



MINUTES OF THE COUNCIL MEETING THURSDAY, MAY 30, 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, May 30, 2019 at the Courtyard Marriott, 1800 Privado Road, Westbury, NY 11590.

Arthur C. Fougner, MD, President of the Society presided:

PRESENT

OFFICERS

Arthur C. Fougner, MD
Bonnie L. Litvack, MD
Thomas J. Madejski, MD
Frank G. Dowling, MD
Sana L. Bloch, MD
Parag H. Mehta, MD
Maria A. Basile, MD

COUNCILORS

Linda S. Efferen, MD
Janine L. Fogarty, MD
Howard H. Huang, MD
Peter Joo
Thomas T. Lee, MD
Adolph B. Meyer, MD
Paul A. Pipia, MD
Saulius J. Skeivys, MD
Catherine E. Steger, DO
Luis Carolos Zapata, MD

TRUSTEES

Andrew Y. Kleinman, MD
Joseph R. Maldonado, Jr., MD
Charles Rothberg, MD

EXECUTIVE STAFF

Philip A. Schuh, CPA, MS

LEGAL COUNSEL

Barry Cepelewicz, MD

MSSNY STAFF

Morris Auster, Esq.
Patricia Clancy
Laurel Mayer
Regina McNally
Michele Nuzzi Khoury
Suzanne Reilly
Michael Reyes
Stephen Sachs
Eunice Skelly
Christina Southard
Julie Vecchione DeSimone

TELEPHONE/WEBEX

PARTICIPANTS

Mark J. Adams, MD
Edward Kelly Bartels, MD
Joan Cincotta
Stephen F. Coccaro
Joshua M. Cohen, MD
Miriam Hardin
Robert A. Hesson, MD
William R. Latreille, Jr., MD
Christine Nadolny
Gregory L. Pinto, MD
Joseph R. Sellers, MD

EXCUSED

Brian P. Murray, MD

COUNTY EXECS

Aaron Kumar, MD
Vangie Rosado-Tripp

GUESTS

Dr. Daniel Berman
Gina Burgos
Dr. Awi Federgruen
Lori Hertz
Dr. John Lombardo
Michael Schoppmann, Esq.
Hayden Wool, Esq.

- A. Call to Order and Roll Call
- B. **APPROVED**, the Council Minutes of Sunday, April 14, 2019 (HOD)
- C. New Business (All Action & Informational Items)

1. **President's Report**

Arthur C. Fougner, MD, welcomed the Officers, Councilors, Trustees, MSSNY Staff, County Medical Executives and the following Special Guests:

- Dr. Daniel Berman, Infectious Disease Specialist - Montefiore Medical Center
- Dr. Awi Federgruen, Professor of Management - Columbia University
- Lori Hertz, Marketing Account Specialist - MLMIC
- John Lombardo, MD, Vice Chair & Chief Medical Officer - MLMIC
- Michael Schoppmann, Esq., President & Chief Operating Officer - MLMIC
- Hayden Wool, Esq., Partner Director of Garfunkel Wild, P.C.

ADOPTED, the 2019 HOD Resolutions referred to Council

APPROVED, the following Presidential Appointments to MSSNY's Executive Committee of the Council:

- Parag H. Mehta, MD (At-Large-Member)
- Gregory L. Pinto, MD (At-Large-Member)

2. **Board of Trustees Report** presented by Dr. Joseph Maldonado (on behalf of Dr. Sam Unterricht)
A meeting of the MSSNY Board of Trustees was held on Wednesday, May 29, 2019 at MSSNY headquarters in Westbury. Upon Motion made and seconded, the Council **ACCEPTED**:

Minutes from the Board of Trustees meeting that was held on Sunday, April 14, 2019 following the close of the MSSNY House of Delegates.

Dr. Maldonado reported that the Board had discussions on the following two items:

- MSSNY Investments and how the investments are doing
- Office leases for the downstate and upstate sites

3. **Secretary's Report** presented by Dr. Frank Dowling

APPROVED, unanimously, the Secretary's Report that requested the following:

- Life Membership for twelve (12) physicians
- Dues Remissions for four (4) physicians

4. **MLMIC Update** - Presented by Mr. Michael Schoppmann, Esq.

Mr. Schoppmann reported that MLMIC has filed for a no rate increase and a claims free discount with the DFS that would benefit MSSNY members.

Dr. Lombardo will be attending Council meetings in the future.

