



National Board for Case Management

**Policy:** Disciplinary Policy for Accredited Case Manager (ACM™) Certificants and Applicants

**Effective Date:** July 15, 2017

**Approved By:**

**Disciplinary Policy for Accredited Case Manager (ACM™) Certificants and Applicants**

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The mission of the National Board for Case Management (NBCM) is to support a high level of competence in the practice of case management and to advance the specialty through a formal credentialing process. NBCM adopted this Disciplinary Policy to articulate standards of conduct for individuals seeking certification and recertification, and holding certification. This Disciplinary Policy was also adopted to establish a fair process for addressing noncompliance, including complaints received by NBCM. Matters are investigated by a Disciplinary Review Committee and presented for judgment before the NBCM Board of Directors. The NBCM Board of Directors is also available to hear appeals and is the final decision-maker on behalf of the ACM™ Certification program.

**A. General Principles**

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**Individuals must:**

1. Be truthful, forthcoming, prompt and cooperative in their dealings with NBCM;
2. Be in continuous compliance with NBCM rules (as amended from time to time by NBCM);
3. Respect NBCM’s intellectual property rights;
4. Abide by NBCM’s test administration rules;
5. Self-report any material changes to licensure or criminal charges pending or adjudicated.
6. Abide by laws related to the discipline of practice, whether nursing or social work, and to general public health and safety; and
7. Carry out their professional work in a competent and objective manner.

**B. Compliance with NBCM Standards, Policies and Procedures**

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An individual must be in continuous compliance with all NBCM standards, policies and procedures. Each individual bears the burden for demonstrating and maintaining compliance at all times.

**C. Complaints**

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1. Persons concerned with possible violation of NBCM rules are encouraged to contact NBCM. The person should submit a written statement identifying the persons alleged to be involved and the facts concerning the alleged conduct in detail, and the statement should be accompanied by any available documentation. The statement should also identify others who may have knowledge of the facts and circumstances concerning the alleged conduct. The person making the complaint should identify him-/herself by name, address, email address and telephone number. However, NBCM will consider anonymous complaints.
2. Actions taken under this Disciplinary Policy do not constitute enforcement of the law, although referral to appropriate federal, state or local government agencies may be made about the conduct of the individual in appropriate situations. Individuals bringing complaints under this Disciplinary Policy are not entitled to any relief or damages by virtue of this process.

#### D. Contact Information Changes

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An individual must notify NBCM within **ninety (90) calendar days** of any change in name, address, telephone number or email address.

#### E. Grounds for Disciplinary Action

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**Grounds for disciplinary action include:**

1. Providing fraudulent or misleading information to NBCM;
2. Ineligibility for certification, regardless of when the ineligibility is discovered;
3. Failure to abide by NBCM's test administration rules;
4. Unauthorized possession or misuse of NBCM's credentials, examinations, and other intellectual property;
5. Misrepresentation of certification status;
6. Failure to provide requested information in a timely manner;
7. Failure to inform NBCM of changes or adverse actions;
8. Gross negligence or willful misconduct in professional work;
9. Failure to maintain a current professional credential as required by the jurisdiction in which the individual practices (this may be a license, certificate or registration);
10. The conviction of, plea of guilty to, or plea of no contest (*nolo contendere*) to a felony or misdemeanor related to public health and safety, nursing or social work;
11. Disciplinary action by a licensing board or professional organization other than NBCM; and
12. Other failure to maintain continuous compliance with NBCM's standards, policies and procedures.

#### F. Adverse Actions

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An individual must notify NBCM of any development bearing on certification. Developments that must be reported to NBCM include (but are not limited to) arrests, complaints, inquiries, indictments, and charges pending against the individual before a state or federal regulatory agency, professional certification organization, or judicial body directly relating to public health and safety, nursing, social work, or any matter described in Section B, above. An individual must report events such as (but not limited to) suspension, revocation, or expiration of a state license to practice, being sued by a patient, or being investigated or reprimanded by an employer or state regulatory board. The individual must notify NBCM within **ninety (90) calendar days** after he/she first learns of the development, and must provide documentation of the resolution of the matter within ninety (90) calendar days after resolution.

