

Disciplinary Policy for Certified Hand Therapists

The mission of the Hand Therapy Certification Commission, Inc., is to support a high level of competence in the practice of hand therapy through the development and administration of a formal program of certification and recertification.

HTCC has adopted this Disciplinary Policy to articulate standards of conduct required for eligibility for certification and continued certification of Certified Hand Therapists. HTCC hopes that this policy will help establish an identity for the specialty of hand therapy and allow the public to ascertain, in part, what is represented by certification in hand therapy.

In addition to the requirements contained in HTCC's Disciplinary Policy, an occupational therapist or physical therapist must meet certain established requirements, including length of practice, experience, and passage of HTCC's written examination, in order to become a Certified Hand Therapist. For certificants to maintain certification and to stay current with rapidly evolving practices and procedures, HTCC also encourages participation in continuing education and other involvement in the specialty. However, HTCC's Disciplinary Policy is the foundation of HTCC's certification program. It exemplifies the commitment of HTCC and Certified Hand Therapists to patients, the public and to the specialty of competent, professional hand therapy practice. HTCC is pleased to adopt this Disciplinary Policy and welcomes comment and inquiry from hand therapists and the public.

A. Eligibility for Certification or Recertification

The HTCC Executive Director, in consultation with the HTCC President, shall determine whether a candidate is eligible for certification or a certificant is eligible for recertification, according to the requirements set forth below. The decision of the Executive Director may be appealed as provided in section E, below; provided, however, that any such appeal shall be limited to written briefs. An oral hearing will not be permitted.

As a condition of eligibility for and continued maintenance of any HTCC certification, each candidate or certificant (hereinafter "individual") agrees to the following:

1. Compliance with HTCC Standards, Policies and Procedures.

No individual is eligible to apply for or to maintain certification unless the individual is in compliance with all HTCC standards, policies and procedures. Each individual bears the burden for demonstrating and maintaining compliance at all times. HTCC may deny, revoke, or otherwise act upon certification or recertification when an individual is not in compliance with all HTCC standards, policies and procedures. Nothing provided herein shall preclude administrative requests by HTCC for additional information to supplement or complete any application for certification or recertification.

Each individual agrees that with respect to this Disciplinary Policy, HTCC shall retain jurisdiction with respect to any proceedings or matter which occurred prior to the termination or expiration of certification of such individual. Further, each individual agrees that this Disciplinary Policy shall apply during such time as such individual may be on inactive status and that HTCC may take action with respect to the individual's certification or eligibility for certification or recertification while such individual is on inactive status. No individual may reapply for recertification during the pendency of disciplinary action taken under this Disciplinary Policy; individuals whose certification expires while undergoing disciplinary action may apply for inactive status, which shall be granted until final determination and opportunity for appeal.

2. Complete Application

The individual shall truthfully complete and sign an application in the form provided by HTCC, shall provide the required fees and shall provide additional information as requested. The individual shall notify HTCC within ninety (90) days of the occurrence of any change in name, address, telephone number, and of any event or development bearing on eligibility or certification, including but not limited to any criminal conviction or disciplinary action by a licensing board or professional organization. A candidate or certificant may not make and must immediately correct any statement concerning the candidate's or certificant's status which is or becomes inaccurate, untrue or misleading.

All references to "days" in HTCC standards, policies and procedures shall mean calendar days. Communications required by HTCC must be transmitted by traceable mail or delivery service. The candidate or certificant agrees to provide HTCC with confirmation of compliance with HTCC requirements as requested by HTCC.

3. Property of HTCC

The examinations, certificates, pins and other jewelry, logo, cards and other emblems of HTCC, the names “Hand Therapy Certification Commission, Inc.,” “Certified Hand Therapist,” the term “CHT,” the term “HTCC,” and abbreviations relating thereto are all the exclusive property of HTCC and may not be used in any way without the express prior written consent of HTCC. An individual shall immediately relinquish, refrain from using and correct at the individual’s expense any outdated or other inaccurate use of any HTCC certificates, pins and other jewelry, logo, cards and other emblems and the HTCC name and related abbreviations in case of suspension, limitation, revocation or resignation from HTCC or as otherwise requested by HTCC. If an individual refuses to do so when requested, the individual agrees that HTCC shall be entitled to obtain all relief permitted by law.

4. Pending Actions

Candidates and certificants must notify HTCC of any inquiry, indictment or charge pending against them before a state or federal regulatory agency, professional certification organization or judicial body directly relating to public health or hand therapy, or any matter described in Section C. 1-13 within ninety (90) days of such charge and shall provide documentation of the resolution of such charge within ninety (90) days of resolution.

