



## **MINUTES OF THE COUNCIL MEETING** **Thursday, September 13, 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, September 13, 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  
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  
Breyen Coffin  
Joshua M. Cohen, MD  
Janine L. Fogarty, MD  
Robert A. Hesson, MD  
Howard H. Huang, MD  
Thomas T. Lee, MD  
Parag H. Mehta, MD  
Gregory Pinto, MD  
Saulius J. Skeivys, MD  
Luis Carols Zapata, MD

#### **TRUSTEES**

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

#### **EXECUTIVE STAFF**

Philip Schuh, CPA, MS

#### **LEGAL COUNSEL**

Donald R. Moy, Esq.

#### **MSSNY STAFF**

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

#### **VIA TELEPHONE**

Stephen F. Cocco, MD  
Justin M. Fuehrer, MD  
Miriam Hardin  
Carrie Harring  
Liz Harrison  
John J. Kennedy, MD  
William R. Latreille, Jr., MD  
Joseph R. Maldonado, Jr., MD  
Janine Miller  
Brian Murray, MD  
Christine Nadolny  
Paul A. Pipia, MD  
Malcolm D. Reid, MD  
Brenda Van Nest

#### **EXCUSED**

Mark J. Adams, MD  
Maria A. Basile, MD  
Arthur C. Fougner, MD

#### **COUNTY**

##### **EXECUTIVES**

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

##### **GUESTS**

Elizabeth Amato, VP  
NYeC  
  
Donald Fager, Esq.  
President, MLMIC  
  
Maureen Regan, MBA  
President, NYSSPA  
  
Naheed Van de Walle, MD  
President, NYCMS

- A. Call to Order and Roll Call
- B. The Council **APPROVED** the Minutes from the meeting held on May 10, 2018
- C. New Business (All Action & Informational Items)
  - 1. **President's Report** Presented by Dr. Madejski  
Dr. Madejski welcomed MSSNY Officers, Councilors, Trustees, Guests and Special Guests.

**The following were submitted and discussed for Council information:**

- a. Minutes of the MSSNY Executive Committee Teleconference, August 20, 2018  
The purpose of the teleconference was to discuss whether MSSNY should provide public testimony at the public hearing by the Department of Financial Services. The hearing was required to provide any party with the right to comment on MLMICø demutualization.
  - b. Talking Points on the Membership Agreement with Northwell Hospitals  
Talking points were created by the request of some counties. We have an additional 5,800 members under a group membership with most of the counties but not all. Dr. Rothberg has agreed to shepherd the membership agreements with Northwell.
  - c. DRAFT Summary ó Meeting with Assemblyman Gottfried  
On September 5, 2018, Dr. Madejski, Dr. Fougner, Dr. Naheed Van de Walle, Dr. Scot Glasberg had a lengthy meeting with Assembly Health Committee Chair Richard Gottfried to better understand his legislation on single payor proposal
  - d. Long Range Planning Committee Grid ó This grid was prepared by the Long Range Planning Committee to track long, intermediate & short term goals of the committee and subcommittees.
- 2. **Board of Trustees Report** Presented by Dr. Robert Hughes  
A meeting of the MSSNY Board of Trustees was held on Wednesday, September 12, 2018 at MSSNY Headquarters in Westbury. Upon Motion made and seconded, the Council **ACCEPTED** the following:
    - a. The Board approved the Minutes from the Board of Trustees Meeting held on May 9, 2018 at MSSNY Headquarters in Westbury
    - b. The Board approved the continuation of the Dues Commission Program for 2019.
    - c. The Board approved the Per Diem for the AMA Interim Meeting being held in National Harbor, Maryland from November 10-13 as follows:

