



Memorandum

TO: Candidates for Examination and Certification by The American Board of Plastic Surgery, Inc.
FROM: Keith E. Brandt, M.D., Executive Director
RE: Code of Ethics and Standards of Ethical Behavior
DATE: Summer 2018

The American Board of Plastic Surgery, Inc. is committed to upholding its mission to promote safe, ethical, efficacious plastic surgery to the public by maintaining high standards for the education, examination, certification, and maintenance of certification of plastic surgeons as specialists and subspecialists. Attached please find the Board's Code of Ethics which is also available on the Board's website, www.abplasticsurgery.org, under *About Us, Policies*. The Board requests that you read this document now.

The Officers and Directors of the Board also call your attention to the pledge required of all candidates at the time of initial application for examination and certification in Plastic Surgery. Your application is available in your secure Written Exam Tab on the Board's website. It reads:

I HEREBY make application to The American Board of Plastic Surgery, Inc. (the Board) for examination leading to the issuance to me of a Certificate of Qualifications as a Specialist in Plastic Surgery, all in accordance with and subject to the Board's rules and regulations, and enclose the Registration Fee. I HEREBY agree to submit the additional Examination Fees as stated in the Booklet of Information. I HEREBY agree that prior or subsequent to examination the Board may investigate my standing and reputation as a physician, including my reputation for complying with the standards of ethics of the profession.

I understand and agree that:

(1) falsification of any part of the Application or of my Resident Registration for Evaluation of Training Form; or (2) the submission of any falsified documents or information to the Board; or (3) the use of any falsified Board documents or the submission of any such documents to other persons; or (4) the giving or receiving of aid in the examinations as evidenced either by observation at the time of the examination or by analysis of my answers and those of one or more other participants in that examination; or (5) **the unauthorized possession, reproduction, or disclosure of any material, including, but not limited to examination questions or answers before, during, or after the examination**; or (6) the offer of any financial or other benefit to any director, officer, employee, proctor, or other agent or representative of the Board in return for any right, privilege or benefit which is not usually granted by the Board to other similarly situated candidates or persons; or (7) the failure to maintain the moral, ethical and professional standing satisfactory to

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the ABPS, may be sufficient cause for the Board to bar me permanently from all future examinations, to terminate my participation in the examination, to invalidate the results of my examination, to withhold my scores or Certificate, to revoke my Certificate, and/or to take other appropriate action.

I HEREBY pledge myself to the highest ethical standards in the practice of medicine and Plastic Surgery and am in good ethical standing in my community. I understand and agree that in the consideration of my application my ethical and professional qualifications will be reviewed and assessed by the Board; that the Board may make inquiry of the persons named in my application and of such other persons as the Board deems appropriate with respect to my ethical and professional qualifications; that if information is received which could adversely affect my application, I will be so advised and given an opportunity to rebut such allegations, but I will not be advised as to the identity of the individuals who have furnished adverse information concerning me; and that all statements and other information furnished to the Board in connection with such inquiry, my application or my admissibility to the examinations shall be confidential, and not subject to examination by me or by anyone acting on my behalf.

After you leave your examination rooms for each of the Theory and Practice Sessions, remember that you are not to divulge any questions or content of this examination to any individual or entity, and you have agreed that a violation of the Confidentiality Agreement could result in action by the Board and affect your examination results. Ensuring the confidentiality of the Examination is important to ABPS. Thank you for your cooperation.

The Board also asks you to note:

The use of the Board's trademarked logo **is not** permitted for any purpose. Diplomates and candidates should remove this logo from all practice websites and print materials. The Board appreciates the respect from all diplomates and candidates for the Board's trademark. Candidates who have an approved ABPS Application for examination and certification may use the term "Board Eligible" to denote status with the Board.

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ABPS CODE OF ETHICS

Section 1. Preamble

Ethical behavior is required of all Candidates, Diplomates, Advisory Council members, Examiners, consultant question writers, and Directors of the American Board of Plastic Surgery, Inc.®. Unethical or illegal physician behavior that rises to the attention of the Board will be reviewed and a judgment rendered regarding compliance with these ethical standards. Should a violation be judged to have occurred, the individual involved may choose to appeal this decision. If the judgement results in a letter of reprimand, that letter shall be private. Other disciplinary actions of the Board, including delaying one's progression through the examination process, or the suspension or revocation of a diplomate's certification shall be in the public domain.

Diplomates (or Candidates, where applicable) of the Board shall act in accordance with the principles of the Code of Ethics. Further, Candidates and Diplomates are personally responsible and accountable for their own actions and words, as well as the use of their names in any public media communication. Candidates and Diplomates may be subject to disciplinary action if any words, deeds, or actions are deemed a violation of these principles.

- I. The purposes for which The American Board of Plastic Surgery, Inc.® was founded and organized are:
 - A. To establish requirements for the certification of Candidates in the field of plastic surgery.
 - B. To conduct qualifying examinations of Candidates who seek certification by the Board.
 - C. To issue certificates of qualification to those who satisfy the requirements and pass the respective examinations.
 - D. To defend and protect the independence and integrity of the Board.
 - E. To engage in lawful activities related to the foregoing purposes, and to exercise the power and authority conferred upon nonprofit corporations by the State of Illinois.
- II. Mission statement of the Board:

The mission of The American Board of Plastic Surgery, Inc.® is to promote safe, ethical, and efficacious plastic surgery to the public by maintaining high standards for the education, examination, certification, and maintenance of certification of plastic surgeons as specialists and subspecialists.

