## Summary (Highlighted text indicates changes from the interim report)

<table>
<thead>
<tr>
<th>Item #</th>
<th>Title</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>1</td>
<td>Speaker Report 1 2021 – Amending Policy 295.013 Election Process</td>
<td>Adopt</td>
</tr>
<tr>
<td>2</td>
<td>Speaker Report 2 2021 – Amending TMA Constitution Article V House of Delegates and TMA Bylaws Chapter 3 House of Delegates</td>
<td>Adopt</td>
</tr>
<tr>
<td>3</td>
<td>Board of Councilors Report 1 – Emeritus Nominations</td>
<td>Adopt</td>
</tr>
<tr>
<td>4</td>
<td>Board of Councilors Report 2 – Honorary Nominations</td>
<td>Adopt</td>
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<tr>
<td>6</td>
<td>Council on Constitution and Bylaws Report 1 – Amendment to Bylaws to Remove “Spring” Requirement for the Annual Session</td>
<td>Adopt</td>
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<td>Council on Constitution and Bylaws Report 2 – Amendments to Bylaws to Establish an Application and Appeal Process for At-Large Members, and to Clarify the Disciplinary Process for Small County Medical Societies</td>
<td>Adopt as amended</td>
</tr>
<tr>
<td>8</td>
<td>Council on Constitution and Bylaws Report 3 – Amendments to Bylaws to Allow Two-Year Terms for County Medical Society Officers</td>
<td>Adopt</td>
</tr>
<tr>
<td>9</td>
<td>Council on Constitution and Bylaws Report 4 – Amendment to Bylaws to Tie Council Meeting Requirements to the TMA Session Year</td>
<td>Adopt</td>
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<td>10</td>
<td>Council on Constitution and Bylaws Report 5 – Amendments to Bylaws to Allow Sections to Determine Members’ Right to Vote and Hold Office</td>
<td>Adopt</td>
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<tr>
<td>11</td>
<td>Council on Constitution and Bylaws Report 6 – Amendments to Bylaws to Update and Clarify Existing Language</td>
<td>Adopt as amended</td>
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<td>12</td>
<td>Council on Constitution and Bylaws Report 7 – Amendments to Bylaws to Allow Use of Virtual Platforms, In-Person Voting</td>
<td>Adopt</td>
</tr>
<tr>
<td>13</td>
<td>Council on Constitution and Bylaws Report 8 – Amendments to Article V of the TMA Constitution</td>
<td>Adopt</td>
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<td>15</td>
<td>Patient-Physician Advocacy Committee Report 2 – Sunset Policy Review</td>
<td>Adopt</td>
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<tr>
<td>16</td>
<td>Board of Trustees Report 10 – Sunset Review of TMA Standing Committees</td>
<td>Adopt</td>
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<tr>
<td>17</td>
<td>Board of Trustees Report 16 – Establish a Coalition of Medical Societies to Protect Competition and Sustainability in the Health Insurance Marketplace, Resolution 106-A-19 (Tabled BOT Report 10 2020)</td>
<td>Adopt</td>
</tr>
<tr>
<td>18</td>
<td>Board of Trustees Report 17 – Physicians in Employed Settings (Tabled BOT Report 12 2020)</td>
<td>Adopt</td>
</tr>
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</table>
The Reference Committee on Financial and Organizational Affairs, having met on Saturday, May 8, 2021, to review online testimony with all members present, submit the following final report:

(1) Speaker Report 1 2021 – Amending Policy 295.013 Election Process

RECOMMENDATION:

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<td>19</td>
<td>Board of Trustees Report 20 – Nominations for Board of Governors, Texas Medical Liability Trust</td>
<td>Adopt</td>
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<tr>
<td>21</td>
<td>LGBTQ Health Section Report 1 – LGBTQ Health Section Update</td>
<td>Adopt</td>
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<tr>
<td>22</td>
<td>Resolution 101 – The Creation of an Independent Physician Section (Tabled Res 101 2020)</td>
<td>Refer for action</td>
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<tr>
<td>23</td>
<td>Resolution 102 – Expansion of the Texas Medical Association Ambassador Program (Tabled Res 102 2020)</td>
<td>Adopt</td>
</tr>
<tr>
<td>24</td>
<td>Resolution 103 – A Systematic and Precise Method for AMA Public Endorsements of Proposed Legislation (Tabled Res103 2020)</td>
<td>Refer for action</td>
</tr>
<tr>
<td>25</td>
<td>Resolution 104 – For the Creation of a Physician-Led Public Outreach and Education Organization to Defend the Integrity of the Medical Profession and Advocate for Sustainable, Evidence-Based Health Care Policy (Tabled Res 108 2020)</td>
<td>Not adopt</td>
</tr>
<tr>
<td>26</td>
<td>Resolution 105 – Virtual Option for Delegates at Future Meetings</td>
<td>Adopt as amended</td>
</tr>
<tr>
<td>27</td>
<td>Resolution 106 – Creation of Ad Hoc Committee to Study and Make Recommendations Concerning Non-Compete Agreements in Physician Employment Contracts; and Resolution 114 – Noncompete Clauses Within Physician Contract</td>
<td>Adopt Res. 106 as amended, in lieu of Res. 114</td>
</tr>
<tr>
<td>29</td>
<td>Resolution 108 – Paid Sick Leave Policies</td>
<td>Not adopt</td>
</tr>
<tr>
<td>30</td>
<td>Resolution 109 – Physicians’ Salary Survey (Tabled Res 406 2020)</td>
<td>Not adopt</td>
</tr>
<tr>
<td>31</td>
<td>Resolution 110 – Encouraging ADA Compliance on Virtual Platforms</td>
<td>Adopt as amended</td>
</tr>
<tr>
<td>32</td>
<td>Resolution 112 – One Hundredth Anniversary of the Texas Pediatric Society</td>
<td>Adopt</td>
</tr>
<tr>
<td>33</td>
<td>Resolution 113 – Composition of Hospital Ethics Committees</td>
<td>Adopt</td>
</tr>
<tr>
<td>34</td>
<td>Resolution 114 – Noncompete Clauses Within Physician Contract</td>
<td>(See agenda item 27)</td>
</tr>
</tbody>
</table>
Mr. Speaker, your reference committee recommends that the recommendation in Speaker Report 1 be adopted.

