

CPHQ Disciplinary Policies and Procedures

I. Introduction. The Healthcare Quality Certification Commission (“Commission”) grants the Certified Professional in Healthcare Quality (“CPHQ”) certification (“Certification”) to qualified healthcare quality professionals as a means of promoting excellence and professionalism in the healthcare quality field. The Certification program is a voluntary process. The Commission, in accordance with its policies and procedures, determines whether individuals are qualified for Certification, and issues said Certification when applicable. The Commission does not determine, monitor, or otherwise become involved in the manner employers and other third parties use or acknowledge CPHQ certification status.

II. Grounds for Denial, Revocation, and Discipline. Applications for initial Certification or Recertification are determined by HQCC at its sole discretion. Without limiting the foregoing, applications may be refused, candidates may be barred from future examinations, or candidates or individuals already Certified may be sanctioned, including revocation of the Certification, for, but not limited to, the following conduct (“Improper Conduct”):

- Including and/or otherwise providing false, misleading, or incomplete information on any application for Certification or renewal, or other CPHQ related document.
- Failing to complete or provide proof of completion of the any Certification or renewal requirements.
- The Commissions’ determination that Certification or renewal was improperly granted.
- Cheating or assisting others to cheat on any CPHQ exam.
- Purchasing, sharing, and/or reviewing preparatory materials that have, or claim to have, actual questions, answers, or other materials from prior CPHQ exams.
- Removing or attempting to remove examination materials or information from a test site.
- Unauthorized possession or distribution of any official testing or examination materials via social media sites, text messaging, or other medium, and/or reproduced in any format.
- Causing, creating, or participating in an examination irregularity.
- Assisting others to wrongfully obtain Certification or renew their Certification.
- Failure to comply with the code of ethics in which Certification is held.
- Any conduct unbecoming of the healthcare quality profession and/or failure to comply with HQCC’s policies and procedures regarding Certification.

The definitions of any and all terms (*e.g., misleading, incomplete, cheating, irregularity, unbecoming, spirit, and action, etc.*) included in the above example violations shall be determined by the Commission in its sole discretion, and are not subject to other interpretation.

III. Misrepresentation of Certification. NAHQ owns registered trademarks in, among others, “CPHQ,” “Certified Professional in Healthcare Quality,” and the CPHQ logo. NAHQ also owns the copyrights in, among others, the CPHQ exam questions. Any use of NAHQ’s trademarks and copyrights are limited to NAHQ’s specific authorization, policies, and procedures. It is NAHQ policy to pursue legal recourse against any individual/entity using NAHQ’s trademarks or copyrights without authorization, and/or violating NAHQ’s trademarks, copyrights, or policies and procedures relating thereto. Said violations will be addressed separately, by the NAHQ Board of Directors (“Board”) and legal counsel, outside of this Disciplinary Policy.

IV. Procedure for Disciplinary Action.

- A. **Subject to Process.** Only Complaints alleging Improper Conduct of a Certified individual or a candidate seeking Certification ("Complaint") are subject to the procedures set forth in this Policy ("Procedures"). All other Complaints should be dismissed by the Commission Chair in accordance with Section IV.C.1.a. below. Upon receipt of a Complaint, NAHQ's Director of Certification ("DOC") shall confirm whether the individual to whom the Complaint is directed ("Respondent") is Certified or has applied for the Certification examination. If the Respondent is Certified or has previously applied for the Certification examination, the DOC shall forward the Complaint to the Commission Chair. If the Respondent is not Certified nor seeking Certification, and therefore not subject to these Procedures, the Complaint will be addressed outside of these Procedures as the DOC and the Board deem appropriate.
- B. **Complaint.**
1. **Who Can Submit.** Complaints may be initiated by any current certificant, NAHQ member, including any officer, director, staff member, or any outside party having firsthand knowledge of the Respondent's alleged Improper Conduct.
 2. **Requirements.** Complaints must be submitted in writing to NAHQ, addressed to the NAHQ headquarters. Upon receiving a Complaint, the DOC will forward the Complaint to the Commission Chair. The Complaint must:
 - a. state all pertinent facts surrounding the matter that are known to the person submitting the Complaint, including the date the Improper Conduct was initially discovered by the Complaint ("Complainant"); and
 - b. include all pertinent documents available to support the Complaint.
 3. **Time of Filing.** Complaints may be filed within one (1) year of the date the Complainant was aware of, or, in the opinion of the Commission, should have been aware of, facts giving rise to the alleged Improper Conduct. The Chair shall summarily dismiss any Complaint filed outside the one (1) year period.
 4. **Officials as Parties.** If the Complainant or Respondent is an NAHQ Board member, the CEO, an officer, or a member of the Commission, the Chair shall immediately notify the NAHQ President. The President shall then issue appropriate directives to exclude the named parties from further participation in the Procedures pending the Complaint's conclusion in accordance herewith. If the Complainant or Respondent is the President, the Chair shall immediately notify the NAHQ President-Elect, and he/she shall then issue appropriate directives to exclude the President from further participation in the Procedures pending the Complaint's conclusion in accordance herewith.
 5. **Withdrawal.** A Complainant may withdraw a Complaint only upon the Commission's written approval.

