
Constitution
And
Bylaws
Of the
Pennsylvania Podiatric Medical Association

As Amended and Revised
By the House of Delegates
Through November 2005



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CONSTITUTION OF THE PENNSYLVANIA PODIATRIC MEDICAL ASSOCIATION

ARTICLE I. NAME

The name of this organization shall be the Pennsylvania Podiatric Medical Association, hereinafter referred to as the "Association."

ARTICLE II. OBJECTS

The objects of the Association are to promote the art and science of podiatric medicine and the betterment of public health and to carry out the purposes of this Association.

ARTICLE III. ORGANIZATION

Section 1. INCORPORATION. This Association is a non-profit corporation organized under the laws of the Commonwealth of Pennsylvania.

Section 2. MEMBERSHIP. The membership of this Association shall consist of podiatrists and other persons whose qualifications and classifications shall be established in Article III of the Bylaws.

Section 3. COMPONENT SOCIETIES. Component societies of this Association, hereinafter referred to as "divisions" shall be those societies of podiatric medicine organized as such in conformity with Article XIV of the Bylaws.

ARTICLE IV. GOVERNMENT

Section 1. HOUSE OF DELEGATES. The legislative and governing body of this Association shall be a House of Delegates, hereinafter referred to as the "House" as provided in Article II of the Bylaws.

Section 2. EXECUTIVE BOARD. The policies of the House shall be implemented and administered by an Executive Board which shall be charged with the management of the property and the affairs of the Association as provided in Article II of the Bylaws.

ARTICLE V. OFFICERS

The officers of this Association shall be a president, president elect, vice president, secretary, treasurer, immediate past president and the executive board, elected in conformity with Article II of the Bylaws.

ARTICLE VI. AMENDMENTS

This Constitution may be amended by a resolution for amendment submitted at a meeting of the House and adopted by a majority of the delegates present and voting, a quorum being present. The proposed amendment shall then be published to the membership at least ninety (90) days prior to the following meeting of the House, at which the amendment shall be adopted by a two-thirds (2/3) vote of the delegates present and voting, a quorum being present.

An amendment to this Constitution shall become effective immediately upon its adoption.

(Updated: July 1, 1996)

**BYLAWS
Of the
Pennsylvania Podiatric Medical Association**

ARTICLE I

Duties of State Officers

Section 1. The President

- a. The president shall preside at all meetings of the Pennsylvania Podiatric Medical Association, the House of Delegates, the Executive Board, the Board of Governors.
- b. He shall appoint all committees.
- c. He shall be a member ex-officio of all committees.
- d. He shall prepare a written report of the General Conditions of the Association with suggestions for the good of the organization as he might see proper to offer. He shall present this report to the House of Delegates.
- e. He shall countersign all checks, drafts and other evidences of indebtedness and perform such other duties as pertain to his office.
- f. A retiring president shall remain a member of the House of Delegates, the Executive Board, and the Board of Governors; and shall enjoy all the privileges of an elected officer until succeeded by the next retiring president.
- g. In the event a retiring president is unable to assume his duties as immediate past president as outlined in paragraph "f", Section 1, Article I of the Bylaws, the incumbent immediate past president shall remain in office until such time as the retiring president is able to assume his duties or until the next annual election.

Section 2. The President Elect

- a. The president elect shall exercise all powers and discharge the duties of the president in the absence of the president.
- b. He shall perform any and all other duties as may be imposed on him by vote of the House of Delegates or the Executive Board.
- c. He shall assist the president in the discharge of his duties and prepare himself for succession to the office of president.

Section 3. The Vice President

- a. The vice president shall fulfill the duties of the president in the absence of both the president and the president elect.
- b. He shall perform any and all other duties as may be imposed on him by vote of the House of Delegates or the Executive Board.
- c. He/She shall act as general chairman of all committees. It shall be the responsibility of the Vice President to contact said committee chairpersons to set the agenda for the ensuing year. Chairpersons working on specific projects are to meet with the vice president at the Board of Governor's Meeting to review said agendas. This is not to dismiss the responsibility of each

chairperson to meet/contact on a scheduled basis to discuss ongoing matters with their committee members.

Section 4. The Secretary

- a. The secretary shall aid the executive director in any function as so directed by the president.
- b. He shall be disposed to the president to carry out any duties pertinent to the administration of the Association.

Section 5. The Treasurer

- a. The treasurer shall receive all monies and create an account for all monies paid to the Association and record all deposits and withdrawals.
- b. He shall pay and record all bills approved by the Association's controlling bodies.
- c. He shall countersign all checks.

Section 6. The Convention Manager

- a. The convention manager shall be elected annually by the House of Delegates.
- b. He shall represent the Association at Region III Convention and all its meetings.
- c. He shall be bound by the decisions of the House of Delegates and the Executive Board relative to the Convention, wherever practicable.
- d. He shall make a complete report to the House of Delegates following the Region III Convention and turn over to the Treasurer all monies received from the Convention.
- e. The convention manager has a voice but no vote in either the House of Delegates or the Board of Governor's Meetings (unless elected to serve as a regular delegate).

ARTICLE II

Controlling Bodies of the Association

Section 1. House of Delegates

- a. The House of Delegates shall be composed of the elected delegates and alternates from each division. State Association officers and elected members of the Executive Board shall be ineligible to serve as division delegates or alternates.
- b. In the event that an election of divisional delegates and alternates has not been held in the prescribed manner, the president of the division is empowered to appoint a full complement of delegates and alternates, including those elected to state office from among the members of the division in good standing.
- c. The House of Delegates shall conduct an annual meeting. It shall be charged with the management, control, and supervision of the Association and shall have such powers necessary for the progression and protection of the Association when not incompatible with the Constitution and Bylaws.
- d. The House of Delegates shall elect the officers of the Association for the ensuing year.

- e. The House of Delegates shall also annually elect one member to the Executive Board, to serve for a period of four (4) years.
- f. The House of Delegates shall convene annually at a time set at the discretion of the Board.
- g. Resolutions shall be referred to a Resolutions Committee to be appointed by the president. The report of the Resolutions Committee shall be considered by the House of Delegates and appropriate action taken.
- h. The president shall appoint a parliamentarian to be present and functioning at each House of Delegates meeting. The parliamentarian shall record all changes in the Constitution and Bylaws.
- i. Credentials of delegates shall be determined by the secretary and/or treasurer at the roll call of names of delegates submitted by the division.
- j. The House of Delegates shall elect biannually, two members to the Executive Board to serve for a period of two (2) years.
- k. The House of Delegates shall also elect annually its qualified number of delegates and alternates to the American Podiatric Medical Association House of Delegates. The president and immediate past president shall be considered as prorated qualified delegates, and the president elect shall be considered the first alternate delegate.
 - i. It shall be the duty of the APMA delegates to attend all sessions of the APMA House of Delegates and submit a report to the Association at the following House of Delegates meeting.
 - ii. Delegates shall also perform such functions and communications as may be imposed upon them by the Association.

Section 2. Executive Board

- a. There shall be an Executive Board that shall consist of the immediate past president, president, president elect, vice president, secretary and treasurer, and six members of the Association elected by the House of Delegates. No more than two members shall be from the same division. In addition, there shall be one member elected to the Board by the Board of Governors.
- b. The immediate past president, the president elect, vice president, secretary and treasurer, and the seven elected members shall each have one vote. The president shall cast a vote only to break a tie.
- c. The Board shall be presided over by the president.
- d. An elected member of the Executive Board may not serve more than two (2) consecutive four (4) year terms. Four (4) members of the Board elected by the House shall serve for a term of four (4) years. Two (2) members elected by the House shall serve for a term of two (2) years. Unexpired term vacancies shall be filled by an election at the House.
- e. Members selected by the Board of Governors shall serve for a term of two (2) years commencing on the date of the Annual Board of Governor's Meeting and running through the ensuing term.
- f. A quorum for all meetings shall consist of one more than fifty percent of the voting members of the Board.
- g. All matters coming before the Board shall be ruled by majority of the members present and voting.
- h. Duties of the Board:
 1. To create and adopt within their functioning Rules and Regulations, a comprehensive guideline for the offices of executive director.
 2. To be responsible for the procedures necessary to employ and retain a qualified executive director and staff; and conversely, to recommend the resignation, or dismiss from employment and

executive director or staff member found incompetent, negligent or undesirable in his duties. Such staff will include all employees of the Association to who salaries, commissions or wages are paid.

