



MEDICAL SOCIETY OF THE STATE OF NEW YORK

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MINUTES OF THE COUNCIL MEETING, MARCH 6, 2018

A meeting of the Council of the Medical Society of the State of New York (MSSNY) was convened at 1:00 p.m. on Tuesday, March 6, 2018 at the Renaissance Hotel, 144 State Street, Albany, NY 12207

Charles Rothberg, MD, MSSNY President presided:

OFFICERS

Charles Rothberg, MD
Thomas J. Madejski, MD
Arthur C. Fougner, MD
Malcolm D. Reid, MD
Frank G. Dowling, MD
Sana L. Bloch, MD
Mark J. Adams, MD
William R. Latreille, Jr., MD

COUNCILORS

Edward Kelly Bartels, MD
Maria A. Basile, MD
Janine L. Fogarty, MD
Robert A. Hesson, MD
John J. Kennedy, MD
Pratistha Koirala
Thomas T. Lee, MD
Bonnie L. Litvack, MD
Brian P. Murray, MD

TRUSTEES

Paul A. Hamlin, MD, Chair
Robert J. Hughes, MD
Andrew Y. Kleinman, MD
Joseph R. Maldonado, Jr., MD
Daniel Young, MD

MSSNY EXECUTIVE STAFF

Philip A. Schuh, CPA, MS

LEGAL COUNSEL

James Dering, Esq.

MSSNY STAFF

Morris Auster, Esq.
John Belmont
Patricia Clancy
Carrie Harring
Laurel Mayer
Suzanne Reilly
Michael Reyes
Steven Sachs
Eunice Skelly
Christina Southard
Brenda Van Nest
Julie Vecchione DeSimone
Jennifer Wilks

TELEPHONE PARTICIPANTS

Sandy Bennett
Mark Cappola
Barry Cepelewicz, MD, Esq.
Donald Fager
Kira Geraci-Ciardullo, MD
Scot Glasberg, MD
Miriam Hardin
Liz Harrison
Howard Huang, MD
Cheryl Malone
Regina McNally
David Meza, MD
Janine Miller
Donald Moy, Esq.
Michele Nuzzi Khoury
Paul A. Pipia, MD
Luis Carlos Zapata, MD

COUNTY EXECUTIVES

Christopher Bell
Shirley Cosgriff
Jonathan Dougherty
Kathi Dyman
Aaron Kumar, MD
Christine Nadolny

GUESTS

Nadine Bartels
Terrance Bedient
Barbara Ellman
Stuart Hayman
Vilma Joseph
Donald Moore, MD
Kenneth Offit, MD
Jeffrey Selzer, MD
Zeb Taintor, MD

EXCUSED

Joshua M. Cohen, MD
Justin M. Fuehrer, DO
Parag H. Mehta, MD
Joseph R. Sellers, MD
Saulius J. Skeivys, MD

- A. Call to Order and Roll Call
- B. **APPROVED**, the Council Minutes of January 18, 2018
- C. New Business (All New Action & Informational Items)

1. **President's Report:**

- a. Committee on Education (Resolutions referred to Council)

Resolution 2017-112 - Providing Income Tax Credit to Healthcare Professionals for Clinical Preceptorships

ADOPTED, the following Substitute Resolution 2017-112:

RESOLVED, That the Medical Society support the creation of a state-wide clinical preceptorship tax credit for community based and hospital based health care practitioners; and be it further

RESOLVED, that any necessary documentation for the tax credit be contained in a simplified form to encourage participation in the program and be it further

RESOLVED, that a copy of this resolution be forwarded to the American Medical Association to request similar relief in the form of a federal preceptorship tax credit.

