



Effective date (approval date): September 13, 2024
Revision date(s): 6/12/2026
Review date(s):
Next review:
Owner: Chair, Ethics Committee
Area: Ethics
Applicable to: MCBAP Board of Directors, MCBAP staff, all individuals in a MCBAP Development Plan, all individuals with a current MCBAP credential, persons filing a complaint
Ethics Policy
MCBAP Ethics Complaints, Investigations and Appeals Policy (formerly <i>Guide for Ethical Standards Violation Complaints</i>)

DEFINITIONS

- Complainant: the person who files the complaint
- Respondent: the person the complaint is about

OVERVIEW OF PROCESS

INTAKE

1. Complaint is filed using the online Ethics Complaint Form on the MCBAP website.
2. Anonymous complaints are not accepted for investigation, action by the MCBAP Ethics Committee or decision by the MCBAP Appeal Hearing Committee. The complainant must electronically attest to the complaint form.
3. Under the MCBAP ethics complaint process, the respondent is entitled to know the name of the individual bringing the complaint to have the ability to fairly and fully respond.
4. MCBAP acknowledges receipt of the Ethics Complaint Form via email.
5. MCBAP confirms the respondent holds a MCBAP credential or Development Plan (DP).
6. MCBAP reviews whether the complaint, if substantiated, would violate the MCBAP Code of Ethics.
7. If MCBAP cannot accept the complaint (e.g., not a credential/DP holder, or an agency complaint), the complainant is notified.
8. Complaint investigations may also be initiated by MCBAP and referred to the Ethics Committee if information comes to the attention of MCBAP through public media, other communications, or in the process of reviewing credentialing materials.
9. For ethical complaints to be considered by MCBAP, complaints must be filed with MCBAP within ten (10) years or less of the date the alleged offense occurred.
10. If a complaint has been filed with MCBAP, MCBAP may, at its discretion, proceed with an investigation even if the complainant subsequently requests that the complaint be withdrawn.



11. If there is reason to believe that the safety and welfare of the public is at imminent risk (as determined by the MCBAP Ethics Committee), MCBAP has the right to an expedited review.

NOTICE TO RESPONDENT

12. The complaint packet (this policy, Response Form, and the MCBAP Code of Ethics) is sent to the respondent by United States Postal Services (USPS) certified, return receipt requested mail. The complainant's address and phone number are redacted.
13. The respondent has 30 calendar days from receipt to respond unless they have been granted additional time by the MCBAP Ethics Committee. If there is no response, the investigation may proceed without the respondent's input.

INVESTIGATION

14. The complaint and the respondent's response are sent to an external State of Michigan Certified Private Investigator (CPI) hired by MCBAP for an unbiased review.
15. The investigator's report/work product belongs to MCBAP and is not shared with the complainant or respondent.
16. If publicly available information from an external investigation has been completed, MCBAP and its CPI may utilize the facts and findings of that investigation to expedite the MCBAP investigation. It is not MCBAP's intention to duplicate external investigations of the same complaint(s).
17. If pertinent to the investigation, MCBAP and its CPI may also utilize the available records of the:
 - Michigan Department of Licensing and Regulatory Affairs (LARA)
 - Branches of the State of Michigan which may be involved in any complaints against the named professional.
 - Michigan Prepaid Inpatient Health Plan (PIHP)
 - Court(s)
 - Office of Recipient Rights
 - Other branches of the State of Michigan which may be involved in any complaints against the named professional
18. During the investigation, the respondent shall disclose all facts and circumstances pertaining to the alleged misconduct, as well as the respondent's interpretation of the situation or conduct which is the subject of the investigation.
19. Misrepresentation by a respondent, failure to provide information, or failure to cooperate with the investigation shall be independent grounds for disciplinary action by MCBAP.
20. Failure to respond to the notice of complaint may result in the revocation of a MCBAP credential, unless it is established that the respondent never received the notice. Sending a notice of complaint to the respondent's last mailing address of record provided by the respondent to MCBAP will be presumed to constitute proper notice. The respondent has the burden to demonstrate that the notice was not received.