3. To be authorized to renew an agreement of contract between an executive director and the Association.
4. To guide the activities of the executive director and be responsible to the House of Delegates for the satisfactory performance of the office.
5. To supervise and/or execute the interim business of the Association between the annual meetings of the House of Delegates and to regulate and adjust all emergencies arising during this interim.
6. It shall have the power to incur any reasonable expense relative to the business of the Association.
7. Through the secretary, the executive board shall annually report to the House of Delegates its functions and any items of business that should be the business of the Association.
8. Each member of the Board shall report the activities of the committees under his supervision to the Board at each meeting of the Board.
9. The Executive Board shall also be responsible for all properties owned by the Association as well as business premises occupied by the executive director and his staff.

Section 3. The Board of Governors

- a. The Board of Governors shall consist of the president or an alternate from each Division, and the president of the Association.
- b. The Board of Governors shall assist in the development, guidance, planning and dissemination of state-wide programs, as presented by the chairmen of the various committees of our Association for the advancement, security and good of the profession.
- c. It shall be presided over by the president of the Association.
- d. The Board of Governors shall elect biannually, one member to the Executive Board for a two- (2) year term.

ARTICLE III

Membership in the Association

Section 1. Active Membership

- a. An individual becomes an active member of the Association when he is accepted to active membership in any one of the Divisions of the Pennsylvania Podiatric Medical Association, and pays the prescribed amount of dues.
- b. He must be a graduate of an accredited School of Podiatry and of good moral character.
- c. He must be licensed and registered as a Podiatrist by the State Board of Podiatry Examiners of the Commonwealth of Pennsylvania, or meet the reciprocal standards as set forth by the House of Delegates to time and have his primary practice in the Commonwealth of Pennsylvania.

Section 2. Associate Membership

- a. Associate membership shall be accorded to any graduate of an accredited School of Podiatry who is in his first year of practice.
- b. The candidate must be of good moral character, and have been accepted as an Associate Member by any one of the divisions of the Association, and pays the prescribed amount of dues.
- c. He must be licensed and registered as a podiatrist by the State Board of Podiatry Examiners of the Commonwealth of Pennsylvania.
- d. He shall enjoy all the privileges of an active member.
- e. The candidate shall automatically become an active member by paying the prescribed amount of dues for active membership in the APMA and the State and Local Affiliates.

Section 3. Honorary Membership

- a. Honorary Membership may be conferred upon distinguished practitioners of any recognized branch of the healing arts, or any person who has performed a distinguished service to the Profession of Podiatry.
- b. A recommendation for Honorary Membership shall be endorsed by three (3) members of the Association and forwarded to the Executive Board for their action at a regular or special meeting.
- c. The nomination for such membership must be made by the Executive Board to the House of Delegates.
- d. Election to Honorary Membership may not be made until the succeeding meeting of the House of Delegates following the nomination for such honor when a two-thirds (2/3) majority of the members (or alternatives) of the House of Delegates present and voting shall elect.
- e. Nothing in the foregoing shall deprive an Honorary Member who has been elected for active membership in the Association of any of the rights of an Active Member.
- f. Honorary members shall be assessed no dues.

Section 4. Life Membership

- a. Life Membership is an honor conferred by the American Podiatric Medical Association and is controlled entirely by the Bylaws and Regulations of that Association. The Association extends the same privileges as above.
- b. Life members shall be assessed no dues.

Section 5. Senior Membership

- a. A podiatrist who meets all of the requirements set forth in subsection A of the APMA Bylaws, and
 1. Has reached retirement age as provided by the Social Security Administration, and is receiving Social Security benefits, or has been forced into curtailment due to illness.
 2. Is actively engaged in practice for no more than twenty (20) hours per week.
- b. A Senior Member in good standing shall be entitled to all privileges of an active member. He shall be assessed one-half (1/2) of the annual dues which are paid by an active member.

Section 6. Residents, Graduates and Post Graduate Students

A resident, graduate, post graduate student and preceptee serving in a program approved by APMA Council on Education must be a member of his local division and State Association.

Section 7. Residents, Graduates and Post Graduate Students

Residents, Graduate and Post-Graduate Students shall not be included in the count for delegate representation to the Association House of Delegates and the American Podiatric Medical Association House of Delegates.

Section 8. Student Membership

- a. A member of the student body of the Pennsylvania College of Podiatric Medicine may apply for student membership in the Association. There shall be no assessment of dues for student membership.
- b. Two (2) representatives of the student members shall be delegated by them to attend the House of Delegates as a voting member. Expenses for the student representative to the meeting of the House of Delegates of the Association will be assumed by the Association in the same manner as the expenses for a divisional delegate.

Section 9. 5.4 Status

- a. If a member has a severe hardship, by reason of physical disability, illness, or financial distress, he may request that 5.4 Status be granted, with local, state and national dues waived.
- b. The status of a member in this classification shall be reviewed by the Executive Board for renewal or cancellation prior to June 1st of each year. All new applicants will be reviewed by the Executive Board prior to being submitted to the National level.
- c. Waiver of dues for financial hardship shall be limited to a maximum of three (3) years.
- d. Waiver of dues for illness or physical disability shall be limited to a maximum of five (5) years.

Section 10. Affiliate Membership

- a. A Podiatrist in good financial and ethical standing in another component state society of the APMA may be granted Affiliate Membership in the Association by applying directly to the Association House of Delegates or Executive Board and supplying evidence of his/her active membership in his State Society.
- b. An Affiliate member of the Association shall not be eligible to hold elective office, nor vote, nor be included in the count for delegate representation to the House of Delegates of the APMA.
- c. An Affiliate member of the Association shall be eligible for admission to all scientific sessions sponsored by the Association for the same registration fee as that charged to an active member of the Association, and such other services as are provided by the Association.
- d. An individual in a related field other than Podiatry or who has evidenced an interest in Podiatry may be elected to Affiliate membership in Association, upon application to and approval of the House of Delegates or Executive Board of the Association.

Section 11. Faculty Membership

- a. A Podiatrist engaged in a full time teaching or research position at a College of Podiatric Medicine may be classified as a faculty member, provided he is a member in good standing or has applied for membership in APMA, the Association and his local division.
- b. The determination of full time status shall be in accordance with the rules and regulations of the college where such position is held.
- c. A faculty member in good standing shall be accorded all the privileges of an active member.
- d. A faculty member shall be assessed one half (1/2) the dues which are paid by an active member.

Section 12. Dues

The annual dues and method of payment for all classes of membership in this association shall be fixed by the House of Delegates. Active membership dues to the APMA shall be prescribed by the APMA Bylaws.

ARTICLE IV **Transfers and Resignations**

Section 1. Transfers

- a. A member may transfer from one division to another by applying to both divisions with his desire to transfer.
- b. The division he is leaving must issue certification that the member is in good standing before his application for transfer can be considered by the division to which he desires to transfer.
- c. The division to which the member desired to transfer must act upon his application at a regular meeting under the same procedure as voting upon a new member.
- d. No member who is in arrears in dues may be certified for transfer until the arrearage has been paid.
- e. No member who has been cited by his division for unethical conduct may be certified for transfer until his ethical standing has been established.
- f. If a member wishing to transfer his membership is denied admission by the division to which he has applied, his application for transfer is canceled and he remains a member Status Quo in his original division.
- g. The secretary of the member's new division shall inform the state office of the transfer of membership.