This report recommends amending the Policy 295.013 Election Process to allow for virtual elections.

Your reference committee received testimony from the Board of Trustees in support of the report. Your reference committee heard no testimony during the virtual hearing and recommends its adoption.

Speaker Report 2 2021 – Amending TMA Constitution Article V House of Delegates and TMA Bylaws Chapter 3 House of Delegates

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendations in Speaker Report 2 be adopted.

This report recommends that TMA (1) amend TMA Constitution Article V. House of Delegates by adding the words “and past speakers” to item (i); and (2) amend TMA Bylaws, Chapter 3. House of Delegates by adding the words “and past speakers” to 3.12 Voting Rights and 3.45 Quorum.

Your reference committee received and heard no testimony on this report and recommends its adoption.

Board of Councilors Report 1 – Emeritus Nominations

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendation in Board of Councilors Report 1 be adopted.

This report recommends that the House of Delegates approve the nominations of Drs. Kronberg and Thorstenson to Emeritus member status.

Your reference committee received no testimony on this report and discussed its unanimous support of Gregory M. Kronberg, MD, and Lyle Thorstenson, MD, to emeritus membership in TMA. Your reference committee heard no testimony during the virtual hearing. Your reference committee enthusiastically recommends adoption.

Board of Councilors Report 2 – Honorary Nominations

RECOMMENDATION:
Mr. Speaker, your reference committee recommends that the recommendation in Board of Councilors Report 2 be adopted.

This report recommends that the House of Delegates approve Drs. Greenberg, Haufrect, Poonawala, and Ruiz’s nominations to honorary member status.

Your reference committee received no testimony on this report and discussed its unanimous support of the election of Stephen B. Greenberg, MD; Eric J. Haufrect, MD; Robina N. Poonawala, MD; and Richard S. Ruiz, MD, to honorary membership in TMA. Your reference committee enthusiastically recommends adoption.


RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendation in Board of Councilors Report 3 be accepted.

This report recommends that Resolution 109-A-19 not be adopted.

Your reference committee received testimony from the authors of the original Resolution 109-A-19, against the recommendation of not adopting the resolution. During the virtual hearing, your reference committee heard testimony from the Board of Councilors in favor of accepting the report and therefore not adopting Resolution 109-A-19. Your reference committee heard testimony on behalf of the authors of Resolution 109-A-19 against the report and in favor of adopting the resolution. After deliberation, your reference committee voted to accept the Board of Councilor’s recommendation not adopting Resolution 109-A-19.

(6) Council on Constitution and Bylaws Report 1 – Amendment to Bylaws to Remove “Spring” Requirement for the Annual Session

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendation in Council on Constitution and Bylaws Report 1 be adopted.

This report recommends that amending Chapter 8, Section 10 of the Texas Medical Association Bylaws to remove “spring” as a requirement for the Annual Session.

Your reference committee received no testimony on this report. At the virtual hearing, your reference committee heard testimony from the Council on Constitution and Bylaws in favor of this report and supports its adoption.
Council on Constitution and Bylaws Report 2 – Amendments to Bylaws to Establish an Application and Appeal Process for At-Large Members, and to Clarify the Disciplinary Process for Small County Medical Societies

RECOMMENDATION A:

Mr. Speaker, your reference committee recommends that the recommendations in Constitution and Bylaws Report 1, page 2, lines 7 and 9, and page 4, line 5, be amended as follows:

CHAPTER 1. MEMBERSHIP

1.13 Ethics. A physician or medical student applying for membership in a county medical society or at large shall subscribe to the AMA Principles of Medical Ethics and the ethics opinions of the Board of Councilors.

1.202 At-large. Physicians against whom no charges of unethical or unprofessional conduct that could lead to denial of membership as provided in 1.11 are pending shall be eligible for at-large membership provided that they reside or work in a county where the county medical society is an inactive society, as described in Section 12.113, or no county society charter exists (see Section 5.203). At-large members shall have all rights and privileges of membership.

