



N - E - W - S

SPECIAL EDITION:

STANDARDS OF PROFESSIONAL RESPONSIBILITY FOR CHPs

This special issue of the *CHP News* is being published to provide diplomates of the American Academy of Health Physics with the current drafts of standards of practice for CHPs, as well as implementation guidance, being developed by the AAHP Professional Standards and Ethics Committee. These standards and guidance were the subject of the AAHP Special Session at the July 1995 Health Physics Society meeting in Boston. CHPs are asked to provide comments on the drafts at this time; later, Academy diplomates will be asked to vote on AAHP adoption of the final version of the standards.

IN THIS ISSUE:

INTRODUCTION	1
STANDARDS OF PROFESSIONAL RESPONSIBILITY FOR CHPs	2
GUIDELINES FOR EVALUATION OF CHARGES	4
ATTACHMENT A: MINIMUM REQUIREMENTS FOR ACCEPTANCE OF A COMPLAINT	8
COMMENT FORM	11

INTRODUCTION

*John J. Kelly, CHP
1995 Chair,
Professional Standards
and Ethics Committee*

Drafts of new "Standards of Professional Responsibility for Certified Health Physicists" and guidelines for implementing these Standards were developed by the Professional Standards and Ethics Committee during 1994 and 1995. The Committee was ably assisted by Bob Casey and Joyce Davis. Joyce is an attorney as well as a CHP, and her expertise was a great help in developing these documents.

The drafts were approved by the AAHP Executive Committee in a revised form on July 25th at the annual HPS Meeting in Boston, and the revisions were discussed at the AAHP Special Session held at that same meeting. Several people present at the Special Session requested that these drafts be provided to all members of the AAHP for comment prior to balloting the Academy members for acceptance.

Please review the following documents and submit comments, using the form provided, to the AAHP Secretariat by November 1, 1995. The comments and suggestions for revision will be presented to the AAHP Executive Committee, and the revised, approved Standards will be balloted by all members of the AAHP.

A brief explanation: One of the main purposes of these Standards is to assure that clients and members of the public are not harmed by unethical conduct of a CHP. In Attachment A a restriction on acceptance of complaints is made based on the context of the actions in question. Our Committee believed that in legal proceedings or professional meetings where the subject of a complaint could be cross-examined or challenged by competent expertise, no harm to a client or the public is likely.

We look forward to your comments on these standards of practice and will give them serious consideration. Please let us hear from you soon. ■

Standards of Professional Responsibility for Certified Health Physicists

Foreword

These principles are the standards for ethical conduct for members of the American Academy of Health Physics for conducting professional activities. In achieving certification, the Certified Health Physicist recognizes and assumes the following responsibilities.

The Certified Health Physicist (CHP) shall:

I. Support and Improve the Profession of Health Physics

- A. The CHP shall support the purposes and activities of the American Academy of Health Physics (or the Academy).
- B. The CHP shall endeavor to advance the Health Physics profession by sharing information and experience with others and by contributing to the work of professional associations, schools, and the professional, scientific and technical press.
- C. The CHP shall not act in a manner that may bring the profession or the Academy into disrepute.

II. Provide Technical Competence

- A. The CHP shall remain active in the field, strive to improve his or her professional knowledge, and endeavor to be aware of contemporary scientific, technical, and regulatory developments.
- B. The CHP shall practice only in the areas of his or her expertise.
- C. The CHP shall practice his or her profession following recognized scientific principles.
- D. The CHP shall counsel affected parties factually regarding potential health risks and precautions necessary to avoid adverse health effects.
- E. The CHP should accept opportunities to increase public understanding of radiation protection and the purposes of the Academy.

III. Act In the Public Interest

- A. The CHP shall have due regard for the safety and health of the public and of individuals who may be affected by his or her work.
- B. The CHP shall not undertake any employment or consultation that is contrary to law or not in the public interest.
- C. The CHP shall not compromise public welfare and safety in favor of a private interest.

