MEDICAL SOCIETY OF THE STATE OF NEW YORK 2022 HOUSE OF DELEGATES

Report of the Reference Committee on Reports of Officers and Administrative Matters
Presented by Joseph A. Mannino, MD, Chair

Mister Speaker and Members of the House of Delegates:

Your Reference Committee recommends the following consent calendar for acceptance:

RECOMMENDED FOR FILING FOR INFORMATION
   a. Report of the Certified Public Accountants for the year ended December 31, 2021
   b. Medical Society of the State of New York Political Action Committee
   c. The Empire State Medical, Scientific and Educational Foundation, Inc.
   d. The Medical, Educational and Scientific Foundation of New York, Inc.
2. President’s Report – HOD-2022
3. Treasurer’s Report – HOD-2022
4. Secretary’s Report – HOD-2022
5. Executive Vice President’s Report – HOD-2022

SUNSET REPORT – RECOMMENDED FOR ADOPTION
6. 2022 Reports of Officers and Administrative Matters Sunset Report

RECOMMENDED FOR ADOPTION
7. Resolution 207 – DEI Weight Bias
8. Resolution 211 - MSSNY and AMA Recognize the 2022 Bicentennial Celebration of the Medical Society of the County of Kings

RECOMMENDED FOR ADOPTION AS AMENDED
9. Resolution 208 – A Health Misinformation Pandemic
10. Resolution 210 – Enhancing Services Provided to Physicians from Licensure Onward

RECOMMENDED FOR REFERRAL TO COUNCIL
11. Resolution 202 – MSSNY Best Practice Task Force

RECOMMENDED NOT FOR ADOPTION
12. Resolution 200 – MSSNY Liability Carrier Endorsement
13. Resolution 201 – Commission to Reform Membership Dues Rate by 2024
14. Resolution 203 – MSSNY Presidency Candidacy Reform
15. Resolution 204 – Vote trading/Horse-trading Votes at the MSSNY HOD, Council, AMA Delegation and Committees
16. Resolution 205 – Revision of MSSNY Amicus Approval Process & Reporting of Participation in Amicus to MSSNY Membership
17. Resolution 206 – Timely Report to Council of Executive Committee Meeting Decisions
18. Resolution 209 – Keeping Patient Care at the Forefront of Medicine
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   c. The Empire State Medical, Scientific and Educational Foundation, Inc.
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THE REFERENCE COMMITTEE RECOMMENDS THAT ITEMS 1-5 BE ACCEPTED AND FILED FOR INFORMATION.

6. POLICY SUNSET REPORT

THE REFERENCE COMMITTEE RECOMMENDS THAT THE 2022 REPORTS OF OFFICERS AND ADMINISTRATIVE MATTERS SUNSET REPORT BE ADOPTED.

7. Resolution 207 – DEI Weight Bias

Original Resolution 207 reads as follows:
RESOLVED, that the Medical Society of the State of New York recognize and include weight discrimination in its policies against discrimination; and be it further
RESOLVED, that the Medical Society of the State of New York support legislation and regulations that combat weight discrimination, at the local and federal levels.

THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 207 BE ADOPTED.

Your Reference Committee heard testimony in support of this resolution, including that obesity is a clinical disease. This is a patient protection issue.

8. Resolution 211 - MSSNY and AMA Recognize the 2022 Bicentennial Celebration of the Medical Society of the County of Kings

Original Resolution 211 reads as follows:
RESOLVED, The Medical Society of the State of New York recognize the 2022 Bicentennial Celebration of the Medical Society of the County of Kings; and be it further
RESOLVED, that a resolution is introduced at the AMA HOD seeking recognition of the 2022 Bicentennial Celebration of the Medical Society of the County of Kings.

THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 211 BE ADOPTED.

Your Reference Committee heard only positive testimony regarding this auspicious milestone.
9. Resolution 208 - A Health Misinformation Pandemic

Original Resolution 208 reads as follows:
RESOLVED, that MSSNY will advocate for the AMA to study the impact of health misinformation in mainstream media and consider issuing a position paper on what can be done to mitigate the harmful effects of media misinformation, and be it further
RESOLVED, in addition, MSSNY will advocate for the AMA to lead or join with other health organizations in coordinating a national and/or global approach to the mitigation of the harmful impact of health misinformation.

