

NAMSS Policies and Procedures

Code of Professional Conduct and Rules of Ethics

Number:

Effective Date: January 1, 2014 – proposal: review/update required by Ethics Committee every two years

POLICY STATEMENT:

This Policy sets forth a Code of Professional Conduct (the "Code") and Rules of Ethics (the "Rules") for NAMSS' members, applicants, candidates and certificants. It also includes standard procedures for evaluating complaints of alleged violations of the Rules lodged by the public, leadership or members. The Policy is a combination of previous, separate Policies of the NAMSS Ethics Committee ("NEC") and the Certification Commission of NAMSS ("CCN"). Corrective action may be imposed when it is determined that a member, applicant, candidate or certificant has demonstrated conduct that violates the Rules as defined below.

Complaints of alleged violations, questions or concerns should be directed to the NEC through the NAMSS Executive Office. Anonymous reports will not be accepted. All complaints of alleged violations must be submitted on the appropriate form, which is available on the NAMSS website. All alleged violations will be given careful consideration by the NAMSS Ethics Committee (NEC). Sanctions will be imposed when it is determined that a member, applicant, candidate or certificant has demonstrated conduct that is in direct violation of Rules of Ethics as described in this policy.

This Policy and Procedure does not cover complaints related to job performance. Evaluating job performance is the responsibility of the employer or supervisor.

This Policy and Procedure does not cover complaints related to NAMSS administrative policies and procedures. Any complaints related to NAMSS administrative policies and procedures should be communicated to the NAMSS Executive Office directly via email: info@namss.org, by phone: 202-367-1196, or by mail: 2025 M Street NW, Suite 800, Washington, DC 20036.

PURPOSE:

The NAMSS Code of Professional Conduct and Rules of Ethics shall apply to all members, applicants, candidates and certificants in NAMSS, including the leadership. The Code sets forth principles that connect the values and ideals of the profession to the work performed by Medical Services Professionals. The Rules of Ethics shall serve as the standard by which the NEC will evaluate alleged professional misconduct for all members, applicants, candidates and certificants of NAMSS.

Members, applicants, candidates and certificants are responsible to observe and comply with the Code and the Rules and to enhance ethical standards to maintain the respect and credibility of the profession. Further, members are expected to report alleged violations of the Code for evaluation by the NEC.

DEFINITIONS:

- CCN = Certification Commission of NAMSS
- Code = Code of Professional Conduct

- Member = An Active, Honorary or Affiliate member of NAMSS as defined in the Bylaws
- Applicant = A Medical Services Professional who has submitted an application to sit for the exam
- Candidate = A Medical Services Professional who is registered to sit for the exam.
- Certificant = A Medical Services Professional who holds current NAMSS certification(s).
- Rules = Rules of Ethics
- NAMSS = National Association of Medical Staff Services
- NEC = NAMSS Ethics Committee

CODE OF PROFESSIONAL CONDUCT:

The member, applicant, candidate and certificant will:

1. Conduct him/herself in a professional manner at all times and provide appropriate quality credentialing support when requested by a peer or superior.
2. Provide for patient safety and service unrestricted by the concerns of personal attributes and without discrimination on the basis of gender, sexual orientation, race, creed, religion, national origin, socioeconomic status, or any other protected classification.
3. Use technology consistent with the purposes for which it was designed, and employ procedures and techniques appropriately for credentialing best practices.
4. Assess situations; exercise care, discretion and judgment; assume responsibility for professional decisions; and act in the best interest of patients, his or her employers/healthcare providers and the public.
5. Demonstrate expertise by protecting the safety of patients and other members of the healthcare team through credentialing processes that meet industry standards and understanding regulatory requirements.
6. Practice ethical conduct appropriate to the profession and protect the patient's right for quality healthcare.
7. Respect and preserve confidences entrusted in the course of professional practice and reveal confidential information only as needed and in accordance with any applicable law.
8. Strive to improve his/her knowledge, skills and productivity by participating in continuing education and professional development activities, and sharing his/her knowledge with colleagues.

THE RULES OF ETHICS:

The Rules of Ethics set forth proscribed activity -- unacceptable professional conduct for any member, applicant, candidate or certificant.

