

**NEW MEXICO SOCIETY OF ANESTHESIOLOGISTS**  
**BY-LAWS**  
**1982**  
**REVISED APRIL 2005**  
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**CHAPTER I**

**Purpose**

It shall be the purpose of this Society to associate and affiliate into one organization all the reputable doctors of medicine and osteopathy in the State of New Mexico who are engaged in the practice of, or are otherwise interested in the medical specialty of anesthesiology; to encourage specialization in this field and in other ways to make available to more people the benefits to be derived from the services of qualified anesthesiologists; to raise the standards of the specialty by fostering and encouraging research and scientific progress in anesthesiology, to disseminate information in regard to anesthesiology; to protect the public against irresponsible and unqualified practitioners of anesthesiology; ~~to edit and publish publications in the field of anesthesiology and related fields;~~ to safeguard the interest of its members; and in all ways to develop and further the specialty of anesthesiology for the general elevation of the standards of medical practice.

**CHAPTER II**

**Membership**

**QUALIFICATIONS**

*Section 2.01.* Membership in this Society is a privilege and not a right and is contingent upon compliance with the requirements specified in these Bylaws. No person shall be accepted or continued as a member of this Society unless he is of good moral character and adheres to the ethical standards of the medical profession. No person shall be accepted for membership unless he meets the above requirements and is at the time practicing in accordance with the principles of this Society as stated in these Bylaws.

**CATEGORIES**

*Section 2.02.* The categories of membership of this Society shall conform to those of the American Society of Anesthesiologists, Inc., and are as follows: Honorary; Active; Affiliate; Educational; Retired; Resident.

**REQUIREMENTS**

*Section 2.03.* The requirements for eligibility in the various categories of membership are:

*Section 2.03-1. Honorary.* Doctors of Medicine and Osteopathy or other scientists who have rendered years of faithful service to the Society, or have attained exceptional eminence in anesthesiology and related subjects.

*Section 2.03-2. Active.* Doctors of Medicine or Osteopathy who are engaged in, or especially interested in, the practice of anesthesiology; who are graduates of reputable medical or osteopathic schools, and who are licensed to practice medicine or osteopathy in the State of New Mexico. Physicians serving in the Armed Forces or Public Health Services of the United States or Federal Veterans Administration need not be licensed in the State of New Mexico but must be licensed to practice medicine or osteopathy in one of the states of the United States, the District of Columbia or in the commonwealth of Puerto Rico.

*Section 2.03-3. Affiliate.*

a) *Federal.* Doctors of Medicine or Osteopathy who are members of the Armed Forces or Public Health Services of the United States ~~or Federal Veterans Administration, if the latter are not eligible for active membership, and are especially interested in the medical specialty of anesthesiology.~~

b) *Scientific.* Doctors of Medicine or other scientists who are not engaged in the clinical practice of anesthesiology.

*Section 2.03-4. Educational Members.* An educational member shall be an anesthesiologist assistant, ~~certified registered nurse anesthetist, or~~ a student anesthesiologist assistant ~~or a student registered nurse anesthetist.~~

*Section 2.03-5 Retired.* Active members in good standing having reached the age of sixty-five or having retired from professional activity after ten years or more may, upon application to the Secretary, become retired members. Members who become disabled and are, therefore, prevented from pursuing their professional activity may, upon application to the Secretary, become retired members. However, such retired membership due to disability shall terminate upon resumption of professional activity.

*Section 2.03-6. Resident.* Doctors of Medicine who are graduates of medical schools approved by the American Medical Association or by the Canadian Medical Association; or who have passed the qualifying examination conducted by the Educational Council for Foreign Medical Graduates; or who are in possession of a full and unrestricted license to practice medicine in a state, territory or province of the United States or Canada and who are engaged in training in anesthesiology on a full time basis in a training program accredited by the Council on Medical Education and Hospitals of the American Medical Association. A physician who engages in unsupervised administration of anesthesia for which a charge is made to the patient is not regarded as being in fulltime training.

Resident Membership shall automatically terminate upon completion of ~~three-four~~ years residency training ~~and one year of fellowship~~, except that a one year extension of Resident Membership may be granted by the Committee on Membership for each additional year of residency training, and that such extension not total more than two additional years.

*Section 2.03-7. Election to Honorary Membership.* Honorary members shall be elected to that category by recommendation of the Committee on Membership and subsequent approval by the Board of Directors.

## LOCATION OR PRINCIPAL PROFESSIONAL ACTIVITY

*Section 2.04.* Unless otherwise described in these Bylaws, the term "location of Professional activity" is defined as the place where a member performs the greater part of his professional duties, as distinguished from his place of residence or location of temporary or other professional pursuits.

