

3 The APTA Board of Directors at its March 2004 meeting voted to amend by substitution
4 the Disciplinary Action Procedural Document (formerly BOD 99-11-05-11). The minutes of
5 that meeting have been finalized, and the new Procedural Document is BOD 03-04-11-23.
6 Below is the text of the Disciplinary Action Procedural Document (BOD 03-04-11-23),
7 derived from the text posted on the APTA website in connection with the minutes of the
8 May 2004 Board meeting.
9

10 **Disciplinary Action Procedural Document**

11 **(BOD 03-04-11-23)** [Amended BOD 11-99-05-11;03-96-04-07; BOD 11-94-05-11; BOD 03-92-33-
12 119; BOD 11-90-19-73; BOD 11-89-29-117; BOD 11-88-24-97; BOD 03-87-15-55; BOD 03-86-13-
13 52; BOD 11-84-07-33; BOD 03-84-12-43; BOD 03-82-07-26; BOD 11-79-06-20]
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18 The American Physical Therapy Association (Association or APTA) has developed this Procedural
19 Document on Disciplinary Action (Procedural Document) to establish a procedure to process
20 claims that a member of the Association has violated the Association's Code of Ethics (Code) or
21 Standards of Ethical Conduct for the Physical Therapist Assistant (Standards). This document
22 encompasses the procedures for the investigation and hearing of such claims.
23

24 This Procedural Document will be followed when a Chapter President receives a signed complaint
25 relating to a member of the Association or otherwise becomes aware of information indicating that
26 a member has violated the Code or the Standards. The Appendix accompanying this Procedural
27 Document is for informational purposes only. All time periods provided herein may be varied only
28 for good cause consistent with fundamental fairness. Wherever this Procedural Document calls for
29 the use of certified mail, return request requested, an alternative form of delivery may be used,
30 provided that it generates a reliable record of receipt.
31

32 The Ethics and Judicial Committee of the American Physical Therapy Association will review all
33 complaints, records, and recommendations that are initiated or generated at the Chapter level. At
34 any time in the course of the disciplinary process the Ethics and Judicial Committee has the
35 authority to assume responsibility for management of the ethics proceeding at the Chapter level.
36 Questions of a legal nature may be addressed to Association headquarters.
37

38 **1. INITIATION OF ETHICS PROCEEDING BY CHAPTER PRESIDENT**

39
40
41 A Chapter President may initiate an ethics proceeding in response to a complaint or on the basis
42 of reliable information that comes to his/her attention.
43

44 **(a) Complaint.**

45
46 **(1) Receipt, Forwarding, and Acknowledgment.** Any person who believes that a
47 member has acted in violation of the ethical principles or standards of the Association
48 may submit a signed written complaint to the President of the Chapter to which the
49 member is assigned. The President may proceed on the basis of a signed complaint
50 submitted by fax but not on the basis of any email complaint. A complaint must describe
51 the conduct which the complainant believes constitutes an ethical violation, but it need not
52 cite specific sections of the Code or Standards. Within three (3) days of receiving a
53 complaint, the President must forward a copy to the attention of the Ethics and Judicial
54 Committee at Association headquarters (1111 North Fairfax Street, Alexandria, Virginia
55 22314). Upon receipt of a copy of a complaint Association staff shall assign a case
56 number for use on all documents in the proceeding and shall communicate the case
57 number to the Chapter President. The Chapter President and the Chapter Ethics
58 Committee (CEC) must use this case number on all documents he/she or it issues in the
59 proceeding. The Chapter President and the CEC may not send any communication to a
60 complainant or respondent unless its heading includes the case number assigned by
61 Association staff. Within fifteen (15) days after being advised of the case number, the
62 President shall give the complainant written acknowledgment of receipt of the complaint,

1 which acknowledgment shall enclose a copy of the Procedural Document and shall advise
 2 the complainant of the respondent's right to learn the identity of the complainant.
 3

4 **(2) Alternative Recipient of Complaint.** In any case in which a person has a complaint
 5 against a Chapter President, a member closely associated with the Chapter President, or
 6 an elected or appointed leader of the Association or of any APTA chapter or section (or in
 7 which other circumstances exist which give rise to the appearance that the Chapter
 8 President may be unable to act impartially), the complainant may address the complaint to
 9 the Association's Ethics and Judicial Committee at the Association's headquarters. The
 10 Ethics and Judicial Committee, upon determining that the complaint falls within the
 11 foregoing sentence, shall proceed to carry out the functions hereunder of the Chapter
 12 President with respect to the complaint; in such a case, references in this Procedural
 13 Document to the Chapter President shall be deemed to be to the alternative recipient. The
 14 Ethics and Judicial Committee, upon determining that this paragraph does not apply, shall
 15 so notify the complainant (who will remain free to resubmit the complaint to the Chapter
 16 President).
 17

18 **(b) Chapter President's Action With Respect to a Complaint.** The responsibility of a Chapter
 19 President with respect to a signed complaint is to decide whether to initiate an APTA ethics
 20 proceeding by issuing a notice of charges as described in subsection (b)(2)(C) below. The
 21 Chapter President shall consult with the Chair of the CEC in making this decision.
 22

23 The Chapter President first shall determine whether the complaint, fairly construed, alleges
 24 conduct by the Association member that would constitute a violation of the Code or Standards.
 25 For purposes of this analysis, the President shall assume that the specific facts alleged are true,
 26 unless the allegations are plainly baseless.
 27

28 **(1) No Allegation of Ethical Violation.** If the Chapter President determines that the
 29 conduct alleged would not constitute an ethical violation, he/she must send the Ethics and
 30 Judicial Committee written notice advising that he/she is declining to issue a notice of
 31 charges and briefly explaining his/her rationale. The Chapter President shall send the
 32 complainant a copy of such notice of decision not to initiate an ethics proceeding.
 33

34 **(2) Allegation of Ethical Violation.** If the Chapter President determines that the conduct
 35 alleged would constitute an ethical violation, he/she still must exercise his/her best
 36 judgment as to whether to refer the case to the CEC, taking into account the nature of the
 37 alleged conduct, the ability of the CEC to investigate and dispose of the case, and other
 38 relevant considerations. The Chapter President may decline to issue a notice of charges
 39 on the ground that:
 40

- 41 (i) the conduct alleged would constitute only a de minimis violation such that
- 42 referral to the CEC is not warranted;
- 43 (ii) the conduct alleged occurred sufficiently long ago that referral to the CEC is
- 44 not warranted; or
- 45 (iii) the ultimate determination whether the conduct violates the Code or
- 46 Standards would require resolution of legal or other issues beyond the
- 47 competence of the CEC and/or the Ethics and Judicial Committee, so that referral
- 48 to the CEC is not warranted.
 49

50 **(A) Decision Not To Initiate an Ethics Proceeding.** If the Chapter
 51 President makes a discretionary decision not to refer the case to the
 52 CEC, he/she must send the Ethics and Judicial Committee written notice
 53 advising that he/she is declining to issue a notice of charges and briefly
 54 explaining his/her rationale. At the same time the Chapter President shall
 55 forward the complete file to the Ethics and Judicial Committee and shall
 56 send the complainant a copy of the notice of decision not to initiate an
 57 ethics proceeding.
 58

59 **(B) Decision To Initiate an Ethics Proceeding; Notice of Charges.** If
 60 the Chapter President decides that a complaint's allegations of ethical
 61 misconduct should be referred to the CEC, he/she shall initiate an ethics
 62 proceeding against the member (respondent) by promptly sending a

1 notice of charges to the respondent, with copies to the Ethics and Judicial
 2 Committee and the CEC. The President shall send the notice of charges
 3 to the respondent by certified mail, return receipt requested.
 4