Section 2. Resignations

- a. A member may resign in good standing from the Association by paying all indebtedness in full and stating his desire to resign in writing to his divisional secretary.
- b. The divisional secretary shall read his letter of resignation at the succeeding meeting of the division after which it shall be kept in file.
- c. The divisional secretary will then forward any state and national dues to the state treasurer accompanied by a letter of explanation.

- d. A member in good standing who resigns from the Association may apply for reinstatement at any subsequent date.

ARTICLE V
Meetings

Section 1. House of Delegates

The House of Delegates shall meet annually at such time and place as may be selected by a majority vote of the Executive Board.

- a. Any member of the Association may attend the House of Delegates meeting.
- b. Individuals eligible to vote shall be elected representatives from the various divisions of the Association, which shall be one (1) delegate for each 25 members in good standing and/or one (1) delegate for any unit of members in good standing of less than twenty-five (25). The President, President Elect, Vice President, Secretary and Treasurer shall be members “ex-officio” of the House of Delegates and shall have a voice but no vote unless they are duly elected delegates representing their respective divisions. The President shall vote only in case of a tie vote.
- c. The meeting shall be presided over by the President of the Association.
- d. A quorum shall consist of two-thirds (2/3) of the eligible delegates or their alternates.

Order of Business

Meeting called to order by president.

1. Roll Call of Delegates
2. Approval of Minutes of the Previous Meeting
3. Approval of Proposed Agenda

Section 2. Resolutions

- a. The President is empowered to appoint a Resolutions Committee, with a Chairman, to function at the House of Delegates. The Parliamentarian shall be an “ex-officio” member of the Resolutions Committee and function as a constitutional consultant.
- b. The Solicitor of the Association shall, whenever possible, attend the meeting of the Resolutions Committee and function as a legal consultant.
- c. A resolution may be submitted by one of the following:
 1. A Division of the Association
 2. A Delegate to the Association House of Delegates
 3. The Executive Board of the Association
 4. A Committee of the Association
- d. Resolutions to be printed and distributed to the House of Delegates by the Association must be submitted to the Association thirty (30) days prior to the opening of the House of Delegates.
- e. Resolutions not submitted to the Association thirty days prior to the opening of the House of Delegates may be submitted to the Resolutions Committee by Noon of the opening day.
- f. The following options should be open to the Resolutions as recommendations to the House of Delegates on resolutions submitted:
 1. Passage
 2. Defeat

- 3. No Position
- 4. Refers
- g. If, in the judgment of the Resolutions Committee, the intended resolution can be presented in clearer language, it may, with the permission of the sponsor, make the appropriate changes.
- h. In addition to an affirmative or negative recommendation, the Resolutions Committee may include explanatory statements in reporting to the House of Delegates.
- i. If, in the Committee's opinion, a resolution is out of order, the Committee will inform the sponsor. If, however, the sponsor insists upon the resolution being submitted, the Committee may do so and may include its opinion as part of its report to the House of Delegates.

Section 3. The Executive Board

- a. The Executive Board shall meet four (4) times a year or more often as to the need and the call of the President. The date and time of the meetings shall be also on the call of the President.
- b. The meeting shall be presided over by the President.
- c. All resolutions and matters passed by the Board shall be by majority vote.
- d. A quorum shall exist when one more than fifty percent of the voting members are present.
- e. The agenda for the meeting will be determined by the President.
- f. A telephone conference call by the President shall be considered as a called special meeting. All decisions shall be binding as in a regular session and shall be inscribed in the minutes of the Association. One more than fifty percent of the voting members shall constitute a quorum.

Section 4. Board of Governors

The Board of Governors shall meet as soon as practical after the President assumes office and in addition shall meet as often as deemed necessary.

- a. Any member of the Association or anyone acceptable to the members present may attend the business meetings of the Board of Governors.
- b. Only members of the Board of Governors may exercise the right to vote. The President of the Association shall vote in case of a tie.
- c. The Chairmen of various State Committees shall have a voice but shall not have a vote, unless regularly elected members of the Board of Governors.
- d. A quorum shall consist of a majority of the Representation.

Order of Business

Meeting Called to Order by the President

- 1. Roll Call
- 2. Approval of the Proposed Agenda
- 3. Approval of the Minutes of the Previous Meeting
- 4. Report of the Treasurer
- 5. Reports of the Division Presidents
- 6. Report of the Committee Chairmen
- 7. Report of the Executive Board
- 8. Special Program
- 9. New Business
- 10. Adjournment

Section 5. Special Meetings of the House of Delegates

- a. Special meetings shall be called by the President upon the request of seven members of the Executive Board, a majority of the elected members of the House of Delegates, or 125 members of the State Association.
- b. A special meeting may be called by the President at any time he may deem it advisable.
- c. At a special meeting no business other than that contained in the notice may be transacted.
- d. A majority of the delegates called to constitute a quorum for the transaction of business of a special meeting.
- e. The order of business for a special meeting shall be:
 1. Roll Call
 2. Reading of the Call for the Meeting
 3. Action on the Call
 4. Adjournment

Section 6. Meetings

The President may declare the Executive Board or House of Delegates to be in “Executive Session” by general consent of either body. During the Executive Session, only the following may be present:

In the Executive Board: The elected officers of the Board, the row officers and the parliamentarian.

In the House of Delegates: The regularly elected delegates and their alternates, row officers, and the parliamentarian.

Any other person may be invited to attend the Executive Session by general consent. The Executive Session may be concluded and an open meeting again may be declared by general consent.

ARTICLE VI **Nominations**

Section 1. Nominating Committee

- a. The nominating committee shall meet prior to the second session of the House of Delegates.
- b. The committee shall be composed of one member from each division who shall be the delegates who received the greatest number of votes when elected to represent his division in the House of Delegates. The President Elect shall act as chairman of the nominating committee.

Section 2. Duties

- a. The duties of the nominating committee shall be to nominate these candidates:
 1. For the various offices of the Association.
 2. As Delegates to the American Podiatric Medical Association.
- b. They shall consider for nominations only such persons who are in good standing on the books of the Association and who have assured the Nominating Committee that they will accept the nomination. (Additional nominations may also be made from the floor of the House of Delegates, providing the above requirements are met.)

- c. They may not submit any candidate for more than one (1) office, American Podiatric Medical Association delegates excepted. Nominations from the floor shall also conform to this.
- d. This Committee shall also be charged with the responsibility of investigating and determining the individual who shall be awarded the annual Honorary Plaque.

Section 3. Nominations from the Floor

Nominating speeches may be made from the floor, with the following limitations:

- 1. No more than two (2) speeches for each candidate and
- 2. One nominating and one seconding speech shall be a maximum of two (2) minutes in length each.

ARTICLE VII **Elections**

Section 1. Voting

- a. At the time of election, only duly elected members of the House of Delegates, or their alternates, shall have the right to vote. The President shall vote to break a tie.
- b. At the time of the election, the President shall appoint a judge and two (2) tellers, none of who are candidates for office, to conduct the election.
- c. The President shall instruct the Nominating Committee (who met previous to the annual meeting) to post a list of the nominees.
- d. The President shall declare the polls open during which time the delegates shall nominate the candidates, vote and turn in their ballots.
- e. Ballots will be voided unless fully completed for each office in contention.
- f. The candidate or candidates receiving a plurality of the votes cast shall be declared elected to their respective offices.
- g. As soon as the vote is counted, the result shall be reported to the President, who shall announce the vote and declare the successful candidates elected.

Section 2. Holding Office

- a. No member shall hold more than one (1) elective office at the same time.
- b. Delegates to the American Podiatric Medical Association shall not be incompatible with the other officers.
- c. All officers shall hold office until their successors are officially installed.

Section 3. Length of Terms

- a. All officers shall hold office for one (1) year.
- b. The President Elect shall automatically become President after completion of one (1) year in office.
- c. The newly elected officers shall assume office as soon as they are installed.

ARTICLE VIII

Vacancies

Section 1.

