



IBLCE DISCIPLINARY PROCEDURES
(As Amended September 15, 2007; Effective January 1, 2008)

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IBLCE DISCIPLINE PROCEDURES
Originally Adopted April 5, 1997
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I. PREAMBLE

- A. Privilege to Practice. An IBLCE Certificate is a conditional privilege which is revocable for cause. It confers no vested right to the holder thereof.
- B. Generally. The IBLCE Board has the inherent authority and duty to prescribe a Code of Ethics for its Certificants, to determine what constitutes grounds for discipline of its Certificants and those persons applying to take any IBLCE examination, to discipline its Certificants and Applicants for cause, and to limit, suspend or revoke the certification of every IBLCE Certificant or the eligibility for certification of every IBLCE Applicant whose unfitness to practice as a lactation consultant has been duly established.
- C. These procedures apply to: (1) any and all persons currently certified by the IBLCE; (2) any and all persons who were certified by the IBLCE at the time of the acts or omissions complained of, whether or not they remain certified when the procedures are applied; (3) any and all Applicants for any IBLCE Examination (provided they were Applicants at the time of the acts complained of); and (4) any and all IBLCE Certificants and Applicants in relation to acts or omissions complained of which occurred prior to their becoming IBLCE Applicants or Certificants *provided* the Complaint alleges: (a) conviction of a crime; (b) misconduct that reflects on the Respondent's honesty or trustworthiness, such as in cases alleging conduct involving dishonesty, fraud, deceit or misrepresentation; (c) misconduct due to disability (Article XXIII); or (d) any other misconduct which would warrant suspension or revocation of certification of an IBLCE Certification pursuant to the Guidelines for Imposing Sanctions set forth in Article VIII of the IBLCE Procedures for Discipline in effect at the time of the misconduct which is the subject of the Complaint.

II. DEFINITIONS

Wherever used in these rules, the following words or terms shall have the meaning set forth below unless the use thereof in a specific context shall clearly indicate a different meaning.

- A. Applicant. Any person who files an application with the IBLCE becomes an "Applicant" effective the date the IBLCE Application form is signed by that person and remains an "Applicant" until that person is duly certified, that person withdraws his or her application with the IBLCE, or that person fails to meet the

requirements for eligibility pursuant to the process for which he or she applied to the IBLCE.

- B. The Board of Directors. The Board of Directors of the International Board of Lactation Consultant Examiners (“IBLCE”).
- C. Certificant. Any person who is certified by the IBLCE becomes a “Certificant” on the date said certification becomes effective. In the event that the person has been continuously certified by the IBLCE for more than one certification period, with no lapse of certification exceeding 13 months’ duration, the earliest date of certification shall be deemed the date that the person became a “Certificant.”
- D. Chair. The Chair of the IBLCE Ethics and Discipline Committee. When the word “Chair” is used in connection with clerical or administrative tasks, it may also refer to the IBLCE staff member employed at the International Office known as the “Secretary to the Ethics and Discipline Committee” who is responsible for performing clerical and administrative tasks for the Ethics and Discipline Committee at the direction of the Chair.
- E. "Clear and Convincing Evidence". Means evidence which will produce a firm belief concerning the accuracy and completeness of the allegations being made; it is an intermediate standard, being more than a mere preponderance (51%) of evidence but not necessarily requiring the standard of certainty ("beyond a reasonable doubt") applied in criminal cases.
- F. Complaint. Any written communication alleging Misconduct, or from which allegations of Misconduct reasonably may be inferred, that bears the original signature of the Complaining Party and is received by any IBLCE Board Member or any IBLCE Staff Member.
- G. Complaining Party. Any person who has complained, in writing, of the conduct of any currently certified IBLCE Certificant or Applicant, to the IBLCE Staff or to any IBLCE Board Member, and who has signed the Complaint.
- H. Crime means:
 - 1. any offense declared to be a crime in the jurisdiction where the offense occurred;
 - 2. any other offense, involving theft, fraud, forgery, extortion, bribery, or perjury; or which is otherwise related to an IBLCE Certificant’s or Applicant’s fitness to practice as a lactation consultant.
 - 3. an attempt, solicitation or conspiracy to commit any of the above-mentioned offenses.

- I. Designated Reviewer. A member of the IBLCE Ethics and Discipline Committee responsible for review, investigation and other specific duties as assigned by the Board with respect to a particular Complaint. If a Designated Reviewer refuses to serve, for example by reason of recusal (Article IV), or is otherwise unavailable to serve, any other qualified member of the Ethics and Discipline Committee may serve as Designated Reviewer in this regard. The Designated Reviewer will usually be appointed by the Chair of the Ethics and Discipline Committee, otherwise by the Chair of the IBLCE Board.
- J. "Determination" or "Determination of Misconduct" refers to the formal, written decision of the Ethics and Discipline Committee that a violation of the IBLCE Code of Ethics for International Board Certified Lactation Consultants has occurred (See Article XXI).
- K. Disability means the status of being mentally ill, of misusing alcohol, or of misusing illegal or controlled substances as defined below.
1. "Mentally ill" means any person who is afflicted with mental disease to an extent that for his or her own welfare or the welfare of others the person requires care and treatment.
 2. "Misusing Alcohol" applies to any person who:
 - a. through use of alcohol has become dangerous to the public or to him/herself; or
 - b. because of such alcohol use is medically determined to be in need of medical or psychiatric care, treatment, rehabilitation, or counseling.
 3. "Misusing an Illegal or Controlled Substance" applies to any person who:
 - a. through use of habit-forming drugs, or other drugs which are drugs controlled by statute in the jurisdiction where used, has become dangerous to the public or him/herself; or
 - b. because of such drug use, is medically determined to be in need of medical or psychiatric care, treatment, rehabilitation, or counseling.
 - c. any physical or mental condition that materially impairs the fitness of an IBLCE Certificant or Applicant to practice as a lactation consultant.

- L. Ethics and Discipline Committee. The working group created and appointed by the Chair of the IBLCE Board to consider all matters relating to ethics and discipline involving IBLCE Certificants and Applicants.
- M. Executive Committee. The Executive Committee of the IBLCE.
- N. Executive Director. The Executive Director of the IBLCE.
- O. "IBLCE" is the International Board of Lactation Consultant Examiners.
- P. "ILCA" is the International Lactation Consultant Association.
- Q. "Injury" is physical or psychological harm to a client/patient, the public, the health care system, or the lactation consultant profession which results from an IBLCE Certificant's or Applicant's misconduct. The level of injury can range from "serious" injury to "little or no" injury. A reference to "injury" alone indicates any level of injury greater than "little or no" injury.
- R. "Intent" is the conscious objective or purpose to accomplish a particular result.
- S. "Lactation Consultant" refers to an allied health care provider who works to prevent and solve breastfeeding problems and to encourage a social environment that effectively supports breastfeeding families.
- T. Misconduct means any violation of the Code of Ethics for International Board Certified Lactation Consultants as adopted by the IBLCE (See Article VI).
- U. "Negligence" is the failure of an IBLCE Certificant or Applicant to heed a substantial risk that circumstances exist or that a result will follow, which failure is a deviation from the care a reasonable lactation consultant would be expected to exercise in the situation.
- V. Notice as required herein shall be deemed given when provided in written form, which is either (a) hand-delivered, or (b) mailed by certified mail return receipt requested, or other comparable means, as follows:
1. to IBLCE at its International Office address.
 2. to other persons or entities at: the last address known to IBLCE for such person or entity.
- W. "Potential injury" is the harm to a client/patient, the public, the health care system or the lactation consultant profession that is reasonably foreseeable at the time of the lactation consultant's misconduct, and which, but for some intervening factor or event, would probably have resulted from the lactation consultant's misconduct.

- X. "Preponderance of the Evidence" is that evidence which is more convincing (51%) than the opposing evidence.
- Y. Probable Cause. A finding by the Ethics and Discipline Committee that there is cause to believe that a currently certified IBLCE Certificant or Applicant is guilty of Misconduct justifying IBLCE disciplinary action.
- Z. Procedures. The IBLCE Disciplinary Procedures for Discipline as currently in effect.
- AA. Quorum of the Ethics and Discipline Committee. A simple majority of the members of the Ethics and Discipline Committee, not including any recused members or any Designated Reviewer for the matter being considered, shall constitute a quorum.
- BB. Respondent. A currently certified IBLCE Certificant or Applicant subject to these rules who is the subject of a Complaint, Report of Designated Reviewer's Investigation or Charge of Misconduct.
- CC. Translator. A person who is employed by or who has contracted with the IBLCE and who has signed a confidentiality agreement to express written or oral communication in a language other than English while systematically retaining the original sense.

III. AUTHORITY OF THE BOARD, THE EXECUTIVE COMMITTEE AND THE ETHICS AND DISCIPLINE COMMITTEE

- A. IBLCE Board. The IBLCE Board has responsibility for maintaining high ethical and practice standards among those who hold its certificates. Thus, the Board shall supervise and conduct disciplinary proceedings in accordance with these Procedures.
- B. Executive Committee. All acts and discretions required by the Board under these Procedures may be exercised by its Executive Committee between regularly scheduled meetings of the Board. In addition, as set forth in Article XXVII, the Executive Committee has authority to hear appeals from those persons whose IBLCE certification has been suspended or revoked as the result of a Determination of the Ethics & Discipline Committee. Accordingly, and subject to the Procedures herein, the Executive Committee shall have the authority:

1. to conduct hearings and make dispositions in relation to such appeals.
2. to request, at the IBLCE Certificant's or Applicant's expense, the attendance of witnesses and production of documents necessary or material to any such appeal.
3. to examine witnesses under the following oath administered by any member of said Committee: "I solemnly swear or affirm that I will tell the truth, the whole truth and nothing but the truth in this Proceeding."
4. to require an appealing Respondent, who is the subject of a Charge of Misconduct which includes an allegation that the Respondent may suffer from a Disability, to undergo, at the IBLCE Certificant's or Applicant's expense, a physical, psychiatric or other medical examination by a qualified physician approved by the Ethics and Discipline Committee.
5. to impose sanctions, in the event an appealing IBLCE Certificant or Applicant is found guilty of misconduct.

C. Ethics and Discipline Committee. The Ethics and Discipline Committee shall be appointed by the Chair of the Board and shall consist of not fewer than five (5) members. Any vacancies occurring on the Ethics and Discipline Committee shall be filled by the Chair of the Board, and such changes in members shall not affect the authority of the Ethics and Discipline Committee to proceed in all matters properly before the Ethics and Discipline Committee. Continuous service of a member shall not exceed six (6) years; provided, however, the expiration of the term of any member shall not disqualify such member from concluding any matter then pending before the Ethics and Discipline Committee. The Ethics and Discipline Committee shall meet at least annually.

1. The principal duty of the Ethics and Discipline Committee shall be to consider, hear and make disposition of Complaints filed with the Ethics and Discipline Committee. The Chair of the Ethics and Discipline Committee shall appoint one (1) member of the Ethics and Discipline Committee to act as the Designated Reviewer for each Complaint.
2. The Ethics and Discipline Committee (including any Ancillary Ethics and Discipline Committee described in the final paragraph of Article IV) is required to consider all Reports of Designated Reviewers Investigations forwarded to the Committee by any Designated Reviewer.
3. Subject to the Procedures herein, the Ethics and Discipline Committee shall have the authority and responsibility:
 - a. to elect a Chair, Vice-Chair, Secretary and such other officers as it considers appropriate.

- b. to investigate written, signed Complaints.
- c. to determine whether (i) a Complaint should be dismissed or (ii) a Designated Reviewer should be appointed in this connection.
- d. to conduct hearings and make dispositions regarding Complaints, Reports of Designated Reviewer's Investigations and Charges of Misconduct as provided herein.
- e. to request, at the IBLCE Certificant's or Applicant's expense, the attendance of witnesses and production of documents necessary or material to any inquiry.
- f. to examine witnesses under the following oath administered by any member of said Committee: "I solemnly swear or affirm that I will tell the truth, the whole truth and nothing but the truth in this Proceeding."
- g. to require a Respondent, who is the subject of a Charge of Misconduct which includes an allegation that the Respondent may suffer from a Disability, to undergo, at the IBLCE Certificant's or Applicant's expense, a physical, psychiatric or other medical examination by a qualified physician approved by the Ethics and Discipline Committee.
- h. to impose sanctions pursuant to these procedures, in the event an IBLCE Certificant or Applicant is found guilty of misconduct.

