

ACR ETHICS COMMITTEE PROCEDURES

COMPLAINT PROCESS

Complaints must be submitted in writing addressed to the Chair of ACR Ethics Committee. Complaints and appeals must be provided to:

Mail: Attention ACR Legal Department
1892 Preston White Drive
Reston, VA 20191
Email: legal@acr.org
Fax: (703) 620-6329

The subject of the complaint ("Respondent") must be an ACR member.

The person submitting the complaint ("Complainant") does not have to be an ACR member.

The subject matter of any related complaint currently in litigation, arbitration, or review by any state or federal administrative body (including a state medical board) must first be decided by a federal or state court or agency, settled in lieu of a final judgment or verdict, or dropped (not an active complaint). Complainant must in good faith confirm that no litigation, arbitration, or review related to the complaint is pending to the best of their knowledge.

At the time of submission, complaints must be accompanied by supporting documentation such as relevant images, medical records, or copies of court records (testimonies, depositions). Additional supporting documentation may be requested by the Committee during the review.

Complainant must remove patient-related, personally identifiable information (PII) from all supporting documentation to protect personal health information (PHI) and comply with the Health Insurance Portability and Accountability Act (HIPAA) of 1996. Any complaint submitted with materials which have not been properly de-identified will not be accepted for review by the Committee. The complainant will be informed that the complaint must be resubmitted with PII and/or PHI properly removed.

Prior to any discussions, the Committee is queried to identify any actual, potential, or perceived conflict(s) of interest (COI). For example, if a Committee member has a relationship (personal or professional) with either the complainant, respondent, or personal knowledge of the facts of a complaint to be considered, said member is identified as having an actual, potential, or perceived COI. Management of such COIs may be handled by recusing said member from that complaint. Committee members with COIs in relation to a complaint who are recused do not participate in any proceedings, including discussions or decisions, related to that complaint.

Committee members may not discuss the specific details of any complaint outside of Committee deliberations.

ACR treats all Ethics Complaints as privileged and confidential under Virginia's peer review law and the Health Care Quality Improvement Act of 1986.

Review Process

Upon receipt, ACR staff reviews material to ensure patient PHI and PII is redacted.

ACR ETHICS COMMITTEE PROCEDURES

Legal staff forwards the complaint to the Committee Chair with a brief summary for consideration.

Materials are posted to a secure website and discussed with the Chair. If the Chair confirms the complaint meets the ACR qualifications of being lodged against a current ACR member, the matter is not currently in litigation, arbitration or review, and involves a provision of the ACR Code of Ethics, materials are shared with all Committee members for review.

When a complaint is received, the Respondent's member record is flagged with a note to contact the legal department prior to making a change to the member status. When a complaint is under review by the Committee, the Respondent's ACR membership status remains unchanged until the Committee issues its formal determination.

The Committee is notified of the complaint posting. Subsequent conference calls or meetings are scheduled as appropriate to consider the complaint.

An established quorum will meet to thoughtfully review the complaint and determine next steps. Prior to any discussions, the Committee is queried to identify any actual, potential, or perceived conflicts of interest (COI). Committee members with a COI may need to recuse themselves from any discussions or decisions regarding said complaint. A majority vote constitutes a determination approved by the Committee.

The Committee reviews the complaint to determine whether there is a sufficient basis to demonstrate a potential ethical violation.

At any time during the review, the Committee may seek independent review from subject matter experts (SME). When the independent reviewer option is exercised, the Committee attempts to collect opinions from at least three (3) SMEs to obtain a consensus from within the field. ACR staff anonymizes all materials prior to distribution to independent reviewers.

The Committee may dismiss the complaint.

If the Committee determines the complaint should be pursued, the Respondent is notified of the complaint in writing and is apprised of the possibility of a hearing. The Respondent is provided with a copy of all complaint materials and the opportunity to respond in writing.

Resignation of the Respondent's ACR membership will not be accepted pursuant to the ACR Bylaws at Article II.

Failure of the Respondent to cooperate reasonably with an Ethics investigation is independent grounds for disciplinary action by the Committee.

Upon receipt of the Respondent's reply, and/or independent reviewers' reports, the Committee reconvenes for further deliberation.

The Committee may choose to dismiss the complaint, pose further inquiries to any party involved, issue a letter of concern or instruction to the respondent, or proceed with a hearing.

ACR ETHICS COMMITTEE PROCEDURES

If the Committee poses additional inquiries to any party involved, subsequent meetings may be scheduled as appropriate to consider the complaint further.

