

NYPSCB Code of Ethical Conduct & Disciplinary Procedures



New York Peer Specialist Certification Board

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The mission of the NYPSCB - **New York Peer Specialist Certification Board** is

*to preserve the integrity of Peer Support through
the development of standards of competency and practice*

The New York Peer Specialist Certification Board (referred to herein as "the Board" or "NYPSCB") provides voluntary certification for peer specialist professionals in New York as a way of assuring competence to clients, to the public, and to employers. NYPSCB is dedicated to the principle that individuals in the field of peer recovery services must ensure their behavior meets the highest standards of ethical practice. To that end, the NYPSCB has adopted this Code of Ethical Conduct, to be applied to all professionals certified by or seeking certification by the Board. All Individuals are subject to this Code and the NYPSCB Code of Ethical Conduct – Disciplinary Procedures from the date of application for any NYPSCB credential. The Code of Ethical Conduct exists, in part, for the protection of consumers and to maintain the integrity and professionalism of the field.

*The Code is divided into two sections: (1) a Glossary of key terms used in the Code; and (2) the NYPSCB Code of Ethical Conduct, which set forth the standards which professionals are required to observe and discussions of selected standards. A separate document, **the NYPSCB Code of Ethical Conduct - Disciplinary Procedures**, will be used by the Board to direct investigating alleged violations of the Code. The Board is committed to investigate and sanction those who breach this Code. Certified professionals are, therefore, encouraged to thoroughly familiarize themselves with the Code and to guide their behavior according to the Rules set forth below.*

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GLOSSARY

Appeals Committee

A committee of members of the Board of Directors of the NYPCB appointed to hear any appeal provided for hereunder.

Certified Peer Specialist

A person who holds or applies for a NYPCB credential classification.

Complainant

A person(s) who files a complaint with the NYPCB against a certified peer specialist under the NYPCB jurisdiction.

Ethics

A standard of behavior by which certified peer specialists must abide, including but not limited to the standards provided herein.

Ethics Committee

A NYPCB standing committee charged with the responsibility to review, investigate, and sanction as determined appropriate for those who breach the Code of Ethical Conduct. The committee is comprised of NYPCB board members and/or its designees.

Hearing Panel

A panel comprised of NYPCB Ethics Committee members with a responsibility to hear and make recommendations in accordance with the Code of Ethical Conduct.

Hearing Officer

(A person) The NYPCB Ethics Committee Chairperson or Co-Chairperson who presides over an ethics hearing.

New York Certified Peer Specialist (NYCPS)

A person who has been granted the status of a Certified Peer Specialist by the New York Peer Certification Board.

New York Peer Specialist Certification Board (NYPCB)

The board of persons charged with oversight of the New York peer certification process in New York.

Person Supported in Recovery and Healing

Any person(s) who, either currently or within the past five years, has received or is receiving services from a certified peer specialist, either individually or in the certified peer specialists' treatment context/setting.

Plagiarism

An act of appropriating the language, ideas, or thoughts from another person and representing them as one's own original work.

Public Reprimand

A sanction that is formal, written, published reproof or warning to a Respondent who the Ethics Committee has determined to have breached the Code of Ethical Conduct.

Respondent

A certified peer specialist against who a complaint has been filed.

Revocation

A sanction resulting in the complete and permanent forfeiture of NYPCB certification.

Scope of Services

The range of services deemed appropriate and necessary for an individual person served. Such services may include but are not limited to prevention, intervention, outreach, information and referral, inpatient or outpatient, services, extended care, transitional and supportive living facilities, aftercare, and peer support supervision.

Suspension

A sanction resulting in the temporary forfeiture of NYPCB certification for a period of time to be determined by the NYPCB Ethics Committee.

Written Caution

The least restrictive disciplinary action that Respondent may receive due to breaching the Ethical Code of Conduct. This sanction is a formal, private, non-publicized letter of warning to the Respondent that cautions the Respondent against certain conduct or behavior.

The following Ethical Code of Conduct, adopted by the NYPSCB, sets forth the minimum standards of conduct which all Certified Peer Specialists are expected to honor. Failure to comply with an obligation or prohibition set forth in the Ethical Code of Conduct may result in discipline by the NYPSCB.

