



## NCCAOM's Professional Ethics and Disciplinary Committee (PEDC)

### Process and Procedures

The mission of the NCCAOM® is to assure the safety and well-being of the public and to advance and advocate for the professional practice of NCCAOM Board-Certified Acupuncturists™ by promoting established national standards focused on competence and credentialing. In order to fulfill that mission, NCCAOM has been and remains vigilant in its requirements that our community sets and maintains the highest standard possible in their practice. Responsibility for the investigation and adjudication of complaints and disciplinary action procedures is assigned to the NCCAOM Professional Ethics and Disciplinary Committee (PEDC) and its [designated NCCAOM staff](#).

#### What/Who is the PEDC?

The NCCAOM Professional Ethics and Disciplinary Committee (PEDC) has the authority and responsibility to review and investigate misconduct complaints and disciplinary matters against Respondents. When warranted, the PEDC will impose and enforce disciplinary decisions and publish sanctions and/or actions.

The PEDC is composed of no less than five (5) and no more than nine (9) voting members. At least one (1) and no more than two (2) of whom currently serves on the Board; and at least one (1) PEDC member shall be a public member. Non-voting members may also be seated on the PEDC at the discretion of the PEDC Chair.

The PEDC meets regularly via online conference. All meetings pertaining to disciplinary investigations are confidential and held for the purpose of determining, in order: 1. whether a Respondent has committed a violation in the *NCCAOM Ground(s) for Professional Discipline*; and, if so, 2. what sanction(s) and/or action(s) are warranted. PEDC investigations and meetings allow for the opportunity for written complaints to be heard without restriction in response to any and all allegations, but do not encompass trial-type hearings, witnesses, cross-examinations, live appearance by Respondent or counsel, formal legal rules of evidence or rules of hearsay.

The responsibilities/roles of the PEDC include:

- Initially evaluating and accepting or rejecting reported disciplinary/ethics issues and complaints;
- Investigating issues underlying reported disciplinary/ethics issues and complaints;
- Determining whether the available evidence supports the reported disciplinary/ethics issues and/or complaint; and
- Decision-making on reported disciplinary/ethics issues and complaints, and implementing appropriate sanctions, if any, in accordance with NCCAOM governing documents.



- Co-operating with state regulators and disciplinary boards at every step from initiation of investigations to notifications to the public on any actions taken.

Current Members of the PEDC include:

- Michael Taromina, Esq. - Chair
- Cathy Goldstein, Dipl. Ac. (NCCAOM)<sup>®</sup>, AP – Vice Chair
- Janet Borges, Dipl. Ac. (NCCAOM)<sup>®</sup>, Dipl. C.H. (NCCAOM)<sup>®</sup>, L.Ac.
- Scott Cormier, Dipl. O.M. (NCCAOM)<sup>®</sup>, L.Ac.
- Valerie Hobbs, Dipl. O.M. (NCCAOM)<sup>®</sup>, L.Ac.
- Divya Parikh, MPH, CAE
- Dr. Lisa Sumption, DAOM, Dipl. O.M. (NCCAOM)<sup>®</sup>, L.Ac.
- Kimberley Woo, MSTOM, Dipl. O.M. (NCCAOM)<sup>®</sup>, L.Ac.

### **What are the PEDC Governing Documents?**

- The [NCCAOM<sup>®</sup> Code of Ethics](#)
  - The cornerstone of NCCAOM's affirmative commitment to ethical business practices and professional conduct is its Code of Ethics. Every NCCAOM Diplomate, applicant and PDA Provider pledges to abide by the NCCAOM<sup>®</sup> Code of Ethics aspirational standards as a condition of NCCAOM certification and certification maintenance.
- The [NCCAOM<sup>®</sup> Procedures for Upholding Professional Conduct](#)
  - This document outlines the process the PEDC must take to review and investigate misconduct complaints and disciplinary matters against Respondents, issue and enforce disciplinary decisions and impose and publish sanctions or actions.
- The [NCCAOM<sup>®</sup> Grounds for Professional Discipline](#),
  - The Ground for Professional Discipline is a non-exhaustive list of common types of actions that will, if violated, subject NCCAOM applicants, Diplomates and PDA Providers to disciplinary action, including, but not limited to:
    - Unethical Behavior
    - Criminal and Disciplinary Matters
    - Incompetence
    - Negligence
    - Boundary Violations and Confidentiality
    - Impairment
    - Misrepresentation
    - Examination Irregularity

### **What/Who does the PEDC have jurisdiction over?**

All NCCAOM Candidates sign a statement of acknowledgement as part of their application for certification, in which they attest in writing that the information provided on the application and the supporting documents are accurate, true and correct. This information is verified by staff and may be sent to the PEDC for further investigation and review in cases of a failure to report



required items. Candidates also agree to abide by the NCCAOM® Code of Ethics and the policies and procedures and to co-operate with any request for release of information pertinent to the application. In compliance with its responsibilities, the PEDC has the authority to investigate and sanction for disciplinary matters filed against the following Respondents:

- Diplomates (Active and Inactive)
- Applicants for examination, certification, or recertification
- PDA applicants
- PDA Providers
- Lapsed Diplomates
- Former Diplomates who Voluntarily Surrendered certification.

