

## REPORTS OF THE COUNCIL ON CONSTITUTION AND BYLAWS

The following reports, 1–3, were presented by Cyndi Yag-Howard, MD, Chair:

### 1. CESSATION OF NEW AMA AFFILIATE MEMBERS

*Reference committee hearing: see report of [Reference Committee on Amendments to Constitution and Bylaws](#).*

**HOUSE ACTION: RECOMMENDATIONS ADOPTED AS FOLLOWS**  
**REMAINDER OF REPORT FILED**  
**BYLAWS AMENDED**

At the 2015 Interim Meeting of the House of Delegates, the House adopted Policy G-635.064, which eliminated the pathway to future membership under the affiliate membership category while preserving the status held by individuals who have already met the requirements and have been approved for affiliate membership. It also directed the Council on Constitution and Bylaws to draft appropriate amendments to the Bylaws to effect the changes.

This report presents the requested bylaw language for consideration of the House of Delegates.

#### RECOMMENDATIONS

The Council on Constitution and Bylaws recommends that the following amendments to the AMA Bylaws be adopted, that Policy G-635.064 be rescinded, and that the balance of the report be filed. Adoption of bylaws changes requires the affirmative vote of two-thirds of the members of the House of Delegates present and voting.

**1.1.2 Affiliate Members.**

The pathway to affiliate membership was discontinued effective November 2015. Those individuals who were elected as affiliate members prior to 2015 may retain their affiliate membership.

Persons who belong to one of the following classes are eligible to become affiliate members of the AMA:

- a. Physicians in foreign countries who have attained distinction in medicine and who are members of their national medical society or such other medical organization as will verify their professional credentials.
- b. American physicians located in foreign countries or in territories or possessions of the United States who are engaged in medical missionary, educational or philanthropic endeavors.
- c. Dentists who hold the degree of DMD or DDS who are members of the American Dental Association and their state and local dental societies.
- d. Pharmacists who are active members of the American Pharmaceutical Association.
- e. Teachers of medicine or of the sciences allied to medicine who are citizens of the United States and are ineligible for active membership.
- f. Individuals engaged in scientific endeavors allied to medicine and others who have attained distinction in their fields of endeavor but who are not eligible for other categories of membership.

**1.1.2.1 Admission.** Membership is conferred by majority vote of the House of Delegates following nomination by the Council on Ethical and Judicial Affairs. Nominations for d, e, and f must also be approved by the appropriate constituent association. The election of affiliate members shall take place at a time recommended by the Committee on Rules and Credentials and approved by the House of Delegates.

**1.1.2.2—Rights and Privileges.** Affiliate members may attend AMA meetings but may not vote or hold office, and they are not eligible to receive publications of the AMA except by subscription.

**1.1.2.32 Dues and Assessments.** Affiliate members are not subject to dues or assessments

#### APPENDIX - Relevant AMA Policy

G-635.064 Affiliate Membership. Our AMA will eliminate the pathway to future membership under the affiliate membership category while preserving the status held by individuals who have already met the requirements and have been approved for affiliate membership, category or status, and the Council on constitution and Bylaws will draft appropriate amendments to the Bylaws to effect such.

## **2. OPTIONS FOR INFORMATIONAL REPORTS SUBMITTED TO THE HOUSE (RESOLUTION 606-A-15)**

*Reference committee hearing: see report of [Reference Committee on Amendments to Constitution and Bylaws](#).*

**HOUSE ACTION: RECOMMENDATIONS ADOPTED AS FOLLOWS  
REMAINDER OF REPORT FILED**  
*See Policy G-600.055*

Resolution 606-A-15, Informational Reports, submitted by the Alabama Delegation, asked that: “1) Our American Medical Association take the necessary steps to see that informational reports submitted to the House of Delegates may be acted upon in the same fashion as regular reports and resolutions; and 2) Any report or resolution in the future that is not accepted and is still somehow published in our proceedings have the words ‘Not Accepted by the House of Delegates’ or something similar printed in large bold face letters over the report or resolution so that there is no question to others who are using our website as to what our policy really is.”

Reference committee testimony was largely in support of this resolution, and Reference Committee F agreed that the resolution made a valid point about how informational reports are notated and published. The reference committee suggested that there might be solutions beyond those proposed and recommended further study to prevent future misunderstandings related to informational reports. Ultimately, the House agreed that referral for report was the appropriate action, and the original resolution and several amendments proposed on the floor of the House of Delegates (HOD) were referred. The Board of Trustees assigned the report to the Council on Constitution and Bylaws.

This report summarizes the deliberations of the Council and presents recommendations for action by the House of Delegates.

