



## MINUTES OF THE VIRTUAL COUNCIL MEETING THURSDAY, JUNE 4, 2020

A virtual meeting of the Council of the Medical Society of the State of New York was convened on Thursday, June 4, 2020 at 4:00 p.m.

Bonnie L. Litvack, MD, President of the society presided:

### PRESENT

#### OFFICERS

Bonnie L. Litvack, MD  
Joseph R. Sellers, MD  
Parag H. Mehta, MD  
Arthur C. Fougner, MD  
Frank G. Dowling, MD  
Joshua M. Cohen, MD  
Mark J. Adams, MD  
Howard H. Huang, MD  
William R. Latreille, Jr., MD  
Maria A. Basile, MD

#### COUNCILORS

Stephen F. Coccaro, MD  
Janine L. Fogarty, MD  
Robert A. Hesson, MD  
Mark R. Jajkowski, MD  
David M. Jakubowski, MD  
Thomas T. Lee, MD  
Raymond Lorenzoni, MD  
Adolph B. Meyer, MD  
Brian P. Murray, MD  
Gregory L. Pinto, MD  
Paul A. Pipia, MD  
Barry Rabin, MD  
Shireen Saxena  
Saulius J. Skeivys, MD  
Luis Carlos Zapata, MD

#### TRUSTEES

Andrew Y. Kleinman, MD  
Thomas J. Madejski, MD  
Charles Rothberg, MD

#### MSSNY STAFF

Razi Ali  
Morris Auster, Esq.  
Terrance Bedient  
Sandra Bennett  
Zina Cary  
Patricia Clancy  
Miriam Hardin  
Laurel Mayer  
Michele Nuzzi-Khoury  
Michael Reyes  
Jeffrey Selzer, MD  
Eunice Skelly  
Christina Southard  
Brenda Van Nest  
John Vecchio  
Julie Vecchione DeSimone  
Jennifer Wilks

#### EXECUTIVE STAFF

Philip A. Schuh, CPA

#### LEGAL COUNSEL

Barry Cepelewicz, MD, Esq.

#### EXCUSED

Linda Efferen, MD

#### COUNTY EXECUTIVES

Erika Barry  
Ronald Blout  
Shirley Cosgriff  
Kathi Dyman  
Elizabeth Harrison  
Aaron Kumar, MD  
Cheryl Malone  
Janine Miller  
Christine Nadolny  
Evangeline Rosado-Tripp  
Stavroula Savelidis

#### GUESTS

Subhash Chandra, MD  
Daniel Choi, MD  
Patrice Harris, MD, AMA  
Lori Hertz, MLMIC  
John J. Kennedy, MD  
John Lombardo, MD, MLMIC  
John Maese, MD  
Purvi Parikh, MD

## Call to Order and Roll Call

**APPROVED**, the March 5, 2020 & May 7, 2020 Council Minutes

Dr. Litvack thanked everyone for participating on the Zoom call. She reminded Council that there are Resolutions that need to be discussed and only those voting members of Council will be able to vote. She asked everyone to say a prayer for their colleagues, friends, family and co-workers that are struggling during this pandemic.

Dr. Litvack introduced Dr. Patrice Harris, current AMA President.

Dr. Harris reported that the Center for Health Equity is developing where everyone has an equitable opportunity to be healthy. The AMA's mission is to promote the art and science of medicine and the betterment of public health.

The AMA hired Dr. Aletha Maybank, first Chief Health Equity Officer. Dr. Maybank joined the AMA after serving as Deputy Commissioner and founding director of the Center for Health Equity within New York City's public health department. The pursuit of health equity is a pathway towards excellence in the health care system. The leadership and commitment of the AMA Board of Trustees is to prioritize health equity as a critical way for the AMA. Physicians are looking to build capacity in the entire organization to support this work. Physicians want to continue to build alliances.

### **President's Report:**

Dr. Litvack presented Dr. Fougner with a Certificate of Recognition signed by Governor Cuomo for his dedicated service to the health care system in New York State.

**APPROVED**, the 2020/2021 Meeting Schedule

**APPROVED**, the changes to the 2020/2021 Committee Selections

**ACCEPTED**, the two At Large Members to MSSNY's Executive Committee:

- Maria A. Basile, MD
- Brian P. Murray, MD

**Reference Committee on Governmental Affairs & Legal Matters**

- Reforming the Paycheck Protection Program, to ensure greater flexibility in how such funds are spent and lengthening the repayment period; and be it further

RESOLVED, That the Medical Society of the State of New York (MSSNY) ask that the AMA, that in the setting of the COVID-19 pandemic, advocate for additional relief to physicians via loan forgiveness for medical school educational debt.

