

**August 29, 2018**

**TO: MSSNY OFFICERS, COUNCILORS AND TRUSTEES**

**FROM: MSSNYPAC EXECUTIVE COMMITTEE**

**RE: RECOMMENDED ENDORSEMENTS FOR MSSNY COUNCIL APPROVAL**

---

At the August 28 meeting of the MSSNYPAC Executive Committee, it was recommended that the MSSNY Council approve the below list of endorsement recommendations for candidates running for re-election to the New York State Legislature and to the US Congress.

The MSSNYPAC Executive Committee based its decision upon recommendations reached by MSSNYPAC State Candidate Evaluation Committee during its August 21 meeting, and by the MSSNYPAC Federal Candidate Evaluation Committee during its August 15 meeting.

### **CONGRESS**

**Representative Dan Donovan (R) 11<sup>th</sup> CD (Kings and Richmond Counties).** He is serving his second term. He supported legislation (The Bipartisan Budget Act-- HR 1892) to repeal the very problematic Independent Payment Advisory Board (IPAB), extend funding for the Child Health Insurance Program, and to reduce hassles with the Meaningful Use Program. He also supported legislation (HR 1215) that would have enacted comprehensive medical liability reform. He also bucked his party to vote against legislation (The American Health Care Act-- HR 1628) that could have jeopardized access to the comprehensive health insurance coverage received by hundreds of thousands of New Yorkers. He has an excellent working relationship with county medical society leaders, and has frequently presented at various physician leader meetings.

**Representative Elise Stefanik (R) 21st CD (Clinton, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, St. Lawrence, Saratoga, Warren, Washington).** Running for her third term, the Congresswoman serves on the House Armed Services Committee and the Committee on Education and the Workforce. In 2016, she authored the Be Open Act . legislation that was signed into law to fix a flaw in the ACA by repealing the auto-enrollment mandate that reduces choices in health coverage and has created confusion that can lead to significant tax penalties on both the employer and employee. She also supported legislation (HR 1892) to repeal the very problematic Independent Payment Advisory Board (IPAB), extend funding for the Child Health Insurance Program, and to reduce hassles with the Meaningful Use Program. She also supported legislation (HR 1215) that would have enacted comprehensive medical liability reform. She has an excellent working relationship with several local MSSNY physician leaders and with MSSNY staff, and has frequently presented at various physician leader meetings.

**Representative Paul D. Tonko (D) 20<sup>th</sup> CD (Albany, Schenectady and parts of Montgomery, Rensselaer and Saratoga Counties)** He is serving his fifth term, and is one of

the New Yorkers on the very powerful House Energy & Commerce Committee . one of the key Committees with health care jurisdiction. Congressman Tonko served for over 20 years in NYS Assembly prior to running for Congress, and was the sponsor of the Mental Health Parity bill. He has carried his advocacy for mental health parity to Congress. He has also been a strong advocate to expand the availability of opioid treatment, and is the vice co-chair of the Congressional Addiction, Treatment and Recovery Caucus. He opposed legislation (HR 1628) that could have jeopardized access to comprehensive health insurance coverage received by hundreds of thousands of New Yorkers. He also supported legislation to extend funding for the Child Health Insurance Program and to reduce hassles in the Meaningful Use Program. He has an excellent working relationship with local physicians and with MSSNY staff, and has frequently presented at various physician leader meetings.

### **NYS ASSEMBLY**

**Assembly Member Peter Abbate (D) 49<sup>th</sup> AD (Kings County).** He is the chief sponsor of legislation (A.11168) to assure greater fairness in the resolution of medical liability lawsuits by increasing the requirements for an attorney filing a Certificate of Merit and expanding criteria for expert witnesses. A member of the Assembly Labor Committee, he is a co-sponsor of legislation to permit physician collective negotiation (A.4472). Assemblymember Abbate also works closely with local physician leaders and MSSNY staff.

