



January 2011

National Council for Therapeutic Recreation Certification® (NCTRC®)

**Information for the Certified Therapeutic Recreation Specialist®
And New Applicants**

Certification Standards

Part IV: NCTRC Disciplinary Process



The National Council for Therapeutic Recreation Certification®, NCTRC® and the Certified Therapeutic Recreation Specialist® (CTRS®) credential are accredited by the National Commission for Certifying Agencies (NCCA).

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Preface

This booklet is from the complete *NCTRC Certification Standards: Part IV – NCTRC Disciplinary Process and Standards*. Materials included focus on the Prerequisites for Certification, Grounds and Sanctions for Disciplinary Violations, and the Investigation Process.

There are four other booklets which make up the complete set of *NCTRC Certification Standards*. The booklets were created to provide specific information for various users of the NCTRC Certification Standards. The other parts are:

- ❑ **Part I: Information for New Applicants**
- ❑ **Part II: Exam Information**
- ❑ **Part III: Recertification Information**
- ❑ **Part V: NCTRC National Job Analysis**

All candidates for NCTRC certification and CTRS certificants are responsible for reading and understanding the complete *NCTRC Certification Standards*. These booklets were designed as an additional aide to specific areas of standards and application processes.

NCTRC Certification Standards are updated periodically. Candidates are responsible for making sure they have the most current information and that they meet the current standards when they apply for certification. The most current NCTRC Certification Standards can be found at www.NCTRC.org. **The date of this publication is January 2011.**

NCTRC NONDISCRIMINATION POLICY

It is the policy of NCTRC, its Board of Directors, committee members, and staff to comply with all applicable laws, which prohibit discrimination in employment or service provision because of a person's race, color, religion, gender, age, disability, national origin, or because of any other protected characteristic.

NCTRC TRADEMARK NOTICE

"NCTRC®", "National Council for Therapeutic Recreation Certification®", "CTRS®", and "Certified Therapeutic Recreation Specialist®" are the registered trademarks of the National Council for Therapeutic Recreation Certification. Unauthorized use of any NCTRC trademark or confusingly similar mark is strictly prohibited.

NCTRC does not warrant or guarantee the provision of competent services by CTRSs; NCTRC certification helps to demonstrate the certificant has met the requirements for the profession.

NCTRC CONFIDENTIALITY POLICY

NCTRC does not release names and contact information on record to individuals and/or organizations for educational and/or research purposes without the expressed written permission of the applicant/certificant. When the release is authorized, the names and addresses are printed on mailing labels as requested by organizations sponsoring educational programs, conferences and special research studies.

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Introduction

The National Council for Therapeutic Recreation Certification® (NCTRC®) encourages applications from all qualified individuals interested in becoming a Certified Therapeutic Recreation Specialist. While NCTRC cannot warrant an individual's abilities in professional practice, certification will help identify the individual who possesses the necessary knowledge for competent practice in therapeutic recreation.

Please read this booklet of *NCTRC Certification Standards* thoroughly. If you have any questions about the NCTRC certification process or the information contained in the *NCTRC Certification Standards*, please contact NCTRC at (845) 639-1439. NCTRC's national office is open Monday through Friday from 9:00 a.m. to 5:00 p.m. eastern time. Internet access is available at www.NCTRC.org or send an email to nctrc@NCTRC.org.

Prerequisites

GENERAL

NCTRC's voluntary credentialing program evaluates the educational and experiential qualifications of therapeutic recreation professionals. As a condition of eligibility for NCTRC certification and recertification, each candidate agrees to the following:

