
Disciplinary actions taken

The following disciplinary actions were taken by the Board of Regents at its October 10, 2009, meeting:

- Roy E. Berkowitz, a general surgeon from Slidell, LA, had his Fellowship placed on probation with conditions for reinstatement. This action was taken following disciplinary action by the Louisiana State Board of Medical Examiners, which placed his license to practice medicine on probation for three years following charges that he prescribed, dispensed, or administered legally controlled substances without legitimate medical justification.

- Michael Q. Durry, a general surgeon from Baltimore, MD, was expelled from the College following a period of temporary suspension pending completion of the ACS disciplinary process. These actions were taken following disciplinary action by the Maryland Board of Physicians in response to allegations that he engaged in a sexual relationship with a former patient, a female inmate at Jessup Correctional Institute.

- A general surgeon from New York, NY, was censured

following charges that he had violated the ACS *Bylaws* and the Statement on the Physician Acting As an Expert Witness when he provided testimony in a medical malpractice lawsuit as an expert witness. This surgeon appeared before the Central Judiciary Committee (CJC) to testify on his own behalf.

Definition of terms

Following are the disciplinary actions that may be imposed for violations of the principles of the College.

Admonition: A written notification, warning, or serious rebuke.

Censure: A written judgment, condemning the Fellow or member's actions as wrong. This is a firm reprimand.

Probation: A punitive action for a stated period of time, during which the member (a) loses the rights to hold office and to participate as a leader in College programs; (b) retains other privileges and obligations of membership; (c) will be reconsidered by the CJC periodically and at the end of the stated term.

Suspension: A severe punitive action for a period of time, during which the Fellow or member,

according to the membership status, (a) loses the rights to attend and vote at College meetings, to hold office, and to participate as a leader, speaker, or panelist in College programs; (b) is subject to the removal of the member's name from the Yearbook and from the mailing list of the College; (c) surrenders his or her Fellowship certificate to the College, and no longer explicitly or implicitly claims to be a Fellow of the American College of Surgeons; (d) pays the visitor's registration fee when attending College programs;

(e) is not subject to the payment of annual dues. When the suspension is lifted, the Fellow or member is returned to full privileges and obligations of Fellowship.

Expulsion: The certificate of Fellowship and all other indicia of Fellowship or membership previously issued by the College must be forthwith returned to the College. The surgeon thereafter shall not explicitly or implicitly claim to be a Fellow or member of the American College of Surgeons and may not participate as a leader, speaker, or panelist in College programs.