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Healing Touch Program Discipline, Non Discrimination, and Confidentiality Policy and Procedure

1. **Title:** Healing Touch Program Discipline, Non Discrimination, and Confidentiality Policy and Procedure
2. **Purpose:** The purpose of this document is to establish the discipline process for violations of the Scope of Practice, Code of Ethics, or Misconduct including misconduct in the certification process of Healing Touch Certification.
3. **Definitions:**
 - 3.1. **Scope of Practice:** The Healing Touch Scope of Practice defines four levels of Healing Touch (HT) practice and outlines how HT providers may refer to themselves, how they can practice and what they must be mindful of when practicing. The Healing Touch Program Scope of Practice is defined in detail in HTP_356_Scope_of_Practice_Policy.docx.
 - 3.2. **Code of Ethics:** The Healing Touch Code of Ethics guides the therapeutic practice of Healing Touch including guidelines for defining the status of “in good standing.” The Healing Touch Program Code of Ethics is defined in detail in HTP_355_Code_of_Ethics_Policy.docx.
 - 3.3. **Misconduct:** Misconduct is defined as any behavior or action which is outside the Healing Touch Scope of Practice, Code of Ethics, or is stated as misconduct in another Healing Touch Policy.
Conflict of Interest in a case. Any individual member of the Ethics Committee that has personal involvement in the activities concerned in an ethical complaint, or any member who has a personal interest or personal conflict with any party in an ethical complaint, current or past, has the potential for a conflict of interest and must be excused from any aspect of the case presenting the possible compromise.
4. **Scope:** This document covers the complaint and discipline process for violations of the Healing Touch Program Scope of Practice or Code of Ethics or general misconduct for all Healing Touch Certified Practitioners, Healing Touch Certified Instructors, students in Healing Touch Program classes, and participants in Healing Touch Program events.
5. **Introduction:** Healing Touch Program practitioners and instructors are graduates of the Healing Touch Program (HTP), a recognized training program, and must abide by the HTP Code of Ethics and Statement of Scope of Practice. Any member of the public who is concerned with the professional conduct of a HTP practitioner or instructor, or who is alleging unskilled/unsafe/unethical practice by a practitioner or instructor, may access the complaints process at HTP. This process involves a series of informal and formal components that are outlined below.
6. **Justification for the Policy:** Situations may arise where an individual (i.e. a member of the public, employer, colleague or other health professional) may have concerns with the professional conduct of a Healing Touch practitioner or instructor. HTP has the responsibility for reviewing conduct alleged to be detrimental to the best interests of the public, or behavior that violates any provision of the HTP Code of Ethics and Statement of Scope of Practice, and also for determining penalties if necessary.

7. **Eligible Complainants:** Any individual that has directly observed or has been directly affected by an issue has concerning the professional behavior of a HT student, practitioner, or instructor. The individual who makes a complaint is called the Complainant. The individual against whom the complaint is made is called the Respondent. An HTP official such as the Educational Program Director, a member of the Ethics Committee, or officer of HTP may initiate an ethical complaint based on an observation of a pattern of behavior.

