

Credentialing Guidelines and Requirements

A Candidate Guidebook

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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 credentials (candidates) and all individuals credentialed by PTCB (credential holders).

The Conduct Case Procedures establish and explain the only process for handling conduct cases brought to the attention of PTCB. All credential holders 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 credential holders 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 credential holder.

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 credential holder 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 website located at [PTCB.org](https://www.ptcb.org), and submit the completed Charge Statement to the Executive Director or Resolution Officer. 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-Credential Holders and Non-Applicants.** If PTCB receives a conduct inquiry or Conduct Charge Statement concerning an individual who is not credentialed by PTCB, or who is not a candidate for a PTCB credential, PTCB will inform the complaining party that the individual is not a PTCB credential holder 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 credential holder 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 L, 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; or, **(b)** impose any sanction allowed by this Policy. 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; or, **(b)** impose any sanction allowed by this Policy.
- 11. Resignation from PTCB.** If a Respondent attempts to relinquish a PTCB credential 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. CONDUCT INQUIRIES/CONDUCT CHARGE STATEMENTS

- 1. Conduct Inquiries.** An individual or group submitting a complaint concerning a credential holder or candidate should contact PTCB. The Resolution Officer will provide to the Complainant the PTCB Code of Conduct, Conduct Case Procedures, and a Conduct Charge Statement form. The Resolution Officer will record all conduct inquiries and identify: the person(s) making the inquiry; the credential holder/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.** A Complainant, or in certain cases PTCB, must complete 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 credential holder 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.

C. 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 credential holder or candidate; **(b)** whether the alleged conduct could 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 was included with the Complaint; and **(e)** whether the Complainant is willing to provide relevant information to PTCB concerning the complaint. 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 D.1; or, reject the charge(s) pursuant to Section C.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 of the rejection and the reasons(s) for the rejection by letter within approximately twenty-one (21) days of the determination.

D. 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 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. If the Respondent does not request review by the Conduct Review Committee, the Conduct Complaint will be resolved by the Resolution Officer under Section G of this Policy. This Complaint Notice will be sent to the Respondent via email and/or other verifiable delivery service.

E. CONDUCT COMPLAINT RESPONSE

1. **Submitting a Conduct Complaint Response.** Within thirty (30) days of the 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.

F. PRELIMINARY ACTIONS AND ORDERS

1. **Involuntary Suspension of Credential.** Under certain circumstances outlined below, the Resolution Officer or the Conduct Review Committee may issue an Order temporarily suspending the Respondent's credential(s), and/or imposing appropriate conditions. This Suspension Order will stay in effect until the final resolution of the Complaint.

2. **Circumstances of Involuntary Suspension Orders.** Suspension Orders are authorized where: **(a)** the Respondent has been charged with a felony for conduct that presents a risk to patient safety, criminal act, or violation of criminal law; **(b)** the Respondent has been convicted of a criminal act, or the Respondent has not contested a criminal charge; **(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.

G. 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 may consider and resolve the Conduct Complaint under this Policy, based upon the information in the record, and issue a Decision and Order, consistent with Section I. Alternatively, the Resolution Officer, in their sole discretion, may refer the Conduct Complaint to the Conduct Review Committee for consideration.

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.

H. 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. No Review Committee member may review a matter 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.** The Review Committee will consider and resolve the Conduct Complaint under this Policy, based upon the information in the record, and issue a Decision and Order, consistent with Section I.

3. **Conduct Review Committee Decision and Order.** The 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.

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

1. **Conduct Case Decision and Order.** 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 relevant factual findings based on the record; **(b)** a final ruling on each Code of Conduct complaint; **(c)** a statement of any disciplinary and remedial action(s) issued; and, **(d)** 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.

J. 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)** credential holder be ineligible for PTCB credentials, or renewal; **(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)** suspension of the Respondent's credential 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 immediately stop any professional identification or affiliation with PTCB during the suspension period; and, **(f)** revocation of the Respondent's credential, which will include that the Respondent immediately stop all identification or affiliation with PTCB.
2. **Referral and Notification Action.** The Executive Director or Resolution Officer 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 Resolution Officer may send this Decision notification after the time period for the Respondent to appeal an adverse decision has ended. During an appeal period, the Resolution Officer 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 Resolution Officer may release a final Conduct Case Decision and Order in accordance with applicable law and PTCB policies.

K. 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 credential holders 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; where the member served on the Conduct Review Committee for the case before the Conduct Appeals Committee; 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 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 unless extenuating circumstances have been found to apply, as determined by the Conduct Appeals Committee in its sole discretion.
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 conduct case decision, the Respondent

has found relevant proof that was not previously in their possession, that was not reasonably available prior to the conduct case decision, 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)** Misapplication of the Appropriate Disciplinary Action: The Resolution Officer or Conduct Review Committee Decision Disciplinary Action is contrary or inconsistent with the Decision.

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 K.3, above, and a complete explanation of the reasons that the Respondent believes the Decision or disciplinary action should be reconsidered or otherwise modified; and, **(c)** accurate, complete copies of any material that supports the Respondent's appeal.

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 Resolution Officer of the Appeals Committee decision, and the Resolution Officer 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. Request to Appear Before the Appeals Committee. The Respondent may request to appear, in the manner determined by the Certification Council, 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 Respondent is solely responsible for their expenses related to the appeal.

8. 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.

9. 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, reconsidering, 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 Resolution Officer will send the Appeals Committee Decision and Order to the parties via email and/or other appropriate delivery method.

L. 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; **(b)** a final Decision has been issued by the Resolution Officer, Conduct Review Committee, or, if applicable, 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.

M. REAPPLICATION AND REINSTATEMENT PROCEDURES FOLLOWING REVOCATION 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 a Credential (Reapplication Petition) to the PTCB Executive Director or Resolution Officer, consistent with the requirements of this Policy Section. The Executive Director or Resolution Officer 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. If the request is granted, the Respondent will be permitted to submit a Reapplication Petition.

2. Contents of Reapplication Petitions and Reinstatement Requests. Following the receipt of a recommendation from the Executive Director or Resolution Officer, the Certification Council will consider Reapplication Petitions and Reinstatement Requests from credential holders and candidates who have been the subject of final Revocation 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 credential; and, **(c)** accurate and complete copies of any documents or other materials that support the Petition or Request.

3. 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. 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.

4. 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 a PTCB exam. If appropriate, the Council Decision and Order will indicate any conditions of credentialing or renewal. The Certification Council Decision and Order will be sent to the Respondent via email and/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.