

Certification Commission of NAMSS Policies and Procedures

Standards of Conduct and Ethics

Number: 300.70

Effective Date: December 2009

POLICY STATEMENT:

The Standards of Conduct and Ethics of the Certification Commission of the National Association Medical Staff Services (CCN) shall apply to applicants, candidates and certificants.

A copy of this policy will be provided to all candidates upon acceptance of their application and to all current certificants at their recertification cycle. Additionally, this policy and any updates will be made available on the NAMSS web site.

Sanctions will be imposed when it is determined that an applicant, candidate, or certificant has demonstrated conduct that is in direct violation of the Standards of Conduct and Ethics as described in this policy.

PURPOSE:

The Standards of Conduct and Ethics shall serve as a guide by which the CCN, the CCN Ethics Committee, certificants and candidates for certification may evaluate professional conduct and shall serve as the mandatory standards of minimally acceptable professional conduct for all certified medical services professionals and those candidates applying for certification.

DEFINITIONS:

CCN = Certification Commission of NAMSS

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).

NAMSS – National Association of Medical Staff Services

STANDARDS OF CONDUCT

The applicant, candidate, and certificant will:

1. Conduct himself/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 sex, race, creed, religion, nationality, socio-economic status, or any other protected classification.
3. Use technology consistent with the purposes for which it was designed, and employ procedures and techniques appropriately and in accordance with credentialing best practices.
4. Assess situations; exercise care, discretion and judgment; assume responsibility for professional decisions; and act in the best interest of his/ her employers/healthcare providers and the public.
5. Use equipment and accessories and employ techniques and procedures to perform services in accordance with accepted credentialing standards of practice.
6. Demonstrate expertise by providing for the safety of the patient and other members of the health care team.
7. Practice ethical conduct appropriate to the profession and protect the patient's right for quality healthcare.
8. Respect confidences entrusted in the course of professional practice and reveal confidential information only as needed and in accordance with all applicable laws.
9. Continually strive to improve his/her knowledge and skills by participating in continuing education and professional development activities, and sharing his/her knowledge with colleagues.

THE RULES OF ETHICS: The Rules of Ethics shall serve as mandatory standards of acceptable professional conduct for all applicants, candidates, and certificants.

Certification is a method of measuring that an individual has the necessary knowledge, skills, character and abilities to practice within the medical services profession. Because the public, the medical staff and employers rely on the medical services professional, it is essential that applicants, candidates and certificants act consistently with these Rules of Ethics. These Rules of Ethics are intended to maintain the minimum standards of conduct for all applicants, candidates, and certificants. Applicants, candidates, and certificants engaging in any of the following conduct or activities, or who permit the occurrence of the following conduct or activities, have violated these Rules of Ethics and are subject to sanctions as described under Administrative Procedures:

1. Employing fraud or deceit in procuring or attempting to procure, maintain, renew, or obtain registration or reinstatement of certification issued by the CCN. This includes altering in any respect any document issued by the CCN, or by indicating in writing, certification or registration with the CCN when that is not the case.
2. 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; or
 - e. Falsifying the CPCS and/or CPMSM exam application including application to sit for the exam(s) prior to meeting eligibility requirements.
3. Falsely claiming successful attainment of certification including representation verbally or through any media to a past, current or potential employer
4. Any conviction of a crime, adjudication of guilt, stayed or suspended sentence, or a 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.
5. Engaging in unprofessional conduct and failure to disclose such conduct to the CCN.
6. Actual or potential inability to practice the medical services profession with reasonable skill and safety by reason of illness; use of alcohol, drugs, chemicals, or any other material; or as a result of any mental or physical condition.
7. Adjudication by a court of competent jurisdiction, as mentally incompetent, or a person dangerous to the public.
8. Engaging in any unethical conduct, including, but not limited to, conduct likely to deceive, defraud, or harm the public, an employer and/or healthcare workers; or demonstrating a willful or careless disregard for the medical services profession duties.

9. Providing materially false or misleading information in the conduct of one's professional services or in connection with a CCN proceeding.
10. Making a false statement or knowingly providing false information to the CCN or failing to cooperate with any investigation by the CCN.
11. Engaging in false, fraudulent, deceptive, or misleading communications to any person regarding the certificant's education, training, credentials, experience, qualifications, or the status of the individual's certification.
12. Knowing of a violation of any Rule of Ethics by a medical services professional and failing to promptly file a report in writing to the CCN.

ADMINISTRATIVE PROCEDURES:

Reports received by the NAMSS Executive Office or members of the CCN regarding violations of the Standards of Conduct and Rules of Ethics as described in this policy will be forwarded to the CCN Ethics Committee for review. NAMSS staff shall be informed of all such reports and be provided with copies of all documents relating to the investigation of the alleged violation. Anonymous reports will not be accepted; however, informal consultation is available. All complaints of alleged violations must be submitted on the appropriate form, which is available on the NAMSS website.

