

Credentialing Guidelines and Requirements

A Candidate Guidebook

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Conduct Case Procedures

PHARMACY TECHNICIAN CERTIFICATION BOARD CONDUCT CASE PROCEDURES INTRODUCTION

The Pharmacy Technician Certification Board (PTCB) administers and promotes high ethical standards for pharmacy technicians, including the PTCB Code of Conduct (Code). The following Conduct Case Procedures (Case Procedures or Policy) will be used to process all matters concerning possible violations of PTCB conduct standards (conduct review matters). This Policy applies to individuals seeking PTCB certification (candidates) and all individuals certified by PTCB (certificants).

The Conduct Case Procedures establish and explain the only process for handling conduct cases brought to the attention of PTCB. All certificants and candidates agree to follow and obey PTCB policies, including the Code of Conduct and the Case Procedures, and agree that they will not challenge the authority of PTCB to use the Code of Conduct, the Conduct Case Procedures, or other policies. In addition, PTCB certificants and candidates agree that: this Policy is a fair process for resolving all conduct review matters and cases; they will be bound by decisions made consistent with this Policy; and, this Policy does not constitute a contract between PTCB and the candidate or certificant.

A. GENERAL

1. Nature of the Process. This Policy is the only process for the review and resolution of PTCB conduct charges and complaints. PTCB is the only authority to decide any conduct inquiry or case related to the PTCB Code of Conduct, regardless of the circumstances. These Procedures are not formal legal proceedings, so many legal rules and practices are not observed. PTCB will review the relevant information presented when considering conduct investigations, cases, and decisions. The Case Procedures are intended to be used without the assistance of attorneys. A party may choose to be represented by an attorney during a conduct matter or case, but the party will be responsible for all related attorney fees. A party's attorney will be directed to communicate with PTCB only through PTCB Legal Counsel. Parties are encouraged to communicate directly with PTCB.

2. Participants. Conduct cases may be decided by the Executive Director or other designated PTCB representative (Resolution Officer), the Conduct Review Committee, and/or the Conduct Appeals Committee. A certificant or candidate who is the subject of a conduct charge or investigation is identified as the Respondent in this Policy. The person initiating a conduct complaint is identified as the Complainant.

3. Complainants/Conduct Charge Statement. An individual, group, or, in certain situations, PTCB, may initiate a conduct review matter and act as a Complainant. To begin a conduct review matter, a Complainant should complete a [Conduct Charge Statement form](#), which is available on the PTCB Internet site located at www.PTCB.org or by contacting PTCB, and submit the completed Charge Statement to the Executive Director or other designated PTCB Representative. The Conduct Charge Statement must include a detailed written description of the factual information supporting the conduct charge(s).

4. Time Requirements. Complainants and Respondents must comply with all time requirements specified in this Policy. Time extensions or postponements may be granted by PTCB in appropriate circumstances at PTCB's sole discretion. PTCB will make every effort to follow the time requirements set forth in this Policy. However, PTCB's failure to meet a time requirement will not prevent the final resolution of a conduct review matter.

5. Litigation/Other Proceedings. PTCB may accept and resolve conduct cases when civil or criminal litigation, or other proceedings related to the complaint, have been or are currently before a court, regulatory agency, or

professional body. PTCB may continue or delay conduct cases in these circumstances.

6. Complaints Concerning Non-Certificants and Non-Applicants. If PTCB receives a conduct inquiry or Conduct Charge Statement concerning an individual who is not certified by PTCB, or who is not a candidate for PTCB certification, PTCB will inform the complaining party that the individual is not a PTCB certificant or candidate, and PTCB may refer the matter to an appropriate authority or organization.

7. Improper Disclosure/False or Misleading Responses. A failure to provide or disclose information, or a misleading disclosure by a certificant or candidate regarding a conduct matter or case, may be a violation of this Policy, and the subject of a conduct complaint.

8. Time Limitations Concerning Complaints. PTCB may consider any conduct complaint, regardless of: **(a)** whether the Respondent held a PTCB credential at the time of the alleged violation; **(b)** when the alleged violation occurred; or, **(c)** whether the Respondent continues to hold or seek a PTCB credential during the course of any conduct case.

