



## Nevada Certification Board

### **Code of Ethical Conduct for Certified Peer Recovery and Support Specialists**

#### **UNLAWFUL CONDUCT**

Rule 1.1: Once certified, a certified professional shall not be convicted for any summary offense, misdemeanor, or felony relating to the individual's ability to provide substance misuse and other behavioral health services or that reflects conduct unbecoming a certified professional as determined by the Board.

Rule 1.2: A certified professional shall not be convicted of any crime that involves the use of any non-prescription controlled or psychoactive substance used inappropriately.

#### **ROMANTIC/SEXUAL MISCONDUCT**

Rule 2.1: A certified professional shall, under no circumstances, engage in romantic/sexual activities or romantic/sexual contact with recovery support service recipients currently under your care, whether such contact is consensual or forced.

Rule 2.2: A certified professional shall not engage in romantic/sexual activities or romantic/sexual contact with RSS recipients' relatives or other individuals with whom RSS recipients maintain a close personal relationship when there is a risk of exploitation for potential harm to the recovery support service (RSS) recipient.

Rule 2.3: A certified professional shall not provide recovery services to individuals with whom they have had a prior romantic/sexual relationship.

#### **FRAUD-RELATED CONDUCT**

Rule 3.1: An individual shall not use misrepresentation in the procurement of certification or recertification, or assist another in the preparation or procurement of certification or recertification through misrepresentation. The term "misrepresentation" includes but is not limited to the misrepresentation of professional qualifications, education, certification, accreditation, affiliations, employment experience, the plagiarism of application and recertification materials, or the falsification of references.

Rule 3.2: An individual shall not use a title designation, credential or license, firm name, letterhead, publication, term, title, or document which states or implies an ability, relationship, or qualification that does not exist and to which they are not entitled.

Rule 3.3: A certified professional shall not provide service under a false name or a name other than the name under which his or her certification or license is held.

Rule 3.4: A certified professional shall not sign or issue, in their professional capacity, a document or a statement that the professional knows or should have known to contain a false or misleading statement.

Rule 3.5: A certified professional shall not produce, publish, create, or partake in the creation of any false, fraudulent, deceptive, or misleading advertisement.

Rule 3.6: A certified professional who participates in the writing, editing, or publication of professional papers, videos/films, pamphlets or books must act to preserve the integrity of the profession by acknowledging and documenting any materials and/or techniques or people (i.e. co-authors, researchers, etc.) used in creating their opinions/papers, books, etc. Additionally, any work that is photocopied prior to receipt of approval by the author is discouraged. Whenever and wherever possible, the certified professional should seek permission from the author/creator of such materials. The use of copyrighted materials without first receiving author approval is against the law.

#### **DUAL RELATIONSHIPS/EXPLOITATION OF RECOVERY SUPPORT SERVICE RECIPIENTS**

Rule 4.1: A certified professional shall not misappropriate property from RSS recipients and/or family members of RSS recipients.

Rule 4.2: A certified professional shall not enter into a relationship with a RSS recipient which involves financial gain to the certified professional or a third party resulting from the promotion or the sale of services unrelated to the provision of services or of goods, property, or any psychoactive substance.

Rule 4.3: A certified professional shall not promote to a RSS recipient for their personal gain any treatment, procedure, product, or service.

Rule 4.4: A certified professional shall not ask for nor accept gifts or favors from RSS recipients and/or family members of RSS recipients.

Rule 4.5: A certified professional shall not offer, give, or receive commissions, rebates, or any other forms of remuneration for a RSS recipient referral.

Rule 4.6: A certified professional shall not accept fees or gratuities for professional work from a person who is entitled to such services through an institution and/or agency by which the certified professional is employed.

### **PROFESSIONAL STANDARDS**

Rule 5.1: A certified professional shall not in any way participate in discrimination on the basis of race, color, sex, sexual orientation, age, religion, national origin, socio-economic status, political belief, psychiatric or psychological impairment, physical disability, or pathway to recovery.

