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June 11, 2020

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James Madara, MD
Chief Executive Officer
American Medical Association
3300 N. Wabash Ave
Chicago, IL 60611

Dear Dr. Madara:

Thank you very much for taking the time to discuss our collective efforts to ensure physician offices have adequate PPE. This is a significant problem adversely affecting patient access to care in New York State because its lack of availability is preventing physicians from re-opening their practices, or preventing them from opening it on more than just a minimal basis. We appreciate all the AMA has done to fight for more availability, and we strongly urge that the AMA continue to do all in its power to address the supply chain problems that are preventing physicians from receiving needed PPE.

As the acute threat of COVID-19 begins to recede, physicians are anxious to return to providing in-person care to their patients. Telehealth has been essential in this crisis and remains an important and safe way for patients to receive treatment when an in-person visit is difficult or impossible. However, many conditions cannot be diagnosed or treated via telehealth and require a face-to-face visit. Masks, gowns, gloves, and other materials prevent the inadvertent transmission of viruses and germs between physicians, medical staff, and patients. As community physicians look forward to re-opening their offices, a major barrier to resuming regular patient care is the shocking shortage of PPE.

As you know, the contagious nature of the COVID-19 virus makes it necessary to change PPE frequently. As we discussed, over the last several months it has been our experience that some vendors refused to sell their products to smaller physician practices. Instead, they only contracted with larger institutions or government entities. In instances when suppliers would contract with physicians, there were outrageous price increases or supply limits that prevented physicians from receiving more than a few days' supply.

The PPE availability issues has been a challenge across the country but has been a particularly acute problem in New York. To demonstrate this problem, we note a recent outreach to our membership gauging their interest in whether they wanted our assistance in obtaining PPE. The outreach generated nearly 700 e-mails almost immediately, many of whom shared frustrating stories of attempted interactions with vendors and/or local county emergency management offices where little or no PPE was available. We understand the Covid-19 pandemic has necessitated a massive increase in PPE use, but its lack of availability for community-based physicians is shocking. While physicians and MSSNY staff were told by government officials that physicians could obtain PPE from their local county emergency management offices, most physicians who contacted these offices found none available, or where it was available, it was only in the most limited of quantities or had significant quality problems.

Like the AMA, we have called on state and federal governments to take immediate steps to require medical supply vendors are dealing fairly with physician practices, as community physicians play an essential role in treating patients on the front lines. To that end, the New York State Legislature recently passed a measure to provide new protections so that vendors who take advantage of a public health crisis to charge grossly inflated prices for needed medical equipment may be prosecuted under the State's "price-gouging" statute. The bill has not yet been signed into law by Governor Cuomo. While it provides some modest new protections, it does not address those vendors who simply refuse to sell to community physicians, or who will only sell very minimal amounts.

Aggressive MSSNY efforts to contact vendors have provided some PPE sources, but extremely insufficient to meet physician needs. For example, MSSNY Board of Trustees Chair Dr. Andrew Kleinman and I spent dozens of hours on the phone with various PPE vendors as well as the Westchester County Office of Emergency Management to determine what type of PPE availability there was for physicians. We were routinely told that their "warehouses were empty" because supplies had been prioritized to large health systems. We had some success finding PPE through McKesson and Staples but the supplies that they could make available to New York physicians were limited in quantity and nowhere near enough to meet the physicians' needs.

The American Society of Plastic Surgery also was able to offer our members some access to PPE, but the prices were very high, quantities were limited and the delivery dates were prolonged. We also contacted 3-M directly as we were told that they were selling N-95 masks at cost but received an email from 3-M stating they were not contracting with any new entities at the current time. They further explained that future 3-M supplies will be available only through limited distributors and will not be available directly to the medical society or to community physicians. Furthermore, while we contacted several distributors offering reasonable prices, they required enormous minimum quantities for purchase such as 1 million masks and 10,000 gowns. Even where limited supply is available from vendors, physicians are being told they will need to wait on average at least 2-4 weeks for the shipments to arrive.

Given these difficulties, we very much need the AMA to continue to push the vendors, and/or advocate for a mechanism for physicians to order directly from the State or federal government, to make sure that supplies are available to community-based physician offices as we start to enter the new phase of partial re-opening and as patients begin to gradually resume seeing their physicians for their care needs.

We request that the AMA take or continue to advocate for the following steps:

1. Advocate to the national health insurance companies and/or seek federal legislation to require health insurers to reimburse physicians for the increased cost and amount of PPE.
2. Establishment of a national anti-price gouging law to prevent excessive mark-ups in price for PPE for community-based physician practices.
3. Establishment of a national supply chain for physician practices to buy PPE from the local OEMs who we were told are under the Department of Homeland Security.
4. Have the Federal Government mandate US manufactures such as 3-M sell to the AMA or a designated distributor for physician practices.

We again thank the AMA for all its advocacy efforts to push the Trump Administration and the US Congress to take the necessary steps to ensure that New York's and America's doctors have the basic tools to care for their patients. We reiterate the urgency and the importance of seeing results from these efforts.

Sincerely,

 Bonnie L. Litvack, MD FRC

Bonnie L. Litvack, MD

MSSNY President



JAMES L. MADARA, MD
EXECUTIVE VICE PRESIDENT, CEO

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July 1, 2020

Bonnie L. Litvack, MD, FACR
President
Medical Society of the State of New York
865 Merrick Ave
Westbury, NY 11590

Dear Dr. Litvack:

Thank you for your letter regarding the shortage of personal protective equipment (PPE) for physicians in ambulatory settings. The American Medical Association (AMA) understands the concerns regarding the lack of PPE raised by the Medical Society of the State of New York (MSSNY). As states lift restrictions on elective procedures and non-urgent appointments, physicians across all specialties and disciplines are beginning to see patients in person. While it is critical to the long-term viability of these practices to resume office visits, the serious threat of COVID-19 infection persists and it is essential that physicians and their staff institute proper infection control protocols and procedures in their practices. We are hearing significant and growing concern from our member physicians that they cannot secure needed PPE to safely reopen and that they are unsure where to turn for further guidance and assistance.

Throughout the pandemic, the AMA has listened to the concerns of physicians. When we recently surveyed physicians about the barriers of reopening their practices, lack of PPE came up time after time as the biggest problem. The AMA is continuing to work to try to get the administration to solve the shortage of PPE for physician practices. Just this week we sent two letters to the administration regarding the shortages. One letter is addressed to Vice President Pence and the other is directed to the Director of the Federal Emergency Management Administration. Both letters point out that PPE is not available to physicians through their usual sources. In addition, we explain that the sources that are available are reportedly fulfilling only very large, institution-sized orders. We call on the administration to invoke the Defense Production Act to solve the PPE issue for physician practices; and for FEMA to work with us to provide additional assistance to these non-hospital physicians in securing PPE.

The AMA is working through all available channels and on both sides of the aisle on Capitol Hill to improve the situation regarding PPE for physicians in ambulatory settings. We will continue to look for solutions from a variety of sources. Thank you for bringing these concerns to our attention. If you have any questions, please contact Margaret Garikes, AMA's Vice President of Federal Affairs, Mmargaret.garikes@ama-assn.org.

Sincerely,

James L. Madara, MD