

CONSTITUTION  
AND  
BYLAWS



ONTARIO COUNTY MEDICAL SOCIETY

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## CONSTITUTION

### ARTICLE 1. NAME AND PURPOSE

1. The name and title of this society shall be The Ontario County Medical Society, Incorporated.
2. The purpose of this Society shall be:
  - 2.1. To extend medical knowledge and advance the science and art of medicine.
  - 2.2. To promote the betterment of public health.
  - 2.3. To assist in the enactment and enforcement of just medical and public health laws.
  - 2.4. To promote friendly intercourse among the physicians of the County.
  - 2.5. To safeguard the professional and economic integrity of its members.
  - 2.6. To establish and maintain appropriate and equitable relationships with the public, with the government and with all agencies working in the field of health and welfare.
  - 2.7. To enlighten and direct public opinion in regard to the problems of medicine and health, for the benefit and best interests of the people of Ontario County.

### ARTICLE 2. MEMBERSHIP

1. Categories: The membership of this Society shall be classified as follows: Active, Life and Honorary.
2. Active Membership:
  - 2.1. Active Membership shall be limited to graduates of recognized Medical or Osteopathic Schools who have completed not less than four satisfactory years of at least eight months each or its equivalent in a Medical School or Osteopathic School in the United States of America or Canada registered as maintaining a standard satisfactory to the Medical Licensing Authorities of the State of New York; or in a Medical School or Osteopathic School in a foreign country maintaining a standard not lower than that prescribed for Medical or Osteopathic Schools in this State. Active Membership shall be confined to physicians or osteopaths who are citizens of the United States or who have declared their intentions of becoming citizens, are of good moral and professional character, who are duly licensed by the State of New York and who are either practicing in the County of Ontario or reside in the County of Ontario. Active Membership may also include those graduates of approved Medical Colleges, engaged in teaching or research in subjects allied to medicine in any reputable institution located in the County of Ontario; those physicians serving in the Armed Forces, Public Health Service and/or any government organization located in Ontario County; those physicians serving or employed in any government hospital located in the County of Ontario. All shall have fulfilled the requirements for admission to Active Membership as prescribed by the Constitution and ByLaws of this and the State Society, except those serving in the Armed Forces, Public Health Service or any government organization who may not be required to have New York State registration.

2.2. Active Membership in this Society shall carry with it membership in the Medical Society of the State of New York and the designated District Branch thereof with all their privileges and prerogatives, except those that are not licensed to practice medicine in the State of New York shall not be eligible for malpractice defense at the expense of the Medical Society of the State of New York.

2.3. Active Members shall pay such dues as are required, have voice and vote in all meetings of the Society and be eligible to hold both elective and appointive office.

3. Life Membership:

3.1. Life Membership shall be composed of former Active Members who are at least seventy years or age or who are permanently disabled, who have applied for and, on recommendation of this Society, have been elected to Life Membership by the House of Delegates of the Medical Society of the State of New York.

3.2. Life Members shall have voice but no vote in the meetings, except that they may have vote in the proceedings of any committee to which they have been assigned. They shall not be eligible for election to office.

3.3. Life Members shall be exempt from all dues and assessments.

4. Honorary Membership:

4.1. Honorary Membership shall consist of individuals who have attained exceptional eminence in their chosen fields and who have been elected to such membership by this Society. Their prerogatives shall be the same as Life Members.

4.2. Honorary Members shall be exempt from all dues and assessments.

ARTICLE 3. OFFICERS AND TERMS OF OFFICE

1. The officers of this Society shall be President, President-Elect, and Secretary/Treasurer, three Censors, and the number of Delegates and Alternatives to which this Society may be entitles.

2. The Officers, with the exception of the President, shall be elected by ballot at the Annual Meeting to be held on the second Tuesday of June.

3. The President-Elect shall automatically succeed the Retiring President and assume office at the same time as other elected officers.

4. The Officers, except Delegates and Alternates, shall be elected for one year only, or until their successors shall have been elected or appointed as hereinafter provided, except that the President may be re-elected for one additional term to succeed himself.

5. All elected Officers and Delegates shall assume their duties on the First of July, after their election. They shall have delivered to them promptly all records and other property of this Society in the possession of their predecessors.

6. This Society shall elect as many Delegates and Alternates as are allotted by the State Society. The term of office of each Delegate and Alternate shall be for two years. An Alternate shall act as a Delegate whenever the Delegate for whom he is the Alternate so requests, is unable or fails to serve, or in the event of death of such Delegate.

#### ARTICLE 4. COMMITTEES

The standing committees of the Society shall be:

1. The Executive Committee.
2. The Board of Censors.
3. Such other committees as are required by the State Society or are created by this Society.

