

AHNCC'S PROFESSIONAL CODE FOR HOLISTIC NURSING PRACTICE

PREAMBLE

The American Holistic Nurses' Certification Corporation, Inc. ("AHNCC") is a nonprofit organization that provides board certification for holistic nursing. The Board is national in scope and blends both academicians and practitioners for the purpose of establishing rigorous standards that have a basis in real world practice.

Certification is offered to holistic nurses from a wide variety of practice disciplines, which meet high standards for the practice of holistic nursing. To the extent that standards are rigorously adhered to, it is the aim of AHNCC to be inclusive, and not to be restrictive to any subspecialty.

Maintenance of AHNCC certification will require adherence to AHNCC's Code of Professional Practice. Individuals who fail to meet these requirements may be suspended or have their certification revoked. AHNCC does not guarantee the job performance of any individual.

AHNCC does not express an opinion on the competence of or warrant the job performance of Certified Holistic Nurses. Rather, AHNCC certification constitutes recognition by AHNCC that, to its best knowledge, an AHNCC certificant meets and adheres to certain minimum academic, preparation, professional experience, continuing education, and professional standards.

I. ELIGIBILITY FOR CERTIFICATION OR RECERTIFICATION

As a condition of eligibility for and continued maintenance of any AHNCC certification, each candidate or certificant agrees to the following:

A. Compliance with AHNCC Standards, Policies, and Procedures

No individual is eligible to apply for or maintain certification unless in compliance with all AHNCC rules and standards, policies and procedures, including timely payment of fees and recertification requirements. Each individual bears the burden for showing and maintaining compliance at all times. AHNCC may deny, revoke, or otherwise act upon certification or recertification when an individual is not in compliance with all AHNCC standards, policies and procedures. Nothing provided herein shall preclude administrative requests by AHNCC for additional information to supplement or complete any application for certification or recertification.

B. Complete Application

The individual shall truthfully complete and sign an application in the form provided by AHNCC, shall provide the required fees and shall provide additional information as requested. The individual shall notify AHNCC within 60 (sixty) days of occurrence of any change in name, address, telephone number, and any other facts bearing on eligibility or certification (including but not limited to: filing of any civil or criminal charge, indictment or litigation; conviction; plea of guilty; plea of nolo contendere; or disciplinary action by a licensing board or professional organization). A candidate or certificant shall not make and shall correct immediately any statement concerning the candidate's or certificant's status which is or becomes inaccurate, untrue or misleading.

All references to "days" in AHNCC standards, policies and procedures shall mean calendar days. Communications required by AHNCC must be transmitted by certified mail, return receipt requested or other verifiable method of delivery. The candidate or certificant agrees to provide AHNCC with confirmation of compliance with AHNCC requirements as requested by AHNCC.

C. Property of AHNCC

The examinations, certificates, and cards of AHNCC, the names "American Holistic Nurses' Certification Corporation, Inc." and "Holistic Nurse Certified," the term "AHNCC," the term "HNC" and abbreviations relating thereto are all the exclusive property of AHNCC and may not be used in any way without the express prior written consent of AHNCC. In case of suspension, limitation, revocation, or resignation from AHNCC or as otherwise requested by AHNCC, the individual shall immediately relinquish, refrain from using, and correct at the individual's expense any outdated or otherwise inaccurate use of any certificate, logo, emblem, and the AHNCC name and related abbreviations. If the individual refuses to relinquish immediately, refrain from using and correct at his or her expense any misuse or misleading use of any of the above items when requested, the individual agrees that AHNCC shall be entitled to obtain all relief permitted by law.

D. Pending Litigation

Candidates and currently certified individuals must notify AHNCC of any indictment or charge pending before a state or federal regulatory agency or judicial body directly relating to AHNCC (including civil AHNCC actions), or a matter described in Section III, 1-13 within 60 (sixty) days of such charge and shall provide documentation of the resolution of such charge within 60 (sixty)

E. Criminal Convictions

An individual convicted of a felony directly related to AHNCC shall be ineligible to apply for certification or recertification for a period of five (5) years from the exhaustion of appeals or final release from confinement (if any), whichever is later. Convictions of this nature include but are not limited to felonies involving rape or sexual abuse of a patient or child, and actual or threatened use of a weapon.