In cases where the Committee determines formal disciplinary action against a member is not warranted, it may issue a letter of concern or instruction to address matters that are not violations of the ACR Code of Ethics but warrant the member's attention.

Hearing Process

If the Committee determines a hearing is warranted, the Respondent is notified in writing no less than thirty (30) days in advance of the proposed hearing date, and is requested to appear virtually or in person. Attendance is encouraged but not mandatory. Legal representation may accompany or appear on behalf of the Respondent. In lieu of appearing virtually or in person, the Respondent may elect to respond to the Committee in writing.

Whether or not the Respondent chooses to appear and/or have legal representation, a formal hearing is held to include a quorum of the Committee members, ACR legal counsel, support staff, and a court reporter.

Committee members are not permitted to discuss the specific details of any complaint outside of Committee deliberations.

The Committee Chair moderates the hearing with assistance of ACR legal counsel.

Hearings are scheduled to finish in a single day.

A court reporter is present at the hearing to transcribe proceedings.

If presenting testimonial evidence, the respondent must disclose the intent to present a subject matter expert(s) or supporting witness(es), and the identity of said individual(s), in advance of the hearing.

The Committee Chair opens the hearing by reviewing the original letter of complaint and identifies relevant issues addressed in the notification letter.

The Respondent is offered the opportunity to present their position. This includes an opportunity to call upon witness(es) to support their position.

The Committee may question the Respondent and/or any witnesses about their presentations.

The Committee only considers evidence or testimony introduced in conjunction with the complaint process but may rely on its own expertise and experience in evaluating material, testimony and allegations.

At conclusion of the hearing, the Respondent and court reporter are excused.

ACR ETHICS COMMITTEE PROCEDURES

The Committee then convenes in an executive closed session, with legal counsel present, to determine by majority vote whether the Respondent violated the Code of Ethics.

The Committee may dismiss the complaint.

The Committee may issue a Letter of Concern to address matters that are not violations of the College's Code of Ethics but warrant the member's attention.

If a violation occurred, the Committee may issue one of the following:

Censure: A written reprimand to the member from the Chair of the Committee with no loss of benefits of fellowship or membership. Such censure becomes made a part of the ACR membership file.

Suspension: A suspension causes the member to lose the benefits of fellowship or membership for a specific period of time as determined by the Committee, after which the individual, if approved for reinstatement, resumes full membership upon payment of appropriate dues. Suspension is for such term as the Committee determines is necessary to ensure modification of behavior.

Expulsion: An expulsion causes the member to be removed from the rolls of the College. An expelled member is not entitled to any of the benefits of fellowship or membership. The College will not accept a reapplication for fellowship or membership from an expelled member until a prescribed period as the Committee has determined has elapsed from the date the individual was notified of the Committee's action.

Ethics Committee Decision

The Complainant and Respondent are each notified in writing of the Committee's decision within thirty (30) calendar days of the hearing.

Once notified, the Respondent has thirty (30) calendar days from the date exhibited on the decision letter to appeal the Ethics Committee decision in writing to the Judiciary Committee.

Appeals

The Respondent may appeal the decision to the Judiciary Committee in writing within thirty (30) calendar days of the date exhibited on the decision letter.

The Judiciary Committee schedules a hearing and follows the same process and procedures as specified for the Ethics Committee. A notice is provided to the Respondent at least thirty (30) calendar days prior to the Judiciary Committee hearing so that a presentation can be made in support of the argument to reverse the disciplinary action taken by the Ethics Committee.

The Judiciary Committee may affirm the disciplinary action, reverse the disciplinary action, remand the matter in whole or part, or dismiss the matter in whole or in part.

ACR ETHICS COMMITTEE PROCEDURES

A determination letter is issued to the Complainant and Respondent within thirty (30) days of the hearing to delineate the final decision, closing the matter.

Final Actions

If the Ethics Committee issued a sanction of suspension or expulsion, and an appeal from the Respondent is not received within thirty (30) calendar days, its decision becomes final.

Staff reports such sanction to the National Practitioner Data Bank. The member's name is then published in ACR publications (Bulletin and JACR) as well as posted on the website (acr.org).

Suspension or expulsion sanctions upheld or issued by the Judiciary Committee are reported to the National Practitioner Data Bank within thirty (30) calendar days. The member's name is then published in ACR publications (Bulletin and JACR) as well as posted on the website (acr.org).