

2007 HOD RESOLUTIONS

REPORTS

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2007 Actions on ISMA House of Delegates Resolutions

RESOLUTION 07-01 REQUIRING FAST FOOD RESTAURANTS TO PROVIDE NUTRITIONAL INFORMATION FOOD LABELS

Introduced by: Caitilin Kelly, M.D., Indiana ACP Health and Public Policy Committee Chair, and Second District Medical Society

Action: Adopted as amended

RESOLVED, that the ISMA support and seek legislation requiring all restaurants with 10 or more locations to provide information on key nutrients (calories, saturated plus trans fat, carbohydrates and sodium per serving) at point of sale for standard menu items.

RESOLUTION 07-02 TASER SALES TO THE GENERAL PUBLIC

Introduced by: Caitilin Kelly, M.D., Indiana ACP Health and Public Policy Committee Chair, and Second District Medical Society

Action: Not adopted

RESOLVED, that until more in-depth and detailed studies have been performed on tasers, the ISMA support legislation prohibiting the sale of tasers to the general public.

RESOLUTION 07-03 INFORMING PHYSICIANS WHEN MEDICATION SUBSTITUTIONS ARE MADE

Introduced by: Caitilin Kelly, M.D., Indiana ACP Health and Public Policy Committee Chair, and Second District Medical Society

Action: Not adopted

RESOLVED, that the ISMA seek legislation that would require a pharmacist to notify a physician of any non-requested medication substitutions for Medicaid patients.

RESOLUTION 07-04 LIMITING PHARMACEUTICAL COMPANY INVOLVEMENT IN THE FORMULATION OF CLINICAL GUIDELINES

Introduced by: Caitilin Kelly, M.D., Indiana ACP Health and Public Policy Committee Chair, and Second District Medical Society

Action: Adopted as amended

RESOLVED, that the ISMA support full disclosure by all participants who formulate clinical practice guidelines of their relationships with pharmaceutical and medical device industries.

RESOLUTION 07-05 PAY ATTENTION, DRIVE ALERT CAMPAIGNS

Introduced by: Ed Probst, M.D.

Action: Not adopted (Language was inserted in Resolution 07-29A that was referred to the Board of Trustees for action.)

RESOLVED, that the ISMA undertake an educational campaign among its membership and the public to promote awareness of the dangers of driving while talking on cell

phones; and be it further
RESOLVED, that the ISMA undertake a campaign to discourage all citizens from talking to a driver of a vehicle on a cell phone; and be it further

RESOLVED, that the ISMA encourage the state of Indiana, insurance companies, and others to promote similar campaigns; and be it further

RESOLVED, that the Indiana AMA delegation introduce similar resolutions (if not already in place) to the AMA, substituting "Surgeon General" for "state of Indiana" in the third resolve.

RESOLUTION 07-06 MEMBER INSURANCE PLAN

Introduced by: Indianapolis Medical Society

Action: Not adopted

RESOLVED, that ISMA explore innovative options for an insurance plan that would work with hospital systems and another payer to negotiate competitive rates for ISMA insureds.

RESOLUTION 07-07 REAFFIRMING THE ISMA ADVOCACY POSITION ON FAMILY VIOLENCE

Introduced by: ISMA's Family Violence Committee

Action: Adopted

RESOLVED that the ISMA support and advocate for measures that will strengthen the protection of children and endangered adults from acts of abuse; and be it further

RESOLVED that the ISMA oppose all state and federal legislation and actions that will in any way hinder, obstruct or weaken the ability of law enforcement agencies to investigate suspected cases of abuse of children and endangered adults.

