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MEDICAL SOCIETY®

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Procedures of the House of Delegates

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Hershey Lodge

Hershey, Pennsylvania

PREFACE

The House of Delegates (“House” or “HOD”) transacts its business according to a combination of rules imposed by its bylaws, established by tradition, decreed by its presiding officer(s), and generally pursuant to the dictates of the American Institute of Parliamentarians *Standard Code of Parliamentary Procedure*. Parliamentary procedure serves to aid an assembly in orderly, expeditious, and equitable accomplishment of its desires.

The majority opinion of the House in determining what it wants to do and how it wants to do it should always remain the ultimate determinant. It is the obligation of the Speakers to sense the will of the House, to preside accordingly, and to hold their rulings ever subject to challenge from and reversal by the assembly. In accordance with this concept, the following outline of procedures is offered as a guide, subject to reasonable modification, in the hope that adherence to its principles will advance smoothness of operation by reducing confusion and misunderstanding.

Credentialing

Your first duty as a delegate at the annual meeting is to appear before the Credentialing Desk and receive your badge.

The Credentialing Desk, located in the Convention Center Lobby, will open at 7:00 a.m. on Friday and at 6:30 a.m. on Saturday and Sunday. After the staff at the Credentialing Desk have verified your credentials, they will record you as a seated member of the House and will give you your badge. A delegate whose credentials have been accepted by the Committee on Rules and Credentials shall be a seated delegate until final adjournment of the session. However, if such delegate is unable to be present, a certified alternate may take such delegate’s place during the period of absence.

Voting Members

The voting membership shall be the delegates duly seated, including the delegates seated from the International Medical Graduates Section, the Residents and Fellows Section, the Early Career Physicians Section, and the Medical Students Section; alternates duly seated as delegates; and the secretaries of the component county medical societies in attendance or their duly-designated alternates.

Ex Officio Members

The ex officio members of the House without the right to vote are the president of each component society, if not an elected voting delegate; the Speaker; the Vice Speaker; the President; the Immediate Past President; the President Elect; the Vice President; the Secretary; the trustees; and the members of the Judicial Council. (A presiding officer may vote only to break a tie on a business matter in the House of Delegates.)

INTRODUCTION OF BUSINESS

Business comes before the House of Delegates in two ways:

1. Resolutions introduced by voting delegates or component societies or sections; and
2. Reports from the Board of Trustees, task forces or work groups, committees, and certain officials of the Society.

Recommendations from the President and the President Elect shall be referred to the Board of Trustees for report back to the House of Delegates.

Tradition governs a substantial portion of each formal session of the House of Delegates. Addresses by outgoing and incoming Presidents, remarks by the Speaker, recognition of distinguished guests, and the like are in this category. It is the prerogative of the Speakers to permit so many of these niceties as they may feel to be appropriate without unduly intruding upon the time necessary for the House to accomplish its regular business. In general, such items are scheduled in advance in the published order of business. Unscheduled presentations may be arranged either with the Speaker or by a request for unanimous consent of the House to hear them. It is to be recognized that the Speaker must usually discourage extraneous unscheduled presentations, not because of any lack of merit of the proposals, but because of the Speaker's primary obligation to conserve the time of the House for its immediate deliberations.

Business is of two broad categories:

1. Informational, which will not affect the policy of the Society (e.g., the Auditor's report); and
2. Policy statements such as resolutions or recommendations. Recommendations may be found in reports (which may also contain a great deal of information) and in the addresses of officers (which may also contain a great deal of information).

Disposition of an Item of Business

Items of business will ultimately be disposed of in one of six ways:

1. Adopt (with or without amendments);
2. Not adopt;
3. File;
4. Refer for study;
5. Refer for decision; or
6. Postpone (either to a definite time or temporarily tabled).

In general, purely informational items without recommendations should be filed. It is not appropriate to file resolutions and recommendations; they should be disposed of in one of the other ways.

Reports

Reports are routinely received as business of the House when they come from the Board of Trustees, councils and committees, and certain officials of the Society. Except under special circumstances, such reports are referred to appropriate reference committees so that hearings may be held on the substance thereof. The Speaker may request acceptance of a report by unanimous consent or by a vote without referral, but a motion to refer is always in order.

Resolutions

Business is introduced into the House through the presentation of resolutions by voting delegates on behalf of their county medical society, specialty society, the International Medical Graduates Section, the Residents and Fellows Section, the Early Career Physicians Section, the Medical Students Section, or as individuals.

Presentation of Resolutions

It is a standing rule of the House of Delegates that resolutions may be submitted thirty (30) days before a meeting of the House to become business of the House. Resolutions received after that date will be posted on the website prior to the meeting to the extent feasible. Once a resolution has been accepted as business of the House, it cannot be withdrawn at the discretion of its primary author. Resolutions submitted less than 30 days prior to a meeting, except those submitted by the special sections, will be posted on the website but will require a two-thirds ($\frac{2}{3}$) favorable vote of the House at the opening session in order to become the business of the House. Resolutions submitted after the Committee on Rules and Credentials has adjourned will require a three-fourths ($\frac{3}{4}$) favorable vote to become the business of the House. All resolutions are to be submitted to the Secretary of the Society and should include the name of the sponsor(s).

Resolutions not prepared in advance should be delivered to the Control Desk located outside Cocoa 1.

The Committee on Rules and Credentials will review late resolutions and make recommendations to the House regarding their acceptance. (See page 5 for additional information.)

Structure of Resolutions

The essential element of a resolution is the portion expressed as one or more “Resolved” sections setting forth specific intent. It may carry with it a prefatory statement, or preamble, explaining the rationale of the resolution. This is accomplished by the time-honored mechanism of a series of “Whereas” statements. The “Whereas” statements should identify the problem briefly, advise the House as to the timeliness or urgency of the problem, address the effect of the issue upon the Society, and indicate if the action called for is contrary to, or will revise, current Society policy.

It is a general principle of common law that an assembly, in adopting a resolution, formally adopts only the “Resolved” section. It follows that the important matter before the House is to state in a free-standing “Resolved” precisely that upon which it wishes to act. It is not necessary to amend the language of the introductory portions of a resolution unless it is the desire of the House to do so. On occasion, the introduction to a resolution will contain detailed sets of guidelines, rules,

regulations or principles which the resolution proposes to approve. In such circumstances, it may be entirely appropriate to amend this related material to bring it into conformity with the will of the House.

In general, the question which will ultimately be before the House is the adoption or other disposition of a specific “Resolved” or a series of “Resolves”. It is time-consuming, unnecessary (except as indicated above), and therefore usually out of order to propose formal amendments to the wording of accessory statements, or to the language of the reference committee report in making its recommendations.

When preparing resolutions, close attention should be given to the following:

1. The title of the resolution should appropriately reflect the action for which it calls.
2. Information contained in the “Whereas” statements should be checked for accuracy.
3. The Resolves should stand alone in clarity and purpose.
4. Fiscal notes (see below) should be added when appropriate and should set forth the estimated cost, if any, of the policy, program, or action proposed by a resolution.

Fiscal Notes

All resolutions introduced in the House whose implementation necessitates an expenditure of funds should include a fiscal note supplied by the sponsor. The following guidelines should be used in the development of appropriate fiscal information:

1. Resolutions requiring the expenditure of funds should show a specific dollar amount where possible.
2. The Executive Vice President’s office can assist sponsors with the development of financial information, but requests of this nature should be forwarded well in advance of the deadline for submitting resolutions.
3. Resolutions which call for the institution of legal action, the repeal of legislation, or similar action for which a precise cost estimate cannot be determined should indicate that a substantial commitment of resources may be necessary for implementation.
4. Resolutions which establish policy and do not require other specific action beyond that which would be covered by the Society’s routine work need not have fiscal notes appended to them by the authors. Society staff will provide the appropriate fiscal note.

Late Resolutions

The Committee on Rules and Credentials will submit its recommendations on each late resolution. This committee will hold an open hearing to provide sponsors of late resolutions an opportunity to explain the reasons for lateness and the importance of the House considering the late resolution. The Committee on Rules and Credentials will make a recommendation to the House as to whether the late resolution should be the business of the House, and the House will then vote on the

acceptance of each resolution. A two-thirds ($\frac{2}{3}$) favorable vote is required for acceptance as official business of the House.

Any resolution submitted after the Committee on Rules and Credentials has adjourned will require a three-fourths ($\frac{3}{4}$) favorable vote to become the business of the House.

