



Ethics Case Procedures

April 27, 2023

INTRODUCTION

The National Board for Certified Counselors, Inc. (NBCC) develops and promotes high ethical standards for counselors, and requires all NBCC certified counselors to meet these standards. These *Ethics Case Procedures* (Case Procedures or Policy) apply to NBCC certificants and certification candidates, and contain the exclusive rules concerning the review and resolution of possible violations of the NBCC *Code of Ethics* and other applicable ethics policies.

When counselors apply for certification or recertification, they agree to abide by all NBCC policies, including the *Code of Ethics* and the *Case Procedures*. In addition, certified counselors and candidates for certification agree that: these procedures are a fair process for resolving all ethics matters; they will be bound by decisions made pursuant to these procedures; these procedures are governed by the principles of the laws of the State of North Carolina; and, these rules do not constitute a contract between NBCC and the certificant or candidate.

A. GENERAL

1. Nature of the Process. These *Case Procedures* identify the only process for resolving: ethics complaints submitted to, or initiated by, NBCC concerning a certified counselor or a candidate for certification; and, ethics-related disclosures by NBCC certificants. NBCC has the exclusive authority to initiate and end any ethics review or case, regardless of circumstances. By applying for certification or recertification, counselors voluntarily agree that they: will abide by the *Code of Ethics* and other applicable policies; and, will not challenge the results of any NBCC action taken under these policies in a legal or government forum.

The *Ethics Case Procedures* are not formal legal proceedings, and therefore many legal rules and practices are not observed. These rules are designed to operate without the assistance of attorneys. However, any party may be represented by an attorney with respect to ethics review matters, at that party's sole expense. If a party has retained an attorney, that attorney will be directed to communicate with NBCC only through NBCC legal counsel. The parties are encouraged to communicate directly with NBCC, unless instructed otherwise by NBCC.

2. Participants. Ethics cases may be decided by the NBCC Director of Ethics, the NBCC Ethics Appeals Committee, and/or any NBCC representative designated by the NBCC President and Chief Executive Officer (CEO). An NBCC certificant or candidate who is the subject of an ethics complaint or review will be identified as the Respondent in these rules. The person(s) initiating an Ethics Complaint Statement relating to an NBCC certificant or candidate will be identified as the Complainant(s).
3. Complainant/Ethics Complaint Statement. In order to initiate an NBCC ethics review, a Complainant other than NBCC must complete and submit to the NBCC Director of Ethics an Ethics Complaint Statement, which provides NBCC with a detailed explanation of the facts and ethical conduct issues related to the identified certificant/candidate. The Ethics Complaint Statement document is published on the NBCC website at <https://www.nbcc.org/ethics>, or is available by contacting the Ethics Department.

In the event NBCC receives an allegation of unethical conduct or other complaint information from an anonymous or public source, NBCC, in its sole discretion, will determine whether that information will become the subject of a formal ethics review.

