



COMMISSION ON NURSE CERTIFICATION

CNC's DISCIPLINARY & COMPLAINTS POLICY

To maintain and enhance the credibility of the CNC CNL® certification program, the CNC Board of Commissioners has adopted the following procedures to allow individuals to bring complaints concerning the conduct of CNL certificant's to the CNC.

In the event a certificant violates the [CNC Standards of Conduct](#), certification rules, requirements, and/or policies, the CNC may reprimand or suspend the individual or may revoke certification.

The grounds for sanctions under these procedures may include, but are not necessarily limited to:

- Violation of established CNC Standards of Conduct, rules, requirements, and/or policies.
- Conviction of a felony or other crime of moral turpitude under federal or state law in a matter related to the practice of, or qualifications for, nursing.
- Gross negligence, willful misconduct, or other unethical conduct in the performance of services for which the individual has achieved CNL® certification.
- Fraud, falsification, or misrepresentation in an initial application or renewal application for certification.
- Falsification of any material information requested by CNC.
- Misrepresentation of CNL status.
- Cheating on any certification examination.

Actions taken under this policy do not constitute enforcement of the law, although referral to appropriate federal, state, or local government agencies may be made about the conduct of the certificant in appropriate situations. Individuals initially bringing complaints are not entitled to any relief or damages by virtue of this process, although they will receive notice of the actions taken.

Complaints

Complaints may be submitted by any individual or entity. Complaints should be reported to CNC in writing and should include the name of the person submitting the complaint, the name of the person the complaint is regarding along with other relevant identifying information, a detailed description of factual allegations supporting the charges, and any relevant supporting documentation. Information submitted during the complaint and investigation process is considered confidential and will be handled in accordance with CNC's Confidentiality policy. Inquiries or submissions other than complaints may be reviewed and handled by the CNC Board or CNC Director at its discretion.

Upon receipt and preliminary review of a complaint involving the certification program, the CNC Director in consultation with the Board Chair may conclude, in their sole discretion, that the submission:

- contains unreliable or insufficient information, or
- is patently frivolous or inconsequential.

In such cases, the CNC Director and Board Chair may determine that the submission does not constitute a valid and actionable complaint that would justify bringing it before the Board for investigation and a determination of whether there has been a violation of substantive requirements of the certification process. If so, the submission is disposed of by notice from the CNC Director and Board to its submitter.

Preliminary review will be conducted within 15 business days of receipt of the complaint.

If a submission is deemed by the CNC Director and Board to be a valid and actionable complaint, the Board will see that written notice is provided to the certificant whose conduct has been called into question. The certificant whose conduct is at issue will also be given the opportunity to respond to the complaint. The Board will ensure that the individual submitting the complaint receives notice that the complaint is being reviewed by the Board.

Complaint Review

For each complaint that the Board concludes is a valid and actionable complaint, the Board authorizes an investigation into its specific facts or circumstances to whatever extent is necessary in order to clarify, expand, or corroborate the information provided by the submitter.

The Board appoints a Review Committee of three or more individuals, who may or may not be members of the Board to investigate and make an appropriate determination with respect to each such valid and actionable complaint; the Review Committee may review one or more such complaints as determined by the Board. The Review Committee initially determines whether it is appropriate to review the complaint under these Procedures or whether the matter should be referred to another entity engaged in the administration of law. The timeline for responses and for providing any additional information will be established by the Review Committee. The Review Committee may be assisted in the conduct of its investigation by other members of the Board or by Board and/or CNC staff or legal counsel. The Board exercises general supervision over all investigations.

Both the individual submitting the complaint and the certificant who is the subject of the investigation (or his or her employer) may be contacted for additional information with respect to the complaint. The Review Committee, or the Board on its behalf, may at its discretion contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint.

All investigations and deliberations of the Review Committee and the Board are conducted in confidence, with all written communications sealed and marked "Personal and Confidential," and they are conducted objectively, without any indication of prejudgment. An investigation may be directed toward any aspect of a complaint which is relevant or potentially relevant. Formal hearings are not held and the parties are not expected to be represented by counsel, although the Review Committee and Board may consult their own counsel.

Members of the Review Committee will be reimbursed for reasonable expenses incurred in connection with the activities of the Committee.

Determination of Violation

Upon completion of an investigation, the Review Committee recommends whether the Board should make a determination that there has been a violation of Board policies and rules. When the Review Committee recommends that the Board find a violation, the Review Committee also recommends imposition of an appropriate sanction. If the Review Committee so recommends, a proposed determination with a proposed sanction is prepared under the supervision of the chair and is presented by a representative of the Review Committee to the Board along with the record of the Review Committee's investigation.