Dr. Rothberg announced that Dr. Fougner appointed him Co-Chair of MSSNY's Physician Wellness Committee and he thanked MLMIC for the generous grant of \$50,000 given to the Physician Wellness Committee.

5. **AMA Report** ó Presented by Dr. Charles Rothberg (on behalf of Dr. John Kennedy)
Dr. Rothberg reported that the AMA annual meeting is upcoming June 6-12.
New York will be represented by 20 delegates and a similar number of alternate delegates.
Things are going well since the separation from the Great Lakes Coalition and became independent. This year we welcome new doctors to our delegation (Drs. DiPaola, Brisman, Basile, Coccaro, Aguste, Fougner & Zapata). There are new appointees to other committees. Dr. Reid & Dr. Eiting on Healthcare Disparities and Dr. Dowling to the LGBTQ advisory committee. New York continues a relationship with the Big 4. The entire handbook is available on the AMA website.

6. **MSSNYPAC Report** ó Presented by Dr. Thomas Lee
Dr. Lee reported that MSSNYPAC has raised \$137,586.02 from 419 individual supporters. He also thanked Drs. Berkun, Gillespie, Madejski and Chris Nadolny for co-hosting and organizing a fundraiser in Erie County.

The MSSNYPAC Executive Committee discussed the following:

- Seeking advocacy regarding the opposed Bills that were passed in the Senate;
- Communication with members such as text messaging, social media;
- To encourage each county society to sponsor a local event to bring new members to join MSSNYPAC.

7. **MESF Update** ó Presented by Dr. Thomas Madejski
Dr. Madejski reported that the Leadership Conference will be June 21-22 at the Hyatt Regency in Hauppauge, Long Island. MESF is grateful to the Physicians Foundation for their support. MESF has completed a major cardiology education program for physicians in India.

8. **CME Update** ó Presented by Dr. Mark Adams (via phone)
Dr. Adams reported that the CME Committee had a discussion on strategies to help and support MSSNY accredited CME providers who wish to offer CME with Maintenance of Certification points, for one or more of the specialty boards that currently collaborate with the ACCME. The CME Committee will hold a CME Provider Conference at the Courtyard Marriott in Westbury on Friday, September 20, 2019.

9. **County Federation Report** ó Presented by Dr. Aaron Kumar
Dr. Kumar reported that the counties are organizing a group platform to share and discuss information to better understand the needs of the physician members.

D. Reports of Officers

1. Office of the President - Arthur C. Fougner, MD
Dr. Fougner reported that he attended the following:
 - Erie County Annual Meeting;
 - Kings County Annual Meeting;
 - Nassau County Membership Meeting;

- Queens County Annual Meeting;
 - Richmond County Legislative Breakfast;
 - Press Conference in Albany regarding the Measles Epidemic
 - Testimony at the Senate-Assembly Hearing regarding the Proposed New York Health Act
2. Office of the President Elect ó Bonnie L. Litvack, MD
Dr. Litvack reported that she attended the following:
 - Dutchess County Membership Meeting
 - Meeting in Albany regarding Out-of-Network issues
 3. Office of the Vice President ó Joseph R. Sellers, MD
Dr. Sellers reported that he attended the Monroe County Annual Meeting
 4. Office of the Treasurer ó Mark J. Adams, MD
Dr. Adams reported on the status of income and expenses for the period 1/1/19 to 4/30/19. The Council **ACCEPTED**, the Financial Statement
 5. Office of the Speaker ó William R. Latreille, Jr., MD
Dr. Latreille reported the following:
 - The 2020 HOD will be April 24-26
 - The Lake Placid Meeting will be held at the Mirror Lake Inn on January 25, 2020

E. Reports of Councilors

The following reports were submitted for information:

1. Kings & Richmond Report ó Adolph B. Meyer, 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 Linda S. Efferen, 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
Dr. Huang announced that Erika Barry is the new Executive Director of Onondaga County Medical Society
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 Peter Joo
14. Organized Medical Staff Section - Stephen F. Coccaro, MD
15. Resident & Fellow Section Report ó Catherine E. Steger, DO
16. Young Physician Section Report ó L. Carlos Zapata, MD

F. Commissioners:

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 reports were submitted for information:

- a. Collective Negotiation & Integration Minutes, May 17, 2019
- b. Report from the Division of Governmental Affairs

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

MSSNY Membership Presentation

Presented by: Parag H. Mehta, MD

Dr. Mehta requested that each member of the Council reach out to chief residents, residency coordinators and program directors of hospitals and give them a membership application to get residents to join MSSNY.

