

Ethical Standards and Ethics Complaint Procedures

Preamble

The American Board for Transplant Certification (“ABTC”) seeks to promote the provision of safe, competent medical care for all patients requiring organ and transplant services. To that end, the ABTC administers certification programs, leading to one of the four credentials. The current credential of the ABTC are:

- Certified Clinical Transplant Coordinator (CCTC)
- Certified Clinical Transplant Nurse (CCTN)
- Certified Procurement Transplant Coordinator (CPTC)
- Certified Transplant Preservationist (CTP)

The certification programs include experience requirements, a certification examination and periodic re-certification, and compliance with these Ethical Standards.

The Ethical Standards apply to persons holding certification credentials from the ABTC and to persons applying for examination and certification by the ABTC in order to become certified transplant professionals. These Ethical Standards are intended to be consistent with ABTC’s Mission, and Vision .

The certified transplant professional or candidate for certification (hereinafter collectively referred to as “CURRENT ABTC CERTIFIED PROFESSIONAL”) shall comply with, and bear responsibility for demonstrating compliance with, all existing and future rules and Ethical Standards of the ABTC. An individual is eligible to apply for certification or re-certification only when in compliance with all ABTC rules and Ethical Standards.

From time to time the ABTC may make changes to these Ethical Standards. In the event of such changes, ABTC will notify the community through newsletters, the appropriate journals, or electronic means.

For any questions regarding ethical standards, please contact info@abtc.net.

Ethical Standards

1. A CURRENT ABTC CERTIFIED PROFESSIONAL shall always promote the safety and welfare of their patients by performing Organ and Transplant procedures safely and with reasonable skill. A CURRENT ABTC CERTIFIED PROFESSIONAL shall not engage in conduct likely to deceive, defraud, or harm the public. Irrespective of whether a patient is actually injured or otherwise harmed, a CURRENT ABTC CERTIFIED PROFESSIONAL shall not demonstrate a willful or reckless disregard for the health, welfare, or safety of a patient.
2. A CURRENT ABTC CERTIFIED PROFESSIONAL may not be convicted of, or enter a plea of nolo contendere to, regardless of adjudication, a crime, in any jurisdiction, which crime either directly relates to the provision of patient care or involves fraud, dishonesty or moral turpitude, including without limitation in the context of the CURRENT ABTC CERTIFIED PROFESSIONAL’s employment.
3. A CURRENT ABTC CERTIFIED PROFESSIONAL shall not, without the express, prior written consent of the ABTC, use or reproduce, in whole or in part, or aid another in using or reproducing, in any manner or fashion, any ABTC examination materials (or the contents thereof), certificates, logos, abbreviations, emblems or other documents or property of the ABTC.

4. A CURRENT ABTC CERTIFIED PROFESSIONAL shall not use the ABTC name or any ABTC certificate, title, logo or emblem for other than the use intended.
5. A CURRENT ABTC CERTIFIED PROFESSIONAL may not be under suspension, revocation or other disciplinary action by any professional organization, certifying body, licensing Board or credentialing agency.
6. A CURRENT ABTC CERTIFIED PROFESSIONAL shall not, without authorization to do so, possess, use or have access to any ABTC examination documents or materials, nor shall a CURRENT ABTC CERTIFIED PROFESSIONAL receive any unauthorized assistance prior to or during the conduct of any portion of a CURRENT ABTC CERTIFIED PROFESSIONAL examination. A CURRENT ABTC CERTIFIED PROFESSIONAL shall not divulge to others information gained from their CURRENT ABTC CERTIFIED PROFESSIONAL examination experience.
7. A CURRENT ABTC CERTIFIED PROFESSIONAL shall not make any material misrepresentation of fact during application for ABTC certification or re-certification and shall not fail to disclose any material fact the disclosure of which is necessary to avoid having other statements be misleading. A CURRENT ABTC CERTIFIED PROFESSIONAL shall not engage in any act or omission to obtain or assist another in obtaining ABTC certification or re-certification by fraud, misrepresentation or deception.
8. A CURRENT ABTC CERTIFIED PROFESSIONAL having knowledge and evidence of a violation of any Ethical Standard by another CURRENT ABTC CERTIFIED PROFESSIONAL shall report such violation promptly by filing a written complaint with the ABTC. Any such complaint shall include specific detail and documentation regarding the identity of the person(s) involved in the alleged ethical violation. The identity of the complainant must be disclosed, as well as the identities of others known to have knowledge of the facts and circumstances surrounding the alleged ethical violation.
9. A CURRENT ABTC CERTIFIED PROFESSIONAL shall not, knowingly, falsely accuse another CURRENT ABTC CERTIFIED PROFESSIONAL of violating these Ethical Standards.
10. A CURRENT ABTC CERTIFIED PROFESSIONAL shall not make or file any report in connection with patient care, which report they know to be false.
11. A CURRENT ABTC CERTIFIED PROFESSIONAL's ability to practice with reasonable skill and safety shall not be materially impaired by reason of illness, use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical condition.
12. A CURRENT ABTC CERTIFIED PROFESSIONAL shall not practice beyond the scope they are competent to perform.
13. A CURRENT ABTC CERTIFIED PROFESSIONAL shall cooperate with, and shall not obstruct, the ABTC in connection with any investigation or hearing under the Ethical Standards.