IV. RECUSAL

- A. No member of the Ethics and Discipline Committee or the IBLCE Board shall perform any function related to these procedures when that member:
 - 1. is related by blood or marriage to the Complaining Party or the Respondent; or
 - 2. has a financial, business, property, or personal interest in the matter under consideration or with the Complaining Party or the Respondent; or
 - 3. has a personal financial, business, or property interest which could be affected by the outcome of the proceedings or which could affect the outcome; or

4. is in any way biased, positively or negatively, toward either the Complaining Party or the Respondent.
- B. Recusal of Committee Member. Upon Notice of the above prohibitions, the affected members should recuse themselves from further proceedings. The Ethics and Discipline Committee Chair shall have the authority to disqualify any member from any proceeding in which any of the above prohibitions exist and are stated in writing by the Chair.
 - C. Recusal of Designated Reviewer. The request of the Respondent or any Board Member, and after full disclosure of the relevant acts, the Board shall permit any interested Board member to recuse him/herself from service as a Designated Reviewer or Ethics and Discipline Committee member (for purposes of said disciplinary hearing only). At Respondent's request, the Ethics and Discipline Committee shall consider disqualifying from service an allegedly interested Designated Reviewer or Ethics and Discipline Committee member (for purposes of said disciplinary hearing only). In the event of recusal or disqualification, the Chair of the Board shall appoint a successor, if necessary. In the event the Chair of the Board is the person recused, the Vice Chair of the Board shall appoint a successor, if necessary.
 - D. Complaints Against an IBLCE Board Member or an IBLCE Staff Member. If the Respondent is an IBLCE Board Member or an IBLCE Staff Member, the Chair of the Ethics and Discipline Committee shall request that the President of the International Lactation Consultant Association (“ILCA”) appoint 5 disinterested currently certified IBCLCs who are also members of ILCA to serve as an Ancillary Ethics and Discipline Committee for the limited purpose of adjudicating such Complaint(s) subject to these procedures. In such event, the Ancillary Ethics and Discipline Committee shall elect its own chair and may conduct all or any portion of its meetings by telephonic means.

V. **CONFIDENTIALITY**

- A. Confidentiality. All information and material related to any Complaint under these Procedures (excepting only those matters in connection with related proceedings initiated by a professional organization, administrative body, court or other authorized disciplinary agency of any applicable jurisdiction) are the property of IBLCE and shall be confidential to all parties participating therein or having knowledge thereof, except as otherwise provided in these procedures.
- B. Public Record. All IBLCE files and records in disciplinary matters, including but not limited to any Complaints, reports, correspondence, papers, Reports of Designated Reviewers’ Investigations, Charges of Misconduct, Answers, affidavits, Petitions for appeal, or transcripts of hearings shall become public information if the Respondent shall:

1. file a request in writing that the proceedings be made public;
2. disclose, orally or in writing, the status or pendency of the proceedings to the media or any person or entity not within the purview of confidentiality;
3. institute proceedings in a court or before any administrative body thereby disclosing the status or pendency of the proceedings;
4. make public the fact of and circumstances surrounding the administration of discipline to that Respondent. The IBLCE may thereafter disclose information necessary to correct any false or misleading statement.

C. Limitations on Public Disclosure. Public disclosure of the IBLCE's files and records regarding any Complaint is subject, in all instances, to the following limitations:

1. any material or information which is confidential and is provided to IBLCE in the course of an investigation shall remain confidential and shall not be disclosed except as authorized by these procedures or required by applicable law.
2. the right of confidentiality of any other persons under these Procedures or applicable law.

D. Limited Disclosure; Access to Confidential Information. Upon request, and to the extent necessary to provide the information required therefore, any portion of IBLCE's files and records, and any reports, information, answers, correspondence, papers, transcripts of hearings, etc., in the proceedings shall be provided to

1. any judge of a court having a legitimate interest in the matter.
2. a Complaining Party for advice as to the pending status or final disposition of the Charge of Misconduct.
3. any individual or organization for which an IBLCE Certificant or Applicant or former IBLCE Certificant or Applicant has signed a waiver of confidentiality for the purposes expressed in such waiver.

The person who is the subject of a request for limited disclosure shall promptly be advised of the content of all reports and information provided to the requesting party.

E. Limited Disclosure of Nature of Charges to Partners and Employers. The Respondent shall disclose to Respondent's present partners and employers and, if different, Respondent's partners and employers at the time of the act(s) giving rise

to the Charge of Misconduct, such information as is required by Article XVIII herein.

F. Evidence of a Crime. The confidential nature of disciplinary proceedings and the oath given to witnesses therein shall not proscribe the filing of a charge or complaint or the giving of testimony before grand juries or other prosecuting authorities by individuals having knowledge of facts indicating the commission of a crime.

G. Confidentiality Regarding Treatment for Mental Illness or Drug or Alcohol Addiction/Abuse. The purpose of this paragraph is to encourage IBLCE Certificants or Applicants to voluntarily seek advice, counsel, and treatment available to such IBLCE Certificants or Applicants, without fear that the same, or the fact of it being sought or offered, will or might cause prejudice or embarrassment in any future disciplinary matter. Therefore:

1. Evidence that an IBLCE Certificant or Applicant has voluntarily sought, received, or accepted treatment for mental illness, drug abuse, drug addiction, or alcoholism or alcohol abuse shall be deemed confidential.
2. No qualified person furnishing treatment, advisory, consultive, or other services or who offers such services, or with whom an IBLCE Certificant or Applicant has consulted for the purpose of considering or obtaining treatment, advisory, consultive, or other services relating to said IBLCE Certificant's or Applicant's mental illness, drug abuse, drug addiction, or alcoholism or alcohol abuse may give evidence with respect to the consultation or treatment for or by such IBLCE Certificant or Applicant in any disciplinary proceeding without the written consent of the IBLCE Certificant or Applicant affected.

H. Disclosure of Imposition of Sanction(s). In the event an IBLCE Certificant or Applicant is the subject of any sanction other than a private reprimand pursuant to these procedures, and/or is required to retake the IBLCE examination or to attend continuing education courses pursuant to these procedures, a factual report of the Committee's findings and actions will be published in the IBLCE IBCLICK.

VI. CODE OF ETHICS FOR INTERNATIONAL BOARD CERTIFIED LACTATION CONSULTANTS

A. Notice and Knowledge of Code. Every IBLCE Certificant and Applicant is charged with Notice and held to know and observe the provisions of the Code of Ethics for International Board Certified Lactation Consultants promulgated by the International Board of Lactation Consultant Examiners.

- B. Violation of IBLCE Code of Ethics for International Board Certified Lactation Consultants. Any violation of the Code of Ethics for International Board Certified Lactation Consultants as adopted by IBLCE and in force at the time of the act or omission which is the subject of a Complaint is a cause for IBLCE discipline as set forth in these Procedures.
- C. General Definition. The Code of Ethics for International Board Certified Lactation Consultants has been developed to provide guidance to IBLCE Certificants and Applicants in their professional practice and conduct. Adherence to its principles is not limited to the observance of specific rules and the avoidance of prohibited acts. The enumeration herein of certain categories of Misconduct as constituting grounds for discipline shall not be deemed to be all-inclusive nor shall the failure to specify any particular act of Misconduct be construed as tolerance thereof. The commission by an IBLCE Certificant or Applicant of any act which is immoral, unprofessional, dishonest or contrary to fitness to practice as a lactation consultant, whether the act is committed in the course of the IBLCE Certificant's or Applicant's relations as an IBLCE Certificant or Applicant or otherwise, regardless of the location where committed, and whether or not the act is a felony or misdemeanor, may constitute a cause for IBLCE discipline.
- D. Violation of Certificant's or Applicant's Duties as Defined by IBLCE. The Code of Ethics for International Board Certified Lactation Consultants addresses and encompasses the following duties.
1. duty to preserve client's/patient's confidences;
 2. duty to act with reasonable diligence;
 3. duty to provide competent service;
 4. duty to maintain personal integrity;
 5. duty to report truthfully and fully to the health care system;
 6. duty to uphold the standards of the lactation consultant profession;
 7. duty to exercise independent professional judgment and to avoid conflicts of interest; and
 8. duty to follow IBLCE disciplinary determinations.

Consequently, an IBLCE Certificant's or Applicant's violation of any of these duties is a cause for IBLCE discipline.

- E. Criminal Misconduct. Unless modified or stayed by a higher court in the jurisdiction where judgment was entered, a determination or judgment of an IBLCE Certificant's or Applicant's guilt by a court of competent jurisdiction of any Crime or offense that is a felony or comparable to a felony under the laws of such jurisdiction is cause for automatic suspension of IBLCE certification. In addition, whether the alleged Misconduct constitutes a felony or misdemeanor, the IBLCE may initiate disciplinary action regardless of whether the Respondent has been tried, acquitted, or convicted in a court for the alleged criminal offense; however, the Ethics and Discipline Committee may, at its discretion, withhold prosecution of disciplinary proceedings pending the outcome of criminal proceedings against an IBLCE Certificant or Applicant. The acquittal of a Respondent in a criminal proceeding shall not necessarily be a bar to IBLCE disciplinary proceedings.
- F. A Final Determination in a Disciplinary Proceeding By A Professional Organization, or a Final Adjudication by a Court or Other Authorized Agency of Any Jurisdiction (e.g., Province, State or Federal) that an IBLCE Certificant or Applicant subject to said jurisdiction is guilty of Misconduct justifying legal or disciplinary action shall be considered as conclusive proof of such Misconduct in a disciplinary proceeding under these procedures. However, the findings, judgment or decree of any court in civil proceedings shall not be binding on IBLCE disciplinary proceedings. The Ethics and Discipline Committee may, at its discretion, withhold prosecution of disciplinary proceedings pending the outcome of other civil proceedings against an IBLCE Certificant or Applicant.

VII. TYPES OF SANCTIONS

A finding by the Ethics and Discipline Committee, as the result of a disciplinary proceeding, that an IBLCE Certificant or Applicant is guilty of Misconduct may include one or more of the following disciplinary measures, in accordance with IBLCE's Standards for Discipline: (1) Revocation of an IBLCE Certificant's or Applicant's Certification; (2) Suspension of an IBLCE Certificant's or Applicant's Certification; (3) Interim Suspension of an IBLCE Certificant's or Applicant's Certification; (4) Public Reprimand; (5) Private Reprimand; (6) IBLCE Probation; and (7) Other Sanctions and Remedies.

- A. Revocation of an IBLCE Certificant's Certification terminates the individual's status as an IBLCE Certificant.
1. No application for reinstatement shall be considered for five (5) years from the effective date of revocation of certification; and
 2. The application for reinstatement must show by clear and convincing evidence:

- a. that the Applicant, at said Applicant's expense, successfully completed the IBLCE examination no earlier than five (5) years after the effective date of revocation of that Applicant's certification; and
 - b. that the Applicant has been rehabilitated and is currently fit to practice as a lactation consultant; and
 - c. that the Ethics and Discipline Committee's determination (unless overturned on appeal to the Executive Committee) or the Executive Committee's decision on appeal does not state that the person requesting reinstatement is permanently barred from applying for reinstatement or that the revocation of said person's IBLCE certification is permanent.
- B. Suspension of an IBLCE Certificant's or Applicant's Certification is the removal of that IBLCE Certificant or Applicant from practice as a lactation consultant for a specified minimum period. A suspension of ninety (90) days or less shall not require application for reinstatement, proof of rehabilitation or passing the IBLCE examination. A suspension of more than ninety (90) days shall require proof of rehabilitation and may require passing all or part of the IBLCE examination. All expenses related to retaking the IBLCE examination shall be borne by the suspended Applicant. No suspension shall be ordered for a specific period in excess of three (3) years.
- C. Interim Suspension of IBLCE Certificant's or Applicant's Certification is the temporary suspension of an IBLCE Certificant or Applicant from practice as a lactation consultant pending imposition of final discipline. Interim suspension includes:
- 1. suspension upon conviction of a felony or other crime which reflects adversely upon the IBLCE Certificant's or Applicant's fitness to practice as a lactation consultant; or
 - 2. suspension when the IBLCE Certificant's or Applicant's continuing conduct is likely to cause immediate and serious injury to a client/patient, to the public, or to the IBLCE.
- D. Public Reprimand, also known as censure or public censure, is a form of public discipline which declares as improper the conduct of the IBLCE Certificant or Applicant, but does not limit the IBLCE Certificant's or Applicant's right to practice as a lactation consultant.
- E. Private Reprimand. Private reprimand is a form of non-public discipline which declares as improper the conduct of the IBLCE Certificant or Applicant, but does

not limit the IBLCE Certificant's or Applicant's right to practice as a lactation consultant.

