

TCBAP Ethical Standards

Ethical Standards for PEER RECOVERY SUPPORT (PRS) and PEER MENTOR/PEER RECOVERY COACH DESIGNATION (PM/PRC)

The Texas Certification Board of Addiction Professionals (TCBAP) is comprised of substance use disorder (SUD) prevention and treatment professionals and peer recovery support specialist who, as responsible healthcare professionals, believe in the dignity and worth of human beings. In the practice of their profession, they assert that the ethical principles of autonomy, beneficence and justice must guide their professional and societal expectations, obligations and conduct. As professionals dedicated to the prevention, treatment and recovery of service recipients with substance use disorders and their families, they believe that they can effectively prevent and treat its individual and familial manifestations. SUD professionals dedicate themselves to the promotion of the best interests of service recipients, colleagues, the profession and society.

The purpose of the Peer Recovery Support (PRS) and Peer Mentor/Peer Recovery Coach Designation (PM/PRC) Code of Ethics is to outline the basic values and principles of peer support practice. The Code shall serve as a guide for PRS and PM/PRC in Texas by defining professional responsibility and ethical standards for the profession.

The primary responsibility of PRS and PM/PRC is to help individuals achieve their own needs, wants, and goals. PRS and PM/PRC will maintain high standards of personal conduct, and will conduct themselves in a manner that fosters their own recovery. PRS and PM/PRC will be guided by the principle of self-determination for all, and shall serve as advocates for the people they serve.

PRS and PM/PRC will perform services only within the boundaries of their expertise. PRS and PM/PRC shall be aware of the limits of their training and capabilities, and shall collaborate with other professionals to best meet the needs of the person(s) served. PRS and PM/PRC will, at all times, preserve an objective and professional relationship.

1. PRS and PM/PRC will, at all times, respect the rights and dignity of those they serve.
2. PRS and PM/PRC will advocate for the full integration of individuals into the communities of their choice and will promote the inherent value of these individuals to those communities. PRS and PM/PRC will be directed by the knowledge that all individuals have the right to live in the least restrictive and least intrusive environment.
3. PRS and PM/PRC will not use derogatory language in their written or verbal communication to or about persons served. PRS and PM/PRC will use accurate and respectful language in all communications to and about persons served.
4. PRS and PM/PRC will not abuse, intimidate, threaten, harass, or use undue influence or physical force with anyone at any time.
5. PRS and PM/PRC will shall not in any way participate in discrimination on the basis of race, color, sex, sexual orientation, age, pregnancy, religion, national origin, socio-economic status, political belief, citizenship, military service or affiliation, psychiatric

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- or psychological impairment, physical disability, or the amount of previous therapeutic or treatment occurrences.
6. PRS and PM/PRC will advocate for those they serve so that they may make their own decisions in all matters when dealing with other professionals and service providers.
 7. PRS and PM/PRC will respect the privacy and confidentiality of those they serve. PRS and PM/PRC will not name or give information about a person served, former person served, or family member to other professionals except when specifically authorized by the person served.
 8. PRS and PM/PRC will not exploit persons served in disputes with colleagues or engage persons served in any inappropriate discussion of conflicts between PRS and PM/PRC and their colleagues.
 9. PRS and PM/PRC will take adequate measures to discourage, prevent, expose, and correct the unethical conduct of colleagues.
 10. PRS and PM/PRC will not enter into relationships or commitments that conflict with the interests of those they serve. PRS and PM/PRC shall disclose to their supervisor any perceived or known violations of the boundaries of the treatment relationship.
 11. PRS and PM/PRC shall disclose any existing or pre-existing professional, social, or business relationships with person(s) served. PRS and PM/PRC shall determine, in consultation with their supervisor, whether existing or pre-existing relationships interfere with the ability to provide peer support services to that person. PRS and PM/PRC are responsible for setting clear, appropriate, and culturally sensitive boundaries with all persons served.
 12. PRS and PM/PRC will not engage in sexual activities with persons served, or members of the immediate family of person(s) served.
 13. PRS and PM/PRC will not abuse alcohol or other mood-altering substances while practicing peer support.
 14. PRS and PM/PRC will keep current with emerging knowledge relevant to recovery, and openly share this knowledge with their colleagues. PRS and PM/PRC will advocate for the profession of peer support.
 15. PRS and PM/PRC will not give or accept gifts of significant value from those they serve.
 16. PRS and PM/PRC uphold the law and have high morals in both professional and personal conduct. Grounds for discipline include, but are not limited to, conviction of any felony or misdemeanor during the period in which a PRS and PM/PRC holds a certification/designation, excluding minor traffic offenses, whether or not the case is pending an appeal.

