

REPORTS OF THE COUNCIL ON CONSTITUTION AND BYLAWS

The following reports, 1–3, were presented by Charles J. Hickey, MD, Chair:

1. AMA BYLAWS AND THE FUNCTIONS OF THE COUNCIL ON ETHICAL AND JUDICIAL AFFAIRS

Informational report; no reference committee hearing.

HOUSE ACTION: FILED

At the 2012 Annual Meeting of the AMA House of Delegates, the Council on Constitution and Bylaws (CCB) presented CCB Report 2-A-12, AMA Bylaws 6.50 and the Council on Ethical and Judicial Affairs' Responsibilities for Appeals in all Allegations of Discrimination. CCB Report 2-A-12, prepared in response to referred CCB Report 1-A-11, was referred back. CCB Report 1-A-11 was a report initiated by the Council to clarify AMA Bylaws and achieve parity between constituent associations (state medical associations) and national medical specialty societies. The goal of both CCB reports was to clarify that the same standards regarding CEJA's appellate function apply also to allegations of discrimination involving the national medical specialty societies, professional interest medical associations and the AMA sections represented in the House of Delegates.

DISCUSSION

According to AMA Bylaw 6.524, one function of the Council on Ethical and Judicial Affairs is "to receive appeals filed by applicants who allege that they, because of sex, color, creed, race, religion, disability, ethnic origin, national origin, sexual orientation, gender identity, age, or for any other reason unrelated to character or competence have been unfairly denied membership in a constituent association and/or component society, to determine the facts in the case, and to report the findings to the House of Delegates."

The Council on Constitution and Bylaws, after much discussion and review of prior reference committee testimony on its two previous reports, has determined there currently is insufficient support in the House of Delegates to make any changes to AMA Bylaw 6.50 or its subdivisions related to CEJA's appellate function. However, the Council will reconsider the topic at the request of the AMA House of Delegates should specific changes be proposed by an organization represented in the House.

The Council would like to thank all those who provided testimony on this subject at the 2011 and 2012 Annual Meetings.

2. AMA SENIOR PHYSICIANS SECTION - ADDITIONAL BYLAWS

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

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

See Bylaw [7.90](#)

The American Medical Association (AMA) House of Delegates bylaw language to establish the Senior Physicians Section was presented in Council on Constitution and Bylaws Report 1-I-12.

In April 2013, the AMA Board of Trustees (BOT) approved the Senior Physicians Section's Internal Operating Procedures (SPS-IOP), consistent with Bylaw 7.07, "all rules, regulations and procedures adopted by each Section shall be subject to the approval of the Board of Trustees." The newly approved SPS-IOP governs the composition, election, term and tenure of its governing council and other officers, and rules of procedure for conducting a business meeting.

DISCUSSION

There are two provisions in the approved IOP that require corresponding bylaw changes. These include (1) a virtual election of the SPS governing council by the entire SPS membership; and (2) governing council election of the chair-elect.

AMA Bylaw 7.032 states that “Members of each Section Governing Council shall be elected by the voting members of the Section present at the business meeting of the Section, unless otherwise provided...” The Board of Trustees approved the SPS-IOP provision that allows the entire Senior Physicians Section (SPS) membership - all AMA members 65 years of age and older not just those present at the SPS business meetings convened in conjunction with HOD meetings - to participate in electing the SPS Governing Council.

Also, AMA Bylaw 7.042 states that “Officers of each Section shall be elected by the voting members of the Section, unless otherwise provided...” The Board approved the SPS-IOP provision that allows the elected governing council members to then elect the chair-elect from among their members.

The Council on Constitution and Bylaws has developed additional bylaw language to address these SPS-IOP provisions.

RECOMMENDATIONS

The Council on Constitution and Bylaws recommends that the following Bylaw amendments be adopted, and that the balance of the report be filed. Adoption requires the affirmative vote of two-thirds of the members of the House of Delegates present and voting.

7.90 Senior Physicians Section. The Senior Physicians Section is a delineated Section.

7.91 Membership. All active physician members of the AMA age 65 and above shall be members of the Senior Physicians Section.

7.92 Elections. Membership on the Governing Council shall be determined through election by members of the Senior Physicians Section. All members of the Senior Physicians Section shall be entitled to vote in elections of Governing Council members. Ballot distribution and the voting process shall be conducted pursuant to election procedures adopted by the Governing Council and approved by the Board of Trustees.

7.921 Election of Officers. The Governing Council shall elect the Section Chair-Elect from among the Governing Council members.

7.932 Cessation of Membership. If an officer or Governing Council member ceases to be an active member of the AMA prior to the expiration of the term for which elected, the term of such officer or member shall terminate and the position shall be declared vacant.

3. CREATION OF AN AMA WOMEN PHYSICIANS SECTION

No reference committee hearing; presented to House following adoption of [CLRPD Report 1](#).

**HOUSE ACTION: RECOMMENDATIONS ADOPTED
BYLAWS AMENDED AND
REMAINDER OF REPORT FILED**
See Bylaw [7.100](#)

At the 2013 Annual Meeting, the House of Delegates adopted the recommendations in Report 1 of the Council on Long Range Planning and Development, “Proposal for a Women Physicians Section.” CLRPD Report 1-A-13 recommended that 1) our AMA transition the Women Physicians Congress to the Women Physicians Section as a delineated section; and 2) that our AMA develop bylaw language to recognize the Women Physicians Section.

This CCB report presents bylaw language to establish the Women Physicians Section as a delineated section.

RECOMMENDATIONS

The Council on Constitution and Bylaws recommends that the following amendments to the AMA Bylaws be adopted, that the recommendations of CLRPD Report 1-A-13 be sunset, 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.

7.00—Sections

7.100 Women Physicians Section. The Women Physicians Section is a delineated Section.

7.101 Membership. All female physicians and medical students who are active members of the AMA shall be eligible to be members of the Women Physicians Section.

7.1011 Other active members of the AMA who express an interest in women's issues shall be eligible to join the section.

7.102 Cessation of Membership. If an officer or Governing Council member ceases to be an active member of the AMA prior to the expiration of the term for which elected, the term of such officer or member shall terminate and the position shall be declared vacant.