Because the public, healthcare providers and employers rely on the medical services professional, it is essential that the member, applicants, candidates and certificants act consistently with the Code. This Code is intended to maintain minimum standards of conduct and promote the protection and safety of patients. The following conduct or activities violate the ethical requirement of section 6 of the Code and, subject to the facts and circumstances, may result in sanctions as described under Administrative Procedures:

1. Employing fraud or deceit in our work or using authority for personal gain.

2. Any conviction, plea of guilty or nolo contendere involving a felony or gross misdemeanor including, but not limited to a crime against a person, negligent credentialing or fraud.
3. Termination from any employment for conduct that is contrary to the ethical principles appropriate to the medical services profession.
4. Inability to practice the medical services profession with reasonable skill and safety because of the use of alcohol, drugs, chemicals, or any other material.
5. Adjudication by a court of competent jurisdiction, as mentally incompetent, or a person dangerous to the public.
6. Engaging in conduct likely to deceive, defraud, or harm the public, an employer and/or healthcare workers.
7. Demonstrating a willful or intentional disregard for the medical services profession duties.
8. Knowingly making a false statement or knowingly providing false information to NAMSS in any application or proceeding.
9. Making false, fraudulent, deceptive, or misleading communications to any person regarding the member's education, training, credentials, experience or qualifications, or the status of the individual's certification.
10. Inappropriately utilizing NAMSS copyright materials. This includes altering in any respect any document issued by the CCN;
11. Employing fraud or deceit in procuring or attempting to procure, maintain, renew, or obtain registration or reinstatement of certification issued by the CCN.
12. Subverting or attempting to subvert the CCN's examination process. Conduct that subverts or attempts to subvert CCN's examination process includes, but is not limited to:
 - a. Conduct that violates the security of the CPCS and/or CPMSM examination materials, such as removing or attempting to remove examination materials from an examination room, or having unauthorized possession of any portion of or information concerning a current, previous or future CPCS and/or CPMSM exam; or disclosing information concerning any portion of a current, previous or future administered examination of the CCN; or disclosing what purports to be, or under all circumstances is likely to be understood by the recipient as, any portion of or "inside" information concerning any portion of a current, previous or future administered exam of the CCN;
 - b. Conduct that violates the security of the CPCS and/or CPMSM practice examination materials, such as removing or attempting to remove practice exam materials from the vendor site, or having unauthorized possession of any portion of the practice exams; or disclosing information concerning any portion of the practice exams of the CCN;
 - c. Conduct that in any way compromises ordinary standards of test administration, such as communicating with another candidate during the administration of the

examination, copying another candidate's answers, permitting another candidate to copy one's answers, or possessing unauthorized materials;

- d. Impersonating a candidate or permitting an impersonator to take the examination on one's own behalf;

NAMSS ETHICS COMMITTEE:

1. NAMSS Ethics Committee

1.1. NAMSS Ethics Committee Composition

- 1.1.1. The NEC shall be comprised of seven members including a Chair, a Vice Chair, a public member preferably with ethics background, three members of NAMSS who are not on the NAMSS Board of Directors and one member from the Certification Commission of NAMSS.
- 1.1.2. The members of the NEC will be appointed by the President in consultation with the current Chair of the NEC and the Certification Commission Chair and with the approval of the NAMSS Board. The Certification Commission Chair will recommend the one Certification Commission member to serve on the committee. The NAMSS Board and Certification Commission of NAMSS remain responsible for the management of the promulgation, interpretation and enforcement of the Code.
- 1.1.3. The Chair shall be a current member of the Board who currently is not serving as an officer **OR** shall be a current member of the Certification Commission of NAMSS who is not serving as the Chair of the Certification Commission. The President shall appoint the Chair and Vice Chair of the NEC with consultation from the Chair of the Certification Commission and NAMSS Board of Directors. The Chair shall **rotate** between a *NAMSS Board member not currently serving as an Officer* and a *Certification Commission member*. The Chair and Vice Chair will each serve one-year terms and can be reappointed for up to two additional one-year terms, not to exceed a total of three (3) consecutive one-year terms in a respective office . It is recommended but not required that the Vice Chair succeed to the Chair position. The Chair presides at and participates in meetings of the NEC and is responsible directly and exclusively to the Board to fulfill the responsibilities of the Code. The Chair shall only vote on matters in the case of a tie.
- 1.1.4. The terms of service of the public member and four additional members will be a one (1) year term and are eligible for reappointment for up to two additional terms (up to three years of service). Terms may be adjusted to provide for staggering of NEC membership terms. The two members of NAMSS who are not serving on the NAMSS Board of Directors must have been NAMSS members in good standing for at least the past five (5) years and should hold a CPCS, CPMSM or dual certification.
- 1.1.5. If the involved individual is a member of the NEC, the individual will be recused from NEC activities until a final decision is rendered. Also, if any officer or member of the NAMSS Board or Certification Commission of NAMSS is the individual in question, this individual will be recused from NAMSS activities until a final decision is rendered.

