Tri-State Echo Society 2014 Biannual Meeting

ARDMS Compliance Program Overview and Hearing Case Studies

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We are Here to Assist You!

Hilary Wilson Manager, Compliance AND Ibis Cortez Compliance Specialist



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Outline

 Introduction to the ARDMS Compliance (formerly Discipline) Program



- Mock Compliance Case Study #1 Cheating
- Mock Compliance Case Study #2 Multiple Criminal Convictions Related to Substance/Alcohol Abuse
- Questions

ARDMS Mission Statement

ARDMS promotes quality care and patient safety through the certification and continuing competency of ultrasound professionals.

Compliance Team Mission

The Compliance team is dedicated to protecting the public by professionally upholding the ARDMS mission through consistent objective guidance and assuring conformity with Compliance/ADA standards.



ARDMS Compliance (formerly Discipline) Program



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Compliance Violations

Revised Policies available through ARDMS website: http://www.ardms.org/files/ARDMS_Compliance_Policies.pdf

Comprehensive standards that provide grounds for investigation and possible sanctions for all ARDMS Applicants, Candidates and Registrants found to have:

- Engaged in Fraud;
- Engaged in Misrepresentation;
- Been the subject of a disciplinary action by a state licensing board/national professional association/accrediting body;
- Been convicted or had a finding of guilt entered against them that was later overturned, granted probation before judgment, granted deferred adjudication;
- Failed to report a violation of ARDMS Compliance Policies;
- Failed to cooperate with ARDMS Compliance investigation.

Compliance Violations (Cont'd)

Revised Policies available through ARDMS website: http://www.ardms.org/files/ARDMS_Compliance_Policies.pdf

New Violation Standards:

- Engaging in the practice of clinical sonography while impaired due to chemical, drug or alcohol abuse;
- Having been adjudicated as mentally incompetent, mentally ill, chemically dependent or dangerous to the public;
- Enhanced failure to report standard:
 - Making false statements
 - Failing to disclose information



ARDMS Compliance Review Process

- Intake and Investigation conducted by Compliance Team (ARDMS staff) – Collection and verification of all relevant documented facts for presentation to Review Committee.
- 2. Review of matter by the ARDMS Compliance Review Committee (CRC):
 - No Action Taken;
 - Deferred Action Consent Agreement;
 - Cease/Desist Action;
 - Authorize summary suspension of certification/eligibility for certification;
 - Authorize expedited action;
 - Referral to the ARDMS Compliance Hearing Panel.
- 3. If matter is referred to the ARDMS Compliance Hearing Panel, a formal hearing is held to determine if sanctions are appropriate.

Sanctions

- Range from Reprimand, a private expression of disapproval that is not publicly announced, to Permanent Revocation of Eligibility and/or Certification.
- May be time limited or permanent.
- Hearing may be required in order for exam eligibility and/or certification to be reinstated.
- Publicly announced through the ARDMS Online Sanction Listing
 - Sanctions issued after August 2010 are permanently published.
 - Sanction Listing to include Compliance Standard(s) violated (by December 2014)



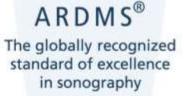
Criminal Pre-Application Process

Pre-Application Form available through ARDMS website: http://www.ardms.org/files/Pre-application_Criminal_1.pdf

- Highly recommended for individuals contemplating enrollment in sonography programs
- Allows individual to receive a Pre-Determination regarding previous legal matters prior to investing money/time in a program
- Can take 30 days to six (6) months for determination to be rendered depending on the nature of the matter(s) presented.
- All conditions of sentencing must be completed before matter can be reviewed and a determination made.



Compliance Case Study #1: Cheating



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Case Background

- Respondent ("Jane Smith") is a Candidate.
- Jane has taken ARDMS examinations 6 times previously; passed SPI on first attempt but failed Abdomen 5 times.
- During Abdomen examination, Jane requested permission to use the bathroom.
- As the proctor handed Jane the bathroom key, they noticed writing on Jane's hands.
- The proctor entered the restroom and heard the sound of papers rustling coming from one of the stalls.
- Jane exited this stall; the proctor found an Abdomen Study Guide and handwritten notes in the trash can.

Consideration Factors

- No previous violation history.
- Deliberate intent execution of this cheating scheme required planning.

- Continued conduct in an attempt cover up the scheme.
- Failure to take responsibility.
- Is there a probability that this conduct will be repeated?
- Based on this, is there a risk to patients?

Case Study #1 – Outcome and Lessons Learned

- CHEATING IS NEVER A GOOD IDEA!
- Misuse and waste of time/energy.
- Raises questions of integrity.
- Failure to take responsibility can lead to harsher sanctions.
- Typical sanctions range from suspension of eligibility/certification for six (6) months to permanent revocation.
- Sanctions may impact ability to continue education program or employment.



Compliance Case Study #2: Criminal Convictions Related to Substance and/or Alcohol Abuse

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Case Background

- Respondent ("Eric Echo") was awarded the RDCS (AE) credential in 2003.
- When applying for PE in 2011, reported the following with his application:
 - 2005 Conviction Careless Driving (amended from Driving Under the Influence of Intoxicants [DUII]);
 - 2008 Conviction Driving Under the Influence of Intoxicants (DUII);
 - 2010 Conviction Driving Under the Influence of Intoxicants (DUII), 2 counts (arrests for separate incidents 1 month apart).

Consideration Factors

- Failure to previously report these matters.
- Multiple incidents indicating pattern of conduct.
- Period of time between each incident.
- Recommendations from Drug and Alcohol assessment report submitted by Eric included a "strong recommendation" that he be "closely monitored and subject to random urinalysis testing" for at least 24 months.
- Eric did not participate in the hearing process and did not provide any supporting statements on his behalf.
- Is there an active level of addiction?
- Is there a probability for these personal issues to turn into issues in the workplace? Risk to patients?

Case Study #2 – Lessons Learned

- Identify potential problem areas <u>before</u> they affect your eligibility for ARDMS examinations and/or certification.
- Full disclosure to the ARDMS at all times; don't assume ask!
- Respond to ARDMS inquiries; participate and communicate.
- Sanctions range from suspension of eligibility for six (6) months to permanent revocation of eligibility and may require that Respondent undergo Forensic Evaluation.
- Reinstatement Hearing upon expiration of sanction period may be required to demonstrate maintained sobriety.



Questions?





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