

## RESOLUTION

Subject: Bylaws Amendment to Make Language Gender Neutral

Submitted by: Alex Thebert, Nicole Czerner-Garcia (University of Kentucky College of Medicine, Lexington)

Referred to: Reference Committee

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WHEREAS, 36.3% of active physicians are female, 45.8% of residents are female, and 52% of the 2020-2021 medical school class is female<sup>1,2</sup>; and

WHEREAS, the KMA bylaws use the gendered term “he” for all singular pronouns; and

WHEREAS, the gender-specific use of pronouns could be seen as non-inclusive to a large portion of physicians, residents, and medical students; and

WHEREAS, the AMA Constitution and Bylaws use either “he or she” or “they” as singular pronouns; and

WHEREAS, changing KMA bylaws to use gender-neutral language would promote inclusion within the organization; now, therefore, be it

RESOLVED, that the KMA bylaws be amended as follows:

“Chapter I, Section 1: Membership in this Association shall be coterminous with membership in a component county society. No physician shall be eligible for membership in this Association unless ~~he is~~ they are a member, in good standing of a component society, nor may ~~he~~ they maintain membership in a component county society unless ~~he is~~ they are a member, in good standing of this Association.

When a physician who meets the qualifications hereinafter set forth, is certified to the Secretary-Treasurer as a member in good standing of a component society, properly classified as to type of membership, and when the dues pertaining to ~~his~~ their membership classification have been received by the Secretary-Treasurer of the Association, the name of the member shall be included in the official roster of the Association and ~~he~~ they shall be entitled to all the privileges of ~~his~~ their class of membership. Provided, however, that members in good standing from other state societies may, if admitted to membership by a component society, be accepted by KMA for membership without paying dues for the remainder of the calendar year in which the transfer is made. Provided further, that the Board of Trustees shall have power, upon written application, approved annually by the county society of which the applicant is a member, to excuse any member from the payment of dues because of financial hardship.”; and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter I, Section 2(b): Life Members. Component societies may elect as a life member any doctor of medicine or osteopathy who

has served ~~his~~ their profession with distinction and who has reached the age of 70 and has retired from active practice. Further, any member who has 25 years of continuous membership in a state medical society affiliated with the American Medical Association, who has reached the age of 65 and is fully retired, also may be elected as a life member. However, any member who had qualified as a life member at the time of the adoption of this amendment, September 26, 1990, shall continue to qualify as a life member. Life members shall have the right to vote and be entitled to the benefits of Chapter VI, Section 8, of these Bylaws, but shall not pay dues. They shall receive *The Journal* and other publications of the Association.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter I, Section 2(g): Service Members. Members of the Association in good standing who enter military service and are ineligible for Associate membership shall be classified as service members. Service Members shall not be required to pay dues. If a member in good standing enters service prior to March 1 and has paid ~~his~~ their dues for that year, ~~he~~ they shall receive all publications and other benefits applicable to ~~his~~ their class of membership in the Association and shall owe no further dues until January 1 following ~~his~~ their release. If a member in good standing enters service prior to March 1 without paying ~~his~~ their dues for that year, ~~he~~ they shall receive publications and other benefits but shall owe the dues applicable to ~~his~~ their class of membership immediately following ~~his~~ their release from active duty. Members whose dues have not been received by March 1 are not in good standing.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter I, Section 3: Hospital Medical Staff Section. There shall be a special section for hospital medical staff physicians who already hold membership in KMA. The Hospital Medical Staff Section (HMSS) shall be governed by its own Constitution and Bylaws, which Constitution and Bylaws shall not be in conflict with the Constitution, Bylaws and Board policies of the parent Kentucky Medical Association. Should any questions arise regarding the existence of a conflict, the KMA Board of Trustees shall be the final arbiter of such questions. The Hospital Medical Staff Section shall elect a Delegate and Alternate Delegate to the KMA House of Delegates. The Delegate to the KMA House of Delegates, or ~~his~~ their Alternate as the case may be, shall be a voting member of the House and may present Resolutions on behalf of the HMSS.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter II, Section 2: The Annual Meeting shall consist of one or more education sessions, at least one meeting of the House of Delegates, and such other gatherings as may be authorized by the Board of Trustees. Each education session shall be presided over by the President or in ~~his~~ their absence or disability or at ~~his~~ their request by the President-Elect or such officers as the Board of Trustees may direct.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter II, Section 3: The name of a physician upon the properly certified roster of members or list of Delegates of a component society

