

PHARMACY TECHNICIAN CERTIFICATION BOARD

CERTIFICATION APPEAL PROCEDURES

INTRODUCTION

The Pharmacy Technician Certification Board (PTCB) is a voluntary, non-profit credentialing organization that administers certification programs and services for pharmacy technicians. PTCB certification allows pharmacy technicians to demonstrate that they have mastered appropriate knowledge and skills related to their pharmacy responsibilities.

The following Certification Appeal Procedures (Procedures or Policy) will be used to process all appeal matters concerning PTCB's certification requirements and eligibility standards. This Policy applies to individuals seeking PTCB certification (candidates) and all individuals certified by PTCB (certificants).

In order to qualify for the PTCB Certified Pharmacy Technician (CPhT) credential, each candidate must satisfy all PTCB eligibility requirements, including successful completion of the Pharmacy Technician Certification Examination (PTCE or Examination). In addition, certificants must show that they have completed the necessary continuing education activities.

PTCB certification requirements and eligibility standards are applied fairly, impartially, and consistent with applicable laws and PTCB policies. There are no barriers to PTCB certification based on gender, race, age, sexual orientation, or national origin.

Certificants/candidates agree to follow and obey all applicable PTCB policies, and agree that they will not challenge the authority of PTCB to use such policies, including PTCB eligibility policies, Certification Appeal Procedures, and Recertification Policy. In addition, PTCB certificants/candidates agree that: this Policy is a fair process for resolving all certification complaint or appeal matters; they will be bound by actions and decisions made consistent with this Policy; and, this Policy does not constitute a contract between PTCB and the certificant/candidate.

A. GENERAL PROVISIONS

1. Nature of the Process. All challenges and appeals regarding actions of the PTCB Certification Program are governed exclusively by these Procedures. This appeal process is the only way to resolve all Certification Program application, eligibility, examination, and other certification and recertification challenges or complaints. These Procedures are not formal legal proceedings, and are designed to operate without the assistance of attorneys. While an individual may choose to be represented by an attorney, certificants/candidates are encouraged to communicate directly with the PTCB Certification Program. Certificants/candidates using the services of an attorney are responsible for all attorney-related fees. A party's attorney will be directed to communicate with PTCB only through PTCB Legal Counsel.

2. Authorized PTCB Representatives. The Executive Director, Associate Executive Director, Certification Council Appeals Committee (Appeals Committee), Certification Council, or any other PTCB representative authorized by this Policy may be involved in actions and decisions regarding appeal matters.

3. Time Requirements. PTCB will make every effort to follow the time requirements described in these Procedures. However, a failure by PTCB to meet a time requirement will not prohibit the handling or final resolution of any appeal matter. Certificants/candidates are required to comply with all time requirements specified in this Policy. Time extensions or postponements may be granted by PTCB in appropriate circumstances at PTCB's sole discretion.

4. Litigation/Other Proceedings. PTCB may accept and resolve an appeal matter arising under these Procedures when civil or criminal litigation, or other proceedings related to the matter have been or are currently before a court, regulatory agency, or professional body. PTCB may continue or delay an appeal matter in these circumstances.

5. Confidentiality. In order to protect the privacy of the parties involved in appeal matters, all material prepared by or submitted to PTCB will be confidential. Disclosure of material is permitted only when specifically authorized by PTCB policy, the Certification Council, the Appeals Committee, the Executive Director, the Associate Executive Director, or other authorized PTCB representative.

Among other information, PTCB will not consider the following materials as confidential: **(a)** published certification and eligibility criteria; **(b)** records and materials which are disclosed as the result of a valid legal requirement or a controlling PTCB policy; **(c)** certification or application information that a certificant/candidate has requested be made available to a specific person or other organization; and, **(d)** all final published Decisions and Orders of the Certification Council, the Appeals Committee, the Executive Director, Associate Executive Director, or other authorized PTCB representative.

