



Compliance Policies for the Alliance for Physician Certification and Advancement

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NEW COMPLIANCE STRUCTURE

The American Registry for Diagnostic Medical Sonography® (ARDMS®), the internationally recognized standard in sonography credentialing, has expanded its organizational structure and governance model in 2016 to better meet the needs of diverse healthcare professionals around the world.

ARDMS' corporate name has been changed to Inteleos, and now houses two Councils, the ARDMS Council and the APCA Council, as well as a Midwife Community. These Councils and this Community are responsible for oversight of the development and administration of subject matter assessments, including their respective Compliance programs. The ARDMS Council is responsible for sonographer based certification programs. The APCA Council is responsible for physician based certification programs. The Midwife Community of Inteleos is responsible for midwife based certification programs.

For purposes of administering these Compliance Policies, each Council and Community has its own Compliance Review Panel, Hearing Panel, Appeal Panel and Reinstatement Panel.

For more information regarding the 2016 Organizational Structure and Governance Model, please visit: www.ARDMS.org/2016NewStructure.

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COMPLIANCE PROCESS

The Compliance Policies are mandatory standards for all Individuals, Applicants, Candidates and Certificants seeking to obtain and/or maintain APCA certification and/or certificates. Individuals, Applicants, Candidates and Certificants engaging in any of the following conduct or activities have violated the Compliance Policies and are subject to sanctions as described hereunder in accordance with policies and procedures established by the Inteleos Board of Directors.

All compliance investigations, actions, and sanctions (if applicable) will be noted in the Applicant/Candidate/Individual/Certificant's record.

1. **Compliance Violations.** The following may be considered violations of the Compliance Policies:
 - 1.1 Misrepresenting ones' certification/certificate status, including altering or falsifying in any way any document or material issued by APCA.
 - 1.2 Misrepresenting ones' certification/licensure status with a state licensing board, state or federal agency, national professional association or accrediting body.
 - 1.3 Attempting to engage or engaging in fraud, misrepresentation, deception or concealment of a material fact in connection with obtaining or renewing certification or recertification from APCA on one's behalf or on behalf of another. Altering or falsifying in any way any eligibility documentation relating to APCA examinations.
 - 1.4 Subverting or attempting to subvert the examination process, including, but not limited to:
 - a) Engaging in conduct that violates the confidentiality or security of examination materials, such as removing or attempting to remove examination materials from an examination room, or having unauthorized possession of information concerning a current, future or previously administered examination.
 - b) Disclosing information concerning any portion of a current, future or previously administered examination; this includes, but is not limited to, disclosures to students in educational programs, graduates of educational programs, educators, anyone else involved in the preparation of Candidates to sit for the examinations, or examination development participants.
 - c) Conduct that in any way compromises ordinary standards of test administration, such as communicating with another Candidate during an examination, copying another Candidate's answers, permitting another Candidate to copy one's answers, possessing unauthorized materials, receiving information concerning any portion of a current, future or previously administered examinations.
 - d) Impersonating a Candidate or permitting or otherwise assisting an impersonator to take the examination on another's behalf or on behalf of another.

1.5 Criminal conduct, as described below:

- a) Having been charged in a criminal proceeding where: 1) a finding or verdict of guilt is made or returned but where the adjudication of guilt is withheld, deferred or not entered or the sentence is suspended or stayed, or 2) where the individual enters into a pretrial diversion activity; or
- b) Having been convicted of a crime, including a felony, gross misdemeanor or misdemeanor, other than a speeding or parking violation. Being convicted of a crime includes, but is not limited to, being found guilty, pleading guilty, or pleading nolo contendere (no contest).

1.6 Having been subject to a Special or General Military court-martial.

1.7 Having been the subject of disciplinary action by a state licensing board, state or federal agency, national professional association, or accrediting body.

1.8 Performing clinical duties while impaired due to chemical (legal and/or illegal), drug or alcohol abuse.

1.9 Engaging in conduct likely to deceive, defraud, or harm the public; or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient.