which has paid its annual assessment, shall be prima facie evidence of ~~his~~ their right to register at any meeting of this Association.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter II, Section 4: Each member in attendance at any meeting shall register indicating the component society of which ~~he is~~ they are a member. When ~~his~~ their right to membership has been verified by reference to the roster of the society, ~~he~~ they shall receive a badge which shall be evidence of ~~his~~ their right to all privileges of membership at that meeting. No member or delegate shall take part in any of the proceedings of any meeting until ~~he has~~ they have complied with the provisions of this section.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter III, Section 4: The Speaker shall, by virtue of ~~his~~ their office, be responsible for making all arrangements for all sessions, regular or special, of the House.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter IV, Section 1: The President-Elect and the Vice President shall be elected from the state at large for a term of one year, the President-Elect succeeding to the presidency at the expiration of ~~his~~ their term as President-Elect. A majority vote of those attending and voting shall be required for the election of the President-Elect and the Vice President and on any ballot where a majority is not obtained, the candidate with the least votes shall be dropped and further balloting held until such time as one candidate receives a majority of the votes cast. Delegates to the AMA and their alternates shall be elected from the state at large for terms of two years with the provision that no more than one delegate and no more than one alternate delegate shall be elected from one component society except in the instance that a member of the Kentucky delegation is elected to the office of Speaker or Vice-Speaker of the American Medical Association House of Delegates, in which case, no more than two delegates and two alternate delegates shall be elected from any component society. All delegate and alternate terms shall be coterminous; all positions shall expire at the same time and all candidates must run for office at the same time every two years. The Speaker of the House of Delegates, the Vice-Speaker and the Secretary-Treasurer shall be elected for terms of three years. Trustees and their Alternates shall be elected for terms of three years and Trustees shall be limited to serving for not more than two consecutive full terms. The terms of the Trustees and their Alternates shall coincide and be so arranged that one-third of the terms expire each year, insofar as possible, provided, however, that nothing contained herein shall preclude an Alternate Trustee from serving two full terms as a Trustee. No member shall be eligible for the office of President, President-Elect, Vice-President, Secretary-Treasurer, Speaker or Vice-Speaker of the House of Delegates, Trustee or Alternate Trustee who has not been an active member of the Association for at least three years. Representatives of the KMA Resident and Fellows Section and the KMA Medical Student Section to the KMA Board of Trustees shall be elected for a term of one year.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter IV, Section 5: Any member may make known ~~his~~ their availability for any office within the Association. However, it would be regarded as unseemly for any member to actively campaign for ~~his~~ their own election.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter V, Section 1: Except as provided in Chapter II, Section 2 hereof, the President shall preside at all scientific sessions of the Association and shall appoint all committees not otherwise provided for. ~~He~~ They shall deliver an annual address at such time as may be arranged and shall perform such duties as custom and parliamentary usage may require. ~~He~~ They shall be the real head of the profession in the State during ~~his~~ their term of office and so far as practicable, shall visit or cause to be visited on ~~his~~ their behalf, the various sections of the State and assist the Trustees in building up the county societies and in making their work more practical and useful. ~~He~~ They shall be reimbursed for ~~his~~ their reasonable and necessary travel expense incurred in the performance of ~~his~~ their duties as President.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter V, Section 2: The President-Elect shall assist the President in visitation of county and other meetings. ~~He~~ They shall become president of the Association at the next Annual Meeting following ~~his~~ their election as president-elect. In the event of ~~his~~ their death or resignation, or if ~~he~~ they becomes permanently disqualified or disabled, ~~his~~ their successor shall be elected by the House of Delegates and shall be installed as President of the Association at its next regular session.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter V, Section 3: The Vice President shall assist the President in the discharge of ~~his~~ their duties, and shall perform such other duties as may be prescribed by the Board of Trustees. In the event of a vacancy in the office of the President, the Vice-President shall succeed to the office of the President.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter V, Section 5: The Speaker of the House shall preside at all meetings of the House of Delegates. ~~He~~ They shall appoint all committees of the House of Delegates with the approval of the House of Delegates. ~~He~~ They shall be a nonvoting member of said committees, and shall perform such other duties as custom and parliamentary usage may require.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter V, Section 6: The Vice Speaker shall assume the duties of the Speaker in ~~his~~ their absence and shall assist the Speaker in the performance of ~~his~~ their duties. In the event of the death, disability, resignation, or removal of the Speaker, the Vice Speaker shall automatically become Speaker of the House of Delegates.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter V, Section 7: The Secretary-Treasurer shall advise the Executive Vice President in all administrative matters of this Association and shall act as the corporate secretary insofar as the execution of official documents or

