

# ETHICAL PRACTICE COMMITTEE STATEMENT OF PRACTICES AND PROCEDURES

Effective April 24, 1990

The Ethical Practice Committee (EPC) is charged by the By-Laws of the Arizona Speech-Language-Hearing Association with the responsibility to interpret, administer, and enforce the Code of Ethics of the Association. Accordingly, the EPC hereby adopts the following practices and procedures to be followed in administering and enforcing that Code.

A fundamental precept that guides the EPC in the discharge of its responsibility is that an effective Code of Ethics requires an orderly and fair administration and enforcement of its terms and requires full compliance by all members of the Association. The EPC recognizes that each case must be judged on an individual basis, and that no two cases are likely to be identical. Thus, the EPC has the responsibility to exercise its judgment on the merits of each case and on its interpretation of the Code.

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## A. Definition of Terms

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| 1. EPC:                    | Ethical Practice Committee  |
| 2. Association:            | Arizona Speech-Language-Hearing Association   |
| 3. Code:                   | Code of Ethics of the Association   |
| 4. Certificate(s):         | Certificate(s) of Clinical Competence   |
| 5. Respondent:             | The alleged offender  |
| 6. Complainant(s):         | The person(s) alleging that a violation occurred  |
| 7. Initial Determination:  | Initial Determination by the EPC subject to Further Consideration and appeal, of the (a) finding, (b) proposed sanction, and (c) extent of disclosure.  |
| 8. Sanction(s):            | Penalties imposed by the EPC  |
| 9. Disclosure:             | Announcement of the final EPC Decision to other than Respondent   |
| 10. Further Consideration: | Further Consideration by the EPC of its Initial Determination   |
| 11. EPC Decision:          | Final decision of the EPC after: (1) Further Consideration; or (2) 30 days from the date of notice of the initial Determination by the EPC if no request for Further Consideration is received. |
| 12. Appeal:                | Written request from Respondent to EPC alleging error in the EPC Decision and asking that it be reversed in whole or in part by the Executive Board.  |

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## B. Investigative Procedures

1. Alleged violations shall be reviewed by the EPC Chair in such manner as the EPC Chair may, in its discretion, deem necessary and proper. If, after review, the EPC Chair elects to investigate the allegation, the EPC Chair shall notify Respondent of the alleged offense in writing and shall advise Respondent that Respondent's answer to the allegation shall be in writing and must be received by the EPC no later than 45 days after the date of the EPC notice to Respondent. Voluntary resignation of membership shall not preclude the EPC

from continuing to process the alleged violation to conclusion, and the notice from the EPC to Respondent requesting an answer shall so advise Respondent.

2. At the discretion of the EPC the Membership Chair may be informed that Respondent is under investigation by the EPC for alleged violation of the Code and may be instructed that no change in membership shall be permitted without approval of the EPC.
3. The EPC shall consider all information secured from its investigation, including Respondent's answer to the allegation, and shall base its Initial Determination on that information.
4. If the EPC finds that there is not sufficient evidence to warrant further proceedings, Respondent and Complainant(s) shall be so advised and the investigation shall be terminated.
5. If the EPC finds that there is sufficient evidence to warrant further proceedings, the EPC shall make an Initial Determination, which includes (a) the finding of violation, (b) the proposed sanction, and (c) the proposed extent of disclosure. In this regard, the final decision of any State, Federal, regulatory, or judicial body may be considered sufficient evidence that the Code was violated.
6. The EPC may, as part of its Initial Determination, order that the Respondent cease and desist from any practice found to be a violation of the Code. Failure to comply with such a Cease and Desist Order is, itself, a violation of the Code, and shall normally result in Revocation of Membership.
7. The EPC shall give Respondent notice of its Initial Determination. The notice shall also advise Respondent of the right to request Further Consideration by the EPC and of the right, *after Further Consideration*, to request an appeal to the Executive Board. The procedures are to be followed in exercising those rights are described in Sections F and G of this statement.

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#### C. Notices and Answers

All notices and answers shall be in writing and considered to be given or furnished (1) to Respondent when *sent*—Certified Mail, Addressee Only, Return Receipt Requested—to the address then listed in the ArSHA membership records, and (2) to the EPC when *received* by the EPC.

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#### D. Sanctions

Sanctions shall consist of one or more of the following: Reprimand; Censure; recommend Withhold, Suspend, or Revoke Membership to Executive Board or other measures determined by the EPC at its discretion.

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#### E. Disclosure

1. The EPC Decision, upon becoming final, shall be published in the ArSHA Newsletter unless the sanction is Reprimand. In the case of Reprimand, the EPC Decision normally shall be disclosed only to Respondent, Respondent's counsel, Complainant(s), witnesses at the EPC. Further Consideration Hearing, staff and Association counsel, each of whom shall be advised that the decision is strictly confidential and that any breach of that confidentiality by any party who is a member of the Association is, itself, a violation of the Code.

