



## 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, respect, and adhere to these obligations.

The ACC Code of Ethics (the "ACC Code") strives to set standards and provide guidance for members of the American College of Cardiology acting within the organization, in their clinical practice, and in their professional activities, generally.

The ACC Code sets forth the governing principles, values, and beliefs shared by the 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.

Adherence to the ACC Code is a condition of ACC membership. A member may be censured, placed on probation, suspended or expelled for violating the ACC Code. Allegations of violations of the ethical principles set forth in this ACC Code may be brought in accordance with the procedures described in the ACC Professional Conduct Program Procedures, as set forth below. Any judicial review of an ACC disciplinary action adversely affecting membership status shall take place in, and be governed exclusively in accordance with the laws of, the District of Columbia. The ACC Code may be revised or replaced periodically, and it is the obligation of members to be informed of and adhere to these changes.

### 1. Relationship with Patients

1.1 A member shall ensure that patients and the interests of patients are placed at the center of all care and all care decisions, and shall demonstrate a commitment to obtain the patient's full health potential.

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

1.3 Patient welfare must be paramount. Under no circumstances shall a member place his or her self-interest above patient health and welfare.

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

1.5 A member shall use her or his 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 patients and appropriate surrogates to enable patients 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, friends, professional colleagues, and the public only with the appropriate consent and permission of the patient or to provide this information to appropriate surrogates, as defined by local regulations.

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 sex, gender identity, 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. Members should embrace best practices regarding team citizenship, mutual respect, identifying personal privilege, and utilizing positions of leadership to support and promote others.

2.3 A member shall act fairly, in good faith, honestly, and with respect in all his or her professional and public dealings. Members should strive to create a culture that values all individuals and groups equally and actively work to mitigate implicit bias and to eliminate unprofessional behaviors, sexism, racism, and other forms of discrimination.

2.4 A member experiencing substance abuse or physical or emotional/psychological impairment should seek the appropriate assistance and limit practice and professional obligations to ensure the impairment does not adversely affect the member's institution, colleagues, or the health or welfare of patients.

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

2.6 A member shall not discriminate on the basis of the following (but not limited to) characteristics: age, disability, gender identity, national origin, race, sex, ethnicity, sexual orientation or other basis that would constitute illegal discrimination or unprofessional behavior.

2.7 A member shall not engage in any form of discrimination, harassment, or retaliation, including but not limited to, sexual harassment; racism, harassment on the basis of any other protected characteristic; denial or limiting of opportunity or unfair treatment resulting from bias or prejudice.

2.8 No action may be taken with the intent to negatively impact another individual based on being a target of or reporting an act of discrimination or harassment, where the likely result of such action would be an objective material detriment to the target or the individual who reported such an act of discrimination or harassment and/or his or her career.

2.9 Members who are determined to have been or who are targets of harassment, discrimination, sexism, or racism shall be supported to mitigate or erase the harm of negative behaviors.

## **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 Society and to Government**

4.1 A member shall comply with state and federal laws and regulations governing the practice of medicine and any state and federal laws and regulations governing the acquisition and maintenance of the relevant professional license of the member.

4.2 A member practicing medicine or intending to practice medicine in an international jurisdiction shall comply with all laws and regulations governing the practice of medicine in such international jurisdiction, and any laws and regulations governing the acquisition and maintenance of the relevant professional license of the member, and shall not misrepresent ACC membership as a credential that demonstrates a right to practice medicine in any jurisdiction.

4.3 A member involved in the conduct of research and investigation, including work involving human subjects, shall behave ethically, as defined by relevant and applicable codes (to include Nuremburg, Helsinki, Belmont and FDA Final Rule and Common Rule).

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

4.5 A member must recognize and act in accord with the imperative of fairly distributing the benefits and burdens of research and other health care resources.

4.6 A member shall have a professional and social obligation to support policies and change in the best interests of patients and matters affecting healthcare generally.

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

5.1 A member shall not practice or otherwise engage in professional obligations beyond the scope of his or her training, experience and license.

