



American
Association of
Neurological
Surgeons

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The AANS Professional Conduct Program

Why was the AANS Professional Conduct Program established?

Established in 1983, the Professional Conduct Program provides an internal process to evaluate complaints of unprofessional conduct by one member against another and to make recommendations to the AANS Board of Directors for action (dismissal or discipline) on the charges. Unprofessional conduct may be evidenced by a violation of the AANS Code of Ethics or the Rules for Neurosurgical Medical/Legal Expert Opinion Services, or other conduct that is illegal or deemed to be unprofessional by the AANS.

The AANS Code of Ethics

The Code of Ethics establishes standards of conduct for AANS members in medical and professional relationships. The code is a statement of ideals, commitments and responsibilities of member neurosurgeons to patients, their families, other health professionals, insurers, the legal profession, society and themselves. It is one of the measures used to evaluate a member's maintenance of good professional standing and to evaluate qualifications for membership by applicants.

The AANS Rules for Neurosurgical Medical/Legal Expert Opinion Services

The Rules for Neurosurgical Medical/Legal Expert Opinion Services are intended to distinguish between appropriate and inappropriate expert

medical testimony and to promote a standard of quality in the provision of expert testimony services by member neurosurgeons on either side of professional liability cases. The rules cover impartial testimony, subject matter knowledge and compensation. The rules apply to all AANS members providing expert witness services in the context of civil or criminal proceedings and include written expert opinions and sworn testimony.

The Rules for Neurosurgical Medical/Legal Expert Opinion Services and the Code of Ethics may be found in the AANS's governing documents. Please visit the Bylaws, Codes and Guidelines tab under the Governance section of the AANS website to access these documents.

How are complaints handled?

Charges of unprofessional conduct are handled by the AANS Professional Conduct Committee (PCC). Charges require a formal written complaint submitted to the AANS Secretary or AANS legal counsel who advises the parties of the process and procedural requirements. Both the complainant and respondent must be AANS members. All legal activities, court cases and administrative proceedings, including university or hospital inquiries, etc., must be final prior to PCC involvement. This includes all related appeals. When preparing the complaint material, the complainant must clearly identify what sections of the Code of Ethics or Rules

for Neurosurgical Medical/Legal Expert Opinion Services were violated with a description of how the respondent violated each such provision. The respondent then has an opportunity to respond to the charges in writing. If after reviewing the party submissions the PCC determines that a prima facie case of unprofessional conduct has been established, a formal hearing before the PCC will be scheduled.

What are the most frequent types of complaints?

To date the majority of complaints brought before the PCC have involved expert witness testimony in medical malpractice lawsuits. Other charges have included anti-competitive practice, patient care, billing practices, defamation and loss of ABNS certification or medical license.

What are the parties' rights?

The complainant and respondent may have legal representation throughout the process, although it is not required. Each party is entitled to receive copies of all written materials submitted by the other party and opportunity to respond prior to a PCC hearing. No adverse action is recommended to the Board of Directors or taken against any member without a hearing. To ensure a respondent's right to confidentiality during the process, the hearing is open only to the PCC members, parties, witnesses, legal counsel and court reporter. A respondent may waive his or her right to attend the hearing.

What are the possible outcomes after the initial hearing?

After conducting the hearing, the PCC will recommend to the Board of Directors that the charges not be sustained and no further action be taken or that the charges should be sustained and that one of the following disciplinary actions be taken against the respondent:

1. Censure
2. Suspension of membership for a specified period of time
3. Expulsion from the AANS

The Board of Directors may vote to accept or reject the recommendation. The Board may also vote in favor of a different outcome, for example, rejecting the recommendation for a suspension and voting instead for censure or expulsion.

Can a member appeal a decision?

A respondent may appear before the Board of Directors when the PCC presents its findings and recommendation. They may also submit a written statement. In addition, any respondent disciplined by the Board of Directors may appeal the decision to the AANS general membership. In the event of an appeal, both the respondent and the President of the AANS submit written statements to the AANS voting membership who vote anonymously via an electronic link to ballots on their MyAANS accounts. If an appeal is made, the discipline does not go into effect unless the Board's action is sustained by a majority of the votes cast. If less than a majority of the members casting ballots support the action of the Board, the charges are dismissed. Due process and the rights of all parties are carefully respected throughout the proceedings.

How is membership informed of PCC actions?

Upon finalization of any discipline, a brief write-up appears in *AANS Neurosurgeon*, which includes the member's name and a brief summary of the action for which the member was disciplined.

How can I learn more about the AANS Professional Conduct Program?

Additional information about the Professional Conduct Program is available on the AANS website under the Bylaws, Codes and Guidelines tab in the Governance section or you can contact the AANS Executive Office at info@aans.org.