**ADOPTED AS AMENDED the following substitute amendment to Resolution Late G:**

RESOLVED, that the Medical Society of the State of New York continue to advocate to ensure the broadest possible interpretation of the medical liability immunity provisions enacted during the fiscal year 2020-21 state budget for health care delivered during the Covid-19 pandemic; and be it further

RESOLVED, that the Medical Society of the State of New York continue to advocate to medical liability insurers to provide physicians with appropriate premium discounts, rebates, etc. to account for the significant drop in patient care services during the pendency of the Covid-19 epidemic.

**Reference Committee on Governmental Affairs & Legal Matters (B)**

**ADOPTED, the following substitute Resolution in lieu of Resolutions 101, 102, & 103:**

RESOLVED, that MSSNY will endeavor strongly to develop and cultivate relationships with political interest groups, non-medical policy experts, and with state and national media outlets to help advance issues important to our physicians and the patients that we serve.

RESOLVED, that MSSNY will report back to the membership via our electronic communications, and online resources, on development of such relationships

**ADOPTED, the following substitute Resolution of Resolution 115:**

RESOLVED, that MSSNY will support expiration of the statute and its sunset provision when it is scheduled to expire in 2021. The policy will revert back to its original form, prior to passage of the Nurse Practitioner Modernization Act in 2014, to restore patient safety and transparency

**Reference Committee on Public Health & Education:**

**ADOPTED, the following substitute Resolution in lieu of Resolution 167 & Late B:**

RESOLVED, That the Medical Society of the State of New York advocate that all community based physicians and its member institutions are appropriately protected through the use of personal protective equipment (PPE) through the COVID-19 pandemic and beyond; and be it further

RESOLVED, That MSSNY work with the New York State Governor's Office and the New York State Department of Health to develop mechanisms for state to become a central purchaser of PPE for community based physicians, institutions, and other health care entities in need of such equipment.

**ADOPTED TO COMBINE Resolution 168 (Public Health & Education) &**

**Late F (Reports of Officers):**

RESOLVED, That the Medical Society of the State of New York reaffirm MSSNY Policy 110.991, Web-based Tele-Health Initiative and Possible Interference with the Traditional Physician-Patient Relationship; and be it further

RESOLVED, That with the expanded use of telemedicine during the COVID-19, that the Medical Society of the State of New York continue to advocate for a continuation of coverage for the full-spectrum of technologies that were made available during the pandemic and that physicians be reimbursed by all government and private payers for time and complexity; and be it further

RESOLVED, that MSSNY advocate that the current emergency regulations for improved access to and payment for telemedicine services be made permanent with respect to payment parity and use of commonly accessible devices for connecting physicians and patients, without reference to the originating site, while ensuring qualifications of duly licensed physicians to provide such services in a secure environment; and be it further

RESOLVED, that MSSNY propose that all NY insurance carriers provide coverage for New Yorkers' telemedicine visits with any physician licensed and registered to practice in New York State; and be it further

RESOLVED, that MSSNY present a resolution to the AMA HOD at its next meeting addressing these issues on a national level.

**Reference Committee on Reports of Officers & Administrative Matters**

**NOT ADOPTED**, Resolution EM 3 – Postpone House of Delegates Activities

**Board of Trustees Report** – Presented by Dr. Andrew Kleinman

A virtual meeting of MSSNY's Board of Trustees was held on Wednesday, June 3, 2020 at 8:00 p.m.

The actions taken by the Board at that meeting were as follows:

- The Board approved the Minutes from the Board of Trustees Meeting held on March 4, 2020 in Albany.
- The Board approved the Minutes from the Zoom May 7, 2020 Board of Trustees Conference Call.
- The Board heard a report from Dr. Thomas Lee, the new Chair of MSSNY's Budget & Finance Committee. He spent time with MSSNY and MSSNY subsidiary staff reviewing operations in order to identify possible areas for increased revenue sponsorship or to decrease expenses. He will be providing the Board with a written report.
- The Board discussed and approved a proposal from a Public Relations Firm to provide focused public relations activity to MSSNY for a three-month trial period.

