

REPORT OF THE BOARD OF TRUSTEES

B of T Report 3-I-22

Subject: Delegate Apportionment and Pending Members

Presented by: Sandra Adamson Fryhofer, MD, Chair

Referred to: Reference Committee on Amendments to Constitution and Bylaws

1 At June’s Annual Meeting, Board of Trustees Report 20 was considered, with the following
2 recommendations referred for report at this meeting (to avoid confusion with the original
3 recommendations, letters are used here to designate the recommendations):
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- 5 A. That delegate apportionment for 2023 for constituent societies be based on official 2022 year-
6 end AMA membership data as recorded by the AMA.
- 7 B. That delegate apportionment for 2024 be based on then current bylaws.
- 8 C. That the Council on Constitution and Bylaws prepare bylaws amendments to implement these
9 recommendations, with the report to be considered no later than the November 2022 meeting
10 of the House of Delegates.
- 11 D. That Policy G-600.016, “Data Used to Apportion Delegates,” be rescinded.
12

13 The following recommendation from the same report was referred for decision.

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- 15 E. That pending members no longer be considered in apportioning delegates in the House of
16 Delegates.
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18 The recommendations labelled A-D above hinged on Recommendation E, which would have
19 ceased counting pending members for apportionment purposes. By and large Recommendations
20 A-D could be considered to have been subordinate to or contingent on Recommendation E.
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22 PENDING MEMBERS DEFINED

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24 Essential to dealing with the matter of pending members is the definition. Board Report 1-I-18
25 defined pending members as individuals who are not current members at the time they pay their
26 dues for the following calendar year. Two elements are required: the person is not a current
27 member at the time of dues payment and the person joins for the following calendar year. The
28 report had been prepared in response to a proposal to count these pending members for delegate
29 apportionment. To prevent gaming the system, by for example joining only every other year, the
30 House determined that a pending member would be counted for apportionment purposes the
31 following year if and only if they had again paid their dues early (i.e., before year end).
32

33 FOLLOW ON ACTION

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35 As noted, Recommendation E (originally the first of six recommendations in the Board’s report)
36 was referred for decision. Acting in September, the Board adopted this recommendation, meaning
37 pending members will not be counted for apportionment purposes. As a practical matter, once
38 someone becomes a pending member, the individual must be tracked across time in perpetuity

1 solely for apportionment. Say an individual becomes a pending member in Year 0, meaning they
2 will be an actual member in Year 1. To be counted for apportionment purposes in Year 2, the
3 pending member must have paid their dues for Year 2 in Year 1. That will be true for successive
4 years without end (pay for Year 3 in Year 2, for Year 4 in Year 3, and so on). Note that a current
5 member (who has never been counted as a pending member) who always pays dues “early” is not a
6 pending member.

7
8 If that pending member’s dues payment is delayed to January 1 (or later) of Year 2, they will not
9 have been counted in apportioning Year 2 delegates but will be counted at the end of Year 2 for
10 Year 3 as a regular member, NOT as a pending member. At that point, the individual is a regular
11 member unless their membership lapses and they cycle back into the pending member category. In
12 other words, the timing of one’s dues payment and one’s membership status at the time of that
13 payment affect how and whether one is counted for apportionment purposes. These elements
14 cannot be captured by AMA’s membership accounting system across a potential 40- or 50-year
15 career in medicine. To track the information would require an estimated quarter million dollar
16 change to the membership accounting system.

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18 Your Board acknowledges the arguments for counting pending members but believes counting
19 them not only unnecessarily complicates the apportionment process but that it devalues other
20 benefits of membership and active members themselves:

- 21
- 22 • The notion that pending members gain representation only by being counted for apportionment
23 purposes belies the fact that delegates represent the needs of not only members but patients,
24 their sponsoring societies, and the profession, including nonmembers.
 - 25 • Suggestions that being counted toward representation in the House of Delegates is attractive
26 are speculative at best. Physicians consistently report valuing the advocacy that emerges from
27 House of Delegates policy, not the House of Delegates per se.
 - 28 • Pending members are in fact NOT members. Individuals who join late in the year wishing to be
29 counted—a premise that is largely unsupported—could easily join for the current year by
30 paying half-year dues.
 - 31 • Some have argued that not counting pending members is tantamount to treating them as
32 second-class members. As just noted, they are not members, at least not initially, but decisions
33 about apportionment need not be linked to more concrete member benefits, which are a
34 separate business decision that can and should be addressed as a membership matter.
 - 35 • Finally, no evidence has emerged to suggest that the offer to count pending members for
36 apportionment purposes has led to membership gains. Virtually all the pending members in the
37 initial implementation had joined prior to the implementation of the experiment. Few states
38 gained delegates, meaning few have benefitted if at all.
- 39

40 While the makeup of the House is the province of the House, your Board believes that the
41 longstanding policy of counting actual members for apportionment has served our members well.
42 Counting pending members can be considered to diminish or discount actual members’ value as
43 much as it can be seen to enhance representation.

