



Judicial Affairs Manual

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Introduction

The purpose of the procedures outlined herein is to ensure a fair, consistent and transparent judicial affairs process that protects both AAPA members and the Academy as an organization.

AAPA, by virtue of its role as the representative organization of the PA profession, is obligated to standards of excellence, and, as an organization, has committed itself to the highest professional ideals and respect for the public interest.

By choosing to affiliate with AAPA, a member, leader or a constituent organization (CO) agrees to operate within the provisions of the Academy's Bylaws and policies, and uphold the principles and purposes for which the Academy was founded. It is expected that they will act in accordance with the law and a high standard of professional ethics.

Judicial review is reserved for transgressions of such severity that the initiation of the process and its potential outcome would be justified. This is not to discourage utilization of the process, but is a reflection of the respect the Academy has for its review obligations and the individuals involved. Any activity of the review process must be based on good faith and objective criteria. This manual seeks to assure both. The presiding officer of any review is empowered to apply discretion in implementing these procedures based on the facts of the situation and as required to preserve the fair application of the judicial affairs process.

Resources Guiding the Judicial Affairs Procedures

AAPA establishes both its authority and expectations surrounding judicial affairs issues in its governing documents. Sometimes laws, such as the Health Care Quality Improvement Act of 1986, provide guidance as well. The Bylaws and policies that provide a framework for this document can be found in the AAPA Policy Manual. A complete list of AAPA policies relevant to judicial affairs can be found in Appendix E.

More than providing procedural guidance, Position Paper 15: Guidelines for Ethical Conduct for the PA Profession is a tool for understanding the ethical and professional expectations of AAPA members. It may be used as a resource in evaluating complaints relating to professional or ethical standards.

Stakeholders in AAPA Judicial Affairs Procedures

Only AAPA members or a CO are subject to AAPA judicial affairs procedures. For the purpose of this document, "member" includes any member category listed in the AAPA Bylaws, Article III, Sections 2-10, Membership.

The Board of Directors is responsible for the AAPA's judicial affairs procedures, with some authorities delegated to the Judicial Affairs Commission (JAC), an impartial commission of 5-7 AAPA members.

Communication

All official notifications described in this manual shall be made via email with both received and read delivery receipts requested. In the event that neither is confirmed, a second round of communication will be sent via certified, return receipt-requested mail.

Financial Responsibility

The complainant and respondent are each responsible for their own expenses generated by this procedure—including, but not limited to, fees associated with documentation, communication, travel (including witnesses' travel), and professional services. The AAPA is responsible for expenses generated by AAPA staff, the Judicial Affairs Commission, or other AAPA-designated actors in implementing these procedures.

Compliance

AAPA will implement these procedures in good faith to the best of its ability. Technical, non-substantial non-compliance with procedures are not grounds for legal action. The JAC chair (or presiding officer if not the JAC chair) has the right to grant a continuance based on good cause.

Disciplinary Actions Which Do Not Require a Hearing

1.0 Loss of License

- 1.1 Any individual who has his or her PA license or temporary permit revoked as the result of a final adjudicated disciplinary action for violation of their respective professional practice statutes or regulations shall be ineligible to apply for AAPA membership during the period of that revocation.
- 1.2 In the event the AAPA receives official notice of a current license revocation, the member's AAPA membership will be automatically revoked, and the member shall not have the right to a hearing pursuant to these procedures.
- 1.3 Any action other than revocation, such as probation, resignation, surrender or suspension of a license, or letters of reprimand does not make an individual ineligible for AAPA membership.
- 1.4 If a member is licensed in multiple states, and loses a license in one but not another, the JAC will consider the available facts of each case in light of AAPA policies and determine if membership will be revoked based on, and relying on, the determination made by the revoking jurisdiction. The member shall not have the right to a hearing pursuant to these procedures.
- 1.5 Upon successful re-application for a license, or a successful legal challenge, which results in reversal of the revocation, the individual may then apply again for AAPA membership.
- 1.6 Membership revocation will be recorded as part of the individual's file in the AAPA database.

2.0 Discovery of Adjudication Processes Leading to License Revocation

- 2.1 The AAPA receives reports on adjudicated disciplinary actions relating to PAs from the Federation of State Medical Boards (FSMB). The JAC staff advisor identifies PAs whose license has been revoked and distributes that information to the membership department. The Membership department cross-references the list with the AAPA database and updates the membership records and notifies the member. They notify the JAC staff which memberships have been revoked.
- 2.2 In the event that the AAPA receives unofficial notice of license revocation, the AAPA will contact the FSMB or relevant licensing agency to verify that an official revocation has taken place.

3.0 Criminal Indictment and Conviction

- 3.1 In the event a member is charged with a felony offense his/her membership will be automatically suspended until the matter has been adjudicated in a court of law, or an adjudicated action by a state licensing board results in the revocation of their license. The member shall not have the right to a hearing pursuant to these procedures.

- 3.2 In the event the member has been convicted of or pleads guilty to a felony, or their license has been revoked based on a criminal court proceeding, the JAC will review the available facts in light of AAPA policies and determine if membership will be revoked based on, and relying on, the criminal proceeding or the revoking jurisdiction. The member shall not have the right to a hearing pursuant to these procedures.
- 3.3 AAPA may be made aware of criminal felony charge or conviction by unofficial sources. Upon receipt of such notice, staff will verify the indictment or conviction.

