



ISCD Certification Ethics Committee Policies and Procedures

Purpose

The Ethics Committee handles challenges raised under the Rules of Ethics, denial of an application for certification (other than failure to meet criteria for the examination), or denial of renewal or reinstatement of a certification. Failure of a certificant to comply with the Ethics Committee in a proceeding on a challenge may be considered by the Ethics Committee as failure to observe the Rules of Ethics.

Administrative Procedure

1. Ethics Committee

Membership and Responsibilities of the Ethics Committee

- a. The Chair of the Certification Council, with the approval of the council, appoints three members to serve as members of the Ethics Committee, each person serves until either removed or replaced by the Chair of the Council, with the council approval, at any time. The chair, with council approval, may also appoint a fourth member as an alternate member to the committee. The alternate member will participate on the committee in the event that one of the Ethics Committee members is unable to participate. The Ethics Committee is responsible for (1) investigating each breach of the Code of Ethics and determining whether a Certified Technologist or Certified Clinician has failed to observe the Rules of Ethics in the Standards and determining an appropriate sanction; and (2) periodically reviewing the Code of Ethics, Enforceable Rules of Ethics and Administrative Procedures in the Standards and recommending any amendments to the Certification Council.

- b. **Chair of the Ethics Committee**

The Chair of the Certification Council, with the approval of the council, appoints one member of the Ethics Committee to serve as the Committee's Chair for a three year term. The Ethics Chair is the principal administrative officer responsible for the transmission, interpretation, and enforcement of the Standards of Ethics. The Chair of the Council may remove and replace the Chair of the Ethics Committee, with the approval of the Certification Council, at any time, with or without cause. The Ethics Chair presides at and participates in meetings of the Ethics Committee and is responsible to the Certification Council, using staff, legal counsel and other resources necessary to fulfill the responsibilities of administering the Rules of Ethics.

- a. **Preliminary Review of Potential Violation of the Rules of Ethics**

The Ethics Chair shall review each alleged violation of the Rules of Ethics that is brought to the attention of the Ethics Committee. If the Ethics Chair determines (1) there is insufficient information upon which to base a violation of the Rules of

Ethics, or (2) the allegation against the Certified Technologist or Certified Clinician is frivolous or inconsequential, or (3) the allegations, if true, would not constitute a violation of the Rule of Ethics, the Chair may summarily dismiss the matter. The Chair may be assisted by staff and/or legal counsel. The Chair shall report each such dismissal to the Ethics Committee.

b. Options for Dispositions

The Ethics Chair may appoint the Staff Certification Director of ISCD to investigate allegations and to enter into negotiations with the Certified Densitometry Technologist, Certified Clinician or Candidate concerning the possible resolution of an alleged violation of the Rules of Ethics. The Certification Director may be assisted by staff members and /or legal counsel. The Certification Director is not empowered to enter into a binding resolution, but may recommend a proposed settlement to the Ethics Committee. The Ethics Committee may accept the proposed settlement, make a counterproposal to the Certified Technologist, Certified Clinician or Candidate, or reject the proposed settlement and proceed under these Administrative Procedures.

c. Summary Suspensions

If an alleged violation of the Rules of Ethics involves the occurrence of a conviction or criminal proceedings or any event the Ethics Committee determines would, if true, potentially pose harm to the health, safety or well being of any patient or the public, the Ethics Committee, following the Rules of Ethics, may, without a prior hearing notice and without a prior hearing, summarily suspend the certification of the Certified Technologist or Certified Clinician pending a final determination as to whether the alleged violation of the Rules of Ethics did occur. The following procedure will be followed with this provision:

1. Within five working days of the suspension of the Certified Technologist, the Ethics Committee shall, by certified mail, return receipt requested, give to the Certified Technologist or Certified Clinician written notice that describes:
 - a. the summary suspension
 - b. the reason or reasons for it
 - c. right of the certificant to request a hearing with respect to the summary suspension by written notice to the Ethics Committee no later than 15 days after the receipt of the written notice if the hearing request is returned within the specified time, a hearing shall be held before the Ethics Committee or a panel of no fewer than three members of the Ethics Committee as promptly as practicable, but in any event within 30 days after the Ethics Committee's receipt of the certificant's request for a hearing. The applicable requirements of section 2 of these Administrative Procedures shall govern all hearings with respect to summary suspensions, except that neither a determination of the Ethics Committee or panel, in the absence of a timely request for a hearing by the affected certificant, nor a determination by the Ethics Committee or panel following a timely requested hearing is appealable to the Board of Directors.

