



MINUTES OF THE COUNCIL MEETING

A virtual meeting of the Council of the Medical Society of the State of New York was convened on Thursday, June 3, 2021 at 9:00 a.m.

The President of the Society presided: **PRESENT**

OFFICERS

Joseph R. Sellers, MD
Parag H. Mehta, MD
Paul A. Pipia, MD
Bonnie L. Litvack, 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

Daniel E. Choi, MD
Stephen F. Coccaro, MD
Janine L. Fogarty, MD
Mark R. Jajkowski, MD
David M. Jakubowicz, MD
Celeste A. Johns, MD
Leanna Knight
Thomas T. Lee, MD
Adolph B. Meyer, MD
Brian P. Murray, MD
Gregory L. Pinto, MD
David Podwall, MD
Barry Rabin, MD
Saulius J. Skeivys, MD
Jocelyn C. Young, DO

TRUSTEES

Arthur C. Fougner, MD, Chair
Daniel J. Koretz, MD
Thomas J. Madejski, MD
Joseph R. Maldonado, Jr., MD
Charles Rothberg, MD

MSSNY STAFF

Raza Ali
Morris Auster, Esq.
Sandra Bennett
Patricia Clancy
Miriam Hardin
Roseann Losito-Raia
Laurel Mayer
Michele Nuzzi-Khoury
Suzanne Reilly
Michael Reyes
Kathleen Rohrer
Steven Sachs
Brenda Van Nest
Julie Vecchione DeSimone
Jennifer Wilks

EXECUTIVE STAFF

Troy J. Oechsner

LEGAL COUNSEL

Barry Cepelewicz, MD, Esq.

EXCUSED

Luis E. Seija, MD

COUNTY FEDERATION

EXECUTIVE

Aaron Kumar, MD

COUNTY SOCIETY

EXECUTIVES

Lucia Acosta-Castillego
Erika Barry
Aimana ElBahtity, Esq.
Shirley Cosgriff
Elizabeth Harrison
Cheryl Malone
Janine Miller
Stavroula Savelidis

GUESTS

Joan Cincotta
Linda Clark, MD
Erick Eiting, MD
Lori Hertz
John Kennedy, MD
Jennifer Lee
John Lombardo, MD
Leah McCormack, MD
William Valenti, MD

Call to Order and Roll Call

APPROVED, the April 15, 2021

AMENDED & APPROVED the May 1, 2021 Special Council Minutes
Dr. Barry Rabin was added as a participant on the virtual call.

President's Report

APPROVED, the 2021/2022 MSSNY Committee Changes

Legislative & Physician Advocacy Committee Resolutions

Gregory Pinto, MD, Commissioner of Governmental Affairs

ADOPTED, the Substitute Resolution 100 & 105

Role of Private Equity in Medicine and Acquisition of Medical Practices

RESOLVED, that the MSSNY continue to work with the American Medical Association (AMA) to help educate physicians regarding the risks and considerations associated with practice affiliation with corporate or private equity investment, consistent with materials developed by the AMA to educate physicians for that purpose; and be it further

RESOLVED, that the MSSNY continue to strongly advocate to protect against corporate interference in physician decision making affecting the care and treatment of patients; and be it further

RESOLVED, that MSSNY continue to advocate to protect continuity of care for patients including access to care by their physicians in the event of contract transitions, bankruptcy, or other adverse events that may arise from practice affiliation with corporate or private equity investment.

Preventive Medicine and Family Health Committee Resolutions

Joshua Cohen, MD, Commissioner of Science & Public Health

ADOPTED, the following Substitute Resolution in lieu of Resolutions 107 & 114:

Automated Pharmacy Refills without Patient Authorization

RESOLVED, that Medical Society of the State of New York (MSSNY) support legislation and/or regulation that would limit automated medications refills by requiring that the patient request the medication prior to transmittal of the request to the prescribing providers electronic system; and be it further

RESOLVED, that MSSNY support legislation to reduce unnecessary and redundant pharmacy refill requests and provide payment to the physician for pharmacy generated refill requests that occur outside of the time of a patient encounter; and be it further

RESOLVED, that MSSNY advocate that pharmacists be required to review the appropriateness and validity of medication refill requests prior to transmitting the refill request to the prescribing providers electronic system.

Committee on Health Disparities

Joshua Cohen, MD, Commissioner of Science & Public Health

APPROVED, Name Change for the Committee on Health Disparities to the following:

The MSSNY Committee on Health Equity

Committee on Health Disparities Resolution

Presented by Dr. Joshua Cohen, Dr. Linda Clark & Dr. Erik Eiting

Addressing Racism and Intersectionality in Medicine

ADOPTED AS AMENDED, the following Resolution (additions underlined)

RESOLVED, that MSSNY will request that all New York medical specialty organizations, medical schools, non-physician healthcare organizations and hospitals adopt similar resolutions

RESOLVED, MSSNY stands firmly against harassment and violence against any group based on their identity, such as the recent attacks on the Asian community.

