



American Board of Genetic Counseling, INC. (“ABGC”) POLICY AND PROCEDURES FOR DISCIPLINARY REVIEW AND APPEAL

ABGC’s DISCIPLINARY POLICY

ABGC diplomates (those certified by ABGC), ABGC examination applicants, and ABGC examination candidates (when used collectively, “ABGC Individuals”) may be subject to disciplinary review for matters stemming from improper behavior, fraudulent credentials, and/or legal, regulatory and credentialing actions as described below. Individuals who misuse ABGC trademarks, compromise the security of ABGC exams, or assist others in such behavior may also be subject to legal action by ABGC. Those who are the subject of disciplinary review under this policy are hereby referred to as “Respondents.”

In addition, NO APPEAL may be taken from an adverse decision based on an individual’s receipt of a failing grade on the Certification Examination.

I. ABGC VIOLATIONS

A. Improper Behavior

1. Improper Behavior in Connection with an ABGC Examination

Any ABGC Individual may be subject to disciplinary action if ABGC determines that he or she has participated in any of the following actions:

- (a) attempts to circumvent any ABGC requirement, procedure, or fee related to the examination, including but not limited to submitting to ABGC any document which is falsified or fraudulent or which contains a material misstatement of fact or omits to state a material fact,
- (b) cheats or engages in other dishonest or improper behavior,
- (c) copies test questions or answers,
- (d) removes or attempts to remove examination-related materials from the test center,
- (e) possesses, reproduces, distributes, displays or otherwise misuses a test question, or any part of a test question from an examination,
- (e) engages in discussion of specific examination content,
- (f) assists another individual to do any of the above, or
- (g) otherwise violates the security of or disrupts of an examination.

The performance of all candidates taking an examination will be monitored. Test center personnel will notify ABGC of any candidate who appears to give or receive assistance, or otherwise engages in dishonest, disruptive or other improper behavior during the examination. The individual may or may not be removed from the examination.

2. Failure to Meet Obligations to ABGC

Any ABGC Individual may be subject to disciplinary action if ABGC determines that he or she has participated in any of the following actions:

- (a) obtains, or attempts to obtain certification, recertification, or a certificate of competency, or attempts to circumvent any ABGC requirement, procedure, or fee, by deceptive means including, but not limited to, submitting to ABGC any document which is falsified or fraudulent or that contains a material misstatement of fact or omits to state a material fact,
- (b) commits any act that infringes on ABGC's intellectual property rights, including but not limited to trademark and copyright violations,
- (c) fails to replace a check that was returned to ABGC for nonsufficient funds within forty-five (45) days of notification by ABGC, or by the date of his/her examination, whichever comes first,
- (g) reverses a credit card charge, stops payment on a check, or otherwise revokes payment for services provided by ABGC after such services have been rendered,
- (h) fails to cooperate reasonably with an ABGC disciplinary review,
- (i) otherwise fails to meet an obligation to ABGC, or,
- (j) assists another individual to do any of the above.

B. Fraudulent Credentials Use

Any ABGC individual may be subject to disciplinary action if ABGC determines that he or she has participated in any of the following actions:

- 1) manufactures, modifies, reproduces, distributes or uses a fraudulent or otherwise unauthorized ABGC certificate, ABGC designation, or any other document or designation conferred by ABGC by virtue of a contract with a state or other third-party agency or organization,
- 2) otherwise falsely claims to be certified by ABGC or to possess credentials or certificates conferred by ABGC, or
- 3) assists another individual to do any of the above.

C. Legal Action and/or Professional Misconduct

At the time of application for the ABGC certification examination, or at application for recertification (whether through continuing education or examination), ABGC individuals are required to indicate whether they are the subject of any of the following. Providing incorrect or incomplete information may lead to disciplinary action by ABGC. Documentation of any of the following by an ABGC individual may lead to disciplinary action by ABGC.