PROCEDURE FOR CODE OF ETHICS COMPLAINTS

TCBAP has a process established to provide an avenue through which persons can file complaints about the ethical conduct of a TCBAP PRS and PM/PRC or an applicant to the certification system. This provides a procedure and a forum by which such a professional or applicant may make a good faith dispute and respond to such complaints. This system is used to adjudicate complaints, which, have been found to be irresolvable through other means. Prior to employing the process, persons are encouraged to attempt to resolve the

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situation through other means, i.e., personally with the PRS and PM/PRC or through the PRS and PM/PRC supervisor/employing agency. If this means fail or do not satisfactorily resolve the circumstances, the disciplinary review process may be the appropriate vehicle to address the complaint.

All matters of ethical violation and misconduct shall be referred to the Ethics Committee, which shall investigate any allegations or charges against any member of the Association and/or certified individual. After appropriate study and necessary hearings assuring due process, the committee shall make its recommendations to the Certification Board for review and disposition. A written copy of the Code of Ethics and policies and procedures for grievance, complaints and hearings shall be made available to all members and to any other person requesting them.

Ethic complaints must be submitted in writing and mailed to TCBAP Headquarters at 401 Ranch Road 620 South, Ste. 310, Austin, and TX 78734.

Article 25. Procedures for Code of Ethics Complaints and Investigation

- A. The Texas Certification Board of Addiction Professionals (TCBAP) has a process established to provide an avenue through which persons can file complaints about the ethical conduct of a TCBAP credentialed and designated person or an applicant to the certification system. This provides a procedure and a forum by which such a professional or applicant may make a good-faith dispute and respond to such complaints. This system is used to adjudicate complaints, which, have been found to be irresolvable through other means. Prior to employing the process, persons are encouraged to attempt to resolve the situation through other means, i.e., personally with the credentialed and designated person or through the credentialed and designated person supervisor/employing agency. If this means fail or do not satisfactorily resolve the circumstances, the disciplinary review process may be the appropriate vehicle to address the complaint.

- B. Ethic complaints must be submitted in writing and mailed to TCBAP Headquarters at 401 Ranch Road 620 South, Ste. 310, Austin, and TX 78734.
 - 1. The provisions of this section shall apply to complaints against a credentialed and designated person under this section.
 - 2. A person wishing to report an alleged violation of these standards may file a complaint with the TCBAP. All complaints shall be in writing and under oath.
 - 3. Upon receipt of a complaint, the TCBAP will send an acknowledgment letter to the complainant, together with the TCBAP's policies and procedures pertaining to complaint investigation and resolution. The TCBAP may accept an anonymous complaint if there is sufficient information for the investigation.
 - 4. The TCBAP will document, evaluate, prioritize, and investigate complaints based on the seriousness of the alleged violation and the level of client or participant risk, and will make any report to another agency required by law.
 - 5. Prior to or during an investigation, the TCBAP will request a response from the

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credentialed and designated person or person against whom a complaint has been filed, and provide the TCBAP's policies and procedures pertaining to complaint investigation and resolution. The credentialed and designated person or person against whom an alleged violation has been filed shall respond within 15 working days of receipt of the TCBAP's request.