5 **(C) Notice of Charges.** The notice of charges shall describe, in the
 6 President's words, the conduct which, if proven, would constitute a
 7 violation of the Code or the Standards. The notice must describe the
 8 conduct in sufficient detail to apprise a reader unfamiliar with the case of
 9 the behavior in which the respondent allegedly engaged. The notice must
 10 specify which provision(s) of the Code or Standards the conduct, if
 11 proven, would violate. The notice of charges may, but need not, specify
 12 any provision(s) of the Guide for Professional Conduct or the Guide for
 13 Conduct of the Physical Therapist Assistant which the Chapter President
 14 believes is (are) relevant to the conduct in question. The notice of
 15 charges shall state that the President is referring the matter to the CEC
 16 and shall identify the Chair of the CEC (name, address, and telephone
 17 number). The President shall enclose a copy of the complaint with the
 18 notice of charges, and the notice shall advise the respondent that a copy
 19 of the complaint is enclosed. The President shall refer the matter to the
 20 CEC by sending it a copy of the notice of charges and shall transmit also
 21 the underlying complaint, and any other documents in the President's
 22 possession that may be relevant to the proceeding.
 23

24 **(c) Chapter President's Action Based on Reliable Information.** A Chapter President may
 25 initiate an ethics proceeding without having received a signed complaint, but only in accordance
 26 with this subsection. A proceeding may be initiated on the basis of written information that is
 27 available publicly, obtained from authorized agencies, or otherwise properly obtained, if such
 28 information reliably indicates that an APTA member engaged in conduct that would constitute a
 29 violation of the Code or Standards. Such information may include evidence that a member has
 30 violated a state or federal criminal law or that a state licensing agency has taken disciplinary
 31 action against a member.
 32

33 **(1) Receipt of Information.** Association staff may forward to a Chapter President reliable
 34 information that might be the basis for initiation of an ethics proceeding, in which case
 35 staff shall assign a case number to the matter and communicate that case number to the
 36 Chapter President.
 37

38 A Chapter President who obtains reliable information that might be the basis for initiation
 39 of an ethics proceeding from a source other than Association staff must forward a copy of
 40 the information to the attention of the Ethics and Judicial Committee at Association
 41 headquarters within three (3) days of obtaining such information. Upon receipt of a copy
 42 of such information, Association staff shall assign a case number for use on all
 43 documents in the proceeding and shall communicate the case number to the Chapter
 44 President. The Chapter President and the Chapter Ethics Committee (CEC) must use the
 45 case number assigned by Association staff on all documents he/she or it issues in the
 46 proceeding. The Chapter President and the CEC may not send any communication to a
 47 respondent unless its heading includes the case number assigned by Association staff.
 48

49 **(2) Chapter President's Action With Respect to Information Reliably Indicating**
 50 **Misconduct.** The responsibility of a Chapter President with respect to information reliably
 51 indicating that a member engaged in unethical conduct is to decide whether to initiate an
 52 APTA ethics proceeding issuing a notice of charges as described in subsection (b)(2)(C)
 53 above. The Chapter President shall consult with the Chair of the CEC in making this
 54 decision.
 55

56 The Chapter President first shall determine the facts that have been reliably established
 57 (e.g., by a guilty plea or verdict in a criminal proceeding or by a consent decree in a
 58 licensing action). Because such determinations often involve the interpretation of legal
 59 documents, the Chapter President shall consult with the Association's legal counsel as
 60 needed.
 61

1 **(A) No Evidence of Ethical Violation.** If the Chapter President determines that
 2 the conduct reliably established would not constitute an ethical violation, he/she
 3 must send the Ethics and Judicial Committee written notice advising that he/she
 4 is declining to issue a notice of charges and briefly explaining his/her rationale.
 5

6 **(B) Evidence of Ethical Violation.** If the Chapter President determines that the
 7 conduct reliably established would constitute an ethical violation, he/she still must
 8 exercise his/her best judgment as to whether to refer the case to the CEC, taking
 9 into account the nature of the conduct, the ability of the CEC to investigate and
 10 dispose of the case, and other relevant considerations. The Chapter President
 11 may decline to issue a notice of charges on any ground specified in subsection
 12 (b)(2) above.
 13

14 **(i) Decision Not To Initiate an Ethics Proceeding.** If the Chapter
 15 President makes a discretionary decision not to refer the case to the
 16 CEC, he/she must send the Ethics and Judicial Committee written notice
 17 advising that he/she is declining to issue a notice of charges and briefly
 18 explaining his/her rationale.
 19

20 **(ii) Decision To Initiate an Ethics Proceeding.** If the Chapter President
 21 decides that an ethics proceeding based on reliable information should
 22 be initiated, he/she shall do so by promptly sending a notice of charges to
 23 the member (respondent), with copies to the Ethics and Judicial
 24 Committee and the CEC, in accordance with the requirements specified
 25 in subsection (b)(2)(C) above.
 26
 27

28 **2. PROCEEDING BASED ON SERIOUS CRIME OR REVOCATION OF LICENSURE**

29
 30 **(a) Serious Crimes.** A member's commission of a crime which (i) is substantially related to the
 31 qualifications, functions, or duties of a physical therapist or physical therapist assistant and (ii) is
 32 classified as a felony by the applicable federal, state, or territorial law, or is punishable by
 33 imprisonment for six months or more, is prima facie evidence of a violation of the ethical principles
 34 or standards of the Association. The procedures in this section shall apply in the event of (a) a
 35 member's plea of guilty or nolo contendere to a charge involving such a serious crime, (b) a
 36 finding of guilt after trial, or (c) a member's conviction of such a serious crime. Such a plea (if not
 37 withdrawn), finding, or conviction shall be deemed presumptive evidence that the member has
 38 engaged in the activity alleged in the criminal charges to which he/she pleaded, as to which there
 39 was a finding of guilt, or of which he/she was convicted.
 40

41 **(b) Revocation of Licensure.** A member's engaging in conduct which would justify revocation of
 42 professional licensure is prima facie evidence of a violation of the ethical principles or standards of
 43 the Association. The procedures in this section shall apply in the event a state licensing agency
 44 revokes a member's license (except that this section shall not apply if the revocation of the
 45 member's license is stayed). Such a revocation shall be deemed presumptive evidence that the
 46 member has engaged in the conduct on which the revocation was based.
 47

48 **(c) Chapter Responsibilities.** If a Chapter President, through receipt of a complaint or other
 49 information, becomes aware that a member has committed a crime such as described in
 50 subsection (a) above or has had his/her license revoked as described in subsection (b) above, the
 51 President shall forward the complaint or other information to the Ethics and Judicial Committee. If
 52 a CEC becomes aware of information such as described in subsection (a) or (b) above concerning
 53 a member who is a respondent in a case before the CEC that relates to the crime or the basis for
 54 the license revocation, the CEC shall forward the information and the complete record of the case
 55 to the Ethics and Judicial Committee.
 56

57 **(d) Ethics and Judicial Committee Responsibilities.** If the Ethics and Judicial Committee
 58 receives reliable information (from a Chapter President or any other source) indicating that a
 59 member has made a plea (which has not been withdrawn), been found guilty, or been the subject
 60 of a criminal conviction such as described in subsection (a) or that a state licensing agency has
 61 taken action such as described in subsection (b), the Ethics and Judicial Committee shall initiate

1 (or continue) an ethics proceeding by preparing and sending a notice of suspension and charges
 2 to the member (respondent) by certified mail, return receipt requested.
 3