In the event of uncertainty or dispute as to the location of principal professional activity, the matter shall be referred to the Committee on Membership of this Society for a ruling, and its decision shall be final.

## APPLICATION FOR MEMBERSHIP

*Section 2.05.* Application for membership shall be submitted to the Executive Office on a form provided by this Society ~~or by registration on the Society website.~~

## ENDORSEMENT OF APPLICATION

*Section 2.06.* Applications for membership in the Society in the various categories of membership shall be endorsed as follows:

*Section 2.06-1. Active Membership.* ~~By two voting members of this Society who are personally acquainted with the applicant.~~ By a majority vote of the Membership Committee.

*Section 2.06-2. Affiliate Membership.* ~~By two voting members of this Society who are personally acquainted with the applicant~~ By a majority vote of the full Board of Directors.

*Section 2.06-3. Resident Membership.* ~~By a member of this Society who is in charge of the training~~

~~program of the applicant and who certifies that the applicant is not engaged in unsupervised administration of anesthesia for which a charge is made to the patient~~  
By submission of proof of residency status to the Society by the Chair of the department.

~~Section 2.06-4. Educational Members. By two (2) voting members of this Society who are personally acquainted with the applicant~~  
By majority vote of the Membership Committee.

#### APPROVAL FOR MEMBERSHIP

*Section 2.07.* Applications for membership shall be considered by the Committee on Membership which shall investigate each applicant. Applicants approved by the Committee shall assume membership upon completion of the requirements for membership provided in these Bylaws, including payment of appropriate assessments.

~~Section 2.07-1. Enrollment. A membership certificate shall be sent to each new member and his name~~  
A new member's name shall be enrolled on the official membership roster.

#### RIGHTS AND PRIVILEGES

*Section 2.08.* Members in good standing of this Society possess rights and privileges as follows:

*Section 2.08-1.* Active Members shall be entitled to full privileges of this Society.

*Section 2.08-2.* Honorary Members shall be entitled to all the benefits and privileges of active membership but shall be exempt from the payment of assessments and shall not hold office.

*Section 2.08-3.* Affiliate, Educational, and Resident Members shall be entitled to the benefits and privileges of the Society and may be appointed to committees. However, they shall not serve as officers, delegates, directors or committee chairmen; nor shall they vote in any referendum.

*Section 2.08-4.* Retired Members shall be accorded all the rights and privileges of active members but shall be exempt from the payments of assessments and shall not hold office.

#### MAINTENANCE OF OTHER MEMBERSHIPS

*Section 2.09.* All active, resident and retired members of this Society are required to maintain membership in the American Society of Anesthesiologists, Inc. Such members who fail to comply with this provision shall be expelled from this Society immediately upon notification by the American Society of Anesthesiologists, Inc.

*Section 2.09-1.* Active and Resident Members of this Society are required to maintain membership in the district section having jurisdiction over the location of their principal professional activity.

#### CENSURE, SUSPENSION, AND EXPULSION

*Section 2.10.* A member of this Society may be censured, suspended, or expelled for good cause.

*Section 2.10-1. Causes.*

- a) Expulsion from membership in the American Medical Association or any of its constituent associations.
- b) Revocation or suspension of a member's license to practice medicine by a regularly constituted state authority.
- c) Conviction in a court of law of a felony or an offense involving moral turpitude.
- d) Conduct unbecoming a physician ~~and a gentleman.~~
- e) Any cause or act which is detrimental to this Society.
- f) Failure to abide by the provisions of these Bylaws.

g) Violation of the standards of professional conduct approved by this Society.

*Section 2.10-2. Investigation.* Investigations and hearings involving a member of this Society shall be conducted in accordance with Chapter IX of these Bylaws.

#### EFFECT OF SUSPENSION AND EXPULSION

*Section 2.11.* Suspension or expulsion of a member of this Society affects his status as follows:

*Section 2.11-1. Suspension.* Suspension of a member shall be for a definite period of time and may, at the sole discretion of the Board of Directors, be commuted at any time.

During the period of suspension, the member shall not be entitled to exercise any of the rights or privileges of membership. If the suspended member is an Officer, Director, Delegate, or member of the Judicial Committee of this Society, the Board of Directors may, at its discretion declare his position vacant.

*Section 2.11-2. Expulsion.* All rights and privileges of a member in this Society and its property cease upon his termination of membership or expulsion. Any office held by such member in this Society thereupon becomes vacant.

#### REINSTATEMENT

*Section 2.12.* A member of this Society who has been dropped or expelled from membership may be reinstated, provided he makes application for membership in the same manner as provided in these Bylaws for an original application for membership, and he pays any assessments in arrears at the time he ceased to be a member, and his reinstatement is approved by the Board of Directors.