Infectious Disease Committee Resolution

Presented by Dr. Joshua Cohen & Dr. William Valenti

ADOPTED, the following Resolution:

Ensuring affordability and equity in COVID-19 Vaccine Boosters

RESOLVED, that MSSNY support the public purchase and cost-free distribution of COVID-19 booster vaccine doses, and be it further

RESOLVED, that a copy of this resolution be transmitted to the American Medical Association for its consideration.

Quality Improvement and Patient Safety Committee

Presented by Dr. Thomas Lee & Moe Auster, Esq.

ADOPTED, the following Substitute Resolution:

Resolution 67 – Continuing Certification as a condition of Employment or Reimbursement

RESOLVED, that the Medical Society of the State of New York re-affirm MSSNY policies 160.962 and 235.986; and be it further

RESOLVED, that the Medical Society of the State of New York continue to work with the American Medical Association and state medical associations in advocating to ensure that requirements for maintaining board certification are not excessive in scope and are rationally related to ensuring ongoing physician competency in that specialty.

160.962 Continued Grandfather Status for Taking Board Exams

The duly licensed physician should be the only requirement for practice of medicine and the American Board of Medical Specialties (ABMS) should keep the promise of their “grandfather” clause. MSSNY’s position is that there should be more than one pathway to participation in insurance companies, hospital privileges and other organizations (e.g., ambulatory surgery centers) and encourages the ABMS to work with other societies to find what pathways ensure physician competency and pursuit of lifelong learning. (HOD 2019-214)

235.986 Maintenance of Certification as Restraint of Trade

The Medical Society of the State of New York will seek legislation to prohibit board certification requirements for hospital medical staff privileges, insurer contracts and state licensure. (HOD 2016-214)

American Association of Physicians of Indian Origin Resolution

COVID-19 Crisis in India

ADOPTED As AMENDED, (additions underlined)

RESOLVED, that MSSNY in conjunction with our AMA will urge the US government to provide all possible assistance including surplus vaccines and vaccines that have not had Emergency Use Authorization to the citizens of India and other countries in similar situations in a humanitarian crisis.

RESOLVED, that MSSNY in conjunction with our AMA will advocate for all possible assistance in the COVID-19 crisis through the World Medical Association (WMA) and World Health Organization (WHO) for government and the citizens of India and other countries in similar situations.

RESOLVED, that MSSNY in conjunction with our AMA recognizes the extraordinary efforts of many dedicated physicians and ethnic organizations assisting in the COVID-19 humanitarian crisis.

At Large Members to MSSNY's Executive Committee of the Council:
(The following for Council information)

- Luis Seija, Jr., MD
- Jocelyn Young, DO

Board of Trustees Report – Presented by Dr. Arthur Fougner

A virtual meeting of the MSSNY Board of Trustees was held on June 2, 2021 at 7:00 p.m.

APPROVED, the following actions:

- Minutes from the Board of Trustees meeting held on April 14, 2021.
- Minutes from the Special Meeting of the Board of Trustees held on May 1, 2021.

Secretary's Report – Presented by Dr. Frank Dowling

APPROVED, unanimously, the following:

- Life Membership for eleven (11) physicians
- Dues Remissions for three (3) physicians in 2020
- Dues Remissions for one (1) physician in 2021

MLMIC Update – Presented by Dr. John Lombardo

Dr. Lombardo reported that there are many bills that MSSNY and MLMIC worked very hard in letter writing to the legislature to their lobbying efforts. In 2019, New York State paid 1 million dollars in malpractice claims.

AMA Delegation Report – Presented by Dr. Charles Rothberg

Dr. Rothberg reported that the AMA Annual meeting will begin on Friday, June 11. The schedule is on the AMA website. Dr. Rothberg thanked Dr. Kennedy for his leadership and mentorship.

MSSNYPAC Report – Presented by Dr. Thomas Lee

Dr. Lee reported that the MSSNYPAC is in the beginning of recovery. Dr. Lee requested that leaders of MSSNY and County Medical Societies support the MSSNYPAC and work to build relationships with the members of the NYS Legislature. A strong PAC is important tool of the profession. A short video will be created by the MSSNYPAC Executive Committee on how they think the MSSNYPAC has been important to them.

County Federation Report – Presented by Dr. Aaron Kumar

Dr. Kumar reported that the County Federation met on May 6, 2021 and discussed the MSSNY database, HOD developments and proposed Workers' Compensation changes. Dr. Kumar & Mr. Oechsner continue to meet regularly to discuss collaborations, processes & enhancements for the state and county medical societies.