1.10 Having been adjudicated as mentally incompetent, mentally ill, chemically dependent, or dangerous to the public, by a court of competent jurisdiction.

1.11 Failure to report to APCA within fourteen (14) days involvement in any of the situations described in Sections 1.1 through 1.10. Such failure includes, but is not limited to, a failure by an Applicant, Candidate, Individual or Certificant who has previously undergone the compliance review process to immediately report to APCA any additional situations described in 1.1 through 1.10 except as provided by Section 2 (Reporting of Compliance Violations).

1.12 Failure to cooperate with APCA in investigations of alleged compliance violations as described in this section, including but not limited to the following:

- a) Making a false statement, knowingly providing false information, and/or failing to disclose material information in connection with a compliance action situation; or
- b) Failing to provide information as requested, including but not limited to information regarding:
 - i. Test security violations and/or disclosure of confidential examination material content;
 - ii. Misrepresentations by an Individual, Applicant, Candidate or Certificant regarding his/her credential(s)/certificate status;
 - iii. The unauthorized use of intellectual property, certification marks, and other copyrighted materials;

- iv. Compliance action situations.
 - c) An individual who takes longer than thirty (30) days to respond to a request will be deemed to have not acted in a timely manner.
- 1.13 Civil or Criminal Penalties. Conduct that violates the Compliance Policies may also violate applicable state or federal law. In addition to potential sanctions under these Compliance Policies, Inteleos may pursue civil and/or criminal penalties against the Individual, Applicant, Candidate or Certificant.
2. **Reporting of Compliance Violations.** Applicants, Candidates, Individuals and Certificants are required to report to APCA their involvement in any of the situations described in Section 1 (Compliance Violations).
- 2.1 Licensed Practitioners Seeking to Obtain/Maintain APCA Certification/ Certificates.
- (a) Licensed Individuals/Applicants/Candidates/Certificants shall maintain a valid license in good standing and without conditions or restrictions. Changes in licensing status due to or in lieu of disciplinary actions by a state licensing board, state or federal agency, national professional association, or accrediting body shall be reported in accordance with Section 1.7.
 - (b) Reporting shall not be required for disciplinary actions taken by a state licensing board, state or federal agency, national professional association, or accrediting body for failure to satisfy certification/licensure renewal requirements during the renewal period, provided the failure to renew was not related to a disciplinary investigation/action.
- 2.2 Juvenile Offenses. Reporting shall not be required for offenses that occurred while a juvenile and that were processed through the juvenile judicial system.
3. **Sanctions.** Violation of the provisions of Section 1 (Compliance Violations) may result in compliance action, including but not limited to: ineligibility for certification; probation or suspension of certification for a designated period pending completion of specified conditions such as monitoring, psychiatric or psychological evaluation, counseling, treatment or remedial education; written reprimand (formal expression of disapproval retained in the individual's file but not publicly announced); censure (formal expression of disapproval that is publicly announced); or termination/revocation of certification.
4. **Disclosure of Sanction.**
- 4.1 Except for Reprimand, as described in Section 3 (Sanctions), a Respondent's sanction(s) will be announced publically. Such public announcement includes, but is not limited to, publication on the Sanction Listing located on the APCA website.
- 4.1.1 The announcement will include, but is not limited to, the Respondent's name, the Respondent's date of birth, the sanction(s), the standard(s) determined to have been violated, the length of the sanction(s), and the date the sanction(s) will expire.

4.1.2 A Respondent's sanction(s) information will remain on the Sanction Listing on the APCA website permanently.

4.2 APCA may, in its sole discretion, disclose the final disposition of any compliance matter and other relevant information relating to a compliance matter to others including, but not limited to, the individual or organization initially reporting the violation, employers, state licensing boards, state or federal agencies, national professional associations, accrediting bodies, third party payers, and the general public, as Staff deems appropriate.

5. Investigation and Compliance Review Process. APCA shall be responsible for compliance under these policies and procedures for its certification program. APCA shall have its own Compliance Review Panel, Hearing Panel, Appeal Panel and Reinstatement Panel.