4. Time Requirements. Complainants and Respondents are required to comply with all time requirements identified in these *Case Procedures*. NBCC will make every effort to follow the time requirements described in this Policy. However, NBCC's failure to meet a time requirement will not prohibit the final resolution of any ethics matter review or case. Time extensions may be granted by the NBCC Director of Ethics or other authorized NBCC representative if a timely written request for extension is submitted to the Director of Ethics explaining a reasonable basis for such request.
5. Litigation/Other Proceedings. NBCC may resolve Ethics Complaint Statements and complaints when civil or criminal litigation, or other proceedings related to the complaint, have been, or are presently being, reviewed by a Court, regulatory agency, or professional organization. NBCC may also continue or delay an ethics review in such cases.
6. Ethics Complaints Concerning Individuals Who Are Not Certified or Candidates Seeking Certification. In the event that NBCC receives an Ethics Complaint Statement or other information concerning an individual who is not a current NBCC certificant or certification candidate, NBCC may refer the Complainant to an appropriate review authority, organization, or individual.
7. False or Misleading Information/Inaccurate Disclosures. A certificant or candidate who provides false or misleading information to NBCC concerning an ethics matter, or who submits and inaccurate or misleading disclosure to NBCC, may be subject to discipline pursuant to this Policy and the *Code of Ethics*.
8. Time Limitations Concerning Complaints. NBCC may consider and resolve any ethics complaint, regardless of: (a) whether the Respondent held an NBCC credential at the time of the alleged violation; (b) when the alleged violation occurred; or, (c) whether the Respondent continues to hold or seek an NBCC credential during the course of any ethics review or case.
9. Confidentiality of Case Information. In order to protect the privacy of the individuals in an ethics case, all material prepared by, or submitted to, NBCC will be deemed confidential, unless a release of information is authorized by these *Case Procedures*. Until an ethics case has been closed or finalized pursuant to Section K, the Complainant and Respondent must maintain the confidentiality of all information related to the ethics case, consistent with these rules. If either of the participants discloses information related to the ethics case contrary to these rules, the NBCC Director of Ethics or Ethics Appeals Committee may: terminate the ethics review if such disclosure is made by the Complainant; or, impose any sanction included within these *Case Procedures* if such disclosure is made by the Respondent.
10. Failure to Cooperate. If any party involved in an ethics review or case refuses or fails to fully cooperate or participate with NBCC with respect to that ethics matter, and it is determined that the lack of cooperation was without good cause, NBCC may take the following actions:

(a) if the Complainant is uncooperative or fails to continue to participate consistent with the requirements of this Policy, the NBCC Director of Ethics or Ethics Appeals Committee may terminate the ethics review; or, (b) if the Respondent is uncooperative during the ethics review process consistent with the requirements of this Policy, the Director of Ethics or Ethics Appeals Committee may impose any disciplinary sanction within these *Case Procedures*, including certification suspension or revocation. No appeal of such NBCC actions is permitted; however, a Respondent may request reconsideration of any action imposed under this Section by submitting a written request for reconsideration to the Director of Ethics. Reconsideration requests may be granted by NBCC for good cause.

11. Relinquishment of NBCC Certification. In the event a Respondent attempts to relinquish or otherwise terminate their NBCC certification during the course of any ethics review or case, NBCC reserves the right to: (a) deny the relinquishment request, and continue the ethics review or case to a final resolution consistent with these rules; or, (b) require that the Respondent agree to specific terms and conditions related to the relinquishment of their NBCC certification to end the ethics review or case.

B. ETHICS COMPLAINT STATEMENTS

1. Ethics Complaint Statements. In order for NBCC to consider allegations of unethical conduct, a Complainant other than NBCC must complete an Ethics Complaint Statement, and submit the completed form to the NBCC Director of Ethics. The Ethics Complaint Statement is a formal written statement from a Complainant describing in detail ethical conduct concerns regarding an NBCC certificant or candidate, and identifying the applicable *Code of Ethics* directives. Documents such as government agency complaints or orders/decisions, Court complaints or judgments/decisions, and other public documents or materials may be submitted in support of a Complaint Statement, or may serve as the basis of a formal ethics review initiated by NBCC.
2. Notification to Respondent. Upon receipt of an Ethics Complaint Statement, the Ethics Department will notify the Respondent that an ethics complaint(s) has been received, and that the Director of Ethics is reviewing the submitted information.
3. Ethics Complaint Statement Review. When a complete Ethics Complaint Statement is received by NBCC, the NBCC Director of Ethics will: (a) review the submitted information and assign a case number to the matter; (b) review the complaint(s) and allegation(s) asserted by the Complainant; (c) determine whether the complaint(s) is presented with sufficient detail and support to permit NBCC to conduct a formal review of the allegation(s); (d) contact the Complainant and require additional factual information or documents to support the Ethics Complaint Statement; and/or, contact other persons, organizations, or government bodies and solicit information and materials that may be relevant to the ethics review. In certain circumstances, the Director of Ethics may contact the counselor and require that individual to submit relevant information in order to properly evaluate the Ethics Complaint Statement.

