

Code of Professional Responsibility
(Formerly known as the Canons of Ethical Conduct)



*Rules and Procedures Regarding the Code of
Professional Responsibility*

The American Board for Certification in Orthotics and Prosthetics, Inc.
330 John Carlyle Street, Suite 210
Alexandria, VA 22314
(703) 836-7114
www.abcop.org

Code of Professional Responsibility

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Code of Professional Responsibility

I. PREAMBLE

C1.1 Introduction

The practice of orthotics and prosthetics (the “Profession”) is a recognized allied health profession. The ABC Credential Holder assumes specific responsibilities to the physician or other licensed healthcare prescriber, the patient, the public, associates and to the Profession itself. These responsibilities must be discharged with honor and integrity to assure the maintenance of public confidence in the Profession. For the purposes of this Code of Professional Responsibility (“Code”), the term “ABC Credential Holder” shall mean any person, facility or organization which may apply or has applied for, or has been awarded any of the accreditations, certifications or registrations offered by the American Board for Certification in Orthotics and Prosthetics, Inc. (ABC). As used herein, “Committee” refers to the Professional Discipline Committee of the ABC.

The Profession exists for the primary purpose of assisting patients in maintaining functional lives. The ABC Credential Holder shall be responsible for making the greatest possible effort to satisfy the patient's orthotic or prosthetic requirements. The manner in which the patient is served is the essential factor relating to the appropriate ethical professional conduct. Members of the Profession are responsible for maintaining and promoting ethical practice. This Code, adopted by the ABC, shall be binding upon all who hold ABC credentials.

C1.2 Ethics, Custom and the Law

Unethical conduct may involve violations of customs and usages of the Profession as well as actions that violate the law. Failure to conform to this Code, including conduct that violates moral principles, customs and practices of the Profession or the law, shall be subject to disciplinary action and ultimate determination by the adjudicative authority as established in the “Rules and Procedures Regarding the Code of Professional Responsibility” Complaints (“Rules”). Such disciplinary action depends upon the particular circumstances involved and how the conduct in question reflects upon the dignity and integrity of the Profession.

Depending upon the circumstances, the Committee will take appropriate action, if any, consistent with the Rules. Each ABC Credential Holder has a civic and professional obligation to report to the appropriate governmental body any and all evidence that may come to his/her attention involving the alleged criminal conduct of any ABC Credential Holder relating to the practice of orthotics or prosthetics.

C1.3 Disclosure of Other Agency Actions

Each ABC Credential Holder must promptly, fully and accurately disclose to ABC any and all investigations, findings, and actions by any government agency, quasi-government agency, licensing board, or other similar health or O&P related agency or body responsible for national, state or local licensing and/or oversight of health or O&P related licenses, certifications, or the like (“Other Agencies”).

Each ABC Credential Holder must make such disclosure within thirty (30) days from the date of the commencement of action by any Other Agency. Each ABC Credential Holder must promptly and fully cooperate with ABC and with the Other Agencies.

II. RESPONSIBILITIES TO THE PHYSICIAN or APPROPRIATELY LICENSED HEALTHCARE PROVIDER

C2.1 Diagnosis and Prescription

It is the responsibility of the ABC Credential Holder to work in conjunction with the physician or appropriately licensed health care provider to determine the medical appropriateness of the orthosis or prosthesis. The ABC Credential Holder must receive a prescription from a physician or appropriately licensed healthcare provider or other valid order that meets the profession’s standards before providing any orthosis or prosthesis to a patient. “Valid orders” include but are not limited to: referrals, authorizations and/or hospital or skilled nursing facility orders, or other requests that are consistent with the profession’s standards.

Notwithstanding the above, the ABC Credential Holder may, without prescription or other valid order, provide an orthosis, component parts thereof or certain component parts of a prosthesis to a patient if (i) the ABC Credential Holder does not expend his or her professional skills in the custom fabrication and/or fitting of the orthosis, the component parts thereof, or the certain component parts of a prosthesis to the patient, and (ii) the cost of the orthosis, component parts thereof or certain component parts of a prosthesis is billed directly to and/or paid by the patient or is billed in accordance with third-party payer regulations.

C2.2 Orthotic and Prosthetic Evaluation and Recommendation

It is the responsibility of the ABC Credential Holder to recommend specific orthotic and/or prosthetic design. The ABC Credential Holder shall recognize that each individual patient is unique and deserves specific and responsive guidance from the ABC Credential Holder. The ABC Credential Holder shall be guided at all times by concern for the physical, emotional, social and economic welfare of the patient. All decisions by the

ABC Credential Holder must be made with the understanding and intent that the patient's best interests are the primary concern.

