

**NEW YORK STATE BAR ASSOCIATION  
BYLAWS OF THE SECTION ON HEALTH LAW**

**(As Amended January 26, 2006)**

**ARTICLE I  
Name and Purpose**

**Section 1.** The Section shall be known as the Section on Health Law of the New York State Bar Association.

**Section 2.** The purpose of the Section shall be: to bring together those members of the New York State Bar Association interested in health law and related issues for the advancement of their mutual interests; to examine the possibilities of, and pursue improvement in, the law, regulations and procedures pertaining to health law and related issues; to disseminate information and exchange ideas relating to the development and practice in these fields, both substantive and procedural; to advance the interdisciplinary work of the bar with other disciplines involved in health care; to further the education of the Bar; and to facilitate service to the public with respect to health law and related issues. Areas of focus will include, but not be limited to, legal issues relating to biotechnology, consumer/patient rights, health care providers, HIV and AIDS, insurance and other payment methods for health care, managed care, and the structure and design of the health care system.

**ARTICLE II  
Membership**

**Section 1.** Any member of the New York State Bar Association shall be eligible for membership in the Section, and shall be enrolled as a member of the Section upon application and payment of such annual dues as shall be determined by the Executive Committee of the Section.

**ARTICLE III  
Officers, Section Delegate and Executive Committee**

**Section 1.** The officers of the Section shall be a Chair, Chair-elect, Vice-Chair, Secretary and Treasurer.

**Section 2.** There shall be an Executive Committee of the Section consisting of the officers of the Section, the Chairs of the Section's Standing Committees, two members at-large, the Website Director, the Journal Editor, the Membership Director, the immediate past Chair of the Section, the

past Chair of the Section, and the Section's Delegate(s) to the Associations House of Delegates who, in addition to serving as such Delegate, may occupy another position on the Executive Committee.

**Section 3.** The Website Director shall be responsible for the maintenance and upgrading of the Section's Website. The Journal Editor shall be responsible for the publication of the Health Law Section Journal. The Membership Director shall be responsible for attracting new Section members and maintaining current Section members.

**Section 4.** All officers and all other members of the Executive Committee shall hold office for one-year terms, commencing June 1. Officers are prohibited from serving two consecutive terms in one specific office. Chairs of Section committees are prohibited from serving more than two consecutive terms as a chair of a specific committee. However, in unusual circumstances, where it is in the best interests of the Section, the Chair of the Section may waive this restriction for only one year for a particular committee chair, and appoint the specific chair to a third consecutive term.

**Section 5.** The Chair-elect, Vice Chair, Secretary and Treasurer shall be elected at the Annual Meeting of the Section. The Chair shall appoint either the Chair Elect or the Immediate past Chair to serve as the Delegate to the Association's House of Delegates. If the Chair Elect is appointed as the Delegate to the Association's House of Delegates, then the Immediate past Chair shall serve as his/her alternate. If the Immediate past Chair is appointed as the Delegate to the Association's House of Delegates, then, the Chair Elect shall serve as his/her alternate. The Delegate(s) shall serve for one year commencing June 1<sup>st</sup> succeeding the date of selection, but may serve no more than three consecutive terms. If the Section is entitled to additional Delegates, such Delegates shall be elected by the Executive Committee

Section 6. It is the express intention of the Section that, to the greatest extent possible, composition of the Executive Committee shall include members involved in the various fields of health law and related issues.

#### **ARTICLE IV Nomination of Officers**

**Section 1.** The Chair shall appoint a Nominating Committee, by November 1, as set forth below in Section 2, which shall formulate and report nominations to the Section for the offices of Chair-elect, Vice Chair, Secretary and Treasurer. All candidates for Section office must be a member of the section for at least three years.

**Section 2.** The Nominating Committee shall be composed of five members, which shall include the Chair, the immediate past Chair, the past Chair, and two other members of the Health Law Section who do not wish to be, and are not candidates for elected Section Office.

**Section 3.** The Nominating Committee shall be required to solicit candidates from the membership, and advise the membership of its slate of candidates by December 1<sup>st</sup>. Within ten business days after the Nominating Committee advises the membership of its slate of candidates, other qualified

candidates may be added to the ballot by presenting the Secretary with a petition requesting the inclusion of those other candidates on the ballot endorsed by the signature of at least twenty- five Section members.

## **ARTICLE V**

### **Duties of the Officers and of the Executive Committee**

**Section 1.** The Chair shall preside at all meetings of the Section and of the Executive Committee, implement such policy directives as may be determined by the Section Executive Committee, serve as an *ex officio* member of all Committees, and perform such other duties and acts as usually pertain to the office of Chair.

**Section 2.** The Chair-elect shall assist in the performance of the Chair's duties when requested to do so, and other duties as usually pertain to the office of Chair-elect. In addition, the Chair-elect shall serve as Chair upon the expiration of the Chair's term. The Chair-elect shall serve as a Delegate to the Association's House of Delegates. Finally, the Chair- elect shall serve as acting Chair in the temporary absence of the Chair.

