

**TMA House of Delegates Virtual Annual Meeting 2020**  
**• Closing Session, Sept. 12, 2020**

## WHAT TO DO WHEN

### MONDAY, July 13

#### **Handbook for Delegates Posted Online**

View the handbook at [www.texmed.org/HOD](http://www.texmed.org/HOD).

#### **Online Testimony Opens**

Review items for consideration by the house and submit your written testimony at [www.texmed.org/Testimony](http://www.texmed.org/Testimony).

### SATURDAY, Aug. 1

#### **Candidate Materials Posted for Delegate Review**

Review candidate profiles and videos before elections open (website TBA).

#### **Written Testimony Closes**

Submit your testimony before end of day, Aug. 1. The Special Session Reference Committee will meet in executive session to review testimony and write its report between Aug. 7 and Aug. 24.

### FRIDAY, Aug. 7

#### **Deadline for Reporting Delegates**

County medical societies and sections, please submit your delegate roster to TMA by Aug. 7.

### FRIDAY, Aug. 21

#### **Voting for Elected Offices Opens (12 am)**

Delegates will be emailed a link. Review candidate materials and cast your ballot.

### FRIDAY, Aug. 28

#### **Voting for Elected Offices Closes (11:59 pm)**

### SATURDAY, Aug. 29

#### **TMA House of Delegates Opening Session**

Delegates and alternates, check your email for a link to view a prerecorded opening session.

#### **Final Reference Committee Report Posted**

A link to the final reference committee report will be emailed to house members and posted online. View the report at [www.texmed.org/HOD](http://www.texmed.org/HOD).

### FRIDAY, Sept. 4

#### **Runoff Election Voting Opens (If Necessary)**

### THURSDAY, Sept. 10

#### **Runoff Election Voting Closes (If Necessary)**

### SATURDAY, Sept. 12

#### **TMA House of Delegates Final Session**

9 am

Check your email for a link to join as either delegate, alternate, or guest.

#### **NOTES**

- **Availability of Reference Committee Report:** We will post the final report on the [TMA House of Delegates webpage](#) as early as possible.
- **This schedule includes house events ONLY.** For other meetings, please check with your appropriate county society, caucus, section, board, council, and committee staff to determine if and when these meetings will occur.
- **Reminder:** The *Handbook for Delegates* refers only to items being considered by the house. Reports and resolutions in the handbook and posted on the website are working drafts; they should not be considered as expressing Texas Medical Association views and programs until the house acts on them.
- **Clarification:** ONLY the **Recommendation portions** of reports and the **Resolve portions** of resolutions are considered by the House of Delegates; the Whereas portions are informational and explanatory.

Texas Medical Association  
House of Delegates Standing Rules – Special Circumstances

**Preamble**

These House of Delegates Standing Rules – Special Circumstances serve as an operational guide and description for how the Texas Medical Association’s House of Delegates will conduct its elections of candidates in contested races and business at the virtual annual meeting, which concludes Sept. 12, 2020. The TMA Board of Trustees, acting as a disaster board, authorized the speakers to create these special circumstances rules during a disaster board meeting June 28. These rules shall be in effect until the adjournment of the closing session of the virtual house.

**Special Circumstances Rules for TMA House of Delegates Contested Elections**

1. Nominations for the 2020 TMA House of Delegates contested elections are closed.
2. Candidates for contested elections must submit their candidate materials, including a two-minute campaign video to be posted on the TMA website, by July 31, 2020. This material will be made available to delegates and TMA members (web login) on Aug. 1. No other candidate videos will be posted or allowed to be forwarded.
3. Candidates are limited to one mass communication outside their caucus to all delegates and alternates.
4. Caucuses are strongly encouraged to ensure that any contact with candidates provides equal and fair opportunities to each candidate in a contested race. Further, caucuses are prohibited from soliciting additional interviews or speeches from candidates outside the TMA-sponsored virtual event and online speeches.
5. The deadline is Aug. 7 for caucuses to report to TMA their list of delegates and alternates.
6. Candidates in contested races will be asked to take part in a virtual event to familiarize delegates with candidates. This may be open to concurrent viewing by TMA members and recorded to allow delayed viewing.
7. Voting will occur through a secure and confidential electronic method and will be open for one full week, starting Friday morning, Aug. 21, at 12:00 am. A “Voting for Candidates Is Now Open” email will be sent at 8 am on Aug. 21 to each credentialed delegate to his or her preferred TMA email address. Delegates may cast their vote by clicking on an auto-login link in the email, which will take them to the TMA website where they can review each candidate’s campaign information and cast their ballot securely. Voting will close on Aug. 28 at 11:59 pm. An email will be sent on Aug. 28 to each credentialed delegate announcing the close of voting.
8. In the event of the need for a runoff election, the house will be notified of the runoff in a similar manner. Candidate materials will be available. Runoff candidates and caucuses will be allowed a single additional contact with delegates. Runoff elections would be held after the formal house opening on Sept. 4 and closed by Thursday night, Sept. 10, at 11:59 pm. The chief teller will review election results.
9. Validated results of the election will be provided by the chief teller, who will review the voting process, canvass election results, and report the final confirmed election results during the house session Saturday morning, Sept. 12. The full house will then ratify the results of the virtual elections.

