

1 OHIO STATE MEDICAL ASSOCIATION 2021 HOUSE OF DELEGATES

2
3 REPORT OF RESOLUTIONS COMMITTEE 1

4
5 Presented by Tyler Campbell, MD, Chair, 1st District

6	Rajiv R. Patel, MD	1 st District
7	Deepak Kumar, MD	2 nd District
8	William H Kose, MD	3 rd District
9	Robert Kose, MD	4 th District
10	Julia A. Heng, MD	5 th District
11	Sean McGrath, MD	6 th District
12		7 th District
13		8 th District
14	Richard Fankhauser, MD	Ohio Orthopaedic Society
15		Resident & Fellows Section
16	Jonathan C. Markle	Student Section
17		
18		

19 All recommendations of the committee are provided on the Consent Calendar to be considered
20 by the House of Delegates as one action to approve the Consent Calendar. A delegate may ask
21 that a resolution be extracted. Extracted resolutions will be considered in numerical order from
22 lowest to highest resolution number.

23
24 *The AIA Standard Code of Parliamentary Procedure permits Resolutions 01-2021, 02-2021, 03-*
25 *2021 and 04-2021 to be placed on the consent calendar even though they require a 2/3 vote for*
26 *passage. Since the consent calendar is adopted by general consent, without objection, it is*
27 *presumed that the House of Delegates has acted with the necessary 2/3 vote.*

28
29 The Resolutions Committee can recommend the following actions: Adopt; Not Adopt; Refer;
30 Amend.

31
32 Printed at the end of this report are the resolutions in the form as recommended by the
33 committee. If the committee recommends amending the original statement, the amendments
34 are shown by striking through the original language and capitalizing the new language
35 (example: ~~one~~ TWO).

36
37 Resolutions Committee 1, after giving careful consideration to the several items referred to it,
38 moves that the Consent Calendar be adopted as presented.
39

40 **CONSENT CALENDAR**

41
42 The Consent Calendar includes the committee's recommendations for adoption, referral, or non-
43 adoption of those resolutions referred to the committee for consideration.

44
45 **indicates that changes were made from recommendations in the preliminary report*

46
47 **RECOMMENDED FOR ADOPTION:**

48
49 Resolution 00-2021 – 2021 OSMA Policy Sunset Report

50
51 Resolution 02-2021 – House of Delegates Ratio of Representation

52
53 Resolution 03-2021 – OSMA elections

54
55 Resolution 04-2021 – Constitution and Bylaws changes – membership category updates

56
57
58 **RECOMMENDED FOR ADOPTION AS AMENDED:**

59
60 Amended Resolution 01-2021 – Bylaws Updates and Corrections

61
62 *Amended Resolution 05-2021 – Ohio Telehealth

63
64 *Amended Resolution 06-2021 – Improving Patient Care Through Better Communication of
65 Availability of Physician Specialists at Hospitals

66
67 *Amended Resolution 09-2021 – COVID-19 Vaccination Protocol

68
69 *Amended Resolution 10-2021 – Physician Communications in the Media

70
71 Amended Resolution 12-2021 – OSMA to Create an IMG (International Medical Graduate)
72 Section

73
74
75 **RECOMMENDED FOR REFERRAL TO COUNCIL:**

76
77 Resolution 07-2021 – Protection of Informed Consent and Patient Autonomy with Administration
78 of COVID-19 Vaccinations

79
80 Resolution 13 – 2021 – Advocate for the Creation of Scholarships, Reducing of Tuition and
81 Waiving of Application Fees to Underrepresented Students in Medicine

82
83
84 **RECOMMENDED FOR NON-ADOPTION:**

85
86 Resolution 08-2021 – COVID-19 Vaccine Distribution

87
88 Resolution 11-2021 – Creating OSMA Resources/Programming to Address Physicians' Role in
89 Medical Misinformation

90 Resolution 00-2021 – ADOPT

91
92 Ohio State Medical Association Policy Compendium Review –
93 2021 OSMA Policy Sunset Report
94 OSMA policy from years 1932 through 2017 plus Policy 27 – 2020
95

96 **RESOLVED**, That the recommendations of OSMA Council published prior to the Annual
97 Meeting as the 2021 OSMA Policy Sunset Report be adopted by the OSMA House of
98 Delegates.

99 *(This is a list of Policy numbers and titles. The full text of policies recommended*
100 *“**RETAIN**” as edited and “**NOT RETAIN**” is contained in this report. All other OSMA*
101 *policies will be retained as they are shown in the OSMA Policy Compendium available on*
102 *www.osma.org.)*

103 **Policies to be Retained as Edited:**

104 Policy 03 – 2017 – Expansion of U.S. Veterans’ Healthcare Choices
105 Policy 05 – 2017 – Veterans Health Administration Transparency and Accountability
106 Policy 11 – 2017 – Third Party Patient Reimbursement for Out-of-Network Physicians
107 Policy 15 – 2017 – Maintain the House of Delegates as the Legislative Body of the OSMA
108

109 **Policies to be Not Retained:**

110 Policy 02 – 2017 – Discriminatory Screening of Potential Patients
111 Policy 06 – 2017 – Direct American Medical Association to Ask CMS and HHS to Remove
112 Practice Expense and Malpractice Expense from Publicly Reported Payments
113 Policy 07 – 2017 – Improving Clinical Utility of Medical Documentation
114 Policy 27 – 2020 – OSMA Policy Sunset Report
115

116 Full text of policies recommended “**RETAIN**” as Edited and “**NOT RETAIN**”

117
118 **NOT RETAIN Policy 02 – 2017 – Discriminatory Screening of Potential Patients**

- 119 1. The OSMA HOD directs the AMA Delegation to request that the AMA Council on Ethical and
120 Judicial Affairs give an ethical opinion on discriminatory pre-screening tools before
121 physicians accept patients in their practice.
122

123 *Comment: accomplished*

124
125 **RETAIN” as Edited Policy 03 – 2017 – Expansion of U.S. Veterans’ Healthcare Choices**

- 126 1. The OSMA House of Delegates directs the OSMA American Medical Association (AMA)
127 Delegation to carry a resolution to our AMA House of Delegates 2017 Annual Meeting
128 requesting that our AMA adopt as policy that the Veterans Health Administration expand
129 SUPPORTS ALLOWING all eligible veterans’ health care choices by permitting them to use
130 funds currently spent on them through the VA system, through mechanisms such as
131 premium support, to purchase private health care coverage, and for veterans over age 65 to
132 use these funds to defray the costs of Medicare premiums and supplemental coverage.

2. ~~The OSMA House of Delegates directs the OSMA AMA Delegation to carry to our AMA House of Delegates 2017 Annual Meeting a resolution further requesting that our AMA actively support federal legislation to achieve this expansion of healthcare choices for Veterans Administration eligible veterans.~~

3. ~~The OSMA by means of the OSMA website, as well as written letters to elected federal legislators and the U.S. President, again actively support federal legislation to achieve this reform of veterans' health care choices.~~

Comment: stricken portion accomplished

RETAIN" as Edited Policy 05 – 2017 – Veterans Health Administration Transparency and Accountability

1. ~~The OSMA House of Delegates directs the OSMA AMA Delegation to carry a resolution to our American Medical Association House of Delegates 2017 Annual Meeting requesting that our AMA adopt as policy SUPPORTS A REQUIREMENT that the Veterans Health Administration be required to report publicly on all pertinent aspects of its operation, including quality, safety, patient experience, timeliness, and cost effectiveness.~~

2. ~~The OSMA House of Delegates directs the OSMA Delegation to carry to our AMA House of Delegates 2017 Annual Meeting a resolution further requesting that our AMA actively support federal legislation to achieve this reform of Veterans Health Administration transparency and accountability.~~

3. ~~The OSMA, by means of the OSMA website, as well as written letters to elected federal legislators and the U.S. President, actively supports federal legislation to achieve this reform of Veterans Health Administration transparency and accountability.~~

Comment: stricken portion accomplished

NOT RETAIN Policy 06 – 2017 – Direct American Medical Association to Ask CMS and HHS to Remove Practice Expense and Malpractice Expense from Publicly Reported Payments

1. ~~The OSMA ask its AMA Delegation to ask the AMA House of Delegates to petition CMS and the office of Health & Human Services to remove practice expense and malpractice expense from reimbursements reported to the public.~~

Comment: accomplished

NOT RETAIN Policy 07 – 2017 – Improving Clinical Utility of Medical Documentation

1. ~~The OSMA AMA Delegation asks the AMA to advocate for appropriate, effective, and less burdensome requirements in the use of electronic health records.~~

Comment: accomplished

RETAIN” as Edited Policy 11 – 2017 – Third Party Patient Reimbursement for Out-of-Network Physicians

1. The OSMA adopts a policy and provides support to physicians and patients which requires insurers and third-party payors to properly reimburse patients and/or out-of-network physicians their usual charges, and that there be no increase in deductibles or co-payments for those patients requiring care from out-of-network physicians because of urgent and emergent treatment needed in emergency rooms and hospitals.

2. The OSMA adopts a policy which requires insurers and third-party payors to reimburse patients and/or out-of-network physicians their usual charges in non-emergent care, if insurer and third-party payor are not able to arrange participating network physician care in a reasonable time, and that there be no increase in deductible or co-payments for those patients.

~~3. The OSMA directs the AMA Delegation to carry a request to our AMA to adopt a policy which requires insurers and third-party payors to properly reimburse patients and/or out-of-network physicians their usual charges, and that there be no increase in deductibles or co-payments for those patients requiring care from out-of-network physicians because of urgent and emergent treatment needed in emergency rooms and hospitals and/or seek federal legislation addressing these issues.~~

Comment: stricken portion accomplished

RETAIN” as Edited Policy 15 – 2017 – Maintain the House of Delegates as the Legislative Body of the OSMA

1. The OSMA House of Delegates shall remain in place as the legislative body of the OSMA, retaining all rights, privileges and authority as are now set forth in the OSMA Constitution and Bylaws.