9. Confidentiality. In order to protect the privacy of the parties to a conduct case, the material prepared by or submitted to PTCB will be confidential. However, conduct case information or documents may be released when authorized by this Policy, or when required by an appropriate court or government agency order. The identities of the members of the Conduct Review Committee and the Conduct Appeals Committee will remain confidential, and will not be released without the specific authorization of each Committee member. Until a conduct case has been closed or finalized pursuant to Case Procedures Section N, all parties must maintain the confidentiality of all information related to the conduct case, including its existence, consistent with this Policy. If any party discloses information related to the conduct case contrary to these Procedures, PTCB may: **(a)** dismiss the complaint and terminate the conduct case, if the disclosure is by the Complainant; or, **(b)** impose any sanction allowed by this Policy, if the disclosure is by the Respondent. This rule, however, does not limit or restrict the ability of a party to collect information relevant to the resolution of the conduct case, so long as the party makes all reasonable efforts to maintain confidentiality.

10. Failure to Cooperate. If any party refuses to cooperate or participate fully with PTCB or its representatives, and it is determined that the lack of cooperation is without good cause, PTCB may take the following actions: **(a)** dismiss the complaint and terminate the conduct case, if the Complainant is uncooperative; or, **(b)** impose any sanction allowed by this Policy, if the Respondent is uncooperative.

11. Resignation from PTCB. If a Respondent attempts to relinquish PTCB certification or withdraws an application during a conduct inquiry or case, PTCB may continue the matter to a final resolution and decision according to this Policy.

B. MEDIATION

1. Cases Appropriate for Mediation. The Executive Director or other designated PTCB Representative will receive all Conduct Charge Statements and complaint communications, in order to determine whether the matter could be resolved fairly without a formal conduct review. The PTCB Representative will consider: the seriousness of the allegations; the Respondent's background; the Respondent's prior conduct; and any other relevant information or material. Conduct complaints concerning charges issued by a regulatory agency or professional body, and those involving criminal charges or civil litigation, are not appropriate for mediation.

2. Mediation Determination. If the PTCB Representative determines that a conduct matter is appropriate for mediation, and the Complainant and Respondent agree to mediation, all parties will make a reasonable and good faith effort to resolve the dispute to a fair, just, and voluntary conclusion.

3. Successful Mediation. If a conduct matter is resolved informally by mediation, the PTCB Representative will prepare a report summarizing the terms of each mediated resolution of the conduct matter. A copy of the report will be forwarded to the parties.

4. Unsuccessful Mediation. If a conduct matter is not resolved by mediation, the PTCB Representative will refer the case to the Conduct Review Committee for resolution consistent with this Policy.

C. CONDUCT INQUIRIES/CONDUCT CHARGE STATEMENTS

1. Conduct Inquiries. An individual or group submitting a complaint concerning a certificant or candidate should contact PTCB. The authorized PTCB Representative will provide to the Complainant the PTCB Code of Conduct, Conduct Case Procedures, and a [Conduct Charge Statement form](#). The PTCB Representative will record all conduct inquiries and identify: the person(s) making the inquiry; the certificant/candidate identified; the State from which the inquiry originates; and, the nature of the matter. This record will remain confidential, and will be available only to authorized representatives of PTCB.

2. Conduct Charge Statement/Description of Charges. In order for PTCB to consider a conduct complaint, a

Complainant other than PTCB should complete and submit to PTCB a Conduct Charge Statement, including all information required by the form. The Conduct Charge Statement is a written communication from a Complainant describing the allegations against a certificant or candidate. Public documents, such as newspaper stories, court decisions or orders, or agency decisions, also may be considered as Conduct Charge Statements, or as supporting information. When a Conduct Charge Statement is received by PTCB, the Resolution Officer will: **(a)** review the material received and assign a case number to the conduct review matter; **(b)** review the allegations made concerning the charges; **(c)** determine whether the charges are presented in sufficient detail to permit PTCB to conduct a preliminary investigation; and, if necessary, **(d)** contact the Complainant and other parties with relevant information to request additional factual material. The Resolution Officer will send a letter to the Complainant and Respondent stating whether the charges submitted are accepted or rejected for a formal conduct investigation.

D. ACCEPTANCE/REJECTION OF CONDUCT CHARGES

1. **Charge Acceptance.** The Resolution Officer will review a Conduct Charge Statement submitted by a Complainant, and then determine if the allegations will become the subject of a formal Conduct Complaint and Investigation. The following information will be considered when determining if a charge is accepted or rejected: **(a)** whether the Respondent is a certificant or candidate; **(b)** whether a proven charge would constitute a violation of the Code of Conduct; **(c)** whether the passage of time since the alleged violation occurred requires that the charge(s) be rejected; **(d)** whether relevant, reliable information or proof concerning the charge is available; **(e)** whether the Complainant is willing to provide relevant information to PTCB concerning the complaint; and, **(f)** whether the charge appears to be justified or supported, considering the proof available to PTCB. The Resolution Officer will determine whether the charge(s) and available proof support a formal Conduct Complaint, and will either: issue a formal Conduct Complaint and Investigation Notice, pursuant to Section E.1; or, reject the charge(s) pursuant to Section D.2.