#### G. Disciplinary Review Procedures

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1. Initial Evaluation.
  - a. Upon receipt of a complaint or an adverse action notice, the ACMA CEO Designee will confer with the NBCM Chair. The Chair or the ACMA CEO Designee may request supplemental information.
  - b. If the ACMA CEO Designee and Chair determine that the complaint is frivolous, that the adverse action is not relevant to certification, or that NBCM lacks jurisdiction over the complaint or the person(s) who are the subject of the complaint, no further action will be taken.
  - c. If the ACMA CEO Designee and Chair determine that the complaint is not frivolous or that the adverse action may be relevant to certification, it will be forwarded to a

- Disciplinary Review Committee for investigation per guidelines set forth in G(3) below.
- d. If the ACMA CEO Designee and Chair determine that a matter is beyond the jurisdiction of NBCM, they may refer the matter to the appropriate governmental agency or another entity engaged in the administration of law.
  - e. Persons submitting complaints are not entitled to notification of the decision of the ACMA CEO Designee and Chair.
2. Audits.  
NBCM may conduct one or more compliance audits. If NBCM discovers a possible violation of NBCM rules, the ACMA CEO Designee will confer with the Chair of the Disciplinary Review Committee to determine whether the allegation will be forwarded to the Disciplinary Review Committee for investigation.
  3. Disciplinary Review Committee.
    - a. The NBCM Chair will appoint a Disciplinary Review Committee to investigate and consider alleged violations of this Disciplinary Policy or any other NBCM policy or procedure. This Committee is composed of three (3) members who (i) may or may not be members of the NBCM Board of directors and (ii) who are current ACM™ certificants in good standing.
    - b. A Disciplinary Review Committee member may not: (i) review any matter in which his/her impartiality might reasonably be questioned, or (ii) review any matter which presents an actual, apparent, or potential conflict of interest. When a committee member is unavailable, the NBCM Chair will designate another individual to serve as an interim member. Committee action is determined by majority vote.
    - c. The Disciplinary Review Committee may contact the individual who submitted the complaint, the individual in question, and others who may have knowledge of the facts and circumstances surrounding the allegations.
    - d. If the Disciplinary Review Committee determines after its investigation that the facts are inadequate to sustain a finding of a violation of NBCM's rules, a recommendation of no further action will be provided to the NBCM Board of Directors. Persons submitting complaints are not entitled to notification of this decision. Individuals can verify the status of an ACM credential by written request (mail or email) to the ACMA National Office.
    - e. If the Committee finds that good cause exists to question whether a violation of a NBCM rule has occurred, the Committee will transmit a statement of the allegations to the individual by traceable mail or delivery service setting forth:
      - i. the applicable rule;
      - ii. the facts constituting the alleged violation;
      - iii. that the individual has **fifteen (15) business days** after receipt of the statement to notify the Disciplinary Review Committee if he/she disputes the allegations and provide written documentation of his/her response,
      - iv. that the truth of the allegations or failure to respond may result in sanctions including revocation;
      - v. that if the individual does not dispute the allegations, the individual consents to the Disciplinary Review Committee rendering a decision on the evidence before it and applying available sanctions; and
      - vi. that if the individual does not dispute the allegations, the individual may opt to voluntarily surrender his/her ACM™ certification according to the Resignation policies provided herein.

4. Review.
  - a. A written briefing must be submitted by the ACMA CEO Designee to the Disciplinary Review Committee within **five (5) business days** following receipt of the written response from the certificant or applicant.
  - b. The Disciplinary Review Committee will schedule a meeting within **fifteen (15) business days** following receipt of this briefing to review the records provided and investigations (if any) and render a recommendation based on the information available.
  - c. The Disciplinary Review Committee will maintain written minutes of its meetings and recommendations rendered.
  - d. The Disciplinary Review Committee may be assisted in the conducted of its investigation by other members of the NBCM or by the NBCM staff or legal counsel. The NBCM Chair exercises general supervision over all investigations.
  - e. Proof is by preponderance of the evidence.
  - f. The Disciplinary Review Committee will issue a written recommendation to the NBCM Board of Directors within **fifteen (15) business days** following completion of the review process. The recommendation will contain factual findings, conclusions regarding NBCM rules that provide the basis for its decision, and any sanctions recommended.
    - i. If the Disciplinary Review Committee finds that the allegation is not established, no further action on the matter will be recommended to the NBCM Board of Directors.
    - ii. If the Disciplinary Review Committee finds that a violation occurred, the committee must recommend a proposed sanction along with its findings.
  - g. The NBCM Board of Directors will schedule a meeting within **fifteen (15) business days** following receipt of the Disciplinary Review Committee's written recommendations.
  - h. The NBCM Board of Directors is responsible for reviewing the Disciplinary Review Committee's recommendations and finalizing a determination and/or sanction(s).
    - i. If the NBCM Board of Directors finds that the facts are inadequate to sustain a finding of a violation of NBCM's rules, a determination of no further action is made.
    - ii. If the NBCM Board of Directors finds that the facts are adequate to sustain a finding of a violation of NBCM's rules, sanctions and determinations must be made.
  - i. Sanctions and determinations of the NBCM Board of Directors must be provided in a written summary to the individual within **five (5) business days**. A copy of the report will be available only to the Disciplinary Review Committee, NBCM Board of Directors, ACMA Board of Directors, ACMA staff and the individual. Persons submitting complaints are not entitled to notification of sanctions and determinations. Individuals can verify the status of an ACM credential by written request (mail or email) to the ACMA National Office.