ETHICS COMMITTEE DISPOSITION

21. After all materials are received and the investigation is complete, the finalized investigation packet is presented to the MCBAP Ethics Committee for disposition.
22. If a member of the MCBAP Ethics Committee has a conflict of interest related to a complaint, that member will recuse themselves to ensure an objective review of the case.
23. Past disciplinary findings and actions taken against a credentialed professional may be considered in setting sanctions. Two or more written cautions or reprimands issued against a credentialed professional in a two-year period will result in a suspension or a revocation of the professional's MCBAP credential.
24. The MCBAP Ethics Committee shall issue a decision concerning the complaint, calling for one of the following actions:
 - Substantiated complaint: sanctions imposed
 - Unsubstantiated complaint: no sanctions imposed
 - Dismissal of the complaint
 - Return of the complaint for further investigation
 - Consultation with MCBAP legal counsel prior to further action
25. Possible sanctions for violation of the Code of Ethical Standards include:
 - Denial of an application for a MCBAP credential
 - Professional Corrective Action Plan to retain MCBAP standing
 - Written caution / warning
 - Formal reprimand
 - Suspension of a MCBAP credential
 - Revocation of a MCBAP credential
 - Additional requirements, such as education, supervision, training, and/or treatment (as applicable)
26. Where violations are substantiated, and sanctions issued, the name of the respondent, the sanction imposed, and the effective date will be listed on the ethics section of the MCBAP website.
27. If the MCBAP Ethics Committee imposes one or more sanctions, the decision shall include a conclusion which identifies which principles of the Code of Ethical Standards have been violated, and the sanction(s) to be imposed.
28. The MCBAP Ethics Committee's disposition is mailed to the respondent via USPS certified, return receipt requested mail. The communication contains a written summary of substantiated findings (or a statement that none were substantiated) and sanctions, if any. The external investigator's report is not provided to the complainant nor the respondent.

PUBLIC PROTECTION REPORTING

29. When applicable, substantiated cases may be reported to the:
 - Michigan Department of Health and Human Services (MDHHS) Adult Protective Services, Child Protective services and/or the MDHHS Peer Services Unit



- International Certification and Reciprocity Consortium (IC&RC) and its member boards
- Respondent's employer(s)
- Any governing agency tasked with public protection that is applicable to the case.

30. If the outcome results in a suspension or revocation, the respondent's name and effective date will be posted on the MCBAP website. Otherwise, confidentiality requirements do not permit MCBAP to share the outcome with the complainant.

APPEALS

31. If the Ethics Committee rules that disciplinary action be taken, the respondent may appeal the decision by submitting a request for an appeal hearing to MCBAP. The Statement of Appeal must detail the basis of appeal and include what new information is to be presented, inaccurate information or support describing the inaccuracy of the findings to be presented. If no new information from the initial complaint investigation is presented, the Appeal Hearing will be denied.
32. If a member of the MCBAP Appeal Hearing Committee has a conflict of interest related to the appeal, that member will recuse themselves to ensure an objective review of the case.
33. The appeal process is not a formal legal procedure and is not governed by the evidentiary and procedural standards that may be used or required in those procedures. These rules are intended to provide the respondent with a fair opportunity to present new information that will allow the MCBAP Appeal Hearing Committee to make its decision.
34. Appeal requests must be received via email to ethics@mcbap.com within thirty (30) calendar days after delivery of the decision letter. If applicable, the respondent has the burden to demonstrate that the notice was not received.
35. It will not be the intention of the MCBAP Appeal Hearing Committee to re-review the entire complaint and will focus on what new information was presented, inaccurate information or support describing the inaccuracy of the original findings that formed the basis for the MCBAP Ethics Committee sanction. The MCBAP Appeal Hearing Committee will address only the elements of the complaint which were upheld by the MCBAP Ethics Committee and on which there were findings and sanctions issued.
36. The MCBAP Appeal Hearing Committee is separate from the Ethics Committee to support a fair and objective process.
37. No voting member of the MCBAP Ethics Committee shall be a voting member of the MCBAP Appeal Hearing Committee.
38. A MCBAP Ethics Committee representative shall be available, if possible, to respond to arguments and evidence presented by the respondent in appeal of the MCBAP Ethics Committee decision, as presented primarily in the Statement of Appeal and verbally at the MCBAP Appeal Hearing. The MCBAP Appeal Hearing Committee may also ask questions of the MCBAP Ethics Committee representative. Such



evidence shall be limited to the issues and findings of violations in the decision of the MCBAP Ethics Committee as previously issued to the respondent.

