



PROCEDURES FOR DISCIPLINARY ACTION

Section 1. Introduction

The National Ayurvedic Medical Association (“NAMA”) is a national organization representing the Ayurvedic profession in the United States. NAMA grants membership to individuals and organizations. NAMA, through its Certification Board, also grants certification credentials to Ayurvedic Professionals who meet certain certification qualifications. NAMA’s services, programs and activities are intended to support its mission: to preserve, protect, improve and promote the philosophy, knowledge, science and practice of Ayurveda for the benefit of humanity.

Ensuring responsible and ethical behavior on the part of NAMA members is at the heart of establishing Ayurvedic medicine as a recognized and respected profession, one that is of service and benefit to the public. In order to support responsible and ethical behavior, NAMA has adopted a Code of Ethics and Professional Conduct for Professional Members, and supporting policies and procedures. This document, “Procedures for Disciplinary Action”, explains the steps NAMA takes whenever a complaint is filed against a NAMA member, or an individual or organization applying for NAMA membership. A companion document, “Grounds for Disciplinary Action”, identifies grounds for disciplinary action against a professional member of NAMA or applicant for professional membership.

Section 2. Ethics and Disciplinary Review Panel

NAMA’s Ethics and Disciplinary Review Panel (the “EDRP”) is the body authorized to evaluate complaints and impose sanctions against NAMA members and applicants. The EDRP is composed of three to five members; the specific number is established by the NAMA Board of Directors (the “Board”). Individual EDRP members are appointed by the NAMA Board President for staggered, renewable, three-year terms, and no more than one Board member may serve on the EDRP. Any EDRP member who may have a conflict of interest in connection with a complaint is required to recuse himself/herself in accordance with NAMA policies.

Section 3. Disciplinary Process

3.1 Initiation of a Complaint

A complaint arises when it appears that alleged actions of a NAMA member or applicant may fall within the scope of the Grounds for Disciplinary Action. Such information commonly comes to NAMA's attention in the following ways:

- A formal, signed complaint is submitted by an individual on the NAMA Complaint Form. (NAMA does not investigate anonymous complaints.)
- A report from a governmental agency, educational institution, or other organization.
- An application for membership or renewal of membership.
- Information received by NAMA staff from another source.
- A notice from an Ayurvedic professional or Ayurvedic professional training program pursuant to a reporting requirement.

Generally, NAMA will not process a complaint that pertains to actions or events that took place more than three years prior to the date the complaint is filed with NAMA.

3.2 Confidentiality

While NAMA will not investigate anonymous complaints, it will withhold the name of a complainant from the person or entity that is the subject of the complaint (the "Complaint Subject") if circumstances exist that may lead to retribution or other adverse consequences to the complainant.

If a complainant is concerned about the possibility of retribution or some other adverse consequence if his or her name is revealed to the Complaint Subject, then the complainant should discuss this matter with the NAMA Executive Director (or designee), who will consult with the Chair of the EDRP regarding issues of confidentiality. Unless required to do so by applicable law or regulation, NAMA will not reveal the name of a complainant to the Complaint Subject, if the complainant believes that disclosure may lead to retribution or other adverse consequences. If NAMA believes that a complaint cannot be properly investigated if a complainant's name is kept confidential, then NAMA has the discretion to decline to investigate a complaint. In its efforts to balance fairness for both the complainant and the Complaint Subject, NAMA may choose to only investigate an anonymous complaint if it is corroborated by a subsequent complaint or other information.

While NAMA is committed to keeping the names of complainants confidential where there is the possibility of retribution or other adverse consequences if names are revealed—and will do everything it can to maintain confidentiality under these circumstances—NAMA cannot guarantee confidentiality where the nature of a complaint may indicate to the Complaint Subject or some other party, the identity of the person who lodged the complaint. Additionally, NAMA is committed to keeping the name of a Complaint Subject confidential while the investigation and review of a complaint is underway, unless applicable law or regulation requires otherwise.

3.3 Preliminary Staff Review

Whenever a formal complaint is received by NAMA, the NAMA Executive Director (or designee) and the Chair of the EDRP will conduct a preliminary review of the matter. If the Executive Director (or designee) and the Chair of the EDRP determine (1) the matter is frivolous or inconsequential, (2) the complaint contains unreliable or insufficient information, or (3) the matter is not within NAMA's jurisdiction or the scope of the Grounds for Disciplinary Action, then no further action will be taken and the complaint will be dismissed.

The Executive Director (or designee) shall notify the complainant of the dismissal of the complaint. If the complaint appears to fall within NAMA's jurisdiction and the scope of the Grounds for Disciplinary Action, then the Executive Director (or designee) will proceed with further investigation of the complaint, in consultation with the Chair of the EDRP.