- **To Comply with ALL NCTRC Standards, Policies and Procedures.** NCTRC may deny certification or recertification, revoke certification or recertification, or issue other sanctions when a candidate does not comply with any of NCTRC's *Certification Standards* including these *Prerequisites*.
- **To Adhere to NCTRC Application and Notification Requirements.** Each candidate for CTRS certification must truthfully complete and sign the appropriate application provided by NCTRC. Candidates and certificants must notify NCTRC in writing within sixty (60) days of any change in name, address, telephone number, and any facts bearing on eligibility, certification, recertification, or reentry. Each individual bears the burden of showing and maintaining compliance at all times. Candidates and certificants must provide NCTRC with confirmation of compliance with NCTRC requirements as requested by NCTRC. In order to confirm receipt of communication required by NCTRC, Candidates should use certified mail, return receipt requested, or other verifiable method of delivery for communications to NCTRC.
- **To Report Pending Litigation, Sanctions, and/or Criminal Convictions.** Candidates must notify NCTRC within sixty (60) days of any civil or criminal indictment or charge pending before a state or federal regulatory agency or judicial body, including but not limited to the following actions to the extent such actions relate to therapeutic recreation or public health and safety: investigation of any civil or criminal action; filing of any civil or criminal charge; indictment or litigation; conviction; plea of guilty; plea of no contest (*nolo contendere*); or investigation or disciplinary action by a health care organization, professional organization, or other private or governmental body.
- **To Respect the Property of NCTRC.** The examinations, certificates, certification cards, logo, emblem, and the name "National Council for Therapeutic Recreation Certification," the designation "Certified Therapeutic Recreation Specialist," and abbreviations relating thereto are all the exclusive property of NCTRC and may not be used in any way without the express prior written consent of NCTRC. In the event of suspension, limitation, revocation, or resignation from NCTRC, or as otherwise requested by NCTRC, each individual shall immediately relinquish, refrain from using, and correct at his or her expense any outdated or other inaccurate use of NCTRC's certificate, certification card, logo, emblem, the name "NCTRC," the designation "Certified Therapeutic Recreation Specialist," "CTRS," and related abbreviations.
- **To Authorize the Release of Information by NCTRC.** The individual candidate or certificant agrees that NCTRC and its officers, directors, committee members, employees, agents, and others may communicate any and all information relating to the candidate's application, certification, and review thereof including, but not limited to, pendency or findings of violations of NCTRC's *Certification Standards*, to state and federal authorities, licensing boards, employers, other certificants, and others.
- **To Waive Claims Against NCTRC.** Each candidate and certificant agrees that he or she waives, releases, discharges, and exonerates NCTRC, its officers, directors, employees, committee members, panel members and agents, and any other persons authorized by NCTRC for any action taken pursuant to the NCTRC *Certification Standards* and policies and procedures from any and all claims or liability, including, but not limited to, claims or liability arising out of: (i) the furnishing or inspection of documents, records and other information; and (ii) any investigation, review, or decision regarding an application or certification made by NCTRC.

Grounds for Issuing Sanctions

NCTRC may deny certification or recertification, revoke certification or recertification, or issue other sanctions when a candidate does not comply with any of the following:

1. Ineligibility for NCTRC certification. Ineligibility includes, but is not limited to, a failure to meet any certification standard set by NCTRC;
2. Irregularity in connection with any NCTRC exam. This includes, but is not limited to, copying answers, permitting another to copy answers, falsifying information required for admission to exam, impersonating another examinee, falsifying education or credentials, or providing and/or receiving unauthorized advice about exam content before, during, or following the exam;
3. Unauthorized possession of, use of, distribution of, or access to (i) NCTRC exams, (ii) certificates, (iii) logo of NCTRC, (iv) NCTRC trademarks and abbreviations relating thereto, and (v) any other NCTRC documents and materials;
4. Obtaining or attempting to obtain certification or recertification for oneself or another by a false or misleading statement or failure to make a required statement, fraud or deceit in an application, reapplication or any other communication to NCTRC;
5. Misrepresentation of NCTRC certification;
6. Failure to provide any written information required by NCTRC;
7. Failure to provide timely update of information required by NCTRC;
8. Habitual use of alcohol or any drug or any substance, or any physical or mental condition which impairs competent and objective professional performance;
9. Gross or repeated negligence, malpractice or misconduct as evidenced by a clear violation of the ethical guidelines of the profession (as referenced in NTRS or ATRA publications);
10. Limitation or sanction, including but not limited to revocation or suspension by a health care organization, professional organization, or other private or governmental body relating to therapeutic recreation practice, public health or safety or therapeutic recreation certification;
11. Conviction of, plea of guilty to, or plea of *no contest (nolo contendere)* to a felony or misdemeanor directly relating to therapeutic recreation practice and/or public health and safety. A candidate convicted of a felony directly related to therapeutic recreation practice and/or public health and safety shall be ineligible to apply for certification or recertification for a period of three (3) years from the exhaustion of appeals, completion of probation or final release from confinement (if any), whichever is later. Convictions of this nature include but are not limited to felonies involving rape, abuse of a patient or child, actual or threatened use of a weapon, violence, and prohibited sale, distribution or possession of a controlled substance.
12. Knowingly assisting another to obtain or attempt to obtain credentialing by fraud or deception.
13. Any other violation of NCTRC Bylaws, *Certification Standards*, policy or procedure, or any other rule, standard or procedure as may be adopted by NCTRC.