Sanctions

The ABTC may deny, revoke or suspend certification or re-certification when a CURRENT ABTC CERTIFIED PROFESSIONAL is found to be not in compliance with ABTC rules, regulations and/or the foregoing Ethical Standards. In addition, the ABTC may censure a CURRENT ABTC

CERTIFIED PROFESSIONAL, issue public or private reprimands, place a CURRENT ABTC CERTIFIED PROFESSIONAL on probation for up to 5 years, or impose other sanctions related to the ethical violation. A CURRENT ABTC CERTIFIED PROFESSIONAL placed on probation may continue to use the certification credential but shall be subject to revocation of their certified status in the event of another ethical violation during the period of probation. If an applicant for certification is not in compliance with these Ethical Standards, ABTC may refuse to allow the applicant to sit for a certification examination or may withhold certification.

Ethics Complaint Procedures

These Ethics Complaint Procedures provide for the structure and operation of the ABTC Judiciary Committee; they set forth procedures to be followed by the Judiciary Committee and Board of Governors of ABTC in handling complaints filed under the Ethical Standards. All CURRENT ABTC CERTIFIED PROFESSIONALS and applicants are required to comply with these Ethics Complaint Procedures; the failure to cooperate with the Judiciary Committee or Board of Governors in a proceeding under these Ethics Complaint Procedures is a violation of the Ethical Standards.

I. Judiciary Committee.

- (a) **Membership on and Responsibilities of the Judiciary Chair and Committee will be provided for as defined by the ABTC bylaws.** Subject to these Ethics Complaint Procedures, the Judiciary Committee is responsible for (1) investigating each complaint alleging a violation of the Ethical Standards; (2) determining whether a violation has occurred; and (3) determining an appropriate sanction when a violation is found. The Chair shall work together with other members of the Committee, staff, legal counsel, and other resources necessary to fulfill the responsibilities of administering the Ethical Standards and these Ethics Complaint Procedures. The Chair shall preside at and participate in all meetings of the Judiciary Committee. Proceedings under these Ethics Complaint Procedures shall be treated confidentially, except to the extent required to complete any investigation, and except as provided if certain sanctions are imposed. The Judiciary Committee shall also be responsible for periodically reviewing the Ethical Standards and the Ethics Complaint Procedures and recommending any necessary amendments to the Board of Governors.

2. Complaints

A complaint alleging a violation of the Ethical Standards may be filed by a CURRENT ABTC CERTIFIED PROFESSIONAL or by any other person with knowledge and evidence of facts which, if true, would establish a violation of one or more of the Ethical Standards by a CURRENT ABTC CERTIFIED PROFESSIONAL or by an applicant for examination and certification as a CURRENT ABTC CERTIFIED PROFESSIONAL. A complaint must be in writing, signed, accompanied by all documentary or other evidence regarding the alleged violation, and filed with the Chair of the Judiciary Committee; a complaint may not be anonymous. A complaint must contain a detailed description of the conduct alleged to be unethical, together with the specific Ethical Standard(s) which are alleged to have been violated. A complaint should be submitted within three (3) months of the complainant becoming aware of the alleged unethical conduct.. A complaint may only be submitted once and may not be re-filed.

