

CCAPP CREDENTIALING Ethics Complaint Process

Introduction

ETHICS RESPONSIBILITIES FOR CREDENTIALLED COUNSELORS – Duty to Report

Whenever a registered, certified, or licensed counselor becomes aware of a potential ethical violation involving a CCAPP Credentialing licensed, certified, or registered individual, (See: [CCAPP Code of Conduct](#)) a complaint MUST be filed directly with CCAPP Credentialing office.

CCAPP AUTHORITY TO IMPOSE CONSEQUENCES:

CCAPP Ethics determinations are independent of DHCS determinations. Section 13060(f), Chapter 8, Division 4, Title 9 of the California Code of Regulations specifically grants certifying organizations the authority to, “impose more stringent standards at their discretion” relating to counselor conduct. CCAPP is a private corporation that can make autonomous decisions regarding the application of sanctions. The CCAPP Ethics Committee, CCAPP Credentialing Board, or CCAPP Appeals Panel may impose a sanction that is greater than any sanction imposed by the Department of Health Care Services. CCAPP sanctions may be applied concurrently or independent of DHCS sanctions.

STANDARDS OF CONDUCT:

Ethics violations are determined by the [CCAPP Code of Conduct](#) for Credentialed Alcohol and Drug Professionals and [State of California AOD Counselor Code of Conduct](#), which include standards of conduct in accordance with Section 13060(f), Chapter 8, Division 4, Title 9 California Code of Regulations.

UNIFORM DISCIPLINARY GUIDELINES (UDG):

The UDG contains “guidelines” for consequences, or sanctions, based on violations of the codes of conduct. It is the primary resource utilized by the CCAPP Ethics Committee and Credentialing Board for determining sanctions. However, it is not an all-inclusive document and certain circumstances may require determinations be made outside of the UDG guidelines. These circumstances may include the absence of a sanction for a specific violation, as well as mitigating or aggravating circumstances that may warrant modification of a specific sanction. For example, a new registrant who purchased a homemade pie from a client during the holidays might not receive the same sanction as an experienced counselor who pursued a certain client to hire as his/her housekeeper.

A departure from the UDG would take into consideration factors including previously imposed sanctions for the same violation, sanctions listed in the UDG for violations of

similar severity/impact, and the appropriateness of the sanction based on counselor experience. Any departure from the UDG requires review and approval from both the Ethics Committee and Credentialing Board.

In the absence of a sanction for a specific violation, the Ethics Committee must refer to previous recommendations for the same type of violation as well as existing sanctions for violations of similar nature and or impact.

In applying a higher sanction, the Ethics Committee, Credentialing Board, or Appeals Panel can consider the following:

- There are multiple complaints filed against the respondent within five years of the complaint.;
- There are multiple violations substantiated during the course of the investigation;
- Respondent shows grave indifference to the impact of the behavior on clients or coworkers;
- Respondent is unwilling to accept accountability for the infraction or shows a genuine lack of ability to commit to altering future behavior in regard to the offense.

Committee recommendations require concurrence of a minimum of three Committee members unless a sanction is greater or less than the UDG in which case a unanimous vote is required.

Complaint Process (Timeline)

I. COMPLAINT SUBMISSION

- A. Complete ethics violation complaint form, available online or upon request from the CCAPP Credentialing office
- B. Completed complaint form must be submitted directly to the CCAPP Credentialing office via
 - 1. Email
 - 2. Mail
 - 3. Online

II. PROCESSING COMPLAINTS

- A. Upon receiving a completed CCAPP Credentialing complaint form, the CCAPP Credentialing office will date/time stamp complaint and have seven (7) business days to:
 - 1. Open an internal ethics investigation file
 - 2. Forward complaint to the CCAPP Credentialing Ethics Committee Chair
 - 3. Notify DHCS
 - 4. Notify the complainant of receipt via regular and registered mail. CCAPP Credentialing office will notify the Licensed, Certified, or Registered individual (hereinafter "Respondent") of the pending ethics violation. The notification shall include the following:
 - a) Type of allegation, including reference to the CCAPP Code of Conduct for Credentialed Alcohol and Drug Professionals and the State of California AOD Counselor Code of Conduct specific violation alleged in the complaint.
 - b) A copy of the CCAPP Credentialing Ethics Complaint Process document.
 - c) A copy of the Uniform Disciplinary Guidelines
- B. Upon review, the CCAPP Ethics Committee Chair will open an investigation:
 - 1. The CCAPP Credentialing Ethics Committee is comprised of no less than three (3) voting members of the California Consortium of Addiction Programs and Professionals (CCAPP) who are in good standing, and who have no history of ethical violations.
 - 2. Each case will be assigned to an investigator. Within **30 days** of the case assignment date, the investigator will conduct all necessary face-to-face and telephonic interviews with all individuals related to the claim, including people named in the claim, employers, and witnesses, and submit their written findings to the CCAPP Credentialing office and/or Ethics Chair.

