



## ICAADA Ethics Policy and Procedure

### Contents

<b>POLICY ONE: COMPLAINT PROCEDURES</b> .....	2
<b>1.1</b> PROFESSIONAL COMPLAINTS .....	2
<b>1.2</b> SELF REFERRAL .....	2
<b>1.3</b> COMMUNITY COMPLAINTS .....	3
<b>POLICY TWO: INVESTIGATION &amp; DATA GATHERING</b> .....	3
<b>2.1</b> CASE SCREENING .....	3
<b>2.2</b> ABEYANCE.....	4
<b>2.3</b> INVESTIGATION: WRITTEN NOTIFICATION TO THE CREDENTIAL HOLDER .....	4
<b>2.4</b> COOPERATION .....	5
<b>2.5</b> OTHER DATA GATHERING .....	5
<b>POLICY THREE: PROCESSING COMPLAINTS</b> .....	6
<b>3.1</b> DEFINING ETHICAL VIOLATIONS.....	6
<b>3.3</b> CONSULTATION .....	6
<b>3.4</b> DISPOSITION .....	7
<b>POLICY FOUR: DISCIPLINARY ACTIONS</b> .....	9
<b>4.1</b> DISCIPLINARY ACTIONS.....	9
<b>POLICY FIVE: PROFESSIONALISM OF ETHICS PROCEEDINGS</b> .....	11
<b>5.1</b> LEGAL REQUIREMENTS OF “ETHICS PROCEEDINGS CONFIDENTIALITY” .....	12
<b>5.2</b> ICAADA “ETHICS PROCEEDINGS CONFIDENTIALITY” GUIDELINES.....	12
<b>5.3</b> PROFESSIONALISM AND CONFLICTS OF INTEREST.....	13
<b>5.4</b> COMMITTEE MEMBERSHIP .....	13



# **POLICY ONE: COMPLAINT PROCEDURES**

## **1.1 PROFESSIONAL COMPLAINTS**

- a) Should a professional wish to file a complaint, they shall be directed to submit the complaint via the ICAADA website using the online 'Ethics Concern' web submission form. This form will collect relevant information that may include the accused name, agency where respondent is employed (if known/applicable), ICAADA credential held, date(s) of alleged incident, county of incident, and descriptions of alleged incident/concern.
- b) Should translation services, or disability services, etc. be required to make a complaint, ICAADA shall make a reasonable effort to accommodate these needs.
- c) Upon receipt, complaints shall be sent to the ICAADA ethics committee once it is confirmed that the respondent is under the jurisdiction of ICAADA. The original form submission notification will be sent to all ICAADA ethics committee members for notification within 7 days of confirmation of ICAADA jurisdiction of the respondent. Should the concern submitted be determined by the ethics committee to be the jurisdiction of ICAADA, the respondent will be notified within 21 days of that validation. Jurisdiction is defined as the respondent holding a valid ICAADA credential or has an open application for an ICAADA credential.

## **1.2 SELF REFERRAL**

- a) Should a certified professional request to self-report a potential ethical violation, they shall be directed to submit the ethics concern via the ICAADA website using the online 'Ethics Concern' web submission form. No verbal or written submissions will be accepted.
- b) Should translation services, or disability services, etc. be required to make a complaint, ICAADA shall make a reasonable effort to accommodate these needs.
- c) Upon receipt, complaints shall be sent to the ICAADA ethics committee once it is confirmed that the respondent is under the jurisdiction of ICAADA. The original form submission notification will be sent to all ICAADA ethics committee members for notification within 7 days of confirmation of ICAADA jurisdiction of the respondent. Should the concern submitted be determined by the ethics committee to be the jurisdiction of ICAADA, the respondent will be notified within 21 days of that validation. Jurisdiction is defined as the respondent holding a valid ICAADA credential or has an open application for an ICAADA credential.



