

NACCFI has established a means in which the general public or any other stakeholder can report allegations of unethical or harmful practices by any credentialed member. To be effective this process must be fair and balanced and based on accepted rules of evidence and investigative review procedures with the presumption that the subject of the investigation is innocent until proven otherwise. The disciplinary review procedures outlines the process for properly submitting an allegation of unethical or harmful practices by a credentialed member and the steps that the Credentialing Board will take to assure that the investigation process is thorough, fair and balanced.

Unethical or Harmful Practices:

Unethical or harmful practices may include but are not limited to the following; any act, practice, conduct, communication, behavior, or the omission of an act or action whether intentional or unintentional by a credentialed member that,

- is generally deemed as immoral by the general public.
- is illegal and punishable by law.
- jeopardizes the safety, health or welfare of the client, the interviewer, the agency or its staff.
- jeopardizes, diminishes or nullifies the integrity or probative value of the interview.
- causes discredit, ridicule, distain or distrust of the discipline.
- includes a pattern of disregard of stated agency policies, practices and procedures.

Possible Grounds for Disciplinary Action: (this list is not exclusive)

- Conviction of a felony offense within the past ten years.
- Substantiation for child maltreatment by a child protective services agency.
- Procurement of credentialing by fraud or misrepresentation.
- Gross practice incompetence.
- Mental or emotional impairment affecting performance.
- Inability to practice effectively by reason of a mental or physical condition.
- Impaired judgment or abilities due to the use of any substance, drugs or alcohol while practicing.
- Inappropriate physical contact with clients or their family.

Anonymous Allegations:

- All allegations must be made in writing and addressed via US Mail to the Chairman of the NACCFI Board (hereinafter “Chairman”). Anonymous allegations by phone or e-mail will not be accepted for investigation. When a written allegation is received, the Chairman will first determine if a credible issue exists and determine if the allegation was submitted in its proper format, listing all the information as requested below.

Required Format for the Allegation Report:

- The allegation must be presented in legible written form.
- The accused must be a credentialed member in active status or an applicant seeking credentialing.
- The subject of the allegation or the accused must be identified by their full name.
- A complete and full description of the alleged unethical conduct or harmful practice must be included.
- The dates, times and places where the alleged violation occurred must be included.
- The person making the allegation must include their contact information.
- The names and contact information of any person who can corroborate the allegation or provide more information on the matter must be included with the initial allegation.
- Explanations for delays in reporting must be included.

Ethics Review Committee:

- If the allegation is properly submitted, the Chairman will convene an Ethics Review Committee (hereinafter “Committee”) to investigate the allegation. The Committee will be comprised of the Chairman and two other professional board members assigned by the Chairman to investigate the allegation. The Chairman will notify the subject of the allegation (hereinafter “Subject”) of the allegation made, by certified mail with return receipt requested within **15** days of receiving the allegation. The Committee is solely independent in its decision making and investigative processes.

How to Respond if Notified of a Report:

- A Subject who receives notification by the Committee that a credible allegation is being investigated (against the Subject), must notify the ethics committee within **15** business days of receipt of the notification if they wish to dispute the allegation(s). If no notification is received within the **15** business day period, the Committee will continue to make every reasonable effort to contact the subject by telephone or e-mail.

Right to Voluntarily Self-Revoke your Credentialing Status:

- Any applicant who receives notification by the Committee that a credible allegation has been received has the option to agree to participate in the allegation review process and sign the necessary releases, or voluntarily revoke their credentials and waive the allegation review process. Any record of their credentials will be deleted from the Members Registry. The subject will then be ineligible to reapply for certification at a later time unless they agree to sign the proper releases and allow the ethics review committee to complete its original investigation. If the ability to properly assess the original allegation is compromised due to this delay. The credentialing application will be denied.

Release of Investigation Information:

- NACCFI will only release documents, records and any other information gathered in connection with its review of the allegation(s) to a third party under a court order.

Right to Dispute an Allegation:

- A Subject who wishes to dispute the allegation must agree in writing to release, discharge and exonerate NACCFI, the Certification Board, its officers, directors, employees, committee members, agents and the Ethics Review Committee from any and all liability, of any nature and kind or claims, costs of whatever kind and nature for personal injury or death of any person or persons and for loss or damage to any property arising out of the furnishing or inspection of documents, records and any other information or occurring in connection with, or in any way incident to any investigation, evaluation and communications made by NACCFI and the Committee. The burden of proof needed to substantiate an allegation lies on the person making the allegation. NACCFI reserves the right to use the preponderance of all the evidence in its possession to make a case determination.

