



## ABPS Code of Ethics and Professionalism

### 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.<sup>®</sup> 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.

Diplomates (or Candidates, where applicable) of the Board shall act in accordance with the principles of the Code of Ethics and Professionalism. 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.<sup>®</sup> 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.<sup>®</sup> is to promote safe, ethical, and efficacious plastic surgery to the public by maintaining high standards for the education, examination, certification, and continuous certification of plastic surgeons as specialists and subspecialists.

## **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.
- V. Professionalism is a fundamental expectation of competent specialty practice and adherence to professional standards of conduct is a condition for ABPS certification.

## **Section 3. Examinations**

Candidates for examination, and Diplomates participating in the Continuous Certification program of The American Board of Plastic Surgery, Inc.<sup>®</sup> 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.<sup>®</sup> 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, suspend or place on probation, 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

- 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. Attempting to influence the decision of the Board by correspondence with or enticing current or former Directors, Board office staff, examiners or anyone connected with the Board. All communications from any interested party concerning any matter before the Board SHALL ONLY be addressed to the Executive Director at the Board office; or
- I. 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 a public or private letter of reprimand, suspension, revocation or probation of certification, or any other action that the Board considers appropriate in the circumstances. 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, or entering a plea of guilty or no contest to a felony crime or other conduct involving moral turpitude or unethical behavior;
  - F. Misrepresenting his or her status with regard to Board certification or training;

- G. Failing to have a license to practice medicine in good standing in all licensing jurisdictions in which the Diplomate or Candidate holds a license. “In good standing” means that the license is not subject to any action or discipline by the medical licensing authority resulting in license revocation, suspension, probation, letter of reprimand or admonishment, medical practice conditions or limitations, or any other action affecting the Diplomate or Candidate’s practice of medicine, regardless of what terms the licensing authority uses to describe the action;
- H. Failing to maintain hospital privileges within a reasonable distance from all locations where the physician is licensed to practice;
- I. Having been expelled, suspended, disqualified or otherwise limited from active membership on a hospital medical staff, or from any organization of professional peers;
- J. Resigning from any organization while under investigation, or surrendering/retiring a medical license while under investigation or to avoid investigation;
- K. 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;
- L. Failing to establish an appropriate physician/patient relationship during the perioperative period, failing to personally ensure an adequate preoperative evaluation, failing to personally explain the risks of a procedure with adequate time for the patient to contemplate the consequences, failing to obtain an informed consent, failing to establish adequate postoperative management for all patients regardless of distance;
- M. Using marketing promotions (contests/raffles, etc.) or charitable donations that include a surgical procedure or an integral component of a surgical procedure (e.g. breast implants):
  - 1. Marketing promotions or charitable donations may include a free consultation, non-invasive treatment (neuromodulator or filler injection), skin care product, or a gift certificate for non-surgical services;
- N. 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;

- O. 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 and Professionalism incurred by a staff member, or by any media, public relations, marketing, or other firm advertising on behalf of the Diplomate or Candidate;
  - P. 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 services as an out-of-network provider or to an uninsured patient, fees should be clearly stated and agreed upon in advance;
  - Q. Attempting to influence the decision of the Board by corresponding with or enticing current or former Directors, Board office staff, examiners or anyone connected with the Board. All communications from any interested party concerning any matter before the Board SHALL ONLY be addressed to the Executive Director at the Board office;
  - R. Engaging in conduct related or unrelated to a Candidate's or Diplomate's practice of plastic surgery that represents, in the judgment of the Board, either: (1) a risk to the safety of patients, members of the health care team or the public; or (2) a threat to the trustworthiness of the profession or of the certification.
  - S. Violation of any policy, rule, requirement or procedure set forth in the Board's annual Booklet of Information.
- II. Diplomates must report to ABPS if they have certification through any of the other boards who are members of the American Board of Medical Specialties.
  - III. The Board may encourage a Diplomate who is suffering from an illness or substance use disorder to seek care through a physician health program ("PHP") or similar program providing a safe environment in which to receive treatment and support in recovery. The Board may choose to not consider such a Diplomate to have a restriction on his/her license, provided the physician maintains compliance with the rehabilitation program and all terms or conditions established by the licensing entity.
  - IV. ABPS will publicly display actions against a certificate within its publicly-available reporting system.

## **Section 5. Enforcement**

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