8. **Complaint Process:**

- 8.1. The Ethics Committee is the first stop for all ethical concerns and issues. Confidential advice will be provided within a framework of prevention education to all inquirers. **The HTP staff/Ethics Committee representatives who may provide this advice are not legal representatives and any ethics advice given should not be regarded as legal advice.**
- 8.2. **Filing a Complaint:** Complaints may be filed either informally or formally with Healing Touch Program. Informal complaints or inquiries may be made verbally or in writing. Formal complaints must be made in writing. Only formal complaints may be considered to initiate the formal inquiry processes.
- 8.3. The 3 steps to file a complaint are shown below:
 - 8.3.1. Determine if the HT student, practitioner or instructor you are concerned about is a member of the HTP community by calling the Healing Touch Program office at 1-210-497-5529.
 - 8.3.2. Contact either the HTP CEO, the HTP Educational Program Director, or a member of the Ethics Committee to voice an informal complaint or concern.
 - 8.3.3. For formal complaints, write a letter of complaint detailing the:
 - Situation and context - describe in detail - e. g., was it a situation that occurred in a HT classroom, a treatment room, a public area - who did what - who said what, etc. - provide names of those present who witnessed the situation of concern (if these people have given permission for their names to be provided); Include your assessment of how it is in violation of the Code of Ethics or Scope of Practice.
 - Complainants role in the situation/context;
 - Date and time of occurrence;
 - Interpretation of the situation;
 - Actions taken by the complainant or others during/after the situation; whether or not the Respondent was informed that a letter of complaint is being sent to HTP.
 - 8.3.4. Mail the dated and signed letter of complaint to:

Confidential: Attention Ethics Chairperson
Healing Touch Program
Attention: Program Director
20822 Cactus Loop
San Antonio, TX 78258

9. **Procedure when a complaint is received:**

- 9.1. For informal complaints a member of the Ethics committee is assigned to facilitate resolution of the case. The assigned facilitator may seek the assistance or guidance of other members of the committee as needed.
- 9.2. For Formal Complaints the HTP CEO, HTP Educational Program Director, and Chairperson of the HTP Ethics Committee meet to have a preliminary discussion regarding the letter of complaint. They will either reject the complaint or accept the complaint and determine the nature of and seriousness of the situation. In either case, the complainant will be notified in writing of their action. The complaint will be determined to be of either an ethical nature, or a procedural or performance quality nature. Cases that are of a procedural or performance quality nature will be referred to the Educational Program Director and/or HTP CEO for resolution. Cases that are determined to be ethical in nature will remain with the ethics Committee,

9.2.1. Definition of Ethical violation

9.2.2. Definition of procedural or performance quality issue

- 9.2.2.1. A procedural or performance quality issue may become an ethical issue if there are repeated occurrences of the same issue after multiple attempts to correct have been made, establishing a pattern of behavior.

9.3. Process if a formal complaint is accepted:

9.3.1. Both the Complainant and the Respondent will be notified by letter.

9.3.2. The Respondent will be provided with a copy of the complaint letter and instructed to respond to the complaint in writing to the Ethics Committee Chairperson or Vice Chair within thirty days. A Case Management team is assigned to the case consisting of two to three members of the Ethics Committee. Members of the Case Management team may not have any conflict of interest in a case. The Case Management team will review the complaint, and any response, and any other relevant information about the case, provided it is allowable and pertains directly to the complaint. The Case Management team then begins the resolution process by the following:

9.4. Resolution Process, the following outline details the process for resolving disputes.

9.4.1. Preliminary Investigation

9.4.1.1. Initial Fact Finding the Case Management team will interview the Complainant and Respondent and review any documentation provided. Based on the nature of the findings of the initial investigation the Case Management team may choose to proceed to informal discussion, mediation between the parties, or may decide that a formal hearing is warranted.

9.4.1.2. Questions for the complainant:

- 9.4.1.2.1. "Who, What, When, Where, and Why"
- 9.4.1.2.2. How did the events affect you personally?
- 9.4.1.2.3. How would you like to see the situation resolved?
- 9.4.1.2.4. Did the conduct occur at other times that you are aware of?
- 9.4.1.2.5. Do you have any other relevant information?
- 9.4.1.2.6. Would you like to make a final statement?

9.4.1.3. Questions for the Respondent:

- 9.4.1.3.1. What is your response to the allegations?
- 9.4.1.3.2. What is your version of the events?
- 9.4.1.3.3. You have stated that the allegations are untrue. Is there any reason you can think of why the complainant would make them?

9.4.1.4. Questions for witnesses (in the event of an in depth investigation):

- 9.4.1.4.1. Can you describe what you saw and/or heard?
- 9.4.1.4.2. Are there others who may have witnessed the event? If so who?
- 9.4.1.4.3. Are you aware of any other relevant information?