- 1) adjudication by a court that the individual is mentally incompetent,

- 2) adjudication by a court or governmental regulatory body that the individual has violated a federal or state law, rule, or regulation,
- 3) conviction of or pleading no contest to a felony,
- 4) loss, suspension, or voluntary surrender of the individual's state or other professional registration, license, or other state or professionally recognized credential, or authorization to practice as an employee of the federal government or in a state or jurisdiction not requiring registration, licensure, or other recognized professional employment credential.
- 5) evidence of professional misconduct, incompetence, unethical behavior, or moral turpitude documented to the satisfaction of ABGC by a current or prior employer of an ABGC individual. Examples include, but are not limited to, unauthorized disclosure of patient information; improper alteration of a patient record; inappropriate or unlawful use of drugs or alcohol; assault, battery, or abuse of a patient; sexual contact with a patient; gross or repeated malpractice or negligence; or improper professional financial dealings.
- 6) failure to report to ABGC in a timely manner adverse legal, regulatory or credentialing action(s).

The sanctions that ABGC may impose against any individual who is the subject of the foregoing include, but are not limited to, cancellation of examination scores, and temporary or permanent denial or revocation of examination eligibility, ABGC certification, or ABGC recertification. Any individual who engages in such improper behavior also may be subject to legal action. Disciplinary actions are discussed further in Section III.

II. ABGC's DISCIPLINARY PROCEDURES

Disciplinary review of individuals who have violated or are accused of violating a provision of ABGC's Disciplinary Policy (Section I) shall be conducted according to the procedures described below.

A. Notification and Review of Possible Disciplinary Matter

If it comes to the attention of ABGC that an individual who is subject to review under this policy (the "Respondent") may have engaged in any of the behaviors, or was subject to the penalties or actions, described in Section I of ABGC's *Disciplinary Policy*, ABGC will review the matter. If ABGC determines that no action should be taken based on the available documentation, the matter shall be closed. If ABGC determines that the documentation substantiates an offense outlined in the *Disciplinary Policy*, ABGC shall take such actions as are described below in Sections B through E.

B. Disciplinary Review Process and Action

1) Determination if the case is eligible for review by the Disciplinary Review Committee

Executive Director in consultation with the Chair of the Disciplinary Review Committee shall determine if the alleged behavior is a violation outlined in the *Disciplinary Policy*, and whether there is sufficient evidence to substantiate the offense. If they determine that no action should be taken, the matter shall be closed. If they determine that the alleged behavior constitutes a violation outlined in the Policy, and there is sufficient evidence to substantiate the offense, the respondent will be contacted and allowed to provide an explanation of the circumstances surrounding the offense. This will be factored into the discussion about their alleged violation. If it is decided that the explanation does not mitigate the situation, the disciplinary review process will proceed. The case will be referred to the full Disciplinary Review Committee for review and decision; unless the grievance is solely focused on the use of fraudulent credentials (see II.B.7). A Disciplinary Review Committee meeting will be scheduled on a date to provide at least 60 days' notice of the meeting to the Respondent.

2) Written Notice of Review to initiate the process

A written Notice of Review (Attachment B) will be sent to the Respondent to initiate the process at least sixty (60) days in advance of the Disciplinary Review Committee meeting. The Notice of Review shall include:

- (i) a summary of the allegations,
- (ii) a copy of the documentation substantiating the offense, and
- (iii) instructions and deadlines for a response by the Respondent, which may include a written statement and supporting documentation.
- (iv) the date and time of the Disciplinary Review Committee meeting and a copy of the *ABGC's Policy and Procedures for Disciplinary Review and Appeal*.

3) The right to present written and/or oral testimony and to be represented by legal counsel.

The Respondent has the right to present written and/or oral testimony and to be represented by legal counsel. Oral testimony to the Disciplinary Review Committee can be provided by teleconference. A request for an oral testimony must be received at least 30 days in advance of the scheduled Disciplinary Review Committee meeting.

All expenses incurred by the Respondent and his or her legal counsel in connection with the appearance shall be borne by the Respondent. In lieu of a telephone appearance, the Respondent may provide written testimony to be received by ABGC at least 30 days prior to the scheduled meeting.