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Section 2. General Principles

- I. Medical professionals shall provide their services with respect for human dignity. Physicians should merit the confidence of patients entrusted to their care, and render to each a full measure of service and devotion.
- II. Physicians shall strive to improve their medical knowledge and skills, and avail their patients and colleagues of the benefit of their professional attainments. Physicians have an affirmative duty to disclose new medical advances to patients and colleagues.
- III. The honored ideals of the medical profession imply that the responsibility of the physician extends both to the individual patient and to society. Activities which improve the health and well being of the individual, as well as the community, deserve the interest and participation of the physician.
- IV. Plastic surgeons shall provide competent and scientifically sound medical and surgical services, while respecting the rights and privacy of their patients.

Section 3. Examinations

Candidates for examination, and Diplomates participating in the Continuous Certification program of The American Board of Plastic Surgery, Inc.® pledge themselves to the highest ethical standards in the practice of medicine and plastic surgery, and can attest that they are in good ethical standing in their community. Candidates and Diplomates making such an attestation understand the Board may make inquiries, as deemed appropriate, regarding the Candidate's or Diplomate's ethical and professional qualifications. Any information obtained by the Board in connection with such inquiries shall remain confidential.

- I. Candidates for examination or Diplomates participating in the Continuous Certification program of The American Board of Plastic Surgery, Inc.® acknowledge by signature on the Application that the following may be sufficient cause to bar the Candidate or Diplomate permanently from examination, to terminate the Candidate's or Diplomate's current participation in the examination, to invalidate the Candidate's or Diplomate's examination, to withhold the Candidate's or Diplomate's certificate, to revoke the Diplomate's certification, or to take other appropriate actions:
 - A. Failing to maintain satisfactory moral, ethical, and professional standing; or
 - B. Falsifying any portion of the Application or the Resident Registration and Evaluation of Training Form; or
 - C. Submitting any falsified documents or untruthful information to the Board; or

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- D. Using any falsified Board documents, or the submission of such falsified documents to other persons or entities; or
- E. Determined to be cheating during the examinations as evidenced either by direct observation or by analysis of test results; or
- F. Possessing, reproducing, or disclosing any examination material; or
- G. Offering a financial or other benefit to any Board representative for the purpose of obtaining a favorable outcome to an examination or inquiry; or
- H. Failing to participate in a Board investigation, or failing to respond to a written inquiry from the Board.

Section 4. Practice Related

- I. The actions of any Diplomate or Candidate may be investigated by the Ethics Committee and the Board. Disciplinary action can include suspension or revocation of certification. Just and sufficient reasons for such disciplinary action may include, but are not limited to:
 - A. Did not possess the necessary qualifications and requirements to receive the certificate at the time it was issued;
 - B. Demonstrating unethical behavior in providing false, fraudulent, or deceptive communications that fail to maintain the dignity and professionalism appropriate to a plastic surgeon certified by The American Board of Plastic Surgery, Inc.®;
 - C. Failing to maintain appropriate personal boundaries within his or her physician/patient relationships;
 - D. Failing to maintain appropriate physician/patient relationships in public communications (verbal, print, online, social media, etc.);
 - E. Conviction of a felony;
 - F. Misrepresenting his or her status with regard to Board certification or training;
 - G. Having been disciplined by any medical licensing authority resulting in license revocation, suspension, or other limitation to practice medicine;
 - H. Having been expelled, suspended, disqualified or otherwise limited from membership on a hospital medical staff, or from any organization of professional peers;

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- I. Resigning from any organization while under investigation;
- J. Failing to inform the Board in a timely manner that the individual's right to practice medicine has been limited, suspended, terminated, or otherwise affected in any state, province, or country for violation of a medical practice act, other statute or governmental regulation or, that the candidate or diplomate has been disciplined by any medical licensing authority, professional organization or by a plastic surgery specialty society;
- K. Failing to establish an appropriate physician/patient relationship during the perioperative period, or failing to obtain an informed consent prior to a surgical procedure;
- L. Failing to obtain appropriate consent for the use of patient information and/or images in any educational manuscripts or presentations, in any public communication including social media, or in any marketing of the plastic surgeon or practice;
- M. Failing to monitor and approve any and all public communications/marketing. The Diplomate or Candidate is accountable for any violation of the ABPS Code of Ethics incurred by a staff member, or by any media, public relations, marketing, or other firm advertising on behalf of the Diplomate or Candidate;
- N. Engaging in unethical financial behaviors. These behaviors may include, but are not limited to payment referrals, charges for unnecessary or services not performed, deceptive or inappropriate coding or up-coding of services, and charging exorbitant fees. Fees will be considered exorbitant when they do not appropriately reflect the level of complexity of services provided and/or the time required performing said service, and/or when fees diverge significantly from the usual and customary fees of that Diplomate or Candidate or fees charged by other similarly situated plastic surgeons. When providing emergency services as an out-of-network provider or to an uninsured patient, fees should be clearly stated and agreed upon in advance, if feasible.

Section 5. Enforcement

Any Candidate, Diplomate, Board Director, Examiner, Advisory Council member or consultant question writer charged with a violation of any ethical standard established by the Board herein may be subject to review by the Ethics Committee and the Board. Disciplinary measures may include: revocation or suspension of certification, public reporting of license action, and public or private letter of reprimand.

Revisions Approved: May 18, 2018