C. ETHICS COMPLAINT ACCEPTANCE OR REJECTION

1. Ethics Complaint Statement Review Criteria. Following a careful review of the information presented in the Ethics Complaint Statement, and all supporting materials, the NBCC Director of Ethics will determine whether the complaint(s) will become the subject of a formal ethics review and complaint. The following criteria will be considered to determine if any violation of the *Code of Ethics* alleged in the Complaint Statement is accepted or rejected: (a) whether the Respondent is an NBCC certificant or candidate; (b) whether a proven complaint would constitute a violation of the *Code of Ethics* or other applicable NBCC ethics policy; (c) whether the passage of time since the alleged violation requires the complaint(s) be rejected; (d) whether relevant, reliable information or evidence concerning the complaint(s) is available; (e) whether the Complainant and other sources of relevant information are willing to provide evidence or other information to NBCC concerning the complaint(s); and, (f) whether the complaint(s) appears to be supportable considering the evidence available to NBCC.

Based on a review of the Ethics Complaint Statement under these criteria, the NBCC Director of Ethics will determine whether the charge(s) and available information support the issuance of a formal Ethics Complaint against the Respondent.

2. Rejection of Ethics Complaint Statement. If the NBCC Director of Ethics determines that an Ethics Complaint Statement is not supported, and should not become the subject of a formal Ethics Complaint, the NBCC Director of Ethics will reject the complaint(s). The NBCC Director of Ethics will notify the Complainant and Respondent in writing that the Ethics Complaint Statement has been rejected, and the reason(s) for the rejection.
3. Appeal of Complaint Rejection. Within thirty (30) days of the date of an Ethics Complaint Statement Rejection Decision, the Complainant may submit a written appeal to the NBCC President-CEO. In order for such an appeal to be considered, the appeal must include the following information: (a) the procedural errors allegedly made by the NBCC Director of Ethics in rejecting the Ethics Complaint Statement, if any; (b) the specific provisions of the *Code of Ethics* believed violated; and, (c) the specific information that supports the acceptance of the complaint(s) identified in the Ethics Complaint Statement. The NBCC President-CEO, or his/her designee, will review the appeal and issue a final Decision. The Decision of the President-CEO or his/her designee cannot be appealed.

D. INITIATION OF ETHICS COMPLAINT SUMMARY

If the NBCC Director of Ethics determines that the complaint(s) and available information identified in an Ethics Complaint Statement or related disclosure support the issuance of a formal ethics review concerning the Respondent, the Director of Ethics will prepare and issue an Ethics Complaint Summary. The Ethics Complaint Summary will identify the relevant conduct allegation(s), the applicable *Code of Ethics* directive(s) that may have been violated, and all information and materials supporting each conduct complaint. The Ethics Complaint Summary will be sent to the Respondent and the Complainant at their address of record, by email and/or other verifiable delivery service.

For Certificant disclosure requirements, pursuant to NBCC *Certification Eligibility Ethics Policy* Section C, the Director of Ethics may issue an Ethics Complaint Summary that identifies terms violated and the basis for each and follow the process as indicated in these case procedures

E. RESPONSE TO THE ETHICS COMPLAINT SUMMARY

1. Ethics Complaint Response. Within thirty (30) days of the date of the Ethics Complaint Summary, the Respondent must submit a written Complaint Response, consistent with the instructions in the Complaint Summary document. The Response must include the following information: (a) a detailed response to the allegations identified in the complaint; (b) the identification and a copy of each document that the Respondent believes is relevant to the resolution of the Ethics Complaint; and, (c) any other information that the Respondent believes will assist NBCC in fairly reviewing the Ethics Complaint. The Director of Ethics may grant the Respondent an extension of time to submit an Ethics Complaint Response based on a showing of good cause.
2. Response Deficiencies. Following a review of the Complaint Response, the NBCC Director of Ethics may require the Respondent to provide supplemental information related to the Ethics Complaint.
3. Optional Reply to Ethics Complaint Response. In cases where an Ethics Complaint Statement has been submitted to NBCC, the Director of Ethics will forward the Complaint Response to the Complainant within approximately ten (10) days following NBCC's receipt of the Response. The Complainant may submit to NBCC a written Reply to the Ethics Complaint Response within fourteen (14) days of the Complainant's receipt of the Response. If submitted, the Reply must fully explain any additional information that the Complainant wishes to present to the Director of Ethics concerning the Ethics Complaint and the Response. The optional Reply will be provided to the Respondent, who may submit a Final Response to NBCC within fourteen (14) days of the Respondent's receipt of the Reply. The Director of Ethics may grant extensions of time to either party for submissions under this Section based on a showing of good cause.

