ARTICLE XI – Ethics and Discipline

Section 1
Code of Ethics
The Code of Ethics of the ACR is intended to aid the radiology community, individually and collectively, in maintaining a high level of ethical conduct. The code is not a set of laws but rather a framework by which radiologists may determine the propriety of conduct in their relationship with patients, the public, colleagues, and members of allied professions.

Section 2
Principles of Ethics
The Principles of Ethics form the first part of the Code of Ethics of the College. They serve as goals of exemplary professional conduct for which members of the College should constantly strive.

The principal objective of the medical profession is to render service to people with full respect for human dignity and in the best interest of the patient. Members should merit the confidence of patients entrusted to their care, rendering to each a full measure of service and commitment.

Members should strive continually to improve their medical knowledge and skill and make these improvements available to their patients and colleagues.

Members should at all times be aware of their limitations and be willing to seek consultations in clinical situations where appropriate. These limitations should be appropriately disclosed to patients and referring physicians.

The medical profession should safeguard the public and itself against physicians deficient in moral character or professional competence by reporting, to the appropriate body, without hesitation, perceived illegal or unethical conduct of members of the medical profession. Members should uphold all laws, uphold the dignity and honor of the medical profession and accept its self-imposed discipline and deal honestly and fairly with patients and colleagues.

The honored ideals of the medical profession imply that responsibilities of members extend to society in general as well as their patients. These responsibilities include the interest and participation of members in activities that improve the health and well-being of the individual and the community.

Members may not reveal confidences entrusted to them in the course of medical attendance, or deficiencies they may observe in the character of patients, unless they are required to do so by law, or unless it becomes necessary to protect the welfare of the individual or of the community.

A physician who has not personally interpreted the images obtained in a radiological examination should not sign a report or take attribution of an interpretation of that examination rendered by another physician in a manner that causes the reader of a report to believe that the signing radiologist was the interpreter.

The decision to render a service by a diagnostic radiologist, radiation oncologist, interventional radiologist, nuclear medicine physician, or medical physicist is a matter of individual physician and patient choice governed by the best interest of the patient.
The traditional bond among diagnostic radiologists, radiation oncologists, interventional radiologists, nuclear medicine physicians, and medical physicists, particularly in their professional relationships with each other, is a powerful aid in the service of patients and should not be used for personal advantage.

**Section 3**

*Rules of Ethics*

The Rules of Ethics form the second part of the Code of Ethics of the College. They are mandatory and directive of specific minimal standards of professional conduct for all members of the College.

Members’ behavior should conform to high standards of ethical, legal, and professional conduct. Any activity that fails to conform to these standards compromises the member’s personal integrity and casts aspersions on the College and the medical profession.

It is proper for a diagnostic radiologist to provide a consultative opinion on radiographs and other images regardless of their origin. A radiologist who regularly interprets radiographs and other images should reasonably participate in quality assurance, technology assessment, utilization review, and other matters of policy that affect the quality and safety of patient care.

It is proper for a radiation oncologist to provide a consultative opinion in the management of cancer and other disorders treated with radiation. A radiation oncologist should regularly treat patients only in settings where the radiation oncologist reasonably participates in the quality of patient management, utilization review, and matters of policy that affect the quality of patient care.

It is proper for an interventional radiologist to provide a consultative opinion in the management of conditions treated by interventional methods. An interventional radiologist should regularly treat patients only in settings where the interventional radiologist reasonably participates in the quality patient management, utilization review, and matters of policy that affect the quality of patient care.

It is proper for a nuclear medicine physician to provide a consultative opinion in the management of conditions treated by nuclear medicine. A nuclear medicine physician should regularly treat patients only in settings where the nuclear medicine physician reasonably participates in the quality patient management, utilization review, and matters of policy that affect the quality of patient care.

It is proper for a medical physicist to provide assistance to a physician in treating patients only in settings where the medical physicist reasonably participates in technical quality assurance.

Prior to practicing in a hospital or other health care entity, a diagnostic radiologist, radiation oncologist, interventional radiologist, nuclear medicine physician, or medical physicist shall apply, and be accepted, as a member of that entity’s medical staff in accordance with the medical staff’s bylaws and in the same manner as all other physicians.

The practice of physicians referring patients to health care facilities in which they have a financial interest is not in the best interest of patients. Self-referral may improperly influence the professional judgments of those physicians referring patients to such facilities. Members with ownership interests participating in such arrangements may be in violation of these Rules of Ethics.
Members shall relate to other members of the health care team with mutual respect and refrain from harassment or unfair discriminatory behavior.

Members should have the right to enter into whatever lawful contractual arrangements with health care systems they deem desirable and necessary but they should seek to ensure that the system of healthcare delivery in which they practice does not unduly influence the selection and performance of appropriate available imaging studies or therapeutic procedures.

