



**REGULATION
ON PROFESSIONAL DISCIPLINARY
ADJUDICATION**

THE FIRST PART
DEFINITIONS AND GENERAL PRINCIPLES

Article 1

Legal basis and the object

- 1.** Professional Disciplinary Adjudication and the Regulation of Professional Disciplinary Adjudication are based on Law no. 40/2016 "On the Order of the Psychologist in the Republic of Albania", the Code of Ethics and Deontology as well as on the Statute of the Order of the Psychologist.
- 2.** The Order of the Psychologist of the Republic of Albania (OP) undertakes actions and makes the professional disciplinary judgement of his/her member in cases when:
 - a.** His professional competence or performance has serious shortcomings,
 - b.** There is an allegation of unethical professional conduct,
 - c.** He/she has been convicted by justice authorities,
 - d.** He/she, due to his/her health conditions, becomes incompetent and irresponsible for practicing the profession,
 - e.** His/her actions and conduct constitute a violation of the Code of Ethics and Deontology and the applicable legislation.

Article 2

The Objective

- 1.** Drafting and adoption of this regulation aims to:
 - a.** Establish the basic principles and rules in order to ensure an objective, fair and impartial disciplinary adjudication,
 - b.** Protect the member of the Order from an arbitrary and undeserved punishment,
 - c.** Identify and punish professional violations, based on the complaints submitted to the Order, through disciplinary adjudication.

Article 3

General principles

- 1.** Professional Disciplinary Adjudication is independent, impartial, objective and fair.
- 2.** All complaints received by the Psychologist's Order shall be recorded in the Registry of Complaints without exception and shall be subject to review by the Ethics Committee of Professional Disciplinary Adjudication, except those which are obviously baseless or which do not meet the formal elements of admissibility.
- 3.** The Order of the Psychologist undertakes disciplinary actions only for matters related to his legitimate attributes, concerning the practice of the profession, and evaluating them in the framework of the normative acts in force.
- 4.** In the event of conflicts between two psychologists, the Professional Disciplinary Ethics Committee shall consider all possible alternatives, so that the parties involved in the conflict settle the matter with reconciliation.
- 5.** The parties involved in a disciplinary adjudication shall have the right to be assisted for defense or to be represented in a hearing by a lawyer who will be freely chosen by them. When the Ethics Committee of Professional Disciplinary Adjudication or the National Council, considers the presence of the litigants necessary, then they are obliged to be present, regardless of the presence of their representative.

Article 4

Accepting complaints

- 1.** The complaint must contain the complainant's identity, the address, his/ her contact number and the alleged violation which he/she claims that is carried out by the psychologist, to whom the complaint is directed.
- 2.** Anonymous complaints are not admitted for review by the Committee of Ethics and Professional Disciplinary Adjudication, but may serve as indications to initiate ex-officio proceedings on the initiative of the President of the Psychologist's Order.
- 3.** All complaints submitted to the Psychologist's Order shall be subject to prior verification by the Legal Office in order to verify the admissibility criteria set forth in paragraph 1) of this Article. In cases when one or some of the required data is missing, the complaint is returned to the complainant for review. In this case, any procedural time starts from the day of submission of

the completed application.

4. Disciplinary action may be initiated by:

a. Each member of the Psychologist's Order;

b. Every individual, who is a recipient of a service in the field of psychology, for issues related to the service provided;

c. Any public or private institution;

d. The President of the Psychologist's Order, mainly (ex-officio);

Article 5

Disciplinary action for the foreign members of the Psychologist's Order

1. The psychologists, who are foreign citizens and practice their profession within the territory of the Republic of Albania, shall be subject to disciplinary proceedings in accordance with this Regulation, as do all the other members of the Psychologist's Order of Albanian citizenship.

2. In cases when their presence is required, proceedings against them shall be conducted with the assistance of an official translator of their mother tongue or, if this is not possible, of the language which they declare to know.

3. The disciplinary measure taken against them shall be transmitted to the homologue authorities of the respective country.

SECOND PART

ETHICS COMMITTEE AND DISCIPLINARY MEASURES

Article 6

Committee of disciplinary adjudication

1. The Ethics Committee of Professional Disciplinary Adjudication, as a body of professional adjudication, functions within the National Council. This committee consists of 5 members elected by the National Council.

2. The Committee reviews the complaints made to the Order's bodies related to the practice of the profession and which constitute violations of the Code of Ethics and Deontology.

3. The National Council shall adjudicate all the matters appealed after the decision of the Ethics Committee of Professional Disciplinary Adjudication.

Article 7

Selection and appointment of commissioners

Candidates, potential members of the Committee of Professional Disciplinary Adjudication, are selected by the National Council.

Article 8

Selection Criteria

1. Candidates for members of the Committee of Professional Disciplinary Adjudication must meet these criteria:

- a. They must be members of the Psychologist's Order;
- b. They must not have less than 10 years of experience in practicing the profession;
- c. They must not have been subject to disciplinary measures in the last five years;
- d. They must not be convicted by the legal authorities;
- e. They must not have a family or in-laws relationship with any member of the National Council;

2. A member of the Committee of Professional Disciplinary Adjudication shall not hold any kind of governing function in the administration of state institutions.