5.1 Initial Investigation and Action.

5.1.1 Staff Investigations. Staff will conduct an initial review of all information received alleging that an Applicant, Candidate, Individual or Certificant (“Respondent”) may have engaged in conduct that is a violation under Section 1 (Compliance Violations). Staff shall open a formal investigation where there is a reasonable basis for concluding that a violation may have occurred.

5.1.1.1 If upon completion of the investigation Staff determines that there is no reasonable basis for concluding that a violation has occurred, the matter shall be dismissed and the Respondent shall be so notified.

5.1.1.2 If upon completion of the investigation Staff determines that there is a reasonable basis for concluding that a material violation may have occurred, the matter shall be forwarded to the APCA Compliance Review Panel (CRP) in accordance with Section 5.4 (Compliance Review Panel), unless the violation is of a type that the Panel has instructed Staff that can be disposed of without Panel review and the imposition of a formal sanction.

5.2 Written Notification. The Staff will provide the Respondent with written notice of the complaint or allegations and request that the Respondent respond to the allegations within a certain time period.

5.2.1 The notice will include a brief description of the allegations, the purported facts and the compliance standard that is alleged to have been violated.

5.2.2 If the Respondent self-reports the alleged violation, a notice will still be provided to afford the Respondent an opportunity to provide additional information about the alleged violation.

5.2.3 All communications to a Respondent of a compliance matter and action (notice of investigation, notice of the Compliance Review Panel’s decision, Charging Letter and notice of the Respondent's right to be heard at a hearing on the matter, and the Hearing and Appeal Panels’ decisions) as described in these Policies will be in

writing and will be sent by certified, return-receipt mail or other delivery service or method that requires a person to sign for receipt of the delivery and that provides delivery tracking.

5.2.3.1 Staff will make reasonable efforts to obtain signature acknowledgement from the Respondent of receipt of the communications.

5.2.3.1.1 Communications will be sent to the Respondent's last known home mailing address as recorded in the Respondent's records.

5.2.3.1.2 If the Respondent's signature cannot be obtained, after making reasonable efforts to obtain signature acknowledgement from the Respondent verifying receipt of the communications at the Respondent's last known home mailing address, the communications will be sent to the Respondent's last known work address.

5.2.3.1.3 Should information be located indicating that the Respondent is incarcerated or residing in a facility other than Respondent's home address of record (treatment center, etc.); written communications will be forwarded to the facility where Respondent is currently known to reside.

5.2.3.2 If a signature acknowledging receipt of the communication cannot be obtained from the Respondent, after making reasonable efforts to obtain signature acknowledgement from the Respondent at the Respondent's last known home or work mailing address:

5.2.3.2.1 The communications will be deemed to have been given to the Respondent provided that a person has signed for receipt of the communications at either the Respondent's last known home or work mailing address; or

5.2.3.2.2 APCA will apply a rebuttable presumption that reasonable efforts have been made to notify the Respondent based on available contact information.

5.3 Expedited Action. The Compliance Review Panel may, in its discretion, expedite a compliance matter and process including, but not limited to, shortening any notice or response periods provided for within the Compliance Procedures, if the Panel determines, based on information available at the time, that expediting the compliance matter and process is appropriate in order to protect against the possibility of harm or danger to the health, safety or wellbeing of any patient or the public. The Respondent will be notified of any expedited action.

