A meeting of the Council of the Medical Society of the State of New York was convened at 9:00 a.m. on Thursday, September 17, 2015, at the Long Island Marriott, 101 James Doolittle Blvd., Uniondale, NY 11553.

Joseph R. Maldonado, Jr., MD, President of the Society, presided.

PRESENT

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

COUNCILORS
Mark Adams, MD, FACR
Edward Kelly Bartels, MD
Joshua M. Cohen, MD, MPH
Frank G. Dowling, MD
Robert A. Hesson, MD
Howard H. Huang, MD
John J. Kennedy, MD
Charles A. Kenworthy
Thomas T. Lee, MD
Parag H. Mehta, MD
Paul A. Pipia, MD
Saulius J. Skeivys, MD
Luis Carlos Zapata, MD

MSSNY STAFF
Morris Auster, Esq.
Sandy Bennett
Patricia Clancy
Elizabeth Dears Kent, Esq.
Laurel Mayer
Regina McNally
Michele Nuzzi Khoury
Suzanne Reilly
Michael Reyes
Steven Sachs
Eunice Skelly
Christina Southard
Julie Vecchione DeSimone

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

TELEPHONE PARTICIPANTS
Nancy Adams, Monroe CMS
Terrance Bedient, CPH
Cindy Burger, Broome CMS
Mark Cappola, Nassau CMS
Joan Cincotta, MSSNY Alliance
Liz Harrison, CMP, Kings CMS
Thomas J. Madejski, MD, FACP
David B.L. Meza, III, MD, President
Empire State Foundation
Donald Moore, MD, Chair
MSSNY Committee for CPH
Harold M. Sokol, MD

COUNTY EXECS
Stuart Friedman, MPS
Suffolk CMS
Cheryl Malone
New York CMS
Evangelina Rosado-Tripp
Queens CMS

GUESTS
Jerome Cohen, MD
Broome County
Louis Giordano, MD
Broome County
Thomas Donoghue
MESF
Donald Fager, MLMIC
John Hallowell, New York State Society of Physician Assistants
Joel Riemer, AMA Representative
Michael Schoppmann, Esq.
Kern, Augustine, Conroy & Schoppmann, PC
Zeb Taintor, MD, President
First District Branch

TRUSTEES
Mark L. Fox, MD
Robert J. Hughes, MD, FACS
William R. Latreille, Jr., MD, FACP, AME, Chair
Leah S. McCormack, MD
Daniel Young, MD
A. Call to Order and Roll Call

B. APPROVED, the Council Minutes of June 18, 2015

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

1. Presidentâs Report:
   a. Hospital Outreach Program – ACCEPTED the request in updating data on hospitals and spearheading efforts to maintain a sustained outreach to physicians, the counties and districts through hospital medical staffs.
   b. ACCEPTED, the Minutes of the MSSNY Executive Committee Teleconference, July 15, 2015
   c. CPH Resolution 200, Physician Burnout & Wellness Programs – A MOTION was PROPOSED and PASSED that MSSNY Council charge a Task Force, at the discretion of the President, with the responsibility of developing the physician burnout program and expand the Task Force by engaging representation from county medical societies and all district medical societies.

2. Secretaryâs Report - APPROVED, the Secretaryâs Report for 25 Nominations to Life Membership & Dues Remissions for 7 physicians.

3. Board of Trustees Report ï Upon Motion made and seconded, ACCEPTED the Board of Trustees Report which was held on Wednesday, June 16, 2015. The Actions taken by the Board at that meeting were as follows:

   APPROVED: The Minutes from the Board Meeting held on June 17, 2015

   A motion was made to change the current process in which the AMA Per Diems are paid to those attending the AMA Meetings.

   APPROVED: The Board approved, that commencing with the next AMA Interim Meeting being held in November, that the per diem checks be sent to the Delegates and Alternate Delegates prior to the date of the meeting. After the conclusion of the meeting, the Delegates and Alternates will then be responsible for submitting to MSSNY their receipts for the expenses incurred corresponding to the amount of their per diem.

   APPROVED: The Per Diem for the AMA Interim Meeting being held in November in Atlanta, Georgia as follows:

   For a three night stay $1,450.00
   For a four nights stay $1,705.00

   NOT APPROVED: The Board did not approve a request from CPH for the funding of the engagement of a physician burnout consultant to assist in reviewing and evaluating the Physician Burnout & Wellness program.
It was suggested that the research first be handled "in house." If this is not feasible, it was recommended that MSSNY explore other outside sources of funding. It was also suggested that this be presented to the MES Foundation.