5. Criminal Convictions

An individual convicted of a felony directly related to public health or hand therapy shall be ineligible to apply for certification or recertification for a period of three (3) years from the exhaustion of appeals or final release from confinement (if any), whichever is later. Convictions of this nature include but are not limited to felonies involving rape, sexual abuse of a patient or child, actual or threatened use of a weapon or violence, and prohibited sale, distribution or possession of a controlled substance. A candidate or certificant who is incarcerated, or for whom incarceration is pending, on the application deadline date shall be ineligible for certification or recertification until eligibility is reinstated as provided in section J, below.

B. Score Reports

HTCC is concerned with reporting only valid scores. On rare occasions, misconduct or circumstances beyond the individual’s control may render a score invalid. If doubts are raised about a score because of these or other circumstances, HTCC expects all individuals to cooperate in any HTCC investigation. HTCC reserves the right to cancel any examination score if, in the sole opinion of HTCC, there is adequate reason to question its validity. HTCC in its discretion will (i) offer the individual an opportunity to take the examination again at no additional fee, or (ii) proceed as described below.

C. Application and Certification Standards

HTCC may deny or revoke certification, or otherwise take action with regard to the application or certification of a candidate or certificant in the case of:

1. Ineligibility for HTCC certification or recertification;
2. Irregularity in connection with any HTCC examination;
3. Failure to pay fees required by HTCC;
4. Unauthorized possession of, use of or access to HTCC examinations, certificates, cards, and logos of HTCC, the name "Hand Therapy Certification Commission, Inc.," the term "CHT," the term "HTCC," and abbreviations relating thereto, and any other HTCC documents and materials;
5. Obtaining or attempting to obtain certification or recertification by a false or misleading statement, failure to make a required statement, or fraud or deceit in an application, reapplication or any other communication to HTCC;
6. Misrepresentation of HTCC certification or certification status;
7. Failure to provide any written information required by HTCC;
8. Habitual use of alcohol or any drug or any substance, or any physical or mental condition, which impairs competent and objective professional performance;
9. Gross or repeated negligence or malpractice in professional work;
10. Limitation or sanction, whether voluntary or involuntary, by a governmental regulatory board or professional organization relating to public health or the specialty of hand therapy;
11. The conviction of, plea of guilty or plea of nolo contendere to a felony or misdemeanor related to public health or hand therapy. This includes but is not limited to a felony involving rape, sexual abuse of a patient or child, actual or threatened use of a weapon or violence, and the prohibited sale, distribution or use of a controlled substance;
12. Failure to provide timely updated information to HTCC; or
13. Other violation of an HTCC standard, policy or procedure as provided in the HTCC Candidates Handbook or other material provided to candidates or certificants, and as amended from time to time by HTCC in its sole discretion.

D. Establishment of Special Disciplinary Review and Disciplinary Hearing Committees

1. The HTCC Board of Directors by a majority vote shall elect (i) a Disciplinary Review Committee and (ii) a Disciplinary Hearing Committee, to consider alleged violations of this Disciplinary Policy or any other HTCC standard, policy or procedure.
2. Each of these Committees shall be composed of three members drawn from current HTCC certificants.
3. A committee member's term of office on the committee shall run for three years and may be renewed.
4. A committee member may serve on only one committee and may not serve on any matter in which his or her impartiality might reasonably be questioned, or which presents an actual or apparent conflict of interest.
5. Committee action shall be determined by majority vote.
6. When a committee member is unavailable to serve by resignation, disqualification or other circumstance, the President of HTCC shall designate another individual to serve as an interim member.

E. Review and Appeal Procedures

1. Submission of Allegations

- a. Allegations of a violation of this Disciplinary Policy or other HTCC standard, policy or procedure, or of wrongful determination of ineligibility by the Executive Director, are to be referred to the HTCC Executive Director for forwarding to the President for disposition. Persons concerned with possible violation of HTCC rules should identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the President. The statement should identify by name, address and telephone number the person making the information known to HTCC and others who may have knowledge of the facts and circumstances concerning the alleged conduct. Supplementation relating to the content or form of the information may be requested by either the President or the Executive Director, including but not limited a written testimonial from the individual who is the subject of the complaint.
- b. The President shall make a determination of the allegations after consultation with counsel.
- c. If the President determines that the allegations are frivolous or fail to state a violation of HTCC's rules, the President shall take no further action and so apprise the Board and the complainant (if any).
- d. If the President determines that good cause may exist to deny eligibility or question compliance with HTCC rules, the President shall transmit the allegations to the Disciplinary Review Committee.