4.0 Tracking the Adjudication Processes Leading to Possible Automatic Action

- 4.1 If AAPA is notified of anyone in the AAPA database (member or non-member) currently involved in any adjudication processes that may lead to the loss of their license of criminal charges, the AAPA may record the receipt of such notice in their electronic record.
- 4.2 If a staff member receives communication from an individual with such information in their record, they are required to check with the JAC staff advisor to determine how to respond.
- 4.3 AAPA may use this information to restrict marketing of certain products and services to those engaged in adjudication procedures. AAPA may not use this information to deny services to members.

5.0 Notification

- 5.1 Membership staff will notify the AAPA member informing them that their membership has been suspended or revoked.
- 5.2 In the event of an automatic revocation of membership, the JAC staff advisor will provide a report to the JAC, AAPA President/Chair of the Board and the CEO notifying them of the memberships that have been suspended or revoked. In the event the member is a current Delegate, the Vice President/Speaker of the HOD will also be notified.
- 5.3 In the event that membership is revoked as a result of a JAC review, the AAPA will make this information available to AAPA members.

Adjudication of Procedures Potentially Involving a JAC Hearing

6.0 General Information

- 6.1 Complaints may be brought forward by AAPA members or non-members.
- 6.2 The Complainant assumes the burden of proof including specificity, justification, and evidence in support of the charges.
- 6.3 The Respondent must follow the internal administrative remedies provided for in this manual.

7.0 Complaints Against Members

- 7.1 Complaints against members are only accepted on current AAPA members.
- 7.2 Ethical Violations: Charges brought against a member may concern, but not be limited to, violations of AAPA Bylaws, policies and procedures; criminal behavior; or unprofessional and/or incompetent medical practice.
- 7.3 AAPA Bylaws, Policies, and Procedure Violations: charges must be based on a specific violation of official AAPA Bylaws, policies or procedures.
- 7.4 Regardless of the nature of the charge, it must be understood that the process requires adherence to rigorous procedures, summarized in this manual.
- 7.5 As the AAPA has no authority to investigate charges beyond the scope of AAPA's work, charges which include criminal or third-party (e.g. patient, employer, etc.) allegations require a final adjudicated disciplinary action by the appropriate authority (e.g. law enforcement, court, employer, etc.).

8.0 Complaints Against Elected Officials of the AAPA (Impeachment)

- 8.1 Complaints against elected officials are only accepted against those currently in office.
- 8.2 Use of the impeachment procedure is specifically limited to include only *elected* officials. Those appointed to office (rather than elected) are under the jurisdiction of the appointing party and therefore cannot be charged under this section of the Judicial Affairs Manual.
- 8.3 Offices subject to complaints under this provision include:
 - a. President and Chair of the Board
 - b. Vice President / Speaker of the House
 - c. Immediate Past President
 - d. President-Elect
 - e. Secretary-Treasurer
 - f. Director / 1st Vice Speaker of the House
 - g. Director / 2nd Vice Speaker of the House
 - h. Director-at-Large

- i. Student Director
 - j. Elected Student Academy Board Members
 - k. Elected Nominating Work Group Members
- 8.4 Use of the impeachment procedure is specifically limited to charges related to the responsibilities of office. All other charges may be brought under the “Adjudication Procedures for Complaints against Members” section of this manual, which may also result in loss of office.
- 8.5 Grounds for discipline of elected officials of the AAPA include, but are not limited to:
- a. the breach of any material duty or obligation under AAPA’s Articles of Incorporation, Bylaws, BOD Code of Conduct and related obligations, or other AAPA policies;
 - b. misrepresentation of the AAPA to outside organizations;
 - c. malfeasance or nonfeasance of duties of office;
 - d. misappropriations of AAPA funds;
 - e. failure to fulfill fiduciary duties;
 - f. benefiting from a conflict of interest;
 - g. conduct that is unbecoming of the office;
 - h. willful or reckless misconduct that causes or will cause material harm to AAPA, including to the reputation or mission of AAPA.
- 8.6 In the event a complaint is brought against the sitting President/Chair of the BOD, the duties assigned to the President/Chair of the BOD within this manual will be assigned to the President-elect.
- 8.7 If an elected officer has his/her membership suspended or revoked as a result of a loss of license, criminal indictment or conviction, or under the “Adjudication Procedures for Complaints against Members” they will, as a result, be immediately expelled from office.

9.0 Complaints against JAC Members

- 9.1 JAC members are afforded the same rights and due process as other members. Complaints against JAC members will be handled in accordance with this manual.
- 9.2 In the event that a complaint is brought against a JAC member, that member will be immediately recused from JAC action involving the complaint, and screened from all information involving the case.
- 9.3 The President/Chair of the BOD will determine if the current Chair or other members of the JAC are able to fulfill their duties without real or perceived conflict. JAC members may also recuse themselves from the proceedings. If the JAC is unable to serve, the President/Chair of the BOD will empower the Governance Commission to fulfill the role of the JAC in addressing the complaint. If a Hearing Panel is convened, former members

of the JAC who have not directly served with the Respondent, will still serve as panel members.

