

## CODE OF ETHICS AND DISCIPLINARY PROCEDURES

### **INTRODUCTION**

The Rhode Island Board for the Certification of Chemical Dependency Professionals Code of Ethics is based upon the NAADAC Ethical Standards of Alcoholism and Drug Abuse Professionals. All persons certified or applying for certification must subscribe to the RIBCCDP Code of Ethics. This Code of Ethics is adopted to aid in the delivery of the highest quality of professional care to persons seeking chemical dependency services. These standards will assist the addiction professional to determine the propriety of his/her conduct in relationships with clients, recipients, colleagues, members of allied professions, and the public.

Violation of the RIBCCDP Code of Ethics shall be deemed as grounds for discipline. Engaging in unethical conduct includes, in addition to violation of the Principles enumerated herein, any other violation which is harmful or detrimental to the profession or to the public. **(LCDP & LCDCS Please refer to the Department of Health's Disciplinary Procedures and Administrative Procedures Act for Investigatory/Disciplinary Processes)**

### **SPECIFIC PRINCIPLES**

**Principle 1: Non-Discrimination.** The addiction professional must not discriminate against clients, recipients, or professionals based on race, religion, age, sex, handicaps, national ancestry, sexual orientation, or economic condition.

**Principle 2: Responsibility.** The addiction professional must espouse objectivity and integrity and maintain the highest standards in the services the professional offers.

- a. The addiction professional, as a teacher, must recognize the professional's primary obligation to help others acquire knowledge and skill in dealing with the disease of chemical dependency.
- b. The addiction professional, as a practitioner, must accept the professional challenge and responsibility deriving from the professional's work.

**Principle 3: Competence.** The addiction professional must recognize that the profession is founded on national standards of competency which promote the best interest of society, of the client or recipient, of the professional, and of the profession as a whole. The professional must recognize the need for ongoing education as a component of professional competency.

- a. The addiction professional must promote the practice of alcoholism and drug abuse counseling or prevention by qualified and authorized persons.
- b. The addiction professional who is aware of unethical conduct or of unprofessional modes of practice must report such violations to the appropriate certifying authority.
- c. The addiction professional must recognize boundaries and limitations of his/her respective competencies and not offer services or use of techniques outside of these professional competencies. Incompetence includes but is not limited to lack of knowledge or ability to discharge professional obligations within the scope of responsibilities of the professional (as defined in the Core Functions and Knowledge and Skill Competencies) or a deviation from the standards of skill ordinarily possessed and applied by professional peers in the state of Rhode Island acting in the same or similar circumstances.
- d. The addiction professional must recognize the effect of professional impairment on professional performance and must be willing to seek appropriate treatment for oneself or for a colleague. The professional must support peer assistance programs in this respect. Incompetency includes refusal to seek treatment for chemical dependency problems that impair professional performance.

**Principle 4: Legal Standards and Moral Standards.** The addiction professional must uphold legal and accepted moral codes which pertain to professional conduct.

- a. The addiction professional must not participate in illegal acts. Illegal acts include but are not limited to violation of federal or state confidentiality statutes; conviction of a crime which would affect the individual's ability to function effectively; or being an accessory to, participating in, or condoning dishonesty, fraud, misrepresentation, or any other illegal act involving a client or recipient.
- b. The addiction professional must not engage in fraud in procuring certification or fraud in maintenance of certification. Fraud in such cases includes but is not limited to intentional perversion of truth in the application; false representation of material fact, whether by word or by conduct; concealment of that which should have been disclosed when making application; attempting to file or filing any false or forged diploma, certificate, affidavit, transcript, identification, or qualification; submitting material which is not the original work of the applicant or with the original source of the information having not been given credit; or knowingly assisting another to procure certification or to maintain certification in a fraudulent manner.

- c. The addiction professional must not claim either directly or by implication, professional qualifications/affiliations that the professional does not possess.
- d. The addiction professional must not use the affiliation with the RIBCCDP for purposes that are not consistent with the stated purposes of the Board.
- e. The addiction professional must not associate with or permit the professional's name to be used in connection with any services or products in a way that is incorrect or misleading.
- f. The addiction professional associated with the development or promotion of books or other products offered for commercial sale must be responsible for ensuring that such books or products are presented in a professional and factual way.

