



Policies and Procedures for PA Disciplinary Matters

I. DISCIPLINARY POLICY

Certified PAs, PAs seeking certification, and PAs with the PA-C Emeritus designation may be subject to disciplinary action for matters stemming from irregular behavior; fraudulent credentials; legal, regulatory and credentialing actions; or violation of the National Commission on Certification of Physician Assistants (NCCPA) **Code of Conduct for Certified and Certifying PAs and PAs with the PA-C Emeritus Designation (the "Code of Conduct")**, as described below. NCCPA retains the right to impose discipline under this policy even if the PA's certification expires or the PA retires from practice, provided that the violation triggering the disciplinary proceeding occurred when the PA was certified, seeking certification, or applying for or holding the PA-C Emeritus designation. For purposes of this *Disciplinary Policy*, the terms "test," "exam," and "examination" include PANCE, PANRE, CAQ examinations, and the Alternative to PANRE Pilot.

A. Irregular Behavior

NCCPA may, at its discretion, deny, or revoke a PA's eligibility, certification, recertification, Certificate of Added Qualification, or PA-C Emeritus designation permanently or for such time as may be determined by NCCPA; issue a letter of censure; issue a non-reportable letter of concern; and/or take such other actions as may be deemed appropriate, including taking legal action, if NCCPA determines that the PA engaged in "irregular behavior" as defined and described below. In general, any behavior that in the sole discretion of NCCPA, undermines or threatens the integrity or validity of the application, assessment or certification processes of NCCPA, whether it occurs before, during or after an exam, shall constitute irregular behavior.

1. In Connection With An Examination or Examination Questions

The behavior of all PAs taking an examination in a test center will be monitored by test center personnel. Test center personnel will notify NCCPA of any candidate who appears to give or receive assistance, or otherwise engages in, or assists another in engaging in, dishonest or other irregular behavior during the examination.

For purposes of this policy, "irregular behavior" in connection with an examination or examination questions shall include engaging in, or assisting another individual in engaging in:

- Cheating or other dishonest behavior.
- Compromising the security of an examination.
- Removal or attempted removal of testing materials from a test center, or stealing exam materials.
- Reproducing, distributing, displaying or otherwise misusing a test question or any part of a test question from an examination, including copying answers from

someone else or allowing one's answers to be copied, making notes during an exam administration in a test center other than on the white board provided by the test center, copying or memorizing and reproducing test items.

- Possessing unauthorized materials during an exam administration in a test center (e.g., including, but not limited to, recording devices, photographic materials, reference material, etc.).
- Having or seeking access to exam materials before the exam.
- Impersonating an examinee or engaging someone else to take the exam by proxy.
- Altering or misrepresenting scores.
- Other behavior which may cast doubt on the exam results of the individual or another person.
- In connection with serving as an item writer for an NCCPA examination, submitting to NCCPA items that are identical or substantially the same as items published by other sources.

2. In Connection with a CME Audit

- Failing a CME Audit.
- Failing to comply with the CME Audit Policy, including failing to respond to audit notices and/or requests for documentation entirely or by the deadline.
- Altering or falsifying documents submitted to NCCPA.

3. In Connection with Failure to Report

- A negative response to one or more questions when an affirmative response should have been submitted.
- Failure to report to NCCPA any adverse regulatory or credentialing action within 30 days of revocation, suspension, surrender, lapse, loss or denial of or any restrictions imposed on a license, authorization, or credential to practice as a health care provider (including authorization to practice as an employee of the federal government or in a jurisdiction not requiring licensure), whether such adverse action is by decision, consent order, stipulation, or agreement.
- Failure to report to NCCPA any adverse legal action within 30 days of conviction of (including a guilty plea or no contest plea) (i) any felony; (ii) any misdemeanor related to health care practice, violence, drug offenses, sex offenses, or fraud; or (iii) any other misdemeanor with a minimum penalty of more than 30 days in jail, except for traffic infractions, first-time DUI offenses, disorderly conduct, obscenity, tax violations, or trespassing.

4. In Connection with Communications or Transactions with NCCPA or NCCPA's Agents, Including Test Center Personnel

- Making any fraudulent or knowingly false statement to NCCPA.
- Submitting fraudulent documents to NCCPA.
- Engaging in violent, threatening or abusive communications with NCCPA or NCCPA's agents.
- Failing to cooperate with or respond to inquiries from NCCPA related to the PA's own or another's compliance with NCCPA's policies and the *Code of Conduct*, in connection with NCCPA certification-related matters or disciplinary proceedings.

