

Code of Ethics



Board for
Orthotist/Prosthetist
Certification

THE ADVANTAGE IS EXPERIENCE

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BOARD FOR ORTHOTIST/PROSTHETIST CERTIFICATION, INC. (BOC)
CODE OF ETHICS
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INTRODUCTION

The Board for Orthotist/Prosthetist Certification, Inc. (BOC) is a voluntary, non-profit, professional credentialing organization that certifies qualified practitioners in the field of orthotics and prosthetics who have met the professional knowledge standards established by the BOC. Regardless of any other professional affiliation, the BOC Code of Ethics (Code) applies to those individuals seeking BOC certification (candidates), and all individuals certified by the BOC (certificants), including the following certificant groups: Orthotist, BOC-Certified™ (BOCO™); Prosthetist, BOC-Certified™ (BOCP™); Certified Orthotic Fitter™ (COF™); and, Certified Mastectomy Fitter™ (CMF™). The Code sets forth the minimal ethical standards of professional conduct for BOC certificants and candidates.

The Code is designed to provide both appropriate ethical practice guidelines and enforceable standards of conduct for all BOC certificants and candidates. The Code also serves as a professional resource for orthotic and prosthetic practitioners, as well as for those served by BOC certificants and candidates, in the case of a possible ethical violation.

PREAMBLE/GENERAL GUIDELINES

Among other primary goals, the BOC is dedicated to the implementation of appropriate professional standards designed to serve patient welfare and the profession. As set forth in this Code of Ethics, BOC certificants and candidates are expected to protect patient interests, and to act in an appropriate manner, which promotes the integrity of, and reflects positively on, the practitioner, the BOC, and the profession, consistent with accepted moral, ethical, and legal standards.

Generally, a BOC certificant or candidate has the obligation to:

- treat all patients fairly and in a timely manner;
- provide quality services to patients, by utilizing all necessary professional resources in a technically appropriate and efficient manner, and by considering the cost-effectiveness of treatments;
- respect and promote the rights of patients by offering only professional services that he/she is qualified to perform, and by adequately informing patients about the nature of their conditions, the objectives of the proposed treatment, treatment alternatives, possible outcomes, and the risks involved;
- maintain the confidentiality and privacy of all patient information, unless: the information pertains to illegal activity; the patient expressly directs the release of specific information; or, a court or government agency lawfully directs the release of the information;
- avoid conduct which may cause a conflict with patient interests, and disclose to patients any circumstances that could be construed as a conflict of interest or an appearance of impropriety, or that could otherwise influence, interfere with, or compromise the exercise of independent professional judgment;
- engage in moral and ethical business practices, including accurate and truthful representations concerning professional information;
- be truthful with regard to research sources, findings, and related professional activities;
- maintain accurate and complete records;
- respect the intellectual property and contributions of others; and,

- further the professionalism of orthotic, prosthetic, and habilitative services.

SECTION A

COMPLIANCE WITH LAWS, POLICIES, AND RULES **RELATING TO THE PROFESSION**

1. The BOC certificant/candidate will be aware of, and comply with, all applicable federal, state, and local laws and regulations governing the profession. The BOC certificant/candidate will not knowingly participate in, or assist, any acts that are contrary to applicable professional laws and regulations. Lack of awareness or misunderstanding of these laws and regulations does not excuse inappropriate or unethical behavior.
2. The BOC certificant/candidate will be aware of, and comply with, all BOC rules, policies, and procedures, including rules concerning the appropriate use of BOC certification marks and the proper representation of BOC credentials. Lack of awareness or misunderstanding of a BOC rule, policy, or procedure does not excuse inappropriate or unethical behavior. The BOC certificant/candidate will not knowingly participate in, or assist, any acts that are contrary to BOC rules, policies, and procedures.
3. The BOC certificant/candidate will make all reasonable and appropriate efforts to promote compliance with, and awareness of, all applicable laws, regulations, and BOC rules and policies governing the profession.

4. The BOC certificant/candidate will make all reasonable and appropriate efforts to prevent violations of applicable laws, regulations, and BOC rules and policies governing the profession.
5. The BOC certificant/candidate will provide accurate and truthful information to BOC concerning all certification related eligibility information, and will submit valid application materials for fulfillment of current certification and recertification requirements.
6. The BOC certificant/candidate will maintain the security, and prevent the disclosure, of BOC certification examination information and materials.
7. The BOC certificant/candidate will report possible violations of this Code of Ethics to the appropriate BOC representative(s).
8. The BOC certificant/candidate will cooperate fully with the BOC concerning the review of possible ethics violations and the collection of related information.

SECTION B

PROFESSIONAL PRACTICE

1. The BOC certificant/candidate will deliver competent services in a timely manner, and will provide quality patient care applying appropriate professional skill and competence.
2. The BOC certificant/candidate will recognize the limitations of his/her professional ability, and will only provide and deliver professional services for which he/she is qualified. The BOC certificant/candidate will be responsible for determining his/her own professional abilities based on his/her education, knowledge,

competency, credentials, extent of practice experience in the field, and other relevant considerations.

3. The BOC certificant/candidate will adequately inform patients about the nature of their conditions, the objectives of proposed services, alternatives, possible outcomes, and the risks involved, and will discuss these concerns with each patient in sufficient detail.
4. The BOC certificant/candidate will use all health-related resources in a technically appropriate and efficient manner.
5. The BOC certificant/candidate will provide services based on patient needs and cost-effectiveness considerations, and will avoid unnecessary services. The BOC certificant/candidate will provide services that are both appropriate and necessary to the condition of the patient.
6. The BOC certificant/candidate will exercise diligence and thoroughness in providing patient services, and in making professional assessments and recommendations solely for the patient's benefit, free from any prejudiced or biased judgment. The BOC certificant/candidate who offers his/her services to the public will not decline a patient based on age, gender, race, color, sexual orientation, national origin, disability, religious affiliation, or any other basis that would constitute unlawful discrimination.
7. The BOC certificant/candidate will monitor each patient's physical condition in an appropriate manner, including any improvements or deterioration, and will review changes in condition with the patient.
8. Before providing orthotic or prosthetic devices to a patient that require a prescription, the BOC certificant/candidate will receive an appropriate order or prescription from a referring physician or other appropriately licensed and qualified health care professional. The

BOC certificant/candidate understands that it is the sole responsibility of the referring physician or health care professional to determine that an orthosis or prosthesis is medically necessary.

