

Code of Ethics

Ethics Preamble

The Idaho Board of Alcohol/Drug Counselor Certification (referred to herein as "the Board" or "IBADCC") provides certification for substance abuse counselors and prevention specialists in the State of Idaho. The purpose of the IBADCC's voluntary certification process is to assure consumers, the public, and employers, that individuals certified by IBADCC are capable and competent, have been through a certain organized set of experiences, and have been judged to be qualified.

IBADCC is dedicated to the principle that professionals in the field of alcohol and drug treatment must conform their behavior to the highest standards of ethical practice. To that end, the IBADCC has adopted this Certified Professional Code of Ethics (referred to herein as "the Code" or "the Code of Ethics"), to be applied to all professionals, certified, or seeking certification.

The Board is committed to investigate and sanction those certified professionals or those seeking certification who breach this Code. Certified professionals or those seeking certification are therefore encouraged to thoroughly familiarize himself/herself with the Code and to guide their behavior according to the Rules set forth within this Code.

The Board has determined that all substantiated ethics violations will be posted on the IBADCC website for public disclosure. The public disclosure of the final outcome of ethics cases on the website is appropriate and legal. The ethics posting will be final findings, after appeals have been exhausted, these outcomes will remain posted for an eighteen month cycle of recertification.

Ethics Definitions

Consumer: Any person seeking or assigned the services of an IBADCC certified professional or person seeking certification, regardless of the certified professional or person seeking certification's work setting.

Complainant: A person who files a formal complaint with the IBADCC against a certified professional or a person seeking certification under IBADCC jurisdiction.

Certified Professional: Any person who holds any credential issued by IBADCC.

Dual Relationship: Any relationship between the certified professional or person seeking certification and a client outside of the professional relationship. Examples include but are not limited to: social, financial, or business relationships with clients.

Ethics Committee: IBADCC standing committee charged with the responsibility of investigating or sanctioning certified professionals or persons seeking certification who breach the Code of Ethics, as well as amending and reviewing all appropriate documentation, and charged with all other responsibilities deemed necessary.

Hearing Officer: The President of the Board or his designated board member appointee, a non-voting member of the Hearing Committee, will preside over the Appeal Hearing.

Immediate Family: A spouse, child, parents, parent-in-laws, siblings, grandchild, grandparents, and other household members of the Certified Professional or Person Seeking Certification.

Person Seeking Certification: Any individual who has an application for certification, at any level, on file with the IBADCC.

Respondent: A certified professional or person seeking certification who is the subject of a formal complaint alleging a breach of the Code of Ethics.

Sexual Misconduct: When a certified professional or person seeking certification engages, attempts to engage, or offers to engage a consumer in sexual behavior, or any behavior, whether verbal or physical, which is intended to be sexually arousing, including kissing; sexual intercourse, either genital or anal; cunnilingus; fellatio; or the touching by either the professional or person seeking certification or the consumer of the other's breasts, genital areas, buttocks, or thighs, whether clothed or unclothed.

Supervisee: An individual that works under the direct supervision of a certified professional, and works in the capacity of delivering direct services to consumers of addiction services.

Rules of Conduct

The following Rules of Conduct adopted by the Idaho Board of Alcohol/Drug Counselor Certification, Inc. set forth the minimum standards of conduct which all certified professionals or those seeking certification are expected to honor. Failure to comply with an obligation or prohibition set forth in the Rules may result in discipline by the IBADCC.

Discussion sections accompany some of the Rules. These discussions are intended to interpret, explain, or illustrate the meaning of the rules, but the rules themselves remain the authoritative statements of the conduct for which disciplinary action may be imposed.

1. Applicability

1.1 The rules within this IBADCC Certified Professional Code of Ethics apply to all professionals certified by or seeking certification through IBADCC.

2. Professional Standards

2.1 A certified professional or person seeking certification shall meet and comply with all terms, conditions, or limitations of any professional certification or license which they hold.

2.2 A certified professional or person seeking certification shall not perform services outside of their area of training, expertise, competence, or scope of practice.

2.3 A certified professional or person seeking certification shall not fail to obtain an appropriate consultation or make an appropriate referral when the consumer's problem is beyond the area of training, expertise, competence, or scope of practice of the certified professional or person seeking certification.

2.4 A certified professional or person seeking certification shall not in any way participate in discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, socio-economic status, political belief, psychiatric or psychological impairment, physical disability, or the amount of previous therapeutic or treatment occurrences.

2.5 Through the awareness of the negative impact of racial, sexual, religious, gender, marital status, nationality or physical stereotyping and discrimination, the addiction professional guards the individual rights and personal dignity of the client and/or participant(s). When client/participant(s) possess diverse or non-familiar cultural and ethnic backgrounds, addiction professionals are motivated to learn about cultural and ethnic sensitivities in order to provide the highest level of care.

2.6 A certified professional or person seeking certification shall seek therapy for any psychoactive substance abuse or dependence, psychiatric or psychological impairment, emotional distress, or for any other physical health related adversity that interferes with their professional functioning, and where any such conditions exist and impede their ability to function competently, a certified professional or person seeking certification shall request inactive status for medical reasons for a minimum of one (1) year and a maximum of three (3) years. Counselors desiring inactive status must submit a letter of request to the IBADCC.