2. **Charge Rejection.** If the Resolution Officer determines that a charge allegation should not become the subject of a formal Conduct Complaint, the charge(s) will be rejected. The Resolution Officer will notify the Complainant and Respondent of the rejection and the reasons(s) for the rejection by letter within approximately twenty-one (21) days of the determination.

3. **Appeal of Charge Rejection Determination.** Within thirty (30) days of the mailing date of a charge rejection letter, the Complainant may appeal to the Conduct Review Committee. In order to have the Conduct Review Committee reconsider the rejection, a Complainant must state the following in writing: **(a)** the alleged procedural errors made by the Resolution Officer related to this Policy with respect to the charge rejection; **(b)** the specific provisions of the Code of Conduct believed violated; and, **(c)** the specific information believed to support the acceptance of the charge(s). The Conduct Review Committee will consider and decide any charge rejection appeal at the next scheduled Committee meeting. Such decisions cannot be appealed.

E. CONDUCT COMPLAINTS AND INVESTIGATION

1. **Conduct Complaint and Investigation Notices.** After a conduct charge is accepted, a formal Conduct Complaint and Investigation Notice (Conduct Complaint) will be sent to the Respondent and the Complainant identifying each alleged Code of Conduct violation, and the factual information related to each complaint. The Conduct Complaint Notice will state that the Respondent may request that the Conduct Complaint be reviewed and resolved by the Conduct Review Committee, and may request a hearing before the Review Committee. If the Respondent does not request review by the Conduct Review Committee, the Conduct Complaint will be resolved by the Resolution Officer under Section H of this Policy. This Complaint Notice will be delivered to the Respondent, at the last known address(es) by regular mail and other verifiable delivery service, and will be marked "Confidential."

F. CONDUCT COMPLAINT RESPONSE/OPTIONAL REPLY AND OPTIONAL RESPONSE

1. **Submitting a Conduct Complaint Response.** Within thirty (30) days of the mailing date of a Conduct Complaint, the Respondent must submit a Conduct Complaint Response (Complaint Response) according to the instructions in the Complaint Notice. The Complaint Response must include the following information and materials: **(a)** a full and accurate response to each complaint matter and alleged Code of Conduct violation; **(b)** the identification and a copy of each document that the Respondent believes to be relevant to the resolution of the Conduct Complaint; and, **(c)** any other information that the Respondent believes will assist PTCB in considering the Conduct Complaint fairly.

2. **Response Deficiencies.** The Resolution Officer or the Conduct Review Committee may require the Respondent to provide additional information concerning a Complaint Response.

3. **Optional Reply to Conduct Complaint Response.** PTCB will forward the Conduct Complaint Response to the Complainant within approximately ten (10) days following PTCB's receipt of the Response. The Complainant may submit a written Reply to the Respondent's Complaint Response within ten (10) days of the mailing date of the Response to the Complainant. This Reply must fully explain all objections that the Complainant wishes to present concerning the Conduct Complaint Response.

4. **Optional Response to Complainant Reply.** PTCB will forward the Reply to the Conduct Complaint Response to the Respondent within approximately ten (10) days following PTCB's receipt of the Reply. The Respondent may submit a written Response to the Complainant's Reply within ten (10) days of the mailing date of the Reply to the Respondent. The Response must fully explain, and is limited to, any objections that the Respondent wishes to present concerning the Complainant's Reply to the Conduct Complaint Response.

G. PRELIMINARY ACTIONS AND ORDERS

1. **Voluntary Temporary Suspension of Certification.** After a Conduct Complaint is issued, the Respondent may be asked to accept, and agree to, a temporary suspension of PTCB certification and certain related conditions, which will remain in effect until the final resolution of the Complaint. This Voluntary Suspension Agreement will state that the Respondent's certification is suspended, and that the Respondent agrees to stop representing himself or herself as certified, credentialed, or otherwise endorsed by PTCB until the final resolution of the Conduct Complaint. The Respondent will return at his/her own expense any credential materials to PTCB to be held until the suspension or other disciplinary action has ended.