5.4 Compliance Review Panel (CRP).

- 5.5.1 The Compliance Review Panel (CRP) is charged with reviewing the findings of Staff investigations.
- 5.5.2 The Compliance Review Panel will be comprised of three APCA certified members, or such other peer professionals, as appointed by the chair of the Inteleos Board of Directors. The members will not have had any prior involvement in the cases presented and will not have any personal or professional conflict of interest relative to the cases. Should any member of the Panel have had prior involvement or a personal/professional conflict relative to the cases presented, the Panel member shall be recused. The chair of the Inteleos Board of Directors will then temporarily appoint an alternate member to serve on the Panel; the alternate will be selected from a pool of alternates appointed by the chair of the Inteleos Board of Directors.
- 5.5.3 The Compliance Review Panel, in its discretion, will make a determination in accordance with Section 5.4.4 (Decision Options).
- 5.5.4 Decision Options. The Compliance Review Panel, by simple majority vote, will make one of the following determinations:
- a) No Action Taken – dismissal of the matter due to insufficient evidence concerning the alleged violation under Section 1 (Compliance Violations), the matter being insufficiently serious, or for other appropriate reasons as determined by the Panel; or
 - b) Deferred Action Consent Agreement; or
 - c) Issuance of Cease and Desist Letter - Written notification requiring the individual to immediately cease and desist from his or her participation or conduct in the reviewed matter; or
 - d) Authorize summary suspension of certification and/or eligibility for examinations in accordance with section 5.4.5 (Summary Suspensions).
 - e) Authorize expedited action pursuant to Section 5.3 (Expedited Action); and/or
 - f) Refer the matter to the Compliance Hearing Panel for hearing.
- 5.4.5 Summary Suspensions. If an individual is charged in a criminal proceeding, and the Compliance Review Panel determines that the alleged conduct at issue would, if true, potentially pose harm to the health, safety, or well-being of any patient or the public, then the Panel may, without prior notice to the Applicant/Candidate/Individual/Certificant (“Respondent”) and without a prior

hearing, summarily suspend the certification and/or examination eligibility of the Respondent pending a final determination under these Policies.

5.4.5.1 Within five working days after the Compliance Review Panel summarily suspends the certification and/or examination eligibility of a Respondent in accordance with this provision, APCA shall, by a form of receipted mail, give to the Respondent notice that describes:

- a) the summary suspension;
- b) the reason or reasons for the suspension; and
- c) the right of the Respondent to request a hearing with respect to the summary suspension by written notice to APCA; such written notice must be received by APCA not later than 15 days after the date of the written notice of summary suspension sent by APCA to the Respondent.

5.4.5.2 In the absence of a timely request for a hearing by the Respondent, the summary suspension shall be final and is not appealable to the Compliance Appeal Panel.

5.4.5.3 If the Respondent requests a hearing in a timely manner with respect to the summary suspension, the hearing shall be held before the Compliance Hearing Panel as promptly as is reasonably possible, but no later than 30 days after APCA's receipt of the Respondent's request for the hearing.

5.4.5.4 The applicable provisions of Section 6 (Compliance Hearings – Compliance Hearing Panel) of these Policies shall govern all hearings with respect to summary suspensions however determinations rendered by the Compliance Hearing Panel with respect to summary suspensions are final and are not appealable to the Compliance Appeal Panel.

6. Compliance Hearings – Compliance Hearing Panel.

6.1 The Compliance Hearing Panel is charged with reviewing the findings of any Staff investigation for consideration of possible sanctions pursuant to the determination of the Compliance Review Panel.

6.1.1 If the matter is referred to the APCA Compliance Hearing Panel in accordance with Section 5.4.4 (Compliance Review Panel Decision Options), Staff will notify the Respondent by letter of the allegation and compliance policy violation under

Section 1 (Compliance Violations) (“Charging Letter”) and advise the Respondent of his/her right to be heard at a hearing on the matter. A request to be heard at the hearing must be made within thirty (30) days of the Respondent's receipt of the

Charging Letter. Respondent's failure to submit a written request to be heard at a hearing on the matter and the applicable hearing fee within the specified time period shall constitute consent by the Respondent for the Hearing Panel to review the matter on the record without participation from the Respondent.