3.4 Notice to and Response from the Subject of the Complaint

If the Executive Director (or designee) and the Chair of the EDRP determine further investigation is required, the Complaint Subject will be provided written notice of the complaint. The Complaint Subject will have forty-five (45) days from receipt of the notice to submit a written response to the complaint and present any additional evidence and information that supports the Complaint Subject's position, and may at his/her option request an opportunity to speak with the EDRP via electronic communication. Failure by the Complaint Subject to respond to the notice of a complaint within the forty-five (45) days will be sufficient grounds to impose sanctions. The Executive Director (or designee) may extend the period for the Complaint Subject's response upon the submission of a timely written request containing a reasonable explanation of the need for an extension.

3.5 Investigation by Staff

Any aspect of a complaint that is potentially relevant may be investigated by the Executive Director (or designee) to clarify, expand, and/or corroborate the complaint. During the course of his/her investigation, the Executive Director (or designee)—in consultation with the chair of the EDRP—may seek assistance from legal counsel, independent investigators, and any other appropriate individuals or organizations, including a complainant. All investigations will be conducted objectively and without prejudgment. During an investigation, confidentiality will be maintained to the extent possible.

3.6 Review by the EDRP

Upon completion of the investigation, the Executive Director (or designee) will submit the complaint, along with the supporting documentation and findings, to the EDRP. Complaints will be considered without hearings, trial-type proceedings, witnesses, cross-examinations, or the application of formal legal rules of evidence and hearsay.

However, the Complaint Subject may request an opportunity to communicate with the EDRP via electronic communication. Decisions of the EDRP are based on the written record and any information offered orally by the Complaint Subject.

If the EDRP decides there was no action by the Complaint Subject that falls within the Grounds for Disciplinary Action, the complaint is dismissed with written notice to the Complaint Subject and to the complainant(s). If the EDRP makes a determination that the actions did fall within the Grounds for Disciplinary Action and imposes a sanction, the EDRP will issue its decision in writing to the Complaint Subject. If the EDRP decides that it has insufficient information to issue a final decision, the EDRP may request further information.

Section 4. Sanctions

The EDRP may impose any sanctions it deems appropriate with respect to an NAMA member or applicant, including without limitation:

1. Refusal to grant membership and/or certification.
2. Suspension of membership and/or certification for a specific period of time.
3. Revocation of membership and/or certification status.
4. Conditions for gaining or maintaining membership and/or certification status including remedial education or service relevant to the nature of the complaint.
5. Written reprimand (i.e., formal expression of disapproval retained in the Complaint Subject's NAMA file but not publicly announced).
6. Censure (i.e., formal expression of disapproval that is publicly announced).
7. Probation pending completion of specified conditions such as monitoring, counseling, and/or remedial education.
8. Any other conditions or sanctions, at the sole discretion of the EDRP.

In the event of suspension or revocation of certification status, the Complaint Subject must return his or her certificate to NAMA within thirty (30) days of notice of the sanction. If the certificate is lost or misplaced, the Complaint Subject must submit a signed and sworn statement to that effect.

Section 5. Voluntary Surrender or Withdrawal

At any time before the EDRP renders its final decision, the Complaint Subject may voluntarily surrender his/her membership and certification credentials (if any), and withdraw all application(s) for membership and certification. Upon such surrender and withdrawal, the complaint will be dismissed without any further action by the EDRP. NAMA may communicate with any regulatory agency or other appropriate party concerning the circumstances that led to the surrender and/or withdrawal. Voluntary surrender and/or withdrawal in response to a complaint renders a Complaint Subject ineligible for membership and certification for a period of no less than two (2) years from the date of the surrender and/or withdrawal, and ineligible for an appeal of the matter.

Section 6. Appeal Process

A Complaint Subject may appeal a final decision of the EDRP to the NAMA Board of Directors in writing within thirty (30) days of receipt of the decision. If the decision of the EDRP is not appealed within thirty (30) days, the action of the EDRP is final.

A member of the Board who also serves on the EDRP will not participate in the consideration of any appeal. Board members who may have a conflict of interest with respect to the Complaint Subject who submitted the appeal will recuse themselves in accordance with NAMA policies.

The Board will review the written record (including a summary of any oral information provided by the complainant) to determine whether the decision was inappropriate because of (1) material errors of fact that provided the basis for the decision, or (2) failure of the EDRP or staff to follow published criteria, policies, or procedures. The Board will not conduct further investigations or reevaluate the decision as to whether actions fell within the Grounds for Disciplinary Action. The Board's decision affirms, modifies, remands, or overrules the EDRP's decision. The Board will notify the Complaint Subject of its decision in writing. Unless remanded, the decision of the Board is final and may not be appealed.

Section 7. Notice to Complainant and Publication

The NAMA Executive Director (or designee) will notify the complainant of NAMA's final determination regarding the complaint.

The sanctions of censure, probation, suspension, and revocation—shall be published in any manner and for any period of time deemed appropriate by NAMA, including but not limited to notification in NAMA publications and on the NAMA website. NAMA may disclose any sanction or action taken, at its sole discretion, in any way it deems appropriate or necessary to any governmental agency, employer, school, insurer, or other individual or entity.