NCTRC may also deny, revoke, suspend, or deem inactive the certification or recertification of any individual who has failed to pay fees required by NCTRC. A failure to pay fees required by NCTRC may result in administrative action, not governed by the procedures found in these Prerequisites. NCTRC fees are established by the Board of Directors and may be changed without prior notice.

ALLEGED VIOLATIONS OF NCTRC STANDARDS

Alleged violations of NCTRC's Certification Standards must be submitted in writing to the NCTRC Executive Director and should identify the person(s) alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible. The allegations should identify by name, address and telephone number the person making the information known to NCTRC and others who may have knowledge of the facts and circumstances concerning the alleged conduct.

Available documentation should also be provided to the Executive Director and the Executive Director may request additional information relating to the content or form of the allegations. If the Executive Director determines that the allegations are frivolous or fail to state a violation of NCTRC's Certification Standards, the Executive Director shall take no further action and so apprise the Board and the complainant, if any. If the Executive Director has good cause to believe that a ground for issuing sanctions may exist, the Executive Director shall transmit the allegations to the Standards Review Committee. All NCTRC certification records and the investigations of alleged violations of the NCTRC Certification Standards are kept confidential.

PROCEDURES FOR INVESTIGATION OF VIOLATIONS OF NCTRC STANDARDS

The Executive Director may deny certification or recertification or withhold permission to sit for the exam when NCTRC Certification Standards have not been met. The Executive Director shall investigate possible violations of NCTRC's Certification Standards and may request additional information or documentation. If an application for certification, renewal, recertification, or reentry is pending at the time a violation is alleged, review of the application by staff shall be suspended until the Standards Review Committee completes its review of the alleged violation. Similarly, during any appeal to NCTRC, if there appears to be grounds for issuing sanctions the appeal shall be suspended until the Standards Review Committee completes its review of the alleged violation. Suspended applications (or appeals) shall remain suspended until the deciding Committee has authorized further action on the application (or appeal), or until expiration of what would have been the individual's period of eligibility or certification cycle. If a suspension expires, the individual must reapply, under the then existing standards and will reinitiate the disciplinary process (e.g., the application review is suspended until a deciding Committee has authorized further action). At anytime during the review of an alleged violation of NCTRC's Certification Standards, the Executive Director, the Standards Review Committee, the Standards Hearing Committee, and NCTRC may consult with NCTRC legal counsel.

SANCTIONS

Sanctions for violation of any NCTRC Certification Standards or any other NCTRC standard, policy, or procedure may include one or more of the following:

1. Denial or suspension of eligibility;
2. Revocation of certification;
3. Non-renewal of certification;
4. Reprimand;
5. Suspension of certification; and/or
6. Other corrective action.

