



CODE OF PROFESSIONAL PRACTICE AND GUIDELINES FOR ADVERTISING

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AMERICAN BOARD OF MULTIPLE SPECIALTIES IN PODIATRY

CODE OF PROFESSIONAL PRACTICE

PREAMBLE

The American Board of Multiple Specialties in Podiatry (the Board) is a non-profit organization that provides board certification for doctors of podiatric medicine in three specialty areas within the scope of practice for podiatrists nationwide. Certification is granted in Primary Care in Podiatric Medicine, in Foot and Ankle Surgery, in Prevention and Treatment of Diabetic Foot Wounds and Diabetic Footwear and Limb Preservation and Salvage. The members of the Board of Directors and the Executive Board comprise a multidisciplinary group of experts in comprehensive foot health management. The Board is national in scope and blends both academicians and practitioners for the purpose of establishing rigorous standards, which have a basis in real world practice.

The Board recognizes that any one sub-specialty, or surgical approach does not best deliver foot health management. For this reason, the American Board of Multiple Specialties in Podiatry represents a comprehensive focus. Certification is offered to podiatrists from a wide variety of practice disciplines, who meet high standards for the practice of foot health management. To the extent that standards are rigorously adhered to, it is the aim of the Board to be inclusive, and not to be restrictive to any sub-specialty.

Maintenance of Board certification for any designated specialty requires adherence to a Code of Professional Practice. Individuals who fail to meet these requirements may be suspended or have their certification revoked. The Board does not guarantee the job performance of any individual.

It is the policy of the American Board of Multiple Specialties in Podiatry, its Board of Directors, Committee Members and staff to not discriminate in employment or in application of its certification standards on the basis of age, sex, race, religion, national origin, handicap or marital status.

The field of foot health management and research has begun to receive the attention it deserves. This has required and will continue to necessitate a collaborative approach dedicated to the reduction of foot pain and suffering of individuals who present with acute, recurrent acute and chronic diseases of the foot. It is the goal of the Board to continue to bring forth those ideals through application of high ethical and clinical standards and by encouraging a voluntary, self-selected credentialing procedure, which recognizes the need to include many podiatric disciplines for excellence of quality service delivery.

I. ELIGIBILITY FOR CERTIFICATION OR RECERTIFICATION

As a condition of eligibility for and continued maintenance of any Board certification, each candidate or certificant agrees to the following:

A. Compliance with Board Standards, Policies, and Procedures

No individual is eligible to apply for or maintain certification unless in compliance with all Board rules and standards, eligibility criteria, policies and procedures. Each individual bears the burden for showing and maintaining compliance at all times. The Board may deny, revoke, or otherwise act upon certification or recertification when an individual is not in compliance with all Board standards, policies and procedures. Nothing provided herein shall preclude administrative requests by the Board for additional information to supplement or complete any application for certification or recertification.

B. Complete Application

The individual shall truthfully complete and sign an application in the form provided by the Board, shall provide the required fees and shall provide additional information as requested. The individual shall notify the Board within sixty (60) days of occurrence of any change in name,

address, telephone number, and any other facts bearing on eligibility or certification (including but not limited to: filing of any civil or criminal charge, indictment or litigation; conviction; plea of guilty; plea of nolo contendere; or disciplinary action by a licensing board or professional organization including, but not limited to, revocation, suspension, or other limitation of a professional license). A candidate or certificant may not make and shall correct immediately any statement concerning the candidates or certificants status, which is or becomes inaccurate, untrue or misleading. All references to “days” in the standards, policies and procedures shall mean calendar days. Communications required by the Board must be transmitted by certified mail, return receipt requested or other verifiable method of delivery. The candidate or certificant agrees to provide the Board with confirmation of compliance with the requirements as requested by the Board.

C. Property of the Board

The logo, examinations, certificates, and cards of the Board, the name “American Board of Multiple Specialties in Podiatry, Inc.”, “Board Certified in Foot and Ankle Surgery by the American Board of Multiple Specialties in Podiatry” and “Board Certified in Primary Care in Podiatric Medicine by the American Board of Multiple Specialties in Podiatry”, and “Board Certified in Prevention and Treatment of Diabetic Foot Wounds and Diabetic Footwear by the American Board of Multiple Specialties in Podiatry”, are all the exclusive property of the American Board of Multiple Specialties in Podiatry and may not be used in any way without the express prior written consent of the Board. The individual shall immediately relinquish, refrain from using and correct at the individual’s expense any outdated or other inaccurate use of any Board certificate, card, logo, emblem, and the name in case of suspension, limitation, revocation or resignation from the Board or as otherwise requested by the Board. If the individual refuses to relinquish immediately, refrain from using and correct at his or her expense any misuse or misleading use of any of the above items when requested, the individual agrees that the Board shall be entitled to obtain all relief permitted by law.

