

MEDICAL SOCIETY
of the
STATE OF NEW YORK

Morris M. Auster, Esq.

Senior Vice President/
Chief Legislative Counsel

Division of Governmental Affairs

MEMORANDUM IN OPPOSITION

**ON SENATE CORPORATIONS, AUTHORITIES
AND COMMISSIONS COMMITTEE AGENDA**

S. 4291 (FUNKE)

IN ASSEMBLY HIGHER EDUCATION COMMITTEE

A.5807 (O'DONNELL)

AN ACT to amend the Limited Liability Company Law, the business corporation law, the partnership law, the public health law, and the education law, in relation to allowing doctors of chiropractic licensed under title VIII, article 132 of the education law to form limited liability companies.

The purpose of this bill is to allow doctors of chiropractic, licensed under Title VIII, Article 132 of the education law to form partnerships with medical doctors. **The Medical Society of the State of New York strongly opposes this measure.**

We are concerned that permitting a multidisciplinary partnership including physician and non-physician could be potentially detrimental to patient health. If a physician and a non-physician become partners in a limited liability company and the company hires additional physicians as employees, and the original physician partner dies or leaves the partnership, it leaves the non-physician partner(s) in control of the physician employees. As employees, the physicians would be subject to the decisions made by the non-physician partners, which might not be in the best interests of the patients treated by them.

Moreover, the scope of practice of physicians and non-physician health care providers is very different, making patient coverage and decision-making very difficult. While only a physician can make medical decisions, in a group practice of physicians, any one of them would be able to make decisions for any patient cared for by the group. In a practice comprised of a physician and non-physician, if the physician partner is away, the non-physician partner would not be able to make a medical decision for a patient.

Because of the above, **the Medical Society of the State of New York opposes this bill and urges that it be defeated.**

Respectfully Submitted,

5/19/17– Oppose
MMA

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS