

### Policy

In the interest of protecting the integrity of the Hospice Medical Director Certification Board (HMDCB) and its certification credential, the HMDCB may investigate any allegation of one or more of the following and may take whatever action is appropriate, including but not limited to denial of eligibility to take the certification examination or renew certification or revocation of certification:

- a. Revocation, suspension, probation, voluntary surrender, or other limitation imposed on the individual's medical license by the jurisdiction's licensing authority.
- b. Misrepresentation of HMDCB certification or other unauthorized use of the HMDC<sup>TM</sup> credential. Unauthorized use is defined as the use of the HMDC<sup>TM</sup> credential by a non-certified individual in a way that would lead a third party to believe that the individual is certified.
- c. Failure to respond satisfactorily to an audit or falsification of an application for the examination or for renewal of certification or any other material information requested by the HMDCB.
- d. Failure to fulfill the requirements for renewal of certification before the specified deadline.
- e. The giving or receiving of assistance in the examination, as evidenced by observation and/or statistical analysis of an applicant's answers, or any irregular behavior during the examination process or violation of testing procedures.
- f. The unauthorized possession, reproduction, or disclosure of any HMDCB examination-related materials before, during, or after the examination.
- g. Any violation of the Code of Professional Conduct by a HMDC<sup>TM</sup> applicant or certificant.

Reconsideration and appeal procedures are available to individuals who wish to contest an adverse decision on the part of the HMDCB as outlined in the Reconsideration and Appeals Policy.

### Procedure

The HMDCB may act upon any credible evidence of misconduct. Complaints of misconduct are accepted only if signed and submitted in writing. Upon receipt of sufficient evidence, the HMDCB will determine whether disciplinary action against the subject individual is warranted.

- If after investigation the HMDCB determines that disciplinary action is not warranted, the matter will be dismissed and a record of the dismissal, along with the reason, will be retained in accordance with the section on Records below.

- If a non-certified individual is found to be using the HMDC<sup>TM</sup> credential, he or she will be ordered to cease and desist at once and provide evidence that he or she is no longer using the credential and has provided notice of such to all third parties to whom the individual may have provided false information regarding his or her certification status. The HMDCB may take appropriate action which may include the following:
  1. Notify the medical board(s) in the jurisdiction(s) where the individual is licensed or claims licensure.
  2. Notify the appropriate authority(s) in the jurisdiction(s) in which the incident(s) occurred.
  3. Notify any third parties of whom the board may be aware and to whom the individual may have provided false information.
- If after investigation the HMDCB determines that disciplinary action against a certificant or applicant appears to be warranted, the HMDCB will send written notice to the individual by traceable mailing service not less than 30 days prior to the meeting of the HMDCB, by telephone conference call or in person, at which the matter will be considered. Such notice will:
  - a. set forth the date, time, and place of the meeting;
  - b. inform the individual that the HMDCB will consider possible disciplinary action against him or her at the meeting and include a statement regarding the basis for the action; and
  - c. invite the individual to submit written evidence regarding the matter being considered and to attend the meeting or conference call in person or by representative to set forth why disciplinary action against him or her should not be taken.

The HMDCB President will preside at a hearing of the HMDCB. Both the individual and the HMDCB shall have the right to be represented by counsel at such meeting. After the hearing, the HMDCB Board of Directors may take disciplinary action with the approval of a majority of its members for any of the causes set forth above. The HMDCB shall send prompt notification by traceable mailing service of such disciplinary action and the reason(s) for the decision and the right to reconsideration.

### **Records**

The HMDCB shall keep a record of the disposition of all disciplinary actions initiated and the reasons for the greater of 7 years following the date on which the final disposition occurred or the period during which the individual is not certified.

### **Confidentiality**

The complainant will be required to authorize the disclosure of all information reasonably related to the complaint to the party accused of misconduct. No information about the proceedings or outcome will be shared with the complainant.

All information considered in disciplinary proceedings, regardless of whether such proceedings result in disciplinary action, shall be confidential except as required by due process or process of law.

**Waiting Period**

The HMDCB may impose a waiting period of up to and including 5 years after which an individual who has engaged in unauthorized use of the credential or against whom disciplinary action was taken may submit a new application for certification.