C. **Chair Review.**

1. **Complaints (Other Than Trademark Violations).** Except for alleged violations of NAHQ's trademarks pursuant to Section III, upon receipt of a Complaint from the DOC, the Chair shall review all Complaints and, thereafter, in his/her discretion, render one (1) of the following determinations:
 - a. The Complaint does not comply with these Procedures;
 - b. The Complaint contains insufficient information to support Improper Conduct;
 - c. The Complaint does not set forth facts which, if true, would constitute Improper Conduct;
 - d. The Complaint is otherwise unworthy of further consideration; or
 - e. The Complaint contains information which, if true, may constitute Improper Conduct, and warrants further investigation by the Commission.

The Chair may, at the Chair's discretion, consult NAHQ's legal counsel for assistance in rendering one of the above determinations. If the Chair renders determination "a," "b," "c," or "d" above, the Complaint shall be considered dismissed, and the Chair shall provide notifications in accordance with Section IV.J.1. If the Chair renders determination "e" above, the Chair shall provide copies of the Complaint to the Disciplinary Committee members and schedule an initial meeting to review the Complaint with the Committee.

2. **Effect of Pending Proceeding(s).** If: (i) Respondent is a defendant/accused in any pending legal proceeding ("Pending Proceeding") at the time the Chair receives the Complaint; (ii) the Pending Proceeding and the Complaint involve related claims or facts; (iii) the Chair is aware of the Pending Proceeding; and (iv) the Chair renders determination "e" of Section IV.C.1 above, the Chair shall postpone the initial Committee meeting to review the Complaint, and the Committee shall not conduct an investigation pursuant to Section IV.D. until the conclusion of the Pending Proceeding. Notwithstanding the foregoing, if the Chair determines it may be in NAHQ's best interest not to postpone the investigation, the Chair shall call a Committee meeting to help determine whether the investigation should be postponed pursuant to this Section, or proceed pursuant to Section IV.D. The Committee's decision in this regard is final, and not subject to Appeal.

- D. **Disciplinary Committee Investigation.** Upon receipt of a Complaint from the Chair, the Disciplinary Committee shall conduct an investigation to determine the validity of the Complainant's allegations and whether the Respondent's actions constitute Improper Conduct and warrant disciplinary action. The Chair shall schedule an initial Committee meeting (via conference call), during which the Committee will discuss the Complaint and all documents submitted therewith, and determine the

appropriate investigation it will conduct and the tasks each Committee members will complete in connection with said investigation, in order to render a decision in accordance with Section IV.E.

The Committee shall determine, in its sole discretion, the manner and extent of its investigation with respect to each separate Complaint. The Committee shall meet (via conference call) as many times as it deems appropriate in connection with said investigation. It is anticipated, but not required, that, as part of its investigation, the Committee will:

- a. notify the Respondent that an investigation is being undertaken in response to the Complaint.
- b. provide the Respondent with a copy of the Complaint; and/or
- c. contact and interview the Complainant and Respondent;

The Respondent may submit a written response to the Committee within twenty-one (21) days of the Committee's request. The Respondent's failure to respond to the Commission's request will neither prevent the Committee from proceeding with its investigation nor prejudice the Respondent's case. Following its investigation, the Committee shall render a decision in accordance with Section IV.E.