C2.3 Changes in Patient's Condition

When appropriate, or when requested by the patient, physician or licensed healthcare provider, the ABC Credential Holder shall monitor and observe the patient's physical condition in connection with the orthotic or prosthetic care and the prescribed device to make certain the patient is responding appropriately. As soon as possible, the ABC Credential Holder must notify the physician or referring appropriately licensed healthcare provider and the patient of changes in the patient's condition that affect the patient's orthotic or prosthetic treatment plan.

C2.4 Provision of Services

The ABC Credential Holder shall recognize the patient's freedom of choice in selection of the orthotic or prosthetic treatment. Professional affiliations, including employment and referral relationships, may not adversely limit access to services and shall not adversely affect the decision-making process of the ABC Credential Holder. The ABC Credential Holder must adhere to the ethical principles of ABC which shall take preference over business relationships.

C2.5 Modifications

The ABC Credential Holder may repair or adjust an orthosis or prosthesis without notifying the prescribing physician or appropriately licensed healthcare provider, however, such repairs or adjustments must conform to the original prescription. Any repairs, adjustments, modifications and/or replacements that substantially alter the design or function of the originally prescribed devices, must be authorized by the physician or the appropriately licensed healthcare provider.

III. RESPONSIBILITIES TO THE PATIENT

C3.1 Confidential Information

All information relating to a patient's identity, background, condition, treatment or management plan or any other information relating to the ABC Credential Holder / patient relationship is and shall always remain confidential and may not be communicated to any third party not involved in the patient's care without the prior written consent of the patient or patient's legal guardian.

Patient information that may be derived from any ABC Credential Holder's peer review process shall be held and always remain confidential by all participants unless written permission to release the information is obtained from the patient or patient's legal guardian. All patient information derived in a work place from a working relationship relating to any patient shall be held and always remain confidential by all parties. The confidentiality requirements set forth in this Code C3.1 shall be strictly adhered to by all ABC Credential Holders unless required otherwise by law or valid court order or subpoena, or if it becomes necessary to disclose such information to protect the welfare of the patient and/or the community. In such an event, any disclosure of confidential information shall be in accordance with applicable legal requirements.

C3.2 Care

The ABC Credential Holder shall use all reasonable efforts to meet the patient's orthotic and prosthetic requirements. Upon accepting an individual for orthotic or prosthetic services, the ABC Credential Holder shall assume the responsibility for performing the tasks associated with Patient Assessment, Formulation of the Treatment Plan, Implementation of the Treatment Plan, Follow-up Treatment Plan, Practice Management, and Promotion of Competency and Enhancement of Professional Practice, all as described in the ABC "Practice Analysis of the Disciplines of Orthotics and Prosthetics" and the ABC "Orthotics and Prosthetics Scope of Practice," as they may be amended.

C3.3 Research

In the event that the ABC Credential Holder desires to engage in a research project or study, he/she shall first ensure that: (i) all patients affiliated with such projects or studies consent in writing to the use of the results of the study; (ii) the data and information regarding the patient remains confidential; (iii) the dignity and wellbeing of the patient shall be primary concerns; (iv) the research is conducted in accordance with all federal and state law; (v) there is an absence of fraud; (vi) all data is fully disclosed; (vii) there is an appropriate acknowledgment of individuals making contribution to the research; and (viii) in the event that any acts in the conduct or presentation of research appears to be unethical or illegal, the ABC Credential Holder shall immediately report the unethical or illegal conduct to ABC and, if appropriate, the applicable law enforcement authority.

C3.4 Trust and Honesty

The ABC Credential Holder shall be truthful and honest.

C3.5 Fees and Compensation

The ABC Credential Holder shall provide services and orthoses or prostheses based on the needs of the individual receiving the services and not solely for personal financial gain. The ABC Credential Holder shall not engage in false, misleading or deceptive actions in relation to the ultimate cost of the services undertaken or furnished. The ABC Credential Holder shall not over utilize or unnecessarily continue orthotic or prosthetic services beyond the point of benefit or by providing services more frequently than necessary.

The ABC Credential Holder shall not submit false or misleading information in requesting payment or reimbursement.

C3.6 Practice Arrangements

The ABC Credential Holder shall not: (i) directly or indirectly request, receive or participate in dividing, transferring, assigning or rebating any funds derived from a referral of a patient to any other individual or entity, whether affiliated with the ABC Credential Holder or otherwise; or (ii) profit by means of a credit or other valuable consideration, such as an unearned commission, discount or gratuity for providing orthotic and prosthetic services, except for the fees earned for services performed for the patient.

The ABC Credential Holder shall refer all patients to the most appropriate service provider, taking into consideration the nature and extent of the problem, treatment resources and availability of healthcare benefit coverage, and the likelihood of receiving appropriate and beneficial care. If the ABC Credential Holder is involved in an arrangement with a referring source in which the referring source derives income from the ABC Credential Holder's services, the ABC Credential Holder must disclose all pertinent information to the patient including without limitation that the referring practitioner derives income from the provision of the services. The ABC Credential Holder shall advise his/her employer of any employer or employee practice which is in contradiction with this Code C3.6.