4) Rules pertaining to the proceedings of the appearance by the Respondent and legal counsel:

- a) The Respondent shall be given the opportunity to make a statement summarizing his or her position. At the discretion of the Disciplinary Review Committee, the Respondent's legal counsel may make an opening or closing statement.
- b) At the conclusion of the Respondent's statement, members of the Disciplinary Review Committee and ABGC's legal counsel may ask the Respondent to respond to questions.
- c) The Disciplinary Review Committee shall not be bound by technical rules of evidence usually employed in legal proceedings, but may consider any evidence it deems appropriate.
- d) If the Respondent requests a telephone appearance, and is subsequently unable to attend due to good cause (as resolved by the Chair of the ABGC Disciplinary Review Committee), at the discretion of the Disciplinary Review Committee he/she can either petition to have the meeting rescheduled, or submit a written statement, in lieu of an appearance. If the Respondent fails to notify the ABGC in advance of the meeting via registered mail or courier that they are not able to attend for good cause, the Disciplinary Review Committee may, at its discretion, notify the Respondent that no further opportunity for an appearance shall be provided, and that the Disciplinary Review Committee will make its determination based upon the available written materials.

5.) Review Record

The Review Record will be comprised of the Notice of Review, the Respondent's response to the Notice, and/or any other information submitted to the Disciplinary Review Committee. The Disciplinary Review Committee will be given the Review Record at least fifteen (15) calendar days before their meeting to discuss the grievance.

6.) The Decision of the Disciplinary Review Committee

After due and thorough deliberation of the Review Record and the testimony/statement of the Respondent, and upon the affirmative vote of the majority of the Disciplinary Review Committee, the Disciplinary Review Committee shall determine whether grounds for disciplinary action exist and, if so, what disciplinary action should be taken.

7). Procedures for Use of Fraudulent Credentials

If the violation pertains only to the use of fraudulent credentials, the following procedure will be followed first:

- a. Based on the available facts, ABGC's Executive Director in consultation with the Chair of the Disciplinary Review Committee shall determine if the alleged *fraudulent use of credentials* is a violation outlined in this policy, and whether there is sufficient evidence to substantiate the offense.
- b. If ABGC's Executive Director in consultation with the chair of the Disciplinary Review Committee determines that no action should be taken, the matter shall be closed.
- c. If ABGC's Executive Director in consultation with the chair of the Disciplinary Review Committee determines that disciplinary action should be taken, a written notice shall be issued to the Respondent describing (a) the allegations, (b) the evidence to support such allegations, and (c) the disciplinary action to be taken. The notice shall also inform the respondent that he or she may accept the disciplinary action or, within thirty (30) calendar days after the date of the written notice, may submit a written request for formal review by the entire Disciplinary Review Committee in accordance with the procedures set forth in the ABGC's *Policy and Procedures for Disciplinary Review and Appeal*. In addition, the Executive Director and Disciplinary Review Committee Chair may also make the determination that the case needs to be reviewed by the entire Disciplinary Review Committee.

8.) Procedures for cases involving alleged legal action and/or professional misconduct

If the violation pertains only to issues of legal action against an ABGC individual or alleged professional misconduct, decisions regarding disciplinary actions will be based upon the categories described below.

a. General denial

ABGC individuals convicted of certain crimes present an unreasonable risk to public health and safety. Thus, in all cases, ABGC individuals convicted of the following crimes will have their certification revoked, denied or their application for ACS will be denied, as appropriate.

- i) Felonies involving sexual misconduct where the victim's failure to affirmatively consent is an element of the crime, such as forcible rape.
- ii) Felonies involving the sexual or physical abuse of children, the elderly or the infirm, such as sexual misconduct with a child, making or distributing child pornography or using a child in a sexual display, incest involving a child, assault on an elderly or infirm person.
- iii) Any crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility including abuse, neglect, theft from, or financial exploitation of a person entrusted to the care or protection of the ABGC individual.

b. Presumptive denial

ABGC individuals in the following categories will have their certification revoked, denied or their application for ACS will be denied, as appropriate. Exceptions may be granted in extraordinary circumstances, and then only if the Respondent establishes by clear and convincing evidence that certification will not jeopardize public health and safety.

- i) Individuals who have been convicted of any crime and who are currently incarcerated, on work release, on probation or on parole.
- ii) Individuals convicted of crimes in the following categories unless at least five years have passed since the conviction OR five years have passed since release from custodial confinement whichever occurs later:
 - (1) Serious crimes of violence against persons, such as assault or battery with a dangerous weapon, aggravated assault and battery, murder or attempted murder, manslaughter except involuntary manslaughter, kidnapping, robbery of any degree; or arson.
 - (2) Crimes involving controlled substances or synthetics, including unlawful possession or distribution, or intent to distribute unlawfully, Schedule I through V drugs as defined by the Uniform Controlled Dangerous Substances Act.
 - (3) Serious crimes against property, such as grand larceny, burglary, embezzlement or insurance fraud.
 - (4) Any other crime involving sexual misconduct.
- iii) Individuals whose license has been revoked by a state licensing agency.

