



**MEDICAL SOCIETY OF THE STATE OF NEW YORK**  
865 Merrick Avenue, Westbury, NY 11590-9007  
(516) 488-6100, FAX: (516) 281-3096, website: www.mssny.org

***MINUTES OF THE COUNCIL MEETING***  
***November 2, 2017***

*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 2, 2017 at the Courtyard Marriott, 1800 Privado Road, Westbury, NY 11590.*

*Charles Rothberg, MD, President of the Medical Society, presided:*

**PRESENT**

**OFFICERS**

Charles Rothberg, MD  
Thomas J. Madejski, MD  
Arthur C. Fougner, MD  
Frank G. Dowling, MD  
Sana Bloch, MD  
Joseph R. Sellers, MD  
Mark J. Adams, MD

**COUNCILORS**

Maria A. Basile, MD  
Janine L. Fogarty, MD  
Justin M. Fuehrer, MD  
Howard H. Huang, MD  
Pratistha Koirala  
John J. Kennedy, MD  
Thomas T. Lee, MD  
Bonnie L. Litvack, MD  
Parag H. Mehta, MD  
Brian P. Murray, MD  
Paul A. Pipia, MD  
Saulius J. Skeivys, MD  
Luis Carlos Zapata, MD

**TRUSTEES**

Paul A. Hamlin, MD, Chair  
Andrew Y. Kleinman, MD

**MSSNY EXECUTIVE STAFF**

Philip A. Schuh, CPA, MS

**MSSNY STAFF**

Morris Auster, Esq.  
John Belmont  
Sandra Bennett  
Patricia Clancy  
Julie DeSimone Vecchione  
Laurel Mayer  
Regina McNally  
Michele Nuzzi-Khoury  
Suzanne Reilly  
Michael Reyes  
Steven Sachs  
Eunice Skelly  
Christina Southard

**GUESTS**

Clare B. Bradley, MD  
Barry Cepelewicz, MD, Esq.  
Patricia Gagliano, MD  
John Hallowell  
Donald R. Moy, Esq.  
Theodore Will, MPA  
Andrew L. Zwerling, Esq.

**COUNTY**

**EXECS**

Mark Cappola  
Aaron Kumar, MD  
Cheryl Malone  
Evangeline Rosado-Tripp

**TELEPHONE**

**PARTICIPANTS**

Edward Kelly Bartels, MD  
Christopher Bell  
Joshua M. Cohen, MD  
Donald Fager  
Kira Geraci-Ciardullo, MD  
Scot Glasberg, MD  
Miriam Hardin  
Elizabeth Harrison  
William R. Latreille, Jr., MD  
Helena Mirza  
Christine Nadolny  
Gregory Pinto, MD  
Malcolm D. Reid, MD  
Sam L. Unterricht, MD  
Brenda Van Nest

- A. Call to Order and Roll Call
- B. **APPROVED**, the Council Minutes of September 14, 2017
- C. New Business (All New Action & Informational Items)

1. President's Report:

- a. **ACCEPTED**, Presidential Appointments to the 2018 Nominating Committee
- b. Physician Stress & Burnout Task Force Survey Correlation Analysis  
Executive Summary (**Informational Item**)
- c. Hospital Medical Staff Initiative Discussion ó Dr. Rothberg gave a brief power point presentation which detailed how the 3 year pilot project with Northwell would bring in dues revenue. This project will increase and stabilize our membership numbers and improve our demographics over the life of the program.

**After a lengthy discussion, a MOTION was Proposed & Passed to proceed with the three-year Membership Pilot Project with Northwell, at a new membership rate for groups in excess of 5,000 members, set at \$60.00 per member annually.**

Dr. Joshua Cohen, Councilor for Manhattan and the Bronx abstained from voting on the Northwell Pilot Project.

**Also, Dr. Adams asked for consideration that this rate be available to all members across the state. This will go to the Membership Committee for discussion then brought back to the Board of Trustees & Council in January, 2018.**

- 2. Board of Trustees Report ó A meeting of the MSSNY Board of Trustees was held on Wednesday, November 1, 2017 at MSSNY Headquarters. Upon motion made and seconded, the Council **ACCEPTED**, the Report. The following actions taken by the Board at that meeting were as follows:
  - 1. The Board approved the Minutes from the Board of Trustees Meeting held September 13, 2017.
  - 2. The Board welcomed Barry Cepelewicz, MD, and Andrew Zwerling, Esq. from the law firm of Garfunkel Wild, P.C. who will now be serving as MSSNY's General Counsel. The Board also congratulated Mr. Donald Moy on becoming of Counsel to the Firm.
  - 3. In an effort to increase the MSSNY membership through the Hospital Medical Staff Initiative, the Board approved a three (3) year pilot membership program with seven (7) Northwell Affiliated Medical Staffs.
  - 4. A verbal report was given to the Board by Terry Bedient, Vice President, Jeffrey Selzer, MD, Medical Director and Donald Moore, MD, Chairman of the CPH Advisory Committee updating MSSNY on the activities of our CPH Program. The Board requested that some changes be made to the wording within the CPH Policy and Procedural Manual as well as on the CPH Participation Information sheet.

