



MINUTES OF THE COUNCIL MEETING Tuesday, March 5, 2019

A meeting of the Council of the Medical Society of the State of New York was convened at 1:00 p.m. on Tuesday, March 5, 2019 at the Albany Renaissance Hotel, 144 State Street Albany, NY

Thomas J. Madejski, MD, FACP, President of the Society presided:

PRESENT

OFFICERS

Thomas J. Madejski, MD
Bonnie L. Litvack, MD
Charles Rothberg, MD
Frank G. Dowling, MD
Mark J. Adams, MD
Kira A. Geraci-Ciardullo, MD

COUNCILORS

Maria A. Basile, MD
Breyen Coffin
Janine L. Fogarty, MD
Justin M. Fuehrer, DO
Howard H. Huang, MD
Thomas T. Lee, MD
Parag H. Mehta, MD
Brian P. Murray, MD
Gregory L. Pinto, MD
Paul A. Pipia, MD
Saulius J. Skeivys, MD
Luis Carols Zapata, MD

TRUSTEES

Robert J. Hughes, MD
Daniel Koretz, MD
Andrew Y. Kleinman, MD
Joseph R. Maldonado, MD
Malcolm D. Reid, MD

EXECUTIVE STAFF

Philip Schuh, CPA, MS

LEGAL COUNSEL

Garfunkel Wild

James Dering, Esq.

MSSNY STAFF

Morris Auster, Esq.
Michael Avella
Terrance Bedient
Patricia Clancy
Carrie Harrington
Laurel Mayer
Suzanne Reilly
Michael Reyes
Steven Sachs
Christina Southard
Brenda Van Nest
Julie Vecchione DeSimone

TELEPHONE

PARTICIPANTS/WEBEX

Edward Kelly Bartels, MD
Sandra Bennett
Sana L. Bloch, MD
Joshua M. Cohen, MD
Miriam Hardin
Robert A. Hesson, MD
Cheryl Malone
Regina McNally
Christine Nadolny
Michele Nuzzi Khoury
Eunice Skelly

EXCUSED

Stephen F. Coccaro, MD
Arthur C. Fougner, MD
William R. Latreille, Jr., MD
Joseph R. Sellers, MD

COUNTY

EXECUTIVES

Christopher Bell
Jonathan Dougherty
Aaron Kumar, MD

GUESTS

Rose Berkun, MD
Axel Bernabe
Stephen Boese
Robert Catalano, MD
Marc Crow
Barbara Ellman
John Gillespie, MD
Stuart Hayman
Arthur Hengerer
Vilma Joseph, MD
John J. Kennedy, MD
MaryAnn Millar, MD
Kevin Sabet
Keith Servis
Jason Starr

- A. Call to Order and Roll Call
- B. **APPROVED** the Minutes of January 24, 2019
- C. New Business (Informational/Action Items)

1. President's Report (Presentations):

Physician Wellness – Presented by Dr. Arthur Hengerer, Dr. Catalano, Mr. Keith Servis and Mr. Stephen Boese

The Federation of State Medical Boards (FSMB) Workgroup on Physician Wellness and Burnout was convened in 2016 to identify resources and strategies to address physician burnout.

Physician burnout is not always related to stress arising in a physician's character. Family issues, personal and professional relationships, financial pressures, insufficient work life balance, or other external stressors may contribute to burnout.

Physician wellness is a complex issue. Physicians have a responsibility to attend to their own health, well-being, and abilities in order to provide care of the highest standard. Physicians are encouraged to make use of services of state Physician Health Programs.

The Office of Professional Medical Conduct (OPMC) oversees the contract with the Medical Society of the State of New York, Committee for Physician Health (CPH). The goal of the program is to facilitate and monitor treatment and support of impaired physicians. The CPH and the Board, through a Joint Committee, monitor the program's activities and discuss ways to enhance the program's patient protection and physician support effectiveness.

In New York State, physicians can self-report and enter into the Committee for Physician Health on a voluntary basis. This causes a firewall between CPH and Board for Professional Medical Conduct (BPMC) because the BPMC is not aware if a physician goes into CPH on a voluntary basis.

Smart Approaches to Marijuana (SAM) – Presented by Dr. Kevin Sabet

What is SAM? SAM is a 501(c)(3) non-profit, educational organization funded by volunteers and private organization to educate citizens on the science of marijuana and promote health-first, smart policies and attitudes that decrease marijuana use and its consequences.

SAM has collaborated with the American Society of Addiction Medicine, American Academy of Pediatrics, American Academy of Child & Adolescent Psychiatry and other leading public health authorities.

SAMS mission is to educate citizens on the science of marijuana and to promote health first. Strains of marijuana are much more potent than those years ago and that the multitude of ways it can be consumed. There are more folks from the tobacco and pharma industries involved in the industry of marijuana.

Dr. Sabet noted that New York would be the first state to legalize marijuana use through legislative action rather than a public vote.

SAM action is in the process of hiring a team of field organizers to gather volunteers and supporters in targeted legislative districts. The more voices a legislator hears from their district, the more cover they have to oppose the Governor's agenda.

