

Revocation of Certification Status

The Prevention Certification Board of New Hampshire (PCBNH) is charged with the responsibility to interpret, administer, and enforce the Code of Ethics for Certified Prevention Specialists in NH. An effective Code requires fair enforcement of its terms, and requires full compliance by Certified Prevention Specialists practicing in the state of NH. PCBNH recognizes that each case must be judged on an individual basis, and that no two cases are likely to be identical. Thus, the Board has the responsibility to exercise its judgment on the merits of each case and on its interpretation of the Code.

A. Actions that May Lead to a Revocation Hearing Process

1. The practice of fraud or deceit in procuring or attempting to obtain Prevention Certification under the NH Prevention Certification Board
2. Violation of the Code of Ethical Standards
3. Violation any provision of the PCBNH or any substantive rule adopted by this Board

B. Revocation Complaint Process

1. Specific allegations are to be made via completion of the Ethical Complaint Form to the Prevention Certification Board of NH (PCBNH). The completed form shall be received & recorded by the Administrator & reviewed by the PCBNH members.
2. All complaints must be filed within three years from the date the offense occurs.

C. Revocation Hearing Process

1. The PCBNH will appoint a three-person Revocation Hearing Committee, consisting of certified prevention professionals. Committee members may be certified in NH or any other reciprocal IC&RC jurisdiction. No member shall be appointed to the Revocation Hearing Committee who is a currently-serving member of the PCBNH nor has a potential conflict of interest with either side. All potential conflicts of interest will be discussed prior to the appointment.
2. The Certified Prevention Specialist will be informed in writing of any PCBNH review and will be asked to provide documentation. This may include, but not be limited to:
 - a) Records pertaining to specific course offerings
 - b) Records of course offerings
 - c) Financial records pertaining to a specific course offering(s)
 - d) Documentation of faculty and their credentials

- e) Documentation of and pertaining to an ethical complaint
- f) Documentation of and pertaining to a PCBNH rule violation

3. The Certified Prevention Specialist has thirty (30) days to forward all requested documentation to the PCBNH. A Revocation Hearing Committee meeting will be held within three (3) months. Failure to comply with said request will place the Certified Prevention Specialist on inactive status, and any training credits during this time will not be accepted by the NH Prevention Certification Board.

4. Within thirty (30) days after the completion of the Revocation Hearing, the Revocation Hearing Committee shall prepare a written decision containing Findings of Fact and a Conclusion. The PCBNH shall mail a notification of decision to the complainant by certified mail. The decision of the Revocation Hearing Committee shall be deemed that of the PCBNH and shall be effective upon issuance or at such date as the Revocation Hearing Committee shall specify.

5. The Certified Prevention Specialist can appeal the Revocation Hearing Committee decision, in writing, to the PCBNH. The PCBNH will hear the appeal within three (3) months of the appeal request.

D. Right to an Appeal

1. When a Certified Prevention Specialist is denied recertification or has their certification revoked due to an ethical or rule violation complaint, the individual has the right to an appeal.

2. The Certified Prevention Specialist may appeal the decision to the PCBNH within thirty (30) days of receipt of the notification of decision by sending a certified letter to the Administrator of the PCBNH at the Board mailing address.

E. Appeals Hearing Procedure

1. If a request for an Appeals Hearing is submitted to the PCBNH within the specified timeframe, the PCBNH will appoint a three-person Appeals Hearing Committee, consisting of prevention certified professionals who did not sit on the initial Revocation Hearing Committee. Committee members may be certified in NH or any other reciprocal IC&RC jurisdiction. No member shall be appointed to the Appeals Hearing Committee who is a currently-serving member of the PCBNH nor has a potential conflict of interest with either side. All potential conflicts of interest will be discussed prior to the appointment.

2. An Appeals Hearing into the facts contained in the Certification Board's decision shall be scheduled, and the Administrator of the PCBNH shall send by certified mail a notice of the Appeals Hearing to the complainant. The Appeals Hearing shall be scheduled no fewer than thirty (30) days and no more than ninety (90) days from the date of the Appeals Hearing notice.

3. The notice of the Appeals Hearing shall advise the complainant of the following:

- a) The date, time, and the location of the Appeals Hearing and the identity of the Appeals Hearing Committee members.
 - b) At the complainant's own expense, the complainant may be represented by Counsel at the Appeals Hearing. The PCBNH may also choose to be represented by Counsel.
 - c) The Appeals Hearing may take place using any means of communication by which all participants may simultaneously hear each other and actively contribute during the hearing.
 - d) The NH Prevention Certification Board's representative shall present evidence in support of its recommendation at the Appeals Hearing. Such evidence shall be limited to the issues contained in the summary issued to the complainant prior to the appeals process.
 - e) The complainant may present and rebut evidence and present and cross-examine witnesses.
 - f) The Appeals Hearing Committee shall not be bound by common law or statutory rules of evidence, and the Appeals Hearing Committee may consider all evidence having reasonable probative value.
 - g) The Appeals Hearing Committee will base its decision upon the evidence presented at the Hearing.
 - h) Any request by the complainant for postponement of the Appeals Hearing must be immediately served in writing to the Chairperson of the PCBNH. The decision to grant or deny such request is discretionary with the PCBNH.
 - i) There shall be no contact prior to the Appeals Hearing between the complainant and any NH Prevention Certification Board members for the purpose of discussing in any way the Certification Board's decision, or the appeal.
 - j) The Appeals Hearing shall be closed to the public.
4. Failure of the complainant to attend the Appeals Hearing shall be deemed a waiver of the appeal. In such cases, the Appeals Hearing will be dismissed and the decision of the PCBNH shall take immediate effect.
5. Within thirty (30) days after the completion of the Appeals Hearing, the Appeals Hearing Committee shall prepare a written decision containing Findings of Fact and a Conclusion. The PCBNH shall mail a copy of the decision to the complainant by certified mail. The decision of the Appeals Hearing Committee shall be deemed that of the PCBNH, shall be effective upon issuance or at such date as the Appeals Hearing Committee shall specify, and shall be final, without further action by the PCBNH.
6. At any time prior to the issuance of the Appeals Hearing Committee's written decision, the complainant and the PCBNH, acting through its representative, may enter into a consent order. Such

consent order shall state the nature of the complaint and the details of the agreement and shall supersede any prior decision in the case.