- a. In the event of any vacancy occurring in any office of the Association by death, resignation or otherwise, such office shall be filled by an appointment by the President for the unexpired term only.
- b. In the event of a vacancy occurring in any office of the Association while the House of Delegates is in session, such office shall be filled for the unexpired term by a special election held during that session.

Section 2.

In the event the office of the President is vacated by death, resignation or incapacity, the duties of the President shall be assumed by the President Elect until the next meeting of the House of Delegates, following which the President Elect automatically assumes the office of President for a full term.

ARTICLE IX

Section 1. Malfeasance in Office

- a. An officer found guilty of violating the ethics of the profession, dishonesty in executing the duties of his office, or acting in any other manner detrimental to the welfare of the Association may be declared to be guilty of malfeasance in office.
- b. Charges may be brought by the Executive Board or by one or more of the affiliated divisions.
- c. These charges shall be reported to a specially called meeting of the most recent House of Delegates.
- d. If the charges are substantiated by two-thirds (2/3) of the votes cast by members of the House of Delegates, the accused shall be removed from office.

ARTICLE X

The Executive Director

Section 1. Duties

- a. The duties of the Executive Director are to be wide in scope and subject to the consensus of the Executive Board. It is the will of the Association that the Executive Director pursue an activity of dynamic progression for; the advancement of the profession in Pennsylvania. Aggressiveness in the field of administration, public relations, inter-professional relations, industrial relations, legislation, education, professional security and other areas are desired. The Duties are set forth in the guidelines for the office as found in the general format of the Rules and Regulations adopted by the Executive Board.
- b. The Executive Director will render an annual report to the House of Delegates personally or through the report of the Executive Board.

- c. He will render a report to the Board of Governors at their scheduled meeting.
- d. He will be in liaison with, and follow the directions of the Executive Board on all policy matters and major decisions.

ARTICLE XI
Audit

Section 1.

Prior to each annual meeting of the House of Delegates, an Auditing Committee or firm of Certified Public Accountants shall audit all books and accounts of the Association and prepare a written report of such audit to be presented to the House of Delegates.

Section 2.

All documents, literature and other pertinent material which have been accumulated by an officer or committeeman, as part of his official duties shall be considered the property of the Association upon completion of his duties or term of office.

ARTICLE XII
Amendments

These Bylaws shall not be altered or amended except by a two-thirds (2/3) vote of the members of the House of Delegates present and voting at any meeting of the House of Delegates, a quorum being present. The proposed alteration or amendment shall be submitted to the Bylaws Committee and then published in the Official Journal of this Association, or a written notice sent to the members at least forty-five (45) days prior to the House of Delegates meeting at which final action shall be taken thereon.

ARTICLE XIII
Expenses

The Association shall be liable for the individual expenses as defined herein.

Section 1.

At the House of Delegates Meeting, the Association shall be liable only for the individual expenses in the transportation and room rent for the following: President and President Elect. All elected delegates, officers and invited committee chairmen will receive such per diem and travel expenses as determined from time to time by the Executive Board. Expense for transportation and room rent of divisional and alternate delegates shall be assumed by their respective divisions.

Section 2.

- a. At the Board of Governors meeting the Association shall be liable for the expenses of the President and President Elect only. If the Board of Governors meeting is held during a convention of the Association, the Association will not assume the expenses of the President and President Elect.
- b. Each Division will assume the expenses of its President or Alternate.

Section 3.

The Association will not be liable for individual expenses incurred in the transportation and room rent of all the members called for special meetings. The Association shall also be responsible for the rental of the meeting hall.

Section 4.

The Association shall be liable for the transportation and room rent for the delegates and one (1) alternate to the APMA House of Delegates Meeting.

Section 5.

In the foregoing sections referring to expenses for which the Association is liable, the amounts for these expenses shall be determined by the standards set forth by the Executive Board.

ARTICLE XIV **Divisions**

Articles XIV, XV, XVI, and XVII are intended as a guide and may be amended by the divisions if they do not conflict with the Association and APMA Bylaws.

Section 1. Formation

A Division of the Association may be formed by presenting a petition stating reasons, geographical outline of territory embrace, name of Division to be formed may be presented to the Executive Board for final action by the House of Delegates.

Section 2. Discontinuance

A Division of the Association which ceases to function as a Division for a period of three (3) years may be eliminated by a majority vote of the House of Delegates. The practitioners in the area embraced by this shall be notified of this action and they may assume membership in another Division.

Section 3.

Each Division shall elect for a period of one (1) year a President, Vice President, Secretary, and/or Treasurer, three (3) members to the Division Council and one Delegate for each twenty-five (25)

members, or fraction thereof, to the House of Delegates. The election of the officers of the Division shall take place in time to submit the names of the officers and delegates to the Association Executive Office on or before April 1st of each year.

ARTICLE XV
Divisional Elections

Section 1. Eligibility

Only members in good standing and fully paid in dues may participate in nominations, voting, and holding office.

Section 2. Nominations

Any member may be nominated for any office by a duly constituted nominating committee or directly from the floor at a meeting held for the purpose.

Section 3. Announcement

Notice must be sent to the entire membership of the forthcoming election at least seven (7) days before the date set for election, which shall be in the month of March.

Section 4. Voting

All eligible members shall have the right to vote in secret except the President who shall cast his ballot only in case of a tie.

Section 5. Elections

A judge and two (2) tellers who are not candidates for office shall be appointed by the President and they shall conduct the election. The polls shall remain open for at least thirty (30) minutes. A plurality of all votes cast shall be necessary to elect. The totals of the votes cast shall be reported to the President, who shall then declare the successful candidates elected.

Section 6. Holding Office

No member shall hold more than one (1) elective office at the same time. All officers shall hold office until their successors are officially installed.

Delegates to the House of Delegates shall not be considered officers of the Divisions.

ARTICLE XVI
Duties of Divisional Officers

Section 1. President

- a. The president shall appoint such committees as are necessary to provide the divisional and state programs the necessary and proper guidance.
- b. He shall preside at all divisional meetings and be an ex-officio member of all committees.
- c. He shall countersign all checks or orders and perform such other duties as pertain to his office.
- d. He shall represent the divisions at the Board of Governors Meeting.

Section 2. Vice President

- a. The vice president shall perform the duties of the president in his absence.
- b. He shall be an alternate at the Board of Governors Meeting.

Section 3. Secretary

- a. The secretary and/or treasurer shall receive all monies, books, papers and other property of the division pertaining to his office, and shall deliver them in good form to his successor.
- b. He shall receive all monies pertaining to dues and other assessments relative to the profession, keeping an exact record between the division, the executive secretary and each of its members.
- c. All expenses of the division shall be paid by check signed by the secretary and countersigned by the president.
- d. The office of the secretary and/or treasurer shall maintain a file for a period of seven (7) years of all correspondence, canceled checks, stubs and receipts of the Association.
- e. The secretary shall send a list of divisional officers and delegates to the state secretary as soon as they are received.

ARTICLE XVII
Council

Section 1.

The council shall be composed of the elected officers, immediate past president, president, vice president, secretary, treasurer and three (3) members at large who shall be voted for and elected at any regular election of officers.

Section 2.

- a. Their duties shall be to supervise the interest of the division, to regulate and adjust all cases of emergencies arising during the interval between the regular meetings of the division.
- b. The council shall approve all applications for membership and where a question concerning eligibility for membership arises, it shall carefully check the ethics of the applicant.
- c. They shall have the power to incur any reasonable expense relative to the business of the division arising between its regular meetings, and shall perform such other duties as may be imposed upon them by vote of the division.

- d. A majority of the council shall constitute a quorum for the transaction of business.

ARTICLE XVIII

Delegates, Their Duties and Election

Section 1. To the House of Delegates

- a. The division shall elect one delegate for each twenty-five (25) members in good standing or a fraction thereof.
- b. The number of delegates from each division shall be based on the divisional active membership in good standing at the end of the preceding fiscal year.
- c. The delegates shall be instructed by their division to present any proposals or resolutions they might think proper.
- d. They shall bring back to their division a report of the business transacted at the House of Delegates Meeting.