- F. IBLCE Probation. IBLCE Probation is a sanction that allows an IBLCE Certificant or Applicant to practice as a lactation consultant under specific conditions. Probation may be imposed alone or in conjunction with any other disciplinary measure; probation may also be imposed as a condition of recertification or reinstatement.
- G. Other Sanctions and Remedies. Other sanctions and remedies which may be imposed include, but are not limited to:
 - 1. limitation upon practice;
 - 2. requirement that the IBLCE Certificant or Applicant retake the IBLCE examination at the IBLCE Certificant's or Applicant's expense;
 - 3. requirement that the IBLCE Certificant or Applicant attend continuing education courses at the IBLCE Certificant's or Applicant's expense.
- H. Recertification and Reinstatement. In cases where revocation of certification is not permanent, the IBLCE Certificant or Applicant may apply for recertification or a suspended IBLCE Certificant or Applicant may apply for reinstatement.

VIII. GUIDELINES FOR IMPOSING SANCTIONS

- A. Purpose of These Guidelines. These guidelines are designed for use in imposing a sanction or sanctions following a Determination by clear and convincing evidence that an IBLCE Certificant or Applicant has violated a provision of the Code of Ethics for International Board Certified Lactation Consultants. Descriptions in these guidelines of substantive disciplinary offenses are not intended to create grounds for determining culpability independent of those standards.

These guidelines are intended to permit flexibility and creativity in determining sanctions in particular cases of IBLCE Certificant or Applicant misconduct. They are designed to promote: (1) consideration of all factors relevant to imposing the appropriate level of sanctions in an individual case; (2) consideration of the appropriate weight of such factors in light of the stated goals of IBLCE Certificant or Applicant discipline; and (3) consistency in the imposition of disciplinary sanctions for the same or similar offenses.

- B. Purpose of IBLCE Discipline Proceedings. The purpose of IBLCE discipline proceedings is (1) to determine whether Certificants or Applicants have discharged their professional duties to clients/patients, the public, the health care system, and the lactation consultant profession in a manner that is totally

consistent with the Code of Ethics for International Board Certified Lactation Consultants and (2) to protect the public from IBLCE Certificants or Applicants who may not have done so. The decision to impose any sanction on an IBLCE Certificant or Applicant shall be made by majority vote of a quorum of the Ethics and Discipline Committee.

- C. Public Nature of IBLCE Discipline. The final decision regarding discipline of any IBLCE Certificant or Applicant shall be made public in cases of revocation, suspension, and reprimand. Only in cases of minor misconduct, when there is little or no injury to a client/patient, the public, the health care system, or the lactation consultant profession, and when there is little likelihood of repetition by the lactation consultant, shall discipline be imposed privately.
- G. Factors To Be Considered In Imposing Sanctions. Generally, in imposing a sanction after a finding of IBLCE Certificant or Applicant misconduct, the Ethics and Discipline Committee should consider the following factors: (1) the duty violated; (2) the IBLCE Certificant's or Applicant's mental/emotional state at the time of the misconduct; (3) the potential or actual injury caused by the IBLCE Certificant's or Applicant's misconduct; and (4) the existence of aggravating or mitigating factors.
- H. Violation of the IBLCE Certificant's or Applicant's Duty to Preserve A Client's/ Patient's Confidences. Absent aggravating or mitigating circumstances, and upon application of the factors set out in Section D of this Article, the following sanctions are generally appropriate in cases involving improper revelation of information acquired during the IBLCE Certificant's or Applicant's professional relationship with a client/patient:
1. Revocation of Certification is appropriate when an IBLCE Certificant or Applicant, with the intent to benefit the IBLCE Certificant or Applicant or another, intentionally reveals information acquired during the IBLCE Certificant's or Applicant's professional relationship with a client/patient when such information is not otherwise medically or lawfully required to be disclosed and this disclosure causes injury or potential injury to a client/patient.
 2. Suspension of Certification is appropriate when an IBLCE Certificant or Applicant knowingly reveals information acquired during the IBLCE Certificant's or Applicant's professional relationship with a client/patient when such information is not otherwise medically or lawfully required to be disclosed, and this disclosure causes injury or potential injury to a client/patient.
 3. Public Reprimand is appropriate when an IBLCE Certificant or Applicant negligently reveals information acquired during the IBLCE Certificant's or Applicant's professional relationship with a client/patient who is not

otherwise medically or lawfully required to be disclosed and this disclosure causes injury or potential injury to a client/patient.

4. Private Reprimand is appropriate when an IBLCE Certificant or Applicant negligently reveals information acquired during the IBLCE Certificant's or Applicant's professional relationship with a client/patient when such information is not otherwise medically or lawfully required to be disclosed and this disclosure causes little or no actual or potential injury to a client/patient.

I. Violation of the IBLCE Certificant's or Applicant's Duty to Act With Reasonable Diligence. Absent aggravating or mitigating circumstances, and upon application of the factors set out in Section D of this Article, the following sanctions are generally appropriate in cases involving a failure to act with reasonable diligence and promptness in counseling a client/patient.

1. Revocation of Certification is appropriate when: (a) an IBLCE Certificant or Applicant abandons the practice and causes serious or potentially serious injury to a client/patient; or (b) an IBLCE Certificant or Applicant knowingly fails to perform services for a client/patient and causes serious or potentially serious injury to a client/patient; or (c) an IBLCE Certificant or Applicant engages in a pattern of neglect with respect to client/patient matters and causes serious or potentially serious injury to a client/patient.
2. Suspension of Certification is appropriate when: (a) an IBLCE Certificant or Applicant knowingly fails to perform services for a client/patient and causes injury or potential injury to a client/patient, or (b) an IBLCE Certificant or Applicant engages in a pattern of neglect and causes injury or potential injury to a client/patient.
3. Public Reprimand is appropriate when an IBLCE Certificant or Applicant is negligent and does not act with reasonable diligence in counseling a client/patient, and causes injury or potential injury to a client/patient.
4. Private Reprimand is appropriate when an IBLCE Certificant or Applicant is negligent and does not act with reasonable diligence in counseling a client/patient, and causes little or no actual or potential injury to a client/patient.

J. Violation of the IBLCE Certificant's or Applicant's Duty to Provide Competent Service. Absent aggravating or mitigating circumstances, and upon application of the factors set out in Section D of this Article, the following sanctions are generally appropriate in cases involving failure to provide competent counseling to a client/patient:

1. Revocation of Certification is appropriate when an IBLCE Certificant's or Applicant's course of conduct demonstrates that the IBLCE Certificant or Applicant does not understand fundamental lactation information or procedures, and the lactation consultant's conduct causes injury or potential injury to a client/patient.
2. Suspension of Certification is appropriate when an IBLCE Certificant or Applicant engages in an area of practice in which the IBLCE Certificant or Applicant knows he or she is not competent and causes injury or potential injury to a client/patient.
3. Public Reprimand is appropriate when an IBLCE Certificant or Applicant:
(a) demonstrates failure to understand relevant lactation information or procedures and causes injury or potential injury to a client/patient; or (b) is negligent in determining whether he or she is competent to handle a particular lactation matter and causes injury or potential injury to a client/patient.
4. Private Reprimand is appropriate when an IBLCE Certificant or Applicant engages in an isolated instance of negligence in determining whether he or she is competent to handle a lactation matter, and causes little or no injury to a client/patient.

K. Violation of the IBLCE Certificant's or Applicant's Duty to Maintain Personal Integrity. Absent aggravating or mitigating circumstances, and upon application of the factors set out in Section D of this Article, the following sanctions are generally appropriate in cases involving commission of an act that reflects adversely on the IBLCE Certificant's or Applicant's honesty, trustworthiness, or fitness as an IBLCE Certificant or Applicant in other respects, or in cases with conduct involving dishonesty, fraud, deceit or misrepresentation.

1. Revocation of Certification is appropriate when:
 - a. an IBLCE Certificant or Applicant is convicted of a felony under applicable law; or
 - b. an IBLCE Certificant or Applicant engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or
 - c. an IBLCE Certificant or Applicant engages in the sale, distribution or importation of controlled substances; or
 - d. an IBLCE Certificant or Applicant engages in the intentional killing of another; or

- e. an IBLCE Certificant or Applicant attempts or conspires or solicits another to commit any of the offenses listed immediately above in subparagraphs (a) through (d) of this subparagraph 1; or
 - f. an IBLCE Certificant or Applicant engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously and adversely reflects on the IBLCE Certificant's or Applicant's fitness to practice as a lactation consultant.
2. Suspension of Certification is appropriate when an IBLCE Certificant or Applicant knowingly engages in criminal conduct which is not included within paragraph 1 of Section H of this Article and which adversely reflects on the IBLCE Certificant's or Applicant's fitness to practice as a lactation consultant.
 3. Public Reprimand is appropriate when an IBLCE Certificant or Applicant knowingly engages in any other conduct that involves dishonesty, fraud, deceit, or misrepresentation and which adversely reflects on the IBLCE Certificant's or Applicant's fitness to practice as a lactation consultant.
 4. Private Reprimand is appropriate when an IBLCE Certificant or Applicant engages in any other conduct that reflects adversely on the IBLCE Certificant's or Applicant's fitness to practice as a lactation consultant.
- L. Violation of the IBLCE Certificant's or Applicant's Duty to Report Truthfully and Fully to the Health Care System. Every IBLCE Certificant or Applicant has a duty to report truthfully and fully to the health care system and to refrain from committing fraud, or from making false statements or misrepresentations in health care records.
1. Revocation of Certification is appropriate when an IBLCE Certificant or Applicant:
 - a. with the intent to deceive the health care system, knowingly makes a false statement or submits a false document; or
 - b. improperly withholds material information, thereby causing serious or potentially serious injury to a person, or causing a significant or potentially significant adverse effect on the delivery of health care services.
 2. Suspension of Certification is appropriate when an IBLCE Certificant or Applicant knows that false statements or documents are being submitted to any medical practitioner or entity or governmental unit or authority, or

knows that material information is improperly being withheld, and takes no remedial action.

3. Public Reprimand is appropriate when an IBLCE Certificant or Applicant is negligent either in determining whether statements are false or in taking remedial action when material information is being withheld.
4. Private Reprimand is appropriate when an IBLCE Certificant or Applicant is negligent in determining whether submitted statements or documents are false or in failing to disclose material information upon learning of its falsity, and causes little or no actual or potential injury to a party, or causes little or no adverse or potentially adverse effect on the delivery of health care services.

M. Violation of the IBLCE Certificant's or Applicant's Duty to Uphold The Standards of the Lactation Consultant Profession. Absent aggravating or mitigating circumstances, the following sanctions are generally appropriate in cases involving false or misleading communication about the IBLCE Certificant or Applicant or the IBLCE Certificant's or Applicant's services, improper communication of fields of practice, improper solicitation of professional employment from a prospective client/patient, unreasonable or improper fees, or unauthorized practice as a lactation consultant.