### **Examples of behavior warranting a complaint/disciplinary review**

The [NCCAOM® Grounds for Professional Discipline](#) is a list of certain types of actions and behaviors that will subject NCCAOM applicants and Diplomates to potential disciplinary action. Some examples include:

- Failing to cooperate with a disciplinary investigation.
- Withholding information or providing false or deceptive information on an application for NCCAOM certification, recertification, PDA providership or disciplinary investigation.
- Failing to notify the NCCAOM within thirty (30) calendar days of any of the following:
  - Notice of a disciplinary investigation in any jurisdiction pertaining to a healthcare practice.
  - Any order (including private or confidential) issued by any jurisdiction pertaining to a healthcare practice.
  - Violent felony charges
  - Any felony convictions
  - Misdemeanor criminal convictions related to a healthcare practice.
- Being convicted of a serious or violent felony
- Being convicted of a misdemeanor related to a healthcare practice.
- Being the subject of disciplinary or administrative action taken by a licensing board or health-related regulatory agency or school.
- Violating NCCAOM policies, regulations or procedures, including but not limited to complying with testing security protocols and continuing education requirements.
- Misrepresenting professional credentials or titles.
- Advertising false or misleading information.
- Exceeding the scope of practice as defined by state or federal statute or regulation.
- Obtaining or attempting to obtain compensation or reimbursement for services not rendered or via deception or fraud.
- Failing to maintain proper records as required by state or federal statute or regulation.
- Performing services without informed consent as required by state or federal statute or regulation.
- Failing to maintain patient/practitioner confidentiality.
- Failing to maintain professional boundaries in relationships with patients, or in any way exploiting the practitioner/patient trust.



- Engaging in sexual contact with a current patient if the contact commences after the practitioner/patient relationship is established.
- Engaging in sexual contact with a former patient unless a period of six (6) months has elapsed since the date that the professional relationship ended.

### **What is the PEDC process?**

The [NCCAOM® Procedures for Upholding Professional Conduct](#) outlines the process the PEDC undertakes to review and investigate misconduct complaints and disciplinary matters against Respondents, issue and enforce disciplinary decisions and impose and publish sanctions or actions.

1. The NCCAOM becomes aware of a possible ethics/disciplinary issue/violation
  - The NCCAOM does not limit or restrict the source or manner by which an investigation may be initiated. Written or verbal complaints are typically initiated via the following:
    - Submission of a [Complaint Form for Professional Ethics Violation Form](#)
    - A report from a governmental agency or educational institution
    - Self-report via application for certification or recertification
    - NCCAOM staff or Committee research
    - Background checks
    - Pursuant to a self-reporting requirement
2. The PEDC Chair and staff reviews the information surrounding the possible ethics violation and determines if it has merit, or if is spurious, unreliable or outside the purview of the commission.
3. If the reported ethics violation has merit, a letter will be sent out to the person/organization responsible for notifying the NCCAOM that the PEDC has begun an investigation.
4. The subject(s) of the alleged violation will be notified that an investigation has been opened and a request for additional information, if needed, will be issued to appropriate parties. The subject is given 30 days to provide a response including any supporting documentation without limitations.
5. After the documentation is received and/or the 30-day deadline has passed, the PEDC Chair and staff will review the case including all responses and evidence before presentation to the PEDC.

NOTE: Failure to co-operate or respond to an investigatory request is a potential separate and/or additional violation of the NCCAOM's Grounds for Professional Discipline regardless of the whether the underlying matter is ultimately deemed a Grounds violation by the PEDC.

6. If, after all information and evidence is ripe and reviewed for verification by staff and the Chair, the facts of the matter potentially pose a violation of the NCCAOM's Grounds for



Professional Discipline, then the matter is scheduled for hearing and the file and all evidence are forwarded to the PEDC for their confidential review in advance thereof.

7. At the meeting, the PEDC will discuss and make a determination on the matter which may include a dismissal, sanction(s) or to remand to staff for further investigation or to request more information or documentation from appropriate parties.

If the PEDC determines the subject has committed acts and/or engaged in behavior set forth and prohibited in NCCAOM's Grounds for Professional Discipline, the PEDC may impose one or more sanctions, including but not limited to:

- Ineligibility for certification or recertification
- Probation pending completion of specified conditions such as monitoring or counseling
- Remedial Education
- Written reprimand (formal expression of disapproval retained in the Diplomate's file but not publicly announced)
- Censure (formal expression of disapproval that is publicly announced)
- Suspension of certification for a designated period
- Termination/revocation of certification (permanent)
- Treatment for Substance Abuse
- Any other conditions, fines, sanctions or actions the PEDC deems appropriate under the circumstances

NOTE: Sanctions imposed by the PEDC are published, including but not limited to; the NCCAOM's website as well as its Find a Practitioner Directory, The Diplomate newsletter and in the electronic e-newsletter Diplomate E-News You Can Use. In limited exceptions, sanctions may be issued but remain private and unpublished, such as private letters of reprimand or substance abuse treatments.

8. The subject (and complainant, if applicable) will be notified of the PEDC's determinations. If applicable, there is an [Appeal Process \(page 4\)](#) for the subject of the disciplinary action.
9. NCCAOM exchanges disciplinary actions and information with state licensing boards where the subject of discipline has been sanctioned. This co-operation is mutual.

### **How do I submit a complaint?**

A formal complaint may be filed against:

- NCCAOM Diplomates (Active and Inactive)
- Applicants for examination, certification, or recertification
- PDA applicants
- PDA Providers
- Lapsed Diplomates and/or
- Former Diplomates who Voluntarily Surrendered certification



for violations of professional ethics using the [Complaint Form for Professional Ethics Violations](#) available on the NCCAOM website.

All complaints must be in writing and signed by the person submitting the complaint. A complaint should also be filed with the state regulatory agency in the jurisdiction where the Diplomate practices. A copy of that complaint also must be sent to the NCCAOM. For a list of state regulatory boards with contact information, please visit [State Licensure Requirements](#) on our website.

### **Where can I find a list of practitioners on Disciplinary Alert?**

A list of practitioners on Disciplinary Alert is located on the NCCAOM website, in [Ethics and Discipline](#) section at: <https://pedr.nccaom.org/>.