4 **(e) Notice of Suspension and Charges.** The notice of suspension and charges shall advise the
 5 respondent that the Ethics and Judicial Committee has preliminarily suspended the respondent
 6 (ie, temporarily removed his/her membership rights as provided in Section 4), effective thirty (30)
 7 days after the date of the notice and continuing until the Ethics and Judicial Committee's decision.
 8 The notice shall describe the conduct which appears to constitute a violation of the Code or the
 9 Standards and shall specify which provision(s) of the Code or Standards the conduct appears to
 10 have violated. The notice of charges may, but need not, specify any provision(s) of the Guide for
 11 Professional Conduct or the Guide for Conduct of the Affiliate Member which the Ethics and
 12 Judicial Committee believes is (are) relevant to the conduct in question. The notice shall advise
 13 the respondent that the Ethics and Judicial Committee will consider the case at its next regularly
 14 scheduled meeting (or, if the date of the notice is sixty (60) or fewer days before the start of that
 15 meeting, at the first regularly scheduled meeting thereafter) and that the respondent may choose
 16 to appear before the Committee or to submit a written statement.
 17

18 **(f) Ethics and Judicial Committee Action.** At the appropriate regularly scheduled meeting the
 19 Ethics and Judicial Committee shall consider the respondent's case. If the respondent exercises
 20 his/her right to appear before the Ethics and Judicial Committee, the hearing shall be limited to
 21 one hour.
 22

23 **(1) Serious Crime.** With respect to any proceeding based on commission of a serious
 24 crime, the Ethics and Judicial Committee shall consider: whether the respondent in fact
 25 entered a plea of guilty or nolo contendere, was found guilty, or was convicted; the nature
 26 of the conduct underlying the criminal charges to which the respondent pleaded or was
 27 found guilty or convicted; the relationship of the criminal conduct to the qualifications,
 28 functions, or duties of a physical therapist or physical therapist assistant; the relationship
 29 of the criminal conduct to the provision(s) of the Code or Standards specified in the notice
 30 of suspension and charges; and any other matters which the Committee in its discretion
 31 deems relevant.
 32

33 **(2) Licensure Revocation.** With respect to any proceeding based on revocation of
 34 licensure, the Ethics and Judicial Committee shall consider: whether the respondent in
 35 fact was the subject of administrative action resulting in revocation of licensure; the nature
 36 of the conduct upon which the licensing authority based its adverse action; the
 37 relationship of such conduct to the qualifications, functions, or duties of a physical
 38 therapist or physical therapist assistant; the relationship of such conduct to the
 39 provision(s) of the Code or Standards specified in the notice of suspension and charges;
 40 and any other matters which the Committee in its discretion deems relevant.
 41

42 **(3) Ethics and Judicial Committee Decision.** The Ethics and Judicial Committee shall
 43 make a decision, based on the information available to it, to dismiss the charges or to
 44 impose any form of disciplinary action described in Section 4. The Ethics and Judicial
 45 Committee shall mail notice of its decision to the respondent, by certified mail, return
 46 receipt requested, within fifteen (15) days following the decision. If the Ethics and Judicial
 47 Committee decides to continue the suspension the notice of decision shall specify the
 48 length of the continuation (which shall be deemed the specified time of initial suspension
 49 for purposes of any future termination of suspension).
 50
 51

52 3. CHAPTER ETHICS COMMITTEE PROCEEDINGS

53
 54 The CEC shall be responsible for processing any proceeding the Chapter President refers to it
 55 under Section 1. All CEC decisions shall be determined by a majority vote of members present
 56 and voting. The Chapter President, after referring a matter to the CEC, shall not participate any
 57 further in the proceeding.
 58

59 **(a) Appointment of Investigator.** Within 30 days after receipt of the notice of charges, the CEC
 60 by letter (with a copy to the Ethics and Judicial Committee) shall appoint an investigator (who may
 61 be a member of the CEC and who need not be an Association member) to conduct and
 62 investigation of the charges set forth in the President's notice of charges. The CEC shall provide

1 the investigator with the complaint (if any), the documentation underlying any proceeding initiated
2 by the President under Section 1(e), the President's notice of charges, and any other documents
3 or information the CEC determines to be relevant to the investigation.
4

5 **(b) Investigation.** The investigation shall be an appropriately comprehensive and unbiased
6 review of the circumstances of the alleged unethical activity. As a part of the investigation, the
7 complainant and the respondent will be offered an opportunity to submit a statement of position or
8 other evidence with respect to the allegations against the respondent. The investigator shall
9 advise the respondent of all adverse evidence developed in the course of the investigation and
10 shall give the respondent the opportunity to respond to all adverse evidence.
11

12 **(c) Investigative File; Date of Receipt.** The investigator shall prepare an investigative file which
13 includes the complaint (if any), any documentation on which the President relied in initiating a
14 proceeding under Section 1(e), the President's notice of charges, and other information and
15 documents acquired or created during the investigation. The investigative file shall not include a
16 recommendation concerning the CEC's action on the case. The investigator, within ninety (90)
17 days of his/her appointment, shall submit to the CEC a cover letter enclosing the investigative file.
18 The investigator shall be available to be called at the hearing (if any) to clarify the contents of the
19 investigative file. The CEC shall make a record of the date of its receipt of the investigative file
20 (e.g., by memorandum to file).
21

22 **(d) Confidentiality.** In order to protect the legitimate interests of the respondent, complainant,
23 witnesses, and others, the confidential nature of a proceeding under this Procedural Document
24 shall be preserved (except as explicitly provided herein). The Chapter President, the members of
25 the CEC, and the investigator shall take due precautions to assure the confidential nature of the
26 proceeding; they shall endeavor to restrict knowledge of the existence and substance of any
27 proceeding to those individuals having a need to know (e.g., witnesses, legal counsel, expert
28 advisors or witnesses, stenographers, Chapter or Association staff with support responsibilities,
29 etc.). The Chapter President, the CEC, and the investigator may seek information and
30 documentation from state licensing agencies (and courts) relating to disciplinary (or criminal)
31 proceedings involving the respondent, but they shall not reveal to state licensing agencies (or
32 other parties) information or documentation developed in the course of the proceeding under this
33 Procedural Document. Upon the respondent's request, the investigator shall disclose to the
34 respondent any publicly available documents or information upon which the Chapter President
35 relied in initiating a proceeding under Section 1(e). Except when the CEC dismisses the charges
36 summarily without a hearing, the respondent shall have the right to obtain a copy of the complete
37 investigative file, which shall contain a copy of the underlying complaint (if any). The Association's
38 Chief Executive Officer or President may take appropriate steps (including cessation of the
39 processing of ethics complaints and charges in a state) to protect the interests of individual
40 participants in the ethics process (including respondents and witnesses), the Chapter, and the
41 Association itself upon determining (i) that the law or practice of any state requires (or could
42 require) the disclosure of the existence of a complaint or proceeding under this Procedural
43 Document or the reporting or disclosure of information or documentation developed hereunder
44 and (ii) that such requirement would be unfair to affected parties or could expose any participant,
45 the Chapter, or the Association itself to an undue risk of civil or criminal liability.
46

47 **(e) Summary Dismissal Without a Hearing.** If the CEC determines, based upon its preliminary
48 review of the investigative file, that the evidence does not substantiate the violation(s) specified in
49 the notice of charges, the CEC may dismiss the charges summarily. In such a case the CEC shall
50 prepare a notice of summary dismissal, which shall state the CEC's rationale. The CEC shall send
51 the notice of summary dismissal to the respondent by certified mail, return receipt requested, with
52 copies to the Ethics and Judicial Committee, the Chapter President, and the complainant (if any).
53

54 **(f) Notice of Right to Copy of Investigative File and Hearing.** If the CEC does not dismiss the
55 charges against the respondent summarily under subsection (e) above, the respondent shall have
56 the right (i) to obtain a copy of the investigative file, and (ii) if the respondent still is an APTA
57 member, to have a hearing before the CEC.
58

59 In such a case, the CEC, after receiving the investigative file, shall send the respondent a notice
60 of his/her rights, in substantially the following form:
61

