

MRCCB 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 MRCCB and the respondent except as may be required by law or defined by MRCCB procedure.

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

B. Past disciplinary actions taken by the MRCCB or a licensing authority against a Registered or Certified Peer Recovery Coach may be considered in setting sanctions. Two or more written cautions or reprimands issued against a Registered or Certified Peer Recovery Coach 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 MRCCB, it shall be cited on the MRCCB web site the name of the respondent, the sanction imposed, and the rule(s) violated. Further, notwithstanding anything to the contrary stated or implied herein, the MRCCB may disclose information relative to disciplinary actions to other pertinent organizations such as but not limited to the Maine Office of Behavioral Health, the respondent's employer 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 Registered or Certified Peer Recovery Coach or against a person under MRCCB jurisdiction seeking registration/certification may do so by detailing their complaint, in writing, to the MRCCB.

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 MRCCB, all complaints must be filed within four (4) years from date offense occurs. If during the investigation information comes to light from a period longer than four years, that information will be included in the investigative process.

Complaints shall be submitted via electronic form at: www.peerrecoverycoachme.org

D. The MRCCB 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 MRCCB.

2. INVESTIGATION PROCESS

(i) Investigation by the Board

A. The President of the Maine Recovery Certification Board (referred to herein as “the President) or Designee, in consultation with the Chair of the Ethics Committee, shall conduct an initial review of all complaints filed with the MRCCB and shall initiate and direct an investigation, to the extent the President or Designee deems sufficient, of all instances of possible professional misconduct by a certified professional. In supervising investigations, the President or Designee may use investigators where deemed appropriate. Except as otherwise provided herein all MRCCB investigatory information is confidential. If during the course of the investigation it appears that criminal behavior may have occurred, the MRCCB's President or Designee may report the alleged criminal behavior to the appropriate authority.

B. If a complaint has been filed, the President or Designee 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 President or Designee 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 President or Designee. The Ethics Committee may either return the matter to the President or Designee for further investigation or appropriate action or affirm the President's or Designee's decision that no further investigation or action is warranted. If there is no further investigation, the President or Designee shall send a notice to the complainant informing him or her that the complaint is dismissed.

D. The President or Designee shall, at the outset of the investigation, send the respondent a copy of the complaint through both certified and electronic mail, thereby notifying said respondent of the name of the complainant(s) and the alleged violation(s) pertaining to the Code. The Respondent may submit a typed response within thirty (30) days from the date of the notice. The President or Designee may extend this time up to an additional fifteen (15) days for a cumulative period of no more than 45 days.

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, failure to cooperate with the investigation, or failure to respond within 45 days shall be grounds for disciplinary action and will be considered immediate voluntary suspension of their credential(s) until further notice. Other appropriate credentialing authorities may be informed of the suspension. The complainant will receive notification of this action within 10 business days.

(ii) The Hearing Process

A. Although a hearing is not required, 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 a violation of the Code 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. 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 MRCCB shall provide both the complainant and respondent with a written notice of the hearing. That notice shall advise both 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. They must be preapproved by the Hearing Panel at least 14 days prior to the hearing.
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 the complainant or respondent'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 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 MRCCB is notified of such election at least 14 days prior to the hearing and is provided with a copy of the transcript at no cost within five business days.
7. No discovery shall be permitted, and no access to MRCCB 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 MRCCB 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.
12. 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 MRCCB. The Hearing Panel shall decide based on the evidence presented through the investigatory process.

B. 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 have been breached. If the Hearing Panel determines that the respondent did breach the Code, the panel shall impose an appropriate disciplinary sanction, which shall be specified in the panel's decision. The decision will be reviewed by the full MRCCB, then the Hearing Panel shall mail a copy of the decision to the respondent and the complainant by certified mail. The decision of the Hearing Panel shall be deemed that of the MRCCB, shall be effective upon issuance or at such date as the Hearing Panel shall specify, and shall be final, without further action by the MRCCB.

3. ACTION BY THE ETHICS COMMITTEE

A. In cases in which an investigation has been completed by the President or Designee, the President or Designee 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 President or Designee, 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 a dismissal has been made, the Ethics Committee shall issue a decision concerning the complaint.

D. In those cases, wherein the findings support a decision by the Ethics Committee to impose a sanction or sanctions upon the respondent, MRCCB 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 components of the Code, 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 President or Designee shall mail a copy to the respondent by certified 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 filed in a timely manner as described below in section 4, 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 President or Designee 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 MRCCB. Request for an appeal must state the reason for the appeal with supporting documentation. Rules regarding the appeal process remain the same as those for the



initial hearing. Such requests shall be mailed to the MRCCB by certified mail and postmarked no later than 30 days after receipt of the decision. Appeal requests should be addressed to the MRCCB office; Attention: President, Board of Directors

B. If a timely request for an appeal is submitted to the MRCCB, the Board shall appoint from the MRCCB 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 15 days after the MRCCB receives a request for an appeal, a review of the facts contained in the decision of the Hearing Panel shall be completed. If the review by the Appeal Committee does not result in similar findings as the Hearing Committee they will move forward with a full review of the evidence presented. This review will be completed within 60 days.

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 15 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 MRCCB 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 MRCCB Office no later than twenty-one (21) days after the suspension or revocation takes effect. The MRCCB credential certificate remains the property of the MRCCB.

B. MRCCB 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.

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

MRCCB Board Approved October 19, 2021