RESOLUTION 07-08 REVISING THE ISMA DR. KATHLEEN GALBRAITH LEGACY LEADERSHIP AWARD

Introduced by: ISMA's Family Violence Committee

Action: Adopted as amended

RESOLVED that the purpose of the ISMA Dr. Kathleen Galbraith Legacy Leadership Award be revised to acknowledge a legislator, physician or layperson whose significant contributions have sought to promote the health and safety of the younger members of our communities by addressing issues of endangerment and/or violence; and be it

RESOLVED, that all nominations be submitted by an ISMA committee, commission or member in good standing and will consist of a letter detailing the qualifications of the nominated individual; and be it further

RESOLVED, that the awardee will be selected by a selection committee designated by the current president; and be it further

RESOLVED, that the award be presented annually at the House of Delegates if a suitable recipient is identified; and be it further

RESOLVED, that Resolution 07-08 replace Resolution 06-23 passed by the 2006 House of Delegates.

**RESOLUTION 07-09
HEALTH PROFESSIONS BUREAU
WEB SITE FOR RENEWAL
OF MEDICAL AND STATE
CONTROLLED SUBSTANCE
LICENSES**

Introduced by: Mitchell Travis, M.D.
Action: Referred to the Board of Trustees for study

RESOLVED, that the ISMA vigorously request that the Indiana Health Professions Bureau remove all additional fees and surcharges attached to the cost of both the Indiana State Controlled Substances License and Indiana State Medical License so as to keep their costs at or below (due to decreased overhead from online renewal) \$60 and \$200 respectively.

**RESOLUTION 07-10
TELEPHONE DEVICES AND AUTO
ACCIDENTS**

Introduced by: Ed Probst, M.D.
Action: Not adopted (Language was inserted in Resolution 07-29A that was referred to the Board of Trustees for action.)

RESOLVED, that the ISMA encourage investigation and education regarding the dangers of operating a telephonic device while driving.

**RESOLUTION 07-11
MEDICAL OFFICE AND HEALTH
FACILITY SAFETY AND SECURITY**

Introduced by: David Welsh, M.D.
Action: Adopted

RESOLVED, that the ISMA work with the Indiana Hospital & Health Association and other interested organizations to promote workplace safety for physicians and other health care workers.

**RESOLUTION 07-12
SUPPORT OF GAY MARRIAGE**

Introduced by: William Buffie, M.D.
Action: Not adopted

RESOLVED, that the ISMA formally oppose legislation proposing a ban against gay marriage, or any measures compromising the medical/legal rights or societal/moral standing of homosexuals.

**RESOLUTION 07-13
ESTABLISHING MEDICAL HOMES**

Introduced by: Mary Ian McAteer, M.D.

Action: Adopted as amended

RESOLVED, that the ISMA endorse the importance of the medical home for patients of all ages; and be it further

RESOLVED, that the ISMA educate its members and the public about the medical home concept; and be it further

RESOLVED, that the ISMA discuss with ancillary organizations representing nurse practitioners, physician assistants, pharmacists, etc., the importance of a medical home for patients, and be it further

RESOLVED, that because retail clinics are completely contrary to the concept of medical home that the ISMA investigate and develop policy regarding these clinics, and be it further

RESOLVED, that the fourth resolved only be referred to the ISMA Board of Trustees for action.

**RESOLUTION 07-14
CIVIL LEGAL SYSTEM**

Introduced by: P.K. Samaddar, M.D.
Action: Not adopted

RESOLVED, the ISMA seek legislation in the Indiana General Assembly to implement a civil tort system similar to that of England.

**RESOLUTION 07-15A
METHADONE DEATHS**

Introduced by: Vidya Kora, M.D.
Action: Adopted in lieu of Resolution 07-15

RESOLVED, that the ISMA seek and support legislation that provides additional regulations beyond federal guidelines for methadone clinics; and be it further

RESOLVED, that the ISMA support inclusion of methadone clinic patients in the INSPECT program; and be it further

RESOLVED, that the ISMA support development of a statewide physician narcotic educational program with prescribing and patient monitoring guidelines.

**RESOLUTION 07-16
ELECTRONIC HEALTH RECORDS**

Introduced by: Mary Ian McAteer, M.D.
Action: Adopted

RESOLVED, that the ISMA educate its members about the various EHR prod-

ucts that are compatible with hospital systems and state information systems; and be it further

RESOLVED, that the ISMA educate its members about alternative SECURE means of communication when EHR is not available; and be it further

RESOLVED, that the ISMA continue to monitor the effectiveness of various EHR products and publish its findings for members.

