Code of Ethics

Preamble

The Code of Ethics of the American Academy of Allergy, Asthma & Immunology, Inc. (the "AAAAI") applies to the AAAAI and its Fellows and Members, and is enforceable solely by the AAAAI.

The primary purpose of this Code of Ethics is to support the AAAAI's mission, which is the advancement of the knowledge and practice of allergy, asthma and immunology for optimal patient care. The AAAAI can succeed in this mission only if it has integrity in the scientific and medical communities and with the general public and is viewed as a credible, objective and unbiased force whose statements, activities and relationships are beyond reproach.

The AAAAI recognizes that there are many ethical issues facing physicians, scientists and allied health professionals in the field of allergy/immunology which are not covered by this Code of Ethics. The AAAAI has not attempted in this Code to set forth a position regarding all ethical issues which its members may face in their day-to-day professional activities. Rather, the purpose of this Code is to speak to those ethical matters which bear directly on the AAAAI's scientific and educational mission and to those activities which relate to that mission.

Indeed, every day AAAAI members face a myriad of ethical issues which, although very significant in nature, are not, in the AAAAI's view, properly within the scope of the AAAAI's jurisdiction or expertise. Examples, to name just a few, are ethical issues relating to the quality of patient care, physician competence, or physician-patient relationships. Issues such as these are addressed by other regulatory mechanisms, such as (a) federal and state laws and regulations, (b) health care entities and governing bodies and committees thereof which conduct professional review activities, (c) governmental and quasi-governmental administrative bodies, (d) boards of medical examiners and comparable bodies with responsibility for licensing of physicians or allied health professionals, and (e) other self-regulatory organizations. The AAAAI believes that its membership, the scientific community and the medical and allied health professions are best served by respecting the authority and effectiveness of such mechanisms to speak specifically to the wide range of ethical issues not specifically addressed in this Code. However, this code does not specifically provide procedures for referring ethical matters outside its jurisdiction to the appropriate regulatory bodies.

Nonetheless, it should be noted that this Code authorizes the AAAAI to invoke its enforcement and disciplinary procedures in connection with a wide range of violations and the AAAAI reserves the right to exercise such authority in the event that it determines that doing so is in its best interests or that of its members.

Moreover, the AAAAI believes that this Code of Ethics must adapt as the AAAAI's needs and those of the medical and scientific communities which it serves changes. As circumstances and needs change, the AAAAI may determine that it should alter the scope of this Code. For this reason, the AAAAI is committed to revising this Code from time to time as circumstances warrant. In this regard, the AAAAI welcomes comment and input from its membership.

As used in this Code of Ethics, the term "Member" means any Fellow or Member of the AAAAI in any class of membership, except as otherwise noted. The term "physician" is used to refer to Members who are physicians.

I. General Principles of Medical Ethics

These General Principles of Ethics form the first part of this Code of Ethics. While not enforceable rules as such, the General Principles of Ethics are aspirational and inspirational model standards of exemplary professional conduct for all Members. They serve as goals for which Members should constantly strive.

The AAAAI believes that it is wise to first restate its Principles of Medical Ethics which represent the basic rules of professional morality and honorable conduct under which all physicians, regardless of specialty, should function. These principles are as follows:

1. A physician shall be dedicated to providing competent medical service with compassion and respect for human dignity and rights.
2. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.
3. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.
4. A physician shall respect the rights of patients, of colleagues and of other health professionals, and shall safeguard patient confidences in a manner consistent with pertinent professional obligations and applicable law.
5. A physician shall continue to study, apply and advance scientific knowledge, maintain a commitment to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.
6. A physician shall, in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate and the environment in which to provide medical services.
7. A physician shall recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health.
8. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.
9. A physician shall support access to medical care for all people.

II. Rules and Policies

The Rules and Policies of Ethics set forth below form the second part of this Code of Ethics. They are mandatory and specific standards of conduct for all members of the AAAAI in any class of membership. The Rules and Policies of Ethics are enforceable by the AAAAI.

A. Rules of Ethics

1. Member Conduct

a. **Compliance with Applicable Rules.** Members shall at all times comply with stated rules, policies and other requirements of the AAAAI, including without limitation, all provisions of its Constitution and Bylaws

b. Discipline by Other Bodies. Any:

1) censure or reprimand;
2) suspension or involuntary termination of a license or membership; or
3) suspension or revocation of privileges;

may, in appropriate circumstances, be considered a violation of this Code of Ethics and used as a basis for disciplinary action hereunder, such determination to be at the sole discretion of the Ethics/Conflict of Interest Committee (as defined below).