1 This Committee has conducted a preliminary review of the investigative file and
 2 determined that it contains evidence that could substantiate the charges against you
 3 specified in the [date] notice of charges that the Chapter President sent to you. Under the
 4 APTA's Procedural Document on Disciplinary Action, you have the right (i) to obtain a
 5 copy of the investigative file, and (ii) if you still are an APTA member, to have a hearing
 6 before the CEC. If you wish to exercise any such right, you must submit a written request
 7 for a copy of the investigative file or for a hearing within fifteen (15) days of your receipt of
 8 this notice.
 9

10 The CEC shall send this notice by certified mail, return receipt requested, with a copy to the Ethics
 11 and Judicial Committee. The respondent shall have fifteen (15) days from receipt of the notice in
 12 which to request in writing a copy of the investigative file and/or a hearing.
 13

14 **(1) Respondent's Election of Hearing.** If the respondent makes a timely election to have
 15 a hearing, then the CEC shall notify the respondent in writing of the date, time, and place
 16 of hearing at least thirty (30) days in advance. The hearing shall be scheduled within sixty
 17 (60) days of the CEC's receipt of the investigative file.
 18

19 **(2) CEC's Calling of Hearing.** If the respondent declines the opportunity to have a
 20 hearing or fails to make a timely response, the CEC has the prerogative to call and
 21 convene a hearing (eg, if the CEC wishes to hear the respondent testify) to be held no
 22 later than sixty (60) days after the CEC's receipt of the investigative file. In such an event
 23 the CEC shall notify the respondent in writing of the date, time, and place of hearing at
 24 least thirty (30) days in advance.
 25

26 **(3) No Hearing.** If no hearing is held the CEC shall proceed as described in Section 4 of
 27 this Procedural Document.
 28

29 **(g) Hearing.** The CEC shall conduct the hearing to review the pertinent facts, including the calling
 30 of witnesses and the production of pertinent documents. Except for the purpose of offering
 31 testimony, attendance at the hearing is limited to members of the CEC, the respondent, the
 32 respondent's legal counsel (if any), the Chapter's legal counsel (if any), and a transcriber (if any).
 33 Additional persons may be allowed to attend with the mutual agreement of the CEC and the
 34 respondent. The respondent may call a witness(es) to the hearing. Witnesses, including the
 35 complainant, shall not be allowed to attend any part of the hearing in which they are not directly
 36 involved. The respondent shall have the right to appear at the hearing in person to present and
 37 question witnesses and examine evidence. If legal counsel for the respondent or the CEC is
 38 present at the hearing (or at any stage of the ethics proceeding including proceedings before the
 39 Ethics and Judicial Committee or Board of Directors of the Association) the scope of involvement
 40 of such counsel shall be to provide consultation and advice to the respective parties. Rules of
 41 evidence shall not be applied strictly, but the CEC shall exclude irrelevant or unduly repetitious
 42 evidence. An oral affirmation of truthfulness will be requested from each witness. All documents
 43 accepted by the CEC, including the investigative file, shall be made a part of the record of the
 44 hearing.
 45

46 **(h) Failure of Complainant To Participate.** If a proceeding was based on a complaint and the
 47 situation arises where the complainant no longer participates, the CEC may continue the ethics
 48 proceeding.
 49

50 **(i) Termination of Respondent's Membership During Proceeding.** If during an ethics
 51 proceeding the CEC learns that a respondent's membership in the Association has ended, the
 52 CEC shall still complete the collection of all available information to facilitate a later reopening of
 53 the case if the respondent at any time rejoins the Association. In such a case the CEC shall
 54 review the investigative file. The CEC may dismiss the charges summarily on the basis of the
 55 investigative file, in which case it shall send notice of such summary dismissal in accordance with
 56 subsection (e). Otherwise, the CEC shall notify the respondent in accordance with subsection (f)
 57 and shall conduct a hearing (if any) in accordance with subsection (g). If a hearing is held the CEC
 58 may dismiss the charges, in which case it shall so notify the respondent by certified mail, return
 59 receipt requested, with a copy of the notice to the Ethics and Judicial Committee. If the CEC does
 60 not determine to dismiss the charges against the respondent, the CEC shall forward the complete
 61 record of the case (including the investigative file and the record of any hearing) to the Ethics and
 62 Judicial Committee. In any such case the CEC may (but need not) make a recommendation to the

1 Ethics and Judicial Committee concerning the disciplinary action that it deems would have been
 2 appropriate if the respondent had been a member throughout the time the proceeding was before
 3 the CEC. In any such case the Ethics and Judicial Committee shall proceed pursuant to Section
 4 5(e).

5
 6 **(j) Stay of Proceeding.** The CEC may (but need not) vote to stay any proceeding before it if the
 7 conduct in question is the subject of investigation or action by federal, state, or local governmental
 8 authorities. If the CEC stays any such proceeding it shall review its decision to stay at intervals of
 9 no more than six (6) months.

10
 11 **(k) Communications With Ethics and Judicial Committee.** The Ethics and Judicial Committee
 12 may prescribe a form of Disciplinary Action Worksheet to be used to track the progress of any
 13 proceeding. The Chair of the CEC shall advise the Ethics and Judicial Committee periodically (and
 14 upon request) of the status of any matter pending before the CEC.

15 16 17 **4. CHAPTER ETHICS COMMITTEE CONCLUSIONS AND RECOMMENDATIONS**

18
 19 **(a) Dismissal or Recommendations of Disciplinary Action.** The CEC shall take action based
 20 on the evidence contained in the investigative file and obtained at a hearing (if any). The CEC
 21 shall take one of the following actions:

22
 23 (1) dismiss the charges; or

24
 25 (2) recommend that the Ethics and Judicial Committee impose one of the following
 26 disciplinary actions:

27
 28 (A) Reprimand -- a statement of recognition that the respondent's behavior was
 29 contrary to the Code or Standards. A reprimand is issued with the understanding
 30 that the respondent will correct the violation immediately (if he/she has not done
 31 so already). Ongoing conditions may not be added to a reprimand.

32
 33 (B) Probation -- a stronger reprimand with conditions for corrective action that the
 34 respondent shall complete within a given time period, not less than six (6) months
 35 nor more than two (2) years. The CEC shall monitor compliance with the
 36 conditions of probation. Failure to comply with the conditions of probation shall
 37 result in review by the Ethics and Judicial Committee as described in Section
 38 7(a).

39
 40 (C) Suspension -- a temporary removal for not less than one (1) year of the rights
 41 and privileges of membership as identified in Article IV, Section 2 of the
 42 Association's Bylaws, "Rights and Privileges of Members," with the exception of
 43 B.(11). The affected rights and privileges shall be restored after the termination of
 44 the specified time of initial suspension, in accordance with Section 7(b), provided
 45 that there has been compliance with Article IV, Section 5 of the Bylaws, "Good
 46 Standing," during the suspension;

47
 48 (D) Expulsion -- a removal of membership which is subject to reinstatement only
 49 as stipulated in Article IV, Section 7 of the Bylaws, "Reinstatement."

50
 51 If the CEC recommends the imposition of disciplinary action, the recommendation must specify (i)
 52 the evidence that the CEC believes supports its recommendation and (ii) the Principle of the Code
 53 of Ethics or the Standard of the Standards of Ethical Conduct for the Physical Therapist Assistant
 54 that the CEC believes is implicated. The CEC shall not make any finding that the respondent has
 55 violated an ethical principle or any law or regulation.

