	CREATION DATE February 15, 2012	DATE REVISED July 26, 2024
	POLICY AREA / CATEGORY	DATE APPROVED / EFFECTIVE DATE March 01, 2012
POLICY TITLE DISCIPLINARY ACTION	VERSION	DATE REVIEWED July 26, 2024

SUMMARY & PURPOSE:

This document outlines the principles and processes that exist to ensure that any certification that may need to have disciplinary action taken is investigated and handled appropriately. The Certification Council shall be empowered to investigate, deliberate, and bring to resolution, according to these rules and procedures, all complaints against certificants. The Certification Council is the only entity authorized to make final decisions with respect to revocation or other disciplinary actions. It is essential to offer each certificant the due process that is contained herein.

DEFINITIONS:

Complaints: for this policy only, complaints are meant to indicate information that is presented to the Certification Council that may indicate some form of misconduct by the certificant. This is not the same meaning as complaint used for the Complaint Policy.

POLICY:

A certificant may have their certification revoked or other disciplinary action taken for violation of the Standards of Conduct or other certification program policies including but not limited to:

- Conviction of a felony relating to professional practice in the field of healthcare and/or healthcare simulation
- Violation of examination procedures or security
- Material misstatement on an application for initial certification or renewal application or in any of its representations to the Certification Council, or other information related to professional practice, whether intentional or unintentional
- Misrepresentation or improper use of the credential
- Ethical misconduct
- Demonstrated malfeasance (e.g., physical safety issue, harassment, etc.)
- Nonpayment of program fees (e.g., renewal)

The objectives and responsibilities for disciplinary action are as follows:


- Protect the public against unprofessional and unethical conduct by individuals certified by the Certification Council. This objective is accomplished by maintaining and administering these rules and procedures regarding ethical and professional conduct complaints. The purpose of these rules and procedures are to ensure that:
 - any person who currently holds or held at the time of alleged offense any SSH certification or an applicant for such certification awarded by the Certification Council is practicing in accordance with professional and community standards.
 - the integrity of the program requirements and certification process are adhered to and maintained.
 - issues regarding certificants' ethical practices are evaluated and determined on a peer group basis.
 - due process for how complaints against certificants may be filed, and how the certification program will respond to, investigate, and take appropriate action concerning the allegations.

Resolution of Complaints:

- The Certification Council, assisted by the Director of Certification and legal counsel, shall oversee proper consideration of all complaints of alleged unprofessional and unethical conduct or other violations of the Standards of Conduct or certification program policy in accordance with these rules such as to bring to conclusion and, if necessary, take disciplinary action(s) as may be necessary to achieve the objectives of the Standards of Conduct, certification program policies, and these rules and procedures.

Authority of the Certification Council:

- The Certification Council shall be empowered to investigate, deliberate, and bring to resolution,

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including taking appropriate disciplinary actions, according to these rules and procedures, with respect to all complaints against certificants.

Timeliness of Action:

- The time periods set forth in the sections below are intended to provide guidance to the Certification Council and may be extended at the Certification Council Chair's discretion depending upon the circumstances of each proceeding. Failure of the Certification Council to comply with the time periods shall in no event prevent the continuation or conclusion of a proceeding by the Certification Council.

SCOPE/APPLICABILITY:

This policy shall apply to all certificants of any of the certifications granted by the Certification Council.


PROCEDURES TO ENSURE COMPLIANCE:

Complaint Details

- Who may file a complaint
 - A complaint against a certificant may be submitted in writing to the Director of Certification by any party when a certificant appears to have violated the Standards of Conduct or certification program policies.
 - The Certification Council Chair may initiate a complaint on their own initiative.
- Certificant status
 - A certificant who is certified at the time of the alleged offense shall be subject to these rules and procedures irrespective of whether the certificant's certification status has thereafter expired or been terminated or whether the certificant has surrendered their certification.
- What must be included in a complaint
 - All Complaints must be submitted in writing to the Director of Certification, in a format that complies with the Certification Council requirements (regular mail or email is acceptable). The Complaint must:
 - specify the name, address and telephone number of the Complainant;
 - include the name, address and telephone number (as known) of the Certificant;
 - set forth the specific sections of the Standards of Conduct or certification program policies alleged to have been violated;
 - provide an adequate description of the facts supporting the complaint including documentation relating to the allegations;
 - detail previous steps, if any, that have been taken with respect to the alleged unethical or unprofessional conduct and the results of such steps taken.
 - include the Complainant's approval for the Certification Council to disclose all information to the Certificant and those members evaluating the complaint; and
 - be signed by the Complainant. (e-signature acceptable).
- Anonymous complaint
 - No action will be taken solely on the basis of an anonymous complaint, but the Certification Council Chair, in consultation with the Director of Certification and legal counsel, may direct the Certification Council to self-initiate a complaint based on information in anonymous complaints.

How Complaints are Handled


- Incomplete Complaints
 - If the Director of Certification and legal counsel determines that the documented complaint does not sufficiently address what must be included in a complaint, then steps may be undertaken to rectify the incomplete items or as appropriate, dismiss the complaint for failure to include the necessary elements that must be included in a complaint, and the complainant so notified.

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- Complaints without merit
 - If the Certification Council, assisted by the Director of Certification and legal counsel, determines that the complaint does not have merit, meaning the facts presented are inconsequential, unreliable, or present irrelevant information, the complaint will be dismissed, and the Complainant so notified.
- Complaints with merit
 - If the Certification Council, assisted by the Director of Certification and legal counsel, determines that the complaint has merit, an investigation will be initiated, and the Complainant and Certificant so notified. The notice to the Certificant whose conduct is in question shall include:
 - the basic facts of the complaint, identify the alleged violation. The notice shall include a description of the alleged behaviors involved in the complaint, including the specific sections of the Standards of Conduct or certification program policy alleged to have been violated by the Certificant;
 - the name of the Complainant, which may be included or withheld based on the advice of legal counsel as necessary to preserve due process and confidentiality;
 - a copy of these rules and procedures;
 - a request that any specific information to assist in investigation of the Complaint be provided in the form of a written response and supporting documentation within thirty (30) days of receiving the notice a statement that all information submitted by the Certificant shall become part of the record, may be used in further proceedings, and only be disclosed in accordance with the policies on Confidentiality, Public Notice on Sanction, and Record-Keeping of Proceedings set forth within these rules;
- Identification of the members of the Certification Council
 - The Certificant may submit a written petition within 7 days to the Director of Certification identifying any conflict of interest concerns as to Certification Council members, detailing such concerns, and, as appropriate, asking for replacement of any such member. The Certification Council Chair shall have final authority as to the disposition of such requests and may appoint other Certificant(s) in good standing as replacement members of the Certification Council for purposes of the investigation. In the case of conflict of interest concerns with members of the Certification Council, the Certification Council Chair (or Chair-Elect/Past Chair if the conflict is the Council Chair) shall have final authority over all such requests, and Certification Council members deemed to have a conflict of interest shall refrain from all considerations and votes on the matter.

Preliminary Investigation

- Preliminary Investigation Panel
 - This shall be comprised of Certification Council Leadership, assisted by the Director of Certification and legal counsel.
- Responsibilities of the Preliminary Investigation Panel
 - The panel will be responsible for conducting preliminary investigation of the complaint and may seek additional information pursuant to the investigative methods outlined in the section of these rules and procedures entitled “Method of Conducting Investigation”. The Certificant’s failure to respond to the Complaint, or any other unwarranted delay or lack of cooperation by the Certificant, shall not prevent the continuation or conclusion of the proceedings by the panel, as it deems appropriate.
- Authority of the Preliminary Investigative Panel.
 - The panel, in consultation with the Director of Certification and legal counsel, may investigate and seek additional information pursuant to the investigative methods outlined in the section of these rules and procedures entitled “Method of Conducting Investigation”


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of this policy and shall make a recommendation for action to the Certification Council.