**Assemblymember Rodneyse Bichotte (D) 42<sup>nd</sup> AD (Kings County).** A member of the Health and Higher Education Committees, she was a strong vocal opponent to a State Budget proposal that would have enabled independent practice for CRNAs. She was a co-sponsor of legislation to raise the tobacco purchase age to 21, and supported legislation to create a comprehensive drug take program, legislation to require health insurers to report on their compliance with mental health and substance abuse coverage parity laws, and legislation to prohibit mid-year formulary changes.

**Assembly Member Kevin Cahill (D) 103rd AD (Ulster and Dutchess counties).** He is the Chair of the Assembly Insurance Committee, and a member of the Health, Higher Education and Ways & Means Committee. Assemblyman Cahill works closely with MSSNY staff and has a strong record of taking action consistent with MSSNY's positions. Once again, he led efforts to oppose legislation rejected by the Assembly proposed in the State Budget and on a stand-alone basis that would have permitted corporate-owned retail clinics. He also organized a public hearing to raise significant concerns with the proposed CVS takeover of Aetna, and submitted a letter to the US Department of Justice urging that the merger be blocked. He is also one of the principal co-sponsors of legislation to permit physicians to collectively negotiate with health insurance companies.

**Assembly Member Deborah J. Glick (D) 66<sup>th</sup> AD New York County)** Assemblywoman Glick chairs the Assembly's Higher Education Committee. In that capacity, she has been a fierce opponent to the numerous inappropriate scope of practice expansion bills referred to her Committee, including bills to expand the scope of podiatrists, psychologists, chiropractors,

optometrists, pharmacists, dieticians, and to authorize the use of naturopaths. Once again, she was a strong vocal opponent legislation rejected by the Assembly proposed in the State Budget and on a stand-alone basis to permit corporate owned retail clinics and has been a strong advocate in opposition to various CME mandates. She and her staff have an outstanding working relationship with MSSNY.

**Assembly Member Richard Gottfried (D) 75<sup>th</sup> AD (New York County).** He is the Chair of the Assembly Health Committee and sits on the Assembly Higher Education Committee. In that capacity, Assemblyman Gottfried has introduced and secured passage of legislation to protect physician and patient concerns with e-prescribing. He also the long time sponsor of numerous MSSNY priority bills, including legislation to provide peer review confidentiality protections, to prohibit health insurer extrapolation audits, and to permit physician collective negotiations. He also led the effort to extend MSSNY's Committee for Physician Health program, and has sponsored legislation to expand its liability protections. He works closely with MSSNY staff and has a good record of taking action consistent with MSSNY's positions.

**Assembly Member Aileen Gunther (D) 100<sup>th</sup> AD (Orange and Sullivan Counties).** She was the chief sponsor of legislation supported by MSSNY and passed by the Legislature to create a comprehensive prescription drug take back program (A.9576-B) and to require increased transparency of health insurer parity law compliance (A.3694-C). Chair of the Assembly Mental Health Committee and a member of the Health Committee, she is also a co-sponsor of legislation to permit physician collective negotiation (A.4472) as well as legislation to protect from disclosure statements made at peer review proceedings (A.2460). Assemblymember Gunther also works closely with local physician leaders and MSSNY staff.

**Assembly Member Chuck Lavine (D) 13<sup>th</sup> AD (Nassau County).** Sits on the Assembly Codes, Health, Insurance, and Judiciary Committees. Assemblyman Lavine works closely with MSSNY staff and has a strong record of taking action consistent with MSSNY's positions. In 2017-18, he sponsored multiple bills to address concerns raised by physicians, including legislation (A.2704) to assure due process protection for physicians when health plans do not renew physician participation contracts with them, and legislation (A.7920) that would provide greater protections to physicians when health insurers undertake extrapolation audits. In 2017-18, he supported a number of bills of importance to MSSNY in committee and floor votes, including legislation to permit physicians to collectively negotiate with health insurers (he is a co-sponsor), legislation to require health insurers to use similarly trained physicians before denying patient care, and legislation to prohibit mid-year formulary changes.