#### H. Sanctions and Determinations

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1. Any of the following sanctions may be imposed by the NBCM Board of Directors upon a certificant or applicant whom the Board of Directors has determined to have violated the policies and rules of the ACM™ certification program, although the sanction applied must be reasonably related to the nature and severity of the violation, focusing on reformation of the conduct and deterrence of similar conduct by others:
  - a. Written reprimand to the individual;
  - b. Probation of the individual for a designated period; or
  - c. Revocation of the certificant's credential.

2. Reprimand in the form of a written notice from the NBCM Chair is sent to an individual who has received his or her first substantiated complaint.
3. Probation is imposed on a certificant or applicant who has received two substantiated complaints. The probation period will be for a definite term with the time to be determined by the NBCM Board of Directors.
  - a. The NBCM Board of Directors shall establish a minimum probation period and at the conclusion of that period consider whether the individual has fulfilled the conditions of probation. Potential conditions include, but are not limited to: monitoring; education; training; supervision; counseling; mental and/or physical examinations; limitations on a particular conduct or activity; reexamination; notification; and/or reporting.
  - b. Upon completion of the term and conditions of probation, NBCM shall make a determination whether the conditions of probation have been completed successfully. The individual may be required to demonstrate successful rehabilitation to the satisfaction of NBCM. If probation is determined to have been successfully completed, then the individual will have sixty (60) calendar days to fulfill all of the requirements for continuing and/or renewing certification. Upon a showing that such requirements have been fulfilled, NBCM shall permit the individual to resume active certification status.
  - c. If probation is determined not to have been successfully completed, then NBCM may impose further disciplinary sanctions or extend the probation period.
4. Revocation of the ACM™ credential is imposed on a certificant who has received two substantiated complaints within a two year period, or three or more substantiated complaints within any time period. Conviction of a felony or other crime of moral turpitude under federal or state law in a matter related to the practice of, or qualifications for, case management or violation of patient safety standards will result in immediate revocation of the ACM™ credential. If certification is revoked, any and all certificates or other materials requested by the NBCM Board of Directors must be promptly returned to the NBCM Board of Directors. Certificants who have had their credential revoked may not be considered for ACM™ certification or recertification in the future.
5. The NBCM may, at its discretion, impose any of the sanctions, if warranted, in specific cases.
6. For each of these sanctions, a summary of the determination and the sanction with the individual's name will be written by the NBCM Board of Directors. A copy of this report will be available only to the Disciplinary Review Committee, NBCM Board of Directors, ACMA Board of Directors, ACMA staff and the individual.

### **I. Appeal**

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1. If the determination or sanction is not favorable to the individual, the individual may appeal the decision to the NBCM Board of Directors.
2. Appeals must be submitted within **fifteen (15) business days** of receipt of notice of the determination and/or sanction by the NBCM Board of Directors. After this time, the individual may not request an appeal.
3. All appeals must be submitted in writing and sent to NBCM by traceable mail or delivery service.
4. The appeal must specify a valid basis for the appeal.
5. Upon receipt of a request for appeal, the NBCM Chair must establish an appellate body consisting of at least three, but not more than five, individuals. This Disciplinary Action Appeal Board may review one or more appeals, upon request of the Chair.
6. The Disciplinary Action Appeal Board may be composed of members of ACMA, but must include at least one individual who is not. No current members of the Disciplinary Review Committee, the NBCM Board of Directors or of the ACMA Board of Directors may serve on the Disciplinary Action Appeal Board; further, no one with any personal involvement or conflict of interest may

