

ASPS Code of Ethics
Frequently Asked Questions
Revised 6/8/22

QUESTION

Will the Ethics Committee pre-approve my advertisement to make sure it is in compliance with the Code of Ethics?

ANSWER

The Ethics Committee does not pre-approve any promotional materials. Members are encouraged to review the Code as it pertains to public and private communications (**Section 2, Article I (G)**), advertising (**Section 2, Article II**) and the Glossary (**Section 2, Article VII**) which defines the various methods of communications, when developing their marketing materials.

QUESTION

Can I advertise pricing for services?

ANSWER

The Society's Code of Ethics does not prohibit members from advertising their prices.

QUESTION

What is the Society's stance on Botox parties where alcoholic beverages are served?

ANSWER

Members should be mindful of the Code, particularly **Section 1, Article VI** and **Section 2, Article III (C)(2)** when deciding whether to conduct events where alcoholic beverages are served. Individuals receiving services that expose the individual to possible complications need to give informed consent and this requires the individual be free to make an informed decision that is free from external influence.

QUESTION

How does the Solicitation section apply when trying to get more patients?

ANSWER

Section 2, Article III and **Section 2, Article VII (G)** of the Code prohibit direct solicitation to specific individuals.

QUESTION

I have been invited to offer my services pro bono to correct a "botched" job in exchange for promotional consideration. Would that be a violation of the Society's Code of Ethics?

ANSWER

Providing charitable care after evaluating the patient and developing a plan for pro bono care does not necessarily violate the Society's Code of Ethics (the "Code"). Members are encouraged to be mindful that the promotional material and communications being produced are likely for entertainment and the media creators may have the final say on editing. Consequently, the produced content may not comply with the Code and Members may be held responsible for those violations of the Code. For example, the producers may want the Member to criticize the previous result and the patient's previous plastic surgeon.

Members contemplating participating in this type of activity are advised to read the Code and have their lawyer review the contract. The Ethics Committee cannot say what the Member does or doesn't do will or will not violate the Code. Members should let their conscience guide them. Specific sections that may be pertinent include

- Section 1, Article VI, which states that Members should provide services under the terms and conditions which permit the free and complete exercise of sound medical judgment and skill.
- Section 1, Article XI, which requires that in their public and private communications with or concerning patients and colleagues made in a professional capacity or environment, Members shall strive to use accurate and respectful language and images.
- Section 2, Article I(F)(2) which provides that each Member may be subject to disciplinary action, including expulsion, if the Member is involved in improper financial dealings including, but not limited to payment and/or acceptance of rebates or referral fees to or from any person, including agents and employees of the member, in exchange for the referral of patients. Nothing in this Principle shall be construed to prohibit a Member from participating in a referral service, in which the member's paid participation is disclosed, where permitted by state law.
- Section 2, Article I(G)(7), which provides that each Member may be subject to disciplinary action, including expulsion, if the Member uses, participates in or promotes the use of any form of public communication (as defined in Glossary to the Code) or private communication (as defined in the Glossary to the Code) containing a false, fraudulent, deceptive, or misleading statement or claim, including a statement or claim which contains a testimonial or endorsement pertaining to the quality of the member's medical care or the member's qualifications if the endorser has been compensated by the Member or a third party retained by the Member for making such testimonial or endorsement.
- Section 2, Article I(J), which provides that each Member may be subject to disciplinary action, including expulsion, if the Member participates in a charity raffle, fund raising event, contest or other promotion in which the prize is any procedure, or an integral component of a procedure (e.g. breast implants), as defined in the Glossary to the Code.
- Section 2, Article II(B), which provides that a Member shall not compensate or give anything of value directly or indirectly to a representative of the press, radio, television, or other public communication media in anticipation of or return for recommending the member's services. A Member shall approve all advertisements before dissemination or transmission, and shall retain a copy or record of all such advertisements in their entirety for one year after its dissemination. A Member shall be held personally responsible for any violation of the Code of Ethics incurred by a public relations, advertising or similar firm which he or she retains, or any entity that advertises on the member's behalf.

QUESTION

How do I file a complaint?

ANSWER

The Ethics Committee may investigate only Active and Life Active members. Please refer to the [Instructions for Filing an Ethics Complaint](#) page for specific requirements. All complaints regarding possible ethical misconduct must be submitted to the Ethics Committee via the [online ethics complaints form](#), must cite the aspect of the Code that the member allegedly violated, and must include supporting evidence of the alleged violation.

Please note that the Ethics Committee's ability to investigate complaints about the quality of medical care received by patients is limited. We suggest directing quality of medical care complaints to the physician; and if unsuccessful in resolving the concerns, we encourage patients to file their complaint with the appropriate medical licensing board. A directory of State Medical Boards may be accessed on the [Federation of State Medical Boards website](#).

QUESTION

Once I file a complaint, how long will it take to learn the outcome?

ANSWER

Generally, the Ethics Committee acknowledges each complaint it receives within five (5) business days. An investigation and any necessary hearing(s) may take anywhere from three (3) months to over one (1) year for completion, depending on the specifics of the case. Questions about the status of any complaint may be directed to EthicsComplaints@plasticsurgery.org.

QUESTION

What type of ethics complaints may the Ethics Committee investigate?

ANSWER

The ASPS Ethics Committee investigates complaints alleging violations of the Society's Bylaws, Code of Ethics, rules or regulations.

The types of complaints the Ethics Committee can investigate include, but are not limited to, **professional misconduct, false and misleading statements** involving any form of public and private communications, **expert witness testimony, exorbitant fees, contests or raffles** where the prize is a surgical procedure (requires an incision) or an integral part of the procedure (i.e. Breast Implant device). Injections (botulinum toxin, hyaluronic acid, dermal fillers), microdermabrasion and other skin surface treatments are not considered procedures.

The Ethics Committee's ability to investigate complaints about the **quality of medical care** received by patients is limited. We suggest directing quality of medical care complaints to the physician; and if unsuccessful in resolving the concerns, we encourage patients to file their complaint with the appropriate medical licensing board, which has the resources to investigate these types of complaints.

Contact information for many state medical boards can be found on the [Federation of State Medical Boards website](#).

The Ethics Committee does not get involved with **business disputes**.

Please note that ASPS does not investigate allegations of misconduct while the matter is under review by a **medical licensing authority** or a **legal case** is pending or on appeal. To do otherwise would subject the Society to a claim that it is inappropriately interfering in the judicial process.

QUESTION

Who can I contact if my question was not answered?

ANSWER

Unfortunately, the Society's Ethics Committee is unable to offer advance opinions, advice, or direction on activities its members are contemplating. Questions about the Code may be directed to EthicsComplaints@plasticsurgery.org.