

REPORTS OF THE COUNCIL ON CONSTITUTION AND BYLAWS

The following reports were presented by Madelyn E. Butler, MD, Chair:

1. BYLAW ACCURACY: SINGLE ACCREDITATION ENTITY FOR ALLOPATHIC AND OSTEOPATHIC GRADUATE MEDICAL EDUCATION PROGRAMS

Reference committee hearing: see report of Reference Committee on Amendments to Constitution and Bylaws.

**HOUSE ACTION: RECOMMENDATIONS ADOPTED
REMAINDER OF REPORT FILED**
Bylaws amended

During 2020, the five-year transition from dual accreditation entities acknowledged in the AMA Bylaws (ACGME for allopathic physicians and AOA for osteopathic physicians) to a single accreditation entity for all was completed. The ACGME now serves as the nation's sole accreditor for both osteopathic (DO) and allopathic (MD) residencies and fellowships.

The Council has prepared this report with appropriate bylaw amendments to ensure that the AMA Constitution and Bylaws remains an accurate document.

RECOMMENDATIONS

The Council on Constitution and Bylaws recommends that the following amendments to the AMA Bylaws be adopted 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.

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.

2. AMA WOMEN PHYSICIANS SECTION: CLARIFICATION OF BYLAW LANGUAGE

Reference committee hearing: see report of Reference Committee on Amendments to Constitution and Bylaws.

HOD ACTION: REFERRED

In 2013, the Board of Trustees Women Physicians Advisory Committee transitioned to the Women Physicians Section (WPS). The Council has worked closely with the WPS since its inception and developed the existing bylaw language. The Council also has reviewed several iterations of the WPS Internal Operating Procedures that were approved by the Board in 2013 and in 2017.

The IOP states that “all female physician and medical student members of the AMA as identified in the AMA Masterfile are automatically enrolled in the WPS.” The IOP further provides the opportunity for any other AMA member to opt-in as a WPS member. However, AMA Bylaw 7.10.1, states that “all female physicians and medical students who are active members of the AMA shall be eligible to be members of the Women Physicians Section.” Per Bylaw 7.10.11, “Other active AMA members who express an interest in women’s issues shall be eligible for WPS membership.” The subtle distinction is that according to the Bylaws, all AMA member female physicians and students are “eligible” to join, whereas the IOP includes them “automatically”. The WPS Governing Council has asked the Council to consider proposing changes to Bylaw 7.10.1.

The WPS believes the IOP language better reflects the intent of the House when it created the section and supports the existing practice of automatically enrolling all AMA member female physicians as WPS members. The Council on Constitution and Bylaws concurs and presents this report for House action.

RECOMMENDATIONS

The Council on Constitution and Bylaws recommends: 1) that the following amendments to the AMA Bylaws be adopted; and 2) 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.

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

7.10.1 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. ~~7.10.1.1~~ Other active members of the AMA who express an interest in women’s issues shall be eligible to join the section.

3. CLARIFICATION TO BYLAW 7.5.2, CESSATION OF ELIGIBILITY (FOR THE YOUNG PHYSICIANS SECTION)

Reference committee hearing: see report of Reference Committee on Amendments to Constitution and Bylaws.

HOUSE ACTION: RECOMMENDATIONS ADOPTED REMAINDER OF REPORT FILED *Bylaws amended*

The suspension of the 2020 Annual Meeting led to questions about eligibility for election within the Young Physicians Section, and the Council on Ethical and Judicial Affairs suggested that the Council on Constitution and Bylaws clarify the language of Bylaw 7.5.2 to more clearly explain when a YPS governing council member’s eligibility to remain in office. Per Bylaw 6.5.2.2, CEJA has responsibility for interpreting the Constitution, Bylaws and rules of the AMA.

Bylaw 7.5.2 states: “If any officer or Governing Council member ceases to meet the membership requirements of Bylaw 7.5.1 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. If any officer’s or member’s term would terminate prior to the conclusion of an Annual Meeting, such officer or member shall be permitted to serve in office until the conclusion of the Annual Meeting in the calendar year in which such officer or member ceases to meet the membership requirements of Bylaw 7.5.1, as long as the officer or member remains an active physician member of the AMA. The preceding

provision shall not apply to the Chair-Elect. Notwithstanding the immediately preceding provision of this section, the Immediate Past Chair shall be permitted to complete the term of office even if the Immediate Past Chair is unable to continue to meet all of the membership requirements of Bylaw 7.5.1, as long as the officer remains an active physician member of the AMA.”