NCTRC Process For Violations Of Standards

Investigation, Notice, Review and Decision by the Standards Review Committee

- 1) **Investigation:** Investigation of alleged violations of NCTRC's *Standards* may be made by the Executive Director and/or the Standards Review Committee after receipt from the Executive Director. During an investigation, if the Executive Director or the Standards Review Committee determines that the allegations and facts are inadequate to sustain a finding of a violation of NCTRC's Certification Standards, no further adverse action shall be taken. The Board and the complainant (if any) shall be so apprised.
- 2) **Notice:** If the Standards Review Committee questions whether a violation of NCTRC's Certification Standards has occurred, the Standards Review Committee shall transmit a statement of the allegations to the candidate or certificant by certified mail, return receipt requested, or other verifiable method of delivery, setting forth the applicable Certification Standards and a statement:
 - a) Of facts constituting the alleged violation of the Certification Standards;
 - b) That the individual shall have 15 days after receipt of the notice to respond to NCTRC. The individual's response should include a statement of whether the individual admits or disputes the allegations. If the notice letter includes questions or a request for additional documentation, the notice letter shall also require the individual to respond to the questions or provide the documentation requested in their response to NCTRC;
 - c) That the truth of allegations or failure to respond may result in the issuance of sanctions including, but not limited to, denial or revocation of certification; and
 - d) For non-certified individuals only, that a failure to respond to the allegations will result in denial of any application submitted to NCTRC. The Standards Review Committee will not decide the matter as described in Section 3. If a non-certified individual who failed to respond to a notice by the Standards Review Committee applies to NCTRC at a future date, the individual's application will be immediately sent to the Standards Review Committee for review of the previously existing allegations and the failure to respond by the non-certified applicant. Staff will not be permitted to process any future application until resolution of the matter by the Standards Review Committee or by appeal, if any.
- 3) **Review of Response and Decision:** Following receipt of the response, or expiration of the 15 day deadline to respond, whichever is earlier, the Standards Review Committee shall render a written decision containing factual findings, conclusions, and applying sanctions, if any. Notice of the decision shall be sent to the candidate or certificant by certified mail-return receipt requested, or other verifiable method of delivery. If the Standards Review

Committee determines that a violation has occurred and the Standards Review Committee issues sanctions, the notice to the candidate or certificant shall also include notice of the following:

- a) That the candidate or certificant shall have 15 days after the date of receipt of the Standards Review Committee's decision to request a hearing on the matter. The candidate or certificant requesting a hearing must send their written request and the \$25.00 hearing request fee to NCTRC within 15 days after the date of receipt of the Standards Review Committee's decision;
 - b) That the candidate or certificant may appear at the hearing in person, by telephone conference or by written correspondence, with or without the assistance of legal counsel, may examine and cross-examine any witness under oath, and produce evidence on his or her behalf;
 - c) That if the candidate or certificant does not request a hearing within 15 days, the decision of the Standards Review Committee is final; and
 - d) That the candidate or certificant is responsible for bearing his or her own expenses for the hearing, including, but not limited to, transportation costs, the expenses of legal counsel and the expenses of any witnesses the candidate or certificant wishes to call.
- 4) **The Chair of the Standards Review Committee** shall attend the meetings of the Board of Directors and shall prepare a written report regarding the implementation of the Standards Review Committee's procedures. Such report shall include: (i) statistics regarding decisions of the Standards Review Committee; (ii) case study or analysis of review decisions; (iii) rationale for decisions; (iv) deviation from current standards; (v) trends that may be apparent to the Standards Review Committee; (vi) problems in the implementation of the standards review process; and (vii) recommendations to the Board of Directors for policies or procedures that will enhance the effectiveness of the standards review process.

Hearing and Decision by the Standards Hearing Committee

REQUEST FOR A HEARING

A candidate or certificant may request to attend the hearing of the Standards Hearing Committee: (i) in-person at the Standards Hearing Committee's annual Spring meeting; (ii) by telephone conference call scheduled by the Standards Hearing Committee; or (iii) by submission of written documents and other evidence for consideration by the Committee. The candidate or certificant requesting a hearing must send their written request and the \$25.00 hearing request fee to NCTRC within 15 days after the date of receipt of the Standards Review Committee's decision. The Standards Hearing Committee shall schedule a hearing after the request is received, allowing for a reasonably adequate period of time for preparation for the hearing, and shall send by certified mail, return receipt requested, or other verifiable method of delivery, a Notice of Hearing to the candidate or certificant. The Notice of Hearing shall include a statement of the time and place of the hearing as selected by the Standards Hearing Committee. For good cause, the individual may request modification of any dates established for a telephone conference hearing or for submission of written documentation. If the Standards Hearing Committee was previously exposed to the matter during a recertification appeal, the Chair may appoint three Past-Chairs to conduct the hearing.

