



**MINUTES OF THE COUNCIL MEETING**  
**Thursday, January 24, 2019**

A meeting of the Council of the Medical Society of the State of New York was convened at 9:00 a.m. on Thursday, January 24, 2019 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  
Frank G. Dowling, MD  
Joseph R. Sellers, MD  
Mark J. Adams, MD  
Kira A. Geraci-Ciardullo, MD

**COUNCILORS**

Maria A. Basile, MD  
Joshua M. Cohen, MD  
Janine L. Fogarty, MD  
Justin M. Fuehrer, MD  
Howard H. Huang, MD  
Parag H. Mehta, MD  
Brian P. Murray, MD  
Paul A. Pipia, MD  
Saulius J. Skeivys, MD

**TRUSTEE**

Robert J. Hughes, MD, Chair

**EXECUTIVE STAFF**

Philip A. Schuh, CPA, MS

**LEGAL COUNSEL**

Andrew Zwerling, Esq.

**EXCUSED**

Sana L. Bloch, MD  
Thomas T. Lee, MD

**MSSNY STAFF**

Morris Auster, Esq.  
Michael Avella  
Sandra Bennett  
Patricia Clancy  
Miriam Hardin  
Laurel Mayer  
Regina McNally  
Michele Nuzzi Khoury  
Suzanne Reilly  
Michael Reyes  
Steven Sachs  
Eunice Skelly

**TELEPHONE**

**PARTICIPANTS**

Edward Kelly Bartels, MD  
Stephen F. Cocco, MD  
Breyen Coffin  
Robert A. Hesson, MD  
John J. Kennedy, MD  
William R. Latreille, Jr., MD  
Joseph R. Maldonado, Jr., MD  
Christine Nadolny  
Gregory Pinto  
Charles Rothberg, MD  
Luis Carlos Zapata, MD

**COUNTY EXECUTIVES**

Liz Harrison  
Aaron Kumar, MD  
Cheryl Malone

**GUESTS**

Thomas Donoghue  
Donald Fager  
Edward K. Freiberg, MD  
John Hollowell  
Jason Nippa  
John Ostumi, MD  
Sheldon Putterman, MD  
Naheed Van De Walle, MD

- A. Call to Order and Roll Call
- B. **APPROVED, the** Minutes of November 1, 2018
- C. New Business (All Informational/Action Items)

1. **President's Report:**

- a. Letter to the United States Dept. of Justice regarding CVS-Aetna Merger  
This letter highlighted several problems with the merger, including companies that had not provided any real analysis that the CVS/Aetna merger would result in specific reduced costs for consumers, or any business plan or study of asserted improved health outcomes to benefit New York consumers.
- b. Testimony of Charles Rothberg, MD regarding the Proposed CVS Acquisition of Aetna  
This merger will create an entity with an incredibly large market share that will adversely impact consumers and their physicians, without any discernable increase in quality. Our concerns are numerous but include: reduced community pharmacy access for our patients; the potential for increased prior authorization hassles; and marginalization of community-based physician-led medical homes. This transaction should not be approved unless these patient access issues are truly addressed.
- c. Dr. Madejski & Dr. Freiberg both spoke highly about Dr. Putterman's dedication and many years of service to the CME Committees & Subcommittees. Dr. Madejski noted that a plaque was in the process of being made and would be sent to Dr. Putterman's residence.
- d. MSSNY Task Force on Firearm Safety Action Item - Presented by Dr. Latreille & Dr. Dowling  
**ADOPTED as AMENDED** the following Resolution (deletions lined through addition underlined)  
  
RESOLVED, that the Medical Society of the State of New York support ~~the concept of~~ a red flag ~~law~~ concept in New York State; and be further  
  
RESOLVED, that the Medical Society of the State of New York support educating physicians in New York State about the NY SAFE Act as a mechanism to help physicians reduce the risk of suicide in patients.
- e. Medicinal & Recreational Marijuana Memorandum ó The Medical Society of the State of New York opposes recreational marijuana legalization. The Medical Society has concerns with proposals to legalize marijuana for recreational use and with the expansion of its marijuana for medical purposes.
- f. MSSNY Committees Goals Document ó This document was created by the Office of the President and should be updated periodically.

- g. Governor's Budget Proposal ó Governor Cuomo formally proposed his \$175 Billion Budget for the fiscal year 2019-2020. There were positive items and some items of significant concern.
- h. Dr. Madejski's Letter ó Maintenance of Certification (MOC) requirements for continuing board certification. The letter expressed physicians concerns with regard to excessive burdens associated with MOC requirements for continuing board certification.

