MINUTES OF THE COUNCIL MEETING  
Thursday, June 18, 2015 at 9:00 a.m.  
Long Island Marriott  
101 James Doolittle Blvd.  
Uniondale, NY 11553

A meeting of the Council of the Medical Society of the State of New York was convened on Thursday, June 18, 2015 at 9:00 a.m. at the Long Island Marriott, 101 James Doolittle Blvd., Uniondale, NY 11553.

The President of the Society presided:

PRESENT

OFFICERS
Arthur C. Fougner, MD  
Kira A. Geraci-Ciardullo, MD  
Andrew Y. Kleinman, MD  
Bonnie Litvack, MD  
Joseph R. Maldonado, Jr., MD, MSc. MBA, DipEBHC  
Malcolm D. Reid, MD, MPP  
Joseph R. Sellers, MD, FAAP, FACP

MSSNY STAFF
Sandy Bennett  
Elizabeth Dears Kent, Esq.  
(via phone)  
Laurel Mayer  
Regina McNally  
Michele Nuzzii Khoury  
Suzanne Reilly  
Michael Reyes  
Eunice Skelly  
Christina Southard  
Julie Vecchione DeSimone

GUESTS
Joan Cincotta, via phone  
MSSNY Alliance  
Thomas Donoghue, MESF  
Donald Fager, MLMIC  
David B.L. Meza, III, MD  
President, Empire State Foundation (via phone)  
Michael Schoppmann, Esq. Kern, Augustine, Conoy & Schoppmann, PC  
Stephen Sherman, DO President  
NYS Osteopathic Society  
Kenneth Steier, DO, Director  
NYS Osteopathic Society  
Susan Tucker, NYCMS

COUNCILORS
Edward Kelly Bartels, MD  
Frank G. Dowling, MD  
Howard H. Huang, MD  
John J. Kennedy, MD  
Charles Kenworthy  
Thomas T. Lee, MD  
Parag H. Mehta, MD  
Paul A. Pipia, MD  
Saulius I. Skeivys, MD  
Harold M. Sokol, MD  
Robert A. Viviano, DO  
Luis Carlos Zapata, MD

TELEPHONE PARTICIPANTS
Mark J. Adams, MD, FACR  
Joshua M. Cohen, MD, MPH  
Robert A. Hesson, MD  
Thomas J. Madejski, MD, FACP

EXECUTIVE STAFF
Philip A. Schuh, CPA, MS  
Donald R. Moy, Esq.

COUNTY EXECS
Nancy Adams, (via phone)  
Mark Cappola  
Stuart Friedman, MPS  
Liz M. Harrison, CMP  
Cheryl Malone  
Evangeline Rosado-Tripp

EXCUSED
Paul A. Hamlin, MD  
Michael H. Rosenberg, MD  
Sam L. Unterricht, MD  
Daniel M. Young, MD
A. Call to Order and Roll Call

B. AMENDED, the Council Minutes of May 3, 2015 to extract the Board of Trustees Report. The Board of Trustees met after the Council at the House of Delegates.

C. New Business (All New Action & Informational Items)

1. President’s Report:
   a. APPROVED, 2015 House of Delegates Resolutions to the appropriate committees of jurisdiction.
   b. A discussion regarding the status of medical staff and group membership proposals. Membership proposals are being discussed with many groups and meetings are in the planning stages.
   c. A discussion regarding MSSNY becoming a partner and funding with the New York State YMCA Foundation to provide information on the Enhance Fitness to patients and physicians to underscore the need for increased physical activity among adults with arthritis.  
      A MOTION was PROPOSED and PASSED to refer this to the Preventive Medicine & Family Health Committee.

2. Secretary’s Report - APPROVED, the Secretary’s Report accept for the request of the Monroe County Medical Society to grant life membership to George Anstadt, MD.  
   A MOTION was PROPOSED and PASSED to refer this request to the Committee on Membership. The Membership Committee should report back to the Council the recommendation of this request.

