

# **American College of Veterinary Ophthalmologists Code of Ethics**

(Updated by the Board of Regents, April 2010 [original: November 4, 2009])

## **Preamble**

The Code of Ethics of the American College of Veterinary Ophthalmologists (ACVO) applies to the American College of Veterinary Ophthalmologists and its members, residents in training, and former residents making application for membership, and is enforceable by the American College of Veterinary Ophthalmologists.

### **A. Principles Of Ethics**

The Principles of Ethics form the first part of this Code of Ethics. They are aspirational and inspirational model standards of exemplary professional conduct for all ACVO members and residents in training. They serve as goals for which ACVO members and residents in training should constantly strive. The Principles of Ethics are not enforceable.

1. **Ethics in Ophthalmology.**  
Ethics address conduct and relate to what behavior is appropriate or inappropriate, as reasonably determined by the entity setting the ethical standards. An issue of ethics in ophthalmology is resolved by the determination that the best interests of patients and their owners are served.
2. **Providing Ophthalmic Services.**  
Ophthalmic services must be provided with compassion, respect for animal welfare, and with honesty and integrity.
3. **Competence of the Ophthalmologist.**  
An ophthalmologist must maintain competence. Competence can never be totally comprehensive, and therefore must be supplemented by other colleagues when indicated. Competence involves technical ability, cognitive knowledge, and ethical concerns for the patient. Competence includes having adequate and proper knowledge to make a professionally appropriate and acceptable decision regarding the patient's management.
4. **Communication with the Client.**  
Open communication with the owner of the animal is essential.
5. **Corrective Action.**  
If an ACVO member has a reasonable basis for believing that another person has deviated from professionally accepted standards in a manner that adversely affects patient care or from the Rules of Ethics, the ACVO member should attempt to prevent the continuation of this conduct. This is best accomplished by direct communication with the other person. When that action is ineffective or is not feasible, the ACVO member has a responsibility to refer the matter to the appropriate authorities and to cooperate with those authorities in their professional and legal efforts to prevent the continuation of the conduct.
6. **An ACVO member's Responsibility.**  
It is the responsibility of an ACVO member to act in the best interest of the patient and their owner.
7. **Professional Integrity in Research.**

It is the responsibility of the ACVO member ophthalmologist to maintain integrity in clinical and basic research. Professional relations with industry regarding research should advance the best interests of patients and the profession.

## **B. Rules of Ethics**

The Rules of Ethics form the second part of this Code of Ethics. These are mandatory and are standards of minimally acceptable professional conduct for all ACVO members and residents in training. The Rules of Ethics are enforceable by the ACVO.

1. **Competence.** An ACVO member and/or resident in training is a veterinarian who is educated and trained to provide medical and surgical care of the eyes and related structures. An ACVO member and/or resident in training shall perform only those procedures in which they are competent by virtue of specific training or experience or are assisted by one who is. An ACVO member and/or resident in training shall not misrepresent credentials, training, experience, ability, or results (historical or anticipated).
2. **Informed Consent.** The performance of medical or surgical procedures shall be preceded by written informed consent.
3. **Clinical Trials and Investigative Procedures.** Use of clinical trials or investigative procedures shall be approved by adequate review mechanisms. Clinical trials and investigative procedures are those conducted to develop adequate information on which to base prognostic or therapeutic decisions or to determine etiology or pathogenesis, in circumstances in which insufficient information exists. Written informed consent for these procedures must recognize their special nature and ramifications.
4. **Other Opinions.** The owner's request for additional opinion(s) shall be respected. Consultation(s) shall be obtained if required by the condition.
5. **The Impaired Ophthalmologist.** A physically, mentally, or emotionally impaired ACVO member and/or resident in training shall withdraw from those aspects of practice affected by the impairment. If an impaired ACVO member and/or resident in training fails to withdraw in such circumstances, other ACVO members who know of the impairment shall take action to attempt to assure correction of the situation. This may involve a wide range of remedial actions, including reporting such failure to withdraw to appropriate authorities.
6. **Pretreatment Assessment.** Treatment shall be recommended only after a careful consideration of the patient's physical needs and in consideration of the owner's objectives and expectations. The ACVO member and/or resident in training must evaluate the patient and assure that the evaluation accurately documents the ophthalmic findings and the indications for treatment. Recommendation of unnecessary treatment or withholding of necessary treatment is unethical and violates this provision.
7. **Medical and Surgical Procedures.** An ACVO member and/or resident in training shall not misrepresent the service that is performed or the charges made for that service.
8. **Procedures and Materials.** An ACVO member and/or resident in training shall order only those laboratory and diagnostic procedures or pharmacological agents that are in the best interest of the patient. Ordering unnecessary procedures or

