CMP™ ETHICAL PRINCIPLES

CMP™
Certified Medicaid Planner

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Preface

As a Certified Medicaid Planner™, we recognize the importance of making known to the profession and to the general public the principles that guide our efforts to provide services to our clients.

Ethical dilemmas occur when values are in conflict. The CMP™ Ethical Principles states the core values to which we are committed and embodies responsibilities of the profession in this ever-changing and evolving field.

A CMP™ can significantly influence the legal and financial decisions of his or her clients. We are members of a profession explicitly committed to knowledge, intellectual decisions, and have a special obligation to accuracy, presenting information, and Medicaid planning strategies to our clients. Above all, our commitment is to our client and to their best interests.

Core Ethical Principles

The core Medicaid Planning principles are expressed in broad statements to guide ethical decision making. These statements provide a framework to guide a Certified Medicaid Planner™ in the proper conduct as they fulfill their duties to their clients:

I. Certified Medicaid Planners™ provide the highest level of service to their clients; accurate, unbiased and designed to meet the Medicaid Planning objectives of their clients.

II. Certified Medicaid Planners™ protect each client's right to privacy and confidentiality with respect to information, both personal and financial.

III. Certified Medicaid Planners™ treat colleagues and other professionals with respect, fairness, and good faith.

IV. Certified Medicaid Planners™ do not advance private interests at the expense of their clients, their colleagues, or other professionals with whom they associate.

V. Certified Medicaid Planners™ distinguish between personal convictions and professional knowledge, not allowing personal beliefs or biases to interfere with fair representation of the facts.

VI. Certified Medicaid Planners™ strive for excellence in the profession by maintaining and increasing our own knowledge and skills, by encouraging the professional development of colleagues, and by setting the best interest of our clients as our highest priority.

Rules of Professional Responsibility

The following are the Rules of Professional Responsibility that a Certified Medicaid Planner™ is expected to follow:

Rule 1: The Client's Interests Always Come First

When close associations occur between a Certified Medicaid Planner™ and a client, there is almost always an opportunity for a planner to take advantage of a client who does not know as much about the topic as the planner.

This rule is more significant for a Certified Medicaid Planner™ than most other types of certified advisors because many of the topics a Certified Medicaid Planner™ learns are unique topics not known by the client or the client's other advisors. As such, the topics are easier to abuse because of the ignorance of the client and the client's other advisors and the added credibility a Certified Medicaid Planner™ has with their CMP™ credential.

The golden rule the Certified Medicaid Planner™ program is that the client's interests always come before the interests of the certified advisor. While the golden rule sounds simple, it is rule in practice most constantly violated by non-certified planners.

When it comes to this golden rule, planners who guide themselves by common sense and the goal of always putting the client's interests in front of advisor's interests should not run afoul of this rule. If an advisor is honest with the client, always lays out the viable planning options with full disclosure, and gives an objective recommendation, this rule should never be violated.

This rule encompasses the "integrity," "objectivity," and "fairness" a Certified Medicaid Planner™ must have in order to be worthy of the Certified Medicaid Planner™ credential. The public will also have a right to expect that anyone who has earned the CMP™ credential and holds him or herself out to be a CMP™ provides planning advice in a manner consistent with this rule.

Rule 2: Confidentiality

Many of the professionals who also seek certification as a CMP™ come from a variety of fields that have inherent confidentiality rules as a condition of receiving their licenses (e.g., attorneys, certified accountants, etc.). Even for those who are not bound by licensure confidentiality requirements, other planners are generally bound by corporate codes of confidentiality and company privacy policies. The purpose of this rule is to apply a general rule concerning the confidentiality of a client's personal information.

A Certified Medicaid Planner™ will gain the trust of a client and require the client to provide full disclosure of personal assets, liability, income, expenses, family dynamics, and actions or transactions which may cause penalties (i.e., divestment penalties or periods of ineligibility) when construed according to the Medicaid eligibility rules. As a result, a Certified Medicaid Planner™ will learn the most intimate details of a client's life.

A Certified Medicaid Planner™ must keep all personal and financial information confidential unless

a client authorizes otherwise. A violation of this rule is not simple to determine. If a Certified Medicaid Planner™ learns any information not known to the general public and shares that information with someone outside of the confidential relationship, the planner will be in violation of this rule.