**Principle 5: Public Statements.** The addiction professional must respect the limits of present knowledge in public statements concerning alcoholism and other forms of drug addiction.

- a. The addiction professional must not participate in misrepresentation. Misrepresentation includes but is not limited to knowingly making misleading, deceptive, untrue, or fraudulent representation in the practice of the profession.
- b. The addiction professional who represents the field of alcoholism and drug abuse counseling, student assistance counseling or prevention to clients/recipients, other professionals, or to the general public must report fairly and accurately the appropriate information.
- c. The addiction professional must acknowledge and document materials and the technique used.
- d. The addiction professional who conducts training in alcoholism and drug abuse counseling or prevention skills or techniques must indicate to the audience the requisite training/qualifications required to properly perform these skills and techniques.

**Principle 6: Publication Credit.** The addiction professional must assign credit to all who have contributed to the published material and for the work upon which the publication is based.

- a. The addiction professional must recognize joint authorship, major contributions of a professional character, made by several persons to a common project. The author who has made the principle contribution to a publication must be identified as the first listed.
- b. The addiction professional must acknowledge in footnotes or an introductory statement minor contributions of a professional character, extensive clerical, or similar assistance and other minor contributions.
- c. The addiction professional must acknowledge, through specific citations, unpublished, as well as published, material that has directly influenced the research or writing.
- d. The addiction professional who complies and edits for publication the contributions of others must list oneself as editor, along with the names of those others who have contributed.

**Principle 7: Client/Recipient Welfare.** The addiction professional must respect the integrity and protect the welfare of the person or group with whom the professional is working.

- a. The addiction professional must define for self and others the nature and direction of loyalties and responsibilities and keep all parties concerned informed of these commitments.
- b. The addiction professional, in the presence of professional conflict, must be concerned primarily with the welfare of the client or recipient.
- c. The addiction professional must terminate a counseling or consulting relationship when it is reasonably clear to the professional that the client or recipient is not benefiting from it.
- d. The addiction professional, in referral cases, must assume the responsibility for the client's or recipient's welfare either by termination by mutual agreement and/or by the client or recipient becoming engaged with another professional. In situations when a client or recipient refuses treatment, referral, or recommendations, the addiction professional must carefully consider the welfare of the client/recipient by weighing the benefits of continued treatment or termination and must act in the best interest of the client or recipient.
- e. The addiction professional who asks a client or recipient to reveal personal information from other professionals or who allows

information to be divulged must inform the client or recipient the nature of such transactions. The information released or obtained with informed consent must be used for expressed purposes only.

- f. The addiction professional must not use a client or recipient in a demonstration role in a workshop setting where such participation would potentially harm the client or recipient.
- g. The addiction professional must ensure the presence of an appropriate setting for clinical work to protect the client or recipient from harm and the professional and the profession from censure.
- h. The addiction professional must collaborate with other health care professionals in providing a supportive environment for the client or recipient who is receiving prescribed medication.

**Principle 8: Confidentiality.** The addiction professional must embrace, as primary obligation, the duty of protecting the privacy of clients or recipients and must not disclose confidential information acquired in teaching, practice, or investigation.

- a. The addiction professional must inform the client or recipient and obtain agreement in areas likely to affect the client's or recipient's participation including the recording of an interview, the use of an interview, the use of interview material for training purposes and the observation of interview by another person.
- b. The addiction professional must make provisions for the maintenance of confidentiality and the ultimate disposition of confidential records.
- c. The addiction professional must reveal information received in confidence only when there is a clear and imminent danger to the client, recipient, or other persons, and then only to appropriate workers or public authorities, in accordance with 42 CFR, Part 2.
- d. The addiction professional must discuss the information obtained in clinical or consulting relationships only in appropriate settings and only for professional purposes clearly concerned with the case. Written and oral reports must only present data germane to the purpose of the evaluation and every effort must be made to avoid undue invasion of privacy.
- e. The addiction professional must use clinical and other materials in classroom teaching and writing only when the identity of the persons involved is adequately disguised.

**Principle 9: Client/Recipient Relationship.** The addiction professional must inform the prospective client or recipient of the important aspects of the professional relationship.

