

## REPORT OF THE BOARD OF TRUSTEES

B of T Report 12-A-19

Subject: Data Used to Apportion Delegates

Presented by: Jack Resneck, Jr., MD, Chair

Referred to: Reference Committee F  
(Greg Tarasidis, MD, Chair)

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At the 2018 Interim Meeting, Policy G-600.016, “Data Used to Apportion Delegates G-600.016,” was adopted. It states that:

1. Our AMA shall issue an annual, mid-year report on or around June 30 to inform each national medical specialty and state medical society of its current AMA membership count status report.
2. “Pending members” will be added to the number of active AMA members in the December 31 count for the purposes of AMA delegate allocations to national medical specialty and state medical societies for the following year.
3. Our AMA Physician Engagement department will develop a mechanism to prevent a second counting of those previous “pending members” at the end of the following year until their membership has been renewed.

Reporting mid-year membership counts to state medical societies as called for in paragraph 1 of the policy is a straightforward process and will be implemented within one month following the conclusion of the 2019 Annual Meeting of the House of Delegates. Because current Policy G-600.027 links the total number of national medical specialty society delegates to the overall number of constituent (i.e., state) association delegates and because membership counts for most national medical specialty societies are based on their most recent five-year review, membership figures will be unchanged from the apportionment data for all national medical specialty societies other than those that undergo a five-year review at the just concluded Annual Meeting. Accordingly, your Board of Trustees offers an alternate recommendation to clarify mid-year reporting.

The remainder of this report deals primarily with implementation of the second and third paragraphs of Policy G-600.016.

### APPORTIONMENT OF DELEGATES

Under current AMA Bylaws (2.1.1), constituent associations are apportioned delegates at the rate of one delegate for each 1000 (or fraction thereof) **active** AMA members within the jurisdiction of each constituent association, as recorded by the AMA as of December 31 of each year. Thus, for example, a constituent association with 1000 or fewer AMA members is apportioned one delegate and one alternate delegate, while a constituent association with from 1,001 to 2,000 AMA members will receive two delegates and two alternate delegate seats. (Some other bylaws provisions deal with special circumstances such as a loss of AMA members by the constituent association, but

those are not relevant for purposes of this report.) For 2019, 281 delegates were apportioned to constituent associations, which in turn means that 281 delegates were apportioned to national medical specialty societies using methods specified in Policy G-600.027, "Designation of Specialty Societies for Representation in the House of Delegates." For both constituent associations and national medical specialty societies membership figures are calculated as of December 31 and delegates are apportioned for the following year. While actual end-of-year counts are used for constituent associations, national medical specialty society data generally come from the most recent five-year review.

#### *Apportionment Under Policy G-600.016*

Although the plan described below was adopted by the House of Delegates at I-18, no changes in delegate apportionment are possible until the AMA Bylaws are amended. The figures in Appendix 1 for the (hypothetical) 2019 delegate apportionment to constituent associations are based on this plan. Because national specialty society delegate apportionment is hinged to constituent associations, national specialty societies are not included in the table.

The definition of "pending members" referenced in paragraph 2 of Policy G-600.016 is critical to understanding apportionment under the new policy. Board of Trustees Report 1-I-18, which eventuated in Policy G-600.016, defined pending members as individuals who at the time they apply for membership are not current in their dues and who pay dues for the following calendar year. For example, a nonmember in 2018 who during calendar year 2018 completed an application and paid dues for the 2019 membership year would be a "pending member." In practical terms, a pending member's active membership is not in effect on December 31, only becoming active the next day. Under current rules, those members are not reported as members in any end-of-year statistics. Pending members typically acquire "pending" status in the fourth quarter of a given year. Under Policy G-600.016 "pending members" will be added to the active members as of December 31 to determine delegate allocation for the following year.

The figures in the two rightmost columns of Appendix 1 were calculated using this plan, which counts both active and pending members for purposes of delegate apportionment. This count will differ from the membership reported in the annual "Performance, Activities and Status" report (BOT Report 7 at this meeting).

As is apparent from Appendix 1, the inclusion of pending members will result in ten new delegates. Thereafter, the plan will have relatively few effects. This is so for two reasons. As noted, delegates are apportioned at the one per 1000 members rate, so for a constituent association to gain a delegate, the number of pending members must move its member count across a 1000 threshold. The likelihood of that for any given constituent society after the first year when a few societies that are close to the threshold see a positive effect is low. At the same time, the number of pending members must more than offset the number of active members who do not renew their memberships for the succeeding year to have an ongoing positive effect.

It is critical to avoid any gaming of the system. Consider a nonmember who becomes a pending member late in the year. As a pending member, that individual enters into the apportionment calculations for the succeeding year, and as a then current member would also be included in the counts for the next year as well. The following chart shows how someone joining late in the year every other year would affect delegate apportionment.