6. Pursuant to a TCBAP investigation regarding an alleged violation of these standards, a credentialed and designated person shall produce records, documents and other evidence related to the certification or designation, registration, or approval to the TCBAP, upon request, unless otherwise prohibited by law. A credentialed and designated person shall not interfere with the TCBAP's access to service recipients, witnesses or other parties.
7. If it is determined that the matters alleged in the complaint are non-jurisdictional, or if the matters alleged in the complaint would not constitute a violation of these standards, the TCBAP may close the complaint and give written notice of the closure to the person against whom the complaint was filed and the complainant.
8. The TCBAP may refer complaints outside its jurisdiction, or also within the jurisdiction of another licensing program within the TCBAP or of another agency, to the appropriate program or agency for action, as permitted by law.
9. The TCBAP, at least quarterly and until final disposition of the complaint, shall notify the person filing the complaint and each person against whom the complaint was made of the status of the complaint, unless the notice would jeopardize an investigation.

Article 26. Disciplinary Actions

- A. The provisions of this section shall apply to all types of credentialed and designated persons under these standards, and shall not limit the authority of the TCBAP to take any other the holder of, or applicant for, a certification or designation, registration, under these standards.
- B. The TCBAP may take action as authorized under subsection (c) of this section if an applicant for, or holder of, a certification or designation, registration, issued under these standards:
 1. violates or assists another to violate the rule under these standards;
 2. circumvents or attempts to circumvent a rule under these standards;
 3. directly or indirectly participates in a plan to evade a rule under these standards;
 4. has a certification or designation in another jurisdiction refused, suspended, or revoked for a reason that the TCBAP determines would constitute a violation of a rule under these standards;
 5. engages in false, misleading, or deceptive conduct;
 6. engages in conduct that discredits or tends to discredit the credentialed and designated person;
 7. directly or indirectly reveals a confidential communication made to the person by recipient of services, except as required or permitted by law;

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8. refuses to perform an act or service the person is certified or designated to perform under these standards on the basis of the service recipient's race, color, sex, sexual orientation, age, pregnancy, religion, national origin, socio-economic status, political belief, citizenship, military service or affiliation, psychiatric or psychological impairment, physical disability, or the amount of previous therapeutic or treatment occurrences; or
- C. Where grounds exist to take action against a person, against a certification or designation, issued under these standards, or against an applicant, issued under these standards, the TCBAP may:
 1. deny, refuse to issue, or refuse to renew a certification or designation;
 2. revoke or suspend a certification or designation;
 3. probate a suspension of a certification or designation;
 4. impose an administrative penalty against a person who violates a rule under these standards; or
 5. Issue a reprimand against the applicable certification or designation holder.
 - D. The TCBAP will determine the length of the probation or suspension. If the TCBAP probates the suspension of a certification or designation, the TCBAP may require the holder of the applicable certification or designation to:
 1. report regularly to the TCBAP on matters that are the basis of the probation;
 2. limit practice to the areas prescribed by the TCBAP; or
 3. Complete additional educational requirements, as required by the TCBAP to address the areas of concern that are the basis of the probation.
 - E. An individual whose certification or designation under these standards for a minimum of two years after the date of revocation. The TCBAP may consider the findings that resulted in revocation and any other relevant facts in determining whether to deny the application under this section, or as otherwise permitted by law, if an otherwise complete and sufficient application for a certification or designation is submitted after two years have elapsed since revocation.
 - F. A voluntary surrender accepted by the TCBAP in response to a complaint deemed to be the result of a formal disciplinary action as provided for in that section.
 - G. The TCBAP, upon determination that grounds may exist to take disciplinary action, shall issue a notice of violation notifying the respondent of the proposed action.
 1. The notice letter shall be sent via certified mail to the respondent's address of record.
 2. The notice shall specify:
 3. the statutes, rules, or orders allegedly violated;
 4. The factual basis of the alleged violations;
 5. the disciplinary action the TCBAP intends to take; and
 6. Notice of an opportunity for a hearing.
 7. If the TCBAP is proposing to assess an administrative penalty, the letter shall also inform the respondent of the amount of the proposed penalty and of the opportunity for a hearing on the occurrence of the violation, the amount

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of the penalty, or both.

