

## Proposed Amendments to the AOA Constitution, Bylaws, and Code of Ethics

Consistent with the requirements for amending the Constitution, Bylaws, and Code of Ethics of the American Osteopathic Association (AOA), the following proposed amendments to the AOA Constitution, Bylaws, and Code of Ethics have been submitted to the AOA chief executive officer, who has arranged for their publication in *The Journal of the American Osteopathic Association* before the next annual meeting of the AOA House of Delegates (HOD), which will occur Friday, July 18, 2014, through Sunday, July 20, 2014, at The Fairmont Hotel Chicago in Illinois.

All amendments require a two-thirds vote by the HOD for approval. Old material is crossed out and new material is capitalized.

### Amendments to the AOA Constitution

#### Composition of the Board of Trustees

The following amendment to section 1 of Article VIII of the AOA Constitution was presented at the July 2013 HOD meeting and will be considered for final approval at the July 2014 HOD meeting. This amendment, if approved, would add a public member position to the AOA Board of Trustees.

#### Article VIII—Board of Trustees and Executive Committee

##### Section 1—Board of Trustees

The Board of Trustees of this Association shall consist of the President, President-elect, the Past Presidents for the preceding two years, First Vice-President, Second Vice-President, Third Vice-President, and twenty-one other members, six of whom shall be elected annually by the House of Delegates to serve for three years; a new physician in practice to serve for one year; an intern/resident member elected by the House of Delegates to serve for one year. Candidates for the new physician in practice position shall be osteopathic physicians who have completed their postdoctoral training within the past five years or received their DO degree within the previous ten years and shall be nominated by the Council of New Physicians in Practice. Candidates for the intern/resident position shall be enrolled in an AOA-approved internship or residency or, if enrolled in an ACGME-approved residency shall have applied for AOA approval of their ACGME-approved residency. Candidates for the intern/resident position shall be nominated by the Congress of Interns/Residents. Candidates for the student position shall be nominated, in alternating years, by the Council of Osteopathic Student Government Presidents (COSGP) and the Student Osteopathic Medical Association (SOMA). The Board of Trustees shall be the administrative and executive body of the Association and perform such other duties as are provided by the Bylaws. All trustees, with the exception of the President, President-elect and the Past Presidents for the preceding two years, the aggregate terms of Office of Trustees shall be limited to twelve (12) years, with the exception that a trustee may complete the term in which twelve (12) years or more of service is completed. The intern/resident member shall be elected for a one-year term, but may be elected to serve an additional one-year term as the intern/resident member.

THE BOARD OF TRUSTEES SHALL BE THE ADMINISTRATIVE AND EXECUTIVE BODY OF THE ASSOCIATION AND PERFORM SUCH OTHER DUTIES AS ARE PROVIDED BY THE BYLAWS. THE BOARD OF TRUSTEES OF THIS ASSOCIATION SHALL CONSIST OF TWENTY-NINE MEMBERS:

A. SEVEN ELECTED OFFICERS: THE PRESIDENT, PRESIDENT-ELECT, THE PAST PRESIDENTS FOR THE PRECEDING TWO YEARS, FIRST VICE-PRESIDENT, SECOND VICE-PRESIDENT, AND THIRD VICE-PRESIDENT;

B. EIGHTEEN AT-LARGE TRUSTEES, SIX OF WHOM SHALL BE ELECTED ANNUALLY BY THE HOUSE OF DELEGATES TO SERVE FOR THREE YEARS;

C. ONE NEW PHYSICIAN IN PRACTICE MEMBER ELECTED BY THE HOUSE OF DELEGATES TO SERVE FOR ONE YEAR. CANDIDATES FOR THE NEW PHYSICIAN IN PRACTICE POSITION SHALL BE OSTEOPATHIC PHYSICIANS WHO HAVE COMPLETED THEIR POSTDOCTORAL TRAINING WITHIN THE PAST FIVE YEARS OR RECEIVED THEIR DO DEGREE WITHIN THE PREVIOUS TEN YEARS AND SHALL BE NOMINATED BY THE COUNCIL OF NEW PHYSICIANS IN PRACTICE;

D. ONE INTERN/RESIDENT MEMBER ELECTED BY THE HOUSE OF DELEGATES TO SERVE FOR ONE YEAR. CANDIDATES FOR THE INTERN/RESIDENT POSITION SHALL BE ENROLLED IN AN AOA-APPROVED INTERNSHIP OR RESIDENCY OR, IF ENROLLED IN AN ACGME-APPROVED RESIDENCY SHALL HAVE APPLIED FOR AOA APPROVAL OF THEIR ACGME-APPROVED RESIDENCY. CANDIDATES FOR THE INTERN/RESIDENT POSITION SHALL BE NOMINATED BY THE COUNCIL OF INTERNS AND RESIDENTS;

E. ONE STUDENT MEMBER ELECTED BY THE HOUSE OF DELEGATES TO SERVE FOR ONE YEAR. CANDIDATES FOR THE STUDENT POSITION SHALL BE NOMINATED, IN ALTERNATING YEARS, BY THE COUNCIL OF OSTEOPATHIC STUDENT GOVERNMENT PRESIDENTS (COSGP) AND THE STUDENT OSTEOPATHIC MEDICAL ASSOCIATION (SOMA); AND

F. ONE PUBLIC MEMBER ELECTED BY THE HOUSE OF DELEGATES TO SERVE FOR A THREE-YEAR TERM, WITH A ONE-TERM LIMIT. CANDIDATES FOR THE PUBLIC MEMBER POSITION SHALL NOT BE PHYSICIANS AND SHALL BE NOMINATED BY THE COMMITTEE ON ADMINISTRATIVE PERSONNEL.