A member who has been suspended from membership shall automatically be reinstated at the termination or commutation of his suspension. However, if the suspended member was an Officer, Director, Delegate, or member of the Judicial Committee, and his position has been declared vacant, he shall not resume the position upon reinstatement.

#### ANNUAL ASSESSMENT FOR DUES

*Section 2.13. Active Members.* The amount of the annual assessment for Active Members shall be determined by the Board of Directors after consideration of the annual budget for the next year.

*Affiliate and Educational Members.* The amount of the annual assessment for Affiliate and Educational Members shall be one-half of the amount of the annual assessment for Active Members.

*Resident Members.* ~~The amount of the annual assessment for Resident Members shall be one-fifth the amount of the annual assessment for Active Members.~~ There shall be no annual assessment for resident members.

*Honorary and Retired Members.* These categories shall not be required to pay an annual or special assessment.

*Section 2.13-1. New Members.* Applicants whose membership applications are accepted prior to July first of a year shall pay the full amount of the annual assessment for their category of membership for that year. Applicants whose membership applications are accepted after July first, shall pay one-half of the annual assessment of their category of membership for that year.

*Section 2.13-2. Dues.* Annual assessments shall be due and payable on January 15th for that calendar year. If a member has not paid his annual assessment by March 31st of that year, he shall be immediately notified that he will be dropped from membership in this Society unless payment is received by May first.

*Section 2.13-3. Reinstatement.* A member whose membership has lapsed by reason of non-payment of assessment may be reinstated by paying the amount of assessment in arrears.

The Board of Directors may waive the necessity for payment of assessment in arrears if it finds that unusual circumstances make that action advisable.

~~Section 2.13-4. Refunds. If a member ceases to be a member for any reason other than suspension or expulsion before July 1st, one half of his annual assessment will be refunded.~~

~~Section 2.13-5. Illness. When, because of serious illness or injury, a member is prevented from pursuing the practice of medicine for more than six months, and upon application on behalf of the member, one half all of the annual dues will be waived or refunded as may be appropriate. If such disability persists, one half of the annual dues shall be waived or refunded for each additional six month period of disability.~~

## CHAPTER III

### Officers

~~Section 3.01. The officers of this Society shall be President, President-elect, Vice-President, and Secretary-Treasurer.~~

#### REQUIREMENT

~~Section 3.02. No person shall be eligible for election as an officer of this Society unless he has been an active member in good standing of this Society for two years.~~

#### ELECTION

~~Section 3.03. The officers shall be elected by the Society membership at each alternate annual session.~~

#### TERMS OF OFFICE

~~Section 3.04. The terms of office of the President, and President-elect, Vice-President shall be from the close of the annual session at which they were elected for a period of two years.~~

The Secretary-Treasurer shall be elected for a term of two years which will commence from the close of the annual session from which elected.

#### LIMITATION OF TERMS

~~Section 3.05. No member may be elected to serve twice as President or President-elect of this Society.~~

#### DUTIES OF OFFICERS

~~Section 3.06. The officers of this Society are charged and entrusted as follows:~~

~~Section 3.06-1. President. It shall be the duty of the President to counsel with all officers, committees and members toward the best interests of the public and this Society, to attempt to further the aims and the activities of this Society to the fullest extent; and to perform such other services as custom, necessity and parliamentary usage require.~~

He shall appoint all committees, except as otherwise provided; and in addition to being a member and the presiding of the Board of Directors, he shall be an *ex-officio* member of all committees.

~~Section 3.06-2. Vice-President. The Vice-President President-elect. The President-elect shall assist the President in the performance of his duties; shall preside in his absence at the meetings of this Society, or the Board of Directors; and shall represent the President when requested at meetings, committee meetings, or other functions.~~

~~Section 3.06-3. Secretary- Treasurer. The Secretary-Treasurer shall supervise and handle the secretarial duties of this Society, and shall act as the corporate secretary insofar as the execution of official documents or institution of official actions are required. He shall perform such other duties as are placed upon him by these Bylaws and by the Bylaws of the American Society of Anesthesiologists, Inc.~~

This person shall be the custodian of all monies, securities and valuable papers of this Society in such amount as the Board of Directors may require. Custodianship may be delegated to qualified

individuals by a majority vote of the Board of Directors.

## VACANCIES

*Section 3.07.* If for any reason an officer becomes unable or unwilling to perform the function of his office, or moves from the jurisdiction of the constituent area which elected him to office, such office shall be declared vacant. Vacancies in office shall be filled in the following manner:

*Section 3.07-1. President.* The ~~Vice President~~President-Elect shall immediately assume office.

