

Alaska Commission for Behavioral Health Certification

P.O. Box 220109, Anchorage, AK 99522-0109
(907) 332-4333 Fax (844) 330-7491 acbhc@akcertification.org

Process for Receipt, Review and Determination of Ethics Violation Complaints:

The process for receipt, review and determination of ethics complaints filed against ACBHC certified counselors, clinical supervisors, and administrators, up to and including sanction (Letter of Censure, Suspension or Revocation of Certification) is as follows:

A written and signed complaint addressed to the Commission, citing all known facts, observations and relevant information regarding the offense, must be included in the letter. All acts or events requiring report to a law enforcement agency must be reported by the complainant independently. Upon receipt of this letter, the process for review and determination of the ethics complaint will be initiated. The process for review and determination is as follows:

- 1) A written complaint, if submitted as a hand-written or typed letter, will be date stamped and recorded in the Ethics Complaint Log. All complainants who have not documented their complaint on the Ethics Complaint Form will be sent a copy of the form and be asked to resubmit the complaint within ten (10) days of receipt of the Ethics Complaint Form.
- 2) Upon receipt of the Ethics Complaint Form, a copy of the complaint will be forwarded to the Ethics Review Committee Chair and members. Notification of receipt of the complaint will be sent within ten (10) days of its receipt, to both the Complainant and the person against whom the complaint has been made.
- 3) The Ethics Review Committee will determine within ten (10) days whether the ethics complaint warrants further investigation or can be dismissed. Notification of the decision to either investigate or dismiss the complaint will be sent within ten (10) days to the Complainant and the person against whom the complaint has been lodged.
- 4) If the decision to investigate the ethics complaint has been made, a copy of the complaint will be forwarded to the person against whom the complaint has been lodged, and they will be advised of their right to seek legal counsel at their own expense during the investigation, hearing and determination process.
- 5) If the complaint with its supporting material appears to be serious enough in nature to support immediate suspension of certification, the Commission may elect through consensus to temporarily suspend certification pending further investigation and determination of the ethics complaint. The certificate holder will be notified by certified mail within ten (10) days of this determination.

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(Complaint Process Continued)

- 6) All ethics complaint investigations will be conducted prior to the next scheduled Commission meeting if determination is made that an investigation is required; however, an extension of up to ninety (90) additional days may be granted in the event that further investigation must be conducted before final determination can be made.
- 7) A hearing with the person against whom the complaint has been lodged will be scheduled and subsequently conducted by the Ethics Review Committee with the full Commission in attendance once all investigation procedures have been fully completed. The complainant and the counsel obtained by the certificate holder in question are invited to attend this hearing as well to provide personal testimony.
- 8) At the conclusion of the personal testimony, the full Commission will during closed session, review and determine through a consensus vote, the appropriate action to be taken.
- 9) The Commission will notify the person against whom the complaint has been lodged of the determination by certified mail, within five (5) days of final determination being made. If sanction is recommended, the certificate holder will be advised of the appeal process.
- 10) Following completion of the hearing process, the Commission may also refer the complaint back to the Ethics Review Committee for further investigation and review.
- 11) All documents associated with the certificate holder's application file will be retained as property of the Commission.
- 12) The Commission retains the right to reverse a decision with a majority vote of the full Commission.

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Appeal Process for Ethics Violation Complaint Determination:

- 1) To initiate an appeal of a decision (ineligibility, censure, sanction, or revocation) made by the Commission, written notification must be sent to the Chairperson of the Commission by certified mail within thirty (30) days of the final decision being made. Acknowledgement of receipt of the appeal will be made within ten (10) days of receipt of the formal request for appeal consideration through either written confirmation or by formal signature on the certified mail receipt.
- 2) The appeal may be a formal request for an administrative review based upon new information and supportive documents, or may be a formal request for a hearing before the full Commission to verbally appeal the determination.
- 3) Hearings before the full Commission will be scheduled within ninety (90) days and will be conducted at the next scheduled Commission meeting after receipt of the formal request for appeal.
- 4) Following completion of the appeal hearing, the full Commission, in closed session, will review proceedings and determine whether the appeal should be granted or denied. This will be determined through a majority vote of the full Commission.
- 5) Determinations made by the Commission will be submitted in writing by certified mail within ten (10) days of final determination being made.
- 6) All documents associated with the certificate holder's file will be retained as the property of the Commission.
- 7) The Commission will stand by the final decision of the appeal and will not make allowances for a re-determination of the appeal following this final review process.