**RESOLUTION 07-17
HOSPITAL PEER REVIEW**

Introduced by: Mary Vanko, M.D.
Action: Referred to the Board of Trustees for action

RESOLVED, that the ISMA seek legislation requiring that:

- A physician who has been suspended from hospital privileges receive a fair hearing within 60 days
- The hearing be conducted by three board-certified specialists in the same specialty not affiliated with the hospital in question
- The physician be immediately reappointed to the hospital staff with full privileges if the hearing panel supports the physician
- The costs of the physician's defense be paid by the hospital if the physician wins

**RESOLUTION 07-18
TAX ON UNHEALTHY FOOD
CONSUMPTION**

Introduced by: Steven Rupert, D.O.
Action: Not adopted

RESOLVED, that the ISMA support a tax on foods and beverages that are high in fats and sugars and low in nutrition with the revenue being allocated to improving the health of Hoosiers.

**RESOLUTION 07-19
INCREASE IN THE ALCOHOL TAX**

Introduced by: Steven Rupert, D.O.
Action: Adopted

RESOLVED, that the ISMA support increasing the tax on alcohol with revenue from the tax allocated to improving the health of Hoosiers.

**RESOLUTION 07-20
COMPREHENSIVE TREATMENT OF
SEXUAL ASSAULT PATIENTS IN
INDIANA**

Introduced by: Don Henry, M.D.
Action: Adopted as amended

RESOLVED, that the ISMA support state legislation that requires all facilities in Indiana rendering emergency care to provide the following services to sexual assault patients:

1. Treatment of trauma
2. Testing and prophylaxis for sexually transmitted disease
3. Collection of forensic evidence
4. Accurate, factual information about emergency contraception for patients capable of pregnancy

**RESOLUTION 07-21
DISPENSING OF EMERGENCY
CONTRACEPTION**

Introduced by: Don Henry, M.D.
Action: Not adopted

RESOLVED, that ISMA oppose any legislation providing for a "conscience clause" allowing pharmacists to refuse to fill (or, alternatively, to at least direct a patient to another pharmacy that will fill) a prescription for Plan B.

**RESOLUTION 07-22
"TRAP" LEGISLATION**

Introduced by: Don Henry, M.D.
Action: Not adopted

RESOLVED, that ISMA oppose all health care regulation motivated by ideology rather than legitimate patient care, physician safety or quality issues.

**RESOLUTION 07-23
BYLAWS AMENDMENT
CLARIFYING ISMA MEMBERSHIP
ELIGIBILITY REQUIREMENTS**

Introduced by: Commission on Constitution and Bylaws
Action: Adopted

RESOLVED, that the following ISMA Bylaws provisions be amended to clarify their meaning and intent as follows:

Section 1.0101 Regular Member:

- The term "Regular Member" as used in these Bylaws shall be
1. A person who holds the degree of Doctor of Medicine or Bachelor of Medicine or Doctor of Osteopathy, or and who holds a valid, unrestricted license to practice medicine, except as specified in 1.0303(b),

Section 11.02 Membership

Qualifications:

Each component county society shall be judge of the qualifications of its own members, but, as such societ-

ies are the only portals to regular membership in this Association, every reputable and legally registered physician who holds a degree of Doctor of Medicine, a degree of Bachelor of Medicine, or a degree of Doctor of Osteopathy and who holds a valid, unrestricted license to practice medicine and surgery in Indiana shall be eligible for membership.

RESOLUTION 07-24 BYLAWS AMENDMENT UPDATING ADOPTION OF AMA PRINCIPLES OF MEDICAL ETHICS

Introduced by: Commission on Constitution and Bylaws

Action: Adopted

RESOLVED, that ISMA Bylaws section 18.01 be amended to incorporate the most current version of the AMA Principles of Medical Ethics as follows:

PREAMBLE:

The medical profession has long subscribed to a body of ethical statements developed primarily for the benefit of the patient. As a member of this profession, a physician must recognize responsibility to patients first and foremost, as well as to society, to other health professionals, and to self. The following Principles adopted by the American Medical Association are not laws, but standards of conduct which define the essentials of honorable behavior for the physician.

