



ARKANSAS PEER SPECIALIST PROGRAM



ARKANSAS PEER SPECIALIST ETHICS ENFORCEMENT PROCEDURE

A. Purpose and Scope

1. Purpose

- a. Anyone who is credentialed by The Arkansas Peer Specialist Program (APSP) (hereinafter referred to as a credentialee) holds a unique position of trust and responsibility. The credentialee is required to provide the highest quality of care, act in the best interests of those individuals who seek the credentialee's services and assist peers with helping themselves.
- b. NAADAC and APSP developed the Arkansas Peer Recovery/Peer Supervisor Code of Ethics to guide credentialees in maintaining the highest level of ethical conduct and to protect the public interest and rights of the credentialees.
- c. Credentialees are expected to perform competently and consistently within the framework of the Arkansas Peer Recovery/Peer Supervisor Code of Ethics.
- d. The ethics complaint process for APSP credentialees will be governed by the Arkansas Peer Ethics Review Committee (APEREC).

2. Scope

- a. The Arkansas Peer Recovery/Peer Supervisor Code of Ethics is applicable to the conduct of all credentialees. All credentialees attest to reading and adhering to the Arkansas Peer Recovery/Peer Supervisor Code of Ethics as part of their credentialing application.
- b. Credentialees who fail to meet these ethical standards may be subject to disciplinary action by APEREC.
- c. All time frames referenced in Article XV refer to calendar days unless otherwise written.

B. Complaints

1. Persons or entities (hereinafter referred to as the Complainant) wishing to file a complaint against a credentialee (herein referred to as the Respondent) may do so by following the instructions and completing the appropriate form available at <https://www.naadac.org/arkansas-peer-specialist-codes-of-ethics>.



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2. All complaints must be signed by the Complainant and include the Complainant's business and home addresses, email address, and phone numbers. APSP cannot process or investigate anonymous complaints.
3. The APSP procedures for receiving and processing a complaint dictate confidentiality.
 - a. All complaint forms and supporting documentation should be clearly marked "Confidential." If emailed, "Ethics Complaint/Confidential" shall be included in the subject line of the email. If mailed, the outside of the envelope should be marked Ethics Complaint/Confidential.
 - b. The complaint form should be emailed to APERC@naadac.org or mailed in a sealed envelope marked "Ethics Complaint/Confidential" directly to the "Arkansas Peer Ethics Review Committee" at P.O. Box 3708 Little Rock, AR 72203.
4. Mail addressed to the "Arkansas Peer Ethics Review Committee" shall be opened only by the NAADAC Executive Director or the APSP Manager. The designee will determine if the Respondent named in the complaint is a current Credentialee or NAADAC member prior to sending the complaint on to APERC.
5. The complaint will be acknowledged to the Complainant as received by NAADAC's Executive Director or the APSP Manager in writing within forty-five (45) days of receipt of complaint.
6. Within sixty (60) days of receipt, the complaint will be reviewed to determine appropriateness for APERC action, pursuant to APSP policies and the Arkansas Peer Recovery/Peer Supervisor Code of Ethics. The ethics complaint will be reviewed by the NAADAC Executive Director, APSP Manager and the APERC to determine the appropriate action steps needed to address the issues within the complaint.

C. Complaints Reviewed by the Arkansas Peer Ethics Review Committee.

1. On receipt of credible evidence of possible professional misconduct by a Credentialee, APERC will review the complaint and evidence submitted and decide on one of the following four actions:
 - a. APERC will deny the complaint for lack of jurisdiction if subject is found not to be Credentialee or issue is not governed by the Arkansas Peer Recovery/Peer Supervisor Code of Ethics, or decide the complaint does not merit investigation.
 - i. In such cases, the Complainant will be notified in writing by the APSP Manager or Designee within forty-five (45) days of the decision.
 - b. APERC will request more information before it can review the case.



