

Instructions for Filing an Ethics Complaint

A complaint may be initiated by a member of the Society, by the Ethics Committee or by any third party. All complaints regarding possible ethical misconduct shall be submitted in writing to the Chair of the Ethics Committee at ethicscomplaints@plasticsurgery.org (preferred method) or at the address below:

ASPS Ethics Committee
444 East Algonquin Road
Arlington Heights, Illinois 60005-4664

Filing a Complaint

When filing a complaint to the ASPS Ethics Committee, please include a cover message explaining the conduct you believe to be in violation of the ASPS Code of Ethics and any other supporting evidence you feel is pertinent to the complaint. The complaint should contain the name of the affected member, a description of the alleged violation and the section of the Code of Ethics that is believed to have been violated. For example, when filing a complaint with regard to an advertisement, please provide a copy of such advertisement and refer to Section 2(I)(G)(??), with the question marks to be replaced by the specific clause number. The ASPS Code of Ethics can be found at http://www.plasticsurgery.org/Documents/ByLaws/Code_of_Ethics_March12.pdf. Complaining parties will remain anonymous, except those that relate to expert witness testimony.

Complaints about Quality of Medical Services Provided

ASPS lacks the resources to undertake an independent investigation of the quality of the medical services rendered by its members. Instead, it recommends that patients with those concerns address them first with the physician and if unsuccessful in resolving them then proceed with a complaint to the appropriate state medical board. Contact information for many state medical boards can be found on the Federation of State Medical Boards website (<http://www.fsmb.org/policy/contacts>).

Complaints about Exorbitant Billing

Exorbitant Billing complaints must include consent to release the patient's Protected Health Information (PHI), along with fee documentation and an explanation as to why the fees are exorbitant. Supporting documentation could include the patient's operative report, the billing statement, and insurance Explanation of Benefits (EOB), if available. If applicable, references to and explanations about inappropriate CPT codes, should be provided.

Complaints relating to Expert Witness Testimony

The Society as a policy matter does not investigate testimony while a case is still pending or on appeal. To do otherwise would subject the Society to a claim that it is inappropriately interfering in the judicial process.

Expert Witness Testimony complaints must be filed within one year after completion of the legal proceedings, including appeals.

When filing an expert witness testimony complaint, the Committee requires an indication that the case in question has concluded and the appeal-filing deadline has passed. Additionally, the Committee requires a signed copy of the testimony in question, along with a letter that references the specific instances in the testimony that are believed to demonstrate conduct in violation of the Society's Code of Ethics. Each aspect of the testimony that is believed to be in violation should be followed by a brief explanation of why that portion of the testimony is believed to be false, deceptive and/or misleading. Citations to literature that support the complainant's position should be provided as well. Complaints using the following format are helpful:

On Page ____, Dr. Plastic testified that ... [insert description of testimony or exact lines of testimony].

This testimony is [false, deceptive, misleading] because it ... [insert summary of reasons supporting allegations].

The Investigation

The Chair of the Ethics Committee will review the complaint. If it is determined that the complaint is without merit or is outside the purview the Ethics Committee, the Chair will notify the complaining party and the matter will be terminated.

If it is determined that the complaint may have merit, then a full investigation will be conducted. The Chair will advise the affected party and assign an investigator to the case. Additionally, the Chair will advise the complaining party that an investigation will be conducted and he/she will be notified of the results only after the investigation and any necessary hearing is complete. An investigation and any necessary hearing may take anywhere from three (3) months to one (1) year for completion.

The Ethics Committee, after a full investigation, may reach one of the following conclusions:

1. The Ethics Committee may determine that there was no violation of the Code of Ethics and the matter will be closed. The Chair will inform the affected member and the complaining party.
2. The Ethics Committee may determine that the member may have violated the Society's Code of Ethics, but that the infraction does not require a Judicial Council Hearing. Rather, the Ethics Committee may issue a letter cautioning the member to familiarize him/herself with the Code of Ethics and to avoid the type of conduct that brought him / her under investigation.
3. The Ethics Committee may determine that the member may have violated the Society's Code of Ethics and the matter should be forwarded to the Society's Judicial Council to determine the sanction. The Chair of the Ethics Committee will then prepare written notice identifying the violation(s) with which the member is charged. Such notice and all relevant supporting information shall be sent to the member specifying the date and place of a disciplinary hearing before the Society's Judicial Council.