9. Consistent with the prescription issued by the referring health care professional, the BOC certificant/candidate may recommend to the referring health care professional a specific orthotic or prosthetic device, design, modification, or service that would benefit the patient. When recommending a particular orthotic or prosthetic device or service, the BOC certificant/candidate will consider, and be sensitive to, the emotional, physical, economic, and social needs of the patient.
10. If changes in the patient's physical condition may justify modification or adjustment to the patient's orthotic/prosthetic device, the BOC certificant/candidate will report such changes in the patient's condition to the referring health care professional.
11. When it is determined that the BOC certificant/candidate is unable to provide competent professional services, he/she will inform the patient accordingly; and, will ensure careful transition of patient care by providing appropriate professional referrals and other appropriate assistance.
12. When the patient chooses to terminate services provided by a BOC certificant/candidate, the BOC certificant/candidate will cooperate with the patient concerning the release of medical information, consistent with directions and authorization provided by the patient or patient's legal guardian.
13. The BOC certificant/candidate will prepare and maintain all necessary, required, or otherwise appropriate records concerning his/her professional practice, including complete and accurate patient services records.

14. When appropriate, or when requested by the patient, the BOC certificant/candidate will consult with other qualified health care professionals.
15. The BOC certificant/candidate will not delegate the responsibility to provide professional services to an unqualified person. Where supervision is appropriate and necessary, the BOC certificant/candidate will not delegate responsibility for the provision of professional services without providing appropriate supervision.
16. The BOC certificant/candidate will not act in a manner that may compromise his/her clinical judgment or obligation to deal fairly with all patients. The BOC certificant/candidate will not allow medical or psychological conditions, personal issues, substance abuse, or other matters to interfere with his/her professional judgment or performance.
17. The BOC certificant/candidate will be truthful and accurate in all advertising and representations concerning qualifications, experience, competency, and performance of services, including representations related to professional status and/or areas of special competence. The BOC certificant/candidate will not make false or deceptive statements concerning clinical training, experience, competence, academic training or degrees, certification or credentials, institutional or association affiliations, services, or fees for services.
18. The BOC certificant/candidate will not make false or misleading statements about, or guarantees concerning, any service or the efficacy of any prosthetic or orthotic device, orally or in writing.

SECTION C

RESEARCH AND PROFESSIONAL ACTIVITIES

1. The BOC certificant/candidate will be accurate and truthful, and otherwise act in an appropriate manner, with regard to research findings and related professional activities, and will make reasonable and diligent efforts to avoid any material misrepresentations.
2. The BOC certificant/candidate who participates or engages in a research project or study will obtain written, informed consent, as appropriate, from all involved parties.
3. The BOC certificant/candidate will maintain appropriate, accurate, and complete records with respect to patient consent, research findings, and related professional activities.
4. When preparing, developing, or presenting research information and materials, the BOC certificant/candidate will not copy or use, in substantially similar form, materials prepared by others without acknowledging the correct source and identifying the name of the author and/or publisher of such material.
5. The BOC certificant/candidate will respect and protect the intellectual property rights of others, and will otherwise recognize the professional contributions of others.

SECTION D

CONFLICT OF INTEREST AND APPEARANCE OF IMPROPRIETY

1. The BOC certificant/candidate will not engage in conduct that may cause an actual or perceived conflict between his/her own interests and the interests of his/her patient. The BOC certificant/candidate will avoid conduct that causes an appearance of impropriety.

2. The BOC certificant/candidate will act to protect the interests and welfare of the patient before his/her own interests, unless such action is in conflict with any legal, ethical, or professional obligation. The BOC certificant/candidate will not exploit professional relationships for personal gain.
3. The BOC certificant/candidate will disclose to patients any circumstance that could be construed as a conflict of interest or an appearance of impropriety, or that could otherwise influence or interfere with the exercise of professional judgment.
4. The BOC certificant/candidate will refrain from offering or accepting inappropriate payments, gifts, or other forms of compensation for personal gain, unless in conformity with applicable laws, regulations, and BOC rules and policies.
5. The BOC certificant/candidate will avoid conduct involving inappropriate, unlawful, or otherwise unethical monetary gain.

SECTION E

COMPENSATION AND REFERRAL DISCLOSURES

1. The BOC certificant/candidate will charge fair, reasonable, and appropriate fees for all professional services, and will provide third party payers with truthful and accurate information concerning such services.
2. The BOC certificant/candidate will charge fees that accurately reflect the services and treatment provided to the patient. When setting fees, the BOC certificant/candidate will consider: the length of time he/she has been practicing in this particular field; the amount of time necessary to perform the service; the nature of the patient's condition;

his/her professional qualifications and experience; and, other relevant factors.

3. The BOC certificant/candidate will make all appropriate disclosures to patients and prospective patients regarding any benefit paid to others for recommending or referring his/her services.
4. The BOC certificant/candidate will make all appropriate disclosures to patients and prospective patients regarding any benefit received for recommending or referring the services of another individual.

SECTION F

PATIENT CONFIDENTIALITY AND PRIVACY

1. The BOC certificant/candidate will maintain and respect the confidentiality of all patient information obtained in the course of a professional relationship, unless: the information pertains to illegal activity; the patient or the patient's legal guardian expressly directs the release of specific information by providing prior, written consent; or, a court or government agency lawfully directs the release of the information.
2. The BOC certificant/candidate will respect and maintain the privacy of his/her patients.

