



# New Jersey Early Intervention System Code of Conduct

## **Preamble:**

Consistent with N.J.A.C. 8:17, the terms of Letters of Agreement, Grants, and New Jersey Early Intervention Policy and Procedures, the New Jersey Early Intervention System's Code of Conduct applies to all individuals and entities involved in the provision of early intervention services, including the administration of, or implementation of early intervention services (hereinafter referred to as "NJEIS personnel"). The purpose of this Code of Conduct is to ensure that all NJEIS personnel as defined in this document are able to provide early intervention services with the utmost professionalism to assist families in enhancing the development of their children.

Early intervention services are provided by a team of NJEIS practitioners, who maintain qualification standards that are consistent with any state approved or state-recognized certification, licensing, registration, or other comparable requirements that apply to the profession, discipline, or area in which personnel are providing early intervention services and are licensed to practice in the State of New Jersey. All NJEIS personnel must provide quality services and support to families in a way that enhances the capacity of families to meet the developmental needs of their children birth to age three who have delays or disabilities.

## **I. Personnel Standards**

- A. The provider agency must ensure that NJEIS personnel meet all New Jersey Early Intervention personnel standards and state statute requirements. All NJEIS personnel must ensure that they continue to meet all NJEIS personnel standards, as required by NJEIS and state statutes.
- B. The contracted provider agency shall perform criminal background checks as stipulated by the New Jersey Early Intervention Rules and New Jersey Part C State Plan of all its NJEIS personnel and verify that the individuals have successfully passed the background checks to ensure the safety of the public.
- C. All NJEIS personnel are responsible for providing updated information regarding any arrests or convictions for crimes or disorderly person's offenses outlined in the New Jersey Early Intervention Rules to their respective provider agency.
- D. NJEIS personnel must provide services to all persons in a respectful manner regardless of age, gender, race, nationality, religion, ethnicity, social or economic status, sexual orientation, health condition or disability. Therefore, NJEIS personnel shall refrain from any form of harassment, sexual harassment, and discrimination.
  1. Harassment means deliberate or repeated comments, contacts, or gestures which intimidate or offend an individual.
  2. Sexual harassment means solicitation of any sexual act, physical advances, or verbal or non-verbal conduct that is sexual in nature, and which occurs in connection with a practitioner's role as a provider of services.

3. Discrimination is the prejudicial or distinguishing treatment of an individual based on his or her group, class, or category to which that person belongs such as age, race, religion, color, national origin, marital status, sexual orientation, physical or mental disability or any other preference or personal characteristic, condition or status and consistent with the New Jersey Law Against Discrimination.
- E. NJEIS personnel shall refrain from abuse of power by using their position to advance their own financial or personal interests or obtain or grant privileges or favors not otherwise generally available to others, including the use of any information gained by virtue of their position.
- F. NJEIS personnel shall refrain from the use of illicit drugs, and substance abuse/alcohol abuse consistent with the “Drug-Free Workplace Act”
- G. NJEIS personnel shall not use state-issued equipment or copyrighted publications obtained with public funds for outside employment-related activities and shall not conduct personal/outside employment/business during provision of early intervention services.
- H. NJEIS personnel shall abstain from verbal or written solicitation of families enrolled in NJEIS for personal business or personal economic gain, including but not limited to early intervention services to be provided privately or through NJEIS.
- I. NJEIS personnel shall not reveal or discuss any information relating to services of a child/family to any individual or entity unless the parent(s) of the child consents in writing, or except for disclosures that are authorized by state or federal law.
  1. Information collected maintained or used about the child/family must be used solely for the purpose of providing early intervention services to the child/family.
  2. Family records must be kept in locked files or in computer files with password protected access. Information shall be released and shared in accordance with Part C of the Individuals with Disabilities Education Act (IDEA) and the Family Educational Rights and Privacy Act (FERPA).
  3. Any violations of confidentiality shall be reported to the provider agency and subsequently to the New Jersey Department of Health (hereinafter referred to as “Department”).
- J. NJEIS personnel shall avoid all conflict of interest situations and shall report or disclose all conflict/potential conflict to their respective provider agencies. The NJEIS provider agencies shall timely report those situations to the Department where an actual conflict of interest has been established. A conflict of interest is defined as any situation where professional judgment may be affected or influenced by a secondary source or factor resulting in a personal gain, a gain for the provider agency in which they are employed, or the gain of others. NJEIS personnel:
  1. Cannot provide early intervention services to family<sup>1</sup>, friends<sup>2</sup>, or individuals whom they have a personal relationship at any time that the family is enrolled in NJEIS;
  2. Shall refrain from the acceptance of any gifts except of nominal value or other favors for personal gain for the duration of early intervention services provided through NJEIS;
  3. Shall refrain from engaging in or soliciting any employment<sup>3</sup> arrangements from which he/she may benefit financially.

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<sup>1</sup> Family is defined as blood-relations, relations through adoption, guardianship, and relations through marriage and civil unions.

<sup>2</sup> Friends are defined as individuals with whom one has a close personal relationship whether romantic or otherwise.

<sup>3</sup> This does not prevent a family-owned organization from employing family members.