2. Procedures of the Disciplinary Review Committee

- a. The Disciplinary Review Committee shall investigate the allegations after receipt from the President. If the Committee determines after such investigation that the allegations and facts are inadequate to sustain a finding of a violation of HTCC disciplinary rules, no further action shall be taken. The Board and the complainant (if any) shall be so apprised.
- b. If the Committee finds by majority vote that good cause exists to question whether a violation of an HTCC disciplinary rule has occurred, or if eligibility was improperly denied, the Committee shall transmit a statement of allegations to the candidate or certificant by certified mail, return receipt requested, setting forth the applicable standard and a statement:
 - i. of facts constituting the alleged violation of the standard or determination of ineligibility;
 - ii. that the candidate or certificant may request an oral hearing for the disposition of the allegations, with the candidate or certificant bearing his or her own expenses for such matter;
 - iii. that the candidate or certificant shall have thirty (30) days after receipt of the statement to notify the President and the Committee if he or she disputes the allegations, has comments on available sanctions, review of the written record, and/or requests an oral hearing on the record (available only for allegations not related to a denial of eligibility);
 - iv. that, in the event of an oral hearing, the candidate or certificant may appear in person with or without the assistance of counsel, may examine and cross-examine any witness under oath, and produce evidence on his or her behalf;
 - v. that the truth of allegations or failure to respond may result in sanctions including revocation; and
 - vi. that if the candidate or certificant does not dispute the allegations or request a review or hearing, the candidate or certificant consents that the Committee may render a decision on the evidence before it and apply available sanctions. (Available sanctions are set out in F. 1-6.)

3. Procedures of the Disciplinary Hearing Committee.

- A. In cases related to a denial of eligibility by the Executive Director, if the candidate or certificant disputes the denial or requests a written review, the Disciplinary Review Committee shall forward the allegations and response of the candidate or certificant to the Disciplinary Hearing Committee. The Disciplinary Hearing Committee shall render a decision based on the record below without oral hearing, although written briefing may be submitted within thirty (30) days following receipt of the appeal request by the Disciplinary Hearing Committee.
- B. In all other cases, if the candidate or certificant disputes the allegations or available sanctions or requests a hearing the Disciplinary Review Committee may offer the candidate or certificant the opportunity to accept an identified sanction in lieu of proceeding with the hearing as requested. Such an offer shall be provided in writing. The candidate or certificant may ask the Disciplinary Review Committee to modify its offer, and the Committee may do so in its sole discretion. If the candidate or certificant is unwilling to accept the Committee's offer, the requested hearing shall proceed as provided below.
 - 1. The Disciplinary Review Committee shall:
 - a. forward the allegations and response of the candidate or certificant to the Disciplinary Hearing Committee; and
 - b. designate one of its members to present the allegations and any substantiating evidence, examine and cross-examine witnesses and otherwise present the matter during any hearing of the Disciplinary Hearing Committee.
 - 2. The Disciplinary Hearing Committee shall then:
 - a. schedule a hearing after the request is received, allowing for an adequate period of time for preparation for the hearing; and
 - b. send by certified mail, return receipt requested, a Notice of Hearing to the candidate or certificant. The Notice of Hearing shall include a statement of the time and place of the hearing as selected by the Disciplinary Hearing Committee. The candidate or certificant may request modification of the date of the hearing for good cause. Failure to respond to the Notice of Hearing shall permit the Disciplinary Review Committee to administer any sanction which it considers appropriate.
 - 3. The Disciplinary Hearing Committee shall maintain a verbatim oral or written transcript.
 - 4. HTCC and the candidate or certificant may consult with and be represented by counsel, make opening statements, present documents and testimony, examine and cross-examine witnesses under oath, make closing statements and present written briefs as scheduled by the Disciplinary Hearing Committee.
 - 5. The Disciplinary Hearing Committee shall determine all matters relating to the hearing. The hearing and related matters shall be determined on the record by majority vote.
 - 6. Formal rules of evidence shall not apply. Relevant evidence may be admitted. Disputed questions shall be determined by majority vote of the Disciplinary Hearing Committee.
- C. In all written reviews and oral hearings:
 - 1. Proof shall be by preponderance of the evidence.
 - 2. Whenever mental or physical disability is alleged, the candidate or certificant may be required to undergo a physical or mental examination at the expense of the candidate or certificant. The report of such an examination shall become part of the evidence considered.
 - 3. The Disciplinary Hearing Committee shall issue a written decision following the review or hearing and any briefing. The decision shall contain factual findings, conclusions of law and any sanctions applied. It shall be mailed promptly by certified mail, return receipt requested, to the candidate or certificant.