1.2 Removal from NAMSS Ethics Committee

- 1.2.1 Any NEC committee member, including the Chair or Vice Chair, may be removed, for cause or without cause, by an affirmative vote of eight (8) voting members of the Board of Directors whenever in the Board's judgment the best interests of the NEC will be served by such removal. The Certification Commission Chair will be consulted prior to any removal.

ROLE OF THE NAMSS ETHICS COMMITTEE:

The primary role of the NEC is to assist the NAMSS Board and CCN in maintaining the ethical standards of the association through education on, consultation about, and evaluation of the professional conduct of its members.

Education: NAMSS members will be required to attest annually, at time of initial or renewal of membership, to their commitment to the NAMSS Code of Professional Conduct.

NAMSS may educate members on the Code of through the following activities among others:

1. Webinar - to be offered by the NAMSS Executive Office
2. Print article in current NAMSS Publication - annually
3. Live presentation at the NAMSS Educational Conference

Evaluation of Ethical Conduct: The NEC will evaluate the professional conduct of NAMSS members, applicants, candidates or certificants following the administrative procedures outlined below.

ADMINISTRATIVE PROCEDURES FOR EVALUATION OF ETHICAL CONDUCT:

1. All complaints of alleged violations must be submitted on the appropriate form which is available on the NAMSS website and forwarded to the NAMSS Executive Office. Anonymous reports will not be accepted. Alleged violations received by the NAMSS Executive Office will be forwarded to the NEC Chair and Vice Chair for review.
2. Preliminary Screening of Potential Violation of the Ethical Rules
 - 2.1 The Chair and Vice Chair of the NEC shall review each complaint of alleged violation of the Rules of Ethics that is brought to the attention of the NEC. If there is (1) insufficient information upon which to base a charge of a violation of the Rules, or (2) the allegations against the member are patently frivolous or inconsequential, or (3) the allegation, if true, would not constitute a violation of the Rules, the Chair may summarily dismiss the matter, with concurrence of the President of NAMSS. Staff and/or legal counsel may be called on to assist in this decision and the investigation of such complaints of alleged violations. Legal counsel will be consulted in all matters that do not result in summary dismissals. The NEC Chair shall report each such summary dismissal to the NEC. Such matters shall also be routinely reported to the NAMSS Board and Certification Commission of NAMSS at their scheduled meetings; however the identity of the individuals and details of summary dismissals that may identify the individual in question shall remain confidential.

- 2.2 The individual subject to a complaint of alleged violation will have the opportunity to review the membership of the NEC to make sure there is not a conflict of interest.