Overview of the Proposal to Legalize Marijuana in New York – Presented by Mr. Axel Bernabe & Mr. Jason Starr

Legalization is on the horizon in New York. Governor Cuomo announced that his office established a work group to draft legalization for adult use cannabis legalization. The work group will coordinate with law makers to develop a recreational marijuana bill. Governor Cuomo's office expects the legislation to be taken up in the State Senate.

The proposed legislation would permit adults 21 and older to possess, purchase and consume certain amounts of marijuana for personal use. The House Bill also includes a number of social equity provisions.

New York regulators are moving to allow patients who would normally be prescribed opioids for any condition to use medical marijuana instead. People suffering from severe pain, opioid dependency will now qualify to receive medical cannabis. Medical marijuana has been shown to be effective treatment for pain that may reduce the chance of opioid dependence.

New York City's comptroller released an analysis finding that legalization could generate \$436 million annually in new state tax revenue from legal marijuana sales.

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

A meeting of the MSSNY Board of Trustees was held on Tuesday, March 5, 2019 at the Albany Renaissance Hotel in Albany. Upon Motion made and seconded, the Council **ACCEPTED** the following:

- The Board approved the Minutes from the Board of Trustees Meeting held on January 23, 2019.
- Due to the lack of meeting space available at the Tarrytown Hotel for the 2019 MSSNY House of Delegates, it was decided by the Board that for this year, the Past Presidents will gather at the hotel restaurant for their annual luncheon.
- The Board decided that prior to going forward with the selection of a marketing firm, MSSNY will look into placing several ads in various publications requesting RFPs from other marketing firms.

3. **Secretary's Report** ó Presented by Dr. Frank Dowling
APPROVED, unanimously, the Secretary's Report that requested the following:
- Life Membership for fourteen (14) physicians proposed by their respective county medical societies;
 - Dues Remissions for two (2) physicians proposed by their respective county medical societies
4. **MLMIC Update** - Presented by Mr. Marc Crow, Esq., Senior Counsel, Legislative & Regulatory Affairs, MLMIC Insurance Company
On April 11, at the Westchester Marriott Hotel, MLMIC Insurance Company will have a Risk Management Program. The topics to be addressed include:
- Top Risks of the Office Practice Setting;
 - Effective Coordination of Hospitalist Care; and
 - High Exposure Liability Cases.

MLMIC has distributed 97% of the proceeds to the insureds and the remaining 3% remains in escrow due to a dispute in a policyholder and policy administrator.

5. **AMA Delegation Report** ó Presented by Dr. John Kennedy
The next AMA Annual Meeting will be in June. At that meeting, we are looking for re-election of Dr. Madejski on the Council of Medical Service and the election of Dr. Corliss Varnum on the Council of Science & Public Health.
The Delegation Handbook has been revised, due to New York's severing relations with the Great Lakes.

MOTION:

The Delegation handbook to be resubmitted with additions and deletions highlighted and tabled to the next Council Meeting.

6. **MSSNYPAC Report** ó Presented by Dr. Thomas Lee & Dr. Rose Berkun
The report reflects the financial status of MSSNYPAC during the first fiscal year. MSSNYPAC would like to thank Dr. Podwall, Dr. Rothberg, Moe Auster & Eunice Skelly for organizing a discussion forum on single payor.
On March 28, at the home of Dr. Rose Berkun, she and Dr. Gillespie are hosting a dinner reception in support of MSSNYPAC.
7. **MESF Update** ó Presented by Dr. Charles Rothberg
The India programs are continuing to be finalized.
The Leadership Seminar is planned to take place in the Spring and will be held on Long Island. Date and location will be determined.
8. **Commissioners (Action Items – For Council Approval)**
Commissioner of Science & Public Health, Joshua M. Cohen, MD
Resolution 2018-63 ó Integrating Medical Records
ADOPTED, the following substitute Resolution 2018-63 to read as follows:

RESOLVED, That MSSNY correspond with the state Office of Mental Health, the Office of Alcoholism and Substance Abuse Services and the Department of Health to determine the mechanism for primary care physicians to access records of mental health and substance use disorders to afford those patients the best medical care; and be it further

RESOLVED, That MSSNY educate its members about what options are currently available to primary care physicians to view those records of patients suffering from mental health conditions and/or substance use disorders; and be it further

RESOLVED, That MSSNY transmit a copy of this resolution to the AMA and request that the AMA Task Force on Opioids work towards federal regulations that would allow seamless interaction to allow primary care physicians to be able to assess a patient's mental health and/or substance use disorder record.

Resolution 2018-150 ó Common Sense Prostate Cancer Screening
NOT ADOPTED, the following Resolution 2018-150:

RESOLVED, That physicians should have an informative discussion about the risk of prostate cancer with their male patients at age 40 and identify those patients who are at higher than average risk based on family history, race, ethnicity, lifestyle factors and other chronic illnesses; and, be it further

RESOLVED, That physicians should offer male patients, at age 40 for higher risk and age 50 for average or low risk, yearly testing, including but not limited to, serum PSA and its various available subtypes, as well as MRI imaging and genomic testing when appropriate, with or without digital rectal exam, and be referred to a specialist if findings suggest the possibility of prostate cancer; and, be it further

RESOLVED, that all patients diagnosed with prostate cancer have available to them all accepted methods of risk stratification to best determine appropriate treatment including the judicious use of active surveillance protocols.

