

**COMMISSION ON CERTIFICATION FOR HEALTH INFORMATICS AND
INFORMATION MANAGEMENT (CCHIIM)**

DISCIPLINARY & APPEAL POLICY

I. DISCIPLINARY POLICY

Any CCHIIM-certified individual and any candidate seeking certification or recertification by CCHIIM may be subject to disciplinary review based on irregular behavior, fraudulent credentials, or legal, regulatory and credentialing actions, as described below.

A. Irregular Behavior

1. During an Examination

Proctors monitor candidates during certification examinations. Test center personnel will notify CCHIIM of any candidate who appears to give or receive assistance, or otherwise engage in dishonest or other irregular behavior during an examination.

Any individual who appears to have engaged in, or have assisted another individual to engage in, cheating, or other dishonest or irregular behavior, or who appears to have otherwise violated the security of an examination, may be subject to disciplinary action, including, but not limited to, denial or revocation of certification or recertification and/or eligibility for future certification or recertification. Any individual who appears to have engaged in such improper behavior may also be subject to legal action.

2. After an Examination

Any individual who appears to be removing or attempting to remove materials from the test center, or who reproduces, distributes, displays, or otherwise misuses a test question or any part of a test question from an examination, or assists another individual to do any of the above, is subject to disciplinary action, including, but not limited to, denial or revocation of certification or recertification and eligibility for future certification or recertification. Any individual who appears to have engaged in such improper behavior may also be subject to legal action.

3. At Any Time

Any individual who obtains, attempts to obtain, or assists another person to obtain or attempt to obtain, eligibility, certification, or recertification by deceptive or other inappropriate means, including, but not limited to, submitting or assisting another person to submit to CCHIIM any document that contains a material misstatement or omission of fact, or refuses to comply with the CCHIIM audit process, may be subject to disciplinary action, including but not limited to, denial or revocation of certification or recertification and/or eligibility for future certification or recertification. Any individual who appears to have engaged in such improper behavior may also be subject to legal action.

B. Fraudulent Credentials

Any individual who manufactures, modifies, reproduces, distributes, or uses a fraudulent or otherwise unauthorized CCHIIM designation, certificate, or other document, or other health professional designation or document; otherwise falsely claims to be certified or recertified by CCHIIM; or assists another individual to do any of the above, may be subject to disciplinary action, including but not limited to, denial or revocation of certification or recertification and/or eligibility for future certification or recertification. Any individual who appears to have engaged in such irregular behavior may also be subject to legal action.

C. Legal, Regulatory, or Credentialing Action

1. Automatic Revocation

CCHIIM will automatically deny or revoke an individual's certification or recertification and/or eligibility for future certification or recertification if CCHIIM determines that the individual is the subject of any of the following:

- Adjudication that the individual is mentally incompetent.
- Conviction of or pleading no contest to a felony that is, in the view of CCHIIM, related to health informatics and information management (HIIM) practice.
- Violation of a regulatory or credentialing agency's order that is, in the view of the CCHIIM, related to HIIM practice.

2. Discretionary Denial, Revocation, Censure, or Concern

CCHIIM may, at its discretion, deny or revoke an individual's certification or recertification and/or eligibility for future certification or recertification; issue a Letter of Censure; issue a Letter of Concern; and/or take such other actions as may be deemed appropriate if CCHIIM determines that the individual is the subject of any of the following:

- Conviction of or pleading no contest to a felony that in the view of CCHIIM is a non-HIIM related offence.
- Documented evidence of gross incompetence, or unprofessional, or unethical conduct.
- Violation of the *AHIMA Code of Ethics*.