c. **Discretionary denial**

ABGC individuals convicted of any crimes not previously described (not including minor traffic violations) may be subject to the one or more of the disciplinary actions described in Section III. The following factors will be considered in determining the appropriate disciplinary action:

- i) The seriousness of the crime.
- ii) Whether the crime is substantially related to the qualifications, functions or duties of a genetic counselor or the delivery of patient care.
- iii) How much time has elapsed since the crime was committed.
- iv) Whether the crime involved violence to, or abuse of, another person.
- v) Whether the crime involved a minor or a person of diminished capacity.
- vi) Whether the applicant's actions and conduct since the crime occurred are consistent with the holding of a position of public trust.

C. Composition and Role of the Disciplinary Review Committee

The Disciplinary Review Committee is a standing committee of ABGC's Board of Directors appointed each year by the President of the Board. The Disciplinary Review Committee shall be composed of five members and the ABGC Executive Director, acting as an *ex-officio* member. Three members shall constitute a quorum. Composition will include 1 former ABGC board member, two current board members (1 of whom must be the public representative; the other cannot be the President or the President-elect) and two diplomates who will be appointed by the President. Those members of the committee who are not current active members of the Board of Directors will serve 2-year terms. These individuals may serve on this committee more than once but not consecutively. The Board of Directors members of the committee will also be appointed by the President and their term length is not limited other than the limitations imposed by their membership on the Board of Directors. The chair of the Disciplinary Review Committee will be selected by the ABGC president and must be an active member or past member of the Board of Directors.

The chair of the Disciplinary Review Committee will be responsible for ensuring that a written Grievance Report is created for the historical record that details the final decision. If an adverse disciplinary action occurs, this record must detail the grounds for the disciplinary action, the sanction(s) imposed, and the rationale for these sanctions. This document must be created irrespective of the final committee decision.

D. Notification of Disciplinary Review Committee's Determination

The Respondent shall be sent a Notice of Decision containing the Disciplinary Review Committee's action and the reasons therefore, within thirty (30) calendar days after the Disciplinary Review Committee reaches its decision.

If the Disciplinary Review Committee determines that disciplinary action should be taken, the Notice shall advise the Respondent of the right to request an Appeal by submitting a written Request for Appeal by Registered Mail/overnight courier to the Executive Director within thirty (30) calendar days after the date of the Notice of Decision.

If a Request for Appeal is not received within thirty (30) calendar days after the date of the Notice of Decision, the Disciplinary Review Committee's determination will be deemed final action by ABGC. Details regarding the appeal process are found in Section IV.

III. **POSSIBLE DISCIPLINARY ACTIONS**

One or more of the following disciplinary actions may be taken, at the discretion of the Disciplinary Review Committee:

For ABGC examinees and eligible candidates of the ABGC exam:

- a. order the Respondent to retake the ABGC certification examination at a time and place and in a format to be determined by ABGC;
- b. invalidate the examination score(s) of the Respondent;
- c. refuse to release a score report and/or certificate permanently or until conditions imposed by ABGC are met;
- d. require the Respondent to wait a specified period of time before reapplying to take any ABGC examination;
- e. temporarily or permanently revoke the Respondent's eligibility to sit for future examinations;
- f. take a combination of any of the above actions or such other action that may be deemed appropriate in the particular circumstances.

For ABGC diplomates:

- a. require the Respondent to engage in remedial education and/or training,
- b. require the Respondent to participate in a mandatory audit of continuing education for a period of time; publish findings and sanctions on ABGC's Internet website;
- c. legal action against the Respondent;
- d. issue a non-reportable Advisory Letter;
- e. issue a reportable Letter of Censure;
- f. suspend or revoke the Respondent's certification;
- g. assess a disciplinary fine; or
- h. take a combination of any of the above actions or such other action that may be deemed appropriate in the particular circumstances.