REFERENCE COMMITTEES

Reference committees are groups of at least four members (five members for the Committee on Bylaws) selected by the Speakers to conduct open hearings on matters of business. Having heard discussion on the subject before it, each committee then prepares a report with recommendations to the House for disposition of its items of business.

At each meeting of the House of Delegates, the Speakers assign to the previously-appointed reference committees resolutions, reports, and other matters within each committee's jurisdiction. The Bylaws provide that the Speaker shall appoint such reference committees and clearly identify them as deemed necessary to expedite the business of the House. For the 2018 annual meeting, the Speakers have appointed the following reference committees:

- Reference Committee A – Bylaws
- Reference Committee B – Education and Science/Public Health
- Reference Committee C – Managed Care & Other Third-Party Reimbursement
- Reference Committee D – Mcare Fund/Tort Reform/Other Legislation/Regulation
- Reference Committee E – Membership/Leadership/Subsidiaries

Reference committee hearings are open to all members of the Society, guests, official observers, interested outsiders, and the press. Any member of the Society is privileged to speak on the resolution or report under consideration. Non-member physicians, guests, or interested outsiders may, upon recognition by the chair, be permitted to speak. The chair is privileged to call upon anyone attending the hearing if, in the chair's opinion, the individual called upon may have information which would be helpful to the committee.

Equitable hearings are the responsibility of the committee chair, and the committee may establish its own rules on the presentation of testimony with respect to limitations of time, repetitive statements, and the like. The chair also has jurisdiction over such matters as photography, television filming, and the introduction of recording devices. If, in the chair's estimation, such factors would be, or become, undesirable for the conduct of an orderly hearing, the chair may act to prohibit them. It is recommended that reference committee chairs **not** ask for an expression of the sentiments of those attending the hearing by an informal vote on particular items. Committee members may ask questions to be sure they understand the opinions being expressed, and they may answer questions if a member seeks clarification. However, committee members should not enter into arguments with speakers or express opinions during the hearing. The committees listen carefully and evaluate all opinions presented so that they may provide the voting body with carefully considered recommendations.

The reference committee hearing is the proper forum for discussion of controversial items of business. In general, delegates who have not taken advantage of such hearings for the presentation of their viewpoints or the introduction of evidence should be reluctant to do so from the floor of

the House. It is recognized, however, that the concurrence of reference committee hearings creates difficulties in this respect, as does service by delegates on other reference committees, and there is never compulsion for mute acceptance of reference committee recommendations at the time of the presentation of its report.

District, specialty, and section caucuses should assign to each delegate responsibility for attending specific reference committees to carry the sentiment of the caucus and to report back.

Following the open hearings, reference committees will go into executive session for deliberation and construction of their reports.

Minority reports from reference committees are in order only if signed by two or more members of the committee.

REFERENCE COMMITTEE REPORTS

Reference committee reports consume much of the deliberations of the House of Delegates. They need to be constructed swiftly and succinctly after completion of the hearings in order that they may be processed and made available to the delegates as far in advance of formal presentation as possible.

Reference committees have wide latitude in their efforts to facilitate expression of the will of the delegates and alternate delegates on the matters before them and to give credence to the testimony they hear. They may amend resolutions, consolidate similar resolutions by constructing substitutes, and they may recommend the usual parliamentary procedure for disposition of the business before them such as adoption, rejection, amendment, referral, and the like.

It is recommended that each item referred to a reference committee be reported to the House as follows:

1. Identify the resolution or report by number, title and sponsor;
2. State concisely the committee's recommendations, and state what was called for in the resolution, report, or recommendation;
3. Comment on the testimony presented at the hearings; and
4. Incorporate supporting evidence of the recommendations of the committee.

Waiver of Debate List

Reference committee reports should not contain direct motions. The chair will open for discussion the matter which is the immediate subject of a reference committee report. The effect is to permit full consideration of the business at hand, unrestricted to any specific motion for its disposal. Any appropriate motion for amendment or disposition may be made from the floor. In the absence of such a motion, the chair will state the question in accordance with the recommendation of the reference committee.