D. Pending Litigation

Candidates and currently certified individuals must notify the Board of any indictment or charge pending before a state or federal regulatory agency or judicial body directly relating to public health or podiatry (including civil malpractice actions), or a matter described in Section III. 1-13 within sixty (60) days of such charge and shall provide documentation of the resolution of such charge within sixty (60) days of resolution.

E. Criminal Convictions

An individual convicted of a felony directly related to public health or podiatry shall be ineligible to apply for certification or recertification for a period of three (3) years from the exhaustion of appeals or final release from confinement (if any), whichever is later. Convictions of this nature include but are not limited to felonies involving rape, sexual abuse of a patient or child, actual or threatened use of a weapon or violence and prohibited sale, distribution or possession of a controlled substance.

II. SCORE REPORTS

The American Board of Multiple Specialties in Podiatry is concerned with reporting only valid scores. On rare occasions, misconduct or circumstances beyond the individual’s control may render a score invalid. If doubts are raised about a score because of these or other circumstances, the Board expects all individuals to cooperate in any investigation. The Board reserves the right to cancel any examination scores if, in its sole opinion, there is adequate reason to question its validity. The Board in its discretion will (i) offer the individual an opportunity to take the examination again at no additional fee, or (ii) proceed as described below.

III. APPLICATION AND CERTIFICATION STANDARDS

The Board may revoke or otherwise take action with regard to the application or certification of a candidate or certificant in the case of:

1. Ineligibility for Board certification;
2. Irregularity in connection with any Board examination;
3. Failure to pay fees required by the Board;
4. Unauthorized possession of, use of, or access to the examinations, certificates, cards, and logos of the Board, the name “American Board of Multiple Specialties in Podiatry, Inc.”, or any other Board documents and materials;
5. Obtaining or attempting to obtain certification or recertification by a false or misleading statement or failure to make a required statement, fraud or deceit in an application, reapplication or any other communication to the Board;
6. Misrepresentation of Board certification or certification status;
7. Failure to provide any written information required by the Board;
8. Habitual use of alcohol or any drug or any substance, or any physical or mental condition, which impairs competent and objective professional performance;
9. Gross or repeated negligence or malpractice in professional work;
10. Limitation or sanction (including but not limited to revocation or suspension by a regulatory board or professional organization) relating to public health or the profession of podiatry;
11. The conviction of, plea of guilty of, or plea of nolo contendere to a felony or misdemeanor related to public health or podiatry. This includes, but is not limited to, a felony involving rape, sexual abuse of a patient or child, actual or threatened use of a weapon or violence, and the prohibited sale, distribution, or use of a controlled substance;
12. Failure to timely update information to the Board; or
13. Other violation of a Board standard, policy or procedure as provided in the Candidate Brochure or other material provided to candidates or certificants.

IV. ESTABLISHMENT OF SPECIAL DISCIPLINARY REVIEW AND DISCIPLINARY HEARING COMMITTEES

- A. Upon the recommendation by the President, the Board of Directors by a majority vote may elect as special committees (i) a Disciplinary Review Committee and (ii) a Disciplinary Hearing Committee, to consider alleged violations of any disciplinary rule set forth at III.1-13 below or any other Board standard, policy or procedure.
- B. Each of these Committees shall be composed of three members drawn from current certificants.
- C. A committee member’s term of office on the committee shall run for three years and may be renewed.
- D. A committee member may serve on only one committee and may not serve on any matter in which his or her impartiality or the presence of actual or apparent conflict of interest might reasonably be questioned.
- E. Committee action shall be determined by majority vote.
- F. When a committee member is unavailable to serve by resignation, disqualification or other circumstance, the President of the Board shall designate another individual to serve as an interim member.

V. REVIEW AND APPEAL PROCEDURES

A. Submission of Allegations

1. Allegations of a violation of a disciplinary rule or other Board standard, policy or procedure are to be referred to the Executive Director for disposition. Persons concerned with possible violation of Board rules should identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the Executive Director. The statement should identify by name, address and telephone number the person making the information known to the Board and others who may have knowledge of the facts and circumstances concerning the alleged conduct. Supplementation relating to the content or form of the information may be requested.
2. The Executive Director shall make a determination of the allegations within sixty (60) days and after consultation with counsel.
3. If the Executive Director determines that the allegations are frivolous or fail to state a violation of the Board's rules, the Executive Director shall take no further action and so apprise the Board and the complainant (if any).
4. If the Executive Director determines that good cause may exist to deny eligibility or question compliance with Board rules, the Executive Director shall transmit the allegations to the Disciplinary Review Committee.

