

Committee on Ethics

Minutes 5/13/10
Teleconference Call

Attendees (Members): Halley Faust (Chair); Judy Rubin; Jim Tacci; Hugh Tilson; Steve Cersovsky; Neal Kohatsu; Christine Nevin-Woods; Sandra Guerra

Attendees (Staff): Mike Barry and Jennifer Edwards

- I. **Welcome** New Committee Members: Sandra Guerra; Judy Rubin, and Christine Nevin-Woods

- II. **Approval of minutes** from PM 2010
Vote: Approved with Hugh's edit: *"if so what disciplinary action, /if any, /is recommended"* to Section E; Paragraph 8; line 6.
Action: Make edit to Section E, Paragraph 8; Line 6 and send updated minutes to Committee

- III. **Old Business**
 - A. Quorum and Vote Requirements – Appendix I
Vote: Approved with recommendations below.

Discussion regarding what kind of action would be taken that would not result in an EGRC hearing vs. what action would result in an EGRC hearing. Where would license revocation, felony conviction, inability to obtain a state license, etc, fall? What kind of background checks does the membership committee/staff conduct? (Answer: none).

Recommendation to Membership Committee: 1) Determine feasibility of checking each new applicant (at point of initial membership) against the National Practitioner Data Bank (NPDB); 2) Determine feasibility of checking each new applicant's status of state licensure; 3) Adding an attestation statement to the membership application regarding applicants status in the NPDB and their state licensure.

Action: Staff will work with Membership Committee to determine feasibility and report back to the Committee on Ethics.

- B. Terms of Members
Awaiting information from Mark Johnson

- C. Open Meeting Minutes (Appendix II)

Vote: Approved with edits (below)

Edits:

Add "Members Only Section" to the end of line one

Add: "in breach of the Code of Ethics" to #1 after "Allegations"

Remove #4 (Conflicts of Interest issues and management plans)

Add #5 (now #4) – Add generic statement about “other decisions deemed confidential by the Committee”

Discussion regarding line 4: Conflicts should be transparent to the member whether those conflicts are perceived, potential or actual. Therefore they should not be confidential. The Committee will use discretion when the information regarding the conflict is personal financial information.

Action: Incorporate edits into document and resend to Committee

IV. New Business

A. Conflict of Interest Statement revision related to CMSS

Vote: Approve to send to Board of Regents with edits:

Page 1-3 , 5-8– approved proposed edits

Page 4 – approved proposed edits and revised language of B.1.Exception would now read (plus footnote, not shown here):

Exception:

The College recognizes that Regents, staff, and Members may have individual investments (e.g., stocks, bonds, mutual funds) in companies (public and private). Where a holding is of a minor nature and not material to the Regent’s, staff’s, or Member’s total portfolio, a disclosure is not required. For the purposes of this policy, a “material” holding is a financial ownership interest of 5% or more of the Regent’s, staff’s, or Member’s total liquid assets (assets in stocks, bonds, mutual funds, cash, certificates of deposit, real estate investment trusts, etc.) or 5% of the individual’s total wealth, or \$10,000, whichever is less.

Action: Add edits and send to Board of Regents for adoption of changes.

B. Business Development Review: Pfizer Adult Immunization Program

Vote: Approved with recommendations

Recommendation:

1. Staff should attempt to find additional sponsors for the program
2. The Committee must review final language prior to Board approval

Action: Staff will attempt to find additional sponsors

Additional item discussed: Timeliness of proposals to committee.

At the discretion of the Chairman future proposals will be shared with the CoE either by emailing the entire proposal, or placing it on Google Groups for Committee members to discuss and vote. If there is something out of the ordinary, or there is significant dissent by Committee members, conference calls will be scheduled.

C. Surveillance to Detect Concerns About Members (Appendix III)

Action: Staff will determine cost/feasibility of matching the ACPM membership database with the NPDB to monitor potential ACPM member actions by other bodies.

Action: Request approval of Board of Regents to share with ABPM any disciplinary actions against ACPM Members, while requesting reciprocal information from the ABPM.

V. Next meeting: July 15, 2010, 3:00 p.m. Eastern Daylight Time (EDT).

APPENDIX I

**Quorum and Voting Rules for the Committee on Ethics – First Draft
Adopted [May 13, 2010]**

Decision	Quorum Required	Vote Required for Action
Policy	5	Majority (3)
Pursue a complaint	5	Majority (3)
Recommend action without EGRC hearing	7	Super-Majority (5)
Recommend EGRC hearing	7	Majority (4)

APPENDIX II

Meeting Minutes Distribution Policy Adopted May 13, 2010

The general policy of the Committee on Ethics (CoE) is that all proceedings are open to the ACPM membership and deliberations and minutes will be posted on the Members-only portion of the ACPM website. The following deliberations shall be excluded from posting of website-published minutes, but will be available to the ACPM Executive Committee and will be maintained in the formal peer-review minutes of the CoE:

1. Allegations of breach of the Code of Ethics about individual members of the College.
2. Deliberations on actions about individual members of the College.
3. Final actions about complaints regarding members¹ except for suspensions or expulsions of members by an Ethics Grievance Review Committee (or on appeal by the Executive Committee), which decisions shall be reported back to the CoE and shall be reported to the National Practitioner Data Bank, and be available upon request by members of the public. Such publication of actions shall not occur until all of the appeals process is exhausted by the member.²
4. Other deliberations judged to be confidential by the Committee on Ethics.

¹ Such actions may include: exoneration, no action, request for follow-up, remediation without reprimand, remediation with reprimand, referral to an EGRC.

² If the CoE or EGRC or Executive Committee feel that there is imminent danger to an individual because of the actions of a member then they shall report such danger to the police authorities of the jurisdiction of the member, as well as the individual in potential danger.

APPENDIX III

ACPM Surveillance to Detect Concerns about Members Adopted May 13, 2010

In order to be proactive in pursuing potential member misconduct, the Committee on Ethics will make the following periodic inquiries of relevant bodies.³

Body	Type of Information	Periodicity
National Practitioner Data Bank (NPDB)	Disciplinary actions by boards of licensure and others	Annual
American Board of Preventive Medicine (ABPM)	Complaints made to the board and/or disciplinary actions taken	When it occurs (based on outstanding complaints)
Membership Renewal disclosure (ACPM)	Conformance with Code of Ethics; Disciplinary Action taken against the renewing member by another body	Annually

³ Beginning implementation dates may vary depending on the technical capability of ACPM staff to make these inquiries.