Examples of five common variants employing this procedure are as follows:

1. The reference committee is reporting on informational material provided to the House which encompasses no specific proposal for action. The reference committee expresses appreciation of the report and recommends that the matter be filed for information. The chair declares the original matter to be before the House for discussion. In the absence of any other motion from the floor, the chair places the question on the adoption or approval of the reference committee recommendation to file for information. When it appears that there is no debate, the chair may declare “it is filed” without the necessity of a formal vote. Such a statement records the action and concludes such an item of business.
2. The reference committee is reporting on a resolution which, in its opinion, should be rejected, and it so recommends. The chair places the resolution before the House for discussion. In the absence of other motions from the floor, the chair, at the appropriate time, places the question on adoption of the resolution, making it clear that the reference committee has recommended a vote in the negative. The vote, however, is on the resolution—not on the reference committee’s recommendation.
3. The reference committee is reporting on a resolution or report which it feels should be referred for further consideration to the Board of Trustees, or through the Board to an appropriate council or committee, and it so recommends. The chair will put the motion on the recommendation of the reference committee “to refer”. If this fails to pass, the motion is again on the adoption of the resolution or report.
4. The reference committee is reporting on a resolution or report which it wishes to amend by addition, deletion, alteration or substitution. In order to permit the normal procedures for parliamentary handling, the reference committee may prepare the amendment; if the amendment is accepted, the amended resolution or recommendation is presented to the House. It is then in order for the House to apply to this reference committee version amendments of the first and second degree in the usual fashion. Such procedure is clear and orderly and does not preclude the possibility that someone may wish to restore the matter to its original unamended form. This may be accomplished quite simply since it may be moved to adopt the original resolution.
5. The reference committee is reporting on two or more similar resolutions or reports and it wishes to recommend a consolidation into a single resolution, or it wishes to recommend adoption of one of these items in its own right and as a substitute for the rest. For orderly handling, the matter before the House for consideration is the recommendation of the reference committee of the substitute or consolidated version. A motion to adopt this substitute is a main motion and is so treated. If the reference committee’s version is not adopted, the entire group of proposals has been rejected, but it is in order for any delegate to then propose consideration and adoption of any one of the original matters.

Consent Calendar

The Speakers have the option to present reference committee reports as a consent calendar.

Form of Action on Reports and Resolutions

As a member of the House, you should have a clear understanding of the precise effect of the language used in disposing of items of business. There has been variance in interpretation of such proposals as “to accept for information”, “to approve in principle”, or “to approve”, “accept”, or “adopt”.

In the interest of clarity, the following recommendations are offered so that the House may accomplish its intent without misunderstanding:

1. When the House wishes to acknowledge that a report has been received and considered, but that no action is either necessary or desirable, the appropriate proposal for action is that the report be filed. For example, a report which explains a government program or regulation, or clarifies issues in a controversial matter, may be filed for information. This does not have the effect of placing the Society on record as approving or accepting responsibility for any of the material in the report.
2. When a report offers recommendations for action, these recommendations may be “adopted”, “approved”, or “accepted”, each of which has the effect of making the Society responsible for the matter. In the interest of clarity, use of the terms “accept for information” and “approve in principle” should be avoided.
3. When the House does not wish to assume responsibility for the recommendations of a report in its existing form, it may take action to refer back to committee (recommit) or to refer elsewhere; to reject the report in its entirety or in specific part; or to adopt as amended (amend and adopt).

NOTE: A report or resolution is “received” when it is introduced as the business of the House at its opening session. The House may decline to receive the matter only by objecting to its consideration at the time of its introduction. For this reason, it is inappropriate to propose as final action that a matter be “received” or “received for information”.

PARLIAMENTARY PROCEDURES WITHIN THE HOUSE

It is necessary in an assembly of over 300 delegates to insist that each individual speaking to an issue be recognized by the chair; that he/she be at a microphone; and that he/she be properly identified for the information of those who transcribe the proceedings.

As indicated in Standing Rule No. 18, the House is guided by the principles of the parliamentary authority designated in the Bylaws, which is the current edition of the American Institute of Parliamentarians *Standard Code of Parliamentary Procedure*.

A few comments regarding specific procedures may be helpful:

1. The motion to REFER: If it is desired that a matter receive more study, it can be referred. If a motion to REFER is applied to a subject which has pending amendments, the matter as it stands at the moment of the motion to REFER is referred.