3. Upon receipt of the investigation report, the Ethics Chair will hold a telephonic Ethics Committee meeting to discuss the findings of the investigation and determine whether there is sufficient evidence to conclude that an ethics violation has occurred along with an appropriate sanction.
- C. Upon completion of the Ethics Committee meeting, the Ethics Chair and/or CCAPP Credentialing office staff will notify the CCAPP Credentialing Board Chair of their findings and recommendations via email.
 - D. The Credentialing Board reviews the complaint, investigative material and recommendation, and determines whether to ratify, request a modification, or request further information until a final decision can be reached.
 - E. Within **120 days** from the original complaint date:
 1. The CCAPP Credentialing office and/or the Credentialing Board Chair, using a recognized overnight carrier such as UPS or Federal Express, or the United States Post Office Priority Mail with tracking, will notify the Respondent of the investigation findings. Correspondence is to include:
 - a) the specific violation alleged,
 - b) section of the code of conduct violated,
 - c) and in the case of sanctions, any factual findings that are the basis of the sanction(s).
 2. CCAPP Credentialing office and/or Credentialing Board Chair will notify the employer of suspension sanctions
 3. CCAPP Credentialing office and/or Credentialing Board Chair will provide notification to the complainant. Correspondence is limited due to reasons of confidentiality.
 4. Any extensions to this timeline must be documented.

III. APPEAL PROCESS

- A. The Respondent may appeal the final Ethics Committee decision (as ratified by the CCAPP Credentialing Chair) (hereinafter “the Decision”) according to the “Appeal Process” as outlined below. The Respondent who files an appeal is referred to as the “Appellant.”
 1. The Appellant must submit a written request for an appeal to the CCAPP Credentialing office within **thirty (30) days** from the date of the decision.
 2. Upon receipt of an appeal request, the CCAPP Credentialing Chair shall appoint an Appeals Panel to review the decision. The members of the Appeals Panel shall be voting members of CCAPP who were not part of the original Ethics Committee.

3. When hearing the appeal, the Appeals Panel may take any of the following actions:
 - a) Uphold the decision of the Ethics Committee's decision as ratified by the Certification Board Chair;
 - b) Rule that the Ethics Committee's decision is valid, yet impose a lesser/greater form of censure;
 - c) Overrule the Ethics Committee's decision, while still affirming the validity of the process;
 - d) The appeal process is for individuals who were denied registration/certification, for those denied certification/registration renewal, for individuals whose certification was suspended or revoked, or for any other ruling as made by the Ethics Committee and ratified by the CCAPP Credentialing Chair.
4. The purpose of appeal is solely to determine if the Ethics Committee has accurately and adequately reviewed the Appellant's complaint as per the aforementioned procedures and rendered a reasonable decision.
5. Within **thirty (30) days** The CCAPP Chair or his/her designate, shall transmit the appeal request to the appointed Appeals Panel, which shall conduct a formal appeals hearing.
 - a) The Appeals Panel shall schedule a hearing to occur within **ninety (90) days** of the receipt of the appeal request.
 - b) Notification of the time, place and date of the Appeals Panel hearing shall be sent to the Appellant via any method reasonably calculated to reach the Appellant, including email, fax, postal service, delivery service or other like services, not less than **thirty (30) days** prior to the hearing date.
 - c) The Appellant has the right to appear at the hearing, has the right to counsel, and has the right to have witnesses present. (Legal counsel for the Appellant, if any, is not allowed to speak on behalf of the Appellant, but may be present to advise his/her client.)
 - d) The Appellant may choose to submit written testimony in lieu of his/her presence at the hearing; written testimony must be submitted at least five days prior to the hearing date. Failure to show up for the hearing or provide timely written testimony will automatically result in the appeal being dismissed and the Ethics Committee's determination being upheld.

- e) The Appeals Panel decision shall be made by majority vote. The Appeals Panel shall have **ninety (90) days** from the date it receives the appeal request to make a final decision. The Appellant shall be notified in writing of the Appeal Panel's decision within **fifteen (15) days** after the final decision. The findings and decision of the Appeals Panel are final.
6. An individual's certification status (suspension/revocation/sanctions etc.) will be posted on the public database (website registry); and will be posted until all sanctions are satisfactorily completed and submitted in writing and verified (if applicable.)
7. In compliance with state regulations and CCAPP Credentialing policies, complaints filed under these procedures may be publicly documented on the database (website) as "pending" until such time the case is resolved and/or decided upon; at such time the status of the certificant/registrant will be listed. Additionally, employers may be contacted per regulations. All certificants/registrants are required to cooperate as a condition of certification/registration. Failure to cooperate may result in suspension of certification or registration. All registrants and certificants are required to comply with all state regulations including any adopted code of conduct.

IV. DEFINITIONS

EMERGENCY REPORT/ACTION:

An "emergency report/action" is identified as an "egregious" act listed on the CCCO's Sanctions Matrix as being one that requires revocation or denial of initial license/certification/registration. Upon notification of Ethics Chair, "Pending Administrative Review will be placed on registry until resolved, and the licensee/certificant/registrant will be limited to only perform non-counseling duties at his/her employment.

DEFINITION OF SUSPEND:

To temporarily remove from active status, may be returned after a completion of required sanctions timed and tasked.

DEFINITION OF REVOKED:

Revocation of license/certification/registration is permanent, for lifetime.