



POLICY AND PROCEDURES FOR DISCIPLINARY REVIEW

I. DISCIPLINARY POLICY

Certified physician assistants and physician assistants seeking certification may be subject to disciplinary review for matters stemming from irregular behavior, fraudulent credentials, and legal, regulatory and credentialing actions as described below.

A. Irregular Behavior

1. During an Examination

The performance of all physician assistants taking an examination will be monitored. Test center personnel will notify the National Commission on Certification of Physician Assistants ("NCCPA") of any candidate who appears to give or receive assistance, or otherwise engage in dishonest or other irregular behavior during the examination.

Any physician assistant who engages in, or assists another individual to engage in, cheating or other dishonest or irregular behavior, or otherwise violates the security of an examination, may be subject to disciplinary action, including but not limited to denial or revocation of eligibility, certification, recertification, or proficiency recognition. Any individual who engages in such improper behavior also may be subject to legal action.

2. After an Examination

Any physician assistant who removes or attempts to remove materials from the test center, or reproduces, distributes, displays or otherwise misuses a test question or any part of a test question from an examination, or assists another individual to do any of the above, may be subject to disciplinary action, including but not limited to denial or revocation of eligibility, certification, recertification, or proficiency recognition. Any individual who engages in such improper behavior also may be subject to legal action.

3. At Any Time

Any physician assistant who violates a provision of NCCPA's *Code of Conduct for Certified and Certifying Physicians Assistants (the "Code of Conduct")*, or obtains, attempts to obtain, or assists another person to obtain or attempt to obtain, eligibility, certification, recertification, or proficiency recognition by deceptive means, including but not limited to submitting or assisting another person to submit to the NCCPA any document which contains a material misstatement of fact or omits to state a material fact, may be subject to disciplinary action, including but not limited to denial or revocation of eligibility, certification, recertification, or proficiency recognition. Any individual who engages in such improper behavior also may be subject to legal action.

B. Fraudulent Credentials

Any physician assistant who manufactures, modifies, reproduces, distributes or uses a fraudulent or otherwise unauthorized NCCPA certificate, PA-C designation, CME document, or other NCCPA document or designation; otherwise falsely claims to be certified by NCCPA; or assists another individual to do any of the above, may be subject to disciplinary action, including but not limited to denial or revocation of eligibility, certification, recertification, or proficiency recognition. Any individual who engages in such irregular behavior also may be subject to legal action.

C. Legal, Regulatory, or Credentialing Action or Violation of the NCCPA Code of Conduct

1. Automatic Revocation

The NCCPA will automatically deny or revoke a physician assistant's eligibility, certification, recertification, or proficiency recognition if the NCCPA determines that the physician assistant is the subject of any of the following:

- Adjudication by a court that the physician assistant is mentally incompetent.
- Conviction of or pleading no contest to a felony that is, in the view of the NCCPA, related to physician assistant practice.
- Violation of the Uniform Code of Military Justice that is, in the view of NCCPA, related to physician assistant practice.
- Loss or denial of the physician assistant's license to practice or authorization to practice as an employee of the federal government or in a jurisdiction not requiring licensure, due to behavior that is, in the view of the NCCPA, related to physician assistant practice.
- Voluntary Surrender or Lapse of the physician assistant's license to practice in lieu of further administrative or disciplinary action that is, in the view of NCCPA, related to physician assistant practice.
- Changing residence to avoid prosecution, loss of license, or disciplinary action by a state licensing agency that is, in the view of NCCPA, related to physician assistant practice.
- Violation of a regulatory agency's order that is, in the view of NCCPA, related to physician assistant practice.

2. Discretionary Denial, Revocation, Suspension or Censure

The NCCPA may, at its discretion, deny, suspend or revoke a physician assistant's eligibility, certification, recertification, or proficiency recognition; issue a letter of censure; and/or take such other actions as may be deemed appropriate if the NCCPA determines that the physician assistant is the subject of any of the following:

- Conviction of or pleading no contest to a felony.

