



*From the NRPP Policy Manual*

## Section XII. NRPP Grievances, Compliance Policies and Procedures

### A. CATEGORIES OF COMPLAINT AND PREDETERMINED SANCTION SCHEDULE

1. There shall be four categories of infractions and respective sanctions when considering a response to grievances received and infractions that, at the discretion of the Compliance Manager, are deemed verified.

#### *Class D* First-Time Minor Infraction

2 Points (i.e. 2 additional C.E. credits required prior to renewal)

Points are deferred and not required if the complainant's concerns are resolved. Specific topics for continuing education may be stipulated.

*Note: The intent of Class D and C sanctions is to both solve a complainant's concerns and to nurture mature practices in professional practice and conduct. Failure to respond or make an effort to resolve the complaint can result in Class A sanctions that could ultimately result in suspension of certification(s).*

#### *Class C* Multiple Infractions

**Second complaint:** 2 points plus 2 points previously deferred for Class D offense (i.e. 4 C.E. credits required prior to renewal).

At the discretion of the Compliance Manager relative to the nature of complaint:

- Specific topics for continuing education may be stipulated
- Audits of quality assurance plans may be required that include:
  - Administrative fees for conducting the audit(s), and
  - Submittal of quality control records across a specified time period before and/or after the date of the infraction(s).

#### **Additional Complaints and Unresolved Complaints:**

The total number of complaints on record times 4 points and audit(s) of quality assurance plans at the discretion of the Compliance Manager relative to the nature of complaints and actions or inactions of the certified individual. Failure to respond to a complaint or four documented case reviews in a three-year period resulting in sanctions shall be deemed a Class A infraction.

#### *Class B* Infractions with substantial potential for immediate harm to health and safety

8 Points (i.e. 8 additional C.E. credits required)

At the discretion of the Compliance Manager relative to the nature of complaint:

- Additional points may be required (i.e. C.E. credits)
- A rapid deadline for obtaining continuing education may be stipulated
- Specific topics for continuing education may be stipulated

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- Audits of quality assurance plans may be required that include:
  - Administrative fees for conducting the audit(s), and
  - Submittal of quality control records across a specified time period before and/or after the date of the offense.

### *Class A*

**Egregious Infraction** or violation of the trust invested in the individual by virtue of granting the NRPP credential(s) or listing, such as: non-cooperation with an investigation, harassment of a consumer or staff and/or continued violations of standards or policies.

- Failure to respond to a complaint, multiple administrative oversights in policy adherence, or harassment of a consumer or staff shall be grounds for suspension. The individual, laboratory, listed chamber or listed device shall normally be considered ineligible for reinstatement for a period of 2 years.

Other examples of Class A infractions to warrant this degree of sanctions include, but are not limited to:

- Falsification of credential application or renewal application;
  - Falsification of QA/QC data (Note: inadequate QA/QC will result in discipline and, if not corrected, decertification);
  - Falsification or failure to provide any information requested by NRPP to investigate any misconduct or code of ethics violation;
  - Cheating or other irregularities related to the administration of a NRPP examination;
  - Failure to maintain the confidentiality of credential examination questions or answer sheet; and
  - Unauthorized possession of, use of or access to NRPP examinations, certificates, wallet identification cards, logos of NRPP, and any other NRPP documents and materials.
- Flagrant or multiple violations involving four documented case reviews over a three year period that result in sanctions for infractions or lack of adherence to policies shall be grounds for suspension. The individual, laboratory, listed chamber or listed device shall be normally considered ineligible for reinstatement for a period of 5 years.
  - Infractions related to a criminal felony conviction, specifically related to murder, assault, assault and battery (including sexual), fraud, home invasion, extortion, burglary, property theft and larceny shall be grounds for revoking certification. The individual shall normally be ineligible for reinstatement.  
For clarity, actions that warrant this degree of sanctions include, but are not limited to: Any assault, battery, unlawful harassment, or non-consensual physical contact involving a customer or member of a customer's family, NRPP staff or members of NRPP related committees.
  - Depending upon the nature and severity of the infraction, punitive penalty fees may be additionally assessed as a condition of reinstatement.

Consideration of actions in response to a Class A infraction shall be conducted by the Compliance Manager in coordination with, or subsequent to authorization of the NRPP Steering Committee for ruling on:

- Suspension of certification or listing until resolved
- Administrative decertification or delisting in accordance with Section XII, E.
- Revocation of certification or listing

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- Determinations on reinstatement eligibility and probationary conditions and durations in accordance with Section XII, F.
  - Determinations for convening a Compliance Review Committee for review and adjudication of final determinations on appeals, sanctions, reinstatements, suspensions or revocation of a certification or listing.
2. Compliance Review Committee: In the case of a Class A judgment against the certified individual or facility for determinable infractions of NRPP policies or standards of practice, the Steering Committee may consider adjudicating sanctions through the institution of an ad-hoc Compliance Review Committee composed of three members the NRPP Policy Advisory Board.