B. Procedures of the Disciplinary Review Committee

1. The Disciplinary Review Committee shall investigate the allegations after receipt from the Executive Director. If the Committee determines after such investigation that the allegations and facts are inadequate to sustain a finding of a violation of Board disciplinary rules, no further adverse action shall be taken. The Board and the complainant (if any) shall be so apprised.
2. If the Committee finds by majority vote that good cause exists to question whether a violation of a Board disciplinary rule has occurred, the Committee shall transmit a statement of allegations to the candidate or certificant by certified mail, return receipt requested, setting forth the applicable standard and a statement:
 - a. Of facts constituting the alleged violation of the standard;
 - b. That the candidate or certificant may request an oral hearing for the disposition of the allegations, with the candidate or certificant bearing his or her own expenses for such matter;
 - c. That the candidate or certificant shall have fifteen (15) days after receipt of the statement to notify the Executive Director if he or she disputes the allegations, has comments on available sanctions, and/or requests an oral hearing on the record;
 - d. That the candidate or certificant may appear in person with or without the assistance of counsel, may examine and cross-examine any witness under oath, and produce evidence on his or her behalf;
 - e. That the truth of allegations or failure to respond may result in sanctions including revocation; and
 - f. That if the candidate or certificant does not dispute the allegations or request a hearing, the candidate or certificant consents that the Committee may render a decision and apply available sanctions. (Available sanctions are set out in VI. 1-6 below.)

C. Procedures of the Disciplinary Hearing Committee

If the candidate or certificant disputes the allegations or available sanctions or requests a hearing:

1. The Disciplinary Review Committee shall:
 - a. forward the allegations and response of the candidate or certificant to the Disciplinary Hearing Committee; and
 - b. designate one of its members to present the allegations and any substantiating evidence, examine and cross-examine witnesses and otherwise present the matter during any

- hearing of the Disciplinary Hearing Committee.
2. The Disciplinary Hearing Committee shall then:
 - a. schedule a hearing after the request is received, allowing for an adequate period of time for preparation for the hearing; and
 - b. send by certified mail, return receipt requested, a Notice of Hearing to the candidate or certificant. The Notice of Hearing shall include a statement of the time and place of the hearing as selected by the Disciplinary Hearing Committee. The candidate or certificant may request modification of the date of the hearing for good cause.
 3. The Disciplinary Hearing Committee shall maintain a verbatim oral or written transcript.
 4. The Board and the candidate or certificant may consult with and be represented by counsel, make opening statements, present documents and testimony, examine and cross-examine witnesses under oath, make closing statements and present written briefs as scheduled by the Disciplinary Hearing Committee.
 5. The Disciplinary Hearing Committee shall determine all matters relating to the hearing. The hearing and related matters shall be determined on the record by majority vote.
 6. Formal rules of evidence shall not apply. Relevant evidence may be admitted. Disputed questions shall be determined by majority vote of the Panel.
 7. Proof shall be by preponderance of the evidence.
 8. Whenever mental or physical disability is alleged, the candidate or certificant may be required to undergo a physical or mental examination at the expense of the candidate or certificant. The report of such an examination shall become part of the evidence considered.
 9. The Disciplinary Hearing Committee shall issue a written decision following the hearing and any briefing. The decision shall contain factual findings, conclusions of law and any sanctions applied. It shall be mailed promptly by certified mail, return receipt requested, to the candidate or certificant.

D. APPEAL PROCEDURES

1. If the decision rendered by the Disciplinary Hearing Committee finds that the allegations are not established no further action on the appeal shall occur and the individual shall be notified.
2. If the decision rendered by the Disciplinary Hearing Committee is not favorable to the candidate or certificant, the candidate or certificant may appeal the decision to the Board of Directors by submitting a written appeals statement within thirty (30) days following receipt of the decision of the Disciplinary Hearing Committee. The Board may file a written response to the statement of the candidate or certificant.
3. The Board of Directors by majority vote shall render a decision on the record below without oral hearing, although written briefing may be submitted.
 - a. The decision of the Board of Directors shall be rendered in writing following any briefing. The decision shall contain factual findings, conclusions of law and any sanctions applied and shall be final. (Available sanctions are set out at Section VI.1-6, below.) The decision shall be transmitted to the candidate or certificant by certified mail, return receipt requested.