~~2. The quorum of the HOD will be satisfied with the presence of the majority of the registered delegates. This will require a bylaws change and the OSMA Council is directed to write the appropriate language for voting at the annual meeting in 2018.~~

~~3. From 45 days up to the annual meeting of the HOD, underrepresented counties can be assigned active OSMA members who reside or work in that county or district by the district councilor to serve at the HOD. This may require a bylaws change and the OSMA Council is directed to write the appropriate language for voting at the annual meeting in 2018.~~

Comment: stricken portion accomplished

225 **NOT RETAIN Policy 27 – 2020 – OSMA Policy Sunset Report**

226 The House of Delegates adopted the recommendations of OSMA Council regarding the
227 policies from 1932 through 2016 as is reflected in the 2020 OSMA Policy Sunset Report
228 available on www.osma.org under Annual Meeting section. The possible actions for the policies
229 were *Policies to be Retained*, *Policies to be Retained as Edited* and *Policies to be Not Retained*.

230 **COMMENT:** Accomplished.

231 **Fiscal Note:** \$0 (Sponsor)
232 \$0 (Staff)

233

234

235

236 **Resolution 01 – 2021 - AMEND**

237 **Constitution and Bylaws – updates and corrections**

238
239 **COMMENTS:** The Committee noted that there were no comments opposed to the
240 Committee's preliminary recommendation/proposed amendment.

241 **Preliminary comments:** The Committee discussed the suggested removal of the
242 disciplinary process and decided to insert language suggested by the Chair of the
243 Bylaws Committee with a minor amendment. The language preserves the right to
244 evaluate discipline involving a member using a less prescriptive process. See Chapter 1,
245 new Section 6. In the same chapter, Legal Counsel reinserted Section 7 - Limitation of
246 Liability to protect committee members should the disciplinary process be necessary.

247
248 **ARTICLE II**

249 **COMPONENT SOCIETIES**
250 **OSMA DISTRICTS**

251 ~~**Section 1. Definition.** Component Societies shall consist of those county medical~~
252 ~~societies which now hold, or may hereafter receive, charters from this Association.~~

253 ~~**Section 2. Geographical Scope.** Not more than one (1) Component Society shall be~~
254 ~~chartered in any one (1) county; provided, however, that a charter may be granted to a society~~
255 ~~comprising two or more counties, or parts thereof, when, in the judgment of the House of~~
256 ~~Delegates, the chartering of a multi-county society is in the best interests of this Association;~~
257 ~~and provided further, that whenever two~~

258 ~~(2) or more Component Societies holding charters from this Association shall request in writing~~
259 ~~that they be organized into a single multi-county society, the House of Delegates may grant a~~
260 ~~charter to such society.~~

261 ~~**Section 3. Membership in Adjoining Society.** If there is an insufficient number of~~
262 ~~physicians in any county to form a Component Society, such physicians may become members~~
263 ~~of the Component Society of an adjoining county, if they are otherwise eligible under the~~
264 ~~constitution and bylaws of such adjoining Component Society.~~

265 THE HOUSE OF DELEGATES SHALL ESTABLISH THE NUMBER AND SIZE OF OSMA
266 DISTRICTS WITHIN THE STATE TAKING INTO ACCOUNT GEOGRAPHIC BOUNDARIES AND
267 NUMBER OF PHYSICIANS RESIDING OR PRACTICING WITHIN EACH DISTRICT. THE OSMA
268 COUNCIL SHALL EVALUATE THE NUMBER AND SIZE OF DISTRICTS EVERY FIVE YEARS
269 AND RECOMMEND CHANGES, IF ANY, TO THE HOUSE OF DELEGATES.

270 WITHIN EACH OSMA DISTRICT, PHYSICIANS IN EACH COUNTY MAY FORM SELF-
271 GOVERNING COUNTY SOCIETIES OR MULTI COUNTY SOCIETIES. MEMBERS OF THE
272 COUNTY OR MULTI COUNTY SOCIETIES ARE NOT REQUIRED TO BE MEMBERS OF OSMA
273 BUT ONLY OSMA MEMBERS WILL BE COUNTED FOR PURPOSES OF DETERMINING
274 DELEGATE COUNTS FOR EACH DISTRICT TO THE HOUSE OF DELEGATES.

275

276 **ARTICLE V**

277 **MEETINGS**

278 **Section 1. Annual Meeting.** This Association shall hold an Annual Meeting at which
279 there shall be a meeting of the House of Delegates.

280 **Section 2. Time and Place of Annual Meeting.** The time and place for holding each
281 Annual Meeting shall be fixed by the Council of this Association and Delegates shall be
282 physically present EXCEPT WHEN THE OSMA COUNCIL DETERMINES THAT
283 EXTRAORDINARY CIRCUMSTANCES EXIST THAT MAKE IT IMPOSSIBLE OR
284 INADVISABLE FOR DELEGATES TO BE PHYSICALLY PRESENT.

285 **Section 3. Special Meetings.** Special meetings of the House of Delegates shall be
286 called by the President or other officer upon a two-thirds (2/3) vote of the Council or upon filing,
287 with the Chief Executive Officer of this Association, a petition duly authorized and signed by
288 ~~the presidents of at least twenty-three (23) Component Societies and that a president who signs~~
289 ~~a petition to call a special session of the House of Delegates must act as a representative of~~
290 ~~his/her society, such that he/she expresses the will of the society established by a majority vote~~
291 ~~on the issue concerning the need for the meeting, conducted during a meeting of the society~~
292 ~~or its executive committee, if any exists, at which a quorum is present according to the county~~
293 ~~society's bylaws, and that verification of this meeting and the results of the voting must be~~
294 ~~forwarded to OSMA headquarters to validate the President's signature on the petition AT~~
295 ~~LEAST FIFTY ACTIVE MEMBERS RESIDING OR PRACTICING IN AT LEAST TWO OSMA~~
296 ~~DISTRICTS. Within ten (10) days after such action of the Council, or the filing of such petition,~~
297 ~~the Chief Executive Officer shall give written notice to the members of the House of Delegates~~
298 ~~setting forth the purpose or purposes of such meeting and specifying the time and place thereof,~~
299 ~~in no event shall the meeting be less than twenty (20) days nor more than sixty (60) days after~~
300 ~~the mailing of such written notice.~~

301 **Section 4.** At least ten (10) days advance notice of meetings of members shall be
302 published in print or shall be given by use of authorized communications equipment as defined
303 in Section 5.

304 **Section 5.** Members and Councilors may attend and participate in all meetings of this
305 Association, including participation by casting any vote that the member or Councilor is qualified
306 to cast, in person or via the use of authorized communication equipment if use of such
307 equipment is approved by the Council. Any member participating in a meeting via authorized
308 communications equipment shall be considered "present" at that meeting for all relevant
309 purposes. Any recorded transmission by authorized communications equipment shall be
310 considered "written" or a "writing" for all relevant purposes stated in the Constitution and
311 Bylaws. The Council shall establish procedures and guidelines for the use of authorized
312 communications equipment in order to permit the Council to verify that a person is a voting
313 member and to maintain a record of the person's presence and any relevant vote that person
314 casts by use of the authorized communications equipment.

315 As used in this section and these Constitution and Bylaws, "authorized communications
316 equipment" means any communications equipment that provides a transmission, including, but

not limited to, by telephone, telecopy, or any electronic means, from which it can be determined that the transmission was authorized by, and accurately reflects the intention of, the member or Councilor involved and, with respect to meetings, allows all persons participating in the meeting to contemporaneously communicate with each other.

Section 6. Conduct of Meetings. Meetings of the Association may be held in person or by means of authorized communications equipment as defined in this Article if use of such equipment is approved by the Council except as stated in Section 2 of this Article. Voting members who are not physically present at a meeting of voting members may attend the meeting by the use of authorized communications equipment that enables the voting members an opportunity to participate in the meeting and to vote on matters submitted to the voting members, including an opportunity to read or hear the proceedings of the meeting, participate in the proceedings, and contemporaneously communicate with the persons who are physically present at the meeting. Any voting member who uses authorized communications equipment is deemed to be present in person at the meeting whether the meeting is held at a designated place or solely by means of authorized communications equipment. The Council may adopt procedures and guidelines for the use of authorized communications equipment in connection with a meeting of voting members to permit the Association to verify that a person is a voting member and to maintain a record of any vote or other action taken at the meeting.

ARTICLE VI OFFICERS

Section 1. General. The Officers of this Association shall be a President who shall act as Speaker of the House of Delegates, President-Elect who shall act as Vice-Speaker of the House of Delegates, the Immediate Past President, a Secretary-Treasurer, and Councilors.

Section 2. Election and Eligibility. The President-Elect and Secretary-Treasurer of this Association shall be elected by the House of Delegates. Geographic District Councilors shall be elected by the voting members in councilor OSMA districts. At-large Councilors shall be elected by all voting members in a statewide election. Councilors representing sections authorized in Article IV shall be elected by the section. No person shall be eligible for an elective office who has not been a voting member of this Association during the entire preceding two (2) years. The terms of the Officers of this Association shall be as prescribed by Chapter 6 of the Bylaws of this Association.

ARTICLE IX SEAL

~~This Association shall have an official seal bearing the legend "Ohio State Medical Association — 1846." The power to change or renew the seal shall rest with the House of Delegates in conformity with the laws of the State of Ohio.~~

ARTICLE X REFERENDUM

SECTION 1. By a two-thirds (2/3) vote of the Delegates present at a meeting of the House of Delegates, a general referendum shall be held upon any question then pending before it.

SECTION 2. Upon a petition duly authorized and signed by ~~the governing bodies of at least one half (1/2) of the Component Societies~~ AT LEAST FIFTY ACTIVE MEMBERS RESIDING OR PRACTICING IN AT LEAST TWO OSMA DISTRICTS and filed with the Chief Executive Officer on or before the thirtieth (30th) day following the adjournment of a meeting of the House of Delegates, a general referendum shall be held upon any action taken at such meeting.

The procedure to be followed in connection with the submission to a referendum of any referred question or action shall be as set forth in Chapter 14 of the Bylaws of this Association. If the referred question is in respect to a proposed amendment to this Constitution, an affirmative vote of two-thirds (2/3) of those voting in such referendum shall be required to determine the referred question. Furthermore, if the referred action of the House of Delegates is in respect to the adoption by the House of Delegates of an amendment to this Constitution, a vote of two-thirds (2/3) of those voting in such referendum shall be required to reject and nullify the action of the House of Delegates in adopting such amendment.