#### ARTICLE 5. EXECUTIVE COMMITTEE

1. The Executive Committee shall consist of the President, President-Elect, Secretary/Treasurer, and the Board of Censors.
2. The Executive Committee shall be for all legal purposes the Board of Trustees of the Society. It shall have supervision over all other standing and all special committees and commissions and all appointive officers, agents and employees, except where otherwise specifically provided. It shall require reports at least annually, or as often as it may deem necessary, from all officers and committees, standing or otherwise.
3. The President shall be the Chairman of the Executive Committee.
4. A majority of members of the Executive Committee shall constitute a quorum for the transaction of business.
5. No Officer, Board, Committee or Member shall incur any financial obligation for this Society without authorization of the Executive Committee or majority vote of the Society.

#### ARTICLE 6. BOARD OF CENSORS

1. The Board of Censors shall consist of at least three members elected by ballot at the Annual Meeting.
2. A majority of its members shall constitute a quorum.
3. The powers and duties of the Board of Censors shall be as prescribed in the ByLaws (Chapter 4, Section 3).

ARTICLE 7. MEETINGS

1. The Annual Meeting of this Society shall be held on the second Tuesday of June and due notice of the time, place and hour thereof shall be mailed to each Member by first class mail not less than ten nor more than fifty days prior thereto.
2. Stated Meetings shall be held as provided in the ByLaws and due notice of the time, place and hour thereof shall be mailed to each Member by first class mail not less than ten nor more than fifty days prior thereto. The time and place of all meetings, unless otherwise directed by the Society, shall be decided by the Executive Committee.
3. Special Meetings shall be called by the President upon a majority vote of the Executive Committee, or on written request of ten Active Members of this Society who are in good standing. Said request shall specify the particular object for which such meeting is to be called.
4. Notice of a special meeting shall state date, time and place where the meeting is to be held, and the purpose for which such meeting is called. Notices shall be mailed to each Member by first class mail not less than ten nor more than fifty days prior thereto. No business other than that specified in the call of the meeting shall be transacted except by unanimous consent of all members present and entitled to vote.
5. Annual, Stated and Special Meetings may be adjourned from day to day. Ten members or ten percent of the Members entitled to vote, whichever is less, shall constitute a quorum for the transaction of business at any meeting of this Society.
6. The affidavit of mailing by the Secretary of the Society to the last known address of a Member, of notice of meeting not less than ten nor more than fifty days prior to the meeting shall be deemed sufficient proof of the service of any notice for any meeting upon such member for any and all purposes.

ARTICLE 8. ETHICS

1. Members shall conduct themselves in accordance with the Principles of Professional Conduct of the State Society as they are now or may hereinafter be constituted. Any intentional violation thereof shall be cause for discipline in accordance with Chapter 8 of these ByLaws.
2. The Constitution and ByLaws and Resolutions of this Society, and those of the State Society which have reference to County Societies, shall be binding on Members of this Society. Any intentional violation or disregard of the same shall be cause for discipline in accordance with Chapter 8 of these ByLaws.

ARTICLE 9. ROBERTS RULES OF ORDER

1. Roberts Rules of Order, Revised Edition, shall be the official guide on parliamentary procedure for this Society, except when they may be in conflict with the Constitution and ByLaws of this Society or the Constitution and ByLaws of the State Society.

ARTICLE 10. SEAL

1. The SEAL OF THE SOCIETY shall be as follows:



ARTICLE 11. AMENDMENTS

1. Amendments to this Constitution, except as are obligatory by State Law or the enactments of the Medical Society of the State of New York, may be made at any Annual Meeting or at a special meeting called solely for the purpose of amending the Constitution.
2. The text of such proposed amendments shall have been filed with the Secretary at least one month prior to said meeting and a copy of such proposed amendments sent to each and every member at least ten days prior to the date on which action is to be taken.
3. A two-thirds majority of affirmative votes of members present and eligible to vote shall be necessary for adoption.
4. Amendments made obligatory by the Laws of the State of New York or by enactment of the State Society shall be considered as adopted as part of this Constitution and ByLaws upon notification of this Society by its Executive Committee.
5. No amendment of this Constitution shall be finally adopted or become effective until it shall have been first approved by the Council of the Medical Society of the State of New York.

## BYLAWS

### CHAPTER 1. MEMBERSHIP

#### 1. Application and Election:

- 1.1. Application for Active Membership in this Society shall be made on a blank authorized by the State Society, signed by the applicant and endorsed by two members of this Society who are in good standing. Such application blank, properly filled out, shall be sent to the Secretary.
- 1.2. Active members elected before October 1<sup>st</sup> shall be required to pay all State and County dues for the current year. Members elected after October 1<sup>st</sup> shall be exempt from dues until the following January 1<sup>st</sup>.
- 1.3. The Secretary/Treasurer, within five days after receipt of an application for membership, shall transmit the application to the Chairman of the Board of Censors.
- 1.4. An applicant for membership shall establish in a manner deemed sufficient by the Board of Censors that he is of good moral and professional character, standing, reputation and that admission would not be prejudicial to the best interests of this Society.
- 1.5. Within thirty days after the receipt of an application, the Board of Censors shall investigate the applicant and shall report their findings and recommendations at the next ensuing meeting of the Executive Committee.
- 1.6. The Executive Committee shall act upon the application as a reference committee of the Society and present its findings in its regular report at the next Stated Meeting of this Society.
- 1.7. When an applicant for Active Membership has been elected, the applicant becomes an Active Member of this Society, the State Society, and the designated District Branch thereof. A copy of the application of each Active Member elected must be sent to the Secretary of the State Society within ten days after a candidate has been elected to membership in this Society.
- 1.8. Any applicant for membership in this Society feeling aggrieved at the action of the Society shall have the right of appeal to the State Society.