IV. ABGC's APPEAL PROCESS FOR DISCIPLINARY DECISIONS

A. Request for an Appeal

A Respondent who has received Notice of Decision of Adverse Action by the Disciplinary Review Committee may request an appeal by submitting a written Request for Appeal to ABGC, along with a payment of the Appeal Administrative Fee in the form of a check or money order for \$350.00 made payable to ABGC with "appeal" in the subject line. To be valid, the Request for Appeal must be received within thirty (30) calendar days after the date of the Notice of Decision via registered mail/or overnight courier. If the original decision of the Disciplinary Review Committee is reversed or modified, the Appeal Administrative Fee will be refunded.

If a Request for Appeal is not received within thirty (30) calendar days of the date of the notice of the decision, the decision of the Disciplinary Review Committee shall constitute the final decision of ABGC on the matter and shall not be subject to appeal absent of extraordinary circumstances, as determined solely by ABGC.

B. Acceptable Grounds for Appeal

The following will be the only grounds considered for granting an Appeal:

- i. The Respondent provides evidence that the Disciplinary Review Committee committed a procedural error that materially affected the outcome of the disciplinary review process.
- ii. The Respondent provides evidence that the sanctions imposed by the Disciplinary Review Committee are arbitrary and capricious.

C. Appeals Committee Composition

The Appeals Committee shall consist of ABGC's Board of Directors, excluding those individuals who are currently serving as active members of the Disciplinary Review Committee, and the ABGC Executive Director, acting as an *ex-officio* member. The President will serve as the chair of the Appeals Committee. If any other member of the Board of Directors participated in a prior review of the matter under appeal, that individual shall not participate in consideration of the appeal. If the President participated in prior consideration of the matter under appeal, ABGC's President Elect will chair the Appeals Committee.

D. Appeal Procedures

1. Granting or Denial of Appeal Request

A Request for Appeal received within thirty (30) calendar days after the date of the Notice of Decision shall be considered by the Chair of the Appeals Committee. If the Chair, in his or her discretion, determines that the Disciplinary Review Committee may have committed a procedural error that materially affected the outcome of the disciplinary review process, or that the sanctions imposed by the Disciplinary Review Committee may have been arbitrary and capricious, he or she will grant the Request for Appeal. In such case, the Appeal will be heard by the Appeals Committee at a meeting occurring at the next regularly scheduled meeting of ABGC's Board of Directors or, at ABGC's discretion, at a special meeting of the Appeals Committee convened for such purpose. If the Chair of

the Appeals Committee denies the Respondent's Request for Appeal, the Appeal Administrative Fee shall be refunded to the Respondent in its entirety within thirty (30) calendar days of the notification of decision.

2. Appeal Process

- a. The Appeals Committee shall consider the Review Record, the Notice of Decision, the Grievance Report, and the Respondent's written Request for Appeal. The foregoing shall constitute the Appeal Record. There shall be no appearance of the Respondent before the Appeals Committee.
- b. The Respondent may request consideration of evidence, documentation, or written testimony not previously submitted to the Disciplinary Review Committee only if he or she can demonstrate that such evidence, documentation, or written testimony was not available at the time that the Disciplinary Review Committee considered the matter. If the Appeals Committee grants the Respondent's request to submit new evidence, the matter will be referred back to the Disciplinary Review Committee for reconsideration. In this instance, the Disciplinary Review Committee will have thirty (30) days to investigate and respond. If the original decision is overturned, the Appeal Administrative Fee will be refunded to the Respondent and the case will be closed. If the Disciplinary Review Committee does not overturn its original decision, the case will be referred back to the Appeals Committee with an updated Grievance Report. The Appeals Committee will have thirty (30) days to review and respond.
- c. If the appeal is being considered due to an alleged procedural error made by the Disciplinary Review Committee, the appeal will be sent back to the Disciplinary Review Committee to correct the procedural error and reconsider the claim. New evidence submitted by the Respondent and approved for consideration by the Appeals Committee will also be considered at that time they reconsider the claim. The Disciplinary Review Committee will have thirty (30) days to review and respond. If the original Disciplinary Review Committee decision is overturned, the Appeal Administrative Fee will be refunded to the Respondent and the case will be closed. If the Disciplinary Review Committee does not overturn their original decision, the case will be referred back to the Appeals Committee with an updated Grievance Report. The Appeals Committee will have thirty (30) days to review and respond.
- d. The Appeals Committee shall carefully consider all of the information presented in the Appeal Record. After due and thorough deliberation and upon the affirmative vote of a majority of the Appeals Committee, the Appeals Committee shall determine whether to ratify, reverse, or modify the Disciplinary Review Committee's decision.
- e. If the Appeals Committee reverses or modifies the decision of the Disciplinary Review Committee, the Appeals Committee will refund the Appeal Administrative Fee to the Respondent.
- f. A record of the Appeals Committee meeting shall be kept. A copy of the Appeals Committee meeting record shall be made available to the Respondent upon payment of the cost of reproduction.