2. Hearings

- a. Whenever the Ethics Committee is to take action in respect to the denial of an application for certification (for reasons other than failure to meet the criteria as stated in the Eligibility policy, in which case there is no right to a hearing), or of an application for renewal or reinstatement of a certification or a revocation or suspension of a certificant or the censure of a Certified Technologist or Certified Clinician for an alleged violation of the Rules of Ethics, written notice shall be given to such person, specifying the reasons for such proposed action. The certificant or candidate shall have 15 days from the receipt of the proposed notice to make a written request for a hearing. Failure to make a written request for a hearing within such period shall constitute consent to the action taken by the Ethics Committee pursuant to such notice.
- b. A Certified Technologist or Candidate who requests a hearing in the manner prescribed above shall advise the Ethics Committee in writing of his or her intention to appear at the hearing. The Certificant or Candidate who requests a hearing may elect to appear by written submission which shall be verified or acknowledged under oath.
- c. Failure to appear at the hearing or to supply a written submission in response to the charges shall be deemed a default on the merits and shall be deemed consent to whatever action or disciplinary measures which the Ethics Committee determines to take.
- d. Hearings shall be held at such date, time, and place as shall be designated by the Ethics Committee. The Certified Technologist, Certified Clinician or the Candidate shall be given at least 30 days' notice of the date, time, and place of the hearing.
- e. The hearing is conducted by the Ethics Committee with any three or more of its members participating, other than any member of the Ethics Committee who disqualifies himself because of personal acquaintance or approximate location to the Certified Technologist, Certified Clinician or Candidate in question. In the event of such disqualification, the President may appoint a Council member to serve on the Ethics Committee for the sole purpose of participating in the hearing and rendering a decision.
- f. At the hearing, the Ethics Committee shall present the charges against the Certified Technologist, Certified Clinician or Candidate in question, and the facts and evidence in respect to the basis for the proposed action or disciplinary measure. The Ethics Committee may be assisted by legal counsel.
- g. The Certified Technologist, Certified Clinician or Candidate in question, may be assisted by legal counsel or other representative if he or she desires (at the sole expense of the Certified Technologist, Certified Clinician or Candidate in question), shall have the right to call witnesses, present testimony, and be heard in his or her own defense. Any information may be considered which is relevant or potentially relevant.
- h. The Ethics Committee shall not be bound by any state or federal rules of

evidence.

- i. A transcript or an audio recording of the hearing will be made. The Certified Technologist or Candidate in question shall have the right to submit a written statement at the close of the hearing.
- j. In a case where the Ethics Committee proposes to take action in respect to the denial of an application for certification (for reasons other than failure to meet the criteria as stated in Candidate Handbook) or the denial of renewal or reinstatement of a registration, the Ethics Committee shall assess the evidence presented at the hearing and make its decision accordingly, shall prepare written findings of fact and its determination as to whether grounds exist for the denial of an application for certification or renewal or reinstatement of a registration,, and shall promptly transmit the same to the Certification Council and to the Certified Technologist, Certified Clinician or Candidate in question.
- k. In the case of alleged violations of the Rules of Ethics by a Certified Technologist or Certified Clinician, the Ethics Committee shall assess the evidence presented at the hearing and make its decision accordingly, and shall prepare written findings of fact and its determination as to whether there has been a violation of the Rules of Ethics and, if so, the appropriate sanction, and shall promptly transmit the same to the Certification Council and to the Certified Technologist or Certified Clinician in question.
- l. Potential sanctions include denial of renewal or reinstatement of a certification with ISCD, revocation or suspension of a certification, or the public or private reprimand of a Certified Technologist or Certified Clinician.
- m. Unless a timely appeal from any findings of fact and determination by the Ethics Committee is taken to the Certification Council in accordance with paragraph 3 below, the Ethics Committee's findings of fact and determination in any matter (including the specified sanction) shall be final and binding upon the Certified Technologist, Certified Clinician or Candidate in question.

