



CODE OF ETHICS, INCLUDING PRIVACY

VERMONT STATE-SPECIFIC CURRICULUM



OVERVIEW OF VERMONT-SPECIFIC CURRICULUM

Code of Ethics,
including privacy

Links to Resources,
services and
supports, including
Vermont mental
health system of
care

Medicaid/Insurance-
Related
Requirements,
including
Collaborative
Documentation

Change Facilitation

APPLICABLE CORE COMPETENCIES

Number	Core Competency
15	Understand the Peer Support Code of Ethics: Peer support providers understand their responsibilities under the Peer Support Code of Ethics. They know, and can articulate, how the ethics that pertain to peer providers are different from those that apply to other providers within the mental health system.
16	Privacy: Peer support providers honor the privacy and confidentiality of individuals, embrace peer support values and follow the law regarding the sharing and disclosure of confidential or protected information.

LEARNING OBJECTIVES

Understand the principles, guidelines, and expectations outlined in the Code of Ethics for certified peer support providers.

Demonstrate competence in ethical decision-making and adherence to laws and regulations governing privacy and confidentiality.

LEARNING OUTCOMES

Participants will demonstrate understanding of the Code of Ethics for Vermont certified peer support providers.

Participants will demonstrate competence in ethical decision-making and adherence to laws and regulations governing privacy and confidentiality.

SEQUENCE

Intentional Peer Support, Wellness Recovery Action Planning, When Conversations Turn to Suicide, Hearing Voices

Code of Ethics

Medicaid/Insurance Related Requirements and Collaborative Documentation

Links to Resources, Services and Supports, including Vermont Mental Health System

Change Facilitation

SCOPE

Most of the time in the Code of Ethics module should be spent working through scenarios and practicing ethical decision-making.

HIPAA requires “covered entities” to offer mandatory HIPAA training to employees. Peer support provider training is not meant to replace the mandatory employer HIPAA training.

- For this training, Participants should understand that health information is not 100 percent confidential, and they cannot guarantee peer support recipients 100 percent confidentiality.
- It’s also important for peer support providers to understand that written documentation that they create is also not 100 percent confidential. More information about this will be provided in the module on Medicaid/Insurance Requirements and Collaborative Documentation.

ASSESSMENTS

Role-plays to evaluate decision-making skills in ethical dilemmas

Quiz to evaluate grasp of legal and ethical requirements

Class discussions and group activities to assess understanding and application of ethical principles

Written reflections and self-assessments on personal growth in ethical practice

INSTRUCTIONAL STRATEGIES

Lectures and presentations to introduce concepts and provide background information

Small group discussions and peer-to-peer learning exercises to promote reflection and collaboration

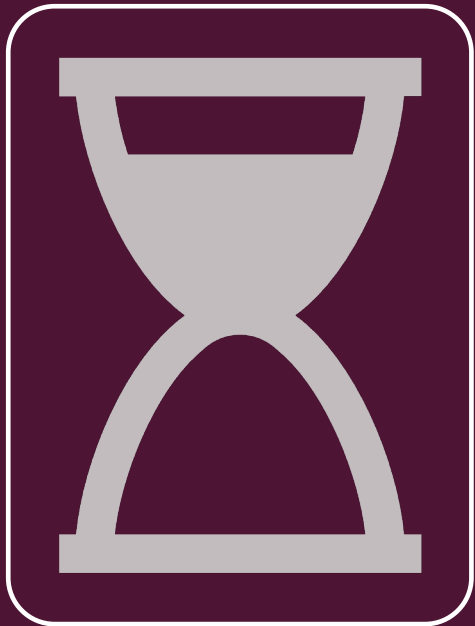
Role-plays and simulations to practice applying ethical principles

DIFFERENTIATION AND ADAPTATION

Guest speakers and/or panel discussion to provide real-world perspectives and experiences

Q and A for addressing participant questions and concerns

TIMEFRAME AND SCHEDULE



Four hours should be devoted to the module.



MODULE CONTENTS

CODE OF ETHICS, INCLUDING PRIVACY





INTRODUCTION TO VERMONT CODE OF ETHICS FOR CERTIFIED PEER SUPPORT PROVIDERS

CODE OF ETHICS, INCLUDING PRIVACY

WHAT ARE ETHICS?

Ethics are rules of conduct that guide our decisions and actions.

Ethics tell us what we should or should not do to ensure respect, fairness and honesty in our interactions with others.

WHAT IS A CODE OF ETHICS?

A set of rules and guidelines that outlines expectations for honesty, integrity, respect and fairness to help individuals choose between right and wrong in their practices.

WHAT IS THE PURPOSE OF A CODE OF ETHICS?