1.80 Application and appeal for at-large membership

1.81 Application for at-large membership. For a physician eligible for at-large membership as provided in 1.202, the application for membership shall be made to the district councilor and vice councilor of the county in which the applicant resides or works. With respect to an application for at-large membership, the district councilor and vice councilor act as the board of censors.

The application shall contain the following information: full name and address, place and date of birth, medical education and degree received, locations and dates of residencies, and such other information as the association or the district councilor may require.

The district councilor shall retain any original applications the councilor receives and forward copies to the executive vice president of the association. Copies of any original applications the association receives shall be forwarded to the district councilor and vice counselor.

1.82 District councilor examination. The district councilor and vice councilor who receive a completed application for at-large membership shall perform the examination under this section within 60 days of receipt. Upon the examination of the applicant’s qualifications and decision to approve the applicant’s membership, the district councilor and vice councilor shall declare the applicant a member.

The executive vice president shall be notified if the district councilor and vice councilor do not reach a unanimous decision. The executive vice president will then appoint a member of the Board of Councilors to resolve the impasse.

1.83 Disapproval of membership. Within 10 business days of a denial of membership by the district councilor and vice councilor, the district councilor shall notify the applicant of the decision as well as the applicant’s right to appeal the denial to the Board
of Councilors. A copy of the notice to the applicant shall be sent to the Board of Councilors.

The applicant then must give written notice of appeal to the Board of Councilors within 30 days of the notice of denial. If the applicant does not request a hearing, or after the hearing is complete, the Board of Councilors shall vote to deny or accept the applicant for membership. The Board of Councilors shall notify the applicant promptly of its decision to approve or deny membership.

1.84 Appeal and reapplication. If the district councilor takes no action on a completed application within these specified periods of time, the applicant may appeal to the Board of Councilors.

If an application for at-large membership is rejected, the physician may not reapply for a period of one year from the date of rejection.

CHAPTER 3. HOUSE OF DELEGATES

3.23 At-large members. At-large members shall be entitled to delegate representation in the House of Delegates and shall have the authority to elect one delegate for the first 100 at-large members or less and elect one additional delegate for each additional 100 at-large members or fraction thereof. An alternate delegate shall be selected for each delegate and may serve as provided in 3.32. A meeting for at-large members shall be hosted at least twice a year between the end of one annual session and the end of the following annual session of the association.

A meeting may be held in person, or by telephone conference or similar means by which all meeting participants can hear each other; or by other electronic communications system, including videoconferencing technology. Meetings shall be directed by an elected governing council and governed by operating procedures approved by the House of Delegates. The operating procedures shall provide the purposes, organization, and procedures of the at-large member group.

CHAPTER 5. BOARD OF COUNCILORS

5.211 Publish Hearings Procedures Manual. The board shall publish a manual describing procedures that county medical societies and the board shall use in conducting disciplinary investigations, hearings, and appeals.

5.212 Serve as Board of Censors. The board shall constitute the association’s Board of Censors. The board shall receive and hear appeals of individual members from the disciplinary action taken by component county medical societies pursuant to the provisions of the Hearings Procedures Manual disciplinary procedures manual.

5.213 Act on appeals and complaints from county societies, applicants, and members. The board may receive and hear appeals of component county societies from decisions of individual councilors. The board may receive and hear appeals of members from disciplinary actions or applicants from denials of membership by component county medical societies. The board may receive and hear complaints and consider questions involving members or component county medical societies of the association upon
complaints and questions of an ethical nature for which there exists no defined appellate procedure in this Constitution and Bylaws or the *Hearings Procedures Manual*. The board also shall receive and hear those appeals provided for in 1.40. The board, in those instances in which local action has not or cannot be taken or in questions involving two or more component county medical societies, may, after due notice and investigation, take original jurisdiction in any matter involving any TMA member for violating this Constitution and Bylaws, for violating the AMA Principles of Medical Ethics, or for violating the ethical policies of the Texas Medical Association.

With the exception of the rules of procedure set forth in the *Hearings Procedures Manual* governing the appeal of a member from the disciplinary action or denial of membership by a component county medical society, all other appeals or hearings before the board shall be governed by such rules of procedure as may be adopted or provided for in 5.212.

The decision of the board in all such cases shall be final, except that a member, applicant, or a component county society may appeal to the Council on Ethical and Judicial Affairs of the American Medical Association in accordance with the bylaws of that organization.

Complaints of members against each other or component county societies coming before the House of Delegates shall be referred to the Board of Councilors without debate. The board shall report to the House of Delegates on all such matters so referred as promptly as circumstances permit.

5.219 Responsibilities for certain counties. The district councilor and vice councilor of a county where the county medical society is an inactive society or no county society charter exists shall perform the duties of the board of censors described under Section 12.433. Where the district councilor and vice councilor determine that disciplinary action against a member is warranted, a notice of proposed disciplinary action will be sent to the member, as prescribed by the *Hearings Procedures Manual*. Appeal may be made to the Board of Councilors of the association, as provided in Section 5.213, and the district councilor and vice councilor counselors will recuse themselves, in accordance with Section 5.44.

