

## **THE CERTIFICATION BOARD FOR STERILE PROCESSING AND DISTRIBUTION**

### **TITLE: ETHICS POLICY**

Policy Number: E-03

Approved By: Board of Directors

Changes Authorized By: Board of Directors

Date Originally Approved: 07-10-2012

Date(s) Revised: 11-30-17

Approved BOD: 11-30-17

### **The Ethics Committee:**

1. There shall be an Ethics Committee of the CBSPD to investigate any/all instances of ethical or misconduct issues.
2. The Committee shall be comprised of at least three (3) members.
  - a) Board members can serve on the Committee, including the Public Member.
  - b) The term of office is three (3) years which can be renewed indefinitely.
  - c) Committee members are provided with a copy of the Ethics Policy when their tenure on the Committee begins.
  - d) The Chair of the Committee is to provide a written Annual Report to the Board of Directors by September 30<sup>th</sup>, detailing the Committee's activities.

### **General Policy:**

1. Responsibility for fostering professional trust requires all individuals to adhere to the highest standards of integrity.
  - a) Whenever any applicant or certificant of CBSPD is accused of misconduct the CBSPD Ethics Committee will be asked to conduct an inquiry, make a determination concerning the allegation and make recommendation(s) to the CBSPD Board of Directors regarding the recommended action(s) to take. The process will be expeditious and conducted in a manner designed to protect the rights of all parties concerned.
  - b) The investigation must be completed within 30 days of receipt of the complaint or allegations unless circumstances delay the investigation. Such circumstances must be documented.

### **Scope:**

2. This policy applies to individuals applying for or are already certified by the CBSPD that are engaged in the processes of decontaminating, packaging, inspecting, sterilizing or high level disinfecting and storing sterile medical devices. In addition, this policy applies to any individual who falsely uses any CBSPD credential including modification or falsification of certification documents or certification status.

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### **GENERAL POLICIES AND PRINCIPLES:**

#### **Confidentiality**

3. To the extent allowed by law, CBSPD will maintain the identity of respondents and complainants securely and confidentially and will not disclose any identifying information, except to:
  - a) those who need to know in order to carry out a thorough, competent, objective and fair investigation of misconduct allegations.

#### **Misconduct Proceedings**

1. It is the responsibility of the CBSPD to provide any/all documentation to the Ethics Committee Chair within 48 hours of receipt of the alleged infraction unless additional time is needed to collect all the supporting documentation. The delay and reason(s) for the delay must be documented and provided to the Ethics Committee with the initial report.
  - a) A report will be prepared by CBSPD personnel and forwarded in writing to the Ethics Committee with the following information:
    - 1) Name of Individual in question, credential(s) held and any other relevant personal information.
    - b) Describe the nature of the allegations of misconduct;
    - c) Describe the specific allegations of misconduct to be considered in the investigation;
    - d) Include and summarize the records and evidence reviewed.
2. Within 15 days after receiving the CBSPD report of an allegation of misconduct, the CBSPD Ethics Committee will assess the allegation to determine if:
  - a) the misconduct is applicable to Certification or Re-certification
  - b) the allegation is sufficiently credible and specific so that potential evidence of misconduct may be identified.
3. If it is determined that an inquiry (i.e., an initial review of the evidence to determine if the criteria for conducting an investigation have been met) is warranted, the CBSPD Ethics Committee will complete the inquiry, including preparation of a detailed report of their findings and recommendation(s).
4. The final report from the Ethics Committee is to be sent to the CBSPD office.
5. Upon receipt, the CBSPD office is to send the Ethics Committee's recommendations to the Executive Director for review and if needed, discussion with the Board of Directors.
6. Once the Committee's recommendations are approved by the Board of Directors, the individual in question will be sent a copy of the report, in writing, within 10 days of its receipt from the Ethics Committee via certified mail.
  - a) If the Committee has requested discussion with the BOD, this must take place within 5 days of receipt of the request from the Ethics Committee.
7. The individual in question will have 10 days from receipt of the Ethics Committee's report to respond to the report. Such response must be in writing and addressed to the CBSPD Ethics Committee and sent to the CBSPD office. Telephone calls or emails will not be accepted.
8. The CBSPD office must forward any response from the individual in question to the Ethics Committee immediately upon receipt.
9. The Ethics Committee will have 10 days to respond to the letter from the individual in question which challenged their recommendation(s).

