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 20, 2018, through Sunday, July 22, 2018, at the Chicago Marriott Downtown in Illinois.

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.2018.092)

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 amendments to the AOA Code of Ethics recognize MDs as regular members of the AOA. These changes were presented at the July 2017 HOD meeting and will be considered for final approval at the July 2018 HOD meeting. Consistent with the referral from the HOD (H-503 – A/2017), the language has been revised by the AOA Committee on Governance and Organizational Structure’s Subcommittee on Constitution and Bylaws. Changes made to address HOD concerns expressed during the July 2017 HOD meeting are underlined.

AOA Constitution

Article V—Membership

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

c. Life Members
d. Associate Members
e. Student Members
f. Honorary Members
g. International Physician Members

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 ACCREDITED approved by the American Osteopathic Association’s COMMISSION ON OSTEOPATHIC COLLEGE ACCREDITATION OR A GRADUATE OF AN OSTEOPATHICALLY RECOGNIZED TRACK OF A RESIDENCY TRAINING PROGRAM ACCREDITED BY THE ACCREDITATION COUNCIL ON GRADUATE MEDICAL EDUCATION OR ATTAINED AOA SPECIALTY BOARD CERTIFICATION and shall be eligible for licensure as an osteopathic OR ALLOPATHIC physician and/or surgeon or shall be in a training program, which is a prerequisite for 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 non-payment 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 applicant 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 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 or allographic 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 and allographic physicians’ 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 allographic credentials 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 or allographic 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; AMENDED IN JULY 2018)
**Interpretation of Section 7**

This section is designed to discourage practices that 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 AND ALLOPATHIC 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; AMENDED IN JULY 2018)

**Guide to Section 8**

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

**Part I—Indications of Specialty Practice**

1. Osteopathic AND ALLOPATHIC physicians who are not certified by the AOA OR ABMS 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 AND ALLOPATHIC physicians who are certified by the AOA OR ABMS 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 AND ALLOPATHIC 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 letter 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 FOR OSTEOPATHIC PHYSICIANS AND MD FOR ALLOPATHIC PHYSICIANS.

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.

4 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 AND ALLOPATHIC 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.

Bureau of Emerging Leaders
The following amendments to the AOA Constitution and Bylaws are proposed to adjust for the current title and role of the Bureau of Emerging Leaders and new physicians in practice. These changes were presented at the July 2017 HOD meeting and will be considered for final approval at the July 2018 HOD meeting. Consistent with the referral from the HOD (H-505 - A/2017), the language has been revised by the AOA Bureau of Emerging Leaders.

AOA Constitution
Article VIII—Board of Trustees and Executive Committee
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 an AOA approval of the ACGME-approved residency. Candidates for the intern/resident position shall be nominated by the BUREAU OF EMERGING LEADERS council of interns and residents.

AOA Bylaws
Article V—House of Delegates
Section 11—Representation of Osteopathic Physicians in Postdoctoral Training AND/OR NEW PHYSICIANS IN PRACTICE
Osteopathic physicians in postdoctoral training AND/OR NEW PHYSICIANS IN PRACTICE 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 OR CURRENTLY A NEW PHYSICIAN IN PRACTICE AS DEFINED BY THE ASSOCIATION. The two individuals and their alternates shall be selected by vote of the AOA’s Council of Interns and Residents BUREAU OF EMERGING LEADERS (BEL). The delegates (and alternate delegates) selected by the Council of Interns and Residents BEL shall serve as the representatives of osteopathic physicians in postdoctoral training AND NEW PHYSICIANS IN PRACTICE. and THESE
DELEGATES 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 shall certify the names 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.

Student, Resident, and Fellow Representation at HOD

The following proposed amendment to the AOA Bylaws would, if approved, allow student delegates from additional locations of colleges of osteopathic medicine and allow an additional delegate in postdoctoral training. These proposed changes will be presented and acted on at the July 2018 HOD meeting.

AOA Bylaws

Article V—House of Delegates

Section 10—Representation of Student Councils

The student council of each accredited college of osteopathic medicine, and each branch campus, AND EACH ADDITIONAL LOCATION may be represented in the House of Delegates by its president (and such president’s alternate elected by such student council) as a member of the delegation of the divisional society representing the state in which such college of osteopathic medicine, and branch campus, AND ADDITIONAL LOCATION is located. Each such student delegate shall be accredited in the same manner and have the same privileges as the other members of the divisional society delegation; however, the chief administrative officer of each accredited college of osteopathic medicine, and branch campus, AND ADDITIONAL LOCATION shall certify the student council president and alternate to the Chief Executive Officer of this Association in writing or by electronic communication at least 30 days prior to the first day of the annual meeting of the House of Delegates and such Chief Executive Officer shall forthwith similarly certify each student council president and alternate to the secretary of the appropriate divisional society.