Rule 5.2: A certified professional who fails to seek assistance for any psychoactive substance misuse or dependence, psychiatric or psychological impairment, emotional distress, or for any other physical health related adversity that interferes with their professional functioning shall be in violation of this rule. Where any such conditions exist and impede their ability to function competently, a certified professional must request inactive status of their credential for medical reasons for as long as necessary.

Rule 5.3: A certified professional shall meet and comply with all terms, conditions, or limitations of a certification or license.

Rule 5.4: A certified professional shall not engage in conduct that does not meet the generally accepted standards of practice.

Rule 5.5: A certified professional shall not perform services outside of their area of training, expertise, or competence.

Rule 5.6: A certified professional shall not reveal confidential information obtained as the result of a professional relationship without the prior written consent from the recipient of services, except as authorized or required by law.

Rule 5.7: The certified professional shall not permit publication of photographs, disclosure of RSS recipient names or records, or the nature of services being provided without securing all requisite releases from the RSS recipient, or parents or legal guardians of the RSS recipients.

Rule 5.8: The certified professional shall not discontinue professional services to a RSS recipient nor shall they abandon the RSS recipient without facilitating an appropriate closure of professional services for the RSS recipient.

Rule 5.9: A certified professional shall not fail to obtain an appropriate consultation or make an appropriate referral when the RSS recipient's problem is beyond their area of training, expertise, or competence.

### **SAFETY & WELFARE**

Rule 6.1: A certified professional shall not administer to himself or herself any psychoactive substance to the extent or in such manner as to be dangerous or injurious to a recipient of services, to any other person, or to the extent that such use of any psychoactive substance impairs the ability of the professional to safely and competently provide services.

Rule 6.2: All certified professionals are mandated reporters of child abuse, elder abuse, and the abuse of other vulnerable adults.

#### **RECORD KEEPING**

Rule 7.1: A certified professional shall not falsify, amend, or knowingly make incorrect entries or fail to make timely essential entries into the RSS recipient record.

Rule 7.2: A certified professional shall notify the NCB if that professional is working under a name that other than their legal name as it appears on government issued identification.

Rule 7.3: A certified professional shall notify the NCB of any name or address changes within six months.

#### **ASSISTING UNQUALIFIED/UNLICENSED PRACTICE**

Rule 8.1: A certified professional shall not refer a RSS recipient to a person that he/she knows or should have known is not qualified by training, experience, certification, or license to perform the delegated professional responsibility.

#### **DISCIPLINE IN OTHER JURISDICTIONS**

Rule 9.1: A certified professional holding a certification, license, or other authorization to practice issued by any certification authority or any state, province, territory, tribe, or federal government whose certification or license has been suspended, revoked, placed on probation, or other restriction or discipline shall promptly alert the Board of such disciplinary action.

#### **COOPERATION WITH THE BOARD**

Rule 10.1: A certified professional shall cooperate in any investigation conducted pursuant to this Code of Ethical Conduct and shall not interfere with an investigation or a disciplinary proceeding or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted, or completed.

Interference attempts may include but are not limited to:

1. the willful misrepresentation of facts before the disciplining authority or its authorized representative;
2. the use of threats or harassment against, or an inducement to, any RSS recipient or witness in an effort to prevent them from providing evidence in a disciplinary proceeding or any other legal action;
3. the use of threats or harassment against, or an inducement to, any person in an effort to prevent or attempt to prevent a disciplinary proceeding or other legal action from being filed, prosecuted or completed;

4. refusing to accept and/or respond to a letter of complaint, allowing a credential to lapse while an ethics complaint is pending, or attempting to resign a credential while an ethics complaint is pending.

Violation of this rule under these circumstances will result in the immediate and indefinite suspension of the certified professional's credential until the ethical complaint is resolved.

Rule 10.2: A certified professional shall:

1. not make a false statement to the Board or any other disciplinary authority;
2. promptly alert colleagues informally to potentially unethical behavior so said colleague could take corrective action;
3. report violations of professional conduct of other certified professionals to the appropriate licensing/disciplinary authority when he/she knows or should have known that another certified professional has violated ethical standards and has failed to take corrective action after informal intervention.

