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3 Title: Michigan State Medical Society Judicial Commission

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5 Introduced by: David Whalen, MD, for the Kent County Delegation

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7 Original Author: Jayne E. Courts, MD, FACP

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9 Referred To:

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11 House Action:

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14 Whereas, the Judicial Commission serves to review any concern about the conduct of a  
15 physician member that is potentially in violation of the American Medical Association (AMA) Code  
16 of Ethics, and

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18 Whereas, concerns may originate from patients or other people and may include, but are  
19 not limited to, inappropriate behavior, sexual harassment, or issues of gender identity, and

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21 Whereas, the MSMS Judicial Commission serves as the disciplinary body within MSMS, and

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23 Whereas, the Judicial Commission works through the component county medical societies,  
24 often in a slow and potentially inequitable process, and

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26 Whereas, the Official Procedures of the Judicial Commission allow determination of  
27 appropriate disciplinary action of a physician member, including possible censure, suspension, or  
28 expulsion from MSMS membership, and

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30 Whereas, clear and concise approaches to the judicial and disciplinary process would  
31 improve timeliness, consistency, equity, and protection due to standardized processes and  
32 expedited decisions; therefore be it

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34 RESOLVED: That the MSMS Board of Directors consider making the Judicial Commission a  
35 Committee of the Board so the Committee may perform its function in a more efficient and  
36 equitable manner; and be it further

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38 RESOLVED: That the MSMS Board of Directors study the structure and function of the  
39 Judicial Commission and recommend Constitution and Bylaws changes that will be brought to the  
40 2022 MSMS House of Delegates for first reading.

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43 WAYS AND MEANS COMMITTEE FISCAL NOTE: Resolutions to form or join task forces (internal or  
44 external) - \$5,000+

**Relevant MSMS Policy:**

## Judicial Commission Complaint Process

1. MSMS staff receive inquiries from patients or physicians about filing a complaint for a physician, nurse, hospital, or any other healthcare facility.
2. If the complaint is about a physician, the staff member verifies that the physician is a MSMS member. If the physician is a member, the staff member explains that the Judicial Commission process is a peer review process which starts with the county society peer review committee. We encourage the complainant to personally discuss the issue with the physician. Finally, the staff member explains that the MSMS Judicial Commission does not have jurisdiction to award money damages, revoke, restrict or limit a physician's license.
3. Many times, when the complainant realizes it is a peer review process only, they decide not to proceed. If they decide to proceed, the staff member sends a complaint form to gather further information. The complainant has 30 days to submit the form with the detailed information.
4. Once the form is received by MSMS, the MSMS staff member determines the appropriate county medical society (CMS) who should review the complaint and forwards the information to that CMS. If there is not an active county medical society, the MSMS Judicial Commission reviews the complaint.
5. Each CMS has their own process for reviewing a complaint. The MSMS staff member stays in touch with the CMS staff member asking for updates.
6. Once the CMS peer review process makes their determination, they send information about the final decision to the MSMS staff member.
7. The MSMS staff member notifies the Judicial Commission chair about the decision. The Chair decides how the full Commission will be notified of the complaint.

## Statistics on Complaints

Year	Forms Mailed	Forms Received	Full Complaint Process
2016	2	0	0
2017	1	1	1
2018	3	0	0
2019	1	0	0
2020	3	2	2

## Relevant AMA Policy:

### Conflicts of Interest H-140.967

Our AMA calls on state and county medical societies to seek out and to respond to complaints of significant violations of the Council on Ethical and Judicial Affairs' guidelines, and it reminds those societies of the AMA's pledge to stand behind and to provide financial support for any society enforcing in good faith and under approved disciplinary procedures AMA's code of ethics.

## Source:

1. Michigan State Medical Society. Constitution and Bylaws, Supplement: Official Procedures for the MSMS Judicial Commission, 2015 edition.