I have a complaint about a fellow NASS member. What do I do?

When submitting a complaint, you should address your letter the address below. You should include 12 copies of whatever you send, including accompanying documentation. In your letter, be sure to mention specifically what part of the Code of Ethics (and/or, if applicable, Expert Witness Guidelines or Disclosure Policy) you feel the member in question has violated.

Noam Stadlan, MD - Chair, Professional Conduct & Ethics Committee
c/o Julie Kulovits, Esq. – NASS General Counsel
North American Spine Society
7075 Veterans Blvd
Burr Ridge, Il 60527
630-230-3600

May I include transcripts of testimony for expert witness cases?

Yes. However, if you have included any transcripts of testimony you should also include specific reference in your cover letter to sections/page numbers to which you think the committee members’ attention should be brought. **YOU MUST SEND 12 COPIES OF ANY SUPPORTING DOCUMENTATION, SO THAT THE INFORMATION CAN BE DISTRIBUTED TO THE COMMITTEE.**

May I include case reports?

Yes. However, ALL PROTECTED HEALTH INFORMATION, INCLUDING PATIENTS’ NAMES, MUST BE DE-IDENTIFIED before submission to the Committee. Any case reports which have not been blinded will be returned to the Complainant.

Can I submit my complaint via fax or email instead?

No—you must send your complaint via regular mail (if it’s just a cover letter) or view FedEx or UPS or certified mail if it’s a larger package. In many cases, complaints related to Expert Witness Testimony are accompanied by documentation such as case histories and transcripts—if you plan to submit such documentation, please send everything via certified mail, or a private delivery company such as FedEx or UPS. Do not send the cover letter separately from the supporting documents. Again, all protected health information, including patient’ names, must be de-identified on ALL 12 COPIES.

Can I make a complaint about another member’s behavior anonymously or via phone?

No. In order to be pursued by the committee, all complaints must be in writing, with the signature of the complainant. Respondents are provided with copies of all complaints and related documentation submitted against them. This protects their right to respond to allegations made. For more information about the particulars of how the complaint and response procedure is handled, please consult the Professional Conduct Procedural Guidelines.

I am not a NASS member, but I have a complaint about someone who is. How do I submit my complaint?

The NASS Professional Conduct & Ethics program allows the committee to pursue complaints against
NASS members only by other NASS members. We currently have no mechanism in place for pursuing complaints by patients or non-member practitioners against NASS members. NASS members are stringent in policing one another. If a member behaves in a manner unbecoming to the profession, one of his NASS member colleagues will likely report him, at which time we will be able to investigate his conduct pursuant to the Code of Ethics.

I am a NASS member. Can I submit a complaint about someone who is not a NASS member?

In most cases, the Committee is only able to hear complaints in which both the complainant and respondent are NASS members. However, in cases of disclosure complaints only, the committee will be able to hear complaints against non-members who present at NASS CME events.

Can I submit a complaint about an expert witness’s behavior that is part of current litigation?

No. According to the PCEC Procedures, “Any purported charges...which involve testimony given in or which is the subject of pending litigation, will be returned to the Complainant.” You must wait until all litigation is complete before you may submit your complaint.

There’s a lot of talk here about litigation and expert witnesses. Is that the only kind of complaint the Committee will hear?

No. Though many of the complaints received are related to expert witness testimony, the Committee will accept complaints related to any professional conduct or ethical issue, including allegations of inadequate disclosure.

What protects me, as a member, from getting drawn into a lengthy Professional Conduct case that has no merit?

The PCEC, along with legal counsel, reviews each new complaint to make a prima facie determination regarding whether there is a sufficient case. The matter does not develop further—and will not proceed to the hearing stage—unless the determination is made that there is significant evidence to warrant further investigation. In disclosure complaints, the PCEC will also enlist the collaboration of the COI Review Panel.

When are hearings normally held?

Hearings normally are held either at the NASS Spring Break meeting in the Spring, or at the NASS Annual Meeting in the Fall.

What are the possible outcomes of a hearing?

If a case progresses to the hearing stage, the most likely outcome would be one of the following four:

- The Committee may decide that there was no unethical conduct and dismiss the case.
- The Committee may recommend to the Board of Directors that the Respondent be Suspended from NASS membership for a specified length of time.
- The Committee may recommend to the Board of Directors that the Respondent have his/her NASS membership revoked permanently.
The Committee may recommend to the Board that they issue a public Letter of Censure to the Respondent regarding the behavior.

In instances 2-4, once the decision is ratified by the Board of Directors, the punishment will be published in SpineLine. Decisions are not final, and sanctions not imposed, until ratified by the Board of Directors. Please note that the outcomes listed above are only the four most commonly employed; the PC&E Committee may recommend different or additional remedies to the Board depending on the situation.

Who serves on the Professional Conduct & Ethics Committee?

The Committee is made up of approximately 7-9 spine care specialists from different specialties, reflecting the multidisciplinary nature of the Society itself, and providing for expert review of cases having to do with any given specialty within spine (in the rare instance that a case was outside the knowledge base of any of the committee members, outside review—with the case blinded—would be sought). Several Committee members have post-baccalaureate experience in legal issues or have served on similar committees for other organizations, and at any given time one or two current Committee members has a JD. The Committee also meets with the guidance of professional legal counsel with significant experience in administration of this type of program. Committee members serve for a term of three years.

The spine world is small—how can I be sure none of the Committee members are biased b/c they know the complainant or defendant?

NASS employs very strict disclosure guidelines for all of its committees, guidelines which were actually created in part by some of the members of the Professional Conduct & Ethics Committee. Committee members must disclose all relationships that could be viewed as conflicts, be they personal, professional, or industry-related, and depending on the nature of the conflict, recuse themselves from discussion and/or voting. If you review the list of PCEC members and find that you know any of the members, you should bring that to the attention of the staff liaison.

What do I do if I have any further questions about the process?

Detailed information on the Procedure to be followed for Professional Conduct & Ethics Complaints can be found in the official procedure document. You may also contact the NASS Ethics and Compliance department via email or by calling (630) 230-3600.