II. SCORE REPORTS

The AHNCC is concerned with reporting only valid scores. On rare occasions, misconduct or circumstances beyond the individual's control may render a score invalid. If doubts are raised about a score because of these or other circumstances, all individuals are expected to cooperate in any AHNCC investigation. AHNCC reserves the right to cancel any examination score if, in the sole opinion of AHNCC, there is adequate reason to question its validity. AHNCC in its discretion will (i) offer the individual an opportunity to take the examination again at no additional fee, or (ii) proceed as described below.

III. APPLICATION AND CERTIFICATION STANDARDS

AHNCC may revoke or otherwise take action with regard to the application or certification of a candidate or certificant in the case of:

1. Ineligibility for AHNCC certification;
2. Irregularity in connection with any AHNCC examination;
3. Failure to pay fees required by AHNCC;
4. Unauthorized possession of, use of or access to AHNCC examinations, certificates, cards, and logos of AHNCC, the name "American Holistic Nurses' Certification Corporation, Inc." and "Holistic Nurse Certified," the term "AHNCC," the term "HN-BC", "HNB-BC", or "AHN-BC" and abbreviations relating thereto, and any other AHNCC documents and materials;
5. Obtaining or attempting to obtain certification or recertification 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 AHNCC;
6. Misrepresentation of AHNCC certification or certification status;
7. Failure to provide any written information required by the AHNCC;

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 or malpractice in professional work;
10. Limitation or sanction, including voluntary limitation, by a governmental regulatory board or professional organization relating to the public health, nursing, or holistic nursing.
11. The conviction of, plea of guilty or plea of nolo contendere to a felony or misdemeanor related to AHNCC. This includes but is not limited to a felony involving rape or sexual abuse of a patient or child, and actual or threatened use of a weapon;
12. Failure to timely update information to AHNCC;
13. Failure to maintain confidentiality as required by law; or
14. Other violation of an AHNCC standard, policy or procedure as provided in the AHNCC Candidate Brochure or other material provided to candidates or certificants.

IV. ESTABLISHMENT OF SPECIAL STANDARDS REVIEW AND STANDARDS HEARING COMMITTEES.

1. The AHNCC Board of Directors by a majority vote may elect (i) a Standards Review Committee and (ii) a Standards Hearing Committee, to consider alleged violations of any AHNCC disciplinary rule set forth at III, 1-13 above or any other AHNCC standard, policy or procedure.
2. Each of these Committees shall be composed of three members drawn from AHNCC certificants.
3. A committee member's term of office on the committee shall run for one year and may be renewed so long as the total term of service does not exceed six (6) years.
4. A committee member may serve on any matter in which his or her impartiality or the presence of actual or apparent conflict of interest might reasonably be questioned.
5. Committee action shall be determined by majority vote.
6. When a committee member is unavailable to serve by resignation, disqualification or other circumstance, the Chair of AHNCC shall designate another individual to serve as an interim member.

V. REVIEW AND APPEAL PROCEDURES

Failure to pay fees, failure to submit required information, and failure to meet deadlines shall all be determined by the AHNCC National Office. The National Office shall send a notice to the affected certificant, allowing an opportunity to respond within 20 calendar days to the determination by the National Office. If no response is received or if no evidence is submitted showing timely compliance by the certificant, the National Office may revoke certification, without further opportunity for the certificant to appeal except as set forth in XII, herein. In all other circumstances, the following procedures shall apply:

A. Submission of Allegations

1. Allegations of a violation of an AHNCC disciplinary rule or other AHNCC standard, policy or procedure are to be referred to the Chair for disposition. Persons concerned with possible violation of AHNCC rules should identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the Chair. The statement should identify by name, address and telephone number the person making the information known to AHNCC and others who may have knowledge of the facts and circumstances concerning the alleged conduct. Supplementation relating to the content or form of the information may be requested.
2. The Chair shall make a determination of the allegations SUBMITTED IN WRITING within 60 (sixty) days and after consultation with counsel.
3. If the Chair determines that the allegations are frivolous or fail to state a violation of an AHNCC's rules, the Chair shall take no further action and so apprise the Board and the complainant (if any).
4. If the Chair determines that good cause may exist to deny eligibility or question compliance with AHNCC rules, the Chair shall transmit the allegations to the Standards Review Committee.