SECTION G

MISCONDUCT PROHIBITIONS

1. The BOC certificant/candidate will not engage in any criminal misconduct.

2. The BOC certificant/candidate will not engage in any sexual, physical, romantic, or otherwise intimate conduct with a current patient, or with a former patient within two years following the termination of the patient relationship.
3. The BOC certificant/candidate will not engage in conduct involving dishonesty, fraud, deceit, or misrepresentation in professional activities.
4. The BOC certificant/candidate will not engage in unlawful discrimination in professional activities.
5. The BOC certificant/candidate will avoid any behavior clearly in violation of accepted moral, ethical, or legal standards that may compromise the integrity of, or reflect negatively on, the profession.

Ethics Case Procedures



Board for
Orthotist/Prosthetist
Certification

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Effective as April 6, 2003

INTRODUCTION

The Board for Orthotist/Prosthetist Certification, Inc. (BOC) develops and promotes high ethical standards for orthotic/prosthetic practitioners, as set forth in the BOC Code of Ethics. The following disciplinary procedures are the rules for processing possible violations of these ethics standards. These rules apply to those individuals seeking BOC certification (candidates), and all individuals certified by the BOC (certificants), including the following certificant groups: Orthotist, BOC-Certified™ (BOCO™); Prosthetist, BOC-Certified™ (BOCP™); Certified Orthotic Fitter™ (COF™); and, Certified Mastectomy Fitter™ (CMF™). This document describes and outlines the only procedure for handling ethics cases brought to the attention of BOC. When practitioners apply for certification or recertification, they agree to abide by the BOC policies, including the Code of Ethics and the Ethics Case Procedures. In addition, BOC certificants and candidates agree that: these procedures are a fair process for resolving all ethics matters; they will be bound by decisions made pursuant to these procedures; these procedures are governed by the principles of the law of the State of Maryland; and these procedures do not constitute a contract between BOC and the candidate or certificant.

A. GENERAL

1. Nature of the Process. These procedures are the only means to resolve all BOC ethics charges and complaints. BOC has the exclusive authority to end any ethics inquiry or case, regardless of circumstances. By applying for certification or recertification, practitioners agree that they will not challenge the authority of BOC to apply the Code of Ethics, the Ethics Case Procedures, or other policies, and will not challenge the results of any BOC action taken under these policies in a legal or government forum. These ethics

procedures are not formal legal proceedings, so many legal rules and practices are not observed. BOC will review the pertinent information presented when considering ethics investigations, cases, and decisions.

BOC Ethics Case Procedures are designed to operate without the assistance of attorneys. Any party may be represented by an attorney with respect to ethics proceedings and procedures; however, if a party has retained an attorney, that party and attorney may be directed to communicate with BOC only through BOC Legal Counsel. The parties are encouraged to communicate directly with BOC.

2. Participants. Ethics cases may be decided by the BOC Chief Executive Officer (CEO), the BOC Peer Review Committee, the BOC Board of Directors Appeals Committee (Board Appeal Committee), and/or any representative designated by the CEO or authorized by these procedures. A certificant or candidate who is the subject of an ethics charge or investigation will be, and is identified as, the respondent in these rules. The person(s) initiating an ethics complaint against a certificant or candidate will be, and is identified as, the complainant(s).

3. Complainants/Ethics Charge Statement. Any person, group, or, in appropriate cases, the BOC, may initiate an ethics case and act as a complainant. A complainant other than BOC must: contact the BOC CEO and request an Ethics Charge Statement form; complete the information requested on the Charge Statement; and then submit the completed Charge Statement to the CEO. Each Ethics Charge Statement must include a detailed written description of the factual allegations supporting the ethics charge(s).

4. Time Requirements. BOC will make every effort to follow the time requirements set forth in this document. However, BOC's failure to meet a time requirement will not prohibit the final

resolution of any ethics matter. Complainants and respondents are required to comply with all time requirements specified in this document. Time extensions or postponements may be granted by the BOC CEO, Chair of the Peer Review Committee, or Chair of the Board Appeals Committee, if a timely written request explains a reasonable cause.

5. Litigation/Other Proceedings. BOC may accept and resolve ethics complaints when civil, criminal litigation or other proceedings related to the complaint have been, or are presently, before a court, regulatory agency, or professional body. BOC may also continue or delay ethics complaints in such cases.

6. Complaints Concerning Non-Certificants. In the event that BOC receives an ethics inquiry or Ethics Charge Statement concerning an individual who does not hold any BOC credential or who is not a candidate, a representative of BOC will inform the complainant and may refer the complainant to an appropriate authority.

7. Improper Disclosure/False or Misleading Responses. Any failure to disclose pertinent information or misleading disclosure by a certificant or candidate with respect to an ethics charge, criminal case, disciplinary proceeding, or similar matter concerning him/her may constitute a violation.

8. Time Limitations Concerning Complaints. BOC may consider any ethics complaint, regardless of: **(a)** whether the respondent held a BOC credential at the time of the alleged violation; **(b)** when the alleged violation occurred; or **(c)** Whether the respondent continues to hold or seek a BOC credential during the course of any ethics case.

9. Confidentiality. In order to protect the privacy of the parties to an ethics case, all material prepared by or submitted to BOC will be

confidential. An exception will be made if a release of information or documents is authorized by these rules. The identities of all members of the Peer Review Committee and the Board Appeals Committee shall remain confidential, and will not be released without the specific authorization of each member.

Until an ethics case has been closed or finalized pursuant to Section M, all parties must maintain the confidentiality of all information related to the ethics case, including its existence, consistent with these rules. If any party discloses information related to the ethics case contrary to these rules, the CEO, the Peer Review Committee, and/or the Board Appeals Committee may terminate the ethics complaint if such disclosure is by the complainant; or may impose any sanction included within these rules if such disclosure is by the respondent.

