

# From my perspective

A very significant change in the structure of the American College of Surgeons was made during the February 2002 Board of Regents' meeting. This change—the development of a separate arm of the College that would have 501(c)(6) corporate tax status—was a direct result of action taken by the Board of Governors at their 2001 annual meeting and was approved unanimously by the Regents. This new entity, which has been named the American College of Surgeons Professional Association (ACSPA), will enable us to enhance our visibility in Washington, DC, and will also allow the College to pursue other activities that are currently prohibited under its 501(c)(3) status.

## *Background*

The Governors remain an essential body of the College and truly represent the grassroots of the Fellowship, comprising liaisons from the chapters, regional surgical societies, and specialty societies. Their views and the work of their nine committees have considerable influence in determining the direction and establishing the policies of the College. When the Regents meet, members of the Executive Committee of the Board of Governors are present, and they frequently and forcefully support issues that have surfaced at their meetings.

For an extensive period of time, both the Governors and the Regents have engaged in a sometimes heated debate about the changing political climate with respect to medicine and the difficulties that surgical organizations, such as the College, are having in terms of advocacy in this new environment. Because the College has a 501(c)(3) tax-exempt status, it may only engage in educational and limited lobbying activities. The 501(c)(6) tax-exempt corporate status allows organizations to engage in more in-depth political activities and in ventures that are



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banned for associations that have 501(c)(3) tax status.

Some months ago, the Governors presented their case for establishing the 501(c)(6) arm of the College to the Regents, who then appointed a task force chaired by Josef E. Fischer, MD, FACS. This committee was charged with developing and submitting a business plan that would culminate in the creation of a new 501(c)(6) organization affiliated with the College. The task force's plan was completed and underwent appropriate legal review. It was then presented, along with Bylaws that will govern the ACSPA, to the Board of Regents in February. As I men-

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tioned previously, the Regents unanimously approved the establishment of this organization.

Not that long ago, this proposal undoubtedly would have been rejected. However, as laws and regulations have continued to have an often adverse effect on surgical practice, the College's Governors and Regents have reconsidered their position about the development of a political advocacy arm. The consensus has shifted away from the view held for several years that such an entity would tarnish the reputation of the College and has now turned toward the perspective that its establishment is clearly necessary.

### ***Purposes and functions***

One might ask why a new corporate tax structure is needed for the College to carry out its mission. Part of the answer lies in the changing milieu in which practitioners today, as well as organizations such as the College, find themselves. Clearly, because of the current political climate, we all must carry out activities that seemed unnecessary in the past. Because the political and economic environment in which medicine is practiced has become so complex, the College needs an expanded legislative support program.

The ACSPA will act as a vehicle that will allow us to participate in the legislative arena in a way that was not possible in the past. Many Fellows have voiced their belief that we have had a problem gaining access to influential legislators in the past, and some of our members have suggested that our inability to support candidates has been a real detriment to our influence. Our new tax status will allow us to form a political action committee (PAC) within the ACSPA, which, by allowing us to participate in fund-raising events and otherwise carefully back political candidates, should heighten our visibility and influence in Washington, DC. Further,

we will be able to act as a facilitator in getting other medical organizations and coalitions together to support candidates whose legislative agendas are consistent with the goals of the College. I believe access to political leaders will become increasingly important in the future. Support of politicians will be offered cautiously and always with our objective of putting the interests of our patients in furthering quality of care at the forefront.

Although the creation of a PAC is a significant step for the College, I would like to emphasize that no dues dollars will be spent on its activities and that the College still will have a presence in Washington under its own name. Contributions to the PAC will be totally voluntary. Details about how Fellows can support the PAC will be provided in future articles in the *Bulletin*.

The ACSPA's tax status will also allow the College to have greater flexibility in a number of other areas in the future. For example, given all the new technology and techniques surgeons are expected to master, the College has recently expanded its commitment to education, training, and credentialing of its Fellows, other surgeons, and various nonsurgeon physicians. The presence of a 501(c)(6) entity within the College will make it possible for us to train surgeons to become competitive in the marketplace.

Additionally, as the College reaches out to our chapters and to the smaller surgical societies, we may find ourselves becoming more involved in their management. The cost of these administrative services is often prohibitively expensive for smaller surgical organizations and could very well be supported by the infrastructure of the College.

There are other potential proprietary activities we may add to the list of services the College offers that may amplify the real value of membership in this organization. For instance,

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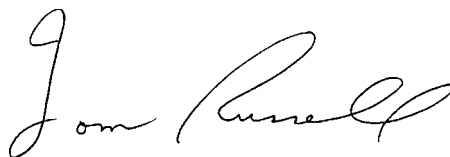
we could expand our insurance program to assist Fellows in obtaining reasonably priced medical malpractice coverage. We are actively pursuing this objective at this time and are engaged in discussions with a number of actuarial firms and insurance companies. This endeavor would clearly fall under the purview of the new ACSPA. Furthermore, 501(c)(6) status will allow us to do much more in terms of financial development, branding and marketing of the College, and public education. At this point, though, our focus will be on using the ACSPA to expand our legislative agenda. All other plans are still very tentative and merely in the conception stage.

#### ***Well-conceived program***

A great amount of thought and planning has gone into the creation of the ACSPA, particularly with respect to its corporate tax structure.

I want to again emphasize that this idea emanated from the Board of Governors, which considered and reconsidered it over a number of years until they were able to gain strong consensus on how this concept would work. They brought their vision to the Board of Regents and, in an expeditious fashion, the proposal was developed with appropriate legal review and financial planning, culminating in the Regents' unanimous acceptance of proceeding with the establishment of the 501(c)(6) organization.

I am appreciative of all those who worked on this issue to bring the American College of Surgeons Professional Association to fruition. Now our greatest challenge will be to use this vehicle in an effective, ethical, and practical way to advance the mission of the College and to improve the quality of care for our patients.



*Thomas R. Russell, MD, FACS*

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If you have comments or suggestions about this or other issues, please send them to Dr. Russell at [fmp@facs.org](mailto:fmp@facs.org).