



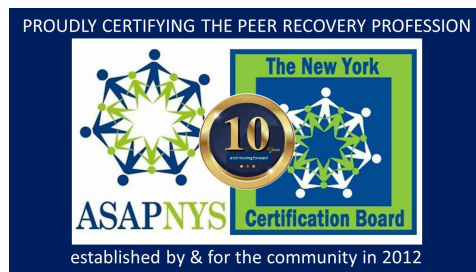
NEW YORK CERTIFICATION BOARD

CODE OF ETHICAL CONDUCT & DISCIPLINARY PROCEDURES

A Project of Alcoholism & Substance Abuse
Providers of New York State Inc.

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updated: October 2023



The mission of the New York Certification Board is to strengthen health and human services performance and outcomes by enhancing the recovery-oriented skills and capacity of the workforce

The New York Certification Board (referred to herein as "the Board" or "NYCB") provides voluntary certification for addiction and other behavioral health professionals in New York as a way of assuring competence to clients, to the public, and to employers. NYCB is dedicated to the principle that individuals in the field of addiction treatment and behavioral health services must ensure their behavior meets the highest standards of ethical practice. To that end, the NYCB has adopted this Code of Ethical Conduct, to be applied to all professionals certified by or seeking certification by the Board. All Individuals are subject to this Code and the NYCB Code of Ethical Conduct – Disciplinary Procedures from the date of application for any NYCB credential. The Code of Ethical Conduct exists, in part, for the protection of consumers and to maintain the integrity and professionalism of the field.

*The Code is divided into two sections: (1) a Glossary of key terms used in the Code; and (2) the NYCB Code of Ethical Conduct, which set forth the standards which professionals are required to observe and discussions of selected standards. A separate document, **the NYCB Code of Ethical Conduct - Disciplinary Procedures**, will be used by the Board to direct investigating alleged violations of the Code. The Board is committed to investigate and sanction those who breach this Code. Certified professionals are, therefore, encouraged to thoroughly familiarize themselves with the Code and to guide their behavior according to the Rules set forth below.*

Table of Contents

Glossary.....	page 1
Code of Ethical Conduct.....	page 2
Disciplinary Procedures.....	page 7
Ethics Complaint Form.....	page 11-14

GLOSSARY

Appeals Committee

A committee of members of the Board of Directors of the NYCB appointed to hear any appeal provided for hereunder.

Certified Professional

A person who holds or applies for a NYCB credential classification.

Client

Any person(s) who, either currently or within the past five years, has received or is receiving services from a certified professional, either individually or in the certified professionals' treatment context/setting.

Complainant

A person(s) who files a complaint with the NYCB against a certified professional under NYCB jurisdiction.

Ethics

A standard of behavior by which certified professionals must abide, including but not limited to the standards provided herein.

Ethics Committee

A NYCB standing committee charged with the responsibility to review, investigate and sanction as determined appropriate to those who breach the Code of Ethical Conduct. The committee is comprised of NYCB board members and/or its designees.

Hearing Panel

A panel comprised of NYCB Ethics Committee members with a responsibility to hear and make recommendations in accordance with the Code of Ethical Conduct.

Hearing Officer

(A person) The NYCB Ethics Committee Chairperson or Co-Chairperson who presides over an ethics hearing.

Plagiarism

An act of appropriating the language, ideas, or thoughts from another person and representing them as one's own original work.

Public Reprimand

A sanction that is a formal, written, published reproof or warning to a Respondent who the Ethics Committee has determined to have breached the Code of Ethical Conduct.

Respondent

A certified professional against whom an ethical complaint has been filed.

Revocation

A sanction resulting in the complete and permanent forfeiture of NYCB certification.

Scope of Services

The range of services deemed appropriate and necessary for an individual client. Such services may include but are not limited to prevention, intervention, outreach, information and referral, detoxification, inpatient or outpatient services, extended care, transitional living facilities, aftercare and clinical supervision.

Suspension

A sanction resulting in the temporary forfeiture of NYCB certification for a period of time to be determined by the NYCB Ethics Committee.

Written Caution

The least restrictive disciplinary action that a Respondent may receive due to breaching the Code of Ethical Conduct. This sanction is a formal, private, non-publicized letter of warning to the Respondent that cautions the Respondent against certain conduct or behavior.

