

REFERENCE COMMITTEE C&B

Items referred to Reference Committee C&B will be taken in the following order:

- 1) FINANCIAL CONFLICTS OF INTERESTS DISCLOSURE BY OFFICERS AND DIRECTORS**
(Resolution 501CB.22; Resolves 1, 2, 3, 4, and 5)
- 2) MEDICAL STUDENT MEMBERSHIP** (Resolution 502CB.22; Resolve 1)
- 3) PRESIDENTIAL SUCCESSION LINE TASK FORCE** (Special 12.22; Recommendation 1)

MEDICAL ASSOCIATION OF GEORGIA HOUSE OF DELEGATES (C&B-22)

SUBJECT: Report of Reference Committee C&B

PRESENTED BY: Frank McDonald, M.D., M.B.A., Chairman

1 Mr. Speaker and members of the House of Delegates:

2
3 Reference Committee C&B gave careful consideration to the several items referred to it and submits the
4 following report:

5
6 **1) FINANCIAL CONFLICTS OF INTERESTS DISCLOSURE BY OFFICERS AND**
7 **DIRECTORS (Resolution 501CB.22; Resolves 1, 2, 3, 4, and 5)**

8
9 **Original Resolve**

- 10
11 1) “That MAG will amend its bylaws to require all Officers and Directors to complete an annual
12 disclosure no later than the first meeting of the Board of Directors in a calendar year or when
13 such officer or director begins their term of service if after the first meeting in that year.”
14
15 2) “That MAG will publish this disclosure on its website.”
16
17 3) “MAG will require in its bylaws that the required annual disclosures by the officers and directors
18 include:
19 1. Medically related royalties to the individual or family members
20 2. Participation in medically related speakers bureaus and or paid presentations
21 3. Paid or unpaid employment or consulting arrangements with medically related companies by
22 the individual or family members
23 4. Ownership in stock or stock options with medically related companies by the individual or
24 family members
25 5. Research support or participation as a Principal Investigator with medically related
26 companies by the individual or family members
27 6. Other financial or material support with medically related companies by the individual or
28 family members
29 7. Royalties, financial, or material support with medically related companies by the individual
30 or family members
31 8. Positions on editorial boards or governing boards of medically related publications
32 9. Positions as an officer, committee member, or director of a medically related association.”
33
34 4) “That MAG will amend its bylaws to require that all Officers and Directors of MAG voluntarily
35 recuse themselves from discussion or voting on any issue in which their conflict is germane.”
36
37 5) “That MAG allow any member bound by the conflict of interest restrictions in its bylaws to
38 request excusal from the obligation to recuse themselves in advance of a discussion or vote, with
39 the excusal limited to a single identified event and arbitrated by the E.C. whose decision is final.”

1 **Recommendation:**

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3 Mr. Speaker, your Committee recommends that Resolve 1 of Resolution 501CB.22 be adopted as
4 amended.

- 5
6 1) “That MAG will amend its bylaws to require all Officers and Directors to complete an annual
7 disclosure of all conflicts of interest no later than the first meeting of the Board of Directors in a
8 calendar year or when such officer or director begins their term of service if after the first meeting
9 in that year prior to voting on items of business.”

10
11 Recommended Language to be Added to the Bylaws in Chapter VI and Chapter VII with subsequent
12 sections renumbered accordingly...

13
14 *CHAPTER VI – Board of Directors*

15 ...

16
17 *SECTION 7. CONFLICTS OF INTEREST.*

18
19 *(a) All directors and alternate directors shall complete an annual disclosure of all potential*
20 *conflicts of interest prior to voting on items of business.*

21
22
23 *Chapter VII – ELECTION AND TERMS OF OFFICERS*

24 ...

25
26 *SECTION 3. CONFLICTS OF INTEREST.*

27
28 *(a) All officers shall complete an annual disclosure of all potential conflicts of interest prior to*
29 *voting on items of business.*

30
31 Mr. Speaker, your Committee recommends that Resolve 2 of Resolution 501CB.22 be not adopted.

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33 Mr. Speaker, your Committee recommends that Resolve 3 of Resolution 501CB.22 be adopted as
34 amended.

- 35
36 3) “MAG will require in its bylaws that annual disclosure follow the conflict of interest policy
37 established by the Board of Directors ~~the required annual disclosures by the officers and~~
38 ~~directors. include:~~
39 1. ~~Medically related royalties to the individual or family members~~
40 2. ~~Participation in medically related speakers bureaus and or paid presentations~~
41 3. ~~Paid or unpaid employment or consulting arrangements with medically related companies by~~
42 ~~the individual or family members~~
43 4. ~~Ownership in stock or stock options with medically related companies by the individual or~~
44 ~~family members~~
45 5. ~~Research support or participation as a Principal Investigator with medically related~~
46 ~~companies by the individual or family members~~
47 6. ~~Other financial or material support with medically related companies by the individual or~~
48 ~~family members~~
49 7. ~~Royalties, financial, or material support with medically related companies by the individual~~
50 ~~or family members~~
51 8. ~~Positions on editorial boards or governing boards of medically related publications~~

1 9. ~~Positions as an officer, committee member, or director of a medically related association.”~~

2
3 Recommended Language to be Added to the Bylaws in Chapter VI and Chapter VII with subsequent
4 sections renumbered accordingly...

5
6 *CHAPTER VI – Board of Directors*

7 ...

8
9 *SECTION 7. CONFLICTS OF INTEREST.*

10
11 *(a) All directors and alternate directors shall complete an annual disclosure of all potential*
12 *conflicts of interest prior to voting on items of business. Such disclosure shall comply with the*
13 *conflict of interest policy established by the Board of Directors.*

14
15
16 *Chapter VII – ELECTION AND TERMS OF OFFICERS*

17 ...

18
19 *SECTION 3. CONFLICTS OF INTEREST.*

20
21 *(a) All officers shall complete an annual disclosure of all potential conflicts of interest prior to*
22 *voting on items of business. Such disclosure shall comply with the conflict of interest policy*
23 *established by the Board of Directors.*

24
25 Mr. Speaker, your Committee recommends that Resolve 4 of Resolution 501CB.22 be adopted as
26 amended.

- 27
28 4) ~~“That MAG will amend its bylaws to require that all Officers and Directors of MAG voluntarily~~
29 the conflict of interest policy established by the Board of Directors outline the circumstances
30 where an officer or director shall recuse themselves from discussion or voting on any issue in
31 which their conflict is germane.”

32
33 Recommended Language to be Added to the Bylaws in Chapter VI and Chapter VII with subsequent
34 sections renumbered accordingly...

35
36 *CHAPTER VI – Board of Directors*

37 ...

38
39 *SECTION 7. CONFLICTS OF INTEREST.*

40 ...

41 *(b) The conflict of interest policy established by the Board of Directors shall outline the*
42 *circumstances where an officer or director shall recuse themselves from discussion or voting.*

43
44
45 *Chapter VII – ELECTION AND TERMS OF OFFICERS*

46 ...

47
48 *SECTION 3. CONFLICTS OF INTEREST.*

49 ...

(b) The conflict of interest policy established by the Board of Directors shall outline the circumstances where an officer or director shall recuse themselves from discussion or voting.

Mr. Speaker, your Committee recommends that Resolve 5 of Resolution 501CB.22 be not adopted.

Rationale:

Your Committee heard considerable testimony about the current process for addressing conflicts of interest by Officers and Directors. This testimony highlighted the existence of similar policies in other health care organizations and the difficulty in ensuring that the current policy is followed. Additional testimony focused on the granular nature of the items to be disclosed and your Committee felt that it would be difficult to ensure that the bylaws reflect all of the nuances with regard to the required disclosures. Your Committee agreed with testimony that any policy should be completed prior to voting.

Your Committee was concerned that when issues arise under the application of a list of conflicts in the bylaws, it would be a difficult process to change or redefine those items, and a majority of the testimony on this resolve expressed concern about how this would be applied and potential difficulties in answering these questions without more information and definitions. Testimony was also presented that membership on governmental, insurance, hospital, and other boards was important and should be included. Your Committee felt that the Board of Directors is in the best position to address potential changes in the future and were also in the best position to address nuances in recusal. Your Committee also felt that the information provided by Officers and Directors should be kept on file and a policy on who may request and view this information should be addressed by the policy created by the Board of Directors.