5.2 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.

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

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

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

6.2 Expert witness testimony provided by clinician members 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. Clinician members acting as an expert witness must have a current, valid, and unrestricted license to practice medicine in the United States.

6.3 Any member providing expert witness testimony shall adhere to those principles set forth in any policies or statements governing the provision of expert witness testimony adopted by ACC.

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

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

6.6 Where the member's testimony varies from generally accepted standards, the member appearing as an expert witness must identify personal opinions not generally accepted by other healthcare professionals.

6.7 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 truth or falsity of the testimony.

6.8 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.

6.9 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, regardless of the side for which the member is testifying.

6.10 Compensation for 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 her or his testimony.

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

## **7. Conflicts of Interest**

7.1 A member shall fully and accurately disclose all relationships with industry, all personal, organizational or financial conflicts, and any other potential conflicts of interest as requested by ACC or the Chairs of any committee, council, task force, or any other body on which a member serves in furtherance of service to ACC, and disclose any additional potential conflicts as they arise.

7.2 A member shall strive to identify, disclose and resolve potential and actual conflicts of interests in her or his 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.

7.3 Members should be aware of personal, institutional, organizational, or financial conflicts of interest in their relations with ACC and in other professional relationships.

7.4 A member shall comply with ACC's Conflict of Interest policy and Relationships with Industry policy.

## **ACC Professional Conduct Program Procedures – Hearing and Adjudication Rules**

### **Automatic Termination and Suspension of Membership**

The following shall be grounds for automatic termination of membership:

- Conviction of a felony; or
- Termination of the right to practice medicine in any state, province or country by reason of a violation of a medical practice act, other statute, or governmental regulation, which shall include a voluntary relinquishment of the right to practice medicine in the context of a settlement or other agreement in connection with an alleged violation of a medical practice act, other statute, or governmental regulation.

For purposes of clarity, the voluntary relinquishment of the right to practice medicine due to a temporary or permanent disability, retirement, or a change in geographic location is not grounds for automatic termination of membership.

In the event of a suspension (and not a termination) of the right to practice medicine in any state, province or country by reason of a violation of a medical practice act, other statute, or governmental regulation, which shall include a voluntary relinquishment of the right to practice medicine in the context of a settlement or other agreement in connection with an alleged violation of a medical practice act, other statute, or governmental regulation, ACC membership shall also be suspended for the duration of the suspension of the right to practice medicine. An individual may petition for reinstatement of ACC membership following the restoration of the right to practice medicine, provided that the individual meets all other applicable criteria for ACC membership.

In the event that a conviction for a felony or a termination of the right to practice medicine is overturned, an individual may apply for membership in ACC, provided that the individual meets all other applicable criteria for ACC membership.

### **Hearing and Adjudication Rules**

Any complaints or violations of the ACC Code that do not constitute grounds for automatic termination of membership shall be governed by the following procedures for hearing and adjudicating charges alleging violations of the ACC Code and/or ACC Bylaws brought by any individual against a member of ACC (the "Program Procedures").

I. Initiation of Complaint: Any individual may initiate a complaint against a member of the American College of Cardiology. All complaints must be dated and submitted in writing to the ACC Legal Department with all documentation and materials for review by the Ethics & Compliance Committee included, signed by the individual bringing the complaint (hereafter the "Complainant"). The complaint must include a description of the action giving rise to the complaint, and cite the specific section of the ACC Code and/or Bylaws that was allegedly violated by the ACC member. Information in the complaint should be provided consistent with HIPAA regulations and any other applicable laws and regulations. The Complainant must allege first-hand or actual knowledge of the alleged conduct and provide any related documentation and other evidence. The Complainant shall also include a statement as to whether confidential treatment is requested pursuant to Section II of these Program Procedures, and sufficient contact information to permit correspondence with the Complainant. Upon receipt of the complaint, the ACC Legal Department will confirm that the complaint includes the required information and content for initiation of a complaint. If the complaint is deficient in any respect, the ACC Legal Department 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. Complaints alleging conduct in connection with any pending or appealable matters that are currently subject to 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. If the complaint is submitted by a Complainant without standing to submit a complaint under the Code of Ethics and these Program Procedures, the ACC Legal Department will return it to the Complainant within thirty (30) days of receipt indicating the reason for return. A Complainant may be deemed to not have standing if the Complainant does not have first-hand or actual knowledge of the alleged conduct giving rise to the complaint. If appropriate, the ACC Legal Department may provide an alternative institutional, state, federal, or professional review board, panel or organization that may consider the complaint, but shall not in any manner represent or guarantee that such board, panel or organization will address the complaint.