*Section 3.07-2. Vice President.* ~~The Board of Directors shall elect a successor to fill the vacancy until the close of the next annual session.~~Vacancies in other offices may be filled by appointment by the President of any Society member in good standing. This appointment shall be ratified by a majority of the Board of Directors.

## CHAPTER IV

### Board of Directors

#### COMPOSITION

*Section 4.01.* The Directors of this Society shall consist of the officers, immediate Past President, ~~and three other members~~ the District Director for New Mexico to the American Society of Anesthesiologists House of Delegates, the Alternate District Director, the Delegate(s) to the American Society of Anesthesiologists House of Delegates and two alternate Delegates.

#### PURPOSE

*Section 4.02.* The Board of Directors shall have general charge of all the business affairs of this Society in the interim between the annual sessions of the Society, unless a special session should be called. To this end the Board of Directors, or the Executive Committee of the Board of Directors, may take any action not in conflict with a former action of the Society as may be necessary to meet previously unforeseen situations, and may exercise in such cases the full power of the Society; provided that the Board of Directors or the Executive Committee may not act to bind this Society in any way beyond the next session of the Society.

#### GENERAL POWERS AND DUTIES

*Section 4.03.* The Board of Directors shall make inquiry concerning the practice of anesthesiology in this state, and shall have authority to adopt such methods as may be deemed most efficient for improving and increasing interest in the specialty of anesthesiology.

It shall encourage postgraduate and research work and shall endeavor to have the results intelligently discussed and utilized.

*Section 4.03-1. Financial.* All monies of this Society received by the Board of Directors, or its authorized representatives, must be duly accounted for and paid to the Treasurer. The Board of Directors shall have the power to inspect and audit the accounts of the Treasurer, other officers, the committees or other officials of this Society at any time and shall see that annual reports are made to the Society on all matters pertaining to the finances or expenditures of this Society.

*Section 4.03-2. Committees.* The Board of Directors shall have the power to create committees from its number, and to endow them with authority to act in the interim between meetings of the Board of Directors upon specific matters which would ordinarily require special meetings of the Board of Directors. These committees may be augmented by appointment of additional members of this Society who are not members of the Board of Directors.

*Section 4.03-3. Board of Censors.* The Board of Directors shall be the Board of Censors of this Society and may convene as such on direction of the President of the Society. It shall consider all questions of a professional nature involving the rights and standings of members, whether in relation to this Society, or to other members, or to District Societies.

#### MEETINGS

*Section 4.04* The Board of Directors shall hold an annual meeting approximately one month prior to each Annual Session, and shall hold one meeting each half year between Annual Sessions.

*Section 4.04-1. Presiding Officer.* The President shall serve as the presiding officer of the Board of Directors, except as otherwise provided in these Bylaws.

*Section 4.04-1. Quorum.* The majority of the members of the Board of Directors shall constitute a quorum.

*Section 4.04-3. Voting Members.* All members of the Board of Directors shall have the same voting privileges.

*Section 4.04-4. Additional Meetings.* Other meetings of the Board of Directors may be called at any time during the year by the President upon reasonable notice, or upon petition of three members of the Board of Directors.

#### EXECUTIVE COMMITTEE

*Section 4.05.* The Executive Committee of the Board of Directors shall have authority to act in the interim between meetings of the Board of Directors upon all matters which would ordinarily require approval by the Board of Directors, and which have not been delegated elsewhere by these Bylaws.

*Section 4.05-1. Composition.* The Executive Committee shall be the same personnel as the Board of Directors.

*Section 4.05-2. Meetings.* Meetings of the Executive Committee shall be held upon the call of the President. The President shall serve as the presiding officer. Four members of the Executive Committee shall constitute a quorum.

### **CHAPTER V**

#### **Delegates and Alternate Delegates Director and Alternate Director to the American Society of Anesthesiologists, Inc.**

#### ELIGIBILITY

*Section 5.01.* The Delegates and Alternate Delegates and the Director and Alternate Director to the American Society of Anesthesiologists, Inc., from the New Mexico Society of Anesthesiologists, shall have been voting members of this Society in good standing for at least two years.

#### ALLOCATION

*Section 5.02-1.* The number of Delegates and Alternate Delegates elected by this Society of the American Society of Anesthesiologists, Inc. shall be established in the manner provided by the Bylaws of the American Society of Anesthesiologists, Inc.

*Section 5.02-2.* There shall be one Director and one Alternate Director for each component society.

#### ELECTION

*Section 5.03.* Delegates, Alternate Delegates, the Director and Alternate Director to The American Society of Anesthesiologists, Inc. shall be elected at the annual session of this Society from among the duly elected members of the New Mexico Society of Anesthesiologists.