39. At the respondent's own expense, the respondent may consult with private legal counsel in advance of the hearing. However, respondents are expected to speak for themselves at the MCBAP Appeal Hearing, in presenting their appeal or responding to questions from the MCBAP Appeal Hearing Committee. The respondent may consult with and be accompanied by legal counsel during the MCBAP Appeal Hearing, but the Hearing is not a legal proceeding and respondent's legal counsel may not speak directly to the MCBAP Appeal Hearing Committee nor question witnesses.
40. If a respondent requires translation or other communications assistance, he or she must notify MCBAP of this at least ten (10) business days in advance of the scheduled hearing date.
41. The complainant shall not be a party to the appeal hearing, although the MCBAP Appeal Hearing Committee may call upon the complainant to give evidence if the need for this is indicated in the respondent's written Statement of Appeal.

PROCEDURES AND REINSTATEMENT FOLLOWING DISCIPLINARY ACTION

42. Following a respondent's MCBAP credential revocation, MCBAP maintains sole discretion to grant the respondent permission to petition for removal of revocation. Any allowances are at the discretion of MCBAP. Such petition shall only be considered after:
 - the passage of twenty-four (24) months from the effective date of the revocation
 - submission of a written request and rationale
 - reimbursement of MCBAP for costs of disciplinary proceedings as applicable
 - submission of a personal statement of understanding and commitment
 - compliance with all sanctions set forth by the Ethics Committee.The MCBAP record of professional credentialing will reflect the period of revocation.
43. MCBAP credential reinstatement following a suspension is as follows. Upon expiration of the suspension period, the Ethics Committee shall authorize reinstatement of the credential for the balance of the credential period, unless:
 - Another complaint or professional sanction against the respondent has occurred or becomes known to MCBAP; or
 - The respondent has failed to comply fully with any terms of his or her suspension.

CONFIDENTIALITY OF PROCEEDINGS

All information received and all reports, decisions, files, transcripts, or any other documents, of any kind, generated or received during a disciplinary proceeding shall be kept confidential by the complainant and the respondent.

MCBAP will maintain confidentiality except when disclosure is required by law or appropriate to fulfill public protection responsibilities, including but not limited to reporting to:



Michigan Certification Board for Addiction Professionals
616 S. Creyts Rd. Suite A, Lansing, MI 48917
(517) 347-0891
www.mcbap.com

- Michigan Department of Health and Human Services (MDHHS) Adult Protective Services, Child Protective services and/or the MDHHS Peer Services Unit
- International Certification and Reciprocity Consortium (IC&RC) and its member boards
- Respondent's employer(s)
- Any governing agency tasked with public protection that is applicable to the case.

If during the investigation it appears that criminal behavior may have occurred, MCBAP may report the alleged criminal behavior to the appropriate law enforcement authority.

Certain investigatory materials may be restricted even further. For example, any investigation conducted by an external, MCBAP-certified private investigator is commissioned for MCBAP and remains the property of MCBAP. Accordingly, investigatory work products and related materials are not shared with the complainant or the respondent.

RELEASE FROM LIABILITY

No person furnishing information or documents to MCBAP, its Ethics Committee Members, Appeal Hearing, employees, contractors, or agents of MCBAP, including but not limited to the Board of Directors, MCBAP staff, investigator, and legal counsel, shall by reason of furnishing such information and documentation, be liable in damages to any person. Respondent agrees to release MCBAP, its Board of Directors, its Ethics Committee Members, Appeal Hearing Members, MCBAP members, and its staff, employees, contractors, and agents of MCBAP, including but not limited to an investigator and legal counsel, for any and all actions taken or recommendations made within the scope of MCBAP Ethics Complaints, Investigations and Appeals Policy, when action is taken without malice and in the reasonable belief that such action or recommendation is warranted by the facts known at the time.