#### 2. Resignation:

- 2.1. A member desiring to resign from this Society shall submit his or her resignation in writing to the Secretary, who shall cause the same to be brought before the Executive Committee for action at the first meeting after its receipt. Such resignation shall not effect a termination of membership until the resignation has been accepted by this Society; such member thereupon ceases to be a member of this Society, the State Society, and the designated District Branch thereof.
- 2.2. No resignation shall be accepted for any member who is under charges or who is owing dues or assessments. A member shall be deemed to be under charges when, pursuant to these ByLaws, written charges against such member have been received by the President or Secretary of the Society.

2.3. By unanimous consent of all members present at a regular meeting, unpaid obligations to this Society of a member desiring to resign may be all or in part canceled.

3. Transfer or Removal:

3.1. When a member in good standing removes to another County in this State, his name shall, at his request, be promptly transferred to the roll of membership of the Medical Society of the County in which he then resides or has his principal office, and the Secretary of the State Society so notified.

3.2. An Active Member who has resigned, permanently removed from the State of New York, or has been expelled ceases to be a member of this Society and thereby forfeits all rights and title to the privileges and properties of this Society, the State Society and the designated District Branch thereof.

4. Reinstatement of Membership:

4.1. Any person dropped from membership because of non-payment of dues may, upon payment of his indebtedness, be entitled to reinstatement.

5. Remission of Dues:

5.1. Members suffering prolonged disability or financial embarrassment and those temporarily absent from the County may have their financial obligations to this Society remitted during such period by a majority vote of the Society at any regular meeting.

6. Authority to Speak for the Society:

6.1. No member shall presume to speak for this Society without first having secured permission from the Executive Committee or, in an emergency, from the President or Chairman of the Committee on Peer Review.

CHAPTER 2. ELECTION OF OFFICERS

1. Process:

1.1. No member of this Society who is in arrears for his dues and or assessments for the current year shall hold or be eligible for any office, or be entitled to vote for any officer or delegate.

1.2. Any member of the Executive Committee who has been absent for three consecutive meetings of the Executive Committee without having given a satisfactory reason therefor shall not be eligible for any office for the ensuing year.

1.3. The Executive Committee shall be the Nominating Committee of this Society.

1.4. Any member of this Society entitled to vote shall have the right to make other nominations for any elective office, provided the candidate fulfills the specific requirements of this Constitution and ByLaws.

1.5. The Officers, with the exception of the President, shall be elected by ballot at the Annual Meeting.

- 1.6. The President shall appoint three tellers of election when elections are held. At the close of the polls, the tellers shall immediately proceed to collect and count the ballots and report the result to the President, who shall announce it to the Society.
- 1.7. If no candidate obtains a plurality, the balloting shall be repeated until all the office shall be filled. At the second and each succeeding ballot, the name of the candidate receiving the least number of votes shall be withdrawn.
- 1.8. A plurality of the votes cast by members entitled to vote shall be necessary for an election, except for Delegates and Alternates, in which case the nominees shall be declared elected in the order of the highest number of votes received until the allotted number shall have been chosen.

### CHAPTER 3. DUTIES OF OFFICERS

#### 1. The President:

- 1.1. It shall be the duty of the President to preside at all meetings of this Society and of the Executive Committee and to prepare a program for the meetings of this Society with the aid of the Executive Committee or its appointed Program Committee. He shall, at the Annual Meeting ending his official year, deliver an address before this Society.
- 1.2. The President shall appoint the members of all standing, sub or special committees as directed in these ByLaws unless another method is designated by this Society. The President shall, after assuming office at the first meeting of the Executive Committee, nominate members of the various committees and, upon approval of the same by a majority of the Executive Committee, he shall appoint the respective nominees to office. No nominee of whom a majority of the Executive Committee disapproves shall be appointed by the President to any standing, sub or special committee.
- 1.3. The President shall receive all complaints and promptly refer them to appropriate committees for investigation and report to the Executive Committee.
- 1.4. The President shall appoint tellers of election when elections are held.
- 1.5. The President shall call a special meeting of this Society at the request of a majority of the Executive Committee or on the written request of ten Active Members of this Society. He shall call a special meeting of the Executive Committee at his discretion or at the request of three of its members.
- 1.6. The President shall sign credentials of the Delegates and Alternates to the State Society and such other papers as this Society or the Executive Committee shall direct.
- 1.7. The President shall receive only written charges against a member of this Society for presentation before the proper authorities.
- 1.8. He shall enforce the laws of this Society and perform such other duties as shall pertain to the Office of the President.