10.0 Inquiries

- 10.1 All inquiries regarding complaints shall be forwarded to the JAC staff advisor. The staff advisor will notify the JAC Chair and the Senior Vice President of Governance and Leadership Development of all inquiries.
- 10.2 At the time of inquiry, the JAC staff advisor will verify if the intended Respondent is a member, elected official or JAC member.
- 10.3 All inquirers interested in bringing a complaint shall receive a copy of the Judicial Affairs Manual.
- 10.4 Complaint forms will be received by the JAC staff advisor via email. The staff advisor will process the submission and deliver it to the JAC Chair.

11.0 Initial Complaint

- 11.1 Only complaints that meet the following requirements will be acted upon:
 - a. Complaints must be filed in writing on the official AAPA Complaint Form and must be signed by the Complainant.
 - b. The Complainant must describe, in detail, the known circumstances involving the alleged violation.
 - c. The Complainant must cite the specific charges.
 - d. The Complainant must identify him/herself.
 - e. Complaints which include criminal or third-party allegations require proof of a final adjudicated disciplinary action by an appropriate authority (e.g. law enforcement, court, employer, etc.).
- 11.2 Complaints will be confidential to the JAC Chair and appropriate staff until the above requirements are fulfilled.
- 11.3 All known charges to be made against a member must be filed in the initial complaint. However, an addendum to the complaint may be filed alleging additional violations if the Respondent is notified in writing of other violations thirty (30) calendar days prior to the hearing. If necessary, the Respondent may request a continuance of the hearing.
- 11.4 An incomplete form shall be returned to the Complainant. No action will be taken until the form has been properly completed and submitted. The Complainant will bear all costs associated with securing such documentation.

- 11.5 All documentation of the reported violation must be legible and specific to the reported violation.
- a. All documentation must be delivered electronically in .pdf format. All documentation submitted by the Complainant must clearly state the source of the material.
- 11.6 A maximum of five (5) witnesses to the alleged incident/conduct shall be listed on the form with all required information. The Complainant should inform each witness that he/she is being so identified
- 11.7 If the form is signed and meets the requirements listed in this section, it shall be accepted as a bona fide complaint and submitted to the JAC Chair.

12.0 Initial Review and Notice

- 12.1 On receipt of a properly completed complaint form, the JAC Chair, in consultation with legal counsel, shall determine:
- a. if the complaint has sufficient detail of the alleged incident. If not, the form will be returned to the Complainant for additional information.
- b. whether the alleged behavior supports the charges.
- 12.2 The complaint will be distributed to the JAC and a meeting or conference call will be convened to consult with the Commission.
- 12.3 If the JAC Chair decides (after consultation with the whole JAC) that examination of the matter by AAPA is not warranted or is not within the authority of the AAPA, the matter will be closed.
- a. The Complainant and Respondent will be notified within fourteen (14) calendar days of the decision with a copy of the notification sent to the AAPA President/Chair of the Board and CEO.
- 12.4 If the JAC Chair decides (after consultation with the whole JAC) that further examination of the matter is warranted, these procedures will be followed:
- a. The AAPA President/Chair of the Board and CEO will be notified that a valid complaint has been received. No details of any complaint shall be provided at this time.
- b. The Complainant will be notified that the complaint has been received.
- c. The Respondent will be notified that an official complaint has been received. The communication will include:
- a copy of the complaint;
 - the Judicial Affairs Manual;

- a list of Complainant’s witnesses, to the extent known at the time;
- complainant’s documentary information, to the extent known at the time;
- instructions regarding response.

12.5 Respondent

- a. The Respondent will be notified that he/she has thirty (30) calendar days upon receipt to respond with a written answer to the allegations and request a hearing.
- b. The JAC will review the written answer within thirty (30) calendar days upon receipt and determine whether a hearing or other further information is or is not necessary, and will notify the Complainant and the Respondent.
- c. If the Respondent does not provide a written answer and does not request a hearing, then he/she will be deemed to have admitted to the allegations in the complaint and will have no other hearing or appeal rights. The JAC will determine and impose appropriate sanctions to include one of the following: reprimand, suspension or revocation of membership. The AAPA will report to the National Practitioner Data Bank if an individual's membership has been revoked as a result of the complaint and its adjudication.
- d. Information about the investigation will remain confidential with the exception of those who have access to the information as a result of procedures identified in this manual.
- e. If the Respondent’s membership lapses or is voluntarily resigned after the receipt of a valid complaint, there shall be no further action. If the Respondent reapplies for membership at a future date, the hearing procedure will be reactivated at the initial review and notice stage.
- f. The AAPA will retain a record of such complaint for future reference.

Hearing Procedures

Pre-Hearing

- 13.1 Pre-hearing Discovery — The Complainant and Respondent shall have the right to know, no less than ten (10) days in advance of the hearing, the witnesses (limited to five people from each party) who will be called and the documents that will be presented by the opposing side during the hearing. Each side is limited to presenting documents exchanged in discovery.
- 13.2 Those identified as witnesses by either party cannot be compelled by AAPA to testify. It is the responsibility of each party to ensure those they have listed as witness are willing and able to testify at the hearing.