F. PRELIMINARY ACTIONS

1. Involuntary Suspension of Certification. At any time during the ethics review process, the NBCC Director of Ethics or the Ethics Appeals Committee may involuntarily suspend a Respondent's certification(s) pending the final resolution of the ethics review, consistent with this Section. The Director of Ethics or Ethics Appeals Committee may also place a certificant's application on hold pending the resolution of an ethics review.
2. Circumstances of Involuntary Suspension Actions. Suspensions and certification holds are authorized where: (a) the Respondent has been convicted of a criminal act, or the Respondent has not contested a criminal complaint or indictment under any statute, law, or rule; (b) the Respondent is the subject of a pending criminal felony, misdemeanor, or other charge(s), including a criminal complaint or indictment; (c) the Respondent has been found in violation of any law, regulation, or rule by a government agency or professional organization, or has been sanctioned or disciplined by such an agency or organization; (d) the Respondent is the subject of a government agency or professional organization conduct or other complaint matter; (e) the Respondent is the

subject of a legal matter related to the Respondent's business or professional activities, including a civil complaint or lawsuit; or, (f) the Respondent has failed to cooperate with NBCC at any point throughout the ethics review process, pursuant to *Case Procedures* Section A.10.

3. Other Preliminary Actions. The NBCC Director of Ethics or the Ethics Appeals Committee may require the Respondent to do, or to refrain from doing, certain acts by Preliminary and Temporary Action, including, but not limited to, a Preliminary Action requiring the Respondent to: produce and submit documents or other information or materials relevant to the ethics review, and stop all use(s) of an NBCC certification or credential. Any Preliminary Action issued by NBCC will be reasonably related to the Ethics Complaint under consideration, or to the Respondent's responsibilities under the *Code of Ethics*.
4. Failure to Comply With Preliminary Actions. The NBCC Director of Ethics or Ethics Appeals Committee may discipline a Respondent who fails to comply with a Preliminary and Temporary Action. The NBCC Director of Ethics or the Ethics Appeals Committee will consider the severity of the failure to comply and other relevant factors in determining the discipline. Preliminary and temporary actions cannot be appealed.

G. ETHICS ADVISORY COMMITTEE

1. Ethics Advisory Committee. The NBCC President-CEO will appoint a committee of qualified individuals who will serve as a professional resource for the NBCC Director of Ethics (Ethics Advisory Committee). This volunteer Committee will be composed of current NBCC National Certified Counselors (NCCs) in good standing. During the ethics review process, the Director of Ethics may consult with the Ethics Advisory Committee for the purpose of reviewing confidential ethics case information and materials, and providing advice or recommendations related to the review and resolution of ethics matters.
2. Case Record Information. In order to provide appropriate advice and recommendations, the Ethics Advisory Committee may have access to relevant confidential case record information and materials, and will be required to maintain the confidentiality and security of such materials.
3. Confidentiality. All communications and recommendations provided by the Ethics Advisory Committee are confidential, and will not be released to the Complainant or Respondent. Additionally, the identities of all Committee members will remain confidential, and will not be released without the specific authorization of each Committee member.

