Subject: TMA Disaster Board of Trustees Actions on Behalf of TMA House of Delegates

Presented by: Gary W. Floyd, MD, Chair

The TMA Board of Trustees declared March 29, 2020, that a national disaster, the COVID-19 pandemic, was occurring and called itself into session as a disaster board according to the TMA Bylaws 4.202:

4.202 Function as disaster board. In the event a catastrophe of national proportions such as war prevents the House of Delegates from acting, the Board of Trustees shall have the authority to receive and act on the reports of officers, boards, councils, and committees; to legislate; to elect and install officers; and to approve the president-elect’s nominees for council positions in accordance with regulations applying to the House of Delegates. In case of national catastrophe, the Board of Trustees shall be considered a disaster board and shall be called into session.

The disaster board voted on April 5 to cancel TexMed 2020 and suspend the TMA House of Delegates annual meeting, either virtual or in person, until an appropriate time when the COVID-19 crisis has subsided enough that the house is able to discharge its duties.

During this time, the disaster board took several actions on behalf of the house. This report is a summary of those actions.

Election of Uncontested Candidates
On May 2, the disaster board met in person and through teleconference to transition TMA leadership and allow the organization to move forward appropriately and deliberately. After confirming with the caucus chairs that there were no more candidates for uncontested races, the board voted to elect by acclamation uncontested positions, including TMA president-elect, secretary/treasurer, speaker, vice speaker, board of councilors, and Texas delegates to the American Medical Association. At this time, the board also confirmed the nominations of new council members.

Virtual TMA House of Delegates Meeting and Virtual Elections of Contested Candidates
TMA speakers and staff met regularly to consider and prepare for a 2020 meeting of the house using electronic virtual programs. TMA staff developed a robust, secure system to allow electronic, remote elections by credentialed delegates. Further, TMA staff explored options to allow an electronic virtual House of Delegates meeting to conduct limited essential business. On June 28, the disaster board, acting on behalf of the TMA House of Delegates, approved conducting a limited 2020 House of Delegates meeting using virtual meeting technology to allow delegates remote access for contested elections and action on essential house business. The board also closed nominations on contested elected positions.

Adoption of House Standing Rules and Creation of Formal House Advisory Body
Speaker Report 2 2020, House Standing Rules, previously submitted for the planned House of Delegates meeting in May 2020, creates basic standing rules as authorized in the TMA Bylaws 3.73.

3.73 Standing Rules. The House of Delegates shall have the authority to establish standing rules. The house shall be guided in its actions by its standing rules and this Constitution and Bylaws. In all instances not covered by this Constitution and Bylaws or its own standing rules, the American Institute of Parliamentarians Standard Code of Parliamentary Procedure shall govern.
Included in the standing rules in Speaker Report 2 2020 is the allowance for written testimony on business items for reference committee consideration. Accepting written testimony for a virtual house meeting would allow more TMA members to take part in the policymaking process by giving them the ability to submit testimony on their own time. In addition, Speaker Report 2 authorizes a House of Delegates advisory body, composed of caucus and section chairs, to support house efforts and provide guidance for planning a virtual meeting. At the June 28 meeting, the board approved the adoption of Speaker Report 2 2020.

House Standing Rules – Special Circumstances
Since a virtual TMA House of Delegates meeting had not occurred previously, the technology, rules, and bylaws to support this type of meeting had not been defined. Therefore, on June 28 the disaster board authorized and adopted the speakers’ right to create House Standing Rules – Special Circumstances, to be developed in conjunction with the House of Delegates advisory body for the 2020 House of Delegates meeting.

Limited Essential House Business
Due to the constraints of a virtual meeting and the complex requirements for parliamentary consideration of business, the speakers recommended limiting 2020 House of Delegates business to essential or consent items, based upon criteria developed in conjunction with the House of Delegates advisory body. The speakers recommended that informational reports and reports considered by the speakers and advisory body as uncontroversial be placed on the reference committee agenda for consideration, and resolutions be tabled to the 2021 house meeting. On June 28, the disaster board approved limiting 2020 house business to essential or consent items based upon these criteria.

First Approval of TMA Constitutional Amendments
Amending TMA’s Constitution is a two-year process, requiring approval of the amendment at two sequential annual sessions. At the first session, the amendment must be approved by a majority vote. At the second session, the approval must be by two-thirds vote, and the amendment must have been published in Texas Medicine and mailed to each House of Delegates member and county society prior to the annual meeting, according to Article XIII of the TMA Constitution:

Article XIII. Amendments. The House of Delegates may amend this Constitution by a two-thirds affirmative vote of its members present and voting at any annual session, provided that the proposed amendment shall (1) have received majority approval at the preceding annual session, (2) have been published in Texas Medicine, and (3) have been sent officially to each member of the House of Delegates and each component county society at least two months before the meeting at which final action is to be taken.

TMA’s 2020 annual session would have addressed two reports relating to constitutional amendments for three TMA member organizations: The Women Physicians Section, at-large members, and the proposed LGBTQ Health Section:

- Council on Constitution and Bylaws Report 1 2020, Amendments to the Constitution, Article V. House of Delegates: recommending amendment of the TMA Constitution to include House of Delegates representation for the Women Physicians Section and the at-large members.

- Council on Constitution and Bylaws Report 3 2020, Amendments to Bylaws and Constitution Establishing an LGBTQ Health Section: recommending (1) amendment of the TMA Bylaws to establish an LGBTQ Health Section, and (2) amendment of the TMA Constitution to include section representation in the House of Delegates.

On May 17, the disaster board, acting in lieu of the delayed House of Delegates, approved the constitutional amendments recommended by the Council on Constitution and Bylaws. This initiated the two-year process to amend the TMA Constitution, which would require a second round of approvals at the 2021 Annual Session. The disaster board took this action so as not to delay the proposed amendments until 2022, acknowledging that final approval of these amendments still rests with the full House of Delegates.