3. Summary Disposition

- (a) **Preliminary Screening of Complaints Alleging Violations of the Ethical Standards.** The Chair of the Judiciary Committee shall review each complaint alleging a violation of the Ethical Standards which is appropriately filed.
- (b) **Summary Dismissal.** If in the sole discretion of the Chair there is (1) insufficient information upon which to base a charge of a violation of the Ethical Standards, or (2) the allegations against the respondent CURRENT ABTC CERTIFIED PROFESSIONAL or applicant are patently frivolous or inconsequential, or (3) the allegations if true would not constitute a violation of the Ethical Standards, the Chair may summarily dismiss the complaint. Staff and/or legal counsel of the ABTC may assist the Chair. The Chair shall advise the complainant in writing that the complaint has been dismissed and shall report each such summary dismissal to the Judiciary Committee, without identifying the respondent.

Summary Suspension. If an alleged violation of the Ethical Standards is supported by clear and convincing evidence which on its face suggests that a violation has occurred and involves the violation by a CURRENT ABTC CERTIFIED PROFESSIONAL of standard 1, 2, 5, 6, 7, 10, 11 and/or 12 of the Ethical Standards, the Judiciary Committee may give immediate written notice to the CURRENT ABTC

CERTIFIED PROFESSIONAL of the alleged violation and further notice that, in the absence of a request by the CURRENT ABTC CERTIFIED PROFESSIONAL for an expedited hearing, which request must be received within five (5) working days of the date of the notice, the Committee shall, effective on the sixth working day following the date of notice to the CURRENT ABTC CERTIFIED PROFESSIONAL, summarily suspend the certification of the CURRENT ABTC CERTIFIED PROFESSIONAL pending a final determination under these Ethics Complaint Procedures with respect to the alleged violation of the Ethical Standards. Within five (5) working days after the Judiciary Committee summarily suspends the certification of a CURRENT ABTC CERTIFIED PROFESSIONAL in accordance with this provision, the Judiciary Committee shall, by certified mail, return receipt requested, and/or email with return notification requested and provided to the CURRENT ABTC CERTIFIED PROFESSIONAL written notice that describes (1) the summary suspension, (2) the reason or reasons for such suspension, and (3) the right of the CURRENT ABTC CERTIFIED PROFESSIONAL to request a hearing with respect to the summary suspension by written notice to the Judiciary Committee, which written notice must be received by the Judiciary Committee not later than fifteen (15) days after the date the CURRENT ABTC CERTIFIED PROFESSIONAL received notice of the summary suspension. If the CURRENT ABTC CERTIFIED PROFESSIONAL timely requests a hearing either before or following a summary suspension, the hearing shall be held before the Judiciary Committee or a panel comprised of no fewer than three (3) members of the Judiciary Committee as promptly as practicable, but in any event (a) within ten (10) days of the Judiciary Committee's receipt of a request for same prior to a summary suspension or (b) within thirty (30) days after the Judiciary Committee's receipt of a request for same following summary suspension. The applicable provisions of Paragraph 5 of these Ethics Complaint Procedures shall govern all hearings with respect to the summary suspensions. A determination of the Judiciary Committee in the absence of a timely request for a hearing by the affected CURRENT ABTC CERTIFIED PROFESSIONAL, shall not be appealable. Failure to request a hearing within the period specified shall constitute consent to the action taken by the Judiciary Committee.

4. Investigation.

If the Judiciary Committee determines, based on an initial review of the complaint, that there is evidence of a violation of the Ethical Standards but that summary suspension of the CURRENT ABTC CERTIFIED PROFESSIONAL credential is not warranted, the Chair shall inform the respondent in writing, by certified mail addressed to the last known address of the respondent, and/or email with return notification requested and provided that a complaint of ethical misconduct has been filed and that the Committee has determined to initiate a formal investigation of the matter. The Chair shall provide a copy of the complaint and all accompanying supporting documentation and evidence to the respondent. The identity of the complainant to respondent may be redacted. The respondent shall have thirty (30) days from the date of receipt of the notification letter to prepare and submit a response in writing, along with whatever affidavits and documentary evidence the respondent feels support the response. The Committee shall have the right to seek additional information regarding the matter from the complainant, the respondent and/or relevant third parties. In conducting its investigation and evaluating all evidence, the Judiciary Committee shall presume at the outset of its investigation that the respondent acted ethically and shall determine that an act of ethical misconduct has occurred only if it finds clear and convincing evidence of such misconduct.

