

ACVIM® Disciplinary Policies and Procedures

Introduction

Veterinarians are members of a regulated profession and serve the public and society. All veterinarians, including American College of Veterinary Internal Medicine (“ACVIM” or the “College”) Diplomates, earn and maintain the public’s trust through adherence to a code of ethical conduct as well as standards of practice. The College and the public have a reasonable expectation that ACVIM Diplomates (“*Diplomates*”) must reflect these values in the care and service they provide their patients and in their interactions with their clients and with each other.

Earning and maintaining status as an ACVIM Diplomate allows a Diplomate the option to join as a member of the College. Adherence to the ACVIM Code of Conduct is a condition of maintaining status as both a Diplomate and as a member. Failure to maintain such standards could result in discipline based on these Disciplinary Policies and Procedures (“*Procedures*”).

Any disciplinary action that impacts a person’s status as a Member does not necessarily impact a person’s status as a Diplomate. On the other hand, any disciplinary action taken that impacts someone’s status as a Diplomate has an impact on their status as a Member based on the eligibility requirements for membership in effect at that time.

Individuals or entities initially bringing complaints against a Member or Diplomate are not entitled to relief or any damages by virtue of this process, although they will receive notice of any action taken by the ACVIM.

Authority of Association to Discipline

The following procedures have been adopted by the Board of Regents (“*Board*”) of the ACVIM pursuant to the Bylaws and are designed to set forth the rules, policies and procedures which will be followed by the College in the discipline of Diplomates and Members of the College.

Authority to Discipline Diplomates. Article V Section 5.2 of the ACVIM Bylaws gives the College, through the Certification Council, the authority to consider complaints that allege violation of the Code of Conduct and to take action that could result in limitations or revocation of Diplomate status. Such complaints will be considered by the Certification Council based on these Policies and Procedures.

Authority to Discipline Members. Article III, Section 3.4 gives the College the authority to consider complaints that allege violation of the Code of Conduct or other requirements and to take action that could result in limitations or revocation of Membership in the ACVIM. Such complaints will be considered by the Board based on these Policies and Procedures.

Grounds for Discipline

Failure to follow the ACVIM's Bylaws, its [Code of Conduct](#), or other applicable ACVIM policies and procedures, or the [Principles of Veterinary Medical Ethics of the AVMA](#) as determined by the Judicial Council of the AVMA or comparable body, are grounds for discipline of a Member or Diplomate.

Discipline Which May be Imposed

Any of the following disciplinary actions may be recommended by the Certification Council or Board, although the disciplinary action imposed must reasonably relate to the nature and severity of the violation(s), focusing on reformation of the conduct of the Diplomate or Member, and deterrence of similar conduct by others:

Private Letter of Warning/Reprimand. A private letter of reprimand from the Chair of the Certification Council (for Diplomate discipline) or Board (for Member discipline) may be issued. A letter of warning or reprimand carries with it no loss of Diplomate status or Membership in the ACVIM. The purpose is to place an individual on notice that a particular action is not condoned and to cease the particular conduct.

Probation. Probation serves as warning that the conduct is contrary to the College's Bylaws, the Code of Conduct, or other requirements of Diplomate status or Membership, and is grounds for discipline. Probation shall be conditioned on the individual's future good conduct and compliance with the terms of probation. Additional reasonable conditions may be set forth in the terms of probation. Probation shall be imposed for a specified period of not more than three years and without loss of full Diplomate or Membership privileges (although there may be restrictions placed on some privileges). Examples of probation include but are not limited to being required to take additional continuing education or other courses; the inability to attend ACVIM-sponsored events; inability to service on a committee, task force in another volunteer role; and the inability to serve as Program Director, Supervising Diplomate, Resident Advisor, or other program mentorship roles.

Suspension. Suspension means all Diplomate or Membership privileges are suspended during the suspension period. During the suspension period for a Diplomate, the person may not refer to themselves as a specialist or board-certified in any ACVIM recognized specialty, may not use any ACVIM registered and unregistered trademark and logo, including but not limited to DACVIM, in any forum whatsoever, including on the person's website, business cards, or otherwise. Suspension of Membership in the College will bar the person from claiming membership in the ACVIM in any public forum, and will result in a forfeiture of all member benefits until the suspension is lifted. Suspension shall be conditional for a specified period and may include requirements to be fulfilled as a condition of reinstatement. At the conclusion of the suspension period, full Diplomate or Membership privileges may, but are not required to be, restored. Suspension shall be imposed for a period of not more than three years.

