OHIO S	TATE MEDICAL ASSOCIATION HOUSE OF DELEGATES
	Resolution No. 4 – 2024
Introduced by:	OSMA Medical Students Section
Subject:	Amending OSMA Constitution and Bylaws to Require Council to Solicit Section Feedback/Approval on Public Statements on State Ballot Measures
Referred to:	Resolutions Committee No. 1
position on Ohio Is	6, On September 28, 2023, the OSMA published an official neutral ssue 1, citing policy preventing it from taking any action that may be ing its members' views on abortion ¹⁻ ; and
is responsible for	, According to the OSMA Constitution and Bylaws, the OSMA Council supervising "the issuance of any publications of the Ohio State on" and therefore it was the Council that made the decision not to take on Issue 1 ²⁻ ; and
shall take no acti	6, The OSMA Constitution and Bylaws also state that the Council on contravening any general policy which shall have been adopted by gates and which is then in effect" ²⁻ ; and
passed by the Hou advocacy on Issue years ago despite	6, Notwithstanding the Council's fundamental duty to uphold policy use of Delegates, the Council unilaterally voted to dilute the OSMA's e 1 by anchoring on a single clause in a policy passed more than 30 the fact that current OSMA policy on abortion is nearly identical to the I amendment language passed in Issue 1 ^{1,3-4-} ; and
1, clause one of C	, The clause on which the Council based its neutral position on Issue SMA Policy 15 - 2023, is identical to the first sentence of the Association (AMA) Policy on Abortion H-5.990 ⁵⁻ ; and
to restrict its advo abortion laws, sub abortion restrictior medical abortion a Department of Jus	6, Despite identical language in policy, the AMA has <i>not</i> used its policy cacy on abortion, and instead has filed amicus briefs challenging state omitted testimony to multiple Congressional committee hearings on hs, sent joint letters with other medical societies on unrestricted access to the White House, and encouraged the White House and stice to ensure patients can travel freely across state lines to get ey can't access them in their state of residence, among other actions ⁶⁻

47	WHEREAS, Generally organizational boards, such as the OSMA Council, are
48	required to obtain shareholder/member approval for actions deemed to be fundamental
49	corporate changes that are so extraordinary the board cannot do them alone, including
50	but not limited to mergers and consolidations, transfers and dissolutions ⁷⁻ ; and
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52	WHEREAS, Given the fact that the OSMA has rarely published formal stances
53	on statewide ballot measures and that such publications have the ability to drastically
54	change the organization's role in matters of state health policy, official organizational
55	positions on statewide ballot measures should be considered fundamental
56	organizational changes and require member approval; and therefore
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58	BE IT RESOLVED , that the OSMA Constitution and Bylaws be amended as
59	follows:
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61	Chapter 8
62	THE COUNCIL
63	
64	Section 1. Powers and Duties of the Council.
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66	The Board of Trustees (referred to herein as "the Council") shall be the
67	executive body of this Association. Between meetings of the House of
68	Delegates, the Council shall have and exercise all the powers and
69	authority conferred on the House of Delegates by the Constitution and
70	these Bylaws. In the exercise of the interim powers thus conferred upon it,
71	the Council shall take no action contravening any general policy which
72	shall have been adopted by the House of Delegates and which is then in
73	effect.
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75	The Council shall have direction of the investment and reinvestment of the
76	funds of this Association.
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78	The Council shall consider all questions involving the rights and standing
79	of members.
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81	The Council shall provide for and superintend the issuance of any
82	publications of the Ohio State Medical Association. It shall have full power
83	and authority to appoint a medical editor or publication board, or both, and
84	make any other provisions for the publication of any publications which in
85	its judgment are feasible including full discretionary power: (1) to
86	promulgate rules and regulations governing any publications, EXCEPT
87	FOR PUBLICATIONS REGARDING THE OFFICIAL ORGANIZATIONAL
88	POSITION ON STATEWIDE BALLOT MEASURES; (2) to enumerate and
89	define the powers and duties of the medical editor or publication board, or
90	both; and (3) to fix the terms and conditions of their appointment. <u>IN THE</u>
91	EVENT THAT A MEMBER OF THE COUNCIL BELIEVES THAT THE
92	OHIO STATE MEDICAL ASSOCIATION HAS SUFFICIENT POLICY TO