Right to an Oral Hearing:

- The Subject shall have the right to request an oral hearing with the Committee if he or she wishes to dispute the truthfulness or accuracy of the allegation in person. If the Subject requests a hearing, the Committee shall schedule a hearing at a convenient time and place for all involved. The Subject must bear all of their personal travel expenses in connection to any such hearing. The Subject may also be represented by legal counsel. All oral hearings will be recorded at the expense of the Subject. NACCFI shall be afforded a copy of any court transcripts as a result of any oral hearing.

If no Response is received:

- If after **30** additional business days the Committee is unable to make contact with the subject, the committee will move to immediately inactivate the credentialing status of the Subject in the member's registry. The investigation will be placed in abeyance pending further contact with the subject of the investigation. The Subjects name will list "inactive" under the field status. If the subject of the allegation is an applicant, nothing will be entered into the registry and the application for credentialing will be declined. The application fee will not be refunded.

Case Determination:

- When all the facts are properly examined, the Committee will make a case determination to substantiate or unsubstantiated the allegation(s) based on the preponderance of all the evidence. If the allegation is substantiated, the Committee must then determine, by a majority vote, if any further sanctions are deemed appropriate. The final determination shall contain factual findings, conclusions and any sanctions applied and the subject's right to appeal the decision. The determination statement shall be forwarded by certified mail to the Subject with return receipt requested within **15** calendar days of the determination hearing.

If the Allegation is Un-substantiated:

- If the Chairman and Committees' finding of the allegation is cleared and found to be without cause (unsubstantiated) the subject and the person making the allegation will receive written notice of the committee's decision and no further action will occur.

If the Allegation is Substantiated:

- If the Chairman and Committees' finding of the allegation are substantiated, the Subject is entitled to request a second review of the allegation by the full Certification Board. The Subject shall accept all costs associated with a second review.

Sanctions by the Credentialing Board:

- The NACCFI Credentialing Board may impose punitive sanctions against a credentialed member or applicant if after a fair investigation the allegation is substantiated and the need for sanctions is deemed necessary and appropriate. The application of sanctions is a means of identifying practitioners who after careful investigation; are believed to have engaged in unethical conduct or harmful practices by an ethics committee of reasonable persons. Sanctions may include, but shall not be limited to, any one or more of the following.

Right for a Second Review by the Full Credentialing Board:

- The Subject of any substantiated case determination has the right to request a review of the determination by the full NACCFI Certification Board. A request for a review by the full Board must be delivered in writing to the Chairman of the NACCFI Board within **30** business days of receiving notice of the Committee's case determination. In response, the Chairman shall request an emergency meeting of the full Certification Board and request the presiding members review all of the information provided. The Certification Board will then hold a vote of the presiding members and they will either concur with the Committee's decision or request a new investigation by a different **3** member Ethics Committee. If a new Committee is assigned they will review all of the information related to the case and at their discretion may re-interview any or all witnesses. The decision of the second Committee shall be final. The decision of the Certification Board shall also be final.

Possible Sanctions by the Board:

- The board may decline to process an application for credentialing.
- Temporary revocation of current credentialing.
- Permanent revocation of current credentialing.
- A written reprimand with corrective actions.
- A request for more training and or enhanced supervision

Reinstatement of Credentialing Status Following Disciplinary Action:

- A Subject who was denied credentialing or whose credentialing status was temporarily revoked may resubmit a new application for credentialing after 2 calendar years or as designated by the Board after the disciplinary action was finalized. The applicant would need to show proof that any corrective action recommended by the Committee was completed. A credentialed member who chooses to inactivate their credentialing in lieu of an investigation will be ineligible to reapply for credentialing unless they agree to sign the proper releases and allow the ethics review committee to complete its original investigation. If the ability to properly assess the original allegation is compromised due to this delay. The credentialing application will be denied.

To Reapply for Credentialing:

- Submit a new application
- Pay the appropriate processing fee
- Submit proof of corrective action if requested by the Board

Where to submit a written allegation:

NACCFI Chairman
P.O. BOX 7146
FREDERICKSBURG, VA 22404