Codes of Ethics are for the protection of individuals who rely on or use the services of an organization or practice

Codes of Ethics establish a standard of behavior that enhances trust, promotes responsible actions, and upholds the welfare, rights, and dignity of individuals or stakeholders affected by the actions of those in the organization or practice

ETHICAL VIOLATIONS VERSUS ETHICAL ISSUES



Ethical Violations

- Never OK
- Breach of specific rule or standard
- Damage the person being served, the peer support provider, the integrity of the peer support relationship, and/or the organization



Ethical Issues

- Not clear-cut
- Require a choice between alternatives that must be evaluated as right (ethical) or wrong (unethical)
- Involve subjectivity and interpretation

QUESTIONS TO ASK TO RESOLVE ETHICAL ISSUES

What does the law say about the issue or situation

What does the Code of Ethics say about the issue or situation

What do your employer's policies, practices, and customs say about the issue or situation

What do your own values or personal boundaries say about the issue or situation

How will the peer support recipient be impacted (harmed or helped) by the issue or situation

What peer support values or principles are advanced or impeded by the issue or situation

CODE OF ETHICS FOR CERTIFIED PEER SUPPORT PROVIDERS IN VERMONT -- BACKGROUND

Vermont Code of Ethics is aligned with certified peer support provider core competencies

Vermont Code of Ethics was developed with input of peer support providers and other stakeholders

To become a certified peer support provider in Vermont, you must sign the Code of Ethics, signifying that you agree to abide by the Code of Ethics

CODE OF ETHICS FOR CERTIFIED PEER SUPPORT PROVIDERS IN VERMONT - OVERVIEW

Revision 3
DRAFT – FOR DISCUSSION ONLY
Code of Ethics for Certified Peer Support Providers in Vermont

Introduction

The purpose of this Code of Ethics is to promote ethical practice, protect the rights of individuals, and uphold certified peer support provider standards. It serves as a compass, guiding Certified Peer Support Providers in Vermont in our pursuit of ethical practice, integrity, and accountability. In agreeing to abide by the Code of Ethics, we are committing to uphold the values and standards that promote the welfare, dignity, and rights of all to foster a culture of trust, respect, and accountability.

10 ETHICAL PRINCIPLES

- 1. Respect and Uphold Peer Support Values:** Certified peer support providers understand and embrace the values of the peer support movement, including respect for individuals' autonomy, non-judgment, and the importance of self-determination. We acknowledge the history of peer support and the relevance of human rights and social justice issues in our practice.
- 2. Lived Experience and Mutuality:** Certified peer support providers share personal stories thoughtfully and selectively, ensuring that it is useful and relevant to the relationship. We bring our lived experience into the conversation, along with the skills and tools we have acquired, fostering meaningful connections. We aspire to inspire and support others through mutual understanding.
- 3. Self and Other Awareness:** Certified peer support providers continually cultivate self-awareness through introspection and self-reflection. We communicate our own discomfort and needs openly while remaining attuned to the discomfort and needs of others. We maintain a multi-dimensional awareness that includes ourselves, others, and the evolving relationship dynamics.
- 4. Establish and Respect Boundaries:** Certified peer support providers encourage open discussions about personal needs and boundaries. We recognize and clarify our own limits and encourage others to explore their boundaries. We understand that boundaries can be physical, emotional, sexual, verbal, or energetic. We negotiate boundaries respectfully and in alignment with the values and needs of all involved parties.
- 5. Conflicts of Interest:** Certified peer support providers are aware that our position can influence the individuals with whom we provide peer support. We do not exploit the trust and/or dependency of such individuals. We make every effort to avoid dual relationships or

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Revision 3
DRAFT – FOR DISCUSSION ONLY

commitments that could impair judgment, increase the risk of exploitation or create conflict with the interests of individuals we support. We disclose and discuss dual relationships that cannot be avoided. We do not engage in sexual/intimate/romantic activities within a formal peer support role.

- 6. Confidentiality and Consent:** Certified peer support providers treat all information shared by individuals with the utmost confidentiality, unless legally required to disclose. We explicitly seek consent before sharing any personal information or experiences of the individual we support, ensuring privacy and autonomy.
- 7. Scope of Practice:** Certified peer support providers perform peer support only within our scope of practice, which includes our lived experience, training, expertise, and competence. We meet and comply with all the terms, conditions or limitations of our certification.
- 8. Non-Discrimination and Inclusivity:** Certified peer support providers embrace diversity and inclusivity, valuing individuals from all backgrounds and with varying identities. We are committed to promoting anti-oppressive practices, combating discrimination, and creating a safe and inclusive space for all individuals seeking support.
- 9. Continuous Learning:** Certified peer support providers commit to ongoing learning, staying updated with best practices, and enhancing our knowledge and skills in the field of peer support. We actively engage in self-education and co-learning, attend relevant training, and stay informed about emerging research and developments.
- 10. Ethical Responsibility:** Certified peer support providers recognize and uphold our ethical responsibilities towards the individuals we support, the practice of peer support, and the wider community. We are truthful and principled in our dealings with others. We engage in regular supervision or consultation and seek guidance when facing ethical dilemmas.