2. Commercial Relationships. A Member's actions for or on behalf of the AAAAI shall not be affected by an economic interest in, commitment to, or benefit from professionally related commercial enterprises.

3. Relationships with the Press and Public Statements. No Member shall, when dealing with the press or otherwise in making a public statement use the imprimatur of the AAAAI in a manner which would reasonably give rise to the impression that the Member is the official spokesperson of the AAAAI or that the AAAAI has endorsed any product, service, person or idea. No Member may use the AAAAI name or logo in any manner without the prior written consent of the AAAAI. The President of the AAAAI, or his/her designee, is the official spokesperson of the AAAAI.

4. Disclosure of Interests. The established policy of the AAAAI is to require of its officers, directors, committee/division/interest section task force chairpersons, senior staff and certain others to make appropriate disclosure declaring any relevant interest, directly or indirectly, with any outside organization, commercial or noncommercial, which, among other things, may:

a. have significant economic transactions with the AAAAI;
b. have objectives inconsistent with the purposes of the AAAAI; or
c. market products or services for sale to AAAAI Members or patients under their care.

For more specific rules regarding the AAAAI's Policy and Procedures regarding Disclosure of Interests, see Section II.B.-C., below.

B. Disclosure of Interests Policy

The AAAAI requires disclosure of certain information from the following types of individuals:

1. Leaders (officers, Board members, JACI editors, Interest Section leaders, committee chairs/members, Task Force Chairs, and senior staff); and
2. Faculty (or continuing education activities); and
3. Participants at business/committee meetings or other member forums, including scientific meetings and conferences; and
4. Authors of manuscripts submitted for possible publication in the Journal of Allergy and Clinical Immunology (JACI) and other AAAAI publications including the AAAAI's Internet web site.

This Policy seeks to identify actual or potential conflicts of interest which might improperly affect AAAAI activities. Specifically, this Policy seeks to cover the following three types of possible conflicts of interest:

1. Interests which may affect (or be affected by) significant economic transactions to which the AAAAI is or may be a direct party (i.e., ownership by an AAAAI officer of a company from which the AAAAI makes major purchases of goods or services).
2. Interests which might cause a representative of the AAAAI to abuse an AAAAI position in order to achieve objectives which are inconsistent with the purposes of the AAAAI (i.e., a council or committee chair taking advantage of such position to damage unfairly the commercial standing of a company competing with a company in which the chair had a personal financial interest).
3. Interests which do not relate directly to an interest of the AAAAI as an organization but bear significantly on issues of importance to the AAAAI membership and about which different components of the AAAAI membership might hold widely differing views (i.e., interests associated with a member being employed by a government agency, which interests might affect that member's position on an issue involving such agency).

Underlying this Policy is the principle that, in many cases, disclosure of all relevant interests will of itself suffice to protect the integrity of the AAAAI and its interests. In such cases, once such interests are fully disclosed the AAAAI and other relevant parties will generally be able to evaluate and adjust for the possible influence of the disclosed interests.

It should be noted that the purpose of this Policy is not to discourage all involvement by AAAAI members in outside activities which might produce actual or potential conflicts with interests of the AAAAI or otherwise to intrude into aspects of an individual's professional or personal life which are, realistically, unlikely to have any significant bearing on AAAAI activities. In addition to the specific types of interests that must be disclosed, other decisions about what to disclose should be guided by common sense. One reasonable test is whether a particular circumstance, interest or relationship, if made known to the full membership of the AAAAI or to the general public, would be likely to cause embarrassment for the AAAAI and/or the individual involved or evoke suspicion about the motives behind any AAAAI action.

C. Procedures Regarding Disclosure of Interests.

1. Disclosure Form

The Board of Directors is responsible for determining what specific information is required on the official AAAAI Disclosure Form in accordance with the Disclosure of Interests Policy and the Code of Ethics. From time-to-time, the Board of Directors will review the Disclosure Form to ensure that the information required remains current with accepted medical practices. Disclosure can be through either written forms, or via the Online Disclosure Management System, which stores the information electronically and is accessed through the AAAAI's Web site.

2. Disclosure by Leaders

Disclosure by Leaders must be made in writing through use of the Disclosure Form or via the Online Disclosure Management System. A completed form must be returned prior to the commencement of a Leader's term of office. Such disclosure must be updated whenever circumstances require or once per calendar year, whichever is sooner.