PROFESSIONAL STANDARDS

Rule 1.0

A NYCPS shall at all times respect the rights and dignity of persons whom they support in recovery and healing. A NYCPS shall protect the welfare of all persons served by ensuring that nothing in their conduct constitutes physical or psychological abuse, neglect, or exploitation. A NYCPS shall approach all interactions with persons whom they support in recovery and healing in a trauma informed manner.

Rule 1.1

A NYCPS shall never intimidate, threaten, harass, use undue influence, physical force, verbal abuse, or make unwarranted promises of benefits to the persons they support in recovery and healing.

Rule 1.2

A NYCPS shall in no way practice, condone, facilitate, or collaborate in any form of discrimination on the basis of race, color, sex, sexual orientation, gender expression, age, religion, national origin, socio-economic status, political belief, physical or mental health disability or impairment or any other category protected by state and/or federal civil rights laws.

Rule 1.3

A NYCPS shall meet and comply with all terms, conditions, or limitations of any credential or license he or she holds.

Rule 1.4

A NYCPS shall not engage in conduct that does not meet generally accepted standards of practice.

Rule 1.5

A NYCPS shall not perform services outside his or her area of training, expertise, competence, or scope of practice unless otherwise educated and trained, licensed or certified to do so.

Rule 1.6

A NYCPS shall keep current with emerging knowledge relevant to supporting people in recovery and healing. They will openly share this knowledge with coworkers and persons they support in recovery and healing.

Rule 1.7

A NYCPS shall utilize supervision and abide by standards for supervision established by NYS OMH and/or their employer. A NYCPS will seek peer-informed supervision to assist them in providing recovery-oriented services to the persons they assist in recovery and healing.

Rule 1.8

A NYCPS shall not use substances to the extent that it impedes their ability to support persons in recovery and healing.

Rule 1.9

A NYCPS shall only provide services and support within the hours, days, and locations that are authorized by the agency with which they work.

CONFIDENTIALITY

Rule 2.0

A NYCPS shall at all times promote the confidentiality of persons whom they support in healing and recovery. A NYCPS is to be knowledgeable of the importance of personal confidentiality, confidentiality of clinical records, and the procedure to help persons whom they support in recovery and healing access their clinical records.

Rule 2.1

A NYCPS shall not reveal confidential information obtained as the result of a professional relationship without the prior written consent from the person served, except as authorized or required by law.

Rule 2.2

A NYCPS has a duty to accurately inform the persons they support in recovery and healing that some information they provide may be shared with other team members.

SEXUAL MISCONDUCT

Rule 3.0

A NYCPS shall, under no circumstances, engage in sexual activities or sexual contact with a person whom they support in recovery and healing, whether such contact is consensual or forced while that person is receiving formal services from an agency or organization.

Rule 3.1

A NYCPS shall not engage in sexual activities or contact with people they formerly supported in recovery and healing when there is a risk of exploitation or possible harm to the person.

Rule 3.2

A NYCPS shall not provide formal peer support to individuals with whom they have had a prior sexual relationship.

EMPOWERMENT OF PERSONS SUPPORTED IN RECOVERY AND HEALING

Rule 4.0

A NYCPS shall advocate with persons whom they support in recovery and healing so that individuals may make their own decisions when partnering with professionals. A NYCPS is to be knowledgeable of the tools used to achieve and promote the choices of the persons whom they support in recovery and healing.

Rule 4.1

A NYCPS shall be directed by the knowledge that all individuals have the right to live and function in the least restrictive and least intrusive environment, and promote and support services that foster full integration of individuals into the communities of their choice.

EXPLOITATION OF PERSONS SUPPORTED IN RECOVERY AND HEALING

Rule 5.0

A NYCPS shall not develop, implement, condone, or maintain exploitive relationships with persons whom they support in recovery and healing and/or their family members.

Rule 5.1

A NYCPS shall not accept gifts of money or items of significant value from those whom they support in recovery and healing. A NYCPS does not loan or give money to the person whom they support in recovery and healing.

Rule 5.2

A NYCPS shall not promote to a person supported in recovery and healing, for the certified peer specialists' personal gain, any treatment, procedure, product or service.