2. In appropriate cases, including when the sanction is Reprimand, the EPC may also determine that its Decision shall be disclosed to aggrieved parties and/or other appropriate individuals, bodies, or agencies.
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#### F. Further Consideration by the EPC of the Initial Determination

1. When the notice of Initial Determination from the EPC states that Respondent has violated the Code and announces a proposed sanction and extent of disclosure, Respondent may request that the EPC give Further Consideration to the Initial Determination.
  2. Respondent's request for Further Consideration shall be in writing and must be *received* by the EPC Chair no later than 30 days after the date of notice of Initial Determination. *The request for Further Consideration must specify in what respects the Initial Determination was allegedly wrong and why.* In the absence of a timely request for Further Consideration, the initial determination shall be the EPC Decision, which decision shall be final; there shall be no further right of appeal to the Executive Board.
  3. If Respondent submits a timely request for Further Consideration by the EPC, the EPC shall schedule a hearing and notify Respondent. At the hearing, Respondent shall be entitled to submit a written brief or to appear personally to present evidence and to be accompanied by counsel. The proceeding shall be informal; strict adherence to the rules of evidence shall not be observed, but all evidence shall be accorded such weight as it deserves. As an alternative to personal appearance at the hearing, the EPC shall afford Respondent the opportunity to make a presentation to the EPC and to respond to questions from the EPC via a conference telephone call placed to Respondent by the EPC. All personal costs in connection with the Further Consideration hearing, including travel and lodging costs incurred by Respondent, Respondent's counsel and witnesses, and counsel and other fees, shall be Respondent's sole responsibility. The hearing shall be transcribed in full, and upon request, a copy of the transcript shall be made available to Respondent at Respondent's sole expense.
  4. After the Further Consideration hearing, the EPC shall render its decision and notify Respondent. If evidence presented at the hearing warrants, the EPC may modify the finding, increase or decrease the severity of the sanction, and/or modify the extent of disclosure that was announced to Respondent in the notice of Initial Determination. The decision shall be the EPC decision, and in the absence of a timely appeal to the Executive Board, the EPC Decision shall be final.
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#### G. Appeal of EPC Decision to Executive Board

1. Respondent may appeal the EPC Decision to the Executive Board when that decision requires revocation of membership or when the decision requires disclosure of the sanction in the ArSHA Newsletter. The request for appeal shall be in writing and must be *received* by the EPC Chair no later than 30 days after the date of notice of the EPC Decision. *The request for appeal shall specify in what respects the EPC Decision was allegedly wrong and why.*
  2. The procedures for a hearing before the Executive Board are described in the *Executive Board Statement of Practices and Procedures for Appeals of Decisions of the Ethical Practice Committee.*
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#### H. Reinstatement

Persons whose membership of certification has been revoked may, upon application therefore, be reinstated after one year upon a two-thirds vote of the Executive Board. The applicant bears the burden

of demonstrating the reason(s) for revocation no longer exist and that, upon reinstatement, applicant will abide by the Code.

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**I. Amendment**

This *Statement of Practices and Procedures* may be amended upon recommendation of the EPC and a vote of the Executive Board. All such changes will be given appropriate publicity.

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**J. Appointments to EPC**

The Ethical Practice Chair will appoint a standing committee to serve in an advisory capacity on matters of ethical practice. All final determinations are the responsibility of the EPC Chair.

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**K. EPC Practices and Procedures**

Respondents and Complainants will receive a copy of the *Ethical Practice Committee Statement of Practices and Procedures* and a copy of the *Executive Board Practices and Procedures for Appeals of Decisions of the Ethical Practice Committee*.

To file a complaint concerning the ethical conduct of an ArSHA member or Certificate Holder with the Ethical Practice Committee:

Submit a letter describing your concerns to:

ArSHA  
Attn: Ethical Practice Committee, Chair  
P.O. Box 30988  
Phoenix, Arizona 85046

Be sure to sign your letter and write CONFIDENTIAL on the envelope.

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**Executive Board Practices  
and Procedures for Appeals of  
Decision of the Ethical Practice Committee**

**Effective 24 April 1990**

The Executive Board (EB) hereby adopts this procedure, governing an appeal from a Decision of the Ethical Practice Committee (EPC).

Appeals to the Executive Board are only permitted from EPC Decisions following an EPC Further Consideration Hearing.

Such appeal shall be heard by an EB Appeals Panel consisting of three EB members appointed by the EB Chair.

The EB Appeals Panel shall give written notice to the appellant and the EPC of the time and place of the hearing. Said notice shall be given at least 30 days in advance of the hearing, by certified mail, return receipt requested, and shall advise of the right to counsel, of the right to submit in advance a written brief, of the right to oral argument at the hearing either in person or by conference call. The notice shall also advise that the Executive Board Appeals Panel will not consider any evidence except that which was presented at the Further Consideration Hearing before the EPC. The Executive Board Appeals Panel shall render its decision promptly after the hearing and shall state it in writing.

All costs in connection with appeal, including travel and lodging costs incurred by appellant and appellant's counsel (and witnesses), and other fees shall be in appellant's sole responsibility.

Said decision shall be final and shall be subject to normal or Special Publication as determined by the Executive Board Appeals Panel.

This procedure may be amended by a two-thirds vote of the Executive Board.