**Assemblywoman Donna Lupardo (D) 123<sup>rd</sup> AD (Broome County).** She sits on the Higher Education Committee. A leading candidate for Assembly Majority Leader next year, Assemblywoman Lupardo works closely with MSSNY staff and has a strong record of taking action consistent with MSSNY's positions. She opposed the legislation to expand the malpractice statute of limitations, and is co-sponsor of legislation to reduce prior authorization hassles for physicians, to prohibit mid-year formulary changes, and to permit physician collective negotiation legislation. She also opposed legislation to expand the scope of practice for podiatrists and to authorize naturopaths.

**Assembly Member Bill Magee (D) 121<sup>st</sup> AD (Madison, Oneida and Otsego Counties).** He sits on the Higher Education Committee. Assemblyman Magee works closely with MSSNY staff and has a strong record of taking action consistent with MSSNY's position. He opposed the legislation to expand the malpractice statute of limitations, also opposed legislation to expand the scope of practice for podiatrists and to authorize naturopaths. He also is a co-sponsor of legislation to permit physician collective negotiation, and supported legislation to prohibit mid-year formulary changes, and to require due process when a physician's contract with a health insurer is non-renewed.

**Assembly Member John McDonald (D) 108<sup>th</sup> AD (Albany, Rensselaer and Saratoga Counties).** He sits on the Assembly Higher Education and Ways & Means Committees. Assemblyman McDonald works closely with MSSNY staff and has a strong record of taking action consistent with MSSNY's positions. He opposed legislation to expand the malpractice statute of limitations, is and co-sponsor of legislation to reduce prior authorization hassles for physicians (A.9588), to prohibit health insurer extrapolation audits (A.3115), and to permit physician collective negotiation legislation (A.4472). He was an opponent of a Budget proposal to permit corporate owned retail clinics and raised concerns during a public hearing examining the proposed CVS takeover of Aetna. He has also sponsored legislation supported by MSSNY (A.10392) to reduce opioid abuse by permitting physicians to authorize partial fills of opioid prescriptions

**Assemblyman Andrew Raia (R) 12<sup>th</sup> District (Suffolk County).** He is the Ranking Member of the Assembly Health Committee, and is a member of the Rules Committee. Assemblyman Raia works closely with MSSNY staff and local physicians and has a strong record of taking action consistent with MSSNY's positions. He debated and opposed the legislation to expand the malpractice statute of limitations, and is co-sponsor of legislation to permit physician collective negotiation. He also supported legislation in floor votes to provide greater due process for physicians when their contracts are not renewed by health insurers and to prohibit mid-year formulary changes.

**Assembly Member Robin Schimminger (D) 140<sup>th</sup> AD (Erie and Niagara counties)** Sits on the Assembly Health, Codes and Ways and Means Committees. Assemblyman Schimminger works closely with MSSNY staff and has a strong record of taking action consistent with MSSNY's positions. He is the long-time sponsor of the Medical Liability Reform Act (A.4913), legislation which contains a number of provisions to address the high cost of medical liability insurance, including: a cap on non-economic damages, and other critically needed reforms to bring about more fairness. He also sponsored legislation to prohibit hospitals from requiring board certification as a condition of staff privileges, and health insurers from requiring board certification as a condition of participation (A.4914). In 2017-18, he supported a number of bills of importance to MSSNY in committee and floor votes, including the Collective Negotiation legislation, and legislation to assure due process protection for physicians when health plans do not renew physician participation contracts with them. He also voted in opposition to a number of bills also opposed by MSSNY, including legislation to extend the medical liability statute of limitations. He also addressed the MSSNY House of Delegates at its Buffalo meeting in 2018.

