



**AMERICAN COLLEGE OF CARDIOLOGY  
CODE OF ETHICS**

## **Preamble**

The medical profession has long subscribed to a body of ethical statements developed primarily for the benefit of the patient. Likewise, the American College of Cardiology ("ACC") recognizes that its members have certain ethical obligations to their patients, profession, each other, as well as to the community and world at large. As a member of the medical profession and ACC, an ACC member must recognize and respect these obligations.

The ACC Code of Ethics strive to set standards and provide guidance for ACC members acting within the organization, in their clinical practice, and in their provision of health care generally.

The ACC Code of Ethics sets forth the governing principles, values, and beliefs shared by Fellows and other members of the American College of Cardiology, as well as the ethical behavior and standards of conduct expected in conformance with these principles and beliefs.

### **1. Relationship with Patients**

1.1 In all dealings with patients, a member shall act fairly, in good faith, honestly, and with compassion and respect for a patient's dignity and rights.

1.2 A member shall not practice medicine beyond the scope of his or her training, experience and license.

1.3 Patient welfare must be paramount in the practice of medicine. Under no circumstances shall a member place his or her self-interest above patient welfare.

1.4 Any conflict of interest must be resolved in the best interests of the patient.

1.5 A member shall use his or her best efforts to protect patients from harm by recommending and providing care that maximizes anticipated benefits of care and minimizes possible risks of harm from such care.

1.6 A member must strive to make pertinent medical information available to the patient to enable the patient to make informed choices about their health care.

1.7 Consistent with a member's legal duty to maintain the confidentiality of patient health information, a member should provide pertinent medical information to the patient's family, professional colleagues, and the public.

1.8 A member shall respect the confidential health care professional-patient relationship and safeguard it consistent with the law.

1.9 A member shall not discriminate on the basis of gender, race, color, national origin, sexual orientation or other basis that would constitute illegal discrimination.

1.10 A member has an obligation to responsibly steward the use of healthcare resources under his or her supervision without compromising patient care and welfare.

### **2. Relationship with Other Professionals**

2.1 A member shall uphold the standards of professionalism, be honest in all professional interactions, and shall report to the appropriate legal, regulatory or peer-based entity healthcare professionals whose competence or professional conduct affects or could adversely affect the health or welfare of a patient or patients.

2.2 A member shall act fairly, in good faith, honestly, and with respect in all his or her dealings with patients, staff and other healthcare professionals.

2.3 A member experiencing substance abuse or physical or emotional/psychological impairment should seek the appropriate assistance and limit practice to ensure the impairment does not adversely affect the health or welfare of a patient or patients.

2.4 A member shall cooperate in the legal, regulatory or peer-review process in connection with alleged incompetence or unprofessional conduct or that of another member and accept the profession's final disciplinary action.

### **3. Relationship with ACC**

3.1 A member serving on behalf of ACC or in any other professional capacity shall endeavor to base his or her opinions on objective data and avoid personal bias.

3.2 A member shall honor his or her fiduciary, legal, and professional obligations in serving his or her respective professional organizations.

3.3 A member shall work to ensure the attainment of the organizations' mission and objectives.

### **4. Relationship to the Community and to Government**

4.1 A member shall comply with state and federal laws and regulations governing the practice of medicine.

4.2 A member involved in the conduct of research and investigation, including work involving human subjects, shall behave ethically.

4.3 A member is obligated to report patient abuse, neglect or harassment to the appropriate authorities.

4.4 A member must recognize the imperative of fairly distributing the benefits and burdens of research and

other health care resources.

4.5 A member shall have a professional and social obligation to be involved in the community as well as to support policies and change in the best interests of patients and matters affecting healthcare generally.

#### **5. Continuing Medical Education Responsibilities**

5.1 A member has an ongoing obligation to be actively involved in continuing medical education activities to ensure the continued development of his or her skills, training and expertise.

5.2 A member shall maintain his or her professional qualifications through continuous study consistent with evidence-based scientific practice.

#### **6. Expert Witness Testimony**

6.1 A member must be an acknowledged expert, having the appropriate education and experience, in the specific area in which he or she is testifying. A member shall not misrepresent his or her education and experience.

6.2 Expert witness testimony is considered the practice of medicine and should be provided in an objective manner using medical knowledge to form expert medical opinions that are subject to peer review.

6.3 A member providing expert testimony should be diligent in his or her preparation and should thoroughly review all pertinent medical records and all relevant information that has a bearing on the testimony.

6.4 Expert witness testimony should be fair, accurate, thorough, and objective.

6.5 A member appearing as an expert witness must identify personal opinions not generally accepted by other cardiologists.

6.6 A member shall not knowingly give false expert witness testimony or fail to perform adequate due diligence to determine the truth or falsity of the testimony.

