

Draft Minutes
Addiction and Psychiatric Medicine Committee

January 18, 2019
8:30 to 10:00 AM

Present

Joshua Cohen, MD, Commissioner
Janine Fogarty, MD, Asst. Commissioner
Stephen Hermele, MD, Vice-chair
Tzvi Furer, MD
Lynn Hohmann, MD
Brian Johnson, MD
David Kerling, Jr., Student
Glenn Martin, MD
Marvin Rabinowitz, MD
Jeffrey Selzer, MD
Norman Wetterau, MD
Laurence Epstein, MD
Roy Korn, MD
Darvin Varon, MD

Excused

Edmond Amyot, MD, Chair
Barbara Ellman, Alliance

Absent

Pratik Bahekar, MD
Ellen Embick, Student
Paul Haffey, DO
Celeste Johns, MD
Katherine McCarthy, MD
Jared Walsh, MD

Staff

Moe Auster, Sr. Vice-President, Chief
Legislative Counsel, Division of
Governmental Affairs
Pat Clancy, Sr. Vice President,
Public Health and Education, Managing
Director, Division of Governmental Affairs
Maureen Ramirez, Administrative Asst.

1 **1) Welcome**

2 **2) Adoption of October 19, 2018 Minutes** – adopted with corrections

3 **3) Resolution from 2018 House of Delegates**

4 **Resolution 63 Integrating Medical Records** . was referred from the House of Delegates to
5 the MSSNY Council. MSSNY Council referred it to the Addiction and Psychiatric Medicine
6 Committee. There are three choices today . Adopt the resolution, amend the resolution or not
7 adopt it. The Committee's recommendation will be forwarded to the MSSNY Council Meeting on
8 March 5, 2019. Dr. Rory Korn, president of the Schoharie Medical Society spoke to the
9 committee about the resolution. Dr. Korn indicated that in over 40% of patients seen present
10 with mental health issues. If these patients are seen by a mental health professional and notes
11 are taken and medications adjusted, those notes are embargoed and are not visible to primary
12 care physicians. The question is then why are patients records handled differently between
13 mental health professionals and primary care professionals? This question led to the genesis of
14 this resolution.

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16 Discussion followed that in some practices a physician can break the glass to access patients
17 mental health records. A physician must always have a compelling reason to do so. The
18 resolution basically asks MSSNY to advocate for the development of a model for mental health
19 documentation. The question is whether this is regulatory or whether it is arbitrary between
20 organizations. Any guideline that prevents the coordination of a patient's care might be a

21 violation of the federal rule. Congress discussed coordination of care in the opioid package,
22 however, and it was dropped because the AMA and other organizations expressed concerns
23 because it was unclear what is regulatory and what is best practice? The committee will
24 concentrate on the state level reaching out to OMH, OASAS and DOH to find out what is
25 permissible on the state level. There was discussion of creating a task force, however, it was
26 pointed out that the AMA already has an opioid task force and resources available to look into
27 this matter. Rather than create a task force within MSSNY, the committee will investigate what
28 the regulations are within the state and then educate our physicians about what is presently
29 available to them. Pat will work with Moe Auster drafting a resolution educating members
30 about what is available to them with regard to access to mental health records and urging the
31 AMA to support changes to the federal law to allow greater access. Pat Clancy will forward the
32 revisions of the resolution to Dr. Korn for his initial review. It will be sent out to the full committee
33 for a final vote.

34 Proposal to accept Resolution 63 with amendment as indicated. Proposal accepted.

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36 **Legalization of Recreational Marijuana** . MSSNY Legislative Counsel Moe Auster gave a
37 brief overview of the governor's plans to legalize recreational marijuana in New York State.

38 There are many things causing concern including changes to the medical marijuana act:

- 39 • Moving the control out of DOH and creating an Office of Cannabis Management
- 40 • Allowing anyone who is authorized to prescribe controlled substances to certify patients
- 41 • Reduces the educational requirements from three hours to two hours
- 42 • Expands the list of conditions to include Alzheimer's, Muscular Dystrophy, Dystonia,
43 Rheumatoid Arthritis, Autism and any condition authorized as part of a cannabis
44 research license.
- 45 • Authorizes the executive director to add additional conditions to the list.
- 46 • It includes terminology that includes prescription and dosing.
- 47 • Allows certified patients over the age of 21 to cultivate up to four plants at home for
48 medical reasons.
- 49 • Allows for research studies.

50 There was discussion of what was in the proposal. MSSNY has developed a paper in response
51 to the governor indicating MSSNY's strong concern over youth based use. The idea of
52 creating an insurance mechanism for anyone that cannot afford the cost of marijuana, noting
53 that marijuana can be cheaper and purchased in larger quantities with a prescription.

54

55 There was discussion about a proposed resolution that states: recreational marijuana is to be
56 legalized, medical marijuana should be limited to FDA approved uses only and maintained
57 within the Department of Health.

58 It was pointed out that this resolution will reach MSSNY's House of Delegates in April, however,
59 the state budget with the marijuana program may be already approved. It was pointed out that
60 MSSNY's policy was based on patients that could not get marijuana any other way and the
61 potential legalization of recreational marijuana, all individuals will have access to it. Dr. Epstein
62 volunteered to draft the resolution and get it to Pat and Moe to review it for submission to the
63 Council. Pat will also research existing policy on this too.

64 Dr. Brian Johnson will amend his resolve to include to prohibit consumer advertising as applies
65 to tobacco advertising. Dr. Johnson will forward resolutions to Pat. Committee agreed to support
66 Dr. Johnson's proposed resolution.

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68 **Next meeting** . May 3, 2019 8:30am to 10:00 AM.

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70 **Meeting adjourned.**