Termination of Diplomate or Membership Status. Termination means that all Diplomate and/or Membership privileges are terminated. Termination of the Diplomate's status as a *Diplomate of the ACVIM* will bar the person from referring to themselves a *BOARD CERTIFIED VETERINARY [NAME OF SPECIALTY]*, or *veterinary specialist*. Further, a person whose Diplomate status has been terminated will be prohibited from using all ACVIM registered and unregistered trademarks and logos, including but not limited to DACVIM, in any forum whatsoever, including on the person's website, business cards, or otherwise. Termination of Membership in the ACVIM will only bar the person from claiming membership in the ACVIM in any public forum and will result in a forfeiture of all member benefits.

Notes to Diplomate/Member Records. Disciplinary actions will be noted in the file of the Diplomate and/or Member. A Diplomate or Member with three disciplinary actions in less than 10 years may be reviewed by a special panel appointed by the Chair of the Board or Certification Council for additional disciplinary action.

Notification to Licensing Board and Employer. The College reserves the right to notify any state or other applicable licensing and/or regulatory authority, as well as a Diplomate's employer of any suspension or termination of such person's Diplomate status.

Complaints

General.

Complaints against a Diplomate and/or Member must be in writing and may be sent by Certified Mail or e-mail to the ACVIM Central Office as follows:

e-mail: ACVIM@ACVIM.org

address: 116 Inverness Drive East, Suite 375, Englewood CO 80112

Attn: Executive Office Manager

For complaints regarding a practice-related issue (e.g., as malpractice, billing practices, etc.), the Complainant will be referred to the appropriate licensing agency.

For complaints in which a state board or agency has acted, the Certification Council or Board of Regents' Chair will be informed and will determine whether a meeting will be convened to review the complaint or if interim action is warranted.

Complaints Regarding Workplace Behavior. Complaints involving behavior or actions/omissions in an employment context, including any behavior in the workplace, will not be heard by the College as such matters are internal in nature and not under the purview of the College. Such complaints about behavior in the workplace should be referred to the employer human resources department for action consistent with the employment laws in that state and the policies of that employee

Disclosure of Complainant. In the interest of transparency, complaints made and the identity of the Complainant, are provided to the party named in the complaint ("*Respondent*"). However, in certain extenuating circumstances, the Board or Certification Council may, in their sole discretion, consider maintaining the name(s) of the Complainant as confidential.

Administrative Review of Complaint

Administrative Review. Upon receipt of a complaint, College staff will perform a preliminary, administrative review of a complaint within 14 days of receipt of the complaint to determine whether the complaint: (i) contains unreliable or insufficient information or evidence; (ii) is patently frivolous, inconsequential; or (iii) not within the purview of the College's oversight. College staff may request additional information or seek the advice of the Certification Liaison and/or legal counsel, during this initial review period. If the complaint does not meet any of these criteria for rejection, College staff will forward the complaint and all relevant supporting documentation to the Board or Certification Council for consideration whether to pursue a formal complaint.

Rejected Complaint: If the complaint is rejected during the administrative review process, College staff will send a letter to the Complainant and, if applicable, the Respondent, advising them that the complaint was not actionable.

Accepted Complaint: If ACVIM staff determine during the administrative review process that the College has the jurisdiction to review the complaint and there is sufficient evidence to move forward, the complaint will be forwarded to the Board or Certification Council for their initial review. If the Board or Certification Council decide to reject the complaint, the Board or Certification Council will send a letter to the Complainant and, if applicable, the Respondent, advising them that the complaint was rejected, along with a summary of the reasons for the rejection. If the Board or Certification Council accept the complaint, the Board or Certification Council will inform the Respondent that a complaint has been filed and accepted, and will notify the Respondent that a hearing will be set, that the Respondent may attend the hearing, with legal counsel if desired, and/or provide a written response to the allegations in the complaint, and may provide any supporting documentation and witnesses, within thirty (30) days of Respondent's receipt of such notification or upon such other timeline as approved by the Board or Certification Council. Complainant shall also be notified that the complaint has been accepted and that there will be a hearing, and that the Complainant may submit additional evidence supporting the allegations in the complaint and, in the Board or Certification Council's discretion, may also be asked to appear at the hearing. The Complainant and Respondent shall not appear at the hearing at the same time.

