



Disciplinary Action Procedural Document

Effective: Jan. 1, 2025

The American Physical Therapy Association has developed this Disciplinary Action Procedural Document to guide the Ethics and Judicial Committee (EJC) and Board of Directors in processing complaints against a member of APTA alleging the member has violated the APTA *Code of Ethics for the Physical Therapist* (Code) or APTA *Standards of Ethical Conduct for the Physical Therapist Assistant* (Standards). Whenever feasible and appropriate, it is suggested that individuals first pursue other corrective steps within the relevant institution or setting or discuss ethical concerns directly with persons perceived to be violating the Code or Standards before resorting to APTA's ethics complaint process. However, the EJC will review complaints of unethical conduct that it receives.

I. Scope of Authority

The EJC will [process complaints](#) regarding the conduct of APTA members only, and only for alleged ethics violations based on the APTA *Code* or *Standards* as in effect at the time of the APTA member's alleged violation. If a sanctioned APTA member does not accept the sanction recommended by the EJC, the APTA member may appeal the finding of violation or the sanction. The Board of Directors or a committee of the Board delegated such authority will consider appeals in accordance with this procedural document. The EJC is not a court, regulator, or other governmental tribunal; it is an APTA committee that reports to the Board of Directors. The EJC does not have investigative means, such as the ability to subpoena information, or swear in testimony, or interview others. The EJC may take notice of publicly available information, but it is the obligation of complainants to provide evidence and information supporting their allegations. The EJC may request that complainants submit additional information.

If a complaint is made against a respondent who was an APTA member at the time of the alleged violation but is no longer an APTA member, the EJC reserves the right to process the complaint, render a determination about whether the respondent violated the *Code* or *Standards*, and impose sanctions that would go into effect if the respondent again applies for APTA membership. In such cases, the findings will become part of the respondent's file.

II. Complaints - Ethical Matters Involving Members

Complaints must allege an ethics violation concerning conduct that occurred while the subject of the complaint was an APTA member. Any person with knowledge of a possible ethics violation may submit a complaint, including APTA members, non-members, patients, or members of the public. The EJC will establish a complaint form, and complainants must provide factual information about the alleged violation, identify the specific principles of APTA's *Code of Ethics* or *Standards of Ethical Conduct* that were violated, and state whether the complainant has reported the alleged violation to any other investigative or disciplinary entity. Complainants must provide their own contact information and contact information for the subject of the complaint. APTA may dismiss complaints that do not

include the required information or that do not allege facts that would constitute a violation of the Code or Standards.

III. Principles for Processing Complaints and Decisions

- A. If the EJC determines that the allegations as stated in the complaint indicate a possible ethics violation, the APTA member who is the subject of the complaint (the “respondent”) will be notified of the allegations and the identity of the complainant, in order to have a fair opportunity to respond.
- B. The respondent shall then have the opportunity to submit a response before the EJC renders a decision or any form of discipline.
- C. The EJC may, in its sole discretion, defer a matter that would be more amenable to legal or regulatory review (e.g., a court, mediator, employer, or state licensing board) or pending the outcome of any third-party investigation, and address the ethical issues after the legal or regulatory review or third-party investigation is completed.
- D. For matters that are deferred, the EJC will keep the complaint open for three years, or until such time as the legal or regulatory review or third-party investigation is completed.
- E. The EJC will rely on the factual findings in licensing board actions, criminal conviction records, and civil judgments and may also rely on findings from other third-party investigations. The EJC will not reach a contrary factual determination to the factual findings in a licensing board and/or judicial record but may independently assess whether the factual findings constitute a violation of APTA’s *Code of Ethics* or *Standards of Ethical Conduct* and what sanctions may be appropriate. The EJC may also impose discipline based on evidence produced in investigations by licensure agencies in cases in which discipline is imposed by stipulated agreement in lieu of a disciplinary hearing.
- F. The EJC may choose to address ethical issues before a legal or regulatory review or third-party investigation has been completed.
- G. APTA has the sole discretion to determine which complaints should be pursued, how they should be pursued, and what action, if any, should be taken, in accordance with this DAPD.
- H. The EJC shall attempt to render a timely decision on all matters it reviews.
- I. The EJC shall provide a copy of its decision to the complainant and respondent, and when applicable, an explanation of its decision and any disciplinary action.
- J. A respondent may either accept the EJC’s findings and, if applicable, sanctions, or may appeal the EJC’s decision. The APTA Board or a committee of the Board delegated such authority will review any such appeals.

IV. Kinds of Discipline

- A. The EJC may impose any of the following sanctions if it determines that a respondent has violated the *Code* or the *Standards*.
 - 1. Reprimand, with or without Remediation. The EJC may issue a private reprimand, which is a statement that the member’s behavior was contrary to the *Code* or the *Standards*. The EJC may also require the respondent to undertake remediation, such as requiring the respondent to take additional relevant continuing education. A reprimand will not be publicized by APTA, except for notification of the decision to the complainant; reprimands will go into the respondent’s file for future consideration regarding matters before APTA. Receipt of a reprimand from the EJC does not result in loss of the respondent’s good standing with APTA.
 - 2. Suspension. The EJC may suspend the respondent’s rights and privileges of membership under the association’s bylaws, with the exception of the privilege of receiving the official journal of the association and may require remediation. The suspension shall be for a

- period specified by the EJC. While the suspension is in effect, the member shall not be considered in good standing with APTA. Suspensions may be made public.
- B. In addition to sanctions administered by the EJC, the EJC may recommend expulsion or denial of eligibility for membership. The EJC may recommend to the APTA Board or a committee of the Board delegated such authority that the respondent be expelled from the association permanently or for a defined period, or, if the respondent's membership has lapsed, that the respondent be denied eligibility to resume membership. The respondent shall be notified in writing of the EJC's recommendation. Expulsions may be made public.