Section 2. To the Board of Governors

- a. The division shall be represented by its president or an alternate. His name will appear on the state secretary's record as such and he will be seated by roll call.
- b. He shall take an active part in the business conducted.
- c. He shall use his influence for the betterment of the Association and shall present a detailed report of the business conducted at the Board of Governors Meetings to his division at its first subsequent meeting.
- d. Members of the Board of Governors will be notified by the Association executive office of the time and place of meetings.

ARTICLE XIX

Membership

Section 1.

Membership in the Association may be had by complying with the Bylaws as described in the following sections of this Article.

Section 2.

- a. An applicant may be elected to membership in the Association provided he is a graduate of an accredited college of podiatric medicine.
- b. He must be of good moral character, licensed and registered as a podiatrist by the State Board of Podiatry Examiners of the Commonwealth of Pennsylvania.
- c. He must apply for membership in the division embracing the area in which he practices unless that area has more than one division. Where there is more than one division in the area in which he practices, he may apply for membership in the division of his choice.

- d. His application properly filled out and accompanied by a check, money order or cash for the full amount of division, Association and APMA dues, shall be referred to the divisional council for consideration.
- e. The candidate may be elected to membership by a majority of the votes cast at a meeting of the divisional council or by the membership at a division meeting, whichever meets first. In the event the ethics or morality of the candidate is questioned, the vote shall be postponed until a committee of inquiry has investigated and has reported to the division or council within thirty-(30) days.
- f. In the event the applicant is rejected, his money shall be promptly returned to him; his application, accompanied by a carbon copy of the letter sent to him, shall be kept on file by the divisional secretary.
- g. A rejected candidate may apply to the executive board for a review of his application.

ARTICLE XX

Dues

The amount of dues shall be determined by the various organizations as herein defined:

- a. The APMA shall determine the amount of the national dues as outlined in their bylaws.
- b. The state dues shall be determined by the House of Delegates from time to time.
- c. The divisional dues shall be determined by the various divisions.
- d. Other assessments may be brought before the various divisions for approval or action when deemed necessary.
- e. Annual renewal of membership will not be processed by the state office unless accompanied by the full amount of prescribed state and national dues and a true copy of a receipt for divisional dues signed by the divisional treasurer.
- f. The fiscal year shall be June 1st to May 31st of the following year.

ARTICLE XXI

Penalties

Section 1.

Any officer who shall absent himself from three (3) consecutive meetings of the Association shall forfeit the office held by him unless prevented to attending by sickness or some other unavoidable occurrence.

Section 2.

Any member found guilty of transgressing the Constitution, Bylaws or Code of Ethics of this Association, or acting in a manner detrimental to the Welfare of the Association may be expelled from the Association.

Section 3.

A member guilty of any of the items in Section 4 of the Rules and Regulations may be reinstated provided he presents due proof of having been ethical during the time of suspension, promises to

remain ethical and pays the current year's dues in full in advance. He must receive a favorable two-thirds (2/3) vote of the members present and voting at any regular meeting of the division. He can be reinstated only once.

Section 4.

For arrearage in dues, a member may be reinstated twice on payment of the current year's dues on each occasion. After two (2) such reinstatements, he will be required to pay his full arrearage since the commencement of his third period of delinquency. This shall be subject to review by his division council.

ARTICLE XXII **Miscellaneous**

Section 1.

The Constitution, Bylaws, Code of Ethics and Rules and Regulations of the Association shall be the Supreme Law of the Podiatry Association, except where a division may have more stringent clauses in its Code of Ethics.

SECTION 2.

Interpretation of the meaning and intent of the Constitution, Bylaws, Code of Ethics, and Rules and Regulations is the responsibility of the Executive Board and/or the House of Delegates of the Association.

Section 3.

The following interpretations shall be given these Bylaws:

- a. Words imparting the singular number include the plural and vice versa.
- b. Words inferring the masculine gender include the feminine gender.

Section 4.

This Constitution, Bylaws, Code of Ethics and Rules and Regulations shall become effective immediately upon adoption.

Section 5.

Upon adoption, the Articles of this Constitution and Bylaws shall be severable and in the event any section thereof shall be found to be unconstitutional or in conflict with any statute or law governing the same or with the Constitution and Bylaws of the APMA, such section shall be rescinded and void without affecting the remaining sections.

Section 6.

All matters of procedure and protocol not contained in these Bylaws, will be governed by Robert's Rules of Order.

Revised November 11, 2005—House of Delegates

Mission Statement
of the
Pennsylvania Podiatric Medical Association

To Serve Members of the Podiatric Profession. To act as an advocate for the podiatric profession and the member in all forums relating to the public, the legislature, and the medical industry. To advance the professional level of our membership through the dissemination of scientific and educational material, and to act on behalf of the membership in increasing the levels of service that members of the profession give to their patients for the purpose of enhancing the quality of the patients' lives.

PPMA

Code of Ethics

March 2006



Pennsylvania Podiatric Medical Association, Inc.
757 Poplar Church Road
Camp Hill, Pennsylvania 17011-2314
PPMA Code of Ethics
March 2006

Pennsylvania Podiatric Medical Association, Inc.
757 Poplar Church Road, Camp Hill, PA 17011

PPMA CODE OF ETHICS

PREAMBLE

All podiatrists have the responsibility of aspiring to the highest possible standards of conduct and ethical behavior, assuring that the best care is provided for the individuals and groups whom they serve. As members of the Pennsylvania Podiatric Medical Association (PPMA), a component of the American Podiatric Medical Association (APMA), podiatrists accept and take seriously the common values and principles established within this Code of Ethics. This Code applies to all aspects of professional life of podiatrists as they go about the implementation of their work within a variety of contexts as health care providers, administrators, educators, researchers, consultants, and employers.

The following statements and precepts are considered to be dynamic and may be interpreted and applied to an ever changing society.

MEDICAL ETHICS (ME)

ME1.0 Professional Judgment

The podiatrist has an obligation to facilitate patient care, placing the welfare and rights of the patient above all other considerations. The competence of a podiatrist extends beyond technical skills alone. Recognizing the extent of one's ability to perform and knowing when it is appropriate to seek consultation or make referrals when the welfare of the patient is safeguarded or advanced is imperative.

ME1.1 National Standards

ME1.11

The podiatrist strives to maintain the highest standards of practice in accordance with the responsibilities conferred by the state, profession, and society. (*See interpretive guideline.*)

ME1.12

The podiatrist recognizes his/her competencies and limits the practice to those situations that are consistent with those competencies.

ME1.13

The podiatrist freely utilizes the expertise of other podiatric physicians and professionals of other disciplines to enhance the welfare of the patient.

ME1.14

The podiatrist maintains continuing competence by participating in professional study and life long learning activities designed to ensure that his/her skills and knowledge are consistent with ongoing developments in the art and science of podiatric medicine.

ME 1.2 Practice Guidelines

ME1.21

The podiatrist strives to provide care consistent with established practice guidelines adopted by recognized podiatric medical organizations that utilize the opinions of authoritative experts. (*See interpretive guideline.*)

ME1.3 Patient Management

ME1.31

Within the responsibility of a podiatrist is the need to evaluate the patient prior to initiating care decisions and deciding on the best treatment plan. The treatment plan must take into account the entirety of the patient and utilize appropriate consultation or referral (*See interpretive guideline.*)

ME1.32

The podiatrist is responsible for ensuring appropriate follow-up care for his/her patient when he/she is not directly available to render such care. *(See interpretive guideline.)*

ME1.33

The podiatrist should refrain from providing care for any individual with whom he/she has a relationship of a nature that may cause him/her to provide care with reduced objectivity, interfering with the exercise of sound medical judgment.