II. Request for Confidential Treatment. The Ethics & Compliance Committee (the "Committee") will keep the complaint and any related documentation and proceedings confidential, except as otherwise set forth in Section XII of these Program Procedures. Section V of these Program Procedures, as well as due process, require that the notice provided to the subject of the complaint (the "Respondent") includes the identity of the Complainant. Notwithstanding, if the Complainant fears retaliation, either

professional or personal, or otherwise has significant concerns for the Complainant's wellbeing or safety in the event the Respondent is provided with the Complainant's name, the Complainant may include a request in the complaint that the identity of the Complainant not be disclosed to the Respondent during the course of the evaluation of the complaint (referred to herein as a "Request for Confidential Treatment"). For purposes of example only, a Request for Confidential Treatment may be appropriate in a complaint alleging sexual or other physical assault or abuse, or where the Respondent is in a position of direct authority over the Complainant. The Committee shall consider any Request for Confidential Treatment in the initial evaluation of the complaint described in Section IV. For purposes of clarity, if a Request for Confidential Treatment is granted, the Complainant's identity will be known to the Committee and the Disciplinary Review Panel (as defined below) but will be kept confidential from the Respondent and will not be included in any materials provided to the Respondent in the course of the review of the complaint.

III. Receipt and Acknowledgement of Complaint: Within thirty (30) days of receipt of the complaint, the ACC Legal Department will send a written acknowledgement to the Complainant to confirm ACC's receipt of the Complaint and will provide the Complainant with a copy of the Program Procedures. The Complainant will be asked to respond confirming that the Complainant intends to proceed with the complaint, as well as to provide any additional information or documentation regarding the complaint requested by the ACC Legal Department. The ACC Legal Department will forward the complaint and any accompanying materials to the Chair of the Ethics & Compliance Committee (the "Chair") for an initial review.

IV. Initial Evaluation: The Chair or his or her designee, with the assistance of the ACC Legal Department, will conduct an initial evaluation of the complaint. The initial evaluation will determine if the complaint alleges conduct requiring an automatic termination, or if the complaint alleges conduct that constitutes a violation of the Code and/or Bylaws. The Chair shall make a recommendation to the Committee as to whether the Committee shall review and investigate or dismiss the complaint on the basis of this evaluation. In the event that the complaint includes a Request for Confidential Treatment, the Chair's recommendation will also include the Chair's evaluation of the Request for Confidential Treatment and whether to honor the request. The Committee will respond by written vote and a majority vote of the Committee members will accept or reject the Chair's recommendation. If the Committee accepts the Chair's recommendation to proceed, then the complaint is deemed "accepted" and will proceed through the procedures set forth herein. If the Committee accepts the Chair's recommendation to dismiss or rejects the Chair's recommendation for further review and investigation, then the complaint will be dismissed. The Complainant will be notified in writing of the Committee's decision and a brief summary of the grounds for the decision within sixty (60) days following receipt of confirmation that the Complainant intends to proceed with the complaint by the ACC Legal Department.