Information Sent to the Respondent: (i) a copy of the complaint; (ii) a list of the people who will review the matter in case the Respondent wishes to raise any concerns regarding potential conflicts of interest; (iii) copies of the these Procedures and the applicable Codes of Conduct or other applicable College Disciplinary Policies & Procedures; and (iv) any evidence or documentation submitted by the Complainant.

Information Sent to Complainant: In certain circumstances, depending on the nature of the allegations, the Board or Certification Council, in their sole discretion, shall provide the same information to Complainant as provided to Respondent.

Hearing Process

Scheduling of Hearing. Once a response is received from the Respondent or after the thirty (30) days have elapsed, a meeting of the Board, if a member complaint, or the Certification Council, if a Diplomate complaint, will be scheduled to conduct a hearing on the Complaint via video conference. If requested by Respondent, the Respondent, any witnesses, and legal counsel (if any) may attend the hearing, but the Respondent must provide the College with notice of all attendees prior to the hearing. The Board or Certification Council may have legal counsel present but must also notify the Respondent and/or Complainant of their intent to do so. Witnesses may be called by either the Complainant or the Respondent. Either party may have the hearing transcribed by a court reporter at the party's expense. Failure to request to be present in person at the hearing by a party means that the individual has waived their right to be present. Non-attendance at the hearing by the Respondent shall not prejudice the Respondent in any way and shall have no bearing on the outcome of the hearing.

Continuance of Hearing. The Respondent and, in certain cases, the Complainant (if invited to attend the hearing) may request a continuance of a scheduled hearing in writing. Continuances must be based on personal or business situations that impact the ability of the Respondent to provide an adequate defense. A request for continuance will be presented to the Chair of the Board or Certification Council, as the case may be, for consideration. Such Chair will decide whether or not to grant a continuance.

Conflict of Interest. Any member of the Board or Certification Council who has a conflict of interest arising from the complaint will recuse themselves from any discussion or consideration of the complaint. A conflict of interest in this context means any personal knowledge or connection with either the Respondent or the Complainant that could be interpreted to possibly prevent a fair outcome of the hearing. The Certification Council shall make the final decision of whether any conflict of interest should result in recusal.

Hearing Agenda and Order of Testimony. The following agenda and order of testimony is suggested but may be modified depending on the specific nature of the hearing and whether the Complainant is attending

- Welcome, call for conflict
- Complainant (if applicable)
 - Opening Statement
 - Questions from Board/Council
 - Questions from Complainant to Board/Council
 - Closing comments from Complainant
 - Complainant excused
- Witnesses

- Questions from Board/Council
- Witnesses excused
- Respondent
 - Opening Statement
 - Questions from Board/Council
 - Questions from Respondent to Board/Council
 - Closing comments from Respondent
 - Respondent excused.
- Closed Deliberations of Board/Council

Evidence. The Board or Certification Council will consider the evidence as presented by both parties in the complaint, written responses, witness testimony, and supplemental material, regardless of whether they appear at the hearing.

Burden of Proof. The burden of proof is “preponderance of the evidence,” a standard used in civil litigation. The Board or Certification Council must find that it is “more likely than not” that the allegations against the Respondent are true in order to impose any disciplinary action against the Respondent.

Confidentiality. All deliberations of the Certification Council and the Board shall be conducted in confidence, with all written communications marked “Personal and Confidential,” and they shall be conducted objectively, without any indication of prejudgment.

Additional Evidence/Information. The Board or Certification Council may request additional evidence, documentation, statements, etc., from either the Complainant or Respondent after the hearing has concluded if additional information is needed to make a final determination.

Hearing Outcome. If the Board or Certification Council determines that there is insufficient evidence to meet the burden of proof of “preponderance of the evidence,” it shall dismiss the complaint. If the burden of proof is met to support the allegations in the Company, the Board or Certification Council will determine which disciplinary sanctions should be imposed. The Board or Certification Council will make a decision by simple majority within thirty (30) days of the end of the hearing.

Notification of Outcome. The results of the hearing will be sent to both the Respondent and Complainant within ten (10) days of the final decision, as well as to the Board (if the Certification Council is the reviewing body). Any Diplomat or Member who has been suspended or terminated remains liable to the College for all fees and dues owing to the College.