Per Diem for a Three Night Stay	\$1,488
Per Diem for a Four Night Stay	\$1,869

- d. The Board discussed the CPH Physician Health as it is part of the Board's responsibility and oversight. The Board remains fully dedicated to CPH and is supportive of its enrichment in these changing times with the focus on physician's health and well-being.
3. **Secretary's Report** Presented by Dr. Frank Dowling  
**APPROVED**, unanimously, the Secretary's Report that requested the following:
  - a. Life Membership for twenty-eight (28) physicians
  - b. Dues Remissions for four(4) physicians
  - c. Special request from Oneida County Medical Society to grant life membership to Lawrence Burgreen, MD
4. **MLMIC Update** - Presented by Mr. Donald Fager  
Mr. Donald Fager reported to Council that the Berkshire Hathaway transaction is very close to completion and thanked MSSNY for its support. The Department of Financial Services (DFS) approved the Plan of Conversion and Acquisition Decision. There was a public hearing before the Superintendent of Insurance on August 23, 2018. Mr. Fager read the Superintendent's decision:  
  
*Insurance law authorizes the Superintendent to approve the plan if it does not violate the Insurance law, is not inconsistent with law, is fair and equitable and is in the best interests of the policyholders and the public. The Superintendent has determined that each of these elements is met and hereby approves the Demutualization. The Superintendent concludes the transaction, including the consideration in the amount of \$2.502 billion, is fair and equitable.*
5. **AMA Report** ó Presented by Dr. John Kennedy  
The annual meeting of the AMA was held in June.  
Dr. Geraci was re-elected to the Council on Science & Public Health.  
A CEJA report discussed physician assisted suicide and aid in dying. The report recommended no change in AMA policy as being in opposition. This created a lengthy debate with passionate testimony on each side. Essentially there was an impasse and it was referred back to CEJA to try to make a report that is acceptable to all. The Interim meeting is in November. AMA Resolutions need to be submitted by September 28. Late Resolutions by October 11.  
At the Interim meeting, Stu Freidman, former Suffolk County Exec will be getting the lifetime achievement award.
6. **MSSNYPAC Report** ó Presented by Dr. Joseph Sellers  
The report reflects the financial status of MSSNYPAC during the 2018 fiscal year January 1, 2018 through September 11, 2018. On July 28, 2018, forty guests attended Physicians' Day at the Races in Saratoga. Nearly, \$13,000 was raised toward the event and hope to do it again next year. MSSNYPAC developed tools to assist physicians at the local district level to interact with candidates for elected office up to the elections in November. A legislator's scorecard was developed for MSSNYPAC contributors. It is based on bills that MSSNY supported and opposed and how each legislator voted on them.

The Council **APPROVED** the following MSSNYPAC Endorsements:

**US Congress**

Representative Dan Donovan (R)  
Representative Elise Stefanik (R)  
Representative Paul D. Tonko (D)

**NYS Assembly**

Assembly Member Peter Abbate (D)  
Assembly Member Rodneyse Bichotte (D)  
Assembly Member Kevin Cahill (D)  
Assembly Member Deborah J. Glick (D)  
Assembly Member Richard Gottfried (D)  
Assembly Member Aileen Gunther (D)  
Assembly Member Chuck Lavine (D)  
Assembly Member Donna Lupardo (D)  
Assembly Member Bill Magee (D)  
Assembly Member John McDonald (D)  
Assembly Member Andrew Raia (R)  
Assembly Member Robin Schimminger (D)  
Assembly Member Carrie Woerner (D)

**NYS Senate**

Senator Neil Breslin (D)  
Senator Rich Funke (R)  
Senator Patrick Gallivan (R)  
Senator Kemp Hannon (R)  
Senator Terry Murphy (R)  
Senator Robert Ortt (R)  
Senator Gustavo Rivera (D)  
Senator Sue Serino (R)

7. **MESF Update** ó Presented by Dr. Rothberg  
MESF has contracted with the Doubletree Inn in Syracuse for the first of the new series of Leadership Seminars. As with previous Leadership Seminars, MESF has enlisted the support of Brandeis University. MESF has begun the production of a cardiology education program for physicians in India. The program is being developed in conjunction with the New York Cardiological Society, the local chapter of the American College of Cardiology and is entitled "Post Graduate Program in Advanced Cardiology"