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The following Rules of Conduct, adopted by the NYCB, set forth the minimum standards of conduct which all certified professionals are expected to honor. Failure to comply with an obligation or prohibition set forth in the rules may result in discipline by the NYCB.

UNLAWFUL CONDUCT

Rule 1.1

Once certified, a certified professional shall not be convicted for any misdemeanor or felony relating to the individual's ability to provide substance abuse and other behavioral health services as determined by NYCB.

Rule 1.2

Once certified, a certified professional shall not be convicted of any crime that involves the possession, sale or use of any controlled or psychoactive substance.

SEXUAL MISCONDUCT

Rule 2.1

A certified professional shall, under no circumstances, engage in sexual activities or sexual contact with clients, whether such contact is consensual or forced.

Rule 2.2

A certified professional shall not knowingly engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client.

Rule 2.3

A certified professional shall not engage in sexual activities or sexual contact with former clients when there is a risk of exploitation or potential harm to the client.

Rule 2.4

A certified professional shall not provide clinical services to individuals with whom they have had a prior sexual relationship.

FRAUD-RELATED MISCONDUCT

Rule 3.1

A certified professional shall not:

present or cause to be presented a false or fraudulent claim, or provide any proof in support of such claim, to be paid under any contract or certificate of insurance;

prepare, make, or subscribe to a false or fraudulent account, certificate, affidavit, proof of loss, or other document or writing;

present or cause to be presented a false or fraudulent claim or benefit application, or any false or fraudulent proof in support of such a claim or benefit application, or false or fraudulent information, which would affect a future claim or benefit application, or be paid under any employee benefit program;

seek to have an employee commit fraud or assist in an act of commission or omission to aid fraud related behavior.

Rule 3.2

An individual shall not use misrepresentation in the procurement of certification or recertification, or assist another in the preparation or procurement of certification or recertification through misrepresentation. The term "misrepresentation" includes but is not limited to the misrepresentation of professional qualifications, education, certification, accreditation, affiliations, employment experience, the plagiarism of application and recertification materials, or the falsification of references.

Rule 3.3

An individual shall not use a title designation, credential or license, firm name, letterhead, publication, term, title, or document which states or implies an ability, relationship, or qualification that does not exist and to which they are not entitled.

Rule 3.4

A certified professional shall not provide service under a false name or a name other than the name under which his or her certification or license is held.

Rule 3.5

A certified professional shall not sign or issue, in their professional capacity, a document or a statement that the professional knows or should have known to contain a false or misleading statement.

Rule 3.6

A certified professional shall not produce, publish, create, or partake in the creation of any false, fraudulent, deceptive, or misleading advertisement.

Rule 3.7

A certified professional who participates in the writing, editing, or publication of professional papers, videos/films, pamphlets or books must act to preserve the integrity of the profession by acknowledging and documenting any materials and/or techniques or people (i.e. co-authors, researchers, etc.) used in creating their opinions/papers, books, etc. Additionally, any work that is photocopied prior to receipt of approval by the author is discouraged. Whenever and wherever possible, the certified professional should seek permission from the author/creator of such materials prior to any such use or publication.

EXPLOITATION OF CLIENTS

Rule 4.1

A certified professional shall not develop, implement, condone or maintain exploitative relationships with clients and/or family members of clients.

Rule 4.2

A certified professional shall not misappropriate property from clients and/or family members of clients.

Rule

A certified professional shall not enter into a relationship with a client which involves financial gain to the certified professional or to a third party resulting from the promotion or the sale of services unrelated to the provision of services or of the sale or acquisition of goods, property, or any psychoactive substance.

Rule 4.4

A certified professional shall not promote to a client, for the professional's personal gain, any treatment, procedure, product, or service.

Rule 4.5

A certified professional shall neither ask for nor accept favors/free services/gifts of substantial monetary value or gifts that impair the integrity or efficacy of the therapeutic relationship.

Rule 4.6

A certified professional shall not offer, give, or receive commissions, rebates, or any other forms of remuneration for a client referral.

Rule 4.7

A certified professional shall not accept fees or gratuities for professional work from a person who is entitled to such services through an institution and/or agency by which the certified professional is employed.