V. Appeal to and Review of Recommendations by the Board

- A. Procedure. A respondent may either accept the EJC's findings and sanctions, or may appeal to the Board or a committee of the Board delegated such authority an EJC decision to impose discipline. The respondent must exercise the right to appeal within 30 days from the date of the decision letter by submitting a written statement to APTA's General Counsel articulating why the EJC's decision was not supported by the evidence before it or why the discipline is disproportionate to the actions giving rise to the complaint. A respondent may submit to the Board or a committee of the Board delegated such authority a response to a recommendation by the EJC for expulsion or denial of eligibility for membership by submitting a written statement to APTA's General Counsel within 30 days from the date of the notice of the EJC's recommendation. The respondent's statement must articulate why the EJC's recommendation was not supported by the evidence before it or why the discipline is disproportionate to the actions giving rise to the complaint.
- B. Meeting. The respondent may request a telephonic meeting with the Board or Board committee to discuss the respondent's appeal. The decision to grant a meeting with the respondent is within the sole discretion of the Board or Board Committee.
- C. Standard of Review. The Board or Board committee shall limit its consideration of an appeal to the questions of (i) whether the EJC's decision is supported by the evidence that was before the EJC and (ii) whether the discipline is proportionate to the actions giving rise to the complaint. The Board or Board committee shall base its decision on an EJC recommendation of expulsion or denial of eligibility for membership on (i) the evidence before the EJC at the time of the recommendation, and (ii) the respondent's written statement, if any.
- D. Decision. With respect to an appeal, the Board or Board committee may decide to affirm or to modify the EJC's decision with respect to the finding of violation or the level of sanction, including by a finding of no violation, or imposition of no sanction, a lesser sanction, or a more severe sanction. With respect to an EJC recommendation of expulsion or denial of eligibility, if the Board or Board committee makes a finding of a violation of APTA's *Code of Ethics* or *Standards of Ethical Conduct*, it may impose (i) permanent or non-permanent expulsion or denial of eligibility for membership, (ii) a lesser sanction of suspension or reprimand, with or without remediation, or (iii) no sanction. In all cases, the Board or Board committee shall send notice of its decision to the parties and the EJC. The decision of the Board or Board committee is final.

VI. Post-Decision Procedures

- A. Reprimand with Remediation. A respondent is responsible for providing the EJC evidence of the remediation they completed, if required. If the remediation is not completed in the timeframe stipulated by the EJC, the EJC may suspend the member in lieu of the reprimand for a period determined by the EJC. Such a suspension is appealable to the Board or Board committee per the rules established herein.

- B. Suspension. A suspension of the respondent's membership shall run for the length of time specified by the EJC (or Board or Board committee, in the case of an appeal), commencing on the date of the notice. If the respondent ceases to be a member, the time the respondent is not a member shall not count toward the period of suspension should the respondent request reinstatement as a member. APTA shall confirm upon request of the respondent or the president of the respondent chapter or any inquirer whether the respondent is suspended.
- C. Expulsion. A member who is non-permanently expelled by the EJC or the Board may be reinstated to membership only as provided by the APTA bylaws in effect at the time. APTA may share or publish any expulsion decision and the basis for that decision, in its sole discretion.

VII. Confidentiality and Retention

- A. APTA has an interest in preserving and protecting the privacy of all individuals involved in a complaint against a member and related information. APTA also has an interest in protecting the association from unauthorized disclosure while a complaint is under review.
- B. APTA will keep confidential all information gathered and submitted to the EJC or the Board regarding complaints made against a member and use reasonable care to protect the confidentiality of this confidential information. APTA may use such confidential information for purposes consistent with this procedural document. Upon request and at the discretion of the EJC, APTA will make available to chapter presidents and to components' ethics committee chairs or ethics liaisons (where applicable) and any inquirer in cases that involved either a suspension or expulsion. Otherwise, APTA will not disclose the confidential information to any third party except with the prior written consent of the member, or without the member's consent as necessary to comply with or assist in any legal proceeding or regulatory investigation. APTA will not have any obligations under this procedural document with respect to a specific portion of the confidential information if APTA can reasonably demonstrate that it was in the public domain at the time it was disclosed to APTA, entered the public domain subsequent to the time it was disclosed to APTA, was in APTA's possession free of any obligation of confidence at the time it was disclosed, or was independently developed by APTA prior to any obligation of confidence.
- C. APTA will maintain such confidential information for at least three years after final disposition of charges.
- D. The following are considered to be matters of public record and may be disclosed by APTA in accordance with APTA's policies: the fact that an individual is or is not, or has or has not been, an APTA member, a suspension by the EJC that either has been accepted by the respondent or has been imposed, following appeal, by the Board or Board committee, or an expulsion by the Board or a Board committee.
- E. A complainant who has been notified that a respondent has received a private reprimand may not disclose APTA's sanction other than in response to legal process, although the complainant is not restricted from disclosing to others the alleged conduct by respondent that was described in the complainant's submission to APTA.

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