3. Disclosure by Faculty

Disclosure by Faculty must be made in writing through use of the Disclosure Form or via the Online Disclosure Management System. A completed form must be returned prior to the beginning of a Faculty member's involvement in planning or, if a speaker, before his/her first presentation at an AAAAI-sponsored educational activity. Such disclosure must be updated whenever circumstances require or once per calendar year, whichever is sooner.

4. Disclosure by Participants

Disclosure by Participants must be made verbally at the time a Participant begins speaking at each business/committee meeting or other member forum they attend. Participants are required to disclose their job title and employer, and any other interest of theirs that would be judged by a majority of their peers to be more than casual and/or likely to impact their ability to exercise independent judgment in addressing the issue being discussed.

5. Disclosure by Authors

The JACI Editorial office will administer and require disclosure separately from the Code of Ethics. Their unique concerns are best addressed through mechanisms in place at the time of manuscript submission.

6. Submitting Disclosure Forms

Disclosure Forms will be submitted directly to the Executive Vice President of the AAAAI or his or her designate in care of the AAAAI office. The Executive Vice President or his or her designate will review all of the Disclosure Forms submitted and inform the Ethics/Conflict of Interest Committee and the Board of Directors of any disclosures which merit attention. Disclosure Forms will be retained at the AAAAI headquarters office, where they will be available for review by members of the Board of Directors. Each individual filing a Disclosure Form will also be obligated to update them to include any change in facts or circumstances which might give rise to an actual or potential conflict of interest as soon as practicable after such individual becomes aware of such change. If no changes are necessary, each individual will review their disclosure annually and indicate that they have reviewed the information for accuracy.

7. Written Notification

Written notice of the official AAAAI's Disclosure of Interests Policy will be provided to all participants of business/committee meetings, and educational programs planned and sponsored by the AAAAI.

8. Conduct at Meetings

At the beginning of each meeting, the chair (or designee who is leading the meeting) will review the Disclosure of Interests Policy making specific reference for the need for verbal disclosure and the requirement that each Participant disclose their job title and employer, and any other interest of theirs that would be judged by a majority of their peers to be more than

casual and/or likely to impact their ability to exercise independent judgment in addressing the issue being discussed. In the event that any time a participant abstains from discussing or voting on a particular matter, notice of their abstention shall be placed in the official record or minutes of the proceedings.

9. Authority and action beyond disclosure

Some situations may require action beyond mere disclosure. In such cases, the Ethics/Conflict of Interest Committee and the Board of Directors shall have the authority to determine whether a particular affiliation requires a Member, in addition to the abstention procedure described above, to take additional action, such as resignation of his AAAAI position or divestiture of the interest which gives rise to the conflict. For instance, a director may be called upon to resign his position if he wished to be involved in an organization which has purposes which is inherently opposed to those of the AAAAI (e.g., tobacco concerns). Additionally, if the conflict situation involves a violation of this Code, the enforcement and disciplinary procedures of the Code are available. However, this Policy imposes no special enforcement rules or procedures for such situations in the event that further action beyond these remedies is required. The basic authority and procedures established by corporate law, the Bylaws of the AAAAI, and the general procedures set forth in Section III.B., below, may be used to deal with any substantial conflict of interest problems. For example, the disciplinary and enforcement procedures of Section III.B. can be invoked to discipline any member whose interest violates the AAAAI's Disclosure of Interests Policy. As another example, interest section, committee and task force chairs, all of whom serve subject to approval by the Board of Directors, are subject to removal by the Board if a particular conflict of interest is deemed sufficiently serious or if circumstances otherwise require. As to the officers and directors themselves, they continue to be subject to basic legal constraints arising out of the fiduciary nature of their relationships with the AAAAI, and in appropriate circumstances the Board of Directors can deal with misconduct in office or court intervention can be sought.

D. Policy Regarding Gifts to Members from Industry.

The AAAAI recognizes that some gifts given to Members from companies in the pharmaceutical, device and medical equipment industries serve an important beneficial function. However, the AAAAI also recognizes that certain gifts from industry to physicians, while reflecting customary practices of industry, may not be consistent with accepted principles of medical ethics. In order to avoid the acceptance of inappropriate gifts, Members should observe the following guidelines:

1. Any gifts accepted by Members individually should primarily entail a benefit to patients and should not be of substantial value. Accordingly, textbooks, modest meals and other gifts are appropriate if they serve a genuine educational function. Cash payments should not be accepted. The use of drug samples for personal or family use is permissible as long as these practices do not interfere with patient access to drug samples.

