

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

Consistent with the requirements for amending the Constitution 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 annual meeting of the AOA House of Delegates (HOD), which will occur Friday, July 22, 2016, through Sunday, July 24, 2016, at the Chicago Marriot Downtown in Illinois.

The following proposed amendments to the AOA Constitution, Bylaws, and Code of Ethics will be presented at the July 2016 HOD meeting. If approved, the amendments to the AOA Constitution will be considered for final approval at the July 2017 HOD meeting. The amendments to the Bylaws and Code of Ethics may receive final approval at the July 2016 HOD meeting or may be held back for approval with the Constitution at the July 2017 meeting. All amendments require a two-thirds vote by the HOD for approval. Old material is crossed out and new material is capitalized. (doi:10.7556/jaoa.2016.057)

Allowing MDs as Regular Members

The following proposed amendments to the AOA Constitution and Bylaws would, if approved, allow allopathic physicians (ie, MDs) to join the AOA as regular members. Likewise, the proposed changes to the AOA Code of Ethics would recognize MDs as regular members.

AOA Constitution

Article V—Membership

The membership of this Association shall consist of Osteopathic physicians and of such others WHO MEET ~~as have met~~ the requirements prescribed by the Bylaws of the American Osteopathic Association.

AOA Bylaws

Article II—Membership

Section 1—Classification

The members of this Association shall be classified as follows:

- a. Regular Members
- b. Honorary Life Members
- c. Life Members
- d. Associate Members
- e. Student Members
- f. Honorary Members
- g. International Physician Members
- h. Allied Members

Section 2—Membership Requirements

a. Applicants for Regular Membership. An applicant for regular membership in this Association shall be a graduate of a college of osteopathic medicine approved by the American Osteopathic Association'S COMMISSION ON OSTEOPATHIC COLLEGE ACCREDITATION OR A GRADUATE OF AN ALLOPATHIC MEDICAL SCHOOL ACCREDITED BY THE LIAISON COMMITTEE ON MEDICAL EDUCATION OR A GRADUATE OF A SCHOOL OF MEDICINE LOCATED OUTSIDE OF THE UNITED STATES ON AN OFFICIAL LIST OF SCHOOLS RECOGNIZED BY THE AOA, and shall be eligible for licensure as an osteopathic physician and/or surgeon or shall be in a training program, which is a prerequisite for her/his licensure. Application shall be made on the prescribed form and shall be accompanied by payment of the appropriate dues amount. Unless specifically noted, an applicant whose completed application and payment of appropriate dues has been received and processed shall be enrolled as a regular member. An applicant whose membership in this Association has previously been withdrawn for reasons other than failure to meet CME requirements or nonpayment of dues, or who has previously been convicted of a felony offense or whose license to practice has at any time been revoked, shall be further required to obtain the endorsement of the secretary of the divisional society in the state, province, or foreign country in which the ap-

plicant resides (or the endorsement of the secretary of the uniformed services divisional society in the case of applicants currently serving in the uniformed services of the United States), or, lacking this endorsement, an applicant who is in good standing in his community shall provide letters of recommendation from three members of the Association and provide a personal written statement as to why membership in the Association should be extended or restored. Such information and application shall be carefully reviewed by the Committee on Membership, which shall make an appropriate recommendation for reinstatement to the Board of Trustees. An applicant whose license to practice is revoked or suspended, or who is currently serving a sentence for conviction of a felony offense, shall not be considered eligible for membership in this Association.

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.

Code of Ethics

The American Osteopathic Association has formulated this Code to guide its member physicians in their professional lives. The standards presented are designed to address the ~~osteopathic~~ physician's ethical and professional responsibilities to patients, to society, to the AOA, to others involved in health care, and to self.

Section 8.

A physician shall not hold forth or indicate possession of any degree recognized as the basis for licensure to practice the healing arts unless SHE/he is actually licensed on the basis of that degree in the state in which she/he practices. A physician shall designate her/his osteopathic OR ALLOPATHIC CREDENTIALS school of practice in all professional uses of her/his

name. Indications of specialty practice, membership in professional societies, and related matters shall be governed by rules promulgated by the American Osteopathic Association.

AOA Interprets Sections of Code of Ethics (1996 - Present)

Interpretation of Section 3

This section notes that a physician-patient relationship must be founded on mutual trust, cooperation, and respect—a patient must have complete freedom to choose his or her physician, and a physician must have complete freedom to choose patients whom he or she will serve.

Section 3 does not address a patient's discriminating 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. (July 2014)

Interpretation of Section 7

This section is designed to discourage practices, which would lead to false, misleading, or deceptive information being promulgated.