institution of official actions are required. ~~He~~ They shall perform such duties as are placed upon ~~him~~ them by the Constitution and Bylaws, and as may be prescribed by the Board of Trustees. The Secretary-Treasurer shall demand and receive all funds due the Association, including bequests and donations. ~~He~~ They shall, if so directed by the House of Delegates, sell or lease any real estate belonging to the Association and execute the necessary papers and shall, subject to such direction, have the care and management of the fiscal affairs of the Association. All vouchers of the Association shall be signed by the Executive Vice President or ~~his~~ their designee and shall be countersigned by the Secretary-Treasurer of the Association. When one or more of the above-named officials are not readily available, four specifically designated representatives of the Executive Committee are authorized to countersign the vouchers, provided that in any event all vouchers of the Association shall bear a signature and a countersignature. The four members of the Executive Committee authorized to countersign vouchers shall be designated by the Board during their reorganizational meeting in September and, whenever possible should be easily accessible from the KMA Headquarters Office. All those authorized to countersign vouchers shall be required to give bond in an amount to be determined by the Board of Trustees. The Secretary-Treasurer shall report the operations of ~~his~~ their office annually to the House of Delegates, via the Board of Trustees, and shall truly and accurately account for all funds belonging to the Association and coming into ~~his~~ their hands during the year. ~~His~~ Their accounts shall be audited annually by a certified public accountant appointed by the Board of Trustees. The Association's annual audit shall be made available to the membership.", and be it further

RESOLVED, that the KMA bylaws be amended as follows: "Chapter VI, Section 3: Each Trustee shall be organizer, peacemaker and censor for ~~his~~ their district. ~~He~~ They shall hold at least one district meeting each year for the exchange of views on problems relating to organized medicine and for postgraduate scientific study. The necessary traveling expenses incurred by a Trustee in the line of ~~his~~ their duties herein imposed may be paid by the Secretary-Treasurer upon a proper itemized statement but this shall not be constituted to include ~~his~~ their expenses in attending the Annual Meeting of the Association.", and be it further

RESOLVED, that the KMA bylaws be amended as follows: "Chapter VI, Section 7: In the event of the death, resignation, removal or disability of a Trustee, between sessions of the House of Delegates, the Alternate Trustee shall succeed to the office of Trustee. In the case of disability, the Alternate shall serve until the disability is removed or the Trustee's term expires, and in the absence of the Trustee, the Alternate Trustee shall vote in ~~his~~ their place and stead.", and be it further

RESOLVED, that the KMA bylaws be amended as follows: "Chapter VI, Section 9: The Board shall employ an Executive Vice President whose principal duty shall be to carry out and execute the policies established by the House of Delegates and the Board. ~~His~~ Their compensation shall be fixed by the Board. The Executive Vice President shall act as general administrative officer and business

manager of the Association and shall perform all administrative duties necessary and proper to the general management of the Headquarters Office, except those duties which are specifically imposed by the Constitution and Bylaws upon the officers, committees, councils and other representatives of the Association. ~~He~~ They shall refer to the various elected officials all administrative questions which are properly within their jurisdiction.

~~He~~ They shall attend the Annual Meeting, the meetings of the House of Delegates, the meetings of the Board, as many of the committee and council meetings as possible, and shall keep separately the records of their respective proceedings. ~~He~~ They shall, at all times, hold ~~himself~~ themselves in readiness to advise and aid, so far as is possible and practicable, all officers, committees, and councils of the Association in the performance of their duties and in the furtherance of the Association. ~~He~~ They shall be allowed traveling expenses to the extent approved by the Board.