5. Committee Determination.

The Judiciary Committee shall evaluate all documentation pertaining to the matter and, within ninety (90) days of receiving all relevant evidence, determine whether the complaint is substantiated by clear and convincing evidence. If it is not, the complaint shall be dismissed, and both the complainant and the respondent shall be so notified by the Committee Chair in writing.

If the Judiciary Committee finds clear and convincing evidence of a violation of the Ethical Standards and proposes to impose a sanction, it shall give the respondent an opportunity to appear before the Committee at a hearing.

6. Hearings.

Whenever the Judiciary Committee proposes to take action in respect to the denial of an application for examination (for reasons other than failure to meet the criteria for eligibility as established by the ABTC, in which case, there is no right to a hearing) or of an application for renewal or reinstatement of a certificate, or in connection with the revocation or suspension of a certificate, a public or private reprimand of a CURRENT ABTC CERTIFIED PROFESSIONAL, the placing of a CURRENT ABTC CERTIFIED PROFESSIONAL on probation, or the imposition of any other sanction for an alleged violation of the Ethical Standards, it shall give written notice thereof to such person specifying the reasons for such proposed action. A CURRENT ABTC CERTIFIED PROFESSIONAL or an applicant to whom such notice is given shall have thirty (30) days from the date the notice of such proposed action is mailed to make a written request for a hearing.

Failure to request a hearing within such period shall constitute consent to the action taken by the Judiciary Committee pursuant to such notice. A CURRENT ABTC CERTIFIED PROFESSIONAL or an applicant who requests a hearing in the manner prescribed above shall advise the Judiciary Committee of the practitioner's intention to appear at the hearing. A CURRENT ABTC CERTIFIED PROFESSIONAL or an applicant who requests a hearing may elect to appear by written submission.

Failure to appear at the hearing or to supply a written submission in response to the charges shall be deemed a default on the merits and shall be deemed consent to whatever action or disciplinary measures the Judiciary Committee determines to take. Hearings, which may be held telephonically, shall be held at such date and location as the Judiciary Committee shall designate. Except as otherwise provided herein, the CURRENT ABTC CERTIFIED PROFESSIONAL or the applicant shall be given at least thirty (30) days' notice of the date, time, and location of the hearing.

The hearing shall be conducted by the Judiciary Committee with any three (3) or more of its members participating, other than any member of the Judiciary Committee whose professional activities are conducted at a location in the approximate area of the CURRENT ABTC CERTIFIED PROFESSIONAL or the applicant in question. In the event of disqualification, the President may appoint a Governor to serve on the Judiciary Committee for the sole purpose of participating in the hearing and rendering a decision. ABTC legal counsel shall be present at all hearings. At the hearing, the CURRENT ABTC CERTIFIED PROFESSIONAL or applicant in question, by legal counsel or another representative if the practitioner desires (at the sole expense of the CURRENT ABTC CERTIFIED PROFESSIONAL or applicant in question), shall have the right to call witnesses, present testimony and be heard in the practitioner's own defense, to hear the testimony of and cross-examine any witnesses appearing at such hearing, and to present such other evidence or testimony as the Judiciary Committee shall deem appropriate to do substantial justice. Any information may be considered which is relevant or potentially relevant. The Judiciary Committee shall not be bound by any state or federal rules of evidence. A transcript or an audio recording of the hearing shall be made. The CURRENT ABTC CERTIFIED PROFESSIONAL or applicant in question shall have the right to submit a written statement at the close of the hearing.