6. Failure to Disclose/Incomplete, False, or Misleading Representations. If a certificant/candidate fails to disclose required certification or appeal information to PTCB, or makes an incomplete, false, or misleading representation to PTCB related to certification or recertification, PTCB may temporarily or permanently bar that individual from being certified or recertified, or may issue any other appropriate action. If a penalty, discipline, order, or other action is issued by PTCB under this Section, the certificant/candidate involved may seek review and appeal of the action under these Procedures.

7. Failure to Cooperate. If a certificant/candidate refuses to cooperate fully with PTCB concerning a certification or appeal matter, and it is determined that the lack of cooperation is without good cause, PTCB may penalize or discipline the individual, including temporarily or permanently barring the individual from being certified or recertified. If a penalty, discipline, order, or other action is issued by PTCB under this Section, the certificant/candidate involved may seek review and appeal of the action under these Procedures.

8. Complaint Matters. PTCB may temporarily or permanently bar an individual from being certified or recertified, or may issue any other appropriate directive(s), where a

certificant/candidate: **(a)** has been the subject of any complaint or disciplinary matter relating to his/her activities as a pharmacy technician; or, **(b)** has been the subject of a criminal charge, lesser offense, or government agency disciplinary matter (complaint matters), regardless of when the alleged violation occurred.

PTCB will notify a certificant/candidate of an alleged complaint matter, and must provide the certificant/candidate a reasonable opportunity to present a response to such allegations. If a penalty, discipline, order, or other action is issued by PTCB under this Section, the certificant/candidate involved may seek review and appeal of the action under these Procedures.

B. CERTIFICATION PROGRAM ACTIONS

1. Certification Application Actions. The PTCB Certification Program will take one of the following actions regarding a candidate's certification application: **(a)** accept the application; **(b)** request additional or supplemental information; or, **(c)** reject the application, or otherwise terminate eligibility, on the grounds that the candidate does not meet PTCB certification eligibility requirements, or that the candidate has violated, or acted contrary to, a PTCB policy or rule.

2. Certification Examination Actions. If a candidate acts contrary to PTCB policies related to the PTCE, the candidate may be prevented from taking or completing the Examination.

3. Recertification Application Actions. The PTCB Certification Program will take one of the following actions regarding a certificant's Recertification Application: **(a)** grant recertification; **(b)** conditionally accept the Recertification Application pending the satisfactory completion of all recertification requirements; **(c)** request additional or supplemental information; or, **(d)** reject the application, or otherwise terminate recertification, on the grounds that the certificant does not meet the criteria for recertification, or that the certificant has violated, or acted contrary to, a PTCB policy or rule.

C. INITIAL REQUEST FOR REVIEW BY THE EXECUTIVE DIRECTOR

Within thirty (30) days of the date of an adverse action by the PTCB Certification Program, a certificant/candidate may submit a written Request for Review to the Executive Director. Adverse actions include the following: **(1)** the candidate was found to be ineligible for certification due to a failure to satisfy one or more certification requirement(s), or was otherwise ineligible for certification; **(2)** the candidate was prohibited from taking or completing the PTCE; or, **(3)** the certificant was denied recertification for failure to satisfy one or more recertification requirement(s), or was otherwise ineligible for recertification.

The Request for Review must explain the reasons that the certificant/candidate believes the adverse action is incorrect and should be changed, and must include accurate copies of all supporting documents, including the relevant communications from PTCB.

D. INFORMAL REVIEW BY THE EXECUTIVE DIRECTOR

1. Executive Director Actions. All Requests for Review will be considered informally by the Executive Director or Associate Executive Director. The Executive Director or Associate Executive Director will acknowledge receipt of the Request for Review, and may take one of the following actions: **(a)** uphold, modify, or take other appropriate action regarding, the adverse Certification Program action; or, **(b)** refer the matter to the Certification Council Appeals Committee for review and resolution as an appeal.