Bylaw 7.5.1, defines YPS Membership as “All active physician members of the AMA who are not resident/fellow physicians, but who are under 40 years of age or are within the first 8 years of professional practice after residency and fellowship training programs.”

In preparing this report, the Council stresses that its intent is to clarify existing language consistent with prior House action.

BACKGROUND

When the Young Physicians Section was established in 1986, YPS membership was defined as physicians under the age of 40 or within the first five years of professional practice. The Bylaws at that time stated that any physician who met the criteria for section membership was eligible to run for office but would need to resign if for any reason the individual ceased to be a member of the section. An additional provision provided specificity about how the chair-elect served a one-year term, then automatically assumed the chair position for another year and ultimately moved into the immediate past chair position for a total of 3 years of service. At all times, that individual was required to meet the definition of young physician.

Over the ensuing years, the House adopted several bylaw amendments, notably:

- Language allowing the immediate past chair to serve even if he/she no longer is considered a young physician [CCB Report E, A-92]
- A grace period for governing council members (except the chair-elect) whose eligibility for YPS membership ends in the months preceding an Annual Meeting [CCB Report 4, I-03]
- Redefining a young physician as under age 40 or within the first 8 years of professional practice [CCB Report 2, A-07]

DISCUSSION

The current language of 7.5.2 dates from 1992 and is a bit confusing as it pertains to who can run for and hold the positions of chair-elect, chair and immediate past chair, which is what brought the issue to CEJA’s attention.

Historical bylaw language stating that the chair-elect to immediate past chair progression entailed a total of 3 years of service was eliminated in 2006 when the Bylaws were simplified by consolidating many provisions and removing others from the Bylaws into individual section internal operating procedures [CCB Report 2, A-06]. Initially, the physician elected to the chair-elect position was required to meet the definition of ‘young physician’ for the entire 3-year term. Over time, the House provided an exemption for any chair (or other governing council member with the exception of the chair-elect) who reached the age of 40 or the maximum years in practice in the calendar year in which YPS elections occur to serve out the term. The House later added an additional grace provision to allow an immediate past chair to fulfill the 3-year commitment despite attaining age 40 or reaching the maximum years in practice.

Current Bylaw 7.5.2 as written and taken in accord with other bylaw language, which stipulates that all governing council members must be eligible for YPS section membership, prohibits a young physician from running for the chair-elect position if that individual will “age” or “term out” at any time during a chair-elect year, hence the wording “The preceding provision shall not apply to the Char-Elect.” Other language (“If any officer’s ... term would terminate prior to the conclusion of an Annual Meeting, such officer ... shall be permitted to serve in office until the conclusion of the Annual Meeting in the calendar year in which such officer or member ceases to meet the membership requirements of Bylaw 7.5.1...” allows the chair to serve a full year as YPS chair if the birthday or time in practice component of the eligibility criteria occurs between January and June. If, however, the birthday or years in practice occurs between June and year-end, the individual is not allowed to complete the term and must vacate the office. All chairs who complete the chair term may progress to the immediate past chair position regardless of age or time in

practice, thus the language “Notwithstanding the immediately preceding provision of this section, the Immediate Past Chair shall be permitted to complete the term of office even if the Immediate Past Chair is unable to continue to meet all of the membership requirements of Bylaw 7.5.1, as long as the officer remains an active physician member of the AMA.”

Several other bylaws impact the language of 7.5.2:

7.0.3 Governing Council. There shall be a Governing Council for each Section to direct the programs and the activities of the Section. The programs and activities shall be subject to the approval of the Board of Trustees or the House of Delegates.

7.0.3.1 Qualifications. Members of each Section Governing Council must be members of the AMA and of the Section.

7.0.4 Officers. Each Section shall select a Chair and Vice Chair or Chair-Elect and other necessary and appropriate officers.

7.0.4.1 Qualifications. Officers of each Section must be members of the AMA and of the Section.

As requested by CEJA, the Council has developed the following amended bylaw language which it believes more clearly states the requirements:

7.5 Young Physicians Section. The Young Physicians Section is a fixed Section.

7.5.1 Membership. All active physician members of the AMA who are not resident/fellow physicians, but who are under 40 years of age or are within the first 8 years of professional practice after residency and fellowship training programs, shall be members of the Young Physicians Section.

7.5.2 Cessation of Eligibility of Governing Council Members. If any Governing Council member ceases to meet the membership requirements of Bylaw 7.5.1 prior to the expiration of the term for which elected, the term of such member shall terminate and the position shall be declared vacant. If any member’s term would terminate prior to the conclusion of an Annual Meeting, such member shall be permitted to serve in office until the conclusion of the Annual Meeting in the calendar year in which such member ceases to meet the membership requirements of Bylaw 7.5.1, as long as the member remains an active physician member of the AMA.

