



DISCIPLINARY REVIEW POLICY AND PROCEDURES

Submission of an application for certification or for participation in continuing certification constitutes consent to investigation or verification by the ABMGG or its designee of the applicant's license status, experience, record of practice and other matters which the ABMGG believes may impact the applicant's compliance with the requirements of the ABMGG or the applicant's ability to practice medical genetics and genomics.

Investigation may be conducted on a random basis, based on a substantiated complaint or, at the sole discretion of the ABMGG, if such investigation appears warranted by the facts presented by a specific application.

I. DISCIPLINARY POLICY

Diplomates certified by the American Board of Medical Genetics and Genomics ("ABMGG") and candidates seeking ABMGG certification may be subject to disciplinary review for matters stemming from irregular behavior; fraudulent credentials; or legal, regulatory or credentialing actions, as described below.

Disciplinary action may include, but is not limited to, denial or revocation of eligibility or certification, and/or may subject the applicant/Diplomate to legal action.

A. Irregular Behavior

1. Before, During or After an Examination

- The behavior of all individuals taking an ABMGG examination will be monitored. Test center personnel will notify the ABMGG of any candidate who appears to give or receive assistance, or otherwise engage in dishonest or other irregular behavior during the examination.
- Any individual who engages in, or is complicit with another individual who engages in, cheating or other dishonest or irregular behavior, or otherwise violates the security of an examination, may be subject to disciplinary action.
- Any individual who removes or attempts to remove materials from the test center, or reproduces, distributes, displays or otherwise discloses or misuses a test question, any part of a test question, or the subject of a test question from an examination, or assists another individual to do any of the above, may be subject to disciplinary action.

2. In Connection with Continuing Certification Requirements

- Any individual who engages in, or assists another individual to engage in, cheating or other dishonest or irregular behavior in connection with fulfillment of a Continuing Certification requirement may be subject to disciplinary action.

3. Credentials Committee Determination Based on Investigation of a Substantiated Complaint

- A determination by the Credentials Committee, based on investigation of a substantiated complaint, that sufficient evidence exists to indicate behavior which may affect or be incompatible with an individual's practice of medical genetics and genomics; noncompliance with certification or continuing certification requirements; or false claims of ABMGG certification or continuing certification, may be subject to disciplinary action.

4. **At Any Time**

- Any individual who obtains, attempts to obtain, or assists another person to obtain or attempt to obtain, eligibility, certification or fulfillment of a certification requirement by deceptive means, including but not limited to submitting or assisting another person to submit to the ABMGG any document which contains a material misstatement of fact or omits to state a material fact, may be subject to disciplinary action.

B. Fraudulent Credentials

Any individual who manufactures, modifies, reproduces, distributes or uses a fraudulent or otherwise unauthorized ABMGG certificate or ABMGG designation; otherwise falsely claims to be certified by ABMGG or to be current in meeting certification requirements; or assists another individual to do any of the above, may be subject to disciplinary action and/or may be subject to legal action.

C. Legal, Regulatory, or Credentialing Action

1. **Automatic Denial or Revocation**

The ABMGG will automatically deny or revoke a Diplomate's or candidate's eligibility or certification, if the ABMGG determines that the individual is the subject of any of the following:

- Adjudication by a court that the individual is mentally incompetent.
- Conviction of or pleading no contest to a felony that is related to medical genetics practice.
- Loss of the individual's license to practice medicine due to behavior that is, related to medical genetics and genomics practice.

2. **Discretionary Disciplinary Action**

The ABMGG may, at its discretion, deny or revoke an individual's eligibility or certification; issue a Letter of Censure; issue a Letter of Concern; and/or take such other actions as the ABMGG may deem appropriate if the ABMGG determines that the individual is the subject of any of the following:

- Conviction of or pleading no contest to a felony.
- Documented evidence of gross incompetence or unethical conduct.
- Loss of the individual's license to practice medicine.

II. DISCIPLINARY PROCEDURES

A. Notification and Investigation of Possible Disciplinary Matter

1. If it comes to the attention of the ABMGG that an individual may have engaged in irregular behavior, may have manufactured or utilized fraudulent ABMGG credentials, or was the subject of a legal, regulatory or credentialing action that warrants review under ABMGG's *Disciplinary Review Policy*, the ABMGG shall make a reasonable effort to determine the facts of the matter.
2. If the ABMGG determines that no action should be taken, the matter shall be closed.

3. If the ABMGG determines that there is a reasonable basis to believe that the allegations are true, the ABMGG shall take such actions as are described below in Section B (for allegations of irregular behavior or fraudulent credentials) or Section C (for legal, regulatory or credentialing action).