ARTICLE XI AMENDMENTS

Section 1. Method of Amending. The House of Delegates may amend any Article of this Constitution by a two-thirds (2/3) vote of the Delegates and Officers registered at the Annual Meeting or at any special meeting called for that purpose provided, however, that such proposed amendment shall have been published by this Association, or sent to all voting members of this Association, at least thirty days before such meeting ~~and that a true and correct copy thereof shall have been sent to the secretary of each Component Society at least thirty (30) days before such meeting.~~

Section 2. ~~Conformity by Component Societies.~~ ~~When an amendment to this Constitution has been duly adopted, the secretary of each Component Society shall be notified in writing by the Chief Executive Officer within sixty (60) days after such amendment has become effective. It shall become incumbent upon each Component Society to make such change in its constitution and bylaws or its articles of incorporation and code of regulations or other fundamental body of rules for the government of the corporation, as will bring about conformity to the change in the Constitution of this Association. The secretary of such Component Society shall file with this Association a copy of such changes in the Component Society's constitution and bylaws together with written notice of compliance with the provisions of this Section within one hundred and eighty (180) days after it receives notice.~~

Section 3. At no time may a proposal to amend the OSMA Constitution include an attempt to nullify and void the effect of the OSMA Bylaws. The OSMA Constitution and the OSMA Bylaws documents shall each require a separate action to be rendered null and void.

BYLAWS

399 **CHAPTER 1**
400 **MEMBERSHIP**

401
402 ~~**Section 6. Disciplinary Procedure.**~~ Disciplinary action may be taken by this
403 Association against a member of this Association only upon written charges signed by three
404 (3) or more members of this Association and filed with the Chief Executive Officer.

405 ~~(a) Council, upon receiving a written charge as set forth above, shall refer the request~~
406 ~~to a standing or ad hoc Grievance Committee. If the Grievance Committee, after reviewing the~~
407 ~~charges, concludes that an investigation is warranted, it shall conduct an investigation. The~~
408 ~~Grievance Committee shall proceed with the investigation in a prompt manner. The member~~
409 ~~shall be notified that an investigation is being conducted and shall be given an opportunity to~~
410 ~~provide information in a manner and upon such terms as the Grievance Committee deems~~
411 ~~appropriate. The Grievance Committee may, but is not obligated to, conduct interviews with~~
412 ~~persons involved. Such investigation shall not constitute a "hearing" as that term is used in~~
413 ~~these Bylaws. The Grievance Committee shall consider the findings of the investigation and~~
414 ~~determine whether disciplinary action is advisable. The Grievance Committee may, in its~~
415 ~~discretion, proceed forward with the disciplinary action, dismiss the charges, or refer the~~
416 ~~charges to another appropriate entity for handling.~~
417

418 ~~(b) If the Grievance Committee determines that disciplinary action is advisable, it shall~~
419 ~~direct the Chief Executive Officer to provide notice to the member. The notice shall state the~~
420 ~~action proposed to be taken against the member, the reasons for the action, the right of the~~
421 ~~member to request a hearing within thirty (30) days of the date of the notice, and a summary of~~
422 ~~the rights and procedures to be followed during the hearing. The member shall have thirty (30)~~
423 ~~days following the date of the notice of such action to request a hearing. The request shall be~~
424 ~~in writing addressed to the Chief Executive Officer.~~
425

426 ~~If the member does not request a hearing in the time and manner described, the~~
427 ~~member shall be deemed to have waived any right to a hearing and to have accepted the~~
428 ~~recommendation involved. The written investigation report shall be forwarded to the standing~~
429 ~~or ad hoc Committee on Judicial and Professional Relations which shall determine the action~~
430 ~~to be taken. The member under this section shall have no further rights to hearing or appeal~~
431 ~~unless the action taken differs from the recommendation of the Grievance Committee.~~

432 ~~(c) Upon receipt of a request for hearing, the matter shall be referred to a standing or~~
433 ~~ad hoc Committee on Judicial and Professional Relations or a standing or an ad hoc Committee~~
434 ~~on Peer Review which shall appoint a hearing officer or panel of individuals to conduct the~~
435 ~~hearing who may be one (1) or more of its members of the standing or ad hoc committee~~
436 ~~provided such hearing officer or panel members may not be in direct economic competition with~~
437 ~~the member. A hearing shall be scheduled to commence not less than thirty (30) days nor more~~
438 ~~than ninety (90) days from the date of receipt of the request for hearing. The Chief Executive~~
439 ~~Officer shall send the member a notice stating the place, time, and date of the hearing and a~~
440 ~~list of the witnesses, if any expected to testify at the hearing on behalf of the Grievance~~
441 ~~Committee.~~
442

443 ~~The hearing officer or panel shall endeavor to ensure that all participants in the hearing~~

444 ~~have a reasonable opportunity to be heard and to present relevant oral and documentary~~
445 ~~evidence in an efficient and expeditious manner, and that proper decorum is maintained. The~~
446 ~~hearing officer or panel shall be entitled to determine the order of, or procedure for, presenting~~
447 ~~evidence and arguments during the hearing and shall have the authority and discretion to make~~
448 ~~all rulings on questions which pertain to matters of law, procedure or the admissibility of~~
449 ~~evidence. If the hearing officer or panel determines that either side in a hearing is not~~
450 ~~proceeding in an efficient and expeditious manner, the hearing officer or panel may take such~~
451 ~~discretionary action as seems warranted by the circumstances.~~

452 ~~The hearing officer or panel may, but shall not be required to, order that oral evidence~~
453 ~~be taken only on oath administered by any person lawfully authorized to administer such oaths.~~
454 ~~Judicial rules of evidence and procedure relating to the conduct of the hearing, the examination~~
455 ~~of witnesses, and the presentation of evidence shall not apply to a hearing conducted under~~
456 ~~these Bylaws. Any relevant evidence, including hearsay, shall be admitted if it is the sort of~~
457 ~~evidence upon which reasonable people are accustomed to rely in the conduct of serious affairs~~
458 ~~regardless of the admissibility of such evidence in the court of law. The hearing officer or panel~~
459 ~~may interrogate the witnesses or call additional witnesses, if the hearing officer or panel deems~~
460 ~~such action appropriate.~~

461 ~~(d) Both the member and the Grievance Committee have the right to be represented in~~
462 ~~any phase of the hearing or preliminary procedures by an attorney at law or by any other person~~
463 ~~of that party's choice; to have a record made of the proceedings, copies of which may be~~
464 ~~obtained by the member upon payment of any reasonable charges associated with the~~
465 ~~preparation thereof; the Grievance Committee, the accused, legal counsel for the accused or~~
466 ~~the Grievance Committee or any other person of either party's choice shall have the right to~~
467 ~~call, examine, cross-examine, and impeach witnesses; to present~~
468 ~~evidence determined to be relevant by the hearing officer or panel, regardless of its~~
469 ~~admissibility in a court of law; and to submit a written statement at the close of the hearing.~~

470 ~~Unless otherwise determined for good cause, the Grievance Committee shall have the~~
471 ~~initial duty to present evidence for each case or issue in support of the proposed action or~~
472 ~~recommendation. The member shall be obligated to present evidence in response. Throughout~~
473 ~~the hearing, the Grievance Committee shall bear the burden of persuading the hearing officer~~
474 ~~or panel, by a preponderance of the evidence, that the action or recommendation is reasonable~~
475 ~~and warranted.~~

476 ~~Failure without good cause of the member to personally attend the hearing shall be~~
477 ~~deemed to constitute acceptance of the disciplinary action involved, and a waiver of the right~~
478 ~~to a hearing. Postponements and extensions of the time beyond the time for hearing permitted~~
479 ~~in these Bylaws may be permitted by the hearing officer or panel, within his/her/their discretion~~
480 ~~on a showing of good cause.~~

481
482 ~~(e) The recommendation of the hearing officer or panel shall be based on the evidence~~
483 ~~introduced at the hearing, including all logical and reasonable inferences from the evidence~~
484 ~~and the testimony. Within thirty (30) days after the final adjournment of the hearing, the hearing~~
485 ~~officer or panel shall render a recommendation which shall be accompanied by a report in~~
486 ~~writing stating the reasons for the recommendation. The report and recommendation shall be~~
487 ~~delivered to the Committee on Judicial and Professional Relations and to the member. At its~~

488 next regular meeting after receipt of the report and recommendation, or as soon thereafter as
489 is practicable, the Committee on Judicial and Professional Relations shall consider the report,
490 recommendation, and any other relevant information. It shall then make a final decision
491 regarding the proposed disciplinary action, and notify Council of its decision. Following the
492 decision, the Chief Executive Officer shall forward to the member the written decision of the
493 committee, including a statement of the basis for the decision.
494

495 (f) Any member against whom disciplinary action has been taken pursuant to these
496 Bylaws shall have the right of appeal to Council. Such appeal must be commenced by a written
497 notice directed to the Chief Executive Officer within thirty (30) days after the date on which the
498 notice of final decision was mailed to the member. The member asserting a right to appeal shall
499 bear all expenses associated with providing a copy of the record from the disciplinary
500 proceeding and for production of any record associated with the appeal.
501

502 Upon receipt of notice of appeal, Council shall serve as the appellate panel. The
503 member appealing shall submit a written statement discussing the relevant facts and issues.
504 Within twenty (20) days following this submission of the member's written statement, the
505 Grievance Committee may submit a written response to that statement. The member may
506 submit a written reply within ten (10) days following the submission of the Grievance
507 Committee's response.
508

509 The Council may, upon its own motion or request by the member or Grievance
510 Committee, schedule oral arguments upon the issues raised in the appeal. The oral arguments,
511 if scheduled, shall be held within twenty (20) days following the submission of the final written
512 brief.

513 The Council shall, within twenty (20) days after the oral arguments or the final written
514 submission if oral arguments are not conducted, render a written opinion setting forth its
515 decision whether to accept, reject or modify the decision of the Committee on Judicial and
516 Professional Relations stating the basis for its decision. The Chief Executive Officer shall
517 forward a copy of the decision to the member, the Grievance Committee and the Committee
518 on Judicial and Professional Relations.

