

North Carolina Medical Society

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**PROCEDURES**  
of the  
**HOUSE of DELEGATES**

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## **PREFACE**

The House of Delegates of the North Carolina Medical Society transacts its business according to a blend of rules imposed by its Constitution and Bylaws, established by tradition, decreed by its presiding officers, and generally pursuant to the dictates of *Sturgis Standard Code of Parliamentary Procedure*. Parliamentary law serves to aid an assembly in orderly, expeditious and equitable accomplishments 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, yet the right of the minority must never be overlooked. It is the obligation of the Speaker to sense the will of the House, to preside accordingly, and to hold his/her rulings ever subject to challenge from and reversal by the House. In keeping with this concept, the following outline of procedures is offered as a guide in an attempt to reduce misunderstanding and confusion.

## **INTRODUCTION OF BUSINESS**

Tradition governs a substantial portion of each formal session of the House of Delegates. Addresses by the outgoing and incoming Presidents, remarks by the Speaker, recognition of distinguished guests, presentation and acceptance of awards, and the like are in this category. It is the prerogative of the Speaker to permit as many of these niceties as he/she 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 to the proposals, but because of his/her primary obligation to conserve time so that the House may complete its business.

## **RESOLUTIONS AND REPORTS**

Business is introduced into the House through the presentation of resolutions and reports. Resolutions are submitted by component societies, specialty societies, special sections or individual delegates.

Any resolution to be considered as regular business must have been filed with the Executive Vice-President, CEO of the Society at least forty-five (45) days before the first meeting of the House of Delegates.

Acceptance of late resolutions (received after the 45-day deadline) shall require a 2/3 vote of the House.

### **Standards for Resolutions**

*RESOLVES:* The essential element of a resolution is the portion expressed as one or more “Resolved” sections. Resolves should be worded as policy statements rather than directives to take a specific action. The proper format for a policy statement would be:

- RESOLVED, That the North Carolina Medical Society supports X; or
- RESOLVED, That the North Carolina Medical Society opposes X.

“X” is the variable that stands for the general proposition being supported or opposed.

Policy statements should not direct a specific action. A proper statement of policy will allow the Society more flexibility to carry

out the policy in the most effective manner possible.

Whether there are one or five Resolves, each Resolve must be independently understandable. Therefore, Resolves should not contain acronyms or pronouns.

Resolutions that contain only policy statements do not require the author to provide a fiscal note. Staff will provide the fiscal note.

There may be instances where a specific directive to take action (action item) is warranted. When this is the case, the following guidelines should be adhered to:

- If there is an existing policy in the NCMS Policy Manual that supports the action item, the policy should be cited in the prefatory “Whereas statement” (see “Whereas statements,” p. 5);
- If there is not an existing policy that supports the proposed action item, then the first Resolve listed should contain an appropriate policy statement.

Action items should be formatted in the same way as a policy statement: “RESOLVED, That the North Carolina Medical Society...”

All resolutions containing action items must include a fiscal note. The fiscal note is an attempt to place a cost on the resources including staff time that need to be expended to carry out the action specified in the resolution. Composing a letter to be sent to a governmental agency may cost \$300 whereas pursuing a legislative solution to a problem may cost \$25,000 or more.

Any action item that is adopted will not go into the NCMS Policy Manual. The NCMS Policy Manual is reserved for appropriate policy statements. Action items will be reported in a specially designated section of the Speaker’s Report. Since the Speaker’s Report is finalized only once a year for the Annual Meeting, the action item will remain in the Speaker’s Report until the first Annual Meeting after the action has been completed.

**TITLES:** Titles should be limited to the actual subject matter of the resolution. Verbs should be avoided. Adjectives and nouns should be used whenever possible. For example, “Blood Alcohol Screening” is better than “Obtaining Patient’s Consent Prior to Blood Alcohol Screening.”

**WHEREAS STATEMENTS:** Resolutions should include one or more prefatory “Whereas statements.” Whereas statements are important because they explain the rationale behind the resolution. Whereas statements should clearly and succinctly state the underlying reasons for the proposed policy.

The House of Delegates will only adopt the Title and the “Resolved” portion of the resolution. It is not necessary to amend the language of the introductory portions of a resolution as these statements are not recorded as policy of the North Carolina Medical Society. Therefore, it is out-of-order to propose formal amendments to the wording of the Whereas statements of a resolution.

## **Presentation of Resolutions and Reports**

Resolutions which have complied with the deadline date established in the Bylaws and reports from the Board of Directors or President will be regarded as officially received and property of the House of Delegates. If a resolution or report is to be withdrawn, this request should be forwarded to the Speaker before the First Session of the House.