6.7 Compensation for expert testimony should be reasonable and commensurate with the time and effort expended and not be contingent upon the outcome of litigation.

#### **7. Conflicts of Interest**

7.1 A member shall strive to identify and resolve potential and actual conflicts of interests in his or her professional practice and service to ACC. If a conflict cannot be adequately resolved consistent with the foregoing then the member should withdraw from the relationship.

7.2 A member should be aware of institutional conflicts of interest in their relations with ACC and in other professional relationships.

#### **Conclusion**

Adherence to ACC's Code of Ethics is a condition of ACC membership. A member may be admonished, censored, placed on probation, suspended or expelled for violating the Code of Ethics in proceedings governed by the ACC Professional Conduct Program Hearing and Adjudication Rules. Any judicial review of an ACC disciplinary action adversely affecting membership status shall be governed exclusively in accordance with the laws of the District of Columbia. The Code of Ethics may be revised or replaced periodically and it is the obligation of members to be informed of and adhere to these changes.

#### **ACC Trustee Expert Witness Testimony**

In July 2003, the Executive Committee approved the following resolution concerning expert witness testimony by members, fellows and leadership:

"When serving as an expert witness, consultant or advisor, members/fellows/leadership of ACC/ACCF must present their own individual expertise and opinions. They do not represent ACC/ACCF's opinion or position nor should their testimony or advice be construed as carrying greater weight or authority solely because of their position with AC/ACCF."

Subsequently, the Ethics Task Force revised this statement to make it more pro-active and an affirmative obligation:

"Any ACC Trustee providing expert witness testimony during his or her term as a Trustee on the Board of Trustees shall affirmatively state at the outset of any expert witness testimony that he or she is testifying solely as an individual physician and not on behalf of ACC in any way. He or she should make it clear in writing that his/her position within the college should be kept separate from the medical expertise that makes his/her testimony appropriate."

#### **ACC Expert Witness Principles and Affirmation Statement**

"As a Fellow of the American College of Cardiology, I agree to adhere to the following principles in providing

expert witness testimony:

1. A member acting as an expert witness must have a current, valid, and unrestricted license to practice medicine in the United States. Expert witness testimony is considered the practice of medicine and should be provided in an objective manner using medical knowledge to form expert medical opinions that are subject to peer review.
2. For testimony in the field of cardiovascular medicine, the member providing expert witness testimony should be Board Certified by the American Board of Internal Medicine or the American Board of Osteopathic Internal Medicine in the specialty of cardiovascular disease or American Board of Pediatrics, Sub-Board of Cardiology or equivalency in cardiovascular surgery at the time of testimony.
3. The member expert witness must be an acknowledged expert, having the appropriate education and experience, in the specific area in which he or she is testifying. A member shall not misrepresent his or her education and experience.
4. A member shall not knowingly give false expert witness testimony or testimony in deliberate ignorance of the truth or fail to perform adequate due diligence to determine the falsity of the testimony.
5. A member providing expert witness testimony should be diligent in his or her preparation, and thoroughly review all pertinent medical records and all relevant information that has a bearing on the testimony.
6. A member's expert witness testimony should be fair, accurate, thorough, and objective.
7. Where appropriate, the member expert witness should establish the standard of proper professional skill or care in the matters testified to, whether there was a failure to conform to such applicable standard, and whether there is a causal relationship between any such failure to conform and the patient's medical outcome.
8. Where the member's expert testimony varies from generally accepted standards, the member as an expert witness must identify as such personal opinions not generally accepted by other cardiologists.
9. The member as expert witness should not act as an advocate or partisan but as a genuine expert and educator to the parties in litigation.
10. Compensation for cardiology expert testimony should be reasonable and commensurate with the time and effort expended. It is unethical for a member expert witness to accept compensation that is contingent upon the outcome of litigation. A member should not testify as an expert witness solely for financial gain because of the potential for such motivation to influence his or her testimony.

**ACC Professional Conduct Program Procedures – Hearing and Adjudication Rules:** Procedures for hearing and adjudicating charges alleging ethical violations or other misconduct brought by an FACC against an ACC member (the "Program Procedures"). These procedures shall apply only to matters finally resolved as described below no later than January 1, 2004.

**I. Initiation of Complaint:** Only a current ACC Fellow in good standing may initiate a complaint against an ACC member. Complaints must specifically allege a violation(s) based on ACC's bylaws, code of ethics, or other conduct which could be the basis for ACC to take disciplinary action against the ACC member. All complaints must be dated and submitted in writing to the ACC General Counsel with all documentation under the signature of the FACC bringing the complaint (hereafter the "Complainant"). Information in the complaint should be provided consistent with HIPAA guidelines for de-identifying patient information. The Complainant must allege first-hand or actual knowledge of the alleged conduct and provide any related documentation and other evidence. Complaints alleging conduct in connection with any pending or appealable matters in connection with any litigation, arbitration, mediation, review by an institutional, state or federal review board or panel, or review by another peer review process will not be addressed until the final resolution of the process. The General Counsel will confirm that the complaint meets the required format and other requirements for initiation of a complaint. If the complaint is deficient in any respect, the General Counsel will return it to the Complainant within thirty (30) days of receipt indicating the reason(s) for its return. The Complainant may resubmit an amended complaint.