2.7 A certified professional or person seeking certification has a responsibility both to the client and/or participant(s) and to the organization within which the service is performed to maintain a high standard of ethical conduct. The moral,

ethical and legal standards of behavior of the certified professional or person seeking certification are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities or reduce the trust in addiction professionals or those seeking certification held by the general public. This includes:

- Awareness of the prevailing community standards and of the possible impact upon the quality of professional services provided by their conformance to or deviation from these standards;
- Serve as a role model in the certified professionals or person seeking certifications' use of alcohol or other mood altering drugs.
- Reporting to an employer, supervisor, colleague or the addiction professional or person seeking certification's intervention program when difficulty with mood altering substance(s) are experienced

2.8 The certified professional or person seeking certification shall not discontinue professional services to a consumer nor shall the certified professional or person seeking certification abandon the consumer without facilitating an appropriate therapeutic closure of professional services for the consumer.

2.9 A certified professional or person seeking certification shall not reveal confidential information obtained as the result of a professional relationship, without the prior written consent from the recipient of services, except as authorized or required by law.

3. Unlawful Conduct

3.1 Being convicted or found guilty, regardless of adjudication, or entering a plea of *nolo contendere* to any crime relating to the certified professional or person seeking certification's ability to practice the substance abuse counseling profession to include intervention, prevention, and criminal justice services shall be grounds for disciplinary action.

3.2 A certified professional or person seeking certification shall not use, possess, or sell any controlled or psychoactive substance. Being convicted or found guilty, regardless of adjudication, or entering a plea of *nolo contendere* to any crime which involves the use of any controlled or psychoactive substance shall be grounds for disciplinary action.

3.3 If a certified professional or person seeking certification is reprimanded by any agency or organization through any administrative proceedings, this may be grounds for disciplinary action by this body.

4. Sexual Misconduct

4.1 A certified professional or person seeking certification shall not engage in any form of sexual contact/behavior with consumers. The prohibition shall apply with respect to any consumer of the agency by which the certified professional or person seeking certification is employed, regardless of whether or not the consumer is on their caseload. For the purposes of determining the existence of sexual misconduct the professional-consumer relationship, once established, is deemed to continue for a minimum of five (5) years after the termination of services or the date of the last professional contact with the consumer.

4.2 A certified professional or person seeking certification shall not:

- Engage a supervisee in sexual misconduct (as defined in the Code's Glossary) during the period a supervisory relationship exists.

- Engage in sexual misconduct (as defined in the Code's Glossary) with any immediate family member or guardian of a consumer during the period of time services are being rendered to the consumer, during the entire professional consumer relationship pursuant to rule 4.1.

5. Fraud-Related Conduct

5.1 A certified professional or person seeking certification shall not:

- Present or cause to be presented a false or fraudulent claim, or any proof in support of such claim, to be paid under any contract or certificate of insurance;

- Prepare, make or subscribe to a false or fraudulent account, certificate, affidavit, proof of loss or other document or writing, with knowledge that the same may be presented or used in support of a claim for payment under a policy of insurance; or

- Present or cause to be presented a false or fraudulent claim or benefit application, or any false or fraudulent proof in support of such a claim or benefit application, or false or fraudulent information which would affect a future claim or benefit application, to be paid under any employee benefit program.

5.2 A certified professional or person seeking certification shall not use misrepresentation in the preparation of an application or in the procurement of recertification as an alcohol or drug certified professional, or assist another in the preparation of an application for certification or in the procurement of registration, certification or re-certification through misrepresentation. The term "misrepresentation" includes but is not limited to the misrepresentation of professional qualifications, certification, accreditation, affiliations, employment experience, educational experience, the plagiarism of application and recertification materials, or the falsification of references.

5.3 A certified professional or person seeking certification shall not use a title designation, credential or license, firm name, letterhead, publication, term, title, or document which states or implies an ability, relationship, or qualification that does not exist.

5.4 A certified professional or person seeking certification shall not practice under a false name or under a name other than the name under which his or her certification or license is held.

5.5 A certified professional or person seeking certification shall not sign or issue in the professional capacity a document or a statement that the certified professional or person seeking certification knows or should have known to contain a false or misleading statement.

5.6 A certified professional or person seeking certification shall not produce, publish, create, or partake in the creation of any false, fraudulent, deceptive, or misleading advertisement.

6. Exploitation of Consumers

6.1 A certified professional or person seeking certification shall not develop, implement, or maintain exploitative relationships with current or past consumers.

6.2 A certified professional or person seeking certification shall make every effort to avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to the client. When a dual relationship cannot be avoided, the certified professional or person seeking certification needs to take appropriate precautions such as informed consent, supervision, or documentation to ensure that no exploitation occurs.

6.3 A certified professional or person seeking certification shall not misappropriate property from a consumer.

6.4 A certified professional or person seeking certification shall not enter into a relationship with a consumer which involves financial gain to the certified professional or person seeking certification or a third party resulting from the promotion or the sale of services unrelated to treatment or of goods, property, or any psychoactive substance.