93 94 95		TAKE AND PUBLISH AN OFFICIAL POSITION ON A STATEWIDE BALLOT MEASURE, THE ENTIRE COUNCIL MUST SOLICIT WRITTEN INPUT FROM THE GOVERNING COUNCIL OF EACH SECTION
96		BEFORE TAKING A VOTE ON SUCH POSITION.
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98		The Council shall have full power and authority to employ a Chief
99		Executive Officer, who need not be a physician or member of this
100		Association. The Chief Executive Officer may employ such other
101		employees as are deemed necessary or advisable.
102		The Council shall any side such offices for the boodsurvertage of this
103		The Council shall provide such offices for the headquarters of this
104		Association as may be required properly to conduct its business.
105	F :	Nete: (Chancer)
106	FISCa	I Note: \$ (Sponsor)
107		\$ 500 (Staff)
108	Defer	rences:
109	Reler	ences:
110 111	1	OSMA Statement on Issues 1 and 2. Ohio State Medical Association. September
112	1.	28, 2023. Accessed November 30, 2023.
112		https://www.osma.org/aws/OSMA/pt/sd/news_article/536993/_PARENT/layout_d
113		etails-news/false
114	2	Constitution and Bylaws. Ohio State Medical Association. April 2023. Accessed
115	۷.	November 30, 2023.
117		https://osma.org/aws/OSMA/asset_manager/get_file/361482?ver=1189
118	3	Policy 10 - 1990: Policy on Abortion. Ohio State Medical Association.
119		Policy 15 - 2023: Strengthening the OSMA Stance on Abortion Policy in Ohio.
120		H-5.990: Policy on Abortion. American Medical Association.
121		"Advocacy in Action: Protecting Reproductive Health." American Medical
122		Association, June 7, 2023. https://www.ama-assn.org/delivering-care/public-
123		health/advocacy-action-protecting-reproductive-
124		health#:~:text=The%20AMA%20supports%20patients%27%20access,and%20co
125		ntraception%2C%20as%20a%20right. Accessed 30 Nov. 2023.
126	7.	Paredes, T. Speech by SEC Commissioner: Remarks at Conference on
127		"Shareholder Rights, the 2009 Proxy Season, and the Impact of Shareholder
128		Activism". U.S. Securities and Exchange Commission. June 23, 2009.
129		
130	OSM/	A Policy:
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132	Polic	y 15 – 2023 Strengthening the OSMA Stance on Abortion Policy in Ohio
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134		ne OSMA amend OSMA Policy 10-1990- Policy on Abortion by addition and
135	de	eletion as follows:
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137		Policy 10 – 1990 – Policy on Abortion

1. It is the position of the OSMA that the issue of support of or opposition to 138 abortion is a matter for members of the OSMA to decide individually, based on 139 personal values or beliefs. 140 12. The OSMA shall take no action which may be construed as an attempt to 141 alter or influence the personal views of individual physicians regarding abortion 142 procedures. 143 23. Items 1 and 2 notwithstanding, the OSMA shall take a position of opposition 144 to any proposed OSMA Ohio legislation or rule that would: 145 Require or compel Ohio physicians to perform treatment actions, 146 investigative tests, or questioning and OR education of a patient which are 147 not consistent with the medical standard of care; or, 148 • Require or compel Ohio physicians to discuss treatment options that are 149 not within the standard of care and/or omit discussion of treatment options 150 that are within the standard of care 151 152 2. The OSMA supports an individual's right to decide whether to have children, the 153 154 number and spacing of children, as well as the right to have the information, education, and access to evidence-based reproductive health care services to make these 155 decisions. 156 157 3. The OSMA opposes non-evidence based limitations on access to evidence-based 158 reproductive health care services, including fertility treatments, contraception, and 159 abortion. 160 161 4. The OSMA opposes the imposition of criminal and civil penalties or other retaliatory 162 efforts against patients, patient advocates, physicians, other healthcare workers, and 163 health systems for receiving, assisting in, referring patients to, or providing evidence 164 based reproductive health care services within the medical standard of care. 165 166 5. The OSMA collaborates with relevant stakeholders to educate legislators and amend 167 existing state laws so that the term "fetal heartbeat" is not used to inaccurately 168 represent physiological electrical activity. 169 170 Policy 10 – 1990 – Policy on Abortion 171 172 173 1. The OSMA shall take no action which may be construed as an attempt to alter or influence the personal views of individual physicians regarding abortion procedures. 174 2. Item 1 notwithstanding, the OSMA shall take a position of opposition to any proposed 175 176 Ohio legislation or rule that would: Require or compel Ohio physicians to perform treatment actions, investigative 177 tests, questioning or education of a patient which are not consistent with the 178 179 medical standard of care; or, • Require or compel Ohio physicians to discuss treatment options that are not 180 within the standard of care and/or omit discussion of treatment options that are 181 182 within the standard of care. 183