**II. Receipt and Acknowledgement of Complaint:** ACC's General Counsel will forward the complaint and any accompanying materials to the Chair of the ACC Ethics & Discipline Committee for an initial review. Within thirty (30) days of receipt of the complaint, the General Counsel will send a written acknowledgement to the Complainant to confirm ACC's receipt, the intention of the Complainant to proceed, and provide the Complainant with a copy of ACC's Professional Conduct Program Procedures, as well as to solicit any additional information or documentation regarding the complaint. The Complainant shall be responsible for providing all material he or she desires the Ethics & Discipline Committee to review. The Ethics & Discipline Committee will keep the complaint and any related documentation and proceedings confidential.

**III. Initial Evaluation:** The Chair of the Ethics & Discipline Committee (the "Chair"), with the assistance of the General Counsel and any outside expert(s) the Chair desires to consult on a confidential basis, will conduct an initial evaluation of the complaint. The initial evaluation will determine if the complaint alleges

conduct requiring an automatic sanction, e.g., conviction of a felony or other serious crime or suspension or termination of the right to practice medicine, or if a prima facie case of a violation has been made to the Ethics & Discipline Committee. At the next meeting, on the basis of this evaluation, the Chair will recommend that the Ethics & Discipline Committee either accept or dismiss the complaint at the Chair's discretion. In the case of minor violation, the Chair at his or her discretion may review the matter and issue a letter to the member without making any recommendation to the Ethics & Discipline Committee. A simple majority vote of the Ethics & Discipline Committee members present at a meeting with a quorum will accept or reject the Chair's recommendation. If the Ethics & Discipline Committee accepts the Chair's recommendation to proceed, or rejects the Chair's recommendation for dismissal, then the complaint is deemed "accepted" and will proceed. If the Ethics & Discipline Committee accepts the Chair's recommendation to dismiss or rejects the Chair's recommendation for acceptance then the complaint will be dismissed. The Complainant will be notified of the decision and grounds for the Ethics & Discipline Committee's decision within fifteen (15) days.

**IV. Notice and Hearing:** Within fifteen (15) days of the Ethics & Discipline Committee's acceptance of any complaint, the subject of the complaint (the "Respondent") will be provided with a notice that: (i) states a disciplinary action that may adversely affect Respondent's ACC Membership has been proposed to be taken against the Respondent, and (ii) provides the reasons for the proposed action in the form of a complete copy of the complaint with any accompanying materials. The notice also shall contain: (i) a copy of ACC's Professional Conduct Program Procedures and (ii) a statement that the Respondent has thirty (30) days from receipt of the notice to request a hearing on the proposed action or, in the alternative, to waive the right to a hearing and request a decision based exclusively on whatever written response and supporting documentation or materials he or she desires to supply the Disciplinary Review Panel within sixty (60) days from the receipt of the notice. The Respondent will be further advised in the notice that failure to request a hearing within the thirty (30) days time limit will be deemed a waiver of the right to a hearing. Once notice has been provided to the Respondent, the Respondent may not resign his or her ACC membership until the resolution of the disciplinary process, including any hearing or appeals.

If Respondent requests a hearing on a timely basis, the Respondent will be given a notice stating (i) the place, date and time of the hearing, which shall not be less than thirty (30) days nor more than six (6) months after the date of the notice, and (ii) a list of the witnesses, if any, expected to testify at the hearing on behalf of the ACC. The Complainant will be provided with a complete copy of the Respondent's submissions.

If the Respondent fails to timely request a hearing or fails without good cause and prior notice to appear at the hearing, then the Respondent's right to a hearing is forfeited. Notwithstanding any forfeiture, the hearing shall proceed without the Respondent participating or possessing any of the hearing and appeal rights. However, the Disciplinary Review Panel Members shall consider any written statement and supporting documentation or materials that the Respondent previously supplied the Disciplinary Review Panel.

**V. Composition of Hearing Panel:** The Chair will select three members of the Ethics & Discipline Committee to constitute and serve on a Disciplinary Review Panel. The three Disciplinary Review Panel members then shall unanimously select and invite two additional FACCs with relevant expertise in the subject matter of the case to sit on the Disciplinary Review Panel. None of the members of the Disciplinary Review Panel shall be in direct economic competition with the Respondent or have other acknowledged or significant perceived conflicts of interest in connection with the Respondent. The Respondent will be provided with the names of the Disciplinary Review Panel members and have fifteen (15) days to challenge any Disciplinary Review Panel member. The immediate past ACC President, Board of Governors Chair, and Chair of the Ethics & Discipline Committee shall arbitrate the challenge. The Disciplinary Review Panel may request additional information of the Complainant and Respondent and of outside experts.

