A meeting of the Council of the Medical Society of the State of New York was convened at 9:00 a.m. on Thursday, November 5, 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**  
Kira A. Geraci-Ciardullo, MD  
Andrew Y. Kleinman, MD  
Bonnie Iatvack, MD  
Joseph R. Maldonado, Jr., MD  
Malcolm Reid, MD  
Charles Rothberg, MD  
Joseph R. Sellers, MD  
William R. Latreille, MD

**MSSNY STAFF**  
Moe Auster, Esq.  
Sandy Bennett  
Liz Dears Kent  
Barbara Ellman  
Laurel Mayer  
Regina McNally  
Michele Nuzzi Khoury  
Suzanne Reilly  
Michael Reyes  
Eunice Skelly  
Christina Southard  
Julie Vecchione DeSimone

**COUNTY EXECS**  
Nancy Adams (phone)  
Cindy Burger (phone)  
Mark Cappola  
Stuart Friedman

**COUNCILORS**  
Joshua M. Cohen, MD  
Frank G. Dowling, MD  
Robert A. Hesson, MD  
Howard H. Huang, MD  
John J. Kennedy, MD  
Thomas T. Lee, MD  
Paul A. Pipia, MD  
Saulius Skeivys, MD  
Charles Kenworthy  
Luis Carlos Zapata, MD

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

**GUESTS**  
Mark Berg, MD (phone)  
Douglas Fish, MD (phone)  
Thomas Donoghue  
Arthur Hengerer  
Michael Schoppmann, Esq.  
Steven Sherman, DO  
William Valenti, MD (phone)

**TRUSTEES**  
Leah S. McCormack, MD

**ABSENT**  
Arthur Fougner, MD  
Mark Fox, MD  
Paul A. Hamlin, MD  
Michael Rosenberg, MD  
Sam L. Unterricht, MD
A. Call to Order and Roll Call

B. **APPROVED**, the Council Minutes of September 17, 2015

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

1. **President’s Report:**
   Drs. Mark Berg and Douglas Fish with the New York State Departments of Health and Financial Services made a presentation to Council summarizing the Delivery System Reform Incentive Payment (DSRIP) Programs. The program represents the main mechanism by which New York State will implement the Medicaid Redesign Team (MRT) Waiver Amendment. DSRIP’s purpose is to fundamentally restructure the health care delivery system by reinvesting in the Medicaid program, with the primary goal of reducing avoidable hospital inpatient admissions by 25% over five years. Up to $6.42 billion dollars are allocated to this program with payouts based upon achieving predefined results in system transformation, clinical management and population health. Preferred Provider Systems (PPSs) and Managed Care Organizations will play a significant role in driving quality initiatives, valued-based care and improving efficiencies of our health care delivery system and the overall health of the population of all New Yorkers.

b. **APPROVED**, the following Presidential Appointments to the 2016 Nominating Committee:
   Andrew Y. Kleinman, MD, Chair
   Robert B. Goldberg, DO
   Frank G. Dowling, MD
   Joseph R. Sellers, MD
   John J. Kennedy, MD
   Howard H. Huang, MD
   Jerome C. Cohen, MD
   Mark J. Adams, MD
   Edward Kelly Bartels, MD
   Bonnie L. Litvack, MD

c. **APPROVED**, the following Presidential Appointments to the Council Workgroup to develop guidelines for collaborating with non-MSSNY physician groups seeking MSSNY engagement.
   Kira Geraci-Ciardullo, MD ï Speaker, HOD
   Howard Huang, MD- Councilor and Chair of the group
   Mark Adams, MD - Councilor
   Parag Mehta, MD - Councilor
   Michael Goldstein, MD ï President, New York County Medical Society
   Robert Viviano, DO - Resident & Fellow Section Councilor
   Liz Dears, Esq. - VP MSSNY and Liaison for Coalition of Specialty Societies

d. **ACCEPTED**, the Presidential Nomination, Daniel Koretz, MD to be appointed to the AMA Senior Physicians Section
2. Secretary’s Report - APPROVED, unanimously, the Secretary’s Report requesting election to Life Membership for sixteen (16) physicians and dues remissions for thirteen (13) physicians

3. Board of Trustees Report - Upon Motion made and seconded, ACCEPTED, the Board of Trustees Report which was held on Wednesday, November 4, 2015. The Actions taken by the Board at that meeting were as follows:

**Approved:** The Minutes from the Board Meeting held on September 16, 2015.

The AMA has discontinued the travel waivers for the Commission to End Health Care Disparities. The Committee meets twice yearly.

