



Professional Conduct Review

Rationale

In June 1995, the Board of Directors of the Canadian Addiction Counsellors Certification Federation (CACCF) approved a review of procedures related to responding to complaints of unprofessional conduct by CACCF members and certified counsellors including applicants received by the Federation. These procedures were brought forward to the membership in April of 1996 and subsequently approved by the Board of Directors.

It is the goal of the Canadian Addiction Counsellors Certification Federation to protect the safety of clients and the rights of addictions counsellors by promoting sound counselling practice and preventing undesirable practice. CACCF does this by developing and promoting standards for addiction counselling practice that clearly outline expectations of addictions professionals by clients, employers, colleagues, and funding bodies. In addition, workshops on standards and other addiction specific topics, as well as one to one consultation to help individuals with practice dilemmas, will also contribute to the promotion of sound practice goals.

Summary

This current revision (January 2015) of the Professional Conduct Review (PCR) process offers brief, clear guidelines and includes options as alternatives to a formal inquiry. The revised process also includes an education plan to inform counsellors, employers, institutions, agencies, and funding bodies how the process works. The process is intended to preserve the integrity of the CACCF certification process. The PCR process is intended as an intervention of last resort.

Definitions

CACCF

An acronym meaning the Canadian Addiction Counsellors Certification Federation.

Complaint

Means an allegation of misconduct that is contrary to the CACCF Canon of Ethics.

Note: the Board of Directors reserves the right to initiate a Professional Conduct Review (PCR) if the Board of Directors become aware of circumstances that warrants a PCR

Complainant

Means a person who has complained in writing about the professional conduct of a person who holds a membership and/or certification with the CACCF.

Designate

Means a person who has been designated by the CACCF Board of Directors to act for or assist the Executive Director of the CACCF for the purposes of a Professional Conduct Review.

Executive Director

Means a person who is employed as the Executive Director of the CACCF.

PCR

An acronym meaning Professional Conduct Review.

PCR Committee

Means a committee designated by the Board of Directors of the CACCF to conduct a Professional Conduct Review.

Respondent

Means a person who holds a membership and/or certification with the CACCF who is the subject of a Professional Conduct Review.

Suspension

Means a duration of time recommended by the PCR Committee and approved by the Board of Directors of the CACCF, whose CACCF Member's membership and/or certification is suspended during which time the member's membership and certification is not valid.

In the event that the member's membership and/or certification expires during the suspension period, the member may submit his/her membership and/or certification renewal at the end of his/her suspension period, will full fees and continuing education documentation. A member will not be

reimbursed for any membership and/or certification fees when a suspension has been imposed.

Revocation

Means the permanent cancellation of a CACCF Member's membership and/or certification as a result of a Professional Conduct Review decision. A member will not be reimbursed for any membership and/or certification fees when a revocation has been imposed.

Provincial Association/Board

Means a Provincial entity operating under the auspices of the CACCF who is governed under a Memorandum of Understanding with the CACCF.

A Provincial Member whose Membership and/or Certification is issued under a Provincial Association/Board must adhere to the CACCF Canon of Ethics and is subject to a Professional Conduct Review under the terms of the respective MOU. The Federated Board of the CACCF governs and oversees all PCR complaints and dispositions.

MAKING A COMPLAINT

When CACCF is first contacted regarding a complaint about a CACCF Member, the complainant will be encouraged to resolve the problem through the mediation process as describe in the next paragraph. If the complaint cannot be resolved informally, it may be necessary to initiate a formal review.

The Board of Directors of the CACCF reserves the right to temporarily suspend a membership and/or certification when it has been determined that exigent circumstances exist that necessitate a temporary suspension where the continuance of a membership and/or certification will put a person at risk.

When a member is subject to another legal process as a result of professional misconduct complaint, the Board of Directors of the CACCF reserves the right to halt a Professional Conduct Review until the legal process has been exhausted.

1. Mediation Process

Complaints which are frivolous or malicious in nature are detrimental to the notion of professionalism in the addictions field and will be treated accordingly. This means that individual complainants will be encouraged to resolve the situation through a process of mediation with the counsellor or, where applicable, the counsellor's supervisor or employer, with or without legal advice provided by the complainant's legal counsel.

2. Basis of Complaints

Any complaint brought against CACCF member must be based on a breach of one or more of the components of the CACCF Canon of Ethical Principles. For the purposes of a Professional Conduct Review, a complaint applies to both certified AND uncertified members.

3. Filing a Complaint

- a. The individual complainant shall file a complaint in writing, addressed to the Executive Director. Verbal complaints unaccompanied by the appropriate written information will not be accepted.