OATH TO ABIDE

ATTESTATION:

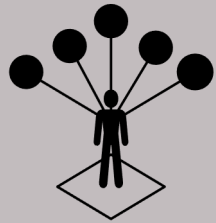
I affirm that I have read, understand, and will abide by the Code of Ethics for Certified Peer Support Providers in the State of Vermont.

Signature _____ Print Name _____

Date: _____

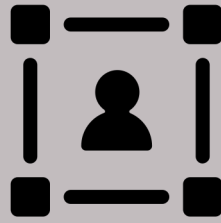
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STRUCTURE OF VERMONT CODE OF ETHICS FOR CERTIFIED PEER SUPPORT PROVIDERS



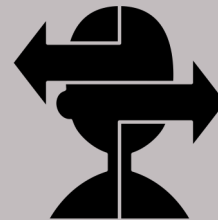
Role, Scope and Responsibilities

- Respect and uphold peer support values (1)
- Lived Experience and Mutuality (2)
- Self and Other Awareness (3)
- Scope of Practice (7)
- Non-Discrimination and Inclusivity (8)
- Continuous Learning (9)
- Ethical Responsibility (10)



Boundaries

- Establish and Respect Boundaries (4)
- Ethical Responsibility (10)



Conflict of Interest

- Conflicts of Interest (5)
- Ethical Responsibility (10)



Confidentiality

- Confidentiality and Consent (6)
- Ethical Responsibility (10)

CODE OF ETHICS FOR CERTIFIED PEER SUPPORT PROVIDERS IN VERMONT: INTRODUCTION

The purpose of this Code of Ethics is to promote ethical practice, protect the rights of individuals, and uphold certified peer support provider standards. It serves as a compass, guiding Certified Peer Support Providers in Vermont in our pursuit of ethical practice, integrity, and accountability. In agreeing to abide by the Code of Ethics, we are committing to uphold the values and standards that promote the welfare, dignity and rights of all, to foster a culture of trust, respect, and accountability.

- Promote ethical practice
- Protect the rights of individuals
- Uphold certified peer support provider standards
- Guide ethical decision making
- Promote welfare, dignity and rights
- Foster a culture of trust



ROLE, SCOPE AND RESPONSIBILITIES

CODE OF ETHICS, INCLUDING PRIVACY

I. RESPECT AND UPHOLD PEER SUPPORT VALUES

Certified peer support providers understand and embrace the values of the peer support movement, including respect for individuals' autonomy, non-judgment, and the importance of self-determination. We acknowledge the history of peer support and the relevance of human rights and social justice issues in our practice.

- 'Respect for individuals' autonomy,' means acknowledging and validating each individual's rights to make decisions about their own care and life without any coercion or interference.
- 'Non-judgment' means accepting individuals as they are, without forming negative opinions or judging them based on their behaviors, thoughts, or past experiences.
- 'Self-determination' is supporting individuals to control their own lives, to set their own goals, and to make decisions that best suit them. Certified peer support providers provide support and still respect an individual's own freedom to decide.
- Acknowledging the history of peer support means recognizing and appreciating the evolution and impact of the practice of peer support, understanding the experiences of those that have paved the way for the current model of peer support.
- Respecting 'human rights and social justice issues' means ensuring fairness, equality, and dignity when providing peer support, understanding the larger societal and systemic issues that can impact the individuals we serve. This involves being mindful of discrimination, oppression, and other social challenges people may face, and aiming to address these issues in a way that supports a more equitable and just society.

2. LIVED EXPERIENCE AND MUTUALITY

Certified peer support providers share personal stories thoughtfully and selectively, ensuring that it is useful and relevant to the relationship. We bring our lived experience into the conversation, along with the skills and tools we have acquired, fostering meaningful connections. We aspire to inspire and support others through mutual understanding.

- 'Share personal stories thoughtfully and selectively,' means share personal experiences consciously and only when it is truly beneficial for the person you're supporting
- 'Bringing your lived experience into the conversation along with skills and tools' highlights the importance of combining personal experience with knowledge about the practice of peer support. While personal experience builds empathy, the skills and tools acquired through training and learning increase your effectiveness.
- 'Aspiring to inspire and support others through mutual understanding' emphasizes a certified peer support provider's ultimate goal to inspire and provide support by creating an atmosphere of shared experiences and mutual respect. This mutual understanding can inspire optimism and hope, forming a powerful foundation for living a life of one's own choosing.