As is the case in many professional office settings, a client's information must be shared with secretaries and other colleagues in the office. A Certified Medicaid Planner™ should adopt a privacy policy for their offices that the staff and other colleagues will not share any client's information with anyone outside of the office.

Rule 3: Professionalism

A Certified Medicaid Planner™ holds a highly-valued designation that is the only one of its kind and, as such, the CMP™ is held to a higher standard of professionalism than many other credentials may require.

A Certified Medicaid Planner™ has a responsibility to behave with dignity and courtesy to all those who use their services, fellow professionals, and those in related professions.

A Certified Medicaid Planner™ also has an obligation to cooperate with fellow planners, advisors and related professionals to enhance and maintain the profession's public image and to work jointly with other planners, advisors and related professionals to improve the quality of services.

A Certified Medicaid Planner™ has a unique credibility and specialized knowledge on Medicaid Planning topics. As such they come into contact with the public on a regular basis both in their day-to-day practice and as a guest lecturer or speaker on the subject matter. The CMP™ is expected to conduct him or herself in a manner consistent with maintaining the profession's public image.

Rule 4: Competence

A CMP™ applicant is required to establish competence in order to receive the credential. This competence is quantified by a series of educational and experiential threshold requirements, as well as a thorough examination of the content matter and sworn allegiance to the principles contained in this policy. Beyond the threshold requirements, a CMP™ is also required to maintain continuing education throughout the term of holding the credential.

Beyond the formal requirements, it is incumbent upon every CMP™ to not act or recommend action on a topic or area that they have no experience with or have not researched fully. If there is a subject matter area where the CMP™ has neglected study, has forgotten their education or training, or does not have a competent grasp, even though the CMP™ is considered certified and knowledgeable in the subject matter, the CMP™ has duty not to pursue the course of planning or to seek out those in the profession with particular skill in the subject matter area.

A Certified Medicaid Planner™ is educated on topics that lend themselves to clients who are facing a health care crisis and need assistance with their Medicaid Planning. These clients expect a certain level of professionalism and diligence by their advisors.

Diligence means that an advisor should act in a timely manner to provide proper planning advice to a client. A Certified Medicaid Planner™ shall make every effort to provide advice in a timely manner, be aware of the critical deadlines in the Medicaid Planning process, and realistically advise the client of the consequences of failing to meet those deadlines. Medicaid Planning is one of the most time-sensitive and time-critical areas of planning and, as such, a CMP™ cannot be a procrastinator and expect to provide the level of service to clients that is expected with the credential.

Additionally, maintaining an open channel of communication about the progress of a Medicaid Planning case is important to the strength of the planner-client relationship. Many complaints from clients can be avoided by simply keeping a client updated on the status of drafting or implementing a plan. A CMP™ should keep clients updated and informed, and perform work in a timely manner. Additionally, a CMP™ should not take on more work than he or she can handle.

Violation

A function of the CMP™ Governing Board and the CMP™ Ethics Council is to provide a mechanism by which the tenants of this document can be enforced amongst those who hold the CMP™ credential. This allows for the program to maintain its ethical integrity and for the public to rely on those credentialed through this program as being worthy of the credential.

All applicants must agree to abide by and uphold the tenants contained within this document as a condition for the receipt and maintenance of their CMP™ credential. Violations could result in disciplinary sanctions, including suspension or revocation of the CMP™ credential.

The CMP™ Governing Board maintains a grievance procedure by which all CMP™ applicants/certificants agree to be bound. The grievance procedure allows for complaints concerning the violation of the CMP™ Ethical Principles to be lodged and investigated and referred to the CMP™ Ethics Council for adjudication. If there is probable cause to believe that a CMP™ has violated the tenants of this document, then the CMP™ Ethics Council adjudicates the matter and makes a formal report and recommendation to the CMP™ Governing Board, depending on the severity of the ethical breach. The CMP™ Governing Board is solely responsible for administering discipline.

More information about the CMP™ grievance and disciplinary policy can be found in the CMP™ Governing Board Policy Manual.

Adopted by the CMP™ Ethics Council
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