IV. Maintain High Standards in Dealing with Others

- A. The CHP shall maintain the highest standards of integrity and fairness in his or her professional interactions with employers, colleagues, workers, clients, governmental agencies, and the general public.
- B. The CHP shall not attempt to injure, falsely or maliciously, the reputation of any person.
- C. The CHP shall protect the sources and content of confidential communications or other confidential personal or business information obtained in the course of his or her practice, provided that such protection is not itself unethical or illegal.
- D. Without the knowledge and consent of his or her client, the CHP shall not accept or offer commissions, allowances, or finders' fees, directly or indirectly, from contractors or other parties dealing with the client.
- E. The CHP shall avoid circumstances where a compromise of professional judgement or conflict of interest may arise.
- F. The CHP shall not knowingly take credit for the work of others and shall give credit where it is due. ■

SOME FOOD FOR THOUGHT (AND COMMENT):

If the Standards of Professional Responsibility for CHPs are approved, AAHP diplomates will be required to affirm by signature that they will abide by these Standards. The affirmation will be required with initial certification and with each recertification. Now is the time for your input in defining the level of professional conduct that will be required of CHPs.

**Guidelines for the AAHP Executive Committee
and the AAHP Professional Standards and Ethics Committee
for Evaluation of Charges Alleging Violation of the Standards
of Professional Responsibility for Certified Health Physicists**

- I. A complaint can be filed against a named Certified Health Physicist by any person who believes that a Standard has been violated. The complaint shall be in writing to the President of the AAHP. The President shall review the complaint against the "Minimum Requirements for Acceptance of a Standards Violation Complaint" (see attachment A). If the complaint lacks required information, the President shall return the material to the complainant with a request for additional information. The President shall accept or reject the complaint within 30 calendar days after receipt of the complaint.
- II. Following acceptance of the complaint by the President, he/she will schedule review of the complaint at the next regularly scheduled meeting of the Executive Committee. In cases where more urgent action is necessary, an official meeting of the Executive Committee can be convened by the President to review the complaint via a telephone conference call. All meetings of the Executive Committee to discuss complaint issues will be held in executive session.¹
- III. The Executive Committee will refer the complaint to the Professional Standards and Ethics Committee if a majority of the Executive Committee deems the charges to be non-frivolous.²
 - a. Within fifteen calendar days after the decision that the complaint is non-frivolous, the complaint and the actions that may be forthcoming will be provided to the named CHP in a letter from the President. The named CHP shall also be advised in the letter that the case has been referred to the Professional Standards and Ethics Committee for review, and that he/she will be contacted by the Chairperson (or designee) of that Committee for further discussion of the issues. The named CHP will be requested by the President to provide a written response to the complaint within 30 calendar days after receipt of the President's letter and to participate in the review by the Professional Standards and Ethics Committee.³ He/she will also be informed that a CHP Advisor may be selected to participate with him/her throughout the entire proceeding.⁴
 - b. If the complaint is deemed to be frivolous, the President will notify the complainant that the issue will not be considered by the Professional Standards and Ethics Committee and that no further action on the complaint will be taken by the Executive Committee.

