



## **MINUTES OF THE COUNCIL MEETING** **Thursday, November 1, 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, November 1, 2018 at the Courtyard Marriott, 1800 Privado Road, Westbury, NY 11590.

Thomas J. Madejski, MD, FACP, President of the 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  
Mark J. Adams, MD  
Kira A. Geraci-Ciardullo, MD  
William R. Latreille, Jr., MD

#### **Councilors**

Edward Kelly Bartels, MD  
Maria Basile, MD  
Breyen Coffin  
Janine Fogarty, MD  
Justin M. Fuehrer, MD  
Robert A. Hesson, MD  
Howard H. Huang, MD  
Thomas T. Lee, MD  
Parag H. Mehta, MD  
Paul A. Pipia, MD  
Luis Carols Zapata, MD

#### **Trustees**

Robert J. Hughes, Chair  
Andrew Y. Kleinman, MD  
Joseph R. Maldonado, Jr., MD

#### **Executive Staff**

Philip A. Schuh, CPA, MS

#### **MSSNY Staff**

Morris Auster, Esq.  
Sandra 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**

Christopher Bell  
Stephen Coccaro, MD  
Joshua M. Cohen, MD  
Miriam Hardin  
Carrie Harring  
Cheryl Malone  
Brian P. Murray, MD  
Christine Nadolny  
Gregory Pinto, MD  
Malcolm D. Reid, MD  
Brenda Van Nest

#### **Excused**

Saulius J. Skeivys, MD

#### **Legal Counsel**

Donald R. Moy, Esq.

#### **County**

##### **Executive**

Aaron Kumar, MD

##### **Guests**

Thomas Donoghue  
Donald Fager  
John Hallowell  
John J. Kennedy, MD

- A. Call to Order and Roll Call
- B. **APPROVED**, the Minutes of September 13, 2018
- C. New Business (All Informational/Action Items)

1. **President's Report**

- a. **APPROVED**, the following Presidential Appointments to the 2019 Nominating Committee:

Chair: Charles Rothberg, MD  
Immediate Past President

First District: Michael Pisacano, MD  
 Second District: Paul A. Pipia, MD  
 Third District: Joseph R. Sellers, MD  
 Fourth District: John J. Kennedy Jr., MD  
 Fifth District: Howard Huang, MD  
 Sixth District: Joseph Mannino, MD  
 Seventh District: Mark J. Adams, MD  
 Eighth District: Edward Kelly Bartels, MD  
 Ninth District: Bonnie L. Litvack, MD

Members-At-Large:  
 Parag H. Mehta, MD  
 John A. Ostuni, MD

- b. **APPROVED**, that MSSNY will Support and Co-Sponsor the Gay and Lesbian Medical Association( GLMA) Resolution:

RESOLVED, That our American Medical Association amend the text of HOD Policy D-295.312, Medical Spectrum of Gender, by addition to read as follows:

- (1) Will work with appropriate medical organizations and community based organizations to inform and educate the medical community and the public on the medical spectrum of gender identity;
- (2) Educate state and federal legislators on the medical spectrum of gender identity to ensure access to quality health care;
- (3) Affirm that gender is not fixed and may differ from the sex assigned at birth

**TABLED**, the following MSS Resolution until MSS Meeting at the AMA

RESOLVED, That our AMA affirms that gender is not fixed and can differ from the sex assigned at birth; and be it further

RESOLVED, That our AMA oppose any effort to assign a sex or gender that is not in line with the gender identity of an individual; and be it further

RESOLVED, That this resolution be forwarded immediately to the House of Delegates at 1-18.

- c. Letter to Assemblyman Gottfried regarding questions and concerns about single payor system in New York State. Assemblyman Gottfried's response to MSSNY's questions & comments  
*(For Council Information)*
- d. Letter to Governor Andrew Cuomo regarding legalization of regulated marijuana. This letter to Governor Cuomo was written in opposition of the State's intention to propose legislation which would legalize regulated marijuana in New York State. Legalization of regulated marijuana could lead to dangerous public health outcomes.  
*(For Council Information)*
- e. MSSNY Strategic Planning Document ó This document helps us understand our priorities and keeps us focus. It is updated periodically.  
*(For Council Information)*
- f. Telemedicine Update ó Presented by Eunice Skelly  
The Telemedicine Work Group is Co-Chaired by Drs. Meagher, Sneider & Volpe. MSSNY's telemedicine work group has been reviewing options for MSSNY activity in this area, beginning with background and suggestions offered:

- The first option would be to identify and vet third party vendors that offer physicians an opportunity to sign up for shifts when they are on call;
- The second option is to set up a MSSNY Network for members only perhaps charge a fee for non-members who want to participate;
- The third option is that MSSNY could offer a consulting service to assist its members in designing and implementing a practice-based telemedicine service for their own patients. Physicians would pay MSSNY to develop the service or pay a third party vendor.

