Ethics, Advocacy, and Choice

Supplemental Resources

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This document contains the forms, tables, lists, and websites that were either displayed or referred to in the Ethics, Advocacy, and Choice training. This document also contains additional resources to aide new WSCs in gaining the skills necessary to effectively coordinate the supports and services for individuals on their caseload.

Ethics, Advocacy, and Choice

Ethical Standards for Waiver Support Coordinators

Waiver support coordinators are in a multifaceted role that includes everything from identifying and connecting clients to services, to supporting clients emotionally and functionally, to advocating for them so that they can live as independently and safely as possible within the community.

Rule 65G-14.0041, Florida Administrative Code (F.A.C.), requires that every Qualified Organization develop, maintain, and enforce a professional **Code of Ethics** applicable to all Support Coordinators within the organization.

The Qualified Organization's **Code of Ethics** must include the following:

(a) Provisions addressing how the Qualified Organization will prevent and avoid actual and perceived conflicts of interest among its Support Coordinators, which must prohibit each Support Coordinator from:

> **Remember!** The Qualified Organization must make the approved Code of Ethics available to all its employed Support Coordinators and must review the code of ethics with each client or, if applicable, client's legal representative on an annual basis or upon request.

1. Being the legal representative, applying to be the legal representative, or being affiliated with an organization or person who is the legal representative of a client served by the Qualified Organization;
2. Being the legal representative or representative payee for any benefits received by a client served by the Qualified Organization nor assume control of a client's finances or assume possession of a client's checkbook, investments, or cash;
3. Rendering support coordination services to a client who is a family member;
4. Unduly influencing paid services on behalf of a client from a service provider who is a family member of the Support Coordinator or any employee of the Qualified Organization;
5. Providing any waiver service other than support coordination and CDC+ consultant services;
6. Being a subsidiary of or being directly or indirectly controlled by persons or organizations providing waiver services within the state of Florida, other than support coordination and related administrative activities to clients who receive services from the Agency;
7. Requesting or receiving financial compensation from family members of clients; and

8. Providing assistance to a client on completion of the Support Coordinator Client Satisfaction Survey.

(b) Provisions mandating every Support Coordinator to promote client choice as described in the iBudget Handbook, including freedom to direct service planning and choose a provider from all available providers;

(c) Provisions addressing how the Qualified Organization will ensure that clients' rights under Section 393.13, F.S., are protected, including reporting known or suspected abuse, neglect, exploitation, and sexual misconduct;

(d) Provisions encouraging fairness, integrity, and civility, including providing honest and accurate information verbally and in writing, being available for clients, timely responding to communications from clients and Agency staff, and cooperating and collaborating with others involved in client care;

(e) Provisions requiring Support Coordinators to counsel clients and, if applicable, the client's legal representative regarding covered services and that covered services will only be approved if they are individualized, specific, consistent with the client's needs, and not in excess of the client's needs;

(f) Provisions requiring Support Coordinators to explore all services available through local, state, and federal government and non-government programs or services, including the Medicaid State Plan; school-based services; private insurance; natural supports; and community supports, prior to requesting Waiver funds on behalf of the client, which may be evidenced by denial letters, coverage policies, case notes, and other documentation;

(g) Provisions requiring Support Coordinators to only pursue Waiver services for clients that the Support Coordinator believes address the capacities, needs, and resources of their clients and are not available through other resources or funding sources, which the Support Coordinator must indicate on the Verification of Available Services Form incorporated by reference in Rule 65G-4.0213, F.A.C.;

(h) Provisions requiring confidentiality and privacy of client information;

(i) Provisions prohibiting Support Coordinators from misrepresenting their affiliation with the Agency; and

(j) Provisions addressing Support Coordinator duties and responsibilities described in Chapter 393, F.S., and the iBudget Handbook, including:

    1. Ensuring Significant Additional Needs requests are complete and accurate when submitted;
    2. Assisting clients and, if applicable, legal representatives obtain services through the Medicaid state plan;
    3. Participating in meetings required by the Agency;

4. Participating in meetings coordinating services on behalf of the client;

5. Assisting clients and, if applicable, their legal representative with the process for addressing client complaints and grievances regarding possible service delivery issues;

6. Coordinating in the preparation and planning for natural disasters, including ensuring each client has a personal disaster plan and monitoring the status of each client, including providing information on available resources during and after a natural disaster; and

7. Updating service authorizations in iConnect to reflect the current, approved level of service(s) and providing the updated
service authorizations to providers.