1. Revocation of Certification is appropriate when an IBLCE Certificant or Applicant intentionally engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the IBLCE Certificant or Applicant or another, and causes serious or potentially serious injury to a client/patient, the public or the health care system.
2. Suspension of Certification is appropriate when an IBLCE Certificant or Applicant knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client/patient, the public, or the health care system.
3. Public Reprimand is appropriate when an IBLCE Certificant or Applicant negligently engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client/patient, the public, or the health care system.
4. Private Reprimand is appropriate when an IBLCE Certificant or Applicant is negligent in determining whether the IBLCE Certificant's or Applicant's conduct violates a duty owed as a professional, and causes little or no actual or potential injury to a client/patient, the public or the health care system.

N. Violation of the IBLCE Certificant's or Applicant's Duty to Exercise Independent Professional Judgment and Avoid Conflicts of Interest. Absent aggravating or mitigating circumstances, and upon application of the factors set out in Section M of this Article, the following sanctions are generally appropriate in cases involving an IBLCE Certificant's or Applicant's failure to exercise independent professional judgment in the best interest of a client/patient, by accepting improper payments or otherwise being unduly influenced by an outside party or interest.

1. Revocation of Certification is appropriate when an IBLCE Certificant or Applicant intentionally engages in conduct that is a violation of the duty to exercise independent professional judgment in the best interest of a client/patient with the intent to obtain a benefit for the IBLCE Certificant or Applicant or another, and causes serious or potentially serious injury to a client/patient, the public or the health care system.
2. Suspension of Certification is appropriate when an IBLCE Certificant or Applicant intentionally engages in conduct that is a violation of the duty to exercise independent professional judgment in the best interest of a client/patient and causes injury or potential injury to a client/patient, the public or the health care system.
3. Public Reprimand is appropriate when an IBLCE Certificant or Applicant negligently engages in conduct that is a violation of the duty to exercise independent judgment in the best interest of a client/patient and causes injury or potential injury to a client/patient, the public or the health care system.
4. Private Reprimand is appropriate when an IBLCE Certificant or Applicant is negligent in determining whether the IBLCE Certificant's or Applicant's conduct violates the duty to exercise independent judgment in the best interest of a client/patient and causes little or no actual or potential injury to a client/patient, the public or the health care system.

O. Violation of the IBLCE Certificant's or Applicant's Duty to Follow IBLCE Disciplinary Determinations. Absent aggravating or mitigating circumstances, and upon application of the factors set out in Section D of this Article, the following sanctions are generally appropriate in cases involving prior discipline:

1. Revocation of Certification is appropriate when an IBLCE Certificant or Applicant:
 - a. intentionally violates the terms of a prior disciplinary order and such violation causes injury to a client/patient, the public, the health care system or the lactation consultant profession; or

- b. has been suspended for the same or similar misconduct, and intentionally engages in further similar acts of misconduct.
 - 2. Suspension of Certification is appropriate when an IBLCE Certificant or Applicant has been publicly reprimanded for the same or similar conduct and engages in further similar acts of misconduct that cause injury or potential injury to a client/patient, the public, the health care system or the lactation consultant profession.
 - 3. Public Reprimand is appropriate when an IBLCE Certificant or Applicant:
 - a. negligently violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client/patient, the public, the health care system or the lactation consultant profession; or
 - b. has received a private reprimand for the same or similar misconduct and engages in further similar acts of misconduct.
 - 4. Private Reprimand is not an appropriate sanction when an IBLCE Certificant or Applicant violates the terms of a prior disciplinary order or when an IBLCE Certificant or Applicant has engaged in the same or similar misconduct in the past.
- P. Aggravation and Mitigation. After misconduct has been established, aggravating and mitigating circumstances may be considered in deciding what sanction to impose.
- 1. Aggravation or Aggravating Circumstances are any considerations or factors that may justify more stringent discipline being imposed. Aggravating factors include, but are not limited to:
 - a. prior disciplinary offenses;
 - b. dishonest or patently selfish motive;
 - c. a pattern of misconduct;
 - d. multiple offenses;
 - e. bad-faith obstruction of the disciplinary proceeding by intentionally failing to cooperate with the Ethics and Discipline Committee or complying with these Procedures;
 - f. submission of false evidence, or false statements, or other deceptive practices during the disciplinary process;

- g. refusal to acknowledge wrongful nature or conduct;
 - h. degree of vulnerability of other persons involved;
 - i. length of experience in practice as a lactation consultant;
 - j. in difference to making restitution.
2. Mitigation or Mitigating Circumstances are any considerations or factors that may justify less stringent discipline being imposed. Mitigating factors include, but are not limited to:
- a. absence of a prior disciplinary record;
 - b. absence of a dishonest or patently selfish motive;
 - c. personal difficulties or emotional problems;
 - d. timely good-faith effort to make restitution or to rectify consequences of misconduct;
 - e. full and free disclosure to disciplinary board and a cooperative attitude toward proceedings;
 - f. inexperience in practicing as a lactation consultant;
 - g. character or reputation;
 - h. physical or mental disability or impairment;
 - i. unreasonable delay in disciplinary proceeding, provided that the subject IBLCE Certificant or Applicant did not substantially contribute to causing the delay and provided further that the subject IBLCE Certificant or Applicant has been able to demonstrate specific prejudice resulting from that delay;
 - j. interim rehabilitation;
 - k. imposition of other penalties or sanctions;
 - l. remorse;
 - m. remoteness of prior offenses.

3. Factors Which Are Neither Aggravating nor Mitigating. The following should be considered as neither aggravating nor mitigating factors:
 - a. forced or compelled restitution;
 - b. the client/patient's demand for improper behavior or result;
 - c. withdrawal of complaint against the IBLCE Certificant or Applicant;
 - d. resignation prior to completion of disciplinary proceedings;
 - e. Complainant's recommendation as to sanction;
 - f. failure of injured client/patient to complain.

IX. RECORD

- A. Reporting of Testimony. All hearings at which testimony is presented shall be recorded and the tape or transcript of the testimony preserved by the IBLCE. Respondent may obtain a copy of said tape or transcript at Respondent's expense.
- B. Contents. The record shall include all items properly considered in the matter including the Charge of Misconduct, Answer, Determination, the tape or transcript of testimony, documentary evidence and exhibits, and the reports of the Ethics and Discipline Committee.

X. COMPLAINT

Any written communication bearing the original signature of the Complaining Party and alleging Misconduct on the part of an IBLCE Certificant or Applicant, or from which allegations of an IBLCE Certificant's or Applicant's Misconduct may be inferred, which is made to or forwarded to a member of the IBLCE Board or to an IBLCE Staff member, shall be forwarded by the recipient to the Chair of the Ethics and Discipline Committee. Each Complaint shall fully state every allegation which the Complaining Party intends to make through the date the Complaint is signed, since no additional or later allegations will be considered as part of the Complaint. (If a Respondent's conduct after the date a Complaint is signed gives rise to further allegations of Misconduct, a separate Complaint should be prepared and filed.)_ Except for those Complaints which are rejected as submitted pursuant to the Initial Screening process described in Article XI below, the Ethics and Discipline Committee is required to consider all original signed written Complaints received within five years following the acts/omissions complained of, as set forth in these Procedures.

- A. Complaining Parties who do not have a working knowledge of English may address IBLCE Discipline Complaints to either of the following:
1. to the Chair of the Ethics and Discipline Committee, c/o the appropriate regional or country coordinator along with the Complaining Party's signed, written statement granting permission to the regional or country coordinator to translate the Complaint; or
 2. directly to the Chair of the Ethics and Discipline Committee along with the Complaining Party's signed, written statement granting permission to the Chair of the Ethics and Discipline Committee to arrange for the Complaint to be translated by any qualified person the Chair of the Ethics and Discipline Committee may choose.
 3. Any translator involved in an IBLCE Disciplinary Procedure shall sign a confidentiality agreement.
- B. Filing a Complaint shall have the Effect of a Waiver and Authorization by the Complainant. When the Complainant files a Complaint, the Complainant shall:
1. agree to waive the Complainant's right to confidentiality in relation to any and all documents, records or written statements or oral testimony by any party regarding the Complainant and/or the facts underlying that particular Complaint;
 2. submit with the Complaint all relevant documents, records and written testimony, which are any way related to the subject matter of the Complaint and in the Complainant's possession or under the Complainant's control, including all medical records from all medical care providers which the Complainant is qualified to release in relation to any infant(s) or child(ren) or to the Complainant, and
 3. authorize and direct the Respondent to release and submit to the IBLCE Ethics and Discipline Committee and the IBLCE Executive Committee, as appropriate, all documents, records and written testimony which are in any way related the subject matter of the Complaint and in the Respondent's possession or under the Respondent's control, including all medical records which the Complainant is qualified to release in relation to any infant(s) or child(ren) or to the Complainant.

In the event the Complainant fails to submit these required documents with the Complaint, the Complaint will not be accepted for filing and the Ethics & Discipline Committee shall take no action.

- C. When more than one Complaint has been filed against the same Respondent, and when the allegations contained in those Complaints are related or similar, a Special Subcommittee of the Ethics and Discipline Committee shall have sole and unilateral authority to consolidate some or all of the Complaints received against that Respondent for adjudication pursuant to these Procedures and to determine that certain or all deadlines provided in these Procedures should be adjusted to provide for fair and efficient consideration of the issues presented therein. The Special Subcommittee shall be comprised of the IBLCE's Executive Director, IBLCE's Legal Counsel, and the Chair of the Ethics and Discipline Committee, unless any one of them shall have cause for recusal, in which event the Chair of the Board of Directors shall either serve as a substitute member of this Special Subcommittee or appoint another IBLCE Director to serve as a substitute member of this Special Subcommittee. If it is determined by majority vote of the Special Subcommittee that any Complaints are to be consolidated for consideration or that any deadline is to be adjusted, the Chair of the Ethics and Discipline Committee shall write to the Respondent and all Complainants informing them of these decisions, which shall thereafter govern all further disciplinary action related to the affected Complaints.

XI. INITIAL SCREENING

- A. A true and complete copy of each Complaint (including all attachments) shall be forwarded to the Chair of the Ethics and Discipline Committee, IBLCE's respective Regional Director for the Complainant's region, and IBLCE's Legal Counsel within fifteen (15) days after its receipt by the Chair of the Ethics and Discipline Committee. The Chair, Regional Director, and Legal Counsel shall each review the Complaint and determine whether, in his or her opinion, if all the allegations of the Complaint were taken as true: (1) the Complaint would fall within the purview of the Ethics and Discipline Committee; and, if so, (2) whether the acts or omissions complained of would constitute a violation of the IBLCE Code of Ethics. In the event that any member of the panel is unable or unavailable to serve, the Executive Director will serve as the first substitute and the Chair of the Board will serve as the second substitute.
- B. Information submitted to the Ethics and Discipline Committee will be considered only if the submitting party has used methods which are consistent with accepted standards of information collection and sharing (e.g. complying with the privacy laws of the local jurisdiction when submitting copies of medical records, complying with ethical standards applicable to the submitting parties' professions, and sharing information only with those persons entitled to be informed).
- C. If, after reviewing the Complaint and all attached material, a majority of the Executive Director, Chair of the Ethics and Discipline Committee and IBLCE Legal Counsel agrees that, were all the allegations contained therein taken as true, *either*: (a) the Complaint would not fall within the purview of the Ethics and

Discipline Committee, *or* (b) there would be no violation of the IBLCE Code of Ethics, the Chair of the Ethics and Discipline Committee shall have no obligation to appoint a Designated Reviewer or to notify the Respondent regarding the Compliant. Instead, the Chair of the Ethics and Discipline Committee shall write a letter to the Complainant rejecting the Complaint as submitted, explaining the reasons for the rejection, enclosing a copy of the IBLCE Code of Ethics and stating that if the Complainant still believes an ethical violation occurred he or she should feel free to submit a revised Complaint.

XII. DESIGNATED REVIEWER

Within two (2) months following the IBLCE's receipt of each Complaint, the Chair of the Ethics and Discipline Committee shall appoint one (1) member of the Ethics and Discipline Committee to act as the Designated Reviewer for the Complaint and the Ethics and Discipline Committee shall consider, hear and make disposition of the Complaint in accordance with these Procedures.