519 (g) The accused member may appeal the decision of the Council on questions of law
520 and procedure, but not of fact, to the Council on Ethical and Judicial Affairs of the American
521 Medical Association (the "Judicial Council") by filing a notice of appeal with the Judicial Council
522 within thirty (30) days of the decision of Council, such appeal to be governed by the rules and
523 regulations of the Judicial Council.
524

525 (h) After final action has been taken pursuant to subdivision (b) or (e) of this section,
526 and the member has either waived or exhausted the right to appeal to Council and the right to
527 appeal to the Judicial Council, the Chief Executive Officer shall report the action to state and
528 federal authorities as required by Ohio Revised Code 4731.224, and the Health Care Quality
529 Improvement Act of 1986 (Public Law 99-660, Title IV and 45 CFR Part 60) and other applicable
530 federal and state laws.
531

532 (i) ~~Once a complaint under Section 6 of this Chapter has been made against a~~
533 ~~member, this Association may complete the proceedings under these Bylaws even if the~~
534 ~~member has resigned.~~

535
536 **Section 6. Disciplinary Procedure.** THE COUNCIL SHALL CONSIDER ALL
537 QUESTIONS INVOLVING THE RIGHTS AND STANDING OF MEMBERS, WHETHER IN
538 RELATION TO OTHER MEMBERS OR TO THIS ASSOCIATION. ALL QUESTIONS OF AN
539 ETHICAL NATURE BROUGHT BEFORE THE HOUSE OF DELEGATES AND/OR COUNCIL
540 INVOLVING THE PROFESSIONAL RELATIONS OF INDIVIDUAL PHYSICIANS OR GROUPS
541 OF PHYSICIANS SHALL BE REFERRED TO COUNCIL WITHOUT DISCUSSION. THE
542 COUNCIL SHALL HAVE FULL POWER AND AUTHORITY TO REFER TO A COMMITTEE OR
543 TASK FORCE OR HEAR AND DECIDE ALL QUESTIONS OF DISCIPLINE AFFECTING THE
544 CONDUCT OF MEMBERS OF THIS ASSOCIATION. ITS DECISIONS IN ALL CASES,
545 INCLUDING QUESTIONS REGARDING THE RIGHT OF MEMBERSHIP IN THIS
546 ASSOCIATION, SHALL BE FINAL.

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548 ~~**Section 7. Limitation of Liability.** No member, agent or employee serving on a~~
549 ~~utilization committee, a peer review or professional standards review committee, including any~~
550 ~~person participating in the context of the process set forth in the disciplinary Chapter of these~~
551 ~~Bylaws shall be deemed liable in damages to any person for any action taken or~~
552 ~~recommendation made within the scope of the functions of said committee, if such committee~~
553 ~~member, agent or employee acts without malice and in the reasonable belief that such action~~
554 ~~or recommendation is warranted by the facts known to the person after reasonable effort to~~
555 ~~obtain the facts of the matter as to which such action is taken or recommendation is made. No~~
556 ~~person against whom disciplinary action is instituted pursuant to the disciplinary Chapter of~~
557 ~~these Bylaws shall have any claim or cause of action against this Association, or against any~~
558 ~~officer, Councilor, member, agent or employee of this Association, by reason of the institution,~~
559 ~~prosecution, or disposition of such charges or the hearing or consideration thereof.~~

560 **SECTION 7. LIMITATION OF LIABILITY.** NO MEMBER, AGENT OR EMPLOYEE
561 SERVING ON A UTILIZATION COMMITTEE, A PEER REVIEW OR PROFESSIONAL
562 STANDARDS REVIEW COMMITTEE, INCLUDING ANY PERSON PARTICIPATING IN THE
563 CONTEXT OF THE PROCESS SET FORTH IN THE DISCIPLINARY CHAPTER OF THESE
564 BYLAWS SHALL BE DEEMED LIABLE IN DAMAGES TO ANY PERSON FOR ANY ACTION
565 TAKEN OR RECOMMENDATION MADE WITHIN THE SCOPE OF THE FUNCTIONS OF
566 SAID COMMITTEE, IF SUCH COMMITTEE MEMBER, AGENT OR EMPLOYEE ACTS
567 WITHOUT MALICE AND IN THE REASONABLE BELIEF THAT SUCH ACTION OR
568 RECOMMENDATION IS WARRANTED BY THE FACTS KNOWN TO THE PERSON AFTER
569 REASONABLE EFFORT TO OBTAIN THE FACTS OF THE MATTER AS TO WHICH SUCH
570 ACTION IS TAKEN OR RECOMMENDATION IS MADE. NO PERSON AGAINST WHOM
571 DISCIPLINARY ACTION IS INSTITUTED PURSUANT TO THE DISCIPLINARY CHAPTER OF
572 THESE BYLAWS SHALL HAVE ANY CLAIM OR CAUSE OF ACTION AGAINST THIS
573 ASSOCIATION, OR AGAINST ANY OFFICER, COUNCILOR, MEMBER, AGENT OR
574 EMPLOYEE OF THIS ASSOCIATION, BY REASON OF THE INSTITUTION, PROSECUTION,
575 OR DISPOSITION OF SUCH CHARGES OR THE HEARING OR CONSIDERATION
576 THEREOF.

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CHAPTER 7 THE COUNCIL

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Section 1. Powers and Duties of the Council. The Board of Trustees (referred to herein as "the Council") shall be the executive body of this Association. Between meetings of the House of Delegates, the Council shall have and exercise all the powers and authority conferred on the House of Delegates by the Constitution and these Bylaws. In the exercise of the interim powers thus conferred upon it, the Council shall take no action contravening any general policy which shall have been adopted by the House of Delegates and which is then in effect.

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The Council shall have direction of the investment and reinvestment of the funds of this Association.

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The Council shall consider all questions involving the rights and standing of members, ~~whether in relation to other members, to the Component Societies, or to this Association. All questions of an ethical nature brought before the House of Delegates involving the professional relations of individual physicians or groups of physicians shall be referred to the Council without discussion. The Council shall have full power and authority to refer to a committee or task force or hear and decide all questions of discipline affecting the conduct of the members of this Association or the conduct of a Component Society. Its decisions in all cases, including questions regarding the right of membership in this Association, shall be final.~~

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The Council shall provide for and superintend the issuance of any publications of the Ohio State Medical Association. It shall have full power and authority to appoint a medical editor or publication board, or both, and make any other provisions for the publication of any publications which in its judgment are feasible including full discretionary power: (1) to promulgate rules and regulations governing any publications; (2) to enumerate and define the powers and duties of the medical editor or publication board, or both; and (3) to fix the terms and conditions of their appointment.

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The Council shall have full power and authority to employ a Chief Executive Officer, who need not be a physician or member of this Association. The Chief Executive Officer may employ such other employees as are deemed necessary or advisable.

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The Council shall provide such offices for the headquarters of this Association as may be required properly to conduct its business.

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CHAPTER 8 DELEGATES AND ALTERNATE DELEGATES TO THE AMERICAN MEDICAL ASSOCIATION (AMA)

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Section 1. Organization. ~~As soon as practicable after their election and installation, The Delegates and Alternate Delegates to the American Medical Association shall nominate from their membership candidates for THE MEET ANNUALLY TO NOMINATE AND ELECT A Chair and Vice-Chair of the delegation and the Council of this Association shall elect one(1) of~~

~~such nominees as Chair and one(1) as Vice Chair. The President of this Association will be~~
SHALL SERVE AS ex-officio Co-Chair of the delegation.

Section 2. Duties of the Chair. The Chair shall act as Co-Chair with the President of this Association at meetings of the delegation. The Chair shall appoint such committees as may be necessary to assist with the work of the delegation. The Chair shall report periodically for the delegation to the Council of this Association. THE CHAIR SHALL REVIEW THE DELEGATION HANDBOOK ANNUALLY AND SHALL REPORT ANY CHANGES TO THE COUNCIL.

Section 3. Duties of the Vice-Chair. The Vice-Chair shall perform the duties of the Chair when the Chair is absent or otherwise unable to function.

Section 4. Duties of American Medical Association Delegation Members.
DELEGATION MEMBER DUTIES SHALL BE OUTLINED IN A DELEGATION HANDBOOK AND UPDATED ANNUALLY. Members of the Ohio delegation to the American Medical Association are expected to attend all sessions of the AMA House of Delegates and all Ohio AMA delegation functions. Members of the Ohio delegation to the AMA must prepare for each AMA House of Delegates meeting by reviewing materials sent to them and participate in the deliberations of various committees to which they may be assigned. ~~Members of the Ohio delegation to the AMA shall participate in membership promotion activities in their local societies and districts for both the OSMA and the AMA.~~

CHAPTER 9 COMMITTEES

Section 1. Committees. The standing committees of this Association shall be the Committee on Auditing and Appropriations ~~and the Committee on Judicial and Professional Relations.~~ All other committees and task forces of this Association shall be appointed by the President.

CHAPTER 10 COMPONENT SOCIETIES

~~**Section 1. Organization and Charter of Societies.** To be eligible to receive a charter as a Component Society of this Association from the House of Delegates, an application must first be submitted to Council for approval. In addition to the applicant society's submission of a constitution and bylaws or articles of incorporation, codes of regulations, bylaws or other fundamental bodies of rules of the society's government, the Council will consider an application for approval which provides evidence that the applicant society: 1) has adopted principles of organization in conformity with the Constitution and Bylaws of this Association; 2) has adopted and takes actions which are consistent with the Principles of Medical Ethics, and 3) whose actions and governing rules are in substantial compliance with the laws of the state of Ohio and/or the United States of America. Charters issued by this Association shall be signed by the President and the Secretary-Treasurer of this Association.~~

~~**Section 2. Suspension or Revocation of Charters of Societies.** The House of~~

~~Delegates shall have authority and power to suspend or revoke a charter issued to any component society of this Association. Between meetings of the House of Delegates the Council, pursuant to Chapter 7 of these Bylaws, shall have final authority and power to suspend or revoke a charter issued to any component society. The charter of any component society may be suspended or revoked when a component society's actions are: 1) in conflict with the Constitution or Bylaws of this Association; 2) disparaging to the OSMA; 3) in conflict with the Principles of Medical Ethics, or 4) not in substantial compliance with the laws of the state of Ohio and/or the United States of America.~~

~~Council shall adopt and cause to be published to the component societies, procedures to govern suspension or revocation of the charter of a component society. Such procedures shall require that the component society receive written notice stating the reason for the proposed suspension or revocation and an opportunity to respond in person or in writing.~~

~~**Section 3. Title of a Component Society.** The name and title of each Component Society shall read exactly as found in its charter. No change in such name shall be made without the approval of the Council of this Association.~~

~~**Section 4. Custody of Charter.** The charter of each Component Society, as issued by this Association, shall be preserved and shall be kept in the custody of the secretary of such Component Society at all times.~~

