



MEDICAL SOCIETY OF THE STATE OF NEW YORK
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MINUTES OF THE COUNCIL MEETING
Thursday, May 10, 2018

A meeting of the Council of the Medical Society of the State of New York was convened at 9:00 a.m. on Thursday, May 10, 2018 at the Courtyard Marriott, 1800 Privado Road, Westbury, NY 11590.

Thomas J. Madejski, MD, FACP, President of the Medical Society presided:

PRESENT

OFFICERS

*Thomas J. Madejski, MD
Arthur C. Fougner, MD
Bonnie L. Litvack, MD
Charles Rothberg, MD
Frank G. Dowling, MD
Sana L. Bloch, MD
Joseph R. Sellers, MD
Kira A. Geraci-Ciardullo, MD*

COUNCILORS

*Edward Kelly Bartels, MD
Maria A. Basile, MD
Breyen Coffin
Joshua M. Cohen, MD
Janine L. Fogarty, MD
Justin M. Fuehrer, DO
Robert A. Hesson, MD
Howard H. Huang, MD
Thomas T. Lee, MD
Brian P. Murray, MD
Paul A. Pipia, MD
Saulius J. Skeivys, MD
Luis Carlos Zapata, MD*

TRUSTEES

*Robert J. Hughes, MD
Daniel M. Young, MD*

EXECUTIVE VICE-PRESIDENT

Philip A. Schuh, CPA, MS

LEGAL COUNSEL

*Barry Cepelewicz, MD, Esq.
Donald R. Moy, Esq.*

MSSNY STAFF

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

TELEPHONE PARTICIPANTS

*Mark J. Adams, MD
Jeffrey Berger, MD/Jay Federman, MD
Shirley Cosgriff
William R. Latrielle, Jr., MD
Joseph R. Maldonado, Jr., MD
Parag H. Mehta, MD
Christine Nadolny/Dr. Milch
Gregory Pinto, MD
Malcolm D. Reid, MD*

EXCUSED

Stephen F. Coccaro, MD, OMSS

COUNTY EXECES

*Mark Cappola
Cheryl Malone*

GUESTS

*Dean McElwain
Maureen Regan*

A. Call to Order and Roll Call

B. The Council **APPROVED** the Minutes from the Council Meeting held on Sunday, March 25, 2018.

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

1. **President's Report:**

a. **APPROVED**, the 2018 Resolutions referred to Council

b. Resolution 2018-260, Reimbursement of CPT fees as an AMA member benefit

The Council had an extensive discussion on this Resolution.

The following MOTION was PROPOSED and PASSED:

To withdraw the Resolution and have it reworded as a new Resolution with the advice of MSSNY's legal counsel. Resubmit to the AMA Interim Meeting in November.

c. Resolution 2018-164, Engaged Neutrality on Medical Aid in Dying

Drs. Berger & Federman discussed this Resolution with MSSNY's Council.

The following MOTION was PROPOSED and PASSED:

The following Substitute Resolution should read:

RESOLVED, that the Medical Society of the State of New York convene a task force on death and dying to develop a white paper on the physicians role in end of life and palliative care and the paper also to discuss the impact of palliative care in general and with impact on disparate populations and the disabled community.

d. Resolution 2018-201, Physician Health and Burnout Reduction

ADOPTED, Resolution 2018-201, *Physicians Health and Burnout Reduction*

RESOLVED, that the Medical Society of the State of New York (MSSNY) support the formation, expansion and continuation of programs that promote, maintain and/or foster physician health and help reduce physician abuse and burnout; and be it further

RESOLVED, that MSSNY undertake the necessary actions (e.g., grants, advocacy, legislation, study, funding) to ensure that programs supporting physician health and reduction of physician abuse and burnout become a permanent component of organized medicine; and be it further

RESOLVED, that MSSNY foster alliances with interested parties (e.g., lawyers, patients, insurers) to support the goal of ensuring that the practice of medicine functions optimally by maintaining physician health and reducing physician burnout and abuse.

ADOPTED, the following:

Title Change: MSSNY Committee for Physician Wellness and Resilience

Mission: The Mission of the Committee for Physician Wellness and Resilience is to increase education, awareness and recognition of stress and burnout and their effects on both the individual physician and the physician workforce, and to support physicians in optimizing their physical,

emotional, cognitive and psychological well-being in order to recover the intrinsic joy of the practice of medicine in a dynamic healthcare environment.

Vision: The Vision of the Committee for Physician Wellness and Resilience is for physicians to have a workforce and environment free of extraneous stressors, both in the practice of medicine and at the individual level, and for physicians to be free from the effects of stress, including burnout, depression and suicide and their wide-ranging consequences.

Goals: To identify alliance opportunities and establish collaborations with physicians, health care systems, patients and other stakeholders toward efforts to improve understanding of burnout and to address and alleviate the systemic causes of burnout. To increase outreach and education with presentations, Grand Rounds and webinars. These conferences will include information about recognition of burnout, depression and substance use disorders, efforts in progress to address burnout, and systemic and individual strategies to improve physician well-being. To achieve the legislative groundwork to facilitate the establishment of institutional and state-wide peer-support programs.