9.4.2. Informal discussion between parties

9.4.2.1. This is the least complex level of actions and involves the Complainant and Respondent having an informal discussion to try to resolve the dispute/allegation in a collegial manner, a member of the ethics committee may facilitate this discussion without being in the role of mediator. Every effort should be made to resolve issues at this level of action, if possible.

9.4.3. Mediation between parties

9.4.3.1. Conducting a mediation. A member of the Ethics Committee, or another individual recommended by the Ethics Committee acts as a mediator during discussions about the allegation between the Complainant and the Respondent. The mediated discussion can take place either jointly where the mediator leads a joint conversation, or the mediator may listen to each side separately and then communicate between the parties, or the mediation may be a mixture of the two. The goal of the mediator is to achieve an agreeable resolution.

- 9.4.3.2. Possible outcomes of mediation, if the parties can agree to a reasonable solution through mediation, the ethics committee can accept the proposal and consider the matter resolved. Example, the Respondent may have been unaware initially that they have violated the Code of Ethics; at this point they may come to see where they were in error and make restitution, where appropriate. Alternatively, the Complainant may see that their interpretation of the situation was in error, or only partially correct and withdraw their complaint.
- 9.4.4. If no resolution can be achieved through discussion or mediation, a formal hearing will be conducted.
- 9.5. Formal Hearing: The process for conducting the formal hearing begins with an in depth investigation conducted by the Case Management team. The in depth investigation includes the following:
 - 9.5.1.1. Review the complaint and response, conduct additional interviews with the complainant and respondent as needed.
 - 9.5.1.2. Conduct interviews with any direct witnesses to the complaint, or anyone who has direct evidence concerning the allegation.
 - 9.5.1.3. Collect and review any documentation or other form of direct or circumstantial evidence that would substantiate or refute the claim.
 - 9.5.1.4. Hearsay evidence, or evidence that someone heard another say is not admissible.
- 9.6. Presentation of findings. The Case Management team presents the findings of the in depth investigation to the full ethics committee for review, excluding any members who have been identified as having a conflict.
- 9.7. Determination: The Ethics Committee then votes to determine a course of action, which is recommended to the HTP CEO.
 - 9.7.1. Possible Actions that the committee may recommend
 - 9.7.1.1. No violation
 - 9.7.1.2. Deferred to HTP as program issue
 - 9.7.1.3. Deferred to Healing Touch Certification and Certification issue
 - 9.7.1.4. Letter of warning
 - 9.7.1.5. Letter of reprimand
 - 9.7.1.6. Outside the scope of the Committee, referred to appropriate authority
 - 9.7.1.7. Letter of Censure
 - 9.7.1.8. Suspension (of certification(s) and/or further training
 - 9.7.1.9. Expulsion (Removal of all association with HTP)
 - 9.7.1.10. Revocation of Certification

The CEO must authorize any final action recommended by the Ethics Committee. This is to ensure that the company has responsibility for any actions taken, and thus protects the members of the Ethics Committee from any claim of liability that could arise as a result of their determination. The CEO directs the Ethics Committee or appropriate group or individual to conduct determined action. In any case, the complainant and respondent are notified in writing of the decision of the Ethics Committee.

10. Procedure during the three levels of actions that HTP follows to deal with a complaint

- 10.1. **Informal discussion between parties** - This is the least complex level of actions and involves the Complainant and Respondent having an informal discussion to try to resolve the dispute/allegation in a collegial manner, a member of the ethics committee may facilitate this discussion without being in the role of mediator. Every effort should be made to resolve issues at this level of action, if possible.
- 10.2. **Mediation between parties** - If the dispute cannot be resolved at the first level it moves to the second level, which involves either a member of the Ethics Committee, or another individual recommended by the Ethics Committee acting as a mediator during discussions about the allegation between the Complainant and the Respondent. The Respondent may have been unaware initially that they have violated the Code of Ethics; at this point they may come

to see where they were in error and make restitution, where appropriate. Alternatively, the Complainant may see that their interpretation of the situation was in error, or only partially correct and withdraw their complaint. The mediated discussion can take place either jointly where the mediator leads a joint conversation, or the mediator may listen to each side separately and then communicate between the parties, or the mediation may be a mixture of the two. The goal of the mediator is to achieve an agreeable resolution.