~~**Section 5. Constitutions of Component Societies.** Each unincorporated Component Society shall have a constitution and bylaws. Each incorporated Component Society shall have, in addition to articles of incorporation as required by law, a constitution, a code of regulations, a code of bylaws, or other fundamental body of rules for its government similar in content and form to the bylaws of unincorporated Component Societies. All such constitutions, bylaws, articles of incorporation, codes of regulations and other fundamental bodies of rules and all other rules and regulations adopted by a Component Society shall not be in conflict with the Constitution and bylaws of this Association, and a copy thereof shall be transmitted to the headquarters of this Association for approval and recording. The bylaws of each unincorporated Component Society, and the code of regulations, code of bylaws, or other fundamental body of rules of each incorporated society shall set forth specifically the duties of the several officers and of its executive body (Council or trustees).~~

~~**Section 6. Rules, Regulations and Changes in Constitution and Bylaws of Component Societies.** Whenever a Component Society makes a change or amendment in its constitution, bylaws, articles of incorporation, code of regulations, or other fundamental body of rules for its government, or adopts any rules or regulations, which affect the relationship of the Component Society with this Association or the rights of any Association member, such change, amendment, rule or regulation shall be submitted to the Council of this Association for written approval, and shall not become effective until such approval has been given.~~

~~**Section 7. Functions and Duties of Component Societies.** Each Component Society shall have general direction of the business and affairs of the profession in the county, and it shall exert its influence to promote the science and art of medicine, the moral condition of the membership, and the betterment of public health.~~

~~**Section 8. Official Records of Component Societies.** The official copy of the constitution and bylaws of each unincorporated Component Society, and the official copy of the~~

articles of incorporation, code of regulations, code of bylaws or other fundamental body of rules of each incorporated Component Society, shall be kept by such Component Society in a special book provided for that purpose. All amendments which have been approved by the Council of this Association shall be entered in a special book.

Section 9. Combined Component Societies. The House of Delegates shall have authority to organize the physicians of two (2) or more counties, or parts thereof, into a multi-county society to be designated by hyphenating the names of such counties so as to distinguish them from a district or single county society. Such multi-county societies, when organized and chartered, shall be entitled to all the privileges and representatives provided herein for Component Societies.

CHAPTER 11

MEMBERSHIP IN COMPONENT SOCIETIES

Section 1. Qualifications for Membership in a Component Society. Each Component Society shall be the sole judge of the qualifications necessary for any and all classes of membership in such society.

CHAPTER 14

REFERENDUM

Within sixty (60) days after a general referendum has been ordered either by the (1) House of Delegates, or (2) upon the petition of the presidents of at least twenty three (23) Component Societies AT LEAST FIFTY ACTIVE MEMBERS RESIDING OR PRACTICING IN AT LEAST TWO OSMA DISTRICTS as prescribed in Article X of the Constitution, the Chief Executive Officer shall prepare and have printed and mailed by first-class mail or sent by means of authorized communications equipment to each Active Member of this Association an official circular COMMUNICATION setting forth the following:

(a) A resume of the provisions in this Constitution and Bylaws applying to a general referendum;

(b) An announcement by the President as to the time set for closing the polls which shall be not less than fifteen (15) days or more than thirty (30) days after the mailing REFERENDUM COMMUNICATION of circulars and ballots;

(c) The resolution, motion or action submitted to referendum;

(d) A statement of not more than two hundred (200) words prepared by the proposer or proposers of the resolution, motion or action giving arguments in its favor;

(e) A statement of not more than two hundred (200) words giving arguments in opposition prepared by one or more members appointed by the President from among those opposed to the resolution, motion or action;

744
745 (f) INSTRUCTIONS FOR REPLYING AND/OR COMPLETING VOTING ON THE
746 RESOLUTION, MOTION OR ACTION.
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748 ~~Enclosed with the circular shall be an official reply envelope and a ballot labeled with~~
749 ~~the official seal of this Association, or instructions for replying by means of authorized~~
750 ~~communications equipment. On the ballot the resolution, motion or action shall be printed and~~
751 ~~below it shall be spaces for the indication of "yes" or "no" by making a cross mark. The reply~~
752 ~~envelope or authorized communications equipment~~ ALL responses shall be
753 ADDRESSED RETURNED OR REFERRED TO a special THE HOUSE OF DELEGATES
754 committee of three (3) tellers appointed by the President and it shall carry return first class
755 postage or the equivalent thereof under the postal regulations if applicable ON ELECTIONS.

756 To be counted by the tellers COMMITTEE a ballot shall meet the following requirements:

757 (a) Either "yes" or "no" must be clearly indicated ~~with a cross mark~~;
758

759 (b) The ballot must be received by the committee of tellers in the sealed official reply
760 envelope by first-class postage or by means of authorized communications equipment or
761 ELECTRONIC BALLOTING on or before the day set for closing the polls; and
762

763 (c) The ballot must be an official ballot mailed or sent by means of authorized
764 communications equipment OR ELECTRONIC BALLOTING to each Active Member, ~~duly~~
765 ~~labeled with the seal of this Association.~~
766

767 Within ten (10) days following the time set for closing the polls, the tellers COMMITTEE
768 ON ELECTIONS shall meet at the headquarters office of this Association or by means of
769 authorized communications equipment to open the envelopes containing the ballots and poll
770 the votes in the presence of each other, or consistent with the procedures and guidelines
771 adopted by Council for use of authorized communications equipment OR ELECTRONIC
772 BALLOTING for voting and conduct of meetings, keeping in mind that the referendum is not
773 valid unless participated in by not less than one-half (1/2) of the Active Members of this
774 Association.

775 The results of the referendum shall be transmitted in writing by the tellers COMMITTEE
776 to the President immediately after the count has been completed. The President shall announce
777 such results to the members of the Council and publication thereof shall be made to the Active
778 Members.

779 Except as otherwise provided in Article X of the Constitution of this Association, a
780 resolution, motion or action receiving a majority of the votes cast in a valid referendum, shall
781 be declared adopted, carried or ratified, as the case may be, and the same shall become
782 effective fifteen (15) days after the results of the referendum have been published.

783 As used in this section, "authorized communications equipment" shall have the same
784 meaning as defined in Article V of the OSMA Constitution.

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CHAPTER 16
AMENDMENTS

Section 1. Method of Amending. These Bylaws may be amended at any Annual Meeting of the House of Delegates by a two-thirds (2/3) vote of the Delegates present at that session, provided that the proposed amendment shall have been published to the Active Members or mailed to Active Members of this Association at least thirty (30) days prior to the Annual Meeting.

~~**Section 2. Conformity by Component Societies.** When an amendment of these Bylaws has been adopted as provided in Section 1 hereof, it shall be the duty of the Chief Executive Officer to notify the secretary of each Component Society within sixty (60) days after such amendment has become effective. It shall become incumbent upon each Component Society to make such changes in its constitution and bylaws, or, if the society be a corporation, in its articles of incorporation, code of regulations, code of bylaws, or other fundamental body of rules for the government of the corporation, as will bring about conformity to the change in the Bylaws of this Association.~~

~~Within one hundred and eighty (180) days after such notification to each Component Society, written notice of compliance by such Component Society with provision, together with copies of the changes made to effect such compliance, shall be sent by the secretary of such Component Society to the Council for its review and approval.~~

~~**Section 3.** At no time may a proposal to amend these OSMA Bylaws include an attempt to nullify and void the effect of the OSMA Constitution. The OSMA Constitution and the OSMA Bylaws documents shall each require a separate action to be rendered null and void.~~

Fiscal Note: \$ 500 (Sponsor)
 \$ 500 (Staff)

Resolution 02-2021 – ADOPT
House of Delegates Ratio of Representation

COMMENTS: During open hearing testimony, Dr. Hubbell provided clarification that the quorum is based on the number of delegates registered, not those eligible, to attend. The Committee recommends adoption of this resolution.

Preliminary comment: The Committee discussed the proposed changes and commended the Bylaws Committee for creating the proposed changes. There was a question of whether this change would affect the quorum. The Committee discussed whether this resolution would affect specialty society representation. The Committee agreed with one of the comments that suggested that the specialty section ratio should also be changed but did not think it was appropriate to make those changes through this resolution. The Committee suggests that Council review the specific bylaws that address this issue and make changes, if appropriate. Ultimately, the Committee decided to recommend adoption to accept the proposed changes to the bylaws.

Resolved, that the OSMA Constitution and Bylaws be amended to read as follows (showing only sections affected):

BYLAWS
CHAPTER 4

Section 2. OSMA District Delegates Ratio of Representation. Each OSMA District shall be entitled to one (1) Delegate and one (1) Alternate Delegate in the House of Delegates for each ~~one hundred (100)~~ FIFTY (50) Active Members and Retired Members working or residing in the district as of December 31st of the preceding year. ~~; provided however, that each County within a district shall be entitled to at least one (1) Delegate and one (1) Alternate Delegate who works or resides in the county.~~ If the total number of Active members and Retired members in the district is not evenly divisible by ~~one hundred (100)~~ FIFTY (50), that district shall be entitled to one (1) additional delegate and one (1) additional alternate in the House of Delegates. The names of such Delegates and Alternate Delegates shall be submitted to the Association prior to the opening of the House of Delegates.

Members in Training and Students are represented through separately seated sections of the House of Delegates and shall not be included in the member count/ratio of representation of OSMA districts for purposes of determining representation in the House of Delegates.

From forty-five (45) days up to the opening of the Annual Meeting of the House of Delegates, in case a district Delegate or Alternate Delegate is unable to serve, the District Councilor representing that district may at any time certify to the Chair of the Committee on Credentials the name of an Active OR RETIRED OSMA Member who resides or works within the district to serve in the place of such absent Delegate or absent Alternate Delegate. The Committee on Credentials shall rule on the eligibility of such certified individual or individuals to act in the place of such absent Delegate or Alternate Delegate.

SECTION 3. OHIO COUNTY DELEGATES. EACH OHIO COUNTY WILL BE ENTITLED TO ONE (1) DELEGATE AND ONE (1) ALTERNATE DELEGATE IN THE HOUSE OF DELEGATES PROVIDED THAT COUNTY HAS ACTIVE OR RETIRED MEMBERS OF THE ASSOCIATION WORKING OR RESIDING WITHIN IT.

