



Simmelweis Society International, Inc.

Peer Review with Clean Hands

Bylaws

OUR NAME

Simmelweis Society is named after Ignaz Philipp Semmelweis, a 19th century Hungarian physician who was the first to advocate hand disinfection prior to delivering babies, to reduce mortality in women from sepsis. His extraordinary concept caused him to be rejected by his peers. Sham peer review is thus not a new concept to Medicine.

Thus our name and hence our motto: Peer Review with Clean Hands.

MISSION STATEMENT

The mission of the Semmelweis Society is to improve the quality of medical care in the United States by assisting physicians who have been subjected to malicious and improper (sham) peer review (SPR).

In many cases, these physicians are not only the most talented but the most concerned with quality patient care. Proper peer review is an essential system intended to protect patients. When peer review is conducted in bad faith, patients and the public at large are defrauded and left vulnerable. Many documented cases of bad faith peer review have been shown to greatly harm the public interest. Semmelweis Society International was formed to alert the public, the health care environment, professional societies, academic institutions, government elected officers and Congress, to the enormous threat that bad faith peer review poses to patients. Semmelweis uses the media, professional societies, government, and legal initiatives to end bad faith peer review and support integrity.

VISION

Simmelweis Society International supports cost-effective strategies to support integrity, high standards and credibility in Medicine. Semmelweis Society International is a concerned group of doctors, lawyers and other professionals that is growing rapidly and partnering with other public interest groups and professional societies that demand integrity and support due process for doctors.

DECLARATION OF PATIENTS' AND DOCTORS' RIGHTS

Ethics in Medicine fundamentally requires that all persons receive due process. Semmelweis Society International was founded to return to the sound practice of Medicine. Like all big businesses in America, Medicine is under enormous pressure to cut corners and to skirt the ethical rules that are the foundation of Medicine. As the medical share of our GNP has



grown to 17% (over 1.5 trillion dollars), competitive pressure to decrease costs has led to decreased service. In some cases, Big Medicine has restricted the rights of patients to know their medical options. It is now critical that due process be applied in evaluating medical practitioners. Bad faith peer review disrupts the very fabric of Medicine in the United States. We are shocked to learn that large medical organizations have targeted ethical doctors with bad faith allegations to eliminate competition and decrease innovation and services. Unscrupulous tactics by medical centers are at an all time high. The public would be shocked to know Enron-type bad faith peer review is being used to limit the patient's rights to receive care. Semmelweis Society International has found that bad faith peer review has resulted in enormous harm to doctors, patients and society.

The problem is simple: if Big Medicine is able to destroy a doctor's career by making a false accusation without due process, the doctor will not be able to stand up for his patients right to the kind of medical care all Americans seek and deserve.

Notions of due process are simple. Any doctor under review should know exactly why allegations are raised and be able to examine all evidence. Witnesses should be required to tell the truth. Doctors should have the right to counsel. Standard administrative rules of evidence should be used as guaranteed by the Fifth Amendment to the Constitution.

Fundamental to procedural due process is adequate notice prior to the government's deprivation of one's life, liberty, or property, and an opportunity to be heard and defend one's rights to life, liberty, or property. It is a safeguard from governmental action that is not related to any legitimate government interest or that is unfair, irrational, or arbitrary in its furtherance of a government interest.

The requirement of due process applies to agency actions. Semmelweis Society International stands for ethical Medicine, full disclosure of patient options, due process, and improved medical outcomes through Continuous Quality Improvement. Join us as we enter the new millennium fighting for integrity in Medicine.

WHEREAS, Semmelweis Society International is a corporation organized under the laws of the State of Tennessee; and

WHEREAS, its purpose is one of assisting physicians anywhere in the United States and elsewhere, who have been subjected to malicious and improper (sham) peer review under the ill-advised immunity provided under current law; and

WHEREAS, it has been shown by the National Institutes of Health and other organizations that the number of medical errors occurring in hospitals is not decreasing and thus it is clear that the current peer review system is not effective; and

WHEREAS, it is reasonably concluded and widely accepted that the peer review system is extensively used to silence and/or destroy doctors, their reputations and practices ostensibly in the name of improved medical care when the actual reason is greed, economic advantage or to silence criticism of unsafe or poor medical care; and



WHEREAS, the recent gross intentional misuse of medical facilities and abuse of patients as demonstrated by the unnecessary and dangerous procedures performed at the Redding Medical Center in California, a Tenet Facility, demonstrates beyond any doubt that Tenet misuses the peer review process and thus it is likely that other hospitals and hospital companies do the same;

THEREFORE, concerned physicians from across the United States and in various specialties with either personal experiences or knowledge of this abuse of the peer review system do hereby invite physicians, attorneys, other medical professionals, and anyone concerned about safe and effective patient care anywhere in the world to assist in removing these unfair practices by assisting and providing help, both financial and informational, to other medical professionals who have been unfairly sanctioned or attacked in the name of peer review. Further, this organization is a non-profit organization with volunteer officers until such time as some reasonable compensation for these officers can be established realizing that the primary mission of the Society is to assist shammed physicians.