C3.7 Delay in Services

The ABC Credential Holder shall not accept any prescription when the ABC Credential Holder knows, or has good cause to believe, that the orthosis and/or prosthesis cannot be furnished within a reasonable period of time. In such instances, the ABC Credential Holder must discuss the situation with the patient and physician and appropriately licensed healthcare provider. The ABC Credential Holder shall not unreasonably delay or allow the unreasonable delay of the provision of orthotic and/or prosthetic services.

C3.8 Compliance with Laws and Regulations

The ABC Credential Holder shall provide orthotic and/or prosthetic care in accordance with Federal law and the laws and regulations of the jurisdiction(s) in which they practice.

C3.9 Reporting

The ABC Credential Holder shall report to ABC any conduct that reasonably appears to violate this Code.

C3.10 Delegation of Responsibility

The ABC Credential Holder shall not delegate any task requiring unique skills, knowledge or judgment to an unqualified person. The primary responsibility for orthotic and prosthetic care performed by supporting personnel rests with the delegating ABC Credential Holder. Adequate supervision is required to make certain the patient receives the necessary and appropriate care.

C3.11 Advertising and Public Communication

The ABC Credential Holder shall not provide any consideration to any member of the press, radio or television, or other communication medium in exchange for professional publicity in a news item. When advertising, the ABC Credential Holder may publicize him/herself through any commercial publicity or other form of public communication (including any newspaper, magazine, telephone directory, radio, television, direct mail, or other advertising) provided that the communication shall not: (i) contain a false, fraudulent, misleading, deceptive, unfair or sensational statement or claim; (ii) be misleading due to the omission of necessary material information; (iii) contain any false or misleading statement; or (iv) otherwise operate to deceive. Each advertisement shall be identified as an advertisement unless it is absolutely clear from the context that it is a paid advertisement.

C3.12 Illegal Discrimination

The ABC Credential Holder shall not decline to accept a patient on the basis of race, gender, color, religion or national origin or on any basis that would constitute illegal discrimination under Federal law.

C3.13 Sexual Relations with Patient Prohibited

The ABC Credential Holder shall not have consensual or nonconsensual sexual relations with a current or former patient of the ABC Credential Holder unless a consensual sexual relationship existed between the ABC Credential Holder and the patient prior to the provision of any orthotic or prosthetic services or the ABC Credential Holder has not provided any orthotic or prosthetic services to the patient for the one year period preceding the beginning of the sexual relationship. The ABC Credential Holder shall not engage in, require, or demand sexual relations with a patient incident to or as a condition of any orthotic or prosthetic services.

C3.14 Sexual Relations with Key Third Parties Prohibited

The ABC Credential Holder shall not have consensual or nonconsensual sexual relations with a Key Third Party when such relations are based on the use or exploitation of trust, knowledge, influence, or emotions derived from a professional relationship. A “Key Third Party” is a person who is closely related to the patient and shall include, but not be limited to, spouses or partners, parents, guardians, surrogates and proxies. Each matter shall be evaluated on a case-by-case basis. Factors to be considered shall include: (i) the nature of the patient’s prosthetic and/or orthotic problem; (ii) the length of the professional relationship; (iii) the degree of the Key Third Party’s emotional dependence on the ABC Credential Holder; and (iv) the importance of the clinical encounter to the Key Third Party and the patient

IV. RESPONSIBILITIES TO COLLEAGUES AND THE PROFESSION

C4.1 Dignity

The ABC Credential Holder has the personal responsibility to conduct themselves in a manner that will assure the dignity and status of the Profession. Examples of unacceptable behavior include, but are not limited to, falsifying documents, misusing the certification credential, slandering or libeling another, disparaging former employers, disparaging former employees, and misrepresenting one’s capacity as a provider of services.

C4.2 Solicitation

The ABC Credential Holder shall not, either directly or indirectly, solicit the patronage of individual patients by way of intimidation, threats, harassing conduct, undue influence, coercion, duress, or unwarranted promises of benefits. The ABC Credential Holder shall not solicit a patient who is apparently in a mental condition that impairs his/her personal judgment to make decisions concerning the devices or services being offered. The ABC Credential Holder shall not solicit a patient in a manner that is inconsistent with his/her obligation to act in a dignified manner as set forth in Code C4.1 above.

C4.3 Examination

The ABC Credential Holder/candidate/applicant shall maintain the security and prevent the disclosure of ABC credentialing examinations and their content.

V. APPLICATION OF CODE

C5.1 Adherence to Code

This Code shall apply to all ABC Credential Holders, including but not limited to residents, exam candidates and individual and facility applicants.