#### BACKGROUND

During its fact-finding phase, the Council reviewed how our AMA House of Delegates has handled informational reports and other items of House business in the past.

#### *Items Submitted and Distributed*

Informational reports are published online with other items of business and included in the Handbook. The Handbook contains all items of business subject to action by the House of Delegates at the upcoming meeting of the HOD. All items of business are posted to a password-protected AMA website that includes the following disclaimer:

Readers of this material are reminded that it refers only to items to be considered by the House. No action has been taken on anything herein contained and it is informational only. Only those items that have been acted upon by the House can be considered official.

The electronic and print Handbooks also include a caveat, “All Delegates, Alternate Delegates and others receiving this material are reminded that it refers only to items to be considered by the House. No action has been taken on

anything herein contained, and it is informational only." In addition, informational reports appear under a different tab than those assigned to a reference committee; the separate tab is appropriately labelled "Informational Reports."

Any items, including informational reports, that are included in the Handbook are subject to revision up until the Sunday morning session of the House. Depending on when revisions are received, revised resolutions and reports, including their highlighted revisions, are included in the Handbook Addendum, reposted online as revised, and/or included in the Sunday tote.

Resolutions and other reports calling for action become part of the online member forums, which allow members to provide advance written testimony on proposed resolutions and reports. Informational reports, because they do not include recommendations for action, currently are not part of the online member forums.

#### *House Action on Items*

At the Sunday session of the House, the Speaker calls for extraction of any informational report. Any informational report that is extracted is referred to a reference committee. The Speaker then asks for a motion to file the remaining informational reports.

The AMA House of Delegates Reference Manual: Procedures, Policies and Practices\* provides comprehensive information to delegates and others about the American Medical Association's House of Delegates policy development process. At each annual and interim meeting of the House of Delegates, the House ratifies the current version of the Reference Manual as its official method of procedure. This action is accomplished on Saturday afternoon when the House adopts the Report of the Committee on Rules and Credentials.

The Council reviewed the Reference Manual for relevant excerpts that might pertain to informational reports. The result of that review follows:

- Although the full text of all reports is made available to delegates and published in the Proceedings, it is only the recommendations that are subject to amendment, and only the recommendations adopted by the House that subsequently become AMA policy. The HOD typically files informational reports, the text of which are subsequently published in their entirety in the meeting Proceedings. [Chapter 5: Business Items of the House of Delegates, pg. 30]
- The Reference Manual includes explanatory comments so that the House clearly understands the precise effect of the language used in determining the disposition of items of business. Those comments most relevant to actions that can be taken on an informational report are included below. [Chapter 8: Reference Committee Hearings and Reports, pg. 50]
  - *Recommendation to File:* The House acknowledges that a report has been received and considered, but that no action upon it is either necessary or desirable. This does not set Association policy or have the effect of placing the Association on record as approving or accepting responsibility for any of the material in the report.
  - *....Recommended for Referral:* The House acknowledges that it does not wish to assume responsibility for the report in its existing form, and wishes to take action to refer the matter to the Board of Trustees (or to an AMA Council through the Board) for further study and report back to the House at a subsequent meeting.
  - *....Recommended for Referral for Decision:* The House acknowledges that it does not wish to assume responsibility for the report in its existing form, and it wishes to take action to delegate to the Board the decision as to determine what action is appropriate. Once the Board of Trustees determines the appropriate action, the Board subsequently will inform the House of the action via the status chart submitted to the Delegates with the Handbook prior to the next meeting.

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\* The Council worked closely with the Speakers to create this Reference Manual a number of years ago, and works with them each year to incorporate any necessary changes based on actions taken by the House of Delegates.

- ....*Recommended for Leave to Withdraw*: The House acknowledges that it agrees with the reference committee that the report should be withdrawn. The author of a report may only request withdrawal of a report prior to its formally being presented by the Speaker of the House at the Second Session of the House of Delegates on Sunday morning. A request for withdrawal after that time requires House approval. If, in the judgment of the author and of the reference committee, it appears that withdrawal of the report is preferable to presentation for action, the reference committee report may recommend withdrawal. If the House of Delegates supports this recommendation by a majority vote of delegates present and voting, the resolution is withdrawn and is recorded in the minutes of the meeting as having been withdrawn.
- AMA policy allows for: (a) correcting factual errors in AMA reports, (b) rewording portions of a report that are objectionable, and (c) rewriting portions that could be misinterpreted or misconstrued, so that the “revised” or “corrected” report can be presented for House action at the same meeting whenever possible. The Speakers have interpreted this policy as meaning that only the recommendations of a report may be modified at the discretion of the House. The body of the report may only be modified (for instance, if there is a factual error in the text) with the concurrence of the Board or Council which submitted the report. [Chapter 10: Special Items and Their Treatment in the HOD, pg. 55]

Prior to 1970, the Proceedings of the House of Delegates used the nomenclature “accepted for information” rather than “filed” for informational reports. The term “filed” came into usage when the House of Delegates, at its 1969 Annual Meeting, voted to move from *Robert’s Rules of Order* to *Sturgis, Standard Code of Parliamentary Procedure*.