- In light of the current economic situation as a result of the pandemic, numerous physicians have found it difficult to pay their MSSNY membership dues for 2020. The Board discussed and approved offering an installment program for the remainder of this dues year, with the commitment for them to then continue with installment payments through the 2020/2021 membership year.
- The Board approved placing an order for N-95 face masks which MSSNY would make available for purchase to the MSSNY physician membership.
- The Board felt that establishing an agreement with a Group Purchasing Organization (GPO) would be a very pertinent benefit for MSSNY to offer to its membership. This will be referred to the Member Benefits Committee of the Council.
- The Board approved the slate of the new Trustee Committees as appointed by Dr. Kleinman, MSSNY Board Chair.

**Secretary's Report** – Presented by Dr. Frank Dowling

**APPROVED**, unanimously, the Secretary's report:

- Life Membership for nineteen (19) physicians;
- Dues Remission for one (1) physician in Albany County due to financial hardship

**MLMIC Update** - Dr. John Lombardo reported that MLMIC made a payment plan for those physicians that could not practice during the COVID-19 pandemic.

**AMA Delegation Report** – Dr. John Kennedy reported that due to the COVID-19 pandemic, the annual meeting of the AMA HOD has been modified. The meeting has been converted to a virtual meeting which will be held on June 7. There will be the usual transition of officers at this virtual meeting. Susan Bailey, MD from Texas will be inaugurated as president and the election of the board of trustees candidates will occur. New York does have a candidate for the BOT, (Dr. Thomas Madejski). In addition, the handbook for the meeting does have the annual report regarding the financial situation of the AMA.

**MSSNYPAC Report** – Dr. Thomas Lee reported that the MSSNYPAC Report reflects the financial status of MSSNYPAC during the 2020 fiscal year period of 1/1/2020 – 6/3/2020. Chairs of each delegation should encourage delegates to renew or upgrade their contribution to MSSNYPAC. MSSNYPAC will be reaching out to leaders of MSSNY and county delegations to get this underway. All leaders of MSSNY, including present and past officers, councilors and trustees should join at the highest level. The Federal & State Candidate Evaluation Subcommittees will be meeting over the summer to determine which candidates for office they recommend to the PAC Executive Committee. Recommendations will be provided to the MSSNY Council for consideration.

**County Federation Report** – Dr. Aaron Kumar reported that there is some frustration with the counties regarding the rush timeline and the currently proposed options for dues discounts for 2020.

## Reports of Officers

### Office of the President – Bonnie L. Litvack, MD

Dr. Litvack reported that there is a financial impact on physician practices. An email will be sent out to offer those members that haven't paid the full dues an opportunity to pay in five payments instead of one lump sum.

With the reopening of practices, physicians are in need of purchasing PPE in order to comply with regulations. A survey was sent out to physicians in New York State inquiring about their PPE needs. The response was overwhelming. There is a lack of PPE and lack of vendors that are willing to sell to community practices. Prices are exorbitant.

Dr. Litvack reported that MSSNY was instrumental in initiating the Telehealth parody in New York State which has been adopted by other states and federally enacted.

Dr. Litvack acknowledged that Dr. Madejski started a new AMA fund the David and Donna Marie Meza health equity fund. The fund will support health equity initiatives and will be part of the AMA Foundation.

### Office of the President-Elect – Joseph R. Sellers, MD

Dr. Sellers reported that he has been participating with Dr. Litvack in meetings and calls with the COSMOS. He has been keeping in contact with the county societies supporting them through this pandemic. Dr. Sellers encouraged everyone to continue to make contributions to the MSSNYPAC.

### Office of the Vice-President – Parag H. Mehta, MD

Dr. Mehta reported that MSSNY needs to survive & flourish. We need to retain our members. He thanked everyone for the amount of work that is being done during this pandemic.

### Office of the Immediate Past President – Arthur C. Fougner, MD

Dr. Fougner thanked everyone in the organization for their help throughout the year.

### Office of the Treasurer – Mark J. Adams

Dr. Adams reported that MSSNY is currently \$300,000 behind in dues this time of year due to the pandemic. He noted that the DOH recently issued a delay in pain management courses that are required and will defer MSSNY income.

Dr. Adams presented the Financial Statement for the period January 1, 2020 to April 30, 2020. The Financial Statement was **ACCEPTED** by the Council

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

Dr. Latreille stated that he is going to do his best to have a real HOD.

## **Reports of Councilors**

### **The following reports were submitted for information:**

Kings & Richmond Report - Adolph B. Meyer, MD

Dr. Meyer thanked Dr. Mehta for working hard to recruit more members from Methodist Hospital.

Manhattan & Bronx Report – David M. Jakubowicz, MD

Dr. Jakubowicz reported that Bronx County is trying to get full membership to contribute to the MSSNYPAC.