B. Procedures of the Standards Review Committee

1. The Standards Review Committee shall investigate the allegations after receipt from the Chair. If a majority of the Committee determines after such investigation that the allegations and facts are inadequate to sustain a finding of a violation of AHNCC disciplinary rules, no further adverse action shall be taken. The Board and the complainant (if any) shall be so apprised.

2. If the Committee finds by majority vote that good cause exists to question whether a violation of a AHNCC disciplinary rule has occurred, the Committee shall transmit a statement of allegations to the candidate or certificant by certified mail, return receipt requested, setting forth the applicable standard and a statement:
 - a. Of facts constituting the alleged violation of the standard;
 - b. That the candidate or certificant may proceed to request: (i) review of written submission by the Standards Hearing Committee; (ii) a telephone conference of the Standards Hearing Committee; or (iii) an in-person hearing (at least held annually proximate to the annual meeting of AHNCC), with the candidate or certificant bearing his or her own expenses for such matter;
 - c. That the candidate or certificant shall have 15 days after receipt of the statement to notify the Chair if he or she disputes the allegations, has comments on available sanctions, and/or requests a hearing on the record;
 - d. That the candidate or certificant may appear in person with or without the assistance of counsel, may examine and cross-examine any witness under oath, and produce evidence on his or her behalf;
 - e. That the truth of allegations or failure to respond may result in sanctions including revocation; and
 - f. That if the candidate or certificant does not dispute the allegations or request a hearing, the candidate or certificant consents that the Committee may render a decision and apply available sanctions. (Available sanctions are set out in VI., below.)

C. Procedures of the Standards Hearing Committee

If the candidate or certificant disputes the allegations or available sanctions or requests a hearing:

1. The Standards Review Committee shall:
 - a. forward the allegations and response of the candidate or certificant to the Standards Hearing Committee; and
 - b. designate one of its members to present the allegations and any substantiating evidence, examine and cross-examine

witnesses and otherwise present the matter during any hearing of the Standards Hearing Committee.

2. The Standards Hearing Committee shall then:
 1. schedule a written review, or telephone or in-person hearing as directed by the candidate or certificant, allowing for an adequate period of time for preparation for the hearing; and by certified mail, return receipt requested, a Notice of Hearing to the candidate or certificant. The Notice of Hearing shall include a statement of the standards violated and the time and place of the hearing as selected by the Standards Hearing Committee.
 2. The candidate or certificant may request modification of the date of the hearing for good cause. The individual may request a hearing by teleconference or by written submission of documents in lieu of in-person hearing.
 3. The Standards Hearing Committee shall maintain a verbatim audio, video or written transcript.
 4. AHNCC and the candidate or certificant may consult with and be represented by 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.
 5. 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.
 6. Formal rules of evidence shall not apply. Relevant evidence may be admitted. Disputed questions shall be determined by majority vote of the Standards Review Committee.
 7. Proof shall be by preponderance of the evidence.
 8. Whenever 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.
 9. The Standards Hearing Committee shall issue a written decision following the hearing and any briefing. The decision shall contain factual findings, conclusions of law and any sanctions applied. It shall be mailed promptly by certified mail, return receipt requested, to the candidate or certificant.

D. Appeal Procedures

1. If the decision rendered by the Standards Hearing Committee finds that the allegations are not established, no further action on the appeal shall occur and the individual shall be notified.
2. 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 AHNCC Board of Directors by submitting a written appeals statement within 30 (thirty) days following receipt of the decision of the Standards Hearing Committee along with the appeal fee then required by AHNCC as stated in the written decision. AHNCC may file a written response to the statement of the candidate or certificant.
3. The AHNCC Board of Directors by majority vote shall render a decision on the record below without a hearing, although written briefing may be submitted.
4. The decision of the AHNCC Board of Directors shall be rendered in writing following receipt and review of any briefing. The decision shall contain factual findings; conclusions of law and any sanctions applied and shall be final. (Available sanctions are set out at Section VI.16, below.) The decision shall be transmitted to the candidate or certificant by certified mail, return receipt requested.