2. Referral of Request/First Appeal. In the event that a Request for Review is referred to the Certification Council Appeals Committee, the Executive Director or Associate Executive Director will provide the Appeals Committee with all relevant materials, including the Request for Review and other documents submitted by the certificant/candidate.

E. CERTIFICATION COUNCIL APPEALS COMMITTEE/ FIRST APPEAL

1. Certification Council Appeals Committee. The Certification Council Chair will appoint at least three (3) Certification Council members to serve as the Certification Council Appeals Committee. The Appeals Committee will be composed of at least two (2) current Certified Pharmacy Technicians (CPhTs) in good standing. The Certification Council Chair will appoint an Appeals Committee Chair to preside over and conduct each appeal matter. No Appeals Committee member may participate in an appeal where the member has had a business, employment, or personal relationship with a party involved in the appeal matter, or where there otherwise appears to be a possible conflict of interest related to his/her participation.

2. Circumstances of First Appeal. A first appeal will be reviewed and decided by the Appeals Committee when: the matter has been referred by the Executive Director or Associate Executive Director; or, a certificant/candidate is dissatisfied with the final informal action of the Executive Director or Associate Executive Director, and requests an appeal consistent with these Procedures. First appeals are limited to the grounds permitted in Policy Section G(2).

F. TIME PERIOD FOR SUBMITTING FIRST APPEAL

Within thirty (30) days of the date of an adverse action by the Certification Program or Executive Director, a certificant/candidate may submit an appeal to the Appeals Committee. The deadline for filing a first appeal may be extended by the Appeals Committee upon the written request of the certificant/candidate prior to the appeal deadline.

G. GROUNDS FOR FIRST APPEAL

1. Required Information For First Appeal. In order for an appeal to be considered by the Appeals Committee, the appeal submission must be consistent with all Policy requirements, and must include the following information: **(a)** the name of the certificant/candidate submitting the appeal; **(b)** all objections, corrections, and factual information that the certificant/candidate believes are relevant to the appeal; **(c)** the names, addresses, and telephone numbers of any

individuals with factual information relevant to the appeal, as well as a clear description of the factual information available from these individuals; and, **(d)** accurate copies of all relevant documents or other materials submitted in support of the appeal.

2. Grounds for First Appeal. In order for an appeal to be considered by the Appeals Committee, the appeal submission must contain a clear explanation of the reasons that the certificant/candidate believes are relevant to the appeal, and substantial information supporting at least one of the following grounds: **(a)** the candidate's eligibility for certification was incorrectly denied contrary to PTCB policies, and the candidate would have qualified for certification if the correct PTCB policies and standards had been applied; **(b)** the candidate's eligibility to take or complete the PTCE was incorrectly denied contrary to PTCB policies, and the candidate would have qualified to take the Examination if the correct PTCB policies and standards had been applied; or, **(c)** the certificant's eligibility for recertification was incorrectly denied contrary to PTB policies, and the certificant would have qualified for recertification if the correct PTCB policies and standards had been applied.

H. FIRST APPEAL HEARINGS

1. Appeal Schedule and Hearing. Within sixty (60) days of receipt of a complete and proper written appeal, the Appeals Committee will schedule a date and time to consider the appeal. Generally, the appeal review will be scheduled within one hundred twenty (120) days after receipt of the complete appeal. PTCB will notify the certificant/candidate of the appeal date and time. A certificant/candidate may request an informal hearing by telephone conference to present the appeal to the Appeals Committee. Requests for a hearing will be granted at the sole discretion of the Appeals Committee.

2. Certification Council Appeals Committee Decision. Following the close of an appeal hearing, the Appeals Committee will review the record of the appeal, including the action(s) of the Certification Program or Executive Director and the information and materials received from the certificant/candidate. The Appeals Committee will resolve and decide the appeal based on the record. The Appeals Committee Decision will include the findings of the Committee, and a summary of the relevant factual findings based on the record. The Committee will prepare and issue an Appeal Decision to the certificant/candidate within thirty (30) days after the hearing record is closed, or as soon as is practical.