Nassau County Report – Paul A. Pipia, MD

Report as submitted

Queens County Report – Saulius J. Skeivys, MD

Report as submitted

Suffolk County Report – Linda S. Efferen, MD

Dr. Efferen did not participate on the Zoom call. She was excused.

Third District Branch Report – Brian P. Murray, MD

Dr. Murray reported that Albany County is working with Albany Medical on a group membership

Fourth District Branch Report – Gregory L. Pinto, MD

Report as submitted

Fifth District Branch Report – Barry Rabin, MD

Dr. Rabin reported that he appreciates the opportunity to serve as the Fifth District Councilor.

Sixth District Branch Report – Robert A. Hesson, MD

Dr. Hesson reported that the collaboration with the Cayuga Health Partners to increase membership and assistance with sponsorship for meetings is on hold due to the COVID-19 Pandemic

Seventh District Branch Report – Janine L. Fogarty, MD

Report as submitted

Eighth District Branch Report – Mark R. Jajkowski, MD

Report as submitted

Ninth District Branch Report – Thomas T. Lee, MD

Dr. Lee reported the Westchester Annual meeting is currently scheduled for Tuesday, September 22, 2020 at the Westchester Country Club. Also, Westchester County's staff has provided information to members regarding PPE.

Medical Student Section Report – Shireen Saxena

Report as submitted

Organized Medical Staff Section Report - Stephen F. Coccaro, MD  
Nothing to report

Resident & Fellow Section Report – Raymond Lorenzoni, MD  
Nothing to report

Young Physician Section Report – L. Carlos Zapata, MD  
Dr. Zapata reported that the YPS met via Zoom on May 31 and discussed ways to become more involved in MSSNY. The AMA meeting was discussed and encouraged to vote for Dr. Madejski and Dr. Eiting.

**Commissioners (Informational Items)**

**Commissioner of Continuing Medical Education, Mark J. Adams, MD**

Report from the Office of CME

Dr. John Maese, Chair of MSSNY CME Committee reported that ACCME communicated with MSSNY's reaccreditation decision via a letter. The letter conveyed that ACCME's finding was Probation. The reason was that one of the fifteen CME activity files reviewed, the joint provider has allowed two employee/founders of ACCME defined commercial interests to serve as faculty on CME content to their product. During the probationary period, MSSNY can continue to administer directly CME activities. ACCME staff have expressed confidence that MSSNY can succeed in having the probation lifted through the progress report. The CME Committee and MSSNY staff will take the necessary steps to ensure this outcome.

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

Report from the Division of Communications – Report as submitted  
Dr. Basile welcomed Dr. Adolph Meyer the new Assistant Commissioner of Communications

**Commissioner of Governmental Relations, Gregory L. Pinto, MD**

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

HIT Committee Minutes, May 8, 2020 & March 12, 2020

Budget Passes – Physician Advocacy Made Major Impact on Outcome

MSSNY Press Releases

**Commissioner of Membership, David M. Jakubowicz, MD**

Dr. Jakubowicz reported that the Membership Committee has been very active and Dr. David Podwall deserves a big thank you because he has done a lot of work on the membership front and more work needs to be done over the next year.

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

Dr. Cohen reported that the Grant with the New York State Department of Health for emergency preparedness has been renewed. This Grant is incredibly important at this time. The Grant provides educational programs on emergency preparedness.

Commissioner of Socio Medical Economics, Brian P. Murray, MD

Dr. Murray reported that he is looking forward to the opportunity to work with everyone as the new Commissioner of Socio Medical Economics.

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

Group Institutional Dues Report

Membership Dues Revenue Schedule

Mr. Schuh reported that the next few months will be critical and pointed out that due to the current pandemic other areas of non-dues income have declined. We could be facing a large budget deficit at year end.

Report of the General Counsel, Garfunkel Wild, Barry Cepelewicz, MD, Esq

There was no report from the General Counsel

Other Information/Announcements

The following items were submitted for information

AMA Letters – The Health Care at Home Act

AMA Letter to US Dept. of Health & Human Services regarding federal funding to native populations

Sign-On Letter – CARES Act

USMLE Suspending Step 2 Clinical Skills Examination

CDC Guidelines for COVID-19 Antibody Testing

MSSNY Letter to Dr. Zucker – Peer to Peer Program

MSSNY Letter to Governor Cuomo – COVID 19

Scope of Practice Committee Minutes

Adjournment – There being no further business, a Motion was made, seconded and accepted.

The meeting adjourned at 7:30 p.m.