### 1.3 COMMUNITY COMPLAINTS

- a) Should a community member or behavioral health service recipient request to file a complaint, they shall be directed to submit the ethics concern via the ICAADA website using the online 'Ethics Concern' web submission form. No verbal or written submissions will be accepted.
- b) Should translation services, or disability services, etc. be required to make the complaint, ICAADA shall make a reasonable effort to accommodate these needs.
- c) Upon receipt, complaints shall be sent to the ICAADA ethics committee once it is confirmed that the respondent is under the jurisdiction of ICAADA. The original form submission notification will be sent to all ICAADA ethics committee members for notification within 7 days of confirmation of ICAADA jurisdiction of the respondent. Should the concern submitted be determined by the ethics committee to be the jurisdiction of ICAADA, the respondent will be notified within 21 days of that validation. Jurisdiction is defined as the respondent holding a valid ICAADA credential or has an open application for an ICAADA credential.

## POLICY TWO: INVESTIGATION & DATA GATHERING

### 2.1 CASE SCREENING

- a) Cases shall be screened for referral to either the ICAADA Ethics Committee, deemed not within the jurisdiction of ICAADA, or not an ICAADA code of ethics violation. Cases with little to no relevance to a particular certified professional (e.g. a complaint against an entire agency), or those cases with little to no relevance with the applicable ICAADA Code of Ethics (e.g. employee/employer disputes over wages/benefits), or cases that involve occupational activity regulated by other organizations shall not be handled by the ICAADA ethics committee. These cases should be handled by the appropriate body who oversees those specific workforce issues and will not be considered within the jurisdiction of ICAADA. It is the duty of the ICAADA ethics committee to make the determination of whether a case is the jurisdiction of ICAADA or not.
- b) In situations where the ICAADA ethics committee deems cases to be referred to another agency, or not the jurisdiction of ICAADA, ICAADA shall document an explanation for the rationale in the internal ICAADA ethics tracking document. The referral rationale may contain information related to:
  - 1. occupational duties performed at the time(s) of the alleged violation(s)
  - 2. occupational duties being reimbursed at the time(s) of the alleged



violation(s)

3. lack of relevance to a particular ICAADA certified behavioral health professional
  4. lack of relevance to an individual's occupation
  5. superseding board or authority at the time(s) of the alleged violation(s)
  6. lack of relevance to the applicable ICAADA Code of Ethics
- c) Should a concern be filed anonymously, the ICAADA ethics committee will determine whether the information provided in the concern provides enough information to investigate, should an investigation be warranted based upon the nature of the concern.

## 2.2 ABEYANCE

- a) Cases that are submitted to both the ICAADA Ethics Committee and to other superseding agencies (EEOC, DWD, Indiana Department of Health, law enforcement, Department of Justice, The Division of Mental Health and Addiction, Indiana Professional Licensing Agency or other applicable oversight entities) can be held indefinitely in abeyance of other allied investigative findings.
- b) If ICAADA has been notified that a case has been submitted to another agency, cases will be held in abeyance of other allied investigative findings. ICAADA shall conduct periodic searches and notations reporting on either findings or the lack thereof, shall be documented in the internal ICAADA ethics tracking document.
- c) Once findings from an allied agency have been issued, the case shall be referred to the ICAADA Ethics Committee for their consideration.

## 2.3 INVESTIGATION: WRITTEN NOTIFICATION TO THE CREDENTIAL HOLDER

- a) Upon receipt of an ethics complaint, notification of the complaint and the "nature of the complaint" will be e-mailed to the ICAADA Credential holder or applicant using the information found in their credentialing software profile. The professional will be given a maximum of 30 days to respond in writing to the ICAADA Ethics Committee. Responses will be included in all investigative reporting. ICAADA will notify the ICAADA credential holder or applicant within 21 days of validation of ICAADA jurisdiction of the matter by the ethics committee.