56
 57 **(b) Notice to Respondent.** The CEC shall mail a copy of its dismissal of the charges or its
 58 recommendation for disciplinary action to the respondent by certified mail, return receipt
 59 requested, within thirty (30) days of the hearing, or if no hearing is held, within seventy (70) days
 60 of the CEC's receipt of the investigative file. In either case the CEC shall send a copy to the Ethics
 61 and Judicial Committee. If the CEC recommends that the Ethics and Judicial Committee impose
 62 disciplinary action, the CEC must include notice of the respondent's right to have a hearing before

1 the Ethics and Judicial Committee and to make a written submission. The notice shall be in terms
2 substantially similar to the following:

3
4 Under the APTA's Procedural Document on Disciplinary Action, this Committee has
5 authority to recommend but not to impose disciplinary action. The APTA's Ethics and
6 Judicial Committee has authority to impose the disciplinary action recommended by this
7 Committee, to impose less severe disciplinary action, or to dismiss the charges against
8 you. You have thirty (30) days after your receipt of this letter in which (i) to request in
9 writing a hearing before the Ethics and Judicial Committee and/or (ii) to make a written
10 submission to the Ethics and Judicial Committee for its consideration.

11
12 **(c) Transmission of the Record.** The CEC, within the same time frame as above, shall mail to
13 the Ethics and Judicial Committee the entire original of the record, including an updated
14 Disciplinary Action Worksheet, the investigative file, the record of hearing (if any), and evidence of
15 the receipt of all items required to be sent by certified mail, return receipt requested. The CEC
16 shall retain a duplicate copy of the entire record until and unless directed by Association staff in
17 writing to destroy such copy.

18 19 20 **5. DECISION OF THE ETHICS AND JUDICIAL COMMITTEE**

21
22 **(a) Time of Ethics and Judicial Committee Action.** The respondent, within thirty (30) days after
23 receipt of the CEC's recommendation of disciplinary action, by written notice to the Ethics and
24 Judicial Committee may request a hearing before the Ethics and Judicial Committee. Within the
25 same period the respondent may make a written submission to the Ethics and Judicial Committee
26 for its consideration. The Ethics and Judicial Committee shall consider the case at its first regularly
27 scheduled meeting after the respondent's receipt of the CEC's recommendation of disciplinary
28 action if: (i) the Ethics and Judicial Committee receives a timely written request for hearing, a
29 timely written submission, or a written waiver of the unexercised right(s) forty (40) or more days
30 before such meeting; or (ii) the period for the respondent to request a hearing and/or make a
31 written submission expires forty (40) or more days before such meeting. Otherwise, the Ethics and
32 Judicial Committee shall consider the case at the immediately succeeding regularly scheduled
33 meeting.

34
35 **(b) Notice of Hearing; Hearing.** If the respondent elects to have a hearing then the Ethics and
36 Judicial Committee shall mail the respondent notice of the date, time, and place of the hearing at
37 least thirty (30) days before the hearing. If a hearing is held, the hearing shall be limited to one
38 hour. The respondent's presentation shall be limited to matters relevant to the charges.

39
40 **(c) Decision of Ethics and Judicial Committee.** The decision of the Ethics and Judicial
41 Committee shall be based on only the record of the CEC, any oral or written testimony presented
42 by the respondent, and any other information that fairness requires to be heard. The Ethics and
43 Judicial Committee shall not set aside the CEC's dismissal of charges unless it is not supported
44 by substantial evidence, it resulted from a misinterpretation of procedures or of the Association's
45 ethical principles or standards, or there is evidence of actual or apparent impropriety in the
46 dismissal of the charges.

47
48 The decision of the Ethics and Judicial Committee with respect to a CEC's recommendation of
49 disciplinary action shall be to:

- 50
51 • impose the disciplinary action recommended by the CEC and specify the effective dates
52 thereof;
53
54 • impose less severe disciplinary action than recommended by the CEC or dismiss the
55 charges; or
56
57 • remand to the CEC with appropriate directives.

58
59 If the Ethics and Judicial Committee decides to impose disciplinary action, its decision shall
60 specify (i) its findings as to the conduct in which the respondent engaged and (ii) the Principle of
61 the Code of Ethics or the Standard of the Standards of Ethical Conduct for the Physical Therapist
62 Assistant that it believes was violated. Within thirty (30) days after the Ethics and Judicial

1 Committee has considered the CEC's recommendations and any oral or written testimony, the
 2 Ethics and Judicial Committee shall prepare its decision and mail it to the respondent by certified
 3 mail, return receipt requested, with a copy to the CEC (and to the Chapter President who initiated
 4 the proceeding, if the decision is to approve a dismissal of charges). The Ethics and Judicial
 5 Committee shall include an explanation of the appeals procedure. All records of the proceeding
 6 shall be kept by the Ethics and Judicial Committee for at least the longer of three (3) years from
 7 the date of the decision or one (1) year after the termination of any probation or suspension,
 8 except that the records of any proceeding resulting in expulsion shall be kept for at least ten (10)
 9 years from the date of the decision.

10
 11 **(d) Publication of Disciplinary Action.** If an Ethics and Judicial Committee decision that
 12 becomes final under Section 6 imposes suspension or expulsion, the Ethics and Judicial
 13 Committee shall publish the name of the respondent, the disciplinary action taken, and the
 14 effective date(s) of such action in PT Magazine and Physical Therapy and make appropriate
 15 communications regarding the matter wherever the public welfare requires.

16
 17 **(e) Non-Member Respondent.** In a case where the respondent's membership has ended the
 18 Ethics and Judicial Committee may dismiss the charges if the evidence does not substantiate the
 19 violation(s) specified in the notice of charges, but it may not impose any disciplinary action upon a
 20 nonmember. If the Ethics and Judicial Committee does not dismiss the charges, it shall stay the
 21 proceeding until the respondent rejoins the Association. In such a case the Ethics and Judicial
 22 Committee shall maintain the record of the proceeding for at least ten (10) years from the date of
 23 the lapse and shall request the Association's staff to notify the Ethics and Judicial Committee
 24 upon the respondent's rejoining the Association so that the stay may be lifted and the proceeding
 25 brought to a conclusion.

26 27 28 **6. APPEAL TO BOARD OF DIRECTORS**

29
 30 **(a) Time for Taking Appeal; Notification of Finality If No Appeal.** Within thirty (30) days after
 31 receiving the final decision of the Ethics and Judicial Committee, the respondent may appeal the
 32 decision by delivering a notice of appeal to (i) the Association's Board of Directors and (ii) the
 33 Ethics and Judicial Committee. If the Ethics and Judicial Committee does not receive a notice of
 34 appeal within thirty (30) days the decision shall become final and unappealable, and the Ethics
 35 and Judicial Committee shall forward a copy of its decision and a notice that the decision is final to
 36 the Chapter President, the CEC, the complainant (if any), and the Board of Directors.

37
 38 **(b) Time of Board Consideration.** If the Ethics and Judicial Committee receives a timely notice
 39 of appeal, then the Committee shall assemble the record of the proceeding and forward it to the
 40 Association's Board of Directors. The Board of Directors shall hear the appeal at its next regularly
 41 scheduled meeting which is not scheduled concurrently with the Annual Conference, provided that
 42 meeting begins thirty-five (35) or more days after the date of delivery of the notice of appeal to the
 43 Board of Directors. Otherwise, the Board of Directors shall hear the appeal at the immediately
 44 succeeding regularly scheduled meeting which is not scheduled concurrently with the Annual
 45 Conference.

46
 47 **(c) Notice of Board Consideration.** The Board of Directors, at least thirty (30) days prior to the
 48 date of its consideration of the appeal, shall mail the respondent a notice, by certified mail, return
 49 receipt requested, stating the date, time, and place of the consideration of the appeal. The Board's
 50 notice shall advise the respondent that he/she may elect to have a hearing before the Board of
 51 Directors and/or to make a written submission. The respondent must exercise any such election in
 52 such manner and within such time as the Board's notice prescribes. If the respondent timely elects
 53 to have a hearing he/she may appear and present testimony. The hearing shall be limited to one
 54 hour.