IV. Professional Standards and Ethics Committee Actions

- a. Committee members are expected to act promptly on all cases referred to them. They shall review the complaint and supporting documentation within 30 calendar days following referral by the Executive Committee.¹ Committee members are also expected to be sensitive to potential conflicts of interest between the named CHP and him/herself. If such a conflict exists, the committee member shall disclose the conflict to the Chairperson of the Professional Standards and Ethics Committee and withdraw from the review of the complaint.
- b. The Committee Chairperson or designee shall discuss the issues with the complainant and the named CHP within 60 calendar days following referral by the Executive Committee.⁵ The Chairperson (or designee) shall record notes from these conversations. Based upon these discussions, the formal complaint, the written response by the named CHP, and any additional written information provided by witnesses, the Chairperson (or designee) shall compile a Statement of Issues that identifies the issues that the Professional Standards and Ethics Committee will consider further. Copies of the Statement of Issues will be provided to all involved parties. All documents relating to the case will be assembled in an official Complaint file to be maintained by the Chair while the case is active. When the case is closed, the complaint file will be transferred for permanent retention by the Secretariat.
- c. By the end of this 60 day period, the Committee will determine whether the information available is sufficient to permit resolution of the issues to the satisfaction of all parties. In such cases, no further review is required and the Committee may approve actions as defined in IV. e. (2) below. Notification will be made to the President within 30 calendar days after the decision of the Committee is made. In cases requiring further information, review and discussion, the Committee shall hold a Hearing as described below.
- d. Hearing
 - (1) The hearing shall be scheduled no later than 60 calendar days following the determination that a hearing is required.
 - (2) All parties shall receive the Statement of Issues and written notification of the hearing at least 30 calendar days prior to the hearing.⁸
 - (3) Every attempt will be made to reasonably accommodate all affected parties with respect to the hearing date and location.
 - (4) The hearing is intended to be a meeting of peers to review the technical and/or ethical issues involved in the complaint. An agenda for the hearing shall be established by the Chairperson (or designee) of the Professional Standards and Ethics Committee and provided to all persons at least 5 calendar days prior to the hearing.

- (5) The hearing will be chaired by the Chairperson (or designee) of the Professional Standards and Ethics Committee. A quorum of the Committee must be present at the meeting.
- (6) Detailed minutes of the meeting shall be developed by the Chair (or designee). A draft will be distributed to all attendees for review and comment. A final set of minutes shall be included in the official complaint file.

e. Committee Action

- (1) All decisions of the Committee require unanimous approval of the Committee members attending the hearing.⁷ The decision of the Committee shall be finalized and forwarded to the President within 30 calendar days after the hearing.
- (2) The decision shall include findings of fact and conclusions. The decision must clearly explain and support the actions of the Committee. The range of decisions of the Committee include:
 - (a) Dismissal of the case
 - (b) Private letter of caution
 - (c) Letter of censure
 - (d) Suspension of membership in the Academy
 - (e) Expulsion from the Academy and revocation of certification.⁸

- V. The President shall inform all parties of the actions of the Professional Standards and Ethics Committee within 15 calendar days following receipt of notification from the Committee. The President shall further advise the named CHP of the right to appeal the decision of the Professional Standards and Ethics Committee to the Executive Committee if he/she believes that this Guidance has not been adhered to by the Committee. Such appeals must be in writing and sent to the President within 30 calendar days after receipt of the notice of decision.
- VI. The President shall schedule a review of the appeal by the Executive Committee no later than its next regularly scheduled meeting. The President shall provide written notice to all involved parties at least 30 days in advance of the appeal meeting. Review of the appeal by the Executive Committee shall be limited to a determination regarding proper application of this Guidance by the Professional Standards and Ethics Committee. A majority vote of the Executive Committee attending the meeting is required to sustain or deny the appeal. The case will be dismissed by the Executive Committee if the appeal is sustained.