8. **Presentation** ó Elizabeth Amato, Vice President, SHIN-NY Programs New York eHealth Collaborative (NYeC)

New York eHealth Collaborative (NYeC) is a non-profit organization, working in partnership with the New York State Department of Health to improve healthcare by collaboratively, leading, connecting, and integrating health information across the state. NYeC leads the advancement of the Statewide Health Information Network for New York (SHIN-NY). The SHIN-NY connects eight regional networks or Qualified Entities (QEs) which allow participating healthcare professionals, with patient consent, to quickly access electronic health information and exchange data statewide. NYeC works with stakeholders from across the state developing policies and standards that support the utilization of health technologies and assisting providers in adopting and effectively using electronic health records.

Data Exchange Incentive Program (DEIP) was established by the New York State Department of Health, with support from the Centers for Medicare & Medicaid Services, to increase the health information exchange adoption across the state. NYeC is coordinating the rollout of the program and the incentive payments on behalf of the Department of Health.

Electronic Health Record interfaces to New York State Qualified Entities and increases the quantity and quality of data in the SHIN-NY.

Organizations participating in DEIP are incentivizing to contribute a pre-defined set of data elements to their local QE. Limited funding is available and this program is operated on a first-come, first-served basis.

**D. Reports of Officers (Verbal Reports)**

1. **Office of the President** - Thomas J. Madejski, MD

Dr. Madejski attended the MLMIC Planning Conference in Vermont, PhysiciansøDay at the Races in Saratoga Springs, met with the NYSDOH to discuss medical marijuana. There was a teleconference with the OPMC to discuss the CPH goals for physician wellness. Dr. Madejski, Dr. Rothberg, Dr. Dowling, Dr. Sellers and Breyen Coffin attended a screening of a new documentary, Do No Harm, in Manhattan. The screening explored the condition that lead medical students and residents to take their own lives. After the documentary, Dr. Madejski participated on a panel discussion. In conclusion, Dr. Madejski thanked the members of the Office of the President for attending meetings on his behalf.

2. **Office of the President Elect** ó Arthur C. Fougner, MD (**Excused**)

There was no report. Dr. Fougner was in attendance at the PhysiciansøFoundation Leadership Conference at Brandeis University in Massachusetts.

3. **Office of the Vice President** ó Bonnie L. Litvack, MD,

Dr. Litvack attended the Richmond County Annual Meeting & the Westchester County Legislative Breakfast. Attended a meeting with the New York City Department of Health regarding changes in the health code for radiation control.

4. Office of the Treasurer ó Joseph R. Sellers, MD  
Dr. Sellers referred everyone to MSSNY's Financial Statement. He noted that membership has decreased by 450 members and MSSNY could finish the year with a \$250,000 to \$300,000 operating loss. The Council **ACCEPTED** the Financial Statement for the period 1/1/18 to 7/31/18
  
5. Office of the Speaker - Kira A. Geraci-Ciradullo, MD  
Dr. Geraci reminded everyone that the 2019 House of Delegates will begin on Friday, April 12 and adjourn on Sunday, April 14. On Thursday, April 11 it is a major CME Program Day. October 26 is a very important deadline. Requests for meeting space, request for county & district caucus space and credentialing of delegates must be completed. Submitting resolutions opens on February 8 and the FINAL Deadline is March 8 at 5:00 pm. The MSSNY Bylaws Committee will meet on October 31. At that meeting, the Committee will discuss improving redundancy, correct the grammar and organize it. No major changes have been made.