866

867 IF THERE IS AN ACTIVE MEDICAL SOCIETY WITHIN THE COUNTY, THAT SOCIETY
868 SHALL SUBMIT THE NAME OF THE DELEGATE AND ALTERNATE DELEGATE TO THE
869 ASSOCIATION PRIOR TO THE OPENING OF THE HOUSE OF DELEGATES.
870

871 IF NO MEDICAL SOCIETY EXISTS WITHIN THE COUNTY, THE CORRESPONDING OSMA
872 DISTRICT COUNCILOR IN WHICH THE COUNTY IS LISTED SHALL SOLICIT VOLUNTEERS
873 FROM ACTIVE OR RETIRED MEMBERS WHO LIVE OR WORK WITHIN THE COUNTY. THE
874 DISTRICT COUNCILOR SHALL SUBMIT THE NAMES OF THESE DELEGATES AND
875 ALTERNATE DELEGATES TO THE ASSOCIATION PRIOR TO THE OPENING OF THE
876 HOUSE OF DELEGATES.

877 **Fiscal note:** \$500 (Sponsor)
878 \$500 (Staff)

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881 **Resolution 03-2021 – ADOPT**
882 **OSMA elections**

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884 **COMMENTS:** The open hearing discussion supported the adoption of this resolution. The
885 **Committee recommends adoption.**
886

887 **Preliminary comments:** The Committee discussed the proposed changes and agreed
888 **with the changes made by the Bylaws Committee. The Committee recommends adoption.**
889

890
891 **RESOLVED**, That the OSMA Constitution and Bylaws be amended as follows (showing
892 only sections affected):

893 **BYLAWS**

894 **CHAPTER 4**
895 **THE HOUSE OF DELEGATES**

896 **Section 9. Committees of the House of Delegates.** For the purpose of expediting
897 proceedings, the President shall appoint from the roster of Delegates the following committees:
898 Committees on Resolutions, to which shall be referred all resolutions; Committee on
899 Credentials; and other committees considered necessary by the President. ~~The President shall~~
900 ~~appoint a Committee on Tellers and Judges of Election from those members present at the~~
901 ~~Annual Meeting~~

902
903 **CHAPTER 5**
904 **NOMINATION AND ELECTION OF OFFICERS**

905 **Section 1. Committee on Nominations.** The Committee on Nominations shall consist of
906 eight members including the OSMA President, the OSMA President-Elect and six additional
907 members appointed by the OSMA President and approved by the Council. The President
908 shall appoint the chair of the Committee. The President and President-Elect serve on the
909 Committee on Nominations during his or her term of office. Other committee members shall
910 serve not more than one, three-year term with two new members rotating on each year.

911 The Committee on Nominations shall submit a report to the House of Delegates containing
912 the name of one (1) or more members for each of the offices to be filled at that Annual
913 Meeting. For those elections which require a nomination by the committee, each nominee
914 must have a majority vote of the Committee in order to be placed on the report for
915 presentation to the House of Delegates except the nominees for President-Elect and those
916 from the Organized Medical Staff Section, the Resident and Fellows Section, the Medical
917 Student Section and the Young Physician Section.

918 All nominees shall meet qualifications set forth in the OSMA bylaws. Additionally, the
919 Committee on Nominations shall determine candidate selection criteria for at-large Council
920 positions that may include, but are not limited to, diversity, experience, engagement with
921 organized medicine, experience with strategic planning, physician practice demographics,
922 physician practice settings, current organizational needs, House of Delegates input, OSMA
923 staff input and individual physician self-selection. The precise selection criteria may vary year

924 to year to reflect the current needs of the OSMA. The Committee on Nominations makes the
925 final determination about the selection criteria it will use in any given year and shall inform the
926 membership of the selection criteria used. The Committee on Nominations shall also determine
927 how best to solicit candidates.

928 The six at-large council seats shall be elected BY VOTING MEMBERS in annual statewide direct
929 elections. Each year the committee on nominations shall nominate at least three candidates for
930 the at-large seats to be filled; however, not more than two at-large councilors can reside or
931 practice in the same councilor geographic district. The nominating committee shall report to all
932 OSMA voting members the slate of candidates for at-large councilor elections.

933 OSMA DISTRICT COUNCILORS SHALL BE ELECTED BY VOTING MEMBERS IN DISTRICT-
934 WIDE DIRECT ELECTIONS.

935 THE President-Elect, Secretary-Treasurer, and delegates and alternate delegates to the
936 American Medical Association shall be elected by the House of Delegates.

937 **Section 2. COMMITTEE ON ELECTIONS.** THE COMMITTEE ON ELECTIONS SHALL
938 CONSIST OF A CHAIR AND VICE-CHAIR WHO SHALL SERVE TWO-YEAR TERMS AND BE
939 SELECTED FROM AMONG THE DELEGATES TO THE OSMA HOUSE OF DELEGATES.
940 THE OSMA PRESIDENT SHALL ANNUALLY APPOINT THE VICE-CHAIR WHO SHALL
941 AUTOMATICALLY BECOME CHAIR AFTER THE FIRST YEAR OF THE TWO YEAR TERM;
942 EXCEPT THAT FOR THE INITIAL YEAR OF THE COMMITTEE (2021-2022), THE
943 PRESIDENT SHALL APPOINT THE CHAIR WHO SHALL SERVE A ONE YEAR TERM. THE
944 COMMITTEE ON ELECTIONS SHALL SERVE YEAR ROUND AND SUPERVISE ALL
945 ASPECTS OF OSMA ELECTIONS. THE COMMITTEE SHALL CONDUCT ELECTIONS,
946 INCLUDING HOUSE OF DELEGATES ELECTIONS AND STATEWIDE OR DISTRICT-WIDE
947 ELECTRONIC ELECTIONS, AND CERTIFY THE FINAL VOTE COUNTS. THE COMMITTEE
948 SHALL APPOINT TELLERS AS NEEDED FROM AMONG THE DELEGATES OR ALTERNATE
949 DELEGATES AT THE ANNUAL HOUSE OF DELEGATES TO ASSIST WITH COUNTING
950 VOTES AT THE MEETING.

951 **Section 8. Removal from Office.** Any officer of this Association, or any Delegate to
952 the American Medical Association, or any Alternate Delegate to the American Medical
953 Association, may be removed from office, for cause, at any time.

954 Proceedings for the removal from office of an officer of this Association or any Delegate
955 or Alternate Delegate to the American Medical Association shall be commenced by the filing
956 with the Chief Executive Officer of this Association a written complaint signed by not less than
957 sixty (60) Delegates to the House of Delegates of this Association from at least ~~thirty (30)~~
958 ~~Component Societies~~ TWO DISTRICTS. Such complaint shall name the person sought to be
959 removed, shall state the cause for removal, and shall demand that a meeting of the House of
960 Delegates be held for the purpose of conducting a hearing on the charges set forth in the
961 complaint, and for the purpose of selecting an individual to fill the office which may be vacated
962 by reason of the removal from office of the person sought to be removed.

963 Within ten (10) days after the filing of such complaint, the Chief Executive Officer shall
964 serve upon the person named in the complaint a true and correct copy of it, together with a
965 written notice specifying the time and place of hearing the charges set forth in the complaint.
966 The Chief Executive Officer shall also mail a copy of the complaint and notice to each Delegate

to the House of Delegates of this Association. Service upon the person named in the complaint of a copy of the complaint together with such written notice shall be made by delivering the same personally to the person or by sending the same by certified mail addressed to the person at his/her usual place of residence.

At the hearing upon such charges the person named in the complaint shall be afforded full opportunity to be heard in his/her own defense, to be represented by legal counsel or any other person of his/her own choosing, to cross-examine the witnesses who testify against him/her, and to examine witnesses and offer evidence in his/her own behalf. The House of Delegates shall convene for the purposes of hearing the charges in such complaint, and electing a successor if need be:

(a) on any date during the Annual Meeting of the House of Delegates, provided the date of such Annual Meeting is more than thirty (30) and less than sixty (60) days subsequent to the date of the service of such written notice upon the person sought to be removed; or

(b) at a special meeting called for the purpose of hearing the charges set forth in such complaint. Such special meeting shall be held on a date more than thirty (30) and less than sixty (60) days subsequent to the date of the service of the written notice upon such person sought to be removed.

A quorum for the purposes of this section shall consist of two-thirds (2/3) of the elected Delegates.

If two-thirds (2/3) of the Delegates of the House of Delegates present and voting by secret ballot vote affirmatively to remove such person from office, such person shall be declared removed from office.

A successor to an office in which a vacancy has been created as a result of the removal from office of any such officer, Delegate or Alternate Delegate shall be elected to serve the balance of the term of such office. All nominations for the office shall be made from the floor. The election of a successor officer, Delegate or Alternate Delegate shall be by a majority of the Delegates present and voting and shall be in accordance with Section 5 of Chapter 5 of the Bylaws of this Association, and with respect to a successor Delegate or Alternate Delegate to the American Medical Association such election shall also be in accordance with Section 5 of Chapter 5 of the Bylaws of this Association.

Fiscal Note: \$ 500 (Sponsor)
 \$ 500 (Staff)

Resolution 04-2021 - ADOPT
Constitution and Bylaws changes – membership category updates

COMMENTS: The open hearing discussion supported the adoption of this resolution. The Committee recommends adoption.

Preliminary comments: The Committee discussed the proposed changes and reviewed the comments made online. Seeing no concerns with the proposed changes, the Committee agreed with the changes proposed by the Bylaws Committee and recommends adoption.

RESOLVED, That the OSMA Constitution and Bylaws be amended to read as follows (showing only sections affected):

ARTICLE III
COMPOSITION OF THIS ASSOCIATION

Classes of Members. THERE ARE TWO CLASSES OF MEMBERSHIP: GENERAL AND AFFILIATE. THESE CLASSES, IN ADDITION TO THEIR ASSOCIATED MEMBERSHIP RIGHTS AND PRIVILEGES, ARE FURTHER DEFINED IN CHAPTERS 1 AND 2 OF THE BYLAWS. The voting members of this Association shall consist of ~~the following classes of~~ members IN THE FOLLOWING CLASSES OF GENERAL MEMBERSHIP who have paid the appropriate dues amounts, if any, to the association by January 31 of each year.

