



AMERICAN ASSOCIATION OF  
ORTHOPAEDIC SURGEONS

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Professional Compliance  
Program

# AAOS Professional Compliance Program

January 2017

# Background

- From the “Grass Roots”
- October, 2002 – BOC Advisory Opinion calls for an AAOS professional conduct program on expert witness testimony
- June, 2003 – AAOS Board of Directors recommended an educational program on expert witness testimony, but did not adopt a disciplinary program

# Background - Phase I

- **AAOS Expert Witness Affirmation Program was created**
  - Affirmation Statements recorded and available for use in litigation
  - Establishes guidelines for submitting requests
  - Allows for database accessibility to AAOS Fellows and Members

# Background – Phase II

- July and November 2003 - Surveys indicated overwhelming Fellow support for a sanction-based program addressing inappropriate expert witness testimony
- December 2003 – Board of Directors voted to adopt the concept of the PCP, broadening its scope to include not only inappropriate Expert Witness testimony but also other critical professionalism issues
- April 2005 – Fellowship adopts bylaws establishing the Professional Compliance Program and the first three Standards of Professionalism (SOPs)

# Background

- June 2005 – AAOS Board appoints members of Committee on Professionalism (COP) and Judiciary Committee
- Summer 2005 – COP and Judiciary Committee members undergo training

# Professional Compliance Program

- Establishes two new AAOS committees to hear and adjudicate grievances and appeals
  - Committee on Professionalism (COP)
  - Judiciary Committee
- Designates the AAOS Board of Directors as the final decision-making body in all membership matters, including Professional Compliance Actions

# Standards of Professionalism (SOPs)

- Establish the *minimum mandatory standard of acceptable conduct* for orthopaedic surgeons in each of the areas described
- Derived from the AAOS Code of Medical Ethics and Professionalism
- Fellowship approval required to implement new SOPs or to revise existing SOPs

# Standards of Professionalism

- Initially Adopted SOPs – April 2005
  - Orthopaedic Expert Witness Testimony (amended May 2010/Orthopaedic Expert Opinion and Testimony)
  - Providing Musculoskeletal Services to Patients (amended April 2008)
  - Professional Relationships



# Standards of Professionalism

- Additional *SOPs* adopted:
  - Research and Academic Responsibilities (May 2006)
  - Advertising by Orthopaedic Surgeons (April 2007)
  - Orthopaedist-Industry Conflicts of Interest (amended April 2012)

# Professional Compliance Program Grievance Procedures

- Purpose

- Establishes a process for Fellows and Members to address grievances about the behavior of other Fellows and Members that may be in violation of SOPs
- Apply to all Fellows and Members

# Professional Compliance Program Grievance Procedures

- Foundation
  - Designed to supplement Association Bylaws
  - Creates a process that is transparent, expeditious and equitable
  - Provides Fellows and Members with substantial due process, including at least two opportunities to be heard

# Professional Compliance Actions

- Apply to all Active Fellows and Emeritus Members including:
  - Associate Members
    - Orthopaedic
    - Basic Sciences
    - Allied Specialties
    - Osteopathic
  - Residents
  - Candidates

# Professional Compliance Actions

- Do not apply to:
  - International Members
  - Honorary Members

# Grounds for Professional Compliance Actions

- Failure to comply with AAOS SOPs
- Failure to comply with other AAOS requirements
  - State imposed license actions
  - Felony conviction
  - DEA violations
  - AAOS Bylaws, Articles of Incorporation, Rules & Regulations

# Professional Compliance Actions

1. No Official Action
  2. Letter of Concern
  3. Reprimand
  4. Censure
  5. Suspension
  6. Expulsion
- “Official actions”

# 1. No Official Action

- Not made public to anyone else (including Fellows, Members, attorneys or NPDB/National Practitioners Data Bank)
- Grievance numbers (no names) and statistics are reported to Board of Directors



## 2. Letter of Concern

- May be sent to either party when behavior does not reach threshold that requires official action
- Not an official AAOS professional compliance action
- Not made public
- Not reported to the NPDB

# 3. Reprimand

- Written reprimand from the AAOS
- No loss of Fellow or Member benefits
- Not made public
- Not reported to the NPDB
- Not reported to other orthopaedic and medical organizations
- Does become a permanent part of the Respondent's membership file

## 4. Censure

- Written reprimand from the AAOS
- No loss of Fellow or Member benefits
- Announced to the AAOS
  - Information can be subpoenaed
- Reported to other orthopaedic and medical organizations
- Not reported to the NPDB
- GOOGLE potential
- Does become a permanent part of the Respondent's membership file

# 5. Suspension

- Loss of Fellow or Member benefits for a period of time determined by the Board of Directors
- Announced to the AAOS
  - Information can be subpoenaed
- Reported to other orthopaedic and medical organizations
- Reported to the NPDB
- GOOGLE potential
- Does become a permanent part of the membership record
- Afterwards, full reinstatement allowed upon:
  - Request
  - Payment of back dues and fees