10. Failure to Cooperate. If any party refuses to fully cooperate or participate with BOC or its representatives, and it is determined that the lack of cooperation was without good cause, BOC may take the following actions: **(a)** The CEO, the Peer Review Committee, and/or the Board Appeals Committee may terminate the ethics complaint of an uncooperative complainant; **(b)** If a respondent is uncooperative, the CEO, the Peer Review Committee, and/or the Board Appeals Committee may impose any sanction included within these rules.

11. Resignation from BOC. Should a respondent attempt to relinquish BOC certification or withdraw an application during the course of any ethics inquiry or case, BOC reserves the right to continue the matter to a final resolution according to these rules.

B. MEDIATION

1. Cases Appropriate for Mediation. The CEO will receive all

charges, complaints, and Ethics Charge Statements. The CEO will consider the seriousness of the allegations, the respondent's background, prior conduct, and any other pertinent material, and make a decision concerning the likelihood that the matter can be resolved fairly without formal disciplinary proceedings as described in these rules. Ethics cases concerning charges issued by a regulatory agency or professional body, and those involving criminal or civil litigation, are not appropriate for mediation.

2. Mediation Determination. Should the CEO determine that a particular ethics matter is appropriate for mediation and the complainant and respondent agree to mediation, the CEO and the parties will make a reasonable and good faith effort to resolve the dispute to a fair, just, and voluntary conclusion.

3. Successful Mediation. In the event of successful mediation, the CEO will prepare a report summarizing the terms of each mediated resolution of an ethics matter, a copy of which will be forwarded to the parties.

4. Unsuccessful Mediation. In the event of unsuccessful mediation, the CEO will refer the case to the Peer Review Committee for resolution consistent with these procedures.

C. ETHICS INQUIRIES/ETHICS CHARGE STATEMENTS

1. Ethics Inquiries. Any person or group seeking to file a complaint concerning a certificant or candidate should contact the BOC CEO. The CEO will forward to the complainant a copy of the BOC Code of Ethics, Ethics Case Procedures and the form entitled "Ethics Charge Statement." The CEO will record all ethics inquiries and identify: the person(s) making the inquiry; the certificant/candidate identified; the State from which the inquiry originates; and the nature of the

problem. This case log will remain confidential, and will be available only to authorized representatives of BOC, or released for review to cooperating agencies and organizations.

2. Ethics Charge Statement/Description of Charges. In order for BOC to consider an ethics complaint, a complainant other than the BOC must complete and submit to the CEO an Ethics Charge Statement, including all information required by the form. The Ethics Charge Statement is a formal written communication from a complainant describing the allegations against a certificant or candidate, and is the only form of complaint submission accepted. Public documents such as newspaper stories, court verdicts or agency decisions are not acceptable, and will not be considered, as Ethics Charge Statements, but such material may be submitted as documentation to support a complaint. When an Ethics Charge Statement is received by BOC, the CEO will: **(a)** Review the material received and assign a case number to the matter; **(b)** Review the allegations made concerning the charges; **(c)** Determine whether the charges are presented in sufficient detail to permit BOC to conduct a preliminary investigation; and, if necessary, **(d)** Contact the complainant and request additional factual material. The CEO will send a letter to the complainant and respondent stating whether the charges submitted are accepted or rejected for a formal ethics investigation.

D. ACCEPTANCE/REJECTION OF ETHICS CHARGES

1. Charge Acceptance. The CEO will review each charge presented in an Ethics Charge Statement submitted by a complainant and then determine if it will become the subject of a formal Ethics Complaint and Investigation. The following criteria will be considered to determine if a charge is accepted or rejected: **(a)** Whether the respondent is a certificant or candidate; **(b)** Whether a proven charge

would constitute a violation of the Code of Ethics; (c) Whether the passage of time since the alleged violation requires that the complaint be rejected; (d) Whether relevant, reliable information or proof concerning the charge is available; (e) Whether the complainant is willing to provide proof or other information to BOC concerning the complaint; and (f) Whether the charge appears to be justified or insupportable, considering the proof available to BOC.

The CEO will determine whether the charge(s) and available proof support a formal Ethics Complaint, and upon such determination, will issue a formal Ethics Complaint and Investigation Notice.

2. Charge Rejection. If the CEO determines that an allegation should not become the subject of a formal Ethics Complaint, the CEO will reject the charge(s). The CEO will notify the complainant and respondent of the rejection, as well as the reason(s) for the rejection, by letter within approximately twenty-one (21) days of the determination.

3. Appeal of Charge Rejection Determination. Within thirty (30) days of the mailing date of a charge rejection letter, the complainant may appeal to the Peer Review Committee. In order to have the Peer Review Committee reconsider the rejection, a complainant must state in writing the following: (a) the procedural errors possibly made by the CEO with respect to the charge rejection, if any; (b) the specific provisions of the Code of Ethics believed violated; and (c) the specific information believed to support the acceptance of the charge(s).

The Peer Review Committee will consider and decide any charge rejection appeal at the next scheduled Committee meeting, and such decision cannot be appealed.

E. ETHICS COMPLAINTS AND INVESTIGATION

1. Ethics Complaint and Investigation Notices. After an ethics charge is accepted, the CEO will issue a formal Ethics Complaint and Investigation Notice identifying each Code of Ethics violation alleged and the supporting factual basis for each complaint. This Notice will be delivered to the respondent, at the last known address(es) by regular mail and other verifiable delivery service, return receipt requested, and will be marked, “Confidential.” The Notice will also state that the respondent may submit the case for review and resolution to either: the CEO; or the Peer Review Committee, which will include a hearing. If the respondent does not request a hearing, the complaint will be resolved by the CEO under Section H of these Procedures.