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

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

1. Kings & Richmond Report - Parag H. Mehta, MD
2. Manhattan & Bronx Report ó Joshua M. Cohen, MD
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
6. Third District Branch Report ó Brian P. Murray, MD
7. Fourth District Branch Report ó Gregory Pinto, 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 - 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 Informational Items)**

**The following report was submitted for information:**

1. Commissioner of Communications, Maria A. Basile, MD, MBA  
Report from the Division of Communications

2. Commissioner of Governmental Relations, Gregory Pinto, MD  
**The following were submitted for information:**
  1. MSSNY's 2018 Legislative Summary
  2. HIT Committee Minutes, June 1, 2018
  
3. Commissioner of Membership, Parag H. Mehta, MD  
**(No written report submitted)**
  
4. Commissioner of Science & Public Health, Joshua M. Cohen, MD  
**The following committee minutes were submitted for information:**
  1. Bio Ethics Committee Minutes, May 11, 2018
  2. Eliminate Health Disparities Committee Minutes, April 27, 2018
  3. Preventive Medicine & Family Health Minutes, May 3, 2018
  4. Division of Public Health & Education Report
  
5. Commissioner of Socio Medical Economics, Howard H. Huang, MD  
**The following committee minutes were submitted for information:**
  1. Interspecialty Committee Minutes, June 28, 2018
  2. Workers' Compensation & No Fault Minutes, June 6, 2018

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

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

Mr. Schuh stated that the decline in dues revenue continues to be MSSNY's biggest concern. MSSNY's county execs are working to pursue group/institutional and hospital medical staff memberships throughout the state. The Group Institutional income has exceeded what we had collected last year at this time.

**H. Report of the General Counsel, Garfunkel Wild, P.C. , Donald R. Moy, Esq.**  
**The Council APPROVED, the following Bylaws for Nassau, New York and Richmond Counties:**

1. **Amendment to the Bylaws of the Nassau County Medical Society**  
 An amendment to the bylaws of the Nassau County Medical Society was reviewed. A review confirms that the amendment relates to the internal governance of the Nassau County Medical Society, and does not conflict with the bylaws of MSSNY. Accordingly, it is recommended that the Council approve the amendment to the bylaws of the Nassau County Medical Society.
  
2. **Amendments to the Bylaws of the New York County Medical Society**  
 The amendments to the bylaws of the New York County Medical Society were presented for review. A review shows that the amendments relate solely to internal matters of the county medical society, which do not conflict with the bylaws of MSSNY. Accordingly, it is recommended that the amendments be approved.

3. **Amendments to the Bylaws of the Richmond County Medical Society**  
The amendments to the bylaws of the Richmond County Medical Society were presented for review. A review shows that the bylaws are not in conflict with the bylaws of MSSNY. Accordingly, it is recommended that Council approve the amendments.

I. **Report of the Alliance, Valerie Semeran, Co-President**  
**The Alliance Report was submitted for information**  
Alliance Report

J. **Other Information/Announcements**

**The following were submitted for information:**

1. Continuing Board Certification: Vision for the Future Commission Summary of Testimony July, 2018
2. Department of Health & Human Services Letter to the AMA regarding changes in reimbursement rates for laboratory services on the Medicare Clinical Laboratory Fee Schedule and CMS Clinical Laboratory Fee Schedule Sign-On Letter
3. Dr. Madejski's Letter to Department of Health & Human Services ó E&M Services & Coalition of State Medical Societies Sign-On E&M Letter
4. Dr. Madejski's Letter to Workers'Comp Board ó Increase in the Workers'Comp Medical Fee Schedule
5. National Council of State Boards of Nursing Sign-On Letter ó A request to reconsider certain provisions of the Advanced Practice Registered Nurse (APRN) Compact that alter state laws related to the scope of practice of APRNs
6. AMA Letter to the CEO of Walmart ó Walmart Opioid Policy
7. Physician Advocacy Institute Letter to CMS & PAI Statement ó Physician Self-Referral Law
8. Medicare Advantage Step Therapy Sign-On Letter

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