**Term Limit for AOA Trustees**

The following amendment to section 2 of Article VIII of the AOA Constitution was presented at the July 2013 HOD meeting and will be considered for final approval at the July 2014 HOD meeting. This amendment, if approved, would clarify existing term limits to reflect that time served on the AOA Board of Trustees as a student, intern/resident, or new physician in practice shall not be counted in the term limit.

**Article VIII—Board of Trustees and Executive Committee****SECTION 2—TERM LIMIT**

For all trustees, with the exception of the President, President-Elect and the Past Presidents for the preceding two years, the aggregate terms of Office of Trustees shall be limited to twelve (12) years, with the exception that a trustee may complete the term in which twelve (12) years or more of service is completed. TIME SERVED AS A STUDENT MEMBER, INTERN/RESIDENT MEMBER, OR NEW PHYSICIAN IN PRACTICE MEMBER SHALL NOT BE INCLUDED IN CALCULATING THE TWELVE YEARS OF SERVICE.

**Title Change of Administrative Officer**

The following amendment to section 2 of Article VII and Article IX of the AOA Constitution will be presented at the July 2014 HOD meeting and considered for final approval at the July 2015 HOD meeting. These amendments, if approved, would change the official title of the AOA's primary staff officer from executive director to chief executive officer.

**Article VII—Officers****Section 2—Administrative Officers**

The administrative officers shall be an ~~Executive Director~~ CHIEF EXECUTIVE OFFICER, a Controller, a General Counsel, and an Editor who shall be appointed by the Board of Trustees and employed to serve for such term as the Board shall define. The duties of these officers shall be those usual to such officers in their respective offices and such others as are set forth in the Bylaws. The ~~Executive Director~~ CHIEF EXECUTIVE OFFICER shall be the Secretary of the Association.

**Article IX—Amendments**

This Constitution may be amended by the House of Delegates at any annual meeting by a two-thirds vote of the total number of delegates accredited for voting, provided that such amendments shall have been presented to the House and filed with the ~~Executive Director~~ CHIEF EXECUTIVE

OFFICER at a previous annual meeting, who shall cause them to be distributed by first class mail, postage prepaid, to each divisional and specialty society entitled to and voting representatives to the house of delegates, posted on the AOA's website, and published in *The Journal of the American Osteopathic Association* not less than two months or more than four months prior to the meeting at which they are to be acted upon.

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## Amendments to AOA Bylaws

The following amendments to the AOA Bylaws will be considered for final approval at the July 2014 HOD meeting. These amendments, if approved, would clarify the role of public members in the AOA.

### Article VI—Elections

#### Section 1—Qualifications

EXCEPT WHERE POSITIONS ARE DESIGNATED AS PUBLIC MEMBERS, membership in both the AOA and a divisional society shall be a requisite for qualification for any officer or for any member of any department, division, bureau or committee of the Association, however selected, if the incumbent shall be an osteopathic physician.

### Article VII—Board of Trustees

#### Section 1—Duties

The Board of Trustees shall:

g. Approve from its own membership, based on the President's appointment, the chairs of the departments. The department chairs shall direct the activities of their respective departments. HOWEVER, THE PUBLIC MEMBER OF THE BOARD SHALL NOT BE ELIGIBLE TO SERVE AS A DEPARTMENT CHAIR. The Board shall also approve, based on the President's appointment, the members of the various committees, bureaus, councils, commissions and task forces under the departments.

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## Amendment to the AOA Code of Ethics

The following amendment concerns the official interpretation of section 3 of the Code of Ethics. This amendment was proposed by the Iowa Osteopathic Medical Association and reviewed by the AOA Bureau of Membership's Subcommittee on Ethics. It will be presented at the July 2014 HOD meeting and considered for final approval.

### **AOA Interprets Sections of the Code of Ethics (1996 - PRESENT)**

#### INTERPRETATION OF SECTION 3

THIS SECTION NOTES THAT A PHYSICIAN-PATIENT RELATIONSHIP MUST BE FOUND ON MUTUAL TRUST, COOPERATION AND RESPECT—PATIENTS MUST HAVE COMPLETE FREEDOM TO CHOOSE THEIR PHYSICIANS, AND PHYSICIANS MUST HAVE COMPLETE FREEDOM TO CHOOSE PATIENTS WHOM THEY WILL SERVE.

SECTION 3 DOES NOT ADDRESS A PATIENT'S DISCRIMINATION AGAINST A PHYSICIAN BASED ON THE PHYSICIAN'S RACE, CREED, COLOR, SEX, NATIONAL ORIGIN, SEXUAL ORIENTATION, GENDER IDENTITY OR DISABILITY; AND A PATIENT MAY EXPRESS A DESIRE TO NOT BE TREATED BY A PARTICULAR PHYSICIAN OR BY A PHYSICIAN WITH CERTAIN CHARACTERISTICS.

THEREFORE, THE AOA INTERPRETS SECTION 3 OF ITS CODE OF ETHICS TO PERMIT BUT NOT REQUIRE AN OSTEOPATHIC PHYSICIAN TO TREAT A PATIENT WHEN THE PHYSICIAN REASONABLY BELIEVES THE PATIENT IS EXPERIENCING A LIFE- OR LIMB-THREATENING EVENT, EVEN THOUGH THE PATIENT MAY HAVE PREVIOUSLY EXPRESSED A DESIRE TO NOT BE TREATED BY A PHYSICIAN BASED ON THE PHYSICIAN'S RACE, CREED, COLOR, SEX, NATIONAL ORIGIN, SEXUAL ORIENTATION, GENDER IDENTITY OR DISABILITY.

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