- Preliminary Investigation Reaching Satisfactory Conclusion.
 - Once the preliminary information and any other requested information has been considered pursuant to these rules and procedures, the panel, in consultation with the Director of Certification, and legal counsel may conclude that the complaint has no basis in fact, is insufficient, or is likely to be corrected on its own merit and, therefore, may, on its own initiative, determine to close the case without further action. Such decision shall be made within sixty (60) days of the Certification Council Chair's receipt of all of the requested information. The Director of Certification shall inform both the Complainant and the Certificant. The notice to the Certificant shall state that the basic facts of the Complaint and preliminary investigation findings will be noted in the Certificant's record.
- Preliminary Investigation Failing to Reach Satisfactory Conclusion.
 - If the response is not considered a satisfactory resolution by the panel, assisted by the Director of Certification and legal counsel, the matter may be:
 - (1) referred to an appropriate body (including, but not limited to, law enforcement agencies, the Certificant's employer, and/or other membership or Certification bodies). In such cases, the further consideration of the complaint may be suspended pending the outcome of the referral.
 - (2) referred directly to the Certification Council with recommendation for disciplinary action if the preliminary investigation determines that the Certificant has been convicted of a felony deemed related to the practice of association management and/or other confirmed finding of malpractice or breach of relevant standards of conduct by legal authorities, membership organization, or certifying body. In such cases, the Certificant and Complainant will be so notified. The notice to the Certificant shall state the preliminary finding and recommendation, and the intent of the Certification Council to undertake consideration of the issue on a given date. The notice shall also inform the Certificant of the opportunity to provide a written response and submit supporting documentation as show good cause in writing within 30 days of receipt why suspension or revocation of certified status. If the Certificant fails to timely respond, such action or inaction shall be deemed to be a waiver by the Certificant of his or her right to submit a written response.
 - (3) formally referred to the Certification Council for Formal Investigation and deliberation, and the Complainant, Certificant, and Certification Council so notified, as provided below.


Formal Investigation

- Notice of Formal Investigation
 - If a Formal Investigation is initiated, the Certificant shall be sent notice once an investigative panel has been appointed. The notice will advise the Certificant that they will have another thirty (30) days from receipt of notice to provide any further information to the panel and that they may also be asked to respond to additional questions or information requests.
- Certification Status during the Investigation
 - During the period that disciplinary considerations are in progress, certification status will be continued based on the individual's standing with the certification program, subject to the normal and regular cycle of renewal requirements.
- Formal Investigation Panel
 - This shall be comprised of the Certification Council.
- Responsibilities of the Formal Investigation Panel
 - The panel will be responsible for conducting a thorough investigation of the complaint

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and may seek additional information pursuant to the investigative methods outlined in the section of these rules and procedures entitled “Method of Conducting Investigation”. The Certificant’s failure to respond to the complaint, or any other unwarranted delay or lack of cooperation by the Certificant, shall not prevent the continuation or conclusion of the proceedings by the panel, as it deems appropriate.