F. ETHICS COMPLAINT RESPONSE/OPTIONAL REPLY AND OPTIONAL RESPONSE

1. Submitting an Ethics Complaint Response. Within thirty (30) days of the mailing date of an Ethics Complaint and Investigation Notice, the respondent must submit an Ethics Complaint Response according to the instructions in the Notice. The Ethics Complaint Response must include the following: **(a)** a full response to each complaint; **(b)** the identification and a copy of each document that the respondent believes to be relevant to the resolution of the Ethics Complaint; and **(c)** any other information that the respondent believes will assist BOC in considering the Ethics Complaint fairly.

2. Response Deficiencies. The CEO or Peer Review Committee may require the respondent to supplement or expand a response.

3. Optional Reply to Ethics Complaint Response. The CEO or Peer Review Committee will forward a copy of the Ethics Complaint

Response to the complainant within approximately ten (10) days following the receipt of the Response by BOC. The complainant may submit a Reply to the respondent's Ethics Complaint Response by letter or similar document within ten (10) days of the mailing date of the Response to the complainant. If submitted, this Reply must fully explain any objections that the complainant wishes to present to the CEO or Peer Review Committee concerning the Ethics Complaint Response.

4. Optional Response to Complainant Reply. If an optional Reply to the Ethics Complaint Response is submitted by the complainant, the CEO or Peer Review Committee will forward a copy of the Reply to the respondent within approximately ten (10) days following the receipt of the Reply by BOC. The respondent may submit a Response to the complainant's Reply by letter or similar document within ten (10) days of the mailing date of the Reply to the respondent. If submitted, the Response must fully explain, and is limited to, any objections that the respondent wishes to present to the CEO or Peer Review Committee concerning the complainant's Reply to the Ethics Complaint Response.

G. PRELIMINARY ACTIONS AND ORDERS

1. Voluntary Temporary Suspension of Certification. At any time following the issuance of an Ethics Complaint and Investigation Notice, the respondent may be asked to agree to a temporary suspension of BOC certification, pending the final resolution of the ethics complaint. If the respondent accepts this request, the respondent will agree to and sign a Voluntary Suspension Agreement. This Agreement will state the temporary suspension and that the respondent voluntarily ceases from representing himself or herself as certified, credentialed or otherwise endorsed by BOC until further notice. The respondent will also return any certifications to BOC to be held until the suspension, or other disciplinary action, has ended.

2. Involuntary Suspension of Certification. If a respondent fails to agree to and sign a Voluntary Suspension Agreement, pursuant to Section G.1, above, the CEO, the Peer Review Committee, or the Board Appeals Committee may issue an Order suspending the respondent's certification(s). This Suspension Order will stay in effect until the final resolution of the complaint.

3. Circumstances of Involuntary Suspension Orders. Suspension Orders are authorized where: **(a)** The respondent has been convicted of a criminal or quasi-criminal act; or the respondent has not contested a criminal indictment under any statute, law or rule; **(b)** The respondent has been indicted or similarly charged with any criminal act or violation of criminal law under statute, law or rule; **(c)** The respondent has been found in violation of any law, regulation or rule by a professional regulatory body, or has been sanctioned or disciplined by such a regulatory body; **(d)** The respondent is the subject of a formal complaint or similar charge and/or investigation by a professional regulatory body; **(e)** The respondent has been found in violation of an ethics code of a professional association or certifying body; **(f)** The respondent is the subject of a formal complaint or similar charge and investigation by a professional association or certifying body concerning ethics or disciplinary matters, or **(g)** the respondent is the subject of litigation or a petition relating to their orthotic/prosthetic practice.

4. Other Preliminary Orders. The CEO, the Peer Review Committee, or the Board Appeals Committee may require the respondent to do or to refrain from doing certain acts by preliminary and temporary Order, including the disclosure/submission of documents relevant to review of an ethics investigation. Any temporary and preliminary Order requested will be reasonably related to the complaint under consideration; or to a party's responsibilities under the Code of Ethics.

5. Failure to Comply with Preliminary Orders. The CEO, the Peer Review Committee, or the Board Appeals Committee may discipline a respondent who fails to comply with a temporary or preliminary order. The CEO, the Peer Review Committee, or the Board Appeals Committee will consider the severity of the failure to comply and other relevant factors in determining the discipline. Preliminary and temporary orders cannot be appealed.

H. CEO/COMPLAINT RESOLUTION

1. CEO Resolution of Complaints. In the event that the respondent does not request a Hearing before the Peer Review Committee, the CEO will consider the matter under these Procedures, resolve the ethics complaint, and issue a Final Decision and Order.

2. Final Resolution/Decision and Order. The final resolution, Decision and Order of the CEO is binding on the parties, but may be appealed to the Board Appeals Committee, consistent with the requirements of these Procedures.

I. PEER REVIEW COMMITTEE/ETHICS COMPLAINT HEARINGS

1. Peer Review Committee. With the approval of the Board of Directors, the Chair of the Board will appoint: a Chair; a Vice-Chair; and, at least three (3) other members of the Peer Review Committee. The Chair or Vice-Chair will chair a panel, and will preside over and conduct each Ethics Complaint Hearing, with at least two (2) Peer Review Committee panel members. Peer Review Committee panel members shall: not have had a substantial professional relationship with either the complainant or respondent; and not have a conflict of

interest with either the complainant or respondent.

In the event that the respondent requests a Hearing, the Peer Review Committee will conduct an Ethics Complaint Hearing designed to collect and weigh all of the available information and proof. Unless a case has been resolved by the CEO under the Procedures, the Peer Review Committee will be the initial decision-making body to determine whether violations of the Code of Ethics or these Procedures have occurred. The Peer Review Committee will have full authority and responsibility to convene, preside over, continue, and conclude an Ethics Complaint.