- materials or withholding necessary procedures or materials is unethical and violates this provision.
9. **Commercial Relationships.** An ACVO member and/or resident in training shall not permit the member/resident's clinical judgment and practice to be affected by economic interest in, commitment to, or benefit from professionally related commercial enterprises.
  10. **Communications to Colleagues.** Communications to colleagues shall be accurate and truthful.
  11. **Communications to the Public.** Communications to the public shall be accurate and truthful. They shall not convey false, untrue, deceptive, or misleading information through statements, testimonials, photographs, graphics, or other means. They shall not omit material information without which the communications would be deceptive. Communications shall not appeal to an individual's anxiety in an excessive or unfair way; and they shall not create unjustified expectations of results. If communications refer to benefits or other attributes of ophthalmic procedures that involve significant risks, then realistic assessments of their safety and efficacy shall also be included, as well as the availability of alternatives and, where necessary to avoid deception, descriptions and/or assessments of the benefits or other attributes of those alternatives. Communications shall not misrepresent an ACVO member's or resident in training's credentials, training, experience, or ability, and shall not contain material claims of superiority that cannot be substantiated.
  12. **Interrelations Between ACVO members and/or residents in training.** Interrelations between ACVO members and/or residents in training shall be conducted in a manner that advances the best interests of the patient and client, including the sharing of relevant information.
  13. **Conflict of Interest.** A conflict of interest exists when professional judgment concerning the well being of the patient has a reasonable chance of being influenced by other interests of the provider. An ACVO member and/or resident in training shall disclose such a conflict of interest to patients, the public, and colleagues.

### **C. Administrative Procedures**

The Administrative Procedures form the third part of this Code of Ethics. They provide for the structure and operation of the Professional Practice, Disciplinary and Appeals (PPDA) Committee ("Ethics Committee"). They detail procedures followed by the Committee and by the Board of Regents of the ACVO in handling inquiries or challenges raised under the Rules of Ethics. All members of the ACVO and residents in training are required to comply with these Administrative Procedures. Failure to cooperate with the PPDA Committee or the Board of Regents in a proceeding on a challenge may be considered by the PPDA Committee and by the Board of Regents as a failure to observe these Rules of Ethics, giving rise to the procedures and sanctions described in this section.

1. *Professional Practice, Disciplinary and Appeals Committee ("Ethics Committee").*
  - (a) The Committee.

- (1) The ACVO President with approval of the Board of Regents appoints three (3) ACVO Diplomates who are voting members of the ACVO to serve three (3) year, staggered terms as members of the PPDA Committee. The ACVO Public Regent serves as the fourth member of the PPDA Committee. The

fifth PPDA Committee member will be the outgoing Past-president of the ACVO who will serve a one year term and will not be eligible for chairmanship of the PPDA Committee. The ACVO President makes his/her appointments to the PPDA Committee from among respected ophthalmologists who will, to the extent practicable, assure that the PPDA Committee's composition is balanced as to relative age, diversity, and experience, and as to the emphasis of the appointees upon practice, education, research, or other endeavors within ophthalmology.

(2) The ACVO President, with input from the Board of Regents, may terminate membership on the PPDA Committee at any time and for any reason. Vacancies on the PPDA Committee are filled by the ACVO President with input from the Board of Regents. PPDA Committee members are reimbursed for expenses.

(3) The PPDA Committee is responsible for:

(i) responding to each inquiry regarding ethics and, if appropriate, making a recommendation to the Board of Regents regarding action, such as the development of an advisory opinion interpreting the Rules of Ethics in this Code;

(ii) investigating each challenge regarding ethics and recommending whether the Board of Regents should make a determination that an ACVO member or resident in training has failed to observe the Rules of Ethics in this Code, and recommending an appropriate sanction;

(iii) serving as a resource for the ACVO, its members, and its Board of Regents regarding professional ethics and ethical issues; and

(iv) assessing the Principles of Ethics, Rules of Ethics, and Administrative Procedures in this Code periodically and recommending any amendments to the Board of Regents.