14.0 Respondent's Rights

- 14.1 The Respondent has the right:
- a. to a hearing;
 - b. to be represented by any AAPA member of choice or an attorney (see section 15.7 Representation of Parties)
 - c. to present and cross-examine witnesses;
 - d. to present evidence;
 - e. to confront the Complainant;
 - f. to ask questions of Hearing Panel members and the Presiding Officer which are directly related to determining whether they are impermissibly biased and to challenge the impartiality of any member or the Presiding Officer;
 - g. to appeal.

15.0 Hearing

- 15.1 The JAC Chair shall notify the Respondent, Complainant, JAC members, President/Chair of the Board and CEO of the date, time, and location of the hearing.
- 15.2 The JAC Chair will identify three (3) fellow members who have previously served on the Judicial Affairs Commission to serve as a Hearing Panel. The hearing panelists will be free of conflict of interest or bias.
- 15.3 The JAC Chair will serve as the Presiding Officer or will appoint the Presiding Officer if he/she is unable to serve. The Presiding Officer shall not be a voting member. The Presiding Officer shall be free of conflict of interest or bias.
- 15.4 A hearing shall be scheduled no less than thirty (30) but no greater than sixty (60) calendar days after receipt of a request for hearing. The Presiding Officer may grant a continuance based on a showing of good cause.
- 15.5 The Presiding Officer shall oversee all preparation for the hearing by ensuring:
- a. the collection of the necessary evidence pertaining to the charge;
 - b. all parties will be physically present;
 - c. hearing space and times have been arranged;
 - d. transcription services by a court reporter have been secured;
 - e. that appropriate notification of the hearing is disseminated to all involved parties.

15.6 On the day of the hearing, the Presiding Officer shall facilitate the process by:

- a. providing an agenda;
- b. reviewing the rules of conduct as indicated in this manual;
- c. presiding over the hearing;
- d. providing all necessary documentation to the Hearing Panel.

15.7 Representation of Parties

- a. The Complainant must appear in person before the Hearing Panel. Failure of the Complainant to be present terminates the complaint.
- b. Failure of the Respondent to request a hearing or appear in person before the Hearing Panel constitutes acceptance of the charges. The JAC will determine and impose appropriate sanctions to include one of the following: reprimand, suspension or revocation of membership. The AAPA will report to the National Practitioner Data Bank if an individual's membership has been revoked as a result of the complaint and its adjudication.
- c. The Complainant and Respondent may be represented during the proceedings by any AAPA member, or private legal counsel, at their own expense.
 - i. This is not a hearing in a court of law. Attorneys are subject to the policies of AAPA, the procedures outlined in this manual and the authority of the Presiding Officer.
- d. Witnesses must be physically or virtually present. The Hearing Panel must have the ability to hear the witness' testimony and ask the witness questions.
- f. Subject matter experts relating to the issues of the case may be present at the hearing at the discretion of the Presiding Officer.
- g. The JAC Staff Advisor and the SVP of Governance and Leadership Development shall be present. Neither is a party to the complaint, but may observe and support the hearing panel, as necessary, in its facilitation of a fair procedure.
- h. AAPA Legal Counsel may be present at the hearing at the discretion of the Presiding Officer. Legal Counsel is not a party to the hearing, but may observe and support the hearing panel, as necessary, in its facilitation of a fair procedure.

16.0 **Order of Procedure**

- a. Opening statement by the Presiding Officer detailing the procedure to be followed and presenting AAPA's actions to date.
- b. Opening statement by the Complainant (optional).
- c. Opening statement by the Respondent (optional).

- d. Presentation of evidence by the Complainant.
- e. Testimony of witnesses, if any, in support of the complaint and cross-examination by the Respondent.
- f. Questions directed to witnesses in support of the complaint by the Hearing Panel.
- g. Presentation of evidence by the Respondent.
- h. Testimony of witnesses, if any, in support of the Respondent and cross-examination by the Complainant.
- i. Questions directed to witnesses in support of the Respondent by the Hearing Panel.
- j. Closing statement by the Complainant (optional).
- k. Closing statement by the Respondent (optional).
- l. Hearing is closed.

17.0 Conducting the Hearing

- 17.1 The Hearing Panel shall make findings based on the evidence presented at the hearing. The Hearing Panel shall make findings as to all questions of fact and all questions of interpretation of applicable AAPA Bylaws, policies or procedures. The decision of the Hearing Panel shall be based on its findings.
- 17.2 Hearings shall be conducted in a manner that will result in a just determination of the issues. All evidence presented must be relevant of the issues before the Panel. The Presiding Officer shall make determinations as to the admissibility of the evidence.
- 17.3 Witnesses and Evidence — All testimony offered by witnesses shall be given in question and answer form. The Hearing Panel shall determine the weight and credibility of evidence presented without restrictions as to the rules of admissibility which would apply in a court of law.
- 17.4 Exhibits — Exhibits shall be marked for identification and presented in an orderly fashion.
- 17.5 Objections — The Presiding Officer will rule upon objections by the Complainant and the Respondent
- 17.6 Transcript of Hearing — The hearing shall be transcribed. Parties involved may secure copies of the transcript upon payment of costs and reasonable handling charges.
- 17.7 Burden of Proof — The Complainant has the burden of proof. It must be shown by a preponderance of the evidence that the Respondent is guilty of the alleged charges.

