



ARDMS®
The Ultra sound Choice®

2.6. Review of Credentials, Applicants, Candidates, Registrants and Other Individuals

2.6.1. ARDMS conducts a certification program. However, ARDMS does not express an opinion on competence or warrant the job performance of anyone.

ARDMS examinations and their content are the property of ARDMS. ARDMS examinations are available only to those persons who desire in good faith to become certified by meeting ARDMS requirements and successfully completing ARDMS examinations. ARDMS examinations and their content are not available to any other individual, and may not be used by anyone for any other purpose.

In applying for certification or recertification, an applicant or registrant agrees that:

- (A) The individual complies and will comply with all ARDMS rules and standards in place now and in the future and bears the burden for showing and maintaining compliance at all times.
- (B) The examinations, certificates, cards, logos, patches and emblems of ARDMS, the name American Registry of Diagnostic Medical Sonographers®, ARDMS®, Registered Diagnostic Medical Sonographer®, RDMS®, Registered Vascular Technologist®, RVT®, Registered Diagnostic Cardiac Sonographer®, RDCS®, Registered Physician in Vascular Interpretation™, RPVI™ and abbreviations relating thereto are all the exclusive property of ARDMS, and may not be used in any way without the express written consent of ARDMS; registrants are permitted to use ARDMS property only in accordance with ARDMS rules. ARDMS does not recognize or authorize the term "Registry-eligible" as it pertains to ARDMS.
- (C) The individual shall immediately relinquish, refrain from using and correct at the individual's expense any outdated or other inaccurate use of any ARDMS certificate, card, logo, patch, emblem, and ARDMS name and other designations and abbreviations (such as those mentioned in Section 2.6.1 (B) above) in case of suspension, limitation, revocation, failure to meet ARDMS requirements, or as otherwise requested by ARDMS.

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- (D) If the individual refuses to relinquish immediately, refrain from using and correct at his or her expense any misuse or misleading use of any of the above items when requested, the individual agrees that ARDMS shall be entitled to obtain injunctive relief, damages costs and attorney's fees incurred in obtaining any such or other relief.

2.6.2. Eligibility for Certification or Recertification

- (A) No individual is eligible to apply for certification or recertification unless in compliance with all ARDMS rules and standards. ARDMS may deny, revoke, suspend, or otherwise act upon certification or recertification, or eligibility to apply or sit for ARDMS examinations, where an individual is not in compliance with ARDMS rules and standards.
- (B) The individual must truthfully complete and sign an application in the form provided by ARDMS and shall provide additional information as requested. The individual must notify ARDMS of any change of address, telephone number, and any other facts bearing on eligibility, certification, continued certification or recertification within fifteen (15) days of such an occurrence. All documents, communications or other information provided to ARDMS are the property of ARDMS and will not be returned.
- (C) Applicants for initial certification, registrants, and applicants for recertification are required to notify ARDMS immediately of any conviction, guilty plea, or nolo contendere plea or any disciplinary action taken by a state licensing board, state or Federal agency, or national professional association related to the public health or the provision of diagnostic medical sonography or vascular technology services.
- (D) An individual may request a pre-application interpretation of ARDMS eligibility rules pertaining to criminal matters upon submission of a completed form provided by ARDMS for this purpose, compliance with ARDMS rules posted on the ARDMS website and/or available in print, and payment of a non-refundable review fee. ARDMS may grant, deny or hold in abeyance a determination on such request.
- (E) In order to apply for ARDMS certification or recertification or to maintain current certification, applicants, candidates and registrants agree that they waive all claims against and will hold harmless ARDMS, its staff, volunteers and agents, which arise out of or relate to ARDMS' assessment and communication concerning certification and recertification application review, examination administration, certification and recertification decisions, the furnishing or inspection of documents, records and other information, and/or ARDMS investigation and review of eligibility or alleged violations of ARDMS standards (Section 2.6.4).

2.6.3. Score Reports

ARDMS is concerned with reporting only valid scores. On rare occasions, misconduct or circumstances beyond the individual's control may render a score invalid. If doubts are raised about a score because of these or other circumstances,

ARDMS expects all individuals to cooperate in any ARDMS investigation. ARDMS reserves the right to cancel any exam score if, in the sole opinion of ARDMS, there is adequate reason to question its validity. ARDMS in its discretion will (i) offer the individual an opportunity to take the examination again at no additional fee; (ii) offer the individual an opportunity to take the examination again in ordinary course, including payment of all fees; or (iii) proceed as described in Section 2.6.4, Review of Applicants and Certificants, below. For administrative exam irregularities (not processed under Section 2.6.4. of these Policies), the Executive Director, on advice from the Director of Testing, will review the matter and decide whether to cancel the exam scores, and whether the candidate may be offered a retest (i) at ARDMS expense, or (ii) at the candidate's expense.