- 6.1.2 If the Respondent requests to be present during the hearing on the matter, the Staff will notify the Respondent of the time and place of the hearing. Payment in full of applicable hearing fees will be required before the date of the hearing. The hearing will be held either by telephone or in person in the sole discretion of APCA at a time and place determined by APCA.
 - 6.1.3 The Respondent may be represented at the hearing by legal counsel and will be solely responsible for his/her expenses related to the hearing. Persons other than legal counsel will not be permitted to participate as an official representative of Respondent. Individuals serving as character or employment references on behalf of the Respondent are permitted to participate in the hearing only by providing statements on the record regarding the Respondent.
- 6.2 The Compliance Hearing Panel will be comprised of three APCA certified members, or such other peer professionals, and may include public representation as appointed by the chair of the Inteos Board of Directors. The members will not have had any prior involvement in the cases presented and will not have any personal or professional conflict of interest relative to the cases. Should any member of the Hearing Panel: 1) not be able to participate during the designated hearing date and time, or 2) have had prior involvement or a personal/professional conflict relative to the case presented, the Panel member shall be recused. The chair of the Inteos Board of Directors will then temporarily appoint an alternate member to serve on the Panel; the alternate will be selected from a pool of alternates appointed by the chair of the Inteos Board of Directors.
- 6.3 The Compliance Hearing Panel may consider any evidence that it deems to be appropriate and relevant. The Hearing Panel will sanction the Respondent only when there is clear and convincing evidence of a violation of Compliance Policies under Section 1.1 (Compliance Violations).
- 6.4 Decision Options. The Compliance Hearing Panel, by simple majority vote, will make one of the following determinations:
- a) No Action Taken – dismissal of the matter due to insufficient evidence concerning the alleged violation under Section 1 (Compliance Violations), the matter being insufficiently serious, or for other appropriate reasons as determined by the Hearing Panel; or
 - b) Issuance of sanction(s) pursuant to Section 3 (Sanctions).
- 6.5 The Compliance Hearing Panel will render its decision by simple majority vote and ordinarily will issue a written Order of Findings within thirty (30) business days of the hearing.

6.6 If the Respondent does not appeal in writing within thirty (30) business days of receipt of the decision of the Compliance Hearing Panel and submit the applicable appeal fees, the Hearing Panel's decision will be final and the applicable sanction(s) will be recorded in the Respondent's record and published in accordance with Section 4 (Disclosure of Sanctions).

7. Appeals of Compliance Decisions – Compliance Appeal Panel.

7.1 The APCA Compliance Appeal Panel is charged with reviewing appeals of decisions as rendered by APCA Compliance Hearing Panel in accordance with Section 6.4 (Compliance Hearing Panel Decision Options).

7.1.1 If the Respondent wishes to appeal the decision of the Compliance Hearing Panel, he/she must submit an appeal in writing within thirty (30) business days of receipt of the decision of the Hearing Panel along with the applicable appeal fees, and the Respondent must state the grounds for appeal.

7.1.2 The appeal ordinarily will be heard within one hundred-twenty (120) days of the date that the written appeal, including the applicable appeal fee, is received by APCA, unless Staff determines that there is cause for extending that time period.

7.2 The Compliance Appeal Panel will be comprised of three APCA certified members, or such other peer professionals, as appointed by the chair of the Inteleos Board of Directors. The members will not have had any prior involvement in the cases presented and will not have any personal or professional conflict of interest relative to the cases. Should any member of the Appeal Panel: 1) not be able to participate during the designated hearing date and time, or 2) have had prior involvement or a personal/professional conflict relative to the case presented, the Panel member shall be recused. The chair of the Inteleos Board of Directors will then temporarily appoint an alternate member to serve on the Panel; the alternate will be selected from a pool of alternates appointed by the chair of the Inteleos Board of Directors.

7.3 The Compliance Appeal Panel will consider the appeal in a closed hearing. Neither the Respondent, nor any representative on behalf of the Respondent, is permitted to participate in the appeal hearing.

7.4 In considering the appeal, the Compliance Appeal Panel will review a written record of the case developed by the Compliance Hearing Panel and any additional materials that may be submitted by the Respondent.