3. Board of Trustees Report - Upon motion made and seconded, ACCEPTED the Board of Trustees Report which was held on June 17, 2015 which reflects the following actions taken by the Board:
   
   **Approved:** The Minutes from the Board Meeting held on May 3, 2015 in Albany at the conclusion of the MSSNY House of Delegates
   
   **Approved:** The Audit Proposal submitted by Lilling & Company LLP for audit of the MSSNY Pension Plan

4. MSSNYPAC Report -The report reflects the financial status of MSSNYPAC during the period of September 1, 2014 through May 31, 2015. MSSNYPAC collected $213,080.11 from 955 contributors. Each dollar contributed to MSSNYPAC is split between operating expenses and contributions. The Chairman’s Club has 81 members including three corporate supporters. MSSNYPAC’s mobile donating site is operational and can be found at www.mssnypac.org/mobile. MSSNYPAC is active on Facebook www.facebook.com/mssnypac and Twitter www.twitter.com/mssnypac which focus on articles and announcements of importance to physicians as well as relevant political news. There is a possibility of procuring data to enrich the database of New York State Physicians. The goal is to get the Councilors, the districts and the county societies to use the data to recruit non-members to contribute to MSSNY and the PAC.
5. **MLMIC Update**  Mr. Fager reported that trends are continuing to decline in total premium dollars written and the number of policyholders insured. Claims continue to decrease. In July, there will be a 3.2% base rate reduction for physician policies filed.

6. **AMA Delegation Update**  At the AMA Annual Meeting held in June, Dr. Bob Goldberg, who was Chair of the Delegation has resigned for the purpose of running for Council of Medical Education. Dr. Thomas Madejski was elected to the AMA’s Council on Medical Services.

The mandatory implementation of the ICD-10 is October 1. If a delay in ICD-10 implementation does not occur, the AMA should ask the CMS to allow a two year grace period for ICD-10 implementation during which physicians will not be penalized for mistakes. The American Medical Association continues to have significant concerns with the readiness of many providers, payers, and other participants in the billing chain to implement ICD-10 on October 1, 2015. Accordingly, we encourage you to contact your member of Congress and your Senators and ask them to work to provide a grace period during implementation so that potential disruptions do not impact the delivery of care. Below is the ICD-10 letter that was distributed at the AMA HOD:

**Dear Senator/Representative:**

As we approach the October 1, 2015 implementation date of the International Classification of Diseases, Clinical Modification, 10th Revision (ICD-10), I am writing to express my continued concern over the readiness of our healthcare system to transition to this new coding system.

While many participants in our system have invested considerable time and resources to prepare for this transition, the threat of significant disruption remains. Even some of the most enthusiastic backers of ICD-10 implementation publicly acknowledge that implementation will lead to reduced productivity and technical glitches that may severely impact health care operations across all providers and payers. This has been the case with previous HIPAA mandated changes, such as the National Provider Identifier (NPI) and the upgrade to Version 5010 transaction standards. These changes, which were significantly less complex than ICD-10 transition, resulted in significant claims processing disruptions that caused physicians to go unpaid for weeks and sometimes months. Such disruptions negatively impact patients’ access to care.

Congress and the Administration should take steps to mitigate the impact that such disruptions will have on health care systems and, in turn, on our patients. ICD-10 will require coding to a much greater level of specificity than is required under the current ICD-9 system. Because proficiency with this new system will require experience that comes only by doing, we urge you to support legislative efforts that result in establishing a two year grace period during which physicians will not be penalized for errors, mistakes and or malfunctions related to adjusting to new ICD-10 coding specifications.
I appreciate your attention to this serious matter and hope that you will work with your colleagues in Congress and the Centers for Medicaid and Medicare Services to ensure that the necessary preparations to mitigate these threats are undertaken immediately.

