

SECTION L: BUSINESS PRACTICES

INTRODUCTION

CRCs/CCRCs aspire to open, honest, and accurate business practices when working or communicating with clients, evaluatees, other professionals, and the general public. CRCs/CCRCs facilitate access to rehabilitation counseling services and practice in a nondiscriminatory manner within the boundaries of professional competence.

L.1. ADVERTISING AND SOLICITING CLIENTS

a. ACCURATE ADVERTISING. When advertising or otherwise representing their services to the public in any form of media, CRCs/CCRCs identify their credentials in an accurate manner that is not false, misleading, deceptive, or fraudulent.

b. TESTIMONIALS AND STATEMENTS. CRCs/CCRCs who use testimonials do not solicit them from current or former clients or evaluatees. CRCs/CCRCs always avoid soliciting a testimonial from any persons who may be vulnerable to undue influence. When considering the use of unsolicited testimonials from clients or evaluatees, CRCs/CCRCs discuss the implications and obtain permission for such use. CRCs/CCRCs may solicit testimonials from those who are not current clients or evaluatees (e.g., partner organizations, placement sites). Regardless of the source of the testimonial, CRCs/CCRCs ensure that statements made by others about them or about the profession are accurate.

c. RECRUITMENT THROUGH SELF-REFERRAL. CRCs/CCRCs working in an organization that provides rehabilitation counseling services do not refer clients to their private practice unless the policies of a particular organization make explicit provisions for self-referrals and/or there are limited or no other agencies available to meet the client's needs. In this case, CRCs/CCRCs complete a professional disclosure form with the client/evaluatee, explaining the CRC's/CCRC's role in the private practice, the nature and implications of the referral, and other options available to them.

d. PROMOTION OF PRODUCTS AND TRAINING EVENTS. CRCs/CCRCs who develop products related to their profession or conduct workshops or training events make reasonable efforts to ensure that advertisements concerning these products or events are accurate and disclose adequate information so clients or consumers may make informed choices. CRCs/CCRCs do not use counseling, teaching, training, or supervisory relationships to promote their products or training events in a manner that is deceptive or would exert undue influence on individuals who may be vulnerable. CRC/CCRC educators may adopt textbooks they have authored for appropriate instructional purposes.

L.2. CLIENT RECORDS

a. RECORDS AND DOCUMENTATION. Regardless of format, CRCs/CCRCs create, protect, and maintain documentation necessary for rendering professional services. CRCs/CCRCs include sufficient and timely documentation to facilitate the delivery and continuity of services. CRCs/CCRCs ensure that documentation accurately reflects client progress and the services provided, including who provided the services. If records or documentation need to be altered, it is done so according to organizational policy and in a manner that preserves the original information. Alterations are accompanied by the date of change, the identity of who made the change, and the rationale for the change.

b. PRIVACY. Documentation generated by CRCs/CCRCs protects the privacy of clients to the extent possible and includes only relevant or appropriate information.

c. RECORDS MAINTENANCE. CRCs/CCRCs securely maintain records necessary for rendering professional services to clients and as required by relevant laws, standards, and organizational policies. Subsequent to file closure or termination of services, records are stored in a secure manner that ensures reasonable future access for record retrieval. Records are destroyed in a manner assuring preservation of

confidentiality. CRCs/CCRCs apply careful discretion and deliberation before destroying records that may be needed by a court of law.

d. CONTINGENCY PLANNING. CRCs/CCRCs are expected to maintain a written plan and prepare and disseminate to identified colleagues or records custodians a plan for the transfer of clients and files in the case of their incapacitation, death, retirement, closure, or termination of practice.

L.3. FEES, BARTERING, AND BILLING

a. UNDERSTANDING OF FEES AND NONPAYMENT OF FEES. Prior to providing services, CRCs/CCRCs clearly explain to the client or evaluatee and/or responsible party all financial arrangements related to professional services. If a third party is paying for services, CRCs/CCRCs explain that arrangement to the client or evaluatee and/or responsible party. If CRCs/CCRCs, or their employer, intend to use collection agencies or take legal measures to collect fees when payment is not received as agreed upon, they include such information in their professional disclosure statement or retainer agreement. If collection actions are considered, CRCs/CCRCs first inform the client, evaluatee, or responsible party of intended actions in a timely fashion. CRCs/CCRCs may charge interest, as allowed by law, on delinquent accounts. Interest rates must be stated on contracts, bills, and invoices.

b. ESTABLISHING FEES. If a CRC's/CCRC's usual fees create undue hardship for the client, CRCs/CCRCs may adjust fees, when legally permissible, or assist the client in locating comparable, affordable services.

c. UNACCEPTABLE FEE ARRANGEMENTS. CRCs/CCRCs do not participate in fee splitting, nor do they give or receive commissions, rebates, or any other form of remuneration when accepting referrals or referring clients for additional professional services.

d. LIENS AND OUTCOME-BASED PAYMENTS. Liens and payments based on outcomes are acceptable when it is standard practice within the particular practice setting. In a forensic setting, payment for services is never contingent on an outcome of a case or award.

e. BARTERING DISCOURAGED. CRCs/CCRCs ordinarily refrain from accepting goods or services from clients in return for rehabilitation counseling services because such arrangements may create inherent potential for conflicts, exploitation, and distortion of the professional relationship. CRCs/CCRCs may barter only if the client requests it, if such arrangements are an accepted practice in the community, and if the bartering does not result in exploitation or harm. CRCs/CCRCs consider the cultural implications of bartering, discuss relevant concerns with clients, and document such agreements in writing.

f. WITHHOLDING RECORDS FOR NONPAYMENT. CRCs/CCRCs may not withhold records under their control that are requested and needed for the emergency medical/psychiatric treatment of clients solely because payment has not been received.

g. BILLING RECORDS AND INVOICES. CRCs/CCRCs maintain billing records that are confidential, accurately reflect the services provided and fees charged, and identifies who provided the services. Invoices accurately reflect the services provided.

L.4. TERMINATION AND REFERRAL

CRCs/CCRCs in fee-for-service relationships may terminate client services due to nonpayment of fees under the following conditions: (1) clients were informed of payment responsibilities and the effects of nonpayment or the termination of payment by third parties; and (2) clients do not pose an imminent danger to themselves or others. As appropriate, CRCs/CCRCs refer clients to other qualified professionals to address issues unresolved at the time of termination.