An ABC accredited facility is subject to and shall comply with these Codes and the Rules. This obligation includes without limitation, the actions of its employees and/or independent contractors who provide patient care services for the facility, regardless of their individual credentialed status. The credentialed principals and credentialed officers of an accredited facility shall be responsible for the facility's employees' and/or independent contractors' compliance with the Code and the Rules, regardless of whether the employees or independent contractors are credentialed.

VI. PATIENT CARE BY OTHER HEALTHCARE PROFESSIONALS

C6.1 Concern about Care by Other Healthcare Professionals

The ABC Credential Holder should exercise appropriate respect for other healthcare professionals. Concerns regarding patient care provided by other such professionals should be addressed directly to those professionals rather than to the patient. In the event that such concerns rise to the possible level of criminal violation, incompetence or malpractice, then the ABC Credential Holder must immediately notify the appropriate credentialing or licensure authority and if necessary, the patient or legal guardian.

VII. CREDENTIAL

C7.1 Use of Credential

The ABC Credential Holder shall use the fact that he/she/it is credentialed only as evidence of meeting the requisite standard of knowledge and competency in the discipline in which the ABC Credential Holder is credentialed, as defined by ABC.

Rules and Procedures Regarding the Code of Professional Responsibility

I. RESPONSIBILITY AND OBJECTIVES OF THE PROFESSIONAL DISCIPLINE COMMITTEE

R1.1 Objectives. The fundamental objectives of the Professional Discipline Committee (“Committee”) are to enforce the *Code of Professional Responsibility* (“Code”) to ensure that any person, facility or organization which may apply or has applied for, or has been awarded any of the accreditations, certifications or registrations offered by the American Board for Certification in Orthotics and Prosthetics, Inc. (“ABC”) (“ABC Credential Holder”) are practicing in accordance with profession and community standards and to protect the public against unprofessional and unethical conduct by ABC Credential Holders.

R1.2 Rules. The Committee shall review and analyze the Code and shall propose recommendations regarding the Code for adoption by the Board of Directors (“Board”) of ABC.

R1.3 Conduct. The Committee is responsible for receiving, reviewing and, if appropriate, investigating complaints of unprofessional conduct or violations of the Code.

R1.4 Resolution of Complaints. The Committee shall resolve all complaints of unprofessional and unethical conduct or other violations of the Code and, if necessary, shall recommend to the Board such other action to achieve the objectives of the Code.

R1.5 Reports. Annually, or as requested by the Board, the Committee shall deliver a summary report to the Board identifying the Committee’s activities.

R1.6 Procedures. Subject to the review of the Board, the Committee shall adopt procedures and safeguards governing the functions of the Committee to ensure that all ABC Credential Holders, and the Committee are in full compliance with the Code and *these Rules And Procedures Regarding Ethical And Professional Discipline Complaints* (“Rules”).

R1.7 Time. The time periods set forth in the sections below are intended to provide guidance to the Committee, the Board and the parties, and may be extended at the Committee's discretion depending upon the circumstances of each proceeding. Failure of the Committee, the Board or any party to comply with the time periods shall in no event prevent the continuation or conclusion of a proceeding by the Committee or the Board.

II. NATURE OF AUTHORITY

R2.1 Power to Investigate. The Committee shall have the power to, but shall not be obligated to, investigate all allegations of unprofessional and unethical conduct that may be harmful to colleagues, or to the public or that may be otherwise contrary to the objectives of the Code or ABC, provided that such allegations are made in writing. The Committee's powers do not extend to addressing economic issues as they relate to legitimate marketplace competition.

R2.2 Disposition of Complaints. The Committee has the sole authority to decide whether to act on a complaint and to make final determinations regarding each complaint, subject to the Board's authority to conduct an appeal as set forth in these Rules.

R2.3 Committee Actions. The Committee may take the following actions:

- a. notify all parties, in writing that no action is warranted against the ABC Credential Holder;
- b. request that the ABC Credential Holder cease the improper conduct, accept supervision or seek appropriate assistance;
- c. place on probation or reprimand the ABC Credential Holder;
- d. suspend the ABC Credential Holder's credential for an appropriate amount of time;
- e. permanently revoke the ABC Credential Holder's credential;
- f. refer the matter to the proper authorities for criminal prosecution, if appropriate; or
- g. propose other action that is warranted under the circumstances.

R2.4 Monetary Award. The Committee will not determine or impose monetary awards.

R2.5 Committee Meetings. The Committee shall meet at reasonable intervals, as needed, but not less than four (4) times each year. A quorum at such meetings shall consist of a majority of the members of the Committee. The Committee may meet by telephone conference call. All Committee members must be given at least ten (10) days advance written notice of any meeting, provided that such notice may be waived by any member of the Committee or by the attendance of any member of the Committee at the meeting. Notices may be communicated by electronic transmission or by facsimile.

