

GUIDE TO DEVELOPING RESOLUTIONS FOR INTRODUCTION TO THE MASA COLLEGE OF COUNSELLORS AND HOUSE OF DELEGATES

There are two major avenues for a delegate to help shape the destiny of MASA and to influence the future of health care in America. One is to elect good leaders, and the other is to provide guidelines to the leaders by introducing good resolutions. In this guide, the considerations essential to writing and introducing a resolution, and to shepherding it through reference committee and College of Counsellors and House of Delegates, will be reviewed.

Privilege to Introduce Resolutions: The Board of Censors, county medical societies, the Council on Medical Education, the Council on Medical Service, the special section for resident members, the special section for student members, the organized medical staff section, the young physicians section, medical specialty societies qualified for delegate status, and any counsellor or delegate of the College of Counsellors and House of Delegates may submit proposed resolutions. All other MASA members wishing to present a resolution for adoption must secure the sponsorship of one of the foregoing individuals or groups. A counsellor or delegate may refuse to lend his or her name to a resolution which he or she does not approve.

Deadlines: The deadline for submission of regular resolutions to the MASA Secretary-Treasurer is 90 days prior to the commencement of the annual or called session. Resolutions submitted after that date will be considered as late resolutions except those which propose amendments to the MASA Constitution and Bylaws which must lie on the table until the following year. Late resolutions require a two-third (2/3) majority of the legislative body for adoption. Resolutions submitted by the special sections for residents, medical students, organized medical staff or young physicians can be submitted to the secretary-treasurer not later than two (2) hours prior to the scheduled meeting of the reference committee and be considered as late resolutions. There is no provision for emergency resolutions.

Format - General Considerations: All else being equal, resolutions that are unambiguous and as short as possible have the best chance of being adopted. Resolutions should be fully understandable by themselves, and should not contain external references. Prior to the meeting, and especially prior to the deadline for submission, speakers and senior staff are always available to help with format and wording of a draft resolution. Both the Speaker and Vice Speaker will preview all resolutions as they are submitted insofar as possible. Minor deviations from the necessary format will be editorially corrected. In case of significant deviations, such as those in which correction might affect the content, the sponsor will be contacted for consultation.

Format - The Resolve: Resolve(s) are the only part of a resolution that the College of Counsellors and House of Delegates will act upon.

Conceptually, there are three classes of resolutions, those with policy resolves, those with directives (also called programmatic), and those with pro forma resolves. Making this distinction helps the writer to arrive at a resolution that conforms to the required format and show clearly stated intent.

A policy resolve calls for a statement of or change in policy.

A directive is a resolve that calls for action which does not directly affect policy.

A pro forma resolve makes a public statement without requiring action or policy change. Memorial resolutions and re-affirmation resolutions fall into this category.

A policy resolve and a directive should not be combined in a single resolve; an attempt to do so is likely to result in ambiguity and confusion. If a new policy is proposed, to be followed by action on the part of MASA, a single resolution with two resolves is called for: its first resolve should address the policy, and the second resolve should state the activity to be undertaken.

The syntax of a resolve should clearly indicate to the reader whether the purpose is to create/change/rescind policy or to direct some action. The following wording is recommended for the beginning of a policy resolve:

"RESOLVED, That MASA Policy" The remainder of the sentence will inform the House of one of four intents: creating new policy, modifying existing policy, substituting proposed policy for existing policy, or rescinding existing policy.

If adoption of a recommended policy would render existing policies obsolete, or would supersede existing policy, those policies should be identified and recommended for rescission or deletion.

If modification of existing policy is being recommended, the resolution should set out the pertinent text of the existing policy and clearly identify the proposed modifications by underlining proposed new text and to strike over text that is recommended for deletion.

A directive should start with the words: "RESOLVED, That the MASA Board of Censors" The remainder of the sentence should spell out the action to be taken.

Directives are temporary in nature and, once adopted, do not become part of MASA policy. Typically, directives recommend that MASA: 1. Undertake some action (such as communication or advocacy); 2. Study and issue and provide the findings of the study to the House and/or to other entities; or 3. Take appropriate action based on the findings.

Format - The Whereas: The whereas portion of a resolution, the preamble to the resolve(s), should provide vital background information for what follows, namely the resolve(s). The House may discuss the content of whereas clauses of a resolution, but does not act on them.

The first whereas clause(s) of all resolutions should cite pertinent, existing policy or state the absence thereof, or should cite previous House action on the subject of the resolution, if any. The next whereas clause(s) should outline the rationale for the action subsequently stated in the resolve clause(s).

Fiscal Note: The Board of Censors may direct that a fiscal note be appended to the bottom of a resolution whenever the resolution directs unexpected or unbudgeted expenditures of Association funds.

Responsibilities and Options of the Speaker: The delegate or organization which has introduced a resolution should be available to speak and/or answer questions both at the reference committee meeting and on the floor of the House. If there is a conflict with the timing, the sponsor should ask someone else to speak on her/his behalf. Where this cannot be accomplished, or if the sponsor is the only, or best qualified, person to testify relative to more than one resolution in more than one reference committee, then he or she should confer with the chairpersons of the pertinent reference committees as early as possible, requesting they adjust their agendas, if at all possible, to accommodate the sponsors right to give testimony on all issues represented by him/her.