MEMBERSHIP		DUES	COUNTED IN
<u>YEAR</u>	<u>STATUS</u>	<u>PAYMENT</u>	<u>APPORTIONMENT</u>
Year 1	Pending	Pays for year 2	Counts for year 2
Year 2	Member	Does not renew	Counts for year 3
Year 3	Pending	Pays for year 4	Counts for year 4
Year 4	Member	Does not renew	Counts for year 5
Year 5	Pending	Pays for year 6	Counts for year 6

Inssofar as AMA membership benefits ought to accrue to members, and our members report that representation and advocacy on their behalf are highly valued, it is critical that apportionment be based on members, not individuals seeking to game the system. Paragraph 3 of Policy G-600.016 attempts to resolve the issue by calling for the development of a mechanism to prevent a second counting of these members the following year until they have renewed their membership. To ensure that a “pending member” who only pays membership for a single year is not counted for apportionment for two years, our AMA will track each “pending member” (who will be added to the membership count for purposes of delegate apportionment in the year in which they paid membership dues for the following year, as per paragraph 2) and, as specified in paragraph 3, they will not be counted in the subsequent year’s apportionment unless they renew their membership before the end of the following year. Once a “pending member” has renewed their membership for the following year, going forward they will be counted like all other active members and will no longer be tracked. While your Board of Trustees recognizes that it is still possible to “game” this system, continued tracking of an increasing cohort of “pending members” presents an ever-increasing data burden.

Our AMA currently reports active membership for any given year and over the course of the calendar year for a variety of reasons. We do not currently track “pending members” and certainly do not follow these members prospectively. Implementation of Policy G-600.016 will require an internal process to perform tracking of these individual members. Because the impact upon our AMA and the constituent societies of the House of Delegates of this new apportionment methodology beyond the first year is unknown and the data challenges to track pending members as they renew for subsequent years are difficult to determine prospectively, your Board of Trustees recommends that Policy G-600.016 be amended to reflect a trial period with a report back on the impact and recommendations for the future be submitted to the House of Delegates at the 2022 Annual Meeting.

## CONCLUSION

Your Board of Trustees has prepared this report to ensure clarity with respect to the yet to be implemented plan for delegate apportionment outlined in Policy G-600.016 and to afford members of the House of Delegates an opportunity to provide additional input via the reference committee process. Moreover, because apportionment is effective for a calendar year, Bylaws amendments at the upcoming Interim Meeting will allow timely execution of the policy.

RECOMMENDATIONS

The Board of Trustees recommends that the following recommendations be adopted and the remainder of the report be filed:

A. That Policy G-600.016, "Data Used to Apportion Delegates," be amended to read as follows:

1. Our AMA shall issue an annual, mid-year report on or around June 30 to inform each state medical society and each national medical specialty society that is in the process of its 5-year review and state medical society of its current AMA membership count status report. (New HOD Policy)
2. "Pending members" will be added to the number of active AMA members in the December 31 count for the purposes of AMA delegate allocations to ~~national medical specialty and state medical societies~~ for the following year and this total will be used to determine the number of national medical specialty delegates to maintain parity. (New HOD Policy)
- ~~3. Our AMA Physician Engagement department will develop a mechanism to prevent a second counting of those previous "pending members" at the end of the following year until their membership has been renewed. (Directive to Take Action)~~
3. Our AMA will track "pending members" from a given year who are counted towards delegate allocation for the following year and these members will not be counted again for delegate allocation unless they renew their membership before the end of the following year. (New HOD Policy)
4. Our AMA Board of Trustees will issue a report to the House of Delegates at the 2022 Annual Meeting on the impact of Policy G-600.016 and recommendations regarding continuation of this policy. (Directive to Take Action)

B. That the Council on Constitution and Bylaws prepare a report for the 2019 Interim Meeting that will allow the implementation of Policy G-600.016, as amended herein.