FRAUD-RELATED MISCONDUCT

Rule 6.0

A NYCPS shall not:

- present or cause to be presented a false or fraudulent claim, or provide any proof in support of such a 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;
- 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, or be paid under any employee benefit program;
- seek to have an employee commit fraud or assist in an act of omission or commission to aid fraud related behavior.

Rule 6.1

A NYCPS shall not use misrepresentation in the procurement of certification or recertification, or assist another in the preparation or procurement in certification or recertification through misrepresentation. The term "misrepresentation" includes, but is not limited to, the misrepresentation of professional qualifications, education, certification, accreditation, affiliations, employment experience, the plagiarism of application or recertification materials, or the falsification of references.

Rule 6.2

A NYCPS 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 and to which they are not entitled.

Rule 6.3

A NYCPS shall not provide service under a false name or a name other than the name under which his or her certification or license is held.

Rule 6.4

A NYCPS shall not sign or issue, in their professional capacity, a document or statement that the professional knows or should have known contains a false or misleading statement.

Rule 6.5

A NYCPS shall not produce, publish, create, or partake in the creation of any false, fraudulent, deceptive, or misleading advertisement.

Rule 6.6

A NYCPS who participates in the writing, editing, or publication of professional papers, videos/films, pamphlets or books must act to preserve the integrity of the profession by acknowledging and documenting any materials and/or techniques or people (i.e., co-authors, researchers, etc.) used in creating their opinions/papers, books, etc. Additionally, any work that is photocopied prior to receipt of approval by the author is discouraged. Whenever and wherever possible, the NYCPS should seek permission from the author/creator of such materials prior to any such use or publication.

MODIFICATION OF CODE OF ETHICAL CONDUCT/DISCIPLINARY PROCEDURES

Rule 7

The NYPSCB reserves the right to amend and modify the **Code of Ethical Conduct** and the **Code of Ethical Conduct – Disciplinary Procedures**. When changes are made, all changes will be posted to the www.nypeerspecialist.org website and all certified professionals will be directly notified by email of the changes made and when changes become effective.

NYPSCB Board Reviewed, June, 2015

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NYPSCB CODE OF ETHICAL CONDUCT - DISCIPLINARY PROCEDURES

CONFIDENTIALITY OF PROCEEDINGS

Except as is otherwise provided herein, all information received and all reports, decisions files, transcripts, or any other documents of any kind generated or received during the course of a disciplinary proceeding, shall be kept confidential by the NYPSCB and the respondent except as may be required by law.

POSSIBLE SANCTIONS FOR VIOLATION OF THE CODE OF ETHICAL CONDUCT

A. Possible sanctions for violation of the Code of Ethical Conduct include but are not limited to: denial of an application for certification; written caution; public reprimand; suspension of a credential; revocation of a credential.

Any certification revoked hereunder shall be revoked for the lifetime of the formerly certified professional without the possibility of reinstatement.

NYPSCB may impose educational, supervisory, training, and treatment requirements in conjunction with any of the above disciplinary actions.

B. Past disciplinary actions taken by the NYPSCB or a licensing authority against a certified professional may be considered in setting sanctions. Two or more written cautions or reprimands issued against a certified professional in a two-year period shall result in a suspension or a revocation of the credential.

C. Except as may be provided for in a consent order, in all cases where a public reprimand, suspension, or revocation is issued by the NYPSCB, it shall be cited on the NYPSCB web site the name of the respondent, the sanction imposed, and the Rule(s) violated. The same information may be referred to other regulatory bodies. Further, notwithstanding anything to the contrary stated or implied herein, NYPSCB may disclose information relative to disciplinary actions to other pertinent organizations such as but not limited to the NYS Department of Health, NYS Office of Mental Health, NYS OASAS, and other appropriate bodies.

D. Sealed records will only be opened with a court order.

1. COMPLAINTS

A. Persons wishing to file a complaint against a certified professional or against a person under NYPSCB jurisdiction seeking certification may do so by detailing their complaint, in writing, to the NYPSCB.

B. All complaints must contain the complainant's full name, address, and a phone number where the complainant can be contacted. The complainant must sign and date the complaint document.

C. In order for ethical complaints to be considered by NYPSCB, all complaints must be filed within four (4) years from date offense occurs.