VI. SANCTIONS

Sanctions for violation of any Board standard set forth herein or any other Board standard, policy or procedure may include one or more of the following actions:

1. Denial or suspension of eligibility;
2. Revocation of certification;
3. Non-renewal of certification;
4. Reprimand;
5. Suspension of certification; or
6. Other corrective action.

VII. SUMMARY PROCEDURE

Whenever the Executive Director determines that there is cause to believe that a threat of immediate and irreparable injury to the health of the public exists, the Executive Director shall forward the allegations to the Board of Directors. The Board shall review the matter immediately and provide telephonic or other expedited notice and review procedure to the candidate or certificant. Following such notice and opportunity by the individual to be heard, if the Board determines that a threat of immediate and irreparable injury to the public exists, certification may be suspended for up to ninety (90) days pending a full review as provided herein.

VIII. RELEASE OF INFORMATION

The individual candidate or certificant agrees that the Board and its officers, directors, committee members, employees, agents and others may communicate any and all information relating to Board application, certification and review thereof including but not limited to pendency or outcome of disciplinary proceedings to state and federal authorities, licensing boards, employers, other certificants, and others.

IX. WAIVER

The individual releases, discharges and exonerates the American Board of Multiple Specialties in Podiatry, its officers, directors, employees, committee members, panel members and agents, and any other persons for any action taken pursuant to the standards, policies and procedures of the Board from any and all liability, including but not limited to liability arising out of (i) the furnishing or inspection of documents, records and other information and (ii) any investigation and review of application or certification made by the Board.

X. RECONSIDERATION OF ELIGIBILITY AND REINSTATEMENT OF CERTIFICATION

If eligibility or certification is denied or revoked, eligibility or certification may be reconsidered on the following basis:

- A. In the event of a felony conviction directly related to public health or podiatry no earlier than three (3) years from the exhaustion of appeals or release from confinement, whichever is later;
- B. In any other event, no earlier than three (3) years from the final decision of ineligibility or revocation.

In addition to other facts required by the Board, such an individual must fully set forth the circumstances of the decision denying eligibility or revoking certification as well as all relevant facts and circumstances since the decision relevant to the application. When eligibility has been denied because of felony conviction, the individual bears the burden of demonstrating by clear and convincing evidence that the individual has been rehabilitated and does not pose a danger to others.

XI. SUBMISSION OF INFORMATION TO THE BOARD CONCERNING POSSIBLE VIOLATION OF STANDARDS

Persons concerned with possible violation of Board standards should identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the Executive Director. The statement should identify by name, address and telephone number the person making the information known to the Board and should identify others who may have knowledge of the facts and circumstances concerning the alleged conduct. Supplementation relating to the content or form of the information may be requested.

AMERICAN BOARD OF MULTIPLE SPECIALTIES IN PODIATRY

GUIDELINES FOR ADVERTISING

Advertising is a form of commercial speech that is protected by the First Amendment to the United States Constitution. To the extent that regulation is permissible, the Board of Directors for its Board Certified Podiatrists has adopted the following guidelines. The most important principle relating to professional advertisement is that the information conveyed may not be misleading or false. Board Certified podiatrists may not claim that they are better podiatrists than non-certified podiatrists, but only that they have met Board-established standards.

It is essential that Board Certified podiatrists make only accurate communications to the public. They must not convey testimonials which are false, untrue, deceptive, or misleading. Relevant information must be included if its omission would render the communication deceptive.

A Board Certified podiatrist may advertise services through any form of communication so long as the communication is not misleading. A Board Certified podiatrist must be certain that the advertisement does not contain any false or misleading statements or otherwise tend to deceive. The advertisement must be both explicitly and implicitly truthful. The Board Certified podiatrist should have a reasonable basis for any claims made in any advertisement and must also be particularly careful to assure that advertisements specifically conform to all applicable scopes of practice limitations.

I. DEFINITION OF ADVERTISEMENT

Advertising includes, but is not limited to:

1. Any written statement used for promotional purposes such as newspapers ads, magazines, flyers, directories, letters, cards, signs, billboards, or any other documents circulated to the public; and/or
2. Any electronic means such as television, radio, or video cassettes capable of conveying either the content or actual reproduction of the podiatrist's words, images, or written statements used for promotional purposes; and/or
3. Any verbal statement made for the purpose of promoting the practice.

