POLICY STATEMENT:

This Policy sets forth a Code of Professional Conduct (the "Code") and Rules of Ethics (the “Rules”) for AACVPR exam applicants, candidates and certificants. It also includes standard procedures for evaluating complaints of alleged violations of the Rules lodged by the public, leadership or members. Corrective action may be imposed when it is determined that an exam applicant, candidate or certificant has demonstrated conduct that violates the Rules as defined below.

Complaints of alleged violations, questions or concerns should be directed to the PCC through the AACVPR Headquarters. Anonymous reports will not be accepted. All alleged violations will be given careful consideration by the PCC. Sanctions will be imposed when it is determined that an exam applicant, candidate or certificant has demonstrated conduct that is in direct violation of Rules of Ethics as described in this policy.

This Policy and Procedure does not cover complaints related to professional competency and/or job performance. Evaluating professional competency and/or job performance is the responsibility of the employer or supervisor.

PURPOSE:

The PCC Code of Professional Conduct and Rules of Ethics shall apply to all exam applicants, candidates and certificants in the AACVPR Certification Program, including the PCC. The Code sets forth principles that connect the values and ideals of the profession to the work performed by cardiac rehabilitation professionals. The Rules of Ethics shall serve as the standard by which the PCC will evaluate alleged professional misconduct for all exam applicants, candidates and certificants.

Exam applicants, candidates and certificants are responsible to observe and comply with the Code and the Rules and to enhance ethical standards to maintain the respect and credibility of the profession. Further, members are expected to report alleged violations of the Code for evaluation by the PCC.

CODE OF PROFESSIONAL CONDUCT:

The exam applicant, candidate and certificant will:

1. Conduct him/herself in a professional manner at all times and practice ethical conduct appropriate to the profession.

2. Provide quality cardiac rehabilitation services, unrestricted by the concerns of personal attributes and without discrimination on the basis of gender, sexual orientation, race, creed, religion, national origin, socioeconomic status, or any other protected classification.
3. Use technology consistent with the purposes for which it was designed, and employ procedures and techniques appropriately for cardiac rehabilitation best practices.

4. Assess situations; exercise care, discretion and judgment; assume responsibility for professional decisions; and act in the best interest of patients, his or her employers/healthcare providers and the public.

5. Demonstrate expertise by protecting the safety of patients and other members of the healthcare team through cardiac rehab/secondary prevention services that meet industry standards and understanding regulatory requirements.

6. Respect and preserve confidences entrusted in the course of professional practice and reveal confidential information only as needed and in accordance with any applicable law.

7. Strive to improve his/her knowledge, skills and productivity by participating in continuing education and professional development activities, and sharing his/her knowledge with colleagues.

THE RULES OF ETHICS:

It is essential that exam applicants, candidates and certificants act consistently with the Rules of Ethics as outlined in this document. The following conduct or activities violate the ethical requirements of the Code of Ethics and may result in sanctions as described under Administrative Procedures:

1. Employing fraud or deceit in cardiac rehab/secondary prevention work or using authority for personal gain.

2. Any conviction, plea of guilty or nolo contendere involving a felony or gross misdemeanor.

3. Termination from any employment for conduct that is contrary to the ethical principles appropriate to the cardiac rehab/secondary prevention profession.

4. Inability to practice the cardiac rehab/secondary prevention profession with reasonable skill and safety because of the use of alcohol, drugs, chemicals, or any other material.

5. Adjudication by a court of competent jurisdiction, as mentally incompetent, or a person dangerous to the public.

6. Engaging in conduct likely to deceive, defraud, or harm the public, an employer and/or healthcare workers.

7. Knowingly making a false statement or knowingly providing false information to AACVPR and the PCC in any application or proceeding.

8. Making false, fraudulent, deceptive, or misleading communications to any person regarding the member’s education, training, credentials, experience or qualifications, or the status of the individual’s certification.

9. Employing fraud or deceit in procuring or attempting to procure, maintain, renew, or obtain registration or reinstatement of certification issued by the PCC.
10. Subverting or attempting to subvert the PCC’s examination process. Conduct that subverts or attempts to subvert PCC’s examination process includes, but is not limited to:

   a. Conduct that violates the security of the CCRP examination materials, such as removing or attempting to remove examination materials from an examination room, or having unauthorized possession of any portion of or information concerning a current, previous or future CCRP exam; or disclosing information concerning any portion of a current, previous or future administered examination of the PCC; or disclosing what purports to be, or under all circumstances is likely to be understood by the recipient as, any portion of or “inside” information concerning any portion of a current, previous or future administered exam of the PCC;

   b. Conduct that in any way compromises ordinary standards of test administration, such as communicating with another candidate during the administration of the examination, copying another candidate’s answers, permitting another candidate to copy one’s answers, or possessing unauthorized materials;

   c. Impersonating a candidate or permitting an impersonator to take the examination on one’s own behalf;

**ADMINISTRATIVE PROCEDURES FOR EVALUATION OF ETHICAL CONDUCT:**

All complaints of alleged violations must be submitted to the AACVPR Headquarters. Anonymous reports will not be accepted. Alleged violations received by the AACVPR Headquarters will be forwarded to the PCC Ethics Subcommittee for review.