- Loss or denial of the individual's license to practice as a health care provider or authorization to practice as an employee of the federal government or in a jurisdiction not requiring licensure.
- Violation of the Uniform Code of Military Justice.
- Documented evidence of gross incompetence, unprofessional conduct, or unethical conduct.
- Material violation of the NCCPA *Code of Conduct*.
- Failure to report to NCCPA in a timely manner adverse legal, regulatory or credentialing action(s).
- Voluntary Surrender or Lapse of the physician assistant's license to practice in lieu of further administrative or disciplinary action.
- Changing residence to avoid prosecution, loss of license, or disciplinary action by a state licensing agency.
- Violation of regulatory or credentialing agency's order.

II. DISCIPLINARY PROCEDURES

A. Notification and Investigation of Possible Disciplinary Matter

1. If it comes to the attention of any Director of the NCCPA, an NCCPA committee, or an NCCPA staff member that a physician assistant may have engaged in irregular behavior, may have manufactured or utilized fraudulent NCCPA credentials, or was the subject of a legal, regulatory or credentialing action that warrants review under NCCPA's *Disciplinary Policy*, the Director, committee or staff member shall promptly notify NCCPA's Administrator of Disciplinary Review.
2. The NCCPA shall make a reasonable effort to determine the facts of the matter. If the NCCPA determines that no action should be taken, the matter shall be closed. If the NCCPA determines that there is a reasonable basis to believe that the allegations are true, the NCCPA shall take such actions as are described below in Section B (for allegations of irregular behavior or fraudulent credentials) or Section C (for legal, regulatory or credentialing action, or violation of the NCCPA *Code of Conduct*).

B. Disciplinary Review and Action Based on Irregular Behavior or Fraudulent Credentials

1. The NCCPA shall issue a written notice to the physician assistant about the allegations and about possible disciplinary actions which may be taken by the NCCPA. The notice shall inform the physician assistant that he or she has the right, within 30 calendar days, to submit a written response to the allegations and/or to request a telephone interview with, or a personal appearance before, the Review Panel.
2. If the physician assistant requests a telephone interview with, or a personal appearance before, the Review Panel, he or she shall be given at least 30 calendar days written notice of the place, date and time of the interview. During the interview or appearance, the physician assistant shall be given an opportunity to discuss, explain, and attempt to refute the allegations made against him or her.
3. The Review Panel shall review all of the documentation submitted concerning the matter. The Review Panel also may, at its discretion, request or receive, and review, additional information. The foregoing shall constitute the Review Record. A copy of the Review Record shall be forwarded to the physician assistant at least 10 calendar days before the meeting of the Review Panel.
4. Based on its review of the Review Record, and the physician assistant's statement during the interview or appearance, if any, the Review Panel shall, determine which, if any, disciplinary action is appropriate under the circumstances.
5. If the Review Panel determines that no action should be taken, the matter shall be closed and the physician assistant will be so notified within 14 calendar days of the decision.
6. If the Review Panel determines that a nonreportable action should be taken, that decision will be final and the physician assistant will be so notified within 14 calendar days of the decision.

7. If the Review Panel determines that a reportable disciplinary action should be taken, a written notice shall be issued to the physician assistant within 14 calendar days of the decision. The written notice will describe (a) the basis for the disciplinary review, (b) the applicable section of the NCCPA's *Disciplinary Policy*, (c) the disciplinary action taken in the matter, and (d) the right to appeal reportable disciplinary actions. The notice shall also inform the physician assistant that he or she may accept a reportable disciplinary action or, within 30 calendar days, may submit a written response to a reportable disciplinary action with a request for an appeal in accordance with NCCPA's *Review and Appeal Process for Adverse Decisions*.
8. If the physician assistant does not submit a request for an appeal within 30 calendar days, the decision of the Review Panel will be the final decision of the NCCPA on the matter.