- 1.9. The President shall be a member ex officio of all boards and committees, with voice but no vote.
2. The President-Elect:
  - 2.1. The President-Elect shall, in the absence of the President or at his request, perform the duties of the office of the President.
  - 2.2. The President-Elect shall succeed the President in the event of his death, resignation, removal, incapacity or refusal to act; said refusal to act shall be determined by two-thirds vote of the Executive Committee.
3. The Secretary/Treasurer:
  - 3.1. The Secretary/Treasurer shall perform the duties generally pertaining to those offices together with those prescribed by the laws of the State and the enactments of the State Society. He shall be responsible to the Executive Committee.
  - 3.2. The Secretary/Treasurer shall have charge of all papers, archives and properties of this Society. He shall make and keep on file correct minutes of this Society and of the Executive Committee, and shall present a report of the transactions of the Executive Committee to the Society at stated and annual meetings.
  - 3.3. The Secretary/Treasurer shall keep the roster of the members together with such data regarding them as may be of interest to this Society.
  - 3.4. He shall have charge of the correspondence and shall conduct the same, making a report on it to the Executive Committee. He shall issue all notices of meetings and notifications of election to membership. He shall notify members of their election to office, if they are not present at the meeting, and appointment on committees as requested by the President.
  - 3.5. The Secretary/Treasurer shall forward to the Secretary of the State Society:
    - 3.5.1. Names and addresses of all officers, chairmen of standing committees, and Delegates and their Alternates within seven days following the election of officers and the appointment of standing committees.
    - 3.5.2. Any change occurring in the chairmanship of any standing committee or the establishment of new standing committees shall require prompt notification to the Secretary of the State Society.
  - 3.6. The Secretary/Treasurer shall prepare and deliver proper credentials to each elected Delegate and Alternate not less than ninety days prior to the Annual Meeting of the State Society.
  - 3.7. The Secretary/Treasurer shall:
    - 3.7.1. Receive applications for membership. He shall transmit such applications to the Chairman of the Board of Censors.
    - 3.7.2. He shall cause the name of the applicant, residence, and type of membership sought to be published in the next issue of the *Bulletin*.

- 3.8. Following an applicant's election to Active Membership, the Secretary/Treasurer shall forward to the Secretary of the State Society within ten days a copy of the application on which the date of election shall be endorsed.
- 3.9. Following an applicant's election to membership in any classification, the Secretary/Treasurer shall notify the new or transferred member within ten days and provide him or her with a copy of this Constitution and ByLaws together with a copy of the Constitution and ByLaws of the State Society and a copy of its Principles of Professional Conduct.
- 3.10. The Secretary/Treasurer shall cause the Officers and Chairmen of the various committees to be supplied with necessary stationery, and members and candidates with application blanks, upon their request for same.
- 3.11. The Secretary/Treasurer shall collect and receive all dues, State Society and Seventh District Branch assessments and other funds due to be receivable by this Society. He shall be accountable therefor to the Executive Committee and to the Society. He shall keep proper books, records and accounts which shall at all times be open for examination by the Executive Committee or its representatives. He shall deposit the funds of this Society in its name in such depositories as shall be named by the Executive Committee. His accounts and funds shall be subject to audit annually, and he shall render at each stated meeting of the Executive Committee a statement of the finances of the Society.
- 3.12. This Society shall furnish bond for the Secretary/Treasurer in an amount to be determined by the Executive Committee.
- 3.13. The Secretary/Treasurer shall forward monthly to the Treasurer of the State Society and the Treasurer of the Seventh District Branch the amount of the per capita assessment made upon the members of this Society by the House of Delegates of the State Society or the Seventh District Branch and collected by the Secretary/Treasurer during the preceding month.
- 3.14. Except for the payment of such assessments of the State Society and the Seventh District Branch, no monies shall be withdrawn from the Treasury except for such purposes as shall be deemed necessary and proper to provide for the successful conduct of the business of this Society. Any unusual expenditures must be authorized by the Executive Committee. All bills presented to the Secretary/Treasurer for payment shall be approved by the Executive Committee and certified by the President.
- 3.15. On or before January 1<sup>st</sup> of each year, the Secretary/Treasurer shall mail to each member a bill for his dues and assessments, as of that date, for the ensuing year ending December 31<sup>st</sup>. On March and May 1<sup>st</sup>, he shall notify all members of their arrears, and of the penalty incurred for non-payment of arrears. Upon receipt of the County Society dues and the State assessments, he shall give to each member proper receipt, thus certifying to each member his good standing.
- 3.16. At the Annual Meeting in June of each year, the Secretary/Treasurer shall render a statement, summarizing the receipts and disbursements of his office; such statement shall have been previously approved by the Executive Committee.

4. Delegates:

- 4.1. All Delegates from this Society shall be expected to attend each session of the House of Delegates.
- 4.2. The Delegates shall report to this Society at the stated meeting next following the meeting of the State Society. Their reports shall contain a resume of what transpired and such other matters as may be necessary, or shall have been ordered by this or the State Society.
- 4.3. This Society may make appropriations for reimbursing all or part of the expense incurred by its Delegates in attending the meetings of the House of Delegates of the State Society.