### B. ADMINISTRATIVE DECERTIFICATION OR DELISTING:

1. In cases where a certified individual, laboratory, chamber or device manufacturer does not provide the requisite information for renewal, after a reasonable grace period (typically 30 days), the NRPP administrative office will remove the individual from its list of certified providers or devices.
- a. The NRPP administrators may reinstate these individuals without prejudice subject to sanctions imposed as a result of Compliance Manager rulings.
  - b. If QA/QC procedures have not been followed in the certification renewal process, the administrators are authorized to forward this information to the Compliance Manager.
  - c. Failure to submit appropriate fees related to credentialing shall result in removal from NRPP lists of certified providers or devices.

### C. REINSTATEMENT FOR SUSPENSIONS, REVOCATIONS OR DELISTING

1. All individuals or facilities seeking reinstatement:
- a. Shall demonstrate eligibility for reinstatement as determined sufficient by the Compliance Manager and the Steering Committee to warrant eligibility.
  - b. Shall submit to a probation period that may include an audit process with associated fees for auditing up to 24 months of quality control records and other stipulations as determined at the discretion of the Compliance Manager and the Steering Committee.
  - c. Shall reconcile payment for any fees imposed by the Compliance Manager, Steering Committee or Compliance Review Committee.
  - d. NRPP individuals seeking reinstatement when the certification has been suspended or revoked:
    - i. Shall complete stipulated educational requirements that may include approved entry level certification courses, exams and other criteria associated with a new application for certification.
    - ii. Shall submit QA plans that will be reviewed before being eligible for reinstatement.
  - e. NRPP laboratories, listed chambers or manufacturers of listed devices seeking reinstatement when a certification or listing has been suspended or revoked:
    - i. Shall provide evidence sufficient to successfully demonstrate that steps have been taken to remediate and correct deficiencies.
    - ii. Shall provide evidence sufficient to successfully demonstrate conformance with responsible, accepted policies and procedures for their type of facility.

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## D. COMPLIANCE FEE SCHEDULE

The Compliance Manager may utilize the compliance fee schedule to determine administrative sanctions for Class A, B and C infractions and notify the parties of these sanctions as well as providing notification to the Credentialing Coordinator and the NRPP Steering Committee.

Administrative fees such as associated with audits, convening meetings or other incidental office activities shall be charged at a rate that is equal to NRPP's hourly costs for providing the relative services.

- Audits: Current estimates for audits of a quality assurance plan and one month of quality control records: \$200 (or \$40 per hour). This fee is repeated for each additional month associated with an audit or prorated to a lesser monthly amount when review of quality control evidence is minimal.
- Compliance Review Committee: Dependent upon the offences being adjudicated. Hourly rates should be expected to be higher for services provided by senior staff and hired consultants (e.g., \$75 to \$250 per hour).
- Punitive Penalty Fees: Dependent upon the judgment of the Steering Committee or Compliance Review Committee conducting review and arbitration of a complaint or request for reinstatement, punitive penalty fees can be assessed for up to \$3500.

## E. APPEAL PROCESS:

1. Professionals who receive sanctions have the right to appeal the Compliance Manager and/or Compliance Review Committee decision within 30 days of receiving notification of the ruling.
2. The appeal would be directed to the Steering Committee who would determine the merit of the appeal.
  - a. For Class B, C or D sanctions, the NRPP Steering Committee has authority, at their discretion, to convene a conference call with the professional within 30 days to consider decisions for rendering a judgment to modify or uphold the sanction.
  - b. For all Class A sanctions, decisions of Compliance Review Committee that can include suspensions, revocation of certification or decisions to deny membership shall be final and binding on the member or prospective member.
3. For Class A sanctions: Any member or prospective member aggrieved by a revocation decision or denial of membership may submit, within 40 days of revocation, an appeal of the dispute to binding arbitration in accordance with the rules and procedures established by the American Arbitration Association. The venue for such arbitration shall be Asheville, North Carolina unless another location is agreed upon by the parties. The arbitrator shall confirm the revocation decision or denial of membership unless the aggrieved member or prospective member demonstrates the decision or denial resulted from bad faith or fraud or lacked any rational basis. All arbitration awards shall be final and binding on the parties and shall be enforceable by appropriate proceedings under the applicable laws of North Carolina. Unless otherwise provided by the arbitrator, each party shall pay its pro rata share of the reasonable fees and expenses of the arbitrator.

Furthermore:

- a. the appellant shall pay for their own travel costs and the travel costs of witnesses.
- b. AARST-NRPP shall not refund any fees or expenses for loss of certification nor compensate either party for their expenses or loss of revenue.