Upon receipt of a hearing request, the Standards Review Committee shall forward the allegations, response, their findings, and conclusions to the Standards Hearing Committee. The Standards Review Committee shall designate one of its members, the Executive Director, or NCTRC legal counsel, to represent NCTRC at the hearing. The NCTRC representative shall present the allegations and any substantiating evidence, examine and cross-examine witnesses, and otherwise present the matter during the hearing of the Standards Hearing Committee.

HEARING

- 1) The Standards Hearing Committee shall maintain a verbatim oral or written transcript of in-person hearings. Telephone and written hearings do not require transcription or recording.
- 2) NCTRC and the candidate or certificant may consult with and be represented by legal counsel, make opening statements, present documents and testimony, examine and cross-examine witnesses under oath, make closing statements, and present written briefs as scheduled by the Standards Hearing Committee.
- 3) The Standards Hearing Committee shall determine all matters relating to the hearing. The hearing and related matters shall be determined on the record by majority vote.
- 4) Formal rules of evidence shall not apply. Relevant evidence may be admitted. Disputed questions shall be determined by majority vote of the Standards Hearing Committee.
- 5) Proof shall be by preponderance of the evidence.
- 6) Whenever a mental or physical disability is alleged, the candidate or certificant may be required to undergo a physical or mental examination at the expense of the candidate or certificant. The report of such an examination shall

become part of the evidence considered.

- 7) The Standards Hearing Committee shall issue a written decision following the hearing and any briefing. The decision shall contain factual findings, conclusions and any sanctions applied. It shall be mailed promptly by certified mail, return receipt requested, or other verifiable method of delivery to the candidate or certificant.

FINAL APPEAL PROCEDURES:

If the decision of the Standards Hearing Committee is that the allegations are not established, no further action on the allegations shall occur and the candidate or certificant shall be notified of the decision. If the decision rendered by the Standards Hearing Committee is not favorable to the candidate or certificant, the candidate or certificant may appeal the decision to the NCTRC Board of Directors by submitting a written appeals statement and the appeals filing fee (\$25.00) within 30 days following receipt of the decision of the Standards Hearing Committee. NCTRC may file a written response to the statement of the candidate or certificant.

The Board of Directors will only review those decisions of the Standards Hearing Committee which are alleged to have been rendered in an arbitrary and capricious manner. No other ground for appeal is available. All decisions by the Standards Hearing Committee, which are not alleged to be arbitrary and capricious, or are not appealed to the Board of Directors within 30 days are final.

The NCTRC Board of Directors by majority vote shall render a decision on the entire written record without oral hearing, although written briefing may be submitted. The decision of the NCTRC Board of Directors shall be rendered in writing following any briefing. The decision shall contain factual findings, conclusions, and any sanctions applied, the decision shall be final, and may not be appealed further. The decision shall be transmitted to the candidate or certificant by certified mail, return receipt requested.

SUMMARY PROCEDURE

Whenever the Executive Director determines that there is cause to believe that a threat of immediate and irreparable injury to the health of the public (including any individual) exists, the Executive Director shall forward the allegations to the Standards Review Committee. The Standards Review Committee shall review the matter immediately and provide telephonic or other expedited notice and review procedure to the candidate or certificant. Following such notice and opportunity by the individual to be heard, if the Standards Review Committee determines that a threat of immediate and irreparable injury to the public exists, certification may be suspended for up to 90 days pending a full review as provided herein.

RECONSIDERATION OF ELIGIBILITY FOR CERTIFICATION

If eligibility or certification is denied or revoked, eligibility or certification may be reconsidered on the following basis:

- a) In the event of a felony conviction directly related to therapeutic recreation practice and/or public health and safety, no earlier than three (3) years from the exhaustion of appeals, completion of probation, or release from confinement (if any), whichever is later;
- b) In any other event, no earlier than three (3) years from the final decision of ineligibility or revocation.

The candidate must also set forth additional information as required by NCTRC to substantiate the candidate's fitness for practice. When eligibility has been denied because of felony conviction, the individual bears the burden of demonstrating by clear and convincing evidence that the individual has been rehabilitated and does not pose a danger to others.