With respect to the denial of a membership application or disciplinary process for a county electing officers in accordance with Section 12.4211, the district councilor and vice councilor act as the executive board.

For this section, where the district councilor and vice councilor do not reach a unanimous decision, the executive vice president will appoint a third member of the Board of Councilors to resolve the impasse.

5.44. Recusal. Councilors who decided matters brought on appeal to the Board of Councilors that a component county medical society brings on appeal to the councilors, including the appeal of the disapproval of membership under Section 1.16 or 1.81 or disciplinary proceedings under Section 12.434 or 5.219, must recuse themselves if the appeal is passed on to the Board of Councilors.

CHAPTER 12. COUNTY SOCIETIES
12.434 Board of censors responsibilities for certain counties. The president, president-elect, and secretary/treasurer of a county medical society electing officers in accordance with Section 12.4211 shall perform the duties of the board of censors described under Section 12.433 and elsewhere in these Bylaws. With respect to a county medical society election of officers in accordance with Section 12.4211, a reference in these Bylaws to a county medical society’s board of censors means collectively the society’s president, president-elect, and secretary/treasurer.

With respect to the disciplinary process for a county electing officers in accordance with Section 12.4211, the district councilor and vice councilor act as the executive board. The chair of the Board of Councilors shall be notified if the district councilor and vice councilor do not reach a unanimous decision. The chair will then appoint a member of the Board of Councilors to resolve the impasse.

CHAPTER 3. HOUSE OF DELEGATES

3.20 Composition

3.227 Specialty societies qualifying for delegate representation. The following Texas specialty societies are approved for delegate representation:

(1) American College of Surgeons, North and South Texas Chapters (American Board of Surgery);
(2) Texas Academy of Family Physicians (American Board of Family Medicine);
(3) Texas Allergy, Asthma and Immunology Society (American Board of Allergy and Immunology);
(4) Texas Association of Neurological Surgeons (American Board of Neurological Surgery);
(5) Texas Association of Obstetricians and Gynecologists (American Board of Obstetrics and Gynecology);
(6) Texas Association of Otolaryngology-Head and Neck Surgery (American Board of Otolaryngology);
(7) Texas Association of Physicians in Nuclear Medicine (American Board of Nuclear Medicine);
(8) Texas Chapter of the American College of Cardiology (American Board of Internal Medicine);
(9) Texas Chapter of the American College of Physicians-American Society of Internal Medicine (American Board of Internal Medicine);
(10) Texas College of Emergency Physicians (American Board of Emergency Medicine);
(11) Texas Dermatological Society (American Board of Dermatology);
(12) Texas Geriatrics Society (American Board of Family Medicine and American Board of Internal Medicine);
(13) Texas Neurological Society (American Board of Psychiatry and Neurology);
(14) Texas Ophthalmological Association (American Board of Ophthalmology);
(15) Texas Orthopaedic Association (American Board of Orthopaedic Surgery);
(16) Texas Pain Society (American Board of Anesthesiology);
(17) Texas Pediatric Society (American Board of Pediatrics);
(18) Texas Physical Medicine and Rehabilitation Society (American Board of Physical Medicine and Rehabilitation);
(19) Texas Radiological Society (American Board of Radiology);
(20)(19) Texas Society for Gastroenterology and Endoscopy (American Board of Internal Medicine);
(21)(20) Texas Society of Anesthesiologists (American Board of Anesthesiology);
(22)(21) Texas Society of Medical Oncology (American Board of Internal Medicine);
(23)(22) Texas Society of Pathologists (American Board of Pathology);
(24)(23) Texas Society of Plastic Surgeons (American Board of Plastic Surgery);
(25)(24) Texas Society of Psychiatric Physicians (American Board of Psychiatry and Neurology);
and
(26) Texas Thoracic Society (American Board of Thoracic Surgery);

RECOMMENDATION B:

Mr. Speaker, your reference committee recommends that the recommendations in Constitution and Bylaws Report 1 be adopted as amended.

Your reference committee received no testimony on this report. At the virtual hearing, your reference committee heard testimony from the Council on Constitution and Bylaws in favor of this report. Your reference committee voted to replace typographical errors in the report by replacing “counselor” with “councilor” and supports adoption as amended above.

(8) Council on Constitution and Bylaws Report 3 – Amendments to Bylaws to Allow Two-Year Terms for County Medical Society Officers

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendation in Council on Constitution and Bylaws Report 3 be adopted.

This report recommends amending Chapter 12 of the TMA Bylaws to allow two-year terms for county medical society officers.

Your reference committee received no testimony for this report. At the virtual hearing, your reference committee heard testimony from the Council on Constitution and Bylaws in favor of this report and recommends its adoption.

(9) Council on Constitution and Bylaws Report 4 – Amendment to Bylaws to Tie Council Meeting Requirements to the TMA Session Year

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendation in Council on Constitution and Bylaws Report 4 be adopted.

This report recommends amending Chapter 9, Section 40 of the TMA Bylaws to tie council meeting requirements to the TMA session year.
CHAPTER 9. COUNCILS

9.40 Meetings, attendance, and quorums
A council shall meet upon call of its chair, at least once a year between the end of one annual session and the end of the following annual session of the association.

