



GUIDELINES FOR THE INVESTIGATION OF BREACHES OF THE BHUTAN BOARD OF CERTIFIED COUNSELORS CODE OF ETHICS

Bhutan Board for Certified Counselors (BBCC)
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Contents

| | |
|--|---|
| Introduction..... | 3 |
| Confidentiality | 3 |
| Ethics Committee..... | 3 |
| Misleading Information and Cooperation | 4 |
| Process | 4 |
| Receiving Complaints..... | 4 |
| Criteria for Acceptance of Ethics Complaints | 4 |
| Response to an Ethics Complaint..... | 5 |
| Preliminary Actions | 5 |
| Practice Notification..... | 5 |
| Investigation..... | 6 |
| Resolution | 6 |
| Sanctions..... | 6 |
| Unsuccessful Resolution..... | 7 |

Introduction

The Bhutan Board for Certified Counselors (BBCC) develops and promotes high ethical standards for counselors. The BBCC requires that certified counselors meet these standards. The following procedures are the guidelines for processing possible violations of the BBCC Code of Ethics. These rules are applicable to BBCC certificants and applicants and do not constitute formal legal proceedings.

When counselors apply for certification or recertification, they agree to abide by BBCC policies, including the Code of Ethics (Code) and the Ethics Investigation Operational Procedure. In addition, certified counselors and applicants agree that:

- a) these procedures are a fair process for resolving all ethical matters
- b) they will abide by decisions made pursuant to these procedures,
- c) will not challenge the results of any BBCC action taken under these policies in a legal or government forum
- d) these procedures are governed Bhutan Medical and Health Council Act
- e) these procedures do not constitute a contract between BBCC and the certificant or applicant.

These procedures identify the means to resolve ethical concerns regarding an applicant or certificant's conduct. BBCC has the exclusive authority to terminate any ethics inquiry or case, regardless of circumstances.

Confidentiality

In order to protect the privacy of the individuals in an ethics case, all material prepared by or submitted to the BBCC will remain confidential. Until an ethics case has been resolved, all individuals must maintain the confidentiality of all information related to the ethics case, including its existence. An exception will be made if a release of information is authorized by these procedures.

If anyone discloses information related to the ethics case contrary to these procedures, the BBCC may terminate the investigation. If the breach is made by the applicant/certificant, the Ethics Committee may impose any sanction included within the Sanction section of this document. If the disclosure is made by the grievant, the Ethics Committee may determine the investigation has been compromised and may terminate further proceedings.

Ethics Committee

The BBCC will nominate six NCC(M) or NCC(S) members to make up the Ethics Committee. These members will serve a three-year term and will be responsible for responding to enquiries regarding the Code, receiving and reviewing complaints and investigating breaches of the Code. The Ethics Committee will meet every two months to discuss new complaints received as well as review progress made regarding active investigations.

Each complaint received will be reviewed by the BBCC Director. Serious breaches will immediately be investigated by a nominated member of the Ethics Committee. All other complaints will be reviewed by the Ethics Committee at their scheduled meetings. If a complaint requires further investigation, a member of the Ethics Committee will be identified as the lead

investigator and will begin the process. The determination of the lead investigator will be made with due consideration for the presenting issue, grievant and applicant/certificant and is final.

Misleading Information and Cooperation

If the grievant and/or certificant/applicant fails to cooperate or participate in the investigation process, and it is determined that the lack of cooperation is without good cause, the Ethics Committee may take the following actions:

- a) may terminate the ethics complaint of an uncooperative grievant and/or
- b) may impose increased sanctions to an uncooperative applicant/certificant

Any applicant/certificant who fails to disclose all pertinent information or provides a misleading disclosure with respect to a civil, criminal or disciplinary proceeding will be deemed to be violating these procedures and may have their certification revoked.

Process

The following process will be followed for all complaints received by the BBCC in relation to the ethical conduct of applicants/certificants.

Receiving Complaints

All complaints will be reviewed by the BBCC Director to determine severity and required action. Upon review of written complaints, the Ethics Committee will determine whether the complaint(s) is presented in sufficient detail to permit BBCC to conduct a preliminary inquiry and/or determine whether the notification requires further investigation.

If there are other entities conducting reviews in relation to the complaint, the Ethics Committee may choose to reject, continue or delay investigations pending the outcome of the review.

Criteria for Acceptance of Ethics Complaints

Anyone can submit a complaint about a counselor including other BBCC members and supervisors. All complaints must be submitted in written form with documentation supporting the identified conduct violations. Verbal complaints will not be accepted. The person making the complaint will be identified as a grievant.

The following criteria will be considered to determine if a complaint is accepted or rejected:

- a) whether the grievant is a BBCC certificant or applicant;
- b) whether the information provided in the complaint constitutes a violation of the Code of Ethics;
- c) whether relevant, reliable information or proof concerning the complaint is available;
- d) whether the passage of time since the alleged violation requires that the complaint be rejected;
- e) whether the grievant is willing/able to provide proof or other information to BBCC concerning the complaint if there was insufficient evidence provided in the initial complaint; and
- f) whether the complaint appears to be supportable considering the proof available to BBCC.