B. Disciplinary Review and Action Based on Irregular Behavior or Fraudulent Credentials

1. The ABMGG shall issue a written notice to the individual about the allegations and about possible disciplinary actions which may be taken by the ABMGG. The notice shall inform the individual that they have the right, within 30 calendar days, to submit a written response to the allegations.
2. The ABMGG shall review all of the documentation received concerning the matter and also may at its discretion, request or receive, and review, additional information.
3. Based on its review of the documentation before it, the ABMGG shall determine which, if any, disciplinary action is appropriate under the circumstances.
4. If the ABMGG determines that no action should be taken, the matter shall be closed, and the individual will be so notified.
5. If the ABMGG recommends that disciplinary action should be taken, a written Notice of Adverse Decision shall be issued to the individual. The Notice will describe (a) the basis for the disciplinary review, (b) the applicable section of the ABMGG's *Disciplinary Review Policy*, and (c) the disciplinary action recommended in the matter. In the case of a reportable disciplinary action, the Notice also shall inform the individual that they may accept the disciplinary action or, within 30 calendar days, may submit a written response to the disciplinary action with a Request for Review in accordance with ABMGG's *Review and Appeal Process for Adverse Certification Decisions*.
6. If the individual does not submit a Request for Review within 30 calendar days, the disciplinary action shall become the final decision of the ABMGG on the matter.

C. Disciplinary Review and Action Based on Legal, Regulatory or Credentialing Action

1. The ABMGG shall issue a written notice to the individual about the receipt of information relating to a legal, regulatory, or credentialing action, and about possible disciplinary actions which may be taken by the ABMGG. The notice shall inform the individual that they have the right, within 30 calendar days, to submit a written response to the notification.
2. Based on the available facts, including the response from the individual if submitted, the ABMGG shall determine what, if any, disciplinary action is warranted.
3. If the ABMGG determines that no action should be taken, the matter shall be closed, and the individual will be so notified.
4. If the ABMGG recommends that disciplinary action should be taken, the ABMGG shall issue a written Notice of Adverse Decision to the individual. The Notice will describe (a) the basis for disciplinary review, (b) the applicable section of the ABMGG's *Disciplinary Review Policy*, and (c) the disciplinary action recommended in the matter. In the case of a reportable disciplinary action, the Notice also shall inform the individual that they may accept the disciplinary action or, within 30 calendar days, may submit a written response to the disciplinary action with a Request for Review in accordance with ABMGG's *Review and Appeal Process for Adverse Decisions*.

5. If the individual does not submit a Request for Review within 30 calendar days, the recommended disciplinary action of the ABMGG shall become the final decision of the ABMGG on the matter.

D. Reportable Disciplinary Actions

A reportable disciplinary action is:

1. If the circumstances require automatic revocation as outlined in Section I. C. 1 above, the individual's certification and eligibility for certification shall be revoked.
2. If the circumstances do not require automatic revocation, one or more of the following disciplinary actions may be taken:
 - a. issue a Letter of Censure;
 - b. order the individual to retake an examination at a time and place and in a format to be determined by the ABMGG;
 - c. refuse to release the score of the individual and, thereby, deny their current application for certification;
 - d. require the individual to wait a specified period of time before reapplying to take any ABMGG examination;
 - e. revoke the individual's eligibility to sit for future examinations or participate in other ABMGG activities;
 - f. deny or revoke the individual's eligibility or certification;
 - g. assess a disciplinary fine; or
 - h. take a combination of any of the above actions or such other action that ABMGG may deem appropriate in the particular circumstances before it.
3. ABMGG also may take legal action.

E. Non-reportable Actions

If the circumstances do not require a reportable disciplinary action, the ABMGG may issue a Letter of Concern. A Letter of Concern will not be reported to third parties but will be retained in the individual's confidential ABMGG file and may be revisited by the ABMGG should future circumstances require it.

F. Appeals

Reportable disciplinary actions are subject to review and appeal pursuant to the ABMGG's *Review and Appeal Process for Adverse Certification Decisions*.

G. Public Notice of Decisions

After a final reportable disciplinary decision has been reached, ABMGG may notify interested parties of the disciplinary decision and the underlying facts thereof, as deemed appropriate by ABMGG. Such notification may be published on the ABMGG's website and provided to the National Practitioner Data Bank, Federation of State Medical Boards, any state licensing authority with which the individual holds a license to practice, the federal government, the individual's employer and other interested parties, including individuals seeking information about the subject's certification status, as solely determined by the ABMGG.

H. Application for Reinstatement Following Disciplinary Action

1. An individual whose eligibility or certification has been denied or revoked by the ABMGG for a specified time period based on irregular behavior or fraudulent credentials may reapply to the ABMGG following expiration of such time period.
2. An individual whose eligibility or certification has been denied or revoked by the ABMGG based on a legal, regulatory or credentialing action may reapply to the ABMGG when the situation underlying the ABMGG's decision has been remedied. If the decision was based on conviction of or pleading no contest to a felony, the individual may not apply for certification until all sentences have been served and, unless the ABMGG Board of Directors grants an exception, all judgments have been satisfied. If the decision was based on revocation of licensure or authorization to practice, the individual may not reapply to the ABMGG until the license or authorization has been restored.
3. Applications following denial or revocation – except in such cases where the period of revocation is expressly limited to a specific period of time – shall be considered and acted upon at the sole discretion of the ABMGG.

I. Responsibility for Notification of Address Change

Diplomates and candidates are solely responsible for providing timely notification to ABMGG of changes of address. If the individual does not receive notice(s) from the ABMGG related to disciplinary review or action due to their failure to timely notify ABMGG of a change of address, then that lack of notification shall not be considered as the basis for an appeal or reconsideration of any decision in the matter.