3. Appeals

- a. Except as otherwise noted in these Administrative Procedures, the Certified Technologist, Certified Clinician or Candidate may appeal any decision of the Ethics Committee to the Certification Council by submitting a written request for an appeal within 30 days after the decision of the Ethics Committee is mailed. The written request for an appeal must be accompanied by a nonrefundable appeal fee in the amount of \$250. In rare cases, the appeal fee may be waived, in whole or in part, at the sole discretion of the Ethics Committee.
- b. In the event of an appeal, those Ethics Committee members who participated in the hearing at the Ethics Committee shall not participate in the appeal.
- c. The remaining members of the Certification Council shall consider the decision of the Ethics Committee, the files and records applicable to the case at issue, and any written appellate submission of the Certified Technologist, Certified Clinician or Candidate in question; and shall determine whether to affirm or overrule the decision of the Ethics Committee or to remand the matter to the Ethics Committee for further consideration.

- d. In making such determination to affirm or to overrule, findings of fact supported by the evidence made by the Ethics Committee shall be conclusive.
- e. The Certification Council may grant re-hearings, hear additional evidence, or request that the Ethics Committee or the Certified Technologist, Certified Clinician or Candidate in question provide additional information in such manner, on such issues, and within such time as it may prescribe.
- f. All hearings and appeals shall be private and confidential at all stages. It shall be considered an act of professional misconduct for any Certified Technologist, Certified Clinician or Candidate to make an unauthorized publication or revelation of the same, except to his or her attorney or other representative, immediate superior, or employer.

4. Publication of Adverse Decisions

Final decisions that are adverse to the Certified Technologist, Certified Technologist or Candidate will be communicated to the appropriate authorities of certification organizations and state licensing agencies and provided in response to inquiries into a person's certification status. ISCD shall also have the right to publish any adverse decisions and the reasons therefore. For purposes of this paragraph, a "final decision" means and includes: a determination of the Ethics Committee relating to a summary suspension, if the affected Certified Technologist, Certified Clinician or Candidate does not request a hearing in a timely manner; a non-appealable decision of the Ethics Committee or a panel relating to a summary suspension that is issued after a hearing on the matter; an appealable decision of the Ethics Committee from which no timely appeal is taken; and, in a case involving an appeal of an appealable decision of the Ethics Committee in a matter, the decision of the Board of Directors in the matter.

5. Procedure to Request Removal of a Sanction

Unless a sanction imposed by ISCD specifically provides for a shorter or longer term, it shall be presumed that a sanction may only be reconsidered after at least three years have elapsed since the sanction first became effective. At any point after a sanction first becomes eligible for reconsideration, the individual may submit a written request ("Request") to ISCD asking the Ethics Committee to remove the sanction. The Request must be accompanied by a nonrefundable fee in the amount of \$250. A Request that is not accompanied by the fee or is submitted before the matter is eligible for reconsideration will be returned to the individual and will not be considered. In rare cases, the fee may be waived, in whole or in part, at the sole discretion of the Ethics Committee.

The Request, the fee, and all documentation in support of the Request must be received by ISCD at least 45 days prior to a meeting of the Ethics Committee in order to be included on the agenda of that meeting. If the Request is received less than 45 days before the meeting, the Request will be held until the following meeting. The Ethics Committee typically meets three times a year. The individual is not entitled to make a personal appearance before the Ethics Committee in connection with a request to remove a sanction.

Although there is no required format, the Request must include compelling reasons justifying the removal of the sanction. It is recommended that the individual demonstrate

at least the following: (1) an understanding of the reasons for the sanction and why the sanction was imposed and (2) detailed information demonstrating that his or her behavior has improved and similar activities will not be repeated.

Letters of recommendation from individuals who are knowledgeable about the person's current character and behavior, including efforts at rehabilitation, are advised, and should be send directly to ISCD. If a letter of recommendation is not on original letterhead or is not duly notarized, the Ethics Committee shall have the discretion to ignore that letter of recommendation.

Removal of the sanction is a prerequisite to applying for reinstatement of certification and registration. If the Ethics Committee, at its sole discretion, removes the sanction, the individual will be allowed to pursue reinstatement via the policies and procedures in place at that time, which may require the individual to take and pass the current certification examination. There is a three-attempt limit for passing the examination and a three-year limit within which the three attempts must be completed. Individuals requesting reinstatement will not be allowed to report CE credits completed while under sanction in order to meet the CE requirements for registration. The Ethics Committee reserves the right to change its policies and procedures from time to time and without notice to anyone who is under a sanction or is in the process of seeking to remove a sanction.

If the Ethics Committee denies removal of the sanction, the decision is not subject to a hearing or to an appeal, and the Committee will not reconsider removal of the sanction for as long as is directed by the Committee.