(b) The Chair of the Committee. Upon nomination by the President of the ACVO, the Board of Regents appoints one (1) member of the PPDA Committee as the Committee's Chair to serve, at the will of the Board of Regents, as the principal administrative officer responsible for management of the promulgation, interpretation, and enforcement of this Code of Ethics. The Board of Regents appoints as the Chair a distinguished ophthalmologist who possesses recognized integrity and broad experience. The Chair of the Committee is responsible directly and exclusively to the Board of Regents. The Chair presides at, and participates in, all meetings and hearings of the PPDA Committee. The Chair is responsible for ensuring that these Administrative Procedures are followed. The Chair maintains liaison with entities, both public and private, which are interested or involved in medical ethics, particularly as they relate to veterinary ophthalmology.

(c) Meetings of the Committee. Meetings of the PPDA Committee are called upon by written notice to Committee members, which notice includes a copy of the agenda for the meeting. A quorum consists of a majority of all the appointed Committee members. Voting is by majority of those present at a meeting (or by a majority of those submitting votes in a mail or e-mail vote). Mail (e-mail) voting without a meeting is permitted where all Committee members submit mail votes or abstentions. A member of the Committee must decline to participate in the consideration of, or the decision in, any matter before the Committee in which the member has a personal interest.

(d) Indemnification and Insurance. All PPDA Committee members, staff, and other individuals engaged in investigations at the written request of the Chair, are indemnified and defended by the ACVO against liability arising from PPDA Committee-related activities to the extent provided by the Bylaws of the ACVO for the Board of Regents, Officers, ACVO committee members, employees, and agents. The Board of Regents maintains indemnification insurance against such liability.

2. *Inquiries and Challenges.* An inquiry or challenge shall be submitted to the ACVO Executive Director who will transmit it to the PPDA chair.

(a) Preliminary Review. The PPDA Committee Chair shall preliminarily review each submission involving this Code of Ethics to consider whether it may be an inquiry (e.g., a request for issuance by the Board of Regents of an advisory opinion interpreting the Rules of Ethics in this Code) or a challenge (i.e., a request for a finding by the Board of Regents that an ACVO member or resident in training has failed to observe the Rules of Ethics in this Code). A submission involving this Code of Ethics, whether or not it is designated or phrased as an inquiry or challenge, may be construed by the PPDA Committee or its Chair as either an inquiry or a challenge in the light of information in the submission. Inquiries may be considered without regard to their means or form of submission. Challenges are not considered unless they are submitted in writing and signed by their submitters. Inquiries or challenges may be submitted by members of the public, ACVO members, other veterinarians, allied health professionals, or organizations representing any of these.

(b) Preliminary Disposition. Upon preliminary review of a submission involving this Code of Ethics, the Chair may conclude, in the Chair's sole discretion, that the submission (i) contains insufficient information on which to base an investigation or (ii) is patently frivolous or inconsequential. For example, the Chair may conclude that a submission does not present an issue of interpretation of the Rules of Ethics in this Code adequate to constitute a valid and actionable inquiry and to justify bringing the submission before the Committee for investigation and recommendation to the Board of Regents on issuance of an advisory opinion. Similarly, the Chair may conclude that a submission does not present an issue of the failure of an ACVO member or resident in training to observe the Rules of Ethics in this Code adequate to constitute a valid and actionable challenge and to justify bringing the submission before the PPDA Committee for investigation and recommendation to the Board of Regents on a determination of failure to observe the Rules of Ethics. If the Chair so concludes, the submission is disposed of by notice from the Chair to its submitter, if the submitter is identified. Each such preliminary disposition by the Chair of a submission involving this Code of Ethics shall be reported to the PPDA Committee, ACVO President, and Board of Regents.

(c) Investigation.