R2.6 Confidentiality. All information disclosed to the Committee and/or the Board, shall be maintained on a confidential basis, except that the Committee and/or the Board shall be permitted to disclose such information when compelled by a validly issued subpoena, when otherwise required by law, or to parties

essential to the review and investigation of the alleged unethical or unprofessional conduct. Public information shall not be considered confidential information for purposes of this Rule R2.6.

R2.7 Determination. When the investigation has been completed and the Committee has made its decision, it shall inform both the complainant (“Complainant”) and the ABC Credential Holder of its conclusions and the actions to be taken, along with the bases for such actions. Such disclosures shall include a citation to any particular Code section violated.

R2.8 Record Keeping. The Committee shall establish reasonable procedures to ensure that confidentiality is maintained with respect to the handling, storage, maintenance and destruction of records.

III. ABC CREDENTIAL HOLDERS CONVICTED OF OR CHARGED WITH FELONIES OR DISCIPLINED BY OTHER ENTITIES, ORGANIZATIONS OR AGENCIES.

R3.1 Conviction/Charge. If the Committee finds that the ABC Credential Holder has been convicted of and/or pled guilty to a felony, the Committee shall review the record leading to the conviction and/or plea and will thereafter send the ABC Credential Holder a notice requesting the ABC Credential Holder show good cause why he/she/it is not in violation of the Code. This action will be conducted without the right to have a hearing, as described in Rule R5.6. Following receipt of the ABC Credential Holder’s response, the Committee may proceed with a final determination in accordance with Rules R2.3 and R6.1. If the Committee finds that the ABC Credential Holder has been charged with a felony, such charge will neither require nor preclude further action by the Committee.

R3.2 Affiliations. If the Committee finds that the ABC Credential Holder has been expelled or suspended for unethical or unprofessional conduct from a national, regional or state professional association, or had his/her/its license or credential revoked on ethical grounds by a state licensing or certifying authority, the Committee shall review the records leading to the sanctions, if available and may, if appropriate, send the ABC Credential Holder a notice that his/her/its credentialed status will be suspended or revoked without further proceedings.

R3.3 Malpractice. If the Committee finds that the ABC Credential Holder has acknowledged committing or has been found to have committed malpractice, the Committee shall review the record leading to the

findings, if available and may thereafter send the ABC Credential Holder a notice that his or her credentialed status will be suspended or revoked without further proceedings.

R3.4 Hearing. Except in those instances set forth in Rule R3.1 above, if the ABC Credential Holder's credentialed status is revoked or suspended pursuant to Rules R3.2 or R3.3, within thirty (30) days of receipt of notice of such decision the ABC Credential Holder shall be permitted to petition the Committee in writing, requesting that he/she/it personally appear before the Committee to show good cause why he/she/it should not have his/her/its credentialed status revoked or suspended. The hearing shall be scheduled by the Committee to take place within forty five (45) days of receipt of the ABC Credential Holder's notification, at a mutually convenient date. The ABC Credential Holder shall be responsible for all of his/her/its costs. The hearing shall be conducted in accordance with Rule R5.8.

IV: DISCIPLINARY PROCEDURES: INITIAL CONSIDERATION

R4.1 Complaint. A complaint ("Complaint") against any ABC Credential Holder may be submitted by: (i) any party claiming to have been harmed by the unethical or unprofessional conduct of the ABC Credential Holder; (ii) any national, regional or state professional association of which the ABC Credential Holder is a member; (iii) any licensing or credentialing authority; (iv) ABC; or (v) the Committee.

R4.2 Disclosure of Previous Actions. The Complainant shall inform the Committee of previous steps, if any, that have been taken with respect to the alleged unethical or unprofessional conduct and the results of such steps taken.

R4.3 Committee Complaint. The Committee may proceed on its own initiative when an ABC Credential Holder appears to have violated the Code by submitting a formal Complaint.

R4.4 Anonymous Complaint. The Committee may not act solely on the basis of an anonymous Complaint.

R4.5 Additional Information. The Committee may, through correspondence or otherwise, seek supplementary information from the Complainant or any other party, when necessary, in order to completely evaluate the substance of the allegations. In the event that the Committee determines that

additional information is necessary but the Complainant refuses to provide such information, the Committee may determine that the case should be closed.

V: DISCIPLINARY PROCEDURES: INITIAL ACTION

R5.1 Initial Determination. Within forty-five (45) days of receiving a Complaint from the Complainant, the Committee shall determine whether sufficient information exists to proceed with a formal investigation. However, the Committee shall not proceed until such time as the Committee is satisfied that the Complainant has complied with all procedural requirements. If the Committee concludes that an investigation is not warranted, it shall notify the Complainant within thirty (30) days of its determination.