The investigator will review the ICAADA Credential holder or applicant response to the allegation(s) and decide regarding any need for additional information. To maintain the integrity of the data gathering process the Ethics Committee will use discretion in disclosing any information to all parties involved to elicit sound information that has not been altered or corrupted by over disclosure or fear of disclosure. Therefore, only the essential data will be presented to involved parties and, at least initially, names of complaining community members, peers, clients, etc. will be withheld to maintain the validity of the data gathering process.

b) Cases will be assigned to investigators or ICAADA staff to avoid conflicts of interests. Investigators will not accept cases where they have a conflict of interest. Investigators will disclose immediately any perceived or identified conflict of interest. This includes, but is not limited to, current and prior relationships with the respondent (family, friendships, intimacies, business arrangements, etc.). Investigators shall be approved by the ethics committee prior to becoming investigators. The ethics committee shall determine the required qualifications for all ethics investigators. The investigators will meet role requirements as outlined by the ICAADA ethics committee in investigator role description separate from this policy.

## **2.4 COOPERATION**

All certified professionals have signed/dated an applicable ICAADA Code of Ethics and agree to cooperate fully with the ICAADA Ethics Committee to maintain their certification or continue their credential application. Non-cooperation is grounds for revocation or revoking/pausing a credential application. ICAADA credential holder or applicant respondent of ethical violations must respond to complaints within 30 days of initial notification of a complaint being filed and must respond to requests for further information and materials within 15 days of each additional request. Responses may be submitted via e-mail or written response. The preferred method of response communication is e-mail.

## **2.5 OTHER DATA GATHERING**

a) Should a case require additional data gathering beyond the information offered by the certified professional or credential applicant and the original complaint(s), the committee shall approach other involved parties and elicit their observations. The Committee reserves the right to make its own determination of necessary data collection and will not solicit consent of the ICAADA credential holder or applicant or complaining party(ies). To maintain the integrity of the data gathering process the Ethics Committee will use discretion in disclosing any information to all parties involved to elicit sound information that has not been altered or corrupted by over disclosure or fear of disclosure. Therefore, only the essential data will be presented



to involved parties and at least initially names of complaining community members, peers, clients, etc. will be withheld to maintain the validity of the data gathering process and protect complaining parties from retaliation (whistleblower protection).

b) Other forms of data gathering may include, but are not limited to, reports of sanctions by other professional organizations, public records of criminal activity, social media post, investigations by the Indiana Professional Licensing Agency, etc.

c) Should additional ethics concerns against the respondent be brought forth during the investigation, an additional ethics concern does not need to be filed. This additional concern will be provided to the ICAADA ethics committee for potential action/in-action.

## **POLICY THREE: PROCESSING COMPLAINTS**

### **3.1 DEFINING ETHICAL VIOLATIONS**

a) ICAADA staff, investigators, and the Ethics Committee will identify the relevant alleged violations and gather as much information as possible, and clarify whether the conflict is ethical, legal or moral or a combination of any or all these. The Ethics Committee will look at the defined alleged violations from many perspectives to avoid simplistic conclusions.

b) The Ethics Committee will identify the potential violations involved pertinent to the applicable ICAADA Code of Ethics and contemporary practice guidelines in behavioral health (e.g. practices promoted by SAMHSA, CSAT, NIDA, NIAAA, the National Institutes of Mental Health, and similar nationally recognized organizations). First and foremost, the Ethics Committee's primary focus shall be on the health and safety of client services. After the information is collected, the Ethics Committee will list and describe the critical issues and discard the irrelevant material unrelated to violations of the applicable ICAADA Code of Ethics. The Ethics Committee will evaluate the rights, responsibilities and welfare of all of those who are affected by the situation and will accept the process of making ethical decisions by identifying competing principles, regulations, professional and cultural norms and practices.