~~He~~ They shall be the custodian of the general papers and records of the Association (including those of the Secretary-Treasurer) and shall conduct the official correspondence of the Association. ~~He~~ They shall notify all members of meetings, officers of their election, and committees and councils of their appointment and duties.

~~He~~ They shall account for and promptly turn over to the Secretary-Treasurer all funds of the Association which come into ~~his~~ their hands. It shall be ~~his~~ their duty to receive all bills against the Association, to investigate their fairness and correctness, to prepare vouchers covering the same, and to forward them to the Secretary-Treasurer for appropriate action. ~~He~~ They shall keep an account with the component societies of the amounts of their assessments, collect the same, and promptly turn over the proceeds to the Secretary-Treasurer. ~~He~~ They shall annually submit ~~his~~ their financial books and records to a certified public accountant, approved by the Board, whose report shall be made available to the membership.

~~He~~ They shall keep a record of all physicians in the State by counties, noting on each ~~his~~ their status in relation to ~~his~~ their county society, and upon request shall transmit a copy of this list to the American Medical Association.

~~He~~ They shall act as Managing Editor, or otherwise supervise the publication of *The Journal of the Kentucky Medical Association* and such other publications as may be authorized by the House of Delegates, under the guidance and direction of the Board.

~~He~~ They shall perform such additional duties as may be required by the House of Delegates, the Board, or the President, and shall employ such assistants as the Board may direct. ~~He~~ They shall serve at the pleasure of the Board, and in the event of ~~his~~ their death, resignation, or removal, the Board shall have the power to fill the vacancy. From time to time, or as directed by the Board, ~~he~~ they shall make written reports to the Board and House of Delegates concerning ~~his~~ their activities and those of the Headquarters Office.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter XI, Section 4: In sparsely settled sections two or more component societies may join for scientific programs, the election of officers, and such other matters as they may deem advisable. The component societies thus combined shall not lose any of their privileges or representation. The active members of each component society shall annually elect at least a Secretary and a Delegate for the transaction of its business with the Association.

Two or more adjacent component societies may also combine into one multi-county component society by adopting Resolutions to that effect at special meetings called for that purpose on at least ten days’ notice. Copies of the Resolution, certified as to their adoption by the Secretary of each society, shall be forwarded to the Headquarters Office. If approved by the Board of Trustees, the multi-county society shall thereupon be issued a charter, the consolidating county societies shall cease to exist and the multi-county society shall become a component society of this Association; provided, however, that the active members residing in each county comprising the multi-county society shall be entitled to elect a delegate or Delegates to the House of Delegates, as if each such county constituted a component society within the meaning of Section 11 of this Chapter; and provided, further, that multi-county societies may elect, at large, one alternate delegate for each delegate to which it is entitled under this section and such alternate may serve in the absence of the delegate for whom ~~he is~~ they are the designated alternate.

A multi-county component society may be disaggregated so that an individual county society may regain independent status when a majority of the members in that county indicate their desire to reorganize. At that time the members from the withdrawing county shall forward a petition containing the signatures of a majority of the members in that county to be validated by KMA. The withdrawing county shall further forward a Resolution to the KMA Headquarters Office to be submitted to the House of Delegates at its next regular meeting, requesting recognition as a county society and issuance of a charter, in accord with Chapter XII, Section 1 of the KMA Bylaws. Once this charter is issued, the new county society shall become a recognized entity at the beginning of the following KMA dues year and those counties remaining with the original multi-county unit may continue to function under their pre-existing charter.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter XI, Section 5: Each component society shall be the sole judge of the qualifications of its own members. All members of component societies shall be members of the Kentucky Medical Association and shall be classified in accordance with Chapter I, Section 2 of these Bylaws, provided, however, that no physician who is under suspension or who has been expelled shall thereafter, without reinstatement by the Board of Trustees be eligible for membership in any component society. Any physician who desires to become a



