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Title: Michigan State Medical Society Judicial Commission  
Introduced by: David Whalen, MD, for the Kent County Delegation  
Original Author: Jayne E. Courts, MD, FACP  
Referred To: Reference Committee C  
House Action: **APPROVED AS AMENDED**

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

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

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

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

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

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

**RESOLVED:** That the MSMS Board of Directors study the structure and function of the Judicial Commission and recommend Constitution and Bylaws changes that will be brought to the 2023 MSMS House of Delegates for first reading.

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**WAYS AND MEANS COMMITTEE FISCAL NOTE:** \$2,500 -\$5,000 to engage in a Board directed study.

**Background:**

**Judicial Commission Complaint Process**

1. MSMS staff receive inquires 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	Complaint Received/ Forms Mailed	Forms Received	Full Complaint Process
2016	2	0	N/A
2017	1	1	1
2018	3	0	N/A
2019	1	0	N/A
2020	3	2	2
2021	0	0	N/A

### Judicial Commission Members

It is difficult to find physicians who are willing to serve on the Judicial Commission. Each year, we have at least three members whose term expires. We have some long-standing members who would like to retire from the Commission; however, because we have not been able to find a replacement, they have been willing to continue to serve.

<b>2022 Michigan State Medical Society Judicial Commission</b>				
<b>Name</b>	<b>Specialty</b>	<b>County</b>	<b>District</b>	<b>Term Expires</b>
E. Chris Bush	Family Medicine	Wayne	1	12/31/2022
Beals, Joseph M., MD (Chair)	IM-NEP	Wayne	1	12/31/2022
Levin, Ronald B., MD	OB-GYN	Macomb	2	12/31/2022
Sain, Robert, MD	Psy	Washtenaw	3	12/31/2022
Hines, Aliya MD, PHD	Derm	Wayne	1	12/31/2023
Ekpo, Timothy MD	Ortho	Jackson	5	12/31/2023
Phelps, Jessica MD	Urology	Muskegon	6	12/31/2023
M Salim Siddiqui	Oncology/Radiation	Wayne	1	12/31/2024
Scott, Caroline G.M., MD	FP-EM	Saginaw	4	12/31/2024
Dixon, J. Bryan MD	Ortho	Marquette-Alger	7	12/31/2024

## **Relevant MSMS Policy:**

### **15.00 THE JUDICIAL COMMISSION**

15.10 COMPOSITION - QUALIFICATIONS—The Judicial Commission shall be composed of ten members, each of whom shall be a voting member of the Society in good standing. No member of the Judicial Commission shall, during tenure of office, hold any of the following offices or positions: Speaker or Vice-Speaker of the House of Delegates of this Society, or District Director of this Society. Any member of the governing board of a component society which serves in these capacities, shall not, as a Commissioner, participate in deliberations pertaining to a grievance involving a member of that component society or cast a vote in respect thereto.

15.20 JUDICIAL DISTRICTS—There shall be seven Judicial Districts formed by grouping component societies as follows:

District 1—Wayne

District 2—Macomb, Oakland, St. Clair

District 3—Ingham, Livingston, Monroe, Shiawassee, Washtenaw

District 4—Bay, Iosco-Arenac, Genesee, Gratiot, Huron, Isabella-Clare, Lapeer, Midland, Saginaw, Sanilac, Tuscola

District 5—Allegan, Berrien, Branch, Calhoun, Cass, Eaton, Hillsdale, Jackson, Kalamazoo, Lenawee, St. Joseph, Van Buren

District 6—Barry, Clinton, Ionia-Montcalm, Kent, Mason, Mecosta-Osceola-Lake, Muskegon, Newaygo, Oceana, Ottawa

District 7—Alpena-Alcona-Presque Isle, Chippewa-Mackinac, Delta, Dickinson-Iron, Gogebic, Grand Traverse-Leelanau-Benzie, Houghton-Baraga-Keweenaw, Luce, Manistee, Marquette-Alger, Menominee, North Central Counties (Crawford, Gladwin, Kalkaska, Montmorency, Otsego, Roscommon), Northern Michigan (Antrim, Charlevoix, Cheboygan, Emmett), Ogemaw-Oscoda, Ontonagon, Schoolcraft, Wexford-Missaukee

15.80 POWERS AND DUTIES—The Judicial Commission shall have:

15.81 Authority to make binding interpretations of the Constitution and Bylaws of this Society and of the several component societies as they pertain to matters of ethics, mediation, grievance and discipline.

15.82 Authority to make ethical interpretations and decisions in accordance with the standards of the American Medical Association.

15.83 Sole appellate powers at the state level in all matters relating to ethics, professional conduct, mediation and discipline of members of component societies.

15.84 The power to entertain and exercise original jurisdiction in matters pertaining to ethics, mediation, conduct of members or discipline of members when requested to do so by any component society or by any member in good standing of this Society.

15.85 The power and authority to make and promulgate from time to time, rules and regulations governing all procedures pertaining to ethics, grievances, mediation, professional conduct and discipline of members, which rules and regulations shall be binding upon all component societies.

15.86 The power and authority to appoint such committees and to adopt such rules, regulations and procedures as, in the sole judgment of the Commission, are deemed desirable in carrying out the functions and purposes of the Commission.

## **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.