6.5 A certified professional or person seeking certification shall not promote to a consumer for personal gain, any unnecessary, ineffective or unsafe psychoactive substance, or any unnecessary, ineffective or unsafe device, treatment, procedure, product or service.

6.6 A certified professional or person seeking certification shall not solicit gifts or favors from consumers.

6.7 A certified professional or person seeking certification shall not offer, give, or receive commissions, rebates, or any other forms of remuneration for a consumer referral.

7. Safety & Welfare

7.1 In circumstances where the certified professional or person seeking certification becomes aware, during the course of providing or supervising professional services, that a condition of clear and imminent danger exists that a consumer may inflict serious bodily harm on another person or persons, the certified professional or person seeking certification shall, consistent with federal and state regulations concerning the confidentiality of alcohol and drug counseling records, take reasonable steps to warn any likely victims of the consumer's behavior.

7.2 In circumstances where the certified professional or person seeking certification becomes aware, during the course of providing or supervising professional services, that a condition of clear and imminent danger exists that a consumer may inflict serious bodily harm to himself or herself, the certified professional or person seeking certification shall, consistent with federal and state regulations concerning the confidentiality of alcohol and drug counseling records, take reasonable steps to protect that consumer.

7.3 A certified professional or person seeking certification shall not administer to himself or herself any psychoactive substance to the extent or in such manner as to be dangerous or injurious to a consumer of services, to any other person, or to the extent that such use of any psychoactive substance impairs the ability of the certified professional or person seeking certification to safely and competently provide professional counseling services.

8. Records Management

8.1 A certified professional or person seeking certification shall not falsify, amend, knowingly make incorrect entries, or fail to make timely essential entries into the consumer record.

8.2 A certified professional or person seeking certification shall follow all Federal and State regulations regarding consumer records.

9. Assisting Unlicensed Practice

9.1 A certified professional or person seeking certification shall not refer a consumer to a person that the certified professional or person seeking

certification knows or should know is not qualified by training, experience, certification, or license to perform the delegated professional responsibility.

10. Discipline in Other Jurisdictions

10.1 A certified professional or person seeking certification shall not practice substance abuse counseling during the period of any denial, suspension, revocation, probation, or other restriction or discipline on certification, license, or other authorization to practice issued by any certification authority or any state, province, territory, tribe, or the federal government.

11. Cooperation with the Board

11.1 A certified professional or person seeking certification shall cooperate in any investigation conducted pursuant to this Code of Ethics and a certified professional or person seeking certification shall not interfere with an investigation or a disciplinary proceeding or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed. Interference attempts may include but are not limited to:

- The willful misrepresentation of facts before the disciplining authority or its authorized representative;
- The use of threats or harassment against, or an inducement to, any consumer or witness in an effort to prevent them from providing evidence in a disciplinary proceeding or any other legal action;
- The use of threats or harassment against, or an inducement to, any person in an effort to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted or completed.

11.2 A certified professional or person seeking certification shall report any violation of the Code of Ethics. Failure to report a violation may be grounds for discipline.

11.3 A certified professional or person seeking certification who has firsthand knowledge of the actions of a respondent or a complainant shall cooperate with an IBADCC complaint investigation or disciplinary proceeding. Failure or an unwillingness to cooperate in an IBADCC complaint investigation or disciplinary proceeding shall be grounds for disciplinary action.

11.4 A certified professional or person seeking certification shall not file a complaint or provide information to the IBADCC which the certified professional or person seeking certification knows or should have known is false or misleading.



Idaho Board of Alcohol/Drug Counselor Certification, INC.

11.5 In submitting any information to the Board, a certified professional or person seeking certification shall comply with any requirements pertaining to the disclosure of consumer information established by the federal or state government.

Appendix A: Discussions

Rule 2.2 Discussion

A certified professional or person seeking certification should not use a modality or a technique if the certified professional or person seeking certification does not have the education, training, or skills to perform a modality or a technique in a competent or qualified manner.

Rule 2.3 Discussion

Most certified professionals or those seeking certification strive to achieve and maintain the highest level of professional competence. In order to provide the highest standard of therapy for consumers, certified professionals or those seeking certification must maintain the commitment to assess their own personal strengths, limitations, biases, and effectiveness. When a certified professional or person seeking certification recognizes that a consumer's therapeutic needs exceed their education, training, and capabilities, the certified professional or person seeking certification must pursue advice and counsel from colleagues and supervisors. When a consumer's therapeutic issues are outside their level of professional functioning or scope of practice, the certified professional or person seeking certification must refer the consumer to another professional who will provide the appropriate therapeutic approach for the consumer.

Rule 2.7 Discussion

Private conduct of a certified professional or person seeking certification remains a personal matter to the same degree as any other person. However, when conduct compromises the fulfillment of professional responsibilities, the certified professional or person seeking certification bears the responsibility for any misconduct in all areas of their professional life. When the personal life, of a certified professional or person seeking certification, begins to adversely affect professional performance and the quality of service delivered, putting the consumer at risk. The certified professional or person seeking certification must take sufficient and immediate action to resolve any personal adversity, which interferes with their professional functioning. This may include but is not limited to seeking professional assistance or requesting inactive status for medical reasons.