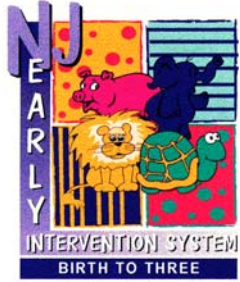
## II. Conduct for the Provision of Services

- A. Families are entitled to receive an evaluation and assessment at public expense. Therefore, all NJEIS personnel shall refrain from advising families to undergo private pre-evaluations, performing these pre-evaluations, and charging families for these evaluations.
- B. NJEIS personnel are expected to cooperate with the Department on all matters pertaining to this Code of Conduct. This includes compliance with any investigation of alleged breach of this Code of Conduct, the Department's request for information/records, the timely return of phone calls, responding to correspondence within timeframes stipulated by the Department in a manner that is conducive to a positive working relationship.
- C. NJEIS personnel shall:
  - 1. Be respectful of others and shall discuss any matter in a professional manner and shall not belittle the opinions of others;
  - 2. Refrain from making false or malicious statements regarding a colleague's competence, performance, or professional capabilities;
  - 3. Provide services to a family in accordance with the child's Individualized Family Service Plan;
  - 4. Report suspected cases of abuse involving children to the proper authorities;
  - 5. Bill for services rendered, not misrepresent services rendered, and not engage in behavior which is fraudulent in nature including falsifying any records; and
  - 6. Not seek or accept further payment from eligible children/families or an outside source.
- D. Communication, electronic or otherwise, are part of the child's record and subject to review and inspection by a family. Electronic communications include but are not limited to electronic mail, text message, instant message, or other electronic communication. Communications made with families, other NJEIS provider agencies or their staff, the REIC, and/or the NJEIS and PSO shall:
  - 1. Be professional and respectful;
  - 2. Be complete and accurate; and
  - 3. Not include personal judgment statements.
- E. NJEIS personnel shall demonstrate professional judgment informed by professional standards which are consistent with early intervention policies and procedures and its mission to provide a family centered-approach consistent with the requirements of the Individuals with Disabilities Education Act (IDEA).
- F. NJEIS personnel shall avoid overutilization or underutilization of early intervention and recommend and provide services based on the child's age, evaluation and assessment, the goals/outcomes on the IFSP, and in accordance with the family-centered approach.
- G. NJEIS personnel may not bill for the writing of progress notes if the progress notes are not completed while actively engaging the family regarding the services that took place.
- H. A practitioner shall leave a copy of the progress notes with the family concurrently with a service to enable the family to implement suggested strategies and to track the progress of the child.
- I. All service encounter verification logs and progress notes are business records and shall be legible, accurate, and signed when services are rendered. Any revisions shall be corrected separately, initialed and dated, and with the originals attached.
- J. NJEIS personnel accept the NJEIS rate as full and final payment for all services rendered and shall not seek or accept further payment from eligible children/families or from any other outside source.

- K. NJEIS personnel shall keep a family informed about the status of their child's development and promptly comply with reasonable requests for information.
- L. NJEIS personnel shall notify the family of any impending cancellations of services as soon as practicable.
- M. NJEIS personnel agree to ensure that all IFSP services are provided in accordance with the IFSP documented frequency and intensity, method, length, and duration and that all early intervention services shall meet state policies and procedures and be consistent with Part C of the IDEA.
- N. NJEIS personnel agree to ensure that all IFSP service decisions and recommendations determined by practitioners, employees, independent contractors, agents, sub-grantees and fellow IFSP team members and the parent(s) are based on the needs of the child/family as determined by the use of appropriate evaluation/assessment tools and sound clinical opinion as dictated by the state plan, state early intervention regulations, policies and procedures, and the federal implementing regulations of Part C of the IDEA.
- O. If an incident/accident involving harassment, assault (verbal or physical), injury, unsanitary/unsafe conditions, or concerns regarding communicable disease occurs during or in connection with an early intervention session, the incident shall be immediately reported to the provider agency. The NJEIS personnel shall document the situation and notify the Department on the same day that the incident occurred.

### III. **Disciplinary Action**

- A. Appropriate discipline of personnel for failure to abide by the NJEIS Code of Conduct will be determined on each individual case/facts and on the severity of the breach of conduct. As appropriate, the NJEIS will work in conjunction with the NJEIS provider agency in determining appropriate discipline.
- B. Failure of NJEIS personnel to abide by the NJEIS Code of Conduct could result in:
  1. Notification to the NJEIS personnel of the breach, provision of training regarding the breach and a supervision plan for the personnel;
  2. Suspension or Cessation of payment;
  3. Disqualification as an EIP/practitioner;
  4. Termination of the NJEIS provider agency Letter of Agreement or grant; or
  5. Any other enforcement actions deemed appropriate by the Department.
- C. It is important to distinguish between an individual's legal right to practice in the state, typically designated by the state's licensure or professional certifications, and an individual's work through the NJEIS. An individual may have his or her right to work in the NJEIS suspended or revoked but may still maintain the legal right to practice in the state.
- D. NJEIS personnel as certified or licensed professionals shall also adhere to all professional licensing, certification, registration, or other comparable requirements and ethical standards consistent with this Code of Conduct.



# New Jersey Early Intervention System Code of Conduct Acknowledgement of Receipt

I hereby acknowledge that I have received and read in its entirety, the attached Code of Conduct for NJEIS personnel.

I further understand that should I have any questions regarding the Code of Conduct, it is my responsibility to address them with my provider agency.

I hereby accept the terms of the Code of Conduct in its entirety and to act in accordance with the Code of Conduct in the provision of services to eligible children and families of the New Jersey Early Intervention System.

Additionally, I will sign two copies of this Acknowledgment of Receipt, retain one copy for myself, and return one copy to the NJEIS provider agency. I understand that this form will be retained in my personnel file.

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Name – Printed

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Signature

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Date

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NJEIS Provider Agency Representative

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Signature

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Date