Early in the First Session of the House, the Speaker will call for the introduction of late resolutions. Late resolutions will be introduced by title and sponsor (the “Resolves” will not be read). Five typed copies of each late resolution should be brought to the Speaker. All late resolutions will be reviewed by the Credentials Committee. The Committee will consider the appropriateness of the late resolutions based on urgency and importance to the goals and objectives of the Medical Society. Late resolutions that are urgent

and of sufficient importance to the Medical Society will be deemed as “Recommended for Acceptance” by the House of Delegates. Those late resolutions that are not time sensitive or of immediate importance to the goals and objectives of the Society will be deemed “Not Recommended for Acceptance” by the House.

The Chair of the Credentials Committee of the House will present late resolutions to the House by title in two groups, those “recommended for acceptance” and “not recommended for acceptance” during the First Session of the House of Delegates. Late resolutions will require a 2/3 vote of the House to be accepted as business of the House.

## **RESTATING NORTH CAROLINA MEDICAL SOCIETY POLICY**

A negative vote by the House of Delegates on resolutions which restate North Carolina Medical Society policy does not change existing policy. Society policy can only be changed by means of a positive action of the House specifically intended to change that policy.

## **REFERENCE COMMITTEES**

### **Virtual Reference Committee**

At the 2011 North Carolina Medical Society (NCMS) Annual Meeting and House of Delegates (HOD), members voted to test a new meeting format, which includes online or “virtual” Reference Committees and a shortened HOD. Therefore, there will be no onsite Reference Committees this year.

The goal of the new HOD format is to involve more members from across the state and to minimize the amount of time Delegates spend away from patient care. This new format includes significantly different procedures for resolutions and other business of the HOD.

The major change for the HOD is that all Reference Committee deliberation has taken place prior to the meeting in Raleigh.

Reference Committee reports became available on October 19 and will be voted on during the second session of the HOD on Saturday, October 27, with all business concluding that day. Thank you for making NCMS history by participating in this new, contemporary meeting format and have a voice in NCMS policy issues affecting your patients and your practice.

## **Overview on Reference Committees**

Reference Committees are groups of at least three delegates selected by the Speaker to conduct open hearings on matters of business of the Society. Having heard discussion on the subject before it, the committee draws up a report with the recommendations to the House for disposition of its items of business.

Reference Committee hearings are open to all members of the Society and guests and interested outsiders. Any member of the Society is privileged to speak on the resolution or report under consideration. Others, upon recognition by the chair, may be permitted to speak.

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 order of consideration, limitation of time, repetitive statements, recesses, and the like. The Reference Committee hearing is a 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 on the floor of the House. It is recognized, however, that conflicts occur which prevent a delegate from being present at the Reference Committee when an item of business is being heard by the Committee. The Reference Committee will allow testimony concerning an issue which has already been considered. The Chair of the Committee should be asked for a time to reconsider the item.

Reference Committees are not the place for debate between

speakers. All comments should be directed to the Reference Committee. All those interested in speaking should be allowed to do so before an individual requests to be recognized a second time to give testimony on the same item of business. No votes or showing of hands for or against a proposal should occur at a Reference Committee.

Following its open hearing, a Reference Committee will go into executive session for deliberation and construction of its report. It may call into such executive session anyone whom it may wish to hear or question.

Minority reports from Reference Committees are in order.

## **REFERENCE COMMITTEE REPORTS**

Reference Committee reports comprise the bulk of the official business of the House of Delegates.

Reference Committees have wide latitude in their efforts to create reports which incorporate the testimony they have heard. The goal is to achieve policy that is beneficial to the North Carolina Medical Society. They may amend resolutions, consolidate kindred resolutions by constructing substitutes, and they may recommend action such as adopt, not adopt, amend, refer for action, refer for study and report back to the House, and file.

At the Second Session of the House, the Reference Committee report is considered the matter before the House, with each recommendation being treated as a main motion for purposes of parliamentary procedure. Thus, if several resolutions concerning a subject have been submitted, the Reference Committee substitute will be the matter before the House for discussion. To get back to an original resolution or report, a Delegate would have to make a motion to amend the committee's main motion by substituting the original resolution or report.

Your Speakers recommend that each item referred to a Reference Committee be reported to the House as follows:

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1. Identify the resolution or report by number or letter and title.
2. Comment, as appropriate, on the testimony presented at the hearings.
3. Incorporate supporting evidence of the recommendations for the committee.
4. State concisely the committee's recommendations.
5. Consent Calendar: The Consent Calendar or waiver of debate list includes those items referred to the reference committee that are of a non-controversial or informational nature, or that generated little or no debate during the hearings. These items are listed at the end of the reference committee report with the committee's recommendation for adoption. At the time of presentation of the Consent Calendar, a Delegate may request removal of any item for debate or individual action without the need for a vote on permission to separate it from the other items.
6. Amendments to the Constitution and Bylaws will not be placed on the Consent Calendar. The Budget will not be placed on the Consent Calendar.