Additional Reading:

The National Alliance for Direct Support Professionals (NADSP) published Living the Code of Ethics – In Support of People with Disabilities: A Primer. This document can be accessed at:

workforcetransformation.org/wp-content/uploads/2017/03/Code-of-Ethics-Manual.pdf

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Professional Conduct of Waiver Support Coordinators

Rule 65G-14.003, F.A.C. requires that any violation of ethical or professional conduct by a WSC be reported to APD. A violation of ethical or professional conduct includes the following:

(a) Unprofessional interactions with a client, legal representative, service provider, or Agency staff member as evidenced by documented or observed instances of screaming, yelling, cursing, or physical altercations as well as engaging or attempting to engage in verifiable romantic or sexual behavior with a client;

(b) Arrest for a disqualifying criminal offense as described in Sections 393.0655(5) and 435.04(2), F.S.;

(c) Verified finding of abuse, neglect, exploitation, or abandonment;

(d) Falsification of documentation;

(e) Accidental or incidental unauthorized disclosure of a client's confidential or private information;

(f) Reckless or intentional unauthorized disclosure of a client's confidential or private information;

(g) Failure to perform support coordination duties necessary to comply with legal notices regarding client services, such as updating cost plans based on service determinations;

(h) Failure to perform support coordination duties, as required by statutes and administrative rules, including the iBudget Handbook, which jeopardize or are likely to jeopardize the health, safety, or welfare of a client;

(i) Borrowing, attempting to borrow, or accepting funds from a client or, if applicable, client's legal representative or family;

(j) Diverting clients to specific providers and not facilitating provider choice;

(k) Not maintaining updated and accurate contact and demographic information for clients and legal representatives in iConnect;

(l) Material or repeated occurrences of Support Coordinators making errors inputting data in iConnect; and

(m) Any violation of the Qualified Organization's code of ethics.

Rule Requirements

To review the rule language related to the ethical and professional standards for Qualified Organizations and Waiver Support Coordination, please view Rule 65G-14, F.A.C. at the Florida Administrative Register or by visiting the website below:

www.flrules.org

Human Values

Along with ethical and professional values are human values, which are basic to every human being. Although you may be helping your clients address specific needs through supports and services, it is important to know that an individual with a developmental disability values the same things in life as everyone else.

Just like everyone, people with disabilities value:

- Love
- Friendship
- Being respected and treated with dignity
- Accessing information to make choices
- Safe place to live
- Community participation and civic responsibilities
- Freedom from poverty and abuse
- Ability to exercise rights
- Meaningful employment
- Learning opportunities and the ability to grow personally
- Intimate relationships
- Remaining connected with family
- Advocacy and support to pursue life choices

Not "Special Needs" Video:

Find out more about the values of people with disabilities by hearing it directly from them. The following link will take you to a video that explains that the needs of people with disabilities are not "special" – they are the same as any other human being.

www.youtube.com/watch?v=kNMJaXuFuWQ

Advocating for Clients and Promoting Self-Advocacy

An important part of the role of a WSC is to work as an advocate for their clients. What is an advocate? An advocate is someone who speaks or acts in the interest of another, particularly those who are most vulnerable. As an advocate, the WSC works to ensure that the individual's voice is heard on matters that are important to them, helps the individual to have their views and wishes genuinely considered regarding their life, and defends and safeguards the individual's civil and human rights, as well as their health and safety needs.

Promoting Self-Advocacy

An important role of the WSC is to help individuals be self-advocates. Self-advocacy includes speaking up for oneself, making decisions, and exercising one's own rights.