**APPROVED:** 2016 Dues Commission Program whereby the counties will receive ¾ of one percent on dues received from September 1, 2015 thru January 8, 2016.

A motion was made and the Board approved a request to support the writing of an amicus curiae brief in the case of Napoleon Gomez v. Arlene Mercado, MD. It was further recommended and approved that MSSNY approach MLMIC to fund the writing of the brief.

4. **MSSNYPAC Report** - The MSSNYPAC Executive Committee heard from a consultant to procure data to enrich the database of New York State Physicians. The information would be a tool for increased recruiting of non-members who do not contribute to MSSNY or the PAC. It will enhance the information on the current body of members. The financial status of MSSNYPAC during the complete dues collection period of September 1, 2014 through August 31, 2015 was $234,689.67 from 993 contributors. The Chairman’s Club has maintained its membership at 82 members including 3 corporate supporters. We are asking leaders to try a testing campaign whereby MSSNYPAC sends you a link to donate to MSSNY and you forward the message to your own personal contacts who are physicians, residents or students encouraging them to join.

5. **MLMIC Update** - During the most recent session of the state legislature, "Lavern's Law" a bill that would have altered the statute of limitations applicable for malpractice cases allowing more time to commence such actions, was passed by the Assembly. Governor Cuomo’s public support for such legislation adds to political viability. MLMIC’s consulting actuary has estimated the financial impact of Lavern’s Law as approximately a 14.5% rate increase on medical professional liability policies, together with the need to increase MLMIC’s loss reserves by an additional 9% or about $300 million. MLMIC staff has been working on ways to mitigate the impact of this legislation. An alternate legislative proposal has been drafted that would make any new discovery statute of limitations provisions effective only on a prospective basis. Such a change to the legislation would eliminate or at least mitigate the need for a large increase in loss reserves. The alternative legislation would modify the current Certificate of Merit.

6. **AMA Delegation Update** - Dr. Kennedy became Chair of the delegation in June. Dr. Rothberg was asked to be Vice Chair by MSSNY Leadership. This will be voted upon by the MSSNY Delegation to the AMA at their next meeting in November.

7. **MESF Update** The MESF was awarded a $150,000 grant for a two-year program Leadership Program for younger physicians. The first year of the program will be developed in the coming three months and presented in January 2016. The second program will be presented in October, 2016. The program of providing educational material for nurses in India has now launched. MESF developed a contract with Medcom of Los Angeles for the licensing of approximately 40 education videos focused on basic nursing skills. MESF is currently negotiating with Johns Hopkins for the review and update of the three programs previously developed for MESF in the areas of Diabetes,
Cardiology and Rheumatology. MESF is working on presentations and developing materials with the AMA's Physician Practice Resources Group. The group has developed two excellent modules entitled, Improving Physician Resiliency and Preventing Physician Burnout. The programs will be developed in close collaboration with the CPH.

8. Commissioners (All Action Items)

1. Commissioner of Membership, Parag H. Mehta, MD

   APPROVED, the Membership Committee's recommendation for determining the merits of special requests for Life Membership in the county medical society. Some criteria or guidelines should be established for counties to follow in determining whether or not requests should be submitted to Council. The following criteria are proposed essential for any special requests for Life Membership:
   - At least 10 years of membership in good standing;
   - Personal issues determined by the county society to warrant free life membership locally and recommending that MSSNY do the same.

   APPROVED, the Membership Committee's recommendation to grant Life Membership to George Anstadt, MD in 2015.

   APPROVED, the Membership Committee's recommendation that MSSNY not impose dues for future Life Members, but instead make annual requests to all Life Members for Legacy Donations, in the form of financial or service contributions.