In the event a current member of a NAMSS committee or Officer of NAMSS is involved in an alleged violation of the Standards of Conduct and Rules of Ethics, as described in this policy, the individual(s) shall immediately recuse himself/herself from the committee or officer position until a final decision is rendered by the CCN Ethics Committee.

In the event a member of the CCN Ethics Committee or a member of the CCN has reported the alleged violation or has a conflict of interest regarding the applicant, candidate, or certificant being reported, that individual(s) shall immediately recuse himself/herself from the investigation, hearing, and any subsequent appeals.

1. Preliminary Review of Potential Violation of the Rules of Ethics

The CCN Ethics Committee shall review each alleged violation of the Rules of Ethics brought to its attention. The Committee will determine

- (1) if the allegation has merit and should proceed to an investigation, or
- (2) the allegation(s) against the applicant, candidate, or certificant are patently frivolous or inconsequential, or
- (3) the allegation, if true, would not constitute a violation of the Rules of Ethics.

The CCN Ethics Committee may summarily dismiss the matter, with concurrence of the CCN Chair. Staff and/or legal counsel may assist the chairs. The CCN Ethics Committee Chair shall report each such summary dismissal to the CCN at the next scheduled meeting.

If there is sufficient information upon which to base a charge of violation of the Rules of Ethics the CCN Ethics Committee shall promptly initiate an investigation by notifying the

applicant, candidate or certificant of the alleged violation(s) as described in Section 2 below.

2. Investigation Process

A notification of investigation delivered by Certified Mail Restricted Delivery or other means which provides acknowledgement of receipt will provide the applicant, candidate or certificant with the following information:

- a. The alleged violation of the CCN Standards of Ethics;
- b. The right to submit documentary materials in response to the allegation(s) within 15 business days from the date of the notification letter
- c. The obligation to cooperate with, and participate in, the investigation process as determined by the CCN Ethics Committee and/or CCN Ethics Committee Chair; and
- d. A copy of these Policies and Procedures.

In the event the applicant, candidate, or certificant is not reachable as a result of an incorrect address provided by the individual to NAMSS, custody of a court or return of unclaimed certified mail restricted deliver notification the CCN Ethics Committee reserves the right to continue with the investigation.

The CCN Ethics Committee investigation process may include but is not limited to: 1) interview with the applicant, candidate, or certificant; 2) interview other parties involved who may or may not be members of our profession for the purposes of obtaining information deemed applicable to the specific violation; 3) Review applicable documentation and data.

At the CCN Ethics Committee Chair's discretion and upon request, other parties associated with the CCN may be assigned to investigate allegations. Assigned parties may include other NAMSS members. Staff and/or legal counsel may assist the assigned individuals. [Not sure who would request this. Recommend deletion of "and upon request"]

Efforts will be made to ensure that an investigation is concluded within 45 days. Upon conclusion of the investigation, the CCN Ethics Committee, with the assistance of legal counsel, will develop a summary report of the allegations, results of the investigation and basis for any decisions. A copy of the report will be provided to the applicant, candidate or certificant via Certified Mail, Restricted Delivery or other means providing acknowledgement of receipt.

All interviews, documentation, hearings and appeals provided for herein shall be held confidential throughout all stages of the process. It shall be considered a violation of the Rules of Ethics for any applicant, candidate, or certificant, to make an unauthorized publication or revelation of the same, except to his or her attorney or other representative, immediate superior, or employer.

Committee members and staff are similarly restricted from making unauthorized disclosures regarding such proceedings.

The CCN Ethics Committee Chair will notify the CCN of any active investigation(s) providing information regarding the status of the investigation at the next scheduled meeting. The status report will not provide any details of the investigation until completion of the hearing process and expiration of any appeal deadlines granted the applicant, candidate or certificant.

3. Hearings

Notice of the Right to a Hearing

The following notice and hearing procedures shall be afforded to the applicant, candidate or certificant

- a. A letter containing a description of the potential violation(s) against the candidate, applicant or certificant, results of the CCN ethics Committee investigation and basis for any CCN Ethics Committee adverse decisions
- b. The right of the applicant, candidate or certificant to request in writing a hearing with the CCN Ethics Committee;
- c. Notification that the applicant, candidate or certificant has 30 days from the date of the summary report to request the hearing;
- d. The right to be represented by an attorney during the hearing proceedings with the CCN Ethics Committee and to have witness statements as long as the committee is notified of representation at least five (5) business days prior to the hearing date;
- e. The date of the hearing which will be held at a minimum thirty (30) calendar days from the date of the hearing request

Hearings normally will be conducted via teleconference. "In person" hearings will be conducted only if the individual agrees to pay all expenses incident to such a hearing. Failure to participate in the hearing or to supply a written submission in response to the charges shall be deemed a default on the merits and shall be deemed consent to whatever action or disciplinary measures the CCN Ethics Committee determines to take. Hearings shall be held at such date, time, and place as shall be designated by the CCN Ethics Committee. The applicant, candidate, or certificant shall be given at least thirty (30) calendar days notice of the date, time, and place of the hearing.