member of the Kentucky Medical Association shall first apply to the component society in the county in which ~~he~~ they resides, for membership therein. Except as hereinafter provided in Sections 6 and/or 8 of this chapter, no physician shall be an active member of a component society in any county other than the county in which ~~he~~ they resides.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter XI, Section 6: Any physician who may feel aggrieved by the action of the component society of the county in which ~~he~~ they resides, in refusing ~~him~~ them membership, shall have the right to appeal to the Board of Trustees, which, upon a majority vote, may permit ~~him~~ them to apply for membership in a component society in a county which is adjacent to the county in which ~~he~~ they resides.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter XI, Section 7: When a member in good standing in a component society moves to another county in the State, ~~his~~ their name, upon request, shall be transferred without cost to the roster of the component society into whose jurisdiction ~~he~~ they moves, if ~~he is~~ they are admitted to membership therein.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter XI, Section 8: A physician whose residence is closer to the headquarters of an adjacent component society than it is to the headquarters of the component society of the county in which ~~he~~ they resides, may, with the consent of the component society within whose jurisdiction ~~he~~ they resides, hold membership in said adjacent component society.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter XI, Section 9: Each component society shall have general direction of the affairs of the profession in the county, and its influence shall be constantly exerted for bettering the scientific, moral and material conditions of every physician in the county. Systematic efforts shall be made by each member, and by the society as a whole, to increase the membership until it embraces every qualified physician in the county.

Upon reasonable notice and after a hearing, component societies may discipline their members by censure, fine, suspension or expulsion, for any breach of the Principles of Medical Ethics or any bylaw, rule or regulation lawfully adopted by such societies or this Association. At every hearing, the accused shall be entitled to be represented by counsel and to cross-examine witnesses, and the society shall cause a stenographic record to be made of the entire proceedings. The stenographer's notes need not be transcribed unless and until requested by the respondent member.

The resignation of a member against whom disciplinary charges are pending or who is in default of the disciplinary judgment of ~~his~~ their county society, a district grievance committee or the Board of Trustees shall not be accepted and no member who is suspended or expelled may be reinstated or readmitted unless and until ~~he complies~~ they comply with all lawful orders of ~~his~~ their component society and the Board of Trustees.”, and be it further



RESOLVED, that the KMA bylaws be amended as follows: “Chapter XI, Section 11: At the time of the annual election of officers, each component society shall elect a delegate or Delegates to represent it in the House of Delegates. The term of a delegate shall commence on the first day of the regular session of the House following ~~his~~ their election, and shall end on the day before the first day of the next regular session, provided, however, that component societies may elect Delegates for more than one term at any election. Each component society may elect one delegate for each 25 voting members in good standing, plus one delegate for one or more voting members in excess of multiples of 25, provided, however that each component society shall be entitled to at least one delegate regardless of the number of voting members it may have and that each multi-county society shall be entitled to the same number of Delegates as its component societies would have had. The secretary of the society shall send a list of such Delegates to the Secretary-Treasurer of this Association not later than 45 days before the next Annual Meeting. It shall be the obligation of a component society which elects Delegates to serve more than one year, to provide the KMA Headquarters Office with a certified list of its Delegates each year.”, and be it further

RESOLVED, that the KMA bylaws be amended as follows: “Chapter XI, Section 12: The secretary of each component society shall keep a roster of its members and a list of nonaffiliated licensed physicians of the county, in which shall be shown the full name, address, college and date of graduation, date of license to practice in this State, and such other information as may be deemed necessary. ~~He~~ They shall furnish an official report containing such information upon blanks supplied ~~him~~ them for the purpose, to the Secretary-Treasurer of the Association, on the first day of January of each year or as soon thereafter as possible, and at the same time the dues accruing from the annual assessment are sent in. In keeping such roster the secretary shall note any change in the personnel of the profession by death or by removal to or from the county, and in making ~~his~~ their annual report ~~he~~ they shall be certain to account for every physician who has lived in the county during the year.”

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## References:

<sup>1</sup> 2020 Physician Specialty Data Report Executive Summary. AAMC. Accessed July 8, 2021. <https://www.aamc.org/data-reports/data/2020-physician-specialty-data-report-executive-summary>

<sup>2</sup> 2020 FACTS: Enrollment, Graduates, and MD-PhD Data, Table B-1.2. AAMC. Accessed July 8, 2021. <https://www.aamc.org/data-reports/students-residents/interactive-data/2020-facts-enrollment-graduates-and-md-phd-data>