2. Individual gifts are permissible as long as the gifts are related to the physician's work (e.g., token items such as pens and notepads) or educational in nature (e.g. text books, and reprints of articles).

3. For purposes of this Code of Ethics, a 'conference' or 'meeting' shall mean any activity, held at an appropriate location, where

- **a.** the gathering is primarily dedicated, in both time and effort, to promoting objective scientific and educational activities and discourse (one or more educational presentations(s) should be the highlight of the gathering), and
- **b.** the main incentive for bringing attendees together is to further their knowledge on the topic(s) being presented.

An appropriate disclosure of financial support or conflict of interest should be made.

4. Subsidies to underwrite the costs of continuing medical education conferences or professional meetings can contribute to the improvement of patient care and therefore are permissible. Since the giving of a subsidy directly to a Member by a company's sales representative may create a relationship which could influence the use of the company's products, any subsidy should be accepted by the conference's sponsor who in turn can use the money to reduce the conference's registration fee. Payments to defray the costs of a conference should not be accepted directly from the company by the Members attending the conference.

5. Subsidies from industry should not be accepted directly or indirectly to pay for the costs of travel, lodging or other personal expenses of attending conferences or meetings, nor should subsidies be accepted to compensate for the Member's time. Subsidies for hospitality should not be accepted outside of modest meals or social events held as a part of a conference or meeting. It is appropriate for faculty at conferences or meetings to accept reasonable honoraria and to accept reimbursement for reasonable travel, lodging and meal expenses. It is also appropriate for consultants who provide genuine services to receive reasonable compensation and to accept reimbursement for reasonable travel, lodging, and meal expenses. Token consulting or advisory arrangements cannot be used to justify compensating Members for their time and their travel, lodging and other out-of-pocket expenses.

6. Scholarship or other special funds to permit medical students, residents and fellows to attend carefully selected educational conferences may be permissible as long as the selection of students, residents or fellows who will receive the funds are named by the academic or training institution. Carefully selected educational conferences are generally defined as the major educational, scientific or policy-making meetings of national, regional, or specialty medical associations.

7. No gifts should be accepted if there are strings attached. For example, physicians should not accept gifts if they are given in relation to the Member's prescribing practices. In addition, when companies underwrite medical conferences or lectures other than their own, responsibility for and control over the selection of content, faculty, educational methods and materials should belong to the organizers of the conferences or lectures.

III. Administrative Procedures

Administrative procedures form the third part of the Code of Ethics. These procedures provide for the structure and operation of the Ethics/Conflict of Interest Committee and they set forth procedures to be followed by the Committee and by the Board of Directors of the AAAAI in handling inquiries or challenges raised under the Rules of Ethics. All Members are required to comply with these procedures. Failure to cooperate with the Ethics/Conflict of Interest Committee or Board of Directors in a proceeding on a challenge may be considered by the Ethics/Conflict of Interest Committee and the Board of Directors according to the same procedures and with the same sanctions as failure to observe the Rules of Ethics.

A. Ethics/Conflict of Interest Committee and Ethics Panel.

1. **The Ethics/Conflict of Interest Committee.** The Ethics/Conflict of Interest Committee shall be appointed by the President-Elect, and approved by the Board of Directors in accordance with the established Committee Guidelines and Procedures. The committee can include members from any membership category, but must include at least five (5), but not more than nine (9) Voting Fellows of the AAAAI who will serve as the Ethics Panel as described below. The Immediate Past President of the AAAAI shall be included as a member of the Ethics/Conflict of Interest Committee. In making such appointments, the President-Elect shall, to the extent practicable, use his/her best efforts to assure that the Ethics/Conflict of Interest Committee's composition is balanced as to relative age and experience and as to the emphasis of the appointees upon practice, education, research or other endeavors within the fields of allergy and/or immunology. In general, the Ethics/Conflict of Interest Committee's responsibility includes, in addition to the duties set forth herein, educating members on ethical practices. Such educational venues include, but not limited to, programs at the society's annual meeting and articles in the official AAAAI publications.