7.5.2.1 The chair position is a three-year commitment and divided into the roles of chair-elect, chair, and immediate past chair. The young physician must meet the requirements of Bylaws 7.5.1 and 7.5.2 through the end of the chair role, or 2nd year. The immediate past chair shall be permitted to complete the term of office even if unable to continue to meet all of the requirements of Bylaw 7.5.1, as long as the physician remains an active physician member of the AMA.

RECOMMENDATIONS

The Council on Constitution and Bylaws recommends that the following amendments to the AMA Bylaws be adopted 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.

7.5 Young Physicians Section. The Young Physicians Section is a fixed Section.

7.5.1 Membership. All active physician members of the AMA who are not resident/fellow physicians, but who are under 40 years of age or are within the first 8 years of professional practice after residency and fellowship training programs, shall be members of the Young Physicians Section.

7.5.2 Cessation of Eligibility of Governing Council Members. If any ~~officer~~ or Governing Council member ceases to meet the membership requirements of Bylaw 7.5.1 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. If any ~~officer's or~~ member's term would terminate prior to the conclusion of an Annual Meeting, such ~~officer or~~ member shall be permitted to serve in office until the conclusion of the Annual Meeting in the calendar year in which such ~~officer or~~ member ceases to meet the membership requirements of Bylaw 7.5.1, as long as the ~~officer or~~ member remains an active physician member of the AMA. ~~The preceding provision shall not apply to the Chair Elect. Notwithstanding the immediately preceding provision of this section, the Immediate Past Chair shall be permitted to complete the term of office even if the Immediate Past Chair is unable to continue to meet all of the membership requirements of Bylaw 7.5.1, as long as the officer remains an active physician member of the AMA.~~

7.5.2.1 The chair position is a three-year commitment and divided into the roles of chair-elect, chair, and immediate past chair. The young physician must meet the requirements of Bylaws 7.5.1 and 7.5.2 through the end of the chair role, or 2nd year. The immediate past chair shall be permitted to complete the term of office even if unable to continue to meet all of the requirements of Bylaw 7.5.1, as long as the physician remains an active physician member of the AMA.

4. TERMS OF SERVICE OF THE RESIDENT/FELLOW MEMBERS OF AMA COUNCILS

Report issued onsite. No reference committee hearing.

HOD ACTION: RECOMMENDATIONS ADOPTED
REMAINDER OF REPORT FILED
Bylaws amended

At the June 2021 Meeting, the House of Delegates adopted Resolution 4 from the Resident and Fellow Section relating to the terms of resident and fellow physician service on AMA Councils. Specifically, the House of Delegates approved recommendations modifying the terms of the resident members from a three-year term to a two-year term on all AMA Councils with the exception of the Council on Legislation.

To implement these recommendations, the Council has prepared appropriate amendments to the AMA Bylaws and presents them for consideration by the House of Delegates. The proposed amendments provide for a two-year term for resident and/or fellow members elected or appointed to an AMA Council after the adoption of this report but exempt those elected or appointed to a council prior to adoption of this report from the two-year term limit (enabling them to serve their original three-year term).

RECOMMENDATIONS

The Council on Constitution and Bylaws recommends: 1) that the following amendments to the AMA Constitution and Bylaws be adopted; and 2) 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 layover.

6.5 Council on Ethical and Judicial Affairs.

6.5.7 Term.

6.5.7.2 Except as provided in Bylaw 6.5.7.2.1 and Bylaw 6.11, the resident/fellow physician member of the Council shall be elected for a term of ~~3~~ 2 years provided that if the resident/fellow physician member ceases to be a resident/fellow physician at any time prior to the expiration of the term for which elected, the service of such resident/fellow physician member on the Council shall thereupon terminate, and the position shall be declared vacant.

6.5.7.2.1 Any resident/fellow physician Council member who was elected at or prior to the 2021 June Meeting shall be elected for a term of 3 years. This provision shall automatically sunset when no longer applicable.

6.5.8 Tenure. Members of the Council may serve only one term, except that the resident/fellow physician member shall be eligible to serve for 3 terms and the medical student member shall be eligible to serve for 2 terms. A member elected to serve an unexpired term shall not be regarded as having served a term unless such member has served at least half of the term.

6.5.9 Vacancies.

6.5.9.2 Resident/Fellow Physician Member. If the resident/fellow physician member of the Council ceases to complete the term for which elected, the remainder of the term shall be deemed to have expired. The successor shall be elected by the House of Delegates at the next Annual Meeting, on nomination by the President, for a ~~3~~ 2-year term.

