



# NEVADA

## Certification Board

# CODE OF ETHICS

COMMUNITY HEALTH WORKERS (CHW I & II)

NEVADA CERTIFICATION BOARD

Revised 4/2020

## Preamble

The Community Health Worker (CHW) Code of Ethics of the Nevada Community Health Worker Association and the Nevada Certification Board is based on and supported by the core values adopted by the American Association of Community Health Workers. The responsibility of all CHWs is to strive for excellence by providing quality service and the most accurate information available to individuals, families, and communities. The Code of Ethics is based upon commonly understood principals that apply to all professionals within the health and social service fields (e.g. promotion of social justice, positive health, and dignity). The Code, however, does not address all ethical issues facing CHWs and the absence of a rule does not imply that there is no ethical obligation present. As professionals, CHWs are encouraged to reflect on the ethical obligations that they have to the communities that they serve, and to share these reflections with others.

### Article 1: Responsibilities in the Delivery of Care

CHWs build trust and community capacity by improving the health and social welfare of the clients they serve. When a conflict arises among individuals, groups, agencies, or institutions, CHWs should consider all issues and give priority to those that promote the wellness and quality of living for the individual/client. The following provisions promote the professional integrity of CHWs.

**Rule 1.1:** Honesty: CHWs are professionals that strive to ensure the best health outcomes for the communities they serve. They communicate the potential benefits and consequences of available services, including the programs they are employed under. They are truthful, sincere, forthright and, unless professional duties require confidentiality or special discretion, candid, straightforward and frank. CHWs act in ways that are consistent with core beliefs and assuring that practices are congruent with principles.

**Rule 1.2:** Confidentiality: CHWs respect the confidentiality, privacy, and trust of individuals, families, and communities that they serve. They understand and abide by employer policies, as well as state and federal confidentiality laws that are relevant to their work.

**Rule 1.3:** Scope of Ability and Training: CHWs are truthful about qualifications, competencies and limitations on the services they may provide, and should not misrepresent qualifications or competencies to individuals, families, communities, or employers.

**Rule 1.4:** Quality of Care: CHWs strive to provide high quality service to individuals, families, and communities. They do this through continued education, training, and an obligation to ensure the information they provide is up to date and accurate.

**Rule 1.5:** Referral to Appropriate Services: CHWs acknowledge when client issues are outside of their scope of practice and refer clients to the appropriate health, wellness, or social support services when necessary.

**Rule 1.6:** Legal Obligations: CHWs have an obligation to report actual or potential harm to individuals within the communities they serve to the appropriate authorities. Additionally, CHWs have a responsibility to follow requirements set by states, the federal government, and/or their employing organizations. Responsibility to the larger society or specific legal obligations may supersede the loyalty owed to individual community members.

## **Article 2: Promotion of Equitable Relationships**

CHWs focus their efforts on the well-being of the whole community. They value and respect the expertise and knowledge that each community member possesses. In turn, CHWs strive to create equitable partnerships with communities to address all issues of health and well-being.

**Rule 2.1:** Cultural Humility: CHWs possess expertise in the communities in which they serve. They maintain a high degree of humility and respect for the cultural diversity within each community. As advocates for their communities, CHWs have an obligation to inform employers and others when policies and procedures will offend or harm communities, or are ineffective within the communities where they work.

**Rule 2.2:** Maintaining the Trust of the Community: CHWs are often members of their communities and their effectiveness in providing services derives from the trust placed in them by members of these communities. CHWs do not act in ways that could jeopardize the trust placed in them by the communities they serve.

**Rule 2.3:** Respect for Human Rights: CHWs respect the human rights of those they serve, advance principles of self-determination, and promote equitable relationships with all communities.

**Rule 2.4:** Anti-Discrimination: CHWs do not discriminate against any person or group on the basis of race, ethnicity, gender, sexual orientation, age, religion, social status, disability, or immigration status.