Reports of Officers

President – Joseph R. Sellers, MD

Dr. Sellers reported that he and Mr. Oechsner created slides on MSSNY Goals & Measures. Future goals are growth in membership, increase revenue and reduce expenses. Dr. Sellers reported that he is looking into increasing non-dues revenue by various grants. Dr. Sellers reported that this year new benefits have been added by the Member Benefits Division and the division will continue to identify new benefits. Lastly, Dr. Sellers reported that there will be a one-day MSSNY HOD which will be held in Saratoga.

President-Elect – Parag H. Mehta, MD

Dr. Mehta discussed the COVID crisis in India. Small organizations raised one hundred thousand dollars and bigger organizations raised millions. Several organizations transported oxygen concentrators for free. Dr. Mehta reported that he was getting messages on his cell phone from organizations asking how they can help.

Dr. Mehta participated in ACP's virtual National Legislative Day. ACP's priorities are:

- Expand health coverage & affordability.
- Train & support frontline physicians during COVID.
- Support the value of primary & comprehensive care.
- Improve access to prescription drugs and reduce costs.
- Support essential public health & research initiatives.
- Promote health equity, social justice & eliminate disparities.
- Expand access to Telehealth services & promote patient safety/privacy.

Lastly, Dr. Mehta stated that he hopes the future will get better.

Vice-President – Paul A. Pipia, MD

Dr. Pipia commented that he was pleased that Dr. Josh Cohen added a second resolved to the Resolution “***Addressing Racism and Intersectionality in Medicine***”. He stated that during the pandemic many people did not receive the treatment they needed.

Immediate Past President – Bonnie L. Litvack, MD

Dr. Litvack thanked Dr. Sellers for all that he has been doing. She reported that she joined the Radiology Specialty Society’s lobby day. Specialty societies need the support of MSSNY. MSSNY needs to work together and be available to advance our legislative agendas.

Treasurer – Mark J. Adams, MD,

Dr. Adams referred everyone to MSSNY’s Financial Statement. He reported that with the lease back of Westbury office space and possible reduction of Albany space, as well as with the continuation of virtual meetings, he anticipates that there will be an additional decrease in MSSNY’s expenses going forward. The MSSNY Council **APPROVED** the Financial Statement for the period 1/01/2021-04/30/2021.

Speaker – William R. Latreille, Jr., MD

Dr. Latreille reported that a Speaker’s letter is sent out on a monthly basis. Resolutions are due Friday, June 25, but not later than 5:00 p.m. on that day. Resolutions received after the deadline will be forwarded to the Rules & Credentials Committee for consideration. Memorial Resolutions will be accepted any time until the HOD meeting. Resolutions must be researched for existing policy both MSSNY & AMA. Virtual reference committee hearings will take place on August 6, 7 & 8. There will not be speakers that are normally invited. Lastly, Dr. Latreille thanked Laurie Mayer and Michael Reyes for all their hard work that they do for the HOD.

Reports of Councilors (all reports as submitted, with additional comments)

Kings & Richmond Report – Adolph B. Meyer, MD

Dr. Meyer thanked MSSNY leadership for all the innovation we are doing. He is looking for a very bright future.

Manhattan & Bronx Report – David M. Jakubowicz, MD

New York County Medical Society Committee on Diversity, Equity and Inclusivity hosted by Dr. Gabrielle Shapiro thanked MSSNY student membership for joining to talk about possible ways to reach to student members. The Society acknowledges the contributions of its President, Arthur Cooper who concludes his presidency and welcomes incoming president Keith LaScalea.

Bronx County Medical Society had their Annual Doctor’s Recognition Day Virtual Symposium on May 16, 2021. Bronx County will be having their first in person annual stated meeting on June 16, 2021.

Nassau County Report – David Podwall, MD

Dr. Podwall reported that the Nassau County Medical Society & Nassau Academy of Medicine had its Spring Membership meeting on May 20, 2021. NCMC will be hosting its President’s Gala on October 26, 2021 honoring Immediate Past President Dr. Anthony Battista.

Queens County Report – Saulius J. Skeivys, MD
The Society held its Annual Meeting via Zoom on May 19, 2021.

Suffolk County Report – Daniel E. Choi, MD
SCMS in partnership with the DEA , MLMIC & MSSNY held an educational webinar on scams against licensed medical professionals. SCMS will hold its annual meeting on June 18, 2021. It will be a virtual meeting.

Third District Branch Report – Brian P. Murray, MD
The 23rd Annual Cares for Kids Radiothon Fundraiser raised over \$350,000 to benefit the children at the Bernard & Millie Duker Children's Hospital at Albany Med. The money raised supports programs and services at the children's hospital.