V. Notice and Hearing: Within thirty (30) days of a meeting of the Committee at which the Committee votes to accept a complaint, the subject of the complaint (the "Respondent") will be provided with written notice that states: (i) the Committee is in receipt of a complaint alleging that the Respondent violated the ACC Code or ACC Bylaws; and (ii) the review by the Committee may result in a recommendation for disciplinary action that may adversely affect Respondent's ACC membership. The notice also shall contain: (i) a complete copy of the complaint with any supporting materials submitted with the complaint; (ii) a copy of the Program Procedures; (iii) a copy of the ACC Code; and (iv) a copy of the ACC Bylaws. In the event that the Committee accepted a recommendation to grant a Complainant's Request for Confidential Treatment, any reference to the Complainant or any identifying information will be redacted from the notice provided to the Respondent. The notice shall provide the Respondent with sixty (60) days from receipt of the notice to respond and either (i) request a hearing on the proposed action; or (ii) waive the right to a hearing and request a decision based exclusively on the complaint and any written response and supporting documentation or materials the Respondent may provide the Disciplinary Review Panel (as defined in Section VI herein) with the Respondent's response. The Respondent will be further advised in the notice that failure to request a hearing or otherwise respond within the sixty (60) day time limit is 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. In the event that a Respondent's ACC membership expires before the disciplinary process is resolved, the Committee shall provide notice to the Complainant, and allow the Complainant to determine whether the Complainant wishes to continue the disciplinary process. The Committee may also determine that the complaint should continue through the disciplinary process, irrespective of the Complainant's decision on this matter. If either the Complainant or the Committee determine that the complaint should continue through the disciplinary process, the complaint will proceed through the procedures set forth below and the Respondent shall have all obligations and rights set forth herein as though the Respondent remained in ACC membership; provided, however, that only those Sanctions set forth in Section IX.E shall apply.

VI. Request for Hearing: Information Provided to Respondent: If Respondent requests a hearing, the Respondent will be given a notice stating the 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 unless all parties agree otherwise. All hearings will be conducted by secure virtual means of communication. In the event the Complainant or other individuals with firsthand knowledge of the alleged action giving rise to the complaint will provide testimony at the hearing, the Respondent will be provided with a list of such individuals, provided, however, that if the Complainant is granted a Request for Confidential Treatment, the Complainant's name will not be included on the list. The Complainant will be provided with a complete copy of the Respondent's written response provided under Section V above.

VII. Selection of Disciplinary Review Panel: The Chair will select three (3) members of the Committee in addition to the Chair to constitute and serve on a Disciplinary Review Panel. The Chair shall serve as the Chair of the Disciplinary Review Panel, unless the Chair must be recused due to acknowledged or perceived conflicts of interest, in accordance with the ACC's Conflict of Interest Policy. In the event of such conflict, the Disciplinary Review Panel members shall appoint a Chair from among the three members. The Disciplinary Review Panel then shall unanimously select and invite two additional ACC members 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 Complainant or have other acknowledged or significant perceived conflicts of interest in connection with the Respondent or Complainant. The Respondent and Complainant will be provided with the names of the Disciplinary Review Panel members and have fifteen (15) days from receipt of such notice to object to any Disciplinary Review Panel member on the grounds of acknowledged or perceived conflicts of interest. The General Counsel shall address and resolve any such objections, in accordance with the ACC's Conflict of Interest Policy. In the event a conflict is deemed to exist, the member of the Disciplinary Review Panel with the conflict shall be recused, and the Disciplinary Review Panel shall select an additional ACC member to serve on the Disciplinary Review Panel.