Section 7 does not prohibit advertising, so long as advertising is designed as making proper factual information available to the public. People seeking health care are entitled to know the names of ~~osteopathic~~ physicians, the types of practices in which they engage, their office hours, place of their offices, and other pertinent factual information. On the other hand, the public should be protected from subjective advertising material designed to solicit patients, which is essentially misleading. Such material would include attempts to obtain patients by influence or

persuasion, employing statements that are self-laudatory and deceptive; the result of which is likely to lead a patient to a misinformed choice and unjustified expectations. (July 1985)

Guide to Section 8

This guide applies to AOA members' professional (as opposed to organizational) stationery, office signs, telephone directories, and other listings referred to by the general public. (July 1985)

Part I—Indications of Specialty Practice

1. **Osteopathic**—Physicians who are not certified by the AOA or who do not devote their time exclusively to a specialty should not indicate any area of practice specialization. They may designate the nature of their practice in one of the following ways:

- General Practice
- General Practice of Osteopathic Medicine
- Surgery

Osteopathic—Physicians who are certified by the AOA or who devote themselves exclusively to a specialty may designate such specialty in one of the following ways:

- Practice Limited to Internal Medicine (or other practice area)
- Internal Medicine

The listing of terms in each of the two categories is illustrative and should act as a guideline.

Part IV—Degrees (other than DO OR MD)

It is strongly recommended that only the degree DO OR MD appear on professional stationery. However, the following additional guides are offered: No undergraduate degree (BA, BS, etc.) should be used.

Graduate degrees (MA, MS, PhD, etc.) should not be used unless the degree recognizes work in a scientific field directly related to the healing arts. Therefore, advanced degrees in scientific fields such as public health, physiology, anatomy, and chemistry may be used but their use is not recommended.

Honorary degrees relating to scientific achievement in the healing arts or other achievements within the osteopathic profession (such as administrative excellence or educational achievement) may be used if the honorary nature of the degree is indicated by use after the degree of the abbreviation "Hon."

Law degrees may be used if the physician carries on medical-legal activities.

Part V—Telephone Directory Listings FOR OSTEOPATHIC PHYSICIANS

1. It is desirable for divisional societies to have an established program to implement these guidelines and, where necessary, to meet with representatives of the telephone companies in furtherance of that objective.

2. In classified directories, it is recommended that DOs be listed under the heading "Physicians and Surgeons-(DO)" and that there be a cross-reference to that heading from the heading "Physicians and Surgeons-Osteopathic." This latter heading is also acceptable as the main listing if it has long been the heading customarily used in the community.

3. In telephone directory listings of doctors, it is recommended that the doctor's name be followed by the abbreviation DO.

4. The abbreviation "Dr" is not recommended because it is misleading. "Dr" can refer to dentists, doctors of medicine, etc. "Phys" is also misleading because it can refer to MDs.

5. In telephone directories, no indication of certification or membership in any osteopathic professional organization should appear by initials or abbreviations, because such would generally be confusing.

6. In classified telephone directories it is not improper to indicate "Practice limited to" or simply to name the field of specialty.

Only specialties or practice interests recognized as such by the American Osteopathic Association should be indicated.

Only physicians who are certified in or who limit their practice exclusively to a specialty should list themselves in a particular field.

Interpretation of Section 17

Section 17 relates to the interaction of physicians with pharmaceutical companies.

2. It is ethical and in the best interest of their patients for osteopathic physicians to meet with pharmaceutical companies and their representatives for the purpose of product education, such as side effects, clinical effectiveness, and ongoing pharmaceutical research.

Delegates

The following amendments to the AOA Constitution and AOA Bylaws are proposed to allow for national health care associations that represent physicians to send delegates to the AOA's House of Delegates.

AOA Constitution**Article VI—House of Delegates**

The House of Delegates shall be the legislative body of the Association, shall exercise the delegated powers of the divisional societies in the affairs of this Association, and shall perform such other functions as are set forth in the Bylaws.

Section 1—Composition

The House of Delegates shall consist of delegates elected by the divisional societies and other authorized units, of the elected officers and trustees of the Association, and of such other members as may be provided for in the Bylaws.

D. NATIONAL HEALTH CARE ASSOCIATIONS. EACH AOA-RECOGNIZED NATIONAL HEALTH CARE ASSOCIATION SHALL BE REPRESENTED BY ONE DELEGATE TO BE SELECTED AS PROVIDED IN THE BYLAWS OF THE AMERICAN OSTEOPATHIC ASSOCIATION.

AOA Bylaws**Article I—Divisional, District and Affiliated Societies**

SECTION 4—NATIONAL HEALTH CARE ASSOCIATIONS FOR PHYSICIANS UPON APPLICATION FROM A NATIONAL HEALTH CARE

ASSOCIATION THAT REPRESENTS THE INTERESTS OF PHYSICIANS FOR REPRESENTATION IN THE AOA HOUSE OF DELEGATES, THE BOARD OF TRUSTEES AND THE CHIEF EXECUTIVE OFFICER SHALL INVESTIGATE SUCH ORGANIZATION AND, UPON SATISFACTORY PROOF OF A GENERAL AGREEMENT IN POLICY WITH THOSE OF THIS ASSOCIATION, SHALL AUTHORIZE THE ISSUANCE OF CREDENTIALS FOR THAT NATIONAL HEALTH CARE ASSOCIATION TO BE REPRESENTED IN THE AOA'S HOUSE OF DELEGATES BY ONE DELEGATE AND ONE ALTERNATE DELEGATE.