### **ADJOURNMENT OF COUNCIL**

**APPROVED**, the Empire State Medical, Scientific & Educational Foundation, Inc. Election of Directors:

Class 1

(Term expires December 31, 2021)

Robert Hughes, MD

John Ostuni, MD

Parag Mehta, MD

### **RECONVENE OF COUNCIL**

2. **Board of Trustees Report** ó Presented by Dr. Robert Hughes

A meeting of the MSSNY Board of Trustees was held on Wednesday, January 23, 2019 at MSSNY Headquarters in Westbury. Upon Motion made and seconded, the Council **ACCEPTED** the following:

- The Board approved the Minutes from the Board of Trustees Meeting held on October 31, 2018.
- The Board approved the Engagement Letter from Mr. John Vecchio, CPA to perform the MSSNY 2018 Audit.
- The Board approved the Administrative Service Agreement between MSSNY and the Empire State Medical, Scientific and Educational Foundation, Inc. This Agreement substantiates the Empire State Foundation's annual support to MSSNY for administrative services rendered to the Foundation.
- The Board approved the per diem subsidy for the Component County Medical Societies/Specialty Society delegates who attend the House of Delegates Annual Meeting at \$100/per day for each day that the House is in session for each delegate who is registered at the convention hotel.
- The Board approved the 2019 Operating Budget as presented and approved by the MSSNY Budget and Finance Committee.

- The Board reviewed and approved the concept of entering into a marketing agreement with a firm to launch a membership campaign for MSSNY. The Board authorized obtaining RFPs from various marketing firms for consideration.
  - The Board reviewed and approved proposed pricing changes in CME/County Programs.
2. **Secretary's Report** ó Presented by Dr. Frank Dowling  
**APPROVED**, unanimously, the Secretary's Report that requested the following:
    - Life Membership for forty (40) physicians
    - Dues Remissions for one (1) physician
  3. **MLMIC Update** - Presented by Mr. Donald Fager  
 Mr. Fager provided an update on the ongoing issues relating to the Berkshire Hathaway transaction. MLMIC has distributed 95.5% of the proceeds to the insureds and the remaining 5% remains in escrow. The MLMIC Executive Committee approved a \$5,000 contribution to MSSNYPAC.
  4. **AMA Delegation Report** ó Presented by Dr. John Kennedy  
 Physician Assisted Suicide was again referred back to CEJA for re-evaluation.  
 Dr. Madejski is running for re-election on the Council for Medical Service. Dr. Corliss Varnum is running for Council on Science & Public Health. The National Advocacy Conference will be held February 11-13 at the Grand Hyatt in Washington, DC. There is a handbook revision being undertaken. That will be revised and brought forward to the Delegation. The changes will be to our policies due to not being part of the Great Lakes Coalition.
  5. **MSSNYPAC Report** ó Presented by Dr. Joseph Sellers  
 This report reflects the financial status of MSSNYPAC during the 2018 fiscal year 1/1/18 through 12/31/18. In 2018, we collected \$256,678.70 from 726 contributors. There are many new faces in Albany this year and a new two-year campaign cycle has begun. The need for a well-funded MSSNYPAC has not ever been more necessary than now. MSSNYPAC would like to thank Drs. John Maese and Donna Seminara for hosting a physician holiday cocktail reception at their home in support of MSSNYPAC. Dr. Berkun, Dr. Podwall and Dr. Lee are helping to organize fundraisers.
  6. **MESF Update** ó Presented by Mr. Thomas Donoghue  
 The MESF had another highly successful Physician Leadership Seminar in Syracuse with approximately 26 attendees from Central New York State. As with other recent seminars we continued to use the professional services of Jon Chilingirian PhD of Brandeis University and his associate Carole Carlson. There were two speakers from Brandeis University, the group heard an excellent presentation from OPMC Director Keith Servis on Staying Out of Trouble and from Donald Moore MD on Signs of Burnout ó How to Help Your Colleagues. MESF has now completed a major cardiology education program for physicians in India

7. **CME Update** ó Presented by Dr. Mark Adams  
Resolution 2018-169 Partnership on Continuing Medical Education  
**ADOPTED**, Substitute Resolution 2018-169 Partnership on Continuing Medical Education

RESOLVED, That when the Medical Society of the State of New York jointly provides continuing medical education programs with county medical societies, that MSSNY offer county medical societies a discounted rate of 50% for joint providership fee and the per-credit fees, with the understanding that the jointly providing county medical society will be responsible for the labor associated with meeting the Accreditation Council for Continuing Medical Education (ACCME) accreditation requirements and policies; and be it further

RESOLVED, That the annual fee for MSSNY accredited CME Providers that are academies shall be the same as the charge that ACCME charges MSSNY per provider accredited.