Note: In absence of the Executive Director, the Board of Directors of the CACCF may designate another person for the purposes of the Professional Conduct Review process. This person will be referred to as a "Designate"

- b. The complainant must specify the exact nature of the complaint.
- c. The complaint must include a breach of at least one or more the twelve components of the CACCF Canon of Ethics. As a complainant may not have the knowledge or the ability to determine what component of the Canon of Ethics is breached, this determination will be determined by the Executive Director or referred to the PCR Committee informally for clarification if necessary.
- d. Each written complaint must outline the efforts undertaken, if any, by the complainant to resolve the situation prior to filing the complaint.
- e. The written statement must include information and facts to substantiate the complaint.
- f. The complaint must be verifiable: the name and address of witnesses should be included. Third party statements of individuals who have not witnessed an incident will not be accepted. Supporting information or supporting documents should be attached. This information becomes part of the record and may be used in the professional review process.
- g. Complaints must be signed by the complainant and include his/her name, address, and phone number. Complaints may not be made anonymously.
- h. Complainants should understand that the counsellor will be provided with a copy of the complaint.
- i. If the complainant ceases or fails to participate in a review or investigation, the complaint may be dismissed.
- j. If the complainant withdraws their complaint, the Executive Director will ensure the withdrawal is made in writing.

4. Process and Filing of a Complaint

a. Proper Filing

Once the CACCF office receives a written complaint, the Executive Director will decide if it has been filed in the proper format within fourteen (14) working days.

If a complaint has not been filed in the proper format, it shall be returned to the complainant with an explanation of why the complaint was not accepted and shall include recommendations to assist the complainant to comply with the PCR guidelines. Delays can be avoided by consulting with the CACCF Executive Director before submitting a complaint.

If the complaint has been filed in the proper form, the Executive Director will forward it to the respondent and all members of the PCR Committee within seven (7) days of the receipt of the complaint. The notice to the respondent should inform the respondent that the complaint was received, that the PCR Committee is reviewing it on a preliminary basis; that no action will be taken against the respondent without the respondent having the right to respond. The notice should also advise the respondent to seek legal advice.

b. If the respondent (member who is subject of the complaint), refuses or does not reply within thirty (30) days after delivery of the correspondence of the complaint, the CACCF reserves to the right to proceed in absentia.

An individual shall be considered notified three (3) days after the delivery of the documents by courier or registered mail.

c. Preliminary Review

The PCR Committee will acknowledge receipt of the complaint to the complainant and shall meet within thirty (30) days of receipt of the complaint, to determine if the complaint should be investigated.

Please note: No investigation will take place if all appropriate avenues, if any, for informal resolution have not been explored. If the circumstances that created the complaint cannot be resolved informally, the PCR Committee may decide that a formal review is necessary.

d. Formal Investigative Review

The member or applicant who is the subject of the complaint (the respondent) will be notified immediately in writing that a formal investigative review is about to take place.

The respondent will be asked to provide a written statement to the PCR Committee in response to the complaint. This response will be due within thirty (30) days of receipt of notification of the complaint.

Upon receipt of this written statement, the PCR Committee shall meet within thirty (30) days of receipt of the written response to determine if the complaint merits further investigation or dismissal.

The PCR Committee will notify the complainant and the respondent whether the complaint has been found to have merit or has been dismissed. This will happen within ten (10) working days of the PCR Committee's decision. If the complaint is found to have merit, then an investigative review will take place.

In the written statement, the respondent may choose not to contest the complaint and may waive the right to a formal investigative review. In such an instance, the Committee will recommend a course of action and forward the case to the Executive Director for action within thirty (30) days of receipt of this statement.

e. Further Investigation

A certified addiction professional appointed by the PCR Committee, and approved by the Board of Directors, conducts the investigation. Relevant information about the counsellor's conduct is collected from various sources; client and agency records, employer, co-workers, clients or clients' families. A written summary of conduct concerns is prepared by the investigator and provided to the counsellor so that as the respondent, he/she may prepare a reply. Again, the counsellor/respondent should be advised to seek legal advice. The PCR Committee will review the results of the investigation and determine whether the complaint is with or without merit and the proper course of action.

5. Decisions

Within thirty (30) days of the completion of the review, the PCR Committee shall forward a copy of their report to each of the complainant, respondent and Executive Director. The report shall include the following:

- a. A summary of the complaint and the related evidence presented by the complainant and the respondent
- b. An outline of the review process followed by the PCR Committee including relevant dates
- c. The rationale for the decision
- d. Recommendation for anyone of the following:

- i. Dismissal of the complaint(s)
- ii. Revocation of Certification and/or Membership
- iii. Suspension of Certification and/or Membership and specification the duration of the suspension
- iv. Issuance of a reprimand
- v. Any other disposition as the PCR Committee determines is reasonable in the circumstances where the essence of the complaint does not merit a suspension or revocation (i.e., documented supervision, specific education/training, counselling for personal problems).
- vi. Any combination of the previous recommended items listed with the exception of item i, dismissal of the complaint

NOTE: Any member of the PCR Committee may submit a written minority report to the Executive Director.

6. Disposition

The Executive Director shall review the reports and recommendations of the PCR Committee and shall within ten (10) days of receiving the recommendations. The Executive Director will then take the appropriate action as recommended by the PCR Committee.