ARTICLE I: Name

The name of this organization is The Semmelweis Society International, Inc.

ARTICLE II: Purpose

The purpose of Semmelweis Society International is to:

1. Establish a database of information available to members and non-members that provides facts and case law related to peer review and the status of any current or pending legislation.
2. Provide educational opportunities for those persons interested in learning more about the problem of sham peer review and how to deal with it.
3. Provide an organization that will listen to those medical professionals who have been defamed and attacked under the guise of "peer review."
4. Provide a service that will review contracts and Bylaws of medical organizations to point out deficiencies in these documents, which could lead to an increased risk of sham peer review, at a reasonable cost.
5. Provide advice to those medical professionals, or others who have been the victim of sham peer review.
6. Provide a central point and forum of various persons in and out of the medical field to discuss peer review problems and possible solutions.
7. Provide sample bylaws and contracts that address the problem of sham or bad faith peer review.



8. Help to improve patient care and reduce medical costs by the proper use of the peer review system, by the proper use of science and evidence based medicine.
9. Advance the field of knowledge in the area of proper peer review.
10. Assist other organizations that seek to improve the present shortcomings in the peer review system.
11. Identify and publish the names and affiliations of those individuals and organizations that have demonstrated either repeated episodes of bad faith and malicious peer review or have demonstrated a single event of sham peer review that is so abusive that these activities should be published.
12. Engage in any lobbying or direct legislative influence, and to provide information if asked to any person requesting it.
13. Improve the overall quality of medical care and reduce medical costs and errors.
14. Work with medical groups and professional societies to improve the delivery of peer review.
15. Study the process of peer review and present articles on the process and its complexities.
16. Disclose to any organization per any request from either side in a peer review dispute an assessment of whether the peer review meets adequate due process requirements and to inform the parties of any findings.
17. Support fair peer review that follows due process guidelines and proper procedure. If the peer review is not in accordance with the organization's own rules, bylaws and regulations, the deficiencies will be identified.
18. Intervene in the peer review process at the earliest opportunity for individual physicians to try and resolve any sham peer review before the expenditure of excessive funds and damage to the physician's practice.
19. Fairly and objectively evaluate any physicians who present their peer review for evaluation to the Society.
20. Stop the use of bad faith involuntary psychiatric evaluations as a tool in destroying a doctor or other professional's career.
21. Inform and educate residents at an early stage of their training to make them aware of both the methods of bad faith and sham peer review and to give them the tools and organization to recognize sham peer review so that it can be stopped.
22. Identify those organizations that support bad faith peer review and publicize these activities to the public and our lawmakers.



23. Support honest and reasonable peer review whenever and wherever it is performed. Though the Society does stand for the proposition that there is a terrible problem with sham, malicious, economic and/or bad faith peer review, we specifically disclaim the notion that all peer review is bad. We support the need for honest and unbiased peer review as this system properly executed will result in improved medical care and reduced costs.

ARTICLE III: ORGANIZATION

SECTION I: Officers

- A. The organization will have at minimum a President and a Secretary-Treasurer.
- B. Other Officers who may be elected as required are:
 - a. Vice-President
 - b. Secretary
 - c. Treasurer
- C. The President and Secretary-Treasurer will initially be appointed by the incorporators and will serve a term of 2 years.
- D. Following this two-year term, officers will be elected by a quorum of the Members for additional two year terms.
- E. This election will take place at a date and time to be established and will occur at the annual meeting.
- F. The President and other officers must be active Members of the Society.

SECTION II: Executive Board of Directors

- A. When the membership will allow, as determined by the President, a Board of Directors will be established.
- B. The Board of Directors will consist of a minimum of three Members.
- C. The Board may, on its own authority, increase the number of Board Members to meet the additional requirements of the Society, but limited to a maximum of seven Members.
- D. The Executive Board consists of the elected officers plus elected Board Members to a total of five or seven if so decided by the Society. If a new president is elected, the immediate past president is automatically a Member of the Board.