ME2.0 Informed Consent

The doctrine of informed consent is premised upon the right of the patient to exercise control over his or her body by deciding whether or not to undergo a proposed treatment regimen. The duty of the podiatrist is always to disclose relevant information to the patient and obtain the consent of a competent patient or someone legally authorized to give consent on behalf of the patient before initiating treatment. *(See interpretive guideline.)*

ME2.1 What a Patient Needs to Know About the Proposed Treatment

ME2.11

The podiatrist strives to ensure that the patient is cognizant of the nature of the illness or condition, the treatment proposal or its alternatives with reasonable explanations of expected outcomes, potential complications, and length of recovery.

ME2.2 Disclosure of Experience and Outcomes

ME2.21

The podiatrist provides truthful representations of the his/her experience and outcomes.

ME2.3 Economic Interests

ME2.31

The podiatrist strives to ensure that any economic benefit involving services, materials, medications, or facilities shall not interfere with his/her primary responsibility for the welfare of the patient and shall comply with applicable legal requirements.

ME3.0 Confidentiality

The podiatrist and his/her staff must maintain strict confidentiality (subject to federal and state laws) as to the condition and treatment of all patients. Release of any information must be premised on the consent of the individual patient. *(See interpretive guideline.)*

ME3.1 Medical Records

ME3.11

The podiatrist acts in a manner that protects the confidentiality of the patient and the records of the patient

ME3.12

The podiatrist ensures that the staff over whom he/she has responsibility or supervises, has an essential knowledge of the duty to maintain the confidentiality of the patient records.

ME3.2 Diagnosis

ME3.21

The podiatrist respects the confidentiality of the patient's diagnosis and does not release the diagnosis without the consent of the patient unless mandated by law.

ME3.3 Treatment

ME3.31

The podiatrist respects the confidentiality of the patient treatment information and does not release the treatment information without the consent of the patient unless mandated by law.

ME4.0 Patient Respect/Advocacy

Respect for the patient and advocating for the welfare of the patient should be the supreme concern of the podiatrist. A podiatrist should acknowledge cultural, individual, and ethnic differences of patients and he/she has an obligation to set aside personal biases that could result in potentially discriminatory practices.

ME4.1 Do No Harm

ME4.11

The podiatrist will evaluate the patient and use appropriate treatments in the care of the patient, taking into consideration any physical, financial, cultural, or emotional limitations that may result in harm during the treatment process. (*See interpretive guideline.*)

ME4.2 Nondiscrimination

ME4.21

The podiatrist shall not discriminate against any patient because of race, religion, ethnicity, gender, sexual orientation, disability, socioeconomic status, or health status.

ME4.3 Harassment

ME4.31

The podiatrist shall not engage in any deliberate act of emotional abuse, physical abuse, sexual abuse, sexual misconduct, or sexual exploitation related to the podiatrist's position as a health care provider, administrator, educator, researcher, consultant, or employer. (*See interpretive guideline.*)

ME4.4 Patient Abandonment

ME4.41

The podiatrist shall not cease to provide care or to be available to provide care without giving the patient sufficient notice and/or the opportunity to seek continuing treatment from another health care practitioner.

ME5.0 Professionalism

The podiatrist should, at all times, act in a professional manner before patients, colleagues, and the general public. This conduct should extend not just to the podiatrist's professional life but should encompass his/her public and private lives as well.

ME5.1 Compassion.. Respect. Honesty. and Integrity

ME5.11

The podiatrist has the responsibility to carry out all aspects of his/her career with compassion, respect, honesty, and integrity.

ME5.2 Accountability in Providing Expert Testimony

ME5.21

The podiatrist providing expert testimony is expected to have relevant experience, training, and knowledge in the area in which the podiatrist has agreed to testify. Testimony must be objective and be limited to the area of expertise held by the podiatrist. Expert testimony should be based upon recognized medical and scientific principles, theories, facts, and standard of care.

ME5.22

The podiatrist serving as an expert witness shall offer testimony that is honest and truthful. A breach of these ethics would exist if a podiatrist knowingly provides false or misleading testimony.

ME5.23

The podiatrist may accept compensation for testimony offered but such compensation should not in any way be related to or based upon the outcome of the litigation.

ME6.0 Impaired Physicians

The podiatrist has the obligation to act upon the recognition of impairment(s) in him/herself and in other health care providers and to ensure that the treatment of patients is not compromised because of such impairments.

ME6.1 Physical, Mental, Chemical, or Emotional Impairment

ME6.11

The podiatrist who is physically, mentally, chemically, or emotionally impaired should withdraw from those aspects of practice that could be detrimentally affected by the impairment. If the podiatrist does not withdraw, other podiatrists who know of the impairment have the duty to take action to prevent the impaired podiatrist from harming him/herself or others. (*See interpretive guideline.*)

ME7.0 Research Ethics

Research conducted by podiatrists must be scientifically based with data, results, and outcomes reported in an accurate and truthful manner. Support for research may be obtained from any source but should not influence or bias the outcomes.

ME7.1 Integrity and Concern for Participants

ME7.11

The podiatrist shall maintain the integrity of the study to ensure that decisions by participants and subjects are made in an unbiased and fully informed manner.

ME7.12

The podiatrist shall not subject any patient to an experimental diagnostic modality or treatment method without prior review of the experiment protocol by his/her peers and with full disclosure to the patient. (*See interpretive guideline.*)

ME7.13

The podiatrist conducts research competently with due concern for the dignity and welfare of the participants.

ME7.2 Reporting

ME7.21

The podiatrist shall report truthfully in scientific and scholarly papers, lectures, accounts, and communications. (*See interpretive guideline.*)

ME7.22

The podiatrist shall avoid all forms of plagiarism, or otherwise taking credit for the work or ideas of others, by properly acknowledging the source.

BUSINESS ETHICS (BE)

BE1.0 Advertising

The podiatrist has the responsibility to properly represent him/herself in advertisements and other forms of communications to the public, including, but not limited to, statements about training, ability, board certification, and scope of practice.

BE1.1 Communications with the Public

BE1.11

The podiatrist shall ensure that communications to the public are accurate and do not convey false, untrue, deceptive, or misleading information. The podiatrist shall provide truthful and accurate representations of his /her credentials, training, experience, or ability. The podiatrist shall not communicate claims of superiority that cannot be substantiated.

BE1.12

The podiatrist, in connection with his/her name, must use the title(s), degree(s), or designation(s) authorized by state law. The title "doctor" or any abbreviation cannot be used without the qualification "podiatrist," "podiatric physician," or "Doctor of Podiatric Medicine," or other appropriate designation. The podiatrist who is certified by a specialty board may use the appropriate term in connection with his/her specialty.

BE1.2 Direct Solicitation of Referrals

BE1.21

The podiatrist shall not solicit patients in a manner that impairs his/her objectivity regarding the selection of diagnostic or therapeutic methods. The podiatrist shall not present unrealistic expectations as to outcomes, or utilization of diagnostic or therapeutic methods that may be employed in the care of the patient.

BE1.22

The podiatrist shall not offer gifts as an inducement to secure patient patronage. (*See interpretive guideline.*)

BE1.3 Free Foot Screenings

BE1.31

The podiatrist, as an inducement to provide additional services for a fee, may advertise and offer free examinations or free podiatric medical services. The podiatrist shall not, however, charge a fee to any patient or any third party payor for any podiatric medical service provided at the time that such free examination or free podiatric medical services are provided. (*See interpretive guideline.*)

BE2.0 Business Transactions

The podiatrist has the responsibility to maintain high moral, ethical, and legal standards in business transactions. All claims, bills, statements, and records must accurately reflect the services provided. (*See interpretive guideline.*)

BE2.1 Fee Splitting

BE2.11

The podiatrist neither accepts nor offers commissions in any form or manner on fees for professional services, referrals, consultations, pathology services, radiology services, prescriptions, or other services or article supplied to patients. Division of professional fees, or acceptance of rebates from fees paid by patients to radiological, pathological, laboratory, shoe stores, or other establishments is inappropriate. (*See interpretive guideline.*)

BE2.2 Medically Unnecessary Procedures

BE2.21

The podiatrist shall perform services of a diagnostic or therapeutic nature that can reasonably be expected to benefit the patient. (*See interpretive guideline.*)

BE2.3 Economic Interest

BE2.31

The podiatrist shall not promote the sale of drugs, devices, appliances or goods to a patient, which are offered in such manner as to exploit the patient for the financial gain of the podiatric physician.