Rule 10.3: A certified professional shall report any uncorrected violation of the Code of Ethical Conduct within 90 days of alleged violation. Failure to report a violation may be grounds for discipline.

Rule 10.4: A certified professional with firsthand knowledge of the actions of a respondent or a complainant shall cooperate with the Board investigation or disciplinary proceeding. Failure or an unwillingness to cooperate in the Board investigation or disciplinary proceeding shall be grounds for disciplinary action.

Rule 10.5: A certified professional shall not file a complaint or provide information to the Board, which he/she knows or should have known, is false or misleading.

Rule 10.6: In submitting information to Board, a certified professional shall comply with any requirements pertaining to the disclosure of RSS recipient information established by the federal or state government.

## **DISCIPLINARY PROCEDURES**

### **CONFIDENTIALITY OF PROCEEDINGS**

Except as is otherwise provided herein, all information received and all reports, decisions files, transcripts, or any other documents of any kind generated or received during the course of a disciplinary proceeding, shall be kept confidential by the NCB and the respondent.

### **POSSIBLE SANCTIONS FOR VIOLATION OF THE CODE OF ETHICAL CONDUCT**

Possible sanctions for violation of the Code of Ethical Conduct include but are not limited to: denial of an application for certification; written caution; public reprimand; suspension of a credential; revocation of a credential.

Revocation of certification shall be construed as lasting a lifetime without the possibility of reinstatement.

The NCB may impose educational, supervisory, training, and treatment requirements in conjunction with any of the above disciplinary actions.

Past disciplinary actions taken against a certified professional may be considered in setting sanctions. Two or more written cautions or reprimands issued against a certified professional in a two-year period shall result in a suspension or a revocation of the credential.

Except as may be provided for in a consent order, in all cases where a public reprimand, suspension, or revocation is issued by the NCB, there may be cited on the NCB web site the name of the respondent, the sanction imposed, and the violated Rule(s). The same information shall be referred to the IC&RC. Further, NCB reserves the right to disclose information relative to disciplinary actions to other pertinent organizations such as but not limited to the Nevada State Division of Public and Behavioral Health, the State of Nevada Division of Welfare and Supportive Services, the Nevada Secretary of State, and other appropriate certifying bodies.

Sealed records will only be opened with a court order.

### **COMPLAINTS**

Persons wishing to file a complaint against a certified professional or against a person under NCB jurisdiction seeking certification may do so by detailing their complaint, in writing, to the NCB. Verbal complaints and anonymous action complaints will not be considered for investigation with the exception of publicly available information, such as but not limited to, newspaper articles, court records, or information on web sites that is made available to or secured by NCB.

All complaints must contain the complainant's full name, address, and a phone number where the complainant can be contacted. The complainant must sign and date the complaint document.

In order for ethical complaints to be considered by NCB, all complaints must be filed within four (4) years from date offense occurs.

Complaints shall be sent in an envelope marked "Confidential" to:

NCB Board of Directors  
Attn. NCB Administrator  
P.O. Box 14220  
Reno, NV 89507

## **INVESTIGATION PROCESS**

The Administrator shall conduct an initial review of all complaints filed with the NCB and shall initiate and direct an investigation, to the extent the Administrator deems sufficient, of all instances of possible professional misconduct by a certified professional. In supervising investigations, the Administrator may use investigators where deemed appropriate. Except as otherwise provided herein, all NCB investigatory information remains confidential. If during the course of the investigation it appears that criminal behavior may have occurred, the NCB's Administrator may report the alleged criminal behavior to the appropriate authority.

If a complaint has been filed, the Administrator may, at his or her discretion, proceed with an investigation even if the complainant subsequently requests that the complaint be withdrawn.

If cases where, upon initial review, the Administrator deems that no violation has occurred and that no further investigation is warranted, this conclusion shall be reported to the Board of Directors for their review within ten working days of the completion of the investigation. The Board of Directors shall either return the matter to the Administrator for investigation or affirm the Administrator's decision. If there is no further investigation, the Administrator shall send a notice to the complainant, informing him or her that the complaint is dismissed.