As previously noted, once an informational report is extracted, it is referred to a reference committee. If a recommendation is added to the informational report, the report is no longer considered informational and becomes an actionable item of business of the House.

#### *Disposition of Informational Reports Following HOD Meetings*

Following each House meeting, the Proceedings (Minutes) are posted to an AMA password-protected website with House action on each item clearly and consistently labelled. The Proceedings carry the following notation: “The Proceedings are not official until approved by the House of Delegates and are subject to correction until that time.” Until such time as the House approves the Proceedings at the subsequent annual or interim meeting of the House of Delegates, each page carries a “draft” watermark.

Each item of business published in the Proceedings is clearly labelled with the action taken. All reports, including informational reports, are published in their entirety in the Proceedings, while resolutions include only the title and the resolved statements but not the whereas clauses. If any item was withdrawn, its withdrawal is so noted in the Proceedings.

Information statements, which were created by the House of Delegates in 2009 on recommendation of the Speakers’ Special Advisory Committee, are not published in the Proceedings, as they are intended to require no action and are used only to bring an item to the attention of the House (Policy G-600.060). Information statements are distinct from informational reports, and information statements, unlike informational reports, are not considered items of business of the House.

#### DISCUSSION

Informational reports provide data, facts, feedback, and other types of information, but do not include recommendations. They are intended to provide information without being actionable unless extracted. Because they do not include recommendations and thus are not included in the online member forums, House members may not give them the attention they deserve. The Council believes that if informational reports were to be included in the online member forums, the reports would have more visibility and allow someone to propose much earlier in the process an action other than file or to suggest a correction.

The Council reviewed and discussed the reference committee testimony and subsequent testimony on the floor of the House regarding Resolution 606-A-15, and noted broad support for having multiple options for disposing of a

report initially submitted as an informational report. Options discussed included file, refer, amend, and not accept. The Council considered each option proffered in testimony:

- File--This is an existing option. An informational report is filed when delegates accept an informational report at the opening session of the House without extracting it for discussion.
- Refer--This is an existing option that a reference committee may recommend should an informational report be extracted and sent to reference committee for discussion. The House may choose to refer an informational report when it is incomplete or needs updating.
- Amend--This is an existing option that a reference committee may recommend should an informational report be extracted and sent to reference committee for discussion. An informational report may be amended to add a recommendation for further action. An informational report, like any other report, also can be amended for clarity and/or accuracy with the concurrence of the author. This option is most appropriate when the edits are minor, are editorial in nature and are agreeable to all. In some cases, the author is encouraged to withdraw the report, and resubmit it at the next meeting. In other instances, the author makes the requested edits and redistributes the pertinent revisions at the same meeting.
- Not Accept--Currently, the House cannot vote to not accept an informational report. However, the Council believes this would be a useful option to dispose of an informational report. Were the House to be accorded the ability to not accept an informational report, the Council envisions a scenario whereby a delegate would extract the informational report; the Speaker would refer it to a reference committee for discussion; the reference committee would recommend nonacceptance based on testimony; and the House would accept the reference committee's recommendation to not accept the report.

The Council also opined that an option not discussed either in reference committee or on the floor of the House of Delegates, but relevant as a mechanism to dispose of an informational report perceived to be inaccurate or incomplete, is the existing option to withdraw an informational report. Until an informational report is accepted as business by the House on Sunday morning, its author can withdraw it. If the informational report is extracted after the House accepts it as business and the Speaker refers it to a reference committee, the reference committee can recommend withdrawal as an option for disposition. If the House agrees with the reference committee's recommendation to withdraw, the item is withdrawn and its withdrawal is clearly noted in the Proceedings.

Pursuant to Resolution 606-A-15, the Council also investigated how informational reports might appear in the Proceedings if referred or not accepted. Our AMA's parliamentary code, *The American Institute of Parliamentarians Standard Code of Parliamentary Procedure*, states that "Minutes are the legal history and record of official actions of an organization. Minutes are the formal record of a deliberative assembly's proceedings, approved (as corrected, if necessary) by the assembly. Minutes provide a record of reports and decisions made at a meeting on behalf of the entire membership, regardless of whether members are present at or absent from the meeting. The accuracy of minutes is essential. They are used by auditors as proof of financial actions authorized by the organization and by courts as evidence of actions taken." The Council concluded it was important for historical reasons and for transparency to include informational reports that were referred or not accepted in the Proceedings.

