

TO: MSSNY's Officers, Councilors and Trustees

FROM: MSSNY's Legislative & Physician Advocacy Committee

DATE: October 20, 2016

**RE: Resolution 101 – 2016 House of Delegates
Employed Physicians
*Introduced by Art Fougner, As an Individual and MSSNY Secretary and
Queens County Medical Society***

The following resolution was referred to the Council by the House of Delegates. The resolution was forwarded to the Legislative and Physician Advocacy Committee for further study and recommendation for the Council's consideration:

RESOLVED, that MSSNY form an Employed Physician section dedicated specifically to meeting those needs; and be it further

RESOLVED, that MSSNY with its legal counsel explore all avenues available to become the recognized negotiating agent for employed physician members in New York State.

Resolution 101 directs MSSNY to: (1) form an Employed Physician section dedicated Specifically to meeting the needs of MSSNY's employed members; and (2) work with its legal counsel to explore all avenues available to become the recognized negotiating agent for employed physician members in NYS.

The Reference Committee heard testimony in support to of this Resolution and concurred with the intention of the sponsors. As health care economics and the private practice environment shift in response to market and policy forces, physicians in growing numbers are opting for direct employment with hospitals, health systems, and other entities. Data from the Physicians Foundation's 2014 Survey of America's Physicians show that only 35% of physicians describe themselves as independent practice owners, down from 49% in 2012 and 62% in 2008. In addition, 53% of physicians describe themselves as hospital or medical group employees, up from 44% in 2012 and 38% in 2008. Moreover, the testimony received supports a renewed focus on MSSNY representation of employed physicians. Since both Resolutions 100 and 101 sought similar relief, the Reference Committee combined them into one substitute resolution which incorporated each facet of both Resolutions so that in addition to recommending that MSSNY should create a separate Employed Physicians section address grievances and concerns raised by employed physicians it also recommended that for those physicians who qualify for protection under the National Labor Relations Act, that MSSNY should explore creation of or affiliation with a union.

The delegates, however, felt it was important to allow Council to review and contemplate the complexities of this very innovative approach toward membership. Consequently, the Resolution was referred to Council and then referred on to the Legislative and Physician Advocacy Committee for its consideration and recommendation.

The discussion at the September 7 meeting of the Legislative and Physician Advocacy Committee was supportive of further exploration into obstacles to unionization faced by employed physicians and generally supported adoption of this Resolution. While one Committee member sent an e-mail to the full Committee that expressed concern that increased unionization will ultimately make the practice of medicine "more of a job and less of a profession", at the October 19 meeting the Committee agreed with staff's recommendation to adopt this resolution.

RECOMMENDATION: That the MSSNY Legislation & Physician Advocacy Committee recommend that the MSSNY Council adopt Resolution 101.