

REPORT OF REFERENCE COMMITTEE C

Donald P. Condit, MD, Chair

May 6, 2017

811 Reference Committee C was assigned Resolutions 04-17, 15-17, 22-17, 65-17, 68-17, 72-17, and
812 Board Action Reports #01-17, #10-17, and #11-17. The Committee also considered Resolutions
813 73-16 and 78-16 that constitute changes to the Bylaws that were approved on first reading at the
814 2016 House of Delegates.

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816 **04-17 - Initiate Legal Action Against Hospitals and Insurers - AMEND**

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818 The Committee amended the resolved portions to read:

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

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

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

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

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841 **15-17 - Tax Exemption Status for Over-The-Counter Medications – APPROVE**

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845 **22-17 - Reaffirm the MSMS and AMA's Commitment to Diversity and Tolerance - AMEND**

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

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