CEJA rules in cases of original jurisdiction

Preamble

Section 6.5.2.5 of the bylaws, which can be viewed in PolicyFinder, provides that the Council on Ethical and Judicial Affairs may request the president of the association to appoint investigating juries to which the council may refer complaints or evidences of unethical conduct which, in its judgment, are of greater than local concern.

The following Rules of Procedure, respecting notice of charges and the conduct of hearings before the Council on Ethical and Judicial Affairs are based upon this section of the bylaws.

Investigating jury

At the request of the Council on Ethical and Judicial Affairs, the president has appointed an investigating jury. Complaints or evidence of unethical conduct of greater than local concern will be submitted to this jury by the council.

Institution of proceedings

If after investigation a probable cause for action is shown, the investigating jury shall submit a statement of charges to the president. The president shall submit to the Council on Ethical and Judicial Affairs the statement of charges presented to him or her by the investigating jury for prosecution in the name and on behalf of the American Medical Association.

Statement of charges

The statement of charges shall allege in writing an infraction of the AMA’s constitution or bylaws or a violation of the Principles of Medical Ethics of the AMA. Exhibits may be attached.
Notice

A copy of the statement of charges shall be sent to the respondent physician by personal delivery or by registered or certified mail.

Answer

The respondent physician shall have thirty (30) days after personal delivery or mailing of the notice of statement of charges to file a written answer. If the respondent physician fails to file a written answer, the allegations shall be considered to be admitted.

Proceedings

The chair of the Council on Ethical and Judicial Affairs shall designate one or more members of the council to conduct a hearing on the statement of charges. This member or these members shall be known as the hearing officer.

Hearings shall be held at such reasonable time and place, designated by the hearing officer, as may be consistent with the nature of the proceedings and the convenience of the parties. The parties shall receive not less than fifteen (15) days of notice of the hearing.

The general counsel of the American Medical Association or his or her designee shall prosecute the charges against the respondent physician.

Attendance at hearings may be limited to the members of the Council on Ethical and Judicial Affairs, the staff, witnesses, if any, the parties and counsel who may speak in their behalf.

The hearing officer or his or her counsel may question the parties and their witnesses. The hearing officer shall not be bound by technical rules of evidence usually employed in legal proceedings but may accept any evidence deemed appropriate and pertinent.

Should any party to the controversy fail to appear at the hearing, the hearing officer may, in his or her discretion, continue, dismiss or proceed with the hearing.

Findings and conclusions
At the conclusion of the hearing, the hearing officer shall render a report in writing containing findings and conclusions and recommendations, if any. This report, together with a transcript of the proceedings, shall be submitted to the Council on Ethical and Judicial Affairs. A copy of the report shall be mailed to all parties of record.

Written objections

Any party to the proceedings may submit written objections to the report to the Council on Ethical and Judicial Affairs. These objections must be submitted within twenty-one (21) days after the report has been submitted by the hearing officer to the Council on Ethical and Judicial Affairs.

Oral argument

In addition to written objections, any party may request an opportunity to present oral arguments on its objections to the report of the hearing officer before the Council on Ethical and Judicial Affairs. This request must be made within twenty-one (21) days after the report has been submitted to the council. The granting of oral arguments shall be discretionary with the council. If granted, the parties shall be notified by the council of the place and date for such oral argument; all parties shall be given opportunity to be heard and the time allotted to argument may be limited by the council with due regard to the magnitude and complexities of the issues involved.

If any party fails to appear, the council may continue or proceed with the oral argument.

Final decision

The Council on Ethical and Judicial Affairs, including the member or members who serve as the hearing officer, shall render a final decision. A copy of that decision shall be mailed or otherwise served upon all parties.

Disciplinary action

The Council on Ethical and Judicial Affairs shall have the authority to acquit, admonish, censure or place on probation the accused physician or suspend or expel him or her from AMA membership as the facts may justify. This action shall be in accordance with the authority vested in the Council by
1.50.

Transcript

A written transcript shall be made of the proceedings and of the oral argument before the Council on Ethical and Judicial Affairs.

If any party to the controversy requests a copy of the transcript, it shall be made available to the party at the party’s expense.

Filing of copies

Ten (10) copies of all pleadings and exhibits shall be submitted to AMA Headquarters to the Chair of the Council on Ethical and Judicial Affairs. One copy of each document shall be submitted at the same time to each of the other parties to the controversy.