2. Hearing Schedule and Location. The Hearing date for each ethics case will be scheduled by the Chair or Vice-Chair, in consultation the parties. Each Hearing will be held at a site determined by the Chair or Vice-Chair, which may include the use of a telephone conference, in lieu of a single hearing location. If practical, each hearing will held no less than sixty (60) days and no more than one hundred twenty (120) days from the receipt of an Ethics Charge Statement by BOC. Hearings will not be held prior to the date permitted in these rules in order to permit each party to submit a Response or a Reply.

3. Hearing Notice and Attendance. The Chair or Vice-Chair will notify the parties of the hearing schedule and location in writing. Each party will be required to indicate the following at least seven (7) days before the hearing: **(a)** Whether the party wishes to appear at and participate in the hearing in person; **(b)** Whether the party wishes to participate in the hearing via telephone; if so, the telephone number where the party is to be reached during the hearing; **(c)** Whether the party intends to appear at or participate in the hearing with an attorney or other representative; if so, the name, address and telephone number of such attorney or representative; **(d)** Whether the party intends to present witnesses during the hearing; if so, the name,

address and telephone number of each witness and a brief summary of the content of the witness' proposed testimony; and **(e)** Whether the party intends to present or offer any documentary information or other written proof during the course of the hearing that has not been previously considered by BOC. If such information is offered, the party must provide a copy of each document and a brief description of the document's relevance. Consistent with the requirements of these Procedures, the Chair or Vice-Chair shall have the sole discretion to determine the manner and extent of hearing participation by each party or other hearing participant, including whether a party or hearing participant shall appear in person or participate via telephone. Any Ethics Complaint may proceed to a conclusion and decision whether or not the parties are present.

4. Postponement of Hearing. A respondent or complainant may request a hearing postponement. This request must be in writing and received by BOC at least ten (10) days prior to the Hearing date. The Chair of the PRC may grant a postponement. Postponement decisions cannot be appealed.

5. Participation of BOC Legal Counsel. Should BOC legal counsel be present during an ethics case hearing, legal counsel shall have the privilege of the floor and may conduct the hearing with the Peer Review Committee. Legal or other representatives of the parties do not have such privilege, and are bound by the determinations and rulings of the Peer Review Committee and legal counsel.

6. Responsibilities and Rights of the Parties. In addition to other responsibilities and rights, the respondent and the complainant may do, or be required to do, the following: **(a)** Attend the hearing and be present during the testimony of all witnesses; **(b)** Present witnesses, written information and argument on their behalf; **(c)** Review or inspect all oral or written information presented in the case; and **(d)** Comply with all orders or directives issued by the BOC.

7. Witnesses. All witnesses will be excluded from the hearing room or telephone conference, except during the presentation of their testimony. The Peer Review Committee Chair or Vice-Chair will rule on any request to the contrary, and the ruling will not be subject to appeal.

8. Confidentiality/Inclusion of Other Persons. All hearings are confidential and private. No observers are permitted without special permission. A party may request the presence of an observer in the hearing room or telephone conference during all or part of a hearing. The Peer Review Committee or the Chair will rule on these requests, and the ruling cannot be appealed.

9. Information and Proof Accepted. The Peer Review Committee will receive and consider all information appearing to be relevant to an ethics complaint, including any information that may be helpful to a complete understanding of the case. The Peer Review Committee may consider information concerning relevant prior conduct. Objections relating to relevance of information and similar issues will be decided by the Peer Review Committee or the Peer Review Committee Chair, and these decisions cannot be appealed.

10. Record of the Hearing. A taped, written or summary record of the Hearing will be made by the Peer Review Committee, another BOC representative, or a stenographer/recorder; however, no taped, video, or other electronic recording of the Hearing will be permitted, unless specifically authorized by the Peer Review Committee Chair. Off-the-record conversation may be requested by parties and will not be part of the hearing record.

11. Hearing Expenses. Parties will be responsible for their expenses associated with the case. Should a party request a written transcript or recording copy of the hearing, a reasonable fee will be

assessed for preparation. BOC bears the cost of the hearings and investigations that are performed by BOC representatives.

12. Closing of the Hearing Record. The hearing record will be closed following the conclusion of the hearing, unless otherwise directed by BOC. Any party, including the Peer Review Committee Chair, may request that the record remain open for thirty (30) days for the purpose of receiving additional documentary information and proof. The Peer Review Committee Chair may deny requests to keep records open, and such decisions cannot be appealed.

J. CEO OR PEER REVIEW COMMITTEE DECISIONS AND ORDERS

1. CEO Decision and Order. A Decision and Order will be prepared by the CEO within thirty (30) days of the closing of the case record, or as soon thereafter as practical.

2. Peer Review Committee Decision and Order. A Decision and Order will be prepared by the Peer Review Committee within thirty (30) days of the closing of the hearing record, or as soon thereafter as practical.

3. Contents of the CEO or Peer Review Committee Decision. The following information will be included in the Ethics Case Decision: **(a)** A summary of the case, including the positions of the parties; **(b)** A summary of all relevant factual findings based on the record; **(c)** A final ruling on each Code of Ethics violation charged; **(d)** A statement of any disciplinary action(s) and/or sanction(s) issued; and **(e)** Any other material that the CEO or Peer Review Committee determines to be appropriate.

4. Contents of the CEO or Peer Review Committee Disciplinary

Order. The Order may include any of the following items: **(a)** An order directing the respondent to cease and desist from any behavior or acts found to be in violation of the Code of Ethics; **(b)** A statement of the disciplinary action(s) imposed and mandate directing the respondent to comply immediately with these disciplinary action(s); and **(c)** Any other appropriate directive consistent with the Decision.