BE2.32

The podiatrist must shall not use his/her position to exert undo influence on patient treatment choices that are, or may be, physically, psychologically, or economically detrimental to the patient.

BE2.33

The podiatrist shall not base treatment decisions on managed care incentives/disincentives when such decisions are, or may be, detrimental or when they are not in the best interest of the patient.

BE2.4 Conflict of Interest

BE2.41

The podiatrist shall provide truthful disclosure of actual and potential conflicts of interest in the recommendation and/or prescription of services, materials, medications, and facilities that may be utilized in the care of a patient.

BE2.42

The podiatrist shall provide truthful disclosure of actual or potential conflicts of interest in communication with patients, potential patients, colleagues, and others. Such communication includes, but is not limited to, lectures, published material in peer review and other publications, and advertisements.

BE2.43

The podiatrist shall provide full public disclosure of financial relationships that constitute a conflict of interest, including any in which remuneration is expected to be awarded on an annual basis or any equity holding in a related company (excluding mutual funds and blind trusts).

BE3.0 Inter-Professional Referrals

The podiatrist has the obligation of seeking consultation when the health and welfare of a patient would be advanced by referral to a health care provider with special skills, knowledge, or experience.

BE3.1 Referrals to Other Podiatrists

BE3.11

The podiatrist shall refrain from inducing a patient of a fellow practitioner to become his/her patient either by belittling the ability of the fellow practitioner or by the promise of better service at a lower fee.

BE3.12

The podiatrist providing a second opinion is obligated to return the patient to the referring practitioner, unless that patient exercises free choice in selecting the use of the second opinion practitioner to provide further care, or unless otherwise prohibited.

BE4.0 Employees/Associates

The podiatrist reasonably delegates aspects of medical care to auxiliary health care personnel. The podiatrist shall ensure that such personnel are qualified and adequately supervised.

BE4.1 Duty of Supervision

BE4.11

The podiatrist has a duty to supervise his/her employees and confirm that they are performing in an ethical and appropriate manner. (*See interpretive guideline.*)

BE4.2 Delegation of Authority

BE4.21

The podiatrist delegating authority to an employee, associate, or to another physician for the care of his/her patient, shall ensure that the activity complies with professional standards and applicable laws.

BE4.3 Duty to Comply with Professional Standards

BE4.31

The podiatrist strives to practice podiatric medicine consistent with the standards of care established within his/her community.

BE5.0 Respect for Law

The podiatrist is obliged to comply with the letter of all applicable laws and regulations. (*See interpretive guideline.*)

BE5.1 Duty to Report Violation

BE5.11

The podiatrist is obliged to report known violations of conduct by providers to the appropriate authority.

BE5.2 Medical Records

BE5.21

The podiatrist is obliged to maintain documentation of patient encounters that is legible, complete, accurate, and patient specific. (*See interpretive guideline.*)

BE6.0 Staff Respect/Advocacy

The podiatrist has a duty to avoid interaction that would impair the physical and psychological health of those with whom he/she interacts on a professional basis.

BE6.1 Harassment

BE6.11

The podiatrist shall not engage in any deliberate act of emotional abuse, physical abuse, sexual misconduct, or sexual exploitation related to the podiatrist's position as an employer, partner, or associate. (*See interpretive guideline.*)

BE6.2 Nondiscrimination

BE6.21

The podiatrist shall not discriminate against any employee, partner, or associate because of race, religion, ethnicity, gender, sexual orientation, disability, socioeconomic status, or health status.

BE7.0 Managed Care/Insurance Issues

In the light of reimbursement issues, the podiatrist shall focus on patient care and patient advocacy.

BE7.1 Patient Advocacy

BE7 .11

The podiatrist has the obligation to advocate for the health of his/her patients in negotiating with managed care organizations and other third party payers.

BE7.2 Financial Incentives/Disincentives

BE7.21

The podiatrist shall not use insurance coverage/reimbursement levels as the substantive determination of the treatment plan.

BE7.22

The podiatrist shall not accept financial incentives to withhold care or referrals that are appropriate for the care of the patient.

ASSOCIATION ETHICS (AE)

AE1.0 Conflict of Interest

The podiatrist rendering volunteer or compensated services to the Pennsylvania Podiatric Medical Association or its divisions provides truthful disclosure of actual and potential conflicts of interest and recuses him/herself from discussion and action on all issues relevant to the actual or potential conflict. Failure to recuse oneself is considered a violation of the Code of Ethics. (*See interpretive guideline.*)

AE2.0 Confidentiality

The podiatrist rendering volunteer or compensated services to an organization(s) shall adhere to the rules of confidentiality of the organization(s).

AE3.0 Commercial Relationships

The podiatrist rendering volunteer or compensated services to the Pennsylvania Podiatric Medical Association its divisions is obliged to disclose all significant commercial relationships with other organizations, businesses, or entities that have a relationship with podiatric medicine.

INTERPRETIVE GUIDELINES

The following interpretive guidelines are provided to further elaborate upon the Code of Ethics.

ME1.11

A function of state licensing agencies is to establish standards of competency for members of the profession within their respective jurisdictions.

ME1.21

Practice guidelines suggest and recommend modalities for patient care as correlated to various diagnoses that may be encountered. They should not be construed to constitute unalterable treatment strategies. Recognized podiatric medical organizations may include, but are not limited to, specialty colleges and boards and other such agencies that formulate practice guidelines based upon well-grounded scientific and educational precepts. The guidelines recommended by such organizations are often useful but have no legally binding effect on members of the Association.

ME1.31

All treatment decisions, including surgery, should relate to the consideration of the physical, emotional, social, and occupational needs of the patient. All treatment regimens should include appropriate documentation of the indications for treatment. The performance of any unnecessary treatment is considered a serious ethical violation. Consultation and referrals should be sought when:

- 1.) the patient can benefit from the care of a provider with different training and/or experience, or
- 2.) when the patient requests a consultation or referral.

No compensation shall be claimed for the referral of patients for care and/or evaluation.

ME1.32

All follow-up care should be provided by a qualified podiatrist or other appropriate health care professional until the patient has fully recovered. If the podiatrist is unable to personally provide the follow-up care, then the podiatrist shall make arrangements with another qualified podiatrist or qualified health care professional to provide continuing care, with the approval of the patient.

ME2.0

The doctrine of informed consent is usually defined as a duty to warn a patient of

- 1.) possible complications expected;
- 2.) sequella of the treatment;
- 3.) unexpected risks of the proposed treatment;
- 4.) reasonable alternative to the treatment;
- 5.) risks and comparative benefits of the alternatives;
- 6.) in most cases, the effects of non-treatment; and,
- 7.) economic interests that have the potential to influence judgment.

ME3.0

A patient has the right to have all identifiable medical and health information treated in strict confidence. This right includes the right to control the dissemination of such information. A patient must be secure in the expectation that medical information disclosed to the podiatrist will remain confidential. Failure to respect the right of privacy may cause patients to withhold important information vital to their care. Unauthorized release of confidential material may result in embarrassment, stigma, discrimination, and possible legal liability.

Common types of disclosure pose a threat to medical data privacy:

- 1.) The inadvertent disclosure that may occur unthinkingly within the medical institutions such as leaving information displayed on a computer screen or conversations about confidential patient information.
- 2.) The routine release of information; Health information is often shared without the specific knowledge of the patient based on blanket consent. The patient may not know that the information is sensitive when they sign the consent. Consent should be obtained knowingly.