# 6. Expulsion

- Removed from the AAOS rolls
- Not entitled to any Fellow or member benefits
- Announced to the AAOS
  - Information can be subpoenaed
- Reported to other orthopaedic and medical organizations
- Reported to the NPDB
- GOOGLE potential
- Cannot reapply until a BOD prescribed time period has elapsed

# Statistics *as of January 2017*

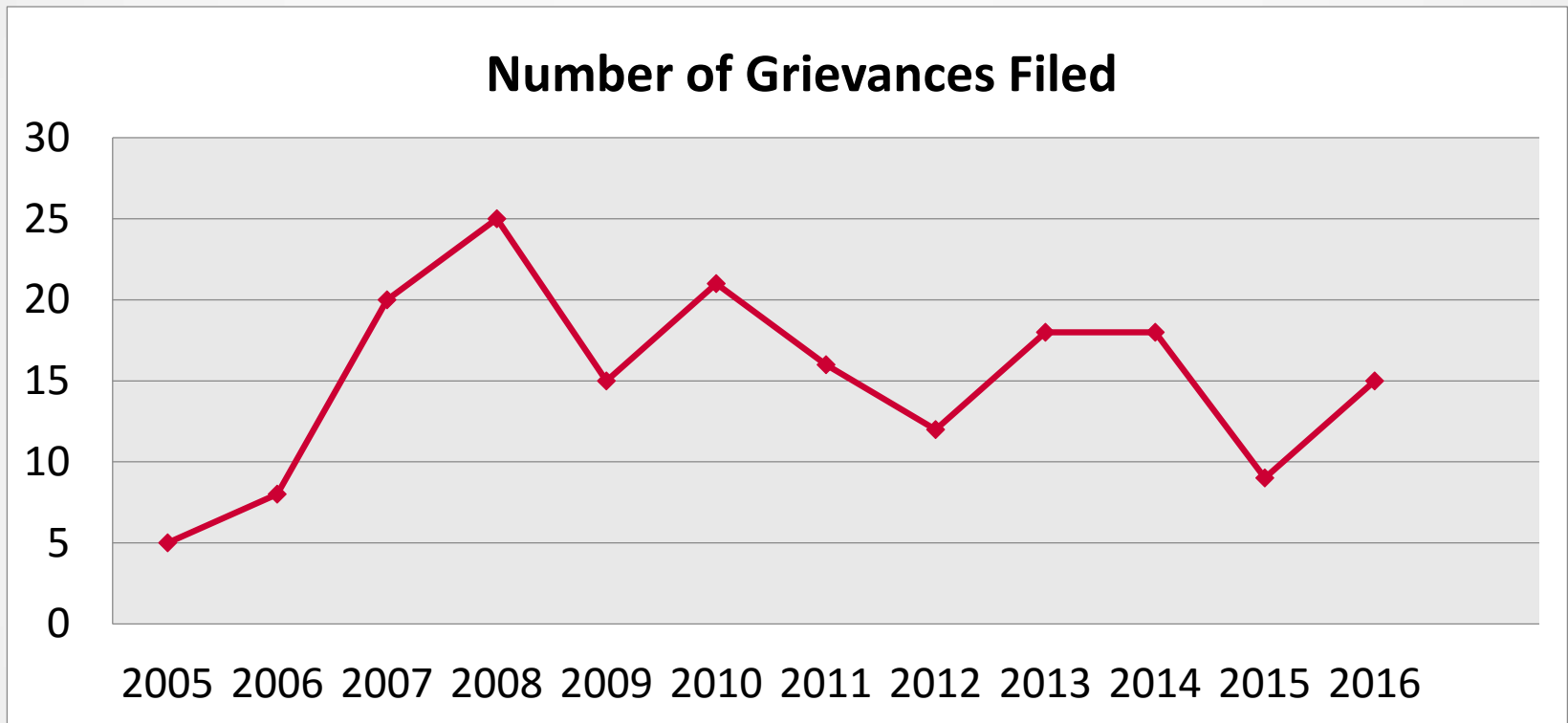
(Since program initiated in April 2005)

- Total Grievances submitted - 196
- Withdrawn or in abeyance - 37
- Failed Administrative Review - 26
- COP finds no *prima facie* case – 44

# PCP Statistics *as of January 2017*

- COP Hearings Conducted – 82
  - No official action / closed – 24
- Judiciary Committee Appeal Hearings Conducted – 35
- Letters of Concern (not official AAOS actions) issued – 57
- Official Board Actions – 49

# PCP Statistics *as of January 2017*





# 2016-2017 Committee on Professionalism

Jeffrey A. Baum, MD, Chair

Thomas W. Currey, MD

Stephen G.J. Eckrich, MD

Thomas B. Fleeter, MD

Thomas J. Grogan, MD

James J. Hamilton, MD

Peter J. Mandell, MD

Tamara L. Martin, MD

William R. Martin, III, MD



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# 2016-2017 Judiciary Committee

Robert H. Sandmeier, MD, Chair  
A. Herbert Alexander, MD  
William J. Hopkinson, MD  
John P. Lubicky, MD  
James T. Ninomiya, MD  
Patrick St. Pierre, MD



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**For more information:**

[www.aaos.org/profcomp/](http://www.aaos.org/profcomp/)