2. **Involuntary Suspension of Certification.** If a Respondent does not agree to accept a Voluntary Suspension Agreement pursuant to Section G.1, the Resolution Officer, the Conduct Review Committee, or the Conduct Appeals Committee may issue an Order temporarily suspending the Respondent's certification(s), and/or imposing appropriate conditions. This Suspension Order will stay in effect until the final resolution of the Complaint.

3. **Circumstances of Involuntary Suspension Orders.** Suspension Orders are authorized where: **(a)** the Respondent has been convicted of a criminal act, or the Respondent has not contested a criminal charge; **(b)** the Respondent has been charged with a criminal act or violation of criminal law; **(c)** the Respondent has been found in violation of any law, regulation, or rule by a government regulatory body, or has been sanctioned or disciplined by a government regulatory body; or, **(d)** the Respondent is the subject of other legal action(s) relating to their pharmacy technician activities.

4. **Other Preliminary Orders.** The Resolution Officer, the Conduct Review Committee, or the Appeals Committee may require the Respondent to do or to refrain from doing certain acts by preliminary and temporary Order, including the submission of information/documents relevant to a conduct case review. Any temporary and preliminary Order will be reasonably related to the Conduct Complaint under consideration, or to a party's responsibilities under the Code of Conduct.

5. **Failure to Comply with Preliminary Orders.** The Resolution Officer, the Conduct Review Committee, or the Conduct Appeals Committee may discipline a Respondent who fails to comply with a temporary or preliminary Order. In determining the appropriate discipline, the Resolution Officer, the Conduct Review Committee, or the Conduct Appeals Committee will consider the severity of the failure to comply with the Order and other relevant factors. Preliminary and temporary Orders cannot be appealed.

H. RESOLUTION OFFICER COMPLAINT REVIEW AND RESOLUTION

1. **Resolution Officer Complaint Resolution.** In the event that the Respondent does not request review of the Conduct Complaint by the Conduct Review Committee, the Resolution Officer will consider and resolve the Conduct Complaint under this Policy, based upon the information in the record, and issue a Final Decision and Order, consistent with Section K.

2. **Resolution Officer Decision and Order.** The Decision and Order of the Resolution Officer is a final case resolution binding on the parties, unless the Decision is appealed to the Conduct Appeals Committee, consistent with the requirements of this Policy.

I. CONDUCT REVIEW COMMITTEE COMPLAINT REVIEW AND RESOLUTION

1. **Conduct Review Committee.** The Executive Director will appoint at least five (5) qualified individuals to serve as the Conduct Review Committee, including a Committee Chair and a Vice Chair. The Review Committee will be composed of at least three (3) current Certified Pharmacy Technician certificants in good standing, and, at least two (2) Pharmacists. Conduct Review Committee members will be appointed based on their pharmacy-related work experience, occupational credentials, training, and other relevant factors. Each Conduct Complaint hearing will be conducted by a panel of three (3) Conduct Review Committee members, including the Committee Chair or Vice Chair, who will preside over the panel. No Review Committee member may serve on a panel where the Committee member has had a business, employment, or personal relationship with a party to the conduct review case, or where there otherwise appears to be a possible conflict of interest related to such service.

2. **Conduct Review Committee Resolution of Complaints.** If the Respondent does not request a hearing before the Conduct Review Committee, the Review Committee will consider and resolve the Conduct Complaint under this Policy,

based upon the information in the record, and issue a Final Decision and Order, consistent with Section K.

3. Conduct Review Committee Decision and Order. The Final Decision and Order of the Conduct Review Committee is binding on the parties, unless the Decision is appealed to the Conduct Appeals Committee, consistent with the requirements of this Policy.

J. CONDUCT COMPLAINT HEARINGS

1. Conduct Review Committee Hearings. At the request of the Respondent, the Conduct Review Committee will conduct a hearing in order to collect and review all of the available information and proof related to the Conduct Complaint. The Review Committee will have full authority and responsibility to convene, preside over, continue, and conclude a hearing, and to resolve a Conduct Complaint.

2. Hearing Schedule and Location. The hearing date for each conduct review case will be scheduled by a PTCB representative, in consultation with the parties. As determined by PTCB, a hearing will be conducted by telephone, unless an in person hearing is necessary. If practical, a hearing will be held no less than sixty (60) days and no more than one hundred and twenty (120) days after a Conduct Complaint is issued by PTCB.