Fiscal Note: \$8,695

## APPENDIX 1

## Constituent Association Delegate Apportionment: 2019 Actual and 2019 Hypothetical

Constituent Association	AMA members as of 31 Dec 2018	Apportionment 2019	AMA members including pending members	2019 hypothetical apportionment
<b>Total</b>	<b>250,253</b>	<b>280</b>	<b>263,061</b>	<b>290</b>
Alabama	3,062	4	3,206	4
Alaska	352	1	367	1
Arizona	4,271	5	4,424	5
Arkansas	2,021	3	2,090	3
California	22,429	23	23,548	24
Colorado	4,096	5	4,206	5
Connecticut	3,413	4	3,601	4
Delaware	668	1	690	1
District of Columbia	1,981	2	2,085	3
Florida	13,489	14	14,142	15
Georgia	4,874	5	5,170	6
Guam	25	1	28	1
Hawaii	1,078	2	1,119	2
Idaho	563	1	595	1
Illinois	11,069	12	11,580	12
Indiana	4,439	5	4,924	5
Iowa	2,151	3	2,212	3
Kansas <sup>1</sup>	1,903	2	1,990	2
Kentucky	3,228	4	3,376	4
Louisiana	4,024	5	5,571	6
Maine	1,337	2	1,367	2
Maryland	4,414	5	4,658	5
Massachusetts	12,321	13	12,546	13
Michigan	12,011	13	12,467	13
Minnesota	4,393	5	4,586	5
Mississippi	2,749	3	2,830	3
Missouri	4,846	5	5,123	6
Montana	679	1	704	1
Nebraska	1,640	2	1,727	2
Nevada	1,471	2	1,530	2
New Hampshire	877	1	918	1
New Jersey	7,074	8	7,455	8
New Mexico	1,285	2	1,345	2
New York	19,468	20	20,529	21
North Carolina	5,181	6	5,471	6
North Dakota	762	1	776	1
Ohio	10,593	11	11,066	12
Oklahoma	3,751	4	3,813	4
Oregon	1,902	2	2,015	3
Pennsylvania	13,213	14	13,886	14
Puerto Rico	1,399	2	1,495	2
Rhode Island	1,018	2	1,072	2
South Carolina	4,572	5	4,694	5
South Dakota	963	1	997	1
Tennessee	4,744	5	4,943	5
Texas	18,002	19	18,735	19

Constituent Association	AMA members as of 31 Dec 2018	Apportionment 2019	AMA members including pending members	2019 hypothetical apportionment
Utah	1,668	2	1,760	2
Vermont	416	1	444	1
Virgin Islands	37	1	40	1
Virginia	7,111	8	7,360	8
Washington	3,888	4	4,087	5
West Virginia	1,831	2	1,944	2
Wisconsin	4,556	5	4,800	5
Wyoming	202	1	205	1
APO/FPO	743	-	749	-

1. Kansas had three delegates in 2018 and can retain the third delegate by submitting a plan for intensified membership recruitment. See bylaw 2.1.1.1.1.
2. Figures do not include delegates awarded under special bylaws provisions (e.g., provisions for the speaker and vice speaker).

## APPENDIX 2

### Current AMA Policy and Bylaws

#### Policy G-600.027, "Designation of Specialty Societies for Representation in the House of Delegates"

1. Specialty society delegate allocation in the House of Delegates will be determined so that the total number of national specialty society delegates shall be equal to the total number of delegates apportioned to constituent societies under section 2.1.1 (and subsections thereof) of AMA bylaws, and will be distributed based on the latest available membership data for each society, which is generally from the society's most recent five year review, but may be determined annually at the society's request.
2. Specialty society delegate allocation will be determined annually, based on the latest available membership data, using a two-step process:
  - (a) First, the number of delegates per specialty society will be calculated as one delegate per 1,000 AMA members in that society, or fraction thereof.
    - (i) At the time of this calculation, any specialty society that has applied for representation in the HOD, and has met SSS criteria for representation, will be apportioned delegates in anticipation of its formal acceptance to the HOD at the subsequent Annual Meeting. Should the society not be accepted, the delegate seat(s) apportioned to that society will remain vacant until the apportionment of delegates occurs the following year.
  - (b) Second, the total number of specialty society delegates will be adjusted up or down to equal the number of delegates allocated to constituent societies.
    - (i) Should the calculated total number of specialty society delegates be fewer than the total number of delegates allocated to constituent societies, additional delegates will be apportioned, one each, to those societies that are numerically closest to qualifying for an additional delegate, until the total number of national specialty society delegates equals the number of constituent society delegates.
    - (ii) Should the calculated total number of specialty society delegates be greater than the number of delegates allocated to constituent societies, then the excess delegates will be removed, one each, from those societies numerically closest to losing a delegate, until the total number of national specialty society delegates equals the number of constituent society delegates.
    - (iii) In the case of a tie, the previous year's data will be used as a tie breaker. In the case of an additional delegate being necessary, the society that was closest to gaining a delegate in the previous year will be awarded the delegate. In the case of a delegate reduction being necessary, the society that was next closest to losing a delegate in the previous year will lose a delegate.
3. Should a specialty society lose representation during a meeting of the HOD, the delegate seat(s) apportioned to that society will remain vacant until the apportionment of delegates occurs the following year.

