

PRIVILEGED AND CONFIDENTIAL DRAFT
ATTORNEY-CLIENT COMMUNICATION
AMERICAN ACADEMY OF DERMATOLOGY ASSOCIATION
BOARD OF DIRECTORS HYBRID MEETING
MAY 15, 2021

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April W. Armstrong, MD, MPH, FAAD
Lindy P. Fox, MD, FAAD
Maria K. Hordinsky, MD, FAAD
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Lidia Rudnicka, MD, PhD, International Observer
Allison K. Arthur, MD, FAAD, Young Physician Board Observer
Frances M. Walocko, MD, Residents-Fellows Board Observer

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Guests

Bruce A. Brod, MD, FAAD, Chair, Council on Government Affairs and Health Policy

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CALL TO ORDER

Kenneth J. Tomecki, MD, FAAD, President and presiding, called the meeting of the Board of Directors of the American Academy of Dermatology and Association to order at 3:54 (CDT) on Saturday, May 15, 2021.

QUORUM

Marta J. Van Beek, MD, MPH, FAAD, Secretary-Treasurer declared that a quorum was present for the transaction of business.

ORDER OF BUSINESS/INTRODUCTORY MATTERS

Antitrust Compliance Policy, Fiduciary Obligations, and Note Taking

Dr. Van Beek referred the Board members to the background materials regarding the AAD/A Antitrust Compliance Policy, note taking during meetings, and separate order of business, and reminded them about the importance of following their fiduciary obligations, including maintaining confidentiality and declaring conflicts of interest.

Disclosure of Outside Interests and Management of Conflicts of Interest, Code of Conduct, Confidentiality Agreement and Copyright Assignment of Work Product Policies

The Board members' disclosures of outside interests and code of conduct were posted to BoardEffect. Dr. Van Beek asked Board members to declare any other actual or potential conflicts of interest with respect to specific agenda items for this meeting. None were declared.

Separate Order of Business

Dr. Van Beek reminded the Board members that they would be following the American Institute of Parliamentarians *Standard Code of Parliamentary Procedure* (formerly *Sturgis Code of Parliamentary Procedure*), and that it is essential that the AADA follow the order of business and observe corporate formalities necessary to ensure the separateness of the two organizations.

AADA OFFICER AND DIRECTOR REPORTS

Dr. Tomecki reminded the Board that his report, the Secretary-Treasurer's report, the Executive Director's report, the Young Physicians and Residents/Fellows Board Observer reports were presented during the Academy Board meeting.

HEARD FROM THE FIELD

Dr. Tomecki invited Board members to raise issues of concern that they were hearing out in the field that fall under the purview of the AADA Board. Members discussed anecdotal reports of billing and coding audits related to the Office of Inspector General of the Department of Health and Human Services' work on both the 10- and 90-day global periods and, more recently, a study of modifier -25 utilization. It was noted that an Ad Hoc Task Force on Evaluation and Management, and a -25 Modifier Advisory Workgroup had been established to address this discrete but related issues.

Dr. Green also gave a SkinPAC report.

AADA NEW BUSINESS

AADA Advisory Board

AB Resolution: AADA002 (A-21)

Off-Label Use of Therapy Policy

Dr. Weinstein referred the Board to pp. 2-4 of the Board background materials and presented the following resolveds from this resolution:

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RESOLVED, the AADA confirms and reaffirms its strong support for the autonomous clinical decision-making authority of a physician and that a physician may justifiably and lawfully use an FDA approved drug product or medical device for an off-label indication when such use is based upon sound scientific evidence and/or sound medical opinion; and be it further

RESOLVED, that the AADA opposes restriction by pharmacists and insurance carriers of “off-label” prescribing of medications, if the prescription of a drug or use of a device is accepted practice within the FAAD community to represent safe and effective therapy.

A motion was made and duly seconded to adopt the resolution as presented.

ACTION: Approved

Board members also supported preparing a position statement on off-label uses.

A motion was made and duly seconded that the Association Board take the same actions for AAD002 (A-21) Resolution: Videoconferencing for AAD/A Councils, Committees, and Task Forces for AAD/A reference, AAD005 (A-21): Commitment to Free Speech and Open Debate and AADA004 political commentary from AAD/A leadership as was taken by the AAD Board of Directors.

ACTION: Approved

A motion was made and duly seconded to take the same actions as were taken by the AAD Board of Directors on all reports and other actions that were also applicable to the AADA.

ACTION: Approved

ADJOURNMENT

There being no further business, Dr. Tomecki adjourned the AADA Board of Directors Meeting at 4:18 p.m. (CDT).

Respectfully Submitted,

Marta J. Van Beek, MD, MPH, FAAD
Secretary-Treasurer