2. **Board of Trustees Report** A meeting of the MSSNY Board of Trustees was held on Wednesday, May 9, 2018 at MSSNY headquarters. Upon Motion made and seconded, the Council **ACCEPTED** the Report. The following actions taken by the Board:
 - The Board approved the Minutes from the Board of Trustees Meeting held on March 25, after the closed of the MSSNY House of Delegates in Buffalo, NY.
 - The Board approved the appointment of Dr. Daniel Young to serve as the Board Observer on the CPH Advisory Committee.
 - The Board heard a presentation from MSSNY's Investment Advisor, Mr. Peter Kokolus with Vanguard Institutional Advisory Services.
 - The Board discussed and approved a request from MSSNY's General Counsel to support an Amicus Brief.
3. **Concierge Medicine Presentation** Presented by Dr. Dean P. McElwain, President and COO Castle Connolly Private Health Partners (CCPHP) - A concierge or membership-based practice focuses on enhancing the physician-patient relationship. Members of the concierge program pay an affordable fee to take advantage of a wide array of member enhancements to facilitate a more unhurried, connected, and personalized approach to healthcare. The CCPHP program provides step-by-step, expert assistance to leading physicians as they convert their practices to a concierge (membership) model. The result will enhance patient relationships, opportunities for increased practice revenue, and a decreased administrative load. (Leadership agrees that this could possibly be a member benefit)
4. **Secretary's Report** Presented by Dr. Frank Dowling - **APPROVED**, unanimously, the Secretary's Report that requested Life Membership for forty-one (41) physicians.
5. **MLMIC Update** Presented by Mr. Donald Fager - The merger with Berkshire Hathaway is moving along. The approved amount of the deal is expected to be \$2.5 billion. Despite passage of Lavern's Law, MLMIC will not at this point in time increase premium rates.

6. **AMA Delegation Update** Presented by Dr. John Kennedy - The AMA meeting will be held in Chicago, June 9-13. MSSNY will be well presented. There are two new delegates for MSSNY this year, David Jakubowicz, MD and Robert Frankel, MD. One major goal this year is to assist in the re-election campaign for Dr. Kira Geraci to the Council on Science and Public Health. Mr. Thomas Donoghue is the campaign coordinator. Dr. Thomas Madejski will announce that he will run for re-election to the Council on Medical Services in 2019. Dr. Corliss Varnum will announce his candidacy for the Council on Science and Public Health in 2019. New York has submitted twenty resolutions which came from MSSNY's HOD. At the AMA meeting, we will continue to work closely with the states in the Great Lakes Coalition for subjects of mutual interest.
7. **MSSNYPAC Report** Presented by Dr. Joseph Sellers - As of May 9, 2018, MSSNYPAC collected \$215,714.63 from 751 contributors. On July 28, MSSNYPAC will host Physicians' Day at the Races in Saratoga. MSSNYPAC urges all leaders of MSSNY to support MSSNYPAC and to become a liaison with your local senator and assembly representatives. MSSNY will be stronger when every legislator has at least one local MSSNY physician who is in contact with them during session both in Albany and in the district.
8. **MESF Update** Presented by Dr. Charles Rothberg - The MESF held its final Leadership Seminar on April 13-14 in Buffalo. MESF is finalizing a contract with Hansa MedCell in Mumbai for the development of a multipart cardiology education program for physicians in India. MESF is examining the opportunity of offering CME credits for shipboard educational seminars originating in New York. MESF is reviewing the possibilities of developing programs in the area of physician burnout.
9. **Councilors (Action Item)** - Joshua M. Cohen, MD, MPH, Manhattan & The Bronx Councilor
Because of membership deals in recent years, county medical society leaders are more often asked to explain to members and prospective members why some pay full dues and others pay significantly less. Although MSSNY staff may have letters and information in place to formally send on such inquiries, the NYCMS Board agreed that when possible, doctors should be equipped to respond in the best way themselves.

Therefore, the New York County Medical Society is asking the MSSNY Council to craft talking points so that members can respond to colleagues about dues differentials.

ADOPTED, That MSSNY craft talking points for county medical society leaders to use to address queries about membership deals some receive at significantly lower dues rates.

D. Reports of Officers:

1. **Office of the President** Thomas J. Madejski, MD, FACP - Dr. Madejski thanked everyone for their help and support. He thanked Dr. Rothberg for his graciousness to him during this transition period. He thanked Drs. Fougner and Litvack for their help. The year is off to a great start. I have been traveling the state. Dr. Madejski attended a meeting hosted by Drs. Hesson and Young in Chemung County to try to re-invigorate activity in some of the smaller counties in the sixth district. Maintenance of Certification continues to be a hot issue. There will be further discussions at the AMA Annual meeting.