- The panel shall make a determination on disciplinary action, first if disciplinary action is merited, and then if so, appropriate disciplinary action based on the investigation findings.
- Authority of the Formal Investigative Panel
 - The panel, in consultation with the Director of Certification and legal counsel, may investigate and seek additional information pursuant to the investigative methods outlined in the section of these rules and procedures entitled “Method of Conducting Investigation” of this policy and shall make a recommendation.
- Method of Conducting Investigation
 - An investigation may be conducted by collecting information, including documentation, conducting phone inquiries and through any other appropriate or similar means of inquiry.
 - Certificant records may be reviewed and consideration may be given to any elements recorded in the Certificant’s record.
 - Experts may be retained and consulted with as necessary to assist in investigations. The expert may be an individual certified by the Certification Council, or a member of an acknowledged peer group established by the Certification Council or another responsible organization. Any expert retained and consulted with must sign an appropriate agreement setting forth the expert’s agreement to maintain all information as confidential.
 - Additional information may be sought through correspondence or otherwise, including supplementary information from the complainant in writing or interviews, or from any other party, when necessary, in order to completely evaluate the substance of the allegations. In the event that the additional information is deemed necessary, but the Complainant refuses to provide such additional information, it may be determined that the case should be closed or proceed based on the information on hand. In the event that the additional information is not provided in a timely fashion, considerations may proceed based on the information on hand.
 - If, during the course of its investigation, the panel or Certification Council determines that there may be additional violations of the Standards of Conduct or certification program policy, then such violations may be investigated and appropriate findings regarding such additional violations may be reached in accordance with these rules and procedures.
- Certification Council Deliberation.
 - The Certification Council shall, in consultation with the Director of Certification and legal counsel, review all of the information and arrive at a consensus on a recommendation. The Certification Council Chair shall be authorized to participate in the discussion and deliberation of matters pending before the Certification Council but shall not vote.
- Certificant’s Rights to Petition
 - The Certificant may petition the Certification Council Chair for the opportunity to present an oral statement via conference call to the Certification Council. If granted, only the Certificant will be allowed to speak on his/her behalf. Such participation shall be at the sole discretion of the Certification Council Chair and the panel shall in no circumstance conduct a trial type hearing, and the rules of evidence shall not apply.
- Method of Council Deliberations.
 - The Certification Council, assisted by the Director of Certification and legal counsel, will deliberate on the findings, with access to the entire written record, in a private and confidential manner. The Certification Chair Elect/Past Chair shall participate in the deliberations, but the Chairs shall not have a vote on all issues. The Certification Council shall be instructed as to the full range of actions it may take, including to close the case

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without further action up to revocation of the Certificant’s credential. The Certification Council shall be instructed to carefully consider its charge to protect the public against unprofessional and unethical conduct, as well as the gravity of the findings when determining disciplinary action. A vote shall be taken as to the disposition of the matter, determined by a majority of votes cast. In the event that a majority support is not ascertained, the Certification Council may consider and hold subsequent votes as to the disposition of the matter, including on other disciplinary actions as allowed by the section of these rules and procedures entitled “Types of Disciplinary Actions.”

Disciplinary Actions

- Types of Disciplinary Actions
 - The following disciplinary actions may be taken as deemed appropriate by the Certification Council, or, in the case of an appeal, the appeals panel:
 - Private Sanction Disciplinary Actions
 - Notify all parties, in writing, that no action is warranted against the Certificant;
 - Require that the Certificant cease and desist the alleged conduct;
 - Request that the Certificant(s) cease the improper conduct, accept supervision or seek appropriate assistance;
 - Reprimand the Certificant in writing if there has been a violation of the Code of Conduct and/or certification programs’ policies but no harm to another person, the public or the profession has occurred;
 - Censure the Certificant if there has been a violation of the Code of Conduct and/or certification programs’ policies but the harm done is not sufficient to warrant more serious action;
 - Place the Certificant under probation and monitor the Certificant's conduct;
 - Require or recommend remedial training related to the misconduct as deemed appropriate by the Certification Council (e.g., attendance at a course)
 - Restriction of participation in SSH related activities (e.g., presenting at IMSH, committee participation)
 - Refer the matter to the proper authorities for criminal prosecution, if appropriate;
 - Refer the matter to a national, regional, state or local professional association and/or a licensing or certifying authority;
 - Take any other action that is warranted under the circumstances.
 - Public Sanction Disciplinary Actions
 - Suspend the Certificant’s certified status for an appropriate period of time, including permanently, if necessary;
 - Revoke the Certificant’s certified status for an appropriate period of time, including permanently, if necessary.
 - Multiple Sanctions.
 - The Certification Council may apply more than one sanction as deemed appropriate.

Notification of Council Determination

- Within ten (10) days from the date of its decision following an investigation, the Chair of the Council shall inform both the Complainant and the Certificant of the Council’s determination and, as appropriate, the actions to be taken, if any, along with the bases for such actions, including a citation to any and all Standards of Conduct, or Certification program policies that were violated

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by the Certificant. The notice shall be sent via an efficient and verifiable means. The notice to the Certificant shall also include notice of the Appeals provisions of these Rules and Procedures, as well as the relevant confidentiality, public notice of sanction, and record-keeping rules.