The Ethics Panel. The Ethics Panel is a subsection of The Ethics Committee. The Immediate Past President of the AAAAI shall be included as a member of the Ethics Panel. The responsibility of the Ethics Panel will be investigating each inquiry and challenge (as hereinafter defined) arising under this Code of Ethics and recommending whether the Board of Directors should make a determination with respect thereto, and recommending an appropriate sanction.

Membership on the Ethics/Conflict of Interest Committee may be terminated by the Board of Directors for good cause. Vacancies on the Ethics/Conflict of Interest Committee shall be filled by the Board of Directors. Ethics/Conflict of Interest Committee members shall not receive compensation for serving as such, but shall be reimbursed for reasonable and necessary expenses incurred in the fulfillment of their duties. The Ethics/Conflict of Interest Committee shall be responsible for:

a. developing and implementing an educational program regarding the Code of Ethics among Members;
b. responding to each inquiry (as hereinafter defined) regarding a matter arising under the Code of Ethics and, if appropriate recommending that the Board of Directors issue an advisory opinion interpreting the Code of Ethics with respect to such matter;
c. reviewing and assessing this Code of Ethics periodically and recommending any amendments thereto to the Board of Directors.

The Ethics/Conflict of Interest Committee shall maintain a liaison with entities, both public and private, which are interested or involved in medical ethics, particularly as they relate to the fields of allergy, asthma and/or immunology.

2. **The Chair of the Committee.** Upon nomination by the President-Elect of the AAAAI, the Board of Directors shall approve the appointment of one (1) member of the Ethics/Conflict of Interest Committee as the Committee's Chair (the "Chair") to serve, at the will of the Board of Directors, as the principal administrative officer responsible for the promulgation, interpretation and enforcement of this Code of Ethics. The Chair shall be a Voting Fellow of the AAAAI and will also serve as the Chair of the Ethics Panel. The Chair shall be provided, upon the approval of the Board of Directors, with staff, legal counsel and other resources necessary to fulfill the responsibilities of fulfilling his or her duties hereunder. The Chair shall preside at any hearing or other meeting held by the Ethics/Conflict of Interest Committee under this Article III.

3. **The Vice Chair of the Committee.** Upon nomination by the President-Elect of the AAAAI, the Board of Directors shall approve the appointment of one (1) member of the Ethics/Conflict of Interest Committee to serve as the Committee's Vice Chair. The Vice Chair shall be a Voting Fellow of

the AAAAI, serve as Vice Chair of the Ethics Panel and shall serve at the will of the Board of Directors and act in the place of the Chair when the Chair is unable to serve.

4. **Meetings of the Committee**. Meetings of the Ethics/Conflict of Interest Committee shall be called upon at least seven (7) days' written notice to Committee members. Such notice shall include a copy of the agenda for the meeting. A majority of all the appointed Committee members shall constitute a quorum for the purpose of conducting business at the Committee meeting. Voting shall be by majority of those present at a meeting (or by a majority of those submitting votes in a mail vote). Mail voting without a meeting is permitted where all Committee members submit mail votes or abstentions. Committee members shall not be permitted to vote by proxy. Any member of the Committee having any financial or other personal interest in any matter before the Committee shall decline to participate in a determination of any such matter in accordance with Section II.B., above.

5. **Indemnification and Insurance.** The AAAAI shall indemnify and hold harmless and defend the Board of Directors, all Ethics/Conflict of Interest Committee (including Ethics Panel) members and AAAAI Officers, staff, employees and agents against liability arising from Committee-related activities to the extent provided by the Bylaws of the AAAAI or otherwise for directors, officers, members, employees, staff and agents. The AAAAI shall maintain insurance in amounts sufficient for this purpose.

B. Inquiries and Challenges

1. **Preliminary Review and Disposition.** A submission involving this Code of Ethics (a "submission") may consist of:

a. a request for issuance by the Board of Directors of an advisory opinion interpreting any provision of this Code of Ethics (an "inquiry"); or

b. a request for a finding by the Board of Directors that a member has failed to observe any provision of the Rules of Ethics under this Code of Ethics (a "challenge").

Submissions may be considered without regard to their means or form of submission. Submissions relating to information not in the public domain are not considered unless they are submitted in writing and signed by their submitters. Submissions are to be made by any AAAAI member. Upon preliminary review of a submission, the Chair may conclude, in the Chair's discretion, that the submission:

(1) contains insufficient information upon which to base an investigation;

(2) would be better suited for consideration by another body (i.e., a health care entity or governing body or committee thereof, a governmental or quasi-governmental administrative body, a board of medical examiners or comparable body, or another self-regulatory organization) which conducts peer review activities and has jurisdiction over such matter; or

3) is patently frivolous or inconsequential[1].