4. Appeal Procedures

- a. If the decision rendered by the Disciplinary Hearing Committee finds that the allegations are not established, no further action on the matter shall occur and the individual shall be notified.
- b. If the decision rendered by the Disciplinary Hearing Committee is not favorable to the candidate or certificant, the candidate or certificant may appeal the decision to the HTCC Board of Directors by submitting a written appeals statement within thirty (30) days following receipt of the decision of the Disciplinary Hearing Committee. HTCC may file a written response to the statement of the candidate or certificant.
- c. The HTCC Board of Directors by majority vote shall render a decision. Said decision shall be based on the record below without oral hearing, although written briefing may be submitted within thirty (30) days following receipt of the appeal request by the HTCC Board of Directors. Alternatively, the Board of Directors may choose, in its sole discretion, to conduct a de novo review of the Disciplinary Hearing Committee decision, and in such event shall follow the procedures set forth in section 3, above (with the Board of Directors in place of the Disciplinary Review Committee).
- d. The decision of the HTCC Board of Directors shall be rendered in writing. The decision shall contain factual findings, conclusions of law and any sanctions applied and shall be final. (Available sanctions are set out at Section F. 1-6 below.) The decision shall be transmitted to the candidate or certificant by certified mail, return receipt requested.

F. Sanctions

Sanctions for violation of any HTCC standard set forth herein or any other HTCC standard, policy or procedure may include one or more of the following:

1. Denial or suspension of eligibility;
2. Revocation of certification;
3. Non-renewal of certification;
4. Reprimand;
5. Suspension of certification; or
6. Other corrective action.

G. Summary Procedure

Whenever the President determines that there is cause to believe that a threat of immediate and irreparable injury to the health of the public exists, the President shall forward the allegations to the HTCC Board. The Board shall review the matter immediately, and provide telephonic or other expedited notice and review procedures to the candidate or certificant. Following such notice and opportunity by the individual to be heard, if the Board determines that a threat of immediate and irreparable injury to the public exists, certification may be suspended for up to ninety (90) days pending a full review as provided herein.

H. Release of Information

The individual candidate or certificant agrees that HTCC and its officers, directors, committee members, employees, agents and others may communicate any and all information relating to his or her HTCC application and certification and review thereof, including but not limited to pendency or outcome of disciplinary proceedings, to state and federal authorities, licensing boards, employers, other certificants, and others.

I. Waiver

The individual candidate or certificant releases, discharges, and exonerates HTCC, its officers, directors, employees, committee members, panel members and agents, and any other persons for any action taken pursuant to the standards, policies and procedures of HTCC from any and all liability, including but not limited to liability arising out of (i) the furnishing or inspection of documents, records and other information and (ii) any investigation and review of application or certification made by HTCC.

J. Reconsideration of Eligibility and Reinstatement of Certification

If eligibility or certification is denied or revoked, eligibility or certification may be reconsidered on the following basis:

1. In the event of a felony conviction directly related to public health or hand therapy no earlier than three (3) years from the exhaustion of appeals or release from confinement, whichever is later;
2. In any other event, no earlier than three (3) years from the final decision of ineligibility or revocation.

In addition to other facts required by HTCC, such an individual must fully set forth the circumstances of the decision denying eligibility or revoking certification, as well as all relevant facts and circumstances since the decision relevant to the application. When eligibility has been denied because of felony conviction, the individual bears the burden of demonstrating by clear and convincing evidence that the individual has been rehabilitated and does not pose a danger to others. Such evidence shall be submitted to the HTCC Executive Director, who shall determine whether the evidence meets this burden. Unless and until clear and convincing evidence is submitted, the candidate or certificant will remain ineligible for reinstatement. The decision of the Executive Director may be appealed as provided in section E, above.

K. Submission of Information to HTCC Concerning Possible Violation of Standards

Persons concerned with possible violation of HTCC standards should identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the President. The statement should identify by name, address and telephone number the person making the information known to HTCC and should identify others who may have knowledge of the facts and circumstances concerning the alleged conduct. Supplementation relating to the content or form of the information may be requested.