**Special Circumstances Rules for TMA House of Delegates Business**

1. The default recommendation is that all currently submitted items of business will be tabled to the 2021 house meeting with some specific exceptions.
  - a. Business considered at the 2020 house should be limited to essential, urgent, or informational items or reports that could reasonably be adopted by consent.
  - b. 2020 business items will be referred to the Special Session Reference Committee and posted online for written testimony. After reference committee consideration of this testimony, a final Special Session Reference Committee report will be submitted and placed on the consent agenda. Consent items may be extracted during the final house session only for a motion to table the item

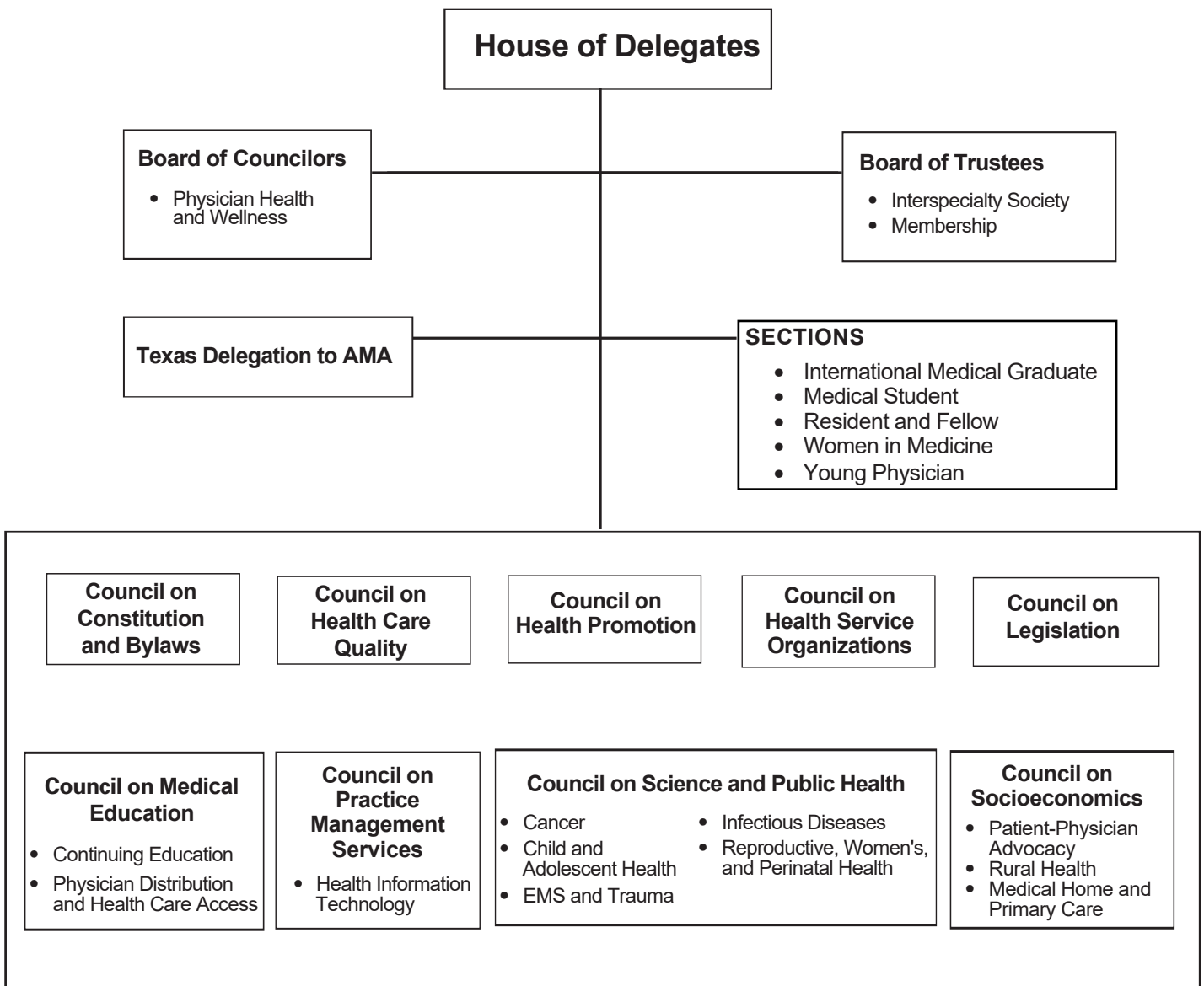
to the 2021 house meeting or to refer to the board (for consideration or action) with report back at the 2021 house session.