Notes

1. All parties to the complaint and its review shall make all reasonable efforts to maintain confidentiality.
2. A complaint will be deemed to be frivolous if it is judged to be trivial, insignificant, devoid of seriousness, or silly.
3. Failure on the part of the named CHP to participate in the review will not prevent the Professional Standards and Ethics Committee from conducting its review.
4. The role of the CHP Advisor is to provide an independent and knowledgeable person who can serve as an Advisor and sounding board to the named CHP during the review process. If desired by the named CHP, the CHP Advisor is permitted to participate in all discussions and hearings on the issues. The named CHP has the right to select any active CHP as his/her CHP Advisor, or to select from a list provided by the Executive Committee of all available Past Presidents of the Academy.
5. These discussions between members of the Professional Standards and Ethics Committee, the complainant, and the named CHP are anticipated to be facilitated through telephone calls and other informal communications. Notes on all such conversations should be maintained as a part of the official record of each complaint. The complainant and the named CHP have the right to request witnesses to provide information related to the case in order to clarify or support the discussion. Such supporting information from witnesses must be provided in writing to the Chairperson (or designee) of the Professional Standards and Ethics Committee.
6. The following parties have the right to attend and participate in the hearing: Members of the Professional Standards and Ethics Committee, the named CHP, and the CHP Advisor. No other parties may attend the hearing without the approval of the Chairperson of the Professional Standards and Ethics Committee.
7. In the event that the members of the Professional Standards and Ethics Committee cannot reach consensus in their decision, the action of the Committee will be to dismiss the case.
8. **Please note that this option will require the concurrence of the ABHP, since that Board is the only entity with the right to issue or withdraw certification. ■**

Attachment A

Minimum Requirements for Acceptance of a Standards Violation Complaint

A written complaint submitted to the President of the Academy shall be reviewed to determine that the information contained in the complaint is complete. If the President determines that there are omissions in the submitted material, he/she will return the material to the complainant for amendment prior to formal acceptance of the complaint. These guidelines will also be used by the Professional Standards and Ethics Committee during their detailed review of the complaint.

I. Contents of Complaint

A complaint shall include the five items identified below:

- a. Standard: The complaint must identify the specific part or parts of the Standards of Professional Responsibility for Certified Health Physicists alleged to have been violated, and
- b. Context: The complaint must identify the context of the alleged violation (e.g., legal proceeding, media presentation, private consultation), and
- c. Conduct: The complaint must describe specifically the conduct alleged to be in violation of the identified standard(s), and
- d. Relationship: The complaint must describe the relationship of the complainant to the named CHP, and
- e. Confidentiality: The complaint must include the agreement of the complainant to keep the names of the parties and the conduct of the proceedings confidential.

II. Guidelines for Accepting Complaint

The written complaint will be accepted for further action by the President if each of the five categories described above meets the following guidelines:

a. Standard

The standard cited is an element of the Academy's official Standard of Professional Responsibilities for Certified Health Physicists in effect at the time of the alleged violation

b. Context

(1) The context of the allegedly violative statement or action was such that either:

- (a) (i) The alleged violative conduct did not take place in a forum where the named CHP was subject to cross examination or to refutation by another professional health physicist who did or could have challenged the named CHP within a reasonable time before essentially the same audience, and
- (ii) One or more persons relied or could reasonably be expected to rely on the allegedly violative conduct

or

- (b) The allegedly violative conduct took place in a forum where the named CHP was subject to cross examination or to refutation by another professional health physicist who did or could have challenged the named CHP within a reasonable time before essentially the same audience,

and one or more of the following applies:

- (i) The alleged violation was one in a series of three or more such actions in similar form.
- (ii) The violation was outrageous and knowledge of the action was widely disseminated.
- (iii) One or more persons actually relied on the alleged violative conduct to their significant actual detriment.
- (iv) There are special circumstances that would make failure to consider the complaint unconscionable.

(2) If the context of the alleged violative conduct was a legal proceeding, the complaint will not be accepted until after that proceeding has been finally adjudicated.

c. Conduct

The conduct (statement, action, or failure to act) alleged constitutes a substantial violation of the standard identified as violated. A complaint is not acceptable if it alleges only trivial or pro forma violations.

d. Relationship

The complaint shall not be accepted if it is obvious that the complaint was filed solely to harass the named CHP. Where there is some question about the motives of the complainant, but the complaint is otherwise acceptable, the complaint shall be accepted, and the issue of complainant motivation shall be considered along with matters alleged in the complaint.

e. Confidentiality

The complaint will not be accepted unless the complainant agrees to make all reasonable efforts to maintain confidentiality until resolution of the issues that have been raised. ■