**Rule 2.5:** Client Relationships: CHWs maintain professional relationships with clients. They establish, respect and actively maintain personal boundaries between them and their clients.

### **Article 3: Interactions with Other Service Providers**

CHWs maintain professional partnerships with other service providers in order to serve the community effectively.

**Rule 3.1:** Cooperation: CHWs place the well-being of those they serve above personal disagreements and work cooperatively with any other person or organization dedicated to helping provide care to those in need.

**Rule 3.2:** Conduct: CHWs promote integrity in the delivery of health and social services. They respect the rights, dignity, and worth of all people and have an ethical obligation to report any inappropriate behavior (e.g. sexual harassment, racial discrimination, etc.) to the proper authority.

**Rule 3.3:** Self-Presentation: CHWs are truthful and forthright in presenting their background and training to other service providers.

### **Article 4: Professional Rights and Responsibilities**

The CHW profession is dedicated to excellence in the practice of promoting well-being in communities. Guided by common values, CHWs have the responsibility to uphold the principles and integrity of the profession as they assist families to make decisions impacting their well-being. CHWs embrace individual, family, and community strengths and build upon them to increase community capacity.

**Rule 4.1:** Continuing Education: CHWs should remain up-to-date on any developments that substantially affect their ability to competently render services. CHWs strive to expand their professional knowledge base and competencies through education and participation in professional organizations.

**Rule 4.2:** Advocacy for Change in Law and Policy: CHWs are advocates for change and work on impacting policies that promote social justice and hold systems accountable for being responsive to communities. Policies that advance public health and well-being enable CHWs to provide better care for the communities they serve.

**Rule 4.3:** Enhancing Community Capacity: CHWs help individuals and communities move toward self-sufficiency in order to promote the creation of opportunities and resources that support their autonomy.

**Rule 4.4:** Wellness and Safety: CHWs are sensitive to their own personal wellbeing (physical, mental, and spiritual health) and strive to maintain a safe environment for themselves and the communities they serve.

**Rule 4.5:** Loyalty to the Profession: CHWs are loyal to the profession and aim to advance the efforts of other CHWs worldwide.

**Rule 4.6:** Advocacy for the Profession: CHWs are advocates for the profession. They are members, leaders, and active participants in local, state, and national professional organizations.

**Rule 4.7:** Recognition of Others: CHWs give recognition to others for their professional contributions and achievements.

## **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 Ethics 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, NCB reserves the right to disclose information relative to disciplinary actions (the name of the respondent, the sanction imposed, and the violated Rule(s)) 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 state agencies or 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.

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

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

Nevada Certification Board Ethics Committee  
P.O. Box 13122  
Reno, NV 89507

Or submitted via the NCB website's [potential ethics violation](#).

## 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 were deemed appropriate. Except as otherwise provided herein, all NCB investigatory information remains confidential. If during 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 Ethics

Committee for their review within ten working days of the completion of the investigation. The Ethics Committee 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 them 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 Ethics. 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, within reason.

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 Ethics Committee 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 Ethics Committee 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 Ethics Committee 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 Ethics Committee. 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 Ethics 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 decide based on the evidence presented through the investigatory process.

Within 30 days after the completion of the hearing, the Hearing Panel 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 Ethics have been breached. If the Hearing Panel determines that the respondent did breach the Code of Ethics, 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 ETHICS COMMITTEE**

Within 30 days of a hearing or a recommendation for dismissal from the Administrator, the Ethics Committee 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 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 the 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:

Nevada Certification Board Ethics Committee  
P.O. Box 14220  
Reno, NV 89507

If a timely request for an appeal is submitted to the NCB, the Board shall appoint from the NCB a three- person Appeal Committee. No member of the Appeal Committee shall be a member of the Ethics Committee, 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**

NCB credential reinstatement following a suspension: Upon expiration of the suspension period, the Ethics Committee 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 Ethics; 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 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.

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

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