- E. Committee Decision.** Subsequent to and based on its investigation, the Committee shall meet (via conference call) and decide, by majority vote, whether the Respondent's actions or inactions constitute Improper Conduct subject to discipline. The decision will be based on the documentation and information submitted by Complainant and Respondent and any additional documentation and information gathered during the Committee's investigation. The Committee's decision shall not be based on irrelevant matters, speculations, or inferences.

If the Committee determines Respondent did not engage in Improper Conduct, the Complaint shall be considered dismissed and the Chair shall provide notifications in accordance with Section IV.J.1. If the Committee determines Respondent engaged in Improper Conduct, the Committee will inform the Commission in writing of its decision, provide such detail regarding the basis for its decision as the Committee deems appropriate under the circumstances, and include a specific recommendation that the Commission impose one or more of the following disciplinary actions:

1. That an unpublished letter of censure be presented to the Respondent;
2. That a published letter of censure be presented to the Respondent;
3. That Respondent's Certification be suspended pending satisfaction of a specified remedy;
4. That Respondent's Certification be suspended for a specified period of time;
5. That Respondent's Certification be revoked; and/or

6. That Respondent be prohibited from sitting for the Certification examination pending satisfaction of specified remedy;
 7. That Respondent be prohibited from sitting for the Certification examination for a specified period of time;
 8. That Respondent be permanently prohibited from sitting for the exam;
 9. Other actions appropriate based on findings and/or circumstances.
- F. **Commission Decision.** At the next Commission meeting, the Commission shall consider all Committee recommendations submitted in accordance with Section IV.E. and either:
1. follow the Committee 's recommendation and direct the recommended sanction be imposed against the Respondent;
 2. direct that a different and/or additional sanction(s) be imposed against the Respondent; or
 3. direct that the Committee provide specific information to the Commission regarding the Complaint in order that it may render a decision in accordance with one of the preceding Sections IV.F.1. or IV.F.2.
- G. **Notice to Parties and Imposition of Sanctions.** Upon rendering a decision in accordance with Sections IV.F.1. or IV.F.2., the Commission shall provide written notice to the Respondent, and Complainant of the Commission's decision, including, where applicable, the Commission 's specified sanction(s). No sanction shall be imposed within thirty (30) days of the day the Commission sends notice of its decision to the Respondent, and, if an Appeal is timely filed within said thirty (30) day period in accordance with these Procedures, no sanction shall be imposed pending the outcome of the Appeal.
- H. **Appeal Process.** If the Commission renders a decision adverse to the Respondent, the Respondent may file a written Appeal to the Commission within thirty (30) days of the day the Commission sends the written decision to Respondent. Any Appeal must be signed by the Respondent, may include information and documentation deemed applicable by the Respondent, and must, at a minimum, contain a statement setting forth the basis for the Appeal and the reason the Commission's decision should be reversed. Appeals may only be based on an alleged failure by the Commission and/or Commission to follow these Procedures and/or exercise its duties hereunder. All other Appeals will be denied without further consideration. Without limiting the foregoing, Appeals based on the following will not be considered:
1. A disagreement with the Commission's and/or Committees' discretionary findings and/or decisions, where the use of its discretion is provided for in the Procedures;
 2. Any proposed reconsideration of matters, information, documents, evidence, or issues presented to the Commission and/or Committee; or

3. Any matters, information, documentation, evidence, or issues previously available but not presented for consideration to the Committee.

The Commission shall review all properly and timely submitted written Appeals. If the Commission deems it necessary and/or appropriate, it may provide a copy of the written Appeal to the Chair and request a written response thereto. Upon its consideration of the written Appeal and any requested response from the Chair, the Commission shall either:

1. find the Committee followed the Procedures and acted within its discretion in rendering its decision and recommendation to the Commission, and therefore affirm the Commission's prior decision pursuant to Section IV.F.1. or IV.F.2.; or
2. find the Committee failed to follow the Procedures or otherwise abused its discretion, and therefore reverse the Commission's prior decision pursuant to Section IV.F.1. or IV.F.2. Rendering this decision will dismiss the Complaint as if no finding adverse to the Respondent was made.

