

Certified Administrator Renal Healthcare (CARH)

Policy 1.4- Complaints and Disciplinary Actions

To maintain and enhance the credibility of the CARH certification program, the RHCC has adopted the following procedures to allow individuals to bring complaints concerning the conduct of individuals who are CARH candidates or certificants.

The grounds for sanctions under these procedures may include, but are not necessarily limited to:

- Violation of the RHA Code of Ethics for the Renal Healthcare Administrator.
- Violation of established certification policies, rules, and requirements.
- Fraud or misrepresentation in an initial certification application or recertification application.

In the event a candidate or certificant violates the RHA Code of Ethics, certification rules, or RHCC policies, the RHCC may reprimand the individual or may suspend or revoke certification.

Actions taken under this policy do not constitute enforcement of the law, although referral to appropriate federal, state/provincial, or local government agencies may be made about the conduct of the candidate or certificant in appropriate situations. Individuals initially bringing complaints are not entitled to any relief or damages by virtue of this process, although they will receive notice of the actions taken.

Complaints

Complaints may be submitted by any individual or entity. Complaints should be reported to the RHCC in writing and should include the name of the person submitting the complaint, the name of the person the complaint is regarding along with other relevant identifying information, a detailed description of factual allegations supporting the suspected violations, citation to the policy or rule involved, and any relevant supporting documentation. Information submitted during the complaint and investigation process is considered confidential and will be handled in accordance with the RHCC's Confidentiality Policy. Inquiries or submissions other than complaints may be reviewed and handled by the RHCC or RHA staff at its discretion.

Preliminary Review

Within 30 calendar days of receipt of the complaint, the certification manager and Chair of the Commission will review the complaint. Upon preliminary review of a complaint involving the certification program, the certification manager and Chair of the Commission may conclude, in their sole discretion, that the submission:

- contains unreliable or insufficient information, or
- is patently frivolous or inconsequential.

In such cases, the certification manager and Commission Chair may determine that the submission does not constitute a valid and actionable complaint that would justify bringing it before the Commission for investigation and a determination of whether there has been a violation of substantive requirements of the certification process. If so, the submission is disposed of by notice from the certification manager to the submitter, if the submitter is identified. All such preliminary dispositions are reported to the RHCC at its next meeting.

If a submission is deemed by the Chair or certification manager to be a valid and actionable complaint, the Chair shall see that written notice is provided to the candidate/certificant whose conduct has been called into question. The candidate/certificant whose conduct is at issue shall also be given the opportunity to respond to the complaint. The Commission also shall ensure that the individual submitting the complaint receives notice within 30 days of receipt that the complaint is being reviewed by the Commission.

Complaint Review

For each complaint that the Chair and certification manager conclude is a valid and actionable complaint, the RHCC authorizes an investigation into its specific facts or circumstances to whatever extent is necessary to clarify, expand, or corroborate the information provided by the submitter.

The Chair appoints a Review Committee of three or more individuals, who may or may not be members of the Commission, to investigate and make an appropriate determination with respect to each such valid and actionable complaint. The Review Committee may review one or more such complaints as determined by the Chair.

The Review Committee initially determines whether it is appropriate to review the complaint under these procedures or whether the matter should be referred to another entity engaged in the administration of law. The timeline for responses and for providing any additional information shall be established by the Review Committee. The review and investigation will be completed in an appropriate amount of time, not to exceed six (6) months, unless there are extenuating circumstances that require an extended period. The Review Committee may be assisted in the conduct of its investigation by other members of the RHCC or by RHA staff or legal counsel. The Chair and certification manager exercise general supervision over all investigations.

The individual submitting the complaint, the candidate/certificant who is the subject of the investigation, and/or their employer may be contacted for additional information with respect to the complaint. The Review Committee, or the Commission on its behalf, may at its discretion contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint.

All investigations and deliberations of the Review Committee and the Commission are conducted in confidence, with all written communications sealed and marked "Personal and Confidential," and they are conducted objectively, without any indication of prejudgment. An investigation may be directed toward any aspect of a complaint which is relevant or potentially relevant. Formal hearings are not held, and the parties are not expected to be represented by counsel, although the Review Committee and RHA, on behalf of the Commission, may consult their own counsel.

Members of the Review Committee shall be reimbursed for reasonable expenses incurred in connection with the activities of the Committee.