3. Hearing Notice and Attendance. A PTCB representative will notify the parties of the hearing schedule and location in writing. Each party will be required to provide the following information at least seven (7) days before the hearing: **(a)** whether the party intends to participate in the hearing, and if so, the telephone number where the party is to be reached during the hearing; **(b)** whether the party intends to participate in the hearing with an attorney or other representative, and if so, the name, address, and telephone number of the attorney or representative; **(c)** whether the party intends to present witnesses at the hearing, and if so, the name, address, and telephone number of each witness and a brief summary of the information to be provided by each witness; and, **(d)** whether the party intends to present any written information during the course of the hearing that was not previously submitted to PTCB. If new information is offered, the party must provide to PTCB and all other parties a copy of each document and a brief description of the document's relevance at least seven (7) days before the hearing. A Conduct Complaint may proceed to a conclusion and decision whether or not the parties are present.

4. Postponement of Hearing. A Respondent or Complainant may request a hearing postponement. This request must be in writing and received by PTCB at least ten (10) days prior to the scheduled hearing date. The Chair or Vice Chair of the Conduct Review Committee may grant or deny a postponement. Postponement decisions cannot be appealed.

5. Participation of PTCB Legal Counsel. If PTCB Legal Counsel is present during a conduct review case hearing, Legal Counsel will have the privilege of the floor and may conduct the hearing with the Conduct Review Committee. Attorneys or other representatives of the parties do not have this privilege, and must follow the determinations and rulings of the Conduct Review Committee and PTCB Legal Counsel.

6. Responsibilities and Rights of the Parties. In addition to other responsibilities and rights, the Respondent and the Complainant may do, or be required to do, the following: **(a)** attend the hearing and be present during all witness presentations; **(b)** present witnesses, written information, and arguments on their behalf; **(c)** review or inspect all information and documents presented in the case; and, **(d)** comply with all orders or directives issued by PTCB.

7. Witnesses. All witnesses will be excluded from the hearing except during the presentation of their testimony. The Conduct Review Committee Chair or Vice Chair will rule on any request for a witness to be present during the hearing, and the ruling cannot be appealed.

8. Confidentiality/Inclusion of Other Persons. All hearings are confidential and private. Only authorized PTCB representatives, the parties, and legal counsel may participate in a hearing. A party may request the presence of an observer during all or part of a hearing; however, no observers are permitted without special permission from the Conduct Review Committee. The Review Committee, or the Committee Chair or Vice Chair, will rule on these requests, and the ruling cannot be appealed.

9. Information and Proof Accepted. The Conduct Review Committee will receive and consider all information appearing to be relevant to the Conduct Complaint, including any information that may be helpful to a complete understanding of the case. The Review Committee may consider information concerning a party's relevant past conduct. Objections relating to the relevance of information and similar issues will be decided by the Review Committee or the Committee Chair, and these decisions cannot be appealed.

10. Record of the Hearing. A written summary of the hearing will be made by the Conduct Review Committee or other PTCB representative. No tape, video, or other electronic recording of the hearing will be permitted, unless specifically authorized by the Review Committee or Committee Chair. Upon the request of a party, the Chair may grant permission for off-the-record conversations. Such conversations will not be included in the hearing record.

11. **Hearing Expenses.** PTCB will assume all costs related to scheduling and conducting a hearing, including conference call expenses. Each party will be solely responsible for their expenses associated with the conduct review case, including all hearing and attorney expenses.

12. **Closing of the Case Record.** The case record will be closed following the conclusion of the hearing, unless otherwise directed by the Conduct Review Committee. Any party may request that the record remain open for thirty (30) days for the purpose of receiving additional information and written material. The Review Committee or Committee Chair may grant or deny requests to keep records open, and these decisions cannot be appealed.

K. RESOLUTION OFFICER OR CONDUCT REVIEW COMMITTEE CASE DECISION AND ORDER

1. **Conduct Case Decision and Order.** Approximately thirty (30) days after a conduct case record is closed, or as soon as practical, the Resolution Officer or the Conduct Review Committee, as appropriate, will prepare a Conduct Case Decision and Order, and will send the Decision to the parties.

2. **Contents of the Conduct Case Decision.** The following information will be included in the Conduct Case Decision: **(a)** a summary of the case, including the positions of the parties; **(b)** a summary of the relevant factual findings based on the record; **(c)** a final ruling on each Code of Conduct complaint; **(d)** a statement of any disciplinary and remedial action(s) issued; and, **(e)** any other information determined to be appropriate.