(1) For each submission involving this Code of Ethics that the Chair concludes is a valid and actionable inquiry or challenge, the PPDA Committee shall conduct an investigation into its specific facts or circumstances to whatever

extent is necessary in order to clarify, expand, or corroborate the information provided by the submitter. The Chair shall supervise each investigation and may conduct an investigation personally. The Chair may be assisted in the conducting of an investigation by other PPDA Committee members.

(2) An ACVO member or resident in training who is the subject of a valid and actionable challenge shall be informed in writing at the beginning of the PPDA Committee's investigation as to:

- (i) a copy of the written challenge,
- (ii) the obligation to cooperate fully in the PPDA Committee's investigation of the challenge,
- (iii) the opportunity to request a hearing on the challenge before the PPDA Committee,
- (iv) the opportunity to be represented by counsel.

(3) Investigations involving challenges shall be conducted in confidence, with all written communications sealed and marked "Personal and Confidential," and shall be conducted objectively, without any indication of prejudgment. An investigation may be directed toward any aspect of an inquiry or challenge which is relevant or potentially relevant. The investigation may include one or more site visits and informal interviews with the ACVO member or resident in training who is the subject of the challenge.

### 3. *Proceedings on Inquiries.*

- (a) Hearing on an Inquiry. In the course of an investigation involving an inquiry, the PPDA Committee may conduct a public administrative hearing to receive the views of those who are interested in, or may be affected by, issuance by the Board of Regents of an advisory opinion interpreting the Rules of Ethics in this Code. Thirty (30) days' written notice of the hearing is given to any ACVO member and to others who, in the opinion of the PPDA Committee, may be interested in, or affected by, issuance of an advisory opinion. The notice may include a tentative proposed advisory opinion. The participation of three (3) or more PPDA Committee members is required in order to conduct this hearing. The Chair of the PPDA Committee serves as the Hearing Officer to preside at the hearing and assure that these Administrative Procedures are followed. The Hearing Officer may issue an appropriate procedural or evidentiary ruling in the course of the hearing and may be assisted by legal counsel. The Hearing Officer presents at the hearing the issues raised by the inquiry, the results of the investigation as of the time of the hearing, and any tentative proposed Committee recommendation to the Board of Regents for an advisory opinion. Information is offered through witnesses who may be assisted by legal counsel and are subject to questioning by the PPDA Committee. Any information may be considered which is relevant or potentially relevant. A transcript or audio recording of the hearing shall be made. The official record of the hearing becomes part of the investigation of the inquiry. The ACVO reserves the right to make limited or public disclosure of the outcome and/or report to licensing entities.
- (b) Recommendation on an Inquiry. Upon completion of an investigation involving an inquiry, the PPDA Committee may develop an advisory opinion which is submitted to the Board of Regents for approval.

(c) Advisory Opinion. The Board of Regents may issue an advisory opinion interpreting the Rules of Ethics in this Code: (i) upon the recommendation of the PPDA Committee arising from an inquiry and following an investigation; or (ii) upon the recommendation of the PPDA Committee arising from its own initiative. A representative of the PPDA Committee shall present to the Board of Regents, for its review, the recommendations of the PPDA Committee and its record of the investigation. Once issued by the Board of Regents, the advisory opinion is promulgated by publication to the membership of the ACVO. Advisory opinions are compiled by the PPDA Committee; and the compilation is periodically made available to the Members of the ACVO.

#### 4. *Proceedings on Challenges.*

##### (a) Hearing on a Challenge.

(1) In the course of an investigation involving a challenge, the PPDA Committee shall conduct a private hearing if one is requested by the ACVO member or resident in training who is the subject of the challenge or at the PPDA Committee's own initiative.

(2) The ACVO member or resident in training who is the subject of the challenge shall be given at least thirty (30) days notice of his right to request a hearing. If a hearing is requested, forty five (45) days written notice of the date, time and location of the hearing shall be given to the ACVO Member or resident in training. The subject of the challenge shall have the right to discover the documents and related information that the investigation has disclosed within 15 days of notice of the hearing date.

(3) The participation of three (3) or more PPDA Committee members is required in order to conduct this hearing. The investigator and any PPDA Committee member who assisted substantially in the investigation of the challenge shall not participate in the hearing as a PPDA Committee member. In addition, any PPDA Committee member whose professional activities are conducted at a location in the approximate area of that of the ACVO member or resident in training who is the subject of the challenge shall not participate in the hearing as a PPDA Committee member.

