

## CODE OF ETHICS AND DISCIPLINARY PROCEDURES

### **INTRODUCTION**

All persons certified or applying for certification must subscribe to the Rhode Island Board for the Certification of Chemical Dependency Professionals Code of Ethics. This Code of Ethics is adopted to aid in the delivery of the highest quality of professional services to persons seeking substance abuse prevention services. These standards will assist the substance abuse prevention professional to determine the propriety of his/her conduct in relationships with 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.

### **SPECIFIC PRINCIPLES**

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

- a. The prevention professional should broaden his or her understanding and acceptance of cultural and individual differences in order to render services and provide information sensitive to those differences.

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

- a. The prevention professional, as a teacher, must recognize the professional's primary obligation to help others acquire knowledge and skill in prevention substance abuse.
- b. The prevention professional shall serve as a responsible role model in applying prevention concepts to public and professional relationships.
- c. The prevention professional should strive to maintain and promote the integrity of certification nationally and internationally and the advancement of the alcohol, tobacco and other drug prevention profession.

**Principle 3: Competence.** The prevention 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 prevention professional must promote the practice of substance abuse prevention by qualified and authorized persons.
- b. The prevention professional who is aware of unethical conduct or of unprofessional modes of practice must report such violations to the appropriate certifying authority.
- c. The prevention 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 prevention 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 prevention professional must uphold legal and accepted moral codes, which pertain to professional conduct.

- a. The prevention 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 prevention 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 prevention professional must not claim either directly or by implication, professional qualifications/affiliations that the professional does not possess.
- d. The prevention professional must not use the affiliation with the RIBCCDP for purposes that are not consistent with the stated purposes of the Board.
- e. The prevention 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.
- f. The prevention professional must fairly and accurately report appropriate prevention information to service recipients, colleagues, and the general public, acknowledging and documenting sources, materials, and techniques used.
- g. The prevention professional must not misrepresent the work of others.
- h. The prevention professional must not misrepresent one's own prevention work for personal or professional recognition, funding, or other gain.

**Principle 5: Public Statements.** The prevention professional must respect the limits of current knowledge in public statements concerning the effectiveness of prevention initiatives, prevention programs, prevention research, and alcohol, tobacco and other drug information.

- a. The prevention 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 prevention professional who represents the field of substance abuse prevention to clients/recipients, other professionals, or to the general public must report fairly and accurately the appropriate information.
- c. The prevention professional must acknowledge and document materials and the technique used.
- d. The prevention professional who conducts training in substance abuse 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 prevention professional must assign credit to all that have contributed to the published material and for the work upon which the publication is based.

- a. The prevention 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 prevention 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 prevention professional must acknowledge, through specific citations, unpublished, as well as published, material that has directly influenced the research or writing.
- d. The prevention professional who compiles 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 prevention professional must respect the integrity and protect the welfare of the person or group with whom the professional is working.

- a. The prevention professional shall maintain objectivity, integrity and the highest professional standards in delivering prevention services.
- b. The prevention professional shall maintain objectivity, integrity and the highest professional standards in providing a supportive environment.
- c. The prevention professional shall maintain objectivity, integrity and the highest professional standards in protecting the welfare and upholding the best interest of both individual recipients and the public.
- d. The prevention professional shall maintain objectivity, integrity and the highest professional standards in maintaining an objective, non-possessive relationship with those they serve and not exploiting them sexually, financially, or emotionally.
- e. The prevention professional shall maintain objectivity, integrity and the highest professional standards in maintaining an ability and willingness to make appropriate referrals.

**Principle 8: Confidentiality.** The prevention professional has the responsibility to be aware of and to be in compliance with all applicable state and federal guidelines, regulations, statutes, and agency policies. These include:

- a. Notification of recipient rights,
- b. Reporting child abuse and neglect,
- c. Reporting misconduct by individuals or agencies, and
- d. Maintaining client confidentiality and safeguarding from disclosure confidential information acquired during service delivery.
- e. The prevention professional must reveal information received in confidence only when there is a clear and imminent danger to the recipient or other persons, and then only to appropriate workers or public authorities, in accordance with 42 CFR, Part 2.

**Principle 9: Professional Integrity.**

- a. The prevention professional should never knowingly make a false statement to the appropriate licensing/certification disciplinary authority.
- b. The prevention professional should promptly alert a colleague to potentially unethical behavior so said colleague can take corrective action.
- c. The prevention professional should report violations of professional conduct by other prevention professionals to the appropriate licensing/certification disciplinary authority when there is knowledge that the said professional has violated professional standards.

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

- a. The prevention professional must cooperate with duly constituted professional ethics committees and promptly supply necessary information unless constrained by the demands of confidentiality.
- b. The prevention professional must not knowingly file a false report against a colleague concerning any ethical violation.

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

- a. The prevention professional must establish financial agreements in professional practice in accordance with the professional standards that safeguard the best interests of service recipients, colleagues, and the public.
- b. The prevention 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.
- c. The prevention professional must not use one's relationship with recipients to promote

personal gain or the profit of an agency or commercial enterprise of any kind.

- d. The prevention professional shall not enter into personal financial arrangements (for example, loans) with a recipient.
- e. The prevention professional must not exploit one's relationship with service recipients to promote personal gain or the profit of any agency or commercial enterprise of any kind.

**Principle 12: Societal Obligations.** The prevention professional should advocate for consistent health promotion and awareness messages to the general public, provide factual state-of-the-art ATOD prevention information to the consumers of prevention services and advocate for public policy that would help strengthen the overall health and well-being of the community. by the Board.

### **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 Administrative Assistant 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 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 attorney for 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 attorney for 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 attorney 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 Substance Abuse 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.

- d. At least two (2) of the three (3) members of the appellate panel shall be certified.

- e. 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 Counselor In Training, Chemical Dependency Professional, Advanced Chemical Dependency Professional, Chemical Dependency Clinical Supervisor, Recognized Clinical Supervisor, Student Assistance Counselor or Prevention Professional.

**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 investigator 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.