I. Decisions Final. All dismissals of Complaints by the Chair or the Committee in accordance with these Procedures shall be final. All decisions of the Commission regarding Complaints, whether pursuant to Section IV.F.1. or IV.F.2. if no timely Appeal is submitted, or pursuant to Section IV.H in response to an Appeal, shall be final.

J. Conclusion of Process.

1. **Dismissals.** If a Complaint is dismissed at any stage of these Procedures, the Chair shall forward notice of the dismissal to the Complainant, Respondent, and the DOC.
2. **Adverse Decisions.** If the Commission renders an adverse decision against Respondent in accordance with Section IV.F.1. or IV.F.2., and the decision is either not Appealed or is affirmed on Appeal, the Commission shall proceed as follows:
 - a. If the Commission's decision calls for a censure letter, the Commission shall direct the DOC to work with the Chair and NAHQ legal counsel to prepare a draft censure letter for the Commission's approval. All censure letters must be approved by NAHQ's legal counsel. Thereafter, once approved by the Commission, the DOC shall forward the approved censure letter to the Respondent. If the Commission's decision includes public censure, the DOC shall disseminate the censure in accordance with the Commission's decision and any specific direction.
 - b. If the Commission's decision calls for remedial action, the Commission shall direct the DOC to notify Respondent of the remedial action and

require Respondent to notify the DOC upon completion of the required remedial action.

- c. If the Commission's decision calls for the suspension or revocation of a Certification, the Commission shall direct the DOC to notify Respondent of the same, and disclose the same outside of the Commission and Committee in order to make others aware that the Respondent is no longer Certified, and/or to the extent required for the protection of the NAHQ, its members, and/or the public.

The Commission shall direct the DOC to notify the Chair and the Complainant of the Commission's decision and the specific sanction imposed on Respondent.

V. Confidentiality. Except as deemed necessary by the Commission or the Board to be in furtherance of the Procedures or otherwise in the best interest of NAHQ, all parties involved in the administration and/or review of a Complaint shall not discuss with or disclose to anyone outside of the Commission and/or the Board: (i) information or documentation pertaining to a Complaint; (ii) the identification of any parties or potential witnesses involved with a Complaint; (iii) the procedural history, current status, or outcome of a Complaint; or (iv) any other information or documentation in any way related to the Commission's and/or Board's activities in response to a Complaint. Notwithstanding the preceding prohibition, and to the extent not prohibited by law, anyone required by law and/or a court order to disclose information, the disclosure of which is prohibited hereby, must provide the Chair and the Board with a copy of the applicable legal basis and/or court order immediately upon receipt thereof and prior to any disclosure required thereby. Notwithstanding anything contained herein to the contrary, and without limiting Section VI, under no circumstances shall a Board member, Commission member, the CEO, NAHQ's staff, or any other NAHQ representative be liable to the Complainant or Respondent for disclosure of information identified above or any actions taken in furtherance of the Procedures.

VI. Release and Indemnification. The Complainant and Respondent are entitled to receive a copy of these Procedures. The Complainant (by submitting a Complaint and initiating these Procedures) and Respondent (by becoming Certified and thereby subject to these Procedures) agree to release, indemnify and hold harmless NAHQ and all Board members, Commission members, the CEO, NAHQ's staff, and all other NAHQ representatives (collectively "Released Parties" and each individually a "Released Party") from and against any and all claims, demands, actions, losses, damages and expenses (including reasonable attorneys' fees and costs incurred in defending such claims), directly or indirectly resulting from, arising out of, or in any way related to the Released Parties, or any Released Party's actions in connection with the implementation of these Procedures.

VII. Governing Law. NAHQ is an Illinois Not-For-Profit Corporation. The Complainant (by submitting a Complaint and initiating these Procedures) and Respondent (by becoming Certified and thereby subject to these Procedures) agree: (i) Illinois law shall govern all legal issues, if any, that may arise out of a Complaint submitted in accordance with these Procedures and/or in any other regard pertaining to the implementation of these Procedures; and (ii) any claim or dispute related to, connected with, or arising out of a Complaint submitted in accordance with these Procedures and/or the implementation of these Procedures, shall be adjudicated in the courts of the State of Illinois and in particular in either the Cook County Circuit Court or the United States District Court for the Northern District of Illinois.

VII. Amendments. These Procedures may be amended only upon a majority vote of the Commission.

End of Policy

Adopted on July 31, 2018