1. Active Members
2. Retired Members
3. Members in Training
- ~~4. Military Members~~
4. Student Members

~~Non-voting members of this association shall consist of the following classes of members who have paid the appropriate dues amounts, if any, to the association by January 31 of each year: non-resident members; honorary members; affiliate members; associate members.~~

BYLAWS

CHAPTER 1
GENERAL MEMBERSHIP

Section 1. Rights of GENERAL Members. All GENERAL members of this Association shall have the right to attend all meetings of this Association.

Section 2. Classification of Membership.

1043 **(a) Active Members.** The Active Members of this Association are those physicians with
1044 the OSMA who practice, work or reside in Ohio and who pay the appropriate dues to this
1045 association by January 31 of each year. Active Members shall have the right to vote and hold
1046 office.

1047
1048 **(b) Retired Members.** Retired Members of this Association shall be those members of
1049 this Association who have retired from the active practice of medicine and who do not receive
1050 regular and significant income for their participation in any professional activity related to the
1051 practice of medicine. They must have been Members of this Association for ten (10) years prior
1052 to retirement. Retired Members shall have the right to vote and hold office.
1053

1054 **(c) Members in Training.** Members in Training shall comprise all physicians who are
1055 pursuing studies and training in a program accredited by the Accreditation Council for Graduate
1056 Medical Education (ACGME), the American Medical Association or the American Osteopathic
1057 Association and their associated groups ~~and who are approved for membership by the Council.~~
1058 Members in Training shall comprise the Resident and Fellows Section and shall have the right
1059 to vote and hold office.
1060

1061 **(d) Nonresident Members.** Nonresident Members shall include those physicians who
1062 reside and practice outside Ohio but who hold a license to practice medicine and surgery in
1063 Ohio ~~or any other state~~ and who are approved for Nonresident Membership by the Council.
1064 NONRESIDENT MEMBERS SHALL NOT HAVE THE RIGHT TO VOTE OR HOLD OFFICE.
1065

1066 **(e) Honorary Members.** The House of Delegates may elect as an Honorary Member
1067 any person distinguished for services or attainments in medicine or the allied sciences or who
1068 has rendered other services of unusual value to medicine. An Honorary Member shall pay no
1069 dues or assessments. HONORARY MEMBERS SHALL NOT HAVE THE RIGHT TO VOTE OR
1070 HOLD OFFICE.
1071

1072 ~~**(f) Military Members.** Military Members comprise all those Active Members of this~~
1073 ~~Association who are serving a limited tour of active duty with the Armed Services of the United~~
1074 ~~States.~~
1075

1076 **(g) Life Active Members.** Individuals who currently are Life Active Members having
1077 made a single payment for lifetime membership dues will continue as Life Active Members, but
1078 no new life memberships will be permitted. Life Active Members will have all of the rights and
1079 privileges of an Active Member under these Bylaws for life. Wherever the term "Active Member"
1080 is used in these Bylaws it shall include Life Active Members.
1081

1082 ~~**(h) Affiliate Members.** Executives of the Ohio State Medical Association, county~~
1083 ~~medical societies in Ohio, and other medical organizations in Ohio and specialty societies in~~
1084 ~~Ohio with three (3) years or more experience in the sponsoring organization or individuals~~
1085 ~~recommended by a county medical society in Ohio, medical specialty society in Ohio, or~~
1086 ~~physician representative organization in Ohio, are eligible for Affiliate Membership in the Ohio~~
1087 ~~State Medical Association. Such Affiliate Membership shall be at the discretion of the Council.~~
1088

(i) Student Members. Student Members of this Association shall comprise those students who are pursuing the diploma of Doctor of Medicine or Doctor of Osteopathy in an approved medical or osteopathic college or institution in the State of Ohio and are approved for Student Membership by the Council. Student Members shall comprise the medical group known as the Medical Student Section. Said section shall be governed by and operate under separate Bylaws approved by the Council. ~~Except as otherwise provided in Article VII of the Constitution,~~ Student Members of this Association shall have the right to vote and hold office in this Association.

~~(j) Associate Members. Non-physician administrators and managers of medical practices are eligible for Associate Membership. Associate Members of the Ohio State Medical Association may attend all meetings of the Association, but shall not have the right to make a motion, vote or hold office in this Association.~~

Section 3. Eligibility FOR GENERAL MEMBERSHIP.

To be eligible for any class of GENERAL membership other than honorary, ~~affiliate,~~ ~~associate,~~ retired, or student in this Association, a person must hold a limited, temporary, or unlimited certificate to practice medicine and surgery, or osteopathic medicine and surgery, issued by the licensing authority of the State of Ohio, which license must be in full force and effect.

CHAPTER 2

AFFILIATE MEMBERSHIP

SECTION 1. RIGHTS OF AFFILIATE MEMBERSHIP. THE RIGHTS OF AFFILIATE MEMBERS ARE DELINEATED BY CLASS OF AFFILIATE MEMBERSHIP AS DELINEATED BELOW.

SECTION 2. CLASSIFICATION OF AFFILIATE MEMBERSHIP

(a) AFFILIATE EXECUTIVE MEMBERS. NONPHYSICIAN EXECUTIVES OF THE OHIO STATE MEDICAL ASSOCIATION, COUNTY MEDICAL SOCIETIES IN OHIO, AND OTHER MEDICAL ORGANIZATIONS IN OHIO AND SPECIALTY SOCIETIES IN OHIO ARE ELIGIBLE TO BE AFFILIATE EXECUTIVE MEMBERS OF THE OHIO STATE MEDICAL ASSOCIATION WITH APPROVAL BY THE COUNCIL. SUCH AFFILIATE EXECUTIVE MEMBERS MAY ATTEND THE MEETINGS OF THE ASSOCIATION BUT SHALL NOT HAVE THE RIGHT TO MAKE A MOTION, VOTE OR HOLD OFFICE IN THE ASSOCIATION.

(b) AFFILIATE ADMINISTRATIVE MEMBERS. NON-PHYSICIAN ADMINISTRATORS AND MANAGERS OF MEDICAL PRACTICES OF PHYSICIANS WHO ARE CURRENT ACTIVE MEMBERS OF THE ORGANIZATION ARE ELIGIBLE TO BE AFFILIATE ADMINISTRATIVE MEMBERS OF THE OHIO STATE MEDICAL ASSOCIATION. AFFILIATE ADMINISTRATIVE MEMBERS OF THE OHIO STATE MEDICAL ASSOCIATION MAY ATTEND ALL MEETINGS OF THE ASSOCIATION, BUT SHALL NOT HAVE THE RIGHT TO MAKE A MOTION, VOTE OR HOLD OFFICE IN THE ASSOCIATION.

1132 **(c) AFFILIATE ORGANIZATION MEMBERS:** MEMBERS OF OHIO
1133 ORGANIZATIONS MAY BECOME AFFILIATE ORGANIZATION MEMBERS OF THE
1134 OHIO STATE MEDICAL ASSOCIATION WITH APPROVAL BY THE COUNCIL, WITH A
1135 SIGNED AFFILIATE AGREEMENT AND AFTER PAYMENT OF APPROPRIATE FEES.
1136 AFFILIATE ORGANIZATION MEMBERS MAY PARTICIPATE IN PRODUCTS AND
1137 SERVICES OF THE ASSOCIATION AS DELINEATED IN THE AFFILIATE
1138 AGREEMENT. AFFILIATE ORGANIZATION MEMBERS SHALL NOT HAVE THE
1139 RIGHT TO MAKE A MOTION, VOTE, HOLD OFFICE, ATTEND MEETINGS, OR
1140 REPRESENT THE OHIO STATE MEDICAL ASSOCIATION TO OUTSIDE ENTITIES.

1141 **Fiscal Note:** \$500 (Sponsor)
1142 \$500 (Staff)

1143
1144
1145

1146 **Resolution 05-2021 - AMEND**
1147 **Ohio Telehealth (VIDEO/AUDIO OR AUDIO-ONLY)**
1148

1149 **COMMENTS:** There was some concern about reimbursement mentioned during the open
1150 hearing and comments about the need to be compensated for the time it takes to utilize
1151 the technology involved in telehealth visits. The Committee amended the resolution's
1152 title and body to reflect that telehealth encompasses both video/audio and audio-only
1153 encounters and should be reimbursed equally to in-person visits.
1154

1155 **Preliminary comments:** The Committee discussed the proposed resolution and amended
1156 language to reflect that the OSMA would support telehealth advances and initiatives.
1157

1158 **RESOLVED,** Our OSMA will continue to advocate for the widespread adoption of
1159 telehealth (VIDEO/AUDIO OR AUDIO-ONLY) services in the practice of medicine for physicians
1160 and physician-led teams post SARS-COV-2; and, **be it further**

1161 **RESOLVED,** Our OSMA will ~~advocate for~~ SUPPORT equitable access to telehealth
1162 (VIDEO/AUDIO OR AUDIO-ONLY) services, especially for at-risk and under-resourced patient
1163 populations and communities, including but not limited to supporting increased funding and
1164 planning for telehealth infrastructure such as broadband and internet-connected devices for
1165 both physician practices and patients; and, **be it further**

1166 **RESOLVED,** Our OSMA will ~~advocate for~~ SUPPORT telehealth parity laws that require
1167 public and private insurers to cover telehealth-provided services (VIDEO/AUDIO OR AUDIO-
1168 ONLY) ~~comparable~~ EQUIVALENT to that of in-person services, and not limit coverage only to
1169 services provided by select corporate telehealth providers; and, **be it further**

1170 **RESOLVED,** Our OSMA will encourage appropriate stakeholders to study the most
1171 effective methods for the instruction of medical students, residents, fellows and practicing
1172 physicians in the use of telehealth and its capabilities and limitations; and, **be it further**

1173 **RESOLVED,** Our OSMA will consider model legislation provided by the AMA's
1174 Advocacy Resource Center in its ongoing legislative advocacy efforts regarding Telehealth in
1175 Ohio.

1176 **Fiscal Note:** \$ (Sponsor)
1177 \$ 75,000 (Staff)

1178
1179
1180

Resolution 06-2021 – AMEND

Improving Patient Care through Better Communication of Availability of Physician Specialists at Hospitals

COMMENTS: There was a considerable amount of testimony presented. The Committee discussed the amendments suggested by those providing testimony. The Committee supports the concepts presented and understands the challenges the resolution is attempting to resolve. Given the debate within our own HOD regarding this complex issues, we felt further progress at the state level is necessary prior to taking this policy to the AMA. Therefore, the Committee recommends removing the last resolved. The Committee recommends adoption of the resolution as amended.