- serve on the Disciplinary Action Appeal Board.
7. The Disciplinary Action Appeal Board may only review whether the determination by the NBCM Board of Directors of a violation of the certification program policies and/or rules was inappropriate because of:
    - a. material errors of fact, or
    - b. failure of the Disciplinary Review Committee or the NBCM Board of Directors to conform to published criteria, policies or procedures.
  8. Only facts and conditions up to and including the time of the NBCM Board of Director's determination as represented by facts known to the board are considered during a disciplinary action appeal. The appeal shall not include a hearing or any similar trial-type proceeding. Legal counsel is not expected to participate in the disciplinary action appeal process, unless requested by the appellant and approved by the NBCM. The NBCM and Disciplinary Action Appeal Board may consult NBCM legal counsel.
  9. The Disciplinary Action Appeal Board conducts and completes the appeal within **ninety (90) calendar days** after receipt of the request for an appeal. Written appellate submissions and any reply submissions may be made by authorized representatives of the individual and of the NBCM Board of Directors.
  10. The decision of the Disciplinary Action Appeal Board either affirms or overrules the determination and/or sanction of the NBCM Board of Directors.
  11. The decision of the Disciplinary Action Appeal Board, including a statement of the reasons for the decision, is reported to the NBCM and ACMA Board of Directors. The Disciplinary Action Appeal Board decision is final and is binding upon the NBCM, the individual who is subject to sanctions, and all other persons.
  7. The decision of the Disciplinary Action Appeal Board will be mailed promptly by traceable mail or delivery service to the individual. A copy of this report will be available only to the Disciplinary Review Committee, NBCM Board of Directors, ACMA Board of Directors, ACMA staff and the individual.

#### J. Summary Procedure

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If the ACMA CEO Designee and Chair of the NBCM determine that there is cause to believe that a threat of immediate and irreparable injury to the public exists, they will forward the allegations to the NBCM Board of Directors. The Board of Directors will review the matter immediately, and provide telephonic or other expedited notice and review procedures to the individual. If the Board of Directors determines (following this notice and opportunity to be heard) that a threat of immediate and irreparable injury to the public exists, certification may be suspended for up to **ninety (90) calendar days** pending a full review as provided above.

#### K. Continuing Jurisdiction

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NBCM retains jurisdiction to review and issue decisions regarding any matter which occurred prior to the termination, expiration, or relinquishment of certification.

#### L. Inactive Status

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1. NBCM may take action with respect to eligibility, certification, recertification, or a disciplinary matter while an individual is on inactive status.
2. Individuals whose certification expires while undergoing disciplinary review may be granted an extension to certify or recertify once the certificant or applicant is back in good standing.

#### M. Resignation

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1. If a certificant who is the subject of a complaint voluntarily surrenders his/her ACM™ certification at any time during the pendency of a complaint under these Procedures, the complaint is dismissed without any further action by the Disciplinary Review Committee, the NBCM Board of Directors, or a Disciplinary Action Appeal Board established after an appeal.
2. Individuals voluntarily surrendering their ACM™ certification will have their entire record sealed and the individual may not reapply for certification or recertification by the NBCM.
3. The NBCM may authorize the Chair to communicate the fact and date of resignation, and the fact and general nature of the complaint which was pending at the time of the resignation, to or at the request of a government entity engaged in the administration of law.
4. In the event of such resignation, persons submitting complaints are not entitled to notification of the fact and date of resignation and that NBCM has dismissed the complaint as a result.

#### **N. Confidentiality**

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1. All investigations and deliberations of the Disciplinary Review Committee, Disciplinary Action Appeal Board, NBCM Board of Directors and ACMA Board of Directors are conducted in confidence, with all written communications marked "Confidential," and they are conducted objectively, without any indication of prejudgment.
2. Recommendations of the Disciplinary Review Committee and minutes of any communications of this committee or the NBCM Board of Directors will be available only to the Disciplinary Review Committee, Disciplinary Action Appeal Board, NBCM Board of Directors, ACMA Board of Directors and ACMA staff and the individual.
3. Determinations of the NBCM Board of Directors or the Disciplinary Action Appeal Board will be sent promptly by traceable mail or delivery service to the individual. A copy of the determination will be available only to the Disciplinary Review Committee, Disciplinary Action Appeal Board, NBCM Board of Directors, ACMA Board of Directors, ACMA staff and the individual.