- a. The addiction professional must inform the client or recipient and obtain the client's or recipient's agreement in areas likely to affect the client's or recipient's participation including the audio/visual recording of an interview, the use of the interview for training purposes, and/or the observation of an interview by another person.
- b. The addiction professional must inform the designated guardian or responsible person of the circumstances which may influence the relationship, when the client or recipient is a minor or incompetent, in accordance with 42 CFR, Part 2.
- c. The addiction professional must not enter into a professional relationship with members of one's own family, intimate friends, close associates, or others whose welfare might be jeopardized by such dual relationships.
- d. The addiction professional must not enter into a dual professional relationship with a client or recipient.
- e. The addiction professional must not solicit or engage in any type of sexual activity with a client or recipient.

**Principle 10: Interprofessional Relationships.** The addiction professional must treat colleagues with respect, courtesy, and fairness and must afford the same professional courtesy to other professionals.

- a. The addiction professional must not offer professional services to a client or recipient in counseling with another professional except with the knowledge of the other professional or after the termination of the client's or recipient's relationship with the other professional.
- b. The addiction professional must cooperate with duly constituted professional ethics committees and promptly supply necessary information unless constrained by the demands of confidentiality.
- c. The addiction professional must not knowingly file a false report against a colleague concerning any ethical violation.

**Principle 11: Remuneration.** The addiction professional must establish financial arrangements in professional practice and in accord with the professional standards that safeguard the best interests of the client, of the recipient, of the professional, and of the profession.

- a. The addiction professional must consider carefully the ability of the client or recipient to meet the financial cost in establishing rates for professional services.
- b. The addiction professional must not send or receive any commission or rebate or any other form of remuneration for referral of clients or recipients for professional services. The professional must not engage in fee splitting.
- c. The addiction professional must not use one's relationship with clients or recipients to promote personal gain or the profit of an agency or commercial enterprise of any kind.
- d. The addiction professional shall not enter into personal financial arrangements (for example, loans) with a client or recipient.
- e. The addiction professional must not accept a private fee or any other gift or gratuity for professional work with a person who is entitled to such services through an institution or agency. The policy of a particular agency may make explicit provisions for private work with its clients or recipients by members of its staff, and in such instances, the client or recipient must be fully apprised of all policies affecting the client or recipient.

**Principle 12: Societal Obligations.** The addiction professional must advocate changes in public policy and legislation to afford opportunity and choice for all persons whose lives are impaired by the disease of alcoholism and other forms of drug addiction. The professional must inform the public through active civic and professional participation in community affairs of the effects of alcoholism and drug addiction and must act to advocate that all persons, especially the needy and disadvantaged, have access to the necessary resources and services. The addiction professional must adopt a personal and professional stance which promotes the well-being of all human beings.

#### **DISCIPLINARY PROCEDURES**

Method of Discipline. The Board may impose the following disciplinary sanctions:

- a. Revocation of certification;
- b. Suspension of certification until further order of the Ethics Board or for a specified period of time;
- c. Denial of application for certification
- d. Suspension of application for certification privileges until further order of the Ethics Board or for a specified time period;
- e. Reprimand placed in personnel file;
- f. Warning placed in personnel file;
- g. Requirement of additional training and/or education and proof of completion of required training and/or education and/or
- h. Dismissal of the complaint.

**Discretion of the Board.** The following factors may be considered by the Board in determining the nature and severity of the disciplinary sanction to be imposed:

- a. The relative seriousness of the violation as it relates to assuring the citizens of this state a high standard of professional service and care;
- b. The facts of the particular violation;
- c. Any extenuating circumstances or other countervailing considerations;
- d. The number of complaints;
- e. The seriousness of prior violations or complaints;
- f. Whether remedial action has been previously taken; or
- g. Other factors which may reflect upon the competency, ethical standards, and professional conduct of the individual.

**Complaint Procedure.** Any individual may file a complaint against a professional by submitting a written complaint which includes:

- a. The full name, address, and telephone number of the complainant;
- b. The full name, address, telephone number of the respondent; and

c. A concise statement of the facts which clearly and accurately describe the allegations against the respondent. Whenever possible, the complainant shall identify the specific Principle violated.

