member appeals panel will be given copies of the materials available to the Committee when it made its decision, a copy of the hearing transcript if a hearing was held, a copy of the Committee’s decision and a copy of the letter filed by the appealing designee. The appeals panel will not accept new evidence, but will review the complaint only on the basis of the existing record.
6. **Decision of Appeal** – The decision of a majority of the members of the appeals panel will be the final decision. The decision will be rendered within a reasonable period of time. The decision of the appeals panel may include one of the following:
 - a. The decision of the Committee is upheld.
 - b. The decision of the Committee is reversed and/or remanded with guidance to the Committee for a new hearing. The reason for this action will be given in detail to the Committee in writing.

When a Committee decision is reversed and/or remanded, the complainant and the designee will be informed in writing and additional information may be requested. The Committee will then render another decision after further hearing. A decision of the appeals panel to uphold the Committee decision is final.



SECTION G – New Evidence

In the event substantial new evidence, which was not available to the designee at the time of the hearing, is presented in a case where a final decision has been rendered, the Committee may reopen the case, if deemed appropriate by the Committee. The Committee will consider substantial new evidence and, if it is found to be substantiated and capable of exonerating a designee originally found to have violated the Code, the Committee will reopen the case and proceed with the entire complaint process again.

SECTION H – Legal Actions Relating to Professional Conduct Complaints

1. All parties to a complaint are required to notify the Committee if they learn of any type of legal action (civil, criminal, or administrative) being filed in relation to the complaint.
2. In the event any type of legal action is filed regarding an accepted complaint, all actions related to the complaint may, at the discretion of the Committee, be stayed until the legal action has been concluded.
3. If actions to a complaint are stayed, the complainant and the designee will be notified in writing.
4. When actions on a complaint are continued after a legal action is concluded, the complainant and the designee will be notified in writing.

SECTION I – Records

1. The records of the Committee regarding complaints are confidential except as provided herein.
 - a. All information concerning complaints against designees will be confidential except that the Committee may disclose such information when compelled by a validly issued subpoena or when otherwise required by law or valid court order.
 - b. Nothing in this Section will be construed to prevent the Committee from communicating with the complainant, witnesses, potential members of fact-finding committees, or other sources of information necessary to enable the Committee to carry out its function, nor to prevent the notice of sanctions described in Subsection E.2 above.
2. Original copies of complaint records will be maintained in files at the Commission administrative office or at an off-site location chosen by the Commission for a specified period of time as listed below:
 - a. Files of Sanctions or Letters of Instruction – In cases where the Committee has found an ethical violation and imposed any sanction or Letter of Instruction, a copy of the Committee’s decision will be maintained indefinitely. A copy of the entire record on



such matter will be maintained for not less than five (5) years after the Committee closed the case.

- b. Files for Non-Violations – Except for those cases closed for insufficient evidence, personally identifiable information concerning a designee who has been found not to have violated the Code will be maintained for not less than one (1) year after the Committee has closed the case.
 - c. Files for Insufficient Information – In cases where the Committee has closed a case due to evidence insufficient to sustain a complaint of ethical violation, records containing personally identifiable information will be maintained for not less than one (1) year after the Committee has closed the case.
 - d. Files After Death – All records containing personally identifiable information will be destroyed one (1) year after the Commission is notified of the death of the designee.
 - e. Records for Education Purposes – Nothing in this Section will preclude the Committee from maintaining records in a form that prevents identification of the designee so that it may be used for archival, educational, or other legitimate purposes.
3. Members of the Committee will keep copies of complaint records confidential and will destroy copies of their records relating to a complaint on the sooner of the date the time for appeal has expired or the date the member is no longer a member of the Committee.

ACKNOWLEDGMENT

The CDMS Commission wishes to thank the ACA for granting permission to adopt its Guidelines and Procedures for Ethical Complaints.

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- i. Beauchamp, T.L., & Childress, J.F. (1994), 4th Ed., *Principles of Biomedical Ethics*. Oxford: Oxford University Press. Kitchener, K.S. (1984). Ethics in Counseling Psychology: Distinctions and Directions. *Counseling Psychologists* 12 (3), 43-55.
 - ii. Lynch, 1991, "Forensic Glossary," <http://www.forensiceducation.com/sourcebooks/glossary/e.htm>, May 2004.