Complaints shall be sent in an envelope marked "Confidential" to:

New York Peer Specialist Certification Board
Attention: Ethics Committee
11 North Pearl Street, Suite 801
Albany, New York 12207

D. NYPSCB shall not consider verbal or anonymous complaints except for anonymous complaints made on the basis of publicly available information, such as but not limited to, newspaper articles, court records, or information on web sites that is made available to or secured by NYPSCB.

2. INVESTIGATION PROCESS

(i) Investigation by NYPSCB Director or designee

A. The Director or designee shall conduct an initial review of all complaints filed with the NYPSCB and shall initiate and direct an investigation, to the extent the Director deems sufficient, of all instances of possible professional misconduct by a certified professional. In supervising investigations, the Director may use investigators where deemed appropriate. Except as otherwise provided herein all NYPSCB investigatory information is confidential. If during the course of the investigation it appears that criminal behavior may have occurred, the NYPSCB's Director may report the alleged criminal behavior to the appropriate authority.

B. If a complaint has been filed, the Director may, at his or her discretion, proceed with an investigation even if the complainant subsequently requests that the complaint be withdrawn.

C. If cases where, upon initial review, the Director deems that no violation has occurred and that no further investigation is warranted, this conclusion shall be reported to the Ethics Committee for its review within thirty (30) working days [see the 30 day requirement below] of the submission of the report by the Director. The Ethics Committee may either return the matter to the Director for further investigation or appropriate action or affirm the Director's decision that no further investigation or action is warranted. If there is no further investigation, the Director shall send a notice to the complainant, informing him or her that the complaint is dismissed.

D. The Director shall, at the outset of the investigation, send the respondent a copy of the complaint through both certified and regular first class mail, thereby notifying said respondent of the name of the complainant and the alleged violation(s) pertaining to this NYPSCB Code of Ethical Conduct. The Respondent may submit a typed response within thirty (30) days from the date of the notice. The Director may in his or her discretion allow a respondent additional time if such is requested.

E. During the investigation, the respondent shall disclose all facts and circumstances pertaining to the alleged misconduct, as well as the respondent's interpretation of the situation or conduct which is the subject of the investigation. Misrepresentation by a respondent, failure to provide information, or failure to cooperate with the investigation shall be independent grounds for disciplinary action.

(ii) The Hearing Process

A. A hearing may be held at any point in the investigatory or decision-making process at the discretion of the Ethics Committee. The hearing is typically undertaken in those cases wherein there is sufficient evidence for the allegation of an ethics code violation but there remain undetermined details of the case that the committee believes might be resolved through the hearing process. A hearing may also be requested by a respondent after exhausting the appeal process (see appeal process). Should a respondent request a hearing in response to the decision of the Appeal Committee, a hearing date and time shall be established and the NYPSCB shall provide Complainant and Respondent with a written notice of the hearing. That notice shall advise the respondent and the complainant of the following:

1. The date, time, and the location of the hearing.
2. Both the respondent and the complainant may be represented by counsel at the hearing at their own expense.
3. Both parties to the complaint may present and rebut evidence and present and cross-examine witnesses.
4. The Hearing Panel shall not be bound by common law or statutory rules of evidence, and the Hearing Panel may consider all evidence having reasonable probative value, but a decision to impose discipline may not be based solely on a declarant's oral hearsay statement unless it would be admissible under common law or statutory rules of evidence.
5. The Hearing Panel will base its decision as to whether a violation of the Code of Ethical Conduct has occurred solely upon the evidence presented at the hearing and gathered during the investigatory process.
6. At the respondent's own expense, the respondent may have a registered court reporter present to transcribe the proceedings, provided that the NYPSCB is notified of such election at least 5 days prior to the hearing and is timely supplied with a copy of the transcript at no cost.
7. No discovery shall be permitted, and no access to NYPSCB files shall be allowed to the respondent, the complainant, or their representatives.

8. Except in the most emergent of circumstances, no postponement requested less than 48 hours prior to a scheduled hearing will be considered.
9. There shall be no contact prior to the hearing between the complainant and the respondent, nor shall the complainant or the respondent be in contact with any NYPSCB member for the purpose of discussing in any way the complaint or influencing the decision of the Hearing Panel.
10. The hearing shall be presided over by a Hearing Officer, and the Officer shall resolve objections concerning evidence.
11. The hearing shall be closed to the public.