2.6.4. Review of Applicants and Certificants

2.6.4.1 Grounds for Discipline

The following may provide grounds for sanction:

- (A) Engaging in fraud, misrepresentation, deception, or concealment of a material fact in connection with obtaining or renewing ARDMS certification on one's own behalf or that of another;
- (B) Having been convicted of, plead guilty to, or plead nolo contendere to a misdemeanor or felony related to the public health or the provision of diagnostic medical sonography or vascular technology services;
- (C) Having had disciplinary action taken by a state licensing board, state or federal agency, or national professional association on grounds that related to the public health or the provision of diagnostic medical sonography or vascular technology services; and
- (D) Failure to cooperate with ARDMS concerning investigations of alleged grounds for discipline under Section 2.6.4.1, including the collection of relevant information.

2.6.4.2 Sanctions

Violations may result in one or more of the following sanctions:

- (A) Revocation, meaning the permanent loss of certification;
- (B) Suspension, meaning the loss of certification for a specified period, after which the individual may be required to apply for reinstatement;
- (C) Probation, meaning that continued certification is subject to fulfillment of specified conditions, including, without limitation, reexamination, educational requirements, monitoring, supervision, counseling, participation in the impaired provider process, reports to ARDMS, and/or other appropriate conditions;

- (D) Censure, meaning a formal expression of disapproval that is publicly announced;
- (E) Reprimand, meaning a formal expression of disapproval addressed to the individual, but which is not publicly announced; and
- (F) Ineligibility for Certification, meaning that the individual is barred from becoming certified, either indefinitely or for a specific period.

2.6.4.3 Initial Investigation and Action

- (A) Investigation. Upon the receipt of information indicating that an individual applicant or a certificant ("subject") may be subject to discipline for violations of Section 2.6.4.1, ARDMS staff shall investigate the allegations and to report its findings and recommendations to the DRC. In conducting its investigation, the staff shall send a letter to the subject requesting his or her response to the allegations.
- (B) DRC Composition. The DRC shall be a subcommittee of the Certification Committee consisting of three members: the Chair of the Board, the Chair of the Certification Committee, and a third person appointed by the Chair of the Board. The DRC shall include at least two sonographers and one physician.
- (C) Action. After reviewing the staff's findings and recommendations, the DRC shall determine whether to: (i) dismiss the complaint due to insufficient evidence concerning grounds for discipline under Section 2.6.4.1, the matter being insufficiently serious, or for other appropriate reasons; or (ii) provide a settlement opportunity and refer the matter for a hearing before the Disciplinary Hearing Panel.
- (D) Charging Letter. If the matter is referred for a hearing, the subject shall be sent a letter that sets forth the alleged facts and grounds for discipline under Section 2.6.4.1. The letter shall inform the subject of his or her right to request a hearing within 30 days of receiving the letter. Pursuant to Section 2.6.4.7, the DRC also may include a proposed settlement agreement with the charging letter.

2.6.4.4 Hearing

- (A) Notice of Hearing. If a subject requests a hearing, ARDMS staff shall arrange a meeting of a Hearing Panel and send a hearing notice to the subject. The notice shall state the time and place of the hearing. Hearings will either be held telephonically or in-person at a time and place determined by ARDMS.
- (B) Hearing Panel Composition. The Chair of the Board shall appoint a Hearing Panel consisting of three Board members. Those appointed shall not have any prior involvement in the case, nor shall they have any personal or professional conflicts of interest with regard to the subject.

- (C) Subject's Representation and Expenses. The subject may be represented at the hearing by his or her legal counsel. The subject shall be solely responsible for all of his or her own expenses related to the hearing.
- (D) Evidence. The Hearing Panel may consider any evidence which it deems appropriate and relevant.
- (E) Standard of Proof. The Hearing Panel shall sanction a subject only when there is clear and convincing evidence of grounds for sanction under Section 2.6.4.1.
- (F) Procedure When No Hearing Requested. If the subject did not respond to the charging letter, the Hearing Panel shall review the matter, but is not required to conduct an in-person hearing.
- (G) Hearing Panel Decision. The Hearing Panel shall render its decision by majority vote and shall issue a written opinion within 30 days of the hearing. The opinion shall describe its findings of fact, application of Section 2.6.4.1's standards to the facts, any sanctions imposed on the subject, and requirements for reinstatement.