3. Investigations

- 3.1 Upon the concurrence of the NEC that there is sufficient information to warrant an investigation, the member will be notified by certified mail or other means which provides acknowledgement of receipt of the alleged violation(s) of the Rules that is being investigated. The notification will provide the member, applicant, candidate or certificant with the following information:
- The alleged violation of the Rules;
 - The right to submit documentary materials in response to the allegations(s) within 15 business days from the date of the notification letter;
 - The obligation to cooperate with, and participate in the investigation process as determined by the NEC; and
 - A copy of these Policies and Procedures.
 - The right to a request and participate in a Hearing pursuant to Section 4, below.
 - The right to be represented by an attorney during the Hearing proceedings with the NEC as long as the committee is notified of the representation at least five (5) business days prior to the hearing date.
- 3.2 In the event that the member in question is not reachable as a result of an incorrect address, custody of the court or return of unclaimed certified notification, the NEC reserves the right to continue with the investigation.
- 3.3 The NEC investigation process may include but is not limited to: 1) Interview with member, applicant, candidate or certificant in question; 2) Interview with other parties involved who may or may not be members of NAMSS for the purposes of obtaining information deemed applicable to the specific violation; and 3) Review applicable documentation and data.
- 3.4 At the conclusion of the investigation process, the member, applicant, candidate or certificant in question will be notified by certified mail of the decision of the NEC. In the event that the member in question is not reachable as a result of an incorrect address, custody of the court, or return of unclaimed certified notification, the member waives all rights to the Appeals Process.
- 3.5 Efforts will be made to ensure that an investigation is concluded within 45 business days if no hearing is requested and 90 days if a hearing is requested. Upon conclusion of the investigation, the NEC, with the assistance of legal counsel, will develop a summary report of the investigation.
- 3.6 All interviews, documentation, hearings and appeals provided for herein shall be held confidential throughout all stages of the process. It shall be considered an ethical violation of the Rules for any member, applicant, candidate, or certificant, to make an unauthorized publication or revelation of the same, except to his or her attorney or other representative, immediate supervisor, or employer. NEC members and staff are similarly restricted from making unauthorized disclosures regarding such proceedings.
- 3.7 Actions taken by the NEC may include but are not limited to:

- Letter of Concern;
- Letter of Admonition;
- Suspension of NAMSS Committee Assignment;
- Termination of NAMSS Committee Assignment;
- Suspension of NAMSS Membership;
- Recommendation to the Board for termination of NAMSS Membership (refer to Bylaws 4.3) (Conviction of a felony entails an automatic relinquishment of membership);
- Written reprimand with no effect on current or future certification(s);
- Time limited denial of an application to sit for certification;
- Lifetime denial or an application to sit for certification;
- Denial of an application for renewal and/or reinstatement of certification(s);
- Time limited revocation of certification(s); or
- Lifetime revocation of certification(s).

4. Hearings

- 4.1 A person who is subject to an investigation shall have 30 business days from the date the notice of such proposed action is mailed pursuant to Section 3.1 to make a written request for a hearing and/or to submit written comments on the matter.
- 4.2 An individual shall have the right to be represented by an attorney during the hearing proceedings with the NEC as long as the committee is notified of representation at least five (5) business days prior to the hearing date; and
- 4.2 Failure to make a written request for a hearing and/or submit written comments on the matter within the identified period of time shall waive all rights to such a hearing. A member who requests a hearing in the manner prescribed above shall advise the NEC of his or her intention to appear/speak at the hearing.
- 4.3 Failure to appear at the hearing or to supply a written submission in response to the allegation shall be deemed a default of the merits and shall be deemed consent to whatever action or disciplinary measures the NEC determines to take. Hearings shall be held at such date, time, and place as shall be designated by the NEC. The member, applicant, candidate or certificant shall be given at least thirty (30) business days' notice of the date, time, and place of the hearing. The member in question has the right to have an attorney present, at their own expense. Both parties shall disclose their intentions to have an attorney present. Additionally, NAMSS will not reimburse the member in question for travel expenses related to attending the hearing. Telephone hearings may be held.
- 4.4 The NEC conducts the hearing. Any member of the NEC whose professional activities are conducted at a location in the approximate area of the member subject to the hearing or who knows the individual personally must recuse himself or herself.
- 4.5 At the hearing, the allegation against the member, applicant, candidate or certificant in question, all relevant information that has been collected pursuant to the allegation and such other information it deems pertinent shall be presented by those who conducted the investigation. The member, applicant, candidate or certificant in question shall have the right to present witness statements, present testimony and be heard in his or her own defense; to hear the testimony of and cross-examine any witnesses appearing at such hearing; and to present such other evidence or testimony as the NEC shall deem appropriate to do substantial justice. In the event that the member, applicant, candidate or certificant in question had chosen to supply a written submission in response to the complaint due to the inability to attend the

hearing in person, the NEC shall instead review the written submission. Any information may be considered which the NEC deems relevant or potentially relevant. The NEC shall not be bound by any legal rules of evidence.