In the event of any such conclusion by the Chair, the submission shall be disposed of by notice from the Chair to its submitter. Each such preliminary disposition by the Chair of a submission involving this Code of Ethics shall be reported to the Ethics/Conflict of Interest Committee.

2. **Investigation.** For each submission involving this Code of Ethics that the Chair concludes is valid and actionable, the Ethics Panel as described in Section III. A. 1., 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. A Member who is the subject of a challenge shall be informed in writing at the beginning of the Committee's investigation as to (i) the nature of the challenge, (ii) the obligation to cooperate fully in the Committee's investigation of the challenge, and (iii) the opportunity to request a hearing on the challenge before the Ethics Panel. Investigations involving challenges shall be conducted in confidence, with all written communications sealed and marked "Personal and Confidential," and they 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 Member 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 Ethics Panel may conduct a hearing (which may be public or private at the Panel's discretion) to receive the views of those who are interested in, or may be affected by, the issuance by the Board of Directors of any advisory opinion interpreting any provision of this Code of Ethics. Thirty (30) days' prior written notice of the hearing shall be given to Members and to others who, in the opinion of the Ethics Panel, may be interested

[1] A submission is frivolous or inconsequential if, for instance, it does not:

i. present an issue of interpretation of the Rules of Ethics adequate to justify bringing the submission before the Ethics/Conflict of Interest Committee for investigation; or

ii. present an issue of the failure of a Member to observe the Rules of Ethics adequate to justify bringing the submission before the Committee

in, or affected by, issuance of such advisory opinion. The notice may include a tentative proposed advisory opinion. The hearing shall be conducted by the Ethics Panel with any three (3) or more Panel members participating. The Chair of the Ethics Panel serves as the Hearing Officer to preside at the hearing and assure that these procedures set forth herein are followed. The Hearing Officer may issue an appropriate ruling in the course of the hearing and may be assisted by legal counsel. The Hearing Officer shall present at the hearing the issues raised by the inquiry, the results of the investigation up to the time of the hearing, and any tentative proposed Panel recommendation to the Board of Directors for an advisory opinion. Information shall, if available, be offered through witnesses, who may be assisted by legal counsel and shall be subject to questioning by the Panel. Any information may be considered which is relevant or potentially relevant. A transcript or audio recording and an official record of such hearing shall be made. Such official record of such hearing shall become part of the investigation of the inquiry.

b. **Recommendation on an Inquiry.** Upon completion of an investigation involving an inquiry, the Ethics Panel may develop an advisory opinion which shall be submitted to the Board of Directors for approval.

c. **Advisory Opinion.** The Board of Directors may issue an advisory opinion interpreting the Rules of Ethics:

1) upon the recommendation of the Ethics Panel arising from an inquiry and following an investigation; or
2) upon the recommendation of the Ethics Panel arising from its own initiative.

A representative of the Ethics Panel shall present to the Board of Directors, for its review, the recommendations of the Ethics Panel and its record of the investigation. Once issued by the Board of Directors, the advisory opinion shall be promulgated by publication to the Members. Advisory opinions shall be compiled by the Ethics Panel and such compilation shall be periodically made available to the Members.

4. Proceedings on Challenges.

a. **Hearing on a Challenge.** In the course of an investigation involving a challenge, the Ethics Panel shall conduct a private adjudicative hearing, if one is requested by the Member who is the subject of the challenge, or at the Ethics Panel's own initiative. The Member who is the subject of the challenge shall be given at