3. SELF AND OTHER AWARENESS

Certified peer support providers continually cultivate self-awareness through introspection and self-reflection. We communicate our own discomfort and needs openly while remaining attuned to the discomfort and needs of others. We maintain a multi-dimensional awareness that includes ourselves, others, and the evolving relationship dynamics.

- 'Cultivate self-awareness through introspection and self-reflection,' means that we should be wholly aware of our emotions, traits, values, and behaviors. This ongoing process involves deeply thinking (introspection) about our own feelings and behaviors and reviewing or considering them (self-reflection). It's about understanding our strengths, weaknesses, and how we respond to different situations.
- 'Communicating our own discomfort and needs openly' speaks to the importance of honesty and transparency in the peer support relationship. If we're uncomfortable or need something, it's crucial to express that clearly. This openness sets a good example for those we're supporting and creates a healthier environment for growth and self-discovery.
- 'Remaining attuned to the discomfort and needs of others,' refers to our ability to empathize and understand the feelings and needs of the person we're supporting to make them feel heard and valued, which strengthens the peer support relationship.
- 'Maintaining a multi-dimensional awareness that includes ourselves, others, and the evolving relationship dynamics' means being attuned to various aspects of interaction. This includes understanding our own feelings, acknowledging the emotions of others, and being alert to the progression and changes in the relationship. This holistic awareness will allow us to adapt and respond appropriately, thereby fostering a healthy and effective peer support relationship.

7. SCOPE OF PRACTICE

Certified peer support providers perform peer support only within our scope of practice, which includes our lived experience, training, expertise, and competence. We meet and comply with all the terms, conditions, or limitations of our certification.

- “Scope of Practice” refers to the range of roles, functions, responsibilities, and activities which certified peer support providers are educated, competent, and authorized to carry out.
- “Lived experience” means that certified peer support providers may rely on their own experiences; it does not mean that you may only provide peer support services to recipients who have your identical lived experience
- Expertise is proficiency gained through training and experience; competence is about the ability to do something successfully or efficiently; certified peer support providers should only offer support in areas they are skilled in and proficient at, which requires ongoing learning and continual practice development.
- “Terms, conditions or limitations” means that certified peer support providers understand and adhere to all the rules, regulations, and constraints that come with your specific certification. For example, certified peer support providers may not practice psychotherapy, create plans of care or engage in any service that requires a license.

8. NON-DISCRIMINATION AND INCLUSIVITY

Certified peer support providers embrace diversity and inclusivity, valuing individuals from all backgrounds and with varying identities. We are committed to promoting anti-oppressive practices, combating discrimination, and creating a safe and inclusive space for all individuals seeking support.

- 'Embrace diversity and inclusivity, valuing individuals from all backgrounds and with varying identities,' means peer support providers must understand, respect, and value the differences that exist among individuals. These differences can include but are not limited to race, ethnicity, gender, age, religion, ableness, and sexual orientation.
- 'Commitment to promoting anti-oppressive practices' involves actively working against the systems or behaviors that disadvantage or discriminate against certain people or groups.
- 'Combating discrimination' requires action. It's not merely about being non-discriminatory but being anti-discriminatory, which means confronting and challenging discrimination whenever we encounter it. Our role is to ensure we're providing a safe space and equal service to everyone, regardless of their identity or history.
- Creating a 'safe and inclusive space for all individuals seeking support' means fostering an environment where all individuals, no matter their identities or backgrounds, feel respected, accepted, and comfortable.

9. CONTINUOUS LEARNING

Certified peer support providers commit to ongoing learning, staying updated with best practices, and enhancing our knowledge and skills in the field of peer support. We actively engage in self-education and co-learning, attend relevant training, and stay informed about emerging research and developments.

- 'Commit to ongoing learning', means that as a certified peer support provider, it's crucial for us to continuously update our knowledge and skills about peer support practices
- 'Staying updated with best practices' involves keeping in touch with the most updated and recommended ways to provide peer support. Best practices can mean communication techniques, coping strategies, or resources to recommend for additional support.
- 'Actively engage in self-education and co-learning,' refers to the practice of teaching ourselves and learning from others within the community.
- 'Self-education' means productive activities like reading books, attending seminars/webinars, or taking part in online courses.
- 'Co-learning' refers to a collaborative approach where we learn from our peers and contribute to their learning as well.
- 'Attending relevant training and staying informed about emerging research and developments' means going to training sessions or workshops that provide knowledge related to peer support, or staying updated with the latest research that could reshape our understanding of various aspects of peer support.