- I. A physician shall be dedicated to providing competent medical care, with compassion and respect for human dignity and rights.
- II. A physician shall uphold the standards of professionalism, be honest in all professional interactions, and strive to report physicians deficient in character or competence, or engaging in fraud or deception, to appropriate entities.
- III. A physician shall respect the law and also recognize a responsibility to seek changes in those requirements which are contrary to the best interests of the patient.
- IV. A physician shall respect the rights of patients, colleagues, and other health professionals, and shall safeguard patient confidences and privacy within the constraints of the law.
- V. A physician shall continue to study, apply, and advance scientific knowledge, maintain a commitment

to medical education, make relevant information available to patients, colleagues, and the public, obtain consultation, and use the talents of other health professionals when indicated.

VI. A physician shall, in the provision of appropriate patient care, except in emergencies, be free to choose whom to serve, with whom to associate, and the environment in which to provide medical care.

VII. A physician shall recognize a responsibility to participate in activities contributing to the improvement of the community and the betterment of public health.

VIII. A physician shall, while caring for a patient, regard responsibility to the patient as paramount.

IX. A physician shall support access to medical care for all people. and, be it further

RESOLVED, that ISMA Bylaws section 11.02 be amended as follows to incorporate the Preamble of the Principles of Medical Ethics of the American Medical Association:

Provided, however, that each component county society may deny membership in such society for infraction or violation of any law relating to the practice of medicine or of the Constitution and Bylaws of such society, the Constitution and Bylaws of the Indiana State Medical Association, the Constitution and Bylaws of the American Medical Association, or for a violation of the Preamble to the Principles of Medical Ethics of the Indiana State Medical Association American Medical Association; and may, after due notice and hearing, censor, suspend or expel any member for any such infraction. Before a charter is issued to any component county society, full and ample notice and opportunity shall be given to every physician in the county to become a member.

RESOLUTION 07-25 RESTRICTIONS ON PROMOTION AND ADVERTISING OF ALCOHOL PRODUCTS

Introduced by: Dick Huber, M.D.

Action: Adopted

RESOLVED, that the ISMA delegation introduce a resolution at the next annual AMA meeting to seek legislation based on current policy that would:

1. Limit the promotion and advertising

- of alcohol products to youth and young adults, similar to restrictions placed on tobacco products, and
2. Require alcoholic beverages to contain strong warnings of effects pertinent for our youth

RESOLUTION 07-26A PHYSICIAN IDENTIFICATION

Introduced by: Dick Huber, M.D.

Action: Adopted as amended

RESOLVED, that the ISMA adopt AMA Policy H-360.986 Professional Nurse Staffing in Hospitals (3) encouraging medical and nursing staffs to use identification mechanisms, e.g. badges that provide the name, credentials and/or title of the physicians, nurses, allied health personnel and unlicensed assistive personnel, in facilities to enable patients to easily note the level of personnel providing their care.

RESOLUTION 07-27 PROTECTING CHILDREN FROM SECOND-HAND SMOKE AND FIRES

Introduced: Dick Huber, M.D.

Action: Adopted as amended

RESOLVED, that the ISMA support legislation, policy, rules and regulations that would ban smoking in a vehicle with children; and be it further
RESOLVED, that the ISMA seek and support legislation, policy, rules and regulations that would protect children in foster or guardianship care from second-hand smoke in enclosed areas.

RESOLUTION 07-27A USE OF 'FIRE-SAFE' CIGARETTES*

Introduced by: Dick Huber, M.D.

Action: Adopted

RESOLVED, that the ISMA establish policy and seek legislation, rules and regulations that would require cigarettes to be "fire-safe" (self-extinguishing or Reduced Ignition Propensity, R.I.P.).