#### Bylaw B-2.1, "Constituent Associations"

Each recognized constituent association granted representation in the House of Delegates is entitled to delegate representation based on the number of seats allocated to it by apportionment, and such additional delegate seats as may be provided under Bylaw 2.1.1.2. Only one constituent association

from each U.S. state, commonwealth, territory, or possession shall be granted representation in the House of Delegates.

2.1.1 Apportionment. The apportionment of delegates from each constituent association is one delegate for each 1,000, or fraction thereof, active constituent and active direct members of the AMA within the jurisdiction of each constituent association, as recorded by the AMA as of December 31 of each year.

2.1.1.1 Effective Date. Such apportionment shall take effect on January 1 of the following year and shall remain effective for one year.

2.1.1.1.1 Retention of Delegate. If the membership information as recorded by the AMA as of December 31 warrants a decrease in the number of delegates representing a constituent association, the constituent association shall be permitted to retain the same number of delegates, without decrease, for one additional year, if it promptly files with the AMA a written plan of intensified AMA membership development activities among its members. At the end of the one year grace period, any applicable decrease will be implemented.

2.1.1.2 Unified Membership. A constituent association that adopts bylaw provisions requiring all members of the constituent association to be members of the AMA shall not suffer a reduction in the number of delegates allocated to it by apportionment during the first 2 years in which the unified membership bylaw provisions are implemented.

2.1.2 Additional Delegates. A constituent association meeting the following criteria shall be entitled to the specified number of additional delegates.

2.1.2.1 Unified Membership. A constituent association shall be entitled to 2 additional delegates if all of its members are also members of the AMA. If during any calendar year a constituent association adopts bylaw provisions requiring unified membership, and such unified membership is to be fully implemented within the following calendar year, the constituent association shall be entitled to the 2 additional delegates. The constituent association shall retain the 2 additional delegates only if the membership information as recorded by the AMA as of each subsequent December 31 confirms that all of the constituent association's members are members of the AMA.

2.1.2.2 Minimum 75% Membership. A constituent association shall be entitled to one additional delegate if 75% or more of its members, but not all of its members, are members of the AMA. The constituent association shall retain the additional delegate only if the membership information as recorded by the AMA as of each subsequent December 31 confirms that 75% or more of the constituent association's members are members of the AMA. If the membership information indicates that less than 75% of the constituent association's members are members of the AMA, the constituent association shall be permitted to retain the additional delegate for one additional year if it promptly files with the AMA a written plan of intensified AMA membership development activities among its members. If the membership information for the constituent association, as recorded by the AMA as of the following December 31 indicates that for the second successive year less than 75% of the constituent association's members are members of the AMA, the constituent association shall not be entitled to retain the additional delegate.

2.1.2.3 Maximum Additional Delegates. No constituent association shall be entitled to more than 2 additional delegates under Bylaw 2.1.2.



2.1.2.3.1 Effective Date. The additional delegates provided for under this bylaw shall be based upon membership information recorded by the AMA as of December 31 of each year. Allocation of these seats shall take effect on January 1 of the following year.

2.1.3 Selection. Each constituent association shall select and adjust the number of delegates to conform with the number of seats authorized under this bylaw.

2.1.4 Certification. The president or secretary of each constituent association shall certify to the AMA the delegates and alternate delegates from their respective associations. Certification must occur at least 30 days prior to the Annual or Interim Meeting of the House of Delegates.

2.1.5 Term. Delegates from constituent associations shall be selected for 2-year terms and assume office on the date set by the constituent association, provided that such seats are authorized pursuant to these Bylaws. Constituent associations entitled to more than one delegate shall select them so that half the number, as near as may be, are selected each year. One-year terms may be provided but only to the extent and for such time as is necessary to accomplish this proportion.

2.1.6 Vacancies. The delegate selected to fill a vacancy shall assume office immediately after selection and serve for the remainder of that term.

2.1.7 Resident/Fellow Physician and Medical Student Delegates. A constituent association may designate one or more of its delegate and alternate delegate seats to be filled by a resident/fellow physician member or a medical student member.

2.1.7.1 Term. Such resident/fellow physician or medical student delegate or alternate delegate shall serve for a one-year term beginning as of the date of certification of the delegate or alternate delegate by the constituent association to the AMA.

2.1.7.2 No Restriction on Selection. Nothing in this bylaw shall preclude a resident/fellow physician or medical student member from being selected to fill a full 2-year term as a delegate or alternate delegate from a constituent association as provided in Bylaw 2.1.5.

2.1.8 Application by a Constituent Association for Representation in the House of Delegates. A constituent association seeking representation in the House of Delegates shall submit an application to the AMA. The Board of Trustees shall make a recommendation to the House of Delegates as to the proposed constituent association's qualifications for representation, based on all the current guidelines for representation in the House of Delegates.