If the Review Committee recommends against a determination that a violation has occurred, the complaint is dismissed with notice to the certificant, the certificant's employer (if involved in the investigation), and the individual or entity who submitted the complaint.

The Board reviews the recommendation of the Review Committee based upon the record of the investigation. The Board may accept, reject, or modify the Review Committee's recommendation, either with respect to the determination of a violation or the recommended sanction to be imposed. If the Board makes a determination that a violation has occurred, this determination and the imposition of a sanction are promulgated by written notice to the certificant, and to the individual submitting the complaint, if the submitter agrees in advance and in writing to maintain in confidence whatever portion of the information is not made public by the Board.

In certain circumstances, the Board may consider a recommendation from the Review Committee that the certificant who has violated the certification program policies or rules should be offered an opportunity to submit a written assurance that the conduct in question has been terminated and will not recur. The decision of the Review Committee to make such a recommendation and of the Board to accept it are within their respective discretionary powers. If such an offer is extended, the certificant at issue must submit the required written assurance within thirty (30) days of receipt of the offer, and the assurance must be submitted in terms that are acceptable to the Board. If the Board accepts the assurance, notice is given to the certificant's employer and to the submitter of the complaint, if the submitter agrees in advance and in writing to maintain the information in confidence.

Sanctions

Any of the following sanctions may be imposed by the Board upon a certificant whom the Board has determined to have violated the policies and rules of its certification program(s), although the sanction applied must reasonably relate to the nature and severity of the violation, focusing on reformation of the conduct of the member and deterrence of similar conduct by others:

- written reprimand to the certificant;
- suspension of the certificant for a designated period; or
- termination of the certificant's credential.

Verification of this information will be made available only after any appeal has either been considered or the appeal period has passed.

Reprimand in the form of a written notice from the Board normally is sent to a certificant who has received his or her first substantiated complaint. Suspension normally is imposed on a certificant who has received two substantiated complaints. Termination normally is imposed on a certificant who has received two substantiated complaints within a two-year period, or three or more substantiated complaints. The Board may at its discretion, however, impose any of the sanctions, if warranted, in specific cases.

Certificants who have been terminated will have their certification revoked and may not be considered for CNC certification in the future. If certification is revoked, any and all certificates/diplomas or other materials requested by the Board must be returned promptly to the CNC.

Appeal

Within thirty (30) days from receipt of notice of a determination by the Board that a certificant violated the certification program policies and/or rules, the affected certificant may submit to the Board in writing a request for an appeal.

Upon receipt of a request for appeal, the Board establishes an appellate body consisting of at least three, but not more than five, individuals. This Appeal Committee may review one or more appeals, upon request of the Board. No current members of the Review Committee or the Board may serve on the Appeal Committee; further, no one with any personal involvement or conflict of interest may serve on the Appeal Committee. Members of the Appeal Committee may be reimbursed for reasonable expenses incurred in connection with the activities of the Committee.

The Appeal Committee may only review whether the determination by the Board of a violation of the certification program policies and/or rules was inappropriate because of:

- material errors of fact, or
- failure of the Review Committee or the Board to conform to published criteria, policies, or procedures.

Only facts and conditions up to and including the time of the Board's determination as represented by facts known to the Board are considered during an appeal. The appeal will not include a hearing or any similar trial-type proceeding. Legal counsel is not expected to participate in the appeal process, unless requested by the appellant and approved by the Board and the Appeal Committee. The Board and Appeal Committee may consult legal counsel.

The Appeal Committee conducts and completes the appeal within ninety (90) days after receipt of the request for an appeal. Written appellate submissions and any reply submissions may be made by authorized representatives of the member and of the Board. Submissions are made according to whatever schedule is reasonably established by the Appeal Committee. The decision of the Appeal Committee either affirms or overrules the determination of the Board, but does not address a sanction imposed by the Board. The decision of the Appeal Committee, including a statement of the reasons for the decision, is reported to the Board.

The Appeal Committee decision is binding upon the Board, the certificant who is subject to the termination, and all other persons.

Resignation

If a certificant who is the subject of a complaint voluntarily surrenders his or her certification(s) at any time during the pendency of a complaint under these Procedures, the complaint is dismissed without any further action by the Review Committee, the Board, or an Appeal Committee established after an appeal. The entire record is sealed and the individual may not reapply for certification. However, the Board may authorize to communicate the fact and date of resignation, and the fact and general nature of the complaint which was pending at the time of the resignation, to or at the request of a government entity engaged in the administration of law. Similarly, in the event of such resignation, the certificant's employer and the person or entity who submitted the complaint are notified of the fact and date of resignation and that Board has dismissed the complaint as a result.