

BOOK VI

ON THE RESOLUTION OF ETHICAL DISPUTES

CHAPTER 38

ON THE MEDIATION BODY AND THE PARTS OF THE MEDIATION PROCESS. RESOLUTION AND PENALTIES.

Art.-607 Mediation Body: The **Asociación Médica Argentina** shall cause a Health Ethics Court (TEPLAS) to be formed, made up by **Asociación Médica Argentina** members – 5 (five) regular members and 5 (five) alternate members – who shall replace the regular members in case of absence or disability in the same order in which they were designated. Members shall remain in office for 4 (four) years and may be reelected simultaneously with the election to designate the members of the Honor Court of AMA, to which election requirements they must conform, pursuant to the Bylaws and Voting Regulations of the **Asociación Médica Argentina**. The Health Ethics Court shall be chaired by the oldest member, assisted by one Vice-Chairman, one Secretary of Minutes and two Voting Members, all of whom shall exercise the Chair in that order in the event of the Chairman's absence or inability. The Court shall meet only if at least 3 (three) of its members are present. In order to form the Health Ethics Court, professionals from the different Health Sciences shall be selected from among the members of the **Asociación Médica Argentina** whose trajectory and credentials may be of one mind with the principles and goals of the ethical conduct described herein. Under no circumstance shall the members of TEPLAS be called to declare or testify before a law court in connection with or with reference to the cases they are involved in.

Art.-608 Parts of the Mediation Process: Once the steps set forth in Chapter I of this Book V have been complied with, the Preliminary Information proceeding shall take place in accordance with the following:

- Paragraph a) The Health Ethics Court shall meet and hear in the first place the reporter and then the party being reported. Both the reporter and the party being reported shall be entitled to attending with their legal representatives. Their statements may be clarifications on the issues being heard.
- Paragraph b) TEPLAS shall endeavor to determine, and to have the parties agree, on the facts and circumstances originating and having evolved into the ethical

dispute, their existence and the scope thereof, and for this purpose TEPLAS may decide that one of the parties be heard alone while the party not being heard awaits its turn to be called at a different room in the premises.

- Paragraph c) Should the parties not come to agree on the facts stated in the report, TEPLAS, in that same act, shall cause the evidence offered to be produced in order that it may be assessed no later than 30 (thirty) business days after that date, and within such term the witnesses listed shall be examined and heard by TEPLAS. Once the evidence discovery period is over, the parties shall be summoned for a new Settlement Conference.
- Paragraph d) In the event that TEPLAS should deem it necessary to convene further Settlement Conferences, it shall record in writing the day and time for holding such conferences.
- Paragraph e) In the event that the parties should resolve the dispute, a Record shall be made to detail the terms and scope of the agreement, including mutual redress. The Record and as many copies as parties are involved shall be signed by the Chairman of TEPLAS and the parties, the original copy being filed in the Dossier.
- Paragraph f) In the event that the parties should not reach an agreement, it shall be considered that the mediation has come to an end. This fact shall be certified in a Record, which respective copies shall be signed by the Chairman of TEPLAS and the parties.
- Paragraph g) Within 10 (ten) business days after this last Settlement Conference, the parties may submit their arguments on the evidence presented.
- Paragraph h) The above having been complied with, TEPLAS shall – within 30 (thirty) business days – study the Dossier in order to come to a decision thereon based on sound legal grounds. TEPLAS Decision shall accept or dismiss the report in all or in part, stating any penalties, if applicable. Said Decision shall be notified in an authentic manner to the parties at their specially stated addresses.
- Paragraph i) This Decision may not be appealed except to clarify it or to annul it returning the case to its original state, with respect to its unclear provisions, and this appeal to TEPLAS must be based on sound grounds and entered within ten (ten) business days of the notice of such Decision having been

received. The appeal shall be accepted or dismissed no later than fifteen business days after it was entered.

Paragraph j) The Final Decision shall be made known to the Societies to which the reporter and the reported party belong for its recordation in their respective personal files.

Art.-609 Penalties: TEPLAS, in order to assess the measures taken and the scope of any penalties it may decide on, shall take into consideration the parties' prior history, their professional ethical credentials, the seriousness of the offense, and the implications thereof for the ethics of Health Sciences, for the Community and for the Society in which the person being reported or the reporter lives if the claim is found to be negligent. In keeping with the above, penalties shall go from just a warning to suspension from the Societies in the **Asociación Médica Argentina** for a term as may be stipulated, the maximum penalty being suspension and definitive discharge from such Societies.

Art.-610 Court of Law Intervention: In the event that either party should deem it has been affected by illegitimacy or manifest arbitrariness against its constitutional rights, such aggrieved party, at its sole expense, shall seek the legal remedy it is entitled to before any court as may be applicable.