ME4.11

Podiatrists have a duty to do all in their power to avoid actions that would cause harm. Physical harm may be the result of poor professional judgment in the diagnosis and treatment of the patient's medical condition, including treatment beyond the scope of competency, and/or experimental procedures without the full consent of the patient. Financial harm may be the result of inappropriate and misleading advertising, unnecessary procedures, and/or inappropriate and/or fraudulent billing procedures. Emotional harm may result from harassment and/or the undertaking of a personal relationship with a patient.

ME4.31

Sexual harassment, whether verbal, physical, or arising out of the patient-care, education, or work environment, is illegal, as it violates Title VII of the Civil Rights Act of 1964 and many state laws. Sexual harassment is unwelcome sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature that occurs within the podiatrist's role as a health care provider, administrator, educator, researcher, consultant, or employer. Other harassment includes demeaning behavior directed towards others in the patient-care, education, or work environment.

Podiatrists at no time should abuse the authority figure they present as a means of fostering sexual relations with a patient, student, resident, or employee. A podiatrist may not employ sexual favors in bartering for professional services.

Sexual intimacy with patients, students, residents, or employees is inappropriate unless the personal relationship precedes the professional relationship.

ME6.11

Physical disability includes but is not limited to, deterioration through the aging process, or loss of motor skill that results in the inability to practice the profession with reasonable judgment, skill or safety.

Mental disability is any psychological condition or habitual or excessive use of alcohol, narcotics, stimulants, or other chemical agents or drugs that results in the inability to practice podiatric medicine with reasonable judgment, skill, or safety.

Addressing the problem of impairment includes several steps:

- 1.) The podiatrist recognizes the problem.
- 2.) The podiatrist seeks help within the profession.
- 3.) The podiatrist seeks active treatment of the impairment.
- 4.) The podiatrist seeks evaluation of his /her capacity to provide patient care.

ME7.12

The podiatrist shall subject all research projects involving human or animal subjects to the scrutiny of an independent body whose function is to review such projects for appropriateness and for protection of the human or animal subjects.

ME7.21

The podiatrist shall not intentionally mislead professional or lay audiences through scientific and scholarly papers, lectures, accounts, and communications, whether or not personal gain may accrue from such action.

BE1.22

Promotional gifts of nominal value may be offered.

BE1.31

In the event that an urgent condition presents at the time of a free examination, reasonable charges for the treatment may be allowed upon written consent from the patient for the services and related charges.

BE2.0

Fraud includes but is not limited to knowingly presenting (through actual knowledge, deliberate ignorance or reckless disregard) or causing to be presented a false or fraudulent claim.

Fraudulent acts include but are not limited to:

- 1.) Willfully making or filing false records or reports within the scope of practice.
- 2.) Gross, willful, and continued overcharging for professional services including filing false statements for collection of fees for those services, including, but not limited to, filing false statement for collection of monies for services not rendered or not provided as claimed.
- 3.) Routine waiver of deductibles and co-payments that may lead to artificial inflation of the reported charges.
- 4.) Billing for supplies, equipment, or services not reasonable and necessary.
- 5.) Repeat billing (double billing) for the same service that was not provided on repeat visits.
- 6.) Billing for non-covered services as covered services.
- 7.) Using an improper modifier to increase or allow inappropriate reimbursement.
- 8.) Billing for component parts of a procedure rather than the inclusive global procedure (i.e., a-la-carte).
- 9.) Billing at a higher more intensive level to increase reimbursement.

In addition, the following conditions and issues must be considered:

- 1.) Services billed must be medically necessary, not just clinically appropriate.
- 2.) The patient should sign a waiver before undergoing treatment for non-covered services.
- 3.) The podiatrist must be able to provide documentation to support appropriateness of care.
- 4.) Remunerations (e.g., kickbacks, inducements and self-referrals) for referrals are inappropriate and illegal. Such remunerations include knowingly and willfully giving or receiving anything of value to induce referrals.

BE2.11

Fee splitting is defined as sharing of fees for the purpose of referrals where one entity provides no service for its portion of the fee. Such sharing of fees is considered unethical and potentially illegal.

BE2.21

Documentation must be complete and legible, encounter specific, and should state the reason for the encounter. If not specifically documented, the rationale should be readily inferred. Documentation also should identify any health risk, patient progress, and revisions to the treatment plan.

E and M guidelines should be followed.

The podiatrist should be aware of the following risk areas:

- 1.) All financial arrangements with entities that may involve referrals.
- 2.) Joint ventures with entities supplying goods or services to providers or patients.
- 3.) Consulting contracts or medical directorships.
- 4.) Office or equipment leases with entities that could involve referrals.
- 5.) Soliciting, accepting, or offering any gift or gratuity of more than nominal value to or from an entity or person who may benefit from any referral in a federal program.

BE4.11

The podiatrist shall provide appropriate supervision of the activities of employees in the course of their podiatry-related activities to ensure the safety of the patient, other employees, and visitors to the clinical facility in which podiatric services are rendered.

The podiatrist shall provide appropriate supervision of the activities of employees in the course of their podiatry-related activities to ensure the accuracy of documentation, claims, and other communications made by the employee.

The podiatrist shall provide appropriate supervision of employees and others contracted by the podiatrist, who in the course of their employment or by reason of their contract, have, or reasonably may have, contact with the patients, other employees, or visitors to the clinical facility in which podiatric services are rendered.

BE5.0

Failure to be informed of applicable laws and regulations may constitute deliberate ignorance or reckless disregard and, therefore, is an ethical violation.

BE5.21

The podiatrist has a duty to maintain complete and legible medical records to ensure future continuity of care by other professionals, to ensure accountability, to meet the requirements of the health care system, and to meet legal requirements.

BE6.11

Sexual intimacy with any employee, associate, or business partner is inappropriate unless the personal relationship precedes the business relationship.

AE1.0

Association decisions and actions must not be based on personal interests or relationships. Relationships, including any ownership interests with suppliers, contractors, or any groups with competing interests with the Pennsylvania Podiatric Medical Association must not influence the independent and sound judgment of an individual who serves the PPMA or its component associations. Any situation that is or may be a conflict of interest must be avoided. To avoid a conflict of interest one must disclose any relationship(s) that others might misinterpret. An individual who is in a position to actually or potentially influence decisions has a duty of full disclosure. If in doubt about a relationship, it should be disclosed. A conflict of interest may arise through a family relationship. When an immediate family member has a relationship or ownership interest with an entity that may conflict with the PPMA, it must be disclosed. Immediate family includes spouses, significant others, children, siblings, and anyone living with the individual.

Conflicts of interest may be present when one or more of the following situations exist:

- 1.) A podiatrist with an economic interest in an organization that is the subject of consideration.
- 2.) A podiatrist with a position of leadership (i.e., a director, trustee, or officer) in an organization, or an employee of an organization that is the subject of consideration.
- 3.) A podiatrist with a family member who is an owner, director, trustee, or employee of an organization that is the subject of consideration.
- 4.) A podiatrist having a business or personal relationship with an individual who is the subject of consideration.
- 5.) A podiatrist having an existing or prior relationship with an individual(s) or organization(s), which precludes the rendering of an impartial consideration.
- 6.) A podiatrist having information that was obtained under an agreement or assumption of confidentiality in an activity or relationship external to the consideration, but regarding or bearing on the subject of the consideration.
- 7.) A podiatrist serving on a board of directors of an organization with a competing or conflicting interest to the PPMA.
- 8.) Gifts, favors, travel, and entertainment may rise to a level of a conflict of interest. Gifts of nominal value, given in the normal course of business are acceptable. Gifts received on a regular or continual basis, gifts of more than nominal value (\$100), or gifts of money or cash equivalents are indications of a potential conflict and must be disclosed.

Even if a conflict does not exist in fact, the appearance of a conflict to others can be damaging to the reputation of the association. Whether or not an interest is conflicting will depend on the particular circumstances of the conflict, including the nature and relative importance of the interest.