55
 56 **(d) Decision on Appeal.** The Board shall base its decision on appeal upon the record before the
 57 Ethics and Judicial Committee and any newly available information which the Board may decide to
 58 consider. The Board of Directors shall restrict its consideration of the appeal to the question
 59 whether the decision of the Ethics and Judicial Committee is appropriate.

60
 61 The decision of the Board of Directors on initial appeal shall be to:
 62

- 1 • affirm the Ethics and Judicial Committee's decision;
- 2
- 3 • modify the decision by dismissing the charges or by imposing less severe disciplinary
- 4 action than imposed by the Ethics and Judicial Committee; or
- 5
- 6 • remand to the Ethics and Judicial Committee with appropriate directives.
- 7

8 If the Board of Directors does not remand the case to the Ethics and Judicial Committee, then its
 9 decision to
 10 affirm or modify the Ethics and Judicial Committee's decision shall be final.

11
 12 **(e) Remand to Ethics and Judicial Committee.** If the Board of Directors remands the case the
 13 Ethics and Judicial Committee shall follow the procedures (if any) prescribed by the Board in its
 14 remand. In the absence of any such prescription of procedures, the Ethics and Judicial Committee
 15 on remand shall afford the respondent the opportunity to elect to have a hearing before the
 16 Committee and/or to make a written submission. If the respondent elects to have a hearing, the
 17 hearing shall be limited to one hour. The Ethics and Judicial Committee shall make its decision on
 18 remand and give notice thereof to the respondent as in Section 5(c).

19
 20 **(f) Appeal From a Decision on Remand.** The respondent shall have thirty (30) days after the
 21 receipt of the Ethics and Judicial Committee's decision on remand in which to appeal to the Board
 22 of Directors, in the same manner as in subsection (a).

23
 24 **(1) No Appeal From Decision on Remand.** If the Ethics and Judicial Committee does
 25 not receive a copy of a notice of appeal within thirty (30) days, its decision on remand
 26 shall become final and unappealable, and it shall forward copies of its decision on remand
 27 to the Chapter President, the CEC, the complainant (if any), and the Board of Directors.

28
 29 **(2) Board Action on Appeal From Decision on Remand.** If the Ethics and Judicial
 30 Committee receives a timely notice of appeal from its decision on remand it shall forward
 31 the record to the Board of Directors. On an appeal following a remand the Board of
 32 Directors shall either (i) affirm the Ethics and Judicial Committee's decision on remand or
 33 (ii) modify the decision on remand by dismissing the charges or by imposing less severe
 34 disciplinary action than imposed by the Ethics and Judicial Committee. No further remand
 35 shall be ordered, and the Board of Directors' decision shall be final.

36
 37 **(g) Notice of Board's Final Decision.** The Board of Directors shall notify the respondent of its
 38 decision, on initial appeal and upon appeal after remand, by certified mail, return receipt
 39 requested. The Board shall forward copies of a final decision (ie, one to affirm or modify the Ethics
 40 and Judicial Committee's initial decision or its decision on remand) to the Chapter President, the
 41 CEC, the complainant (if any), and the Ethics and Judicial Committee.

42 43 44 **7. POST-DECISIONAL MATTERS**

45
 46 **(a) Probation.** In any case involving probation, responsibility for monitoring the respondent's
 47 compliance with the conditions of the probation shall lie with the CEC, which shall report to the
 48 Ethics and Judicial Committee as requested. If the Ethics and Judicial Committee determines that
 49 the period of probation has expired and that the respondent has complied with the conditions of
 50 probation, it shall send notice of the termination of the probation to the respondent by certified
 51 mail, return receipt requested, with a copy to the CEC (and appropriate notice to the staff of the
 52 Association responsible for maintaining membership records). If the CEC determines at any time
 53 that the respondent has violated the conditions of probation it shall promptly notify the Ethics and
 54 Judicial Committee in writing, with a copy to the respondent. Immediately upon receiving
 55 notification that a respondent has violated the terms of probation, the Ethics and Judicial
 56 Committee shall notify the respondent by certified mail, return receipt requested, that it will review
 57 the respondent's case.

58
 59 **(1) Notice of Review; Hearing or Written Submission; Time of Review.** The notice of
 60 review shall advise the respondent that he/she may elect to appear before the Ethics and
 61 Judicial Committee (unless the Committee meets by conference call, in which case the
 62 respondent may participate in the call) and/or to make a written submission. The

1 respondent must exercise any such election in such manner and within such time as the
 2 notice of review prescribes. If the respondent timely elects to appear before the Ethics
 3 and Judicial Committee (or participate in a conference call meeting), the hearing (or call)
 4 shall be limited to one hour. If the Ethics and Judicial Committee receives notification from
 5 the CEC forty (40) or more days before its next regularly scheduled meeting it shall review
 6 the case at that meeting. Otherwise, the Ethics and Judicial Committee shall review the
 7 case at the immediately succeeding regularly scheduled meeting or any special meeting.
 8 The Ethics and Judicial Committee shall notify the respondent of the date, time, and place
 9 of its review, by certified mail, return receipt requested.

10
 11 **(2) Ethics and Judicial Committee Action Upon Review.** The Ethics and Judicial
 12 Committee, on the basis of the information available to it, shall have authority to impose
 13 more severe disciplinary action, including suspension or expulsion, as the circumstances
 14 warrant. The Ethics and Judicial Committee shall prepare its decision and mail it to the
 15 respondent by certified mail, return receipt requested, with a copy to the CEC, within
 16 fifteen (15) days after the decision. The respondent may appeal the Ethics and Judicial
 17 Committee's decision to the Board of Directors in accordance with Section 6, but only if
 18 the decision imposes more severe disciplinary action than the probation previously
 19 imposed.

20
 21 **(3) Transfer of Responsibility for Monitoring Compliance.** If the respondent moves or
 22 changes his chapter assignment during the period of probation, the CEC or the
 23 respondent may seek to transfer the responsibility for monitoring compliance to another
 24 CEC by mailing a request to the Ethics and Judicial Committee with a copy to the other
 25 party. The Ethics and Judicial Committee in its discretion shall grant or deny the request.
 26

27 **(b) Termination of Suspension.** A member suspended under Section 2(f) or Section 5 may seek
 28 restoration of the affected membership rights by submitting to the Ethics and Judicial Committee,
 29 at any time after the expiration of the specified time of initial suspension, a request for termination
 30 of the suspension. If the Ethics and Judicial Committee receives the request forty (40) or more
 31 days before the start of its next regularly scheduled meeting, then it shall consider the request at
 32 that meeting. Otherwise, it shall consider the request at the succeeding regularly scheduled
 33 meeting. The Ethics and Judicial Committee shall notify the respondent of the date, time, and
 34 place of its consideration of the request to terminate suspension.
 35

36 **(1) Membership in Good Standing Determination.** The Ethics and Judicial Committee
 37 shall terminate the suspension of a member who complied with the conditions of Article
 38 IV, Section 5 of the Bylaws, "Good Standing," throughout the period of initial suspension.
 39 Accordingly, a request for termination shall include an answer to each of the following
 40 questions:
 41

42 (i) Did the respondent remain a member of the Association throughout the period
 43 of initial suspension?
 44

45 (ii) Did the respondent comply with the ethical principles or standards applicable
 46 to his/her membership class throughout the period of initial suspension?
 47

48 (iii) Did the respondent make timely payment of all Association and chapter dues
 49 throughout the period of initial suspension?
 50

51 (iv) Was the respondent under suspension or revocation of a license or certificate
 52 of registration to practice physical therapy or to act as a physical therapist
 53 assistant in any jurisdiction at any time during the period of initial suspension?
 54

55 The request for termination may contain such other information as may be relevant to the
 56 Ethics and Judicial Committee's decision whether to extend the suspension in the event
 57 of a negative compliance determination. The Ethics and Judicial Committee, in
 58 determining whether the respondent was in compliance with the "Good Standing"
 59 conditions throughout the period of initial suspension, may rely upon the information
 60 contained in the request for termination of suspension and may make such further inquiry
 61 or investigation as it deems appropriate. If the Ethics and Judicial Committee proposes to
 62 make a negative determination based on information extrinsic to the request for

1 termination, the Ethics and Judicial Committee first shall so notify the respondent and
2 afford him/her reasonable opportunity to respond.