Ethics cases concerning charges issued by a regulatory agency or professional organization and those involving criminal or civil litigation are not appropriate for investigation by the BBCC Ethics Committee.

Response to an Ethics Complaint

Initial responses to all ethics complaints received will be issued in writing within sixty (60) days of the mailing date. Responses will be one of the following:

- a) A request for further information to determine whether a formal investigation can be pursued
- b) That the complaint has been rejected and why
- c) That the complaint has been accepted for formal inquiry
- d) That the investigation will be temporarily put on hold pending the outcome of other investigations (ie: legal or other professional regulatory organization).

The response will also outline the confidentiality responsibilities of both parties as well as the contact details of the designated investigator.

Preliminary Actions

At any time during the investigation of an ethics complaint, the Ethics Committee may determine the applicant/certificants certification be subject to a temporary suspension, pending the final resolution. If the applicant/certificant accepts this request, he or she will sign a Voluntary Suspension Agreement which outlines the parameters of the temporary suspension and confirms that the applicant/certificant voluntarily ceases from representing himself or herself as certified by BBCC until further notice. The applicant/certificant will also return any certifications to BBCC to be held until the ethics matter has reached a final resolution.

If an applicant/certificant does not agree to and sign a Voluntary Suspension Agreement, the designated investigator may suspend the applicant/certificant's certification(s) pending the final resolution of the complaint under the following circumstances:

- a) the applicant/certificant has been convicted of a criminal act;
- b) the applicant/certificant has been indicted or similarly charged with any criminal act or violation of criminal law under statute, law or rule;
- c) the applicant/certificant has been found in violation of any law, regulation or rule by a professional regulatory organization, or has been sanctioned or disciplined by such a regulatory organization;
- d) the applicant/certificant is the subject of a formal complaint or inquiry by a professional regulatory organization;

Practice Notification

The designated investigator may advise the applicant/certificant to cease certain practice areas (for example, working with young people under 18 years) or to increase supervisory arrangements pending investigation. Any temporary action requested will be reasonably related to the complaint under consideration or to an individual's responsibilities under the Code of Ethics and will be issued in writing by the designated investigator.

The Ethics Committee may impose further sanctions if an applicant/certificant fails to comply with a temporary or preliminary practice notification.

Should an applicant/certificant attempt to relinquish BBCC certification or withdraw an application during the course of any ethics inquiry or case, BBCC reserves the right to continue the matter to a final resolution or require that a certificant agree to conditions related to the relinquishment of a certification.

Investigation

If an ethics complaint is accepted for a formal inquiry, the designated investigator will issue a formal ethics complaint identifying each term that may have been violated and the basis for each. This notification will be issued in writing to both the grievant and applicant. The notification will also outline future steps in the investigation.

The applicant/certificant will be provided the opportunity to respond to each violation in writing and by personal interview with the designated investigator. The written response from the applicant/certificant may also include extra documentation the applicant/certificant believes will assist the Ethics Committee in considering the ethics complaint fairly. This written response must be received within 30 days of the date of the formal ethics complaint.

An invitation for an interview will also be extended to the grievant however these interviews will not be conducted in such a manner the grievant/applicant will come on direct contact with each other. All interviews will take place within 60 days of the date of the formal ethics complaint. At each interview, the applicant/certificant and grievant will be reminded of their responsibilities regarding confidentiality.

The investigation will take into account the seriousness of the complaint, the applicant/certificant's background, prior conduct, interview material, insight and judgment displayed by the applicant/certificant and any other pertinent material.

Resolution

The designated investigator will consider all information presented to resolve the ethics complaint and prepare a report summarizing the investigation including the final decision, sanctions and action terms. This report will be presented at the next sitting of the The Ethics Committee for discussion and approval prior to being forwarded to the individuals involved for their consideration and acceptance.

Sanctions

The Ethics Committee may issue one or more of the following sanctions:

- a) Require the applicant/certificant undertake targeted continuing education/training to address a knowledge or practice gap
- b) Require the applicant/certificant to participate in clinical supervision at an increased frequency for a period of time and that the content of these sessions address a specific practice gap
- c) A private reprimand via BBCC notification of the applicant/certificant concerning violation(s) found;
- d) a public reprimand by informing the applicant/certificant's agencies concerning violation(s) found.
- e) Cancellation or denial of applicant's certification/recertification or reapplication.

If the breach is deemed severe, the applicant/certificant's registration may be suspended or cancelled. If this is the case, the applicant/certificant shall return to BBCC all original or copied credential materials for the suspension period and immediately stop any professional identification or affiliation with BBCC. These will be returned at the end of the suspension period.

If the applicant/certificant is found to be in breach of the terms of the sanctions imposed, their conduct will be referred to the Ethics Committee for further consideration.

Unsuccessful Resolution

Should the grievant not accept the outcome of the investigation, they may refer their concerns in writing to the BBCC Board.

Adapted with permission from the Center for Credentialing & Education (CCE's) Ethics Case Procedures, NBCC, USA