Resolution 2017-156 6 Promoting 4-year, Vertical Ultrasound Curricula in Undergraduate Medical Education

NOT ADOPTED, the first Resolved of Resolution 2017-156:

RESOLVED, that the Medical Society and the AMA support 4-year, vertical instruction and training regarding the concept, implementation, and utilization in clinician-performed, point-of care ultrasound; and be it further

ADOPTED, the second Resolved of Resolution 2017-156 as Amended:

RESOLVED, that the Medical Society of the State of New York , ~~and~~ the American Medical Association (AMA) and the American Osteopathic Association communicate with US medical schools to study ~~urging~~ the inclusion of clinician-performed, point-of-care ultrasound instruction and training; including didactic and practical experiences covering the application to a broad range of organ systems and procedures for a wide variety of future specialists. The resolution should be sent to the AMA for consideration.

- b. Committee on Long Range Planning

Resolution 2017-211 – Relocation of the Annual MSSNY HOD meeting to Albany

NOT ADOPTED, the following Resolution:

RESOLVED, that the annual House of Delegates be held in Albany; and be it further

RESOLVED, that the MSSNY arrange for panel discussions, and presentations by elected officials and others to be part of the annual HOD meeting; and be it further

RESOLVED, that dates and timing of the meeting be coordinated with the legislative schedule in Albany; and be it further

RESOLVED, that time be created during the HOD meeting to visit with legislative representatives.

c. The Health Information Technology (HIT) Committee of MSSNY Symposium

HIT seeks authorization and support, along with the Medical Society of the County of Kings, to promote a statewide, 5 credit CME/HIT Symposium and Expo at the Brooklyn Borough Hall on Saturday, April 28, 2018.

Submitted by Donald Moore, MD, Chair, HIT Committee

MOTION: The Council **APPROVED** the proposal to promote the CME/HIT Symposium, at no financial cost to MSSNY.

2. **Presentation** – Kenneth Offit, MD, MPH “Update on a NY Cancer Genetic Screening Effort Focused on Physician Involvement”

Despite efforts to incorporate cancer genetic testing into practice and to disseminate directly to the public, surveys that show primary care providers (PCPs) have been wary of or unable to meet consumer interest in genetic testing. PCPs noted limitations in their knowledge about genetics and confidence in collecting and interpreting family history data, and generally underprepared for integrating genomic medicine into patient care. Women and men with BRCA gene mutation have a significantly greater risk of developing several types of cancer. Up to 90% of BRCA carriers do not know that they are BRCA positive. BRCA testing will save lives and provide options for cancer prevention.

To be eligible for the pilot phase of the BRCA Founder Study, participants (men & women) must:

- Be over 25 years of age and have at least one grandparent of Ashkenazi Jewish origin;
- Currently live within the New York, Los Angeles, Philadelphia, or Boston areas;
- Have not been previously tested for a BRCA mutation;
- Have health insurance

Lastly, the BRCA Founder Outreach Study is an innovative research initiative that will use an online platform and other novel approaches to health care delivery to address a long standing unmet need. It has significant potential to save lives and advance progress in the emerging field of precision medicine.

Dr. Offit’s attempts which includes pilot attempts to engage and to empower community physicians as a counterpoint to the -de-medicalization of genetic testing.

3. **Board of Trustees Report** - Presented by Paul A. Hamlin, MD

A meeting of the MSSNY Board of Trustees was held on March 6, 2018 in Albany.

Upon Motion made and seconded, the Council **ACCEPTED** the following Report:

1. The Board approved the Minutes from the Board of Trustees Meeting held on January 17, 2018.
2. The Board approved MSSNY's continued participation in the Coalition of State Medical Societies with no financial obligation for 2018, utilizing the remaining surplus of the Coalition to offset any expenses.
3. The Board approved the per diem for the June AMA Annual Meeting being held in Chicago, IL. as follows:

For a Five Night Stay	\$2,270
For a Four Night Stay	\$1,931

4. **Secretary's Report** - Presented by Frank G. Dowling, MD

APPROVED, unanimously, the Secretary's Report that requested Life Membership for fourteen (14) physicians and Dues Remission for one (1) physician.

5. **MLMIC Update** - Presented by Mr. Donald Fager (via teleconference) In February, 2018, the parties agreed to an acquisition price of approximately \$2.5 billion and signed an amended acquisition agreement to reflect the purchase price and closing procedures. The parties currently expect this acquisition will be completed in the third quarter of 2018. The 2.5 billion dollars will be distributed to all physicians that qualify. It will go to those that paid the premiums.

