



Mississippi Association of Addiction Professionals

Ethical Standards

4785 Old Canton Road ~ Jackson, MS 39211

Mississippi Association of Addiction Professionals

Ethics Enforcement Procedure

Preamble:

An addiction counselor holds a unique position of trust and responsibility. He or she must be cognizant at all times of the ethical requirements imposed upon a counselor as a result of that special position. The addiction counselor recognizes that all people have rights and responsibilities through every stage of their human development. The professional's goal is to treat each individual with the dignity, honor, and respect which should be accorded to all human beings. The counselor should thereby provide the highest quality of care, act in the best interest of those individuals who seek the counselor's professional services and assist the individuals to help themselves.

The Counselor recognizes that each individual is entitled to the physical social, psychological, spiritual, and emotional care required to meet the individual's human needs.

The Mississippi Association of Addiction Professionals (MAAP) has adopted the "Ethical Standards of Addiction Professionals to aid the Professional in maintaining a high level of ethical conduct. These are standards by which the counselor may determine the propriety of his/her conduct in relationship to clients, colleagues, members of allied professions, and the public. All counselors must subscribe to these ethical standards in their application for certification, and this applies equally to all applicants, certified counselors, and intern, regardless of whether there is a previous history of personal use or abuse of alcohol or other drugs.

Definitions:

- Addiction Counselor:** A person who holds a job titled "Counselor", or a person who has applied for Certification, or an Intern Counselor (IC), or a Certified Counselor (CADC, CADC-I, CADC-II, CAADC, CCS, APS, CPS, CPM, or CCJP) including persons holding Certification from other states with whom MAAP shares reciprocity.
- Client/Patient:** Any person who seeks or is assigned the services of a counselor, regardless of The setting in which the counselor works.
- Complainant:** A person who has filed a complaint pursuant to this Code and set of Disciplinary Procedures against any other person who fulfills the above definition of counselor.
- Ethics Committee:** An Executive Committee made up of five (5) Master Level Certified Counselors. This committee shall be headed by a chairperson. This committee shall be appointed according the MAAP Bylaws.
- Chairperson:** Head of the Ethics Committee.
- Hearing Committee:** A three (3) person committee made up of current Certification Examining Board Members to hear a respondent's appeal.
- Prevention Specialist:** A substance use prevention specialist practices as a health care professional in the prevention of all types of substance abuse, including nicotine, alcohol and illegal and prescription drugs.

Professional:	A person who possesses specialized knowledge and skills in a particular field of endeavor.
Reprimand:	A formal, written reproof or warning.
Respondent:	A person (counselor) against whom a complaint has been filed.
Revocation:	A time-limited loss of certification for a period of not less than thirty (30) days or more than twelve (12) months.
Suspension:	A time-limited loss of certification for a period of not less than thirty (30) days or more than twelve (12) months.
Written Caution:	A private letter issued to a respondent by the Certification Examining Board, cautioning him or her against certain conduct of behavior.

Code of Conduct and Rules

Preface:

The Ethical Standards of Addiction Professionals adopted by MAAP shall govern the conduct of all intern counselors and counselors who are certified or attempting to obtain certification or recertification from the Mississippi Association of Addiction Professionals.

A certified addiction counselor should be able to competently perform the Core Functions, and be knowledgeable concerning the Knowledge Base, as defined in the MAAP Certification Manual. However, it is recognized that honest disagreements may exist between counselors as to the best form of treatment for a given client, and competency does not mean perfection, nor is incompetence normally inadequate. Rather, it is when a counselor demonstrates multiple failures in his or her counseling functions, or when a counselor's behavior evidences a willful or gross neglect of a client's counseling rights and needs that a finding of incompetence will be warranted and disciplinary action imposed.

Disciplinary Procedures

I Disciplinary Action:

A violation of the rules contained in the Code of Conduct shall result in one or more of the following disciplinary actions:

- A. Written Caution
- B. Reprimand
- C. Suspension
- D. Revocation of Certification
- E. Denial of application for certification

Past disciplinary action taken against a counselor may be considered in the choice of sanction for the new offense. Selection of sanctions to be imposed shall be at the discretion of the Ethics Committee or, in the event of an appeal, the Hearing Committee. The MAAP Certification Examining Board may impose additional education and training requirements in conjunction with any of the above disciplinary actions.

II Complaints:

- A. Persons wishing to file a complaint against a counselor must do so in writing to the Certification Examining Board at email: certificationchair@outlook.com
- B. All complaints must be signed by the complainant and contain the complaint's home address.
- C. Completed complaints shall be emailed to the Chairperson of the Certification Examining Board at: certificationchair@outlook.com
- D. The Chairperson of the Certification Examining Board shall activate a seating of Ethics Committee and appoint a Chairperson to initiate the investigation process.

III Investigation Process and Action by the Ethics Committee:

- A. The Ethics Committee shall have the authority to conduct an investigation into any alleged instance of misconduct by an Addiction Professional.
- B. The Chairperson shall initiate and direct the investigation, to the extent he or she deems sufficient, of all instances of possible professional misconduct by counselors. The Chairperson shall notify the respondent of the alleged violations and may request a response in writing or in person.
- C. In cases where the Ethics Committee deems that no violation has occurred, this conclusion shall be reported to the MAAP Certification Examining Board within thirty (30) days. The Ethics Committee shall inform the respondent that a decision has been reached that no action was warranted.
- D. When called upon to do so, the respondent shall fully and fairly disclose all facts and circumstances pertaining to the alleged misconduct, as well as his/her view of the situation or conduct about which the complaint was made, within twenty (20) days of being served by ordinary mail. The Chairperson may at his/her discretion allow additional time for the respondent to respond. Failure to provide information, or misrepresentation in the disclosure, is misconduct in itself and may subject the respondent to further disciplinary action.
- E. Following such investigation as the Ethics Committee deems sufficient, but in no event prior to thirty (30) days after mailing the request for response to the respondent, a report shall be submitted to the MAAP Certification Examining Board recommending either that the complaint is dismissed or that disciplinary action is imposed. The grounds for any recommendations shall be stated in the report. If disciplinary action is recommended, a statement of the nature of the recommended discipline shall be included. The report shall also call for one of the following:
 - 1. Dismissal of the complaint.
 - 2. Imposition of disciplinary action.
- F. The Ethics Committee shall issue Decision. A copy of the Ethics Committee Decision shall be mailed to both the respondent and the complainant within seven (7) days of issuance of the Decision. Notice to the respondent shall be mailed. The respondent shall be notified, at the same time, of the right to appeal any Ethics Committee Decisions which call for disciplinary action.