** This resolution is the result of dividing Resolution 07-27 into two separate resolutions to address two different issues.*

RESOLUTION 07-28 SMOKING BAN IN PUBLIC AREAS IN INDIANA

Introduced by: Dick Huber, M.D.

Action: Adopted

RESOLVED, that the ISMA establish

policy and support legislation, rules and regulations that would ban smoking in public places in Indiana.

RESOLUTION 07-29A RESTRICTING USE OF ELECTRONIC DEVICES WHILE DRIVING

Introduced by: Dick Huber, M.D.

Action: Referred to the Board of Trustees for action

RESOLVED, that the ISMA work with all groups to educate the public about the hazards of using a cell phone and electronic messaging while driving; and be it further

RESOLVED, that the ISMA work with groups trying to create legislation to make using a hand-held cell phone and electronic text messaging while driving a fineable offense, and support such legislation to the extent supported by scientific data, with appropriate exemptions for law enforcement, public safety workers, and medical professionals; and be it further

RESOLVED, that Resolution 97-51, which promotes education about the dangers of cell phone use while driving, continue as ISMA policy.

RESOLUTION 07-30 ELIMINATING SPECIALTY SECTIONS AND DELEGATES

Introduced by: Dick Huber, M.D.

Action: Not adopted

RESOLVED, that the ISMA eliminate specialty sections and their delegates at the ISMA House of Delegates.

RESOLUTION 07-31A VITAMIN D RECOMMENDATION

Introduced by: Stacie Wenk, D.O.

Action: Adopted in lieu of Resolution 07-31

RESOLVED, that the ISMA work with the Indiana Health Care Association to establish policy for all current and incoming nursing home residents to undergo a balance assessment; and be it further

RESOLVED, that the ISMA work with all payers to identify the benefits of vitamin D for all nursing home residents and cover the costs for those residents to receive a minimum of 1000 units of vitamin D (in the D3 formulation) daily for maintenance as well as to afford the previously mentioned benefits.

RESOLUTION 07-32 CONFLICT OF INTEREST

Introduced by: Roger Jones, M.D.
Action: Not adopted

RESOLVED, that the ISMA encourage county medical societies and hospital boards to adopt policy that would require:

- Ethical conduct by anyone taking part in the operations or governance of the medical society or hospital board in any capacity and be subject to reprimand in cases deemed unethical
- Disclosure of any conflict of interest by members. Should there be a conflict of interest, that member(s) should abstain from any decision-making process or voting procedure.
- Members to serve on only one board or committee of a medical organization at the same time
- The location of medical organization meetings be held at a time and place that does not present a conflict of interest for those attending and would encourage a majority of participants to attend

RESOLUTION 07-33 SHAM PEER REVIEW

Introduced by: Roger Jones, M.D.
Action: Referred to the Board of Trustees for action

RESOLVED, that the ISMA oppose the practice of sham peer review; and be it further

RESOLVED, that the ISMA establish policy that those who conduct or participate in sham peer review engage in unethical and/or unprofessional conduct; and be it further

RESOLVED, that the ISMA support legislation that extends existing "Whistleblower" and "Patient Advocate" laws to physicians who are employees of hospitals, managed care organizations, states and federal institutions, to all physicians in Indiana; and be it further

RESOLVED, that the ISMA seek legislation that would authorize the Indiana Medical Licensing Board to take appropriate action, including a license review, against individual medical providers, ambulatory surgery centers and hospitals in Indiana for unethical/unprofessional practices.

RESOLUTION 07-34 UNIVERSAL HEALTH INSURANCE IN INDIANA

Introduced by: Robert Stone, M.D.
Action: Referred to the Board of Trustees for study

RESOLVED, that the ISMA support passage of legislation by the Indiana General Assembly that would provide all citizens with health insurance coverage, improve affordability, ensure patients' choice of medical providers, and focus on disease prevention and health promotion; and be it further

RESOLVED, that any such legislation to provide all citizens with health insurance coverage also achieve reduction in health insurance administrative costs by requiring uniform administrative processes including, but not limited to, claim submission, procedure authorization, prescription drug access and claim payment.