(4) The Chair of the PPDA Committee may be one (1) of the three (3) or more Committee members conducting the hearing unless the Chair is disqualified by reason of circumstances described in subparagraph (a)(3) above. Those PPDA Committee members participating in the hearing shall elect from their number a Hearing Officer to preside at the hearing and assure that these Administrative Procedures are followed.

(5) The Hearing Officer may issue any appropriate procedural or evidentiary rulings in the course of the hearing and may be assisted by legal counsel. The Hearing Officer shall summarize for the PPDA Committee the results of the investigation as of the date of the hearing that are believed to support a finding that the ACVO member or resident in training has failed to observe the Rules of Ethics, and may make such other introductory factual remarks as the Hearing Officer deems appropriate.

(6) A person designated by the PPDA Committee shall present the facts establishing that the ACVO member has failed to observe the Rules of

Ethics, including documentary evidence and the testimony of witnesses. Those witnesses shall be available in person or by telephone for questioning by the members of the PPDA Committee and by the ACVO member or resident in training.

(7) The ACVO member or resident in training subject to the challenge may be assisted at the hearing, at their sole cost and expense, by legal counsel or other representative selected by the ACVO member or resident in training. The ACVO member or resident in training may present documentary evidence and the testimony of witnesses in the ACVO member's defense. Any information may be considered which is relevant or potentially relevant. The ACVO member or resident in training may submit a written statement at the close of the hearing.

(8) A transcript or audio recording of the hearing shall be made. The hearing is closed to all except the PPDA Committee, the Chair, the member or resident in training who is the subject of the challenge, their respective witnesses (when testifying and at other times as determined by the Hearing Officer), legal counsel for either side or, in the case of the ACVO member, other representative, staff, and official reporter. The official record of the hearing shall become a part of the record of the investigation of the challenge.

(b) Recommendations on a Challenge. Upon completion of an investigation involving a challenge, the PPDA Committee shall determine whether it will recommend to the Board of Regents whether the ACVO member or resident in training has failed to observe the Rules of Ethics in this Code.

(1) When the PPDA Committee recommends a determination by the Board of Regents of non-observance of the Rules of Ethics of this Code, the PPDA Committee also shall recommend imposition by the Board of Regents of an appropriate sanction. A copy of all recommendations and a statement of the basis for all recommendations shall be provided in writing to the ACVO member or resident in training within sixty (60) days from the conclusion of any hearing. Such written recommendations shall be sent to the Board of Regents at the same time as transmitted to the ACVO member or resident in training.

(2) When the PPDA Committee recommends a determination by the Board of Regents of non-observance of the Rules of Ethics of this Code, this determination shall be presented by a representative of the PPDA Committee to the Board of Regents along with the record of the PPDA Committee's investigation.

(3) If the PPDA Committee recommends against a determination of non-observance of the Rules of Ethics of this Code, the challenge shall be dismissed, with written notice to the member or resident in training who is the subject of the challenge and to the submitter of the challenge, and a summary report shall be made to the Board of Regents. In the sole discretion of the PPDA Committee and with the written consent of the ACVO member or resident in training who was the subject of the challenge, the PPDA Committee may recommend to the Board of Regents that the fact of the dismissal of the challenge (and, in appropriate cases, the reasons for the dismissal) be publicized. The Board of Regents may, in its sole discretion, determine the nature, extent and manner of such publicity.

(4) **Alternative Disposition.** Before the PPDA Committee makes any recommendation to the Board of Regents as to a determination that an ACVO member or a resident in training has failed to observe the Rules of Ethics in this Code, the PPDA Committee may extend to the ACVO member or resident in training an opportunity to submit a written proposed alternative disposition of the matter in whole or in part upon terms and conditions suggested by the PPDA Committee. Such submission by the ACVO member or resident in training shall in all cases include a written assurance by the ACVO member or resident in training that the possible non-observance has been terminated and will not recur. The decision of the PPDA Committee on whether to extend such an opportunity is entirely within the PPDA Committee's discretion, based upon its investigation of the challenge and upon its assessment of the nature and severity of the possible non-observance. If an opportunity to submit a proposed alternative disposition is extended by the PPDA Committee, an alternative disposition will be considered only if the ACVO member or resident in training submits to the PPDA Committee the proposed written alternative disposition within thirty (30) days of the date of the PPDA Committee's notice to the ACVO member or resident in training that it is extending such an opportunity. If the ACVO member or resident in training timely submits a proposed alternative disposition that is accepted by both the Board of Regents and PPDA Committee, the matter shall be resolved on the basis of the alternative disposition, and written notice shall be given to the submitter of the challenge, only if the submitter agrees in advance and in writing to maintain the information in confidence.