6. **AMA Delegation Update** - Presented by John J Kennedy, MD - Several MSSNY physician leaders and staff traveled to Washington DC for meetings with key members of New York's Congressional delegation as well as CMS Administrator Seema Verma. Physicians advocated for several measures to improve patient access to physician care, including: Reducing administrative hassles and increasing exemption levels under the Medicare Quality Payment Program; Raising the current statutory limitation on Graduate Medical Education slots; Enacting badly needed medical liability reform including "Good Samaritan" protections for volunteering in a disaster area; Increasing funding and insurance coverage to combat opioid addiction; and Closely scrutinizing proposed mergers across the health care industry, including CVS's proposed purchase of Aetna.

7. **MSSNYPAC Report** - Presented by Thomas J. Madejski, MD (in the absence of Dr. Joseph Sellers) - Mr. Belmont started a Physician Advocacy Liaison Network urging all MSSNY leaders to support MSSNYPAC and to become a liaison with your local senator and assembly representative. To learn more and to sign up visit www.mssnypac.org/pal There are 213 legislative seats but only 91 liaisons. MSSNY will be stronger when every legislator has a local MSSNY physician who is in contact with them during session and in the district.

8. **CME Update** ó Presented by Mark J. Adams, MD ó The CME Committee has chosen Friday, September 21, 2018 as the date for the next MSSNY CME Provider Conference, to be held at the Courtyard by Marriott in Westbury, NY. The conference will be an opportunity to advance the continuing professional development of CME coordinators, CME Directors, and leadership from the 33 CME providers that MSSNY accredits. As the ACCME Recognized Accreditor in New York State, MSSNY has awarded accreditation status to 30+ organizations across New York State.

D. Reports of Officers

Office of the President - Charles Rothberg, MD

1. Aetna/CVS Merger - MSSNY Leadership met with officials from CVS regarding the proposed acquisition. It is important for federal and state to undertake a thorough review of the impact of the acquisition of Aetna by CVS. If this merger is approved, this would produce enormous consolidations in the health care industry that will have a profound impact on where patients will receive their needed care and medications. We share the concerns expressed by the AMA regarding this potential consolidation.
2. Anthem's cuts to payments under Modifier 25 - MSSNY heard from the NYS Department of Financial Services (DFS) that Anthem will not be implementing the payment cuts. There was further confirmation from the AMA that Empire and Anthem will be postponing implementation of their Modifier 25 proposal that would have resulted in significant payment cuts and could have inconvenienced patients. At this point in time, it is not entirely clear if they will seek to implement it at a later date. However, we are pleased that DFS has directed Empire, that, before they initiate a similar policy, they should reach out to DFS, other regulators, and providers and especially the Medical Society. I want to personally thank Mr. Schuh, Moe Auster, Regina McNally and the DFS for their efforts in pushing back against this policy, as well to as the AMA for leading national efforts in opposition to this policy change.
3. MSSNY signed on to a letter rejecting legislation by permitting a nurse anesthetist to independently administer anesthesia and provide pain therapies without the physical presence and supervision of a qualified physician. This would create an entirely new and lower standard of care because of the myriad of potential patient safety issues that are adequately addressed under this bill.
4. Lastly, the Governor signed Lavern's Law - The final version addressed some problematic parts of the bill. Many of our elected officials clearly do not understand how difficult it is to be a doctor in New York, and how that affects availability of care in New York. We must re-double our efforts to be sure our policymakers are aware of New York's physicians' efforts to keep New Yorkers healthy, and to be an economic engine for our communities. And to be sure they are aware that there are practice opportunities in other states that are far more welcoming of doctors and of the services they provide to their communities.

Office of the President Elect ó Thomas J. Madejski, MD

Dr. Madejski referred Council to his letter to ABMS and their response letter. He will be attending another meeting on March 19 to follow-up on this issue. He asked the Council for additional comments or input and submit them to him.