Appeals Provisions

- The Certificant has the right to deliver a written appeal to the Certification Council's findings. The appeal shall follow the policies, procedures, and timelines established in the Appeals Policy. Failure to timely appeal the Certification Council's determination shall be deemed to be final and conclusive acceptance of the Certification Council's determination and closure of the Certification Council's determination of that matter. Thereafter, the Certification Council's conclusions and sanctions shall be imposed, effective immediately.

Confidentiality, Public Notice of Sanction, and Record-Keeping of Proceedings in Revocation or Other Disciplinary Actions Matters

- Public notice of Disciplinary Actions
 - Public reporting of Sanctions
 - The names of all publicly sanctioned Certificants (pursuant to this policy) and the violations of the Code of Conduct and/or Certification program policies involved as determined by the Certification Council shall be included in an annual report that is publicly available on the certification program web site, may also include cumulative and/or redacted reports of private sanctions of the Certification Council if they decide such reports may serve as guidance to other Certificants.
 - Notification of Public Sanction to Professional Societies.
 - In addition, the Director of Certification, on behalf of the Chair of the Certification Council, shall notify all national, regional, state or local professional associations of association executives of any publicly sanctioned Certificants.
 - Notice of Public Sanction available upon request.
 - Upon request, the Director of Certification shall provide such a report including the names of all publicly sanctioned Certificants, including the violations of the Code of Conduct and/or certification program policies involved as determined by the Certification Council, to any interested person or public agency deemed necessary to protect the public.
- Confidentiality
 - Disclosure of Complainant and Certificant names
 - The names and addresses of Certificant, and Complainant if necessary, shall be disclosed to the Director of Certification, certification program legal counsel, Certification Council Chair, and additionally as necessary in the course of proceedings to the members of the Certification Council, and any experts enlisted to assist in investigation and consideration of the matter.
 - Confidentiality Attestation
 - All individuals enlisted by, or on behalf of, the Certification Council sign an appropriate statement setting forth their agreement to maintain all information as confidential, and to promptly return all information received during the course of an investigation to the Certification Council's offices care of the Director of Certification.
 - Handling of information related to the Complaint and proceedings
 - All information, other than that which is publicly available, related to and disclosed during the proceedings shall be maintained on a confidential basis, except that the Director of Certification and/or the Certification Council shall be permitted to:
 - disclose such information when compelled by a validly issued subpoena

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- or court order, or when otherwise required by law or pursuant to permission granted by the individual in question;
 - share relevant information with parties essential to the review and investigation of the alleged unethical or unprofessional conduct, including the Certification Council’s staff, legal counsel, and consultants or experts;
 - utilize such information in anonymous and aggregate form for purposes deemed appropriate by the Certification Council and/or Professional Conduct Council, including, but not limited to, public reports, Certificant education, and research purposes.
- Record Keeping
 - Handling, storage, maintenance and destruction of records
 - The Director of Certification, with the guidance of the Certification Council Chair, shall establish reasonable procedures to ensure that confidentiality is maintained with respect to the handling, storage, maintenance and destruction of records.
 - Recording of Complaints in Certificant records
 - All complaints meeting the requirements outlined become a part of the record in the Certificant’s file to be held by SSH. The record shall include the steps undertaken in the due process review and any action taken, including notation of Complaints dismissed for lack of merit.
 - Retention of records for closed cases. Once the case is closed, dismissed, or otherwise reaches conclusion, one set of records shall be maintained as part of the program’s permanent records and the remainder destroyed.

SUPPORTING/REFERENCE DOCUMENTATION:

- Code of Conduct

RELATED POLICIES & PROCEDURES AND ASSOCIATED FORMS:

- Appeals Policy

ASSOCIATED NCCA STANDARD(S):

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POSTED PUBLICLY: YES