**Section 3.** The Vice Chair shall assist and support the Chair and the Chair-elect as directed by the Chair and shall assist in the performance of the Chair's duties in the event that neither the Chair nor the Chair-elect is able to do.

**Section 4.** The Secretary shall maintain all books, papers, documents and other property of the Section, except money, shall keep a record of the proceedings of all meetings of the Section, and of the Executive Committee, shall prepare and forward notices of all meetings to the Executive Committee, receive correspondence, and perform other duties as usually pertain to the office of Secretary.

**Section 5.** The Treasurer shall maintain the financial records of the Section, prepare the Section's annual budget, maintain liaison with the appropriate fiscal officers of the Association, and report upon the Section's finances at each meeting of the Section Executive Committee, the Annual Meeting, and other times as requested to do so by the Section Chair and Executive Committee, the Association President, House of Delegates or Executive Committee. In addition, the Treasurer shall perform other duties as usually pertain to the office of Treasurer. Immediately upon completing service as Treasurer, he/she shall deliver all Section records, correspondence and other property of this office to his/her successor.

**Section 6.** The Executive Committee shall have general supervision and control of the affairs and activities of the Section, subject to these Bylaws and the Bylaws of the New York State Bar Association. It shall be responsible for the authorization of all commitments and contracts which entail the expenditure of money, and for the expenditure of all monies collected by the Section or appropriated for the use and benefit of the Section. The Executive Committee also shall have overall responsibility for fostering the membership development of the Section. The Executive

Committee may adopt its own rules of procedure, including rules as to the number of its members who shall constitute a quorum, the time and place of meetings, notices of meetings to be given to its members, and rules declaring vacancies to exist in Committees upon failure of elected or appointed members to attend meetings.

**Section 7.** The Executive Committee may fill any vacancy arising among the officers and Section Delegate to the Association's House of Delegates during the interim between Annual Meetings of the Section. Officers or Delegates so appointed shall serve the balance of the terms in accordance with Article III.

## **ARTICLE VI**

### **Committees**

**Section 1.** The Executive Committee of the Section shall create such Standing Committees of the Section as the Executive Committee shall determine from time to time. The Chair of the Section may, from time to time, create such Special Committees, as the Chair shall deem necessary to carry out the work of the Section. The Executive Committee shall adopt policies, rules and guidelines for Committees and Special Committees.

**Section 2.** The Chair of the Section shall appoint the Chairs and members of the Standing Committees and Special Committees . The Chair of the Section shall fill any vacancy or make additional appointments, in consultation with the Chair of the relevant Committee to his/her Committee. The terms of office shall be one year commencing June 1.

**Section 3.** Committee appointments, at the request of the Committee Chair, may include non-lawyers to provide the Committee with particular background or expertise to aid the Committee in addressing any issues before it.

**Section 4.** The Committees, from time to time, shall refer recommendations to the Chair or the Executive Committee for such actions as they may deem appropriate but shall never take action, nor present its views or recommendations outside the Section without approval by the Executive Committee.

## **ARTICLE VII**

### **Meetings**

**Section 1.** The Annual Meeting of the Section shall be held during the week in which the Annual Meeting of the New York State Bar Association is held, at a time and place designated by the Executive Committee. Other meetings may be held from time to time at such times and places as designated by the Executive Committee. The Executive Committee also may meet upon the call of the Chair or any four members of the Executive Committee.

**Section 2.** The members of the Section present at any meeting called by the Executive Committee shall constitute a quorum for the transaction of business.

**Section 3.** All binding action of the Section shall be by a majority vote of the members present. Any action of the section must be approved by the New York State Bar Association before it becomes effective as, or is publicly released as, an action of the New York State Bar Association.

**Section 4.** Any one or more members of the Executive Committee or any committee of the Section may participate in a meeting of such committee by means of a conference telephone or similar equipment allowing all persons participating in the meeting to hear each other at the same time. Participation by such means shall constitute presence in person at a meeting.

## **ARTICLE VIII Miscellaneous Provisions**

**Section 1.** These Bylaws become effective upon the approval by the House of Delegates of the New York State Bar Association.

**Section 2.** The Executive Committee shall fix the dues for membership in the Section, with the approval of the Finance Committee of the New York State Bar Association, and make payment of such amount a condition for membership in the Section. Section funds shall be expended only by approval of the Executive Committee of the Section in accordance with the rules of the Association Finance Committee.

**Section 3.** Any action taken by this section must be approved by the Association before the same is given publicity as or becomes effective as the action of the Association.

**Section 4.** These Bylaws may be amended at any meeting of the Section by a majority vote of the members of the Section present, provided that no amendment shall be effective until approved by the Executive Committee of the New York State Bar Association.