7.5 Decision Options. The Compliance Appeal Panel, by simple majority vote, will make one of the following determinations:

- a) To affirm the decision of the Compliance Hearing Panel; or
- b) To overturn the decision of the Compliance Hearing Panel on the basis that a Violation, as reflected in Section 1 (Compliance Violations), has not occurred; or
- c) To overturn the sanction decision issued by the Compliance Hearing Panel. If the Appeal Panel overturns the sanction decision of the Compliance Hearing Panel, the

Appeal Panel may refer the case back to the Compliance Hearing Panel for reconsideration consistent with the findings and holdings of the Appeal Panel.

- d) **Standard of Review.** The Appeal Panel may overturn the Compliance Hearing Panel's decision only if it determines by majority vote that the Compliance Hearing Panel's decision was arbitrary and capricious. Otherwise, it must affirm the Compliance Hearing Panel's decision.

7.6 The Compliance Appeal Panel ordinarily will issue a written decision within thirty (30) business days of its deliberations. Upon the issuance of the Appeal Panel's decision, the matter is final.

8. Reinstatement – Compliance Reinstatement Panel.

8.1 If the sanction imposed by the Compliance Hearing Panel does not preclude the Respondent from requesting reinstatement of their certification status and/or eligibility to apply for examinations, the Respondent may make a request for reinstatement of such to the Compliance Reinstatement Panel; such requests are reviewed by the APCA Compliance Reinstatement Panel.

8.1.1 The Respondent must submit the request for reinstatement in writing after the Respondent's sanction period has expired, setting forth the grounds upon which he/she believes that reinstatement is justified, and the applicable reinstatement hearing fee. In its discretion, Staff may request that the Respondent provide additional information and documentation concerning the request for reinstatement.

8.1.2 The Respondent's failure to submit a written request for reinstatement and the reinstatement hearing fee will result in the Respondent's record being designated as 'Sanction Expired; Petition Required' and the Respondent will be unable to regain Active status or continue with the certification process until the proper reinstatement petition and all applicable fees have been received and reviewed by the Reinstatement Panel, and the Reinstatement Panel has issued a decision with respect to the reinstatement petition.

8.2 The Compliance Reinstatement Panel will be comprised of three APCA certified members, or such other peer professionals, appointed by the chair of the Inteleos Board of Directors. The members will not have any personal or professional conflict of interest relative to the cases. Should any member of the Reinstatement Panel: 1) not be able to participate during the designated hearing date and time, or 2) have had prior involvement or a personal/professional conflict relative to the case presented, the Panel member shall be recused. The chair of the Inteleos Board of Directors will then temporarily appoint an alternate member to serve on the Panel; the alternate will be selected from a pool of alternates appointed by the chair of the Inteleos Board of Directors.

8.3 The Compliance Reinstatement Panel will consider the request for reinstatement at a hearing.

- 8.3.1 If the Respondent requests to be present during the hearing on the matter, the Staff will notify the Respondent of the time and place of the hearing. Payment in full of applicable hearing fees will be required before the date of the hearing. The hearing will be held either by telephone or in person in the sole discretion of APCA at a time and place determined by APCA.
- 8.3.2 The Respondent may be represented at the hearing by legal counsel and will be solely responsible for his/her expenses related to the hearing. Persons other than legal counsel will not be permitted to participate as an official representative of Respondent. Individuals serving as character or employment references on behalf of the Respondent are permitted to participate in the hearing only by providing statements on the record regarding the Respondent.
- 8.4 Decision Options. The Compliance Reinstatement Panel, by simple majority vote, will make one of the following determinations:
- a) Deny the petition for reinstatement of Respondent's certification status and/or eligibility to apply for examinations, and specify whether and under what circumstances, if any, the Respondent may renew the petition for reinstatement at a later date; or
 - b) Grant petition for reinstatement of certification status and/or eligibility to apply for examinations with specific conditions as determined by the Reinstatement Panel; or
 - c) Grant petition for reinstatement of certification status and/or eligibility to apply for examinations unconditionally.
- 8.5 The Compliance Reinstatement Panel will render its decision by simple majority vote and ordinarily will issue a written Order of Findings within thirty (30) business days of the hearing.
- 8.6 If the Respondent's request to have certification reinstated and/or the opportunity to re-apply for certification is granted, the sanction hold will be removed from Respondent's record and he/she will proceed as directed per the Order issued, in accordance with APCA Policies with respect to earning/maintaining certification.
- 8.7 If the Respondent does not appeal in writing within thirty (30) business days of receipt of the decision of the Reinstatement Panel and submit the applicable appeal fees, the Reinstatement Panel's decision will be final and all applicable sanction(s) will be recorded in the Respondent's record and published in accordance with Section 4 (Disclosure of Sanctions).