10. ETHICAL RESPONSIBILITY

Certified peer support providers recognize and uphold our ethical responsibilities towards the individuals we support, the practice of peer support, and the wider community. We are truthful and principled in our dealings with others. We engage in regular supervision or consultation and seek guidance when facing ethical dilemmas.

- 'Recognize and uphold our ethical responsibilities towards the individuals we support', means that as a certified peer support provider, we have a duty to the individuals we serve, who should always be treated with respect, dignity, and non-judgment. Our role is to support them in their journey, not to impose our own will or beliefs onto them.
- Having an 'ethical responsibility towards the practice of peer support' means that we're expected to engage in this work in a manner that adheres to the established norms, guidelines, and practices. It's not just about supporting people; it's about doing it correctly and ethically, respecting confidentiality and demonstrating integrity at all times.
- 'Ethical responsibilities towards the wider community' means that our work isn't done in isolation. What we do affects the wider community and so, we must uphold our responsibilities to ensure our practices contribute positively to the community, and don't harm the community.
- Being 'truthful and principled in our dealings with others' means acting with integrity and honesty. It's critical to be sincere, straightforward, and consistent in our actions. Misleading information or deceptive behavior can be highly damaging to a peer support relationship.
- 'Engaging in regular supervision or consultation and seeking guidance when facing ethical dilemmas' refers to the importance of acknowledging the limitations of our knowledge and experience as a peer support provider. There will be moments when we'll face complex, ethical issues. In those times, it's important not to act alone. Instead, seek advice or supervision from experienced peer support providers or peer support supervisors.



BOUNDARIES

CODE OF ETHICS, INCLUDING PRIVACY

WHAT ARE BOUNDARIES?

Boundaries define what is OK and not OK in any relationship

There are personal boundaries and work boundaries

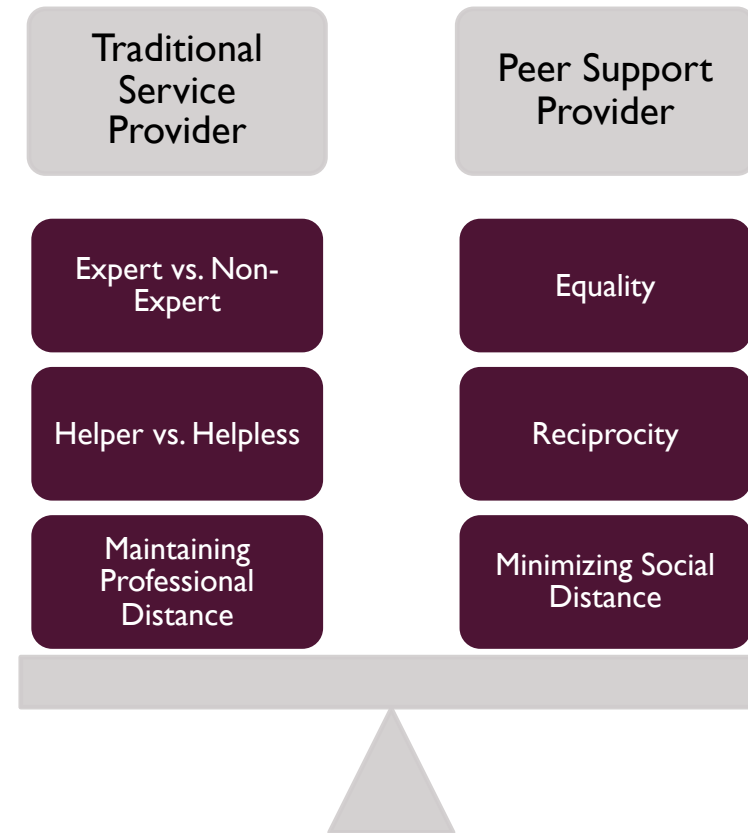
- Personal boundaries are dividing lines you create between you and anyone else to define how others may and may not treat you.
- Work boundaries are rules and guidelines established for the workplace specifically for peer support providers

Boundaries help protect both the service provider and the service recipient.

Boundaries for peer support providers differ from the “professional distance” many licensed service providers put between themselves and the people who receive their services.

BOUNDARIES: TRADITIONAL SERVICE PROVIDER VS PEER SUPPORT PROVIDER

Traditional service providers and peer support providers both have boundaries in their respective practices. However, they differ in where the lines should be drawn.