- A. Preliminary Investigation. The Designated Reviewer shall conduct a preliminary investigation of any Complaint. This investigation shall be limited to such research as may reasonably be accomplished within the period allowed, including the assembly of documentary evidence relevant to the issues contained in the Complaint. The Designated Reviewer shall provide each member of the Ethics and Discipline Committee with one (1) copy of the Report of the Designated Reviewer's Investigation no later than nine (9) months following the date the Complaint is referred to the Designated Reviewer.

- B. Committee Deliberations and Decisions. Any member of the Ethics and Discipline Committee shall have the right to attend the hearing in, to make recommendations about, and to participate in the Ethics and Discipline Committee's deliberations in relation to any Complaint. However, no member of the Ethics and Discipline Committee shall have the right to vote regarding the disposition of, or the imposition of sanctions in, any matter related to a Complaint for which that person served as the Designated Reviewer.

XIII. NOTICE OF COMPLAINT TO RESPONDENT

- A. No later than three (3) months following the date the Complaint is referred to the Designated Reviewer, the Chair of the Ethics and Discipline Committee shall Notify the Respondent in a written form, which is either hand-delivered or dispatched by certified mail (return receipt requested) or other comparable means, that the Complaint has been referred to the Ethics and Discipline Committee and enclose copies of the IBLCE Procedures for Discipline and the Code of Ethics for International Board Certified Lactation Consultants in effect at the time of the alleged acts or omissions, which are the subject of the Complaint. The Notice

shall contain a statement that the Respondent and Complainant may submit any relevant documents to the Designated Reviewer for consideration no later than approximately four (4) months following the date the Designated Reviewer sends said Notice. Attached to this Notice shall be a copy of the Complaint and any other documentation submitted by the Complaining Party.

- B. The Chair of the Ethics and Discipline Committee shall also send a copy of the Notice of Complaint plus all attachments and enclosures to the Complaining Party by registered mail, return receipt requested, or by other comparable means.

XIV. RESPONDENT'S ANSWER

The Respondent shall answer the Complaint within the time specified in the Notice of Complaint. As a part thereof, the Respondent may challenge any portion of the Complaint, and attach as exhibits copies of any documents the Respondent considers relevant. All defenses shall be incorporated in the Respondent's Answer. The Answer must be signed by the Respondent and received by the Chair of the Ethics and Discipline Committee at the IBLCE's International Office no later than the deadline date set forth in the Notice of Complaint. At the time the Respondent sends the Answer to the Chair of the Ethics and Discipline Committee at the IBLCE's International Office, the Respondent shall also send to the Complainant a copy of the Respondent's Answer and any attachments or enclosures, by registered mail, return receipt requested, or other comparable means. The Ethics and Discipline Committee may refuse to accept evidence of Disability, where applicable, if the Respondent has not raised the issue in Respondent's Answer. In the event no Answer is received from the Respondent within the time specified in the Notice of Complaint, the Ethics & Discipline Committee shall consider the allegations stated in the Complaint to be true, and thereafter shall proceed to make a determination with regard to that Complaint pursuant to these procedures.

XV. REPORT OF THE DESIGNATED REVIEWER'S INVESTIGATION

Within nine (9) months following the date the Complaint is referred to the Designated Reviewer, the Designated Reviewer shall forward the Report of the Designated Reviewer's Investigation to the Chair of the Ethics and Disciplinary Committee at the IBLCE's International Office. The Report of the Designated Reviewer's Investigation shall include: (1) a description of the process and results of the Designated Reviewer's investigation; (2) copies of all relevant documents (including, but not limited to, a copy of the original signed Complaint); (3) the Designated Reviewer's written opinion whether the preliminary investigation clearly reveals that the Complaint (a) has a basis in fact, (b) has no basis in fact, or (c) even if proved would not constitute Misconduct; (4) the Designated Reviewer's recommendation whether the Ethics and Discipline Committee should take further action related to the Complaint or dismiss the Complaint.

XVI. DETERMINATION OF PROBABLE CAUSE

No later than eleven (11) months following the date the Complaint is referred to the Designated Reviewer, the Ethics and Discipline Committee shall review the Report of the Designated Reviewer's Investigation and all other relevant information then available to determine whether Probable Cause exists for any disciplinary procedure. The proceedings of the Ethics and Discipline Committee may be informal in nature and the Committee shall not be bound by any rules of evidence. All findings of Probable Cause or No Probable Cause shall be made by majority vote of a quorum of the Ethics and Discipline Committee.

A. Finding of Probable Cause. If it is determined by a majority vote of a quorum of the Ethics and Discipline Committee that:

1. there is Probable Cause that the Respondent is guilty of Misconduct justifying IBLCE disciplinary action; or
2. the Respondent has been determined or adjudged to be guilty of the commission of a Crime; or
3. the Respondent has been disciplined by another entity having jurisdiction over the Respondent's practice as a lactation consultant;

then as soon as possible, but not later than two (2) months following the Ethics and Discipline Committee's Finding of Probable Cause, the Chair of the Ethics and Discipline Committee shall Notify the Complaining Party, the Respondent and the Designated Reviewer simultaneously in writing that the Ethics and Discipline Committee has determined that Probable Cause exists for a disciplinary procedure and shall simultaneously furnish them a copy of the Charge of Misconduct and the Notice of Hearing thereon.

B. Finding of No Probable Cause. If it is determined by a majority vote of a quorum of the Ethics and Discipline Committee either:

1. that the Complaint has no basis in fact; or
2. that the allegations of the Complaint, even if proved, would not constitute Misconduct;

then, as soon as possible, but no later than two (2) months following the Ethics and Discipline Committee's determination of No Probable Cause, the Chair of the Ethics and Discipline Committee shall Notify the Complaining Party, the Respondent and the Designated Reviewer in writing that the Ethics and Discipline Committee found No Probable Cause for any disciplinary procedure and shall furnish to them the Ethics and Discipline Committee's reasons for dismissing the Complaint.

XVII. IBLCE CHARGE OF MISCONDUCT

No disciplinary Charge of Misconduct shall be brought by IBLCE against an IBLCE Certificant or Applicant unless the Ethics and Discipline Committee shall first find Probable Cause exists to believe that disciplinary action may be justified in accordance with these Procedures.

- A. If the Ethics and Discipline Committee Finds Probable Cause, the Ethics and Discipline Committee shall promptly prepare a formal Charge of Misconduct including a record of its investigation. The formal Charge of Misconduct shall state that the Ethics and Discipline Committee has determined that Probable Cause exists to believe that disciplinary action may be justified and shall be signed by the Ethics and Discipline Committee members who voted that Probable Cause existed for a hearing. The formal Charge of Misconduct shall be in such form as shall be prescribed by the Ethics and Discipline Committee.
- B. No later than two (2) months following the Ethics and Discipline Committee's Finding of Probable Cause, Notice of the Charge of Misconduct, the Notice To Respondent of Discipline That Will Be Imposed If Respondent Tenders A Written Admission of Misconduct, and the Notice of Hearing shall be hand-delivered or dispatched by certified mail, or other comparable means, by the Chair of the Ethics and Discipline Committee:
1. To the Complaining Party, and the Respondent; and,
 2. To the Designated Reviewer.
- C. The Notice of Charge of Misconduct Shall Set Forth the particular alleged act or acts for which discipline is being sought for the IBLCE Certificant or Applicant. A Charge of Misconduct may embrace any number of charges against one (1) or more Respondents, and charges may be against anyone or any number of Respondents, but a severance of charges and/or Respondent's may be granted by the Ethics and Discipline Committee when required by fairness and justice.
- D. The Notice to Respondent Regarding Discipline That Will Be Imposed If Respondent Tenders An Admission of Misconduct. The Ethics and Discipline Committee shall consult Articles VII and VIII of these procedures and direct the Chair of the Ethics and Discipline Committee to notify the Respondent in writing of the discipline that will be imposed if Respondent tenders a written admission of Misconduct. All decisions regarding the discipline that will be imposed in the event of an admission of Misconduct shall be made by majority vote of a quorum of the Ethics and Discipline Committee and memorialized in writing. Although the Designated Reviewer may recommend the discipline to be imposed, the Ethics and Discipline Committee shall not be bound by any statement or recommendation of the Designated Reviewer.

If the Respondent declines to tender an admission of Misconduct, the disciplinary process shall continue as provided in these rules.

- E. The Notice of Hearing shall conform to the requirements of Article XIX herein, and shall be sent with the Charge of Misconduct.

XVIII. RESPONDENT'S LIMITED DISCLOSURE TO PARTNERS, MEMBERS, SHAREHOLDERS, CONTRACTORS AND/OR EMPLOYERS WITH WHOM THE RESPONDENT HAS A RELATIONSHIP AS A LACTATION CONSULTANT OR OTHER MEDICAL PROFESSIONAL

By no later than the deadline date set forth in the Notice of Hearing, the Respondent shall disclose to:

- A. each of the Respondent's present partners (if involved in a partnership);
- B. each member of any LLC in which the Respondent is a member;
- C. shareholders (if involved in a corporation);
- D. contractors (if engaged as a contractor, other than under a contract for services made directly with a client/patient);
- E. and/or employers (if hired as an employee) with whom the Respondent has a relationship as a lactation consultant or other medical professional and, if different, to each of Respondent's said partners, members, shareholders, contractors and/or employers with whom the Respondent had a relationship as a lactation consultant;
- F. or other medical professional (other than under a contract for services made directly with a client/patient) at the time of the act(s) giving rise to the Charge of Misconduct against the Respondent.

the fact that a Charge of Misconduct has been issued by the IBLCE and the precise nature of the charge. The disclosure shall be in writing; shall be hand-delivered or provided to Respondent's said partners, members, shareholders, contractors, and/or employers by certified mail, return receipt requested, or other comparable means, and shall be in the following form:

TO: Name(s) and address (es)

A Charge of Misconduct against _____ (Full Name of IBLCE Certificant or Applicant) has been issued by the International Board of Lactation Consultant Examiners ("IBLCE"). The nature of the charge(s) is as follows:

_____.

This Notice is provided pursuant to Article XVIII of the IBLCE Procedures for Discipline as applied to persons who are International Board of Lactation Consultant Examiner's ("IBLCE") Certificants or Applicants.

Date: _____

Respondent's Signature
or Signature of Respondent's
Attorney

Certificate of Mailing

I hereby certify that I sent a true copy of the foregoing Notice by _____ (describe mode of delivery whether by certified mail, return receipt requested, hand-delivery, or other comparable means) to the person or entity named above at the address set forth above on this ____ day of _____, 20____.

Date: _____

Respondent's Signature
or Signature of Respondent's
Attorney

One (1) copy of this Notice bearing the Respondent's, or the Respondent's attorney's, original signature, showing the name and address of all persons and entities notified shall be hand-delivered or dispatched, by certified mail, return receipt requested, or by other comparable means to the Chair of the Ethics and Discipline Committee at the IBLCE's International Office at the time Respondent sends or hand-delivers true copies of the same to Respondent's partners, members, shareholders, contractors and/or employers as required.

XIX. NOTICE OF HEARING

- A. If the Ethics and Discipline Committee decides to hold a hearing, the Ethics and Discipline Committee Chair shall promptly confer with the members of the Ethics and Discipline Committee and the Chair of the Board to determine a time, place and date for the hearing. The date set for the hearing shall be no less than two (2)

months and no more than eight (8) months following the date the Notice of Hearing is mailed.

- B. The Chair of the Ethics and Discipline Committee shall prepare the Notice of Hearing, which shall state the date, time and place for the hearing and shall contain a clear and concise statement of the alleged Misconduct, including any provisions of the Code of Ethics for International Board Certified Lactation Consultants alleged to have been violated. It shall also inform the Respondent of the Respondent's duty to file an Answer; to make Limited Disclosure to partners or employers (pursuant to Article V and Article XVIII); to submit any evidence of Disability as soon as possible but no later than by a given date (which, pursuant to Article XX, shall be approximately three (3) months following the date the Notice of Hearing is mailed; and to advise the Ethics and Discipline Committee no later than fifteen days prior to the hearing of the name, address, and telephone number of any counsel who shall represent the Respondent at the Hearing.