In the case of alleged violations of the Ethical Standards, the Judiciary Committee shall assess the evidence presented at the hearing and make its decision accordingly; the Judiciary Committee shall prepare written findings of fact and its determination as to whether there has been a violation of the Ethical Standards and, if so, the appropriate sanction. The Judiciary Committee shall promptly transmit the same to the Board of Governors and to the CURRENT ABTC CERTIFIED

PROFESSIONAL in question by certified mail. Unless a timely appeal from any findings of fact and determination by the Judiciary Committee is taken to the Board of Governors in accordance with Paragraph 6 below, the Judiciary Committee's findings of fact and determination in any matter (including the specified sanction) shall be final and binding upon the CURRENT ABTC CERTIFIED PROFESSIONAL or applicant in question.

7. Appeals.

Within thirty (30) days after the decision of the Judiciary Committee is mailed, the CURRENT ABTC CERTIFIED PROFESSIONAL or applicant may appeal to the Board of Governors from any decision of the Judiciary Committee. In the event of an appeal, those Governors who participated in the hearing at the Judiciary Committee shall not participate in consideration of the appeal. The Board of Governors shall consider the decision of the Judiciary Committee and the files and records of ABTC and the Judiciary Committee with respect to the CURRENT ABTC CERTIFIED PROFESSIONAL or applicant in question (including without limitation the transcript or recording of the hearing), and shall determine whether to affirm or to overrule the decision of the Judiciary Committee or to remand the matter to the Judiciary Committee for further consideration. The CURRENT ABTC CERTIFIED PROFESSIONAL or applicant in question may provide additional information in such manner, on such issues, and within such time as the Board of Governors may prescribe. The written decision of the Board of Governors, which shall not be subject to further appeal, shall be communicated to the respondent by certified mail.

All investigations, hearings and appeals provided for herein shall be private at all stages. It shall be considered an act of professional misconduct for any CURRENT ABTC CERTIFIED PROFESSIONAL or applicant to make an unauthorized publication or revelation of the same, except to his or her attorney or other representative, immediate superior or employer.

8. Publication of Adverse Decisions

While all hearings and appeals provided for herein shall be confidential at all stages, final decisions which are adverse to the CURRENT ABTC CERTIFIED PROFESSIONAL or applicant shall, if appropriate, be communicated to the appropriate authorities of all states and shall be provided in response to inquiries into a person's certification status. ABTC shall publish any adverse final decision and the reasons therefore. For purposes of this paragraph, a final decision shall include the following: a decision of the Judiciary Committee to suspend certification if the affected CURRENT ABTC CERTIFIED PROFESSIONAL does not timely request a hearing; a non-appealable decision of the Judiciary Committee relating to a summary suspension that is issued before or after a hearing on the matter; a decision of the Judiciary Committee from which no timely appeal is taken; and, in a case involving an appeal of a decision of the Judiciary Committee in a matter, the decision of the Board of Governors in the matter.

9. Effect of Suspension or Revocation of Certification or Resignation from the ABTC.

Upon revocation or suspension of ABTC certification or resignation from the ABTC, or as otherwise directed by ABTC, a CURRENT ABTC CERTIFIED PROFESSIONAL shall immediately relinquish, refrain from using, and correct at the CURRENT ABTC CERTIFIED PROFESSIONAL's expense any outdated or otherwise inaccurate use of the ABTC name and/or related abbreviations and any ABTC certificate, title, logo or emblem, including without limitation the CURRENT ABTC CERTIFIED PROFESSIONAL credential. The CURRENT ABTC CERTIFIED PROFESSIONAL shall provide to ABTC evidence sufficient for ABTC to conclude that the CURRENT ABTC CERTIFIED PROFESSIONAL's employer has been informed of any revocation or suspension of the CURRENT ABTC CERTIFIED PROFESSIONAL credential; absent the receipt of such evidence, ABTC shall so inform the employer in writing.

The ABTC shall be entitled to obtain injunctive relief, damages, costs, and attorney's fees incurred in obtaining such relief in the event that said CURRENT ABTC CERTIFIED PROFESSIONAL refuses, when requested, to immediately relinquish or refrain from using the ABTC name and/or related abbreviations and any ABTC certificate, title, logo or emblem, including without limitation the CURRENT ABTC CERTIFIED PROFESSIONAL credential.