4.3

PROFESSIONAL STANDARDS

Rule 5.1

A certified professional shall: (i) respect diversity; (ii) recognize cultural, individual and role differences; and (iii) demonstrate sensitivity to age-specific, ethnic, gender, sexual orientation and developmental impacts. A certified professional shall not in any way engage, or participate, in discrimination, whether it is on the basis of race, color, gender sex, sexual orientation, age, religion, culture, national origin, socio-economic status, political belief, psychiatric or psychological impairment, or physical disability, or any other condition or characteristic of persons being served or colleagues with whom the certified professional works.

Rule 5.2

A certified professional shall timely seek therapy for any psychoactive substance abuse or dependence, psychiatric or psychological impairment, emotional distress, or for any other physical health related condition or adversity that interferes with his or her professional functioning. Where any such condition exists and impedes his or her ability to function competently, a certified professional must request inactive status of their NYCB credential for medical reasons for as long as necessary.

Rule 5.3

A certified professional shall meet and comply with all terms, conditions, or limitations of any professional certification or license he or she holds.

Rule 5.4

A certified professional shall not engage in conduct that does not meet generally accepted standards of practice.

Rule 5.5

A certified professional shall not perform services outside of his or her area of training, expertise, competence, or scope of practice.

Rule 5.6

A certified professional shall not reveal confidential information obtained as the result of a professional relationship, without the prior written consent from the recipient of services, except as authorized or required by law.

Rule 5.7

The certified professional shall not permit publication of photographs, disclosure of client names or records, or the nature of services being provided without securing all requisite releases from the client, or parents or legal guardians of the clients except as authorized or required by law.

Rule 5.8

The certified professional shall not discontinue professional services to a client nor shall he or she abandon the client without facilitating an appropriate closure of professional services for the client or facilitating an appropriate referral for future counseling.

Rule 5.9

A certified professional shall obtain an appropriate consultation or make an appropriate referral when the client's problem is beyond their area of training, expertise, competence, or scope of service.

Rule 5.10

A certified professional shall treat colleagues and other professionals with respect and dignity, working with them to serve the best interest of the client.

SAFETY AND WELFARE

Rule 6.1

A certified professional shall not administer to himself or herself any psychoactive substance to the extent or in such manner as to be dangerous or injurious to the professional, a recipient of services, to any other person, or to the extent that such use of any psychoactive substance impairs the ability of the professional to safely and competently provide services.

Rule 6.2

All certified professionals are mandated abuse and neglect reporters and each shall comply with all mandatory reporting requirements.

RECORD KEEPING

Rule 7.1

A certified professional shall keep timely and accurate records consistent with current standards of best practices and shall not falsify, amend, or knowingly make incorrect entries or fail to make timely essential entries into the client record.

ASSISTING UNQUALIFIED/UNLICENSED PRACTICE

Rule 8.1

A certified professional shall not refer a client to a person that he/she knows or should have known is not qualified by training, experience, certification, or license to perform the delegated professional responsibility.

DISCIPLINE IN OTHER JURISDICTIONS

Rule 9.1

A certified professional holding a certification, license, or other authorization to practice issued by any certification authority or any state, province, territory, tribe, or federal government whose certification or license has been suspended, revoked, placed on probation, or other restriction or discipline shall promptly alert the Board of such disciplinary action and provide the Board with such information concerning such discipline and/or authorizations to obtain such information about such discipline as the Board deems reasonably necessary or desirable.

COOPERATION WITH THE BOARD

Rule 10.1

A certified professional shall cooperate in any investigation conducted pursuant to this Code of Ethical Conduct and shall not interfere with an investigation or a disciplinary proceeding or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed. Interference attempts may include but are not limited to:

1. the willful misrepresentation of facts before the disciplining authority or its authorized representative;
2. the use of threats or harassment against, or an inducement to, any client or witness in an effort to prevent them from providing evidence in a disciplinary proceeding or any other legal action;
3. the use of threats or harassment against, or an inducement to, any person in an effort to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted or completed;
4. refusing to accept and/or respond to a letter of complaint, allowing a credential to lapse while an ethics complaint is pending, or attempting to resign a credential while an ethics complaint is pending. Violation of this rule under these circumstances will result in the immediate and indefinite suspension of the certified professional's credential until the ethical complaint is resolved.