II. DISCIPLINARY PROCESS

A. Notification and Investigation of Possible Disciplinary Matter

1. If it comes to the attention of CCHIIM and/or the AHIMA Certification Department Staff that an individual may have engaged in irregular behavior, manufactured or utilized fraudulent credentials, or otherwise falsely claimed to be certified or recertified, or was the subject of a legal, regulatory, or credentialing action that warrants review under Section I. C., the CCHIIM Review Panel ("CRP") shall make a reasonable effort to determine the facts of the matter.
2. The CRP shall consist of three (3) nonexecutive commissioners, including the chair who shall be appointed by CCHIIM chair with the approval of the majority of the full commission, two volunteer commissioners, and a member of the certification department. Commissioners shall not participate in discussions of, or vote on, any review or appeal in which the CCHIIM Commissioners have or have had a substantial personal or professional relationship with the individual.
3. If the CRP determines that no action should be taken, the matter shall be closed. However, CCHIIM will retain a record of the background information provided in the individual's file and will refer to this record should any disciplinary matters arise in the future.
4. If the CRP determines that there is a reasonable basis to believe the allegations are true, the CRP may, but need not, send a notice of investigation requesting that the individual provide additional information about the matter at issue within thirty (30) calendar days. The CRP then shall take such actions as are described below in Section II. B.

B. Disciplinary Review and Action

1. Within thirty (30) days of the completed investigation, the CRP shall review the allegations that an individual may have engaged in irregular behavior, manufactured or utilized fraudulent credentials, or otherwise made a false claim for certification or recertification, or was the subject of a legal, regulatory, or credentialing action.
2. If the CRP determines that no action should be taken, the matter shall be closed. However, CCHIIM will retain a record of the background information provided in the individual's file and will refer to this record should any disciplinary matters arise in the future.
3. Based on the available facts, the CRP shall determine what, if any, disciplinary action is warranted. In the case of a reportable disciplinary action (see Section II. E.), the

CRP shall also determine whether the disciplinary action should be permanent, for a specified time period, or continue until one or more specified events have taken place.

4. If the CRP recommends that a disciplinary action should be taken, the CRP shall issue a written notice of recommended adverse decision (this notice may be discussed with CCHIIM during the next scheduled meeting). The notice will describe (a) the basis for disciplinary review, (b) the applicable section of CCHIIM's *Disciplinary Policy*, and (c) the disciplinary action recommended in the matter. In the case of a disciplinary action, the notice shall also inform the individual that he or she may accept the disciplinary action, or, within 30 calendar days, may submit to the CRP a written appeal to the disciplinary action in accordance with Section IV. B below.
5. If the individual does not submit a written appeal within 30 calendar days, the decision of the CRP shall become the final decision of CCHIIM on the matter.

C. No Disciplinary Actions

1. If there was no disciplinary action required, the CRP may recommend that CCHIIM issue a Letter of Concern. A Letter of Concern will not be reported to third parties, but will be retained in the individual's confidential file and may be revisited by CCHIIM if any disciplinary matters arise in the future.

Issuance of a Letter of Concern is not subject to appeal.

D. Revocation:

1. If the circumstances require revocation, the CRP shall recommend that the respondent's certification or recertification and/or eligibility for future certification or recertification be revoked.
2. If circumstances do not require revocation, the CRP and/or CCHIIM has the option to recommend that one or more of the following disciplinary actions be taken
 - a. issue a letter of censure;
 - b. order the respondent to retake an examination at a time and place and in a format to be determined by CCHIIM;
 - c. refuse to release the score of the individual and, thereby, deny his or her current application for certification or recertification;
 - d. require the individual to wait a specified period of time determined solely by CCHIIM, before reapplying to take any CCHIIM examination;
 - e. deny or revoke the respondent's certification or recertification and/or eligibility for future certification or recertification;
 - f. assess a disciplinary fine; or
 - g. take a combination of any of the above actions or such other action that CCHIIM deems appropriate in the particular circumstances before it.

The CRP also has the option to recommend that legal action should be taken.