MSSNY Policy 125.996 - Heart, Lung, Cancer Committee
Screening Programs and Interventions Most Beneficial in Improving the Overall Public Health

MOTION:

The Council decided to refer revisions back to the Committee for further discussion.

9. **Councilors** (Action Item)

Submitted by New York County Medical Society
Joshua M. Cohen, MD

Action Item:

That the Medical Society of the State of New York work with the New York State Department of Health to establish state regulation which would define perópatient fee models for physician appointment scheduling by thirdóparty vendors as "fee splitting" and therefore a violation of New York State Law.

MOTION:

The MSSNY Council decided not to consider

D. Reports of Officers

Office of the President - Thomas J. Madejski, MD ó No verbal report
Office of the President Elect ó Arthur C. Fougner, MD ó No verbal report
Office of the Vice President ó Bonnie L. Litvack, MD ó No verbal report
Office of the Treasurer ó Joseph R. Sellers, MD **ACCEPTED**, the Financial Statement for the period 1/01/18 to 12/31/18
Office of the Secretary ó Frank G. Dowling, MD ó No verbal report
Office of the Speaker - Kira A. Geraci-Ciardullo, MD ó Dr. Geraci congratulated Dr. Madejski for an excellent year as MSSNY's President.

E. Reports of Councilors

The following reports were submitted for information:

Kings & Richmond Report - Parag H. Mehta, MD
Manhattan & Bronx Report ó Joshua M. Cohen, MD
Nassau County Report ó Paul A. Pipia, MD
Queens County Report ó Saulius J. Skeivys, MD
Suffolk County Report ó Maria A. Basile, MD
Third District Branch Report ó Brian P. Murray, MD
Fourth District Branch Report ó Gregory L. Pinto, MD
Fifth District Branch Report ó Howard H. Huang, MD
Sixth District Branch Report ó Robert A. Hesson, MD
Seventh District Branch Report ó Janine L. Fogarty, MD
Eighth District Branch Report ó Edward Kelly Bartels, MD
Ninth District Branch Report ó Thomas T. Lee, MD
Medical Student Section Report ó Breyen Coffin
Organized Medical Staff Section - Stephen F. Coccaro, MD
Resident & Fellow Section Report ó Justin Fuehrer, DO

Young Physician Section Report ó L. Carlos Zapata, MD

Dr. Zapata stated that the YPS had a social meeting on February 8 in Manhattan.

The Annual Meeting of the YPS was held on Saturday, February 9 and the following were elected for 2019/2020:

Chair ó Daniel Choi, MD

Vice Chair ó Melissa Grageda, MD

Secretary/Treasurer ó Jocelyn Young, DO

Councilor ó L. Carlos Zapata, MD

F. Commissioners (Informational Items)

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

The following report was submitted for information:

Report from the Division of Communications

Commissioner of Governmental Relations, Gregory Pinto, MD

The following committee minutes and division report were submitted for information:

HIT Committee Minutes, February 1, 2019

Report from the Division of Governmental Affairs

Commissioner of Membership, Parag H. Mehta, MD

The following report was submitted for information:

Membership Committee Report

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

The following minutes were submitted for information:

Addiction & Psychiatric Medicine Committee Minutes, January 18, 2019

Bioethics Committee Minutes, February 8, 2019

Health Care Disparities Minutes, January 25, 2019

HLC Committee Minutes, October 17, 2018

Infectious Diseases Committee Minutes, January 17, 2019

PMFH Committee Minutes, February 7, 2019

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

Membership Dues Revenue Schedule

Group Institutional Dues Comparison Report

Mr. Schuh referred everyone to the Membership Dues Schedule and the Group/Institutional Membership Report. He stated that we are running slightly behind last year's figures, however, we are engaging some hospital/medical staff groups in anticipation of obtaining their membership. Also, that the decline in membership continues to be our biggest concern. MSSNY staff is working to secure new members.

H. Other Information/Announcements

The following items were submitted for information:

AMA Surprise Bill Sign On Letter

MSSNY Surprise Bill Letter to Senator Schumer

PAI Comments on HIPAA RFI

MSSNY Statement on Legalization of Cannabis Public Hearing

<http://www.mssnynews.org/press-releases/legalcannabis/#can>

MSSNY Statement on Revised New York Health Act Legislation

<http://www.mssnynews.org/press-releases/health-act-legislation/#leg>

Poughkeepsie Journal Article

<https://www.poughkeepsiejournal.com/story/news/2019/02/20/marijuana-legalization-ny-under-attack-cops-educators-docs/2905268002/>

I. Adjournment ó There being no further business, a Motion to adjourn was made, seconded and accepted. The meeting adjourned at 5:15 p.m.