R5.2 Formal Investigation. If the Committee determines that a formal investigation should ensue, it shall notify the Complainant and ABC Credential Holder within thirty (30) days of its determination. The notification sent by the Committee to the ABC Credential Holder shall include a description of the alleged behaviors involved in the Complaint, including the specific Section of the Code that the ABC Credential Holder is alleged to have violated. In addition, the notification shall include a request that the ABC Credential Holder reply to the Complaint within fifteen (15) days of the ABC Credential Holder's receipt of the notification, along with a request that the ABC Credential Holder's response contain complete information concerning the Complaint. The notification shall also include a copy of the Code and these Rules. The notification shall further contain the name of the Complainant. If the Complainant refuses to have his/her name known to the ABC Credential Holder, the case shall be closed. The notification shall include a statement that the information submitted by the ABC Credential Holder shall become part of the record and may be used in further proceedings.

R5.3 Response to Complaint. The ABC Credential Holder is required to provide to the Committee and personally sign his/her/its written response within fifteen (15) days of the notification sent by the Committee. Failure to respond or any other unwarranted delay by the ABC Credential Holder, or the lack of the ABC Credential Holder's cooperation, shall in no way prevent the continuation or conclusion of the proceedings by the Committee as it deems fit.

R5.4 Additional Information. If, after receipt of the ABC Credential Holder's response, the Committee determines that additional information is warranted from either or both the Complainant or the ABC Credential Holder, or from any third party, it shall notify the complainant and the ABC Credential Holder

of the request for additional information. The parties shall provide the additional information no later than fifteen (15) days after receipt of the request for additional information.

R5.5 No Further Action. Once all of the information has been received pursuant to Rules R5.3 and R5.4 above, the Committee may conclude that the Complaint has no basis in fact, is insufficient or is likely to be corrected on its own merit and, therefore, may determine to close the case without further action. Such decision shall be made within forty five (45) days of the Committee's receipt of all of the information. If the Committee determines to close the case, it shall inform both the Complainant and the ABC Credential Holder.

R5.6 Right to a Hearing. If the Committee, having received all information pursuant to Rules R5.3 and R5.4 above, determines that further action is warranted, it shall notify the Complainant and the ABC Credential Holder that the Committee is prepared to consider all of the information before it and render a decision on that basis. The ABC Credential Holder may request that, prior to such analysis and decision, he/she/it be afforded the opportunity to have a hearing before the Committee so that he/she/it may present his/her/its interpretation of the facts before the Committee. If the ABC Credential Holder desires to have a hearing before the Committee, he/she/it must so notify the Committee, in writing, within fifteen (15) days of the Committee's notification to the ABC Credential Holder and Complainant as set out in this Rule R5.6. The ABC Credential Holder's failure to timely request a hearing shall be deemed a waiver by the ABC Credential Holder of the right to a hearing. The Complainant shall be invited to be present at the hearing. If the Complainant is invited to be present at the hearing but does not attend, the hearing and investigation shall not be suspended or revoked; however, the Complainant's failure to attend may be considered as a factor in the Committee's determination relating to that particular matter.

R5.7 Peer Review. The hearing process shall be conducted through peer review. The ABC Credential Holder may be accompanied by any third party, including legal counsel. However, the ABC Credential Holder, personally, shall make all presentations, responses and address all issues to the Committee.

R5.8 Hearing Date/Place. If the ABC Credential Holder requests a hearing pursuant to Rule R5.6, the Committee shall schedule a hearing date mutually convenient to all parties but in no event later than forty five (45) days after receipt of the ABC Credential Holder's request. The Committee shall promptly notify the ABC Credential Holder and Complainant of the date and place of the hearing. The hearing shall take place at ABC's headquarters or other such location as determined by ABC. The ABC Credential Holder and Complainant shall each pay all of his/her/its own costs.

VI. DISCIPLINARY PROCEDURES: DISPOSITION OF COMPLAINT

R6.1 Committee Action. If the Committee concludes that some type of action is warranted, it shall adopt any one or more of the following sanctions or take any other appropriate action:

- a. require that the ABC Credential Holder cease and desist the alleged conduct;
- b. require the supervision of the ABC Credential Holder as the Committee sees necessary;
- c. reprimand the ABC Credential Holder if the Committee determines there has been a Code violation but no damage to another person, the public or the profession has occurred;
- d. censor the ABC Credential Holder if the Committee determines there has been a Code violation but the damage done is not sufficient to warrant more serious action;
- e. place the ABC Credential Holder under probation and actually and systematically monitor the ABC Credential Holder for a specific length of time;
- f. if appropriate, refer the matter to the national, regional and state professional association and/or a state licensing or certifying authority;
- g. suspend or revoke the ABC Credential Holder's credential; and/or
- h. take any other action as set forth in Rule R2.3 above.