The Department of Health & Human Services announced creation of an Innovation in Healthcare Initiative to bring together innovators and capital investors to devise new ways of responding to health care challenges.

Dr. Madejski suggested to the Council that MSSNY should pursue all three options.

2. **Board of Trustees Report** ó Presented by Dr. Robert Hughes  
A meeting of the MSSNY Board of Trustees was held on Wednesday, October 31, 2018 at MSSNY Headquarters in Westbury. Upon Motion made and seconded, the Council **ACCEPTED** the following:

- The Board approved the Minutes from the BOT meeting held on September 12, 2018.

There were no further Action items brought before the Board for discussion or approval.

3. **Secretary's Report** ó Presented by Dr. Frank Dowling  
**APPROVED**, unanimously, the Secretary's Report that requested the following:
  - a. Life Membership for nineteen (19) physicians;
  - b. Dues Remissions for nine (9) physicians
  
4. **MLMIC Update** - Presented by Mr. Donald Fager  
On October 1, 2018, The Berkshire Hathaway deal was finally closed. MLMIC has begun to distribute cash consideration by check to eligible policyholders or their designees.
  
5. **AMA Delegation Report** ó Presented by Dr. John Kennedy  
The AMA has delivered some significant advocacy victories in a challenging political environment. The outcome of the 2018 elections is unknown at this time. The AMA is poised to work with both sides in 2019 to advance the interests of patients and physicians on the most critical health care issues. The AMA looks forward to challenging medicine's biggest issues when newly elected state and federal officials take office.
  
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 October 26, 2018. Each dollar contributed to MSSNYPAC is split between operating expenses and contributions. A letter was sent by email to over 27,000 physicians asking for their support of MSSNYPAC. MSSNYPAC urges all leaders of MSSNY to support MSSNYPAC and to become a liaison with their local senator and assembly representative. MSSNYPAC has moved to auto-renewal of dues payments. Dr. Madejski will communicate to each county society president and ask them to have MSSNYPAC support on their county society meeting agenda.

On January 24, 2019 (the next Council Meeting) Dr. Sellers suggested to have the MSSNYPAC Executive Committee meet at 7:00 a.m. instead of 7:30 a.m. to talk about the election and the strategy going forward as a PAC.

7. **MESF Update** ó Presented by Dr. Charles Rothberg  
The Leadership Seminar scheduled for Nov 30-December 1 at the Double Tree Inn in Syracuse has now been recognized for 10 CME credits. We expect to have a total of approximately 40 participants from the mid-State area. The program is funded by The Physicians Foundation, which will also fund a second program on Long Island in the early Spring. Jon Chilingirian, PhD and Carole Carlson, MBA from Brandeis University will be making the keynote presentations.

Another MESF program is moving forward in coordination with the Cardiological Society of New York, which is the state chapter of the American College of Cardiology. The program is being developed to provide an overview on cardiology for physicians in India. The program is built around six major Cardio logical topic areas: Clinical Cardiology; Investigations in Cardiology; Heart Failure; Heart Diseases & Management; Acute Coronary Syndromes and Preventive Cardiology

8. **CME Update** ó Presented by Dr. Mark Adams

As reported in September Council Report, in May, MSSNY Council referred to the CME Committee the House of Delegates Resolution 169, "Partnership on Continuing Medical Education," which had been introduced by the Seventh and Eighth District Branches. At the September 20, 2018 meeting of the CME Committee, the matter was tabled and will be taken up again at the December 21, 2018 meeting.

Subcommittee on Educational Programs Chair, Sheldon Putterman, MD contacted the MSSNY Office of CME to resign as chair and to remove himself from all MSSNY Committees to which he belonged. Vice-Chair Charles Gonzalez, MD is the new chair of the Subcommittee on Educational Programs. MSSNY staff will determine an appropriate method to thank and honor Dr. Putterman for his many years of service to MSSNY.