3. Notification of Appeals Committee's Determination

The Respondent shall be notified in writing of the Appeals Committee's Determination, including the reasons thereof, within thirty (30) calendar days after the Appeals Committee reaches its decision.

A DECISION BY THE APPEALS COMMITTEE TO RATIFY, REVERSE OR MODIFY AN ADVERSE DECISION SHALL CONSTITUTE THE FINAL DECISION OF ABGC ON THE MATTER AND SHALL NOT BE SUBJECT TO FURTHER APPEAL BARRING EXTRAORDINARY CIRCUMSTANCES AS DETERMINED SOLELY BY ABGC.

V. ACTION ON FINAL DECISIONS

A. Public Notice of Final Decisions

After a final adverse disciplinary decision has been reached, and appeal request period has passed, ABGC may choose to publish the findings and disciplinary action taken on ABGC's Internet website or in any other relevant publications. In addition, ABGC may notify interested parties of the adverse disciplinary decision and the underlying facts thereof as deemed appropriate by ABGC. Such notification may be given to state regulatory boards, genetic counseling associations, the Respondent's employer, the federal government, and other interested parties, as determined by ABGC.

B. Application for Restoration of Eligibility, Certification, or Recertification Following Disciplinary Action

1. A Respondent whose status is conditional, or whose eligibility, certification, or recertification has been non-permanently denied or revoked by ABGC based on a legal, regulatory or credentialing action may reapply to ABGC when the situation underlying ABGC's decision has been remedied. Unless the Disciplinary Review Committee grants an exception, if the decision was based on conviction of or pleading no contest to a felony, the individual may not apply for examination or certification until all sentences have been served and all judgments have been satisfied. If the decision was based on revocation of licensure or authorization to practice, the individual may not apply for examination or certification until the situation underlying the licensure or authorization revocation has been remedied to ABGC's satisfaction, and the license or authorization is eligible for restoration unless this requirement is waived by the Disciplinary Review Committee.
2. A Respondent whose eligibility, certification, or recertification has been denied or revoked by ABGC for a specified time period for reasons other than legal, regulatory, or credentialing action, may reapply to ABGC following expiration of such time period. At the time of reapplication, the Respondent will be required to demonstrate that the terms of all sanctions imposed by ABGC have been fulfilled, including but not limited to payment of any fines and completion of any remedial education course imposed or required by the Disciplinary Review Committee.
3. Applications following denial or revocation of eligibility, certification, or recertification shall be considered and acted upon at the sole discretion of ABGC.

C. Responsibility for Notification of Address Change

ABGC candidates and diplomates are solely responsible for providing timely notification to ABGC of changes of mailing address and e-mail address. If a Respondent does not receive notice(s) from ABGC related to disciplinary review or action due to his or her failure to timely notify ABGC of a change of address, that lack of notification may not be considered as the basis for an appeal or reconsideration of any decision in the matter.

VI. SUBMISSIONS TO ABGC

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

US Postal Service:

ABGC Executive Director
PO Box 14216
Lenexa, KS 66285-4216

Courier Address:

ABGC Executive Director
18000 W. 105th Street
Olathe, KS 66061

Phone: 913.895.4617
Fax: 913.895.4652

All such written notices must be sent by a traceable delivery method, such as FedEx Express delivery or Registered Mail with Return Receipt. Failure of delivery of written communications caused by improper addressing or delivery method may not be considered as the basis for appeal or reconsideration of any decision or the extension of any time period provided for Respondent's reply to a notice from ABGC in connection with any disciplinary proceeding.

* * *

Attachment A

Insert Date

(insert ABGC's president's name)
American Board of Genetic Counseling
18000 W. 105th Street
Olathe, KS 66061

Re: Notice of Disciplinary Investigation

Dear (insert recipient's name):

We are writing to inform you that you are the potential subject of a disciplinary review by the American Board of Genetic Counseling (ABGC). It has come to our attention that you allegedly (insert allegation/regulatory violation), which is a violation outlined in the *ABGC Policy and Procedures For Disciplinary Review And Appeal* (enclosed). We have also enclosed all documentation we have regarding this allegation at this time.