- G. In the event that a request for appeal is not filed within the time period prescribed here after, the Decision of the Ethics Committee shall be final and disciplinary action imposed shall take effect upon passage of the prescribed time period. If a request for hearing is timely, any disciplinary action imposed by the Ethics Committee shall be stayed pending the decision of the Hearing Committee.
- H.
- I. In the event a complaint is filed by subsequently dropped, or in the event no complaint is filed but evidence of possible professional misconduct by the counselor is received by the Chairperson, the Chairperson may, at his or her discretion, proceed with an investigation and, if so, shall follow the procedure outlined above, as though a formal complaint were pending.

IV Appeal and Hearing Process:

- A. If the Ethics Committee rules that disciplinary action be taken, the respondent may appeal the decision by submitting a request for a hearing. Such requests shall be mailed by certified mail, postmarked no later than twenty (20) days after receipt of the decision, and shall be addressed to:
 - MAAP Ethics Committee
 - 4785 Old Canton Road
 - Jackson, MS 39211
 - Or
 - certificationchair@outlook.com
- B. If a request for hearing is submitted in a timely manner, the Ethics Committee shall appoint a three-person Hearing Committee, no member of which shall be a member of neither the Ethics Committee nor anyone with a potential conflict of interest with the complainant or respondent. A hearing will be scheduled no more than forty-five (45) days from the date of the request for hearing.
- C. The notice of such hearing shall advise the respondent and complainant of the following:
 - 1. The date, time, and location of the hearing and the identity of the members of the Hearing Committee.
 - 2. The respondent may, at his or her own expense, be represented by counsel at the hearing.
 - 3. The Ethics Committee, or its representative, shall present evidence in support of its recommendations at the hearing before the Hearing Committee, and that the complainant may be called upon to give evidence.
 - 4. That the respondent may present evidence and present and cross-examine witnesses.
 - 5. That the Hearing Committee will base its decision as to whether a violation of the Code of Conduct has occurred solely upon the evidence presented at the hearing.
 - 6. That any request by the respondent for postponement of the hearing must be immediately served in writing and that the decision to grant or deny such request is discretionary with the Ethics Committee.
 - 7. That there shall be no contact prior to the hearing between either the complainant or the respondent and any Hearing Committee Member for the purpose of discussing the complaint.

- D. The hearing shall be governed by the following rules:
1. Evidence may be presented and witnesses examined and cross-examined by both sides.
 2. The Hearing Committee shall not be bound by common or statutory rules of evidence, and may consider all evidence having reasonable probative value.
 3. If the respondent denies the facts in the Ethics Committee Decision and no one with first-hand knowledge testifies as to those facts, the complaint shall be dismissed.
 4. The decision of the Hearing Committee as to whether a Violation of the Code of Conduct occurred shall be based solely upon the testimony and evidence presented at the hearing.
 5. The hearing shall be closed to the public.
- E. Failure of the respondent to attend the hearing shall be deemed waiver of the appeal. In such cases, the hearing will be dismissed and the Decision of the Ethics Committee shall take effect immediately.
- F. Within twenty-one (21) days of the completion of the hearing, the Hearing Committee shall prepare a written decision containing the findings of facts, conclusions, and an imposition of disciplinary sanctions, if any. The Hearing Committee shall submit its decision to the Certification Examining Board and shall mail a copy thereof to the respondent by certified mail and the complainant by ordinary mail. The decision of the Hearing Committee shall be deemed that of the Certification Examining Board and is final when made without further action of the Certification Examining Board.
- G. At any time prior to the issuance of the Hearing Committee's written report, the respondent and the Certification Examining Board may enter into a consent order, agreeing upon the sanctions or requirement to be imposed on the respondent. Such consent order shall state the nature of the complaint and the sanctions agreed upon and shall supersede any prior decision in the case. Sanctions imposed pursuant to the consent order and are not limited to those listed under Section I, Disciplinary Action.

V. Procedures for Certification Following Disciplinary Action:

- A. Reinstatement of Certification Following Suspension: Upon expiration of the suspension period, the Ethics Committee shall authorize reinstatement of the counselor for the balance of the certification period, unless:
1. Another suspension or revocation of his or her certification has occurred, or
 2. The counselor has not maintained his or her certification by remitting annual fees and/or made application for recertification in a timely manner according to his or her recertification date.
- B. A substance abuse prevention specialist practices as a health care professional in the prevention of all types of substance abuse, including nicotine, alcohol and illegal and prescription drugs. In most states, Possible Reinstatement Following Revocation: It is recognized that there may be mitigating circumstances that could warrant granting permission to apply for certification following revocation. However, such permission shall be considered only after passage of twenty-four (24) months from the effective date of the revocation and is granted solely within the discretion of the

Certification Examining Board. An individual seeking such permission must submit a written request to the Ethics Committee, giving the reasons why permission should be granted, and shall otherwise follow the procedures prescribed for normal applications for certification.