3

4 **(2) Termination Upon Affirmative Compliance Determination.** If the Ethics and Judicial
5 Committee makes an affirmative compliance determination it shall terminate the
6 suspension immediately, effective as of the expiration of the period of initial suspension.
7 The Ethics and Judicial Committee shall send notice of the termination of suspension to
8 the respondent by certified mail, return receipt requested, with a copy to the CEC (and
9 appropriate notice to the staff of the Association responsible for maintaining membership
10 records).

11

12 **(3) Action Upon Negative Compliance Determination.** If the Ethics and Judicial
13 Committee makes a negative compliance determination it shall decide whether to
14 terminate or extend the suspension. The Ethics and Judicial Committee in its discretion
15 may terminate the suspension or extend it for any length of time (including an extension of
16 less than one year). The Ethics and Judicial Committee shall mail its decision to terminate
17 or extend the suspension to the respondent by certified mail, return receipt requested,
18 with a copy to the CEC (and appropriate notice to the staff of the Association responsible
19 for maintaining membership records).

20

21 **(4) Extended Suspension.** If the Ethics and Judicial Committee extends the suspension
22 its decision shall specify the period of the extended suspension. Restoration of the
23 affected membership rights shall be dependent upon compliance with the "Good
24 Standing" conditions during the time of the extended suspension. A member under
25 extended suspension may seek restoration of the affected membership rights by
26 submitting to the Ethics and Judicial Committee, at any time after the expiration of the
27 specified time of extended suspension, a request for termination of the suspension. Any
28 such request shall be processed in the same manner as set forth above (substituting
29 extended suspension for the initial suspension, as appropriate).

30

31

32 APTA Ethics and Judicial Committee: March 1978; Approved, Board of Directors: April 1978; Last
33 Amended,

34 Board of Directors: March 2004

35

36

37

1 **APPENDIX**

2
3
4 **Complainant's Responsibilities and Rights**

- 5
6 1. Make written complaint to Chapter President (or Ethics and Judicial Committee) that a member
7 has violated the ethical principles or standards of the Association. (Section 1(a))
8
9 2. Receive acknowledgment of receipt of complaint. (Sections 1(a))
10
11 3. Have the opportunity to submit to investigator a statement of position or other evidence with
12 respect to the allegations. (Section 3(b))
13
14 4. May act as witness if hearing takes place. (Section 3(g))
15
16 5. Receive notice of final action of the Ethics and Judicial Committee or the Board of Directors.
17 (Section 6(a) or 6(g))
18

19
20 **Chapter President's Responsibilities**

- 21
22 1. Obtain legal consultation from Association headquarters, as appropriate. (Introduction)
23
24 2. Receive written complaint. (Section 1(a))
25
26 3. Immediately forward copy of complaint to Ethics and Judicial Committee. (Section 1(a)(1))
27
28 4. Obtain a case number from APTA staff (Section 1(a)(1))
29
30 5. Send complainant acknowledgment of receipt of complaint. (Section 1(a)(1))
31
32 6. Decide whether to initiate an APTA ethics proceeding, in consultation with Chair of Chapter
33 Ethics Committee (CEC). (Section 1(b))
34
35 7. Notify the Ethics and Judicial Committee if the President declines to issue a notice of charges
36 based on complaint (Section 1(b)(1), Section 1(b)(2)(A))
37
38 8. Notify complainant of decision not to initiate an ethics proceeding. (Section 1(b)(1))
39
40 9. Forward to Ethics and Judicial Committee copy of any reliable information that might be the
41 basis for an ethics proceeding (Section 1(c)(1))
42
43 10. Determine whether to initiate a proceeding based on reliable information indicating an ethical
44 violation. (Section 1(c)(2))
45
46 11. Notify the Ethics and Judicial Committee if the President declines to issue a notice of charges
47 based on reliable information (Section 1(c)(2)(a), Section 1(c)(2)(B)(i))
48
49 12. Prepare notice of charges describing conduct at issue, citing ethical Principle(s)/Standard(s),
50 and referring case to CEC. (Section 1(b)(2)(C))
51
52 13. Send respondent notice of charges, with copy of complaint (if any), copy to CEC and Ethics
53 and Judicial Committee. (Section 1(b)(2)(C))
54
55 14. Receive notice of final action of the Ethics and Judicial Committee or the Board of Directors.
56 (Section 6(a) or 6(g))
57

58
59 **Chair of Chapter Ethics Committee's Responsibilities**

- 60
61 1. Consult with Chapter President as to whether to initiate an APTA ethics proceeding. (Section
62 1(b), Section 1(c)(2))

1
2 **Chapter Ethics Committee's Responsibilities**

- 3
4 1. Obtain legal consultation from Association headquarters, when appropriate. (Introduction)
5
6 2. Accept referral of case from Chapter President. (Section 1(b)(2)(C) or 1(c))
7
8 3. Appoint investigator. (Section 3(a))
9
10 4. Receive the investigative file and make record of date of receipt. (Section 3(c))
11
12 5. Determine whether investigative file has evidence tending to substantiate the charges in the
13 President's notice. (Section 3(e))
14
15 6. Notify respondent, Ethics and Judicial Committee, Chapter President, and complainant (if any)
16 of summary dismissal of charges. (Section 3(e))
17
18 7. Notify respondent of rights to obtain copy of investigative file and (if respondent is still a
19 member) to have a hearing before the CEC. (Section 3(f))
20
21 8. Provide respondent copy of investigative file, if requested. (Section 3(f))
22
23 9. Notify respondent of date, time, and place of hearing (if any). (Section 3(f)(1))
24
25 10. Conduct hearing (if demanded by respondent or chosen by CEC). (Section 3(g))
26
27 11. If respondent ceases to be a member complete collection of available information to facilitate
28 later reopening, and forward record to Ethics and Judicial Committee. (Section 3(i))
29
30 12. Report status of case to Ethics and Judicial Committee. (Section 3(k))
31
32 13. Issue a decision dismissing the charges or recommending disciplinary action. (Section 4(a))
33
34 14. Mail to respondent CEC's decision, including notice of right to request a hearing before Ethics
35 and Judicial Committee and to make written submission, with copy to Ethics and Judicial
36 Committee. (Section 4(b))
37
38 15. Mail entire original record to Ethics and Judicial Committee. (Section 4(c))
39
40 16. Retain duplicate copy of entire record until and unless directed by APTA staff in writing to
41 destroy such copy. (Section 4(c))
42
43 17. Receive notice of Ethics and Judicial Committee's action with respect to CEC's
44 recommendation of disciplinary action. (Section 5(c))
45
46 18. Receive notice of final action of the Ethics and Judicial Committee or the Board of Directors.
47 (Section 6(a) or 6(g))
48
49 19. Monitor probation and report noncompliance to Ethics and Judicial Committee. (Sections 7(a))
50
51

52 **Ethics and Judicial Committee's Responsibilities**

- 53
54 1. Receive copy of complaint filed with Chapter President. (Section 1(a)(1))
55
56 2. Serve as alternative recipient of complaint -- for responsibilities, see Chapter President's
57 responsibilities. (Section 1(a)(2))
58
59 3. Assign case number to proceeding. (Section 1(a)(1) and 1(c))
60
61 4. Receive copy of Chapter President's decision not to initiate an ethics proceeding. (Section
62 1(b)(1), 1(b)(2)(A))