The certified professional or person seeking certification should expect his or her employer to intervene when the professional's personal problems begin to adversely affect their performance with consumers and coworkers.

Rule 2.8 Discussion

The certified professional or person seeking certification shall not discontinue professional services to a consumer unless: services have been completed; the consumer requests the discontinuation; alternative or replacement services are

arranged; or the consumer is given reasonable opportunity to arrange alternative or replacement services.

Rule 2.9 *Discussion*

Except as may otherwise be indicated in this Code, certified professionals or those seeking certification are expected to preserve all consumer confidences and refrain from revealing confidential information obtained as a result of the certified professional-consumer or person seeking certification-consumer relationship, except as may be authorized by the consumer or required or authorized by law. Certified professionals or those seeking certification are expected to be familiar with and act in accordance with federal and state regulations concerning confidentiality of participant records and identifying information.

Rule 3.3 *Discussion*

Any public record pertaining to an arrest, charge, disposition or sentencing of a certified professional or person seeking certification, shall be deemed as conclusive evidence of guilt of the felony or misdemeanor for which he or she has been convicted. If that felony or misdemeanor relates to the individual's ability to practice the substance abuse counseling profession, the fact of conviction shall also be proof of violation of this Rule. Some specific examples within this section include but are not limited to crimes involving violence, use or sale of drugs, fraud, theft, sexual misconduct, or other felonies. All proceedings in which the sentence has been deferred, suspended, adjudication withheld, or a conviction expunged shall be deemed a conviction within the meaning of this section. For example, an IBOL investigation of a certified professional or person seeking certification could provide the independent grounds for an investigation.

Rule 4.1 *Discussion*

The Board finds that the effects of the certified professional-consumer or person seeking certification-consumer relationship can be powerful and subtle and that consumers can be influenced consciously and subconsciously by the unequal distribution of power inherent in such relationships. Furthermore, the Board finds that the effects of the establishment of a professional-consumer relationship can endure after services cease to be rendered. The certified professional or person seeking certification is responsible for acting in the best interest of the consumer even after the termination of services. The professional shall not engage in or request sexual contact with a former consumer at any time if engaging with that consumer would be exploitative, abusive or detrimental to that consumer's welfare. A certified professional-consumer or person seeking certification-consumer relationship is established between a professional and a person once a professional renders, or purports to render addictions, prevention, or criminal justice services including but not limited to, counseling, assessment, or treatment to that person. A formal contractual relationship, the scheduling of professional appointments or payment of a fee for services are not necessary conditions for the establishment of a

professional-consumer relationship, although each of these may be evidence that such a relationship exists.

Rule 5.1 Discussion

The term "fraudulent claim" includes but is not limited to charging a consumer or a third-party payer for a service not performed or submitting an account or charge for services that is false or misleading. It does not include charging for a missed appointment.

Rule 6.1 & 6.2 Discussion

Certified professionals or those seeking certification must remain "honest and self-searching in determining the impact of their behavior on the consumer. Ethical problems are often raised when a certified professional or person seeking certification blends his or her professional relationship with a consumer with another kind of relationship. Behavior is unethical when it reflects a lack of awareness or concern about the impact of the behavior on the consumers. Certified professionals or those seeking certification who engage in more than one role with consumers may be trying to meet their own financial, social, or emotional needs." (1993, Corey G., Corey M., and Callanan P.)

The nature of the consumer-professional relationship is such that the consumer remains vulnerable to the real or perceived influences of the certified professional or person seeking certification. Certified professionals or those seeking certification, who are in a position to influence a consumer's behavior, may impose their own desires upon the consumer.

Rule 6.6 Discussion

When a certified professional or person seeking certification "plays" or "preys" upon the consumer's gratitude for counseling services; or covertly or overtly implies or states that the consumer remains indebted to the certified professional or person seeking certification and should "repay" him or her through gifts or other favors, their unique position of trust and responsibility with the consumer not only becomes jeopardized, but the certified professional or person seeking certification has also engaged in actions antithetical to the counseling profession.

Rule 6.7 Discussion

Notwithstanding this provision, a certified professional or person seeking certification may pay an independent advertising or marketing agent compensation for advertising or marketing services rendered on their behalf by such agent, including compensation for referrals of consumers identified through such services on a per consumer basis.

Rule 7.1 Discussion

If during the course of treating a participant, a certified professional or person seeking certification becomes aware that a consumer intends or is likely to commit some act which may result in serious bodily harm to another person or persons and there is a clear and imminent danger of such harm occurring, the certified professional or person seeking certification has a duty to take reasonable steps to warn such persons. In doing so, the certified professional or person seeking certification should be aware that state and federal regulations set forth rules concerning the confidentiality of certified professional-consumer or person seeking certification-consumer communications and consumer records and identifying information. In cases where the threat is of the commission of a crime on agency premises or against agency personnel, the rules may allow disclosure of the circumstances of the threatened crime and identity of the consumer directly to law enforcement officers. In some instances, however, in order to warn the likely victims of the consumer's actions it may be necessary for the certified professional or person seeking certification or their agency to make an emergency application to a court for an order permitting disclosure of information concerning the consumer or communications from the consumer before such information can be disclosed.