R6.2 Notification. The Committee shall notify the Complainant and ABC Credential Holder of its determination and action to be taken within thirty (30) days of the date of its decision.

R6.3 Appeal. The ABC Credential Holder shall have fifteen (15) days from the receipt of the notification to accept or appeal the Committee's findings. The ABC Credential Holder must notify the Committee, in writing, of his/her/its response within fifteen (15) days of receipt of the notification if he/she/it intends to appeal. The appeal must be mailed by certified mail, return receipt requested or by verifiable overnight express mail service, to ABC's headquarters. The ABC Credential Holder's notification must include all reasons and bases for the appeal. If the ABC Credential Holder accepts the Committee's determination and sanctions or the ABC Credential Holder does not appeal the Committee's decision within the fifteen (15) day time period, the Committee's conclusions and sanctions shall be deemed final, effective immediately. The Committee shall so notify the Complainant and the ABC Credential Holder.

R6.4 Panel. The Board may elect to establish a panel consisting of three (3) of its members, who are not simultaneously serving on the Committee, to act on its behalf to review, consider and make a final

determination about an appeal of a Committee decision. As used herein, the term “Board” shall mean “Panel” where the Board has constituted a Panel to act on its behalf pursuant to this Rule R6.4.

R6.5 Board. If the ABC Credential Holder appeals the Committee’s decision, the Board shall notify the ABC Credential Holder of a scheduled appeal hearing date. The appeal hearing date must be within forty five (45) days of the Board’s receipt of the ABC Credential Holder’s notification of appeal to the Board. The Board shall promptly notify the ABC Credential Holder of the date and place of the appeal hearing. An appeal hearing shall be conducted on the appeal date at ABC’s headquarters or other such location as determined by ABC. The ABC Credential Holder shall pay for all of his/her/its own costs. The Board shall consider all available evidence.

VII. BOARD'S DECISION

R7.1 Further Consideration. The Board may, after reviewing the decision of the Committee, determine that the Committee did not properly review the evidence prior to making its final decision in the matter. In such case, the Board may remand the matter back to the Committee for further consideration.

R7.2 Board’s Decision. The Board shall only overrule the Committee’s decisions in the event of the following:

- a. the Code was incorrectly applied;
- b. the findings of facts by the Committee were clearly erroneous;
- c. it would be unjust or unfair to implement the Committee’s decision;
- d. the procedures used by the Committee were in serious and substantial violation of the Code and these Rules; and/or
- e. the disciplinary sanctions determined by the Committee were grossly disproportionate to the facts .

In no event shall the Board be bound by the Committee’s determination regarding the sanction.

R7.3 Notification. Within forty five (45) days of the appeal hearing, the Board shall notify the Complainant and the ABC Credential Holder of its decision which shall be final. The Board’s decision may not be appealed. Once the Board’s decision has been made, it shall notify the Committee, which shall implement the Board’s directives.

R7.4 Publication of Sanction. ABC shall report at least annually the names of all sanctioned ABC Credential Holders and the violations of the Code involved. In addition, ABC shall notify all interested national, regional and state professional associations as well state licensing and certifying authorities; and, on request, any interested person or public agency deemed necessary to protect the public and/or who recognizes the standards of ABC.

VIII. CLOSE OF CASE

R8.1 Close of Case. Once the final decision has been made by the Committee or the Board, the matter shall be closed and the files shall be retained at ABC's headquarters.

IX. REQUEST FOR REINSTATEMENT OF CREDENTIAL

R9.1 Reinstatement Request. ABC will consider all written reinstatement requests, which must include the following information: (i) the date of the final Committee disposition; (ii) a complete statement of reasons that the ABC Credential Holder believes support the reinstatement request; and (iii) copies of all relevant documents and materials supporting the reinstatement request. ABC will provide its decision to the ABC Credential Holder within forty five (45) days of receipt of the reinstatement request.

X. GOVERNING LAW/VENUE

R10.1 Governing Law. The laws of the Commonwealth of Virginia shall govern these Rules.

R10.2 Venue. The ABC Credential Holder and ABC agree to file and pursue all claims and suits regarding these Rules with the applicable court in the jurisdiction in which ABC's headquarters are located.