3. Reports to the Board of Governors. The Appeals Committee will report to the Board of Governors on a quarterly basis concerning all certification appeals reviewed and decided during the previous calendar quarter.

I. DISCRETIONARY FINAL APPEAL TO THE BOARD OF GOVERNORS

In certain limited situations, an adverse Appeals Committee Decision may be appealed to the PTCB Board of Governors. Such discretionary final Board appeals are permitted only under the following circumstances: **(1)** the candidate/certificant is able to demonstrate to the Certification Council Chair that the Appeals Committee misapplied the relevant PTCB policy(ies), which significantly affected the outcome of the Committee Decision; **(2)** the candidate/certificant is

able to demonstrate to the Certification Council Chair that the appeal request is based on a substantial and compelling reason, which clearly supports a modification or reversal of the Committee Decision; or, **(3)** upon the referral of the Appeals Committee for a substantial reason, and with the consent of the candidate/certificant. A denial of a candidate/certificant's discretionary appeal request by the Certification Council Chair cannot be appealed.

J. TIME PERIOD FOR SUBMITTING FINAL APPEAL REQUEST/ CONTENT OF FINAL APPEAL

1. Time Period for Submitting Final Appeal Request. Within thirty (30) days of the date of an adverse Appeals Committee Decision, a certificant/candidate may submit a written final appeal request to the Certification Council Chair. An appeal received beyond this date will not be reviewed or considered by the Board of Governors.

2. Contents of Final Appeal Request. In order for a final appeal request to be considered by the Certification Council Chair, the request must be consistent with all Policy requirements, and must include the following information: **(a)** the name of the certificant/candidate submitting the appeal request; **(b)** a detailed explanation of the reasons and basis for the requested appeal, as required by Policy Section I; **(c)** all objections, corrections, and factual information that the certificant/candidate believes to be relevant to the appeal; and, **(d)** accurate copies of all relevant documents and other materials submitted in support of the appeal.

K. BOARD OF GOVERNORS FINAL APPEAL PROCESS

1. Scheduling Of Final Appeal. Within ninety (90) days of the approval of a complete and proper final Board appeal request, the Board of Governors will schedule a date and time for consideration of the appeal, usually not later than the next or second regularly scheduled Board meeting. The Executive Director or other authorized PTCB representative will notify the certificant/candidate of the date when the final Board appeal will be considered.

2. Final Appeal Review. The Board of Governors will conduct a review to consider the appeal record, including the Appeals Committee Decision and the information and materials submitted by the certificant/candidate. The certificant/candidate may request to appear before the Board of Governors concerning the final appeal. Such requests will be granted at the sole discretion of the Board of Governors.

L. BOARD OF GOVERNORS FINAL DECISION

Following the review of a final appeal, the Board of Governors will review the record of the appeal, and will decide the appeal based on the record. The Board will consider all relevant information and include a summary of its findings in the Board of Governors Final Decision. The Board may affirm, modify, or reverse the decision of the Appeals Committee based on its findings. The Board will issue its Final Decision within thirty (30) days following the review of the appeal, or as soon as is practical.

M. FINALIZING AND CLOSING APPEALS

An appeal will be closed, and all proceedings ended, when any of the following occurs: **(1)** an appeal has been decided, or otherwise resolved, by the Executive Director or Associate Executive Director, the Appeals Committee, or the Board of Governors, and the allowable time period to submit an appeal under these Procedures has passed; **(2)** an appeal request to the Board has been denied by the Certification Council Chair; or, **(3)** the appeal has been withdrawn or terminated by the certificant/candidate.

EFFECTIVE DATE

The PTCB Certification Appeal Procedures will become effective as of 2/17/2012.