Office of the Vice President ó Arthur C. Fougner, MD ó No report

Office of the Treasurer ó Presented by Mr. Philip Schuh (in the absence of Joseph R. Sellers, MD) **ACCEPTED**, the Financial Statement for the period 01/01/17 to 12/31/17

Office of the Speaker - Kira A. Geraci-Ciradullo, MD, MPH

(Dr. Latreille presented for Dr. Geraci)

The MSSNY HOD will open on Friday, March 23 and will adjourn on Sunday, March 25.

Dr. Andrew Gurman will address the House on Saturday morning. Mr. Tim Norbeck of the Physicians Foundation will address the House. On Sunday, the elections will start at 7:00 a.m. The House needs to close on Saturday at 4:00 p.m.

E. 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
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
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
15. Resident & Fellow Section Report ó Justin Fuehrer, DO
16. Young Physician Section Report ó L. Carlos Zapata, MD

F. Commissioners (Committee Action & Informational Items)

The following Committee Minutes/Reports were submitted for information:

1. Commissioner of Communications, Maria A. Basile, MD, MBA
Division of Communications Report
2. Commissioner of Governmental Relations, Gregory Pinto, MD
 - a. Long Term Care Subcommittee Minutes, January 24, 2018
 - b. Quality Improvement & Patient Safety Committee Minutes, January 24, 2018

3. Commissioner of Science & Public Health, Frank G. Dowling, MD
 - a. Addiction & Psychiatric Medicine Committee Minutes, February 9, 2018
 - b. Bio Ethics Committee Minutes, February 2, 2018
 - c. Eliminate Health Disparities Committee Minutes, January 26, 2018
 - d. Heart, Lung & Cancer Committee Minutes, January 24, 2018
 - e. Infectious Diseases Committee Minutes, January 25, 2018
 - f. Medical Education Committee Minutes, January 10, 2018
 - g. Preventive Medicine & Family Health Committee Minutes, October 26, 2017
4. Commissioner of Membership, Parag H. Mehta, MD (Dr. Litvack presented the report)
Membership Committee Action and Discussion Items

Introductory Dues Rate for All New Members

The Membership Committee recommends that the Council approve a new pilot project to facilitate recruitment of new members and former members who return after an absence of at least two years, with the following terms:

- First year dues are \$100 for MSSNY and no more than \$100 for the county society. If the county society's regular dues are lower than \$100, the county portion should be no higher than its current rate for full dues-paying members.
- Payment should be by credit card, with enrollment in an auto-renew plan, with advance notice to the physician before each annual billing cycle, enabling the member to opt out of auto-renewal.
- First year members should not be charged District Branch dues
- In the second year of membership, dues will be billed at 50% of the regular county and state dues rates
- In the third year of membership, dues will be billed at 75% of the regular county and state dues rates.
- Regular dues would be charged in the fourth year of membership.

The Council **APPROVED** the new pilot project to facilitate recruitment of new members and former members who return after an absence of at least two years.

A **MOTION was Proposed & Passed** for special accommodations to be made to second year membership dues for physicians in counties with low dues rates.

Affiliation Agreements Offering Support Outside of Membership

The following item was for DISCUSSION only:

The Membership Committee is also considering a pilot to test the effectiveness of Affiliation Agreements that would enable groups that currently have no relationship with the medical societies to demonstrate their support in ways outside of traditional membership.

Rationale ó With our traditional approach to pricing institutional memberships, when we first meet with groups to discuss membership agreements, we're unable to quote a price they can take or leave on the spot. We need to have a standard structure to propose so that an initial relationship is formed. Then if we can offer other savings or benefits we can discuss this at a follow up meeting.

The following offers are proposed, based on an average county and state dues total of \$825. The pricing and membership numbers can be further refined as they are discussed and evaluated, and will be presented as part of a future report.