- c. All other submitted items of business will be tabled to the 2021 house meeting with exception of a motion to refer to the board (for consideration or action) with report back at the 2021 house session.
  - d. Submission of additional items of business will be closed.
2. The speakers, with TMA staff (including specifically the TMA staff assigned to each of the four reference committees), will review all currently submitted items of business and identify items that are considered essential or urgent or reports that could reasonably be adopted by consent. These items may be considered by the House Steering Caucus (made up of TMA caucus and section chairs) and if accepted by the House Steering Caucus be posted for consideration and testimony to the reference committee.
  3. Final Session Consideration of Business: After review by the speakers of the Special Session Reference Committee report, the final report will be posted as the order of business two weeks prior to the final session of the house. The final session of the house will allow parliamentary consideration of the reference committee report recommendations. The speakers will be allowed to table (to the 2021 TMA House of Delegates) any final business considered on the house floor that becomes too confusing, complex, or intricate such that it overwhelms the virtual platform during the final session. This decision by the speakers could be overruled by a two-thirds affirmative vote of the house.
  4. Extraction of Consent Items from the Reference Committee Report as Order of Business for Final Session: Extractions of consent items from the final reference committee report Order of Business will be limited to either a motion to table the item to the 2021 House of Delegates or a motion to refer to the board (for consideration or action) with report back at the 2021 house session.



Physicians Caring for Texans

# GOVERNANCE STRUCTURE



## CONFLICTS OF INTEREST POLICY OF THE TEXAS MEDICAL ASSOCIATION

When acting as representatives of the Texas Medical Association, members shall exercise the utmost good faith in all transactions touching upon their representation. In their dealings with and on behalf of the association, they are held to a strict rule of honesty and fair dealing between themselves and the association.

If a matter involves a member acting as a representative of TMA that in any way could give rise to conflict of interest for that member, then that member must physically withdraw from the situation so as not to participate in any discussion or vote regarding that matter. If that member does not self-identify in such situations, then any member or executive staff member may make known the conflict to the chair of the meeting at the earliest opportunity. If there is any question as to whether a conflict exists, the matter shall be put to a vote of the appropriate component of the association.

At the discretion of the external entity or TMA component involved, the member who has withdrawn may provide information to the group in the same manner as any person requested by the group.

*Adopted by the Board of Trustees Feb. 27, 2004 — Adopted by the House of Delegates May 14, 2004*

### EXPLANATION OF CONFLICTS OF INTEREST

**Definitions** (The following is intended to be illustrative rather than exhaustive.)

- A. “Interests” — Following are examples of financial and business “interests”:
  - 1. Sales to or purchases from the association by a board, council, or committee member, either individually or through a company or other entity in which that person has a substantial interest;
  - 2. Loans to or from the association by a board, council, or committee member directly or through a substantially owned entity; or
  - 3. Other interests in a related business or profession which might conflict with the policies of the association.
- B. “Direct” or “Indirect” — The meaning of “direct” interest is clear enough, but “indirect” has a wide range of meanings. Examples of “indirect” interests are:
  - 1. A board, council, or committee member owns a substantial share of a company but has put the ownership interest in that person’s spouse’s or another’s name; or
  - 2. The spouse or another relative owns a company which sells goods or services to the association.
- C. “Substantial” — Where the outside interests consist of ownership (direct or indirect) of an entity doing business with the association, a “substantial” conflict means 5 percent or greater ownership of the other business.

### Activities That Might Cause Conflict of Interest

Conflict of interest may be considered to exist in those instances where the actions or activities of an individual on behalf of the association also involve (a) the obtaining of an improper personal gain or advantage, (b) an adverse effect on the association’s interests, or (c) the obtaining by a third party of an improper gain or advantage. Conflicts of interest can arise in other instances. While it is impossible to list every circumstance giving rise to a possible conflict of interest, the following will serve as a guide to the types of activities which might cause conflicts and which should be fully reported to the association.