6.6 Council on Long Range Planning and Development.

6.6.3.2 Resident/Fellow Physician Member. The resident/fellow physician member of the Council shall be appointed for a term of ~~3~~ 2 years beginning at the conclusion of the Annual Meeting provided that if the resident/fellow physician member ceases to be a resident/fellow physician at any time prior to the expiration of the term for which appointed except /as provided in Bylaw 6.11, the service of such resident/fellow physician member on the Council shall thereupon terminate, and the position shall be declared vacant.

6.6.3.2.1 Any resident/fellow physician Council member who was appointed prior to the 2021 June Meeting shall be appointed for a term of 3 years. This provision shall automatically sunset when no longer applicable.

6.6.5 Vacancies.

6.6.5.2 Resident/Fellow Physician Member. If the resident/fellow physician member of the Council ceases to complete the term for which appointed, the remainder of the term shall be deemed to have expired. The successor shall be appointed by the Speaker of the House of Delegates for a ~~3~~ 2-year term.

6.9 Term and Tenure - Council on Constitution and Bylaws, Council on Medical Education, Council on Medical Service, and Council on Science and Public Health.

6.9.1 Term.

6.9.1.2 Resident/Fellow Physician Member. The resident/fellow physician member of these Councils shall be elected for a term of ~~3~~ 2 years. Except as provided in Bylaw 6.11, if the resident/fellow physician member ceases to be a resident/fellow physician at any time prior to the expiration of the term for which elected, the service of such resident/fellow physician member on the Council shall thereupon terminate, and the position shall be declared vacant.

6.9.1.2.1 Any resident/fellow physician Council member who was elected before or at the 2021 June Meeting shall be elected for a term of 3 years. This provision shall automatically sunset when no longer applicable.

6.9.3 Vacancies.

- 6.9.3.2 Resident/Fellow Physician Member. If the resident/fellow physician member of these Councils ceases to complete the term for which elected, the remainder of the term shall be deemed to have expired. The successor shall be elected by the House of Delegates for a 3-year term.

5. AMA BYLAWS – YPS ELIGIBILITY

Report issued onsite. No reference committee hearing.

**HOUSE ACTION: RECOMMENDATIONS ADOPTED
REMAINDER OF REPORT FILED**
Bylaws amended

At the June 2021 Meeting, the House of Delegates adopted Substitute Resolution 24 from the Young Physicians Section in lieu of original Resolution 24. House action on Substitute Resolution 24 called for amendments to our AMA Bylaws to allow continued Governing Council service for those physicians elected to a leadership position, and further redefines Governing Council eligibility through the calendar year.

To implement Substitute Resolution 24, the Council has prepared appropriate amendments to the AMA Bylaws and presents them for consideration by the House of Delegates.

RECOMMENDATIONS

The Council on Constitution and Bylaws recommends: 1) that the following amendments to the AMA Constitution and Bylaws be adopted; and 2) 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 layover.

7.5 Young Physicians Section. The Young Physicians Section is a fixed Section.

- 7.5.1 Membership. All active physician members of the AMA who are not resident/fellow physicians, but who are under 40 years of age or are within the first 8 years of professional practice after residency and fellowship training programs, shall be members of the Young Physicians Section until December 31 of the year of their 40th birthday or December 31 of the eighth year following completion of their graduate medical education, whichever comes last.
- 7.5.2 Cessation of Eligibility of Governing Council Members. If any Governing Council member ceases to meet the membership requirements of Bylaw 7.5.1 prior to the expiration of the term for which elected, the term of such member shall terminate and the position shall be declared vacant. If any member's term would terminate prior to the conclusion of an Annual Meeting, such member shall be permitted to serve in office until the conclusion of the Annual Meeting following that when in which such member ceases to meet the membership requirements of Bylaw 7.5.1, as long as the member remains an active physician member of the AMA.
- 7.5.2.1 The chair position is a three-year commitment and divided into the roles of chair-elect, chair, and immediate past chair. The young physician must meet the requirements of Bylaws 7.5.1 and 7.5.2 when elected as chair-elect through the end of the chair role, or 2nd year. The chair-elect, chair and immediate past chair shall be granted membership in the Section and be permitted to complete the term of office even if unable to continue to meet all of the requirements of Bylaw 7.5.1, as long as the physician remains an active physician member of the AMA.

[Editor's note: The language in 7.5.2 of Report 5 differs from the language adopted earlier in the meeting in [Report 3](#). The discrepancy deals with the words "in the calendar year" which were inadvertently omitted in this report. The Council intends to issue a correction at the next meeting of the House of Delegates.]