17.8 Deliberations — Deliberations by the Panel shall be held in a closed session. The session will begin upon the close of the hearing and continue until a final decision is reached. The Presiding Officer shall attend the Hearing Panel’s deliberations but may not vote.

17.9 Decision — The Hearing Panel will decide by simple majority vote if the respondent is guilty.

18.0 Disciplinary Action

18.1 If the Hearing Panel determines the respondent is not guilty, it will dismiss the complaint.

18.2 If the Hearing Panel determines the respondent is guilty, it must determine a recommendation on disciplinary actions. The recommendations of the Hearing Panel shall be limited to:

- a. Reprimand — A letter is sent to the Respondent that states that the Respondent’s behavior is contrary to applicable AAPA Bylaws, policies or procedures. The Respondent may be required to take corrective action. The record of the reprimand is included in their membership record.
- b. Loss of office – if the respondent is an elected official, the Hearing panel may recommend immediate removal from office. They will have the opportunity to resign their position prior to JAC taking action. If a respondent has their membership suspended or revoked, they will automatically lose any office.
- c. Suspension — This includes temporary removal of all membership benefits until a specified date or successfully completing a corrective action. Membership dues will be forfeit and the suspended individual may not represent himself as a member of the AAPA during the period of suspension. It is the right of the Respondent to have membership reinstated (or reapply if their membership lapses during the suspension period) upon the JAC’s determination that the terms of suspension have been successfully met.
- d. Revocation — This includes the removal of all membership benefits. The individual whose membership has been revoked will lose all membership services and privileges and may not represent himself as a member of the AAPA. Membership dues will be forfeit.

18.3 The JAC, with the support of appropriate staff, will administer the disciplinary action as recommended by the Hearing Panel.

19.0 Notification of Hearing Panel's Decision

19.1 Within ten (10) days of the Hearing Panel’s decision, the Presiding Officer shall send a report to the Respondent, Complainant, AAPA President/Chair of the Board, CEO, and JAC members. This report shall be limited to: dates of actions, adherence to procedure, statement of findings of fact, and the disposition of the complaint.

- 19.2 The Respondent and Complainant are notified of their right to appeal and are sent the appropriate forms and directions for appeal.
- 19.3 If no appeal is filed in accordance with the procedures in this manual:
- a. The decision of the Hearing Panel will become final.
 - b. The AAPA will report a revocation of membership to the National Practitioner Data Bank (NPDB). AAPA is not required to report other disciplinary actions.
 - c. In the event that membership is revoked as a result of a hearing, the AAPA will make this information available to AAPA members.
- 19.4 The CEO, or his/her appointed designee, is responsible for any communication surrounding any additional statements or answering inquiries not included in this publication.

20.0 Hearing Panel Appeals

- 20.1 Both the Complainant and the Respondent have the right to appeal the Hearing Panel's decision on the complaint and/or the disciplinary action imposed.
- 20.2 This appeal will be heard by an Appeal Board appointed by the JAC Chair and composed of three former JAC members. No one serving on the Appeal Board may have been in attendance at the initial Hearing. The JAC Chair will appoint the Appeals Board Chair.
- 20.3 Appeal requests shall be submitted on the appropriate form to the JAC staff advisor within 30 days following receipt of the Hearing Panel's decision. The JAC chair will submit the paperwork to the presiding officer.
- 20.4 If a request for appeal is submitted within the prescribed deadline, the AAPA President/Chair of the Board, CEO and JAC members will be notified.
- 20.5 The Appeal Board Chair, upon receipt of a completed appeal request, shall notify both parties of the date, time and place of the appeal hearing, which shall occur no less than thirty (30) calendar days and no more than ninety (90) calendar days after receipt of a request for an appeal. Transcripts of the original hearing will be sent to the Appeal Board and both parties no later than ten (10) calendar days prior to the appeal hearing.
- 20.6 The Appeal Board will consider the appeal at a closed-session meeting.
- 20.7 Both parties may present a written statement to the Appeal Board. Such statements shall be limited to the length determined by the Chair of the Appeal Board. Oral testimony will not be allowed.
- 20.8 The decision shall be based on the record of the Hearing proceedings and the written appeal statements, if any.
- 20.9 The decision of the Appeal Board will be limited to:

- a. uphold the Hearing Panel's decision;
- b. modify the decision by dismissing the complaint or by imposing a different disciplinary action.

20.10 The decision of the Appeal Board shall be final.

20.11 Within ten (10) calendar days of the Appeal Board's decision, the Appeal Board Chair shall send a report to the Respondent, Complainant, AAPA President/Chair of the Board, CEO, and the JAC. This report shall be limited to: dates of actions, adherence to procedure and the Appeal Board's final decision.

20.12 The JAC, with the support of appropriate staff, will administer the disciplinary action as upheld or amended by the Appeal Board.