CHAPTER 4. STANDING COMMITTEES – NAMES AND DUTIES

1. Standing Committees:

1.1. The Standing Committees of this Society shall be:

- 1.1.1. The Executive Committee
- 1.1.2. The Board of Censors
- 1.1.3. Committee on Public Health and Education
- 1.1.4. Committee on Legislation
- 1.1.5. Committee on Medical Economics and Welfare
- 1.1.6. Committee on Peer Review
- 1.1.7. Committee on Workmen's Compensation

1.2. Each of the above Committees shall have sub-committees as may be deemed necessary.

1.3. Other standing committees and sub-committees shall be created by this Society as necessary.

2. The Executive Committee:

- 2.1. The Executive Committee, as described in Article 5 of the Constitution, shall meet prior to each regular meeting of this Society, on call of the President, at the request of the members of the Executive Committee, or on the written request of ten Active Members of the Society for the consideration of such business as may come before it.
- 2.2. It shall be responsible for selecting the time and place of all meetings and the agenda thereof as prescribed by the Constitution, ByLaws and Resolutions of this Society.
- 2.3. The Executive Committee shall present a report of its activities at each regular meeting, including the activities of the Secretary/Treasurer and such committees as may not be required to present their reports in person.

- 2.4. The Executive Committee shall have the power to direct the expenditure of funds of the Society as it may deem necessary in the conduct of the business of this Society, subject to the approval of the Society.
  - 2.5. The Executive Committee shall cause an audit to be made of the Secretary/Treasurer's accounts prior to the Annual Meeting, and it shall present a report to this Society at said Annual Meeting. This report shall include a statement of receipts, disbursements, and a balance or deficit resulting from the year's activities.
  - 2.6. The Executive Committee shall prepare and present at each Annual Meeting a budget of anticipated expenses for the forthcoming year and state possible sources and estimates of funds expected.
  - 2.7. The Executive Committee shall be responsible for the publication of *The Bulletin* of this Society, have general supervision over its format and contents and be responsible for the appointment of its editor.
  - 2.8. The Executive Committee shall keep a record of the attendance of its members. Should it occur that any member be absent for three consecutive meetings without having presented a satisfactory reason, the Society shall be informed of his ineligibility to serve further, and election of his successor shall be in order.
  - 2.9. The Executive Committee shall act as a Reference Committee on such motions or resolutions as this Society may vote to refer to it.
  - 2.10. The Executive Committee shall have immediate supervision of any legal counsel employed by the Society.
  - 2.11. The Executive Committee shall act as a Nominating Committee for the Annual Meeting and whenever a vacancy appears in any elective office.
3. The Board of Censors:
- 3.1. The Board of Censors shall consist of at least three members elected by ballot at the Annual Meeting. Immediately following their election, the Board of Censors shall organize by electing a Chairman and a Secretary. A majority of the members shall constitute a quorum.
  - 3.2. On receipt of a properly executive application for membership, or a transfer from some other County Society, the Board of Censors shall promptly make a thorough investigation of the qualifications of the applicant. Following the conclusion of such investigation, the Board of Censors shall report its findings and recommendations to the Executive Board at its next meeting.
  - 3.3. Should a delay occur beyond the allotted time for the investigation, the Board of Censors shall make full explanation of such delay to the Executive Committee.
  - 3.4. The Board of Censors shall attempt to secure the enforcement of the laws governing the practice of medicine as it applies to Ontario County.
  - 3.5. The Constitution, ByLaws and Resolutions of this Society and the Constitution, ByLaws, Rules and Regulations of the State Society which have reference to County Societies shall be binding on

the members of this Society, and any intentional violation or disregard of same SHALL BE CAUSE FOR DISCIPLINE by this Society on recommendation of the Board of Censors.

- 3.6. The Board of Censors shall take cognizance of all charges preferred against a member. Such charges shall be presented in writing to the President of this Society and by him referred to the Board of Censors. They shall promptly meet, examine the complaint and the evidence thereon.
  - 3.7. If the majority of the Board of Censors shall be of the opinion that the charges are well-founded, they shall serve a copy of said charges upon the accused and call for his appearance before the Board of Censors at a given time and place. The accused shall have at least ten days' notice of such meeting.
  - 3.8. At the time and place appointed, the accused shall be required to make answer to the said complaint, either in writing, verbally or by legal counsel, and the Board of Censors shall proceed to a hearing of the case upon such charges and the answer thereto. If no answer is interposed, they shall proceed upon the complaint alone.
  - 3.9. The Board of Censors may call as witnesses any members of this Society whose duty it shall be to obey such summons. Any member failing to obey a summons of the Board of Censors, without a satisfactory reason, shall be liable to discipline.
  - 3.10. After hearing the charges, the Board of Censors shall report their findings and recommendations to the Executive Committee which, if indicated, shall transmit them to the Society at its next meeting.
  - 3.11. Charges brought against a member of the Board of Censors shall take the above described course, except that this Society shall hear the charges and evidence, and by majority vote pass judgment. The accused shall not act as a Censor until the charges have been disposed of.
  - 3.12. Any member feeling aggrieved at the action of this Society shall have the right to appeal to the State Society.
  - 3.13. There shall be three degrees of discipline: censure, suspension, and expulsion.
  - 3.14. Discipline shall be imposed on members by a secret majority vote cast at a regular or special meeting of this Society called for that purpose.
  - 3.15. Legal and clerical assistance, when necessary, shall be furnished by the Executive Committee at the expense of this Society.
  - 3.16. At each Annual Meeting of this Society, the Board of Censors shall make a report covering their activities of the preceding year. This report shall state the numbers, names, and classification of new members, including transfers from other specified Counties, the number and names of deceased members, and such other data relative to disciplinary action taken as may seem indicated.
4. Committee on Public Health and Education:
- 4.1. The Committee on Public Health and Education shall consist of a Chairman and at least two other members appointed by the President.