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10. If there are special circumstances that warrant a longer period for the inquiry/review, the Ethics Committee must include documentation of the reasons for the delay in the inquiry report.
11. In conducting all investigations, CBSPD and the Ethics Committee will:
  - a) Use diligent efforts to ensure that the investigation is documented and includes examination of all records and evidence relevant to reaching a decision on the merits of the allegations;
  - b) Interview each respondent, complainant, and any other available person who has been reasonably identified as having information regarding any relevant aspects of the investigation, including witnesses identified by the respondent,
  - c) Pursue diligently all significant issues and leads discovered that are determined relevant to the investigation.
12. The CBSPD Ethics Committee is responsible to provide a finding as to whether misconduct did or did not occur and if misconduct was found,
  - a) Identify it as falsification or fabrication and whether it was intentional, knowing, or in reckless disregard,
  - b) Summarize the facts and the analysis supporting the conclusion and consider the merits of any reasonable explanation by the respondent and any evidence that rebuts the respondent's explanations,
    - 1) identify the person(s) responsible for the misconduct,
  - c) Include and consider any comments made by the respondent and complainant on the draft investigation report. CBSPD will maintain and provide upon request, all relevant records and records of our misconduct proceedings, including results of all interviews and all transcripts.

### **Ensuring a Fair Misconduct Proceeding**

13. The CBSPD will take all reasonable steps to ensure an impartial and unbiased misconduct proceeding to the maximum extent practical.

### **Interim Protective Actions**

14. CBSPD will notify the appropriate parties if CBSPD has reason to believe that any of the following conditions exist:
  - A. Health or safety of the public is at risk,
  - B. resources or interests are threatened.
  - C. activities should be suspended.
  - D. There is a reasonable indication of violations of civil or criminal law.
  - E. Federal action is required to protect the interests of those involved.
  - F. CBSPD believes the misconduct proceeding may be made public prematurely,
  - G. CBSPD believes the community or public should be informed.

### **Restoring Reputations**

15. Respondents. CBSPD will undertake all reasonable, practical, and appropriate efforts to protect and restore the reputation of any person alleged to have engaged in misconduct, but against whom no finding of research misconduct was made, if that person or his/her legal counsel or other authorized representative requests that CBSPD do so.

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- a) CBSPD will undertake all reasonable and practical efforts to protect and restore the position and reputation of any complainants, witnesses, or committee members and to counter potential or actual retaliation against those complainants, witnesses and committee members.

## ACTIONS

16. The CBSPD is responsible for the development and maintenance of certification exams that verify the credentials of health professionals employed in facilities, departments or areas where decontamination, high level disinfection, sterilization and sterile storage are carried out.
17. CBSPD reserves the right to suspend or nullify the credential of an individual for professional misconduct. Suspension of certification may be due to but not limited to the following actions:

### **Allegation: - Examples of allegations which would result in an investigation:**

- a) Academic or professional misconduct.  
*Example:* Cheating on an exam. Disclosure of information as to exam content, copying exam questions, etc.
- b) Failure to comply with test site regulations.
- c) Alteration or duplication of a CBSPD Certificate.
- d) Falsification of information on original or re-certification applications.
- e) Falsification of CEU information for recertification.
- f) Endangerment of the health or safety of patients, employees, practitioners or visitors. (e.g. Intentional exposure to biohazards and/or failure to consistently follow infection control and safety policies) that could result or did result in harm to anyone.
- g) Terminated from employment due to abuse of prescribed drugs, use of un-prescribed drugs, and/or use of Illegal drugs or alcohol. *Employer must provide defensible documentation.*
- h) Incarceration for drug or alcohol abuse with defensible documentation submitted from the employer or court system.  
NOTE: The CBSPD is legally required to enforce federal laws regarding recreational drugs. Federal law maintains that marijuana is illegal and where law conflicts, federal government prevails.
- i) Any activity that would cause embarrassment or harm to the reputation of the CBSPD.

### **Possible Actions**

- a) Suspension of current credential.
- b) Ineligible to sit for an exam for one to five years after credential has been suspended.
- c) Ineligible to sit for an exam for five years after the date of the incident.
- d) Continuing education credits will not be accepted for re-certification.
- e) Must retake the exam.
- f) Provide proof of treatment for dependency problems and/or
  - i. If the felony conviction did not adversely affect the healthcare industry
  - ii. If the individual in question is already employed in a healthcare facility (with verification of employment from their healthcare employer)

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- iii. If there are two (2) letters of recommendations written; one by their direct supervisor
- g) Not eligible for recertification with the CBSPD
- h) Complete and permanent revocation of credential; not eligible to sit for any exams at anytime.

REFERENCES: Institute for Credentialing Excellence, Standards for Accreditation, 2016, Standard 2E; Standard 7; Standard 10; Standard 11;