Whereas, The AMA Council on Ethical and Judicial Affairs (CEJA) recently concluded a difficult and years-long project to modernize the AMA Code of Medical Ethics; and

Whereas, The modernized AMA Code of Medical Ethics (the Code) was approved by the AMA House of Delegates; and

Whereas, During the AMA Interim 2016 House of Delegates meeting, CEJA amended the Code by filing a CEJA Opinion which is not subject to any vote of approval by the House of Delegates, instead of submitting a CEJA Report which would have been subject to Reference Committee review and a vote by the House; and

Whereas, The process that was utilized by CEJA is not subject to any oversight or approval by the AMA House of Delegates, and therefore subject to abuse; and

Whereas, AMA Policy G-615.040 does not provide any special protections for the AMA Code of Medical Ethics; and

Whereas, The AMA Bylaws specifies the process by which the Principles of Medical Ethics of the AMA may be amended; and

Whereas, The AMA Bylaws is silent regarding the AMA Code of Medical Ethics; therefore, be it

RESOLVED, That our American Medical Association Bylaws be amended to reflect the following statements about the AMA Code of Medical Ethics:

1) The AMA Code of Medical Ethics shall be included in the Bylaws in the same manner that the AMA Principles of Medical Ethics is included;

2) The Bylaws shall specify the process by which the AMA Code of Medical Ethics may be altered, amended, or changed in any way;

3) The process for amending the AMA Code of Medical Ethics shall be that the AMA Council on Ethical and Judicial Affairs (CEJA) would first submit a CEJA Report to the House of Delegates with proposed new language, and if the House of Delegates votes to approve the Report, then CEJA will issue a CEJA Opinion containing the same language of the Report; and be it further

RESOLVED, That the Medical Society of the State of New York direct its AMA Delegation to submit this resolution to the AMA Annual 2017 House of Delegates meeting.
AMA policy on opinions and reports of CEJA includes the following: (1) CEJA will inform the House of Delegates of an ethical Opinion adopted by the Council by presenting the Opinion to the House. The Council: (a) will identify the Opinion as informational; (b) may provide a description or discussion of the underlying facts and circumstances leading to the adoption of the ethical Opinion, and also an explanation of the Opinion and the reasons for its adoption by the Council. This explanatory material is neither the opinion of the Council nor policy of the Association; (c) will identify one or more Principles of Medical Ethics that form the basis for issuing the ethical Opinion; and (d) will provide the text of the ethical Opinion.

(2) The House’s process for considering opinions of CEJA may include the following elements: (a) Opinions of CEJA will be placed on the consent calendar for informational reports, but may be withdrawn from the consent calendar on motion of any member of the House of Delegates and referred to a Reference Committee. (b) The members of the House may discuss an ethical Opinion fully in Reference Committee and on the floor of the House. (c) After concluding its discussion, the House shall file the Opinion. (d) The House may adopt a resolution requesting CEJA to reconsider or withdraw the Opinion. CEJA shall respond to such a request in due course, after reconsidering the issues presented. The Opinion of CEJA that responds to such a request will be considered as informational, and therefore shall be filed.

(3) Reports of CEJA which respond to requests from the House or which make recommendations to the House may be adopted, not adopted, or referred, as may be appropriate. A report may not be amended, except for amendments that clarify the meaning of the report and only with the concurrence of the Council.

AMA Constitution and Bylaws
12—Amendments
12.1 Bylaws. These Bylaws may be amended by a two-thirds vote of delegates present and voting, provided an amendment shall not be acted on sooner than the day following that on which it was introduced.

12.2 Principles of Medical Ethics. The Principles of Medical Ethics of the AMA may be amended at any meeting by a two-thirds vote of delegates present and voting, provided that the proposed amendment shall have been introduced at the preceding meeting.

12.3 Articles of Incorporation. The Articles of Incorporation of the AMA may be amended at any regular or special meeting of the House of Delegates by the approval of two-thirds of the voting members of the House of Delegates registered at the meeting, provided that the Board of Trustees shall have approved the amendment and submitted it in writing to each member of the House of Delegates at least 5 days, but not more than 60 days, prior to the meeting of the House of Delegates at which the amendment is to be considered.