#### TERM OF OFFICE

*Section 5.04-1.* Delegates shall serve for three years and Alternate Delegates shall serve for one year. Their terms of office shall commence on the July first following their election.

*Section 5.04-2.* Directors and Alternate Directors shall serve for a term of three years.

## DUTIES OF THE OFFICES

*Section 5.05.1* Delegates of this Society are charged with the responsibility of attending each meeting of the House of Delegates of the American Society of Anesthesiologists, Inc., or of otherwise making certain that this Society is represented therein. A delegate who fails in this responsibility either by not attending without sufficient cause or who fails to notify his alternate or the Secretary of the New Mexico Society of his possible or impending absence in reasonable time shall forfeit the right to hold his office or be eligible for election for the ensuing two years.

Delegates and alternates shall, whenever possible, counsel with the officers and Board of Directors of this Society on all matters pending in the House of Delegates of the American Society of Anesthesiologists, Inc. in the interest of making certain that the action taken therein is in accord with the desires of this Society.

*Section 5.05-2.* The Director shall serve on the Board of Directors of the American Society of Anesthesiologists and NMSA. They shall prepare an annual report to the House of Delegates of ASA. They shall report to the New Mexico of Anesthesiologists the actions of the ASA Board of Directors.

The alternate shall take the place of the Director should that person be unable to represent NMSA.

Directors and alternates shall, whenever possible, counsel with the officers and Board of Directors of this Society on all matters pending with the Board of Directors and HOD of the ASA in the interest of making certain that the action taken is in accord with the desires of this Society.

## ALTERNATES

*Section 5.06-1.* In the event a delegate is unable to attend a meeting or session of the House of Delegates of the American Society of Anesthesiologists, Inc., any elected alternate shall be eligible to serve in his place during that meeting, as provided in the Bylaws of the American Society of Anesthesiologists, Inc.

*Section 5.06-2.* In the event a director is unable to attend a Board of Directors or HOD meeting or session of ASA, the elected alternate shall be eligible to serve in his place at that meeting, as provided in the Bylaws of the American Society of Anesthesiologists, Inc.

## VACANCIES

*Section 5.07-1.* When a vacancy occurs in the office of Delegate to the American Society of Anesthesiologists, Inc., the President of the New Mexico Society of Anesthesiologists shall fill the vacancy from the Alternate Delegates until the next annual session, at which time a successor shall be elected for the unexpired term.

*Section 5.07-2.* Vacancy in the office of Director shall be filled automatically by the Alternate Director. At the next annual session, a successor shall be elected for the unexpired term.

## CHAPTER VI

### Annual and Special Sessions

#### ANNUAL SESSION

*Section 6.01.* This Society shall hold an annual session at such time and place as has been fixed by the Board of Directors. In the event of change, due notice shall be forwarded to the membership as early as possible, and not less than three weeks before the new date selected.

#### REGISTRATION

*Section 6.02.* Every member attending an annual meeting shall have his name officially registered. When his right to membership has been verified, he shall receive a badge which shall be evidence of his right to attend at that session. No member shall take part in any of the proceedings of an annual

session until he has complied with the provisions of this section.

## GUESTS

*Section 6.03.* Any person may become a guest of this Society during the annual session upon invitation of an officer or director, and shall be accorded the privileges of participation in the functions of the session, except voting.

## ORDER OF BUSINESS

*Section 6.04.* The order of business, papers and discussions at the general or special meeting shall be followed exactly as fixed by the Committee on Programs except when otherwise ordered by a two-thirds vote of the members present.

A definite time shall be designated by the Committee on Programs for the annual address of the President.

## RESOLUTIONS.

*Section 6.05.* All resolutions and similar official actions issued to the public or to other organizations in the name of this Society shall first be approved by ~~the House of Delegates or the~~ Board of Directors.

## SPECIAL SESSIONS

*Section 6.06.* Special sessions of the membership of this Society may be called by the President upon approval by the Board of Directors. Special sessions shall be held at the time and place fixed by the Board of Directors. Notice of special sessions and the subject or subjects to be presented shall be forwarded to each member of the Society at least thirty days in advance of the date established for the meeting.

## **CHAPTER VII**

### **Elections**

#### ELECTION PROCEDURE

*Section 7.01.* Election of Officers and Delegates by the membership shall be by secret ballot unless a single candidate is nominated for an office, whereupon the vote may be taken *viva voce*. A majority of the votes cast shall be necessary to elect. If on any ballot no nominee shall receive a majority, the name receiving the smallest number of votes shall be dropped, and the balloting shall proceed in that manner until a majority is obtained. Nominations for all officers shall be made from the floor of the meeting.