B. Failure of either the complainant or the respondent to attend the hearing shall be deemed a waiver of his or her right to a hearing. In such cases, the hearing may proceed with disciplinary action being taken or be dismissed as determined by NYPSCB. The Hearing Panel shall make a decision based on the evidence presented through the investigatory process.

C. Within 30 days after the completion of the hearing, the Hearing Panel shall prepare a written decision containing Findings of Fact and a Conclusion as to whether any of the ethical principles or rules of the Code of Ethical Conduct have been breached. If the Hearing Panel determines that the respondent did breach the Code of Ethical Conduct, the panel shall impose an appropriate disciplinary sanction, which shall be specified in the panel's decision. The Hearing Panel shall mail a copy of the decision to the respondent and the complainant by certified mail and regular first class mail. The decision of the Hearing Panel shall be deemed that of the NYPSCB, shall be effective upon issuance or at such date as the Hearing Panel shall specify, and shall be final, without further action by the NYPSCB.

3. ACTION BY THE ETHICS COMMITTEE

- A. In cases in which an investigation has been completed, the Director shall, no sooner than forty (40) days after the notice provided in Section 2(i)(D) above, submit an investigation summary report to the Ethics Committee inclusive of the following: any and all written materials associated with the investigation; a summary of any further communications with either the complainant or the respondent; an outline of alleged code violation(s), if any, and a recommendation for dismissal, or a recommendation of the sanction or sanctions to be imposed, or a recommendation for an ethics hearing.
- B. At the conclusion of the review of the evidence provided in the case by the Director, the Ethics Committee will make their final decision by majority vote for dismissal, imposition of a sanction, or to conduct further investigation by way of a hearing.
- C. Within 30 days of the close of any hearing convened in a case or the recommendation for a sanction or dismissal from the Director, the Ethics Committee shall issue a decision concerning the complaint, based on the materials provided by the Director or gleaned from the hearing.
- D. In those cases wherein the findings support a decision by the Ethics Committee to impose a sanction or sanctions upon the respondent, NYPSCB will forward to the respondent a written document summarizing the rule(s) violated, the findings of fact, and the disciplinary action being taken.
- E. The decision shall include Findings of Fact, a Conclusion as to which Rules of Conduct, if any, have been violated, and any sanction to be imposed. The decision shall recite the nature of the complaint, the investigation conducted, and the respondent's rebuttal to the complaint. Within 7 days after the issuance of the Hearing Panel's decision, the Executive Director shall mail a copy to the respondent, by certified mail and regular first class mail, together with a notice of the right to appeal any Hearing Panel's decision which calls for disciplinary action.
- F. If a request for an appeal is timely filed, any disciplinary action imposed by the Hearing Panel shall be stayed pending the decision of the Appeal Committee. However, in the event that a request for appeal is not filed within the time period prescribed hereafter, the decision of the Hearing Panel shall be final, and any disciplinary action imposed shall take effect upon passage of the prescribed time period. When any disciplinary action takes effect, the Executive Director shall notify the complainant of the results of the disciplinary process.

4. APPEAL PROCESS

A. If disciplinary action is taken, the respondent may appeal the decision by submitting a request for an appeal to the NYPSCB. Request for an appeal must state reason for the appeal. Such requests shall be mailed to the NYPSCB by certified mail and postmarked no later than 30 days after mailing of the decision. Appeal requests should be addressed to:

New York Peer Specialist Certification Board
Attention: APPEALS
11 North Pearl Street, Suite 801
Albany, New York 12207

B. If a timely request for an appeal is submitted to the NYPSCB, the Board shall appoint from the NYPSCB a three-person Appeal Committee. No member of the Appeal Committee shall be a member of the Ethics Committee, nor shall anyone be appointed to the Appeal Committee who has a potential conflict of interest with either the complainant or the respondent. All potential conflicts of interest will be discussed prior to the appointment. Within 30 days after the NYPSCB receives a request for an appeal, a review into the facts contained in the decision of the Hearing Panel shall be scheduled. The review shall be scheduled within 60 days from the date of receipt of the request.