H. DIRECTOR OF ETHICS COMPLAINT DECISIONS AND ORDERS

1. NBCC Director of Ethics Decision and Order. Upon the closing of the case record, and following a careful review of the record information, the NBCC Director of Ethics will prepare a written Ethics Decision and Order, which will be transmitted to the Respondent. A copy of the Decision will be sent to the Complainant following the lapse of any appeal rights and upon case closure.
2. Contents of Director of Ethics Decision and Order. The Decision and Order will include the following information: (a) a summary of the ethics case; (b) a summary of the relevant

factual findings based on the case record information; (c) a final determination concerning each complaint matter, including whether a violation(s) of the *Code of Ethics* occurred; (d) a statement explaining any disciplinary action(s) and/or sanction(s) issued concerning the Respondent; and, (e) any other findings or conclusions that the NBCC Director of Ethics determines appropriate. The NBCC Director of Ethics may include in the Decision any of the following: (a) an action directing the Respondent to stop any behavior or acts found to be in violation of the *Code of Ethics*, (b) a directive instructing the Respondent to comply immediately with disciplinary action(s) and/or sanctions; or, (c) any other appropriate action, instruction, or directive consistent with, or relevant to, the Decision.

I. DISCIPLINARY ACTIONS

1. Disciplinary Actions. When a determination has been made that a Respondent violated one or more provisions of the *Code of Ethics*, or other applicable ethics policy, NBCC may issue one or more of the following disciplinary actions:
 - a. A private reprimand and censure of the Respondent.
 - b. A public reprimand and censure of the Respondent.
 - c. A term of certification probation for a period of time determined by the Director of Ethics, which may include conditions on the Respondent's conduct, such as supervision with respect to Respondent's professional counseling activities and/or the completion of continuing education courses.
 - d. A term of certification suspension for a period of time determined by the Director of Ethics, which will include the requirements that the Respondent: return to NBCC or destroy all original or copied NBCC credential materials for the suspension period; and, immediately stop all use of NBCC certification(s) and credential(s), and cease all representations concerning NBCC certification for the suspension period.
 - e. Revocation of any NBCC certification held by the Respondent, which will include the requirements that the Respondent: return to NBCC or destroy all original or copied NBCC credential materials; and, immediately stop all use of the NBCC certification(s) and credential(s), and cease all representations concerning NBCC certification.
 - f. A determination that the NBCC certificant is ineligible for recertification or reinstatement, and that any recertification or reinstatement of the Respondent be denied.
 - g. A determination that the NBCC candidate is ineligible for certification, and that any NBCC certification application of the Respondent be denied.
 - h. A requirement that the Respondent take appropriate corrective action(s).
2. Notification of Disciplinary Action. Following the lapse of any appeal rights and upon case closure, NBCC reserves the right to notify State licensure agencies, other government bodies,

or professional organizations of any final disciplinary action taken against a Respondent, and provide such entities with a copy of the final Decision and Order.

3. Publication of Ethics Decisions. Following the lapse of any appeal rights and upon case closure, NBCC may publish or release: an adverse Decision concerning a Respondent; or, information concerning the resolution of an ethics matter. Any interested party may request publication of a final ethics Decision. The NBCC Director of Ethics, Ethics Appeals Committee, or NBCC President-CEO may grant or deny such requests, and such decisions cannot be appealed.

J. ETHICS APPEALS COMMITTEE

1. Ethics Appeals Committee. The President-CEO, or his/her designee, will appoint three (3) or more certificants in good standing to serve as the Ethics Appeals Committee, which will be responsible for resolving all appeals concerning ethics case Decisions of the NBCC Director of Ethics.
2. Time Period for Appeal to the Ethics Appeals Committee. Within thirty (30) days of the date of an adverse final ethics case Decision by the NBCC Director of Ethics, the Respondent may appeal all or a portion of the Decision to the Ethics Appeals Committee. Appeals received beyond this time period will not be considered by the Ethics Appeals Committee.
3. Grounds for Appeal to the Ethics Appeals Committee. The grounds for appeal of an adverse Decision are strictly limited to the following:
 - a. New or Previously Undiscovered Information: Following the closing of the case record, the Respondent has located or obtained relevant information that was not previously in their possession, was not reasonably available prior to closure of the record, and could have affected the Director of Ethics Decision;
 - b. Procedural Error: The Director of Ethics Decision misapplied a policy or procedure contained in these rules;
 - c. Misapplication of the Code of Ethics: The Director of Ethics Decision misapplied relevant provisions of the *Code of Ethics*; or,
 - d. Contrary to the Information Presented: The Director of Ethics Decision is contrary to the most substantial and reliable information provided in the case record.