- A. Gifts, Gratuities and Entertainment — Direct or indirect acceptance by an individual (including members of that person’s family) of gifts, excessive or unusual entertainment, or other favors from any outside concern which does or is seeking to do business with the association. This does not include the acceptance of items of nominal value which are of such a nature as to indicate that they are merely tokens of respect or friendship and not related to any particular transaction or activity.
- B. Investments — Financial Interests
  - 1. Holding by an individual, directly or indirectly, of a substantial financial interest in any outside concern from which the association secures goods or services (including the service of buying or selling stocks, bonds, or other securities).
  - 2. Competition with the association by an individual, directly or indirectly, in the purchase or sale of property or property rights or interest.
  - 3. Representation of the association by an individual in any transaction in which the individual or a member of his family has a substantial financial interest.
- C. Inside Information — Disclosure or use of confidential information for the personal profit or advantage of the individual or anyone else.

### Conflicts of Interest — Scenario 1

A TMA member serves as a TMA representative in a group that includes physicians and nonphysicians. For the group to meet its ultimate goal, it must choose a vendor of certain services. At the time of the selection process, the TMA member has

a significant financial interest in one of the proposed vendors that is not widely known among the group's members. The TMA Conflicts of Interest Policy would apply as follows:

The TMA member should withdraw from the meeting so as not to participate in any discussion or vote regarding the selection of a vendor. If the TMA member does not self-identify, then any TMA member or executive staff member may make known to the group's chair the TMA member's financial interest in the vendor. If there is any question as to whether a conflict exists, the matter should be put to a vote of the appropriate component of the association.

At the discretion of the council, the member who withdrew from the meeting may provide information to the council the same as any person so requested by the council.

#### **Conflicts of Interest – Scenario 2**

A TMA member serves on a TMA council as well as on the board of trustees of his or her state specialty society. The state specialty society has taken a position on a scope of practice issue of high concern to that group of specialists. The TMA council on which the member serves also is considering TMA policy on the same issue for the purpose of making a recommendation to the House of Delegates.

To comply with the Conflicts of Interest Policy, that member should withdraw from the council meeting so as not to participate in any discussion or vote regarding the TMA position on scope of practice with respect to that specialty society position. If the member does not self-identify, then any TMA member or executive staff member may make known to the chair the member's service on the specialty society board of trustees. If there is any question as to whether a conflict exists, the matter shall be put to a vote by the council. Should the council vote that the member has a conflict of interest on the scope of practice issue, the member should withdraw from the discussion (leave the room) and not vote.

At the discretion of the council, the member who withdrew from the meeting may provide information to the council the same as any person so requested by the council.

#### **Conflicts of Interest – Scenario 3**

A TMA member serves on a TMA board, council or committee (hereinafter, "board") as well as on the board of trustees of an endorsed entity. The TMA board has an agenda item before it that directly affects the endorsed entity (e.g., a proposal for a royalty payment, a proposal regarding underwriting or rate setting by the endorsed entity, or a proposal concerning operations).

To comply with the Conflicts of Interest Policy, that TMA board member should withdraw from the meeting so as not to participate in any discussion or vote regarding the TMA position on any matters directly affecting the endorsed entity. If the TMA board member does not self-identify, then any TMA member or executive staff member may make known to the chair the TMA board member's service on the board of trustees of the endorsed entity. If there is any question as to whether a conflict exists, the matter shall be put to a vote by the board. Should the board vote that the TMA board member has a conflict of interest on the issue directly affecting the endorsed entity, the TMA board member should withdraw from the discussion (leave the room) and not vote.

At the discretion of the board, the board member who withdrew from the meeting may provide information to the board in the same manner as any person so requested by the board.

#### **Conflicts of Interest – Scenario 4**

A TMA member serves on a TMA board, council or committee (hereinafter, "board") as well as on the board of trustees or in an executive capacity with ABC health insurance company (hereinafter, "ABC"). The TMA board has an agenda item before it which directly affects ABC (e.g., a proposal for a royalty payment by ABC; a proposal regarding payment practices by ABC; or litigation with ABC as a plaintiff, defendant, or as amicus curiae).

To comply with the Conflicts of Interest Policy, that TMA board member should withdraw from the meeting so as not to participate in any discussion or vote regarding the TMA position on any matters directly affecting ABC. If the TMA board member does not self-identify, then any TMA member or executive staff member may make known to the chair of the board the TMA board member's service on the board of trustees or in an executive capacity with ABC. If there is any question as to whether a conflict exists, the matter shall be put to a vote by the board. Should the board vote that the TMA board member has a conflict of interest on the issue directly affecting ABC, the TMA board member should withdraw from the discussion (leave the room) and not vote.

At the discretion of the board, the board member who withdrew from the meeting may provide information to the board in the same manner as any person so requested by the board.

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**September 2020**

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