

Ask the Ethicist: Cooperation With the Ethics Committee

September 2012

Q: *Concerns have been raised about one partner in our large, multi-subspecialty group practice potentially engaging in unethical practice. If he is reported to the Ethics Committee, to what extent is he obligated to respond to the allegations?*

A: If he is an Academy member, then he is expected to cooperate fully.

The preamble of the Administrative Procedures in the Academy's Code of Ethics states: "All ophthalmologists who are Fellows or Members of the Academy ... are required to comply with these Administrative Procedures; failure to cooperate with the Ethics Committee or the Board of Trustees in a proceeding on a challenge may be considered by the Committee and by the Board of Trustees according to the same procedures and with the same sanctions as failure to observe the Rules of Ethics."

It is in everyone's best interest to participate in the resolution of an ethics challenge. If a member does not respond or hinders the committee's investigation by willful and unexcused delays, the matter is referred to the Academy Board of Trustees with a recommendation of sanctions for noncompliance with the Administrative Procedures of the Code of Ethics.

If the member resigns from the Academy in order to avoid responding to a challenge, then that challenge is dismissed without further action by the Ethics Committee or the Board of Trustees, and the record is sealed. However, the member may not reapply for membership in the Academy under any circumstances. If the subject matter of the closed investigation was related to patient care, the Academy is required by law to report information to the National Practitioner Data Bank and other such entities.

For more information or to submit a question, contact the Ethics Committee staff at ethics@aao.org. To read the Code of Ethics, visit www.aao.org/ethics.