CEJA rules for review of membership

Per AMA Bylaws B-1.1.1.1.1, B-1.1.1.2.1.2, B-1.1.1.3, B-1.1.2.1, and B-1.5, which can be viewed in PolicyFinder, the Council on Ethical and Judicial Affairs may review information pertaining to the character, ethics, professional status and professional activities of current members and applicants for AMA membership whenever evidence of improper conduct is brought to the council’s attention. Any misrepresentation in renewing or applying for AMA membership shall constitute cause for council review.

The council may seek such additional evidence as it deems appropriate. All persons connected with the review process and with any proceedings under these rules, other than the member or applicant being reviewed, shall take reasonable precautions to keep the proceedings confidential, consistent with AMA policies on due process in peer review. Such confidentiality is subject to the need to notify others in order to conduct the review, the notice requirements of these rules and the reporting requirements of the Federal Health Care Quality Improvement Act.

Notice of possible disciplinary sanction or denial

If the council finds reasonable cause to institute disciplinary proceedings, then prior to the final determination of whether to impose sanctions the member or applicant shall be offered a full hearing, at which there shall be no presumption that disciplinary action is warranted. The council shall send notice of the basis for consideration of disciplinary sanction against or denial of AMA membership, along with a copy of these rules. The notice will state that the member or applicant may present to the council additional information pertinent to the review. The AMA will use reasonable efforts to effect notification by registered or certified mail or by a commercial delivery service, at the last address known to the AMA.

Once the council has determined such reasonable cause, it shall retain jurisdiction, notwithstanding any attempt by the member to resign or the applicant to withdraw the application, until the matter is fully resolved.

The member or applicant shall have thirty (30) days following the sending of the notice offering a hearing in which to file a written response and request a hearing.
Failure of the member or applicant to submit a written request for a plenary hearing shall waive the right to such hearing. Failure of the member or applicant to keep the AMA apprised of his or her contact information or to be reasonably available for a hearing shall also be deemed a waiver of the right to such a hearing, notwithstanding a specific request for the hearing. The council may then continue, dismiss, or decide the matter at its discretion, based upon the available evidence.

If the member or applicant submits a written request for a hearing, the council shall notify the physician of the date and time of the hearing and the manner in which it will proceed, along with a copy of these rules.

Hearing procedure

- The council shall not be bound by technical rules of evidence usually employed in legal proceedings and may review any information deemed reliable and relevant. The council generally will not consider evidence that purportedly contradicts the findings of a medical licensing board, a court, or a governmental agency that has made an adjudication relevant to the professional fitness of the member or applicant.
- The member or applicant may opt to participate in the hearing in person or by teleconference and may be accompanied by legal counsel. Either party may retain a court reporter or stenographer to record the hearing at his, her or its own expense.
- The member or applicant may present witnesses or documentary evidence to the council.
- Members of the council and its legal counsel may pose questions to the member or applicant, and to any witness.
- Any significant misstatements in connection with a disciplinary proceeding may, within the council’s discretion, be grounds for discipline.
- The council may consider any mitigating or aggravating evidence, including the member or applicant’s participation in rehabilitation or remedial activities.

Decision

- The council may issue appropriate sanctions, including denial of membership to an applicant or expulsion, probation or suspension of a member.
- Denial of membership to an applicant or expulsion of a member is imposed only when the council determines that the physician under review has seriously violated the Principles of Medical Ethics and that it would discredit the AMA to have that physician as a member.
- Probation stems from a determination that a physician may obtain or retain AMA membership, but only so long as the physician behaves ethically and submits written reports to the council attesting to that conduct. The period of probation is generally coincident with a
probationary period imposed by the state authority.

- Suspension is a conditional or temporary revocation of membership rights. It may be imposed when a member has violated the Principles of Medical Ethics but the violation is not so serious as to justify expulsion and the member is not on probation with a state authority. When the member is able to demonstrate to the council that he or she will conform to the Principles of Medical Ethics, the suspension will be lifted.

- For a less serious violation of the Principles of Medical Ethics, the council may censure a member or applicant. With such decisions, the applicant would be accepted for and a current member would retain his or her AMA membership.

- As a non-disciplinary action, the council may monitor a member or applicant. Monitoring will be for a defined period of time and may include requiring the member or applicant to provide periodic status reports. The council will make a determination of membership status at the conclusion of the monitoring period. If the council determines that disciplinary sanctions may be appropriate, the member or applicant will be notified of the possibility of such sanctions and offered a subsequent hearing.

- The council shall, within thirty (30) days after the hearing, notify the member or applicant of its decision.

- Copies of the decision will be sent to any state medical societies and specialty medical societies that have representation in the AMA House of Delegates and in which, according to the records of the AMA, the member or applicant has membership.

- The council’s decisions are effective on the sending of its decision to the member or applicant and are final.

- If the council expels a member or denies an application, the member or applicant may reapply to the AMA one year after the date of the decision.

- If a lawsuit is brought in connection with any proceeding under these rules, the courts of Illinois shall have exclusive venue over such action, and the applicable law in such action shall be the law of Illinois (without regard to choice of law provisions).