5. In Connection with NCCPA PA-C Emeritus Status

- Failing to notify NCCPA within 30 days of returning to clinical practice.
- Using the PA-C Emeritus designation in any clinical setting or in the context of any clinically-related interaction, including clinical volunteer service.

B. Use of Fraudulent Credentials

NCCPA may, at its discretion, deny, or revoke a PA's eligibility, certification, recertification, Certificate of Added Qualification, or PA-C Emeritus designation permanently or for such time as may be determined by NCCPA; issue a letter of censure; issue a non-reportable letter of concern, and/or take such other actions as may be deemed appropriate, including taking legal action, if NCCPA determines that the PA engaged in the use of a "fraudulent credential."

For purposes of this policy, use of "fraudulent credentials" shall include:

- Manufacturing, modifying, reproducing, distributing, using, or submitting to NCCPA a fraudulent or otherwise unauthorized NCCPA certificate, PA-C designation, CME document, Certificate of Added Qualifications, or other NCCPA document or designation.
- Altering or falsifying NCCPA certification documents.
- Making the false representation that one is certified by NCCPA by using the legally-protected marks, PA-C® or Physician Assistant-Certified® or has attained a CAQ certificate or Emeritus designation by any other means.
- Otherwise falsely claiming to be certified by NCCPA.
- Obtaining or attempting to obtain eligibility, certification, recertification, Certificate of Added Qualification, or PA-C Emeritus designation by deceptive means, including but not limited to submitting or assisting another person to submit to NCCPA any document which contains a material misstatement of fact or omits to state a material fact.

- Assisting another individual to do any of the above.

C. Legal, Regulatory, or Credentialing Action, Violation of NCCPA's Code of Conduct, or Other Disciplinary Matters

1. Automatic Denial or Revocation

NCCPA will automatically deny or revoke a PA's eligibility, certification, recertification, Certificate of Added Qualification, or PA-C Emeritus designation permanently or for such time as may be determined by NCCPA, if NCCPA determines that the PA is the subject of any of the following:

- Adjudication by a court, licensing board, or federal employer that the PA is mentally incompetent.
- Conviction of or pleading no contest to a felony that is related to physician assistant practice.
- Violation of the Uniform Code of Military Justice that is related to physician assistant practice.
- Loss or denial, for a minimum period of six (6) months or longer, of the PA's license or authorization to practice, including as an employee of the federal government or in a jurisdiction not requiring licensure, due to behavior that is related to physician assistant practice.
- Surrender or lapse, for a minimum period of six (6) months or longer, of the PA's license to practice in lieu of further administrative or disciplinary action that is related to physician assistant practice.
- Suspension of PA license and/or abeyance of authorization to practice, including as an employee of the federal government or in a jurisdiction not requiring licensure, for a minimum period of six (6) months or longer, due to behavior that is related to physician assistant practice.
- Changing residence to avoid loss of a health care license, or disciplinary action by a state licensing agency for health care professions or to avoid prosecution that is related to PA practice.
- Violation of a regulatory agency's order that is related to PA practice.

2. Discretionary Denial, Revocation, Censure, or Concern

NCCPA may, at its discretion, deny, or revoke a PA's eligibility, certification, recertification, Certificate of Added Qualification, or PA-C Emeritus designation permanently or for such time as may be determined by NCCPA; issue a letter of censure; issue a non-reportable letter of concern, and/or take such other actions as may be deemed appropriate if NCCPA determines that the PA is the subject of any of the following:

- Conviction of or pleading no contest to a felony.

- Conviction of or pleading no contest to (i) any misdemeanor related to health care practice, violence, drug offenses, sex offenses, or fraud, or (ii) any other misdemeanor with a minimum penalty of more than 30 days in jail, except for traffic infractions, first-time DUI offenses, disorderly conduct, obscenity, tax violations, or trespassing.
- Violation of the Uniform Code of Military Justice.
- Loss or denial of the individual's license or authorization to practice as a health care provider, including as an employee of the federal government or in a jurisdiction not requiring licensure.
- Surrender or lapse of the PA's license or authorization to practice in lieu of further administrative or disciplinary action.
- Suspension of PA license and/or abeyance of authorization to practice, including as an employee of the federal government or in a jurisdiction not requiring licensure.
- Changing residence to avoid prosecution, loss of license, or disciplinary action by a state licensing agency.
- Violation of regulatory or credentialing agency's order.
- Documented evidence of gross incompetence, unprofessional conduct, or unethical conduct.
- Violation of the NCCPA *Code of Conduct*.
- Irregular behavior at any time.
- Use of fraudulent credentials.
- Probation, fines, restrictions, and/or conditions placed on the individual's license or authorization to practice as a health care provider, including as an employee of the federal government or in a jurisdiction not requiring licensure.
- Non-compliance with conditions set forth by NCCPA as a condition of imposing a lesser disciplinary sanction or when re-establishment of eligibility for certification is granted.