44
45 **POLICY ADOPTED AT A-22**

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47 The following policy was adopted at June’s Annual Meeting and is the subject of Report 1 from the
48 Council on Constitution and Bylaws at this meeting. The policy was adopted in lieu of a proposal
49 to extend the delegate freeze into 2023. If implemented—bylaws amendments are required—in
50 2023 constituent societies will be apportioned delegates using the following formula, whereby each
51 society will get the greatest of the three calculated numbers:

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- 2 • The number of delegates apportioned at the rate of 1 per 1000, or fraction thereof, AMA
- 3 members;
- 4 • The number of delegates apportioned for 2022 so long as that figure is not greater than 2 more
- 5 than the number apportioned at the rate of 1 per 1000, or fraction thereof, AMA members; or
- 6 • For societies that would lose more than five delegates from their 2022 apportionment, the
- 7 number of delegates apportioned at the rate of 1 per 1000, or fraction thereof, AMA members
- 8 plus 5.
- 9

10 Although implementation depends on action to be taken at this Interim Meeting, your Board would
11 emphasize that this plan, which originated with the Board's report, was based on counting actual
12 members and was intended not to continue counting pending members. In addition, the Board's
13 action on the item referred for decision means pending members will not be counted for
14 apportionment purposes.

15 16 REFERRED ITEMS

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18 Turning to the four referred items, each will be dealt with in turn. Recommendation A (as labelled
19 herein) called for constituent society apportionment in 2023 to be based on "official 2022 year-end
20 membership data" and simply flowed from the recommendation that preceded it to not count
21 pending members. That latter recommendation, labelled "E" in this report, has been adopted by
22 Board action. Existing bylaws or possible amendments at this meeting will suffice. No action is
23 therefore required on the referred recommendation.

24
25 Recommendation B calling for delegate apportionment in 2024 to be based on then current bylaws
26 is unnecessary. Current bylaws are by definition controlling. Moreover, the language does not
27 affect the ability of the House to amend bylaws, so again, no action is required.

28
29 The recommendation in Board of Trustees Report 20-A-22 calling for the Council on Constitution
30 and Bylaws to prepare a report essentially flagged the Council that bylaws amendments might be
31 necessary. It is more a style for AMA reports than a necessity, as the Council has the authority to
32 generate and offer reports on its own. The recommendation requires no action.

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34 The fourth referred recommendation, labelled D, was simply a housekeeping matter, meant to cull
35 an unneeded policy from the compendium, which contains 3955 separate policy statements. Policy
36 G-600.016, "Data Used to Apportion Delegates," reads as follows:

- 37
- 38 1. Our AMA shall issue an annual, mid-year report on or around June 30 to inform each state
- 39 medical society and each national medical specialty society that is in the process of its 5-year
- 40 review of its current AMA membership count.
- 41 2. "Pending members" (defined as individuals who at the time they apply for membership are not
- 42 current in their dues and who pay dues for the following calendar year) will be added to the
- 43 number of active AMA members in the December 31 count for the purposes of AMA delegate
- 44 allocations to state medical societies for the following year and this total will be used to
- 45 determine the number of national medical specialty delegates to maintain parity.
- 46 3. Our AMA will track "pending members" from a given year who are counted towards delegate
- 47 allocation for the following year and these members will not be counted again for delegate
- 48 allocation unless they renew their membership before the end of the following year.
- 49 4. Our AMA Board of Trustees will issue a report to the House of Delegates at the 2022 Annual
- 50 Meeting on the impact of Policy G-600.016 and recommendations regarding continuation of
- 51 this policy.

1 Paragraphs two and three of the policy are not relevant if pending members are no longer counted.
2 Paragraph four was fulfilled by Board of Trustees Report 20-A-22, even though all but one of the
3 recommendations it contained were referred. While a case might be made for retaining paragraph
4 one, our AMA's Federation Relations and Membership units are in regular communication with
5 societies in the House, and any society can easily request its current data at any time. For specialty
6 societies not undergoing their five-year review, the report has no value, and little need for a
7 mandated report is apparent. Consequently, the policy is recommended for rescission.

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9 RECOMMENDATION

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11 Your Board is cognizant of the fact that some members of the House believe that counting pending
12 members is beneficial to membership and acknowledges the right of the House to determine its
13 makeup. Nevertheless, your Board has concluded that counting pending members for
14 apportionment lacks merit for the reasons outlined above. Also worth noting is that the House will
15 act on Council on Constitution and Bylaws Report 1, which will determine the path taken and may
16 also affect action on this report.

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18 Your Board of Trustees recommends that Policy G-600.016 be rescinded and the remainder of the
19 report filed.

Fiscal Note: \$150 to update PolicyFinder