If a delegate or organization submits a resolution on behalf of a non-delegate, the latter should be available to testify in reference committee.

Discussion of resolutions at the reference committee is encouraged. In contrast, such opportunity is limited on the floor of the House due to time constraints. It is therefore most important that the sponsor be present at the reference committee.

If the reference committee brings to the House a substitute resolution, and the sponsor of the original resolution agrees with the substitute, he/she should so indicate to the committee chairman or the House.

Withdrawing a Resolution: The sponsor of a resolution is at liberty to withdraw it from consideration prior to its consideration by the reference committee. If a resolution is withdrawn by its sponsor, the chairman of the reference committee will announce that the resolution has been withdrawn and the reference committee will take no action on that resolution. Once acted upon by the reference committee, the resolution becomes "property of the House" and can be withdrawn only by majority vote of the College of Counsellors and House of Delegates.

Supplemental Printed Materials: At times sponsors of a resolution wish to distribute what they view as desirable informative printed material for the benefit of the House. Delegates are free to mail such material to House members prior to the House meeting. Distribution at Preference committee meeting requires permission of both the Speaker of the House and the chairman of the reference committee, distribution on the floor of the House requires permission from the Speaker.

Testimony by Experts: If a delegate wishes to arrange for expert testimony to a resolution before the reference committee and the expert is not a MASA member, permission must first be obtained from the Speaker and from the chairman of the committee.

Reference Committee Action and Results: All resolutions are assigned to a reference committee for discussion and fact finding. The appropriate forum for thorough discussion of a resolution is the reference committee, not the floor of the House. When presenting the resolution, the reference committee may recommend any of the various actions available to the legislative body and discussed in the following paragraphs.

College of Counsellors and House of Delegates Action and Results: The College of Counsellors and House of Delegates are not bound by the recommendation of the reference committee but will discuss a substitute resolution first and only, unless the original resolution is moved from the floor.

The College of Counsellors and House of Delegates may dispose of resolutions brought before it as follows: it may adopt or not adopt the resolve clause(s) of a resolution in original or in amended form, may do the same with a substitute resolution offered by the reference committee, or may refer a resolution (original or substitute) to the Board of Censors. The College of Counsellors and House of Delegates may divide a resolution with more than one resolve, refer part of it to the Board, and take final action on the remainder.

It should be understood that adoption of a resolution by the College of Counsellors and House of Delegates implies that it has been referred to the Board of Censors with the mandate to carry out the intent of the resolution as soon as practicable. When referring a resolution to the Board other than by adoption, the following language is used to indicate various requests by the College of Counsellors and House of Delegates to the Board:

refer for report back - The Board is to study the issue and bring it back as an unfinished business report with recommendations for final action by the College of Counsellors and House of Delegates at a time of the Boards choosing.

refer for decision - The College of Counsellors and House of Delegates delegate to the Board the authority to decide what action, if any, is appropriate, and expects to be informed how the issue has been disposed.

Role of Speaker: The Speaker and Vice-Speaker will make themselves available for consultation to any delegate wishing to introduce a resolution. Once a resolution has been introduced to the College of Counsellors and House of Delegates, it is the Speakers obligation to impartially see to it that the will of the College of Counsellors and House of Delegates be done. The Speaker and the Vice-Speaker are entitled to vote. However, when presiding, he/she may only vote in case of a tie vote.

SAMPLE RESOLUTION

Late Resolution No. 5/95

Subject: Repeal of CLIA

Submitted by: Board of Censors

Referred to: Reference Committee A

WHEREAS, the Clinical Laboratory Improvement Amendments of 1988 (CLIA) has produced only marginal improvement in the quality of services provided by physician office laboratories;

WHEREAS, the Clinical Laboratory Improvement Amendments of 1988 mandated that revenues obtained from certification and inspection fees be the only source of revenue for the administration of said act; and

WHEREAS, the U.S. Department of Health and Human Services has created a massive, intrusive, and expensive bureaucracy to administer the act; and

WHEREAS, HCFA and HHS regulations impose on physicians certification and laboratory inspection fees which vastly exceed the actual cost of providing the necessary certificates and inspection; and

WHEREAS, the excessive costs of the administration of the CLIA program unfairly impacts upon all physicians, especially those rural physicians who have the greatest need for providing office laboratory services; and

WHEREAS, the Board of Censors has directed the Association's Governmental Affairs Department to join forces with other state and national medical organizations in seeking repeal of the ill-conceived and burdensome Clinical Laboratory Improvement Amendment (CLIA); now therefore be it

RESOLVED, that the Medical Association of the State of Alabama hereby calls for the immediate repeal or radical reform of the Clinical Laboratory Improvement Amendments of 1988 and urges the members of the Alabama Congressional Delegation to support and encourage its repeal, and be it further

RESOLVED, that a resolution be submitted to the House of Delegates of the American Medical Association by the Alabama Delegation calling for the repeal or radical reform of CLIA, and be it further

RESOLVED, that a copy of this resolution be forthwith sent to each member of the Alabama Congressional Delegation and to the Chairman of MASA's Delegation to the AMA.

2/17/97

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