- 10.3. **A formal hearing** - If the dispute cannot be resolved at the first or second levels, and/or the matter is considered a serious breach of the Code of Ethics, the dispute moves to the third and most formal level. This level involves the entire Ethics Committee meeting to consider the dispute/issue and make a determination based upon the written information available.

11. Penalties the Ethics Committee can determine if a complaint is upheld: Determinations by the Ethics Committee can involve penalties such as one of the following

- 11.1. Reprimand
- 11.2. Letter of censure
- 11.3. Suspension (of certification/s and/or further training)
- 11.4. Expulsion (removal of all association with HTP)
- 11.5. Revocation of Certification

The Complainant and Respondent are notified in writing of the decision of the Ethics Committee.

- 12. Appeal:** Both parties have the right of appeal to the HTP Executive Committee on the basis of the Ethics Committee's failure to follow published policies or procedures, or on the basis of mistaken evidence.

- 13. Legal Representation:** The parties to the complaint are entitled to obtain legal advice in relation to preparing an appeal; however, legal practitioners are not permitted to appear before the Executive Committee. Any party who retains the legal representation will be liable for their own legal costs. Neither HTP, nor the Ethics Committee will be liable for any legal costs incurred by the Complainant or the Respondent.

- 14. Reinstatement:** In all cases of penalties, before the party can be reinstated to their original position in the HT community they must submit a letter to the Ethics Committee in which they reflect upon the experience and explain a realistic and detailed plan for their future professional conduct. The Ethics Committee will determine if the person will have their former entitlements restored, and to what level. HTP will notify the person/s of the outcome within a specified time period.

15. Nondiscriminatory Policy

HTP endorses the principles of equal opportunity. Eligibility criteria for the certification exam are applied equally to all applicants regardless of race, religion, gender, national origin, sexual orientation, veteran status, age, marital status or disability.

16. Confidentiality and Non Disclosure:

- 16.1. **Candidate Confidentiality:** Confidentiality is an important aspect of maintaining the integrity of the exam. We require every candidate to help in keeping the content of the exam confidential. All of the exam questions are considered confidential. Candidates must agree to honor this confidentiality by signing the confidentiality agreement which is part of the application to take the exam. This confidentiality includes not discussing the questions or the exam with any other candidates or individuals. SMEs may discuss questions in the context of creating new questions. Violation of the exam confidentiality may have consequences up to being barred from earning the credential.

16.2. **Confidentiality of Candidate information:** from the certification application. Non-disclosure HTCP Certification applicant names, applications, review, critique, and outcomes developed during the review process are kept strictly confidential and are available only to those individuals involved in the review process. Specific exam results or performance are kept confidential and only reported to the candidate, HTC Staff, or Governing Committee as needed.

16.3. **Publication of Certification Status:** Professional responsibility to the public demands a record of a certified practitioner's certification status. This is accomplished by publication of practitioner's certification status in a searchable on-line directory of Practitioners. The information contained in the directory is the HTCP's certification expiration date, and a listing of their certification status. This field can only be changed by the Certification Administrator.

The information posted on the directory includes the HTCP's name, certification status, city, state, zip code and country so that the profile may be found by advanced search. It also contains an encrypted e-mail that allows people to contact the practitioner but they cannot see the practitioner's e-mail address.

Certification status categories:

- Current
- Lapsed
- Inactive
- Revoked