1. The complaint shall be sent by certified mail, return receipt requested to:

Administrator, RIBCCDP, 31 Smith Avenue – 3 Rear, Greenville, RI 02828

2. The Administrative Assistant shall acknowledge receipt of the complaint and send a written acknowledgment of receipt of the complaint to the complainant. The Administrator shall refer the complaint to the Ethics Investigator(s).

d. Should further violations be uncovered in the course of an investigation, these would comprise an additional complaint by the Ethics Investigator(s).

## **INVESTIGATION**

Investigation of Allegations. The Ethics Investigator(s) shall, upon receipt of an official complaint, or may upon its own motion pursuant to other evidence received by the Board or Committee, review and investigate alleged acts or omissions which they believe constitutes cause for discipline.

a. The voluntary surrendering of certification will not excuse a certified addiction professional from being investigated or disciplined for an ethics violation.

b. The Ethics Investigator(s) shall investigate the allegations of the Complainant by contacting and interviewing the party or parties involved, as well as any third parties deemed to be necessary to the investigation by the Ethics Investigator(s), by reviewing and all relevant documentation and by obtaining information in any other appropriate manner in order to prepare a report upon which a decision relating to probable cause may be made.

c. The Respondent and Complainant shall be required to submit a written response within thirty (30) days subsequent to being furnished with information concerning the investigation. In the event the Respondent does not provide such a timely written response, then his or her right to contest the Hearing is waived. Both Respondent and Complainant shall be afforded the opportunity to request a personal conference in addition to their written responses.

d. The identity of the complainant shall be revealed to the respondent unless circumstances govern the identity remain undisclosed. The Ethics Committee will determine the special circumstances.

e. The Ethics investigators shall make a written report to the attorney for the Board.

f. The Chairperson of the Board shall review the report prepared by the Ethics Investigator(s) and shall then make a finding as to whether or not probable cause exists. Upon review of the Investigator' report, the Chairperson of the Board has the following options:

a. Make a determination that probable cause does exist and recommend that a disciplinary hearing be held; or

b. Provide a written response to both the Complainant and the Respondent explaining that no probable cause was found and that the complaint was dismissed; or

c. Remand the matter to the Investigator(s) with a request for additional evidence sufficient upon which to base a decision relating to probable cause.

g. Upon receipt of an internal complaint, any Board or committee member may make a recommendation for an internal investigation. The investigation shall follow the procedures (a-f) listed above.

## **DISCIPLINARY HEARING**

Order for Hearing. Upon recommendation of the Chairperson of the Board, an order shall issue fixing a time and a place for a disciplinary hearing and a hearing panel shall be appointed for the proceeding.

a. The hearing panel shall be comprised of three (3) Board members, excluding the Ethics Committee Chairperson, the Investigator(s), and any Board member having a conflict of interest in the matter. (A true conflict of interest involves a situation in which an individual is unable, upon hearing and evaluating the evidence presented at the hearing, to render an objective point of view.

a. At least two (2) of the three (3) members of the hearing panel must be certified.

b. In the event that a quorum cannot be established using current Board members, Board members who served in the

- past may sit on the hearing panel.
- c. In the event a quorum is not available on the date of the hearing, the hearing shall be continued to the next available date for both parties.
- b. A written notice of the Hearing date shall be sent by certified mail, return receipt requested to both the respondent and the complainant at least ten days prior to the hearing.
- c. The notice of the hearing shall state:
1. The date, time, and location of the hearing;
  2. The respondent may, at his/her expense, be represented by legal counsel at the hearing
  3. The rules by which the hearing shall be governed
  4. The purpose of the Hearing which is to allow the Respondent an opportunity to explain his or her position and provide evidence as to why disciplinary action is not warranted.
  5. A list of witnesses expected to testify
  6. The Respondent must respond in writing their intentions to attend the Hearing in writing within ten (10) days prior to scheduled hearing date.
- d. In the event the Respondent indicated that he or she will be represented by legal counsel at the hearing, the Board may also, at its option, be represented by legal counsel at the hearing.
- e. No discovery shall be permitted and no access to Board files shall be allowed by either the Respondent or the Complainant.
- f. The Complainant shall attend the hearing.