Rule 10.2

A certified professional shall:

1. not knowingly make a false or misleading statement to the NYCB, the State of Connecticut, or any other disciplinary authority;
2. promptly alert colleagues informally to potentially unethical behavior so said colleague could take corrective action;
3. report violations of professional conduct of other certified professionals to the appropriate licensing/disciplinary authority when he/she knows or should have known that another certified professional has violated ethical standards and has failed to take corrective action after informal intervention.

Rule 10.3

A certified professional shall report any uncorrected violation of the Code of Ethical Conduct within 90 days of an alleged violation. Failure to report a violation may be grounds for discipline.

Rule 10.4

A certified professional with firsthand knowledge of the actions of a respondent or a complainant shall cooperate with the NYCB investigation or disciplinary proceeding. Failure or an unwillingness to cooperate in the NYCB investigation or disciplinary proceeding shall be grounds for disciplinary action.

Rule 10.5

A certified professional shall not file a complaint or provide information to the NYCB, which he/she knows or should have known, is false or misleading.

Rule 10.6

In submitting information to the NYCB, a certified professional shall comply with any requirements pertaining to the disclosure of client information established by the federal or state government.

MODIFICATION OF CODE OF ETHICAL CONDUCT/DISCIPLINARY PROCEDURES**Rule****11.1**

The NYCB Board of Directors reserves the right to amend and modify the **Code of Ethical Conduct** and the **Code of Ethical Conduct – Disciplinary Procedures**. When changes are made, all certified professionals will be notified of all changes made and when changes become effective.

NYCB Board Reviewed, May, 2102; June, 2012; Approved August, 2012

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The NYCB has received written authorization to use the CCB Code of Ethical Conduct as the foundation of the NYCB Code of Ethical Conduct.



NYCB CODE OF ETHICAL CONDUCT DISCIPLINARY PROCEDURES

This document becomes effective June 1, 2012 and will be used to direct investigations of all ethics complaints received by the NYCB. All NYCB certified individuals are required to observe the NYCB Code of Ethical Conduct at all times and are subject to the procedures outlined in this document.

CONFIDENTIALITY OF PROCEEDINGS

Except as is otherwise provided herein, all information received and all reports, decisions files, transcripts, or any other documents of any kind generated or received during the course of a disciplinary proceeding, shall be kept confidential by the NYCB and the respondent except as may be required by law.

POSSIBLE SANCTIONS FOR VIOLATION OF THE CODE OF ETHICAL CONDUCT

- A. Possible sanctions for violation of the Code of Ethical Conduct include but are not limited to: denial of an application for certification; written caution; public reprimand; suspension of a credential; revocation of a credential.

Any certification revoked hereunder shall be revoked for the lifetime of the formerly certified professional without the possibility of reinstatement.

NYCB may impose educational, supervisory, training, and treatment requirements in conjunction with any of the above disciplinary actions.

- B. Past disciplinary actions taken by the NYCB or a licensing authority against a certified professional may be considered in setting sanctions. Two or more written cautions or reprimands issued against a certified professional in a two-year period shall result in a suspension or a revocation of the credential.
- C. Except as may be provided for in a consent order, in all cases where a public reprimand, suspension, or revocation is issued by the NYCB, it shall be cited in the NYCB Newsletter and the NYCB web site the name of the respondent, the sanction imposed, and the Rule(s) violated. The same information may be referred to the IC&RC. Further, notwithstanding anything to the contrary stated or implied herein, NYCB may disclose information relative to disciplinary actions to other pertinent organizations such as but not limited to the NY Department of Health, the NY OASAS, and other appropriate bodies.
- D. Sealed records will only be opened with a court order.

1. COMPLAINTS

- A. Persons wishing to file a complaint against a certified professional or against a person under NYCB jurisdiction seeking certification may do so by detailing their complaint, in writing, to the NYCB on the form provided herewith. The complaint will reference the relevant provision(s) of the NYCB Code of Ethical Conduct.
- B. All complaints must contain the complainant's full name, address, and a phone number where the complainant can be contacted. The complainant must sign and date the complaint document.
- C. In order for ethical complaints to be considered by NYCB, all complaints must be filed within four (4) years from date alleged offense occurs.

Complaints may be emailed to Elisabeth Kranson, Director of Certification at ekranson@asapnys.org.