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- c. APERC will request that the Complainant file with their State or other certifying body.
 - i. If the complaint should be filed with the Respondent's State or other certifying authority or has already been filed with the State or other certifying authority, APERC will delay investigation and action pending the outcome of the State or other certifying authority's proceedings.
- d. APERC will initiate an investigation.
 - i. If the complaint merits investigation by APERC and that there is no comparable State or other certifying authority action being taken or confirmed, APERC will initiate its own investigation and render a decision after its investigations have been completed. The Complainant shall be notified in writing within forty-five (45) days of the decision to investigate.

D. Concurrent State Engagement.

1. If APERC request the Complainant to file with the State or other certifying authority, then the Complainant will also submit a copy of the complaint filed with the State or other certifying authority to APERC.
2. In instances in which a complaint has been filed, investigated and/or addressed by the State or other certifying authority, the Complainant shall submit to APERC or Designee the report of findings and any action taken by the State or other certifying authority within sixty (60) days of the decision rendered.
 - a. If the requested report from the State or other certifying authority concludes that a violation (s) occurred, APERC will review the findings of the report and determine the next steps and potential consequences, including, but not limited to, letters of concern, stipulations, procedures to revoke APSP certification, and/or dismissal of the complaint.

E. Arkansas Peer Ethics Review Committee Investigation and Decision Process.

1. In the event the APERC reviews the Complaint and determines an investigation is warranted, APERC will forward a copy of the complaint and supporting evidence to the Respondent by email and certified mail indicating that:
 - a. An investigation is to take place;
 - b. The Respondent has thirty (30) business days from date of receipt to respond in writing with supporting documentation; and,



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c. The Respondent may notify APSP in writing that a State investigation into the same matter is in progress. Upon confirmation of the existence of State action, APERC will suspend its investigation and consequent actions, pending the outcome of the state investigation.

2. Respondent's Participation.

a. It is expected that the Respondent shall fully, fairly, and honestly comply with APERC's request for disclosure in writing, providing all facts and circumstances pertaining to the alleged misconduct, as well as his or her view of the situation or conduct that forms the basis of the complaint.

b. APERC may, at its discretion, allow additional time for the Respondent to submit a response.

c. Misrepresentation in a disclosure is misconduct in and of itself and may subject the Respondent to further disciplinary action.

3. Following such investigation as APERC deems sufficient and within sixty (60) days of receipt of all information sufficient to support a disposition, a report shall be submitted to the APSP Manager recommending either that the complaint be dismissed or that specific disciplinary action be imposed. The grounds for any recommendation shall be stated in the report.

a. Based upon the findings, determinations, and decisions of APERC, the APSP Manager shall issue the decision with a copy emailed and mailed by certified mail to the Respondent and Complainant, within forty-five (45) days of determination, including notice to the Respondent of any appellate rights.

b. In the absence of the filing of a request for appeal within the time period prescribed herein, the decision of APERC shall be final, and any disciplinary action imposed shall take effect upon passage of the time period prescribed in the decision.

c. If a request for hearing is filed within thirty (30) days from receipt of APERC's decision, any disciplinary action imposed by APERC shall be stayed pending the decision of the hearing.

F. Appeal and Hearing Process.

1. A Respondent desiring to appeal APERC's decision must submit a written request by post or email for a hearing, received no later than thirty (30) days of the post mark date of the APERC decision, addressed to: Arkansas Peer Ethics Review Committee, P.O. Box 3708, Little Rock, AR 72203.

2. Appeals Hearing Committee.



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- a. For requests submitted in a timely manner, a three-member Appeals Hearing Committee is appointed by the NAADAC Ethics Committee, with the following composition restrictions:
 - i. No member may have a real or potential conflict of interest;
 - ii. One member must be an APERC member; and
 - iii. Two members must be NAADAC Ethics Committee members.