- a. The AAPA will report a revocation of membership to the National Practitioner Data Bank (NPDB). AAPA is not required to report other disciplinary actions.

21.0 Records

21.1 The official records shall be maintained by the AAPA with due consideration given to confidentiality and security.

21.2 The following documents, in possession of the AAPA, will constitute the official record of the complaint:

- the original complaint, including any attachments;
- notification letters and correspondence;
- the transcript of Hearing Panel's testimony and exhibits;
- the final report of the Hearing Committee;
- the final report of the Appeals Board (if applicable);
- any records relating to implementation of the disciplinary action(s).

21.3 Information obtained during a hearing will not be used in any subsequent hearing, unless the JAC determines that relevance to the new charge has been established.

21.3 If disciplinary actions are imposed, the AAPA will retain a record of the action in the member's database record with due consideration given to confidentiality and security.

Procedure for Filing a Complaint against an AAPA Constituent Organization

Introduction

When there is conflict between an AAPA member and a constituent organization (CO), and the member believes the conflict impacts the organization's obligation as an AAPA CO, the Academy must provide a forum for examining that complaint. To invoke this process, any consideration of a complaint against a CO must involve violations of Academy Bylaws, policies, procedures, or terms of CO's charter or agreement with AAPA. Charges must represent an organizational or systemic violation by the CO.

An AAPA member who believes a CO violation has occurred shall be directed to contact the Constituent Relations Work Group (CRWG) Chair or the AAPA staff advisor to CRWG. All inquiries regarding complaints against a CO shall be forwarded to the CRWG staff advisor.

Complaints of ethics violations will not be accepted for charges against a CO. If an AAPA member believes that a CO leader(s) is in violation of ethics standards, charges may only be made on an individual basis. *See Procedure for Complaints Against Members.*

22.0 Authority of the Constituent Relations Work Group (CRWG)

- 22.1 The BOD has the sole authority to issue or revoke a CO charter or agreement.
- 22.2 The BOD has designated the CRWG, among its charges, to review AAPA relationships and make recommendations to the BOD. This includes examining complaints against COs.
- 22.3 The relationship between COs and AAPA are governed by AAPA Bylaws, policies, procedures, charters (chapters), recognition agreements (specialty organizations) and affiliation agreements (caucuses and special interest groups).
- 22.4 Once an inquiry or complaint is made, the CRWG will provide guidance on how to move forward.

23.0 Role of the JAC in a Complaint against a CO

- 23.1 Complaints may only be brought forward to the JAC as a means of CO or Complainant appeal following receipt of a BOD's Notice of Intended Action or CRWG's decision to close the complaint without action.
- 23.2 Upon receipt of a properly completed request for appeal form from the original Complainant or Respondent, the JAC Chair, in consultation with legal counsel, shall determine if there is sufficient cause and/or information to conduct a review.
- 23.3 If it's determined that a review is warranted, the appeal will be distributed to the JAC and a meeting or conference call will be convened to conduct a review. The AAPA President/Chair of the Board, and CEO will be notified of the appeal.

- a. The Chair of the CRWG will be notified that the JAC will review the matter and requested he/she submit a summary of CRWG actions to date, including any minutes from CRWG meetings, reports to the BOD or other formal actions relating to the complaint.
- b. The JAC shall notify both parties of the date, time and place (or access information if conducted by conference call) of the review, which shall occur no less than thirty (30) calendar days and no more than ninety (90) calendar days after receipt of a request for an appeal. Both the Complainant and Respondent will be asked to submit written statements in advance of the review. The JAC may also request additional documentation as warranted by the situation.

24.0 CO Complaint Appeals

24.1 Prior to the review, the JAC shall be provided:

- Documentation surrounding the original complaint and CRWG action;
- Documentation relating to the appeal, including written statements from each of the parties;
- A copy of the BA policy relating to the Respondent's CO type (e.g. Chapter, Specialty Organization, Caucus or SIG);
- A copy of the signed agreement between the Respondent and AAPA;
- Other documents requested by JAC as may be warranted by the specific situation.

24.2 Both the Complainant and Respondent will be invited to participate in a portion of the meeting/call to make a brief statement and answer questions from the JAC. Debate between the Complainant and Respondent will not be allowed, and both parties will be excused before the JAC begins deliberation.

24.3 JAC deliberation will be conducted in closed session.

24.4 The JAC's recommendations shall be distributed to the BOD and limited to:

- a. Upholding the previous finding.
- b. An alternate or amended recommendation to the BOD.

24.5 The decision of the BOD shall be final.

25.0 Notification of the JAC's Decision

25.1 Within ten (10) days of the Hearing Panel's decision, the Presiding Officer shall send a report to the Complainant, Respondent and AAPA President/Chair of the Board, Speaker, CEO, CRWG Chair, and JAC members. This report shall be limited to: dates of actions, procedural detail, findings of fact, and recommendation to the BOD.

Appendix A: AAPA Complaint Form

AAPA JUDICIAL AFFAIRS COMPLAINT FORM

All information is required, unless otherwise noted. Incomplete complaints will not be processed. AAPA only accepts complaints about members and does not accept anonymous complaints. See the procedure manual for complete details.