A motion was made and approved by the Board for MSSNY’s funding for the continued meeting participation for this coming year.

**Approved:** The Board approved a request from the Forum for Medical Affairs for a contribution in the amount of $500 in support of their annual educational program which is being held on Sunday, November 15, 2015 in conjunction with the AMA Interim Meeting.

A motion was made that the Board recommend to the MSSNY Council that the January 2016 Board of Trustees and Council meetings be held via a virtual meeting.

The Council ACCEPTED the Board’s recommendation that the January, 2016 Board of Trustees and Council meetings be held via a virtual meeting with regional locations around the state connecting via WebEx.

4. MSSNYPAC Report - This report reflects the financial status of MSSNYPAC during the dues collection period of 9/1/15 through 10/31/15. We collected $41,735.86 from 364 contributors. Each dollar contributed to MSSNYPAC is split between operating expenses and contributions to candidates in a ratio of 2:8. In comparison to the same period the previous year, 9/1/14 through 10/31/14, we collected $38,649.09 from 334 contributors. We have begun to receive data to enrich our database of New York State Physicians. The information produced will be used to work with county medical societies to recruit non-MSSNYPAC members who do not already contribute to the PAC. MSSNYPAC’s website is operational and easy to access at [www.mssnypac.org](http://www.mssnypac.org). We are adding features each month and will continue to develop the site. MSSNYPAC has a mobile phone and text service. It offers content updates, meeting reminders, announcements and important news.

5. AMA Delegation Update - This year the AMA achieved a victory with the repeal of the SGR formula and the enactment of MACRA. The AMA reached an agreement with federal regulators to mitigate the disruption to physician practices caused by the transition to ICD-10. The AMA is addressing a host of issues important to physicians and patients including network adequacy and opioid misuse. As health insurers continue to offer narrow network plans as a way to contain costs, the AMA is calling for stronger regulation to protect patient access to care.

6. MESF Update - The MESF responded to an RFP from the Physicians Foundation and submitted an application for funding for Leadership Training for younger physicians. The MESF was awarded a
$150,000 grant for a two-year program. The first year of the program will be developed in the coming three months and presented in January, 2016. The MESF is working with the Suffolk County Medical Society on a presentation at Huntington Hospital on Physician Burnout. MESF is working on development of materials and speakers with the AMA’s Physician Practice Resources Group. The group has developed two excellent modules entitled, Improving Physician Resiliency and Preventing Physician Burnout. Programs will be developed in close collaboration with the new MSSNY effort in this area.

7. **Commissioners (All Action Items)**

   1. **Commissioner of Science & Public Health, Frank G. Dowling, MD**
      a. **ADOPTED**, the following substitute Childhood Vaccination Resolution submitted by the Medical Society of the County of Queens and referred to MSSNY’s Infectious Diseases Committee:
         
         **RESOLVED, That the Medical Society of the State of New York support the repeal of all non-medical exemptions for childhood vaccinations prior to attending school in New York State.**

   2. **Commissioner of Governmental Relations, Gregory Pinto, MD**
      Legislative and Physician Advocacy Committee
      a. **ADOPTED, MSSNY’s 2016 Legislative Program**
         
         A MOTION was Proposed & Passed to Extract Resolutions 109, 113 & 117.

      b. **NOT-ADOPTED, MSSNY HOD Resolution 109, Mandatory Reporting of Elder Abuse**

      c. **AMENDED & ADOPTED MSSNY HOD Resolution 113, Medical Society Dues as Part of Biennial Registration to read:**
         