Preliminary Screening of Potential Violation of the Ethical Rules

The PCC Ethics Subcommittee shall review each complaint of alleged violation of the Rules of Ethics that is brought to the attention of the PCC. If there is (1) insufficient information upon which to base a charge of a violation of the Rules, or (2) the allegations against the member are patently frivolous or inconsequential, or (3) the allegation, if true, would not constitute a violation of the Rules, the PCC Ethics Subcommittee may summarily dismiss the matter, with concurrence of the full PCC Ethics Subcommittee. Staff and/or legal counsel may be called on to assist in this decision and the investigation of such complaints of alleged violations. Legal counsel will be consulted in all matters that do not result in summary dismissals. Such matters shall also be routinely reported to the AAVPR Board of Directors at their scheduled meetings; however the identity of the individuals and details of summary dismissals that may identify the individual in question shall remain confidential.

1. Investigations

   1.1 Upon the concurrence of the PCC Ethics Subcommittee that there is sufficient information to warrant an investigation, the individual will be notified by certified mail or other means which provides acknowledgement of receipt of the alleged violation(s) of the Rule(s) that is being investigated. The notification will provide the applicant, candidate or certificant with the following information:

      • The alleged violation of the Rule(s);
• The right to submit documentary materials in response to the allegations(s) within 15 business days from the date of the notification letter;
• The obligation to cooperate with, and participate in the investigation process as determined by the PCC Ethics Subcommittee; and
• A copy of these Policies and Procedures.
• The right to a request and participate in a Hearing pursuant to Section 4, below.
• The right to be represented by an attorney during the Hearing proceedings with the PCC Ethics Subcommittee as long as the Subcommitee is notified of the representation at least five (5) business days prior to the hearing date.

1.2 In the event that the individual in question is not reachable as a result of an incorrect address, custody of the court or return of unclaimed certified notification, the PCC Ethics Subcommittee reserves the right to continue with the investigation.

1.3 The PCC Ethics Subcommittee investigation process may include but is not limited to: 1) Interview with exam applicant, candidate or certificant in question; 2) Interview with other parties involved for the purposes of obtaining information deemed applicable to the specific violation; and 3) Review applicable documentation and data.

1.4 At the conclusion of the investigation process, the exam applicant, candidate or certificant in question will be notified by certified mail of the decision of the PCC Ethics Subcommittee. In the event that the member in question is not reachable as a result of an incorrect address, custody of the court, or return of unclaimed certified notification, the individual waives all rights to the Appeals Process.

1.5 Efforts will be made to ensure that an investigation is concluded within 45 business days if no hearing is requested and 90 days if a hearing is requested. Upon conclusion of the investigation, the PCC Ethics Subcommittee, with the assistance of legal counsel, will develop a summary report of the investigation.

1.6 All interviews, documentation, hearings and appeals provided for herein shall be held confidential throughout all stages of the process. It shall be considered an ethical violation of the Rules of Ethics for any exam applicant, candidate, or certificant, to make an unauthorized publication or revelation of the same, except to his or her attorney or other representative, immediate supervisor, or employer. The PCC Ethics Subcommittee and staff are similarly restricted from making unauthorized disclosures regarding such proceedings.

1.7 Actions taken by the PCC Ethics Subcommittee may include but are not limited to:
• Letter of Concern;
• Letter of Admonition;
• Written reprimand with no effect on current or future certification(s);
• Time limited denial of an application to sit for certification;
• Lifetime denial of an application to sit for certification;
• Denial of an application for renewal and/or reinstatement of certification(s);
• Time limited revocation of certification(s); or
• Lifetime revocation of certification(s).

2. Hearings
2.1 A person who is subject to an investigation shall have 30 business days from the date the notice of such proposed action is mailed pursuant to Section 3.1 to make a written request for a hearing and/or to submit written comments on the matter.

2.2 An individual shall have the right to be represented by an attorney during the hearing proceedings with the PCC Ethics Subcommittee as long as the committee is notified of representation at least five (5) business days prior to the hearing date; and

2.2 Failure to make a written request for a hearing and/or submit written comments on the matter within the identified period of time shall waive all rights to such a hearing. The applicant, candidate or certificant who requests a hearing in the manner prescribed above shall advise the PCC Ethics Subcommittee of his or her intention to appear/speak at the hearing.

2.3 Failure to appear at the hearing or to supply a written submission in response to the allegation shall be deemed a default of the merits and shall be deemed consent to whatever action or disciplinary measures the PCC Ethics Subcommittee determines to take. Hearings shall be held at such date, time, and place as shall be designated by the PCC Ethics Subcommittee. The applicant, candidate or certificant shall be given at least thirty (30) business days' notice of the date, time, and place of the hearing. The member in question has the right to have an attorney present, at their own expense. Both parties shall disclose their intentions to have an attorney present. Additionally, AACVPR will not reimburse the member in question for travel expenses related to attending the hearing. Telephone hearings may be held.

2.4 The PCC Ethics Subcommittee conducts the hearing. Any member of the PCC Ethics Subcommittee whose professional activities are conducted at a location in the approximate area of the member subject to the hearing or who knows the individual personally must recuse himself or herself.

2.5 At the hearing, the allegation against the applicant, candidate or certificant in question, all relevant information that has been collected pursuant to the allegation and such other information it deems pertinent shall be presented by those who conducted the investigation. The applicant, candidate or certificant in question shall have the right to present witness statements, present testimony and be heard in his or her own defense; to hear the testimony of and cross-examine any witnesses appearing at such hearing; and to present such other evidence or testimony as the PCC Ethics Subcommittee shall deem appropriate to do substantial justice. In the event that the member, applicant, candidate or certificant in question had chosen to supply a written submission in response to the complaint due to the inability to attend the hearing in person, the PCC Ethics Subcommittee shall instead review the written submission. Any information may be considered which the PCC Ethics Subcommittee deems relevant or potentially relevant. The PCC Ethics Subcommittee shall not be bound by any legal rules of evidence.

2.6 The PCC Ethics Subcommittee shall assess the evidence presented at the hearing and all available information and shall prepare its findings and decision as to whether a violation has occurred and, if so, appropriate sanctions. Such decision shall be transmitted to the applicant, candidate or certificant and to the AACVPR Board,

2.7 Unless a timely appeal from any decision by the PCC Ethics Subcommittee is taken to the full Professional Certification Commission in accordance with section 3 (below)
the PCC Ethics Subcommittee decision in any matter shall be final and binding upon
the member in question.

2.8 If no hearing is requested, the PCC Ethics Subcommittee may consider the matter
under such procedures, as it deems appropriate.

2.9 Upon conclusion of the hearing, all documents related to the matter will be sent to the
AACVPR Executive Office for archival purposes.

3. Appeals

3.1 Except as otherwise noted in these Administrative Procedures, the member,
an applicant, candidate or certificant may appeal any decision of the PCC Ethics
Subcommittee directly to the PCC by submitting a written request for an appeal within
thirty (30) business days after the decision.

3.2 Appeals will be conducted telephonically unless otherwise requested by the applicant,
candidate or certificant.

3.3 The applicant, candidate or certificant will be notified via Certified Mail or other means
providing acknowledgement of receipt of the request for an appeal and will be
provided with the following information:

- The right to submit documentary materials which were reasonably unavailable to
  the individual in the PCC Ethics Subcommittee proceeding. Such submissions
  must be made within fifteen (15) business days from the date of the notification
  letter;
- The right to participate in the appeal hearing proceedings with the PCC;
- The right to be represented by an attorney during the appeal hearing
  proceedings with the PCC as long as the PCC is notified of representation at
  least five (5) business days prior to the appeal hearing date; and
- The date of the appeal hearing, which will be held a minimum of thirty (30)
  business days from the date of the notification letter.

3.4 In the event of an appeal, any PCC Ethics Subcommittee members who participated
in the investigation or hearing shall not participate in the appeal. The person in
question has the right to attend the appeal with lawyer representation at their own
expense. Both parties shall disclose their intentions to have an attorney present at
least five (5) business days prior to the hearing. The remaining members of the PCC
shall consider the decision of the PCC Ethics Subcommittee, the applicable files and
records in the case at issue and any written appellate submission of the applicant,
candidate or certificant in question, and shall determine whether to affirm or to
overrule the decision of the PCC Ethics Subcommittee. In making such determination
to affirm or to overrule, findings of fact made by the PCC Ethics Subcommittee shall
be presumptively correct if supported by any evidence. The PCC may grant another
hearing, hear additional evidence, or request that the applicant, candidate or
certificant in question provide additional information, in such manner, on such issues,
and with such time as it may prescribe.

3.5 All hearings and appeals shall be private and confidential at all stages. It shall be
considered an act of professional misconduct for any PCC Ethics Subcommittee
member to make an unauthorized disclosure, except to his or her attorney or other
representative.
3.6 The PCC members conducting the appeal will be given the following for review prior to the appeal hearing:

- Documents reviewed during the initial hearing conducted by the PCC Ethics Subcommittee;
- The decision of the PCC Ethics Subcommittee; and
- Written submission(s) by the applicant, candidate or certificant.

3.7 At the conclusion of the appeal hearing the PCC will consider the evidence and shall make a final decision to include but not limited to the following:

- Affirm the decision of the PCC Ethics Subcommittee;
- Modify the decision of the PCC Ethics Subcommittee; or
- Overturn the decision of the PCC Ethics Subcommittee.

3.8 The decision of the PCC shall be final and binding upon the applicant, candidate or certificant in question.

4. Disclosure of Adverse Actions

4.1 Final decisions that are “adverse actions” (as defined below) to the applicant, candidate or certificate will be communicated within five (5) business days of the decision to the:

- AACVPR Board of Directors
- PCC
- PCC Ethics Subcommittee
- AACVPR Executive Director

4.2 For purposes of this paragraph, a “final decision” means and includes an appealable decision of the PCC Ethics Subcommittee from which no timely appeal is taken; and in a case involving an appeal, the decision of the PCC.