III. DECISIONS THAT QUALIFY FOR APPEAL

A. Only the following adverse decisions by CCHIIM qualify for appeal:

Adverse Decisions

1. Denial of a request for extension of an established deadline or for exception to other administrative requirements.
2. Denial of a grievance regarding examination administration.
3. Denial of eligibility, certification, or recertification for non-disciplinary reasons.
4. Revocation of eligibility, certification or recertification for non-disciplinary reasons.
5. Irregular behavior before, during or after a CCHIIM examination or at any time after certification or recertification is granted.
6. Manufacture or use of fraudulent CCHIIM credentials.
7. False claim of certification or recertification.
8. Legal, regulatory, or credentialing action.
9. Refusal to comply with the CCHIIM audit process

NO APPEAL may be taken from an adverse decision based on:

1. A Respondent's failure to meet the initial eligibility requirements for certification.
2. Receipt of a failing score on any CCHIIM examination.
3. Imposition of a fee based on a final adverse decision.
4. Grant of provisional recertification status.
5. Automatic denial or revocation of an individual's certification or recertification and/or eligibility for future certification or recertification unless the individual can show that the specific conditions required for automatic denial or revocation have not been met.

IV. THE APPEAL PROCESS

A. Composition and Role of CCHIIM Executive Committee ("CEC")

1. The CCHIIM Executive Committee ("CEC") will consist of the Chair, Chair-Elect and Past Chair. CCHIIM Commissioners shall not participate in discussions of, or vote on, any review or appeal in which the CCHIIM Commissioners have or have had a substantial personal or professional relationship with the individual.
2. The CEC shall consider the notice of adverse decision and the written appeal, including any supporting documentation submitted by the individual or prepared by

the CRP. The CEC may also, at its discretion, request, or receive and review, additional information. The foregoing shall constitute the appeal record.

3. The only new information that shall be considered by the CEC is new information relevant to the specific issue on appeal that was not available at the time of the - CRP's review, but becomes available within thirty (30) calendar days after the date of the notice of the CRP's decision ("Valid New Information"), the individual may submit such Valid New Information for consideration by the CEC.

If a Request for Appeal is not postmarked within thirty (30) calendar days, the CRP's decision shall constitute the final decision of CCHIIM on the matter and shall not be subject to appeal absent extraordinary circumstances, as determined solely by CCHIIM.

The review shall be conducted pursuant to the procedures set forth in Section IV. D. (for administrative decisions); Section IV. E. (for substantive and disciplinary decisions; or Section IV. F. (for allegations of irregular behavior or fraudulent credentials).

B. Notice of Adverse Decision and Request for Appeal

1. An individual who is the subject of an adverse decision or adverse action ("adverse decision") shall be sent a prompt written notice of such. If the adverse decision is subject to appeal, the notice shall state the reason(s) for the adverse decision and shall inform the individual that he or she has the right to seek appeal of the adverse decision by filing a timely written appeal.
2. To be valid, a request for appeal must be in writing and postmarked within thirty (30) calendar days after the date of the notice of adverse decision. The written appeal must contain a statement indicating why the individual believes the adverse decision was improper; must include any supporting documentation that the individual wishes to have considered as part of the appeal; and must be accompanied by an appeal fee in the form of a check for \$100.00 made payable to AHIMA. All expenses incurred and arrangements necessary in connection with the appeal shall be the responsibility of the individual.
3. If the individual requests a telephonic hearing before the CEC as described more fully in Section IV. C, the individual's intent to address the CEC by telephone must be expressed in the written appeal.

If a request for review is not postmarked within thirty (30) calendar days, the adverse decision shall constitute the final decision of CCHIIM on the matter and shall not be subject to appeal absent extraordinary circumstances, as determined solely by CCHIIM.

C. Telephonic Hearings

1. An individual requesting appeal of an adverse decision may submit a request for a hearing before the CEC by telephone. To be valid, this request must be included with

the written appeal. Not fewer than thirty (30) calendar days prior to the scheduled date of the hearing, CCHIIM shall notify the individual in writing of the date, time, and place of the hearing.