C. Such review shall be limited to the issues and charges contained in the decision of the Hearing Panel previously served on the respondent and procedural issues relevant to the case. Within 30 days of the decision by the Appeal Committee, respondent will be notified in writing of said decision. The decision of the Appeal Committee will be considered final.

5. PROCEDURES AND REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

A. If a respondent's NYPSCB credential has been suspended or revoked and the respondent does not appeal the Hearing Panel's decision, or if the Appeal Committee upholds the respondent's suspension or revocation, the respondent shall return his or her credential certificate to the NYPSCB Office no later than twenty-one (21) days after the suspension or revocation takes effect. The NYPSCB credential certificate remains the property of the NYPSCB.

B. NYPSCB credential reinstatement following a suspension: Upon expiration of the suspension period, the Ethics Committee shall authorize reinstatement of the professional for the balance of his/her certification period, unless:

1. another suspension or revocation of the respondent's certification has occurred; or
2. the respondent has committed another violation of the Code of Ethical Conduct; or
3. the respondent has failed to remit the recertification fees or make an application for recertification in a timely manner, according to the respondent's recertification date; or
4. the respondent has failed to comply fully with the terms of his or her suspension.

Revocation shall be effective for the lifetime of the formerly certified professional without the possibility for reinstatement.

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CODE OF ETHICAL CONDUCT COMPLAINT FORM

Part IV

Please answer the following questions: Do you know of others who have knowledge of the alleged conduct?

[] Yes [] No

Please provide the following information about them:

Last First Middle

Address

City State Zip

Telephone

Last First Middle

Address

City State Zip

Telephone

a. Did you speak to the person against whom the complaint is being filed? [] Yes [] No

If yes, please explain details and date of communication:

b. Has the person against whom the complaint is being filed given you any explanation for such alleged conduct?

[] Yes [] No If yes, please state all such explanations:

How do you view the explanations given to you? _____

Part V

1. Have you filed this complaint with any Federal, State, or Local Government agency? [] Yes [] No

If yes, name of agency and address: _____

Date of filing: _____

CODE OF ETHICAL CONDUCT COMPLAINT FORM

If not, do you intend to file with another agency? []Yes [] No If yes, name of agency and address:

2. Have you pursued resolution of your complaint through any internal grievance procedures of an institution or agency?
[]Yes []No

If yes, what is the status of your complaint and the name of the grievance procedure?

3. Have you discussed the complaint with a supervisor? []Yes []No

If yes, what is the name of your supervisor and when did you report this to your supervisor?

4. Have you commenced civil or administrative action or proceeding in the Federal courts based on this complaint?
[]Yes []No If yes, what is the status?

Part VI

In the event NYPSCB is unable to locate you to discuss this complaint, please provide the following information concerning a person who knows where to contact you:

Last

First

Middle

Address

City

State

Zip

Telephone

I understand that the person against whom the complaint is being registered shall be fully informed concerning this formal complaint process and will be given a copy of this complaint form in order to allow the individual the opportunity to submit rebuttal information and/or materials concerning the complaint.

I have completed this complaint form to the best of my knowledge and am willing to participate in a full investigation of all allegations noted in the complaint.

I, _____, swear that the information contained herein enclosed herewith is true and correct.

Signature: _____ Date: _____



The New York Peer Specialist Certification Board

*To preserve the integrity of Peer Support
through the development of standards of
competency and practice*

What are the Benefits of Certification?

- Certification identifies professionals who are specialists in their field.
- Certified professionals are recognized by professional affiliations, state, and national legislation.
- Certified professionals are provided with the opportunity for peer networking, in addition to involvement and impact through NYPSCB sponsored education opportunities and committee work.
- Certification increases professionalism in the field.
- Certification provides a strong basis for employment hiring and professional advancement.

Who Benefits from Certification?

- Certification assures competent, professional services while continuously improving the quality of service being provided to the client and family members.
- Certification promotes standards of training and competency that will meet standards required for licensing, accreditation, and third-party payers.
- Certification provides recognition of competency and a marketable credential that will enhance the role of the professional.
- Certification provides opportunity whereby the highest professional standards can be established, maintained, and updated.