#### PUBLICATION

*Section 7.02.* A summary of the proceedings of the Annual Meeting shall be published following each annual session. A copy shall be sent to ~~each member,~~ the Secretary of each district, the Wood-Library-Museum, Inc., and The American Society of Anesthesiologists, Inc. A copy shall be posted on the Society website for inspection by members.

## **CHAPTER VIII**

### **Committees**

#### COMPOSITION

*Section 8.01.* The Standing and Special Committees of this Society shall be composed of members of this Society appointed by the President except as otherwise provided in these Bylaws.

#### TERM OF OFFICE

*Section 8.02.* The term of office of the Chairman and the members of Standing and Special Committees shall be for the term for which the president appointing them was elected, unless otherwise provided in these Bylaws.

## PURPOSE

*Section 8.03.* It should be in the aim and purpose of committee work and committee appointments to equitably divide and increase the responsibility of the work of the Society among the individual members, thereby stimulating their personal efforts toward betterment of all conditions affecting physicians as individuals and this Society as a whole.

No function outside of those authorized by these Bylaws may be undertaken by any committee without approval of the Executive Committee or the Board of Directors.

## REPORTS

*Section 8.04.* Each committee shall submit a written report in duplicate to the Secretary not later than ten weeks before each Annual Session and shall submit such other reports as the Board of Directors may require.

## EXPENSES

*Section 8.05.* Expenditures by committees for activities or projects may be anticipated and included in the annual budget of the Society for presentation and approval of the Society by the Board of Directors. Other expenditures shall not be made, nor other obligations incurred without the consent and approval of the Board of Directors. Statements for approval of expenditures shall be certified by the Chairman of the various committees and forwarded to the Secretary-Treasurer for payment.

## STANDING COMMITTEES

*Section 8.06.* The Standing Committees continue from year to year. As soon as possible after assuming the duties of his office, the President shall appoint the Chairman of each Standing Committee and the members of each committee upon the recommendation of the Chairman.

The Standing Committees of this Society are:

### *Section 8.06-1. Committee on Bylaws and Rules*

*Composition:* Three or more members preferably at least one of whom was a member of the retiring committee; and the Speaker of the House of Delegates.

*Duties:* Make investigations and recommendations concerning applicants for the categories of membership elsewhere provided in these Bylaws, and to encourage qualified members of the medical profession to apply for membership in the Society. It shall also approve or reject the credentials of members at annual sessions.

### *Section 8.06-2. Committee on Membership.*

*Composition:* Three or more members, preferably at least one whom was a member of the retiring committee.

*Duties:* Make investigations and recommendations concerning applicants for the categories of membership elsewhere provided in these Bylaws, and to encourage qualified members of the medical profession to apply for membership in the Society. It shall also approve or reject the credentials of members at annual sessions.

### *Section 8.06-3. Judicial Committee.*

~~*Composition:* This committee shall consist of five members. Each member shall be appointed for a period of five years. The term of office of one member shall expire at the close of each calendar year. A new member shall be appointed by the new President to begin his duties on the first day of the ensuing calendar year. Only Active members in good standing for a period of ten-two years shall~~

be appointed to this committee. The Chairman shall be selected by the committee members. ~~No member of this committee shall hold any elective office in this Society except that of delegate to the New Mexico Society of Anesthesiologists, or to the American Society of Anesthesiologists, Inc.~~

~~In the event of a vacancy, the President shall appoint an Active member who has been in good standing for ten years to complete the unexpired term.~~

Three members of the Judicial Committee present at a formal meeting shall constitute a quorum, and any final action taken by the committee shall require a majority vote of the members present.

This shall be an ad hoc committee appointed by the President with approval of a majority of the Board of Directors, should the Board determine that disciplinary action against a member may be necessary. The committee will disband upon final adjudication of the matter.

*Duties:* Shall consider all matters concerning the ethics and professional conduct of members of this Society in accordance with Chapter II of these Bylaws.

#### *Section 8.06-4. Committee on Annual Sessions.*

*Composition:* a) The General Chairman shall be appointed by the President upon recommendation of the preceding General Chairman and the preceding Executive Group of the Committee on Annual Sessions. The General Chairman shall serve for ~~three years~~one year. He preferably shall have been a member of the Committee on Annual Sessions for three years.

b) The Committee shall plan the educational program of the Society annual meeting, select the venue, and assist the appointed administrators of the Society. Each member will provide the administrator with disclosure forms and any other materials necessary in planning the meeting.

