

**AAOS Policy Regarding
Compliance Actions Taken Against
Members of the AAOS
Board of Directors, Committees and Councils/Cabinet and Other Volunteers**

General

The Board of Directors of the American Academy of Orthopaedic Surgeons and the American Association of Orthopaedic Surgeons (“AAOS”) has adopted this policy in an effort to balance the individual right to due process and a presumption of innocence with the organization’s interests in maintaining a decision-making process in the professional compliance process that is fair, impartial and unbiased. It also recognizes that balancing of these rights and interests shifts between governance levels within the organization and at different stages of an AAOS professional compliance program grievance.

Definitions

For purposes of this policy, the AAOS “Board of Directors” shall be defined to include those elected to serve on the AAOS Board of Directors and appointed to serve as Council/Cabinet Chairs.

For purposes of this policy, the AAOS “Ethics-Based Committees” shall be defined to include Committee on Outside Interests, Committee on Professionalism, Judiciary Committee and Ethics Committee.

For purposes of this policy, the AAOS “Evidence-Based Medicine (EBM) Committees” shall be defined to include Committee on Evidence-Based Quality and Value and Performance Measures Committee as well as any CPG, AUC or CPM workgroup.

For purposes of this policy, any “Other AAOS Committees” shall be defined to include any group, project or program other than the Ethics-Based Committees or EBM Committees, including BOC/BOS, committees, boards, cabinets and work groups, as well as volunteers serving as course faculty, text editors/authors, and liaisons.

Stages of the Grievance Process: Grievance Filed

1. **Grievance Filed Against a Member of the Board of Directors:** Upon receipt of a grievance filed against a member of the Board of Directors, the Office of General Counsel shall notify the President who shall discuss the matter with the Board member.
2. **Grievance Filed against the Chair or Member of an Ethics-Based Committee:** Upon receipt of a grievance filed against the chair of an Ethics-Based Committee, the Office of General Counsel shall notify the President who shall discuss the matter with the committee chair. If the grievance has been filed against a member of an Ethics-Based Committee, the Office of General Counsel shall notify the committee chair who shall discuss the matter with the committee member. Such discussion shall occur before the grievance has been submitted to the Committee on Professionalism for *prima facie* review. Such chair or member may continue to serve on the committee until he or she is notified that the grievance has passed *prima facie* review.

3. **Grievance Filed against Chair or Member of EBM Committee:** If a grievance is filed against a chair or member of an EBM Committee, the Office of General Counsel shall handle the grievance confidentially in accordance with the Professional Compliance Program Grievance Procedures. Such chair or member may continue to serve on the EBM Committee until he or she is notified that the grievance has passed *prima facie* review.
4. **Grievance Filed against Chair or Member of any Other AAOS Committee:** If a grievance is filed against a chair or member of any Other AAOS Committee, the Office of General Counsel shall handle the grievance confidentially in accordance with the Professional Compliance Program Grievance Procedures. Such chair or member may continue to serve on the committee until further advised.

Stages of the Grievance Process: Grievance Passes *Prima Facie* Review

5. **Grievance Against Board Member Passes *Prima Facie* Review:** If the grievance against a Board member passes *prima facie* review, he or she shall be recused from participating in or consideration of any AAOS professional compliance action until his or her grievance has been concluded.
6. **Grievance Against the Chair or Member of an Ethics-Based Committee Passes *Prima Facie* Review:** If the grievance against a chair or member of an Ethics-Based Committee has passed *prima facie* review, he or she will be asked to take a leave of absence from that committee. If the chair or member declines to take a leave of absence, he or she will be recused from participation in the Ethics-Based Committee activities until the grievance has concluded. The final grievance decision will determine whether that chair or member may return to the committee.
7. **Grievance Against the Chair or Member of an EBM Committee Passes *Prima Facie* Review:** If the grievance against a chair or member of an EBM Committee has passed *prima facie* review, he or she will be asked to take a leave of absence from that committee. If the chair or member declines to take a leave of absence, he or she will be recused from participation in the EBM Committee activities until the grievance has concluded. The final grievance decision will determine whether that chair or member may return to the committee.
8. **Grievance Against the Chair or Member of Any Other AAOS Committee Passes *Prima Facie* Review:** If the grievance against a chair of any Other AAOS Committee has passed *prima facie* review, the Committee Appointment Program (CAP) Committee will be notified and will make a decision on the chair's continuation on the committee. If the grievance against a member of any Other AAOS Committee has passed *prima facie* review, the committee chair will be notified. The Committee Chair will consult, coordinate and make a decision with the CAP Committee regarding the member's continuation on the committee. In making this determination, the factors to be considered include:
 - The background of the grievance;
 - Which Standard(s) of Professional is alleged to have been violated (e.g., fraud-based standard); and
 - The member's role on the committee and the subject matter of his or her work for the AAOS.

Ramifications of an AAOS Sanction

Expulsion or Suspension of a Chair or Member of an Ethics-Based Committee, Evidence-Based Medicine Committee or any Other AAOS Committee: If the Board expels or suspends a chair or member of an Ethics-Based, EBM Committee or any Other AAOS Committee, he or she will not be permitted to return to the committee upon readmission or reinstatement of full Fellowship status.

An expelled member who successfully reapplies for and is granted Fellowship status is ineligible to serve on an Ethics-Based or EBM Committee.

A suspended member who is reinstated by request is ineligible to serve on an Ethics-Based or EBM Committee.

The readmitted and reinstated member may apply for appointment to any Other AAOS Committees. The CAP Committee may take the expulsion/readmission or suspension/reinstatement into consideration before making a recommendation for appointment to these committees.

Censure or Reprimand of a Chair or Member of an Ethics-Based or EBM Committee: If the Board issues a censure or reprimand to a chair or member of an Ethics-Based and/or EBM Committee, he or she will not be permitted to return to the committee. In addition, he or she is ineligible for reappointment to these committees, but may apply for appointment to another AAOS Committee. The CAP Committee may take the sanction into consideration before making a recommendation for appointment to another AAOS Committee. In making this determination, the factors to be considered include:

- The background of the grievance;
- Which Standard(s) of Professional is alleged to have been violated (e.g., fraud-based standard); and
- The member's role on the committee and the subject matter of his or her work for the AAOS.

Censure or Reprimand of a Chair or Member of Any Other AAOS Committee: If the Board issues a censure or reprimand to a chair of any Other AAOS Committee, the CAP Committee will determine whether the chair may continue to serve on the committee. If the Board issues a censure or reprimand to a member of any Other AAOS Committee, the committee chair will consult, coordinate and make a decision with the CAP Committee on that member's continuation on the committee. In making this determination, the factors to be considered include:

- The background of the grievance;
- Which Standard(s) of Professional is alleged to have been violated (e.g., fraud-based standard); and
- The member's role on the committee and the subject matter of his or her work for the AAOS.

Adopted: June 2015