We would like to give you the opportunity to explain the circumstances surrounding this matter with the Executive Director of ABGC and the Chair of the Disciplinary Review Committee. We will notify you via letter whether your explanation has mitigated the matter sufficiently. If not, the letter will explain that the American Board of Genetic Counseling is proceeding with the disciplinary review process.

Please do not hesitate to contact me or the (insert name of executive director) at (insert contact information) should you have any questions.

Sincerely,

(insert name of ABGC president)

Attachment B
ABGC NOTICE OF INVESTIGATION

Insert Date

(insert ABGC's president's name)
American Board of Genetic Counseling
18000 W. 105th Street
Olathe, KS 66061

Re: Notice of Disciplinary Investigation

Dear (insert recipient's name):

We are writing to inform you that you are subject of a disciplinary review by the American Board of Genetic Counseling (ABGC). It has come to our attention that you (insert allegation/regulatory violation), which is a violation outlined in the *ABGC Policy and Procedures for Disciplinary Review and Appeal* (enclosed). This alleged behavior/grievance is set to be reviewed and discussed by the ABGC Disciplinary Review Committee on (insert date) at (insert time) via (insert method – i.e. in person, conference call, etc.). We have also enclosed all documentation we have regarding this allegation at this time.

Documentation that substantiates your alleged behavior will be reviewed by the Disciplinary Review Committee to determine if grounds for disciplinary action exist and, if so, the sanction that should be imposed. For a list of potential sanctions, please see Section III of the *ABGC Policy and Procedures For Disciplinary Review And Appeal* (enclosed). The following pertain to your rights regarding this process:

A. You have the right to present written and/or oral testimony and to be represented by legal counsel at such presentation.

1. You may provide oral testimony via teleconference.
2. All expenses incurred by you and your legal counsel in connection with the oral appearance shall be borne by you.
3. If you request an appearance before the Disciplinary Review Committee, the proceedings shall be subject to the following rules:
 - a. The request for a telephone appearance must be submitted in writing, by Registered Mail or overnight courier, so that it is received by ABGC's Executive Director within thirty (30) calendar days of the scheduled meeting.
 - b. You shall be given the opportunity to make a statement summarizing your position. At the discretion of the Disciplinary Review Committee, your legal counsel may make an opening or closing statement.
 - c. At the conclusion of your statement, members of the Disciplinary Review Committee and ABGC's legal counsel may ask the Respondent to respond to questions.

- d. The Disciplinary Review Committee shall not be bound by technical rules of evidence usually employed in legal proceedings, but may consider any evidence it deems appropriate.
- e. If you request an oral teleconference appearance, and are subsequently unable to attend due to good cause (as resolved by the Chair of the ABGC Disciplinary Review Committee), you can petition to have the meeting rescheduled, or submit a written statement, in lieu of an appearance, at the discretion of the Disciplinary Review Committee. If you fail to notify the ABGC in advance of the meeting via registered mail or courier that you are not able to attend for good cause, or the Disciplinary Review Committee is informed, but does not agree that the cause is justified, the Disciplinary Review Committee may, at its discretion, notify you that no further opportunity for an appearance shall be provided, and that the Disciplinary Review Committee will make its determination based upon the available written materials.

B. You may submit written documentation to the Disciplinary Review Committee for consideration, but it must be received by ABGC's Executive Director within thirty (30) calendar days of the scheduled Disciplinary Review Committee meeting.

- a. If you do not submit documentation for consideration by the deadline, (i) the matter will be reviewed using the existing documentation, (ii) a determination will be made as to whether the facts warrant the imposition of disciplinary action and, (iii) if so, what disciplinary action would/could be taken

After due and thorough deliberation of all documentation and upon the affirmative vote of at least two-thirds of the Disciplinary Review Committee, the Disciplinary Review Committee shall determine whether grounds for disciplinary action exist and, if so, what disciplinary action should be taken.

Please do not hesitate to contact me or the (insert name of executive director) at (insert contact information) should you have any questions.

Sincerely,

(insert name of ABGC president)