3. **Conduct Case Order.** The Resolution Officer or the Conduct Review Committee may issue a Conduct Case Order that includes any of the following actions and information: **(a)** an order directing the Respondent to stop or end any behavior or acts found to be in violation of the Code of Conduct; **(b)** a statement of the disciplinary and remedial action(s) imposed, and a requirement that the Respondent comply immediately with these action(s); and, **(c)** any other appropriate directive(s) consistent with the Decision.

L. DISCIPLINARY ACTIONS

1. **Disciplinary Actions Available.** When a Respondent has been found to have violated the Code of Conduct the Resolution Officer or the Conduct Review Committee may issue and order one or more of the following disciplinary and remedial actions concerning the violation(s): **(a)** a recommendation to the Executive Director or Certification Council that the candidate be ineligible for certification, or that a certificant be ineligible for recertification; **(b)** a requirement that the Respondent take corrective action(s), or fulfill appropriate conditions; **(c)** a private reprimand and censure of the Respondent; **(d)** a public reprimand and censure of the Respondent; **(e)** certification probation for any period of up to three (3) years, which may include conditions related to the Respondent's conduct; **(f)** suspension of the Respondent's certification for a period of not less than six (6) months and not more than three (3) years, which will include the requirements that the Respondent return to PTCB all original or copied credential materials for the suspension period, and immediately stop any professional identification or affiliation with PTCB during the suspension period; and, **(g)** revocation of the Respondent's certification, which will include the requirements that the Respondent return to PTCB all original or copied credential materials, and immediately stop all identification or affiliation with PTCB.

2. **Referral and Notification Action.** The Executive Director or other designated PTCB Representative may notify appropriate government agencies or professional organizations of any final disciplinary action(s) taken concerning a Respondent by sending a copy of the final Decision and Order. The PTCB Representative may send this Decision notification after the time period for the Respondent to appeal an adverse decision has ended. During an appeal period, the PTCB Representative may respond to inquiries concerning conduct cases, and may indicate the existence of a complaint.

3. **Publication of Disciplinary Action.** Following the closure of a conduct case, the Executive Director or other designated PTCB Representative may publish or release a final Conduct Case Decision and Order. Any party or interested individual may request the publication of a final Decision, consistent with this Policy. The Executive Director or other PTCB Representative may grant or deny such requests, and these decisions cannot be appealed.

M. CONDUCT APPEALS COMMITTEE

1. **Conduct Appeals Committee.** The Certification Council will appoint at least five (5) qualified individuals to serve as the Conduct Appeals Committee (Appeals Committee), which will be responsible for resolving all appropriate appeals concerning Decisions of the Resolution Officer or the Conduct Review Committee. The Appeals Committee will be composed of at least three (3) current Certified Pharmacy Technician certificants in good standing, and, at least one (1) Pharmacist. Appeals Committee members will be appointed based on their pharmacy-related work experience, occupational credentials, training, and other relevant factors. The Certification Council will appoint an Appeals Committee Chair and Vice Chair to preside over and conduct each appeal, consistent with this Policy. No Appeals Committee member may participate in an appeal where the member has had a business, employment, or personal relationship with a party to the conduct review case, or where there otherwise appears to be a possible conflict of

interest related to such participation.

2. Time Period for Appeals to the Appeals Committee. Within thirty (30) days of the mailing date of an adverse Decision by the Resolution Officer or the Conduct Review Committee, the Respondent may appeal all or a portion of the Decision and Order to the Conduct Appeals Committee pursuant to this Section. Any appeals received beyond this time period will not be reviewed or considered by the Appeals Committee.

3. Grounds for Appeal to the Appeals Committee. An adverse Decision of the Resolution Officer or the Conduct Review Committee may be affirmed, reversed, or otherwise modified by the Conduct Appeals Committee on appeal. However, the grounds for appeal of an adverse decision are strictly limited to the following: **(a)** Procedural Error: The Resolution Officer or Conduct Review Committee misapplied a procedure contained in this Policy and prejudiced the Respondent; **(b)** New or Previously Undiscovered Information: Following the closing of the hearing record, the Respondent has found relevant proof that was not previously in their possession, that was not reasonably available prior to closure of the record, and that could have affected the Resolution Officer or Conduct Review Committee Decision; **(c)** Misapplication of the Conduct Code: The Resolution Officer or Conduct Review Committee Decision misapplied the provisions of the Code of Conduct, and the misapplication prejudiced the Respondent; and/or, **(d)** Contrary to the Information Presented: The Resolution Officer or Conduct Review Committee Decision is contrary to the most substantial information provided in the record. With respect to Sections M.3(a) and M.3(c), above, the Appeals Committee will consider only arguments that were presented to the Resolution Officer or the Conduct Review Committee before the hearing record was closed.