BOUNDARIES FOR PEER SUPPORT PROVIDERS

Personal Boundaries

- Dividing line individuals create between themselves and others to define how others can and cannot treat them
- Can be physical, emotional, spiritual, mental
- Boundaries set expectations so people know how to behave around you
- Boundaries make people feel safe and healthy
- Boundaries make others feel safe around you
- Boundaries help build trust

Work Boundaries

- Rules and guidelines that have been established in your work environment for the protection of you and those receiving peer support services
- Some work boundaries are non-negotiable and should never be crossed
- Many work boundaries depend on the situation and context and require ethical decision making to navigate them

EXAMPLES OF PERSONAL BOUNDARIES



Physical

- It's not okay to touch me.



Emotional

- It's not okay to yell at me.



Mental

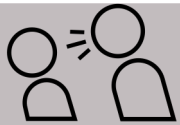
- It's not okay to belittle me.



Spiritual

- It's not okay to pressure me to accept God.

EXAMPLES OF NON-NEGOTIABLE WORK BOUNDARIES



Abuse

- Intimidating, threatening, harassing, using undue influence, physical force, and/or verbal abuse, or coercing recipient of peer support services



Sexual Relationships

- Intimate, sexual or romantic activities with a recipient of peer support services



Illegal Activities

- Using drugs with a recipient of peer support services



Policy Violations

- Venting personal or workplace problems with peer support recipients

4. ESTABLISH AND RESPECT BOUNDARIES

Certified peer support providers encourage open discussions about personal needs and boundaries. We recognize and clarify our own limits and encourage others to explore their boundaries. We understand that boundaries can be physical, emotional, sexual, verbal, or energetic. We negotiate boundaries respectfully and in alignment with the values and needs of all involved parties.

- Encouraging open discussions about needs and boundaries allows individuals to voice their needs, preferences, and limits and helps create an environment of trust and mutual respect
- 'Recognize and clarify our own limits' means acknowledging that we too have personal boundaries that need to be honored; it's a reminder that peer support isn't about self-sacrifice or neglecting personal health and wellbeing; it's essential to be self-aware and honest about what we can and cannot offer in our role.
- Boundaries are not just about physical space; they relate to how people engage with each others' feelings, words, body language, sexual safety, and personal energy.
- Different people will have different boundaries, based on their experiences, comfort zones, values, and needs. It's crucial to navigate these differences carefully and respectfully. The goal is always the wellbeing and comfort of all parties involved.

QUESTIONS TO ASK TO RESOLVE ETHICAL ISSUES

What does the law say about the issue or situation

What does the Code of Ethics say about the issue or situation

What do your employer's policies, practices, and customs say about the issue or situation

What do your own values or personal boundaries say about the issue or situation

How will the peer support recipient be impacted (harmed or helped) by the issue or situation

What peer support values or principles are advanced or hindered by the issue or situation

NEGOTIATING BOUNDARIES: EXERCISE

Participants complete the reflection exercise on their own

Using the framework for making ethical decisions, trainers review reflection exercise with the group of participants

Reflection Exercise



CONFIDENTIALITY AND PRIVACY

CODE OF ETHICS, INCLUDING PRIVACY

PRIVACY AND CONFIDENTIALITY

Privacy

- Privacy refers to a person's right to control access to their personal information
- Privacy is about a person's right to have their personal information known or monitored only to the extent they agree

Confidentiality

- Confidentiality refers to the duties of the person or the entity that possesses others' personal, private information
- Confidentiality is an agreement or duty (legal or ethical) not to disclose or use private information for any purpose other than what was agreed on

6. CONFIDENTIALITY AND CONSENT

Certified peer support providers treat all information shared by individuals with the utmost confidentiality, unless legally required to disclose. We explicitly seek consent before sharing any personal information or experiences of the individual we support, ensuring privacy and autonomy.

- The ethical principle of treating all information shared by individuals with the 'utmost confidentiality, unless legally required to disclose', signifies the importance of trust and privacy in a peer support relationship. As a peer support provider, you will likely have access to sensitive personal information told to you in confidence. It is your responsibility to ensure these details are held in the strictest confidence and not shared with others, unless there's a legal obligation.
- 'Explicitly seeking consent before sharing any personal information or experiences of the individual they support', means that even in cases where sharing might seem to provide benefit, you must first get the individual's direct and explicit permission. This is crucial for maintaining their privacy and showing respect for their autonomy - their right to control information about themselves.