- E. The Board of Directors must always consist of an odd number of Members unless there are only three Members and one Member resigns or fails to complete his/her term.
- F. If the Board consists of more than three Members and one Member resigns or is unable to complete his/her term, either a new Board Member must be appointed and approved by a majority of the remaining Board Members or a new Board Member must be elected by a quorum of all active Members of the Society. If this is not accomplished within 60 days, then the most recent other Board Member or Member with the lowest seniority must resign within 60 days to once again provide an odd number of Board Members.
- G. Board Members can be any person who is interested in the improvement of the peer review process and is a Member of the Society. Board members are not required to be doctors or lawyers. Board Members may be any Member of the Semmelweis Society.
- H. Board Members may be recalled by a majority vote of the Society membership.

SECTION III: Members

- A. Any person interested in the peer review process and interested in correcting the deficiencies of the peer review process may be a Member of Semmelweis Society International.
- B. Dues for membership are to be established by the officers and then by the Board when it is established.
- C. Dues or any other income are to be used for the defense of persons who are the victim of sham peer review, for establishing and maintaining the data base or for other purposes as determined by the Board.
- D. Contributions are welcome and will be accepted. We request that all contributions be made to Semmelweis Society International, Inc.
- E. Though it is our interest to make information available to anyone who needs it, we would hope that the opportunity to help a person who has been persecuted will be incentive enough for the organization.
- F. Semmelweis Society International does oppose the proposition that any of its members may negotiate to reach a separate contract for services with either members or non-members of the Society. In this case, arrangements are strictly between the parties contracting. Other than this, it is the intention of the Society to provide all of the above services to members for free, based on the ability and time of individual members to assist persons requesting help.



- G. Though the Bylaws do not anticipate compensation for the Officers of the Society, depending on the amount of work involved, compensation may be requested in writing and must be approved by the Board of Directors.
- H. The membership is confidential and to be only promulgated among the Members of the Society.
- I. Any Member can be accepted to the Society, subject to final approval of the Board.
- J. Prospective members shall submit an unrefundable application fee with their application as per the Board. Once accepted, applicants shall be considered a "Provisional Member" for a period of ONE YEAR, during which time the applicant enjoys no rights or privileges as a member. At any time during the "provisional period", the Board can reject the applicant. If, however, the applicant meets the proper criteria for membership, the Board shall vote on the Applicant and accept him or her as a member, as long as membership dues are paid.
- K. Membership dues that lapse or otherwise remain unpaid shall result in the suspension of membership if not paid by Feb 1 of the calendar year.

SECTION IV: – Disciplinary Procedures

- A. When any member (Complainant) becomes aware of any conduct that affects the good will, morale, and overall mission of the Society or its membership, the Complainant shall report the incident to a Board member as soon as practicable.
- B. A Board member who receives a complaint shall review the complaint and seek any related evidence.
- C. The Board member may request another Board member OR may designate another member (DI) who is not a party to investigate the complaint. The *Designated Investigator* (DI) shall immediately report any conflict of interest that arises between the DI and the Complainant or Respondent and shall be replaced by another designee. A DI who fails to report a conflict of interest may become subject to disciplinary action as well. Complaints must be timely and an investigation shall be initiated within one month of reporting.
- D. Members shall cooperate with the DI. Giving false information or otherwise failing to cooperate with the DI or failing to abide by his or her directions shall be reported to the Board and may itself result in an admonishment, suspension, or **immediate** dismissal by the Board majority.
- E. The DI shall interview percipient witnesses; gather and review all available evidence that may corroborate or disprove the allegations. The DI is encouraged to ask for assistance or direction to complete the investigation.



- F. The DI shall attempt to resolve the matter to the satisfaction of the Complainant and take appropriate action to prevent aggravation of the incident.
- G. If the DI believes that the allegations do not rise to a level of misconduct, he or she shall notify the Board and Complainant. Once advised, the Complainant may appeal to the Board for relief. If the majority of the Board decides to dismiss the complaint, the complaint shall be considered closed.
- H. If the DI believes that evidence is sufficient to sustain the complaint, he or she shall advise the Board of the findings. The Board shall then advise the Respondent to discontinue the behavior (admonishment).
- I. If after receiving an admonishment the Respondent is found to have committed similar subsequent behavior or has otherwise aggravated the situation, witnessing members shall immediately notify the Board. Once notified, the Board may admonish or revoke the membership of the Respondent.
- J. The Board may retain all membership fees of the dismissed member or may return all or part of the remaining fees with or without comment, at the Board's discretion.
- K. A removed member can reapply for membership two years after his or her removal.
- L. Adjudicated complaints, records, notes, and other evidence shall be retained for at least two years by the Board or until at least two years after any related hearings are fully adjudicated. A copy of the complaint shall be provided to all parties of the complaint upon request. Members who are not parties to the complaint may request copies from parties. Parties shall have the discretion to release their copies of the complaint.
- M. Former members whose membership was revoked may reapply for membership two calendar years after his or her membership was revoked.
- N. Board members who become the subject of a complaint shall be investigated by their peer Board members (not a DI) and may be deselected by a Board majority that includes a vote by the Board member in question. Board members who are removed may retain their membership but have no right to appeal. Former members whose membership was revoked may reapply for membership two calendar years after his or her removal.