- H. The letter shall also include the following notices:
 - 1. If the respondent does not request a hearing on or before the 30th day after notice is effective, the allegations will be deemed true and the TCBAP will issue a default final order implementing the proposed action.
 - 2. Notice is effective three days after the date of certified mailing.
- I. A respondent must submit a timely written request for a hearing to avoid having the allegations in the notice letter deemed true and a default order implementing the proposed action issued by the TCBAP. The request for hearing is timely if filed with the TCBAP, postmarked on, or before the 30th day after the notice is effective. If the respondent fails to timely file a request for a hearing, the factual allegations of the notice letter may be deemed true and shall form the basis of a default final order by the TCBAP making findings of fact and conclusions of law consistent with the notice of violation, and implementing the proposed action.

Article 27. Administrative Penalties

- A. The provisions of this section shall apply to administrative penalties proposed or assessed against any person for violation of a rule under these.
- B. The amount of an administrative penalty shall be based on the following criteria:
 - 1. the seriousness of the violation;
 - 2. the history of previous violations;
 - 3. the amount necessary to deter a future violation;
 - 4. efforts made to correct the violation; and
 - 5. Any other matter that justice requires.
- C. The seriousness of a violation shall be categorized by one of the following severity levels:
 - 1. Level I--violations in which harm or other adverse impact to public health, safety, or welfare has actually occurred or is likely to occur and/or recur;
 - 2. Level II--violations that demonstrate a potential for harm or other adverse impact to public health, safety, or welfare; or
 - 3. Level III--violations that are not likely to substantially affect public health, safety, or welfare.
- D. The range of administrative penalties by severity levels is as follows for each violation at the discretion of the TCBAP Ethics Committee and approved by the Board:
 - 1. Level I--up to \$500 per violation;
 - 2. Level II--up to \$250 per violation; or
 - 3. Level III--up to \$100 per violation.
- E. Subsequent violations of the same or similar nature in the same severity level for which

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an administrative penalty has previously been imposed may be categorized at the next higher severity level, based upon the repeated violation. Subsequent Level I violations of the same or similar nature for which an administrative penalty has previously been imposed at the Level I severity level may be assessed a higher penalty within that severity level, up to \$1,000 per violation, based upon the repeated violations.

- F. Repeated or serious violations may result in suspension or revocation of certification as determined by the TCBAP Ethics Committee and approved by the Board.

Article 28. Informal Disposition

- A. At any stage of a disciplinary case, informal disposition of a complaint or contested case involving a credentialed and designated person may be made through an informal conference held to determine whether the matters in controversy can be resolved without further proceedings, including by agreed order.
- B. In any case, where a notice of violation has been issued proposing disciplinary action against a credentialed and designated person, that person will be given the opportunity to attend an informal conference to show compliance with the law, prior to a requested hearing. If the credentialed and designated person fails to appear at a scheduled informal conference, the TCBAP may deem that person to have waived the right to an informal conference and may proceed to hearing.
- C. An informal conference shall be voluntary for the credentialed and designated person and shall not be a prerequisite to a formal hearing.
- D. The conference shall be informal and shall not follow the procedures established in these standards for contested cases and formal hearings.
- E. The TCBAP will establish the time, date and place of the informal conference, and provide written notice to the credentialed and designated person. Written notice will be provided no less than 10 business days prior to the date of the informal conference at the last known address of the applicant, credentialed and designated person.
- F. The credentialed and designated person may be represented by legal counsel at the informal conference. The TCBAP's legal counsel and appropriate staff will be present at the conference.
- G. At the conclusion of the informal conference, the TCBAP may propose an informal disposition of the complaint or contested case. The proposal may include proposed entry of an agreed order imposing any disciplinary action authorized by these standards. The TCBAP may also conclude that the TCBAP lacks jurisdiction; that the matter should be referred for further investigation; that the complaint should be closed without action; or that the TCBAP will proceed to a contested case hearing on the proposed action, if requested by the credentialed and designated person.