- 4.6 The NEC shall assess the evidence presented at the hearing and all available information and shall prepare its findings and decision as to whether a violation has occurred and, if so, appropriate sanctions. Such decision shall be transmitted to the member, applicant, candidate or certificant ; to the Board, and to the CCN Chair (if the individual involved holds current NAMSS certification(s) or has made application to set for the exam(s)) within fifteen (15) business days of any hearing and shall include the information set forth in Section 5.3, below.
- 4.7 Unless a timely appeal from any decision by the NEC is taken to the Board or Certification Commission of NAMSS in accordance with section 5.1 below the NEC decision in any matter shall be final and binding upon the member in question.
- 4.8 If no hearing is requested, the NEC may consider the matter under such procedures, as it deems appropriate.
- 4.9 Upon conclusion of the hearing, all documents related to the matter will be sent to the NAMSS Executive Office for archival purposes.

5. Appeals

- 5.1 Except as otherwise noted in these Administrative Procedures, the member, applicant, candidate or certificant may appeal any decision of the NEC to the Board by submitting a written request for an appeal within thirty (30) business days after the decision. Any appeal that is determined to involve issues of an applicant, candidate or certificant's certification status will be forwarded to the CCN to hear the appeal of the decision affecting those issues.
- 5.2 Appeals will be conducted telephonically unless otherwise requested by the member, applicant, candidate or certificant.
- 5.3 The member, applicant, candidate or certificant will be notified via Certified Mail or other means providing acknowledgement of receipt of the request for an appeal and will be provided with the following information:
 - The right to submit documentary materials which were reasonably unavailable to the individual in the NEC proceeding. Such submissions must be made within fifteen (15) business days from the date of the notification letter;
 - The right to participate in the appeal hearing proceedings with the Board or the CCN;
 - The right to be represented by an attorney during the appeal hearing proceedings with the Board or CCN as long as the NEC is notified of representation at least five (5) business days prior to the appeal hearing date; and
 - The date of the appeal hearing, which will be held a minimum of thirty (30) business days from the date of the notification letter.
- 5.4 In the event of an appeal, those Board or CCN members who participated in the investigation or hearing at the NEC shall not participate in the appeal. The Chair or Vice Chair of the NEC shall present the case to the Board or the CCN, but shall not participate in the vote. The person in question has the right to attend the appeal with lawyer representation at their own expense. Both parties shall disclose their intentions

to have an attorney present at least five (5) business days prior to the hearing. The remaining members of the Board or the CCN shall consider the decision of the NEC, the applicable files and records in the case at issue and any written appellate submission of the member, applicant, candidate or certificant in question, and shall determine whether to affirm or to overrule the decision of the NEC or to remand the matter to the NEC for further consideration. In making such determination to affirm or to overrule, findings of fact made by the NEC shall be presumptively correct if supported by any evidence. The Board may grant another hearing, hear additional evidence, or request that the member, applicant, candidate or certificant in question provide additional information, in such manner, on such issues, and with such time as it may prescribe.

- 5.5 All hearings and appeals provided for herein shall be private and confidential at all stages. It shall be considered an act of professional misconduct for any NEC member to make an unauthorized disclosure, except to his or her attorney or other representative.
- 5.6 The Board or CCN members conducting the appeal will be given the following for review prior to the appeal hearing:
- Documents reviewed during the initial hearing conducted by the NEC;
 - The decision of the NEC ; and
 - Written appellate submission by the member, applicant, candidate or certificant.
- 5.7 At the conclusion of the appeal hearing the Board or the CCN will consider the evidence and shall make a final decision to include but not limited to the following:
- Affirm the decision of the NEC; or
 - Overturn or modify the decision of the NEC.
- 5.8 The decision of the Board or the CCN shall be final and binding upon the member, applicant, candidate or certificant in question.

6. Disclosure of Adverse Actions

- 6.1 Final decisions that are “adverse actions” (as defined below) to the member, applicant, candidate or certificate will be communicated within five (5) business days of the decision to the:
- Board
 - CCN
 - NEC
 - NAMSS Executive Director
 - State Association Leadership (as applicable)
- 6.2 Adverse action is defined as suspension or termination of NAMSS membership or Committee assignment, revocation of a certification or banning sitting for an exam. For purposes of this paragraph, a “final decision” means and includes an appealable decision of the NEC from which no timely appeal is taken; and in a case involving an appeal, the decision of the Board or CCN.

Effective Date	Amended Date	CCN Approval Date	Board Approval Date
January 1, 2014	October 2017		October 2017