least thirty (30) days' prior written notice of his or her right to request a hearing. If a hearing is requested, thirty (30) days' prior written notice of the date, time and location of the hearing shall be given to the Member. The hearing shall be conducted by the Ethics Panel with three (3) or more Ethics Panel members participating, which will not include (a) the investigator, if any, and any other Ethics Panel member who assisted substantially in the investigation of the challenge, (b) any Ethics Panel member whose professional activities are conducted at a location in the approximate area of that of the Member who is the subject of the challenge, and (c) any Ethics Panel member who is in direct economic competition with the Member involved. The Chair of the Ethics Panel may be one of the three or more Ethics Panel members conducting the hearing unless the individual is disqualified by reason of circumstances described in the preceding sentence. Those Ethics Panel members participating in the hearing shall elect from their number a Hearing Officer to preside at the hearing and assure that the procedures set forth herein are followed. 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, or a person or persons designated by the Hearing Officer, shall summarize for the Ethics Panel the results of the investigation up to the date of the hearing which are believed to support a finding that the Member has failed to observe the Rules of Ethics, and may make such other introductory factual remarks as the Hearing Officer deems appropriate. A person designated by the Ethics Panel shall present the facts indicating that the 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 Ethics Panel and its legal counsel and by the Member or the Member's legal counsel or other representative. The Member subject to the challenge may be assisted at the hearing, at his or her sole cost and expense, by legal counsel or other representative selected by the Member. The Member or legal counsel or other representative may present documentary evidence and the testimony of witnesses in the Member's defense. Those witnesses shall be available in person or by telephone for questioning by the Member or legal counsel or other representative and by the members of the Ethics Panel and its legal counsel. Any information may be considered which is relevant or potentially relevant. The Member may submit a written statement at the close of the hearing. A transcript or audio recording of the hearing shall be made. The hearing shall be closed to all except the Panel, the Chair, the Member of the AAAAI who is the subject of the challenge, their respective witnesses (when

testifying and at other times as determined by the Hearing Officer) and counsel or, in the case of the Member, other representative, AAAAI staff and official recorder. The minutes of the hearing shall become a part of the record of the investigation of the challenge.

b. **Recommendation on a Challenge.** Upon completion of an investigation involving a challenge, the Ethics Panel shall recommend whether the Board of Directors should make a determination that the Member who is the subject of the challenge has failed to observe the Rules of Ethics. When the Ethics Panel recommends a determination by the Board of Directors of non-observance, the Ethics Panel shall also recommend imposition by the Board of Directors of an appropriate sanction. A copy of the recommendation and a statement of the basis for the recommendation shall be provided to the Member. If the Ethics Panel so recommends, a proposed determination with a proposed sanction shall be prepared and presented by a representative of the Panel to the Board of Directors along with the record of the Ethics Panel's investigation. If the Ethics Panel recommends against a determination of non-observance, the challenge shall be dismissed, with notice to the Member 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 Directors. In the sole discretion of the Ethics Panel and with the written consent of the Member who was the subject of the challenge, the Ethics Panel may recommend to the Board of Directors that the fact of the dismissal of the challenge (and, in appropriate cases, the reasons for the dismissal) be publicized, and the Board of Directors may, in its sole discretion, determine the nature, extent and manner of such publicity.

c. **Determination of Non-Observance.** The Board of Directors shall make the determination whether a Member has failed to observe the Rules of Ethics in this Code and shall impose an appropriate sanction upon the recommendation of the Ethics Panel arising from a challenge and following an investigation. The Board of Directors shall review the recommendation of the Ethics Panel based upon the record of the investigation. The Board of Directors may accept, reject or modify the Ethics Panel's recommendation, either with respect to the determination of non-observance or with respect to the sanction. If the Board of Directors makes a determination of non-observance, such determination and the imposition of a sanction shall be promulgated by written notice to the affected Member 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 Directors. Additional publication shall occur only to the extent provided in the sanctions themselves. If the Board of Directors does not make a determination of non-observance, the challenge shall be dismissed, with notice to the affected Member and to the submitter of the challenge.

d. **Sanctions.** Any of the following sanctions may be imposed by the Board of Directors upon a Member who the Board of Directors has determined has failed to observe the Rules of Ethics, although the sanction applied must reasonably relate to the nature and severity of the non-observance, focusing upon reformation of the conduct of the Member and deterrence of similar conduct by others:

1) reprimand the Member, with publication of the determination but not the Member's name;
2) suspension of the Member from the AAAAI for a designated period, with publication (at the discretion of the Board of Directors) of the Member's name; or
3) termination of the Member from the AAAAI, with publication of the determination and of the Member's name.

In addition to and not in limitation of the foregoing, in any case in which the Board of Directors determines that a Member has failed to observe the Rules of Ethics, the Board of Directors may impose the further sanction that the Member shall not be entitled to sponsor, deliver or participate in a lecture, oral presentation, poster, film, instruction course, panel or exhibit booth at any meeting or program of or sponsored by the AAAAI:

4) for a period of up to five (5) calendar years from and after the effective date a sanction described in clause (1) or (2) of the paragraph 4(d) is imposed for the first time upon him or her;
5) at any time from and after the effective date a sanction described in clause (1) or (2) of this paragraph 4(d) is imposed for a second time upon him or her; or
6) at any time from and after the effective date a sanction described in clause (3) of this paragraph 4(d) is imposed upon him or her.