CONFIDENTIALITY REQUIRED BY LAW: HIPPA

H e a l t h I n s u r a n c e P o r t a b i l i t y a n d A c c o u n t a b i l i t y A c t (HIPAA) applies to any information that can be considered Protected Health Information (PHI)

HIPAA prohibits “covered entities” from using or disclosing an individual’s Protected Health Information (PHI) unless otherwise permitted or required by HIPAA regulations

- “Covered entities” are health care providers that conduct certain transactions in electronic form, a health plan or a health care clearinghouse; most HIPAA-covered transactions relate to eligibility checks for treatment, authorizations for treatment, billing, and remittances
- A peer-run organization that bills Medicaid for peer support services is a “covered entity”; a community mental health agency is also a “covered entity”

Protected Health Information (PHI) is any individually identifiable health information relating to the past, present or future health condition of an individual regardless of the form in which it is maintained

- PHI includes demographic information if it is associated with an individual’s past, present or future physical or mental health condition

HIPAA PERMITTED USES AND DISCLOSURES OF PHI

Under HIPAA, healthcare providers are allowed to use and disclose patients' PHI for treatment, payment, and healthcare operations without authorization. Examples of use and disclosures for which an authorization is NOT required are:

- Medical treatment
- Determination of eligibility or coverage
- Billing
- Claims management
- Healthcare data processing
- Conducting quality assessments (including case management)
- Evaluation of healthcare provider performance
- Business planning and certain administrative activities
- Medical referrals

For any other use or disclosure of PHI, healthcare providers must obtain an explicit authorization from the individual whose information will be used or disclosed unless a disclosure exception applies

HIPAA DISCLOSURE EXCEPTIONS

Emergencies involving imminent threat to health or safety (to the individual or the public)

Where required by law

Law enforcement without a subpoena for “identifying or locating a suspect, fugitive, material witness, or missing person”

Judicial proceedings

Healthcare oversight activities (federal or state agencies that oversee the covered entity's activities)

Public health activities

Research purposes, under limited circumstances

Specialized government functions

Organ transplants/procurement

Workers' compensation

To coroners, medical examiners, and funeral directors

Incidental disclosures

DISCLOSURE EXCEPTION SCENARIO

Scenario: Police ask a peer-run respite that bills Medicaid for a guest's discharge address. The guest refuses to sign an authorization for the police to obtain any information about the guest.

Question: Should the peer-run respite release the guest's discharge address? Do the police have the right to this information without the guest's consent?

Answer: HIPAA allows, but does not require a covered entity to turn over to law enforcement officials limited information without a subpoena "for purposes of identifying or locating a suspect, fugitive, material witness, or missing person ..."

If Vermont state law says you must turn over the information in such cases, you are allowed under HIPAA. If there is no such state law, and there is no imminent danger to anyone's life, the police will have to get a court order or subpoena to obtain the information. Otherwise, no information may be released.

OPTIONS TO DISCLOSE HIPAA “PROTECTED HEALTH INFORMATION”

Covered entities have two options in using or disclosing PHI outside of Treatment, Payment and/or Healthcare Operations

- Get explicit permission by having individual sign an Authorization
- “De-identify” the information by ensuring that all the individually identifiable information is deleted. De-identified information may be used freely so long as there is no means or re-identification

DISCLOSURES REQUIRED BY LAW: MANDATORY REPORTERS

Under Vermont law, mandatory reporters are required to make a report to Adult Protective Services (APS) when they suspect or receive information that a vulnerable adult has been or is being abused, neglected, or exploited.

- Mandatory reporters are required to report, even if they do not believe the information they have received alleging abuse, neglect or exploitation of a vulnerable adult is true.

Mandatory reporters are required to make a report within 48 hours of knowing or reasonably suspecting or receiving information about or alleging abuse, neglect or exploitation of a vulnerable adult.

- Mandatory reporters are required to submit reports in writing

DISCLOSURES REQUIRED BY LAW: MANDATORY REPORTERS

Who is a Mandatory Reporter?

- In Vermont, Mandatory Reporters are all employees, contractors, volunteers, or grantees who directly provide health care, law enforcement, caregiving, counseling, education, or social services to adults.

Who are Vulnerable Adults?

- 18 or older and
- a resident of a licensed facility such as a nursing or community care home; or
- a patient in a psychiatric unit or hospital; or
- has received personal care services for longer than one month; or
- regardless of residence or whether any type of service is received, is impaired as a result of brain damage, infirmities of aging, mental condition, or physical, psychiatric, or developmental disability

DISCLOSURES REQUIRED BY LAW: DANGER TO SELF OR OTHERS

In Vermont, “a mental health professional who knows or, based upon the standards of the mental health profession, should know that his or her patient poses a serious risk of danger to an identifiable victim has a duty to exercise reasonable care to protect him or her from that danger.”

- Certified peer support providers are not “mental health professionals” and have no legal duty to act if a person is a danger to self or others
- Employers may have policies that require certified peer support providers to break confidentiality if a peer support recipient confides information that they are a danger to self or others



CONFLICTS OF INTEREST

CODE OF ETHICS, INCLUDING PRIVACY

CONFLICT OF INTEREST AND DUAL RELATIONSHIPS

A conflict of interest is when a person is in a situation where they have two or more interests, and choosing one could harm the other.