### **3.3 CONSULTATION**

The Ethics Committee may obtain consultation. The ethics committee may consult with an appropriate colleague or colleagues that may have a special expertise in a



particular issue to obtain additional perspective(s) on the alleged violation(s). Consultation can help us think about information or circumstances that we may have overlooked. The ethics committee will justify their course of action based on sound reasoning. Consultation with colleagues will provide the ethics committee with an opportunity to test the rationale of our recommended disposition of the case (as needed). All consultation will be done while maintaining confidentiality of the unresolved case and protecting the rights of all parties concerned. Consultation with associated fees greater than \$500 shall be approved by the ICAADA Board of Directors prior to conducting consultation. All external consultation will be required to sign a non-disclosure agreement prior to consultation being utilized.

### **3.4 DISPOSITION**

- a) The Ethics Committee will consider possible and probable courses of action. The Ethics Committee may consider different possibilities for action and their potential effects on the client, for others related to the client, agencies, and for the constituency of behavioral health professionals, community members or allied health professionals. The ethics committee will also review previous cases similar in nature to support consistency in decision making.
- b) The Ethics Committee shall be empowered to vote on sanctions ranging from warnings, educational mandates, therapeutic mandates, practice restrictions, etc. This may include providing a suggestion for the complainant to file a complaint with the applicable governing body (should it not be ICAADA) or filing a consumer complaint with the Indiana Office of Attorney General. The ethics committee will determine if suggestions are provided to the accuser to file a complaint with the appropriate agency or office. If the ethics committee determines the complaint should be filed with another agency or organization, that will be communicated to the accuser. The Ethics Committee shall refer all recommendations of suspension or revocation to the ICAADA Board of Directors. The Ethics Committee shall operate in normal parliamentary procedures. The Committee shall make motions for findings, sanctions, and recommended suspensions and revocations. The motions and results of voting shall be recorded in the Ethics committee meeting minutes. Suspension and/or revocation decisions shall be recorded in the ICAADA board of director meeting minutes.
- c) In cases where the Ethics Committee is recommending a suspension or revocation, the Ethics Committee shall present its recommendations to the ICAADA Board of Directors. The ICAADA Board of Directors reserves the right to accept the recommendation for suspension or request additional information.
- d) The Ethics Committee will make all reasonable efforts to resolve cases within 6



months. Should the decision require longer, respondent will be notified.

e) Written notice of the disposition of the case will be e-mailed and physically mailed to the ICAADA credential holder or applicant. ICAADA will request written confirmation of receipt and send all physical mail via USPS certified mail option.

f) All sanctions are public knowledge. Meeting minutes from the ethics committee meetings are not public knowledge. Unresolved, unfounded allegations or allegations held in abeyance are not public knowledge. Therefore, any individual may contact ICAADA to verify the current certification status of any individual. All findings, sanctions, suspensions and revocations may be posted to the ICAADA Registry or other public notification deemed appropriate by the ICAADA Board of Directors. This is done to support public safety related to services rendered.

g.) Appeal: All behavioral health professionals shall retain the right to appeal against the findings and sanctions imposed by the Ethics Committee and/or the ICAADA Board of Directors. Once a determination of findings has occurred by either the Ethics Committee and/or the ICAADA Board of Directors, the onus to reverse those findings is the responsibility of the behavioral health professional to present exculpatory data not previously considered by the Ethics Committee and/or the ICAADA Board of Directors. Perceived inequity of sanctions that have occurred over time, or perceived gravity of subsequent damages is not grounds for appeal. The appeal request must be submitted in writing within 20 days of the ICAADA ethics decision notification letter.

1. If the respondent disagrees with the decision of the ICAADA Ethics Committee, Respondent has 20 (twenty) calendar days from the date of the final decision letter to submit a written request for an appeal to the ICAADA Director.
2. The respondent can request a formal hearing from the Ethics committee that includes the respondent presenting their case to the Ethics committee. The ICAADA Board of Directors reserves the right to deny this request.
3. The ICAADA Director will submit the request for an appeal and the file/record of the complaint to the ICAADA Board of Directors within 14 (fourteen) business days of receipt of the request.
4. The ICAADA Board of Directors will review the complaint, investigation results and evidence, and the Ethic Committee's decision. No new arguments, evidence or testimony will be allowed.