**D. Reports of Officers**

1. Office of the President - Thomas J. Madejski, MD  
Dr. Madejski thanked Dr. Fougner and Dr. Litvack for attending meetings on his behalf.
2. Office of the President Elect ó Arthur C. Fougner, MD  
Dr. Fougner attended a meeting with Dr. Madejski and Mr. Schuh at Emblem Health to discuss the single payer health act in New York State. Dr. Fougner was invited to a meeting at Huntington Hospital.
3. Office of the Vice President ó Bonnie L. Litvack, MD  
Dr. Litvack attended the Emblem Health meeting with Dr. Madejski, Dr. Fougner and Mr. Schuh. She is currently working with Orange County on Institutional Memberships. Also working with MSSNY's General Counsel on ZocDoc issues.
4. Office of the Treasurer ó Joseph R. Sellers, MD  
Dr. Sellers referred the Council to MSSNY's Financial Statement. The Council **ACCEPTED**, the Financial Statement for the period 1/01/18 to 12/31/18
5. Office of the Speaker - Kira A. Geraci-Ciradullo, MD  
Dr. Geraci highlighted the following:
  - All reference committee appointments have been made and committee members will be receiving instructions prior to the HOD;
  - Friday, March 8 at 5:00 pm is the final deadline for Resolutions;
  - Thursday, April 11 is CME day and a Risk Management program from MLMIC;
  - Friday, April 12, the NYS Deputy Commissioner of Health will address the HOD. After reference committee hearings end, CME programs are anticipated;
  - Saturday, April 13, the US Surgeon General, Dr. Adams will address the HOD;
  - Sunday, April 14 elections will be held from 7:00 a.m. to 8:30 a.m.
  - Lastly, the MSSNY Bylaws were refined. HOD Delegates can provide written comments to a dedicated email address [bylawscomments@mssny.org](mailto:bylawscomments@mssny.org).

**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 (Informational Items)**

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

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

Report from the Division of Communications

2. Commissioner of Governmental Relations, Gregory Pinto, MD

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

Report from the Division of Governmental Affairs

3. Commissioner of Membership, Parag H. Mehta, MD

**ADOPTED, Resolution 2019-1, Group and Institutional Membership**

Resolution 2019-1 would establish that physicians who participate as members through agreements with their groups or institutions are active members.

**ADOPTED, Resolution 2019-2, Pilot Membership Projects**

Resolution 2019-2 states that at the conclusion of a three-year term for any pilot project, the Council and Board of Trustees shall determine if a pilot should be ended, or continued as an approved alternative membership option for interested county medical societies, and report on its action to the House.

**Sponsorship Agreements:**

**ADOPTED as AMENDED** (additions underlined)

The Membership Committee recommends that the Council approve only for physician organizations the creation of a Sponsorship Agreement initiative as outlined in the committee's report.

4. Commissioner of Science & Public Health, Joshua M. Cohen, MD  
**The following reports were submitted for information:**
  1. Addiction & Psychiatric Medicine Committee Minutes, 10/19/2018
  2. Bio Ethics Committee Minutes, 11/2/2018
  3. Committee on Health Care Disparities Minutes, 10/26/18 & 10/30/18
  4. Heart, Lung Cancer Committee Minutes, 10/17/18
  5. Infectious Diseases Committee Minutes, 10/25/18
  6. Preventive Medicine and Family Health Committee Minutes, 10/18/18
  
5. Commissioner of Socio Medical Economics, Howard H. Huang, MD  
**The following report was submitted for information:**
  1. Interspecialty Committee Minutes, November 8, 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 referred the Council to the Membership Dues Revenue Schedule and the Group/Institutional Report. He stated that the Group Institutional Membership dues subsidizes the annual budget and MSSNY along with the county medical societies continues to diligently seek additional memberships.

Mr. Schuh announced that due to Dr. Madejski's hard work and involvement in many of the major statewide issues, Dr. Madejski was recognized as one of the top 50 doctors in health care. He was honored at the Health Power Fifty ceremony in New York City.

**H. Report of the General Counsel, Garfunkel Wild, P.C. , Barry Cepelewicz, MD**  
**(No written report submitted)**

**I. Report of the Alliance, Valerie Semeran, Co-President**  
**(No written report submitted)**

**J. Other Information/Announcements**

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

1. 2017-2018 ABMS Board Certification Report (**handout**)
2. Maternal Mortality Sign On-Letter
3. PAI Scorecard ó 2019 Quality Payment Program (QPP) Finalized Policies
4. PAI Key Changes ó 2019 QPP Participation

**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.**