In addition the Executive Director will:

- a) Ensure the complainant and the respondent are notified by courier or registered mail of the PCR Committee decision(s) as soon as practicable but no later than thirty (30) days of receiving the PCR Committee's decision.

An individual shall be considered notified three (3) days after the delivery of the documents by courier or registered mail.

- b) Ensure compliance of the PCR Committee's decision and recommendations.
- c) In cases where other dispositions require monitoring (documented supervision with a certified Supervisor/Counsellor, specific education/training, personal counselling), ensure compliance then document and file the appropriate dispositions.
- d) Ensure the decision of the PCR Committee is properly documented in the Members file for a period of no less than ten (10) years.
- e) All written materials related to the complaint shall be maintained in the CACCF office for a minimum of ten (10) years.

7. Appeal(s)

The respondent whose membership and/or certification is suspended or revoked, or who has been reprimanded by the Executive Director or subject to other recommendations as directed by the PCR Committee, may appeal the decision to the President of the CACCF Board of Directors according to the "Appeals Process" as outlined below. The respondent must file an appeal within thirty (30) days of the notification of being notified of the PCR Committee decision.

The President of the Board of Directors of the CACCF may take any of the following actions after reviewing the appeal of the respondent:

- a) Uphold the decision of the PCR Committee.
- b) Affirm the Certification Committee's procedures as valid.
- c) Rule the Certification Committee's decision not valid based on improper or untimely procedures.
- d) Reduce or increase the duration of a suspended membership and/or certification
- e) Order reinstatement of a revoked membership and/or certification
- f) Impose a lesser penalty
- g) Impose a greater penalty

The decision by the President of the CACCF in the appeal of a Professional Conduct Review is final.

8. Follow Up

An addictions counsellor whose membership is suspended or revoked or has conditions imposed or has undertaken a diversion agreement is monitored in accordance with the Committee decision or agreement.

REINSTATEMENT: Counsellors who resign with prejudice or have their membership revoked may apply to the CACCF Board of Directors for reinstatement but are still subject to a PCR.

Publishing Decisions: The PCR education plan includes, subject to obtaining the prior approval of the Board of Directors, publishing abridged versions of the decisions and reasons of the PCR Committee decisions and reasons in order to understand the PCR process and what is meant by unacceptable professional conduct in the field of addiction.

9. Professional Conduct Review Committee

Appointments to the PCR Committee

The Board of Directors of the Canadian Addiction Counsellors Certification Federation shall appoint certified counsellors to serve as members of the PCR

Committee. No members of the Board of Directors or other Certification members may be appointed to this Committee. In making these appointments, the Board will make good efforts to ensure a representative membership on this Committee: certification classification, type of treatment setting, and other demographic factors, including geographic locations.

When a complaint has been filed against a member, certified counsellor or an applicant for membership and/or certification, the Chairperson of the PCR Committee shall notify members of the Committee. The Chair will preside over this Committee and the President of CACCF shall serve as ex-officio member ensuring accurate minutes of the proceedings. The Board of Directors, using procedures outlined in the CACCF by-laws, may replace members of the PCR Committee.

The Board of Directors shall adopt rules to govern the operation and activities of the PCR Committee. These rules will include provisions for travel and reimbursements for expenses incurred for committee business. Reimbursements will be in accordance with the general rules established by the Board of Directors of CACCF

a) Authority

The PCR Committee will have the authority to:

- i) Investigate a complaint, mediating when possible;
- ii) Determine the validity of the complaint;
- iii) Dismiss invalid complaints;
- iv) Conduct a hearing on complaints which appear to have merit;
- v) Recommend a disposition for a valid complaint to the Executive Director or Designate.

b) Protocol

The PCR Committee will operate within the following parameters:

The PCR Committee has access to the relevant counsellor files at the CACCF office. The respondent and complainant will be notified why the PCR Committee has consulted such files.

The PCR Committee will meet or act with the presence of quorum: three (3) voting members.

The PCR Committee will meet within 30 days after receiving notification of the respondent, in person or by teleconference, as determined by the Chair in consultation with the President and Executive Director of CACCF

Subject to publication of decisions and reasons in a CACCF publication, all information and communication pertaining to the disciplinary review process

shall be held confidential by CACCF Board members, Executive Director, CACCF Staff Members, Certification Committee members, and PCR Committee members.

The PCR Committee may not meet nor take action without the presence of the Chair or his/her designate.

All written materials related to the complaint shall be maintained in the CACCF office.

The PCR committee may request a continuance on the established time frames from the Executive Director. The PCR Committee may grant reasonable continuances to the complainant and/or respondent.

In the event the complainant withdraws the complaint, the PCR Committee reserves the right to proceed when in their opinion the circumstances of the complaint necessitate a continuance to protect the public and to maintain the integrity of the CACCF Canon of Ethics.

Approved by the Board of Directors of the CACCF