h.) The ICAADA Board of Directors will have 90 (ninety) calendar days from the day the ICAADA credential holder or applicant submitted the request for an appeal





to review the file and issue a final written decision. The ICAADA Board of Directors may decide one of the following:

1. Uphold the findings and decision of the Ethics Committee
  2. Dismiss the complaint
  3. Return the complaint to the Ethics Committee for further investigation and action.
  4. Grant an appeal hearing where additional findings, witnesses and similar can be presented by the ICAADA credential holder or applicant.
- i.) If the ICAADA Board of Directors upholds the Ethics Committee's findings and decision or dismisses the complaint, the decision is final. There is no right to appeal against this decision. If the ICAADA Board of Directors returns the complaint to the Ethics Committee for further action, then the Ethics Committee will follow the Board's directions, issue a new decision based on any new findings, and this new decision will be subject to appeal by the respondent.
1. Once a final decision has been made, the Director will enter the information into the database.
  2. Appeal hearings, should they be granted, will be conducted by a committee outside of the ethics committee and ICAADA board of directors. Appeal committee members must meet the same eligibility requirements as ethics committee members. This appeals committee will consist of a minimum of 3 members and no more than 7. The ICAADA Board of Directors shall appoint the appeal committee members. The ICAADA Board of Directors shall ensure that there are no potential conflicts of interest between the appeals committee member and the ICAADA credential holder or applicant and the complainant. All appeals committee members will hold the same category credential to the one of the respondents (example recovery support credential respondent will have an appeals committee made up of recovery support credential holders).

## **POLICY FOUR: DISCIPLINARY ACTIONS**

### **4.1 DISCIPLINARY ACTIONS**

- a) The Ethics Committee may choose from an array of official sanctions, such as, but not limited to:
1. Recommendation: Occupational or Educational Advisory: a written statement warning the ICAADA credential holder or applicant of potentially unethical or illegal actions with recommendations to alter or cease practices in question, which will include educational advisement (as



applicable).

2. Educational/Supervisory Sanction: a mandated requirement to participate in an educational activity that is pertinent as a corrective action to an identified unethical practice. The mandated activity must be completed to retain certification in a reasonable amount of time that will be levied by the committee depending on availability of the education. Generally, educational mandates must be completed within 6 months or less as determined by the Ethics Committee. This level of sanction may include requirements related to supervision reports or other supervision documentation to support confirmation of consultation/guidance received related to the concern filed and how it has been approached/resolved with a supervisor.
  3. Suspension or Revocation: suspension of certification for an agreed upon time. ICAADA reserves the right to suspend and/or revoke a person's credential based upon the nature of the accusation. All ICAADA credential suspensions must be approved by the ICAADA Board of Directors. Credential application pauses can be determined by the Ethics committee and do not require the board of directors' approval.
- b) The Ethics Committee may choose from an array of recommendations to the ICAADA Board of Directors for cases where suspension, revocation or permanent revocation are recommended.
1. Suspension: suspension of certification for a period, usually accompanied by mandated (education, therapy, etc.) requirements for re-instatement eligibility. Suspensions will be mandated as determined by the ICAADA Board of Directors. Suspension occurs because of unethical practices, unresolved professional impairment, unresolved warnings or mandates, or non-cooperation, as determined by the Ethics Committee recommendations. Should a certification expire during dates of suspension, it is the responsibility of the credential holder to renew said certification upon reinstatement. Expiration dates do not pause due to a certification suspension. Reinstated credential renewals must meet current certification requirements.
  2. Revocation: revocation of certification, where certification becomes null and void because of unethical practices, unresolved professional impairment, or unresolved warnings or mandates, as determined by the ICAADA Board of Directors. Upon revocation an ICAADA credential holder or applicant must wait a minimum of two-five years before re-applying for certification as determined by the board of directors.
  3. Permanent Revocation: permanent revocation of certification, where certification becomes null and void because of unethical practices, or unresolved warnings or mandates, as determined by the ICAADA Board of Directors. Upon permanent revocation a person may not re-apply for



certification with the Certification Body.