- These “interests” could be jobs, relationships, or responsibilities

Dual relationships can create conflicts of interest. A dual relationship is when the certified peer support provider has a second, different relationship with a peer support recipient in addition to the peer support relationship. Types of dual relationships include:

- Social dual relationship: peer support recipient is a friend
- Business dual relationship: peer support recipient is the peer support provider’s tenant
- Communal dual relationship: peer support recipient and peer support provider are members of a small community
- Digital, online or Internet dual relationship: peer support provider is connected with peer support recipient on social media sites such as Facebook, Twitter, LinkedIn, Instagram
- Sexual dual relationship: peer support recipient and peer support provider are engaged in a sexual and/or romantic relationship

Some dual relationships are unavoidable. Nonsexual dual relationships can be ethical or unethical depending on the circumstances.

5. CONFLICTS OF INTEREST

Certified peer support providers are aware that our position can influence the individuals with whom we provide peer support. We do not exploit the trust and/or dependency of such individuals. We make every effort to avoid dual relationships or commitments that could impair judgment, increase the risk of exploitation or create conflict with the interests of individuals we support. We disclose and discuss dual relationships that cannot be avoided. We do not engage in sexual/intimate/romantic activities within a formal peer support role.

- Awareness that 'your position can influence the individuals you support', means you must recognize the authority and influence you have in your role as a peer support provider. Those you support might look up to you, respect you, and may be greatly influenced due to their trust in you. Ensuring that this trust isn't exploited is a critical part of ethical peer support.
- 'Not exploiting the trust and/or dependency of such individuals' means you should not take advantage of your position, for personal gain or to influence the decisions and actions of those you are supporting, based on your own interests.
- 'Avoiding dual relationships or commitments that could impair judgment, increase the risk of exploitation or create conflict' reminds you to not engage in relationships with those you are supporting outside of the peer support provider role. An example of this would be having a financial relationship with them. By mixing roles, it might compromise your ability to provide unbiased support to the individual.
- In 'dual relationships that cannot be avoided', you need to disclose and discuss these situations with the individual you are supporting and document that you have disclosed and discussed the dual relationship.
- The prohibition against engaging in 'sexual/intimate/romantic activities within a formal peer support role' explicitly bans sexual or romantic involvement with those you support. These types of relationships are inappropriate and exploitative given the power imbalance between a provider and recipient of support.



RESOURCES AND MATERIALS

CODE OF ETHICS, INCLUDING PRIVACY

RESOURCES

- [Code of Ethics for Certified Peer Support Providers in Vermont](#)
- [HIPAA Privacy Rule and Sharing Information Related to Mental Health](#)
- [Message to Our Nation's Health Care Providers](#), Department of Health & Human Services, Office of the Secretary, January 15, 2013
- Flanders, Colin, "[A Clinical Social Worker Surrendered His License After Clients Reported Inappropriate Behavior](#)," Seven Days, August 16, 2023
- [Vulnerable Adults and Mandatory Reporters](#), Vermont Adult Protective Services, March 10, 2017
- [Quiz](#)
- [Boundary Reflection Exercise](#)
- [Scenarios](#) for roleplaying and discussion

ACRONYMS

Acronym/Abbreviation	Full Form
EHR	Electronic Health Records
ePHI	Electronic Protected Health Information
HIPAA	Health Insurance Portability and Accountability Act of 1996
PHI	Protected Health Information

GLOSSARY

Term	Definition
Confidentiality	Confidentiality is a professional or ethical duty for the peer support provider to refrain from disclosing information from or about a recipient of peer support services, with certain exceptions. Confidentiality is the principle of keeping the information that you share or receive from per support recipients private and secure, unless they give you permission to disclose it or there is a legal or ethical obligation to do so.

PEER SUPPORT VALUES AND PRINCIPLES

Peer support is voluntary

- Peer support cannot be mandated or required

Peer support is non-judgmental

- Peer support is a non-assessing, non-professional relationship

PEER SUPPORT VALUES AND PRINCIPLES (CONT'D)

Peer support is respectful

- Peer support values differences and unique abilities
- Peer support respects people's right to make their own decisions, even “wrong” decisions
- Peer support keeps confidences

Peer support is reciprocal

- Peer support is a give and take
- No one is more “recovered” than another in a peer support relationship
- Peer support is not “help” but rather a natural process between two or more people

PEER SUPPORT VALUES AND PRINCIPLES (CONT'D)

Peer support is mutual

- Each person takes responsibility for their actions
- Shared power
- It's not the peer support provider's job to fix people