9. **Commissioners/Councilors Action Items**

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

1. **Legislative & Physician Advocacy Committee, Paul A. Pipia, MD, Chair**

**FOR COUNCIL APPROVAL**

a. **ADOPTED as AMENDED** MSSNY's 2019 Legislative Program with the following editorial change: (**addition underlined, deletion lined through**)

Oppose **eliminating** ~~Eliminate~~ important defense rights by limiting the ability of a defendant physician's counsel to question the plaintiffs treating provider

b. **ADOPTED**, Substitute Resolution 66 ó Life Threatening Complications with HIP Replacements to read as follows:

RESOLVED, that the Medical Society of the State of New York work with the NYS Society of Orthopedic Surgeons to educate physicians regarding existing clinical data registries that collect data regarding poorly performing implants to better assure physicians have necessary information to, where appropriate, inform their patients; and be it further

RESOLVED, that the Medical Society of the State of New York urge the American Medical Association (AMA) to work with the American Academy of Orthopedic Surgeons (AAOS) to increase the adoption of musculoskeletal registries so as to aid early detection capabilities of poorly performing implants and report to the public on clinical statistics, and inform quality improvement and educational activities.

c. **ADOPTED as AMENDED** Resolution 115 ó Chiropractor (D.C.) Scope of Practice (**additions underlined, deletion lined through**)

RESOLVED, that the Medical Society of the State of New York advocate for legislation, regulation or other appropriate means to assure that needle electromyography **and nerve production studies** ~~is~~ **are** performed by licensed physicians only, or those who are directly supervised by a physician.

- D. Reports of Officers**
1. Office of the President - Thomas J. Madejski, MD  
Dr. Madejski continues to travel the state and meet members of the county medical societies and districts. 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  
Dr. Fougner attended annual meetings of the Bronx, Kings & Richmond Counties. In September he and Dr. Maria Basile attended the Physicians Foundation Leadership Academy Conference and he stated that the meeting was very interesting and informative. At the meeting he had the opportunity to engage with physicians from other state medical societies.
  3. Office of the Vice President ó Bonnie L. Litvack, MD  
Dr. Litvack is helping Orange County with Institutional Membership. She is also working with Drs. Basile & Berkun on the new Women Physicians Committee to get it up and running.
  4. Office of the Treasurer ó Joseph R. Sellers, MD  
Dr. Sellers referred the Council to the Financial Statement. He noted that membership has decreased by 450 members. MSSNY's main income is dues.  
The Council **ACCEPTED** the Financial Statement for the period 1/1/18 ó 9/30/18
  5. Office of the Secretary ó Frank G. Dowling, MD,  
Dr. Dowling referred the Council to the AMA Letters expressing concerns regarding the new Walmart corporate policy on Opioid prescriptions. In the letters, Walmart indicated that it will no longer be accepting physicians' prescriptions for Controlled Substances. MSSNY staff forwarded copies of the letters to the NYS Bureau of Narcotic Enforcement to ascertain whether or not it has heard from any prescriber. MSSNY staff will be setting up a call with Mr. Servis and the Bureau of Narcotic Enforcement.
  6. 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. **Submitting resolutions opens on February 8, 2019 and the FINAL Deadline is March 8, 2019 at 5:00 pm.** Lastly, revisions to the MSSNY Bylaws are almost complete.

- E. Reports of Councilors**  
**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)**

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

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

- a. Report from the Division of Communications

2. Commissioner of Governmental Relations, Gregory Pinto, MD

**The following Committee Minutes were submitted for information:**

- a. HIT Committee Minutes, October 12, 2018
- b. Long Term Care Committee Minutes, September 30, 2018
- c. Quality Improvement & Patient Safety Committee Minutes, September 20, 2018
- d. Report from the Division of Governmental Affairs

3. Commissioner of Science & Public Health, Joshua M. Cohen, MD

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

Report from Science & Public Health

4. Commissioner of Socio Medical Economics, Howard H. Huang, MD

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

- a. Workers Compensation & No-Fault Insurance Committee re: EMG & NCS

**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 Group Institutional/Hospital Medical Staff income has exceeded what we had collected last year.

**H. Report of the General Counsel, Garfunkel Wild, P.C. , Donald R. Moy, Esq.  
(No written/verbal report)**

**I. Report of the Alliance, Valerie Semeran, Co-President**

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

1. Alliance Report

**J. Other Information/Announcements**

**The following were submitted for information:**

1. Physicians Advocacy Institute Letter ó RE: Medicare and State Health Care Programs: Fraud and Abuse; Request for Information (RFI) Regarding the Anti-Kickback Statute and Beneficiary Inducements CMP.
2. The Physicians Foundation 2018 Physician Survey (*handout*)  
[2018 Survey of America's Physicians | The Physicians Foundation](#)
3. Letter to Mr. Philip Schuh from Onondaga County Medical Society regarding the 2018 New York State Fair
4. Blog Post Regarding MLMIC-Berkshire Hathaway  
<https://www.mlmic.com/blog/physicians/mlmic-joins-berkshire-hathaway>

**K. Adjournment ó There being no further business, a Motion to adjourn was made, seconded and accepted. The meeting adjourned at 11:30 a.m.**