Members who are suspended are deprived of all benefits and incidents of membership during the period of suspension, except continued participation in AAAAI insurance programs, if any. If the Member is suspended with publication of the Member's name or terminated, and the appeal (if any) sustains the determination on which the sanction is based, the Board of Directors may authorize the Ethics Panel 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 or the regulation of the conduct of the subject Member, in a proceeding that relates to the subject matter of the challenge, provided that the entity is a federal or state administrative department or agency, law enforcement agency, physician licensing authority or similar entity. Except in the instance of communication of the determination and transferal of the record, or in the instance of request for the record by the Member who was the subject of the challenge, the entire record, including the record of any appeal, shall be sealed by the Ethics Panel and the Board of Director and no part of it shall be communicated by the members of the Board of Directors, the members of any appellate body, the members of the Ethics Panel, the staff or any others who assisted in the proceeding on the challenge, to any third parties, except to the extent compelled by applicable law or legal process. Members who are terminated may not reapply for membership in any class.

e. **Appeal.** Within thirty (30) days of receipt of notice of a determination by the Board of Directors that a Member has failed to observe the Rules of Ethics in this Code and of imposition of a sanction, the affected Member may submit to the Board in writing a request for an appeal. In such event, the Board of Directors shall establish an appellate body consisting of at least three (3), but not more than five (5), Fellows of the AAAAI, who are Past Presidents of the AAAAI and who did not participate in the Ethics Panel's investigation or in the Board of Directors' determination.

To establish the appellate body, the Board shall contact the Past Presidents starting with the individual most recently off the Board and continuing chronologically back from that individual's term until at least three Fellows are identified. The Past Presidents selected shall have no personal or professional relationship with the Member, nor should they have been involved in the disciplinary process with respect to such Member prior to such date.

The appellate body shall conduct and complete the appeal within ninety (90) days after receipt of the request for an appeal. The purpose of the appeal shall be to provide an objective review of the original challenge, the investigation and recommendation of the Ethics Panel, and the determination of the Board of Directors, but not, however the sanction imposed. The appeal shall be limited to a review of the Ethics Panel and the Board of Directors' application of the Rules of Ethics 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 the procedures set forth herein. An appeal may not take into consideration any matters not included as part of the record of the Ethics Panel's investigation and the Board of Directors' determination. The appeal shall consist of a review by the appellate body of the entire record of the proceeding on the challenge and written appellate submission of the Member who was the subject of the challenge and of the Board of Directors. Written appellate submissions and any reply submissions may be made by authorized representatives of the Member and of the Board of Directors. Submissions shall be made according to whatever schedule is established by the appellate body. The decision of the appellate body shall either affirm or overrule the determination of the Board of Directors on non-observance of the Rules of Ethics by a Member. The decision shall not address the sanction imposed by the Board of Directors. The decision of the appellate body, including a statement of the reasons for the decision, shall be reported to the Board of Directors. The decision shall be binding upon the Board of Directors, the Member who is the subject of the challenge, the Ethics Panel and all other persons.

f. **Resignation.** If a Member who is the subject of a challenge resigns from the AAAAI at any time during the pendency of the proceeding of the challenge, the challenge shall be dismissed without any further action by the Ethics Panel, the Board of Directors or an appellate body established after an appeal; the entire record shall be sealed; and the Member may not reapply for membership in any class. The Board of Directors may authorize the Ethics Panel to communicate the fact and date of resignation, the name and address of the 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 Directors may authorize the Ethics Panel 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 physicians, in a proceeding that relates to the subject matter of the challenge, provided, however, that entity is a law enforcement agency, physician licensing authority, medical quality review board, professional peer review committee, or similar entity.

g. **Overriding Reporting Requirement.** Notwithstanding anything expressly or apparently to the contrary contained in this Code of Ethics, the AAAAI shall report such information, to such agency

or agencies, and in such form and manner and frequency as may from time to time be prescribed by the Health Care Quality Improvement Act of 1986 and by regulations promulgated thereunder, all as from time to time amended, as a condition to the continued availability to the AAAAI of the protection from liability for damages afforded by such Act.

Code of Ethics Last Revised: March, 2004