RESOLUTION 07-35 PROPER REIMBURSEMENT FOR VACCINES

Introduced by: Windel Stracener, M.D., and the IAFP
Action: Adopted as amended

RESOLVED, that the ISMA work with primary care physician organizations, including the Indiana Academy of Family Physicians, to seek dialogue with payers to obtain a reimbursement rate that covers at least the cost of vaccines, plus overhead costs and costs involved in administration of vaccines; and be it further

RESOLVED, that should dialogue with payers not result in adequate change in the reimbursement rate to cover the total cost of vaccination (vaccines, overhead and administration costs), that the ISMA work with the appropriate entities to seek and support legislation that will provide adequate reimbursement.

RESOLUTION 07-36 FIXING THE CONVERSION FACTOR

Introduced by: Windel Stracener, M.D., and the IAFP
Action: Referred to the Board of Trustees for action

RESOLVED, that the ISMA initiate dialogue with Indiana's insurance companies to resolve the payment disparity

between procedural and primary care physicians and develop possible solutions regarding this payment disparity; and be it further

RESOLVED, that if appropriate dialogue with Indiana's insurance companies does not work to resolve the payment disparity between procedural and primary care physicians, the ISMA work with the appropriate legislative body to resolve the payment disparity between procedural and primary care physicians.

RESOLUTION 07-37 RESTRICTIONS FOR INDOOR TANNING FACILITIES

Introduced by: Deborah Armstrong, M.D.

Action: Adopted as amended

RESOLVED, that the ISMA adopt policy and seek legislation including, but not limited to:

- Prohibiting minors from using tanning devices
- Posting the surgeon general's warning on all tanning devices
- Prohibiting a person or facility from advertising the use of any ultraviolet A or ultraviolet B tanning device using words such as "safe," "safe tanning," "no harmful rays," "no adverse effect" or similar wording or concepts

RESOLUTION 07-38 PESTICIDE USE IN INDIANA SCHOOLS

Introduced by: John Ellis, M.D.

Action: Referred to the Board of Trustees for study

RESOLVED, that the ISMA task the School Health Committee to provide any available credible information on the status of compliance in each school district in Indiana for review and action of the ISMA Board; and be it further

RESOLVED, that the ISMA work with the Indiana Pesticide Review Board, the Indiana Chapter of the AAP and the AAFP, the Indiana Department of Health, the Indiana Department of Education, the Indiana Department of Environmental Management, Improving Kids' Environment and/or

other appropriate entities to improve compliance of Indiana school districts with the current and future Indiana Pest Control Policy Recommendations regarding the safe and effective use of pesticides or other pest control methods.

RESOLUTION 07-39 UTILIZATION OF INDIANA STROKE GUIDELINES

Introduced by: Robert Flint, M.D., Ph.D.

Action: Referred to the Board of Trustees for action

RESOLVED, that the ISMA endorse the Stroke Care Guidelines developed by the Indiana Stroke Prevention Task Force and recommend their utilization to physicians and other medical care providers in order to maintain a minimum standard of care for patients at risk for and suffering from stroke in the state of Indiana; and be it further

RESOLVED, that the ISMA help disseminate the Stroke Care Guidelines by making them available on the ISMA Web site and by any other means in which the ISMA should deem as appropriate and effective communication.

RESOLUTION 07-40 REIMBURSEMENT OF INJECTABLE DRUGS

Introduced by: Margo Carrancejie, M.D.

Action: Referred to the Board of Trustees for action

RESOLVED, that the ISMA work with the Office of Medicaid Policy and Planning (OMPP) to modify existing policy regarding the reimbursement to physicians for the administration of injectable drugs during office visits; and be it further

RESOLVED, that the ISMA work with the OMPP to modify reimbursement to providers for the purchase of injectable drugs, which provides preventive care through the office setting and reduces potential future costs to the Family and Social Services Administration (FSSA).

NOTE: To read all the original whereas and resolve statements; see the Resolution insert included with the Aug. 21 ISMA Reports or go on-line to www.ismanet.org/resolutions/index.htm.