A meeting of the Council of the Medical Society of the State of New York was convened at 9:00 a.m. on Thursday, January 19, 2017 at the Courtyard Marriott, 1800 Privado Road, Westbury, NY 11590.

Malcolm D. Reid, MD, MPP, President of the Society, presided:

**PRESENT**

**OFFICERS**
Malcolm D. Reid, MD  
Charles Rothberg, MD  
Thomas J. Madejski, MD  
Joseph R. Maldonado, Jr., MD  
Arthur C. Fougner, MD  
Bonnie L. Litvack, MD  
Frank G. Dowling, MD  
Kira A. Geraci-Ciardullo, MD

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

**COUNTY EXEXS**
Christopher Bell  
(via phone)  
Mark Cappola  
Stuart Friedman, MPS  
Liz Harrison, CMP  
Aaron Kumar, MD  
Cheryl Malone  
Vangie Rosado-Tripp

**MSSNY STAFF**
Morris Auster, Esq.  
John P. Belmont  
Sandra Bennett  
Patricia Clancy  
Angela Gladkowski  
Laurel Mayer  
Regina McNally  
Michele Nuzzi-Khoury  
Suzanne Reilly  
Michael Reyes  
Steven Sachs  
Eunice Skelly  
Christina Southard

**COUNCILORS**
Mark J. Adams, MD  
Maria A. Basile, MD  
Robert A. Hesson, MD  
Howard H. Huang, MD  
John J. Kennedy, MD  
Thomas T. Lee, MD  
Brian Murray, MD  
Paul A. Pipia, MD  
Saulius J. Skeivys, MD  
Luis Carlos Zapata, MD

**TRUSTEES**
Leah S. McCormack, MD, Chair  
Robert J. Hughes, MD  
Andrew Y. Kleinman, MD  
Daniel M. Young, MD

**TELEPHONE PARTICIPANTS**
Edward Kelly Bartels, MD  
Terrance Bedient  
Joshua M. Cohen, MD  
Christina Kratschmer  
David B.L. Meza, III, MD  
Michael R. Privitera, MD

**EXCUSED**
William R. Latreille, Jr., MD  
Parag H. Mehta, MD  
Joseph R. Sellers, MD

**GUESTS**
Donald J. Fager, Esq.  
Zeb Taintor, MD

**ABSENT**
Mark J. Fox, MD  
Paul A. Hamlin, MD  
Richard A. Ritter, MD  
Robert A. Vivano, DO
A. Call to Order and Roll Call

B. APPROVED, the Council Minutes of November 3, 2016

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

1. President’s Report
   a. Michael R. Privitera, MD, Chair of the Physician Stress & Burnout Task Force presented the following items for Council Approval:
      1. Public distribution of burnout survey data coupled with a preliminary plan for interventions
      2. Development of CME programs on physician stress and burnout, as well as the peer support model and recruit a cadre of doctors to do such CME presentations, presentations to leaders and other stakeholders.
      3. Seeking grant or other funding to support CME, burnout study and program activities in an enduring way.
      4. Continued collaboration with other organizations on burnout reduction and wellness efforts.
      5. Development of a peer support program to assist doctors when they need to reach out for help to sustain their wellness before it progresses to mental health or substance use disorders.
      6. Recommend seeking a grant or other funding to help develop bring a peer support model to all county societies, hospitals and hospital systems, and practices in an ongoing way.

   Item #5 was AMENDED to read:
   Development of a peer support program to assist doctors when they need to reach out for help to sustain their wellness or to refer to treatment for mental health or substance use disorders before it results in adverse impact at work.

   A Motion was Proposed and Passed to ACCEPT Items 2, 3, 4, & 6 TABLE Items 1 & 5 to the 2017 House of Delegates

b. "Update on DSRIP/PPS Initiatives" presented by Joseph R. Maldonado, Jr., MD
   DSRIP is a five-year federal waiver program that allows NY to reinvest up to a total of 8 billion in federal savings that are generated through the Medicaid Redesign Team Reforms. The monies will be distributed by the Reform Project Participation through the 25 state approved Performing Provider Systems that are called PPSs. There is a complete list of the 25 PPSs on the DOH website.

   A reinvestment of monies back into the NYS system addresses reforms that ultimately would lead to a 25% reduction in avoidable hospital use over five years. Performing Provider Systems (PPS) funds allocation must be described in the DSRIP Budget & Flow Plan application and include a description of how DSRIP performance payments will be distributed amongst the providers.
Each PPS has to develop a district project plan and a community needs assessment to determine the needs in their community. Each PPS picks from 5-11 projects to meet the needs of their community. Project implementation is divided into four domains:

1. Overall Project Progress
2. System Transformation
3. Clinical Improvement
4. Population Strategy Implementation

Through innovations in these four domains, the statewide DSRIP plan is designed to reduce available hospitalizations by 25% over five years.