Rule 7.2 Discussion

If during the course of treating a participant, a certified professional or person seeking certification becomes aware that a consumer intends or is likely to inflict serious bodily harm to himself or herself and that there is a clear and imminent danger of such harm occurring, the certified professional or person seeking certification has a duty to take reasonable steps to protect the consumer. In doing so, the certified professional or person seeking certification should be aware that state and federal regulations set forth rules concerning the confidentiality of certified professional-consumer or person seeking certification consumer communications and consumer records and identifying information.

Under those rules, it may be permissible in some cases to communicate information about an individual if done in a manner that does not disclose the individual's status as a participant in alcohol or drug abuse counseling. In other cases, however, in order to protect the consumer, it may be necessary for the certified professional or person seeking certification or their agency to make an emergency application to a court for an order permitting disclosure of information concerning the consumer or communications from the consumer before such information can be disclosed.

Rule 11.5 Discussion



Idaho Board of Alcohol/Drug Counselor Certification, INC.

The primary commitment of the certified professional or person seeking certification is to the health, welfare, and safety of a consumer. As an advocate for the consumer, the certified professional or person seeking certification must take appropriate action to report instances of incompetent, unethical, or illegal practice by other certified professionals or those seeking certification that places the rights or best interests of the consumer in jeopardy.

Disciplinary Procedures

Definitions:

Appeal Hearing	A formal hearing conducted when a respondent appeals the decision of the Ethics Committee.
Applicant	A person who has submitted an application for certification with the IBADCC but is not yet certified.
Certified Individual	A person who holds a professional credential administered by the IBADCC.
Complainant	A person who files a formal complaint with the IBADCC against an IBADCC certified individual or applicant.
Consent Order	A voluntary agreement worked out between the Respondent and the IBADCC that carries the same weight as a final decision by the Ethics Committee/ Board of Directors.
Ethical Complaint	A formal notice to the IBADCC alleging that a certified individual or applicant breached the IBADCC Code of Ethics.
Hearing Committee	A committee made up of three members and the hearing officer to hear, consider, and make recommendations when a respondent appeals the decision of the Ethics Committee/Board of Directors.
Hearing Officer	The President of the Board or his designated board member appointee, a non-voting member of the Hearing Committee, will preside over the Appeal Hearing.
Probative Value	Evidence or facts which tend to prove the existence of other facts or issues.
Respondent	A certified individual or applicant who is the subject of an ethical complaint alleging a breach of the IBADCC Code of Ethics.
Revocation	A sanction resulting in the complete forfeiture of the IBADCC certification or application for certification.

Sanction	A penalty intended to enforce compliance with the Code of Ethics. Sanctions may or may not include required payment of fines and/or completion of educational requirements.
Summary Suspension	An immediate suspension of a certified individual's credentials(s) or application for certification when a preponderance of the evidence contained in the ethical complaint supports emergency action while the case is being investigated.
Suspension	A sanction resulting in the temporary forfeiture of IBADCC certification or application for certification for a specified period of time.
Written Reprimand	A sanction that is a formal, written document expressing disapproval and/or providing a warning in regard to the Respondent's behavior.

I. Confidentiality of Proceedings

- A. Except as is otherwise provided herein, all information, notes, reports, transcripts, and any other documentation of any kind that are generated or received during the course of an ethics investigation, including the ethics committee meetings and appeal hearings, shall be kept confidential by the IBADCC.

- B. The respondent is entitled to a full and complete copy of the:
 - 1. IBADCC Ethics Complaint
 - 2. Investigation Summary Report
 - 3. Ethics Committee's Recommendation for Action
 - 4. Hearing Committee's Finding of Fact and Recommendation for Action.
 - 5. The complainant is entitled to a full and complete copy of the:
 - 6. The Ethics Committee's Recommendation for Action
 - 7. The Hearing Committee's Finding of Fact and Recommendation for Action

II. Conflict of Interest

- A. In all cases,
 - 1. The Chair of the Ethics Committee will direct ethics investigation with the Ethics Committee members.
 - 2. IBADCC Ethics Committee shall conduct investigative activities, including interviewing relevant persons and collecting and receiving evidence and other documents related to the case.

- B. Should the Ethics Committee Member have a conflict of interest with any party, the duties of said person shall be delegated by the Chair of the IBADCC Ethics Committee and said person shall be recused from any involvement in the case, including investigation and sanction activities.

III. Code of Ethics Sanctions

- A. Possible sanctions for the violation of the Code of Ethics include but are not limited to:
 - i. Written Reprimand
 - ii. Summary Suspension
 - iii. Consent Order
 - iv. Suspension
 - v. Revocation
 - vi. Denial of Application for Certification

- B. The IBADCC may impose any sanction deemed appropriate for the founded violation(s). There is not a requirement that sanctions are imposed in any particular order.



Idaho Board of Alcohol/Drug Counselor Certification, INC.

- C. In conjunction with official sanctions, the IBADCC may impose fines, educational requirements, and other conditions deemed necessary and appropriate.
- D. If assessed, fines will be imposed according to the following schedule:
 - 1. First offense: \$500
 - 2. Second Offense: \$700
 - 3. Third offense: \$1,000
- E. The Ethics Committee may consider the applicant's or certified individual's past history in regard to ethical sanctions and disciplinary actions when determining the appropriate sanctions for the current ethics case.
- F. A third offense in a two-year period will automatically result in an immediate summary suspension and sanctions shall include a suspension or revocation of the credential(s).
- G. Public notice of all ethics cases resulting in sanctions shall be published on the IBADCC's web-based public access database. Such notice shall include the name of the Respondent, the rule(s) violated, and the sanction imposed. Web-based notice shall be published the first business day following the date the sanctions are applied. Such notice is permanent and will not be removed from the database.

IV. The Complaint Process

- A. The IBADCC will not accept anonymous complaints.
- B. All complaints must be submitted in writing on the official IBADCC Ethical Standards Report form, which can be accessed at <http://ibadcc.org> or by contacting the IBADCC office and requesting an official IBADCC Ethics Violation Report form.
- C. The IBADCC will accept phone calls from individuals wishing to discuss a particular situation for the purposes of determining if an ethical complaint should be filed. These phone calls are to be directed to an Ethic Committee member as available. Based on the content of the discussion, the IBADCC will either:
 - i. Recommend the issue be dismissed, or
 - ii. Recommend the caller file a formal ethical complaint
- D. Should the IBADCC become aware of a possible breach of the Code of Ethics, A Board of Director member may, on behalf of the IBADCC, file a formal complaint against a certified individual or person seeking certification.

- E. In the instance that a formal complaint has been filed and the complainant subsequently requests to revoke said complaint, the IBADCC may choose to proceed with the investigation.
- F. Completed complaint forms should be emailed to IBADCC@IBADCC.org. If email is not possible, completed forms may also be mailed to:
 - Ethics Committee Chairperson**
 - IBADCC**
 - 4948 Woodcutter Drive**
 - Boise, ID 83716**
- G. The Ethics Committee Chairperson shall:
 - a. Review all formal complaints within 14 business days of receipt to determine if the preponderance of the evidence contained within the complaint warrants opening of an investigation.
 - b. Contact the complainant within seven (7) business days of the IBADCC's decision to:
 - 1. Issue a summary suspension and open an ethics investigation,
 - 2. Open an ethics investigation, or
 - 3. Dismiss the case.
 - 4. Extenuating circumstances – notification can be postponed for up to two more weeks with documentation.
- H. Within seven (7) business days of determining that the IBADCC will open an ethics investigation, the IBADCC shall send notice to the respondent of such. The notice shall include:
 - 1. A complete copy of the official IBADCC Ethics Complaint, to include the name of the respondent.
 - 2. The date by which the respondent must submit, to the IBADCC, a written response to the complaint, which shall be no more than 30 business days from the date of the notice.
- I. In the written response, respondents are encouraged to submit their interpretation of the situation or conduct under investigation, including:
 - 1. Any and all facts and circumstances concerning the alleged ethics violation, and
 - 2. Documentation or other evidence directly related to these circumstance, and
 - 3. Names and contact information of witnesses who can assist in the investigation.
- J. Misrepresentation by either the respondent or complainant, failure to provide information, or failure to cooperate with the investigation may be grounds for the IBADCC to open a subsequent ethical complaint against the respondent or complainant.

- K. Should the respondent fail to respond by the specified date in the formal notice, the IBADCC will assume guilt and will proceed with sanctions as necessary and appropriate.

V. The Investigation Process

- A. The initial investigation shall be conducted by an IBADCC Ethics Committee Member, under the direct supervision of the Ethics Chairperson. The initial investigation shall include, but is not limited to, the gathering of documentation and other evidence from:
1. The Complainant
 2. The Respondent
 3. Others identified by the complainant and/or the respondent.
- B. Upon completion of the initial investigation, the Ethics Committee Member shall conduct a review of all evidence received to date from the complainant, respondent, and others involved in the investigation following receipt of respondents reply.
- C. Based on a preponderance of the evidence, the Ethics Committee Member shall make one of the following recommendations to the Chairperson of the Ethics Committee:
1. Dismiss the case without further investigation,
 2. Close the investigation and prepare the case for submission to the Ethics Committee, or
 3. Continue the investigation.
- D. The Ethics Chairperson may determine:
1. No violation has occurred and that no further investigation is warranted. If so,
 - a. The Ethics Committee Member will develop an Investigative Summary Report for approval by the Ethics Committee.
 - b. The Ethics Committee will report any action taken at the next IBADCC Board of Directors meeting.
 2. Allegations are founded and the investigation is complete. If so,
 - a. The Chairperson of the Ethics Committee will prepare an Investigative Summary Report for review and recommended action by the Ethics Committee.
 - b. Sanctions will be applied and the ethics investigation will not be closed until the recommendation of the Ethics Committee is deemed final and the case is closed.

