

# **RULES AND REGULATIONS**

Please be aware that in addition to the following policies, other policies are listed on the web site also pertain to behavioral and professional issues that RPAs are expected to be compliant with.

## **Confidentiality of Records**

Information contained within the registrant's file will remain confidential and will only be distributed upon the registrant's consent. Records will be maintained in the office of the organization.

## **Appeals Policy**

Any unfavorable decision or determination made by the CBRPA can be appealed by filing a complaint. Individuals may appeal decisions, including but not limited to, eligibility, exam results, and certification status.

A decision reached by the Board of Directors may be appealed by writing a letter of appeal to the Board of Directors requesting a review of the decision. The appellate letter must meet the following conditions in order to qualify for a review.

- The letter must be received by USPS within ninety days (90) of the decision made by the Board of Directors
- The letter must contain new information not previously reviewed or additional information pertinent to the information previously reviewed.

An individual may request the presence of other witnesses or individuals with information to appear before the Board of Directors.

If necessary, a judge with experience in mitigation or negotiation may be retained at the expense of the appellee to conduct the hearing. Both parties will abide by the decision.

## **Denial of Eligibility:**

Candidates found to be ineligible are notified in writing with the reasons provided. The file is then closed

The decision of ineligibility may be appealed to the Board of Directors. An unfavorable decision by the Board of Directors may be appealed to a special hearing conducted by judge who hears mediation type cases.

### **Disciplinary Process**

A complaint must be filed with the Board of Directors and the source can be an individual, a health care facility, or from public sources. Each complaint will be examined by the Board of Directors and collaborating information will be sought to verify the complaint. The individual who is the focus of the complaint will have an opportunity to respond to the complaint or charges. Based upon the information received the Board of Directors will reach a decision.

Any decision of the Board of Directors can be appealed to a special hearing conducted by a judge who hears mediation types of cases.

### **Ethics Complaint Process and Procedure**

#### **Administrative Procedures:**

When a complaint has been received by a member of the CBRPA Board of Directors or staff, as much information as possible is obtained concerning the complaint, including names of possible contacts for verification purposes. The Board of Directors members will serve on the Ethics Committee. The process to verify a complaint and the process will be as follows.

1. The staff will investigate the complaint to determine if enough information is available to proceed with the investigation of the complaint. The investigation of the complaint will determine (1) if the complaint is patently frivolous or inconsequential, or (2) if the complaint can be substantiated and evidence of an ethical violation can be obtained and verified.

2. The staff will consult legal counsel, if needed, and present the case to the Ethics Committee with a recommendation based on the evidence of the complaint.

3. An alternative disposition may be for the Executive Director to enter into negotiations with the individual regarding the possible violation of the ethical canons and to reach a suitable resolution. The resolution negotiated must be accepted or rejected by the Ethics Committee.

4. Based on the evidence, the Ethics Committee may elect to place the individual on probation, revoke their certificate or dismiss the complaint.

5. In the event that the Ethics Committee places the individual on probation or revokes the certificate, the individual will be notified of the opportunity to appear before the Board of Directors to appeal the decision or they may elect to have a hearing before an impartial court official. The individual must request an audience before the Board of Directors or a hearing within thirty days from the date on the letter notifying them of the decision. The individual will bear all costs to accommodate the hearing officer or the Board of Directors. The decision reached by the Board of Directors or the hearing officer is final.

## **Suspension of a Certificate**

Suspension of a certificate may occur for any of the following reasons.

1. Notice of suspension from authorities of a recognized certification organization or a licensing agency.
2. Any event that the Ethics Committee would determine to potentially harm the welfare, health or safety of a patient.
3. Conviction of a felony or a misdemeanor that could endanger a patient or the public.
4. Engaging in any activity with the intent to deceive, defraud or harm the public or behavior demonstrating a wilful or careless disregard of a patient.
5. Inability to achieve and/or possess the required continuing education requirements.
6. Violating the Standards of Practice or Code of Ethics.
7. Engaging in unprofessional behavior that is contrary to the ethical conduct appropriate for the profession.
8. Adjudication as mentally incompetent, mentally ill or a chemically dependent person or a person dangerous to the public as determined by a court of law.

9. Engaging in any conduct that may be viewed as sexual or may be interpreted by the patient as sexual or any verbal behavior that is seductive or sexually demeaning , or engaging in any sexual activity with a patient or former patient.
10. Revealing privileged information or communication from or relating to a former or current patient, except when required or permitted by law.
11. Improper management of patient records , including failure to maintain proper patient records or allowing anyone to enter false, deceptive or misleading entries into the patient records.
12. Failure to meet the annual renewal requirements.

## **Reinstatement of a Certificate**

The CBRPA certificate may be reinstated provided the conditions for reinstatement are met. The reinstatement conditions are as follows.

1. For conduct violating any federal or state civil or criminal law, the conditions established by the court must be fully met, including any probationary conditions.
2. Proof of reinstatement of a related or required certificate from a certification agency accompanied by a letter of request justifying the reinstatement.
3. When a certificate is eligible for reinstatement, the procedure to follow is:
  - a. A written request from the individual for reinstatement.
  - b. Submission of a reinstatement fee of \$300.00 with the written request. This fee may be waived by the Ethics Committee.
  - c. The written request must address the reasons reinstatement should be granted and may include:
    - (1) An understanding of the reason the revocation occurred.
    - (2) Documentation of corrective actions taken and achieved.
    - (3) Notarized evidence of full compliance with any federal, state or local penalties imposed on the individual..
    - (4) Notarized evidence of any release of sanctions or charges against the individual.

- (5) Documentation of efforts of rehabilitation with a notarized signature of an authority on agency letterhead..
  - d. Removal of the sanction by the Ethics Committee is required prior to reinstatement by the Board of Directors..
- 4. In the event suspension is based upon failure to meet the annual renewal requirements, the individual is required to successfully pass the certification examination.