2.6.4.5 Appeal

- (A) Request for Appeal. A subject must make a request for an appeal in writing within 30 days following receipt of the decision of the Hearing Panel. If no appeal is made, the matter is considered final upon issuance of the Hearing Panel's opinion.
- (B) Appeal Panel Composition. The Chair of the Board shall appoint three Board members to serve as the Appeal Panel. Those appointed shall not have any prior involvement in the case, nor shall they have any personal or professional conflicts of interest with regard to the subject.
- (C) Time in Which Appeal Must Be Decided. The appeal normally shall be heard within 120 days of the appeal request, unless the Appeal Panel determines that cause exists for extending that time limit.
- (D) Appeal Procedure. The appeal shall consist of a review of the written record developed by the Hearing Panel and any additional materials submitted by the subject. The appeal shall not consist of an in-person hearing.
- (E) Standard of Review. The Appeal Panel may overturn or modify the Hearing Panel's decision only if it determines by majority vote that the Hearing Panel's decision was arbitrary and capricious. Otherwise, it must affirm the Hearing Panel's decision.
- (F) Appeal Panel Decision. The Appeal Panel shall issue a written opinion within 30 days that sets forth the basis for its decision. Upon the issuance of the opinion, the matter is considered final.

2.6.4.6 Reinstatement

If permitted under a subject's sanctions, the subject may request reinstatement. The subject must submit a written request that sets forth the grounds which the subject believes justifies reinstatement. In its discretion, the staff may request additional information and documentation concerning the grounds for reinstatement. The subject's request shall be considered generally in accordance with Sections 2.6.4.4 and 2.6.4.5. Requests for reinstatement will be heard before the Disciplinary Reinstatement Panel. Reinstatement hearings may be held in-person or telephonically. If the subject's request for reinstatement is granted, the individual shall apply as a first-time applicant.

2.6.4.7 Settlement

Informal dispositions may be made of any contested case by settlement or by another method agreed upon by the subject and the DRC, without prejudice to the ARDMS's ability to institute disciplinary proceedings based upon the same or related material if circumstances so warrant.

2.6.4.8 Notification

All notifications referred to in these procedures shall be in writing and shall be by certified, return receipt mail or commercial delivery service that tracks delivery.

2.6.5. Non-Disciplinary Appeals Policy

ARDMS initial staff decisions denying applications based on ineligibility to take an examination or recertification, and disruptive examination conditions, may be appealed to ARDMS Review Panel. The grounds for appeal to the Review Panel are only those stated above. (Actions taken pursuant to ARDMS disciplinary policy may not be appealed to the Review Panel.) An appeal to the Review Panel must be made in writing and received by ARDMS within 30 days of (i) the date on which ARDMS mailed the notice denying eligibility to take the examination or recertification; or (ii) the date on which a disruptive examination condition occurred. The written appeal must identify the precise factual basis, applicable rules or examination conditions which are the basis for the appeal.

The Review Panel shall be composed of two or more ARDMS registrants who have at least 5 years previous experience in ultrasound and/or testing. Upon receipt of an appeal, the Chair shall appoint qualified registrants to serve on a Review Panel. If a Review Panel is appointed, the Review Panel members shall serve on the Review Panel for one year. A Review Panel may hear more than one appeal and more than one Review Panel may be convened in the discretion of the Chair. The Review Panel shall review the written appeal and all supporting documentation. The Review Panel shall reasonably attempt to decide any appeal of an eligibility denial prior to the examination date for which the applicant originally applied. In the discretion of the Review Panel, if additional information is necessary, the Review Panel may schedule a telephone conference and/or request additional documentation from the individual requesting the appeal or any other individuals who may have knowledge of facts relevant to the appeal. The Review Panel shall by majority vote make one of the following recommendations:

1. To reverse the decision denying eligibility to take the examination or recertification;
2. To affirm the decision denying eligibility to take the examination or recertification; or

3. If the Review Panel finds that examination conditions may have impaired the validity of an examination score, that the candidate be given a retest at no charge to the candidate.

The recommendation of the Review Panel, along with all documentation relating to the appeal, shall be submitted to the Board of Directors for a final vote on the appeal. The Board shall review the appeal and the Review Panel's recommendation and shall render a decision on the appeal by majority vote of the Board members. The decision of the Board of Directors shall be final.

2.6.5 Documentation

ARDMS shall make available to the public by electronic and/or print means a list with appropriate definitions or explanation of: (a) ARDMS Directory of Registrants; (b) Persons Currently Under ARDMS Sanction; and (c) Persons No Longer Certified.