The Council found the Proceedings' current procedure for labeling each item of business with final House action to be clear and easy to understand. The labeling of House actions was consistent across all items of business with the exception of withdrawn items. For a withdrawn item, only the resolution/report number, title, and the fact that it was withdrawn, are included in the Proceedings. As directed, the Council also investigated the feasibility of using a watermark in the Proceedings to identify resolutions that were not adopted and reports that were not accepted. The Office of House of Delegates Affairs was amenable to watermarking those informational items that the House votes to not accept. However, watermarking defeated resolutions and referred reports was more complex and cannot be accomplished because of how the Proceedings are organized and formatted.

The Council concluded that the House should have the option to "not accept" an informational report, even though it recognized this option likely would be rarely used. A report that was "not accepted" would be an action equivalent to "not adopt" for a resolution. For the sake of consistency and because the Proceedings are the Minutes of the meeting, the Council supported including an informational report in its entirety in the Proceedings, but prominently notating its nonacceptance in a watermark so as to reduce anyone's ability to misconstrue a House action.

The Council also agreed to clarify the language in the House of Delegates Reference Manual to make the existing options more transparent and clear regarding withdrawal of an informational report by the author, extraction of an

informational report to add a recommendation, and amending an informational report. With respect to the latter, however, wordsmithing on the floor of the House of Delegates, beyond a minor editorial correction for accuracy, will continue to be discouraged.

## RECOMMENDATIONS

The Council recommends that the following recommendations be adopted in lieu of Resolution 606-A-15 and that the balance of the report be filed. The Council recommends:

1. Informational reports will be included in the AMA House of Delegates Online Member Forums.
2. The House of Delegates will have the following options to dispose of an informational report: file, refer, and not accept. An informational report may be amended to add a recommendation for further action. An informational report, like any other report, also can be amended for clarity and/or accuracy with the concurrence of the author. If an informational report is amended for action, it is no longer considered an informational report. The House may also grant the author leave to withdraw an informational report.
3. Any informational report that the House of Delegates votes to not accept will be published in the Proceedings in its entirety, but be clearly labelled with the House action.
4. The Proceedings of our AMA House of Delegates meetings will use a prominent “not accepted” watermark to designate any informational report that the House votes to not accept.

## 3. A DEFINITION OF RESIDENT AND FELLOW FOR INCLUSION IN THE AMA BYLAWS

*No reference committee hearing.*

### HOUSE ACTION: RECOMMENDATIONS ADOPTED REMAINDER OF REPORT FILED BYLAWS AMENDED

At the 2016 meeting of our AMA House of Delegates, the House adopted Resolution 6, Definition of Resident and Fellow, submitted by the Resident and Fellow Section (RFS). Resolution 6 called for amendments to the AMA Bylaws to define resident and fellow for purposes of membership in the AMA RFS and for the purpose of assessing dues.

The Council on Constitution and Bylaws presents the requested amendments to the AMA Bylaws.

## RECOMMENDATIONS

The Council on Constitution and Bylaws recommends that the following amendments to the AMA Bylaws be adopted, that the recommendations in Resolution 6-A-16 be rescinded, and that the remainder of this report be filed. Adoption requires the affirmative vote of two-thirds of the members of the House of Delegates present and voting, following a one day lay over.

**7.1 Resident and Fellow Section.** The Resident and Fellow Section is a fixed Section.

**7.1.1 Membership.** All active resident/fellow physician members of the AMA shall be members of the Resident and Fellow Section.

**7.1.1.1 Definition of a Resident.** For purposes of membership in the Resident and Fellow Section, the term Resident shall be applied to any physicians who meet at least one of the following criteria:

a) Members who are enrolled in a residency approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

b) Members who are active duty military or public health service residents required to provide service after their internship as general medical officers (including underseas medical officers or flight surgeons) before their return to complete a residency.

c) Members who are serving, as their primary occupation, in a structured educational, vocational, or research program of at least one year to broaden competency in a specialized field prior to completion of their residency.

**7.1.1.2 Definition of a Fellow.** For purposes of membership in the Resident and Fellow Section, the term Fellow shall be applied to any physicians who have completed a residency and meet at least one of the following criteria:

a) Members who are serving in fellowships approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association.

b) Members who are serving, as their primary occupation, in a structured clinical, educational, vocational, or research training program of at least six months to broaden competency in a specialized field.