         RESOLVED, That the Medical Society of the State of New York will investigate logistics of including MSSNY and County Medical Society opt-out dues in the New York State Department of Education biennial registration billing and payment.

      d. **ADOPTED, MSSNY HOD Resolution 117, Monopolization of Healthcare by Vertically Integrated Health Systems**

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

   (no written reports submitted)

D. **Reports of Officers (Verbal Reports)**

   1. **Office of the President† Joseph R. Maldonado, MD**
      Dr. Maldonado discussed a request by an independent group of physicians regarding an ad which Dr. Maldonado recommended be held until such time as the MSSNY Council Subcommittee on guidelines for engagement by MSSNY with other physician groups.

   2. **Office of the President-Elect† Malcolm D. Reid, MD**
      Dr. Reid stated that he attended the Nassau County Membership Dinner. He attended fundraisers for both the Democratic & Republican parties. The New York State Trial Lawyers indicated their eagerness to speak to MSSNY’s leadership regarding the date of discovery issue. Dr. Reid has reached out to Liz Dears who will be responding to the group.
3. **Office of the Vice President** – Charles Rothberg, MD  
   No verbal report

4. **Office of the Treasurer** – Thomas J. Madejski, MD  
   ACCEPTED, the Financial Statement for the period 1/1/15-9/30/15

5. **Office of the Speaker** - Kira Geraci-Ciardullo, MD  
   Dr. Geraci stated that the 2016 HOD will be held April 14-17 at the Westchester Marriott in Tarrytown. A letter was sent out to county society executives asking them to start drafting Resolutions. The deadline for Resolutions is Friday, March 11, 2016. MSSNY members are welcome to attend the HOD to review resolutions and speak at reference committees.

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)**  
   1. Commissioner of Science & Public Health, Frank G. Dowling, MD  
      The following Committee Minutes were submitted for information:  
      a. Long Term Care Subcommittee Minutes, September 30, 2015  
      b. Eliminate Health Care Disparities Minutes, October 9, 2015

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

   3. Commissioner of Governmental Relations, Gregory Pinto, MD  
      The following Committee Minutes were submitted for information:  
      a. Conference Call with Dave Whitlinger, CEO, NYeC  
      b. Health Information Committee Minutes, June 22, 2015  
      c. HIT Committee Minutes, September 25, 2015
G. **Report of the Executive Vice President** – Philip A. Schuh, CPA, MS
   Mr. Schuh referred everyone to the Membership Dues Revenue Schedule. It is anticipated that total dues income, at year end for 2015 will be somewhere in the vicinity of 4 million dollars. The hospital medical staff membership initiative will continue to be a focus for MSSNY leadership in the coming year. Three institutional memberships for 2016 have been successfully completed. They are St. Peters in Albany, South Hampton Hospital in Suffolk & Methodist Hospital in Brooklyn.

   Donald Moy stated that MSSNY was asked to prepare an Amicus Brief in the case of GEICO v. Avanguard Medical Group, PLLC. This is a case that involves an appeal of the Appellate Division’s decision regarding non-payment for facility fees for office based surgery. Mr. Moy noted that MLMIC was willing to incur any expenses associated with the preparation of this brief. As there is no fiduciary responsibility to MSSNY, the Board and Council approved going forward.

I. **Report of the Alliance** – Joan Cincotta, President
   The following report was submitted for information:
   1. Alliance Report

J. **Other Information/Announcements**
   The following items were submitted for information:
   1. Sign on letter re State funding to be dedicated to improving healthy food options
   2. VBP Workgroup Meeting
   3. Technical Design Subcommittee Draft Recommendations
   4. Letter to Troy Oechsner, Executive Deputy Superintendent, NYS Department of Financial Services re merger of Anthem BC/BS & Cigna
   5. AMA Letter to Dr. Simon regarding new appointment to the Joint Commission Board of Commissioners

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

L. After Council adjourned, MSSNY Leadership met with Dr. Arthur Hengerer, Chair Elect of the Federation of the State Medical Boards and Chair of the New York State Board of Professional Medical Conduct to discuss pursuing an interstate compact for medical license portability