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 30, 2020 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
- Joseph R. Sellers, MD
- Frank G. Dowling, MD
- Sana L. Bloch, MD
- Mark J. Adams, MD
- Thomas J. Madejski, MD
- Parag H. Mehta, MD
- William R. Latreille, Jr., MD
- Maria A. Basile, MD

**COUNCILORS**
- Linda S. Efferen, MD
- Janine L. Fogarty, MD
- Howard H. Huang, MD
- Mark R. Jajkowski, MD
- Peter Joo
- Thomas T. Lee, MD
- Adolph B. Meyer, MD
- Brian P. Murray, MD
- Gregory L. Pinto, MD
- Paul A. Pipia, MD
- Saulius J. Skeivys, MD
- Luis Carlos Zapata, MD

**TRUSTEES**
- Jerome C. Cohen, MD
- Andrew Y. Kleinman, MD
- Charles Rothberg, MD

**EXECUTIVE STAFF**
- Philip Schuh, CPA, MS

**MSSNY STAFF**
- Morris Auster, Esq.
- Sandra Bennett
- Zina Cary
- Patricia Clancy
- Miriam Hardin
- Laurel Mayer
- Regina McNally
- Michele Nuzzi-Khoury
- Suzanne Reilly
- Michael Reyes
- Eunice Skelly
- Julie Vecchione DeSimone

**GUESTS**
- James Braun, MD
- Marina Caskey, MD
- Thomas D’Angelo
- Thomas Donoghue
- Craig Hertz, MD
- Lori Hertz, MD
- Jennifer Lee
- Liana Leung, MD
- John Lombardo, MD
- Steven Schwalbe, MD

**TELEPHONE PARTICIPANTS**
- Howard H. Huang, MD
- Stephen F. Coccaro, MD
- Joshua M. Cohen, MD
- Robert A. Hesson, MD

**EXCUSED**
- Catherine E. Steger, DO

**COUNTY EXECUTIVES**
- Aaron Kumar, MD
- Elizabeth Harrison
- Cheryl Malone
- Janine Miller (via phone)
- Christine Nadolny
- Stavroula Savelidis

**MSSNY’s LEGAL COUNSEL**
- Barry Cepelewicz, MD, Esq.
A. Call to Order and Roll Call

B. APPROVED, the November 7, 2019 Council Minutes

C. New Business (All Informational/Action Items)

1. **President’s Report:**
   Dr. Fougner welcomed all MSSNY Officers, Councilors, Trustees, MSSNY Staff County Society Executives and the following Special Guests:

   James Braun, MD, Vice Chair, Subcommittee on Educational Programs
   Marina Caskey, MD, Albion Bernstein Award Recipient
   Tom D’Angelo, President-Elect, Pharmacists Society of the State of New York
   Lori Hertz, MLMIC
   Mark Jajkowski, MD, 8th District Councilor
   Jennifer Lee, AMA Federation Relations Representative
   John Lombardo, MD, MLMIC
   Christine Nadolny, Executive Director, Counties of Erie, Chautauqua & Orleans
   Steven Schwalbe, MD, Receiving a Certificate of Appreciation

   ACCEPTED, the appointment of Mark Jajkowski, MD, New Eighth District Councilor to complete Dr. Bartels term which ends in 2021.

   Dr. Fougner presented the Certificate of Appreciation to Dr. Steven Schwalbe for his many years of dedicated service as Chair of MSSNY’s Interspecialty Committee

   Dr. Fougner presented the Albion Bernstein Award to Dr. Marina Caskey

2. **Board of Trustees Report** – A meeting of the MSSNY Board of Trustees was held on Wednesday, January 29, 2020, 12:00 p.m. Upon Motion made and seconded, the Council ACCEPTED, the Board of Trustees Report as follows:

   Approved the Minutes from the Board of Trustees Meeting held November 6, 2019.

   Approved the subsidy for the County and Specialty Society delegates who attend the MSSNY 2020 Annual House of Delegates Meeting at the rate of $100 per day for those delegates staying at the designated House of Delegates venue.

   Approved the engagement of the firm Michael C. Allen Co., CPA’s PLLC to perform the MSSNY 2019 Financial Audit.

   Further information is to be obtained prior to deciding on the location for the 2021 MSSNY House of Delegates.
3. **Secretary’s Report** – Presented by Dr. Frank Dowling

   APPROVED, unanimously, the Secretary’s report that requested the following:
   - Life Membership for thirty-two (32) physicians

4. **MLMIC Update** - Dr. John Lombardo reported that MLMIC & MSSNY is working on a Patient Safety initiative with Dr. Madejski. Dr. Lombardo directed the Council to a handout on Million Dollar Claims. MLMIC prepared the analysis of closed claims from 2013-2017, which had resulted in payments of one million dollars or more.