**ABC RULES AND PROCEDURES
SCHEDULE OF TIME REQUIREMENTS**

RULE	IF NO HEARING IS REQUESTED	RULE	IF HEARING IS REQUESTED
--	Receipt of Complaint	--	Receipt of Complaint
R5.1	Committee must, within 45 days of receipt of a valid Complaint, determine if the Complaint presents sufficient basis to proceed and must comply with procedural requirements.	R5.1	Committee must, within 45 days of receipt of a valid Complaint, determine if the Complaint presents sufficient basis to proceed and must comply with procedural requirements.
R5.1	Committee must, within 30 days of making the initial determination, either inform the Complainant that no further action is warranted or notify the Complainant and the ABC Credential Holder that it will proceed with a formal investigation.	R5.1	Committee must, within 30 days of making the initial determination, either inform the Complainant that no further action is warranted or notify the Complainant and the ABC Credential Holder that it will proceed with a formal investigation.
R5.2	ABC Credential Holder must respond to the notification within 15 days of receipt of the notification.	R5.2	ABC Credential Holder must respond to the notification within 15 days of receipt of the notification.
R5.3	Committee may request additional information from Complainant, ABC Credential Holder or third-parties.	R5.3	Committee may request additional information from Complainant, ABC Credential Holder or third-parties.
R5.4	Party from whom additional information is requested must respond within 15 days . [The Committee may request additional information until the Committee is satisfied it understands all relevant facts of the matter.]	R5.4	Party from whom additional information is requested must respond within 15 days . [The Committee may request additional information until the Committee is satisfied it understands all relevant facts of the matter.]
R5.5	If the Committee determines that no further action is warranted, it must notify the Complainant and the ABC Credential Holder within 45 days .	R5.5	If the Committee determines that no further action is warranted, it must notify the Complainant and the ABC Credential Holder within 45 days .
R5.6	Once the Committee has all relevant information, it must notify Complainant and ABC Credential Holder that it is prepared to review the information and render a decision.	R5.6	Once the Committee has all relevant information, it must, within 15 days , notify Complainant and ABC Credential Holder that it is prepared to analyze the information and render decision on that basis.
--	If the ABC Credential Holder does not request a hearing before the Committee, the Committee may render a decision.	R5.6	The ABC Credential Holder may, within 30 days , request a before the Committee.
R6.2	The Committee shall notify the ABC Credential Holder of its decision within 30 days after reaching a decision.	R5.8	A hearing must be scheduled within 45 days from receipt of the request for a hearing.
R6.3	ABC Credential Holder has 15 days to accept the Committee's decision or to give notice of appeal.	--	Committee deliberates and reaches a decision.
R6.5	Board must schedule appeal hearing within 45 days of receipt of ABC Credential Holder's notice of appeal.	R6.2	Committee shall notify the ABC Credential Holder of its decision within 30 days after reaching a decision.
R6.5	Board must notify ABC Credential Holder of its decision within 30 days after appeal hearing. Board's decision is final.	R6.3	ABC Credential Holder has 15 days to accept the Committee's decision or to give notice of appeal.
--	----	R6.5	Board must schedule appeal hearing within 45 days of receipt of ABC Credential Holder's notice of appeal.
--	----	R6.6	Board must notify ABC Credential Holder of its decision within 30 days after appeal hearing. Board's decision is final.

**AMERICAN BOARD FOR CERTIFICATION
IN ORTHOTICS AND PROSTHETICS INC.**

PROFESSIONAL DISCIPLINE COMPLAINT FORM

This Complaint Form is an official form and must be completed in its entirety, signed and submitted to the American Board for Certification in Orthotics and Prosthetics, Inc., (ABC) along with suitable documentation in support of this complaint. Upon receipt, the Professional Discipline Committee will determine whether an inquiry can be initiated under its authority.

Please print or type legibly.

Section I

Your Name (herein referred to as "Complainant"):

Address:

City, State, Zip:

Phone Number:

Section II

Name of Respondent (must be an ABC credentialed individual or facility):

Address:

City, State, Zip:

**AMERICAN BOARD FOR CERTIFICATION
IN ORTHOTICS AND PROSTHETICS INC. (ABC)**

PROFESSIONAL DISCIPLINE COMPLAINT FORM

Section III

Cite specific Code(s) alleged to have been violated:

Section IV

Cite the nature of your complaint and specific dates and events. (Please use a separate sheet of paper if necessary. Supplemental attachments must be signed and dated.)

**AMERICAN BOARD FOR CERTIFICATION
IN ORTHOTICS AND PROSTHETICS INC. (ABC)**

PROFESSIONAL DISCIPLINE COMPLAINT FORM

Section V

Supporting documentation attached (i.e. invoices and payments, signed statements from physician(s) and other rehabilitation professional personnel, etc.):

IMPORTANT:

By signing this form, I acknowledge that I have granted my permission to initiate an inquiry against the Respondent based on the allegations outlined. I have read the Rules and Procedures and understand the process. Further, I acknowledge that a copy of this Complaint Form, any accompanying letters of complaint and supporting documentation will be mailed to the Professional Discipline Committee, the Respondent (in the event that an inquiry is initiated), and may be forwarded to the ABC Board of Directors if necessary.

Signature Complainant

Date