Proposed Amendments to the AOA Constitution and Bylaws

The following are proposed amendments to the constitution and bylaws of the American Osteopathic Association (AOA). Consistent with the requirements for amending this document, this proposal has been submitted to the AOA executive director, who has arranged for its publication in JAOA—The Journal of the American Osteopathic Association before the next annual meeting of the AOA House of Delegates (HOD), which will occur Friday, July 15, 2011, through Sunday, July 17, 2011, at The Fairmont Chicago in Illinois.

The first 4 proposed amendments were presented at the July 2010 HOD meeting and will be considered for final approval at the July 2011 HOD meeting. The remaining proposed amendments will be presented for the first time at the July 2011 HOD meeting and will be acted upon at the July 2012 HOD. All amendments require a two-thirds vote by the HOD for approval.

(Old material is crossed out and new material is capitalized.)

Amendments Being Considered for Final Approval

Nomenclature
The following amendment is presented to change the nomenclature in the AOA’s governing documents from “Doctors of Osteopathy” to “Osteopathic Physicians” in recognition of the fact that colleges of osteopathic medicine now issue a “Doctor of Osteopathic Medicine” degree.

CONSTITUTION
Article V—Membership
The membership of this Association shall consist of OSTEOPATHIC PHYSICIANS Doctors of Osteopathy and of such others as have met the requirements prescribed by the Bylaws of the American Osteopathic Association.

Composition of the House of Delegates
The following amendment is presented to change the formula under which members of the HOD are allocated among state and divisional affiliates. Because of growth in AOA membership, the size of the HOD has increased dramatically during the past decade. If approved, this amendment will cap the aggregate number of delegates and require reallocation of delegates every 5 years.

Based on comments at last year’s HOD meeting, an amendment to this amendment has been proposed that will change the period for reallocation from every 5 years to every 2 years. (See Reappointment of Delegates on page 320 for the revised language.)

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, the elected officers and trustees of the Association and of such other members as may be provided for in the Bylaws. Each divisional society shall be entitled to one delegate and such additional delegates as follows:
FOR YEARS PRIOR TO AND INCLUDING 2011, EACH DIVISIONAL SOCIETY SHALL BE ENTITLED TO one additional delegate for each 100 regular members of this Association located in the state represented by that divisional society, provided that if there are 75 or more unrepresented regular members of this Association in the area of that divisional society, it shall be entitled to one additional delegate and. THE AGGREGATE NUMBER OF ADDITIONAL DELEGATES ALLOTTED TO DIVISIONAL SOCIETIES IN 2011 SHALL BECOME THE BASELINE NUMBER OF ADDITIONAL DELEGATES TO BE ALLOCATED AMONG THE DIVISIONAL SOCIETIES, SUBJECT TO REAPPORTIONMENT EVERY FIVE YEARS. ADDITIONAL DELEGATES BEYOND THE AUTOMATIC DELEGATE SHALL BE ALLOCATED AMONG DIVISIONAL SOCIETIES BASED ON THE PROPORTION OF MEMBERS OF THIS ASSOCIATION WHO ARE LOCATED IN THE STATE REPRESENTED BY THAT DIVISIONAL SOCIETY, WHICH SHALL BE CALCULATED BY USING A FORMULA THAT MULTIPLIES THE AGGREGATE NUMBER OF ADDITIONAL DELEGATES BY A FRACTION, THE NUMERATOR OF WHICH IS THE NUMBER OF PHYSICIAN MEMBERS OF THIS ASSOCIATION WHO ARE LOCATED IN THE STATE REPRESENTED BY THAT DIVISIONAL SOCIETY AND THE DENOMINATOR OF WHICH IS THE TOTAL NUMBER OF PHYSICIAN MEMBERS OF THE ASSOCIATION IN THE UNITED STATES. DIVISIONAL SOCIETIES SHALL ALSO BE AWARDED one additional delegate as a student council representative of each college of osteopathic medicine accredited by this Association and located in the state represented by that divisional society, such student delegate to be elected according to the Bylaws of the American Osteopathic Association. THE NUMBER OF ADDITIONAL DELEGATES AWARDED TO DIVISIONAL SOCIETIES SHALL BE REAPPORTIONED EVERY FIVE YEARS.

Addition of New Physician in Practice on Board of Trustees
This amendment, if approved, will add one position to the Board of Trustees for a new physician in practice who would be nominated by the Council of New Physicians in Practice for a 1-year term.

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, and a student 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 a residency approved by the Accreditation Council for Graduate Medical Education (ACGME), 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.

(continued)
AOA COMMUNICATION

Distribution of Amendments Before the Annual Meeting
This amendment, if approved, will change the method through which AOA members and delegates to the HOD are notified of proposed changes to the AOA Constitution.