- 4.2. It shall be the duty of this Committee to investigate and study all matters referred to it by the President or the Executive Committee and make a report to this Society at its next meeting.
  - 4.3. The Committee on Public Health and Education shall bring before this Society matters affecting the public health and welfare of the people of Ontario County, and inform the public through the appropriate agency of this Society of its findings and recommendations in these matters.
  - 4.4. Representing this Society, this Committee shall have power to investigate apparent violations within Ontario County of the just and proper enforcement of the provisions of the Public Health Laws of the State of New York and recommend to this Society such action as might bring about just and proper correction of such violation.
5. Committee on Legislation:
- 5.1. The Committee on Legislation shall consist of a Chairman and at least two members appointed by the President.
  - 5.2. The duties of this Committee shall be to keep informed regarding pending legislation affecting the Practice of Medicine, Public Health and Welfare applying to County, State and Federal Government, or any subdivision thereof.
  - 5.3. The Committee on Legislation shall work in harmony with the State Society through its Executive Vice President and make such reports, comments and recommendations as he may request. Prompt compliance with requests of the Executive Vice President of the State Society shall be imperative.
  - 5.4. The Chairman shall conduct all correspondence of this Committee unless otherwise provided.
  - 5.5. It shall be the duty of the Chairman to communicate with the Assemblyman from this County and the State Senator from this District and inform them of the views and wishes of the Society on such legislative matters as may seem indicated. He may delegate this function to any member of the Committee.
  - 5.6. The Chairman shall communicate with the Representatives from this District, the Senators from this State and the Chairmen of Congressional Committees who are considering legislation which affects the Medical Profession, Public Health or Welfare, and inform them of the views and wishes of the Society.
  - 5.7. The Chairman, or a designated member of the Committee, shall attend such meetings of the County Society Legislative Chairmen as may be called and make a report to this Society at its next meeting.
  - 5.8. The Committee shall make a report of its activities at each meeting of this Society or as requested by the President.
  - 5.9. The Legislative Committee of this Society shall work in conjunction with the Legislative Committee of the Auxiliary to this Society in matters pertaining to legislation affecting the Medical Profession.

6. The Committee on Medical Economics and Welfare:

- 6.1. This Committee shall be composed of a Chairman and at least two other members appointed by the President.
- 6.2. It shall be the duty of this Committee to investigate and study all matters referred to it by the President, this Society or the Executive Committee and, through its Chairman, report with recommendations to the Executive Committee or this Society at each meeting.
- 6.3. It shall be the duty of this Committee to bring before the Society matters affecting the economic relationship of its members, all matters pertaining to contracts concerning professional services entered into by this Society or by its members, the ethical standing of such contracts, and their effect on the general economic welfare of all members of this Society. It shall be the further duty of this Committee to study all matters relative to economic trends affecting the Medical Profession of this County and the residents thereof, and to institute through the proper agencies of the Society the appropriate measures to enhance the economic stability and welfare of the Medical Profession in its relationship with the public and its service thereto.
- 6.4. This Committee shall act as liaison between this Society and the Board of Supervisors and its appropriate committees, the Commissioner of Public Welfare and/or his subordinates of this or any other County.
- 6.5. This Committee shall have authority to negotiate agreements with the Commissioner of Public Welfare of this or any other County relative to the medical care of individuals under his jurisdiction. All such agreements shall be subject to the approval of this Society.
- 6.6. This Committee shall report to the President any apparent violations of the Public Welfare Laws of this State or County, or of any agreement entered into between this Society and the Commissioner of Public Welfare of this or any other County whose dependents may be or have been under the care of any member of this Society.
- 6.7. It shall be the duty of this Committee to keep informed as to cost and character of service rendered to the public by members of this Society and recommend such changes in the remuneration therefor as they may consider fair and equitable.
- 6.8. It shall be the duty of this Committee to keep informed of the prevailing charges of hospitals, nurses and nursing homes for the care of patients and make such reports and recommendations as are indicated.

