

Guiding Principles Regarding AAOS Non-SOP Professional Compliance Actions

These Guiding Principles are adopted pursuant to Paragraph 5.3 of the Bylaws of the American Association of Orthopaedic Surgeons (AAOS) regarding Non-Standards of Professionalism (Non-SOP) professional compliance matters.

General

As a professional organization, AAOS has a fundamental responsibility to hold its Fellows and Members accountable to its professional standards.

AAOS recognizes that it cannot identify every Fellow or Member who has violated its requirements for Fellowship or may be subject to action through the Professional Compliance Program.

Through education of its Fellows and Members about appropriate professional behavior, AAOS strives to eliminate the need for professional compliance (disciplinary) action against any of its Fellows and Members.

For those who violate its requirements for Fellowship, AAOS strives to be fair and consistent in its professional compliance process.

Considerations

In developing recommendations in non-SOP professional compliance matters, AAOS shall be guided by the following:

1. Any disciplinary action by a state medical licensing board (whether time-limited or permanent) shall be considered to limit or restrict any right associated with the practice of medicine in accordance with Article V of the AAOS Bylaws, and thus is subject to consideration under the AAOS Professional Compliance Program. This is the case even if the orthopaedic surgeon's practice is not limited.
2. Each case will be considered individually in a fair and impartial manner according to the defined processes of the AAOS Professional Compliance Program.
3. AAOS shall endeavor to make consistent decisions over time in cases with similar facts.
4. AAOS may exercise discretion and judgment in the severity (level and duration) of the sanctions imposed, based on the seriousness of the violation(s) and mitigating or aggravating circumstances.
5. AAOS will first consider public and patient safety, and may also consider the effect of the violation on the reputation of medicine and the orthopaedic profession.

6. In sanctioning a Fellow or Member involved in state medical licensure actions, AAOS may consider whether such actions have been taken as a result of the individual's reckless disregard for the truth, intent to deceive, or altering records as well as other unethical and unprofessional conduct.
7. In sanctioning a Fellow or Member involved in state medical licensure actions, AAOS may or may not consider letters of reprimand or censure from state medical licensing boards.
8. In sanctioning a Fellow or Member involved in state medical licensure actions, AAOS will generally not second-guess decisions made by state medical licensing boards or courts.
9. In sanctioning a Fellow or Member involved in state medical licensure actions where the Fellow or Member holds medical licenses in two or more states, AAOS will generally consider the medical license only in the state or states where the Fellow or Member is currently in practice.
10. In sanctioning Fellows or Members whose medical licenses are not full, unrestricted and unlimited because of alcohol and/or substance abuse and who are involved in treatment, AAOS may consider:
 - a) Whether the orthopaedic surgeon self-reported the violation to AAOS or the state medical licensing board;
 - b) Whether the orthopaedic surgeon has accepted responsibility for his or her actions;
 - c) Whether there is a physician health program or state medical licensing board overseeing the orthopaedic surgeon in treatment, and the extent to which there is active monitoring by the program or board of the orthopaedic surgeon's practice;
 - d) Whether the orthopaedic surgeon involved in a treatment program is compliant with all treatment protocols, or has any restrictions or limitations on his/her ability to practice medicine while involved with the program;
 - e) Whether AAOS professional compliance action will have a positive or adverse impact on the orthopaedic surgeon's treatment and recovery;
 - f) Whether the orthopaedic surgeon has a history of previous treatments and/or disciplinary actions; and
 - g) Other information AAOS deems relevant.
11. Generally, AAOS will expel a Fellow or Member convicted of a felony or pleading no contest to a felony.

12. Generally, AAOS will expel a Fellow or Member following a finding by a government agency or institution that he or she committed scientific or research fraud, absent mitigating circumstances.
13. AAOS may consider a Fellow or Member's failure to cooperate with AAOS' review and consideration of materials under Paragraph 5.3.d. of the Bylaws.
14. If a Fellow or Member advises AAOS of issues related to expert witness opinion or testimony given by another AAOS Fellow or Member in connection with a state medical board action, he/she shall have the right to file a grievance against the expert witness, under AAOS Bylaws Article 5.4, within 180 days of so notifying the AAOS.
 - a) Upon receipt of a timely Grievance Report, the non-SOP matter will be held in abeyance pending a final determination of the grievance.
 - i. Upon conclusion of the grievance, the non-SOP matter shall be reviewed by AAOS, which may, in its sole discretion, take into consideration any official professional compliance action taken in connection with the grievance.
 - ii. The AAOS Board of Directors shall make the final determination for all non-SOP actions. No appeal of non-SOP determinations is permitted.
 - b) If no grievance is filed within 180 days, the non-SOP matter will be reviewed by AAOS.

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