XX. HEARING

- A. Procedure at Hearing. The Hearing shall be conducted as an informal adversary proceeding, and no rules of evidence shall be observed. A quorum of the Ethics and Discipline Committee shall hear witnesses and receive exhibits. The Respondent may be represented by counsel, may call witnesses and documents, and may cross-examine witnesses. The testimony shall be recorded, taken and reserved by a qualified court reporter, together with all exhibits (or copies thereof) received and used by the Ethics and Discipline Committee. The Chair of the Ethics and Discipline Committee shall preside at the hearing. In the event the Chair is unable or unavailable to preside, the Chair shall appoint an Ethics and Discipline Committee member to preside, unless the Chair is unavailable or unable to make such an appointment, in which case the Chair of the IBLCE Board shall appoint an Ethics and Discipline Committee member to preside.
- B. The Respondent shall be requested to appear at the hearing and give testimony, to make specific and complete disclosure of all matters material to the issues, and to produce books, papers, documents and other tangible items of evidence relevant to the issues. In the event the Respondent fails to appear, the Ethics and Discipline Committee may hold the hearing and issue its Determination in the Respondent's absence.
- C. The Complaining Party has no right to be present during the hearing, but may be requested to testify and produce evidence in the same way as any other witness. Neither the unwillingness nor neglect of the Complaining Party to cooperate, nor the Respondent's settlement, compromise or restitution to the Complaining Party will excuse failure to complete any hearing.

- D. Right to Refuse to Accept Evidence of Disability. The Ethics and Discipline Committee may refuse to accept evidence of Disability if the Respondent has not raised the issue in the Respondent's Answer or has not provided to the Designated Reviewer at least fifteen (15) days prior to the hearing copies of any reports of health care practitioners which the Respondent intends to present at the Hearing.
- E. Right to Refuse to Permit Counsel to Represent Respondent. In the event the Respondent, fifteen days or more prior to the hearing, fails to advise the Ethics and Discipline Committee of the name, address, and telephone number of any counsel which shall represent the Respondent at the Hearing. The Committee may refuse to permit counsel to represent Respondent at the hearing.
- F. Oath. As set forth in Article II, the Ethics and Discipline Committee may examine witnesses under the following oath administered by any member of said Committee. "I solemnly swear or affirm that I will tell the truth, the whole truth and nothing but the truth in this Proceeding."
- G. Mitigation. If the Ethics and Discipline Committee finds that the Misconduct was the result of a Disability, it may consider the Disability in mitigation of any discipline imposed.

XXI. DETERMINATION OF MISCONDUCT

- A. Failure to Find Misconduct. All findings of No Misconduct shall be made by majority vote of a quorum of the Ethics and Discipline Committee. If the Ethics and Discipline Committee determines Misconduct was not proven by clear and convincing evidence, it shall dismiss the proceeding and serve Notice of Dismissal upon Respondent, Complaining Party, and all persons or entities notified pursuant to Article XVIII herein, at their last known addresses, via certified mail, return receipt requested, or other comparable means, as soon as possible, but no later than two (2) months after the date the Ethics and Discipline Committee fails to find Misconduct.
- B. Finding of Misconduct. All findings of Misconduct shall be made by majority vote of a quorum of the Ethics and Discipline Committee. If the Ethics and Discipline Committee determines that Misconduct was proven by clear and convincing evidence, the Ethics and Discipline Committee shall enter and serve its formal Determination upon the Respondent, Complaining Party, and all persons or entities notified pursuant to Article XVIII herein, at their last known addresses, via certified mail, return receipt requested, or other comparable means, as soon as possible, but no later than two (2) months after the date the Ethics and Discipline Committee makes its Finding of Misconduct. The formal Determination shall be in such form as shall be prescribed by the Ethics and Discipline Committee, shall be signed by the Ethics and Discipline Committee members who found Misconduct, and shall set forth:

1. brief findings of the facts established by the evidence;
2. the nature of the Misconduct shown by the facts so established;
3. any mitigating or aggravating factors considered;
4. the sanction imposed.

XXII. PROCEEDINGS FOLLOWING CRIMINAL CONVICTION

- A. Generally. Whenever there shall be filed with any IBLCE Board Member or IBLCE Staff Member the certificate of the clerk of any court of competent jurisdiction that an IBLCE Certificant or Applicant has been convicted of a Crime, the Ethics and Discipline Committee shall forthwith summarily suspend the certification of the IBLCE Certificant or Applicant, shall promptly serve upon said person (a) a copy of such certificate, (b) a copy of such summary suspension of certification, and (c) a Notice fixing the time and place of a hearing to determine whether the certification of the IBLCE Certificant or Applicant should be revoked or suspended. The hearing shall be set not less than two (2) months or more than eight (8) months after the date of the summary suspension of certification.

If the Ethics and Discipline Committee finds that the Respondent's conviction of a Crime has become final, a Determination shall be issued and served upon the Respondent in accordance with paragraph B of Article XXI herein.

In all other respects, the procedures applicable to hearings relating to Misconduct shall apply to hearings relating to a Crime.

- B. Upon Appeal From The Conviction. In the event the Ethics and Discipline Committee receives a certified copy of Respondent's Notice of appeal from the conviction, the Ethics and Discipline Committee may, upon request of the Respondent, continue its proceedings pending disposition of such appeal. The Ethics and Discipline Committee may, upon request of the Respondent, terminate any such summary suspension of certification during the pendency of such appeal if the Ethics and Discipline Committee finds that such summary suspension, if not terminated, would be likely to exceed the discipline imposed by the Ethics and Discipline Committee after a hearing.

Upon presentation to the Ethics and Discipline Committee of a certified copy of the order reversing the conviction on appeal, the summary suspension of certification shall be automatically terminated. Written Notice of said termination shall be served upon the Respondent, Complaining Party, and all persons or entities notified pursuant to Article XVIII herein, at their last known addresses,

via certified mail, return receipt requested, or other comparable means, as soon as possible, but no later than two (2) months after the date the certified copy of the order reversing the conviction on appeal is presented to the Ethics and Discipline Committee.

- C. Delay of Disciplinary Proceedings. Unless otherwise determined by a majority vote of a quorum of the Ethics and Discipline Committee, nothing herein shall stay the progress of the IBLCE Disciplinary Proceeding. Under ordinary circumstances the Disciplinary Proceeding shall continue unaffected.

XXIII. MISCONDUCT DUE TO DISABILITY

In addition to the procedures set forth in Article XXI, the following shall apply to all findings of Misconduct as the Result of a Disability made by the Ethics and Discipline Committee.

- A. Burden of Proof. Whenever the existence of a Disability is alleged in an IBLCE disciplinary proceeding, the burden of proving such Disability shall rest with the party asserting its existence. In proceedings to terminate a suspension for Disability, the burden of proving the termination of Disability shall rest with the party asserting the Disability has ceased.
- B. Suspension for Disability. The Ethics and Discipline Committee shall have the authority to suspend the certification of an IBLCE Certificant or Applicant who is under a Disability. The term of such suspension shall be indefinite, and unless a specific term is otherwise expressly provided, shall be terminated only upon determination by the Ethics and Discipline Committee that the Disability no longer exists. A finding of Disability shall not terminate any proceeding upon Charges of Misconduct involving the Respondent, but may be considered by the Ethics and Discipline Committee in mitigation.
- C. Inclusion of Allegation of Disability in Charge of Misconduct. If the Ethics and Discipline Committee determines that there is Probable Cause to believe that the IBLCE Certificant or Applicant suffers a Disability, said Committee shall include an Allegation of Disability in its Charge of Misconduct.
- D. Respondent's Right to Hearing. The Ethics and Discipline Committee shall conduct a hearing to determine whether Disability exists in the following instances:
 - 1. Upon Charge of Misconduct of the Ethics and Discipline Committee alleging that probable cause exists to believe that an IBLCE Certificant or Applicant is under a Disability. In such cases, the hearing on whether Disability exists will be combined with the hearing on the Charge of Misconduct.

2. Upon written request of an IBLCE Certificant or Applicant who has been suspended from certification for Disability and who alleges that the Disability no longer exists. Evidence that the IBLCE Certificant or Applicant is no longer hospitalized shall not be conclusive to the Ethics and Discipline Committee's determination of the IBLCE Certificant's or Applicant's ability to resume practice as an IBLCE Certificant or Applicant.
- E. Mitigation. If the Ethics and Discipline Committee finds that the Misconduct was the result of Disability, it may consider the Disability in mitigation of any discipline imposed.
- F. General Provisions. The following additional provisions apply to Disability hearings:
1. Representation of Respondent Alleged to be Under a Disability. The Notice of any hearing to determine whether an IBLCE Certificant or Applicant suffers from Disability shall request the IBLCE Certificant or Applicant to advise the Ethics and Discipline Committee whether the IBLCE Certificant or Applicant has retained counsel to represent said IBLCE Certificant or Applicant at the hearing. Unless the IBLCE Certificant or Applicant advises the Ethics and Discipline Committee within fifteen (15) days prior to the hearing that said IBLCE Certificant or Applicant has retained counsel, the Chair of the Ethics and Discipline Committee shall appoint a disinterested Ethics and Discipline Committee Member or such other qualified and disinterested person as may agree, to represent the IBLCE Certificant or Applicant at the hearing.
 2. Examination. The Ethics and Discipline Committee may require the IBLCE Certificant or Applicant to undergo, at the IBLCE Certificant's or Applicant's expense, a physical, psychiatric or other medical examination by a qualified physician approved by the Ethics and Discipline Committee. A written report of the result of such examination along with written reports from any other physicians, who have examined the IBLCE Certificant or Applicant, may be considered as evidence by the Ethics and Discipline Committee.
- G. Termination of Suspension. In cases where a suspension for Disability is based upon an adjudication of Disability by a Court, upon receipt of documentary evidence of adjudication by a court of competent jurisdiction that the IBLCE Certificant's or Applicant's Disability has ceased, the Ethics and Discipline Committee shall promptly enter an order terminating the suspension of the IBLCE Certificant's or Applicant's certification.

In all other cases, the Ethics and Discipline Committee shall promptly hold a hearing on the issue of termination of the suspension upon receipt of a request from the IBLCE Certificant or Applicant.

XXIV. SURRENDER OF CERTIFICATION AS AN IBLCE CERTIFICANT OR WITHDRAWAL OF IBLCE APPLICATION

If an IBLCE Certificant's or Applicant's conduct is the subject of a Report of Designated Reviewer's Investigation which recommends that the Ethics and Discipline Committee take further action related to the Complaint, then disciplinary proceedings shall be deemed to be pending and any surrender of IBLCE Certificant certification by the subject IBLCE Certificant or withdrawal of the IBLCE Applicant's application shall be made pursuant to this rule. An IBLCE Certificant or Applicant may surrender his or her IBLCE Certification or withdraw his or her IBLCE Application any time during the progress of any disciplinary proceeding in the following manner:

- A. Application to Surrender Certification or Withdraw Application. The IBLCE Certificant's or Applicant's written Application to Surrender Certification As An IBLCE Certificant or to Withdraw an IBLCE Application shall be mailed or hand-delivered to IBLCE at its International Office and shall include a statement of the following which has been signed by the IBLCE Certificant or Applicant in the presence of two witnesses:
1. all past and pending disciplinary actions and criminal proceedings against the Certificate or Applicant;
 2. a description of the charges made or those under investigation for professional Misconduct;
 3. the results of past proceedings and the status of pending investigations and proceedings;
 4. a statement whether this application to surrender certification or to withdraw application is made with or without leave to reapply for IBLCE certification.
- B. Acceptance of Surrender or Withdrawal. Within sixty (60) days following IBLCE's receipt of the application to surrender or withdraw, the Ethics and Discipline Committee shall notify the IBLCE Certificant or Applicant of its response. If the Ethics and Discipline Committee determines, at its sole discretion, that the public interest will not be adversely affected by permitting the Applicant to surrender his or her certification or to withdraw his or her application, and that such will not hinder the public confidence in the lactation consultant profession, it shall grant the IBLCE Certificant's or Applicant's written leave to surrender his or her certification or to withdraw his or her application.