Preliminary comments: The Committee discussed the proposed resolution and questioned how the OSMA would accomplish changing the health system processes addressed. The Committee felt that this is an important issue that needs to be addressed but felt that the proposed language does not adequately address the issue and felt that Council should investigate this issue further. The Committee noted that this issue may be more appropriately addressed by the Ohio Hospital Association and may require legal/regulatory changes.

RESOLVED, that information about what physician specialists are available at each hospital in a community should be readily available through communication between hospital systems, and **be it further**

RESOLVED, that in patient care situations which require a specialist that is not available at the hospital where the patient is initially seen but is available at a ~~competing~~ ANOTHER hospital in the same region, arrangements should be made for transfer to the closest and/OR most appropriate specialist, per the treating physician's judgment, so that the patient receives timely care, and **be it further**

RESOLVED, That our OSMA work with the Ohio Hospital Association, county medical societies and member physicians to improve communication among physicians and between hospitals, especially in communities with 2 or more ~~competing~~ hospital systems with employed physicians; and, **be it further**

~~———— **RESOLVED**, That our OSMA's Delegation to our AMA take this resolution on improving patient care through better communication of availability of physician specialists to the AMA Annual Meeting for further discussion and action.~~

Resolution 07-2021 – REFER

Protection of Informed Consent and Patient Autonomy with Administration of COVID-19 Vaccinations

COMMENTS: The Committee noted that there was significant testimony given. The majority of the testimony was against adopting the resolution as written. Most of the testimony only supported the first Resolved. The issue is complex and the Committee felt that referring the resolution to Council was the most appropriate recommendation. The Committee was concerned that the resolution, as currently worded, could be misconstrued or misinterpreted.

Preliminary comments: The Committee discussed the resolution and noted that the majority of the online testimony was opposed to this resolution. While the Committee appreciates the author's intent to bring this issue to light and the need for more science-based research on this topic, the Committee decided to not recommend adoption of this resolution.

RESOLVED, That the Ohio State Medical Association (OSMA) strongly encourage protection of patient autonomy and informed consent with respect to COVID-19 vaccinations, and advocate that patients should not be discriminated against if they elect not to receive the COVID-19 vaccine for any reason; and, **be it further**

RESOLVED, That the OSMA advocate through governmental lobbying efforts that the COVID-19 vaccine should be NOT be mandated by governmental order or law to restrict travel or participation in organized events, and or discriminate the patient from exercising their rights as a citizen; and, **be it further**

RESOLVED, That OSMA AMA Delegation take this resolution to the AMA for consideration.

Fiscal Note: \$ 25,000 (Sponsor)
 \$ 25,000 (Staff)

Resolution 09-2021 – AMEND
~~COVID-19 Vaccination Protocol~~ PANDEMIC PREPAREDNESS

COMMENTS: There was considerable testimony in support of the amendments recommended by the Committee. Testimony supported adding MD/DO after the word “physician” to clarify that this applies to medical doctors licensed by the State Medical Board of Ohio. The author suggested a title change and the Committee agreed that the change is appropriate.

Preliminary comments: The Committee discussed both resolutions 8 and 9 at length and agreed with the intent of each. The Committee suggests adoption of the resolution that has been amended to reflect that the State of Ohio should recognize that physicians should be a central part of the administration of vaccines.

RESOLVED, THE OSMA RECOMMENDS THAT The State of Ohio will establish a standing board ~~headed by~~ TO continuously review pandemic preparedness including, but not limited to, stockpiles of personal protective equipment, plans for isolation protocols, mobilization of testing, and immunization procedures, AND ENSURE THAT PHYSICIANS (MD/DO) ARE CENTRAL TO THE ADMINISTRATION OF VACCINATIONS TO THE CITIZENS OF OHIO. THIS BOARD SHOULD INCLUDE the Ohio State Medical Association, ~~and including the Ohio State Board of Pharmacy, the Ohio Hospital Association, and the Ohio Department of Health,~~ AND OTHER INTERESTED PARTIES.; ~~and, be it further~~

~~**RESOLVED,** This board would continuously review pandemic preparedness including, but not limited to, stockpiles of personal protective equipment, plans for isolation protocols, mobilization of testing, and immunization procedures; and, be it further~~

~~**RESOLVED,** This board would ensure that primary care physicians are central to the distribution of vaccinations to the citizens of Ohio.~~

Fiscal Note: \$ 25,000 – 500,000 (Sponsor)
 \$ 75,000 (Staff)

Resolution 10-2021 - AMEND
Physician Communications in the Media

COMMENTS: The author proposed amending the resolution by adopting AMA Ethical Opinion 8.1.2 Ethical Physician Conduct in the Media accessible [here](#). The Committee agreed with the author's suggestion and recommends adoption of the resolution as amended.

Preliminary comments: The Committee discussed this resolution and the comments that were provided online. The Committee noted that the AMA already has policies ([H-170.986](#), [H-485.991](#), [H-440.830](#)) that address many of these issues and mentioned that the author suggested removing the third resolved. The Committee decided to not recommend adoption of the resolution.

RESOLVED, that it is the policy of our Ohio State Medical Association that all physicians, especially OSMA members, communicate standard of care, accurate, science-based information when speaking or writing in the lay press or social media;

and, ~~be it further~~

~~**RESOLVED**, Resolved that all discussions by physicians of medical and scientific matters involving legitimate differences of opinion should be done in proper scientific and medical forums, not in the lay press or social media; and, **be it further**~~

~~**RESOLVED**, Resolved that our Ohio Delegation to the AMA take this issue of physician communications in the media to the AMA Annual Meeting of the House of Delegates for further discussion~~ THE OSMA ADOPT AS POLICY, AMA CODE OF MEDICAL ETHICS OPINION 8.1.2 ETHICAL PHYSICIAN CONDUCT IN THE MEDIA.

Fiscal Note: \$500 (Sponsor)
 \$500 (Staff)

Resolution 11-2021 – NOT ADOPT
Creating OSMA Resources/Programming to Address Physicians' Role in Medical Misinformation

COMMENTS: Testimony did not support adoption of this resolution. The Committee recommends that this resolution is not adopted.

Preliminary comments: The Committee discussed the resolution and felt that, similar to Resolution 10-2021, the AMA already has policy on these issues and educational materials supporting those policies. The OSMA actively partners with state entities, specialty societies, the AMA, and other parties to assist physicians with locating accurate medical information and educational opportunities.

RESOLVED, That the OSMA create resources for Ohio physicians centered on avoiding spread of medical misinformation on social media, and addressing medical misinformation; and, **be it further**

RESOLVED, That the OSMA disseminate the aforementioned resources to Ohio hospitals, its members, and its website.

Fiscal Note: \$ (Sponsor)
\$ 10,000 (Staff)

Resolution 12-2021 – AMEND
OSMA to Create an IMG (International Medical Graduate) Section

COMMENTS: There were no new comments offered at the open hearing. The Committee recommends adopting the resolution as amended.

Preliminary comments: The Committee discussed this resolution and the comments that were provided online and noted that the majority of the comments were supportive of this resolution. The Committee noted that this resolution was modeled on the AMA sections model that includes International Medical Graduates (IMG). The Committee understands that adopting this resolution would require a bylaws change and suggests adopting the resolution so the OSMA Bylaws Committee can begin drafting changes to the bylaws to include this section. It is the Committee's understanding that the bylaw changes will be presented to the HOD at the 2022 meeting for a vote.

RESOLVED, That the Ohio State Medical Association will create a separate International Medical Graduate (IMG) Section. ~~with the following guidelines:~~

- ~~1. The IMG section will create its own Independent Operating Plan and Bylaws to be approved by OSMA Council;~~
- ~~2. The OSMA Council will evaluate the existence of the OSMA IMG section every 5 years;~~
- ~~3. The OSMA IMG section will be eligible to have one Delegate and One Alternate Delegate for every 100 IMG members who are also OSMA voting members, to be selected in accordance with the Bylaws of the IMG Section approved by the OSMA Council; and~~
- ~~4) The OSMA shall maintain the designated IMG representative seat on the OSMAPAC Board.~~

Fiscal Note: \$ 10,000 (Sponsor)
 \$ 10,000 (Staff)

Resolution 13 – 2021 – REFER
Advocate for the Creation of Scholarships, Reducing of Tuition and Waiving of
Application Fees to Underrepresented Students in Medicine

COMMENTS: There was some testimony in support of the 2nd, 3rd and 4th resolveds. There was some concern about adopting the 1st resolved. The Committee recommends referral of the resolution in order to create consistent and cohesive policy.

Preliminary comments: The Committee discussed this resolution and the comments that were provided online. The Committee agrees that this is an important issue. The Committee supports working with medical school programs to encourage the reduction of application fees. The Committee feels it is also important to address the need for “needs testing” for underrepresented groups who are seeking financial assistance. The Committee suggests referral to Council to further study this issue and, among other issues, clarify the types of underrepresented groups this would apply to and what OSMA entity would fund the scholarship fund.

RESOLVED, That our OSMA recognize Black, Indigenous and Hispanic medical students as underrepresented minorities in medicine, understanding that moving forward other groups than those previously listed can be underrepresented, while also recognizing that race and ethnicity are only two aspects of providers that are considered to be underrepresented in the medical field; and, **be it further**

RESOLVED, That Our OSMA support reduced application fees for medical school and medical school pipeline programs to foster an increase in students from underrepresented backgrounds, racial and ethnic groups entering the medical field; and, **be it further**

RESOLVED, That Our OSMA advocate for the creation of state-funded scholarships specifically meant for medical students from traditionally underrepresented groups in medicine; and, **be it further**

RESOLVED, That our OSMA aim to create a scholarship fund for Ohio medical students from underrepresented groups in medicine.

Fiscal Note: \$ (Sponsor)
 \$ 25,000 (Staff)

Members of the House, this concludes the report of Resolutions Committee 1. I would like to thank all the members of Resolutions Committee 1 for their excellent cooperation and help they have given me. On behalf of the Committee I would like to thank all who offered testimony. I would also like to thank Jennifer Hayhurst and Mary Whitacre for their excellent staff assistance, and to Nancy Gillette for legal review.

Respectfully submitted,
Tyler Campbell, MD, Chair