2. The motion to REFER FOR DECISION: If it is desired that a matter be studied and acted upon prior to the next meeting of the House of Delegates, it can be referred for decision. If a motion to REFER FOR DECISION is applied to a subject which has pending amendments, the matter as it stands at the moment of the motion to REFER FOR DECISION is referred.
3. The motion to RECONSIDER: Roberts' Rules of Order require that this motion be made by one who voted with the prevailing side in the prior action which is to be reconsidered. This is an impractical provision when applied to action taken by votes which are not individually recorded. Under *AIP*, a motion to RECONSIDER which has been seconded will generally be assumed to be in order. If the motion to RECONSIDER is sustained, the situation reverts to the exact position it occupied before it was voted on.
4. The motion to VOTE IMMEDIATELY: Sustaining such a motion requires a two-thirds ($\frac{2}{3}$) affirmative vote. It is, in effect, a statement by the assembly that it has heard enough and wishes to vote on the matter at hand at once. It applies only to the immediately pending question.

The motion to vote immediately has the following rules:

- It requires a two-thirds ($\frac{2}{3}$) majority to pass.
 - It may not be made by a delegate or alternate immediately following his or her own testimony on an issue.
 - It will be assumed to apply to the last motion on the floor unless the maker of the motion specifies otherwise.
 - It has been our custom to depart from *The Standard Code of Parliamentary Procedure* so that this motion will only apply to motions on which there has been both pro and con debate.
5. WITHDRAWAL of resolutions: Occasionally the sponsors of resolutions become persuaded that their resolutions are somehow inappropriate or inaccurate. At any time prior to the acceptance of the resolutions as the business of the House, with referral to reference committees, the sponsors may WITHDRAW their resolutions and they do not become the business of the House. After referral to reference committees, they are the business of the House. At the time of the reference committee hearings, the sponsors may become persuaded that they would like to WITHDRAW their resolutions and may suggest to the reference committee that WITHDRAWAL would be preferable to other action. If the sponsor concurs, the reference committee may recommend in its report that leave to WITHDRAW be accorded by the House. The chair, having confirmed approval by the sponsor, places the question on granting LEAVE TO WITHDRAW. A majority vote in the affirmative accomplishes WITHDRAWAL.
 6. The motion to POSTPONE or DEFER CONSIDERATION of a question: Such deferment may take two forms - (a) Postpone to a Definite Time or (b) Postpone Temporarily.
 - a. **To postpone to a definite time** is of higher rank than referral, and a less rank than limiting debate, and can be amended as to the definite time for consideration, with

debate limited to brief discussion of the time or reason for postponement. A simple majority vote is required for adoption.

b. **To postpone temporarily** has the force of the former motion to “table” and is the highest-ranking subsidiary motion to be applied to a main motion. It is not debatable. A simple majority vote is required for adoption.

7. The motion to RESUME CONSIDERATION: To resume consideration is equivalent to “take from the table”. The effect of the motion to resume consideration is that the original main motion, with any attached subsidiary motions, is before the House in exactly the same state it was when it was postponed. A simple majority vote is required for adoption.

Speaking from the Floor

If you wish to speak during a meeting of the House, go to the nearest microphone and wait to be recognized by the Speaker. Before making your statement, please identify yourself by name and county or section.

Standing Votes

If the Speaker calls for a standing vote, the tellers assigned to specific sections of the House will be asked to make the count. Please, therefore, remain standing until you are sure that the teller in your part of the House has completed the count. Your cooperation will enable the sectional teller to report quickly and accurately to the chief teller, who in turn will report the total vote to the Speaker.

SUGGESTIONS AND REMINDERS

To help prepare you to serve as an efficient member of the House of Delegates, here are a few additional suggestions and reminders.

1. Read the Bylaws of the Pennsylvania Medical Society so that you will have a good working knowledge of the organizational structure, rules, and procedures.
2. Familiarize yourself with parliamentary procedure, as detailed in the American Institute of Parliamentarians *Standard Code of Parliamentary Procedure*.
3. Study the various reports and resolutions in the Official Reports Book.
4. Familiarize yourself with all resolutions, proposals, or policies which your county or specialty society plans to present at the session.
5. Attend the district/section caucuses to review with your colleagues the business before the House.