C. Disciplinary Review and Action Based on Legal, Regulatory or Credentialing Action, or Violation of the NCCPA Code of Conduct

1. The NCCPA shall issue a written notice to the physician assistant about the receipt of information relating to a legal, regulatory, or credentialing action, or violation of the NCCPA *Code of Conduct* and about possible disciplinary actions which may be taken by the NCCPA. The notice shall inform the physician assistant that he or she has the right, within 30 calendar days, to submit a written response to the notification.
2. Based on the available facts, including a statement from the physician assistant if submitted, the NCCPA shall determine what, if any, disciplinary action is warranted.
3. If the NCCPA determines that no action should be taken, the matter shall be closed and the physician assistant will be notified within 14 calendar days of the decision.
4. If the NCCPA determines that a nonreportable, nondisciplinary action should be taken, that decision will be final and the physician assistant will be so notified within 14 calendar days of the decision.
5. If the NCCPA determines that a reportable disciplinary action should be taken, the NCCPA shall issue a written notice to the physician assistant within 14 calendar days of the decision. The notice will describe (a) the basis for disciplinary review, (b) the applicable section of the NCCPA's *Disciplinary Policy*, (c) the disciplinary action taken in the matter and (d) the right to appeal reportable disciplinary actions. The notice also shall inform the physician assistant that he or she may accept the disciplinary action or, within 30 calendar days, may submit a written response to the disciplinary action with a request for further review in accordance with NCCPA's *Review and Appeal Process for Adverse Decisions*.
6. **If the physician assistant does not submit a request for further review within 30 calendar days, the decision of the NCCPA will be the final decision of the NCCPA on the matter.**

D. Nonreportable Nondisciplinary Actions

If the circumstances do not require a reportable disciplinary action, the NCCPA may issue a nonreportable nondisciplinary Letter of Concern. Letters of Concern are not appealable.

E. Reportable Disciplinary Actions

1. If the circumstances require automatic revocation, the physician assistant's certification and eligibility for certification shall be revoked.
2. If circumstances do not require automatic revocation, one or more of the following reportable disciplinary actions may be taken:
 - a. issue a Letter of Censure;
 - b. order the physician assistant to retake an examination at a time and place and in a format to be determined by the NCCPA;
 - c. refuse to release the score of the physician assistant and, thereby, deny his or her current application for certification, recertification, or proficiency recognition;
 - d. require the physician assistant to wait a specified period of time before reapplying to take any NCCPA examination;
 - e. revoke the physician assistant's eligibility to sit for future examinations;
 - f. deny or revoke the physician assistant's eligibility, certification, recertification or proficiency recognition;
 - g. assess a disciplinary fine; or
 - h. take a combination of any of the above actions or such other action that may be deemed appropriate in the particular circumstances before it.

The Review Panel also may recommend to the NCCPA Board of Directors that legal action be taken.

F. Appeals

Disciplinary actions are subject to appeal pursuant to the NCCPA *Review and Appeal Process for Adverse Decisions*.

G. Public Notice of Decisions

After a final adverse disciplinary decision has been reached, NCCPA may notify interested parties of the adverse disciplinary decision and the underlying facts thereof as deemed appropriate by NCCPA. Such notification may be published on the NCCPA's web site, and provided to the Federation of State Medical Boards, any state licensing authority with which the physician assistant holds a license to practice as a physician assistant, the federal government, the physician assistant's employer and other interested parties, including individuals seeking information about the subject's certification status, as solely determined by the NCCPA.

H. Application for Reinstatement Following Disciplinary Action

1. A physician assistant whose eligibility, certification, recertification or proficiency recognition has been denied or revoked by the NCCPA for a specified time period based on irregular

behavior or fraudulent credentials may reapply to the NCCPA following expiration of such time period.

2. A physician assistant whose eligibility, certification, recertification or proficiency recognition has been denied or revoked by the NCCPA based on a legal, regulatory or credentialing action may reapply to the NCCPA when the situation underlying the NCCPA's decision has been remedied. Unless the Review Panel grants an exception, if the decision was based on conviction of or pleading no contest to a felony, the individual may not apply for certification until all sentences have been served and, unless all judgments have been satisfied. If the decision was based on revocation 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 for certification until the situation *underlying* the licensure or authorization revocation has been remedied.
3. Applications following denial or revocation – except in such cases where the period of revocation is expressly limited to a specific period of time – shall be considered and acted upon at the discretion of the NCCPA.

I. Responsibility for Notification of Address Change

Physician assistants are solely responsible for providing timely notification to NCCPA of changes of address. If the physician assistant does not receive notice(s) from NCCPA related to disciplinary review or action due to his or her 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 decision in the matter.

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