4. Contents of Appeal/Letter of Appeal. In order to complete an appeal to the Conduct Appeals Committee under this Section, the Respondent must submit a written appeal document to PTCB within the specified time period, which contains the following information and material: **(a)** the conduct case name, case number, and the date of the Resolution Officer or Conduct Review Committee Decision; **(b)** a statement of the grounds for the appeal under Section M.3, above, and a complete explanation of the reasons that the Respondent believes the Decision should be reversed or otherwise modified; and, **(c)** accurate, complete copies of any material that supports the Respondent's appeal. The Appeals Committee will forward a copy of all appeal materials received from the Respondent to the Complainant.

5. Appeal Deficiencies. The Conduct Appeals Committee may require the Respondent to clarify, supplement, or amend the information presented in an appeal.

6. Appeal Rejection. If the Conduct Appeals Committee determines that an appeal does not meet the requirements of this Policy, or does not otherwise require further review under this Policy, the Appeals Committee Chair or Vice Chair will reject the appeal. The Appeals Committee Chair or Vice Chair will notify the Executive Director or other PTCB Representative of the Appeals Committee decision, and the PTCB Representative will notify the Complainant and Respondent of the appeal rejection, as well as the reason(s) for the rejection. Appeal rejection decisions cannot be appealed.

7. Optional Reply to Appeal Letter. Within fifteen (15) days of the mailing date of a Respondent's appeal, the Complainant may submit a written Reply to the Appeal to the Conduct Appeals Committee. This Reply must fully explain all objections that the Complainant wishes to present to the Appeals Committee concerning the appeal.

8. Optional Response to Complainant Reply. If an optional Reply to the Appeal is submitted by the Complainant, the Conduct Appeals Committee will forward the Reply to the Respondent within approximately ten (10) days following the receipt of the Reply by PTCB. The Respondent may submit a written Response to the Complainant's Reply within ten (10) days of the mailing date of the Reply to the Respondent. The Response must fully explain, and is limited to, any objections that the Respondent wishes to present to the Appeals Committee concerning the Complainant's Reply to the Appeal.

9. Request to Appear Before the Appeals Committee. The Complainant or Respondent may request to appear before the Conduct Appeals Committee concerning the appeal. The Appeals Committee Chair or Vice Chair will determine whether to grant, deny, or limit the request. The denial of a request to appear before the Appeals Committee cannot be appealed. The Complainant and/or Respondent are solely responsible for their expenses related to the appeal.

10. Appeals Committee Hearings. Within one hundred and eighty (180) days after the submission of a complete appeal, or as soon after as is practical, the Conduct Appeals Committee will conduct a hearing to determine the outcome and final resolution of the appeal. During the appeal hearing, the Appeals Committee members will review: the case record; any appeal submissions presented by the parties; and/or, any other information determined to be relevant. Thereafter, the Appeals Committee will decide the appeal by majority vote in closed session.

11. Appeals Committee Decisions and Orders. Within thirty (30) days of the conclusion of an appeal hearing, or as soon after as is practical, the Conduct Appeals Committee will issue an Appeal Decision and Order explaining the

outcome of the appeal. With respect to each appeal, the Appeals Committee Decision and Order will include the following: **(a)** a summary of any relevant portions of the Resolution Officer or Conduct Review Committee Decision and Order; **(b)** a summary of any relevant procedural or factual findings made by the Appeals Committee; **(c)** the ruling(s) and decisions with respect to each matter under appeal; and, **(d)** the Appeals Committee final Order affirming, reversing, amending, or otherwise modifying any portion of the Resolution Officer or Conduct Review Committee Decision and Order, including any disciplinary or remedial action(s). The Executive Director or other designated PTCB Representative will send the Appeals Committee Decision and Order to the parties by U.S. mail, return receipt requested, or other appropriate delivery method.

N. FINALIZING AND CLOSING CONDUCT REVIEW CASES

1. **Events Which Will Cause Closure of a Conduct Review Case.** A conduct case will be closed and all proceedings ended when any of the following occur: **(a)** the conduct case has not been accepted and the charges have been rejected as the basis for a Conduct Complaint, and all related appeal rights have ended; **(b)** a final Decision has been issued by the Resolution Officer, Conduct Review Committee, or the Conduct Appeals Committee, and all related appeal rights have ended; or, **(c)** a Conduct Complaint has been terminated or withdrawn by the Complainant(s).