Members should not enter into an agreement that prohibits the provision of medically necessary care or that requires care at below acceptable standards. Notwithstanding policies of a health plan, radiologists should advocate cost-effective appropriate studies or therapies that will benefit the patient, whose welfare is paramount.

Members should clearly and adequately respond to inquiries by patients regarding fees and/or any financial incentive. A radiologist should not participate in a billing arrangement that misleads patients or third-party payers concerning the fees charged by the radiologist. Radiologists shall not divide radiological fees either directly or by any subterfuge.

In providing expert medical testimony, members should exercise extreme caution to ensure that the testimony provided is non-partisan, scientifically correct, and clinically accurate.

Members should not claim as their intellectual property that which is not theirs. Plagiarism or the use of others’ work without attribution is unethical.

Members should not publicize themselves through any medium or forum of public communication in an untruthful, misleading, or deceptive manner or in a fashion demeaning to the profession.

Section 4
Disciplinary Procedures for Violation of the Rules of Ethics

A member of the College may be censured, suspended or expelled for due cause, pursuant to the Principles of Ethics, Rules of Ethics and disciplinary procedures set forth in these bylaws. Any disciplinary action taken against a member of the College pursuant to the College’s Principles of Ethics, Rules of Ethics or disciplinary procedures shall be deemed to apply equally in relation to such individual’s membership in the College. Likewise, as provided by the College’s bylaws, any disciplinary action taken against a member of the College pursuant to the College’s Principles of Ethics, Rules of Ethics or disciplinary procedures shall be deemed to apply equally in relation to such individual’s membership in the College. Disciplinary proceedings shall be considered confidential. The levels of disciplinary action shall be defined as follows:

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

b. **Censure**: A censure shall be a written reprimand to the member from the chair of the Ethics Committee with no loss of benefits of fellowship or membership.
Such censure shall be made a part of the membership file of the member.

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

d. **Expulsion:** Expulsion shall cause the member to be removed from the rolls of the College. An expelled member shall not be entitled to any of the benefits of fellowship or membership. The College shall not accept a reapplication for fellowship or membership from an expelled member until a prescribed period, as the Committee shall determine, has elapsed from the date the individual was notified of the Committee’s action.

Grounds for Disciplinary Action: A member of the College may be disciplined for any one (1) or more violations of Section 3 of the Code of Ethics (the Rules of Ethics) of the College. Additionally, a member may be disciplined for:

- Limitations or restriction of any right associated with the practice of medicine by any state, other U.S. jurisdiction, Canadian province, or territory including the revocation, suspension, and restriction of a medical license or the voluntary surrender of a license while under investigation
- Conviction of any felony
- Conviction of scientific fraud

Disciplinary Process: A complaint that a member of the College has violated the Rules of Ethics may be filed in writing either with the chair of the Ethics Committee or with the person or persons authorized to receive such complaints by the bylaws, rules or regulations of the chapter to which such member belongs. The Ethics Committee may refer any complaint filed to the appropriate chapter, may retain such complaint for investigation and disposition, or may dismiss, with written justification, such complaint as non-meritorious. The Ethics Committee shall investigate and dispose of ethics matters in accordance with such procedures as the committee may from time to time determine.

If a chapter receives a complaint or request for disciplinary action against a member of the College, the chapter shall follow the procedures specified in its bylaws, rules or regulations for investigating and disposing of the matter.

If the matter is retained by the Ethics Committee, written notice shall be sent to the member in question by registered or certified mail at least thirty (30) calendar days prior to a meeting of the Ethics Committee (a) stating the time and place of the meeting, (b) informing the member of the nature of the complaint which will be considered, (c) advising that the member may then and there appear in person and/or by legal or other representative and may submit such evidence as the member deems appropriate, and (d) advising the member in question that failure to cooperate reasonably with an ethics investigation is independent grounds for disciplinary action. Following the meeting, the Ethics Committee shall notify in writing the chair of the BOC and the member of its decision.

A member against whom disciplinary action is taken either by a chapter or upon the recommendation of the Ethics Committee may appeal the decision to the Judiciary Committee by mailing a written notice of appeal to the chair of the BOC within thirty (30) days of the mailing of notice of the adverse decision to the member in question.
Before the Judiciary Committee shall hear an appeal, the Judiciary Committee shall, by registered or certified mail, notify the member in question not less than thirty (30) calendar days prior to a meeting of the Judiciary Committee that the member may then and there appear in person and/or by legal or other representative to present such argument as the member deems proper to show that the disciplinary action taken should be reversed.

The Judiciary Committee shall determine whether the disciplinary action taken against a member is supported by the evidence and is the result of the fair procedures consistent with these bylaws. If so, the Committee shall affirm the disciplinary action. If not, the Judiciary Committee shall reverse the disciplinary action and either dismiss the case or return the case to the Ethics Committee with instructions for further proceedings. All actions of the Judiciary Committee shall be by majority vote.

The status of a member during disciplinary proceedings shall be unaltered.