- C. In cases where an IBLCE Certificate was issued and has not expired, such written leave shall be conditioned upon the IBLCE International Office's receipt of the IBLCE Certificant's unexpired IBLCE certificate. In addition the Ethics and Discipline Committee may require that the Applicant's surrender be subject to other appropriate conditions (such as obtaining a specific number of continuing education hours related to certain subject matter).
- D. In cases where an IBLCE Certificate was not issued or has expired, such written leave may be conditioned upon the IBLCE International Office's receipt of the IBLCE Certificant's expired certificate and the Ethics and Discipline Committee may require that the Applicant's withdrawal be subject to other appropriate additional conditions (such as a restriction on the Applicant's eligibility to reapply for certification before a certain date).
- E. Delay of Disciplinary Proceedings. The receipt of an application for leave to surrender certification or to withdraw an application pending disciplinary proceedings shall not stay the progress of the disciplinary proceedings without the approval of a quorum of the Ethics and Discipline Committee. Under ordinary circumstances, the disciplinary process shall continue unaffected until such time as all conditions for surrender or withdrawal have been met.
- F. Dismissal of Pending Disciplinary Cases. If an IBLCE Certificant's or Applicant's Surrender of Certification As An IBLCE Certificant or Applicant is accepted under this rule, such resignation shall serve to dismiss all pending disciplinary cases.
- G. Effect of Surrender. An IBLCE Certificant's or Applicant's Surrender of Certification as an IBLCE Certificant or Applicant shall not be considered the equivalent of an admission of guilt.

XXV. ADMISSION OF MISCONDUCT BY RESPONDENT

- A. Form. At any time after a Complaint has been filed, the subject IBLCE Certificant or Applicant may admit his or her Misconduct by notifying the IBLCE in written form, bearing the Respondent's original signature (or the signature of the Respondent's Guardian, Agent under a valid power of attorney, or other personal representative for legal matters) of the admission. Such written admission shall be tendered to the Ethics and Discipline Committee at the IBLCE's International Office.
- B. Effect. An admission of Misconduct shall not preclude the initiation or continuation of disciplinary proceedings or review as to disciplinary measures imposed. All procedures in relation to disposition of the proceedings after an

admission of Misconduct shall be consistent with the provisions provided elsewhere in these rules.

XXVI. CONSENT TO IBLCE DISCIPLINE

- A. The Respondent may consent to IBLCE Discipline at any time after the Respondent receives written notice of the discipline that will be imposed if the Respondent tenders a written Admission of Misconduct. Such consent shall be tendered to the Ethics and Discipline Committee at the IBLCE's International Office.
1. Form. Any Consent to IBLCE Discipline shall be in a written form signed by the subject IBLCE Certificant or Applicant.
 2. Content. Any Consent to IBLCE Discipline shall clearly state the specific sanction to which the subject IBLCE Certificant or Applicant consents.
- B. Acceptance of Consent. If the subject IBLCE Certificant or Applicant consents to IBLCE Discipline, the Ethics and Discipline Committee shall enter and serve its Acceptance of Consent To Discipline upon the Respondent, Complaining Party, and all persons or entities notified pursuant to Article XVIII herein, at their last known addresses, via certified mail, return receipt requested, or other comparable means, as soon as possible, but no later than two (2) months after the date the Ethics and Discipline Committee receives the Respondent's Consent to IBLCE Discipline. The formal Acceptance shall be in such form as shall be prescribed by the Ethics and Discipline Committee, shall be signed by the Ethics and Discipline Committee members who accepted the Respondent's Consent to IBLCE Discipline, and shall set forth:
1. the Misconduct admitted;
 2. any mitigating or aggravating factors considered;
 3. the sanction imposed.

XXVII. LIMITED RIGHT TO APPEAL TO THE EXECUTIVE COMMITTEE OF THE IBLCE BOARD

- A. Right to Appeal. Any person whose IBLCE Certification has been suspended or revoked or whose Application has been suspended or revoked as the result of a Determination of Misconduct by the Ethics and Discipline Committee may appeal that decision to the Executive Committee of the Board. For purposes of the appeal, the subject IBLCE Certificant or Applicant shall be referred to as the "Petitioner."

1. Nonpayment of examination fees. The proceedings under this rule are not applicable to non-certification for non-payment of examination fees.
 2. Appeal from Agreed Sanction Prohibited. No right to appeal exists with regard to any sanction to which the Respondent has agreed.
- B. Deadline. The appeal must be received by the IBLCE's International Office no later than sixty (60) days following the date the Ethics and Discipline Committee, pursuant to Article XXI, issues its formal Determination of Misconduct.
- C. Content of Petition. The Petition for Appeal should include such of the following information as is relevant to the issues being contested plus such other matters as may be reasonably required to determine the fitness of the Petitioner to resume practice as a lactation consultant:
1. Form. The original petition shall be typewritten on 8-1/2" X 11" (or comparable ISO measurement) paper and shall be signed and acknowledged by the petitioner in the presence of two witnesses.
 2. Mailing. The Petitioner shall mail the original and three (3) copies of the Petition to the IBLCE Executive Committee at the IBLCE's International Office, by certified mail, return receipt requested, or other comparable means.
 3. Content. The petition shall include the Petitioner's statement concerning the following:
 - a. name and current address of the Petitioner;
 - b. the offense or misconduct upon which the suspension or revocation was based, together with the date of such suspension;
 - c. the names and addresses of all Complaining Parties in any disciplinary proceedings which resulted in suspension or revocation and, if the suspension or revocation was based upon a conviction of a felony or misdemeanor, the case name, file number and jurisdiction in which such proceedings took place and a copy of the final court order therein;
 - d. the nature of Petitioner's occupation (in detail) since suspension or revocation with names and addresses of all partners, business associates, and employers, if any, and dates and duration of all such relations and employments;

- e. a statement disclosing the addresses for all locations where the Petitioner has lived since suspension or revocation, with names and addresses of landlords, if any;
- f. a statement showing all the Petitioner's financial obligations to former patients or clients on the date the petition is signed, together with the current names and addresses of all such clients/patients;
- g. a statement of restitution Petitioner has made for any and all obligations to former clients/patients and the source and amount of funds used for this purpose;
- h. a statement showing dates, general nature and ultimate disposition of every matter involving the arrest or prosecution of the Petitioner, during the period between the date of suspension or revocation and the application date, for any Crime, whether felony or misdemeanor, together with the names and addresses of Complaining Parties, prosecuting attorneys, trial judges, plus case captions, case numbers, and the jurisdiction(s) in which filed;
- i. a statement of any procedure or inquiry, during the period between the date of suspension or revocation and the petition date, covering the Petitioner's standing as a member of any profession or organization, or holder of any license or office, which involved the censure, removal, suspension, revocation of license, revocation of certification, or discipline of the Petitioner; and, with regard to each, the dates, facts, and the disposition thereof and the name and address of the authority in possession of the record thereof;
- j. a statement as to whether any charges of fraud were made or claimed against the petitioner during the period between the date of suspension or revocation and the application date, whether formal or informal, together with the dates, and names and addresses of persons making such charges;
- k. a concise statement of facts claimed to justify reinstatement as an IBLCE Certificant or Applicant ;
- l. a statement showing the dates, general nature, and final disposition of every civil action wherein the Petitioner was party plaintiff or defendant, together with dates of filing of such actions, titles of courts, case captions and numbers, the names and addresses of all parties and of the trial judge or judges in each action, and the names and current addresses of all witnesses who testified in said action or actions;

- m. true copies of criminal and civil judgments and disciplinary judgments in any way relevant to the petition, including all such decisions, determinations or judgments entered during the period between the date of suspension or revocation and the application date;
- n. statement of restitution of funds which were the subject of any disciplinary proceedings.

4. Costs Deposit. The petition shall be accompanied by a deposit for costs equal to six times the fee paid by candidates sitting for the examination in the Petitioner's location during the calendar year in question. In the event the expenses for the Petitioner's appeal process (including administering the exam to the petitioner, when appropriate), do not exceed this amount, any excess will be refunded to the Petitioner.

D. Petitioner's Limited Disclosure to Partners, Members, Shareholders, Contractors and/or Employers With Whom The Petitioner Has a Relationship As A Lactation Consultant Or Other Medical Professional. At a date no later than the deadline date set forth in the Notice of Hearing, the Petitioner shall disclose the fact that a Charge of Misconduct has been issued by the IBLCE and the nature of the charges against the Petitioner to each of the Petitioner's present partners (if involved in a partnership), members (if involved in a limited liability company), shareholders (if involved in a corporation), contractors (if engaged as a contractor other than under a contract for services made directly with a client/patient), and/or employers (if hired as an employee) with whom the Petitioner has a relationship as a lactation consultant or other medical professional and, if different, to each of the Petitioner's partners, members, shareholders, contractors and/or employers with whom the Petitioner had a relationship as a lactation consultant or other medical professional (other than under a contract for services made directly with a client/patient) at the time of the act(s) giving rise to the Charge of Misconduct. The disclosure shall be in writing; shall be hand-delivered or provided to Petitioner's said partners, members, shareholders, contractors, and/or employers by certified mail, return receipt requested or other comparable means, and shall be in the following form:

TO: Name(s) and address(es)

_____ (Petitioner's Full Name) has filed a Petition with the International Board of Lactation Consultant Examiners ("IBLCE") appealing a Determination of Misconduct made by the IBLCE Ethics and Discipline Committee on ____ (date) in IBLCE Case No. _____ (Case Number). The nature of the Misconduct Determination is as follows:
_____.

This Notice is provided pursuant to Article XXVII of the IBLCE Procedures for Discipline as applied to persons who are International Board of Lactation Consultant Examiner's ("IBLCE") Certificants or Applicants.

Date: _____

Petitioner's Signature or
Signature of Petitioner's Attorney

Certificate of Mailing

I hereby certify that I sent a true copy of the foregoing Notice by _____ (describe mode of delivery whether by certified mail, return receipt requested, hand-delivery, or other comparable means) to the person or entity named above at the address set forth above on this ____ day of _____, 20____.

Date: _____

Petitioner's Signature or
Signature of Petitioner's Attorney

One (1) copy of this Limited Disclosure bearing the Petitioner's, or the Petitioner's attorney's, original signature, showing the name and address of all persons and entities notified shall be hand-delivered or mailed, by certified mail (return receipt requested), or by other comparable means, to the Chair of the Ethics and Discipline Committee at the IBLCE's International Office at the time the Petitioner sends or hand-delivers true copies of the same to the Petitioner's partners, members, shareholders, contractors and/or employers, as required.

- E. Stay of Sanction During Appeal Period. From the date the International Office receives the petition of appeal through the date the Executive Committee makes its decision with regard to the petition, the Petitioner's IBLCE Certificant or Applicant status shall remain unaffected. However, the IBLCE website shall indicate that the Petitioner's appeal of a decision made by the IBLCE Ethics & Discipline Committee is pending and the IBCLE shall be permitted to publish that same information for the benefit of its Certificants as part of its other notice(s) regarding the actions of the Ethics and Discipline Committee.