K. DISCIPLINARY ACTIONS

1. Disciplinary Actions Available. When a respondent has been found to have violated one or more provisions of the Code of Ethics, BOC may issue and order one or more of the following disciplinary and remedial actions: **(a)** A recommendation to the Board of Directors that the certificant or candidate be ineligible for recertification or certification, and that any reapplication of the respondent for BOC certification be denied; **(b)** A requirement that the respondent take corrective action(s); **(c)** A private reprimand and censure of the respondent concerning the Code of Ethics violation(s); **(d)** A public reprimand and censure of the respondent concerning the Code of Ethics violation(s); **(e)** The imposition of a term of certification probation for any period up to three (3) years, which may include conditions on the respondent's conduct during that period, such as the condition that the respondent be monitored with respect to orthotic/prosthetic activities; **(f)** The suspension of any BOC certification held by the respondent for a period of not less than six (6) months and not more than two (2) years, which shall include the requirements that the respondent return to BOC all original or copied credential materials for the suspension period, and immediately stop any professional identification or affiliation with BOC during the suspension period; and **(g)** The revocation of any BOC certification held by the respondent, which shall include the requirements that the respondent return to BOC all original or copied credential materials, and to immediately stop any and all professional identification or

affiliation with BOC.

2. Referral and Notification Action. BOC may notify appropriate government or professional bodies of any final disciplinary action taken against a respondent by sending a copy of the ethics case Decision and Order issued by the CEO, the Peer Review Committee, or the Board Appeals Committee. Such notification may be sent by BOC at any point after the time period for the respondent to appeal an adverse decision has lapsed. BOC will not notify governmental and professional bodies until after a final ruling on the case has been made, if necessary. During an appeal period, BOC may respond to inquiries concerning ethics cases, and may indicate the existence of such proceedings.

3. Publication of Disciplinary Action. Following the lapse of any appeal rights and upon case closure, BOC may publish or release a final ethics Decision and Order following the issuance of an adverse CEO, Peer Review Committee, or Board Appeals Committee Decision or ruling. Any party or interested individual may request publication of any final decision, consistent with these Procedures. However, the CEO, Peer Review Committee, or Board Appeals Committee may deny such requests, and such decisions cannot be appealed.

L. BOARD OF DIRECTORS APPEALS COMMITTEE

1. Board Appeals Committee. The Chair of the BOC Board of Directors shall appoint three (3) or more Directors to serve as the Board Appeals Committee, which shall be responsible for resolving all appropriate appeals concerning decisions of the CEO or the Peer Review Committee. The Board Chair shall appoint a Board Appeal Committee Chair and Vice-Chair to preside over and conduct each ethics appeal, consistent with these Procedures.

2. Time Period for Appeals to the Board Appeals Committee. Within thirty (30) days of the mailing date of an adverse Decision by the CEO or Peer Review Committee, the respondent may appeal all or a portion of the Decision and Order to the BOC Board Appeals Committee pursuant to this Section. Any appeals received beyond this time period will not be reviewed or considered by the Board Appeals Committee.

3. Grounds for Appeal to the Board Appeals Committee. An adverse Decision of the CEO or Peer Review Committee may be reversed, or otherwise modified by the Board Appeals Committee on appeal. However, the grounds for appeal of an adverse decision are strictly limited to the following: **(a)** Procedural Error: The CEO or Peer Review Committee misapplied a procedure contained in these rules and prejudiced the respondent; **(b)** New or Previously Undiscovered Information: Following the closing of the hearing record, the respondent has located relevant proof that: was not previously in his/her possession; was not reasonably available prior to closure of the record; and, could have affected the CEO or Peer Review Committee Decision; **(c)** Misapplication of the Ethics Code: The CEO or Peer Review Committee Decision has misapplied the provisions of the Code of Ethics, and the misapplication prejudiced the respondent; and/or **(d)** Contrary to the Information Presented: The CEO or Peer Review Committee Decision is contrary to the most substantial information provided in the record.

With respect to Sub-sections **3(a)** and **(c)**, above, the Board Appeals Committee will consider only arguments that were presented to the CEO or Peer Review Committee prior to the closing of the hearing record.

4. Contents of Appeal/Letter of Appeal. In order to complete an appeal to the Board Appeals Committee under this Section, the

respondent must submit a letter or other document to the Board Appeals Committee and to the complainant, within the prescribed time period, which contains the following information and material: **(a)** The ethics case name, docket number, whether the case was decided by the CEO or the Peer Review Committee, and the date of the Decision; **(b)** A statement of the grounds for the appeal under Subsection L.3, above, and a complete explanation of the reasons that the respondent believes that the Decision should be reversed or otherwise modified; and **(c)** Accurate, complete copies of any material which supports the respondent's appeal.

5. Appeal Deficiencies. The Board Appeals Committee Chair may require the respondent to clarify, supplement, or amend an appeal submission.

6. Appeal Rejection. If the Board Appeals Committee Chair determines that an appeal does not meet the appeal requirements or otherwise warrant further formal review, consistent with the requirements set forth in these Procedures, the Board Appeals Committee Chair will reject the appeal. The Board Appeals Committee Chair will notify the complainant and respondent of the rejection, as well as the reason(s) for the rejection, by letter within approximately twenty-one (21) days of the determination. Appeal rejection determinations are not subject to appeal.

7. Optional Reply to Appeal Letter. Within fifteen (15) days of the mailing date of a respondent's appeal, the complainant may submit to the Board Appeals Committee a Reply to the Appeal by letter or similar document. If submitted, this Reply must fully explain any objections that the complainant wishes to present to the Board Appeals Committee concerning the appeal.

8. Optional Response to Complainant Reply. If an optional Reply

to the Appeal is submitted by the complainant, the Board Appeals Committee will forward a copy of the Reply to the respondent within approximately ten (10) days following the receipt of the Reply by BOC. The respondent may submit a Response to the complainant's Reply by letter or similar document within ten (10) days of the mailing date of the Reply to the respondent. If submitted, the Response must fully explain, and is limited to, any objections that the respondent wishes to present to the Board Appeals Committee concerning the complainant's Reply to the Appeal.