At the hearing, a member of the CCN Ethics Committee shall present the allegations against the applicant, certificant or candidate in question. The applicant, candidate, or certificant shall have the right to present witness statements, present testimony and be heard in his/her own defense; to hear the testimony or submissions of those providing information; and to present such other evidence or testimony as appropriate to do substantial justice. Any information may be considered which the CCN Ethics Committee deems relevant or potentially relevant. The CCN Ethics Committee shall not be bound by any state or federal rules of evidence.

At the conclusion of the hearing the CCN Ethics Committee shall assess the evidence presented at the hearing and consider actions to include but not limited to the following:

- a. No action taken;
- b. Written reprimand with no effect on current or future certification(s);

- c. Time limited denial of an application to sit for certification;
- d. Lifetime denial of an application to sit for certification;
- e. Denial of an application for renewal and/or reinstatement of certification(s);
- f. Time limited revocation of certification(s); or
- g. Lifetime revocation of certification(s)

The CCN Ethics Committee shall make its decision accordingly, and shall prepare its findings of fact and its determination as to whether grounds exist for action. The Chair of the CCN Ethics Committee shall send notification of the committee's decision via Certified Mail Restricted Delivery requiring signature of the addressee or other means providing acknowledgement of receipt to the applicant, candidate, or certificant in question within fifteen (15) business days from the hearing date.

The applicant, candidate, or certificant will be given thirty (30) calendar days from the date of the notification letter to submit a request for an appeal of the decision made by the CCN Ethics Committee.

In the event the applicant, candidate, or certificant is not reachable as a result of an incorrect address provided by the individual to NAMSS (or failure to apprise NAMSS of a change of address), custody of the court or return of unclaimed certified mail restricted delivery notification the CCN Ethics Committee reserves the right to impose the disciplinary actions identified in the notification.

Upon conclusion of the hearing, The CCN Ethics Chair and all committee members shall send all documents related to the matter to the NAMSS office for archival purposes.

4. Appeals

The applicant, candidate, or certificant may appeal any decision of the CCN Ethics Committee to the CCN by submitting a written request for an appeal within thirty (30) calendar days from the date of the notification letter of the CCN Ethics Committee's decision.

In the event the applicant, candidate, or certificant fails to request an appeal within the specified timeframe in the notification letter the decision of the CCN Ethics Committee shall be final and binding.

The applicant, candidate or certificant will be notified via Certified Mail Restricted Delivery requiring signature of the addressee (or other means providing acknowledgement of receipt) of receipt of the request for an appeal and will be provided with the following information:

- a. The right to submit documentary materials which were reasonably unavailable at the Committee hearing in response to the allegations within fifteen (15) business days from the date of the notification letter;
- b. The right to participate in the appeal hearing proceedings with the CCN;
- c. The right to be represented by an attorney during the appeal hearing proceedings with the CCN as long as the committee is notified of representation at least five (5) business days prior to the appeal hearing date;

- d. The date of the appeal hearing which will be held at a minimum thirty (30) calendar days from the date of the notification letter

Appeals will be conducted telephonically by those members of the CCN who do not serve as members of the CCN Ethics Committee. The CCN members conducting the appeal will be given the following for review prior to the appeal hearing:

- a. Documents reviewed during the initial hearing conducted by the CCN Ethics Committee;
- b. The decision of the CCN Ethics Committee; and
- c. Written appellate submission by the applicant, candidate, or certificant

At the conclusion of the appeal hearing the CCN will consider the evidence and shall make a final decision to include but not limited to one of the following:

- a. Affirm the decision of the CCN Ethics Committee; or
- b. Overturn or modify the decision of the CCN Ethics Committee if supported by conclusive information [The appeal body could determine that the information available at the first hearing did not justify the decision, i.e. it would not necessarily require additional information.]

The Chair of the CCN shall send notification of the committee's appeal decision via Certified Mail Restricted Delivery requiring signature of the addressee (or other means acknowledging receipt) to the applicant, candidate, or certificant in question within fifteen (15) business days from the appellate hearing date.

In the event the applicant, candidate, or certificant is not reachable as a result of an incorrect address provided by the individual to NAMSS (or failure to inform NAMSS of a change of address), custody of the court or return of unclaimed certified notification the CCN reserves the right to impose the disciplinary actions identified in the notification.

5. Reporting of Final Adverse Decisions

Final adverse decisions will be communicated to the CCN, the NAMSS Board of Directors, and the NAMSS association executive director within five (5) business days of the final decision.

For purposes of this paragraph, a "final adverse decision" means and includes an appealable decision of the CCN Ethics Committee from which no timely appeal is taken; and in a case involving an appeal of an appealable decision of the CCN Ethics Committee.

The applicant, candidate, or certificant is expected to report any final adverse decisions affecting his/her certification status to his/her employer.

Amended Date	Bylaws Committee Review Date	Board Approval Date
12/2009; 5/2011; 10/2011; 4/2012; 6/2012		