D. Administrative Suspension

NCCPA may impose temporary administrative suspension of certification, eligibility for certification, Certificate of Added Qualifications, or PA-C Emeritus designation if a certified or certifying PA or a PA with PA-C Emeritus designation fails to provide requested information to NCCPA in response to an NCCPA *Notice of Disciplinary Proceeding* or a letter of inquiry from NCCPA relating to pending criminal charges or convictions, violation of the Uniform Code of Military Justice, violation of NCCPA *Code of Conduct*, or health care licensing proceedings in connection with charges that cast serious doubt on the PA's fitness to practice, or any other inquiry from NCCPA relating to the PA's compliance with NCCPA's policies. If the PA is not currently certified, and is not currently seeking certification, NCCPA may impose an administrative suspension when NCCPA receives notice of an adverse action, until such time that the PA seeks NCCPA certification in the future. Administrative suspensions will not be

reported to the Federation of State Medical Boards; however, NCCPA may report administrative suspensions to employers, state medical boards, and other interested parties, if requested.

Before imposing an administrative suspension for failure to respond, NCCPA will first make two attempts to contact the PA by certified mail at the mailing address that the PA has on file with NCCPA and, if the PA has an email address on file with NCCPA, will notify the PA by email that the second certified mail communication has been sent. If the PA fails to respond, NCCPA may in its sole discretion, impose an administrative suspension. Notice will be sent to the PA notifying the PA of the effective suspension. PA's are solely responsible for updating their contact information on file and ensuring NCCPA has current contact information for them. Failure to do so is not grounds for challenging imposition of an administrative suspension or any other disciplinary action(s).

The administrative suspension will be placed on the PA's online certification record and will limit the PA's access within their record until the suspension is lifted. Administratively suspended PAs will receive a message when attempting to access their online record advising them of the suspension. PAs will not be able to complete certification maintenance requirements (logging CMEs, paying fees etc.) or apply for an examination while their record is in an active administrative suspension, and exam scores will be held for any PA in administrative suspension status. An administrative suspension does not change the PA's certification status; however, a PA's certification may expire while suspended if the PA fails to contact NCCPA to resolve the issue prior to the expiration of the PA's certification.

The suspension will be lifted upon NCCPA's receipt of a response from the PA with the requested information. NCCPA has the discretion to extend the administrative suspension if the PA responds but does not provide the full information requested by NCCPA. NCCPA may also proceed with any pending disciplinary proceeding if the PA does not timely respond to a *Notice of Disciplinary Proceeding* or requests for information about the PA's compliance with the *Code of Conduct* and NCCPA's policies.

NCCPA's administrative suspension decisions are not subject to review by NCCPA's Review Committee.

II. DISCIPLINARY PROCEDURES

A. Notification of Disciplinary Proceeding

1. Complaints alleging violations of NCCPA's *Code of Conduct* or of Sections I.A, I.B., or I.C of the NCCPA *Disciplinary Policy* may be submitted by any interested party, in accordance with complaint procedures established by NCCPA. NCCPA may initiate disciplinary proceedings based on a submitted complaint and may also self-initiate disciplinary procedures based on receipt of information relating to a legal, regulatory, or credentialing action, or violation of NCCPA's *Code of Conduct* or of Sections I.A, I.B., or I.C of the NCCPA *Disciplinary Policy*.
2. NCCPA shall issue a Notice of Disciplinary Proceeding to the PA describing the allegations of irregular behavior or fraudulent credentials against the PA, or the receipt of information relating to a legal, regulatory, or credentialing action, or violation of NCCPA's *Code of Conduct*, or violation of Sections I.A, I.B, or I.C of the NCCPA *Disciplinary Policy*.

3. The Notice of Disciplinary Proceeding shall inform the PA that disciplinary actions may be taken by NCCPA.
4. The Notice of Disciplinary Proceeding also shall inform the PA that the PA must submit a written response to the allegation within 30 calendar days of the date of the Notice.
5. NCCPA shall make a reasonable effort to determine the facts of the matter. Based on the available facts, including a statement from the PA if submitted, NCCPA shall determine what, if any, disciplinary action is warranted.

