

ETHICAL STANDARDS AND ETHICS COMPLAINT PROCEDURES

Preamble

The Medical Dosimetrist Certification Board (“the MDCB”) seeks to promote the provision of safe, competent medical care for all patients requiring medical dosimetry services. To that end, the MDCB administers a certification program, leading to the Certified Medical Dosimetrist credential. The certification program includes 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 MDCB and to persons applying for examination and certification by the MDCB in order to become Certified Medical Dosimetrists. These Ethical Standards are intended to be consistent with the MDCB’s Mission, Purposes and Objectives.

The Certified Medical Dosimetrist or candidate for certification (hereinafter collectively referred to as “CMD”) shall comply with, and bear responsibility for demonstrating compliance with, all existing and future rules and Ethical Standards of the MDCB. An individual is eligible to apply for certification or re-certification only when in compliance with all MDCB rules and Ethical Standards.

From time to time the MDCB may make changes to these Ethical Standards. In the event of such changes, the MDCB will notify the medical dosimetrist community through newsletters, the appropriate journals or electronic means. Copies of the current version of these Ethical Standards may be obtained by visiting the MDCB web site at www.mdc.org or by contacting the MDCB.

Ethical Standards

1. A CMD shall always promote the safety and welfare of his or her patients by performing medical dosimetry procedures safely and with reasonable skill. A CMD 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 CMD shall not demonstrate a willful or reckless disregard for the health, welfare, or safety of a patient.
2. A CMD 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 CMD’s employment.
3. A CMD shall not, without the express, prior written consent of the MDCB, use or reproduce, in whole or in part, or aid another in using or reproducing, in any manner or fashion, any MDCB examination materials (or the contents thereof), certificates, logos, abbreviations, emblems or other documents or property of the MDCB.
4. A CMD shall not misuse the MDCB name or any MDCB certificate, title, logo or emblem.
5. A CMD may not be under suspension, revocation or other disciplinary action by any professional medical dosimetry organization, certifying body, licensing board or credentialing agency.
6. A CMD shall not, without authorization to do so, possess, use or have access to any MDCB examination documents or materials, nor shall a CMD receive any unauthorized assistance prior to or during the conduct

- of any portion of a CMD examination. A CMD shall not divulge to others information gained from his or her CMD examination experience.
7. A CMD shall not make any material misrepresentation of fact during application for MDCB 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 CMD shall not engage in any act or omission to obtain or assist another in obtaining MDCB certification or re-certification by fraud, misrepresentation or deception.
 8. A CMD having knowledge and evidence of a violation of any Ethical Standard by another CMD shall report such violation promptly by filing a written complaint with the MDCB. 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 CMD shall not, knowingly, falsely accuse another CMD of violating these Ethical Standards.
 10. A CMD shall not make or file any report in connection with patient care, which report he or she knows to be false.
 11. A CMD's ability to practice medical dosimetry 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 CMD shall not practice beyond the scope he or she is competent to perform as defined in the Medical Dosimetry Scope and Standards of Practice Document.
 13. A CMD shall cooperate with, and shall not obstruct, the MDCB in connection with any investigation or hearing under the Ethical Standards.

Sanctions

The MDCB may deny, revoke or suspend certification or re-certification when a CMD is found to be not in compliance with MDCB rules, regulations and/or the foregoing Ethical Standards. In addition, the MDCB may censure a CMD, issue public or private reprimands, place a CMD on probation for up to 5 years, or impose other sanctions related to the ethical violation. A CMD placed on probation may continue to use the certification credential, but shall be subject to revocation of his or her 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, the MDCB may refuse to allow the applicant to sit for the certification examination, or, in the event that the examination has been taken, the MDCB may refuse to release the examination results.

Ethics Complaint Procedures

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

I. Ethics Committee.

- (a) Membership on and Responsibilities of the Ethics Committee.** The MDCB President, with the approval of the MDCB Board of Directors, shall appoint at least three (3) MDCB Directors to serve as members of the Ethics Committee, each such person to serve on the Committee until removed and replaced by the President, with the approval of the Board of Directors, at any time, with or without cause. Subject to these Ethics Complaint Procedures, the Ethics 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 Ethics 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 Directors.
- (b) The Chair of the Ethics Committee.** The President, with the approval of the Board of Directors, shall appoint one (1) member of the Ethics Committee to serve for a term of one (1) year as the Committee's Chair. The Chair of the Committee, who may be removed from such position by the President, with the approval of the Board of Directors, at any time, with or without cause, shall be responsible directly and exclusively to the Board of Directors. 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 Ethics Committee.
- (c) Confidentiality.** Proceedings under these Ethics Complaint Procedures shall be treated confidentially, except to the extent required to complete any investigation, and except as provided in the event that certain sanctions are imposed.

