

# The American Board of Plastic Surgery, Inc. <sup>ü</sup>



## DISCIPLINE POLICY

The ABPS Ethics Committee reviews all disciplinary actions taken against a Diplomate's medical license. If the Ethics Committee decides that the action that led to the State Medical Board license action violates the ABPS Code of Ethics, then the Ethics Committee will decide the appropriate discipline and also determine if the public needs to be alerted to the State Medical Board action indefinitely. The "see FSMB" alert may remain on the ABPS website indefinitely if the Diplomate's certification status was revoked, placed on probation or on suspension.

Any Diplomate of the Board shall be subject to disciplinary action including certificate revocation, suspension or probation if at any time the Board determines, in its sole judgment that the Diplomate holding the certificate was in some respects not properly qualified to receive it or the Diplomate holding the certificate is no longer qualified to retain it.

### REASONS FOR DISCIPLINARY ACTION

The Board may discipline a Diplomate for just and sufficient reason including, but not limited to, the following:

1. Violation of the Board's Code of Ethics.
2. Conviction of any crime whether classified as a misdemeanor or felony, especially crimes involving moral turpitude.
3. The Diplomate did not possess the necessary qualifications and/or meet the Board's requirements to receive the certificate at the time it was issued.
4. The Diplomate misrepresented his or her status with regard to Board certification, including any misstatement of fact about being Board certified in any specialty or subspecialty.
5. The Diplomate engaged in conduct resulting in any discipline by any credentialing body and/or by any medical licensing authority or in a revocation, suspension, qualification and/or other limitation of his or her license to practice medicine in any jurisdiction.
6. The Diplomate engaged in conduct resulting in the expulsion, suspension, disqualification and/or any other limitation from membership in a local, regional, national or other organization of his or her professional peers, or from a hospital staff.
7. Resignation from any organization while under investigation.

The Board may impose, without limitation, any or all of the following sanctions. This list is not intended to be exhaustive of the possible sanctions the Board may impose.

1. Revocation of Certification.
2. Suspension of Certification.
3. Probation of Certification.
4. Delayed admissibility to any of the examination processes of the Board.
5. Private Letter of Inquiry and/or reprimand.

The Diplomate will be given written notice of the reasons for the Board's action by registered or certified mail to the last address that the holder has provided to the Board. Discipline is final upon the mailing of the notification.

Individuals may appeal the decision imposing discipline by complying with the Dispute Resolution and Appeals Policy. Failure to appeal the Board decision imposing discipline within 60 days will result in loss of appeal rights. An individual must prove that the decision being appealed was arbitrary and capricious and that there was no material basis for the decision or that there was a complete absence of facts to support the Board decision imposing discipline.

## **PROBATION**

The Board may place a Diplomate's certificate on Probation if a diplomate's medical license is placed on Probation in any state or for such other actions, which in the BOARD'S sole judgement justifies probation. Certificate probation includes the following:

- ) Certificate probation may run concurrent with state probation;
- ) Certification status will be reported on the ABPS website as "Certified: on Probation";
- ) It is the diplomate's responsibility to report when the state medical license probation is terminated; and
- ) Removal of probationary certification status may require completion of additional requirements.

A Diplomate with a certificate on probation may request removal of the probationary status by providing documentation to the Board that the prior state medical license action has been resolved. Depending on the nature of the violation, the Board may impose additional requirements that must be completed. Once the probation status is terminated, the diplomate, including both time-limited and lifetime certificate holders, may be required to participate in the Continuous Certification Program and complete all overdue requirements.

If a certificate has been on probation for more than two years, the diplomate may be required to complete the Re-Entry process. Failure to complete the Re-Entry process if required will result in continued probation status. The Board will then only consider removal of the probationary status after completion of the Re-Entry process and receipt of documentation confirming a full and unrestricted license.

## SUSPENSION

The Board may suspend ABPS certificates if a diplomate's medical license is suspended in any state or for such other actions, which in the BOARD'S sole judgement justify suspension. Certificate suspension includes the following:

- ) Certificate suspension may run concurrent with state suspension;
- ) "Suspended" Certification status will be reported on the ABPS website;
- ) It is the diplomate's responsibility to report when state medical license is reinstated; and
- ) Reinstatement of a suspended certificate may require completion of additional requirements.

A Diplomate with a suspended certificate may request reinstatement of the suspended certificate by providing documentation to the Board that the prior state medical license action has been removed. Depending on the nature of the violation, the Board may impose additional requirements that must be completed before the Diplomate's certificate can be reinstated. Once reinstated, the diplomate, including both time-limited and lifetime certificate holders, may be required to participate in the Continuous Certification Program and complete any and all overdue requirements.

If a certificate has been suspended for more than two years, the diplomate may be required to complete the Re-Entry process. Failure to complete the Re-Entry process if required will result in continued suspended status. The Board will only consider reinstatement after completion of the Re-Entry process and receipt of documentation confirming a full and unrestricted license.

## REVOCAION

The Board may revoke ABPS certificates if a diplomate's medical license is revoked in any state or for such other actions, which in the BOARD'S sole judgement justify revocation. Certificate revocation includes the following:

- ) Certificate revocation may be based on state license revocation or violation of ABPS policies;
- ) "Revoked" Certification status will be reported on the ABPS website; and
- ) It is the diplomate's responsibility to report when state medical license is reinstated.

A Diplomate with a revoked certificate may request reinstatement once they have established a full and unrestricted license in all the states in which they are licensed. Depending on the nature of the violation, the Board may impose additional requirements that must be completed before the Diplomate's certificate can be reinstated. Once reinstated, the diplomate, including both time-limited and lifetime certificate holders, may be required to participate in the ABPS Continuous Certification Program.

If a certificate has been revoked for more than two years, the diplomate may be required to complete the Re-Entry process. Failure to complete the Re-Entry process if required will result in continued revoked status. The Board will consider reinstatement only after completion of the Re-Entry process and receipt of documentation confirming a full and unrestricted license.

## **REPORTING STATE MEDICAL BOARD ACTION TO THE PUBLIC**

Consumers may verify certification history and certification status through the consumer search function (*Is Your Plastic Surgeon ABPS Certified?*) on the Board's website.

If the ABPS has information of a state medical board action against a diplomate's medical the license, this information will be reported to the public. A "see FSMB" alert will be added to the diplomate's certification status. Consumers will be directed to the Federation of State Medical Boards (FSMB) to obtain additional information regarding the state medical board action.

## **DEFINITIONS OF ABPS BOARD CERTIFICATION STATUS**

**CERTIFIED:** Diplomate has met the Board's residency training requirements in an accredited training program in the U.S. or Canada. Diplomate successfully completed both written and oral plastic surgery examinations to achieve ABPS Board certification. Diplomates with time limited certificates must remain current with ABPS Continuous Certification requirements.

**EXPIRED:** Certification has lapsed. The diplomate has not met the requirements for ABPS Continuous Certification.

**RETIRED:** Diplomate is no longer in the active practice of plastic surgery.

**REVOKED:** Certification is no longer valid because the Diplomate fails to meet ABPS requirements.

**SUSPENDED:** Certification is suspended because the Diplomate fails to meet ABPS requirements.

**PROBATION:** Certification is placed on probation because the Diplomate fails to meet ABPS requirements.

**SEE FSMB:** ABPS was notified of a state medical board action in one of the states where the diplomate practices. ABPS recommends that interested parties contact the individual state medical board directly for details via the Federation of State Medical Boards (FSMB) service, [www.docinfo.org](http://www.docinfo.org).