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- H. The credentialed and designated person or applicant may either accept or reject the TCBAP's proposal at the informal conference. If the recommendations are accepted, a proposed agreed order will be forwarded to the credentialed and designated person, or that person's attorney. The order will include any agreed findings of fact and conclusions of law. If the applicant, credentialed and designated person or applicant fails to return the signed order within 30 calendar days of receipt of the proposed order, or within another time frame specified or agreed to by the TCBAP, the TCBAP's proposed order will be deemed withdrawn and the TCBAP may proceed to a contested case hearing on the action originally proposed, if the applicant or credentialed and designated person has requested one, or otherwise proceed with appropriate action against the credentialed and designated person. The credentialed and designated person will be deemed to have signed and received the proposed agreed order after sent certified mail.

Article 29. Voluntary Surrender of Certification, Designation or Registration in Response to a Complaint

- A. When a credentialed and designated person has offered the surrender of that person's certification or designation in response to a complaint, the TCBAP will consider whether to accept the surrender of the certification or designation. A credentialed or designated person will be deemed to have offered the surrender of that person's certification or designation in response to a complaint when the surrender is offered after the credentialed or designated person has received notice that a complaint has been received by the TCBAP. A credentialed or designated person will be deemed to have received notice that a complaint has been received by the TCBAP after a letter notifying the credentialed or designated person is signed/receipt by certified mail by the TCBAP.
- B. Surrender of a certification or designation without the TCBAP's acceptance thereof shall not deprive the TCBAP of jurisdiction under these standards, or other applicable law.
- C. When the TCBAP accepts the surrender of a certification or designation offered in response to a complaint, the certification or designation surrender is deemed the result of a formal disciplinary action and an order shall be prepared accepting the certification or designation surrender on that basis.
- D. If the TCBAP accepts the surrender of a certification or designation offered in response to a complaint, the person is not eligible to apply for a certification or designation under these standards for a minimum of two years after the date of acceptance of the surrender.

Article 30. Procedures for Contested Cases

- A. The provisions of this section shall apply to credentialed or designated persons under these standards.

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- B. Where the TCBAP has issued a notice of violation that has not been resolved by informal disposition and the respondent has timely requested a hearing, the TCBAP will proceed to a hearing.
- C. The TCBAP will provide written notice of the hearing to the respondent by certified mail, return receipt requested, at respondent's last known address as reflected in the TCBAP's address of record for the respondent. A Notice of Hearing will be provided at least ten days before the date of the hearing. Respondent's receipt of the Notice of Hearing at least ten days before the date of the hearing will be presumed if the TCBAP mailed the Notice of Hearing at least ten days before the date of the hearing, and allowed an additional three days for mailing.
- D. If the respondent fails to appear at a scheduled hearing after being given proper notice of the hearing at respondent's last known address as reflected in the TCBAP's address of record for the respondent, the TCBAP may move for dismissal of the case, without prejudice, to allow for informal disposition of the case by default order. Based upon the respondent's failure to appear after proper notice of the hearing, the factual allegations of the notice letter may be deemed true and shall form the basis of a final default order by the TCBAP making findings of fact and conclusions of law consistent with the notice of violation, and implementing the proposed action.
- E. Notice of intent to appeal is provided to the Ethics Appeals Committee in writing at least thirty (30) days in advance of the meeting of the Board of Directors at which such appeal is to be discussed. Findings/actions of the Ethics Committee and/or the Certification Board may be appealed to the Ethics Appeals Committee. Decisions of the Ethics Appeals Committee shall be final.
- F. Ethic complaints must be submitted in writing and mailed to TCBAP Headquarters at 401 Ranch Road 620 South, Ste. 310, Austin, and TX 78734.

Article 31. Effective Date

These standards may be revised, edited, updated, or amended at any time and it is the responsibility of the applicant, designee or certified individual under these standards to keep up-to-date with any changes.