2. Summary Disposition.

- (a) Preliminary Screening of Complaints Alleging Violations of the Ethical Standards.** The Chair of the Ethics Committee shall review each complaint alleging a violation of the Ethical Standards which is filed with the Ethics Committee by a CMD.
- (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 CMD 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 MDCB 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 Ethics Committee, without identifying the respondent.

- (c) **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 CMD of standard 1, 2, 5, 6, 7, 10, 11 and/or 12 of the Ethical Standards, the Ethics Committee may give immediate written notice to the CMD of the alleged violation and further notice that, in the absence of a request by the CMD 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 CMD, summarily suspend the certification of the CMD 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 Ethics Committee summarily suspends the certification of a CMD in accordance with this provision, the Ethics Committee shall, by certified mail, return receipt requested, give to the CMD written notice that describes (1) the summary suspension, (2) the reason or reasons for such suspension, and (3) the right of the CMD to request a hearing with respect to the summary suspension by written notice to the Ethics Committee, which written notice must be received by the Ethics Committee not later than fifteen (15) days after the date the CMD received notice of the summary suspension. If the CMD timely requests a hearing either before or following a summary suspension, the hearing shall be held before the Ethics Committee or a panel comprised of no fewer than three (3) members of the Ethics Committee as promptly as practicable, but in any event (a) within ten (10) days of the Ethics Committee's receipt of a request for same prior to a summary suspension, or (b) within thirty (30) days after the Ethics 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, except that a determination of the Ethics Committee, in the absence of a timely request for a hearing by the affected CMD, and a determination by the Ethics Committee or the panel, as the case may be, following a timely requested hearing, shall not be appealable.

3. Investigation.

If the Chair of the Ethics 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 CMD credential is not warranted, the Chair shall inform the respondent in writing, by certified mail addressed to the last known address of the respondent, 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 shall be revealed. 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 Ethics 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.

4. Committee Determination.

The Ethics 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 Ethics 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.

5. Hearings.

Whenever the Ethics 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 MDCB, 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 CMD, the placing of a CMD 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 CMD 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 Ethics Committee pursuant to such notice. A CMD or an applicant who requests a hearing in the manner prescribed above shall advise the Ethics Committee of his or her intention to appear at the hearing. A CMD or an applicant who requests a hearing may elect to appear by a 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 Ethics Committee determines to take. Hearings, which may be held telephonically, shall be held at such date and location as the Ethics Committee shall designate. Except as otherwise provided herein, the CMD 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 Ethics Committee with any three (3) or more of its members participating, other than any member of the Ethics Committee whose professional activities are conducted at a location in the approximate area of the CMD or the applicant in question. In the event of disqualification, the President may appoint a director to serve on the Ethics Committee for the sole purpose of participating in the hearing and rendering a decision. At the hearing, the CMD or applicant in question, by legal counsel or other representative if he or she desires (at the sole expense of the CMD or applicant in question), shall have the right to call witnesses, present testimony and be heard in his or her 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 Ethics Committee shall deem appropriate to do substantial justice. Any information may be considered which is relevant or

potentially relevant. The Ethics 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 CMD 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 Ethics Committee shall assess the evidence presented at the hearing and make its decision accordingly; the Ethics 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 Ethics Committee shall promptly transmit the same to the Board of Directors and to the CMD in question by certified mail.

Unless a timely appeal from any findings of fact and determination by the Ethics Committee is taken to the Board of Directors in accordance with Paragraph 6 below, the Ethics Committee's findings of fact and determination in any matter (including the specified sanction) shall be final and binding upon the CMD or applicant in question.

6. Appeals.

Within thirty (30) days after the decision of the Ethics Committee is mailed, the CMD or applicant may appeal to the Board of Directors from any decision of the Ethics Committee. In the event of an appeal, those Directors who participated in the hearing at the Ethics Committee shall not participate in consideration of the appeal. The Board of Directors shall consider the decision of the Ethics Committee and the files and records of the MDCB and the Ethics Committee with respect to the CMD 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 Ethics Committee, or to remand the matter to the Ethics Committee for further consideration. The CMD or applicant in question may provide additional information in such manner, on such issues, and within such time as the Board of Directors may prescribe. The written decision of the Board of Directors, 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 CMD 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

7. 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 CMD 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. MDCB shall also have the right to 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 Ethics Committee to suspend certification if the affected CMD does not timely request a hearing; a nonappealable decision of the Ethics Committee relating to a summary suspension that is issued before or after a hearing on the matter; a decision of the Ethics Committee from which no timely appeal is taken; and, in a case involving an appeal of a decision of the Ethics Committee in a matter, the decision of the Board of Directors in the matter.

8. Effect of Suspension or Revocation of Certification or Resignation from the MDCB.

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

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