Or, mailed to:

Attention: Director of Certification
New York Certification Board at ASAP
194 Washington Ave., Suite 300, Albany, NY 12210

- D. NYCB shall not consider verbal or anonymous complaints except for anonymous complaints made on the basis of publicly available information, such as but not limited to, newspaper articles, court records, or information on web sites that is made available to or secured by NYCB.

2. INVESTIGATION PROCESS

(i) Investigation by Director of Certification

- A. The Director of Certification (“Director”) shall conduct an initial review of all complaints filed with the NYCB and shall initiate and direct an investigation, to the extent the Director deems sufficient, of all instances of possible professional misconduct by a certified professional. In supervising investigations, the Director may use investigators where deemed appropriate. Except as otherwise provided herein all NYCB investigatory information is confidential. If during the course of the investigation it appears that criminal behavior may have occurred, the NYCB's Director may report the alleged criminal behavior to the appropriate authority.
- B. If a complaint has been filed, the Director may, at his or her discretion, proceed with an investigation even if the complainant subsequently requests that the complaint be withdrawn.
- C. If cases where, upon initial review, the Director deems that no violation has occurred and that no further investigation is warranted, this conclusion shall be reported to the Ethics Committee for its review within thirty (30) working days [see the 30 day requirement below] of the submission of the report by the Director. The Ethics Committee may either return the matter to the Director for further investigation or appropriate action or affirm the Director's decision that no further investigation or action is warranted. If there is no further investigation, the Director shall send a notice to the complainant, informing him or her that the complaint is dismissed.
- D. The Director shall, at the outset of the investigation, email or send the respondent a copy of the complaint through both certified and regular first class mail, thereby notifying said respondent of the name of the complainant(s) and the alleged violation(s) pertaining to this NYCB Code of Ethical Conduct. The Respondent may submit a typed response within thirty (30) days from the date of the notice. The Director may in his or her discretion allow a respondent additional time if such is requested.
- E. During the investigation, the respondent shall disclose all facts and circumstances pertaining to the alleged misconduct, as well as the respondent's interpretation of the situation or conduct which is the subject of the investigation. Misrepresentation by a respondent, failure to provide information, or failure to cooperate with the investigation shall be independent grounds for disciplinary action.

(ii) The Hearing Process

- A. A hearing may be held at any point in the investigatory or decision-making process at the discretion of the Ethics Committee. The hearing is typically undertaken in those cases wherein there is sufficient evidence for the allegation of an ethics code violation but there remain undetermined details of the case that the committee believes might be resolved through the hearing process. A hearing may also be requested by a respondent after exhausting the appeal process (see appeal process).

Should a respondent request a hearing in response to the decision of the Appeal Committee, a hearing date and time shall be established and the NYCB shall provide Complainant and Respondent with a written notice of the hearing. That notice shall advise the respondent and the complainant of the following:

1. The date, time, and the location of the hearing.
2. Both the respondent and the complainant may be represented by counsel at the hearing at their own expense.
3. Both parties to the complaint may present and rebut evidence and present and cross-examine witnesses.
4. The Hearing Panel shall not be bound by common law or statutory rules of evidence, and the Hearing Panel may consider all evidence having reasonable probative value, but a decision to impose discipline may not be based solely on a declarant's oral hearsay statement unless it would be admissible under common law or statutory rules of evidence.
5. The Hearing Panel will base its decision as to whether a violation of the Code of Ethical Conduct has occurred solely upon the evidence presented at the hearing and gathered during the investigatory process.