**Conduct of Hearing.** The hearing shall be conducted in compliance with the following rules:

- a. The hearing shall be conducted by the Chairperson of the Ethics Committee, or by an impartial administrative law judge, attorney, or other person designated by the Chairperson. He or she will have the authority to control the participants at the hearing and to exercise discretion relating to testimony and evidence.
- b. The Complainant and the Investigator shall be allowed to testify at the hearing as well as any third party witnesses necessary to prove Complainant's allegations. The Representative designee for the Complainant shall be allowed to cross-examine the respondent and any of the Respondent's witnesses. The Representative designee for the Complainant shall also be allowed to make an opening and/or closing statement.
  - (i) The Burden of Proof is to establish that the Respondent has engaged in wrongdoing and violated Principles of the Code of Ethics worthy of discipline.
- c. The rules of evidence, as applied in civil cases in the superior courts of the State of Rhode Island, shall be applied except in those instances where the Chairperson, or individual overseeing the hearing, determines that evidence not admissible under those rules is necessary to ascertain facts not reasonably susceptible of proof under those rules and further determines that the evidence has a probative value.
- d. The Respondent shall be allowed to testify as well as any third party witnesses necessary to dispute Complainant's allegations. The Respondent or his/her Representative designee shall be allowed to cross-examine the Complainant and any of the Complainant's witnesses. The Respondent or his/her Representative designee shall also be allowed to present documentary evidence necessary to dispute Complainant's allegations. The respondent or his/her designee shall be allowed to make an opening and/or closing statement
- e. Documentary evidence may be presented at the hearing in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given the opportunity to compare the copy with the original.
- f. There shall be no contact prior to or during the course of the hearing between the parties and/or the hearing panel or any Board members for the purpose of discussing the Complaint or any related matters.
- g. The members of the hearing panel shall have the right to ask questions to obtain information necessary to make an accurate determination of the facts of the case.
- h. The decision of the hearing panel shall be based solely upon the testimony and evidence presented at the hearing.
- i. The hearing shall be closed to the public, unless otherwise specified in the original notice.
- j. The Respondent and complainant have the right to make a stenographic or tape recording of the proceedings.

**Failure by Respondent to Appear.** If a respondent, upon whom proper notice of hearing has been served, fails to appear either in person or represented by counsel at the hearing, the respondent shall be bound by the results of the hearing to the same extent as if the respondent had been present.

**Right to Waive Hearing.** At any time during the disciplinary process, a respondent has the right to waive a disciplinary hearing, however, such waiver should be made in writing and filed with the hearing panel within ten (10) days of the scheduled hearing. In so doing, the respondent accepts the allegations of an ethics violation(s) as correct. At its next scheduled regular meeting, the Board shall determine any disciplinary sanctions.

**Recommendation of the Hearing Panel.** The hearing panel shall make a recommendation in writing to the Board which shall include:

- a. A concise statement of the findings of fact;
- b. A conclusion as to whether the specific Principles have been violated; and
- c. If the hearing panel concludes that a violation has occurred, a recommendation for disciplinary sanction to be imposed.

**Final Decision:** At its next scheduled regular meeting, the Board shall consider the recommendations of the hearing panel and shall issue a final decision in the matter. The decision shall be sent by certified mail to both the respondent and the complainant. Each Board member shall also receive a copy of the decision. The decision of the Board shall be final.

**Confidentiality.** At no time prior to the release of the final decision by the Board shall any portion of the complaint, the investigation or the hearing be made public.

**Publication of Decisions.** The final decision of the Board in any disciplinary proceeding shall be published in whatever manner deemed appropriate by the Board. The employer, if any, shall be notified by certified mail of the final decision of the Board. RIBCCDP will report any disciplinary action taken against certified professionals to the Rhode Island Department of Health, Rhode Island Department of Mental Health Retardation & Hospitals and the ICRC/AODA.

## **REINSTATEMENT**

Reinstatement. An individual who has received a sanction for suspension of certification or of application privileges for certification may apply to the Board for reinstatement in accordance with the terms and conditions of the order of sanction.