With respect to Sections J.3.b and J.3.c above, the Ethics Appeals Committee will only consider arguments that were presented to the Director of Ethics prior to the closing of the case record.

4. Required Appeal Content. An appeal to the Ethics Appeals Committee must be submitted to NBCC within thirty (30) days of the date of an adverse Decision by the Director of Ethics, and must include the following information: (a) the ethics case name, case number, and the date of the Director Decision; (b) a statement of the grounds for the appeal under Section J.3, above, and a complete explanation of the reasons that the Respondent believes that the Decision

should be reversed or otherwise modified; and, (c) accurate, complete copies of any information or material upon which the Respondent relies in support of the appeal.

5. Appeal Deficiencies. Following a preliminary review of the appeal, the Ethics Appeals Committee may require the Respondent to provide supplemental information related to the appeal.
6. Appeal Rejection. If the Ethics Appeals Committee determines that an appeal does not satisfy the appeal requirements, or otherwise does not warrant further formal review, the Ethics Appeals Committee will reject the appeal. The Ethics Appeals Committee Chair will notify the Complainant and Respondent in writing that the appeal has been rejected, and the reason(s) for the rejection. Appeal rejection determinations are not subject to appeal.
7. Ethics Appeals Committee Appeal Review. Within one hundred and eighty (180) days after the submission of a complete appeal, or as soon thereafter as practical, the Ethics Appeals Committee will meet to review the case record, the appeal submission, and any other information determined to be relevant. Thereafter, the Appeals Committee will determine the outcome of the appeal by majority vote in closed session. An adverse Decision of the NBCC Director of Ethics may be affirmed, reversed, or otherwise modified by the Appeals Committee.
8. Ethics Appeals Committee Final Decisions and Actions. Within thirty (30) days of the Ethics Appeals Committee appeal review meeting, or as soon thereafter as practical, the Ethics Appeals Committee Chair will issue a final Appeal Decision. The Appeal Decision will include the following information: (a) a summary of any relevant portions of the Decision of the Director of Ethics; (b) a summary of any relevant procedural or factual findings made by the Ethics Appeals Committee; (c) the finding(s) and determination(s) concerning each matter under appeal; and, (d) the Appeals Committee final Decision affirming, reversing, or modifying the Director Decision, including any disciplinary sanction or remedial action. The Appeal Decision will be transmitted to the Complainant and Respondent.

The Decisions of the Ethics Appeals Committee are final, and no further appeals are available.

K. CLOSING OF ETHICS CASES

1. Events That Will Cause Closure of an Ethics Case. An ethics case will be closed, and all proceedings ended when any of the following events occur:
 - a. An Ethics Complaint Statement has been terminated or withdrawn by the Complainant(s);
 - b. Following the lapse of any appeal rights, the Ethics Complaint Statement submitted by the Complainant has not been accepted, and the complaints have been rejected as the basis for an Ethics Complaint pursuant to these rules;
 - c. Following the lapse of any appeal rights, a Decision has been issued by the NBCC Director of Ethics pursuant to these rules;

- d. A final Appeal Decision has been issued by the Ethics Appeals Committee pursuant to these rules; or,
- e. NBCC has accepted the relinquishment of the Respondent's NBCC certification(s) pursuant to *Case Procedures* Section A.11, subject to an agreement approved by NBCC.