Form of Action upon Resolutions and Reports: For each report or resolution assigned to it, the Reference Committee may make any of the following actions: adopt; not adopt; file; refer with instruction for action for study and report back. All referrals are made to the Board of Directors.

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

1. **Adopt** is used when the reference committee recommends that the report or resolution be approved by the House and should be used when the original report or resolution is unchanged or when a substitute is being recommended. If the reference committee recommends minor modifications to the report or resolution, the appropriate action would be adopt as amended.

2. **Not adopt** should be used for items that are clearly rejected by the House;
3. **File** should be used when the House wishes to acknowledge that a report has been received and considered, but that no action upon it is necessary or desirable.
4. **Refer** should be used when the House does not wish to assume responsibility for the recommendations of a report in its existing form, and would like the Board of Directors to consider it further. There are two options with referred items: refer for action, directs the Board to address the report or resolution as it deems appropriate; refer for study and report back directs the Board to conduct further research on the issue and to bring back a specific recommendation to the next meeting of the House of Delegates.

## **PARLIAMENTARY PROCEDURE IN THE HOUSE**

It is necessary in an assembly of over 200 delegates to insist that each individual speaking to an issue be recognized by the Chair, be at a microphone, and be properly identified for the recordation of the proceedings. The Delegate should state his/her name and component society, office, or NCMS section membership. The Delegate should make comments concerning the item of business at hand and state if he/she is speaking for or against the motion.

A few comments on specific procedures may be helpful:

***Reference Committee recommendations are main motions, therefore the following motions are subsidiary motions:***

### ***The motion to AMEND***

The item of business being considered by the House is subject to modification. The most common method is for a Delegate to **AMEND** the item. This proposed amendment, if seconded, becomes the item of business for the House to consider. Often another delegate will propose amending the now current item of business. This secondary amendment, if seconded, becomes the item of business of the House and must be

voted upon before any other amendments may be proposed. Any tertiary amendment will be ruled out of order until the proposed secondary amending has been acted upon.

***The motion to REFER***

If it is desired that a matter be referred to the Board of Directors, it should include instructions to be referred for action or referred for study and report back to the House of Delegates.

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.

***The motion to CLOSE DEBATE AND VOTE IMMEDIATELY (or CALL THE QUESTION)***

If the House has heard both sides of the question and if the debate seems repetitive, the motion to **CLOSE DEBATE AND VOTE IMMEDIATELY** is appropriate. It requires a 2/3 affirmative vote to sustain the motion if it limits debate. It is a statement by the House 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 Speaker will rule the motion to vote immediately out of order if both sides of the question have not been heard. If the motion is to **CLOSE DEBATE AND VOTE IMMEDIATELY ON THIS AND ALL PENDING ISSUES**, then voting will occur on that motion and all pending motions.

***The motion to POSTPONE TO A CERTAIN TIME***

The motion to **POSTPONE TO A CERTAIN TIME** defers consideration of a pending main motion to a later specific date or time. For example the pending item of business may be deferred to the first item of business after lunch. Debate on this motion is restricted to brief discussion of the time or reason for postponement. A majority vote is required to sustain this motion.

***The motion to POSTPONE TEMPORARILY (or TABLE)***

The motion to **POSTPONE TEMPORARILY** can not be

debated and if sustained by a majority vote it sets aside the pending item of business for the remainder of the House. A subsequent motion to resume consideration (take from the table) is required for further consideration.

***The motion to RECONSIDER, however, is a main motion.*** In case a motion to reconsider is seconded, the Speaker will allow limited debate on the reasons for reconsidering. If the motion to RECONSIDER is sustained, the situation reverts to the exact position it occupied before it was voted upon.

# **AMENDMENT TO CONSTITUTION AND BYLAWS**

## **Bylaws**

The Bylaws may be amended during the course of an Annual Session by the majority vote of all the delegates present if the resolution or report proposing the amendment has lain upon the table for one day. Such items as have been sent out to the members of the House of Delegates by the Constitution and Bylaws Committee at least one week in advance of the meeting at which they are proposed may be passed at one sitting of the House of Delegates.

It is highly desirable that advance arrangements be made to insure that the Constitution and Bylaws Committee has had an opportunity to review the proposal and to pass an opinion upon the wording, and the possibility of conflicts, with the Constitution or other portions of the Bylaws.

## **Constitution**

The Constitution may not be amended during the course of a single annual meeting of the House of Delegates.

Amending the Constitution requires a majority vote at one annual meeting of the House of Delegates and a 2/3 affirmative vote at the next annual meeting of the House of Delegates.

Alternatively the Constitution may also be amended if a proposed amendment has been approved by a general referendum as provided for in ARTICLE XI of the Constitution and is then approved by a 2/3 affirmative vote at the next annual meeting of the House of Delegates.



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