5. **AMA Delegation Report** – Dr. John Kennedy reported that the AMA Interim meeting was held in November. The topic of discussion that was most discussed was the Surprise Bill situation.

6. **MSSNYPAC Report** – Dr. Thomas Lee reported that they have collected $237,448.86 from 639 individual supports. Each dollar contributed to MSSNYPAC is split between operating expenses and contributions to candidates. MSSNYPAC thanks the politically active physicians of who have been contacting Governor Cuomo and local Senators & Assembly members by attending events on behalf of MSSNYPAC. MSSNY’s Grassroot Action Center has moved. The new page is [http://p2a.co/hn9SSVu](http://p2a.co/hn9SSVu) or text MSSNY to 52886. The Physician Advocacy Liaison Network asks physicians to sign up as a point of contact for your local assembly member and Senator or Congressional Representatives. Dr. Lee thanked Dr. Dan Choi for hosting a MSSNYPAC event for members and non-members to become involved with MSSNYPAC and join our efforts.

7. **County Federation Report** – Dr. Aaron Kumar thanked Moe, Phil & Regina for working on the Workers Compensation issue. The board has shifted their online start date to the first of February. A podcast was recorded titled, “Why physicians need to be in Albany on March 4th”. The next Executive Directors Conference will be held September 30 – October 2, 2020 at the Kartrite Resort. Dr. Kumar noted that the HOD costs are increasing with a 24% administrative fee being imposed by the hotel. The costs are increasing and there is a concern.

D. **Reports of Officers (Verbal Reports)**

   **Office of the President** - Arthur C. Fougner, MD

   Dr. Fougner’s report included the following:
   - The meeting with MSSNY leaders and North Shore Hospital regarding prepayment denials. Private Independent Practice Physicians are having issues with United Healthcare on this issue. MSSNY is working with North Shore & United on this issue.
   - Malpractice Suits – Every physician needs to be in Albany for Lobby Day on March 4th. It’s not about a malpractice suit, it is your career.
   - MSSNY is a large organization with different interests and many opinions. Folks with other opinions should be treated with respect. Many large organizations have personality issues whether right or wrong. When something is personal, keep it personal. Don’t mix personal issues with business.
Office of the President Elect – Bonnie L. Litvack, MD

Dr. Litvack reported on the following:

- Attended the State Leg Meeting. Met with other State Society leaders;
- Attended several hospital medical staffs to discuss institutional membership;
- Attended the New York County Legislative Breakfast;
- Will be attending the NAC meeting;
- The Long Range Planning Committee is looking into possible changes to the HOD. A survey was sent to all delegates, county society presidents and executives to get their opinions.

Office of the Vice President – Joseph R. Sellers, MD

Dr. Sellers reported on the following:

- Attended the 3rd & 4th District Branch retreat at the Mirror Lake Inn;
- Met with hospitals in Sullivan County to discuss group membership.

Office of the Treasurer – Mark J. Adams, MD, The Council ACCEPTED, the Financial Statement for the period 1/1/19 to 11/30/19

Office of the Speaker – William R. Latreille, Jr., MD

Dr. Latreille reported on the following:

- The HOD will be held at the Tarrytown Marriot April 24-26, 2020.
- March 11 at 5 pm is deadline for (HOD) Resolution submissions. After the March 11 deadline, resolutions will have to be reviewed by the Rules Committee.

Office of the Immediate Past President – Thomas J. Madejski, MD

Dr. Madejski reported on the following:

- Attended several Veterans Affairs Programs and did presentations. The program is available throughout the state;
- Reported on the Quality Payment Program. There are about 3,000 physicians qualified for the APM incentive program. CMS is not able to locate them;
- The American College of Physicians came out with a physician statement on a single payer system or public choice system.

E. Presentation – “Pharmacy Benefit Managers and How They Affect the Capability to Fill Prescriptions”, Presented by Mr. Thomas D’Angelo, President-Elect of the Pharmacists Society of the State of New York

Mr. D’Angelo began his presentation by defining Pharmacy Benefit Managers (PBM’s)

PBM’s are fiscal intermediaries that specialize in the administration and management of prescription drug benefit programs.

PBM’s play a mostly behind the scenes role in health care, but their role has grown over the years. Insurers hire them to get lower prices from drug makers and reimburse pharmacies for sold drugs.
PBM contracts are never divulged to anybody. PBM’s can set one price to charge insurers and another price to pay pharmacies. When they negotiate rebates for insurers from drug makers, they can take some of that money, instead of passing along the savings.

There are three major PBMs that control most of the market. They are OPTUMRX, CVS Caremark and Express Scripts.

F. Reports of Councilors (Informational Items)
The following reports were submitted for Council information:
Kings & Richmond Report – Adolph B. Meyer, MD
Manhattan & Bronx Report – Joshua M. Cohen, MD
Nassau County Report – Paul A. Pipia, MD
Queens County Report – Saulius J. Skeivys, MD
Suffolk County Report – Linda S. Efferen, MD
Third District Branch Report – Brian P. Murray, MD
Fourth District Branch Report – Gregory Pinto, MD
Fifth District Branch Report – Howard H. Huang, MD
Sixth District Branch Report – Robert A. Hesson, MD
Seventh District Branch Report – Janine L. Fogarty, MD
Eighth District Branch Report – Mark Jajkowski, MD
Ninth District Branch Report – Thomas T. Lee, MD
Medical Student Section Report – Peter Joo
Organized Medical Staff Section - Stephen F. Coccaro, MD
Resident & Fellow Section Report – Catherine E. Steger, DO
Young Physician Section Report – L. Carlos Zapata, MD

G. Commissioners (Informational Items)
Commissioner of Continuing Medical Education, Mark J. Adams, MD

The CME Report was submitted for Council information:
Report from the Office of CME

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

The Communications Report was submitted for Council information:
Report from the Division of Communications

Commissioner of Governmental Relations, Gregory Pinto, MD

The following were submitted for Council information
Scope of Practice Minutes, November 20, 2019
Report from the Division of Governmental Affairs

Commissioner of Membership, Parag H. Mehta, MD
Membership Presentation
Dr. Mehta presented the following:
• In 2020, MSSNY’s goal should be membership and our financial status;
• Membership is down by 6,000 members and revenue is down by $320,000;
A qualified Clinical Decision Support Mechanism (CDSM) will be in place next year.

The following changes will impact physicians: E&M Codes; Appropriate Use Criteria (AUC) for Advanced Imaging.

There will be a new prolonged services code for additional time spent with patients;

Lastly, a few suggestions for non-dues revenue: Point of Care Ultrasound (POCUS); Telemedicine, Remote Patient Monitoring; Wellness and Pain Management Courses.

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

Report from the Division of Public Health & Education

Dr. Cohen reported on the following:

- MSSNY is participating in a bi-weekly conference call with the New York State Department of Health regarding Wuhan coronavirus. MSSNY will be conducting two webinars: “Incident Command System and Crisis Communications” is a virtual drill and is scheduled for February 19, 6 pm – 8 pm. On March 18, Dr. William Valenti, Chair of MSSNY’s Infectious Disease Committee, will conduct a webinar on Wuhan coronavirus;

- New York requires that every provider that holds a DEA license complete a three hours of education every three years on addiction, pain management and palliative care. A series of webinars will be conducted in March. The three-hour course will also be offered at the MSSNY HOD on Friday, April 24, 1:00 pm – 4:00 p.m.

**Dr. Rothberg reported on the following:**

- The Practice Transformation Grant has been received. The amounts of the Grant are being finalized;

- MSSNY will launch its educational program on Physician Wellness in February. The educational program “Steps to Physician Wellness and Resiliency” webinar will be held on February 25 at 7:30 am. A live seminar will also be available at the House of Delegates meeting in Tarrytown on April 23, 3-4 p.m.;

- In February, MSSNY will select 4-7 practices interested in improving their practice operations and professional satisfaction through a comprehensive & impactful initiative. This opportunity is open to all types of physician practices and specialties and requires a 16-18 month commitment;

- Discussions on the Medical Student Peer to Peer Program have begun. This program is to promote wellness through peer outreach among medical students.

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

*The following Minutes were submitted for Council information:*

Interspecialty Minutes, October 24, 2019
H. **Report of the Executive Vice President, Philip Schuh, CPA, MS**
   Membership Dues Revenue Schedule
   Group Institutional Dues Comparison Report

   Mr. Schuh referred the Council to the Membership Dues Revenue Schedule and the
   Group Institutional Dues Report within the Agenda. He stated that a significant portion
   of the dues revenue continues to come from Group/Institutional memberships. MSSNY
   staff, MSSNY Leadership & County Executives continue to work on recruiting new
   groups. There a few medical staff groups that are being negotiated.

I. **Report of the General Counsel, Garfunkel Wild, Barry Cepelewicz, MD, Esq.**
   Nothing to report at this time

J. **Report of the Alliance, Barbara Ellman, AMSSNY Co-President**
   The following Alliance report was submitted for information:
   Alliance Report

K. **Other Information/Announcements**
   The following letters were submitted for information:
   Scope of Practice Letters

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