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## The AANS Professional Conduct Program

### Why was the AANS Professional Conduct Program established?

This program was established in 1983 to provide a forum and due process procedures to evaluate complaints by one AANS member against another and to make recommendations to the AANS Board of Directors for action (dismissal or sanctions) on such complaints.

### The AANS Code of Ethics

The AANS Code of Ethics was established for neurosurgeons as guidelines in medical and professional relationships. This code is a statement of ideals, commitments, and responsibilities of neurosurgeons to patients, their families, other health professionals, insurers, society and themselves. It thus, may be considered as one of the measures used to evaluate a member's maintenance of good professional standing and to evaluate qualifications for membership by applicants. Breaking any tenet of the code may subject a member to a formal sanction by the AANS.

### What are the AANS Rules for Neurosurgical Medical/Legal Expert Opinion Services?

The [AANS Rules for Neurosurgical Medical/Legal Expert Opinion Services](#) were originally adopted

by the AANS Board of Directors in November 2003, first published to members in March 2004, and revised in March 2006. The current document replaces the earlier guidelines and position statements on this subject. These rules and the [Code of Ethics](#) may be found in the AANS' governing documents. Please visit the Governance and Leadership Section of the AANS Website to access these documents.

The rules are intended to ensure a standard of quality and impartiality in expert testimony provided by neurosurgeons on either side of professional liability cases. Violations of these rules may be the basis for charges of unprofessional conduct brought before the Professional Conduct Committee (PCC).

### How are complaints handled?

Charges of unprofessional conduct are referred initially to AANS legal counsel who advises both complainant and respondent of the procedural requirements. Both the complainant and the respondent must be AANS members. All legal activities, court cases, university or hospital inquiries, etc., must be final prior to PCC involvement. When the complainant prepares the charging material, he or she must clearly identify what part(s) of the Code of Ethics or Rules for Neurosurgical Medical/Legal Expert Opinion Services were breached. Charges and answers are communicated between the parties and the

committee members hearing the complaints. If the committee concludes that a prima facie case of unprofessional conduct has been established, a formal hearing before the committee is scheduled.

### **What are the most frequent types of complaints?**

To date the majority of complaints brought before the PCC have involved expert witness testimony in medical malpractice lawsuits. Other allegations have included unethical clinical practices, defamation, loss of ABNS certification, and loss of license to practice.

### **What are the respondent's rights?**

No adverse action is recommended or taken against any member without a hearing. This hearing is open only to members of the PCC, complainant, respondent, witnesses, counsels, and the court reporter. Either the complainant or respondent may waive his or her right to attend.

### **What are the possible outcomes after the initial hearing?**

After conducting the hearing, the PCC shall recommend to the Board of Directors: A. That the charges are not sustained, and that no further action be taken; or B. That the charges are sustained and that one of the following actions be taken against the member:

1. Censure
2. Membership Suspension, or
3. Expulsion from the AANS

The Board of Directors may vote to accept or reject the PCC recommendation. The Board may also put forward a substitute recommendation, for example, rejecting the committee's recommendation for a suspension and voting instead for censure or expulsion.

### **Can a member appeal a decision?**

Any member for whom a sanction or other adverse action has been recommended by the PCC may make a written or personal appeal to

the Board of Directors at the time of the PCC report to the Board of Directors. The member may then appeal the decision of the Board of Directors to the general membership at an annual business meeting. If an appeal is made, the sanction is not implemented unless the Board's action is sustained by a majority vote of the members at an annual business meeting. If less than a majority of the voting members at an annual business meeting support the action of the Board, the claim is deemed to be dismissed. Due process and the rights of all parties are carefully respected throughout the proceedings.

### **How is membership informed of PCC actions?**

Upon finalization of any sanction, a brief write-up appears in *AANS Neurosurgeon*. The item will include the member's name and a brief summary of the action for which the member was sanctioned.

### **How can I learn more about the AANS Professional Conduct Program?**

There is additional information in issues of *AANS Neurosurgeon*, as well as the AANS Website under the Governance and Leadership Section, or you can do a keyword search to retrieve more extensive Web content.