(c) Determination of Non-Observance of the Rules of Ethics of this Code. The Board of Regents shall make within ninety (90) days from receiving the PPDA Committee's recommendations, the determination whether an ACVO member or resident in training has failed to observe the Rules of Ethics in this Code, and the Board of Regents shall impose an appropriate sanction. In making this determination, the Board of Regents shall review the recommendation of the PPDA Committee based upon the record of the investigation. The Board of Regents may accept, reject, or modify the PPDA Committee's recommendation, either with respect to the determination of non-observance or with respect to the sanction. If the Board of Regents makes a determination of non-observance, this determination and the imposition of a sanction shall be promulgated by written notice to the affected ACVO member or resident in training and to the submitter of the challenge, if the submitter agrees in advance and in writing to maintain in confidence whatever portion of the information is not made public by the Board of Regents. Additional publication occurs only to the extent provided in the sanctions themselves. If the Board of Regents does not make a determination of non-observance, or if the Board of Regents fails to provide a written notice of non-observance within ninety (90) days from receiving the PPDA Committee's recommendations, the challenge shall be dismissed, with notice to the affected ACVO member or resident in training and to the submitter of the challenge.

(d) Sanctions Imposed Against an ACVO member. Any of the following sanctions may be imposed by the Board of Regents upon an ACVO member who, the Board of Regents has determined, has failed to observe the Rules of Ethics in this Code.

The sanction applied must reasonably relate to the nature and severity of the non-observance, focusing upon reformation of the conduct of the ACVO member or resident in training and deterrence of similar conduct by others:

- (1) Reprimand to the ACVO member, with publication of the determination and with or without publication (at the discretion of the Board of Regents) of the ACVO member's name;
- (2) Suspension of the ACVO member from the College for a designated period, with publication of the determination and with or without publication (at the discretion of the Board of Regents) of the ACVO member's name. ACVO members who are suspended are deprived of all benefits and incidents of membership during the period of suspension; or
- (3) Termination of ACVO membership Status, with publication of the determination and of the ACVO member's name. ACVO members whose membership has been terminated may not reapply for membership in any class.
- (4) In addition to and not in limitation of the foregoing, in any case in which the Board of Regents determines that an ACVO member has failed to observe the Rules of Ethics, the Board of Regents may impose the further sanction that the ACVO member shall not be entitled to sponsor, present, or participate in a lecture, poster, film, instruction course, panel, or exhibit booth at any meeting or program of or sponsored by the ACVO:
  - (A) for a period of up to five (5) calendar years from and after the effective date a sanction described in clauses (1) or (2) of this paragraph is imposed for the first time upon the ACVO member; or
  - (B) at any time from and after the effective date a sanction described in clauses (1) or (2) of this paragraph is imposed for a second time upon the ACVO member; or
  - (C) at any time from and after the effective date a sanction described in clause (3) of this paragraph is imposed upon the ACVO member.
- (5) If the ACVO member is suspended or terminated with publication of the ACVO member's name, and the appeal (if any) sustains the determination on which the sanction is based, the Board of Regents may authorize the PPDA Committee to communicate the determination and transfer a summary or the entire record of the proceeding on the challenge to an entity engaged in the administration of law or a governmental program for the regulation of the conduct of veterinarians, provided, however, that the entity is a federal or state administrative department or agency, law enforcement agency, veterinarian licensing authority, medical quality review board, professional peer review committee, or similar entity. The Chair of the PPDA Committee may appear if requested as a witness in a proceeding that relates to the subject matter of the challenge.