3. Secretary's Report - **APPROVED**, unanimously, the Secretary's Report that requested Life Membership for forty-one (41) physicians & Dues Remissions for two (2) physicians as proposed by their respective county medical societies.
4. MLMIC Update - Mr. Fager stated that there is a delay in the MLMIC/Berkshire deal due to delays in the complex demutualization process, the closure date would be pushed into early 2018. MLMIC is urging the Governor to veto Lavern's Law.
5. AMA Delegation Update - Dr. Kennedy stated that the AMA Interim Meeting will be held in Honolulu. A late Resolution introduced by Dr. Robert Goldberg and supported by New York on Health Insurance Company Purchase by Pharmacy Chain. This Resolution needs to be approved by the Rules Committee. All Resolutions are available on the AMA website.
6. MSSNY PAC Report - Dr. Sellers stated that MSSNY PAC asks each member of the MSSNY Council to identify two or more physicians in their region who are PAC champions and interested in serving as a Regional Chair for MSSNY PAC. This position has been formed for purposes of enabling local physicians to become well informed of the importance of MSSNY PAC support and leading efforts to raise funds for MSSNY PAC in their area.
7. MESF Foundation Report - Mr. Donoghue stated the MESF has been actively focused on the development of two Physician Leadership Seminars under a grant from the Physicians Foundation. The first seminar was held at the Albany Hilton on October 20 & 21. The second seminar will be held in Buffalo in April 2018. MESF is continuing to explore opportunities for the development of clinical education programs for physicians in India.
8. Councilors/Commissioners (All Action Items, For Council Approval)  
Joshua M. Cohen, MD, MPH, Councilor
  - (a) New York County Medical Society submitted the following three Action Items:
    1. The Councilor withdrew the Resolution which asked for the endorsement candidacy of MSSNY/New York County Medical Society Member Stuart Gitlow, MD for a seat on The Board of Trustees of the American Medical Association (AMA) in the upcoming AMA Election.
    2. That the Medical Society of the State of New York Form a Task Force to Study Increasing Membership among Employed and Young Physicians to Encourage Their Active Participation in Membership. That the Medical Society of the State of New York Benchmark Successful Membership Projects with Other State Societies and Investigate a More Streamlined Vision of Projects (Reducing the Number of Issues MSSNY Tries to Cover by Instead Looking for a Big Win).  
**A Motion was Proposed & Passed to allow OMSS to explore ways of increasing MSSNY Membership.**

Commissioner of Governmental Relations, Gregory Pinto, MD, Commissioner

(b) Legislative & Physician Advocacy Committee, Paul A. Pipia, MD, Chair

1. **ADOPTED**, MSSNY's 2018 Legislative Program

2. Resolution 62-2017, New York State Healthcare Delivery System and Resolution 63-2017, MSSNY Support Single Payer Health Insurance

**ADOPTED**, the following substitute resolution in lieu of Resolutions 62 and 63:

RESOLVED, That the Medical Society of the State of New York re-affirms MSSNY Policy 130.996; and be it further

RESOLVED, That MSSNY will continue to consider the feasibility of other payment methodology including single payor and continue to work collaboratively with physicians who both support and oppose such proposals to assess the strengths and weaknesses of any such proposals; and be it further

RESOLVED, That MSSNY continue to advocate to assure that physicians have direct input and ongoing involvement on all aspects of any single payer system or other system that may be considered by the New York State Legislature or US Congress.

3. Resolution 111-2017, Any Willing Provider with Universal Credentialing

**ADOPTED**, the following substitute Resolution in lieu of Resolution 111:

RESOLVED, that MSSNY re-affirm MSSNY policy 130.941; and be it further

RESOLVED, that MSSNY advocate for legislation or regulation that would enable a patient to have coverage for treatment by an out of network physician where exigent circumstances exist or where there is a prior treatment relationship.

**D. Presentation** - A QPP/MIPS presentation was given by Dr. Patricia Gagliano of IPRO.

The presentation focused on helping physicians understand and implement the current program. The QPP improves Medicare by helping focus on care quality.