Fourth District Branch Report – Gregory L. Pinto, MD
Dr. Pinto reported that the fourth district will be having a meeting to discuss the mental health issues of women veterans. Another meeting hosted by Dr. Lombardo of MLMIC to discuss the current medical legal environment.

Fifth District Branch Report – Barry Rabin, MD
(report as submitted, no additional comments)

Sixth District Branch Report – Celeste A. Johns, MD
Dr. Johns apologized that she was not aware of preparing a report. She will submit a report for the next meeting

Seventh District Branch Report – Janine L. Fogarty, MD
MCMS is hosting its annual virtual meeting on June 8, 2021.
MCMS has been organizing its 200th Anniversary Celebration to be held on September 28, 2021. It will be an in-person meeting.

Eighth District Branch Report – Mark R. Jajkowski, MD
MSCE will be hosting their 200 Year Gala on September 24, 2021. The MSCE Annual Golf Outing is scheduled for June 14, 2021. MSCE commenced a collaboration with a small non-profit organization called Passport to the World designed to provide fresh produce to most underserved zip codes.

Ninth District Branch Report – Thomas T. Lee, MD
WCMS will host its annual meeting in conjunction with our annual golf outing on June 22, 2021 at the Westchester Country Club. WCMS plans to host a social gathering in the fall at a local brewery. Dr. Lee thanked Janine Miller, Executive Director for continuing to keep the programs running for the benefit of the membership.

Medical Student Section Report – Leanna Knight
The MSS had a Resolution review call on May 4.
As a result of the COVID-19 Pandemic, there will not be a poster symposium this year at MSSNY's HOD. The MSS hopes that it will return on the schedule for next year.

Organized Medical Staff Section Report - Stephen F. Coccaro, MD
(no written/verbal report)

Resident & Fellow Section Report – Luis E. Seija, MD (Excused)

Young Physician Section Report – Jocelyn C. Young, DO

The YPS met with the RFS & MSS on April 24, 2021 via Zoom. The virtual meeting allowed members of the sections from across the state to participate together in a highly educational event. The YPS met on April 7 & May 5 via Zoom. The YPS is currently making efforts to expand their social media presence.

Commissioners (Informational Items)

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

The following Communications report was submitted for information:

Report from the Division of Communications

Commissioner of Continuing Medical Education, Mark J. Adams, MD
(no verbal/written report submitted)

Commissioner of Governmental Relations, Gregory L. Pinto, MD

The following committee minutes were submitted for information:

Scope of Practice Committee Minutes, April 20, 2021

Quality Improvement & Patient Safety Minutes, May 12, 2021

Long Term Care Minutes, May 6, 2021

Report from the Division of Governmental Affairs

Commissioner of Membership, David M. Jakubowicz, MD

Report from the Division of Membership

The Membership Committee has been very active. The Committee came up with a Bylaws change to create a MSSNY IMG/Ethnic Medical Associations Section. The Suffolk County Medical Society will consider joining as a co-sponsor.

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

The following committee minutes were submitted for information:

Addiction & Psychiatric Minutes, May 7, 2021

Committee on Health Disparities, April 23, 2021

Committee on Infectious Diseases, April 29, 2021

Committee on Preventive Health and Family Medicine, May 13, 2021

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

Dr. Murray reported that the Bill for Emergency EpiPen passed.

The state has secured funds for the first round.

Report of the Executive Vice President, Troy J. Oechsner

Membership Dues Revenue Schedule

Group Institutional Dues Report

Mr. Oechsner thanked Dr. Sellers for working with him on the MSSNY Goals and Measures presentation. Mr. Oechsner referred everyone to the Membership Dues & Group/Institutional reports. The Membership Dues Report reflects a shortfall of \$300,000 as compared to the same time last year. The reason is that the dues notices were sent out late because of COVID. With regard to the Group/Institutional dues, Mr. Oechsner reported that we are not far off from last year's figures.

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

APPROVED, the Nassau County Medical Society Bylaws

Report of the Alliance, Joan Cincotta

Ms. Joan Cincotta reported the following:

On Friday, May 14, 2021 the Nominations Committee met via teleconference. Nine members participated and Valerie Semeran chaired the meeting.

Plans for an in-person Fall Conference were discussed and are underway. The tentative date for the meeting is set for October 3 - 4.

Cheryl Stier distributed letters throughout the state to the County Departments of Health raising awareness and seeking support for the need for helmets in girls' lacrosse. We will continue to work toward this goal.

AMSSNY is planning a virtual Annual Meeting sometime before September 2021.

Other Information/Announcements

The following letters were submitted for information:

- Comments on the No Surprises Act
- Interest Rate for Adjudicated Medical Debts

Adjournment – There being no further business, a Motion was made, seconded, and accepted. The virtual meeting adjourned at 12:00 p.m.