6. At the respondent's own expense, the respondent may have a registered court reporter present to transcribe the proceedings, provided that the NYCB is notified of such election at least 5 days prior to the hearing and is timely supplied with a copy of the transcript at no cost.
 7. No discovery shall be permitted, and no access to NYCB files shall be allowed to the respondent, the complainant, or their representatives.
 8. Except in the most emergent of circumstances, no postponement requested less than 48 hours prior to a scheduled hearing will be considered.
 9. There shall be no contact prior to the hearing between the complainant and the respondent, nor shall the complainant or the respondent be in contact with any NYCB member for the purpose of discussing in any way the complaint or influencing the decision of the Hearing Panel.
 10. The hearing shall be presided over by a Hearing Officer, and the Officer shall resolve objections concerning evidence.
 11. The hearing shall be closed to the public.
- B. Failure of either the complainant or the respondent to attend the hearing shall be deemed a waiver of his or her right to a hearing. In such cases, the hearing may proceed with disciplinary action being taken or be dismissed as determined by NYCB. The Hearing Panel shall make a decision based on the evidence presented through the investigatory process.
 - C. Within 30 days after the completion of the hearing, the Hearing Panel shall prepare a written decision containing Findings of Fact and a Conclusion as to whether any of the ethical principles or rules of the Code of Ethical Conduct have been breached. If the Hearing Panel determines that the respondent did breach the Code of Ethical Conduct, the panel shall impose an appropriate disciplinary sanction, which shall be specified in the panel's decision. The Hearing Panel shall email the decision or mail a copy to the respondent and the complainant by certified mail and regular first class mail. The decision of the Hearing Panel shall be deemed that of the NYCB, shall be effective upon issuance or at such date as the Hearing Panel shall specify, and shall be final, without further action by the NYCB.

3. ACTION BY THE ETHICS COMMITTEE

- A. In cases in which an investigation has been completed by the Director, the Director shall, no sooner than forty (40) days after the notice provided in Section 2(i)(D) above, submit an investigation summary report to the Ethics Committee inclusive of the following: any and all written materials associated with the investigation; a summary of any further communications with either the complainant or the respondent; an outline of alleged code violation(s), if any, and a recommendation for dismissal, or a recommendation of the sanction or sanctions to be imposed, or a recommendation for an ethics hearing.
- B. At the conclusion of the review of the evidence provided in the case by the Director, the Ethics Committee will make their final decision by majority vote for dismissal, imposition of a sanction, or to conduct further investigation by way of a hearing.
- C. Within 30 days of the close of any hearing convened in a case or the recommendation for a sanction or dismissal from the Director, the Ethics Committee shall issue a decision concerning the complaint, based on the materials provided by the Director or gleaned from the hearing.
- D. In those cases wherein the findings support a decision by the Ethics Committee to impose a sanction or sanctions upon the respondent, NYCB will forward to the respondent a written document summarizing the rule(s) violated, the findings of fact, and the disciplinary action being taken.
- E. The decision shall include Findings of Fact, a Conclusion as to which Rules of Conduct, if any, have been violated, and any sanction to be imposed. The decision shall recite the nature of the complaint, the investigation conducted, and the respondent's rebuttal to the complaint. Within 7 days after the issuance of the Hearing Panel's decision, the Director shall mail a copy to the respondent, by certified mail and regular first class mail, together with a notice of the right to appeal any Hearing Panel's decision which calls for disciplinary action.
- F. If a request for an appeal is timely filed, any disciplinary action imposed by the Hearing Panel shall be stayed pending the decision of the Appeal Committee. However, in the event that a request for appeal is not filed within the time period prescribed hereafter, the decision of the Hearing Panel shall be final, and any disciplinary action imposed shall take effect upon passage of the prescribed time period. When any disciplinary action takes effect, the Director shall notify the complainant of the results of the disciplinary process.

4. APPEAL PROCESS

- A. If disciplinary action is taken, the respondent may appeal the decision by submitting a request for an appeal to the NYCB. Request for an appeal must state reason for the appeal. Such requests shall be emailed to Elisabeth Kranson, Director of Certification, ekranson@asapnys.org

Or, sent by certified mail and postmarked no later than 30 days after mailing of the decision. Appeal requests should be addressed to:

President, New York Certification Board at ASAP
194 Washington Ave., Suite 300, Albany, NY 12210

- B. If a timely request for an appeal is submitted to the NYCB, the Board shall appoint from the NYCB a three-person Appeal Committee. No member of the Appeal Committee shall be a member of the Ethics Committee, nor shall anyone be appointed to the Appeal Committee who has a potential conflict of interest with either the complainant or the respondent. All potential conflicts of interest will be discussed prior to the appointment. Within 30 days after the NYCB receives a request for an appeal, a review into the facts contained in the decision of the Hearing Panel shall be scheduled. The review shall be scheduled within 60 days from the date of receipt of the request.
- C. Such review shall be limited to the issues and charges contained in the decision of the Hearing Panel previously served on the respondent and procedural issues relevant to the case. Within 30 days of the decision by the Appeal Committee, respondent will be notified in writing of said decision. The decision of the Appeal Committee will be considered final.