Sincerely,

7. **MESF Update** MESF has completed the program entitled, *The Essentials of Leadership-What they didn’t teach you in medical school* presented by Rick Popovic of Rochester, NY to 13 county medical societies and other organizations. Total attendee count was nearly 400. As a follow-up to the basic Leadership Training Program, MESF has responded to an RFO from the Physicians Foundation and has submitted an application for funding for additional leadership training programs. The grant application is for $150,000 for a two year program. MESF has held discussions with Johns Hopkins in Baltimore for the development of a series of two year programs offered via internet on internal medicine topics.

8. **Commissioners** (All Action Items)
   **No action items were submitted**

9. **Councilors** (All Action Items from County Societies and District Branches)
   **No action items were submitted**

D. **Reports of Officers (Informational)**
Office of the President - Dr. Maldonado stated that in his travels he was amazed at how many physicians were unaware of the challenges facing health care reform within the State. Many physicians had no understanding of the SHIP or DSRIP. He spoke about a program being introduced by the State whereby they are looking for physicians and members of various specialty societies to provide feedback from their communities as they float out the work that that they have done to date. Despite the efforts from various workgroups, the DOH has shown no realistic understanding of how problematic the implementation of these programs is going to be.

Office of the President-Elect - Dr. Reid reported that he had attended the annual meetings for the New York County & Queens County Medical Societies. He noted that at the request of Dr. Maldonado he is serving on HCRA Modernization Work Group. The purpose of the group is to evaluate the efficiency & transparency of the Health Care Reform Act.

Office of the Vice President - No verbal report


Office of the Secretary - No verbal report

Office of the Speaker - No verbal report
E. Reports of Councilors (Informational)
The following reports were submitted for information:
1. Kings & Richmond Report - Parag H. Mehta, MD
3. Nassau County Report - Paul A. Pipia, MD
4. Queens County Report - Saulius J. Skeivys, MD
5. Suffolk County Report - Frank G. Dowling, MD
6. Third District Branch Report - Harold M. Sokol, MD
7. Fourth District Branch Report - John J. Kennedy, MD
8. Fifth District Branch Report - Howard H. Huang, MD
9. Sixth District Branch Report - Robert A. Hesson, MD
10. Seventh District Branch Report - Mark J. Adams, MD
11. Eighth District Branch Report - Edward Kelly Bartels, MD
12. Ninth District Branch Report - Thomas T. Lee, MD
13. Medical Student Section Report - Charles A. Kenworthy
15. Young Physician Section Report - L. Carlos Zapata, MD

F. Commissioners (All Committee & Sub-Committee Informational Reports/Minutes)
The following Committee Minutes were submitted for information:
1. Commissioner of Public Health & Education, Frank G. Dowling, MD
   a. Addiction & Psychiatric Medicine Committee Minutes, April 17, 2015
   b. Eliminate Health Care Disparities Committee Minutes, May 15, 2015
   c. Infectious Diseases Committee Minutes, April 16, 2015
   d. Preventive Medicine & Family Health Committee Minutes, May 14, 2015
   e. Quality Improvement Committee Minutes, January 21, 2015
   f. Quality Improvement Committee Minutes, May 20, 2015

2. Commissioner of Communications, Joshua M. Cohen, MD
   The following report was submitted for information
   a. MSSNY Communications Division Report

G. Report of the Executive Vice President
The report was submitted for information
Membership Dues Revenue Schedule
H. **Report of the General Counsel**
   Request for Amicus Brief - Geico v. Avanguard Medical Group, LLC
   
   *A MOTION was PROPOSED and PASSED to NOT SUPPORT the Amicus Brief*

I. **Report of the Alliance**
   The following report was submitted for information:
   Alliance Report

J. **Other Information/Announcements**
   The following letter was submitted for information:
   Letter of Appreciation to Regina McNally from Dr. Alpert

K. **Adjournment**
   There being no further business, a motion to adjourn was made, seconded and approved. The meeting adjourned at 12:00 p.m.