REPORT OF REFERENCE COMMITTEE C
Donald P. Condit, MD, Chair

May 6, 2017

Reference Committee C was assigned Resolutions 04-17, 15-17, 22-17, 65-17, 68-17, 72-17, and Board Action Reports #01-17, #10-17, and #11-17. The Committee also considered Resolutions 73-16 and 78-16 that constitute changes to the Bylaws that were approved on first reading at the 2016 House of Delegates.

04-17 - Initiate Legal Action Against Hospitals and Insurers - AMEND

The Committee amended the resolved portions to read:

RESOLVED: That MSMS engage with MSMS Legal Counsel to determine whether a viable cause of action exists against Michigan hospitals and/or insurers that require American Board of Medical Specialties Maintenance of Certification as a requirement for (1) medical staff membership, privileging, credentialing, or recredentialing or (2) insurance panel participation, are in violation of anti-trust laws including the Sherman Act; and be it further

RESOLVED: That MSMS work with our American Medical Association (AMA) and our AMA’s Litigation Center to determine whether the maintenance of certification programs and/or policies of the American Board of Medical Specialties and/or any of the ABMS Medical Boards are in violation of anti-trust laws including the Sherman Act.

The Committee amended the first Resolved to allow MSMS Legal Counsel to research and investigate possible cause of action related to MOC and to evaluate the existing lawsuit being pursued by the Association of American Physicians & Surgeons’ (“AAPS”) against the American Board of Medical Specialties (“ABMS”).

The second Resolved was removed as a friendly amendment by the author.

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15-17 - Tax Exemption Status for Over-The-Counter Medications – APPROVE

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22-17 - Reaffirm the MSMS and AMA’s Commitment to Diversity and Tolerance - AMEND

The Committee and House of Delegates amended the resolved portion to read:

RESOLVED: That MSMS reaffirms its commitment to diversity and inclusion and condemns all attempts by agencies, be they government or private, to discriminate based on race, religion, sexual orientation, creed, sex, gender identity, disability, ethnic origin, national