- a. If the order of sanction did not establish terms and conditions for reinstatement, an initial application for reinstatement may not be made until one year has lapsed from the date of the Board's final decision.
- b. A request for reinstatement shall be initiated by the respondent. A letter of application for reinstatement shall present facts which, if established, will be sufficient to enable the Board to determine that the basis for sanction no longer exists.

**Possible Consideration Following Revocation.** It is recognized that there may be mitigating circumstances which could warrant granting permission to apply for certification following revocation.

- a. Permission to apply for certification following revocation may be considered only after two years have lapsed from the date of the Board's final decision.
- b. Permission to seek certification following revocation is granted solely within the discretion of the Board.

## **Appellate Procedure:**

1) The Appellate panel shall be comprised of three (3) Board members, excluding the Ethics Committee Chairperson, the Investigator(s), those Board members who served on the initial hearing panel and any other Board member having a conflict of interest in the matter. A true conflict of interest involves a situation in which the individual is unable, upon reviewing the record of the initial hearing, to render an objective point of view.

- a. At least two (2) of the three (3) members of the appellate panel shall be certified.
- b. In the event that a quorum cannot be established using current Board members, Board members who served in the past may sit on the appellate panel.

2) Specific ground for appeals could include:

- a) There have been significant procedural irregularities or deficiencies in the matter
- b) The Code of Ethics and Disciplinary Procedures have not been properly applied.

- c) The findings of or sanctions imposed by the Board are not supported by substantial evidence.
- d) Substantial new evidence has called into question the findings and conclusions of the Board.

## DEFINITIONS

**Board:** The Rhode Island Board for Certification of Chemical Dependency Professionals

**Addiction Professional:** Any person certified as a Provisional Chemical Dependency Professional, Counselor In Training, Chemical Dependency Professional, Advanced Chemical Dependency Professional, Advanced Chemical Dependency Professional II, Chemical Dependency Clinical Supervisor, Recognized Clinical Supervisor, Student Assistance Counselor, all Certified Prevention Professionals, Provisional Co-Occurring Disorder Professionals, Co-Occurring Disorder Professionals, Co-Occurring Disorder Professional-Diplomates and Certified Criminal Justice Professionals.

**Client:** A person who seeks or is assigned the services of an addiction professional, regardless of the setting in which the counselor or specialist works.

**Complainant:** A person who has filed an official complaint pursuant to these rules.

**Disciplinary Proceeding:** Any proceeding conducted under the authority of the Board.

**Discipline:** Any sanction the Board may impose upon an addiction professional for conduct which denies or threatens to deny the citizens of this state a high standard of professional care.

**Former Client:** A person who seeks or is assigned the services of an addiction professional, regardless of the setting in which the counselor or specialist works, within one year of the termination of services.

**Hearing Panel:** A panel comprised of three (3) Board members, excluding the Chairperson of the Ethics Committee, the Investigator(s) and any Board member having a conflict of interest, which conducts a disciplinary hearing pursuant to these rules.

**Internal Complaint:** A complaint registered against an RIBCCDP Board member or any of its committee members.

**Recipient:** Any person who seeks or receives the services of an addiction professional.

**Reprimand:** A formal written reproof or warning. Two reprimands within a two year period will result in a six month suspension.

**Respondent:** A person who is seeking or who has obtained certification from the Rhode Island Board for the Certification of Chemical Dependency Professionals and against whom a complaint has been filed pursuant to this Code.

**Ethics Committee:** A committee whose purpose is to develop and review all code of conduct/ethics for RIBCCDP Board members and their certified counselors.

**Executive Committee:** A committee consisting of Officers of the Board to examine all written requests submitted to the Board prior to the next scheduled meeting. This committee will present written recommendations to the full Board at the next scheduled meeting.

**Ethics Investigator:** One Primary Investigator and one Assistant Investigator who will conduct an investigation into the alleged breach in the RIBCCDP's Code of Ethics and Disciplinary Procedures. These investigators will report their findings to the Chairperson of the Ethics Committee and any other individual deemed appropriate such as the Chairperson of the Board.

**Revocation:** The loss of certification.

**Suspension:** A time-limited loss of certification or the privilege of making application for certification for a period not less than thirty (30) days and no more than one (1) year. The third suspension in a four year period will result in revocation.

**Denial:** Refusal of certification or application for certification for a period of time deemed appropriate by the Board.