9. Request to Appear Before the Board Appeals Committee. The complainant or respondent may request the opportunity to appear before the Board Appeals Committee concerning an appeal under this Section. The Chair of the Board Appeals Committee will determine whether a request to appear before the Committee is accepted. In the event that a request to appear before the Committee is approved, the Chair of the Board Appeals Committee may limit the appearance in any manner, which may include the use of a telephone conference, in lieu of an in-person appearance. Denials of requests to appear before the Board Appeals Committee cannot be appealed.

10. Board Appeals Committee Hearings. Within one hundred and eighty (180) days after the submission of a complete appeal, or as soon after as practical, the Board Appeals Committee will conduct a hearing to determine the outcome and final resolution of the appeal. During the course of appeal hearings, the Board Appeals Committee members will review: the hearing record; any appeal submissions presented by the parties; and/or any other information determined to be relevant. Thereafter, the Board Appeals Committee will determine the outcome of the appeal by majority vote in closed session.

11. Board Appeals Committee Decisions and Orders. Within thirty (30) days of conclusion of an appeal hearing, or as soon after as practical, the Board Appeals Committee, by the Committee Chair,

will issue an Appeal Decision and Order stating and explaining the outcome of the appeal. With respect to each appeal, the Board Appeals Committee Decision and Order shall include the following: **(a)** A summary of any relevant portions of the CEO or Peer Review Committee Decision and Order; **(b)** A summary of any relevant procedural or factual findings made by the Board Appeals Committee; **(c)** The ruling(s) and decisions with respect to each matter under appeal; and **(d)** The Board Appeals Committee final Order affirming, reversing, amending or otherwise modifying any portion of the CEO or Peer Review Committee Decision and Order, including any disciplinary or remedial action or sanction.

Copies of the Board Appeals Committee Decision and Order shall be sent to the parties, via U.S. mail, return receipt requested, or other appropriate delivery method.

M. FINALIZING AND CLOSING ETHICS CASES

1. Events Which Will Cause Closure of an Ethics Case. An ethics case will be closed and all proceedings ended when any of the following occur: **(a)** Following the lapse of any appeal rights, the ethics case has not been accepted and the charges have been rejected as the basis for an Ethics Complaint and Investigation pursuant to these rules; **(b)** Following the lapse of any appeal rights, a final Decision has been issued by the CEO, the Peer Review Committee, or the Board Appeals Committee pursuant to these Procedures; or **(c)** An Ethics Complaint has been terminated or withdrawn by the complainant(s).

2. Events Which Will Cause a BOC Ethics Case Decision and Order to Become Final. An Ethics Case Decision and Order that is not appealed will be final. The Decision of the Board Appeals Committee will be final, and no further appeals are available to any party.

N. REAPPLICATION AND REINSTATEMENT PROCEDURES FOLLOWING REVOCATION, SUSPENSION, AND PROBATION ORDERS

1. Revocation Orders/Reapplication Petition. Five (5) years after the issuance of a final revocation order issued under these rules, a respondent may submit to the Board of Directors a Petition For Permission To Reapply For Certification (Reapplication Petition), as set forth in Section 4, below.

2. Suspension Orders/Reinstatement Requests. After the expiration of a final suspension order issued under these rules, a respondent may submit to the Board of Directors a Request For Certification Reinstatement (Reinstatement Request), as set forth in Section 4, below.

3. Probation Orders/Reinstatement or Referral. Following the expiration of a final probation order included with a Final Decision of the CEO, the Peer Review Committee, or the Board Appeals Committee, the Board of Directors will determine whether the respondent has or has not satisfied the terms of the probation order, and will do the following: **(a)** If the respondent has satisfied the terms of probation in full, the Board of Directors will immediately verify that the probation has been completed and reinstate the practitioner to full certification status; or **(b)** If the respondent has not satisfied the terms of probation in full, the Board of Directors will determine an appropriate course of action consistent with these rules, including, but not limited to, continuation of the probation order and issuance of additional disciplinary or remedial actions concerning the probation terms.

4. Contents of Reapplication Petitions and Reinstatement

Requests. Subject to the time requirements above, the Board of Directors will consider Reapplication Petitions and Reinstatement Requests from those who have been the subject of a final revocation or suspension orders, respectively. Reapplication Petitions and Reinstatement Requests must include the following information: **(a)** A statement of the relevant ethics case name, docket number, and the date that the final BOC Ethics Decision was issued; **(b)** A statement of the reasons that the respondent believes support or justify the acceptance of the Reapplication Petition or the Reinstatement Request, including a statement explaining why the respondent should now receive BOC certification; and **(c)** Copies of any relevant documentary or other material upon which the respondent relies in support of the Petition or Request.

5. Board of Directors Reapplication Petition and Reinstatement Request Review. Within ninety (90) days after the submission of a complete Reapplication Petition or Reinstatement Request, or as soon after as practical, the Board of Directors will schedule and conduct a hearing to review and rule on the Petition or Request. Each Petition or Request will be considered by a quorum of the Board. During these deliberations, the Board will review the information presented by the respondent and any other relevant information. The Board will then determine the final outcome of the appeal by majority vote in closed session.

6. Board of Directors Reapplication Petition and Reinstatement Decisions and Orders. Within thirty (30) days of conclusion of the Board of Directors' review of a Reapplication Petition or Reinstatement Request, or as soon as practical, the Board will prepare and issue a Decision and Order explaining the decision with respect to the Petition or Request. The final Board Decision and Order will indicate whether the Petition or Request is granted, denied, or continued to a later date. If appropriate, the Decision and Order will indicate any conditions of certification or recertification. Copies of

the Board of Directors Decision and Order will be sent to the parties, via U.S. mail, return receipt requested, or other appropriate delivery method. While no appeal of the Board Decision and Order is permitted by BOC, the respondent may submit a new Petition or Request pursuant to this Section, two (2) years or more after the issuance of the Board Decision and Order.