Your reference committee received no testimony for this report. At the virtual hearing, your reference committee heard testimony from the Council on Constitution and Bylaws in favor of this report and recommends its adoption.

(10) Council on Constitution and Bylaws Report 5 – Amendments to Bylaws to Allow Sections to Determine Members’ Right to Vote and Hold Office

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendation in Council on Constitution and Bylaws Report 5 be adopted.

This report recommends amending Chapter 1 of the TMA Bylaws to allow sections to determine members’ right to vote and hold office.

Your reference committee received no testimony for this report. At the virtual hearing, your reference committee heard testimony from the Council on Constitution and Bylaws in favor of this report and recommends its adoption.

(11) Council on Constitution and Bylaws Report 6 – Amendments to Bylaws to Update and Clarify Existing Language

RECOMMENDATION A:

Mr. Speaker, your reference committee recommends that the first recommendation in Council on Constitution and Bylaws Report 6 be amended by alphabetizing the TMA sections in TMA Bylaws, 3.12 “Voting rights,” as follows:

3.12 Voting rights. Voting privileges are reserved exclusively to (1) delegates, elected in accordance with this Constitution and Bylaws; (2) the president, president-elect, immediate past president, secretary/treasurer; (3) councilors; (4) nine members elected at large to the Board of Trustees plus the young physician, resident, and student members of the board; (5) speaker of the House of Delegates; (6) vice speaker of the House of Delegates; (7) Texas delegates and alternate delegates to the American Medical Association; (8) chairs of standing councils and members of the Council on Legislation; (9) delegates from the International Medical Graduate Section, LGBTQ Health Section, Resident and Fellow Section, Women Physicians Section, and Young Physician Section; (10) delegates representing the Medical Student Section from each approved and active Medical Student Section Chapter; (11) delegates of medical specialty societies selected in accordance with the provisions of the Bylaws;
[and] (12) past presidents of the association who are active or emeritus members; and
(13) delegates representing at-large members. An individual is entitled to only one vote,
regardless of the number of positions held.

RECOMMENDATION B:

Mr. Speaker, your reference committee recommends that Council on Constitution and Bylaws
Report 6 be adopted as amended.

This report recommends amending TMA Bylaws to update and clarify existing language.

Your reference committee received testimony from the LGBTQ Health Section in support of this
report. At the virtual hearing, your reference committee heard testimony from the Council on
Constitution and Bylaws in favor of this report. Your reference committee recommended
amending Section 3.12 to reorder the listing of the sections to be alphabetical and recommends
adoption as amended above.

(12) Council on Constitution and Bylaws Report 7 – Amendments to Bylaws to Allow Use of Virtual
Platforms, In-Person Voting

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendation in Council on
Constitution and Bylaws Report 7 be adopted.

This report recommends amending the TMA Bylaws to allow use of virtual platforms and in-
person voting.

Your reference committee received no testimony for this report. At the virtual hearing, your
reference committee heard testimony from the Council on Constitution and Bylaws in favor of
this report and supports its adoption.

(13) Council on Constitution and Bylaws Report 8 – Amendments to Article V of the TMA
Constitution

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendations in Council on
Constitution and Bylaws Report 8 be adopted.

This report recommends amending the TMA Constitution to include delegates from the LGBTQ
Health Section and Women Physicians Section, and delegates representing at-large members in

Your reference committee received testimony from the LGBTQ Health Section in support of this
report. At the virtual hearing, your reference committee heard testimony from the Council on
Constitution and Bylaws in favor of this report and supports that the recommendations be adopted.


RECOMMENDATION:

Mr. Speaker, your reference committee recommends the recommendation in Council on Practice Management Services Report 1 be adopted.

This report recommends TMA policy 105.019 Principles for Protection of Medical Record Privacy be retained as amended.

Your reference committee received testimony on behalf of the Health Information Technology Committee in support of this report. At the virtual hearing, your reference committee heard no testimony. Your reference committee supports that the recommendation be adopted.

15 Patient-Physician Advocacy Committee Report 2 – Sunset Policy Review

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendations in Patient-Physician Advocacy Committee Report 2 be adopted.

This report recommends (1) that policies 160.013 Medical Expert Witness Standards, 225.001 Peer Review Notices of Final Determination, 225.007 Peer Review Regulation of Private Review Organizations, and 225.019 Criteria for Physicians Conducting Peer Review be retained; (2) deletion of policy 95.035 Distribution of Donated Medications; and (3) that policy 170.001 Good Samaritan and Charitable Immunity Laws be retained as amended.

Your reference committee received no testimony for this report and supports that the recommendations be adopted. At the virtual hearing, your reference committee heard no testimony. Your reference committee supports that the recommendation be adopted.

16 Board of Trustees Report 10 – Sunset Review of TMA Standing Committees

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendations in Board of Trustees Report 10 be adopted.

