

**DRAFT Minutes**  
**MSSNY’s Bio Ethics Committee Meeting**  
**November 2, 2018**  
**8:30 AM – 11:00 AM**  
**Via Webex**

**Present**

Jeffrey Berger, MD, Chair  
Janine Forgarty, MD, Vice-chair  
Patricia Bomba, MD  
Stanley Bukowski, MD  
Robert Milch, MD  
Cheryl Ann Morrow, MD  
John O’Brien, MD  
Joel Potash, MD  
Peter Rogatz, MD  
Renee Solomon, MD  
Chery Steir, Allaince  
Sally White, MD  
Joshua Cohen, MD, Commissioner  
Frank Dowling, MD

**Absent**

Pratik Bahekar, MD  
Maria Basile, MD  
Matthew Bonanno, MD  
Gino Bottino, MD  
Paul Burcher, MD  
Arthur Cooper, MD  
Joseph Maldonado, MD  
Stanley Pietrak, MD  
Anthony Pivariunas, DO  
Corinne Salanson-Lajos, MD  
Sally White, MD

**Staff**

Moe Auster, Senior Vice-President & Chief  
Legislative  
Counsel  
Pat Clancy, Senior Vice-President, Public  
Health and  
Education, Managing Director

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- 1) **Welcome**
- 2) **Setting 2019 Meeting Dates** – February 8, 2019, May 10, 2019 and September 27, 2019.
- 3) **Acceptance of minutes of May 11, 2018** – accepted as written
- 4) **Medical Marijuana and Legalization of Marijuana in the State of New York**

Mr. Auster gave a brief review of a letter sent by MSSNY to Commissioner Zucker, New York State Department of Health, regarding the emergency regulations to expand the use of medical marijuana for the treatment of certain medical conditions including “pain” and opioid use disorder.

There is a state task force that has been formed with representatives from several state agencies to look at the issue of legalization of marijuana.

**Concerns vs benefits** – The state task force came out with a report in early August that recognized a lot of concerns and issues raised about legalizing marijuana. The report indicated that the “pros” outweighed the risks. Public forums were held throughout the state. MSSNY shared our concerns at these forums, as well as reaching out to the Governor’s office. In October members from MSSNY met with the Governor’s office expressing concerns. The feeling is there will be a proposal in next year’s

19 budget that would legalize the use of marijuana. The governor's office has asked MSSNY for suggestions  
20 as to how they can best regulate the use of marijuana.

21 Dr. Madejski has asked the committees to have some discussions on these issues and any  
22 recommendations that the committee might want to put forth for consideration.

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24 Dr. Berger feels there are four distinct areas on cannabis that have bearing on health care/medical  
25 practice that would be appropriate for MSNNY to consider: Expanding and promoting medical research.  
26 It's easier to get marijuana for research. Where the medical evidence supports medicinal use of  
27 cannabis. There are only a few medical conditions where there is fair evidence on the efficacy of  
28 cannabis. MS, nausea in chemo patients, beyond that the evidence gets weaker. The State should not be  
29 involved in setting parameters for medical care. There is abuse of certifiers in NYS, sales of certificates,  
30 profiteering. Public Health consequences of marijuana use. Evaluate marijuana use against tobacco use  
31 and alcohol use. It should be placed in the area of other substances that we are concerned about.

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33 Comments and discussions followed. How do we establish policies regarding distribution. How do we  
34 police the profession. Educating patients & physicians. Medical marijuana should not be the first line of  
35 defense against nausea. Palliative Care Physicians chose not to be certifiers. Patients approaching  
36 physicians requesting marijuana as first line of treatment. Questions have been raised about CBD oil.  
37 The preparations that are for sale have different proportions between THC verses CBD. There are  
38 differentiations in indications and side effects. Basically all within the same basket. The CBD is not  
39 considered impairing. It will come on the market as a prescription drug.

#### 40 **Review of MSSNY's policies regarding marijuana**

41 This is the fourth committee that has talked about this and been asked to comment. Comments will be  
42 sent out to those committees for their review. There will most likely be another sit down with the  
43 governor's staff on some of the points that our committees have raised on this matter.

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#### 45 **5) Update on MSSNY End of Life Task Force – Jeffrey Berger, MD**

46 The task force been meeting since this summer. The task force was commissioned in the wake of the  
47 Physician Assisted Suicide Survey that this committee had a large role in crafting. The task force has  
48 identified three domains for attention:

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- 50 • Domain I – Education and Training – regarding end of life care
- 51 • Domain II – Health Services – regarding end of life care
- 52 • Domain III – Health Policy Considerations

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54 The full task force has met several times. The subcommittees are breaking off and running their  
55 sessions. It is a large work in progress.

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#### 57 **Upcoming agenda items:**

- 58 • Health care for undocumented individuals residing in New York. Seeking someone to speak to  
59 committee on this topic.
- 60 • The responsibility in brain death determinations.
- 61 • Looking at the "reasonable accommodation" clause in New York State Laws. What exactly does  
62 that mean?
- 63 • Growing movement to not immunize children.

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65 **Next Meeting: February 8, 2019 8:30am – 11am**