Appeals of Decisions of the Certification Council

Notice of Appeal. Pursuant to Section 5.4 of the College’s Bylaws, Diplomates shall have the opportunity to appeal the suspension or termination of their Diplomat

status (“*Adverse Decision*”) pursuant to this Section 8.

Respondent (now the “*Appellant*”) may file an appeal of an Adverse Decision if the Certification Council has violated its policies and procedures and/or the decision was not fair and reasonable taking into consideration all of the relevant facts and circumstances. All appeals must be in writing and sent to the College as set forth in Section 5 (Complaints). The Notice of Appeal must be received by the College within thirty (30) days of the post-marked date of the Adverse Decision sent to the Respondent. The Notice of Appeal must include a summary of the grounds for such appeal.

Appeals Panel. Appeals of Adverse Decisions of the Certification Council will be heard by the Board (“*Appeals Panel*”). College staff will serve as the Appeals Panel’s contact to collect and distribute information to the Appeals Panel. No member of the Appeals Panel may have a conflict of interest involving the Complainant or the Appellant. The Appeals Panel will review the documentation from the hearing, the processes and procedures, and any other relevant documentation. The Appeal Panel may request access to any relevant documents held by the College or the Appellant and must make its decision on the basis of the stated material. The Appeal Panel must not conduct interviews or otherwise approach or accept approaches from the Appellant or other persons involved in providing evidence or support to or against the appeal.

Decisions. The Appeals Panel may:

Reverse the initial decision resulting in elimination of all sanctions.

Reconsider the initial decision resulting in complete or partial modification of the original sanctions. Modifications can result in either less or more severe sanctions being imposed.

Deny the appeal, resulting in maintenance of the original sanctions.

Notification of Appellant. Every effort will be made to inform the Appellant of the outcome of the appeal within 30 days of submission. If this deadline cannot be met, the Appellant will be provided a new timeline before the end of the 30-day period.

Final Decision. The decision of the Appeals Panel is final and not appealable.

Appeals of Termination or Suspension of Membership.

Notice of Appeal. The Appellant shall follow the same procedures set forth in Section 8(a) above to bring an appeal of an Adverse Decision by the Board.

Membership Appeals Panel. The Board shall appoint a Membership Appeals Panel of three (3) Diplomates of the College, which could include members of the Certification Council, former Regents, or other committees of the College, but shall not include any members of the Board. No member of the Membership Appeals

Panel may have a conflict of interest involving the Complainant or the Appellant.

The Membership Appeals Panel will review the documentation from the hearing, the processes and procedures, and any other relevant documentation. The Membership Appeals Panel may request access to any relevant documents held by the College or the Appellant and must make its decision on the basis of the stated material. The Membership Appeals Panel must not conduct interviews or otherwise approach or accept approaches from the Appellant or other persons involved in providing evidence or support to or against the appeal.

Decisions/Notifications/Final Decisions. Sections 8(c), (d), and (e) shall apply to appeals of Adverse Decisions by the Board.

Substantial New Evidence.

For a complaint that has been heard and closed, the Respondent or Complainant may submit substantial new evidence that was not available at the time of the hearing, and petition that the case be reopened. The Chair of the Certification Council (in the case of a matter involving Diplomate status) or of the Board (in the case of a matter involving member status) will review the new evidence and decide whether or not to reopen the complaint.

Resignation.

If a Diplomate who is the subject of a complaint voluntarily surrenders their Diplomate status any time during the pendency of a complaint under these Policies and Procedures, the complaint shall be dismissed without further action by the Certification Council or Board. The entire record of such individual shall be sealed and the individual may not reapply for further certification by the ACVIM. However, notwithstanding the foregoing, the ACVIM may communicate the fact and the date of the surrender of certification, and the fact and general nature of the complaint which was pending at the time of the resignation, to or at the request of a governmental entity engaged in the administration of the law. Similarly, in the event of such resignation, the resigned Diplomate's employer and the person or entity who submitted the complaint shall be notified of the fact and date of resignation and that the ACVIM has dismissed such complaint and revoked the resigned Diplomate's eligibility for future ACVIM certification as a result.

Reinstatement of Diplomate or Membership Status.

Individuals who have been suspended or terminated as Diplomates or Members of the College may apply for reinstatement. The requirements for reinstatement will be determined by the Certification Council, Board, or a committee with delegated powers, which have the complete authority to decline a request for reinstatement.