9. Appeals of Reinstatement Panel Decisions.

- 9.1 The APCA Compliance Appeal Panel is charged with reviewing appeals of Compliance reinstatement decisions with respect to a Respondent's certification status and/or eligibility to apply for examinations as rendered by the Compliance Reinstatement Panel in accordance with Section 8.4 (Compliance Reinstatement Panel Decision Options).

- 9.1.1 If the Respondent wishes to appeal the decision of the Compliance Reinstatement Panel, he/she must submit an appeal in writing within thirty (30) business days of receipt of the decision of the Reinstatement Panel along with the applicable appeal fees, and the Respondent must state the grounds for appeal.
 - 9.1.2 The appeal ordinarily will be heard within one hundred-twenty (120) days of the date that the written appeal, including the applicable appeal fee, is received by APCA, unless Inteleos Staff determines that there is cause for extending that time period.
- 9.2 The Compliance Appeal Panel will be comprised of APCA certified members, or such other peer professionals, appointed by the chair of the Inteleos Board of Directors. The members will not have had any prior involvement in the cases presented and will not have any personal or professional conflict of interest relative to the cases. Should any member of the Appeal Panel: 1) not be able to participate during the designated hearing date and time, or 2) have had prior involvement or a personal/professional conflict relative to the case presented, the Panel member shall be recused. The chair of the Inteleos Board of Directors will then temporarily appoint an alternate member to serve on the Panel; the alternate will be selected from a pool of alternates appointed by the chair of the Inteleos Board of Directors.
- 9.3 The Compliance Appeal Panel will consider the appeal in a closed hearing. Neither the Respondent, nor any representative on behalf of the Respondent, is permitted to participate in the appeal hearing.
- 9.4 In considering the appeal, the Compliance Appeal Panel will review a written record of the case developed by the Compliance Reinstatement Panel and any additional materials that may be submitted by the Respondent.
- 9.5 Decision Options. The Compliance Appeal Panel, by simple majority vote, will make one of the following determinations:
 - a) To affirm the decision of the Compliance Reinstatement Panel; or
 - b) To overturn the decision issued by the Compliance Reinstatement Panel. If the Appeal Panel overturns the decision of the Compliance Reinstatement Panel, the Appeal Panel may refer the case back to the Compliance Reinstatement Panel for reconsideration consistent with the findings and holdings of the Appeal Panel.
 - c) Standard of Review. The Appeal Panel may overturn the Compliance Reinstatement Panel's decision only if it determines by majority vote that the Compliance Reinstatement Panel's decision was arbitrary and capricious. Otherwise, it must affirm the Compliance Reinstatement Panel's decision.
- 9.6 The Appeal Panel ordinarily will issue a written decision within thirty (30) business days of its deliberations. Upon the issuance of the Appeal Panel's decision, the matter is final.

10. Legal Requests for Records. APCA will endeavor to cooperate with police and court authorities in their investigations by providing information pertaining to APCA records, as possible that is requested by the authorities.

10.1 All requests for records will be forwarded to legal counsel for review to determine the validity of the request and the documentation that is appropriate to provide.

10.2 If the request being made involves a matter deemed to be a violation pursuant to Section 1 (Compliance Violations) and such has not been previously disclosed to APCA by the Applicant/Candidate/Individual/Certificant, the information will be processed in accordance with Section 5.1 (Initial Investigation and Action).