#### ~~*Section 8.06-5. Committee on Public Relations.*~~

~~*Composition:* Three or more members.~~

~~*Duties:* Make recommendations and take appropriate action to improve and maintain relations between specialty of anesthesiology and the medical profession generally and disseminate information to the public as concerns anesthesiology. All output from this committee must be approved by the President and the President elect before release to public information medias or letters to other Societies are mailed under Society letterhead.~~

### SPECIAL COMMITTEES

*Section 8.08.* The Special Committees of this Society are those appointed by the President for specific purposes during his term of office; however, they shall not receive assignments that conflict with or duplicate the functions of any Standing Committee.

## CHAPTER IX

### Discipline

#### MEDICAL ETHICS

*Section 9.01.* The Principles of Medical Ethics of the American Medical Association or of any statement of principle or policy by this Society or by the American Society of Anesthesiologists, Inc., as the same may be amended from time to time, or of any Bylaws, rule, regulation or resolution of this Society or of the American Society of Anesthesiologists, Inc., shall be binding upon the membership of this Society. In the event of any contradiction among these various principles, those of this Society shall take precedence and then those of the American Society of Anesthesiologists, Inc., shall take next precedence.

#### JUDICIAL COMMITTEE

*Section 9.02.* Specific complaints or charges of unethical conduct on the part of a member shall be

referred to the Judicial Committee by the President or Secretary-Treasurer. A specific complaint shall consist of a written, signed accusation naming the accused and including the particulars of the breach of ethics involved. Such complaints may be made by any member, by the general public, by the President in the name of the Society, by the Board of Directors, or by the Committee on Ethics. All other problems or questions of an ethical nature will be referred to the Committee on Ethics by the President or Secretary.

*Section 9.02-1. Investigation.* The Judicial Committee shall examine and investigate the member's professional conduct. If a majority of the members of the Committee shall determine that there is substantial basis for a charge of professional misconduct and that the charge, if sustained, would constitute a cause for disciplinary action under these Bylaws, then said Committee shall direct the member to appear before it at a hearing.

*Section 9.02-2. Notice of Charge.* At least fifteen days before the date of said hearing, the Judicial Committee shall give the member written notice of the charges made against him and of the time and place of the hearing with respect thereto, by mailing said notice to the member by registered mail to his last address as it appears on the records of the Society.

*Section 9.02-3. Hearing.* At the hearing, the member and the Judicial Committee may be represented by legal counsel and may call and cross-examine witnesses and produce evidence pertaining to the charges. The Judicial Committee, by letter signed by its Chairman or by two of its members, may, upon not less than ten day's notice, direct any member of the Society to appear before it at a hearing to give evidence with respect to the charge. Failure of the member to respond to such summons without satisfactory excuse shall be cause for discipline under these Bylaws. All witnesses, including the accused if he shall testify, shall be duly sworn before a notary public or other officer duly authorized to administer oaths in the county in which the hearing is held. The Judicial Committee is authorized in its discretion to reimburse witnesses who are not members of the Society for expenses actually incurred in attending the hearing. All evidence or information given to or before the Judicial Committee shall be privileged. The proceedings at each hearing shall be stenographically reported and upon payment of the cost thereof, the accused shall be entitled to a copy of such report.

*Section 9.02-4. Degree of Discipline.* There shall be three degrees of discipline: (1) censure; (2) suspension from the rights and privilege of membership; (3) expulsion from membership. The imposition of discipline may be suspended upon such terms and conditions as may be specified.

*Section 9.02-5. Findings.* After the conclusion of the hearing, the Judicial Committee shall make its findings of facts concerning the charges. A finding by the Judicial Committee that the member has not violated any principle, policy or any matter referred to in Section 9.01 of this Chapter shall be final and conclusive. If the Judicial Committee shall find such a violation, it shall submit its findings to the Board of Censors in writing, together with its recommendations concerning the discipline, if any, to be imposed upon the member, and a copy of the stenographic report of the proceedings held before it in the matter.

*Section 9.02-6 Notification.* The Judicial Committee shall in every case serve upon the member a copy of its findings of fact and recommendations, if any, by mailing said copy to the member by registered mail to his last address as it appears on the records of the Society.

## BOARD OF CENSORS

*Section 9.03.* If the member shall feel aggrieved either by the findings of fact or by the recommendations of the Judicial Committee, he may obtain a hearing before the Board of Censors which shall consist of the Board of Directors.

*Section 9.03-1. Appeal and Bond.* A written application for such a hearing must be filed with the Secretary-Treasurer of the Society at any time within twenty days after the Judicial Committee shall have mailed to him a copy of its findings of fact and its recommendations. In such application the member shall specify which of the findings of fact or recommendations he contends to be erroneous. Such application shall be accompanied by a penal bond in the sum of \$300. If after such hearing, the findings of fact of the Judicial Committee shall be affirmed and its recommendations accepted, the member shall forfeit to the Society all or such share of said bond as shall represent the necessary expenditures on the part of the Society incident to such appeal. If the appeal of the member is

upheld, the bond shall be refunded to him in entirety.

