

**MSSNY Council Report
Zebulon Taintor, MD
First District Branch
January 21, 2016**

ACTION ITEM

- É NoóFault Medical Malpractice as Comprehensive Malpractice Reform
- É Helping Physician-led ACOs, IPAs and other Alternate Payment Methods
- É Status of Partnering with NotóforóProfits
- É FDB EóPrescribing Motion to Council

Whereas, At the federal level, the HIPAA Omnibus Rule allows a patient to prevent a provider from reporting information to a health insurer if the patient pays in full; and

Whereas, Starting March 27, 2016, all New York State physicians will be required to prescribe via electronic prescribing systems for both controlled and nonócontrolled substances (and waivers and exceptions may be very difficult to obtain from the New York State Department of Health Bureau of Narcotic Enforcement); and

Whereas, From the physicianø viewpoint, the commercial electronic prescribing systems (which work via the Internet) can in some ways be helpful by streamlining the physicianø eóprescribing activity, making it easy to enter or access patientsø demographic information and past prescriptions; and

Whereas, From the patientø viewpoint, although these eóprescribing systems do have some advantages, they are not always helpful or beneficial because:

- 1) The system requires that the prescription be sent to just one pharmacy, which the patient must name at the time of the visit; and
- 2) There is no flexibility for dealing with such problems as the patientø ability to compare drug prices at various pharmacies, or the õtargetõ pharmacyø not having the drug in stock, or the confusion of an elderly or infirm patient as to where the prescription was sent; and

Whereas, Patients have the opportunity to opt out of sharing their medical data (a right that New York State has respected by obtaining patientsø written permission to have their data shared) ó and some patients, while not objecting to prescription drug monitoring, do not want their data entered electronically into any more data bases than absolutely necessary; and

Whereas, These patients have indicated that they will seek to get their prescriptions filled out of state, and are requesting to opt out of electronic prescribing; and

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Whereas, Coópayments for prescription drugs have become unpredictable from pharmacy to pharmacy, varying as much as a hundredófold even if the patient presents the same insurance card, so that the patient may make an onótheóspot decision to try another pharmacy; and

Whereas, Many of these problems could be dealt with if the physician had the option of providing the patient with a prescription on paper; therefore be it

RESOLVED, That the Medical Society of the State of New York press for legislation or regulation that would allow patientsórequests for paper prescription and pharmacy choice to be honored; and be it further

RESOLVED, That this legislation or regulation permit any patient to request opting out of electronic prescribing by requesting the same in writing to a physician, who will then be permitted to issue a paper prescription in person or by fax

MOTION: THAT THE MSSNY COUNCIL ADOPT THE RESOLUTION ON E-PRESCRIBING AND PATIENT PREFERENCE PRESENTED BY THE FIRST DISTRICT BRANCH