RECEIPT OF PROCEDURE

I attest that I have read the Judicial Affairs Manual and understand my rights and obligations as a complainant.

TYPE OF COMPLAINT:

- Complaint against a member
- Complaint against an elected official of the AAPA

RESPONDENT INFORMATION

Information about who the complaint is against. The information should be as complete as possible. Names are often similar and may not be sufficient. If you cannot provide contact information for the respondent please include either their employer or program they attended in the "other" field. If you would like to bring a complaint against multiple members, a separate form must be completed for each person.

First and Last Name:

AAPA Member Number (If known):

Street Address (If known):

City, ST:

Phone Number (if known):

Email (if known):

Program Attending (if student):

Other Identifying Information:

INCIDENT INFORMATION

Incident/conduct being reported. Please describe precisely and cite specific incidence of reportable conduct. You may use additional or separate sheets if more space is needed. Each sheet must be signed by the complainant.

Date(s) of Incident/Conduct:

Place of Incident:

Description of the Incident/Conduct:

REPORTS TO OTHER AGENCIES

If this incident has been previously reported to another agency, please note which agency below and include the report with your submission. If the complaint has already been adjudicated, please also include documentation describing the outcome.

- I have not reported this incident to another organization or agency.
- State licensing board
- Credentialing entity
- Employer
- Law enforcement / court
- AAPA constituent organization
- Other: _____

WITNESSES

Maximum of five (5). If there are witnesses to the alleged incident/conduct or if there are other persons who have information about the PA’s conduct, please supply their names, addresses, phone numbers and email. You may use additional or separate sheets if more space is needed. It is your responsibility to notify each witness that they are being identified.

- No witnesses to report
- I have ___ witnesses. Witnesses contact information is below and/or attached.

Name:

Address:

Phone:

Email:

Name:

Address:

Phone:

Email:

COMPLAINANT INFORMATION (Your information)

First and Last Name:

AAPA Member Number (Required only if you are a member):

Street Address:

City, ST, Zip:

Primary Phone Number:

Secondary Phone Number (optional):

Email:

I swear the information provided is true to the best of my knowledge and belief.

Signature:

Printed Name:

Date:

SUBMITTING THE FORM

Email: JAC Staff Advisor @ AAPAJudicialAffairs@aapa.org
Please mark confidential.

Mail: American Academy of PAs
c/o Judicial Affairs Commission / Governance Department
2318 Mill Road
Suite 1300
Alexandria, VA 22314.

Appendix B: Response Form

AAPA JUDICIAL AFFAIRS RESPONSE FORM

Failure to reply within thirty (30) calendar days will result in a decision being made without the opportunity for your input.

RESPONDENT INFORMATION (Your information)

First and Last Name:

AAPA Member Number:

Street Address:

City, ST, Zip:

Primary Phone Number:

Secondary Phone Number:

Email:

RESPONSE

I have read the allegations of the complaint against me and voluntarily resign my membership effective immediately. I understand that if I seek membership at a later date, the charges may be reinstated.

I have read the allegations of the complaint against me as an elected official and voluntarily resign my elected position. I understand that charges may still be brought forward under a complaint against a member.

I have read the allegations of the complaint against me and submit the following statement. I request a hearing, unless the JAC determines there is not sufficient information to move the complaint forward.

SUPPORTING MATERIAL

Attach any documents or materials which support your statement above. See the JAC Procedure Manual for submission requirements.

WITNESSES

Maximum of five (5). If there are witnesses who can attest to the information set forth above, please supply their names, addresses, phone numbers and email. You may use additional or separate sheets if more space is needed. It is your responsibility to notify each witness that they are being identified.

Name:

Address:

Phone:

Email:

Name:

Address:

Phone:

Email:

I swear the information provided is true to the best of my knowledge and belief.

Signature:

Printed Name:

Date:

SUBMITTING THE FORM

Email: JAC Staff Advisor @ AAPAJudicialAffairs@aapa.org
Please mark confidential.

Mail: American Academy of PAs
c/o Judicial Affairs Commission / Governance Department
2318 Mill Road
Suite 1300
Alexandria, VA 22314

Appendix C: Appeals Form

AAPA JUDICIAL AFFAIRS REQUEST FOR APPEAL

A request for appeal must be received within thirty (30) calendar days of your receipt of notification of the previous action's outcome.

TYPE OF APPEAL

- JAC Hearing Panel Appeal
- CO Complaint / CRWG Recommendation Appeal

REQUESTOR INFORMATION

- Complainant in the original action
- Respondent in the original action

AAPA Member Number (if available):

First and Last Name:

CO Title (if representing a Respondent in a CO complaint):

Street Address:

City, ST, Zip:

Primary Phone Number:

Secondary Phone Number:

Email:

SUBMITTING THE FORM

Email: JAC Staff Advisor @ AAPAJudicialAffairs@aapa.org
Please mark confidential.

Mail: American Academy of PAs
c/o Judicial Affairs Commission / Governance Department
2318 Mill Road
Suite 1300
Alexandria, VA 22314

Appendix D: Glossary

These definitions are explanatory in nature for the purpose of AAPA's Judicial Affairs Manual. They are not designed to convey legal standards or limitations.