2. **Board of Trustees Report**
   - The Board of Trustees met on Wednesday, January 18, 2017. Upon motion made and seconded, the Council **ACCEPTED**, the following actions:

   1. The Board amended and then approved the Minutes from the Board of Trustees Meeting held on November 2, 2016 to reflect the following:
      - CPH will give a presentation each year at the MSSNY Annual House of Delegates.
      - CPH Staff will meet and present a report to the Board of Trustees on a quarterly basis.

   2. The Board approved the Operating Budget for 2017 as presented in the Statement of Income & Expenses for the Period Ending November 30, 2016.

   3. The Board approved the Pricing Policy for the Opioid training modules which CME has developed in accordance with the regulations set by the Bureau of Narcotics. The course will be free to MSSNY Members. The cost for Non-Members will be $150 for the 3 Module Course. However, this $150 will be applied towards deferring the cost of MSSNY Membership Dues in the event that Non-Members decide to join the Medical Society.

   The Board also stated that they give the authority to MSSNY Staff to reduce this cost when negotiating with Institutional Groups, Hospitals, and other medical entities.

   4. The Board approved the proposal from John F. Vecchio, CPA to perform the Financial Audit of MSSNY’s 2016 Operating Results.

   5. The Board approved MSSNY’s participation and sponsorship within the CDPHP Workforce Team Challenge, in which MSSNY would have a visible presence at health walks and similar events. The Board approved a fiscal note of $1,000 to $2,000 for this sponsorship.

   6. The Board discussed a request for financial assistance from the Medical Society County of Erie for a Marketing Plan RFP. The Board did not approve any financial assistance at this time, but stated that they would be open to receiving further information. The Board also indicated that this subject would be brought before the Long Range Planning Committee for discussion.
7. The Board approved MSSNY’s continued participation within the Coalition of State Medical Societies and also approved payment of the annual contribution of $20,000.

8. The Board approved payment of the AMA Litigation Center Invoice -$12,000.

3. Secretary’s Report – APPROVED, unanimously, the Secretary’s Report that requested life membership for twenty six (26) physicians, dues remissions for four (4) physicians and a special life membership request from Albany County Medical Society.

4. MLMIC Update - Mr. Donald Fager stated that MLMIC’s board has declared a new 20% general dividend for policyholders. The dividend which will apply to policyholders who are insured on May 1, 2017, and maintain continuous coverage through July 1, 2017 will be based upon the annual rate of premium in effect on May 1, 2017. It will provide meaningful financial relief to policyholders. Also, MLMIC will make their yearly contribution of $5,000 to the MSSNYPAC.

5. AMA Delegation Update – Dr. John Kennedy stated that the AMA should actively engage the new administration and Congress in discussions about the future of health care reform, in collaboration with state & specialty medical societies emphasizing the AMA’s extensive body of policy on health system reform.

6. MSSNYPAC Report – Dr. Charles Rothberg stated that the report reflects the financial status of MSSNYPAC during the dues collection period of 8/1/16 through 1/10/17. Dues collected of $100,449.02 from 558 contributors. In comparison to the same period the previous year, 8/1/15 through 1/11/16, we collected $106,373.60 from 665 contributors. MSSNYPAC would like to thank Dr. Andrew Cheng for his years of service to MSSNYPAC as Treasurer. The Board of Elections has accepted Dr. Reid’s appointment of Dr. Thomas Lee to be the new Treasurer of MSSNYPAC.

7. MESF Update – Two programs funded by the Physicians’ Foundation were run in Syracuse October 21-22. There are a number of programs focused on the development of Educational programs for physicians in India. MESF is looking at a program that would extend the Leadership Seminars to an online environment to make them available on a national basis.

8. CME Update – Dr. Mark Adams reported that since the last Council in November, the Subcommittee on Surveys & the full CME Committee has met once, on December 16, 2016. The Committee participated in the ACCME Self-Assessment for Recognized Accreditors to The Committee continues to make plans to maintain communication with MSSNY Leadership. The Subcommittee on Educational Programs has met twice, November 6 & December 21, 2016.

ADJOURNMENT OF COUNCIL

APPROVED, the Empire State Medical, Scientific & Educational Foundation, Inc. Election of Directors

RECONVENE COUNCIL
9. **Commissioners (Action Items – For Council Approval)**

1. Commissioner of Socio Medical Economics, Howard H. Huang, MD
   Committee on Interspecialty
   **NOT ADOPT** Resolution 2016-268, *Mobility Impairment Increases Risk of Illness*

2. Commissioner of Science & Public Health, Frank G. Dowling, MD
   Committee to Eliminate Health Care Disparities
   **ADOPTED.** the following mission and vision statements:

   **Mission Statement:**
   The Mission of the Committee to Eliminate Healthcare Disparities is to increase awareness of how factors such as race, ethnicity, culture and religious beliefs, sexual orientation; gender and gender identity contribute to both health and healthcare disparities.