Your Committee looked at the AMA conflict of interest policy and MAG’s current conflict of interest policy, which discussed how certain personal interests may be helpful in discussions and that recusal should be more nuanced and based on instances where the personal interest prevents the Officer or Director from rendering an impartial decision. Finally, your Committee felt that the process for determining where recusal is not necessary was best left to the conflict of interest policy established by the Board of Directors.

2) MEDICAL STUDENT MEMBERSHIP (Resolution 502CB.20; Resolve 1)

Original Resolve

1) “That the Medical Association of Georgia (MAG) bylaws be amended to allow students at international medical schools whose accreditation has been recognized by the U.S. Department of Education as comparable to United States medical schools to and who are currently receiving training and/or education in the state of Georgia to become MAG student members.”

Recommendation:

Mr. Speaker, your Committee recommends that Resolution 501CB.22 be adopted as amended.

1) “That the Medical Association of Georgia (MAG) bylaws be amended to allow students at international medical schools whose accreditation has been recognized by the ~~U.S. Department of Education~~ Georgia Composite Medical Board as comparable to United States medical schools to and who are currently receiving training and/or education in the state of Georgia to become MAG student members.”

1 Recommended Language to be Added to the Bylaws in Chapter II...

2
3 *CHAPTER II - MEMBERSHIP*

4 ...

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6 *SECTION 9. STUDENT MEMBERS. Any person may become a Student Member of this*
7 *Association upon proof that such person is a student in good standing at a medical school*
8 *approved by the Liaison Committee on Medical Education or the Committee on Colleges, the*
9 *Commission on Osteopathic College Accreditation (COCA) of the American Osteopathic*
10 *Association or a student at an international medical school whose accreditation has been*
11 *recognized by the Georgia Composite Medical Board and who are currently receiving training*
12 *and/or education in the state of Georgia. Student Members may not vote nor hold office except*
13 *that they may vote when serving as members of MAG committees on issues submitted to a vote of*
14 *such committees, and when serving as a voting Delegate representing the Medical Student*
15 *Section in the House of Delegates and when serving as a voting Director representing the*
16 *Medical Student Section on the Board of Directors.*

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18 **Rationale:**

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20 Your Committee heard no testimony in opposition to this resolution and agreed with testimony that
21 current medical students training in Georgia and volunteering with the MAG MRC should be
22 afforded the same benefits as other Georgia medical students. Your Committee also agreed that the
23 resolution should be amended to reference the Georgia Composite Medical Board.

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25 **3) PRESIDENTIAL SUCCESSION LINE TASK FORCE (Special 12.22; Recommendation 1)**

26
27 **Original Resolve**

28
29 1) "That the MAG Bylaws be updated to include a requirement that a candidate for President-Elect
30 have previously served for at least three years on the MAG Executive Committee."

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32 **Recommendation:**

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34 Mr. Speaker, your Committee recommends that Recommendation 1 of Special 12.22 be not adopted.

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36 **Rationale:**

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38 Your Committee heard testimony regarding the need for MAG's President to have experience prior to
39 assuming their role. Testimony was also heard regarding the concern that the proposal was overly
40 prescriptive and that there could be instances when there is not a candidate who meets the criteria and
41 there is no provision allowing for flexibility to override the bylaws. Your Committee appreciates the work
42 of the task force but ultimately felt that the House of Delegates is the body of MAG granted the authority
43 to elect the officers and should not be restricted in their ability to determine the best candidate. Your
44 Committee does believe that the House of Delegates should take a candidate's experience on the
45 Executive Committee and in other areas of MAG into consideration during elections. Your Committee
46 also wants to ensure that young physicians feel encouraged to run for leadership positions in MAG.

47
48 Mr. Speaker, this concludes the report of Reference Committee C&B. I wish to thank the members of the
49 committee who are:

- 1 Billie Luke Jackson, M.D., Bibb County Medical Society
- 2 Robert Jones, M.D., Bibb County Medical Society
- 3 Jin Lee, M.D., Medical Association of Atlanta
- 4

5 Mr. Speaker, your Reference Committee wishes to also thank MAG staff members, Bethany Sherrer and
6 Ryan Larosa, for their very capable assistance to the committee.

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11 Frank McDonald, M.D., M.B.A., Chairman
12 Hall CMS