7. Committee on Peer Review:

- 7.1. This Committee shall consist of a chairman and four members elected at the Annual Meeting.
- 7.2. This Committee shall receive, investigate and determine all complaints against members regarding the cost, quality and utilization of medical services. It shall also be the duty of this Committee to serve as a liaison between the County Society and any local or regional PSRO.
- 7.3. The Peer Review Committee shall have the power to hold hearings on any complaint and require the appearance at any such hearings of the member against whom the complaint has been made or

of any other member of the Society where the testimony of such member, in the judgment of the Committee, is necessary in arriving at determination of the complaint.

- 7.4. The Peer Review Committee may require any member to appear before it to give information with respect to any matter properly before the Peer Review Committee or properly subject to inquiry by the Peer Review Committee. The Committee shall report to the Board of Censors the name of any physician who refuses to appear or to answer. The Board of Censors shall thereupon cause an investigation to be made into the circumstances of the physician's refusal to appear or answer. If the Board of Censors finds that the refusal of the physician is unjustified and without cause, it shall direct the physician to appear or answer as the case may be. In the event the physician fails to comply with the directions of the Peer Review Committee, that Body shall recommend to the Executive Board the degree of discipline to be imposed upon him after a hearing and a determination that he has unreasonably refused to appear before the Peer Review Committee or has refused to answer any proper question or questions put to him by the Committee.
- 7.5. The determination of the Committee as to the fairness of any fee or charge or as to the standard of care rendered shall be binding on the member. Failure of the member to abide by the determination of the Committee shall constitute cause for expulsion from the Society after a hearing and determination by the Board of Censors, in accordance with the provisions of Chapter 8 of the ByLaws, that the member has failed to abide by the determination of the Peer Review Committee.
- 7.6. The Committee shall have power subject to approval of the Executive Committee to adopt reasonable rules and regulations consistent with these ByLaws supplemental to the provisions of this section.

8. Committee on Workers' Compensation:

- 8.1. This Committee shall consist of a Chairman and at least two other members appointed by the President.
- 8.2. This Committee shall act as a Rating Board relative to the qualifications for treating cases by physicians of Ontario County under the State Workers' Compensation Law.
- 8.3. Evaluation of qualifications and assignments of ratings shall be in accordance with the Workers' Compensation Laws of the State of New York, its Rules and Regulations.
- 8.4. This Committee shall report its recommendations on applications for ratings, or re-ratings, to the Chairman of the Workers' Compensation Board of the State of New York, to the Secretary of the State Society and to the Secretary of this Society.
- 8.5. This Committee shall also have jurisdiction over the members of this Society in the administration of the State Disability Benefits Law and Federal Compensation Act.
- 8.6. This Committee shall take cognizance of all apparent violations of any of these laws by members of this Society or any other person, and they shall have authority to investigate, determine the facts and make such recommendations to appropriate groups or authorities as may seem indicated.
- 8.7. Should a member of this Society be involved, this Committee shall be granted discretion as to whether or not the matter should be referred to the Board of Censors.

CHAPTER 5. MEETINGS

1. Time and Place:

- 1.1. All meetings of this Society shall be as prescribed in Article 7 of the Constitution of this Society.
- 1.2. The time and place of the Annual Meeting and the time, place and date of all other meetings shall be as directed by the Executive Committee.
- 1.3. Publication in The *Bulletin* of the time, place and date for holding any meeting and the mailing of a copy of said *Bulletin* to the last known address of each member of this Society not less than ten nor more than fifty days prior thereto, shall constitute sufficient notice.

2. Quorum:

- 2.1. Article 7, Section 5 of the Constitution states that ten members or ten percent of the membership entitled to vote shall constitute a quorum for the transaction of business at any meeting of this Society.
- 2.2. If no quorum is present, the Society may receive and discuss any communications, report or subject and adjourn to a later date.
- 2.3. Notwithstanding the above, a motion to refer shall be in order.

3. Order of Business:

- 3.1. The Order of Business of this Society shall be:
  - 3.1.1. Call to Order
  - 3.1.2. Reading of Minutes of the last meeting
  - 3.1.3. Treasurer's Report
  - 3.1.4. Report of the Executive Committee
  - 3.1.5. Report of Officers and Committees
  - 3.1.6. Election of Candidates for Membership
  - 3.1.7. Election of Officers
  - 3.1.8. Unfinished Business
  - 3.1.9. New Business
  - 3.1.10. Scientific Program

3.1.11. Adjournment

CHAPTER 6. OFFICIAL PUBLICATION

1. The Official Publication of this Society shall be known as *The Bulletin of the Ontario County Medical Society*.
2. Each issue shall contain a resumé of the proceedings of the immediate preceding regular and special meetings, together with such other information as may be of interest to the membership.
3. Each issue shall contain the official notice of the next regular meeting time, place and agenda to be presented.
4. A copy of this *Bulletin* shall be mailed to each member in good standing not less than ten days nor more than fifty days prior to the date of the meeting for which notice is printed.

