



MEDICAL SOCIETY OF THE STATE OF NEW YORK

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*MSSNY Executive Committee of the Council
Telephone Conference Call
Monday Evening, July 15, 2015*

MINUTES

A telephone conference call of the MSSNY Executive Committee was held on Monday evening, July 15, 2015 at 7:00 p.m.

Participating from the Executive Committee were:

*Joseph R. Maldonado, Jr., MD, MSC, MBA, DipEHC - President
Malcolm Reid, MD, MPP - President-Elect
Charles Rothberg, MD - Vice President
Andrew Kleinman, MD - Immediate Past President
Arthur C. Fougner, MD - Secretary
Kira A. Geraci-Ciardullo, MD, MPH - Speaker
Howard Huang, MD - Councilor*

Participating from MSSNY Staff were:

*Philip Schuh, CPA - Executive Vice President
Patricia Clancy - VP Public Health & Education
Donald Moy, Esq. - General Counsel- Kern Augustine Conroy & Schoppmann*

Excused were:

*William R. Latreille, Jr., MD, FACP, AME, Chair - MSSNY Board of Trustees
Thomas Madejski, MD, FACP - Treasurer
Bonnie Litvack, MD, FACR - Assistant Secretary*

Dr. Maldonado asked Pat Clancy to discuss the request from the AMA for MSSNY to sign on to a national campaign to reduce Opioid abuse. Pat reported on the fact that she and Dr. Frank Dowling have been MSSNY's designees participating on an AMA Task Force on this subject since January of 2015. That Task Force has developed several messages relating to the use of Opioids and Prescription Drug Monitoring Programs (PMP).

The AMA has requested that each participating task force member have their organization formally adopt the goals and messages formulated by the Task Force. Their intent is to utilize those messages in rolling out a national campaign. Both Dr. Dowling and Pat have recommended that MSSNY do so.

In addition Pat pointed out that MSSNY's participation would be a beneficial addition to our discussions regarding the mandates for CME education when that issue once again resurfaces in next year's legislative agenda.

After further discussion the Committee approved MSSNY's adoption of the messages and goals developed by the Task Force and will sign on to the AMA letter on this subject matter.

Dr. Maldonado then asked Mr. Schuh to discuss the request for approval of a new membership benefit. Routinely, if approved by the Membership Benefit Committee, the proposal would go before the Council. Since Council is not meeting for almost two more months, this topic was placed on to the Executive Committee agenda.

Mr. Schuh described the proposed program. It is a prescription card program being promoted by the company entitled New York Rx Card. Mr. Schuh indicated that it was not so much a membership benefit, but rather a patient benefit. He felt that the value to MSSNY would be getting a card out to a patient that was co-branded with the MSSNY name. He indicated that all distribution costs would be borne by the card company and that MSSNY would receive about \$10,000 in the first year of the agreement. Further, he stated that there were several State Societies already endorsing this company, and the Maryland State Medical Association spoke extremely favorably about them. The members of the Benefits Committee have all endorsed going forward with this initiative.

There was discussion among Committee members as to the true value of cards like these. However, the members felt that as long as the cards only contained MSSNY's name on it along with the New York RX Card name that it would be agreeable to proceed.

A motion was made and seconded to allow MSSNY to participate in a program with the New York Rx Card.

Dr. Maldonado then asked Mr. Donald Moy to address a request for an amicus from the appeal attorneys of Michael Parentis, MD. They have requested that support in a brief to the New York City Court of Appeals in support of Dr. Parentis. Following jury trial, Dr. Parentis had been found liable to the plaintiff in the amount of \$8.5 million. Subsequently, the New York State Supreme Court Appellate Division, Fourth Department affirmed the lower court decision.

Mr. Moy summarized the case for the Committee. His recommendation to support this request was limited to one issue that Dr. Parentis was prejudiced by an erroneous hearsay ruling. Further, Mr. Moy suggested that instead of filing an amicus that he submit to the attorneys for Dr. Parentis a formal resolution from the Executive Committee that asked for a retrial of Dr. Parentis because of the error in dealing with the hearsay testimony.

After much discussion, the Executive Committee agreed to adopt Mr. Moy's recommendation and directed him to submit a resolution as was presented.

The last topic that was then discussed by the Committee was a request for reconsideration of the Council's earlier decision not to file an amicus in the case of Avanguard v. Geico. One of the physicians involved in this case had contacted Mr. Schuh asking that MSSNY reconsider its earlier decision not to support their appeal with an amicus. While the physician described his reasons for requesting this reconsideration, the Executive Committee did not vote to reconsider.

Respectfully submitted,

*Joseph R. Maldonado, Jr., MD, MSc, MBA, DipEBHC
President*