Adjudication: A formal judgment on a disputed matter by those with legal or regulatory authority. Adjudicated action from a court or state licensing board may trigger automatic AAPA discipline or be used as evidence in complaint/hearing procedures. Proof of an adjudicated action from other bodies, such as an employer or other professional organization, may be used as evidence in the complaint/hearing procedures.

Allegation: A positive assertion, especially of misconduct; a statement by a party in a judicial affairs proceeding of what that party intends to prove.

Alleged: Asserted to be true or to exist; accused but not proven or convicted.

Bias: An inclination of temperament or outlook; a personal and sometimes unreasoned judgment; prejudice or an instance of such prejudice.

Documentary Evidence: Evidence introduced in the form of documents. Although this term is most widely understood to mean writings on paper (such as an invoice or a contract), the term may include any media by which information can be preserved.

Circumstantial Evidence: Evidence that relies on an inference to connect it to a conclusion of fact. By contrast, direct evidence supports the truth of an assertion directly.

Complainant: The party who accuses another in a judicial affairs proceeding; the plaintiff.

Conflict of Interest: A conflict of interest arises when a Leader has some interest that suggests divided loyalty on the part of the individual between obligations to AAPA and to the individual's personal interests or to the interests of some other person, organization or cause. A conflict of interest may be actual or perceived.

Confidential: Private or restricted information; to be entrusted with such information.

Constituent Organization / CO: An AAPA chartered chapter, recognized specialty organization, or affiliated caucus or special interest group.

Continuance: The adjournment or postponement of an action pending in a judicial proceeding to a later date.

Dismissal: An order or judgment disposing of a claim.

Disciplinary Action: An order or judgement of some form of punishment meted out to a member of a profession or organization which has committed a breach of an expected and communicated performance standard or code of conduct.

Due Process: Compliance with the fundamental rules of fairness in judicial proceedings.

Evidence: That which tends to prove or disprove something; information presented in a judicial affairs proceeding in proof of the facts in issue and which may include the testimony of witnesses, records, documents, or objects.

Expulsion: The act of expelling. The withdrawal of rights and privileges of membership or a leadership position.

Findings of Fact: Brief statements setting forth the facts the hearing panel found to be true. Findings of fact are typically followed by the conclusion derived from those findings.

Guidelines for Ethical Conduct for the PA Profession: AAPA policy /position paper (Position Paper #15), which outlines standards to serve as guidelines for ethical professional interactions with patients, colleagues, and the general public.

Health Care Quality Improvement Act of 1986: Federal law which encourages peer review by providing immunity for hospitals, HMOs, group practices, professional societies and peer review committees for good faith participation in professional review activities. The Act also establishes the National Practitioner Data Bank.

Hearing: A judicial proceeding where an issue of fact is tried and evidence is presented to help determine the outcome.

Hearsay Evidence: Unverified, unofficial information gained or acquired from another and not part of one's direct knowledge.

Impeachment: A process that is used to charge, try, and remove officials for misconduct while in office.

Judicial Affairs Commission/ JAC: An AAPA commission which functions as an impartial body to implement Judicial Affairs procedures.

Malfeasance: The commission of an unlawful act, particularly by a public representative or official.

National Practitioner Data Bank: A national data bank authorized under Public Law 99-660 and operated by the U.S. Department of Health and Human Services, which collects and releases certain information relating to the professional competence and conduct of physicians, dentists, and other health care practitioners.

Prejudice: When a decision-maker is considered to be predisposed against an involved party.

Respondent: The individual accused of an alleged violation; the defendant.

Reprimand: To reprove severely, especially in a formal or official way; a severe, formal, or official rebuke or censure.

Revocation: Withdrawal; cancellation. Revocation of membership is the cancellation of all membership rights and privileges for an undetermined period of time. AAPA reserves the right to reinstate the member at some unseen future date.

Standards: Rules or principles that are used as a basis for judgment. Something considered by an authority or by general consent as a basis of comparison; an approved model. AAPA standards are incorporated Bylaws and policies.

Suspension: Temporary removal or withholding of rights and privileges for a defined period of time or until specific criteria are met.

Witness: A person who gives testimony in a judicial proceeding; one who has personal knowledge of something or who can attest to a fact or event.

Violation: The act of doing something that is not allowed according to AAPA Bylaws, policies or procedures, or is not in keeping with AAPA values or professional ethics.

Appendix E: Bylaws and Policies Related to Judicial Procedures

The following points to major components of policy that speak directly to judicial procedures. It is not intended as an exhaustive list of any policy that may relate to a judicial affairs issues or complaint.

- AAPA Bylaws, Article III, Sections 1 and 12
- AAPA Bylaws, Article IX
- BA-2300.1.8
- BA-2300.4.1
- BA-2300.5.3
- BA-2300.6.2
- BA-2300.7.1
- BA-2800.1.0
- BA-2800.3.0
- HP-3700.2.0
- Position Paper 15: Guidelines for Ethical Conduct for the PA Profession
- AAPA Board Manual, Section V. h.
- AAPA/CO Charters, Recognition Agreements and Affiliation Agreements