VI. SANCTIONS

Sanctions for violation of any AHNCC standard set forth herein or any other AHNCC standard, policy or procedure may include one or more of:

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

VII. SUMMARY PROCEDURE

Whenever the Chair determines that there is cause to believe that a threat of immediate and irreparable relationship with AHNCC exists, the Chair shall forward the allegations to the AHNCC Board. The Board 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 Board determines that a threat of immediate and irreparable injury to the public exists, certification may be suspended for up to 90 (ninety) days pending a full review as provided herein.

VIII. RELEASE OF INFORMATION

Each applicant and certificant agrees to cooperate promptly and fully in any review of eligibility or certification status, including submitting such documents and information deemed necessary to confirm the information in the application. The individual candidate or certificant agrees that AHNCC and its officers, directors, committee members, employees, agents and others may communicate any and all information relating to AHNCC application, certification and review thereof including but not limited to pendency or outcome of disciplinary proceedings to state and federal authorities, licensing boards, employers, other certificants, and others.

IX. WAIVER

The individual releases, discharges and exonerates, and hereby indemnifies and holds harmless AHNCC, its officers, directors, employees, committee members, panel members and agents, and any other persons from and against all claims, damages, losses and expenses, including reasonable attorneys' fees, for actions of AHNCC arising out of applicant's application for or participation in the AHNCC program and use of the AHNCC certification mark or other reference to the AHNCC program, including but not limited to the furnishing or inspection of documents, records and other information and any investigation and review of application or certification made by AHNCC.

X. RECONSIDERATION OF ELIGIBILITY AND REINSTATEMENT OF CERTIFICATION

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

1. in the event of a felony conviction directly related to AHNCC no earlier than five (5) years from the exhaustion of appeals or release from confinement, whichever is later;
2. in any other event, no earlier than three (3) years from the final decision of ineligibility or revocation.

In addition to other facts required by AHNCC, such an individual must fully set forth the circumstances of the decision denying eligibility or revoking certification as well as all relevant facts and circumstances since the decision relevant to the application. 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.

XI. SUBMISSION OF INFORMATION TO AHNCC CONCERNING POSSIBLE VIOLATION OF STANDARDS

Persons concerned with possible violation of AHNCC standards should identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the Chair. The statement should identify by name, address and telephone number the person making the information known to the AHNCC and should identify others who may have knowledge of the facts and circumstances concerning the alleged conduct. Supplementation relating to the content or form of the information may be requested.

XII. DEADLINES

As a rule, AHNCC expects its certificants to meet all deadlines imposed by AHNCC, especially in regard to submission of fees, recertification applications, required evidence of continuing education, and sitting for its examinations. On rare occasion, circumstances beyond the control of the candidate or certificant or other extraordinary conditions may render it difficult, if not impossible, for the certificant to meet the AHNCC's deadlines. Should an individual wish to make appeal of a missed deadline, the certificant should transmit a written explanation and make request for a reasonable extension of the missed deadline, with full relevant supporting documentation, to AHNCC's national office, to the attention of the AHNCC Board of Directors. The Board of Directors will determine at the next meeting of the Board, in its sole discretion and on a case-by-case basis what, if any recourse, should be afforded to such individuals based on the circumstances described and the overall impact on AHNCC. No other procedures shall be afforded to individuals who fail to meet AHNCC deadlines.

XIII. BIAS, PREJUDICE, IMPARTIALITY

At all times during AHNCC's handling of the matter, AHNCC must extend impartial review. If at any time during AHNCC's review of a matter a candidate, certificant, or other person identifies a situation where the judgment of a reviewer may be biased, prejudiced or impartiality may be compromised, (including employment with a competing organization) the individual is required to report such matter to the AHNCC Chair immediately.