VIII. Hearing Process: Only the Disciplinary Review Panel members, the Complainant, Respondent, any individuals with firsthand knowledge of the alleged action giving rise to the complaint who have been asked to provide testimony, and the ACC General Counsel (and/or designee) shall attend the hearing. The Respondent may, but is not required to, have counsel present at the hearing. If the Complainant submitted and was granted a Request for Confidential Treatment, the Complainant shall participate in the hearing solely via written statement. In the event the Complainant did not submit a Request for Confidential Treatment but reasonably anticipates that the Complainant may experience negative repercussions from appearing at the hearing, the Complainant may petition the Disciplinary Review Panel for permission to participate in the hearing solely via written statement, which permission shall be granted in the sole discretion of the Disciplinary Review Panel. The proceedings of the hearing will be recorded by the means of remote communication by which it is held. The recording, and any transcript created therefrom, will be the official and exclusive record of the hearing. The Respondent and Complainant (if present at the hearing) may each make a presentation to the Disciplinary Review Panel of no more than thirty (30) minutes. The Chair of the Disciplinary Review Panel shall have the authority to reasonably extend presentation time upon request by a party during the hearing. Within the thirty (30) minute timeframe, the parties may submit and present affidavits from third parties with reasonable knowledge of the subject matter of the complaint. The

Disciplinary Review Panel may ask questions directly of the Complainant (if present at the hearing) or Respondent at any time during the hearing. The Disciplinary Review Panel may request additional information of the Complainant and Respondent. If the Complainant is not present at the hearing, the Disciplinary Review Panel may request additional information from the Complainant in writing following the hearing, which the Disciplinary Review Panel may consider in determining its recommendation on the complaint. The Disciplinary Review Panel shall not consider additional complaints or allegations based on the same facts. At the close of the hearing, the parties may make a closing statement lasting no more than ten (10) minutes and may submit a written statement. If the Respondent fails to 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 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.

IX. Disciplinary Review Panel Action: Within forty-five (45) days of the hearing, the Disciplinary Review Panel will make its recommendation to the Committee that the complaint be either sustained or not sustained, and if sustained, the appropriate disciplinary action and sanction, as set forth in Section X. If there is a dissenting opinion from a member of the Disciplinary Review Panel, that also will be forwarded to the Committee. The recommendation will include a statement of the basis for the recommendation for each allegation and any dissenting opinion. If the Disciplinary Review Panel sustains the complaint, then a sanction shall be recommended for each allegation. The Disciplinary Review Panel's recommendation (complaint not sustained, sustained and sanction) for each allegation must be approved by a majority vote of the entire Disciplinary Review Panel unless the recommended sanction is expulsion in which case the Disciplinary Review Panel's recommendation must be unanimous. If the Disciplinary Review Panel's recommendation is not to sustain the complaint and the Committee accepts the recommendation, then the complaint is dismissed. If the Disciplinary Review Panel's recommendation is to sustain the complaint, then the Committee may accept, reduce, or increase the Disciplinary Review Panel's recommended sanction for each allegation 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 Committee will communicate the decision, and the basis of the decision, to the Respondent and the Complainant.

X. Sanctions: Disciplinary action, if imposed, shall take one of the following forms:

A. Censure - A written judgment, condemning the member's action as wrong. This is a firm reprimand.

B. Probation - A punitive action, for a stated period of time as determined by the Committee, during which a member is subject to the following: (i) loses the right to hold office or participate in any membership programs; (ii) retains other privileges or obligations of membership; (iii) is observed by ACC for continuing eligibility for membership; and (iv) shall be reconsidered by the Committee at the end of the stated term of probation. At the end of the stated term of the probation, the Committee shall, on its own motion, review the record and determine whether the probation shall be removed. Following the Committee's decision, the Committee shall provide written notice to the member regarding the removal or continuation of probation, and if the probation is to continue, the length of the continued probation.

C. Suspension - A severe punitive action for a stated period of time as determined by the Committee, during which the member is subject to the following: (i) removal of his/her name from the ACC Membership Directory and from the mailing list of ACC; (ii) if a Fellow, return of the Certificate to ACC; (iii) obligation to pay non-member registration fee when attending ACC meetings; and (iv) relief from annual dues. The Committee, in imposing a suspension shall set a minimum time before which no petition for removal may be entertained.

i. Petition for Removal of Suspension: A petition for removal of suspension shall be addressed to the Committee. A petition for removal of suspension shall conclusively



demonstrate that the suspended member meets the requirements for membership in ACC in effect at the time of his/her first acceptance into membership, and that during the period of his/her suspension he/she has demonstrated a faithful adherence to the ACC Code and the Bylaws. The Committee shall consider the petition for removal of suspension when properly submitted. Only the suspended member shall be notified of a denial by the Committee. If a petition for removal of suspension is denied by the Committee, the suspended member may submit a new petition no earlier than twelve (12) months after the previous denial, unless the terms of the denial state otherwise. There shall be no right of a suspended member to appear before the Board of Trustees or otherwise have a right of appeal. When suspension is lifted by the Committee, the member is returned to full privileges and obligations of ACC membership.