Article 9

Duration of a member's mandate of the Committee of Professional Disciplinary Adjudication

The mandate of a member of the Committee of Professional Disciplinary Adjudication is 3 (three) years, with the right to be re-elected.

Article 10

Early release of a member of the Committee of Professional Disciplinary Adjudication

1. Early release from the duty of a member of the Committee shall be made when:

- a. It is submitted a written request for resignation;
- b. He/ she is sentenced by a final decision for criminal offenses or disciplinary offenses;
- c. Being absent three times in a row from the professional hearing sessions;
- d. He/ she becomes incompetent due to health reasons;

2. Early release and replacement shall be made with the proposal of the President and with the

decision of the National Council.

Article 11

Prohibition on participation in disciplinary committees

1. The member, who has direct or indirect family relations, or any other relationship of interest to the persons who are being adjudicated, is not allowed to participate in the Professional Disciplinary Adjudication.

2. In cases when the litigants require the expulsion of a member of the Committee from the adjudication, and the latter deems that it is not in the case of a conflict of interest, the decision to ban or not his/ her participation in the adjudication shall be taken by a simple majority of the votes of the other members of the Committee. If the votes are equal, the request is considered to be accepted.

Article 12

Disciplinary measures

1. If, according to the facts and evidence presented in the case file, it is verified that the member has committed acts related to the practice of the profession and they constitute a violation of the Code of Ethics and Deontology, the law or statute of the OP, the Disciplinary Committee issues these disciplinary measures:

- a.** A written reprimand,
- b.** A warning reprimand of waiving the right of practicing the profession,
- c.** A fine which goes from 10,000 (ten thousand) ALL to 100,000 (one hundred thousand) ALL.
- d.** A proposal for the dismissal of the members from the governing functions of health and private institutions;
- e.** The suspension from the right to be elected in the governing bodies of the Order of the Psychologist up to a 3 year period;
- f.** The expulsion from the Order of the Psychologist up to a 3 year period;

2. The disciplinary measures referred to paragraph 1 of this Article shall be dropped if no other disciplinary measure is taken against the member:

- a.** Within a yearly period from the date of issue of the disciplinary measure, pursuant to the

letters "a" and "b" to the subsection of this article;

b. Within three years from the date of issue of the disciplinary measure, pursuant to the letters "d", "e" and "f" of the subsection "1" of this Article.

3. The fine imposed pursuant to letter "c" of the subsection "1" of this Article shall be transferred to the state budget.

PART THREE

PROCESS OF DISCIPLINARY ADJUDICATION

Article 13

Adjudication in the Professional Disciplinary Ethics Committee

For each complaint submitted to the Committee, a disciplinary process is initiated according to this procedure:

1. The Legal Office, after verifying the formal admissibility requirements, files the complaint in the Register of the Complaints and submits it to the President of the Order.

2. The President, after notifying all the members of the Committee about the filed complaint, appoints a member of the Committee as a Rapporteur of the case, according to a specified order, depending on the number of cases presented.

3. The Rapporteur of the case shall notify the respondent psychologist about the complaint filed against him, by making known to him:

a. The content of the complaint;

b. The obligation to submit within 10 days a written form of his/her defense as well as all the evidence in his/her favor which will be required and administered during the adjudication;

c. The right to be represented by a lawyer in a lawsuit against him/her;

d. The obligation to be present at the hearing, if the Committee considers his/her presence necessary;

4. The Rapporteur of the case cooperates with any public or private institution to obtain all the information he/she deems necessary in resolving the case.

5. The Rapporteur of the case does not have the right to ask the complainant any additional information regarding the allegations presented in the complaint, and he/ she requires the

complainant to submit any evidence that he/she deems reasonable in verifying these allegations. The complainant is also informed of the right to be represented and defended by a licensed lawyer and the obligation to be present at the hearing session if the committee of adjudication deems it necessary.

6. After collecting all the claims of the litigants, the Rapporteur notifies the involved parties about the content of the file, then he/she shall compile a Preliminary Verification Report of the Case, which shall be forwarded to the other members of the Committee and shall define, no later than within 10 days, the date of the hearing.

Article 14

Preliminary Procedures for the Adjudication in the Professional Disciplinary Ethics Committee

1. A hearing shall be held with the participation of all members of the Committee.
2. The disciplinary process of the adjudication shall be headed by the case Rapporteur.
3. The members of the Disciplinary Committee shall be notified about the date and time of the hearing and the case which shall be judged, no later than 5 (five) days before the date set for the hearing.
4. After hearing the litigants and considering the evidence, the Committee of the Professional Disciplinary Adjudication, if deemed necessary, may decide to examine other evidence and to postpone the hearing.
5. The Disciplinary Adjudication shall be completed no later than 60 days from the date of filing the complaint.
6. The Professional Disciplinary Adjudication is conducted in 2 (two) stages:
 - a. The open stage (hearings);
 - b. The closed stage and the decision-making.