CHAPTER 7. DUES

1. Each Active Member of this Society shall pay such dues as have been determined by majority vote of the members present and qualified to vote at the preceding Annual Meeting.
2. Dues of members elected after October 1<sup>st</sup> shall be credited as dues for the year beginning the first day of the following January.
3. Such dues, together with the annual assessment on Active Members by the State Society, shall be due and payable on the first day of January following the Annual Meeting.
4. Special assessments may be voted by this Society at any meeting and time limits for payment of same may be specified.
5. Active Members who have not paid their County Society dues and per capita assessment of the State or Ontario County Society on or before the first day of June of each year shall be considered to be in arrears and so reported by name to the Society at its next meeting.
6. Active Members in arrears on June 1<sup>st</sup> shall not be entitled to receive the publications of this or the State Society, notice of meetings, or have any of the privileges of membership of this Society until their dues are paid. A member whose dues and assessments are unpaid after June 1<sup>st</sup> of any current year, upon reasonable notice to such member by the Ontario County Medical Society, shall automatically be dropped from the roles of membership of the Ontario County Medical Society without further action on the part of the Society, and upon such date he shall cease to be a member of the County Society and the Medical Society of the State of New York.
7. There shall be printed on each bill for dues and assessments sent by the Secretary sufficient information that no member shall be unaware of the consequences of non-payment within the specified time.

CHAPTER 8. DISCIPLINE

1. The Society may censure, suspend or expel a member by a three-fourths affirmative vote by the members present and eligible to vote at a regular or special meeting called for that purpose for conduct found to be in violation of Article 8 of the Constitution in accordance with the procedure herein provided.
2. The Board of Censors shall be charged with enforcing Article 8 of this Constitution except in the case of its own members.
3. Disciplinary proceedings against a member of the Society shall be initiated:
  - 3.1. On charges preferred by the Board of Censors itself, or
  - 3.2. On signed written charged from any source presented to the President.
4. When written charges have been filed against a member, the President shall without delay refer them to the Board of Censors which shall meet and examine the charges and evidence bearing upon the same.
5. If the Board of Censors be of the opinion that there is substantial evidence in support of such charges and that a hearing is necessary thereon, the Chairman shall cause to be sent to the accused by registered mail:
  - 5.1. A copy of the charges;
  - 5.2. A directive to appear in person before a meeting of the Board of Censors for the purpose of defending himself;
  - 5.3. A copy of Article 8 of the Constitution and Chapter 8 of these ByLaws.

A minimum of ten days shall elapse from the date of the mailing until the date of the meeting to which the accused has been summoned.
6. At the time and place appointed, the accused shall be required to make answer to the said charges either in writing or verbally. The Board of Censors shall then proceed to a hearing of the case upon the charges, the answer thereto and any other evidence adduced if no answer be interposed upon the charges.
7. At such a hearing, the accused may be represented by counsel. He shall have the right of cross examination and may produce witnesses in his behalf.
8. The Board of Censors may call as a witness on their own motion and shall call at the request of the accused, any member of the Society upon not less than five days notice. Any member failing to obey a summons of the Board of Censors without a satisfactory excuse shall be liable to discipline.
9. A complete stenographic record of such hearings shall be taken and preserved by the Board of Censors.
10. At the conclusion of such hearing, the Board of Censors may immediately, or at a subsequent meeting, decide whether the accused is guilty of the charges made against him and, if so, the degree of discipline to which the accused shall be subject.

11. The Board of Censors shall report its findings and determination to the Executive Committee. The latter body shall review the report of the Board of Censors and, if approved, report on it to the Society.
12. If the Board of Censors should decide that the accused is innocent of the charges brought against him or that no disciplinary action of any kind is appropriate, no report need to be made to the Society of such decision unless specifically so requested by the Society or the accused.
13. Charges brought against a member of the Board of Censors shall be heard and determined in the manner above described except that the Executive Committee shall act in place of the Board of Censors with the same powers and authority.
14. Any member who shall have been directed to suffer discipline as aforesaid may appeal to the Judicial Council of the State Society by filing a notice of appeal with the Secretary of the State Society and the Secretary/Treasurer of this Society within three months after service of notice of such a final decision of the Society on a member.
15. The Board of Censors may conduct investigations into any matter falling within the province of the Board either on its own initiative or at the request of the Executive Committee. In the conduct of any such investigation, the Board, on its own motion, may call as a witness any member of the Society upon that or any related matter upon not less than five days notice. Any member failing to obey a summons of the Board of Censors without a satisfactory excuse shall be liable to discipline in accordance with the provisions of this Chapter.

#### CHAPTER 9. AMENDMENTS

1. Amendments or additions to these ByLaws may be made at any regular meeting. Notice of such amendments or additions shall have been presented in writing at some preceding regular meeting and a copy of such proposed amendments or additions shall be sent with the notice of the meeting at which they are to be considered.
2. Publication in *The Bulletin* immediately preceding the meeting at which action is contemplated shall be deemed sufficient notice.
3. A two-thirds majority of the votes cast by members present who are eligible to vote shall be necessary for adoption.
4. No amendment to these ByLaws shall be finally adopted or become effective until it shall first have been approved by the Council of the Medical Society of the State of New York.

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