5. PROCEDURES AND REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

- A. If a respondent's NYCB credential has been suspended or revoked and the respondent does not appeal the Hearing Panel's decision, or if the Appeal Committee upholds the respondent's suspension or revocation, the respondent shall return his or her credential certificate to the NYCB Office no later than twenty-one (21) days after the suspension or revocation takes effect. The NYCB credential certificate remains the property of the NYCB.
- B. NYCB credential reinstatement following a suspension: Upon expiration of the suspension period, the Ethics Committee shall authorize reinstatement of the professional for the balance of his/her certification period, unless:
1. another suspension or revocation of the respondent's certification has occurred; or
 2. the respondent has committed another violation of the Code of Ethical Conduct; or
 3. the respondent has failed to remit the recertification fees or make an application for recertification in a timely manner, according to the respondent's recertification date; or
 4. the respondent has failed to comply fully with the terms of his or her suspension.

Revocation shall be effective for the lifetime of the formerly certified professional without the possibility for reinstatement.

NYCB Board Reviewed May 2012; June 2012; Approved August 2012.

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CERTIFIED PROFESSIONAL COMPLAINT FORM

This form is to be filled out by any person registering a complaint with the New York Certification Board concerning an actively certified professional with the NYCB or a person applying for certification.

Part I

Name of Person Registering Complaint

Email:

Last

First

Middle

Address

City

State

Zip

Telephone:

Home

Business

Name of the certified professional or applicant against whom the complaint is being registered

Email:

Last

First

Middle

Address

City

State

Zip

Telephone:

Home

Business

Nature of complaint (check each one that is appropriate)

Improper treatment practices

Improper treatment practices

Discriminatory practices

Violation of the New York Certification Board's Code of Ethical Conduct

Violation of applicable Federal or State Law

Other (please describe): _____

Relevant Provision(s) of the NYCB Code of Ethical Conduct (please enter the Section and line numbers):

Part II

Please describe in as specific detail as possible the facts, circumstances, situation, and allegations concerning the complaint.

Submit any written materials, data, or other documents which you think are relevant to your complaint.

Part III

In order to determine if you have registered a complaint in a timely manner, the following information is requested:

- a. On what date(s) did the action complained of occur? _____
- b. When were you first aware of the matter about which you are complaining? _____
- c. What is the most recent date of which you know of the alleged conduct prompting the complaint? _____

Part IV

Please answer all of the following questions

Do you know of others who have knowledge of the alleged conduct? Please provide the following information:

Last Name #1

First

Middle

Address

City

State

Zip

Telephone:

Email:

* * *

Last Name #2

First

Middle

Address

City

State

Zip

Telephone:

Email:

Did you speak to the person against whom the complaint is being filed?

If yes, please explain details and date of communication:

Has the person against whom the complaint is being filed given you any explanation for such alleged conduct?

If yes, please state all such explanations:

What is your opinion of the explanations given to you?

Part V

Have you filed this complaint with any Federal, State, or Local Government agency? Date of filing: _____

If yes, name of agency and address: _____

If not, do you intend to file with another agency?

If yes, name of agency and address: _____

Have you pursued resolution of your complaint through any internal grievance procedures of your institution or agency?

If yes, what is the status of your complaint and the name of the grievance procedure? _____

Have you discussed the complaint with a supervisor?

If yes, what is the name of your supervisor and when did you make this report? _____

Have you commenced civil or administrative action or proceeding in the Federal courts based on this complaint?

If yes, what is the status of this case? _____

Part VI

In the event NYCB is unable to locate you to discuss this complaint, please provide the following information concerning a person who knows where to contact you:

Last Name

First

Middle

Address

City

State

Zip

Telephone:

Email:

I understand that the person against whom the complaint is being registered shall be fully informed concerning this formal complaint process and will be given a copy of this complaint form in order to allow the individual the opportunity to submit rebuttal information and/or materials concerning the complaint.

I have completed this complaint form to the best of my knowledge and am willing to participate in a full investigation of all allegations noted in the complaint.

I, _____, swear that the information contained herein enclosed herewith is true and correct.

Signature: _____ Date: _____