This report recommends (1) continue the Interspecialty Society Committee and Committee on Membership for three years; (2) continue the Committee on Physician Health and Wellness for three years; (3) continue the Committee on Continuing Education and Committee on Physician Distribution and Health Care Access for three years; (4) continue the Committee on Health
(5) amend the TMA Bylaws to reassign the Committee on Health Information Technology from the parent Council on Practice Management Services to the parent Council on Socioeconomics and renumber the bylaws accordingly; (6) continue the Committee on Cancer; Committee on Child and Adolescent Health; Committee on Emergency Medical Services and Trauma; Committee on Infectious Diseases; and Committee on Reproductive, Women’s, and Perinatal Health for three years; and (7) continue the Committee on Medical Home and Primary Care, the Committee on Rural Health, and the Patient-Physician Advocacy Committee for three years.

Your reference committee received no testimony for this report and supports that the recommendations be adopted. At the virtual hearing, your reference committee heard no testimony. Your reference committee supports that the recommendation be adopted.

(17) Board of Trustees Report 16 – Establish a Coalition of Medical Societies to Protect Competition and Sustainability in the Health Insurance Marketplace, Resolution 106-A-19 (Tabled BOT Report 10 2020)

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendation in Board of Trustees Report 16 be adopted.

The Board of Trustees report recommends Resolution 106-A-19 be not adopted.

Your reference committee received testimony from the primary author of Resolution 106-A-19, against the Board of Trustee’s recommendation. At the virtual hearing, your reference committee heard testimony in favor of adopting the original resolution. After deliberation on the resolution’s potential cost and duplication of existing efforts, your reference committee voted to recommend adoption of the Board of Trustee’s recommendation.

(18) Board of Trustees Report 17 – Physicians in Employed Settings (Tabled BOT Report 12 2020)

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendations in Board of Trustees Report 17 be adopted.

This report recommends (1) that the Texas Medical Association pilot a forum for physicians in employed settings, combining virtual communications with in-person programming at TexMed 2022, and (2) that TMA approve the evaluation and implementation of these priorities and services.

Your reference committee received testimony from the Committee on Membership in support of this report. At the virtual hearing, your reference committee heard no testimony. Your reference committee supports that the recommendation be adopted.
(19) Board of Trustees Report 20 – Nominations for Board of Governors, Texas Medical Liability Trust

RECOMMENDATION:

Mr. Speaker, your reference committee recommends the recommendation in Board of Trustees Report 20 be adopted.

This report recommends that TMA approve Leah Jacobson, MD; Sarah Way, MD, JD; and Tim West, MD; nominees of the TMLT Governing Board, to be placed before TMLT policyholders for election.

Your reference committee received no testimony on this report and supports the Board of Trustees nomination of Leah Jacobson, MD; Sarah Way, MD, JD; and Tim West, MD, to the TMLT Governing Board being placed before TMLT policyholders for election. At the virtual hearing, your reference committee heard no testimony. Your reference committee supports that the recommendation be adopted.


RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendations in Committee on Membership Report 1 be adopted.

This report recommends (1) that the Texas Medical Association create a new telemedicine membership category at one-half of TMA full active dues, and (2) if approved, that the Board of Trustees direct the Council on Constitution and Bylaws to recommend the necessary bylaw amendments.

Your reference committee received testimony from the Committee on Membership in support of its report. At the virtual hearing, your reference committee heard no testimony. Your reference committee supports that the recommendation be adopted.

(21) LGBTQ Health Section Report 1 – LGBTQ Health Section Update

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that the recommendation in LGBTQ Health Section Report 1 – LGBTQ Health Section Update be adopted.

This report recommends adopting the LGBTQ Health Section’s operating procedures.
Your reference committee received testimony from the LGBTQ Health Section in support of its report. At the virtual hearing, your reference committee heard no testimony. Your reference committee supports that the recommendation be adopted.

(22) Resolution 101 – The Creation of an Independent Physician Section (Tabled Res 101 2020)

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that Resolution 101 be referred for action.

This resolution resolves that the Texas Medical Association take steps to create a section dedicated to help meet the unique needs of physicians in private practice who reside in this state.

Your reference committee received testimony from the Board of Trustees and Harris County Medical Society in favor of referral and the Lone Star Caucus and El Paso County Medical Society in favor of adoption. At the virtual hearing, your reference committee heard multiple testimonies in favor of adoption. After deliberation on the resolution’s potential cost and the need for certain important subsets of TMA to be adequately represented, the reference committee supports referral to the Board of Trustees for action.

(23) Resolution 102 – Expansion of the Texas Medical Association Ambassador Program (Tabled Res 102 2020)

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that Resolution 102 be adopted.

This resolution resolves (1) that the Texas Medical Association House of Delegates express its gratitude for the Ambassador Program, and (2) that TMA allocate additional resources so the Ambassador Program can add at least two new CME topics each year.

Your reference committee received testimony in support of both adoption and referral. At the virtual hearing, your reference committee heard no testimony. After deliberation, your reference committee supports that the recommendation be adopted.


RECOMMENDATION:

Mr. Speaker, your reference committee recommends that Resolution 103 be referred for action.

This resolution resolves that the Texas Delegation to the American Medical Association introduce a resolution to the AMA House of Delegates that calls upon our AMA to (1) avoid giving general, nonspecific public endorsements of large, omnibus national health care legislation; (2) instead,
develop and adopt a more precise endorsement mechanism that can better inform the public of the specific provisions within the proposed legislation, the strength of any underlying evidence, and the AMA position of support or opposition; and (3) maintain an emphasis on the most problematic elements of a bill, present or omitted, that AMA finds likely to be detrimental to the quality or sustainability of our health care system and freedom of choice and practice.