**Assemblymember Carrie Woerner 113<sup>th</sup> AD (Saratoga and Washington counties).**

Assemblywoman Woerner is a co-sponsor of MSSNY-supported legislation (A.9588) to reduce health insurer imposed prior authorization hassles and to create a comprehensive drug take back program (A.9576), and supported legislation (A.2317) to prohibit mid-year formulary changes, as well as legislation (A.3694) to require health insurers to disclose their compliance with the mental health/substance abuse parity laws. She also voted against legislation that expanded the medical malpractice statute of limitations.

**NYS SENATE**

**Senator Tony Avella (D) 11<sup>th</sup> SD (Queens County).** Senator Avella is the co-sponsor of numerous pieces legislation supported by MSSNY, including legislation to expand criminal penalties for assaulting a physician (S.8055), expanded expert testimony requirements for medical liability actions (S.7728), require health insurers to offer out of network coverage options (S.5675), reduce prior authorization hassles (S.7872), prohibit mid-year formulary changes (S.5022), expand due process rights for physicians when their contracts are non-renewed (S.3943), and permit collective negotiation rights for physicians.

**Senator Neil Breslin (D) 44<sup>th</sup> SD (Albany and Rensselaer Counties).** Senator Breslin is the Ranking Member of the Senate Insurance Committee. He has a close working relationship with MSSNY staff and local physicians. This past year, he supported important public health legislation supported by MSSNY including legislation to raise the age to use a tanning facility, to create a comprehensive drug take back program and to increase penalties for assault on a physician. He was also the co-sponsor of legislation to increase the tobacco age to 21, to prohibit mid-year formulary changes. In 2016, he was one of the co-sponsors of legislation to give physicians greater rights to challenge a health insurer step therapy protocol.

**Senator Rich Funke (R) 55<sup>th</sup> SD (Monroe and Ontario Counties).** Senator Funke was the sponsor of legislation (S.8055) to expand criminal penalties for assaulting a physician, and was the co-sponsor legislation to reduce physician prior authorization hassles (S.7872). As sponsor of legislation to restructure the scope of practice for athletic trainers, Senator Funke worked closely with MSSNY staff to address physician concerns with the legislation. He also has a close working relationship with the Monroe County medical society and local physician leaders.

**Senator Patrick Gallivan (R) 59<sup>th</sup> SD (Erie, Livingston, Monroe and Wyoming Counties).** Senator Gallivan is the co-sponsor of numerous pieces of legislation supported by MSSNY, including legislation to permit physician collective negotiation (S.3663), expand physician due process with health insurance plans (S.3943), and to reduce prior authorization hassles (S.7872). He also has a close working relationship with the MSSNY staff, the Erie County medical society and local physician leaders.

**Senator Kemp Hannon (R) 6<sup>th</sup> SD (Nassau County).** Chairs Senate Health Committee. Senator Hannon has, at the request of MSSNY, carried and successfully passed a number of bills including three bills to address issues with e-prescribing, standard prior authorization

request forms, physician collective negotiation (2011) and has introduced medical liability reform legislation including a cap on noneconomic loss and peer review confidentiality legislation. He also led the effort to enact legislation to extend for an additional 5 years MSSNY's Committee for Physicians Health, and advanced legislation to expand the service it can provide for physicians. Furthermore, he has introduced several bills to address physician/patient hassles with insurance companies, including prior authorization reform and due process protections. He also forcefully debated and opposed legislation to expand the malpractice statute of limitations.

**Senator Jeff Klein (D) 34<sup>th</sup> SD (Bronx and Westchester Counties).** He opposed legislation to expand the medical liability statute of limitations, and was a vocal opponent to a State Budget proposal that would have enabled independent practice for CRNAs. He also was a co-sponsor of enacted legislation to create a comprehensive drug take program paid for by the drug industry, and supported legislation that passed both Houses to require health insurers to report on their compliance with mental health and substance abuse coverage parity laws. He also supported legislation that would provide confidentiality for physician statements made at a peer review proceeding.