**VI. Adjudication and Hearing Process:** Only the Disciplinary Review Panel members, the parties and their attorneys or other representatives, ACC General Counsel (and/or designee) and the court reporter shall attend the hearing. On the date, time, and place of the hearing, the proceedings will be recorded by a court reporter. Either party may obtain a copy of the transcript of the proceedings upon payment of any reasonable charges related to its preparation. The transcript will be the official and exclusive record of the hearing. Each party may make a presentation to the Disciplinary Review Panel of no more than thirty (30) minutes and provide written briefs. Rules of evidence shall not apply. The Chair of the Disciplinary Review Panel shall have the authority to reasonably extend presentation time upon request by a party during the hearing. The parties may call witnesses and they may also submit notarized affidavits from third parties. The Disciplinary Review Panel may ask questions directly of the Complainant or Respondent at any time during the hearing. Cross examination of witnesses shall be permissible but extensive cross-examination will not be permitted as determined by the Chair. The Disciplinary Review Panel shall not consider additional

complaints or allegations based on the same facts. Within thirty (30) days of the hearing the Disciplinary Review Panel will make its recommendation to the Ethics & Discipline Committee. At the close of the hearing, the parties may make a closing statement and may submit a written statement.

**VII. Disciplinary Review Panel Action:** Within thirty (30) days of the hearing the Disciplinary Review Panel will make its recommendation that the complaint be either sustained or not sustained to the Ethics & Discipline Committee. If there is a dissenting opinion from a member of the Disciplinary Review Panel, that also will be forwarded to the Ethics & Discipline Committee. A copy of the Review Panel's recommendation, including the basis of the decision and any dissenting opinion, shall also be supplied to the Complainant and Respondent. The recommendation will include a statement of the basis for the recommendation and any dissenting opinion. If the Disciplinary Review Panel sustains the complaint then one of five sanctions shall be recommended for adoption by the Ethics & Discipline Committee: (1) admonition; (2) censure; (3) probation; (4) suspension; or (5) expulsion. The Disciplinary Review Panel's recommendation (complaint not sustained, admonition, censure, probation, suspension, expulsion) must be approved by at least a three-fifths (3/5) majority vote of the entire Disciplinary Review Panel unless the recommended action is expulsion and then the Disciplinary Review Panel's recommendation must be unanimous. If the Disciplinary Review Panel's recommendation is not to sustain the complaint and the Ethics & Discipline Committee accepts the recommendation, then the Respondent is exonerated. If the Disciplinary Review Panel's recommendation is to sustain the complaint then the Committee may accept, reduce, or increase the recommended sanction of the Disciplinary Review Panel by a majority vote of the Committee at a meeting with a quorum present unless the recommendation is expulsion in which case the entire Committee must unanimously approve the Disciplinary Review Panel's recommendation. The Disciplinary Review Panel will make its recommendation, and the basis of the recommendation, to the Board of Trustees with a copy to the Respondent.

**VIII. Appeal to the Board of Trustees:** The Respondent may appeal a decision of the Ethics & Discipline Committee for disciplinary action directly to the Board of Trustees. An appeal must be made at the Board of Trustees meeting immediately subsequent to the decision of the Ethics & Discipline Committee. In which case, the Respondent or his or her representative may provide Board members with a written brief with any supporting materials and be provided the opportunity to make a statement to the Board for no more than thirty (30) minutes. The Respondent's statement should address why disciplinary action is not warranted or make an appeal for a lesser sanction. The Board may ask questions directly of the Respondent or the representative. The Board shall vote by a two-thirds (2/3) vote of Trustees at a meeting with a quorum present to accept, reject, or modify the recommendation of the Ethics & Discipline Committee. Any member of the Ethics & Discipline Committee or Disciplinary Review Panel who also is a member of the Board shall not vote or participate in the appeals process or Board deliberation and shall not be counted for purposes of achieving a quorum of the Board for the vote. The Respondent shall be promptly notified of the Board's decision, including the basis of the decision.

**IX. Disclosure and Reporting:** Any sanction imposed on a Respondent by the Board of Trustees shall be posted on the ACC website along with the general category of violation for the duration of the sanction. The final written disposition of the case shall be made available upon written request to ACC members. The complaint file shall be retained by ACC for three (3) years and treated as confidential. After three (3) years the file will be destroyed. As appropriate and consistent with law, the sanction will be reported to the National Practitioner Data Bank, state licensing boards, state medical societies, and other organizations.