- F. The IBLCE Executive Committee shall, to the extent practical, conduct the appeal process and the hearing on the appeal in the same manner as proceedings are conducted under Articles I (“Preamble”), II (“Authority of the Board, The Executive Committee, and the Ethics and Discipline Committee”), III (“Recusal”), IV (“Confidentiality”), V (“Definitions”), VI (“Code of Ethics for International Board Certified Lactation Consultants”), VII (“Types of Sanctions”), VIII (“Guidelines for Imposing Sanctions”), IX (“The Record”), XIX (“Notice of Hearing”), XX (“The Hearing”), and XXVII (“Limited Right to Appeal to the Executive Committee of the IBLCE Board”) of these Procedures. There shall be no Initial Screening and no Designated Reviewer shall be appointed. The Chair of the IBLCE Board shall preside at the hearing. In the event the Chair of the IBLCE Board is unable to preside, the Chair shall appoint an Ethics and Discipline Committee member to preside, unless the Chair is unable to make such an appointment, in which case the Vice President of the IBLCE Board shall preside. The matters to be decided shall be: (a) the fitness of the Petitioner to resume practice as a lactation consultant; and (b) whether the decision of the Ethics and Discipline Committee should remain in place or an alternative sanction (or no sanction) should be imposed on the Petitioner.
- G. Decision. If the Petitioner is found unfit to resume practice as a lactation consultant, the petition shall be dismissed. If the Petitioner is found fit to resume practice as a lactation consultant, the decision shall be to overrule the decision of the Ethics and Discipline Committee and to impose an alternative sanction (or no sanction) on the Petitioner. In connection with its decision, the Executive Committee may decide to reinstate the Petitioner as an IBLCE Certificant or Applicant provided that such reinstatement shall be conditioned upon the Petitioner’s payment of all or part of the costs of the appeal proceeding and further conditioned upon the Petitioner’s furnishing proof of competency by meeting the prerequisites for, and successfully passing the IBLCE examination at the Petitioner’s own expense.
- H. Successive Appeals. The IBLCE Executive Committee shall entertain only one appeal petition in relation to the decision(s) made at any one hearing before the Ethics and Discipline Committee, regardless of whether that hearing related to one or more Complaints and regardless of the number of issues which were included as part of that hearing.
- I. Application for Reinstatement After Appeal. Unless the Executive Committee decision with regard to the appeal expressly states otherwise, no application for reinstatement shall be filed within three (3) years following an adverse judgment upon a petition for appeal filed by or on behalf of the same person and not until all costs in relation to the appeal have been paid by the Petitioner. If the Executive Committee’s decision on appeal states that it is without leave to apply for reinstatement permanently or that the revocation of the Petitioner’s IBLCE certification is permanent, such condition shall preclude any reinstatement.

XXVIII. REINSTATEMENT PROCEDURES

- A. Reinstatement after Suspension of 90 days. Under certain conditions, an IBLCE Certificant or Applicant who has been suspended from IBLCE Certificant or Applicant status for ninety (90) days or more may be reinstated as an IBLCE Certificant or Applicant pursuant to the procedures set forth in this Article.
- B. Reinstatement after Surrender of Certification. When a certification is surrendered by an IBLCE Certificant or Applicant in connection with disciplinary action, said Certificant or Applicant may not file for reinstatement until three (3) years after the date the IBLCE Certificant's or Applicant's surrender was accepted by the Ethics and Discipline Committee, or such additional time as the IBLCE Certificant or Applicant may have stated in said surrender, and not until all costs have been paid by the Applicant for reinstatement in disciplinary cases that were dismissed because of the surrender.
- C. Certification after Revocation of Certification. A former IBLCE Certificant or Applicant whose IBLCE certification has been revoked, or who has been permitted to resign pending disciplinary proceedings, may be certified only upon full compliance with the rules and regulations governing applications to sit for the IBLCE examination. Except as might otherwise be provided in these procedures, no such application for certification may be tendered within five (5) years after the date of revocation of certification, or for such longer period as the Ethics and Discipline Committee may determine in its record of the disciplinary proceedings. If an IBLCE Certificant's or Applicant's revocation states that it is permanently without leave to apply for reinstatement, such condition shall preclude any reinstatement.
- D. Application. An IBLCE Certificant or Applicant whose certification has been suspended or revoked with leave to apply for reinstatement may apply to the Ethics and Discipline Committee for reinstatement or certification. The information required concerning the Applicant may include any or all of the following matters in addition to such other matters as may be reasonably required to determine the fitness of the petitioner to resume practice as a lactation consultant:
1. Form. The original application shall be typewritten on 8-1/2" x 11" (or closest metric equivalent) paper and shall be signed and acknowledged by the petitioner in the presence of two witnesses.
 2. Mailing. The Applicant shall mail the original and three (3) copies of the Application to IBLCE at its International Office, by certified mail, return receipt requested, or other comparable means.

3. Content. The application shall include the Applicant's statement concerning the following:
- a. name and address of the Applicant;
 - b. the offense or misconduct upon which the suspension or revocation was based, together with the date of such suspension;
 - c. the names and addresses of all Complaining Parties in any disciplinary proceedings which resulted in suspension or revocation and, if the suspension or revocation was based upon a conviction of a felony or misdemeanor, the case name, file number and jurisdiction in which such proceedings took place and a copy of the final court order thereof;
 - d. the nature of the Applicant's occupation (in detail) since suspension or revocation, together with names and addresses of all partners, business associates, and employers, if any, and dates and duration of all such relations and employments;
 - e. a statement showing all residences maintained since suspension or revocation, with names and addresses of landlords, if any;
 - f. a statement showing all financial obligations the Applicant owes to former patients or clients on the date the application is signed, together with the current names and addresses of all such clients/patients;
 - g. a statement of restitution made for any and all obligations to former clients and the source and amount of funds used for this purpose;
 - h. a statement showing dates, general nature and ultimate disposition of every matter involving the arrest or prosecution of the Applicant during the period between the date of suspension or revocation and the application date for any Crime, whether felony or misdemeanor, together with the names and addresses of Complaining Parties, prosecuting attorneys, trial judges, plus case captions, case numbers, and the jurisdiction(s) in which filed;
 - i. a statement as to whether any applications were made during the period between the date of suspension or revocation and the date of application for any certificate or license requiring proof of good character for its procurement; and, as to each such application, the dates, name and address of the authority to which it was addressed, and the disposition thereof;

- j. a statement of any procedure or inquiry, during the period between the date of suspension or revocation and the application date, covering the Applicant's standing as a member of any profession or organization, or holder of any license or office, which involved the censure, removal, suspension, revocation of license, revocation of certification, or discipline of the Applicant; and, as to each, the dates, facts, and the disposition thereof and the name and address of the authority in possession of the record thereof;
 - k. a statement as to whether any charges of fraud were made or claimed against the Applicant during the period between the date of suspension or revocation and the application date, whether formal or informal, together with the dates and names and addresses of persons making such charges;
 - l. a concise statement of facts claimed to justify reinstatement as an IBLCE Certificant or Applicant ;
 - m. a statement showing the dates, general nature, and final disposition of every civil action wherein the Applicant was party plaintiff or defendant, together with dates of filing of such actions, titles of courts, case captions and numbers, the names and addresses of all parties and of the trial judge or judges in each action, and the names and current addresses of all witnesses who testified in said action or actions;
 - n. true copies of criminal and civil judgments and disciplinary judgments in any way relevant to the application, including all such decisions, determinations or judgments entered during the period between the date of suspension or revocation and the application date;
 - o. statement of restitution of funds which were the subject of any disciplinary proceedings.
4. Costs Deposit. The reinstatement application shall be accompanied by a deposit for costs equal to twice the fee paid by candidates sitting the examination during that calendar year. In the event the IBLCE's expenses for the reinstatement process (including administering the examination to the petitioner, when appropriate) do not exceed this amount, any excess will be refunded to the Reinstatement Applicant.

E. Reinstatement Applicant's Limited Disclosure to Partners, Members, Shareholders, Contractors and/or Employers With Whom The Reinstatement Applicant Has a Relationship As A Lactation Consultant Or Other Medical Professional. At a date no later than the deadline date set in the Notice of Hearing, the Reinstatement Applicant shall disclose that a Determination of Misconduct has been issued by the IBLCE and the nature of the charges against the Reinstatement Applicant to each of the Reinstatement Applicant's present partners (if involved in a partnership), members (if involved in limited liability company), shareholders (if involved in a corporation), contractors (if engaged as a contractor other than under a contract for services made directly with a client/patient), and/or employers (if hired as an employee) with whom the Reinstatement Applicant has a relationship as a lactation consultant or as another medical professional and, if different, to each of the Reinstatement Applicant's partners, members, shareholders, contractors and/or employers with whom the Reinstatement Applicant had a relationship as a lactation consultant or other medical professional (other than under a contract for services made directly with a client/patient) at the time of the act(s) giving rise to the Charge of Misconduct. The disclosure shall be in writing; shall be hand-delivered or provided to the Reinstatement Applicant's said partners, members, shareholders, contractors, and/or employers by certified mail, return receipt requested, or other comparable means, and shall be in the following form:

TO: Name(s) and address(es)

_____ (Reinstatement Applicant's Full Name) has filed a Reinstatement Application with the International Board of Lactation Consultant Examiners ("IBLCE") requesting Reinstatement of his/her Certification as an _____ (name of certification) following a Determination of Misconduct made by the IBLCE Ethics and Discipline Committee on _____ (date) in IBLCE Case No. _____ (Case Number). The nature of the Misconduct Determination was as follows:

_____.

This Notice is provided pursuant to Article XXVIII of the IBLCE Procedures for Discipline as applied to persons who are or have been International Board of Lactation Consultant Examiner's ("IBLCE") Certificants or Applicants.

Date: _____

*Petitioner's Signature or
Signature of Petitioner's Attorney*

Certificate of Mailing

*I hereby certify that I sent a true copy of the foregoing Notice by
_____ (describe mode of delivery whether by certified mail,*

return receipt requested, hand-delivery, or other comparable means) to the person or entity named above at the address set forth above on this _____ day of _____, 20____.

Date: _____

*Petitioner's Signature or
Signature of Petitioner's Attorney*

One (1) copy of this Limited Disclosure bearing the Reinstatement Applicant's, or the Reinstatement Applicant's attorney's, original signature and showing the name and address of all persons and entities notified shall be hand-delivered or mailed, by certified mail (return receipt requested) or other comparable means to the Chair or the Ethics and Discipline Committee at the IBLCE's International Office at the time the Petitioner sends or hand-delivers true copies of the same to the Reinstatement Applicant's partners, members, shareholders, contractors and/or employers, as required.

- F. Hearing. The Ethics and Discipline Committee, to the extent practical, shall conduct the hearing in the same manner as proceedings are conducted under Articles I ("Preamble"), II ("Authority of the Board, The Executive Committee, and the Ethics and Discipline Committee"), III ("Recusal"), IV ("Confidentiality"), V ("Definitions"), VI ("Code of Ethics for International Board Certified Lactation Consultants"), VII ("Types of Sanctions"), VIII ("Guidelines For Imposing Sanctions"), IX ("The Record"), XIX ("Notice of Hearing"), XX ("The Hearing"), and XXVIII ("Reinstatement Procedures") of these Procedures. There shall be no Initial Screening and no Designated Reviewer shall be appointed. The Chair of the Ethics and Discipline Committee shall preside at the hearing. In the event the Chair is unable to preside, the Chair shall appoint an Ethics and Discipline Committee member to preside, unless the Chair is unable to make such an appointment, in which case the Chair of the IBLCE Board shall appoint an Ethics and Discipline Committee member to preside. The matters to be decided shall be: (a) the fitness of the Petitioner to resume practice as a lactation consultant; and (b) the conditions under which the Petitioner's IBLCE Certification should be reinstated.
- G. Decision. If the Applicant is found unfit to resume practice as a lactation consultant, the application shall be dismissed. If the Applicant is found fit to resume practice as a lactation consultant, the decision shall be to reinstate said Applicant as an IBLCE Certificant or Applicant provided that such reinstatement shall be conditional to the payment of all or part of the costs of the reinstatement proceeding and further conditional to the furnishing of such proof of competency by meeting the prerequisites for, and successfully passing, the IBLCE examination.

- H. Successive Applications. No application for reinstatement shall be filed within one (1) year following an adverse judgment regarding an application for reinstatement filed by or on behalf of the same person. The Ethics and Discipline Committee shall entertain only one application for reinstatement in relation to the decision(s) made at any one hearing before the Ethics and Discipline Committee, regardless of whether that hearing related to one or more Complaints and regardless of the number of issues that were included as part of the hearing.
- I. Circumstances Precluding Reinstatement. Unless otherwise expressly provided in these procedures, the proceedings under this Article are not applicable under the following circumstances and shall preclude any reinstatement:
1. If the Executive Committee's decision on appeal states that it is without leave to apply for reinstatement permanently or that the revocation of IBLCE certification is permanent.
 2. If the Executive Committee's decision on appeal states that the revocation of the IBLCE certification is permanent.
 3. If the suspension or non-certification was for non-payment of IBLCE examination fees.
 4. If the IBLCE Certificant's or Applicant's surrender stated that his or her surrender of certification was made permanently without leave to apply for reinstatement.
 5. If the sanction imposed was a sanction to which the IBLCE Certificant or Applicant agreed.