The Administrator shall, at the outset of the investigation, send the respondent a copy of the complaint through both certified and regular first class mail, thereby notifying said respondent of the name of the complainant(s) and the alleged violation(s) pertaining to this NCB Code of Ethical Conduct. The Administrator shall call upon the respondent to submit a typed response within 30 days from the date of the notice. The Administrator may allow a respondent additional time if such is requested.

During the investigation, the respondent shall disclose all facts and circumstances pertaining to the alleged misconduct, as well as the respondent's interpretation of the situation or conduct which is the subject of the investigation. Misrepresentation by a respondent, failure to provide information, or failure to cooperate with the investigation shall be independent grounds for disciplinary action.

In cases in which an investigation has been conducted, the Administrator shall, no sooner than 30 days after mailing of the request for response to the respondent, submit an investigation summary report to the Board of Directors inclusive of the following: any and all written materials associated with the investigation; a summary of any further communications with either the complainant or the respondent; an outline of alleged code violation(s), if any; and a recommendation for dismissal, sanction or sanctions to be imposed, or a recommendation for an ethics hearing. At the conclusion of the review of the evidence provided in the case, the Board of Directors will make their final decision by majority vote for dismissal, imposition of a sanction, or to convene a hearing.

In those cases wherein the findings support a decision by the Board of Directors to impose a sanction or sanctions upon the respondent, NCB will forward to the respondent a written document summarizing the rule(s) violated, the findings of fact, and the disciplinary action being taken. The respondent will sign the document indicating a voluntary acceptance of the sanction and return the document to the NCB within 10 business days of receipt.

### **HEARING PROCESS**

A hearing may be held at any point in the investigatory or decision-making process at the discretion of the Board of Directors. The hearing is typically undertaken in those cases wherein there is sufficient evidence for the allegation of an ethics code violation but there remain undetermined details of the case that the committee believes might be resolved through the hearing process. A hearing may also be requested by a respondent after exhausting the appeal process (see appeal process). Should a respondent request a hearing in response to the decision of the Appeal Committee, a one-time hearing fee of \$250.00 will be charged to the respondent. This fee must be received by the NCB before the hearing process will be initiated. In either event, a notice of hearing shall advise the respondent and the complainant of the following:

1. The date, time, and the location of the hearing.
2. Both the respondent and the complainant may be represented by counsel at the hearing at their own expense.
3. Both parties to the complaint may present and rebut evidence and present and cross-examine witnesses.
4. The Hearing Panel shall not be bound by common law or statutory rules of evidence, and the Hearing Panel may consider all evidence having reasonable probative value, but a decision to impose discipline may not be based solely on a declarant's oral hearsay statement unless it would be admissible under common law or statutory rules of evidence.
5. The Hearing Panel will base its decision as to whether a violation of the Code of Ethical Conduct has occurred solely upon the evidence presented at the hearing and gathered during the investigatory process.
6. At the respondent's own expense, the respondent may have a registered court reporter present to transcribe the proceedings, provided that the NCB is notified of such election at least 5 days prior to the hearing and is supplied with a copy of the transcript at no cost.
7. No discovery shall be permitted, and no access to NCB files shall be allowed to the respondent, the complainant, or their representatives.



8. Except in the most emergent of circumstances, no postponement requested less than 48 hours prior to a scheduled hearing will be considered.
9. There shall be no contact prior to the hearing between the complainant and the respondent, nor shall the complainant or the respondent be in contact with any NCB member for the purpose of discussing in any way the complaint or influencing the decision of the Hearing Panel.
10. The hearing shall be presided over by a Hearing Officer, and the Officer shall resolve objections concerning evidence.
11. The hearing shall be closed to the public.

Failure of either the complainant or the respondent to attend the hearing shall be deemed a waiver of their right to a hearing. In such cases, the hearing may proceed with disciplinary action being taken or be dismissed as determined by NCB. The Hearing Panel shall make a decision based on the evidence presented through the investigatory process.