3. Appeals Hearing Parameters. The hearing shall be governed by the following rules:
 - a. Evidence may be presented, and witnesses examined by both sides.
 - b. The Appeals Hearing Committee shall not be bound by common law or statutory rules of evidence and may consider all evidence having reasonable probative value.
 - c. If the Respondent denies the facts in APERC's decision and no one with first-hand knowledge testifies as to those facts, the complaint shall be dismissed.
 - d. The decision of the Appeals Hearing Committee regarding the occurrence of a violation of the Standards shall be based solely on the testimony and evidence presented at the hearing.
 - e. Contact prior to the hearing between or among the Complainant, the Respondent, any member of the APERC, and/or any member of the Appeals Hearing Committee, for the purpose of discussion of any and all aspects of the complaint is prohibited.
 - f. The hearing shall be closed to the public.
 - g. Failure of the respondent to attend the hearing shall be deemed a waiver of the appeal. In such cases, the hearing will be dismissed, and the original decision shall take effect immediately.
 - h. At any time prior to the issuance of the Appeals Hearing Committee's written report, the Respondent and APERC may enter into a consent order, agreeing upon the sanctions or requirements to be imposed upon the Respondent. Such consent order shall state the nature of the complaint and the sanctions agreed upon and shall supersede any prior decision in the case. Sanctions imposed pursuant to a consent order are not limited to those listed under Disciplinary Action.

4. Appeals Hearing.
 - a. An appeals hearing will be scheduled no less than twenty-one (21) days and no more than sixty (60) days from the date of the request of the hearing.
 - b. The notice of such appeals hearing shall be forwarded by email and certified mail and advise the Respondent and Complainant of the date, time, and location of the hearing.



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- c. Any request for postponement of the appeals hearing must be in writing, directed to the Chair of the Appeals Hearing Committee and received no less than fourteen (14) days in advance of the hearing. The denial or grant of the postponement is discretionary with the Appeals Hearing Committee.
- d. The Respondent may, at his or her expense, be represented by counsel, present such evidence and/or witnesses as may be relevant to the issues to be resolved at the hearing, and cross-examine adverse witnesses. The Respondent is responsible to advise the Appeals Hearing Committee that they will be represented by counsel no less than fourteen (14) days before the hearing.
- e. APERC or its representative may present evidence in support of its decision in the matter and may submit the testimony of the Complainant.

5. Decision.

- a. Within twenty-one (21) days of the completion of the appeal hearing, the Appeals Hearing Committee shall prepare a written decision containing the findings of facts, conclusions, and recommended disciplinary sanctions, if any.
- b. The Appeals Hearing Committee shall notify APERC of its decision.
- c. The Appeals Hearing Committee emails and mails by certified mail a copy of the approved decision, within twenty-one (21) business days, to the Complainant and the Respondent.

G. Disciplinary Actions.

1. A violation of the Standards may result in one or more of the following disciplinary actions:
 - a. Letter of Concern: A private letter issued to a Respondent by the Ethics Review Committee that cautions against specific conduct or behavior.
 - b. Reprimand: A formal reproof or warning.
 - c. Stipulation: Additional education and training requirements in conjunction with any disciplinary actions.
 - d. APSP Suspension: A time-limited loss of credential for a period determined in the discretion of the APSP.
 - e. Revocation of Credential: Irrevocable loss of credential, absent further APSP action.
 - f. Denial of application for future training and credentialing.
2. Past disciplinary action taken against a credential holder may be considered in the determination of a disciplinary action for a subsequent offense.



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3. The determination of disciplinary actions recommended shall be at the sole discretion of the Ethics Review Committee or, in the event of an appeal, the Hearing Committee.

4. The determination of final sanctions shall be at the sole discretion of the Ethics Review Committee, State Agency and/or Designee.

5. In the event that the Respondent is both a NAADAC member and a APSP Credentialee, APERC will notify the NAADAC Ethics Committee of the investigation's final decision and provide the investigative report within thirty (30) days. At that point, the NAADAC Ethics Committee investigative process will commence.

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