3. Further investigation is warranted.

VI. Consent Order

- A. A consent order shall:
 1. Be the final action and have the same force and effect of an order made by the Ethics Committee.
 2. Result in a waiver of additional procedural steps in front of the Ethics Committee, or an Ethics Hearing Committee.
 3. Result in a waiver of the right to challenge or contest the sanctions included in the Consent Order in front of the Ethics Committee or an Ethics Hearing Committee.
- B. At any point after the commencement of the investigation, the respondent may, in writing, request negotiation of a Consent Order.
- C. The IBADCC may, at its discretion, agree to or reject the offer of request to negotiate a Consent Order.
 1. If the request is granted, the IBADCC will defer the proceedings a reasonable time to permit negotiation of a Consent Order.
 2. If the request is denied, the investigation will proceed as planned.

VII. Action by the Ethics Committee

- A. The Ethics Committee shall receive a completed Investigation Summary Report and the full ethics investigation file for all cases where the investigation is complete. The Investigation Summary Report shall include, but is not limited to the:
 1. Complaint,
 2. A summary of the investigation conducted, including the respondent's rebuttal to the complaint,
 3. Recommended sanctions, and
 4. Grounds for recommendation(s).
- B. No later than 30 business days from receipt of the Investigation summary Report and investigation file, the Chair of the Ethics Committee shall issue a written *Recommendation for Action*, which shall include:
 1. A copy of the Investigation Summary Report,
 2. The committee's finding of fact, and
 3. The committee's recommendation for action
- C. The Ethics Committee's *Recommendation for Action* shall call for one of the following actions:

1. Dismissal of the complaint
 2. Return of the complaint to the Ethics Committee Member for further investigation
 3. Sanctions
- D. If the Ethics Committee recommends returning the complaint to the Ethics Committee Member for further action, the recommendation must detail the additional information desired by the Committee for consideration.
- E. If the Ethics Committee recommends sanctions, the recommendation must detail the sanctions to be imposed, including fees, educational requirements, and time frames for compliance.
- F. Within seven business days of the determination by the Ethics Committee, the IBADCC Ethics Chair shall send a letter to the complainant and the respondent detailing the outcome of the investigation.
1. If the case has been dismissed, the letters to the complainant and respondent must state that the investigation has determined that no breach of the Code has occurred and the case has been dismissed.
 2. If the case has resulted in sanctions:
 - a. The letter to the complainant must state that the investigation is complete, the rule(s) that have been breached, and the sanctions(s) to be applied.
 - b. The letter to the respondent must state that the investigation is complete, the rule(s) that have been breached, the sanction(s) to be applied, and the process to appeal the results of the investigation.
- G. The Chair of the Ethics Committee shall present the committee's written Recommendation for Action to the Board of Directors at its next regularly scheduled meeting.

VIII. The Appeal Process

- A. A respondent may, within 20 business days of receipt of the Ethics Committee's decision, submit a written *Request for an Appeal Hearing* to the IBADCC. This request must include the evidentiary basis for the items to be appealed.
- B. The *Request for an Appeal Hearing* can be emailed to IBADCC@IBADCC.org. If email is not possible, requests should be mailed to:



Idaho Board of Alcohol/Drug Counselor Certification, INC.

**IBADCC, Executive Director, Appeal Hearing
4948 Woodcutter Drive
Boise, ID 83716**

- C. Within seven (7) business days of receipt of the Request for an Appeal Hearing, the Executive Director shall, by email, notify the President of the Board of such request.

- D. Within 20 business days of notice from the Executive Director of the *Request for an Appeal Hearing*, the President of the Board shall:
 - 1. Appoint a Hearing Committee, whose members must not:
 - a. Be a member of the standing Ethics Committee
 - b. Have any prior involvement in the case, and/or
 - c. Have other actual or perceived conflict of interest with any of the parties to the case.

 - 2. Schedule the Appeal Hearing for a date no less than 20 days and no more than 90 days from the date the *Notice of Appeal Hearing* are sent to the Respondent.

- E. The Executive Director will send, a written *Notice of Appeal Hearing* to both the respondent and the complainant. Such notice shall advise the respondent and complainant of the following:
 - 1. The date, time, and location of the Appeal Hearing,
 - 2. The names of the Appeal Hearing committee members, and
 - 3. A copy of the IBADCC Disciplinary Procedures, directing them to the section on the Appeal Hearing process, including notice that:
 - a. Prior to the hearing, there shall be no contact between the respondent and the complainant, or the respondent and the IBADCC, for purposes of discussing any part of the case, including actions from receipt of the complaint through the request for an appeal hearing.
 - b. Any request for postponement of the Appeal Hearing must be served in writing to the IBADCC at least 10 business days prior to the scheduled date. The decision to grant or deny the request for postponement is solely that of the IBADCC.

- F. The Appeal Hearing shall be governed by the following rules:
 - 1. The Appeal Hearing shall be presided over by the Hearing Officer, which is a non-voting member of the Hearing Committee.



Idaho Board of Alcohol/Drug Counselor Certification, INC.