ARTICLE IV: MEETINGS

- A. There will be an annual meeting of the Society at a time and place to be established by the Board in which case the time and place will be established by the Board.
- B. The meeting will be primarily to organize, plan and direct the Society for the following year.



- C. At a minimum, the following will be the agenda at each meeting.
- a. Call to order
 - b. Minutes approval from the previous meeting
 - c. New members approved.
 - d. Election of new officers
 - e. Report on legislative changes over the last year
 - f. Financial report of the Society
 - g. Old Business
 - h. New Business
- D. Additional meetings may be called by a majority of the Board Members or by a two-thirds majority of the members of the Society.
- E. Business at a meeting may be conducted if there is a quorum of the membership, either by actual attendance or by written proxy. A quorum is 67% of the active members of the Society.
- F. A majority vote of the quorum will be required to approve any resolution unless otherwise stated in these Bylaws.
- G. Resolutions may be presented to the Board between meetings, and if approved by a majority of the Board may be sent to the members by mail, email, or fax for a vote.
- H. If a resolution presented to the Board is approved by the Board and sent to the members, a majority of the members may accept the resolution in which case it has the same force as a resolution passed at a meeting.
- I. If a resolution passed to the membership by the Board is not accepted by a majority of the current members, then this resolution may not be presented to the membership of the Society again for a minimum of 2 years.
- J. If a resolution is rejected by the Board, it may be introduced at the next meeting without a minimum time requirement.

ARTICLE V: COMMITTEES

- A. Committees to perform specific duties may be appointed by the Officers or Board, or recommended by a Member as needed to accomplish a particular purpose.
- B. Any Member may submit a request for a particular Committee to be established by a written request to the Board, including the duties of the Committee anticipated.
- C. Establishment of the Committee is within the sole discretion of the Board.



- D. No Committees are automatically established. The Committee, if appointed, will also have an appointed Chairman who will report to the President and the Board if appointed by the Board.
- E. The Committee can, at any time, elect a new Chairman of the Committee if a majority of the Committee members decide to elect a Chairman different from the appointed Chairman. If elected, the Chairman will serve until the Committee business is concluded, or for a minimum term of one year.
- F. Committee Chairman will provide a written report to the Board and Officers at least once every 6 months. These reports will be sent to the members for information.
- G. The Committee will continue to exist as long as the purpose for which it was appointed exists.

ARTICLE VI: AMENDMENT OF THE BYLAWS

- A. Any member may present a resolution to amend the Bylaws. This resolution is to be presented to the Board of Directors, or if none exists, to the President.
- B. If there is no Board, the President will present the amendment to the membership within three months or at the next annual meeting, whichever is less.
- C. If the Board approves the amendment resolution, the resolution is presented to the membership within 3 months or at the next annual meeting, whichever is less. The amendment must be approved by a Board majority OR two-thirds of the members present at the annual meeting provided that quorum requirements are met. If the membership disapproves of any amendments to the Bylaws, they may modify the Bylaws by electing a new Board at the annual meeting and by petitioning for new bylaw changes.

ARTICLE VII: GENERAL PROVISIONS

- A. This Society does lobby any official, whether elected or not, in order to pass legislation.
- B. This Society will provide information on request to anyone involved in any way in the peer review process with the exception of those organizations or individuals identified as perpetrators of sham peer review.
- C. All Board Members or Officers have complete and total immunity from any actions they take with regards to the Society to the fullest extent permitted by law.



- D. Board Members and Officers do not have immunity for any actions involving fraud, conversion, or any other intentional tortuous action that is in direct opposition to the stated goals of the Society.
- E. The minutes from the annual meeting are to be emailed to every member of the Society within thirty days after the completion of meeting. Due to costs, the Society cannot mail the minutes if the member has no email.

Reviewed, appended, amended and approved by the Board on 30 October, 2008.

Roland Chalifoux, DO
President

Sandra Counce, RN
Vice President

Clark Baker
Treasurer

Terry Bennett, MD MPH
Secretary