Section 11—Representation of Osteopathic Physicians In Postdoctoral Training

Osteopathic physicians in postdoctoral training may be represented in the House of Delegates by THREE two individuals who, at the time of the annual meeting, shall be enrolled in postdoctoral training programs. AT LEAST ONE OF THE THREE INDIVIDUALS SHALL BE ENROLLED IN AN ACCREDITED FELLOWSHIP TRAINING PROGRAM AND AT LEAST ONE OF THE THREE INDIVIDUALS SHALL BE ENROLLED IN AN ACCREDITED RESIDENCY PROGRAM. The THREE two individuals and their alternates shall be selected by vote of the AOA’s BUREAU OF EMERGING LEADERS Council of Interns and Residents. The delegates (and alternate delegates) selected by the BUREAU OF EMERGING LEADERS Council of Interns and Residents 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 BUREAU OF EMERGING LEADERS Council of Interns and Residents shall certify the name of THE 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.
9-year term limit on members of the AOA Board of Trustees for those elected in or after July 2019. This proposed change will be presented and acted on at the July 2018 HOD meeting.

**AOA Constitution**

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

**Section 3—Term Limit**

For all trustees ELECTED PRIOR TO JULY 2019, with the exception of the President, President-Elect and the Past Presidents for the preceding two years, the aggregate terms of the 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. FOR ALL TRUSTEES ELECTED IN OR AFTER JULY 2019, 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 NINE (9) YEARS, WITH THE EXCEPTION THAT A TRUSTEE MAY COMPLETE THE TERM IN WHICH NINE (9) 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 ON THE BOARD OF TRUSTEES.

**Immediate Past President**

The following proposed amendment to the AOA Bylaws would, if approved, designate the AOA’s immediate past president as the chair of the Finance Committee and the AOA treasurer. This proposed change will be presented at the July 2018 HOD meeting and acted on at the July 2019 HOD meeting.

**AOA Bylaws**

**Article VIII—Duties of Officers**

**SECTION 4—IMMEDIATE PAST PRESIDENT/TREASURER**

THE IMMEDIATE PAST PRESIDENT SHALL SERVE AS CHAIR OF THE FINANCE COMMITTEE AND HOLD THE OFFICE OF TREASURER AND SHALL PERFORM, OR CAUSE TO BE PERFORMED, THE FUNCTIONS USUALLY PERTAINING TO THAT OFFICE.

**Representation of National Health Care Associations**

The following proposed amendments to the AOA Constitution and Bylaws would, if approved, allow for representation of national health care associations in the AOA HOD. These changes were presented at the July 2017 HOD meeting and will be considered for final approval at the July 2018 HOD meeting. Consistent with the referral from the HOD (H-502 - A/2017), the language has been revised by the AOA Committee on Governance and Organizational Structure’s Subcommittee on Constitution and Bylaws. Changes made to address HOD concerns expressed during the July 2017 HOD meeting are underlined.

**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, 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 FOR PHYSICIANS. EACH AOA-RECOGNIZED NATIONAL HEALTH CARE ASSOCIATION FOR PHYSICIANS 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

NATIONAL HEALTH CARE ASSOCIATIONS FOR PHYSICIANS ARE MEMBERSHIP ORGANIZATIONS LOCATED IN THE UNITED STATES FOR OSTEOPATHIC AND/OR ALLOPATHIC PHYSICIANS THAT PROMOTE, ADVOCATE FOR, AND REPRESENT THE INTERESTS OF OSTEOPATHIC OR ALLOPATHIC PHYSICIANS AND MEMBERSHIP OF WHICH IS NOT FOCUSED ON PHYSICIAN-MEMBERS FROM SPECIFIC STATES OR TERRITORIES. UPON APPLICATION FROM A NATIONAL HEALTH CARE ASSOCIATION 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 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.

Public Member of the HOD
The following proposed amendments to the AOA Constitution and Bylaws would, if approved, eliminate the public member position on the AOA Board of Trustees. These changes will be presented at the July 2018 House of Delegates and will be considered for final approval at the July 2019 HOD meeting.

AOA Constitution
Article VIII - Board of Trustees and Executive Committee
Section 1-Board of Trustees
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-EIGHT 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 the DO degree within the previous ten years shall be nominated by the council of new physicians in practice;

D. One intern/resident member elected by the house of delegate 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 an AOA approval of the ACGME-Approved residency. Candidates for the intern/resident position shall be nominated by the council of interns and residents; AND

E. One student member elected by the House of Delegates to serve for one year. Candidates for the student position shall be nominated, in altering 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.

AOA Bylaws
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.

AOA Department of Educational Affairs
The following proposed amendment to the AOA Constitution would, if approved, limit representation in the AOA Executive Committee to the chair of the Department of Educational Affairs rather than both the chair and vice-chair. This proposed change will be presented at the July 2018 HOD meeting and acted on at the July 2019 HOD meeting.
AOA 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, Past Presidents for the preceding two years, the chairs of the Departments of Affiliate Affairs, Business Affairs, EDUCATIONAL AFFAIRS, Governmental Affairs, Professional Affairs, AND Research, Quality, and Public Health, and the Chair and Vice-Chair of the Department of Educational Affairs.