c) Credential Re-instatement:

1. A credential will not automatically be re-instated at the earliest possible re-instatement date. It is the duty of the suspended credential holder to petition the board of directors to request re-instatement. This petition must be in writing and submitted to ICAADA staff who will provide it to the board of directors.
2. The petition must include details related to education, professional mentorship and other requirements to support the request for re-instatement. Supporting documentation must be provided to confirm activities have been completed such as attendance certificates, letters of recommendation etc.
3. All credential re-instatements will be reviewed by the ethics committee for consideration and re-instatement determination. Should the ethics committee feel they cannot reach a decision, they may refer the matter to the board of directors for review/decision. The board of directors will be notified of all credential reinstatements during the next scheduled board of directors meeting.
4. Submission of a petition to reinstate does not grant the automatic re-instatement of the credential. The ethics committee reserves the right to continue to uphold the suspension or request additional actions be taken to rectify the behaviors that led to the suspension.
5. Credential re-instatement shall be for the remainder of the credential's validity. Should the credential have expired during the suspension, the credential will need to be renewed based upon current renewal standards.

## **POLICY FIVE: PROFESSIONALISM OF ETHICS**

### **PROCEEDINGS**



## 5.1 LEGAL REQUIREMENTS OF “ETHICS PROCEEDINGS CONFIDENTIALITY”

a) ICAADA will make every reasonable effort to maintain confidentiality in all investigative procedures. ICAADA is not responsible for information shared by anyone not directly associated with ICAADA. This includes ICAADA staff, the ICAADA ethics committee, investigators and/or ICAADA Board of Directors members. There is not a legal obligation of confidentiality for ICAADA per any Indiana law.

b) There exists no overt or implied statement of confidentiality of Ethics Proceedings in the ICAADA Ethics Agreement.

## 5.2 ICAADA “ETHICS PROCEEDINGS CONFIDENTIALITY” GUIDELINES

a) The following general guidelines of “professional confidentiality” are recommended to the Ethics Committee, however as previously stated, are not required under law. The ICAADA Ethics Committee will decide appropriate “ethics proceedings confidentiality” on a case per case basis.

b) General Guidelines

1. Unresolved and/or unfounded allegations are not public knowledge and will not be maintained in an individual’s certification file. They will be maintained in ICAADA internal ethics tracking documentation. Unresolved and/or unfounded allegations will not be reported upon request, unless requested through an accepted subpoena or court order. ICAADA reserves the right to file to quash.
2. Sanctions are public knowledge and can be reported upon request.
3. Written copies of specific communications, records or audio tapes pertaining to the case will not be disseminated to the public unless otherwise requested by an accepted subpoena or court order.
4. Ethics Committee members and ICAADA Board members shall not discuss ethics proceedings outside of the committee membership or professional consultation.
5. A written statement of sanctions & current certification status may be posted to the credential registry, or other areas deemed appropriate by the board of directors.



### 5.3 PROFESSIONALISM AND CONFLICTS OF INTEREST

- a) The ICAADA Board of Directors must vote to suspend, revoke or permanently revoke an individual's certification based upon the ethics committee's recommendation. If a board member is aware of a conflict of interest they shall abstain from discussion, motions or voting.
- b) Any member of the Ethics Committee who is aware of a conflict of interest between themselves, the ICAADA credential holder or applicant in question or complaining party(ies) must abstain from ethics proceedings for that case.

### 5.4 COMMITTEE MEMBERSHIP

The Ethics Committee consists of an Ethics Committee Chairperson and no less than two other members, with a maximum of seven members, who are appointed by the ICAADA Board Chairperson and approved by the ICAADA Board of Directors. The ICAADA Director shall staff the committee. The Ethics Committee Chair must be an ICAADA Board Member. The remaining members can be ICAADA credential holders or other health care professionals who are not members of the ICAADA Board of Directors.