III. NCCPA Complaint Procedures

- All complaints must be submitted to NCCPA in writing and signed by the complainant. To the extent practical, the complainant should provide details, specific facts and documentation of the allegations. Additionally, the complainant should provide their contact information, including a phone number and email address.

- The complaint must also include the following statement:

I authorize NCCPA to contact me regarding this complaint, if deemed necessary. I authorize NCCPA to release this complaint and all other supporting material I have provided or may provide in the future to the subject of the complaint, members of NCCPA's Board of Directors, attorneys and others as deemed appropriate by NCCPA or as required by law.

- The NCCPA will acknowledge receipt of a complaint within 30 days.
- NCCPA has the sole discretion to determine which complaints should be pursued, how they should be pursued, and what action, if any, should be taken, in accordance with the Disciplinary Policy and Procedures.
- The outcome of NCCPA's review of a complaint may or may not be made public.

B. Possible Actions and Notice of Decision

1. Possible Actions

NCCPA may take a combination of any of the actions listed or such other action that may be deemed appropriate in the particular circumstance before it if NCCPA determines that the PA is the subject of a legal, regulatory, or credentialing action the PA has violated NCCPA's *Code of Conduct*, or the PA has otherwise violated Sections I.A, I.B, or I.C of the NCCPA *Disciplinary Policy*.

NCCPA may take any of the following disciplinary actions or such other action as NCCPA in its discretion deems appropriate:

- Deny or revoke the PA's eligibility, certification, recertification, Certificate of Added Qualification, or PA-C Emeritus designation permanently or for such time as may be determined by NCCPA. If NCCPA staff determines that permanent revocation of eligibility or certification is warranted, the matter will be automatically referred to the NCCPA Review Committee for decision.

- Issue a reportable Letter of Censure.
- Issue a non-reportable Letter of Concern.
- Issue a non-reportable Letter of Suspension for failure to respond to an NCCPA request for information.
- Order the PA to retake an examination at a time and place and in a format to be determined by NCCPA.
- Remove the PA from participation in the Alternative to PANRE Pilot.
- Refuse to release the score of the PA and, thereby, deny the PA's current application for certification, recertification, or Certificate of Added Qualification.
- Require the PA to wait a specified period of time before reapplying to take any NCCPA examination.
- Recommend to NCCPA's Board of Directors that legal action be taken.

2. Notice of Decision

NCCPA communicates directly with PAs regarding disciplinary investigations and outcome decisions. If NCCPA receives a request for information regarding a disciplinary investigation or outcome, communication is conducted as specified in NCCPA's *Information Disclosure Policy*.

- If NCCPA determines that **no action** should be taken, NCCPA shall issue a written Notice of Decision to the PA advising the PA that no action shall be taken and the matter shall be closed.
- When NCCPA determines that a **non-reportable disciplinary action**, such as the issuance of a Letter of Concern, should be taken, NCCPA shall issue a written Notice of Decision to the PA.
 - a. The Notice of Decision shall describe (a) the basis for and nature of the disciplinary action, and, if appropriate, (b) the applicable section(s) of NCCPA's *Policies and Procedures for Disciplinary Matters and/or Code of Conduct*.
 - b. The Notice of Decision also shall inform the PA that the decision is a non-reportable action that is not subject to further review or Discretionary Appeal, and is the final decision of NCCPA.
- If NCCPA determines that a **reportable disciplinary action** should be taken, such as the issuance of a Letter of Censure, NCCPA shall issue a written Notice of Adverse Decision to the PA.
 - a. The Notice of Adverse Decision shall describe (a) the basis for disciplinary action (b) the applicable section(s) of NCCPA's *Policies and Procedures for Disciplinary Matters and/or Code of Conduct*, and (c) the reportable disciplinary action taken by NCCPA in the matter.

- b. The Notice of Adverse Decision shall also inform the PA that the PA may accept the disciplinary action or submit a timely Request for Review in accordance with NCCPA's *Review and Appeal Policies and Procedures*. If the PA does not submit a written Request for Review in accordance with NCCPA's *Review and Appeal Policies and Procedures*, the decision of NCCPA shall be the final decision of NCCPA on the matter and shall not be subject to any subsequent Review or Discretionary Appeal absent extraordinary circumstances, as determined solely by NCCPA.
- c. The Notice of Adverse Decision shall also inform the PA that after a final adverse disciplinary decision has been reached, NCCPA may, as deemed appropriate, report the disciplinary action and the underlying facts thereof to interested parties. Such reporting may include providing a copy of the Final Decision Letter to the Federation of State Medical Boards, any state licensing authority with which the PA holds or has held a license to practice as a PA, the federal government, the PA's employer and other interested parties, including individuals seeking information about the PA's certification status, as solely determined by NCCPA. It also may be published on NCCPA's web site.