Additional Resources:

The APD Resource Directory has information about statewide resources including self-advocacy groups:

https://resourcedirectory.apd.myflorida.com/

Disability Rights Florida offers a helpful tool to guide individuals to be effective self-advocates:

http://www.disabilityrightsflorida.org/documents/Disability_Rights_Florida_10-Steps_english.pdf

Self-Advocates Becoming Empowered (SABE) is a national board of regional directors from each state in the US. Access their national resources page at:

https://www.sabeusa.org/resources/links/

Promoting Choice

WSCs must ensure that individuals make their own choices as much as possible. This might include decisions about owning or renting a home, decisions related to relationships, activities to engage in, or health and dietary decisions.

WSCs must ensure that individuals have enough information to understand their options and the potential impact of their decisions. This is known as "informed choice."

Additional Resources:

The Rutgers Robert Wood Johnson Medical Center publication page includes informative information on supporting individuals with developmental disabilities. The following guide discusses aspects of supporting choice in community life:

https://rwjms.rutgers.edu/boggscenter/RighttoaCommunityLife.html

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Preferred lifestyle versus risks

A common issue related to promoting choice is when an individual's preferred lifestyle choices appear at odds with already-identified risks. In these cases, the WSC and the individual's circle of supports must see how they can support the individual to achieve the life they want while still addressing the known risks and needs the individual has.

Steps to keep in mind when supporting clients in making informed choices:

1. **Consider the outcome that the individual desires.**
   When everyone understands what is most important to the individual, it becomes easier to guide conversations to the best options that will help the individual reach their goals and minimize any risks along the way.

2. **Identify any barriers to reaching the desired outcome.**
   Barriers could be anything from a lack of transportation to current behavioral or medical concerns. Often barriers can be overcome by making changes to the original goal.

   For example, a client that desires to obtain full time employment has not made progress on this goal due to his severe respiratory needs and frequent pneumonia. This client's WSC asked him if he would like to start by obtaining part-time employment in an environment that would not compromise his respiratory issues and then increase hours as he gains stamina.

3. **Consider necessary supports.**
   As will most people, individuals with developmental disabilities can achieve far more when they have the right kind of supports in their life. Discuss with the individual and the support team the supports that would allow the person to make their own choices and avoid serious health and safety risks?

4. **Define alternatives when risks are high.** There may be situations where the individual desires to engage in a life choice that the support team clearly sees as a significant risk to their health and safety. In these situations, the WSC must guide the conversation to determine the actual potential for harm, make sure that the individual understands the risk potential, and offer alternative options that could still address the individuals desired outcomes.

Consider Sherry's scenario:

Sherry stated that she wants to live in a house by herself without paid staff. She has several medical complications such as seizures, insulin-dependent diabetes, and limited use of her lower extremities. Currently, Sherry requires assistance with bathing, transferring, monitoring blood sugar levels, taking medications, and overall monitoring for safety. Sherry has a part-time job, but this income, along with her benefits, is not enough to live on her own.

Sherry's circle of supports will need to help her identify the barriers to living on her own, which are her medical needs, requiring assistance for daily living tasks, and not making enough money to support her financially. Her circle of supports will then need to brainstorm how the team can help Sherry reach her goal. Are there any assistive technologies to help Sherry take care of her daily needs by herself? Could Sherry learn to monitor her blood sugar on her own with oversight of her doctor or a nurse? Could Sherry get a job that makes more money?

After brainstorming options to help Sherry move toward her goal, the circle of supports can help Sherry say specifically what is most important to her. Is it privacy, the ability to choose her daily routines, or the feeling of accomplishment and maturity by living on her own? Depending on the values, the team can explore with Sherry ways to still achieve those values even if the goal of living on her own is delayed due to safety needs.

Addressing Health and Safety Throughout the Year

At the first sign of concern, the circle of supports should hold a meeting to address the areas of concern. The main objective of the meeting should be to find the best way to reduce risk by using the strategies described above.

Additional Reading:

More information on addressing needs, risks, and choice can be found in the *Support Plan Development – Part 2* and *Monitoring Services and Addressing Health and Safety Needs* trainings.