2. **Events Which Will Cause a Decision and Order to Become Final.** A Resolution Officer or Conduct Review Committee Decision and Order that is not appealed will be final. A Conduct Appeals Committee Decision will be final, and no further appeals will be available to any party.

O. REAPPLICATION AND REINSTATEMENT PROCEDURES FOLLOWING REVOCATION, SUSPENSION, AND PROBATION ORDERS

1. **Revocation Orders/Reapplication Petition.** Five (5) years after a final Revocation Order is issued under this Policy, a Respondent may submit a Petition for Permission to Reapply for Certification (Reapplication Petition) to the PTCB Executive Director or other designated PTCB Representative, consistent with the requirements of this Policy Section. The Executive Director or other PTCB Representative will review and prepare a recommendation to the Certification Council concerning the Petition. Upon the request of the Respondent, PTCB may shorten the minimum five (5) year revocation period, when the Respondent can show a compelling reason and substantial justification for earlier consideration of a Reapplication Petition. Such request will be granted or denied by the Executive Director or other PTCB Representative, and this decision will be final. If the request is granted, the Respondent will be permitted to submit a Reapplication Petition. The Executive Director or other PTCB Representative will prepare a recommendation to the Conduct Appeals Committee concerning the Petition.

2. **Suspension Orders/Reinstatement Requests.** After a final Suspension Order issued under this Policy has expired, a Respondent may submit a Request for Certification Reinstatement (Reinstatement Request) to the PTCB Executive Director or other designated PTCB Representative, consistent with the requirements of this Policy Section. The Executive Director or other PTCB Representative will review and prepare a recommendation to the Certification Council concerning the Request.

3. **Probation Orders/Reinstatement or Referral.** Following the expiration of a final Probation Order, the Executive Director or other designated PTCB Representative will determine whether the Respondent has satisfied the terms of the Probation Order. If the Respondent has completely satisfied the terms of probation, the Executive Director or other PTCB Representative will reinstate the certificant to full certification status. If the Respondent has not satisfied the terms of probation, the Executive Director or other PTCB Representative will refer the case to the Certification Council for review and action consistent with this Policy, including, but not limited to, continuation of the Probation Order and/or the issuance of additional disciplinary or remedial actions.

4. **Contents of Reapplication Petitions and Reinstatement Requests.** Following the receipt of a recommendation from the Executive Director or other designated PTCB Representative, the Certification Council will consider Reapplication Petitions and Reinstatement Requests from certificants and candidates who have been the subject of final Revocation or Suspension Orders. Reapplication Petitions and Reinstatement Requests must include the following information: **(a)** the conduct review case name, case number, and the date of the final PTCB Conduct Decision; **(b)** a statement explaining the reasons that the Respondent believes the Reapplication Petition or the Reinstatement Request should be granted, including the reasons that the Respondent should now receive PTCB certification; and, **(c)** accurate and complete copies of any documents or other materials that support the Petition or Request.

5. **Certification Council Reapplication Petition and Reinstatement Request Review.** Within ninety (90) days after a complete Reapplication Petition or Reinstatement Request is submitted to PTCB, or as soon after as is practical, the Certification Council will review the Petition or Request. Requests to participate in the review will be granted at the sole discretion of the Certification Council. Each Petition or Request will be considered by a quorum of the Council in a closed meeting. During these deliberations, the Council will review the information presented by the Respondent, and any other relevant information, and determine the final outcome of the Petition or Request by majority vote.

6. Certification Council Reapplication Petition and Reinstatement Request Decisions and Orders. Within thirty (30) days after the Certification Council has completed its review of a Reapplication Petition or Reinstatement Request, or as soon as is practical, the Council will prepare and issue a Decision and Order concerning the Petition or Request. The final Council Decision and Order will indicate whether the Petition or Request is granted, denied, or continued to a later date. The Respondent may be required to successfully complete the Pharmacy Technician Certification Exam®. If appropriate, the Council Decision and Order will indicate any conditions of certification or recertification. The Certification Council Decision and Order will be sent to the parties by U.S. mail, return receipt requested, or by other appropriate delivery method. While no appeal of the Council Decision and Order is permitted, the Respondent may submit a new Petition or Request pursuant to this Section, two (2) or more years after the issuance of the Council Decision and Order.