*Section 9.02-2. Hearing.* At the hearing before the Board of Censors, the member shall have the right to appear in person and to be represented by legal counsel. No evidence shall be taken at said hearing which shall be based only on the notice of charges served on the member, the minutes of the proceedings before the Judicial Committee, the findings of fact and recommendations of the Judicial Committee and the application for the hearing. In its discretion the Board of Censors may remand the matter to the Judicial Committee to take further testimony or such other proceedings as it may direct.

*Section 9.03-3. Findings.* After the conclusion of such hearings the Board of Censors shall, provided it does not remand the matter to the Judicial Committee, make its own findings of fact to the extent it does not concur with the findings of fact of the Judicial Committee, and shall decree what discipline, if any, shall be imposed upon the member.

*Section 9.03-4. Notice.* Notice of the action of the Board of Censors in these respects shall be served upon the member by the mailing of written notice of such action to him by registered mail addressed to his latest address as it appears on the records of this Society. In all instances notice of the action of the Board of Censors shall be served upon the Judicial Committee.

#### FINAL APPEAL

*Section 9.04.* If the member shall feel aggrieved by any final decision of the Board of Censors he may exercise his right to appeal from such final decision to The American Society of Anesthesiologists, Inc., in accordance with the Bylaws and resolutions of that Society. The imposition of discipline shall be stayed until the accused shall have exhausted his remedies on such appeal or shall have failed to perfect such appeal within the time allowed therefore.

#### PUBLICATION

*Section 9.05.* Notice of any disciplinary action taken pursuant to this Chapter shall be published in the official publication of the Society following final appeals to The American Society of Anesthesiologists, Inc., if any, by the accused.

## CHAPTER X

### Funds and Expenditures

#### FUNDS

*Section 10.01.* Funds of this Society shall be raised by an annual *per capita* assessment on each class of membership as provided elsewhere in these Bylaws. The amount of assessment shall be established in the manner provided in these Bylaws. Funds may also be derived by voluntary contributions from bequests, patents and copyrights by income from this Society's publications and in any other manner approved by the Board of Directors.

#### EXPENDITURES

*Section 10.2.* Funds may be appropriated by the membership at the annual sessions and by the Board of Directors to defray the expenses of this Society and for such other purposes as will promote the welfare of anesthesiology.

## CHAPTER XI

### Referendum

#### INITIATION

*Section 11.01.* The membership or the Board of Directors may by a two-thirds vote of members present and voting at a meeting thereof, order a general referendum on any question pending before those bodies.

#### VOTING PROCEDURE

*Section 11.02.* The question shall then be submitted to the voting members of this Society who may vote by mail. A valid referendum shall require a vote by at least one-third of the members eligible to vote, and a majority vote of the members voting shall determine the question. The voting shall be considered completed at the end of thirty days from the day the question of the referendum is deposited in a United States Post Office.

## **CHAPTER XII**

### **Amendments**

#### METHOD

*Section 12.01.* These Bylaws may be amended by the membership at an annual session or at a special session called for that purpose as follows:

*Section 12.01-1. First Reading.* Proposed amendments may be introduced for a first reading to the membership at an annual session or at a special session called for that purpose. Amendments may be introduced by any voting member of the membership or by any committee of the Society by way of its report.

*Section 12.01-2. Alterations.* The membership may alter the proposed amendment in any manner by a majority vote of those present and voting and the final form shall constitute the amendment approved for a first reading.

*Section 12.01-3. Publication.* Amendments approved for a first reading shall be published at least thirty days prior to the next annual session or prior to a special session called for that purpose.

*Section 12.01-4. Action.* The proposed amendment shall be introduced for final action at the annual session following the first reading or at a special session called for that purpose.

*Section 12.01-5. Additional Alterations.* The membership may alter the form of the first reading in any manner not exceeding the original intent by a majority vote of those present and voting. If a proposed alteration is challenged, the membership may overrule the challenge by a three-fourths majority of those present and voting.

*Section 12.01-6. Vote.* A two-thirds majority vote of those present and voting is necessary to amend these Bylaws under this section.

#### IMMEDIATE ACTION

*Section 12.02.* On the recommendation of the Board of Directors, these Bylaws may be amended by the membership at the annual session or special session called for that purpose at which the amendment is first introduced, provided the amendment is approved by a three-fourths majority of those present and voting.