L. REINSTATEMENT REQUEST AND REVIEW PROCEDURES

1. Reinstatement Requests Following Revocation of NBCC Certification. Five (5) years after the issuance of a final certification revocation decision and action issued under these rules, the Respondent may submit a Request for Certification Reinstatement to the NBCC Board of Directors, consistent with the requirements of this Section. The Request for Certification Reinstatement must be submitted to the NBCC Director of Ethics for referral to the Board for review.
2. Reinstatement Requests Following Suspension of NBCC Certification. Following the completion of a final certification suspension decision and action issued under these rules, the Respondent may submit a Request for Certification Reinstatement to the NBCC Director of Ethics, consistent with the requirements of this Section.
3. Required Reinstatement Request Content. Subject to the time requirements in this Section, NBCC will consider Reinstatement Requests from Respondents who have been the subject of a final revocation or suspension decision and action. Reinstatement Requests must include the following information: (a) the relevant ethics case name, case number, and the date that the final NBCC ethics case Decision was issued; (b) a statement of the reason(s) that the Respondent believes support or justify the acceptance of the Reinstatement Request, including an explanation why the counselor should now qualify for NBCC certification; and, (c) any relevant documentation or materials which the Respondent believes supports the Reinstatement Request.
4. Board of Directors Review of Reinstatement Request Following Revocation. Within ninety (90) days after the submission of a complete Reinstatement Request related to a certification revocation decision, or as soon thereafter as practical, the Board of Directors will schedule a meeting to decide the Reinstatement Request. Each Reinstatement Request will be considered by a quorum of the Board. The Board will review the information presented by the Respondent and any other relevant information, and will determine the outcome of the Request by majority vote in closed session.
5. Board of Directors Reinstatement Request Decisions. Within thirty (30) days after the conclusion of the Board of Directors review of a Reinstatement Request concerning a revocation decision and action, or as soon thereafter as practical, the Board, by the Board Chair or the NBCC President-CEO, will prepare and issue a final Reinstatement Decision. The final Board Decision will indicate whether the Reinstatement Request is granted, denied, or continued to a later date. If appropriate, the Decision may include any conditions related to certification or recertification. The NBCC Board of Directors Reinstatement Decision will be sent to the Respondent. If the Reinstatement Request is denied, the Respondent may submit a new

Reinstatement Request pursuant to this Section, two (2) years or more after the issuance of an adverse Board Decision.

6. Director of Ethics Review of Reinstatement Request Following Suspension. Within ninety (90) days after the submission of a complete Reinstatement Request concerning a suspension decision and order, or as soon thereafter as practical, the Director of Ethics will decide the Reinstatement Request. The Director of Ethics will review the information presented by the Respondent and any other relevant information, and will determine the outcome of the Request.
7. Director of Ethics Reinstatement Request Decisions. Within thirty (30) days of the conclusion of the Director of Ethics review of a Reinstatement Request concerning a suspension decision and order, or as soon thereafter as practical, the Director of Ethics will prepare and issue a Reinstatement Decision with respect to the Reinstatement Request. The final Decision will indicate whether the Reinstatement Request is granted, denied, or continued to a later date. If appropriate, the Decision may include conditions related to certification or recertification. A copy of the Director of Ethics Decision will be sent to the Respondent. No appeal of the Director of Ethics Reinstatement Decision is permitted. However, the Respondent may submit a new Reinstatement Request pursuant to this Section, two (2) years or more after the issuance of an adverse Director of Ethics Decision.
8. Reinstatement Process Following NBCC Certification Probation Decisions. Following the completion of a probation term included in a final ethics case Decision issued under these rules, the NBCC Director of Ethics will determine whether the Respondent has satisfied the terms of probation, and will make one of the following determinations:
 - a. If the Respondent has satisfied the terms of probation in full, the NBCC Director of Ethics will verify that the probation term has been completed, and reinstate the counselor to full certification status; or,
 - b. If the Respondent has not satisfied the terms of probation in full, the case will be referred to the final decision-maker for review and action consistent with these rules, including, but not limited to, continuation of the probation term and/or issuance of additional disciplinary or remedial actions.

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