Within 30 days after the completion of the hearing, the Hearing Panel (comprised of the NCB Board of Directors) shall prepare a written decision containing Findings of Fact and a Conclusion as to whether any of the ethical principles or rules of the Code of Ethical Conduct have been breached. If the Hearing Panel determines that the respondent did breach the Code of Ethical Conduct, the panel shall impose a disciplinary sanction, which shall be specified in the panel's decision. The Hearing Panel shall mail a copy of the decision to the respondent and the complainant by certified mail and regular first class mail. The decision of the Hearing Panel shall be deemed that of the NCB, shall be effective upon issuance or at such date as the Hearing Panel shall specify, and shall be final, without further action by the NCB.

#### **ACTION BY THE BOARD OF DIRECTORS**

Within 30 days of a hearing or a recommendation for dismissal from the Administrator, the Board of Directors shall issue a decision concerning the complaint, based on the materials provided by the Administrator or gleaned from the hearing.

The decision shall include Findings of Fact, a Conclusion as to which Rules of Conduct, if any, have been violated, and any sanction to be imposed. The decision shall recite the nature of the complaint, the investigation conducted, and the respondent's rebuttal to the complaint. Within 7 days after the issuance of the Hearing Panel's decision, the Administrator shall mail a copy to the respondent, by certified mail and regular first class mail, together with a notice of the right to appeal any Hearing Panel's decision which calls for disciplinary action.

If a request for an appeal is timely filed, any disciplinary action imposed by the Hearing Panel shall be stayed pending the decision of the Appeal Committee. However, in the event that a request for appeal is not filed

within the time period prescribed hereafter, the decision of the Hearing Panel shall be final, and any disciplinary action imposed shall take effect upon passage of the prescribed time period. When any disciplinary action takes effect, the Administrator shall notify the complainant of the results of the disciplinary process.

### **APPEAL PROCESS**

If disciplinary action is taken, the respondent may appeal the decision by submitting a request for an appeal to the NCB. Request for an appeal must state reason for the appeal. Such requests shall be mailed to the NCB by certified mail and postmarked no later than 30 days after receipt of the decision. Appeal requests should be addressed to:

Board of Directors - NCB  
Attn. NCB Administrator  
P.O. Box 14220  
Reno, NV 89507

If a timely request for an appeal is submitted to the NCB, the Board shall appoint a three-person Appeal Committee from among the NCB standing committees. No member of the Appeal Committee shall be a member of the Board of Directors, nor shall anyone be appointed to the Appeal Committee who has a potential conflict of interest with either the complainant or the respondent. All potential conflicts of interest will be discussed prior to the appointment. Within 30 days after the NCB receives a request for an appeal, a review into the facts contained in the decision of the Hearing Panel shall be scheduled. The review shall be scheduled no less than 31 days or more than 45 days from the date of receipt of the request.

Such review shall be limited to the issues and charges contained in the decision of the Hearing Panel previously served on the respondent and procedural issues relevant to the case. Within 30 days of the decision by the Appeal Committee, respondent will be notified in writing of said decision. The decision of the Appeal Committee will be considered final.

### **PROCEDURES AND REINSTATEMENT FOLLOWING DISCIPLINARY ACTION**

If a respondent's NCB credential has been suspended or revoked and the respondent does not appeal the Hearing Panel's decision, or if the Appeal Committee upholds the respondent's suspension or revocation, the respondent shall return his or her credential certificate to the NCB Office no later than 21 days after the suspension or revocation takes effect. The NCB credential certificate remains the property of the NCB.

NCB credential reinstatement following a suspension: Upon expiration of the suspension period, the Board of Directors shall authorize reinstatement of the professional for the balance of his/her certification period, unless:

1. another suspension or revocation of the respondent's certification has occurred; or
2. the respondent has committed another violation of the Code of Ethical Conduct; or
3. the respondent has failed to remit the recertification fees or make an application for recertification in a timely manner, according to the respondent's recertification date; or
4. the respondent has failed to comply fully with the terms of his or her suspension.

Revocation shall be construed as lasting a lifetime without the possibility for reinstatement.

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_