The QPP has two tracks:

- Advanced Alternative Payment Models (APMs) or
- The Merit-based Incentive Payment System (MIPS)

Participation in an APM, through Medicare Part B physicians may earn an incentive payment for participating in an innovative payment model. Participation in MIPS, physicians will earn a performed-based payment adjustment. Physicians must meet both the minimum billing and the number of patients to be in the QPP. To participate in the MIPS you must be a physician; physician assistant; nurse practitioner; clinical nurse specialty and certified registered nurse anesthetist.

The first performance period opens January 1, 2017 and closes December 31, 2017. If not ready on January 1<sup>st</sup> you can choose to start between January 1 and October 2, 2017.

Who is exempt from MIPS?

- If newly enrolled in Medicare for the first time during the performance period;
- Below the low-volume threshold ó Medicare Part B allowed charges less than or equal to \$30,000 a year or see 100 or fewer Medicare Part B patients a year;
- Participating in APMs ó Receive 25% of their Medicare payments or see 20% of their Medicare patients through an advanced APM

If you are exempt, you may choose to submit quality data to CMS to prepare for future participation, but you will not qualify for a payment adjustment based on 2017 performance. This will help you when eligible for payment adjustments in future years.

I PRO can assist you in:

- Reviewing resources: <https://ipro.org/for-providers/medicare-qpp>
- Choosing measures in each performance category;
- Ensuring that your EHR vendor can support the measures you have chosen
- Periodically reviewing your measures to ensure you are on track for successful participation;
- Identifying participation opportunities in I PRO initiatives for the Quality and Improvement Activities performance categories

I PRO/QPP Contact Information:

- Patricia Gagliano, MD, [pgagliano@ipro.org](mailto:pgagliano@ipro.org) 516-209-5281
- Susan Hollander, MPH, CPHQ, [shollander@ipro.org](mailto:shollander@ipro.org) 516-209-5254
- Rebecca Van Vorst, MSPH, [rvanvorst@ipro.org](mailto:rvanvorst@ipro.org), 518-320-3508

## **E. Reports of Officers**

1. Office of the President ó Charles Rothberg, MD ó Meetings attended:
  - MSSNY CME Provider Conference
  - Kings County President's Dinner
  - Connecticut Annual Meeting
  - Westchester Dinner
  - NYS County & Specialty Executive Director Conference
  - Meeting at Stony Brook Hospital w/Dr. Kaushansky
  - Brookhaven Hospital Gala
  - Legislative & Physician Advocacy Teleconference
  - MESF Leadership Conference
  - Bronx County Gala
  - NY/NJSIPP Meeting
  - Fifth & Sixth District Retreat
  - Queens County Gala - Honoring Dr. Penny Stern

Dr. Rothberg welcomed Dr. Barry Cepelewicz and Mr. Andrew Zwerling, Esq. from the law firm of Garfunkel Wild, PC who will be serving as MSSNY's General Counsel. The Council congratulated Donald Moy on becoming of Counsel to the Garfunkel firm.

2. Office of the President-Elect - Thomas J. Madejski, MD - Dr. Madejski stated that he continues to assist in the Office of the President. He participated in a webinar with regard to the step therapy legislation which passed to avoid unnecessary changes in patients' medication. Socio Medical Economics and MSSNY's Legislative Group are in the process of developing a form that will be available on the MSSNY website that should assist in maintaining therapy for patients.
3. Office of the Vice-President - Arthur C. Fougner, MD ó Dr. Fougner stated that he gives a monthly MSSNY report to the Long Island Jewish staff society.
4. Office of the Treasurer - Joseph R. Sellers, MD, **ACCEPTED**, the Financial Statement for the period 1/1/17 ó 9/30/17
5. Office of the Secretary - Frank G. Dowling, MD ó No verbal report
6. Office of the Speaker - Kira A. Geraci-Ciradullo, MD, MPH - Dr. Geraci made reference to the following:
  - Reference Committee Appointments will be made in late November;
  - Committee members on Rules & Credentials must be at the HOD on Thursday and stay through Sunday;
  - Dr. Andrew Gurman, Immediate Past President of the AMA will attend and speak on Saturday morning.