Your reference committee received testimony both for and against the resolution. At the virtual hearing, your reference committee heard testimony both for and against the resolution. The reference committee agreed with the spirit of the resolution but had concerns regarding the first resolved clause. The committee agreed with the intention of the 2nd and 3rd resolved clauses. The committee recognizes the importance of this issue and believes that this resolution could be forwarded to the AMA if the resolution aligns with the values of the TMA. Therefore, your reference committee recommends referral to TMA Board of Trustees for action.

Resolution 104 – For the Creation of a Physician-Led Public Outreach and Education Organization to Defend the Integrity of the Medical Profession and Advocate for Sustainable, Evidence-Based Health Care Policy (Tabled Res 108 2020)

RECOMMENDATION: Mr. Speaker, your reference committee recommends that Resolution 104 be not adopted.

This resolution resolves that (1) the Texas Medical Association, in collaboration with other medical societies, create and support a permanent, physician-led, independently funded public outreach entity to use multiple media platforms (conventional, online, and social media) to engage the public; share information; promote an educated dialogue; advocate for evidenced-based, incremental, and sustainable health care policy; and defend the integrity of the medical profession; and (2) that the Texas Delegation to the American Medical Association carry a similar resolution to the AMA House of Delegates that calls upon AMA to support the aforementioned permanent, physician-led, independently funded public outreach entity.

Your reference committee received testimony from the resolution’s author in support of adoption and from the Travis County Medical Society and the Board of Trustees against adoption due to financial implications and existing TMA activities. At the virtual hearing, your reference committee heard testimony from the resolution’s author in support of adoption or referral. After deliberation, your reference committee recommends the resolution not be adopted.

Resolution 105 – Virtual Option for Delegates at Future Meetings

RECOMMENDATION A:

Mr. Speaker, your reference committee recommends that Resolution 105 be amended by substitution as follows:

(1) that the Texas Medical Association House of Delegates affirm its commitment to representing all physicians and ensuring that geography, income, specialty, practice type, and health status are not barriers to participation in the TMA House of Delegates; (2) that the TMA House of Delegates, to fulfill this commitment, will make virtual elections a permanent part of House of Delegates meetings rather than a temporary change intended for the duration of the current public health emergency.
health emergency; and (3) that the TMA House of Delegates will continue to offer a virtual
option during House of Delegates sessions for delegates to give testimony and vote on resolutions
if they are unable to attend the meeting in person.

(1) The TMA House of Delegates continue to utilize virtual elections at the prerogative of the
speaker during House of Delegates meetings; and

(2) The TMA evaluate the feasibility of a virtual or hybrid option during the House of Delegates
session for delegates to give testimony and vote on resolutions if unable to attend the meeting in
person.

RECOMMENDATION B:

Mr. Speaker, your reference committee recommends that Resolution 105 be adopted as amended.

Your reference committee received testimony both for and against this resolution. At the virtual
hearing, your reference committee heard testimony in favor of this resolution. The committee
members agree there is merit in online elections and allowing delegates who cannot join the
meeting in person to participate virtually, but also agree with testifiers who are concerned about
the technological difficulty and fiscal note of combined virtual and in-person meetings.
Committee members were both for and against this resolution and after extensive deliberation,
your reference committee recommends this resolution be adopted as amended.

(27) Resolution 106 – Creation of Ad Hoc Committee to Study and Make Recommendations
Concerning Noncompete Agreements in Physician Employment Contracts; and

(34) Resolution 114 – Noncompete Clauses Within Physician Contract

RECOMMENDATION A:

Mr. Speaker, your reference committee recommends that Resolution 106 be amended as follows:

Creation of Ad Hoc Committee to Study and Make Recommendations Concerning Noncompete
Agreements in Physician Employment Contracts

RESOLVED, that the Texas Medical Association establish an ad hoc committee to study
noncompete agreements in physician employment contracts and evaluate the impact of
noncompete agreements on physicians and patients in Texas.

RESOLVED, that the ad hoc committee Texas Medical Association assess whether means other
than noncompete agreements might suffice to protect physician employers’ legitimate interests.

RECOMMENDATION B:

Mr. Speaker, your reference committee recommends that Resolution 106 be adopted as amended;
and

RECOMMENDATION C:
Mr. Speaker, your reference committee recommends that item 27, Resolution 106 be adopted in lieu of item 34, Resolution 114 2021.

Your reference committee received testimony and agreed with adoption of Resolution 106 as amended. During the virtual hearing, your reference committee heard testimony in favor of the original resolution language. After deliberation, your reference committee recommends adopting Resolution 106 as amended, and adopting in lieu of similar Resolution 114.

Resolution 114 resolves (1) that the Texas Medical Association adopt policy in opposition to the use of noncompete clauses in physician contracts, and (2) that TMA strongly advocate for the Texas Legislature to prohibit the use of noncompete clauses in physician contracts with any hospital association or other health care entity.