- 1
- 2 5. Receive copy of notice of charges prepared by Chapter President. (Section 1(b)(2)(C) or
- 3 1(c)(2)(b)(ii))
- 4
- 5 6. Forward to Chapter President reliable information indicating an ethical violation. (Section 1(c))
- 6
- 7 7. Receive from Chapter President or CEC complaint (or other documentation) indicating
- 8 commission of serious crime or revocation of licensure. (Section 2(c))
- 9
- 10 8. Prepare and send notice of suspension and charges in case of serious crime or revocation of
- 11 licensure. (Section 2(d) and 2(e))
- 12
- 13 9. Dismiss charges based on serious crime or revocation of licensure or impose disciplinary action
- 14 or impose disciplinary action. (Section 2(f)(3))
- 15
- 16 10. Receive copy of CEC notice of summary dismissal. (Section 3(e))
- 17
- 18 11. Receive copy of CEC notice of respondent's right to hearing and to obtain copy of
- 19 investigative file. (Section 3(f))
- 20
- 21 12. Receive copy of CEC decision to dismiss or to recommend disciplinary action. (Section 4(b))
- 22
- 23 13. Receive entire original record together with CEC's dismissal of charges or recommendation for
- 24 disciplinary action (if any). (Section 3(i) and 4(c))
- 25
- 26 14. Receive from respondent request for hearing or written submission. (Section 5(a))
- 27
- 28 15. Notify respondent notice of date, time, and place of hearing. (Section 5(b))
- 29
- 30 16. Make decision on CEC's recommendation and notify respondent and CEC. (Section 5(c))
- 31
- 32 17. Retain record of the proceeding for time required. (Section 5(c))
- 33
- 34 18. Publish fact of suspension or expulsion in PT Magazine and Physical Therapy after decision
- 35 becomes final. (Section 5(d))
- 36
- 37 19. Alert staff as to respondent whose membership lapsed and maintain record of case for
- 38 reactivation. (Section 5(e))
- 39
- 40 20. Forward copies of unappealed decision to Chapter President, CEC, complainant, and Board of
- 41 Directors. (Section 6(a) and 6(f)(1))
- 42
- 43 21. Receive copy of notice of appeal and forward record to Board of Directors. (Section 6(b) and
- 44 6(f)(2))
- 45
- 46 22. Make decision on remand in accordance with directions from Board of Directors and
- 47 Procedural Document. (Section 6(e))
- 48
- 49 23. Receive CEC notice of noncompliance with conditions of probation; send notice of review to
- 50 respondent; review case; notify respondent and CEC of decision. (Section 7(a)(1) and 7 (a)(2))
- 51
- 52 24. Receive respondent's request for termination of suspension; determine compliance with "Good
- 53 Standing" conditions of Bylaws; give respondent opportunity to respond to proposal to make
- 54 negative compliance determination. (Section 7(b)(1))
- 55
- 56 25. Terminate suspension and notify respondent, CEC, and staff if compliance determination is
- 57 affirmative. (Section 7(b)(2))
- 58
- 59 26. Decide whether to terminate or extend suspension if compliance determination is negative;
- 60 notify respondent. (Section 7(b)(3))
- 61
- 62

1 **Respondent's Responsibilities and Rights**

2
3 1. Right to receive from Chapter President notice of charges describing conduct at issue and citing
4 ethical Principle(s)/Standard(s) allegedly violated. (Section 1(b)(2)(C) or 1(c))

5
6 2. Receive notice of suspension and charges from Ethics and Judicial Committee in case
7 involving commission of serious crime or revocation of licensure. (Section 2(d))

8
9 3. Right to have hearing before or make written submission to Ethics and Judicial Committee
10 concerning serious crime or revocation of licensure. (Section 2(e))

11
12 4. Receive notice of Ethics and Judicial Committee's decision concerning serious crime or
13 revocation of licensure. (Section 2(f)(3))

14
15 5. Right to submit statement of position or other evidence with respect to charges against
16 respondent. (Section 3(b))

17
18 6. Right to be advised by investigator of adverse evidence and to respond. (Section 3(b))

19
20 7. Right to confidentiality as provided in Procedural Document. (Section 3(d))

21
22 8. Receive notice of CEC's summary dismissal of charges. (Section 3(e))

23
24 9. Receive notice of right to obtain copy of investigative file and (if still an APTA member) to have
25 a hearing before CEC. (Section 3(f))

26
27 10. Receive CEC's notice of date, time, and place of hearing. (Section 3(f)(1) or 3(f)(2))

28
29 11. Attend the CEC hearing; right to examine and cross-examine witnesses, produce documents,
30 consult with counsel. (Section 3(g))

31
32 12. Receive notice of recommended disciplinary action or dismissal of complaint. (Section 4(b))

33
34 13. Request hearing before Ethics and Judicial Committee or make written submission to Ethics
35 and Judicial Committee. (Section 5(a))

36
37 14. Receive Ethics and Judicial Committee's notice of date, time, and place of hearing. (Section
38 5(b))

39
40 15. Attend the Ethics and Judicial Committee hearing. (Section 5(b))

41
42 16. Receive notice of the Ethics and Judicial Committee's decision and explanation of appeals
43 procedure. (Section 5(c))

44
45 17. Appeal Ethics and Judicial Committee's decision to Board of Directors. (Section 6(a))

46
47 18. Receive Board's notice of date, time, and place of hearing; appear and present testimony or
48 make written submission. (Section 6(c))

49
50 19. Receive notice of Board of Directors' decision on appeal. (Section 6(g))

51
52 20. Receive notice of Ethics and Judicial Committee's decision on remand (if any) with
53 explanation of appeals procedure. (Section 6(e))

54
55 21. Receive copy of CEC notice of noncompliance with conditions of probation. (Section 7(a))

56
57 22. Receive notice of Ethics and Judicial Committee's review as to noncompliance with probation
58 and right to appear and/or make written submission. (Section 7(a)(1))

59
60 23. Receive Ethics and Judicial Committee's decision as to noncompliance with probation; right to
61 appeal to Board of Directors if result is stricter disciplinary action. (Section 7(a)(2))

62

1 24. Submit request for termination of suspension to Ethics and Judicial Committee. (Section 7(b))

2

3 25. Receive notice of proposed determination of noncompliance with "Good Standing" conditions if
4 based on evidence extrinsic to request for termination. (Section 7(b)(1))

5

6 26. Receive Ethics and Judicial Committee decision to terminate or extend suspension. (Section
7 7(b)(3))

8

9

10 **Investigator's Responsibilities**

11

12 1. Conduct objective unbiased investigation. (Section 3(b))

13

14 2. Give respondent and complainant opportunity to submit a statement of position or other
15 evidence bearing on the charges. (Section 3(b))

16

17 3. Give respondent opportunity to respond to adverse evidence developed. (Section 3(b))

18

19 4. Transmit investigative file, with no recommendation, to CEC. (Section 3(c))

20

21 5. Be available if hearing takes place to clarify the contents of investigative file. (Section 3(c))

22

23

24 **Board of Directors' Responsibilities**

25

26 1. If no appeal is taken, receive copy of final decision of Ethics and Judicial Committee. (Section
27 6(a))

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29 2. Receive notice of appeal from respondent. (Section 6(b))

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31 3. If appeal is taken, receive record of proceedings of Ethics and Judicial Committee. (Section
32 6(b))

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34 4. Notify respondent of date, time, and place of consideration of appeal. (Section 6(c))

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36 5. Hear and make decision on appeal. (Section 6(d))

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38 6. Notify the respondent of its decision. (Section 6(g))

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40 7. Forward a copy of a final decision to the Ethics and Judicial Committee, the Chapter President,
41 the CEC and the complainant (if any). (Section 6(g))

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