Article 15

Lack of litigant's participation in the Professional Disciplinary Adjudication

1. The litigants in the adjudication shall be notified in the address stated in the complaint or in the register of the Order of the Psychologist of the Republic of Albania.
2. During the Professional Disciplinary Adjudication, if one of the parties is personally absent

and is not represented at the hearing by the authorized person, for justified reasons, the session shall be postponed by assigning another date which shall be communicated to the litigants.

3. During the Professional Disciplinary Adjudication, the unjustified absence of the complainant or the respondent shall result in adjudication in their absence.

Article 16

Participation in the hearing and communication with the media

1. Regarding the participation of guests and the public in the hearings of the Professional Disciplinary Adjudication, in each case shall be specifically decided by the respective Committee of the Professional Disciplinary Adjudication, taking into consideration the protection and non-violation of privacy of all involved parties.

2. It is forbidden to disclose information to the media before the final decision is issued by the National Council.

Article 17

The open stage of the trial

1. At a hearing session, an employee of the administration of the Order of the Psychologist is appointed by the President and he/she takes down the minutes, the number of the litigants and other participants in the hearing, also he/she summarizes the details of the hearing.

2. The session is chaired by the Rapporteur, who reads the Preliminary Verification Report.

3. The matter is addressed to the party which has filed the complaint and it will be asked to submit it once more, and whether it has to present or submit other evidence in relation to the matter, then the matter is addressed to the respondent party, in order to submit its objections regarding the complaint, and whether it has to present or submit any other evidence relating to the case.

4. After hearing the litigants, the case Rapporteur, if he/she considers it as relevant, requests further details from the litigants, and if he/she considers it reasonable, attempts to resolve the submitted complaint in consensus.

5. Then, the word is given to the experts, if they are required to appear at the hearing.

6. The rapporteur asks the members of the Committee if they have questions for the litigants as well as for the experts.

7. If during the hearing, a request for additional verifications arises, the Committee decides to suspend the hearing, reflecting this in the minutes, which is signed by the members of the committee. The next hearing shall be held within the 60-day period from the filing date of the written complaint to the Committee.
8. Before the closing of the hearing, the litigants shall be heard, first the complainant then the respondent, in case there is any other explanation.
9. In conclusion, the rapporteur communicates to the litigants the transfer of the case to the next stage (closed phase and decision-making).

Article 18

Closed stage and decision making

1. The closed stage and the decision-making process are conducted without the presence of participants in the process.
2. The Rapporteur asks the members of the Committee of the Professional Disciplinary Adjudication to express their opinions and to give arguments for whether or not to take a disciplinary measure against the respondent psychologist.
3. Having considered the opinions of the members of the Committee of the Professional Disciplinary Adjudication, the rapporteur presents his proposal, which is cast in open ballot versus other alternative proposals. The proposal, which has a simple majority of votes, remains in force.
4. The Rapporteur, based on the minutes and the decision taken by the Committee of the Professional Disciplinary Adjudication, clarifies the decision in 3 (three) copies, which are signed by the members of the Committee of the Professional Disciplinary Adjudication and by the President of the Order.
5. The clarified decision is handed to the litigants by the Legal Office by making known to them that there can be made a complaint to the National Council against this decision, within 15 calendar days. A copy of the decision is held to the respective Ethics Committee and a copy is handed to the litigants.

Article 19

Request for Appeals

1. Appeals against the disciplinary measures taken by the Committee of the Professional Disciplinary Adjudication are submitted to the National Council of the Order of Psychologist within 15 days of the date of written communication of the decision issued by the Committee of the Professional Disciplinary Adjudication.
2. The National Council of the Order of the Psychologist, within 30 days from the date of the receipt of the complaint, shall consider or establish an ad-hoc commission and shall issue a decision on the submitted appeal.
3. The National Council shall take the following decisions:
 - a) Leaves in force the decision of the Committee of the Professional Disciplinary Adjudication;
 - b) Returns the case for re-adjudication;
 - c) Examines the case and makes a decision in changing the decision;
4. The decision of the National Council is appealed in the First Instance Administrative Court of Tirana, according to the legislation in force.

PART FOUR

Final provisions

Article 20

Notification of institutions for decisions of Professional Disciplinary Adjudication

1. The decision of the Professional Disciplinary Adjudication is made known to the institution in which the psychologist practices his/her profession.
2. The decision of the Professional Disciplinary Adjudication, which takes disciplinary measures against the psychologist, in cases of special interest, shall be made known to the relevant Ministry.

Article 21

Rewarding participation in disciplinary processes

1. The members of the Committee of Professional Disciplinary Adjudication shall be reimbursed with honoraria by the Order of the Psychologist according to the manner and the tariffs approved by the National Council of the Order of the Psychologist of the Republic of Albania.

Article 22

Entry into force

This Regulation shall directly enter into force after the approval by the National Assembly of the Order of the Psychologist of the Republic of Albania.

Approved by the Decision No. 1, dated 30.06.2017 of the National Assembly of the Order of the Psychologist of the Republic of Albania.