2. The respondent shall have the burden of proof at the Appeal Hearing.
3. The Hearing Committee shall not be bound by common law or statutory rules of evidence and may consider all facts having reasonable probative value:
 - a. The Hearing Committee will base its decision solely upon the evidence presented at the hearing.
 - b. No discovery is permitted and no access to IBADCC files is permitted.
 - c. Objections concerning evidence will be resolved by the Hearing Officer.
4. The IBADCC shall be represented by the Chair of the Ethics Committee or its designee.
5. Any party, at the party's own expense, may be advised by counsel at the hearing
6. Any party, at the party's own expense, may request the services of a court reporter at the hearing. If the respondent elects to hire a court reporter, the respondent must provide a copy of the transcript, without charge, to the IBADCC.
7. Evidence may be presented and witnesses cross-examined by both sides.
8. The respondent shall present its case to the Hearing Committee first, which will include all evidence submitted for consideration.
9. The IBADCC shall present its case to the Hearing Committee second, which will include all evidence submitted for consideration.
 - a. At the hearing, the Chair of the Ethics committee or its designee, will present evidence in support of the recommendation by the Ethics Committee.
 - b. Such evidence is limited to the evidence already gathered, the Recommendation for Action, and the Investigation summary Report, to support the Ethics Committee's recommendations.
10. The Appeal Hearing is closed to the public.

- G. Should the respondent fail to attend the hearing, whether represented by counsel or not, it shall be deemed as a waiver of the appeal and the appeal will be dismissed and the decision of the Board of Directors will stand.
- H. Within 20 business days of the conclusion of the Appeal Hearing, the Hearing Officer will prepare and submit, to the Executive Director of IBADCC, a written *Finding of Fact and Recommendation for Action*, which shall call for one of the following actions:
 - 1. Dismissal of the complaint.
 - 2. Sanctions.
- I. If the Hearing Committee recommends sanctions, the recommendation must detail the sanctions to be imposed, including fines, educational requirements, and time frames for compliance.
- J. The Chair of the Hearing Committee shall present the Hearing Committee's written *Finding of Fact and Recommendation for Action* to the Board of Directors at its next regularly scheduled meeting.
- K. Within seven (7) business days of the final determination by the Hearing Committee, the Executive Director shall send ibadcc@ibadcc.org a letter to the complainant and the respondent detailing the outcome of the investigation.
 - 1. If the case has been dismissed, the letters to the complainant and respondent must state that the investigation has determined that no breach of the Code has occurred and the case has been dismissed.
 - 2. If the case has resulted in sanctions by the Hearing Committee:
 - a. The letter to the complainant must state that the appeal hearing is complete, the rule (s) that have been breached, and the sanction(s) to be applied.
 - b. The letter to the respondent must state that the appeal hearing is complete, the rule(s) that have been breached, the sanction(s) to be applied, and a statement that the decision is not open to further appeal.

IX. Reinstatement following Disciplinary Action

- A. When a respondent's credential is suspended, the certified individual may not use the credential during the period of suspension.
- B. Once the suspension period has expired, the President of the Board of Directors may authorize reinstatement of the credential, unless:

1. An additional complaint has been received and accepted by the IBADCC for investigation,
 2. An additional disciplinary action has been taken against the individual,
 3. The respondent has failed to maintain renewal payments and CEUs during the time of the suspension, or
 4. The respondent has failed to comply with the terms of the sanction.
- C. Typically, revocation of credentials will not be overturned. Respondents may petition the IBADCC to request permission to petition the Board of Directors to overturn a revocation. The IBADCC maintains sole discretion to grant the respondent permission to petition the Board. If granted, such petition will not be submitted for Board consideration until:
1. A minimum of 36 months has passed since the effective date of the revocation, and
 2. The respondent has submitted a written request and reasonable rationale as to why permission to petition the board should be granted, and,
 3. The respondent has paid the IBADCC \$1000 as reimbursement for the cost of the disciplinary proceedings incurred by the Board.
 4. In the event the Board of Directors approves a petition for reversal of revocation, the respondent must reapply for certification, starting the process as a new applicant, and must meet all standards in place at the time of application, including passing the IC & RC exam, even if said exams have already been successfully passed.
 5. In the event the revoked certification is reversed, a provisional certificate can be granted subject to the following:
 - a. 2,000 hours of supervised work with AODA clients
 - b. 100 hours of direct supervision by IBADCC approved supervisor.

X. Statement on Cultural Norms

- A. The IBADCC recognizes that there may be some cultural differences regarding the interpretation of the Code of Ethics. In cases where cultural norms are used as a defense against a complaint, the IBADCC



Idaho Board of Alcohol/Drug Counselor Certification, INC.

may seek the assistance of cultural leaders, teachers, elders, or others to assist in understanding the cultural norms in question.

- B. The IBADCC will strive to be appropriately sensitive to cultural differences throughout the disciplinary process.

XI. Reports to Other Agencies

A. If during the course of the investigation it appears that criminal misconduct has occurred, the Ethics committee members may report such allegations to the appropriate law enforcement agency.

B. If the investigation results in sanctions, the Ethics Committee Member may report such to other licensing boards, certification boards, and/or employers.