C. Review of Adverse Decisions

Adverse Decisions, other than removal from participation in the Alternative to PANRE Pilot, are subject to Review pursuant to NCCPA's *Review and Appeal Policies and Procedures*.

D. Application for Reestablishment of Eligibility Following Disciplinary Action

1. Applications to reestablish eligibility shall be considered and acted upon at the discretion of NCCPA, except in such cases where the revocation is permanent or the period of revocation is expressly limited to a specific period of time.
2. A PA whose certification and/or eligibility for certification, recertification or Certificate of Added Qualification, or PA-C Emeritus designation has been denied or non-permanently revoked by NCCPA for a specified time period may apply to reestablish eligibility with NCCPA following expiration of such time period.
3. To re-establish eligibility, a PA must submit a full statement that includes relevant details that pertain to the PA's circumstances. If NCCPA's decision related to a criminal or military justice conviction, the individual may not apply to reestablish eligibility until all sentences have been served and, unless the Review Committee grants an exception, until all judgments have been satisfied. If NCCPA's decision was based on loss or denial of licensure or authorization to practice, though it is not necessary for the license or authorization itself to be restored, the individual may not apply to reestablish eligibility until the situation *underlying* the loss or denial of licensure or authorization has been addressed or remedied to the satisfaction of the NCCPA.

The PA's statement should include:

- An acknowledgement of the PA's actions and a statement of why NCCPA should consider the request for reestablishment.
- An attestation indicating that no new *Code of Conduct* violations have occurred since revocation.
- A description of how the PA has met any NCCPA stipulations.
- An attestation indicating that a state licensing board and, if applicable, any federal employer considering the PA's credentials have been made aware of NCCPA's certification revocation and of the underlying cause(s) that led to the revocation.

PAs must also submit relevant supporting documentation that will be verified by NCCPA. Examples of supporting documentation to be provided by PAs include, depending on the underlying issue:

- Written notice from a licensing board indicating that the PA would be considered for licensure if the PA passes an NCCPA exam.
 - Written notice that any criminal sentences or probationary periods have been served, or other legal requirements have been met.
 - Documents (e.g. CME certificates, proof of attendance of an ethics/professional boundaries course) meeting requirements stipulated by NCCPA.
4. If the PA applying for reestablishment of eligibility for certification does not have an active license to practice, NCCPA's decision to reestablish eligibility will be conditioned on the PA providing NCCPA documentation that, within one (1) year of regaining NCCPA certification after passing PANRE, the PA has obtained a current license to practice as a physician assistant in a state that has full knowledge of the PA's disciplinary history. Failure to provide such documentation of licensure will result in revocation of the PA's certification and eligibility for certification. Please note, all PAs applying for reestablishment of eligibility for certification MUST obtain an active license to practice either prior to NCCPA's decision to reestablish eligibility or within one year of passing PANRE and regaining certification. This requirement includes those PAs employed by or seeking employment with an employer that does not require licensure.
 5. NCCPA may also place such other conditions on reestablishment of eligibility for certification or on maintaining reestablished eligibility and certification as NCCPA in its discretion deems appropriate.
 6. Failure to comply with re-establishment conditions may result in further disciplinary action, including without limitation revocation of certification and/or eligibility for certification.
 7. As set forth in NCCPA's *Review and Appeal Policies and Procedures*, NCCPA may defer re-establishment requests to the NCCPA Review Committee if NCCPA staff recommend denial of reestablishment for reasons related to the initial revocation decision. In reviewing requests for re-establishment, the Review Committee may grant the request, deny a

re-establishment request on a non-permanent basis, or determine to impose permanent revocation of eligibility for certification.

E. Responsibility for Notification of Address Changes

PAs are solely responsible for ensuring that their NCCPA account includes the PA's current mailing and email address. If the PA does not receive notice(s) from NCCPA related to disciplinary review or administrative or disciplinary action due to the PA's failure to notify NCCPA in a timely manner of a change of address, that lack of notification shall not be considered as the basis for an appeal or reconsideration of any administrative suspension or disciplinary decision in the matter.

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