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 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 SEND VOTING REPRESENTATIVES TO THE HOUSE OF DELEGATES, POSTED ON THE AOA’S WEBSITE, AND printed PUBLISHED in JAOA—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.

Amendments Being Presented for the First Time

Composition of Executive Committee
The current composition of the Executive Committee includes the First Vice President, who is frequently a newly appointed member to the Board of Trustees, but does not include the preceding past president. It is believed that the Executive Committee, because of its power and authority, should include the most experienced members of the Board of Trustees. Therefore, it is recommended that the First Vice President position be replaced with an additional past president position. This change would not alter the size or impact the financial aspects of the Executive Committee.

CONSTITUTION
Article VIII—Board of Trustees and Executive Committee
Section 2—Executive Committee
The Executive Committee of this Association shall consist of the President, President-Elect, Immediate Past President FOR THE PRECEDING TWO YEARS, First Vice President, the chairs of the Departments of Affiliate Affairs, Business Affairs, Governmental Affairs, Professional Affairs, and Research, Quality & Public Health and the chair and vice chair of the Department of Educational Affairs.

Reappointment of Delegates
The HOD will act upon an amendment to Article VI (see Composition of the House of Delegates on page 318) in July 2011 that, if approved, will cap the aggregate number of delegates and require reallocation of delegates every 5 years.

The following amendment proposes changes to that amendment in order to address concerns voiced at the July 2010 HOD by members of the AOA official family. This amendment alters the language by changing the period for reapportionment of delegates to the HOD from 5 years to 2 years and clarifying the description of the formula for allocation of delegates to include the actual number of approved delegates for the 2011 baseline year.

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, the elected officers and trustees of the Association and of such other members as may be provided for in the Bylaws. Each divisional society shall be entitled to one delegate and such additional delegates as follows:

For years prior to and including 2011, each divisional society shall be entitled to one additional delegate for each 100 regular members of this Association located in the state represented by that divisional society, provided that if there are 75 or more unrepresented regular members of this Association in the area of that divisional society, it shall be entitled to one additional delegate and. The aggregate number of additional delegates allotted to divisional societies in 2011 shall become the baseline number of additional delegates to be allocated among the divisional societies, subject to reapportionment every five years. Additional delegates beyond the automatic delegate shall be allocated among divisional societies based on the proportion of members of this association who are located in the state represented by that divisional society, which shall be calculated by using a formula that multiplies the aggregate number of additional delegates by a fraction, the numerator of which is the number of physician members of this association who are located in the state represented by that divisional society and the denominator of which is the total number of physician members of the association in the United States. Divisional societies shall also be awarded one additional delegate as a student council representative of each college of osteopathic medicine accredited by this Association and located in the state represented by that divisional society, such student delegate to be elected according to the Bylaws of the American Osteopathic Association. The number of additional delegates awarded to divisional societies shall be reapportioned every two five years.

Continuing Medical Education
This amendment is intended to codify the continuing medical education requirements for AOA members set by the BOT and to afford the BOT discretionary authority to take appropriate disciplinary action to enforce the requirement, including any of the following:

- **Expulsion**—The individual’s membership is revoked immediately. This penalty is the most severe.
- **Suspension**—The individual’s membership is revoked for a temporary period (AOA Bylaws [Article VII, Section 1, part h] specify up to 3 years).
- **Probation**—No immediate action is taken against membership, but the individual is given a warning that further ethical misconduct will result in suspension or expulsion. Probation is for a limited time (AOA Bylaws [Article VII, Section 1, part h] allow for up to 3 years). Conditions may attach to the probation (such as specific CME courses) as specific requirements for reinstatement to membership in good standing.
- **Censure**—An official expression that the misconduct is significant and inappropriate. In other words, it is an official reprimand without specific consequences in membership status.

**BYLAWS**
**Article II—Membership**
**SECTION 4—CONTINUING MEDICAL EDUCATION**
REGULAR MEMBERS SHALL BE REQUIRED TO SATISFY CONTINUING MEDICAL EDUCATION (CME) REQUIREMENTS. THE CME REQUIREMENTS SHALL BE DETERMINED AND ADMINISTERED BY THE BOARD OF TRUSTEES. MEMBERS WHO DO NOT MEET THE CME REQUIREMENT ARE SUBJECT TO SUCH DISCIPLINARY ACTION AS IS DETERMINED TO BE APPROPRIATE BY THE BOARD OF TRUSTEES, INCLUDING REVOCATION OF MEMBERSHIP, SUSPENSION, PROBATION OR CENSURE.