Your reference committee received testimony for and against Resolution 114. During the virtual hearing, your reference committee heard testimony for this resolution. Your reference committee recommends Resolution 106 2021 be adopted as amended in lieu of adopting Resolution 114 2021.


RECOMMENDATION:

Mr. Speaker, your reference committee recommends that Resolution 107 be referred for study.

This resolution resolves (1) that the Texas Medical Association urge physicians to bring their concerns regarding decisions made by physicians working for insurance companies to the attention of the Texas Medical Board and Texas Department of Insurance, as these decisions affect patient outcome, and that TMA create a clearinghouse of all complaints against insurance companies and insurance doctors and aggregate this data; and (2) that the Texas Delegation to the American Medical Association take this resolution to the AMA House of Delegates, urge the AMA House of Delegates to adopt similar policy, and urge the AMA Council on Ethical and Judicial Affairs to devise ethical opinions similar to the TMA Board of Councilors’ opinions on medical necessity determination and utilization review.

Your reference committee received testimony both for and against this resolution. At the virtual hearing, your reference committee heard testimony for and against this resolution. After much discussion of the concerns, acknowledgement of this as a hot topic, and recognition of the need to make the language more precise, the reference committee recommends referral to the Board of Trustees for study.

(29) Resolution 108 – Paid Sick Leave Policies

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that Resolution 108 be not adopted.
This resolution resolves (1) that our Texas Medical Association promote awareness and education for physicians, legislators, and the public on the benefits and barriers of creating and expanding paid sick leave policies in Texas to improve health outcomes and the well-being of our families and workforce; and (2) that our TMA support studies on the barriers to expanding paid sick leave in Texas in collaboration with, but not limited to, the Texas Department of State Health Services, Texas Health and Human Services Commission, and state higher education institutions.

Your reference committee received testimony online and heard no testimony during the virtual hearing. There was much discussion regarding the need for sick leave policies similar to AMA’s. The committee recommends the resolves not be adopted.


RECOMMENDATION:

Mr. Speaker, your reference committee recommends that Resolution 109 be not adopted.

This resolution resolves that the Texas Medical Association work with an established and credible human resources or placement firm to develop, implement, and publish a physicians’ salary survey available to TMA members only that considers a variety of factors that affect salary including, but not limited to, specialty, demographics, practice type and size, geographic location, and different types of contractual payment arrangements.

Your reference committee received testimony by the Board of Trustees recommending not adopting this resolution because such studies are available through several vendors and a significant fiscal note is required to carry out such research. Your reference committee heard no testimony at the virtual hearing. The reference committee agrees with the board and supports that the resolution be not adopted.

(31) Resolution 110 – Encouraging ADA Compliance on Virtual Platforms

RECOMMENDATION A:

Mr. Speaker, your reference committee recommends that Resolution 110 be amended by deletion of the second and fourth resolves as follows:

(1) That our Texas Medical Association support the compliance of telemedicine platforms with the Americans with Disability Act, and

(2) That TMA take the position that technology companies that produce telemedicine software/products should be regulated, as they and their software/products should be held to the standards of health care organizations and products, and

(3) That TMA encourage hospitals and clinics in Texas to adhere to guidelines that maintain ADA standards within telemedicine.
(4) that TMA collaborate with relevant stakeholders to encourage the creation of equally accessible telemedicine services.

RECOMMENDATION B:

Mr. Speaker, your reference committee recommends that Resolution 110 be adopted as amended.

Your reference committee received testimony in support of the resolution authored by the TMA Medical Student Section. Your reference committee heard no testimony during the virtual hearing. The reference committee deliberated over the intent of the resolution. Telemedicine visits should meet ADA requirements. TMA can encourage that software companies maintain ADA standards within telemedicine. The reference committee recommends adoption as amended.

(32) Resolution 112 – One Hundredth Anniversary of the Texas Pediatric Society

RECOMMENDATION:
Mr. Speaker, your reference committee recommends that Resolution 112 be adopted.

This resolution resolves (1) that the Texas Medical Association extends its congratulations to the Texas Pediatric Society on the occasion of its 100th anniversary; (2) that TMA and its members participate in the year-long opportunity to commemorate, educate, and celebrate the accomplishments of the Texas Pediatric Society; and (3) that TMA wishes the Texas Pediatric Society continued success in prioritizing the physical, emotional, and social health of the children of the state of Texas.

Your reference committee received testimony in strong support. Your reference committee heard no testimony during the virtual hearing. Your reference committee enthusiastically recommends adoption of the resolution.

(33) Resolution 113 – Composition of Hospital Ethics Committees

RECOMMENDATION:

Mr. Speaker, your reference committee recommends that Resolution 113 be adopted.

This resolution resolves (1) that the Texas Medical Association study and report back to the House of Delegates regarding the current composition of hospital ethics committees around the state, and (2) that TMA collaborate with the Texas Hospital Association and other relevant stakeholders to draft recommendations for the composition of hospital ethics committees.

Your reference committee received supportive testimony. During the virtual hearing, your reference committee heard no testimony. Your reference committee supports adoption.

(34) See discussion of item 27.
Respectfully submitted,

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