2. Office of the President Elect Arthur C. Fougner, MD ó Dr. Fougner attended the HIT CME Symposium & Expo on Legal Pitfalls of EHR Technology. The symposium was amazing and would like this to be replicated throughout the state. Dr, Fougner informed everyone that there is one last minor hurdle to overcome in regard to the MSSNY/Northwell pilot program. They are awaiting approval from Northwell's Board of Trustees. Lastly, Dr. Fougner noted that conversations have taken place in regard to the Office and Professional Employees International Union (OPEIU). He thanked New York County and Queens County for their efforts in trying to set-up a health insurance plan that could be available to members. Dr. Fougner mentioned his attendance at the Bronx County Doctor's Recognition Day. He stated that it was a wonderful event and leadership should attend every year.
3. Office of the Vice President Bonnie L. Litvack, MD, (*No verbal report*)
4. Office of the Treasurer Joseph R. Sellers, MD – Dr. Sellers referred everyone to the Financial Statement for the period 1/1/18 to 3/31/18. He stated that dues revenue is declining and we need to depend on non-dues revenue. Membership still remains our biggest financial challenge.
5. Office of the Speaker Kira A. Geraci-Ciardullo, MD ó Dr. Geraci stated that the HOD was streamlined this year and worked very well. In 2019, it will be her last HOD as Speaker. Next year the Commissioner will be asked to come. The Governor is asked every year and is sent many letters requesting him to come, but we never get a response. Next year, the Residents and Fellows will be asked to talk about their experience in changes with graduate medical education. Dr. Geraci thanked MSSNY for their support for her AMA campaign. The MSSNY Delegation contributed \$2,500 to the AMA Foundation for their work in supporting community health care programs on her behalf.

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 Breyen Coffin
14. Organized Medical Staff Section Report ó Stephen F. Coccaro, 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)**

1. **Commissioner of Communications, Maria A. Basile, MD**

The following report was submitted for information:

- a. Report from the Division of Communications

2. **Commissioner of Science & Public, Joshua M. Cohen, MD**

The following were submitted for information:

- a. Addiction & Psychiatric Medicine Committee Minutes, April 20, 2018
- b. Eliminate Health Disparities Committee Minutes, April 27, 2018
- c. Heart, Lung & Cancer Committee Minutes, April 18, 2018
- d. Infectious Diseases Committee Minutes, April 19, 2018

3. **Commissioner of Socio Medical Economics, Howard H. Huang, MD**

The following was submitted for information:

- a. Committee on Interspecialty Minutes, March 1, 2018

4. **Commissioner of Governmental Relations, Gregory Pinto, MD**

The following was submitted for information:

- a. Report from the Division of Governmental Affairs

5. **Commissioner of Membership, Parag H. Mehta, MD**

a. **Membership Committee Action Items**

The following items were ADOPTED:

PROPOSED BYLAW AMENDMENT:

Student members shall be those members ~~enrolled in recognized medical or osteopathic schools in the United States who are pursuing a course of study leading to the degree of Doctor of Medicine or Doctor of Osteopathy,~~ who are (1) (a) enrolled in an LCME-accredited medical or AOA-accredited osteopathic school or (b) enrolled in a medical or osteopathic school that is approved to place students in clinical clerkships in teaching hospitals in New York State, and (2) attend such medical or osteopathic school or maintain a residence in New York State.

PROPOSED PILOT PROJECT:

MSSNY's Membership Committee is drawing up plans with the Medical Student Section to make the most of the House of Delegates' decision to offer free membership to medical students. We would like to be able to take advantage of the energy being focused on medical student recruitment in our contacts with international students during the nearly three years it will take for a Bylaws amendment to be passed.

Therefore it has been suggested that we consider other ways to appeal to international students and make them feel welcome in the meantime.

I propose that as a pilot project in participating counties, MSSNY and the county medical society offer member benefits and services to international medical students engaged locally in New York State-approved clinical rotations free of charge until such time as they are eligible for student or other membership in the societies. This would include invitations to county and state medical society meetings, without the right to vote unless and until formal membership is obtained.

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

1. Membership Dues Revenue Schedule
2. Group Institutional Dues Schedule

Mr. Schuh stated that membership continues to decline and we need to focus on that. We are looking into sending out a survey. It would be a baseline survey that would be handled by our in-house staff. The survey would be sent out to the different aspects of our membership to invite them to utilize the different services that MSSNY offers.

H. Report of the General Counsel, Garfunkel Wild

APPROVED, a request to support an Amicus Curiae

Mr. Moy referred everyone to the handout requesting MSSNY to support an Amicus Curiae. Mr. Moy discussed the nature of the case. MSSNY's Board of Trustees agreed to provide support.

I. Report of the Alliance, Barbara Ellman, Co-President

The Alliance Report was submitted for information and presented by Barbara Ellman

J. Other Information/Announcements

After the adjournment of Council, there will be a meeting of the Long Range Planning Committee

K. Adjournment ó There being no further business, a Motion to adjourn was made, seconded and approved. The meeting adjourned at 12:15 p.m.