2. If the individual will be accompanied by legal counsel, CCHIIM must be so notified in writing no fewer than thirty (30) calendar days prior to the date of the hearing.
3. An individual who chooses to appear before the CEC by telephone shall be given the opportunity to make a presentation summarizing the individual's position. The individual's legal counsel may make an opening or closing statement. The total time for the presentation of the individual and/or his or her legal counsel shall not exceed twenty (20) minutes.
4. At the conclusion of the presentation, members of the CEC and CCHIIM legal counsel may ask the individual questions. The CEC shall not be bound by technical rules of evidence usually employed in legal proceedings, but may consider any evidence it deems appropriate.
5. All expenses incurred and arrangements necessary in connection with the hearing shall be the responsibility of the individual. If the individual makes a timely request that the hearing be transcribed, he or she shall bear all costs for such services.
6. If the individual schedules a hearing and, without good cause, fails to appear or fails to notify CCHIIM in writing more than seven (7) calendar days before the scheduled date of the hearing that he or she will not appear at the hearing, the individual shall forfeit his or her opportunity for a hearing, forfeit the appeal fee, and the CEC may determine how to proceed with its deliberations in the matter.
7. Following the hearing, the CEC shall consider the appeal record and the information presented at the hearing and determine, by majority vote of those members present, whether to ratify, reverse, or modify the adverse decision. The individual shall be notified in writing of the decision, including the reasons therefore, within thirty (30) calendar days after the CEC reaches its decision.

D. Final Appeal of Administrative Decisions

1. If a written request for appeal of a denial of an extension of an established deadline, an exception to any other administrative requirement, or a denial of remedy requested based on a grievance regarding the administration of a CCHIIM examination, along with the required appeal fee, is received within thirty (30) calendar days after the date of the notice of adverse decision, it will be reviewed by the CEC at its next meeting occurring at least thirty (30) calendar days after receipt of the request for review.

2. Based on its review of the review record, and consideration of testimony provided during a hearing, if any, the CEC may, at its sole discretion, take one of the following actions:
 - (1) Affirm the adverse decision,
 - (2) Modify the adverse decision, or
 - (3) Reverse the adverse decision.
3. CCHIIM shall notify the individual in writing of the CEC's action, including the reasons therefore, within thirty (30) calendar days after the CEC reaches its decision.

The CEC's Decision on Administration matters shall constitute the final decision of CCHIIM on the matter.

E. Review of Adverse or Disciplinary Decisions

1. A timely request for review of an adverse or disciplinary decision shall be considered by the CEC at its next meeting occurring at least thirty (30) calendar days after receipt of the request for review. Based on its review of the review record and consideration of testimony provided during a hearing, if any, the CEC may, at its discretion, take one of the following actions:
 - (1) Affirm the adverse decision,
 - (2) Modify the adverse decision, or
 - (3) Reverse the adverse decision, in which event the decision of the CEC shall constitute the final decision of CCHIIM on the matter.
2. CEC shall notify the individual in writing of its decision, including the reasons therefore, within thirty (30) calendar days after the CEC reaches its decision.

A decision by the CCHIIM Executive Committee to ratify, reverse, or modify an adverse decision shall constitute the final decision of CCHIIM on the matter and shall not be subject to further appeal.

If the CEC, on remand, corrects the procedural error but reaches the same decision, that decision shall constitute the final decision of CCHIIM on the matter and shall not be subject to further appeal.

VII. APPLICATION FOR REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

An individual whose certification or recertification and/or eligibility for future certification or recertification has been denied or revoked by CCHIIM for a temporary time period and/or based

on a legal, regulatory and/or credentialing action may reapply to CCHIIM when the situation underlying CCHIIM's once the time period has passed and/or the decision has been remedied.

VIII. RESPONSIBILITY FOR NOTIFICATION OF NAME OR ADDRESS CHANGE

Individuals are solely responsible for providing timely notification to CCHIIM of changes of address. If the individual does not receive notice(s) from CCHIIM related to disciplinary review or action due to his or her failure to provide timely notification of a change of address, that lack of notification shall not be considered as the basis for an appeal of any decision in the matter.

IX. SUBMISSIONS TO CCHIIM

Whenever there is a requirement for a written notice, request or other writing to be submitted to CCHIIM, such writing shall be addressed to the following:

American Health Information Management Association
CCHIIM
c/o Certification Department
233 N. Michigan Ave
Chicago, IL 60601