D. Expulsion - A permanent severance of relationship with ACC. If a Fellow (or MACC or AACC), the Certificate of Fellowship (or of MACC or AACC) and all other indicia of Fellowship, MACC or AACC previously issued to him/her by ACC must be returned forthwith to ACC. He/she shall not hold himself/herself out as a Fellow of the American College of Cardiology (or MACC or AACC if applicable), thereafter and shall not use the FACC, MACC or AACC designations. He/she shall not be eligible for reapplication for membership in ACC.

E. Sanctions for Expired ACC Membership –

i. In the event that a Respondent's ACC membership expires prior to the resolution of the disciplinary process, and the complaint does not proceed through the Ethics Procedures, the Committee shall instruct ACC to include a flag in the Respondent's membership files to ensure that if the Respondent applies for reinstatement of ACC membership, the ACC membership team is made aware that there was a pending complaint against the member at the time of membership expiration. If the Respondent applies for reinstatement of ACC membership, an automatic notification must be provided to the Committee and its staff liaison and the Committee shall be consulted regarding the application for reinstatement.

ii. In the event that the disciplinary process continues following the expiration of a Respondent's ACC membership, disciplinary action, if imposed, shall take the following forms:

- a. Suspension from Reinstatement of Membership. A punitive action for a stated period of time as determined by the Committee, during which the individual may not apply for reinstatement of ACC membership.
- b. Expulsion. A permanent severance of relationship with ACC; the individual is not eligible to apply for reinstatement of membership in ACC.

XI. Appeal to the Board of Trustees: Only the Respondent may appeal a decision of the Committee for disciplinary action. A request for an appeal to the Board of Trustees must be made within thirty (30) days of the date on the notification of the Respondent of the decision of the Committee. The Respondent's appeal request to the Board of Trustees may include a written brief with any supporting materials. An appeal request shall not contain any new factual material or new documents or raise new arguments that were not presented to the Committee in the initial review process and made part of the official record of the proceeding. The appeal will not consider any matters not included as part of the official record of the Committee's investigation and the Disciplinary Review Panel's deliberations. The appeal is limited to a review of the Committee and the Disciplinary Review Panel's application of the ACC Code and the Program Procedures. In the event that new information or evidence becomes available following the hearing that may materially affect the disposition of the Complaint and the Committee's decision, the Respondent shall request a de novo review by the Committee. The Chair of the Committee and Chair of the Disciplinary Review Panel shall be present when the Board of Trustees considers an appeal. Three representative members of the Board of Trustees appointed by the Board of Trustees shall serve as the appeals panel and shall vote by a majority vote to accept, reject, or modify the determination of the Committee. Any member of the Committee or Disciplinary Review Panel who also is a member of the Board of Trustees shall not

serve on the Board of Trustees appeal panel or otherwise participate in the appeals process or deliberation. The Respondent shall be promptly notified of the Board of Trustees' decision, including the basis of the decision. Decisions of the Board of Trustees are final and not appealable.

XII. Disclosure and Reporting: The Board of Trustees shall be officially notified of all actions resulting in the imposition of a disciplinary sanction on an ACC member. ACC Governors and/or Chapters shall be officially notified of all actions resulting in the probation, suspension, or expulsion of an ACC member in the respective state of the Chapter. 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. If required by law, the sanction will be reported to the National Practitioner Data Bank and state licensing boards as applicable to the Respondent.