Section 4-5—Amendments to Governing Documents**Article V—House of Delegates**

Section 1—Certification of Delegates and Alternates
C. NATIONAL HEALTH CARE ASSOCIATIONS FOR PHYSICIANS. EACH AOA-RECOGNIZED NATIONAL HEALTH CARE ASSOCIATION SHALL SELECT ONE DELEGATE AND AT LEAST ONE ALTERNATE TO THE AOA HOUSE OF DELEGATES IN A MANNER PRESCRIBED BY ITS ORGANIZATION'S GOVERNING BOARD, PROVIDED THAT SUCH DELEGATE AND ALTERNATE SHALL ALSO BE MEMBERS IN GOOD STANDING OF THE AOA. NO NATIONAL HEALTH CARE ASSOCIATION DELEGATE OR ALTERNATE SHALL ALSO BE A MEMBER OF A DIVISIONAL SOCIETY'S OR SPECIALTY COLLEGE'S DELEGATION TO THE AOA'S HOUSE OF DELEGATES. THE SECRETARY OF EACH NATIONAL HEALTH CARE ASSOCIATION SHALL CERTIFY THE NAME OF ITS DELEGATE AND ALTERNATE TO THE CHIEF EXECUTIVE OFFICER OF THE AOA AT LEAST 30 DAYS PRIOR TO THE FIRST DAY OF THE ANNUAL MEETING OF THE AOA HOUSE OF DELEGATES. DELEGATES AND ALTERNATES MUST BE MEMBERS IN GOOD STANDING OF THE ASSOCIATION THEY REPRESENT.

Section 2—Voting

Each delegate shall have one vote in the House, except when one-fourth of the members present shall call for the yeas and nays on any question; the Chief Executive Officer shall, before any other motion can be made, call the roll by divisional societies and enter the yeas and nays in the record. In recording such vote each divisional society shall be given one vote for each 20 regular members of the American Osteopathic Association located in the area represented by that divisional society (or in the case of the uniformed services divisional society, one vote for each 20 regular members of the American Osteopathic Association currently serving in the uniformed services of the United States), as certified to 75 days before the annual meeting of the House of Delegates under the requirements of Section 1 of this Article, and such votes may be cast by any one of the delegation then seated or divided among the various members of the delegation as the delegation in caucus shall decide.

Section 3—Committee on Credentials

The Committee on Credentials shall consist of three or more members appointed by the President and it shall be the duty of the Committee to receive and validate the credentials of the delegates to the House and to report all delegates entitled to be seated in the House. The Chief Executive Officer shall furnish the Credentials Committee a list showing the number of delegates to which each divisional society is entitled AND A LIST OF EACH SPECIALTY COLLEGE AND NATIONAL HEALTH CARE ASSOCIATION AUTHORIZED TO SEND DELEGATES TO THE AOA HOUSE. In case any organization has selected more than its legal representation, the Chief Executive Officer shall drop surplus names from the list, beginning at the bottom, and shall notify the divisional society of This action.

Section 11—Representation of

Osteopathic Physicians in Postdoctoral Training

Osteopathic Physicians in postdoctoral training may be represented in the House of Delegates by two individuals who, at the time of the annual meeting, shall be enrolled in postdoctoral training programs. The two individuals and their alternates shall be selected

by vote of the AOA's ~~Council of Interns and Residents~~ BUREAU OF EMERGING LEADERS. The delegates (and alternate delegates) selected by the ~~Council of Interns and Residents~~ BUREAU OF EMERGING LEADERS shall serve as the representatives of osteopathic physicians in postdoctoral training and shall not also be members of a divisional society or specialty college delegation to the AOA's House of Delegates. The chair of the ~~Council of Interns and Residents~~ BUREAU OF EMERGING LEADERS shall certify the name of its delegates and alternate delegates to the Chief Executive Officer of the AOA in writing or by electronic communication at least 30 days prior to the first day of the annual meeting of the AOA House of Delegates. Each delegate and alternate must be a member in good standing of this Association.

Nomenclature

The following amendments to the AOA Bylaws are proposed to adjust for current nomenclature:

AOA Bylaws

Article VII—Board of Trustees

Section 1—Duties

The Board of Trustees shall:

c. Have the responsibility of management of the finances of the Association and shall authorize and supervise, the House of Delegates concurring, all expenditures thereof. It shall appoint a certified public accountant to audit the financial records of the Association and certify to the accuracy of the statement of financial condition of the Association to be reported at the annual meetings.

No appropriation shall be made by the House of Delegates except upon recommendation of the ~~Bureau~~ of Finance COMMITTEE approved by the Board of Trustees, and all resolutions, motions or otherwise, having for their purpose the appropriation of funds, shall first be referred without discussion to the ~~Bureau~~ of Finance COMMITTEE of the Board of Trustees. An adverse ruling on such motions may be overruled by a three-fourths vote of the House of Delegates.

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