- **Bronze Affiliation:** \$5,000 includes \$1,500 in county society/MSSNY advertising services, potential use of the societies' brands for specific approved purposes, and membership dues for adding five physicians from the group. (Dues come to $\$825 \times 5 = \$4,125$.)
- **Silver Affiliation:** \$15,000 includes \$3,000 in county society/MSSNY advertising services, potential use of the societies' brands for specific approved purposes, and membership dues for adding 15 physicians from the group. (Dues come to $\$825 \times 15 = \$12,375$.) With discount for 100% membership, dues for 15 would = \$11,385.
- **Gold Affiliation:** \$35,000 includes \$7,500 in county society/MSSNY advertising services, potential use of the societies' co-branding for specific approved purposes, and membership for adding 40 physicians to the group's membership count. (Dues come to $\$825 \times 40 = \$33,000$.) With discount for 100% membership, dues for 40 would = \$26,070.
- **Platinum Affiliation:** \$95,000 includes \$20,000 in county society/MSSNY advertising services, potential use of the societies' brands for specific approved purposes, and membership dues for adding 100 physicians to the group's membership count. (Dues come to $\$825 \times 100 = \$82,500$.) With discount for 100% membership, dues for 100 would = \$52,800.

G. Report of the Executive Vice President, Philip Schuh, CPA, MS

1. Membership Dues Revenue Schedule
2. Group Institutional Dues Schedule
3. Update of Coalition of State Medical Societies
4. Vision for the Future Commission - Appointed Members of the Continuing Board Certification:

Mr. Schuh referred the Council to the Group Institutional Dues Report and the Membership Dues Revenue Report. He noted that there continues to be a decline in the membership.

H. Report of the General Counsel, Garfunkel Wild

The Council APPROVED the proposed Amendments to the Bylaws of the First District Branch as follows:

1. Amendments to the Bylaws of the First District Branch

The proposed amendments to the Bylaws of the First District Branch of MSSNY were reviewed. Article XVII, section 2 of the Bylaws of MSSNY provides that each district branch may adopt a constitution and bylaws for its government and may amend them. The constitution, bylaws, and amendments may not be in conflict with the Bylaws of MSSNY and, before becoming effective, must be approved by the Council.

A review of the amendments confirms that the amendments relate solely to the internal governance of the First District Branch, and do not conflict with the Bylaws of MSSNY. Accordingly, it is recommended that the Council approve the proposed amendments to the Bylaws of the First District Branch.

The Council APPROVED the proposed Amendments to the Bylaws of the Medical Society of the County of Queens as follows:

2. Amendments to the Bylaws of the Medical Society of the County of Queens

The proposed amendments to the Bylaws of the Medical Society of the County of Queens were reviewed. Article XVIII, section 6 of the Bylaws of MSSNY provides that each component county medical society shall adopt a constitution and/or bylaws for regulation of its affairs and may amend them. The constitution, bylaws, and amendments shall not be in conflict with the Bylaws of the Medical Society of the State of New York and, before becoming effective, they shall be approved by the Council.

A review of the amendments confirms that they relate solely to the internal operations of the Medical Society of the County of Queens, and do not conflict with the Bylaws of MSSNY. Accordingly, it is recommended that the Council approve the proposed amendments to the Bylaws of the Medical Society of the County of Queens.

I. Other Information/Announcements

The following items were submitted for information:

1. PAI Letter to US House of Representatives ó Impact of Consolidation Trends in the Healthcare Sector on Physician Practices
2. Sign-On letter to reject Governor's Budget Bill regarding a nurse anesthetist to independently administer anesthesia
3. Sign-On letter rejecting the proposal to authorize retail clinics
4. Office of the National Coordinator for Health IT (ONC) release of the Draft Trusted Exchange Framework
5. PCMH Letter (Final Version)
6. Comprehensive Medical Management (CMM) Sign-On Letter
7. Community Paramedicine Program (CPP) Sign-On Letter

J. New Business - Presented by Zeb Taintor, MD ó MSSNY to support legislation that pharmacists can inform patients about less costly ways to obtain their medications and MSSNY to support prohibiting gag clauses in contracts.

A MOTION was Proposed and Passed to support legislation prohibiting 'pharmacist' gag clauses or 'gag clauses on pharmacists' in contracts.

K. Adjournment - There being no further business, A Motion to adjourn was made, seconded and approved. The meeting adjourned at 3:15 p.m.