

Disciplining Ourselves

NCCAOM ETHICS COURSE NOW AVAILABLE.

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An acupuncturist is shocked when she is reprimanded by her state board of acupuncture for hugging a patient. Another practitioner loses his NCCAOM certification and state license for failure to file accurate insurance claims. Yet another is placed on probation for befriending a patient who mistook the friendship for more. What do these acupuncturists have in common? They are all well-intentioned practitioners who discovered they are not immune to misconduct complaints or disciplinary actions. In addition, these practitioners likely did not take the NCCAOM Professional Ethics and Liability Course now being offered on NCCAOM's Web site at www.nccaom.org. This new course would have helped these practitioners avoid ending up in situations with serious career consequences.

Late last year, the NCCAOM introduced its first online course designed to educate health care practitioners to become more aware of their legal obligations and potential exposure. It is presented by NCCAOM Deputy Director Betsy Smith and Michael Taromina, Esq., chair of the NCCAOM Professional Ethics and Disciplinary Committee (PEDC). Smith has more than eight years of experience with the NCCAOM, serving as staff liaison for the PEDC. She is a seasoned state legislative advocate for the AOM profession who works closely with state regulators in the area of disciplinary actions. Smith has reviewed and analyzed a multitude of varied cases that have come before the PEDC during her tenure.

In 2006, both Smith and Taromina championed for the total revision of the NCCAOM Code of Ethics, the NCCAOM Grounds for Professional Discipline and the Procedures for Upholding Professional Conduct. In 2008, the Code of Ethics and the Grounds for Professional Discipline were again revised to reflect the changes that have occurred in recent years with regard to currently accepted standards of behavior for health care practitioners.

It is important to remember that ethical standards are not stagnant. They evolve as ethical norms, advances in technology and public demands dictate. For a copy of the new NCCAOM Code of Ethics, diplomates can send an e-mail to stategov@nccaom.org.

In discussing the need for the new course, Smith stated, "It's vitally important for NCCAOM diplomates to fully understand the importance of adhering to the tenets of the NCCAOM Code of Ethics and the NCCAOM Grounds for Professional Discipline, to which diplomates have agreed to abide. This course not only provides information on what is required by these professional documents but, in addition, it also explains the relationship between the NCCAOM and state regulatory boards with regard to disciplinary actions."

Michael Taromina has devoted countless hours of legal representation to the AOM profession. He presents areas of potential legal liability that may occur when the Code of Ethics and the Grounds for Professional Discipline are violated. The information presented in the new online course focuses on the "Zones of Risk" and "Common Pitfalls for the Well-Intentioned Practitioner." The course is designed specifically to help practitioners take the necessary precautions to protect themselves

legally, including information on what constitutes a boundary violation, how to terminate a problem patient, and what the difference is between litigation and ethical complaints.

Taromina emphasized the importance of ethical standards, stating, "Setting ethical standards and strictly enforcing compliance is the hallmark of any credible health care profession. It is through a responsive self-regulation system that we are able to keep our promise to the public of maintaining the highest standards of character and competency found in NCCAOM practitioners."

Although the course itself was only recently introduced, the NCCAOM has been monitoring and reviewing potential ethical violations for many years. The PEDC is unique to the AOM community in that it is the only national committee actively reviewing and making decisions on disciplinary cases in the AOM profession. The PEDC exchanges information with state regulatory boards on a regular basis. Since 2001, a professional staff has been specifically designated to review complaints about diplomates brought before the PEDC, which hears complaints and renders decisions on a monthly basis.

NCCAOM publishes a list of sanctioned diplomates in the Disciplinary Actions section of the NCCAOM Web site and in its newsletter, the *Diplomate*. This nationally accessible list is also available to the health care consumer seeking a practitioner.

In 2006, the committee that oversees ethics and disciplinary review officially changed its name to the Professional Ethics and Disciplinary Committee. Its members all have knowledge and experience in disciplinary review and ethical standards. There are representatives from diverse backgrounds all over the U.S., but all have a common interest in promoting the highest ethical standard possible for the AOM profession.

A formal complaint may be filed against NCCAOM diplomates for violations of professional ethics using the Complaint Form for Professional Ethics Violations available on the commission's Web site. All complaints must be in writing and signed by the person submitting the complaint. A complaint should also be filed with the state regulatory agency in the jurisdiction where the diplomate practices. A copy of the complaint also must be sent to the NCCAOM. For a list of state regulatory boards with contact information, including Web site and phone numbers, please go the Web site and scroll over the Applicants tab at the top of the page. Click on State Licensure, then access the State Licensure table under State Licensure Requirements.

NCCAOM staff will evaluate the complaint to determine if it is spurious, unreliable or outside the purview of the commission. The subject of the complaint will be given the opportunity to provide a full and complete response to the complaint along with submitting any and all documentation that the individual believes is relevant. NCCAOM reserves the right to take disciplinary action against certified practitioners, including but not limited to: ineligibility for certification or recertification; probation pending completion of specified conditions such as monitoring, counseling or remedial education; written reprimand (formal expression of disapproval retained in the diplomate's file but not publicly announced); censure (formal expression of disapproval that is publicly announced); suspension of certification for a designated period; or termination/revocation of certification. It's important to remember that all sanctions issued to NCCAOM diplomates are published, with the exception of a letter of reprimand.

This course, a must-know for all health care practitioners, can be completed online. Signing up for the Professional Ethics and Liability course is inexpensive and easy. This four-credit course will give you the opportunity to profit from the latest information on changes in professional ethics of which you may be completely unaware. There is a very brief assessment at the end of the course which, when completed, allows you to receive your CEUs/PDAs, while at the same time satisfying

the commission's requirement for an ethics or safety course for recertification. You only need a credit card and your diplomate ID # (optional if you are a non-diplomate). To sign up, please go to the NCCAOM Web site.

For those of you who have already taken the NCCAOM ethics course, or who wish to explore ethics from a different perspective, the NCCAOM Professional Development Activity Provider Directory offers a number of other online ethics courses.

If you have any questions about the NCCAOM ethics and liability course or any of the above related materials, please contact Betsy Smith at bsmith@nccaom.org.

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