   **Vision Statement:**
   The vision of the Committee to Eliminate Health Care Disparities is a New York State healthcare system that bridges gaps and identifies potential bias in order to provide the highest quality care to all people throughout the state with respect for their race, ethnicity, culture and religious beliefs; sexual orientation, gender and gender identity.

10. **Councilors (All Action Items from County Societies and District Branches)**
    No reports submitted

D. **Reports of Officers**

1. Office of the President - Dr. Reid spoke briefly about the following meetings he attended:
   - Fifth & Sixth District Retreat
   - AMA Interim Meeting
   - Lecture given by Andrew Gurman, MD, AMA President at Albert Einstein School of Medicine
   - MAMES Gala
   - Andrew Cuomo Fundraiser, Bronx Tale on Broadway
   - MLMIC Executive Committee Meeting
   - NYSPM&R Society Legislative Lecture, at NYU Langone Medical Center
   - Annual Meeting of the New York State Society of Anesthesiologists at the New York Marriott Marquis
   - MLMIC Board of Directors Meeting
   - State Leg. Conference

2. Office of the President Elect – Charles Rothberg, MD – Dr. Rothberg will be attending the 3rd & 4th District Retreat at the Mirror Lake Inn. He also participated in many Office of the President teleconferences.

3. Office of the Vice President – Thomas J. Madejski, MD – Dr. Madejski attended the State Leg. Meeting in Florida
4. Office of the Treasurer - Joseph R. Sellers, MD  In the absence of Dr. Sellers, Mr. Schuh presented the Financial Statement.  The Council ACCEPTED the Financial Statement for the period 1/1/16 to 11/30/16.

5. Office of the Speaker - Kira A. Geraci-Ciradullo, MD, MPH MSSNY HOD will take place April 20-23.  There will be CME programs on Thursday, April 20 at 8:00 a.m.  The Commissioner of the DOH will be coming on Friday morning.  The final deadline for Resolutions is Friday, March 17.

E. Reports of Councilors
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 - Maria A. Basile, MD, MBA
6. Third District Branch Report - Brian P. Murray, 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 - Christina Kratschmer
14. Organized Medical Staff Section Report - Richard A. Ritter, MD (no report submitted)
15. Resident & Fellow Section Report - Robert A. Viviano, DO
16. Young Physician Section Report - L. Carlos Zapata, MD

F. Commissioners (Committee Informational Reports/Minutes)
The following reports were submitted for information:

1. Commissioner of Communications, Joshua M. Cohen, MD, MPH
   a. Report of the Division of Communications

2. Commissioner of Science & Public Health, Frank G. Dowling, MD
   b. Preventive Medicine & Family Health Minutes, October 21, 2016
   c. Public Health & Education Informational Report

3. Commissioner of Socio Medical Economics, Howard H. Huang, MD
   a. Committee on Interspecialty Minutes, October 27, 2016

4. Commissioner of Governmental Relations, Gregory Pinto, MD
   a. MSSNY-HCA Task Force Minutes, November 18, 2016
   b. MSSNY HIT Committee Minutes, December 16, 2016
   c. Report from the Division of Governmental Affairs
G. **Report of the Executive Vice President, Philip Schuh, CPA, MS**
Mr. Schuh stated that MSSNY’s main source of income still remains from membership dues revenue. MSSNY staff and leadership must continue to diligently focus on engaging membership with institutional and group medical staffs. The Board of Trustees and the Long Range Planning Committee are looking into the future of MSSNY as membership starts to decline.

H. **Report of the General Counsel, Donald Moy, Esq. & David Vozza, Esq.**
Mr. Moy gave a brief summary of the various legal services and efforts of Kern Augustine, PC provided on behalf of MSSNY. The law firm handles inquiries from MSSNY members regarding a variety of medical & legal issues. The law firm continues to work with CPH analyzing its protocols and procedures helping to implement risk management measures. Mr. Moy also spoke briefly about the Federal Overtime Final Rule. The Federal Court ruling, at least for now, will block implementation of the Federal Overtime Final Rule, employers in NYS need to be aware that the NYS Department of Labor has adopted a rule that will increase the Salary Level in NYS. NYS Department of Labor regulations, in general, incorporate the FLSA requirements for overtime pay, including the FLSA exemptions based upon the Salary Level.

I. **Report of the Alliance, Barbara Ellman, Co-President**
This report was submitted for information
Alliance Report

J. **Other Information/Announcements**
The following reports were submitted for information:
1. Letter dated January 5, 2017 to Representative Chris Collins re Affordable Care Act
2. Letter dated December 9, 2016 to Commissioner Zucker re Medical Marijuana
3. MSSNY Five-Step MACRA Checklist
4. Dr. Duane & Joyce Cady Honor Fund (2016 Activity Report)
5. Sign-on letter dated January 9, 2017 to Leishia Smallwood, Director, NYS Area Health Education Center (NYS AHEC) re continued funding for the NYS AHEC

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