2. Commissioner of Science & Public Health, Frank G. Dowling, MD

Dr. Dowling presented information on the AMA Task Force to Reduce Opioid Abuse which MSSNY has been involved with since the task force's inception in 2014. The task force consists of over 20 national medical specialty organizations and eight state medical societies. The goal is to change the dialogue so that physicians are working together to find concept of a media campaign which MSSNY will implement in conjunction with the AMA. The following AMA Task Force recommendations were APPROVED:
   - Dedication of space on MSSNY's website on Opioid Abuse - Highlighting the work of the task force; goals & objectives;
   - Encourage and direct physicians to the Providers, Clinical Support Services for Opioid Therapies (PCSS-O)
   - MSSNY to co-brand and use ads in communications

9. Councilors (All Action Items from County Societies and District Branches)

   No action items submitted

D. Reports of Officers (Informational)

1. Office of the President - Date of Discovery - MSSNY remains concerned by legislation already passed by the Assembly, which would enact a date of discovery statute of limitations in medical malpractice. The impact of the enactment of this legislation into law cannot be overstated. Medical Liability Reform will be at the top of the agenda this coming year. At the end of the 2015 Legislative Session, MSSNY is working with the Senate Staff to reject this legislation.
2. **Office of the President-Elect** - Malcolm D. Reid, MD, MPP
   Will be in attendance at the Nassau County Membership Dinner to be held on Tuesday, September 29, 2015

3. **Office of the Vice President** - Charles Rothberg, MD
   - No verbal report

4. **Office of the Treasurer** - Thomas J. Madejski, MD, FACP
   - ACCEPTED, Financial Statement for the period January 1, 2015 to August 31, 2015

5. **Office of the Speaker** - Kira A. Geraci-Ciradullo, MD, MPH
   - Dr. Geraci announced the following:
     - Council is March 7, 2016 in Albany
     - Physician Advocacy Day is March 8, 2016 in Albany
     - Deadline for submission of Resolutions is Friday, March 11, 2016 at 5:00 p.m.
     - Rules Committee will meet on April 14 at the HOD
     - Looking to revise MSSNY’s Bylaws

E. **Reports of Councilors (Informational)**

The following reports were submitted for information

1. Kings & Richmond Report - Parag H. Mehta, MD
   - A request from a member of New York County Medical Society to MSSNY regarding Out of Network (OON) insurance issues.

   **Request:** The Out–of–Network Preservation Work Group would like to work with the Medical Society of the State of New York formally, especially in light of the fact that there may be potential for a number of doctors who are part of this committee to join MSSNY. In any event, it believes that it represents a large number of physicians who are coalescing around the OON issue and could be a great resource and partner for MSSNY. The group recognizes that in its present form, it may not fit into MSSNY’s existing committee structure, and would be open to discussing ways it could interact with MSSNY.

   Dr. Maldonado would like to appoint Councilors to work on setting up guidelines for organizations like the OON Group and the Coalition of Specialty Societies in terms of what is the work that MSSNY is going to do in collaborating with them. The guidelines would become the criteria by which we decide whether or not we want to liaison or work with other groups that don’t necessarily want to work within a committee structure.

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. Commission of Science & Public Health, Frank G. Dowling, MD
The following Committee Minutes were submitted for information
Public Health & Education Informational Report

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

G. Report of the Executive Vice President
The following reports were submitted for information:
1. Membership Dues Revenue Schedule
2. State Coalition Conference Call, July 7, 2015

H. Report of the General Counsel
1. NYS Psychiatric Association v. United Healthgroup Decision
2. APPROVED, the request to submit an amicus brief

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

J. Other Information/Announcements
The following items were submitted for information:
1. DRAFT AMA Comments on 2016 Physician Fee Schedule
2. Dr. Maldonado’s Press Statement—Proposed Insurer Mergers
3. AMA News Release—Health Insurer Mergers
4. Whatley/Kallas Letter—Proposed Insurer Mergers
5. Letter from Commissioner Zucker re Grand Rounds
6. MSSNY/GNYHA Joint Letter to NY Times re Op Ed on Lavern’s Law
7. MSSNY Survey on EHR Usage
8. AMA-CMS Press Release re ICD-10
9. ACCME Announcement re American Board of Internal Medicine & Accreditation Council for CME Announce Collaboration in Support of Physician Lifelong Learning
10. Medicare Payment Advisory Commission Letter to Andrew Slavitt, Acting Administrator Centers for Medicare & Medicaid Services
11. National Hispanic Health Foundation Letter—Leadership Award to Dr. Maldonado
12. Recipients of the Duane & Joyce Cady Physicians of Tomorrow Awards

K. Adjournment
There being no further business, a motion to adjourn was made, seconded, and approved. The meeting adjourned at 12:15 p.m.