- (e) Sanctions Imposed on Residents in Training. Any of the following sanctions may be imposed by the Board of Regents upon an ACVO resident in training who, the Board of Regents has determined, has failed to observe the Rules of Ethics in this Code. The sanction applied must reasonably relate to the nature and severity of the non-observance, focusing upon reformation of the conduct of the resident in training and deterrence of similar conduct by others:

- (1) Reprimand to the resident in training, with publication of the determination and with or without publication (at the discretion of the Board of Regents) of the resident in training's name.
  - (2) Suspension of the resident in training from the residency for a designated period, with publication of the determination and with or without publication (at the discretion of the Board of Regents) of the resident in training's name. A resident in training shall not be permitted to take the certification examination of the ACVO during the period of suspension; or
  - (3) Termination of the resident in training from the residency, with or without publication (at the discretion of the Board of Regents) of the resident in training's name. A resident in training who has been terminated from the residency shall not be permitted to take the certification examination of the ACVO.
- (f) Confidentiality. Except in the instance of communication of the determination and transferal of the record as provided for in subparagraph (d)(5), or in the instance of request of the record by the ACVO member or resident in training who was the subject of the challenge, the entire record, including the record of any appeal, shall be sealed by the PPDA Committee and the Board of Regents, and no part of it shall be communicated to any third parties by the members of the Board of Regents, the members of any appellate body, the members of the PPDA Committee, the staff or any others who assisted in the proceeding on the challenge.
- (g) Appeal.
- (1) An ACVO member or resident in training must file a written notice of appeal with the President of the Board of Regents within thirty (30) days of the date of the written notice transmitted by the Board of Regents that the affected ACVO member or resident in training has failed to observe the Rules of Ethics in this Code and of imposition of a sanction.
  - (2) Upon notice of appeal, the Board of Regents shall establish an appellate body consisting of at least three (3), but not more than five (5), Diplomates who are voting members of the ACVO and who did not participate in the PPDA Committee's investigation or in the Board of Regents' determination. The appellate body shall conduct a review and render its judgment on the appeal within ninety (90) days after receipt of the notice of appeal.
  - (3) The purpose of the appeal is to provide an objective review of the original challenge, the investigation and recommendation of the PPDA Committee, the determination of the PPDA Committee, and the determination of the Board of Regents, but not, however, the sanction imposed.
  - (4) The appeal is limited to a review of the PPDA Committee and the Board of Regents' application of the Rules of Ethics in this Code to the facts established in the investigation of the challenge and to a review of the procedures followed to ascertain whether they were consistent with those detailed in these Administrative Procedures. An appeal may not take into consideration any matters not included as part of the record of the PPDA Committee's investigation and the Board of Regents' determination. The appeal consists of a review by the appellate body of the entire record of the proceeding on the challenge and written appellate submission of the Board of Regents and of ACVO member or resident in training who was the subject of

the challenge. Written appellate submissions and any reply submissions may be made by authorized representatives of the ACVO member and of the Board of Regents. Submissions are made according to whatever schedule is established by the appellate body.

- (5) The decision of the appellate body, including a statement of the reasons for the decision, is reported to the Board of Regents and the ACVO member or resident in training. The decision is binding upon the Board of Regents, the ACVO member or resident in training who is subject of the challenge, the PPDA Committee and all other persons.

(g) Resignation. If an ACVO member who is the subject of a challenge resigns from the College at any time during the pendency of the proceeding of the challenge, the challenge shall be dismissed without any further action by the PPDA Committee, the Board of Regents or an appellate body established after an appeal; the entire record shall be sealed; and the ACVO member in question may not reapply for membership in any class. The Board of Regents may authorize the PPDA Committee to communicate the fact and date of resignation, the name and address of the ACVO member who resigned and the fact that a challenge pursuant to the Code of Ethics was pending at the time of the resignation. Such communications shall not reveal the nature of the challenge. In addition, the Board of Regents may authorize the PPDA Committee to communicate the fact and date of resignation, and the fact and general nature of the challenge on which a proceeding was pending at the time of the resignation, to, and at the request of, an entity engaged in the administration of law or the regulation of the conduct of veterinarians, in a proceeding that relates to the subject matter of the challenge, provided; however, that entity is a law enforcement agency, veterinarian licensing authority, medical quality review board, professional peer review committee or similar entity.