II. WHAT MUST BE INCLUDED

1. Podiatric designation (DPM or Podiatrist)
2. Name of license holder (John Doe, DPM)
3. Office address and telephone number (fax and e-mail may also be included)

III. WHAT MAY BE INCLUDED

1. Corporate or alternate name
2. Address of offices
3. Telephone number of offices
4. Office hours
5. Podiatric school attended and year of graduation
6. Postgraduate training (residencies and/or preceptorships)
7. Military training
8. Area(s) of board certification, stating the name of the organization in full
9. Membership on hospital staffs
10. Participation in public programs
11. Languages other than English spoken by podiatrist or staff

12. Acceptance of all privately insured patients, without discrimination, including acceptance of Medicare assignment, if applicable
13. Fees, if stated, must clearly define the service to be provided and should note whether additional charges may be incurred for related services
14. Any other items which are not inherently false or misleading

IV. APPROVED METHODS OF ADVERTISEMENT

Every Board Certified member of must use one of the following designations listed below:

1. Primary Care in Podiatric Medicine
 - a. Diplomate, American Board of Multiple Specialties in Podiatry, Board Certified in Primary Care in Podiatric Medicine; or
 - b. Board Certified, American Board of Multiple Specialties in Podiatry, Primary Care in Podiatric Medicine
2. Foot and Ankle Surgery
 - a. Diplomate, American Board of Multiple Specialties in Podiatry, Board Certified in Foot and Ankle Surgery; or
 - b. Board Certified, American Board of Multiple Specialties in Podiatry, Foot and Ankle Surgery
3. Prevention and Treatment of Diabetic Foot Wounds and Diabetic Footwear
 - a. Diplomate, American Board of Multiple Specialties in Podiatry, Board Certified in Prevention and Treatment of Diabetic Foot Wounds and Diabetic Footwear; or
 - b. Board Certified, American Board of Multiple Specialties in Podiatry, Prevention and Treatment of Diabetic Foot Wounds and Diabetic Footwear
4. Limb Preservation and Salvage
 - a. Diplomate, American Board of Multiple Specialties in Podiatry, Board Certified in Limb Preservation and Salvage; or
 - b. Board Certified, American Board of Multiple Specialties in Podiatry, Limb Preservation and Salvage
5. Multiple Board Certifications
 - a. Diplomate, American Board of Multiple Specialties in Podiatry, Board Certified in Foot and Ankle Surgery, Primary Care in Podiatric Medicine and Prevention, Treatment of Diabetic Foot Wounds and Diabetic Footwear and Limb Preservation and Salvage; or
 - b. Board Certified, American Board of Multiple Specialties in Podiatry, Foot and Ankle Surgery, Primary Care in Podiatric Medicine and Prevention, Treatment of Diabetic Foot Wounds and Diabetic Footwear and Limb Preservation and Salvage; or
 - c. Combinations of any certifications are listed as specified in a. and b. above, in the following order:
 - Foot and Ankle Surgery
 - Primary Care in Podiatric Medicine
 - Prevention and Treatment of Diabetic Foot Wounds and Diabetic Footwear
 - Limb Preservation and Salvage

A Board Certified member must state the name of the certifying organization in full. The terms "Certified" or "Board Certified" may not be used alone.

Examples (refer to item 4c above for the listing order of multiple certifications):

John W. Doe, DPM

Diplomate, American Board of Multiple Specialties in Podiatry

Board Certified in Primary Care in Podiatric Medicine

(or)

John W. Doe, DPM

Board Certified, American Board of Multiple Specialties in Podiatry, Primary Care in Podiatric Medicine

(or)

John W. Doe, DPM

Board Certified, American Board of Multiple Specialties in Podiatry, Foot and Ankle Surgery

(or)

John W. Doe, DPM

Board Certified, American Board of Multiple Specialties in Podiatry, Prevention and Treatment of Diabetic Foot Wounds and Diabetic Footwear

V. COMPENSATION FOR SERVICES RENDERED

A podiatrist shall not compensate or give anything of value to any third party, representatives of the press, radio, television, or other commercial medium in anticipation of, or in return for, professional publicity in a news item, nor shall a podiatrist compensate any third party, directly or indirectly, for soliciting business, directly or indirectly, on one's behalf.

VI. FAILURE TO ADHERE TO ESTABLISHED GUIDELINES AND STANDARDS

Podiatrists may use titles or degrees in connection with their name on correspondence materials (cards, letters, envelopes, door signs, etc.). Any podiatrist who advertises in a false or misleading manner or violates any established Board standard shall be referred to the Board Disciplinary Review Committee and shall so be notified of this action by return receipt mail. The Committee, upon reviewing the matter, may take one or more of the sanctions listed in the Code of Professional Practice, Section VI.