**Senator Terry Murphy (R) 40<sup>th</sup> SD (Dutchess, Putnam and Westchester) –** Senator Murphy opposed legislation to expand the medical liability statute of limitations, and co-sponsored legislation to permit physician collective negotiation (S.3663), and to prohibit mid-year formulary changes (S.5022). He also supported legislation supported by MSSNY that passed the Senate to require health insurers to report data to show their compliance with the mental health parity law (S.1156), legislation to create a comprehensive drug take back program (S.9100), legislation to increase penalties for assault on a physician (S.8055), and legislation that would provide confidentiality for physician statements made at a peer review proceeding (S.3661).

**Senator Robert Ortt (R) 62<sup>nd</sup> SD (Monroe, Niagara, and Orleans Counties).** Chairs Senate Mental Hygiene & Developmental Disabilities Committee. In his capacity as chair of the Mental Hygiene Committee, Senator Ortt, has worked to secure several years of grant funding for MSSNY together with NYSPA and NASW to assist in the development and presentation of continuing medical education programs on the diagnosis and treatment of PTSD and TBI in returning veterans. Senator Ortt also addressed MSSNY's House of Delegates in its 2018 meeting in Buffalo. He also opposed legislation to expand the malpractice statute of limitations. He is also the supporter of several bills supported by MSSNY, including being the chief sponsor of legislation (S.1156) to require health insurers to report data to show their compliance with the mental health parity law, and co-sponsoring legislation to reduce pre-authorization hassles (S.7872) and to prohibit mid-year formulary changes (S.5022).

**Senator Gustavo Rivera (D) 33<sup>rd</sup> SD (Bronx County).** Senator Rivera is the Ranking Member of the Senate Health Committee. Senator Rivera works closely with MSSNY staff and local physicians. He was the chief sponsor of MSSNY supported legislation to prohibit health insurer extrapolation audits (S.1101) and to enable hospital donations to physicians of EHR equipment without running afoul of the anti-referral laws (S.156). He is also a co-sponsor of legislation to prohibit mid-year formulary changes (S.5022), and supported legislation to create a comprehensive drug take back program (S.9100), legislation to increase penalties for assault on

a physician (S.8055), legislation that would provide confidentiality for physician statements made at a peer review proceeding (S.3661).

**Senator Sue Serino (R) 41<sup>st</sup> SD (Dutchess and Putnam counties)** Senator Serino is the chief sponsor of legislation (S.5022) to prohibit mid-year formulary changes, and has worked closely with MSSNY staff and local physicians. She also supported legislation supported by MSSNY that passed the Senate to require health insurers to report data to show their compliance with the mental health parity law (S.1156), legislation to create a comprehensive drug take back program (S.9100), legislation to increase penalties for assault on a physician (S.8055), legislation that would provide confidentiality for physician statements made at a peer review proceeding (S.3661).

**Senator David Valesky (D) 53<sup>rd</sup> AD (Madison, Oneida and Onondaga Counties).** Senator Valesky was the chief sponsor of legislation supported by MSSNY to create a Health Insurance Guarantee Fund (S.8316). He also opposed legislation to expand the medical liability statute of limitations, and co-sponsored legislation to permit physician collective negotiation (S.3663) and prohibit mid-year formulary changes (S.5022). Also co-sponsored legislation to regulate e-cigarettes akin to tobacco cigarettes.

**Participants for August 28 call:**

Joseph Sellers, MD, MSSNYPAC Chair  
Rose Berkun, MD, MSSNYPAC Vice-Chair  
Thomas Madejski, MD, MSSNY President  
Arthur Fougner, MD, MSSNY President-elect  
Charles Rothberg, MD, MSSNY Immediate Past-President  
Inderpal Chhabra, MD  
John Maese, MD  
Greg Pinto, MD  
Zebulon Taintor, MD  
Chris Nadolny  
Cheryl Malone  
Phil Schuh  
Moe Auster