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

**The following County/District Reports were ACCEPTED as submitted:**

1. Kings & Richmond Report - Parag H. Mehta, MD
2. Manhattan & Bronx Report ó Joshua M. Cohen, MD, MPH
3. Nassau County Report ó Paul A. Pipia, MD
4. Queens County Report ó Saulius J. Skeivys, MD
5. Suffolk County Report ó Maria A. Basile, MD, MBA  
Dr. Basile referenced a letter attached to the Suffolk County Report from Joshua Vinciguerra, Director, Bureau of Narcotic Enforcement, DOH in regard to a review of the NYS Prescription Drug Monitoring Program that physicians may have engaged in high-risk opioid prescribing
6. Third District Branch Report ó Brian P. Murray, MD
7. Fourth District Branch Report ó John J. Kennedy, MD
8. Fifth District Branch Report ó Howard H. Huang, MD
9. Sixth District Branch Report ó Robert A. Hesson, MD
10. Seventh District Branch Report ó Janine L. Fogarty, MD

11. Eighth District Branch Report ó Edward Kelly Bartels, MD  
Dr. Bartels referenced the letter from Joshua Vinciguerra, Director, Bureau of Narcotic Enforcement, DOH in regard to a review of the NYS Prescription Drug Monitoring Program that physicians may have engaged in high-risk opioid prescribing. Mr. Keith Servis, DOH Representative has agreed to an in-person meeting to take place in Erie County on November 30, 2017 to discuss the negative impact of the letter. The focus will be on the following concerns:
  - Which physicians received the letter which was signed by Jason Vinciguerra?
  - What are the underlying issues that prompted for the letter?
  - The letter has been seen as a prosecutorial threat since the sender was not a physician or a clinician.
  - Physicians are questioning if the any prescriptions identified as any of the 3 bullet-pointed items, now constitute possible discipline by the OPMC.
  - When the community faced the closure of a pain management clinic in 2016, they were promised that as long as accurate documentation was in a patient chart as the rationale for prescribing they were promised that no action would be taken against them ó yet the letter appears to be seen as a threat.
  - Physicians will begin to discharge patients requiring pain management rather than be concerned that they are in the eye of the DOH.
  - Physicians will now to utilize I-Stop to review the prescriptions of all individuals requesting to become a patient in their practice; if found to be using any pain medication, they will notify the individual that the future appointment (as a new patient) will be cancelled.
12. Ninth District Branch Report ó Thomas T. Lee, MD
13. Medical Student Section Report ó Pratistha Koirala
14. Organized Medical Staff Section Report ó Bonnie L. Litvack, MD  
Dr. Litvack stated that she would like bring a Resolution to the Council and the HOD requesting that the OMSS Councilor, who currently has a voice but no vote be given the right to vote, as other sections. The OMSS would like to amend the MSSNY/OMSS Bylaws to reflect the addition of the Councilor to the OMSS Governing Council.  
OMSS has a three hour slot reserved on March 22, 2018 from 3:00 pm ó 6:00 pm with an educational presentation with a theme of strengthening and protecting the integrity & independence of the medical staff.
15. Resident & Fellow Section Report ó Justin Fuehrer, DO
16. Young Physician Section Report ó L. Carlos Zapata, MD  
The YPS will have their annual combined meeting with the RFS and MSS on Saturday, February 3, 2018 in Westbury.

**G. Commissioners (Committee Informational Reports/Minutes)**  
**The following Committee Minutes & Reports were submitted for information:**

1. Commissioner of Communications, Maria A. Basile, MD, MBA
  - a. Report of the Division of Communications
2. Commissioner of Governmental Relations, Gregory Pinto, MD
  - a. MSSNY-HCA Task Force Minutes
  - b. MSSNY HIT Minutes (includes DOH Power Point)
3. Commissioner of Medical Education, Mark J. Adams, MD
  - a. CME Report

**H. Report of the Executive Vice President - Philip A. Schuh, CPA, MS**

1. Membership Dues Revenue Schedule
  2. Group Institutional Dues Schedule
- Mr. Schuh referred everyone to the Membership Dues Revenue Schedule and The Group Institutional Revenue Report. He anticipates that MSSNY will collect approximately another \$75,000 by year-end. He also stated that on MSSNY's website there is a link to the Physicians Advocacy Institute (PAI). On the PAI website, there is significant amount of information on the QPP/MIPS Program that was discussed by the IPRO Reps.

**I. Report of the General Counsel, Barry Cepelewicz, MD, Esq.**  
Dr. Cepelewicz briefly stated that the law firm of Garfunkel Wild is pleased to have been selected as General Counsel of MSSNY.

**J. Report of the Alliance, Helena Mirza, Co-President**  
**The Alliance Report was submitted for information.**  
Presented by: Helena Mirza

**K. Other Information/Announcements**

**The following items were submitted for information:**

1. AMA Letter to President Trump re: Interim Crisis
2. Final Sign-on AMA MACRA Letter
3. Coalition of State Medical Societies Letter - Asking Congress to fully fund the Children's Health Insurance Program (CHIP)
4. Final Sign-on PAMA Letter

**L. Adjournment** ó There being no further business, a Motion to adjourn was made, seconded and approved. The meeting adjourned at 1:00 p.m.