Determination of Violation

Upon completion of an investigation, the Review Committee recommends whether the RHCC should determine there has been a violation of the RHA Code of Ethics and/or certification policies and rules. When the Review Committee recommends that the RHCC find a violation, the Review Committee recommends imposition of an appropriate sanction. If the Review Committee so recommends, a proposed determination with a proposed sanction is prepared under the supervision of the Chair and is presented by a representative of the Review Committee to the Commission along with the record of the Review Committee's investigation.

If the Review Committee recommends *against* a determination that a violation has occurred, the complaint is dismissed with notice to the candidate/certificant, the candidate/certificant's employer if involved in the investigation, and the individual or entity who submitted the complaint. A summary report is made to the Commission.

If the Review Committee recommends *for* a determination that a violation has occurred, the Commission reviews the recommendation of the Review Committee based upon the record of the investigation and may accept, reject, or modify the Review Committee's recommendation, either with respect to the determination of a violation or the recommended sanction to be imposed. If the Commission determines a violation has occurred, this determination and the imposition of a sanction are promulgated by written notice to the candidate/certificant.

In certain circumstances, the Commission may consider a recommendation from the Review Committee that the candidate/certificant who has violated the certification program policies or rules should be offered an opportunity to submit a written assurance that the conduct in question has been terminated and will not recur. The decision of the Review Committee to make such a recommendation and of the Commission to accept it are within their respective discretionary powers. If such an offer is extended, the candidate/certificant at issue must submit the required written assurance within 30 days of receipt of the offer, and the assurance must be submitted in terms that are acceptable to the Commission.

Sanctions

Any of the following sanctions may be imposed by the Commission upon a candidate/certificant whom the Commission has determined violated the policies and rules of its certification program(s), although the sanction applied must reasonably relate to the nature and severity of the violation, focusing on reformation of the conduct of the individual and deterrence of similar conduct by others:

- written reprimand to the candidate/certificant;
- suspension of the certificant for a designated period; or
- suspension of the candidate's application eligibility for a designated period; or
- termination of the certificant's RHA certification; or
- termination of the candidate's application eligibility for a designated period.

For sanctions that include suspension or termination, a summary of the final determination and the sanction with the candidate/certificant's name and date may be published by the Commission and RHA.

Certificants who have been terminated shall have their certification revoked and may not be considered for certification in the future. If certification is revoked, all certificates or other materials requested by the Commission must be returned promptly to RHA.

Appeals

Within 30 days from receipt of notice of a determination by the RHCC that a candidate/certificant violated the certification program policies and/or rules, the affected candidate/certificant may submit a request for appeal to the Commission in writing.

Upon receipt of a request for appeal, the Chair of the Commission establishes an appellate body consisting of at least three, but not more than five, individuals. This Appeal Committee may review one or more appeals, upon request of the Chair. No current members of the Review Committee or the Commission may serve on the Appeal Committee; further, no one with any personal involvement or conflict of interest may serve on the Appeal Committee.

Members of the Appeal Committee may be reimbursed for reasonable expenses incurred in connection with the activities of the Committee.

The Appeal Committee may only review whether the determination by the Commission of a violation of the certification program policies and/or rules was inappropriate because of material errors of fact, or failure of the Review Committee or the Commission to conform to published criteria, policies, or procedures.

Only facts and conditions up to and including the time of the Commission's determination as represented by facts known to the Commission are considered during an appeal. The appeal shall not include a hearing or any similar trial-type proceeding. The Commission and Appeal Committee may consult legal counsel.

The Appeal Committee conducts and completes the appeal within 90 days after receipt of the appeal request. Written appellate submissions and any reply submissions may be made by authorized representatives of the individual and of the RHCC. Submissions are made according to whatever schedule is reasonably established by the Appeal Committee. The decision of the Appeal Committee either affirms or overrules the determination of the Commission but does not address a sanction imposed by the Commission.

The Appeal Committee decision is binding upon the Commission, the candidate/certificant who is subject to the termination, and all other persons.

Resignation

If a certificant who is the subject of a complaint voluntarily surrenders their certification at any time during the pendency of a complaint under these Procedures, the complaint is dismissed without any further action by the Review Committee, the Commission, or an Appeal Committee established after an appeal. The entire record is sealed, and the individual may not reapply for the CARH certification. However, the Commission may authorize the Chair to communicate the fact and date of resignation, and the fact and general nature of the complaint, which was pending at the time of the resignation, if requested by a government entity engaged in the administration of law.

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