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

The following committee minutes were submitted for information:

- a. Addiction & Psych. Minutes, May 3, 2019
- b. Bioethics Minutes, May 10, 2019
- c. Health Care Disparities Minutes, May 17, 2019
- d. Heart, Lung, Cancer Minutes, May 1, 2019
- e. Infectious Diseases Minutes, May 16, 2019
- f. Preventive Medicine & Family Health Minutes, May 9, 2019

G. Presentations:

- Overview of Stark and the Anti-Markup Rule

Presented by: Mr. Hayden Wool, Esq. Partner Director, Garfunkel Wild, P.C.

Mr. Wool reported an overview of the key regulatory compliance issues related to patient referrals and the performance of ancillary services by group practices.

The term group practice is defined as a group of two or more physicians legally organized as a single entity operating primarily for the purpose of being a physician group practice. It is difficult to operate in a private physician practice environment as a solo provider or small group practice. The Stark Law provides that a physician

may not make a referral to an entity with which the physician (or an immediate family member of a physician) has a financial relationship with the Designated Health Services.

Violation of the Stark Law potentially subjects the consolidated entity and the participating physicians to civil monetary penalties, refund of payment related to such referrals, exclusion from federal healthcare program participation, and false claims liability exposure.

- Legislation Efforts on Medical Exemptions Due to the Measles Outbreak

Presented by: Ms. Patricia Clancy, Vice President for Public Health & Education

Ms. Clancy reported there are 990 confirmed cases of measles, nationally. MSSNY is seeking repeal of religious exemptions with regard to vaccinations. MSSNY, along with 28 other medical organizations, patient advocacy groups and public health organizations, have been meeting with members of the Legislature to advocate for passage of this measure. Dr. Fougner and Dr. Monica Sweeney, a member of the MSSNY's Committee on Infectious Disease and Health Disparities participated in a press conference with bill sponsors, calling upon the New York State Legislature to pass this vital bill. The NYS Department of Health has issued a measles hotline 1-888-364-4837.

- The Measles Outbreaks in Orthodox Jewish Communities

Presented by:

Dr. Awi Federgruen

Charles E. Exley Professor of Management, Columbia University

Dr. Daniel Berman (MSSNY Member)

Infectious Disease Specialist, Montefiore Medical Center

Dr. Berman & Dr. Federgruen reported that 615 cases of the measles outbreak occurred in parts of Brooklyn and Rockland County. The media generally blame an alleged low vaccination rate in these areas, each with a large percentage of Orthodox Jews. Regardless of the vaccination rate, some communities have characteristics that enhance and sustain epidemics. Population density and a community's social mixing patterns are two critical determinants of whether an outbreak dies out or remains sustained. Orthodox Jewish communities are densely populated. Families have many children and interact frequently.

The vaccination rate of 95%, assumed to provide herd immunity, is derived from a basic model assuming the vaccine is effective 97% of the time. Herd immunity describes how a population is protected from a disease after vaccination by stopping the germ responsible for the infection being transmitted between people.

In summary, there is a worldwide and national surge in measles, disproportionately affecting the Orthodox Jewish community, even though its vaccination rate is similar to that elsewhere. Outbreaks are more likely in dense populations with frequent social mixing patterns. Blaming the Jewish community is therefore wrong, offensive and counterproductive by enhancing resistance and suspicion.

H. 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 reported that the Group Institutional Membership dues subsidizes the annual budget and MSSNY along with the county medical societies continues to diligently seek additional memberships.

- I. **Report of the General Counsel, Barry Cepelewicz, MD, Esq. Garfunkel Wild, P.C.**
Dr. Cepelewicz reported that Garfunkel & Wild is working with MSSNY on issues with ZocDoc changes in pricing.
- J. **Report of the Alliance, Joan Cincotta, Co-President**
The following report was submitted for information
Alliance Report
- K. **Other Information/Announcements**
The following items were submitted for information:
1. MSSNY Executive Committee Minutes, April 11, 2019
 2. Sign On Letter ó QPP Experience Report & Appendix
 3. PAI Letter ó QPP Experience & Report
 4. AMA Letters ó Concern about legalization of cannabis for recreational use
 5. MSSNY Letter ó Surprise Out of Network Medical Bills
 6. Testimony of Dr. Fougner ó Senate Assembly Hearing
- L. **Adjournment** ó There being no further business, a Motion to adjourn was made, seconded and accepted. The meeting adjourned at 11:45 a.m.