RECOMMENDATION A:
THE REFERENCE COMMITTEE RECOMMENDS THAT THE FOLLOWING SUBSTITUTE AMENDMENTS BE ACCEPTED INSTEAD OF ORIGINAL RESOLUTION 208:
RESOLVED, that MSSNY will advocate that the AMA lead or join with other health organizations in coordinating a national and/or global approach to the mitigation of the harmful impact of promoting information contrary to evidence-based medicine; and be it further
RESOLVED, that MSSNY support AMA Policy D440.9, Addressing Public Health Disinformation Disseminated by Health Professionals:

AMA Policy D440.9, Addressing Public Health Disinformation Disseminated by Health Professionals Our AMA will (1) collaborate with relevant health professional societies and other stakeholders: (a) on efforts to combat public health disinformation disseminated by health professionals in all forms of media and (b) to address disinformation that undermines public health initiatives; and (2) study disinformation disseminated by health professionals and its impact on public health and present a comprehensive strategy to address this issue with a report back at the next meeting of the House of Delegates.

RECOMMENDATION B:
THE REFERENCE COMMITTEE RECOMMENDS THAT SUBSTITUTE RESOLUTION 208 BE ADOPTED.
Your Reference Committee heard varied testimony on this resolution. There was testimony that at least some of this resolution is similar to existing AMA policy D440.914. Other testimony supportive of the concepts advocated for additional action beyond current AMA policy. Much of the testimony in opposition to this resolution centered around the objection to the term “misinformation,” or the difficulty or danger related to its definition or implication.
Thus, your Reference Committee chose to instead use the common AMA policy phrase of “contrary to evidence-based medicine.” The substitute resolve clause above is suggested to achieve the intent of those who testified in support of measures in addition to those already part of AMA policy.

10. Resolution 210 - Enhancing Services Provided to Physicians from Licensure Onward

Original Resolution 210 reads as follows:
RESOLVED, that MSSNY will advocate to receive the personal information of physicians applying for licensure in New York State and disperse such information to the appropriate
county medical societies to ensure physicians receive support at every stage of their career in order to improve physician mental health and overall wellbeing and augment healthcare throughout all of New York State.

**RECOMMENDATION A:**

THE REFERENCE COMMITTEE RECOMMENDS THAT THE FOLLOWING SUBSTITUTE AMENDMENTS BE ACCEPTED INSTEAD OF ORIGINAL RESOLUTION 210:

RESOLVED, that MSSNY will advocate to enhance the collection of professional contact information of newly licensed physicians in New York State; and be it further

RESOLVED, that MSSNY transmit the professional contact information of newly licensed physicians in New York State to the appropriate county medical societies.

**RECOMMENDATION B:**

THE REFERENCE COMMITTEE RECOMMENDS THAT SUBSTITUTE RESOLUTION 210 BE ADOPTED.

Your Reference Committee heard consensus that this is a good idea and a means for MSSNY and the counties to welcome new physicians in their area. While MSSNY can currently request physician contact information from the New York State Education Department, it is a cumbersome process, and we would like to see this information accessed with more ease.

11. **Resolution 202 - MSSNY Best Practice Task Force**

Original Resolution 202 reads as follows:

RESOLVED, that our Medical Society of the State of New York (MSSNY) convene a workgroup/task force to examine and to modernize MSSNY business practices - that might include creating an organizational chart, better define the respective roles of the trustees, elected leaders, Council, House of Delegates and our administrators - to maintain the business viability of MSSNY, while at the same time providing the proper transparency to its members.

Fiscal Note: $15,810. Covers one year of twelve 1.5 hour meetings, with seven hours of follow-up after each. Staff = one middle management plus one senior management.

**THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 202 BE REFERRED TO COUNCIL.**

Your Reference Committee heard mixed testimony on this issue, divided between approval and opposition. Testimony on both sides mentioned a gap between leadership activities and the membership’s knowledge of these activities, and the need for more transparency.

Your Reference Committee heard testimony that there is a strategic planning process in place, a business plan, an organizational chart, a plan for a members only newsletter, etc. Your Reference Committee thus suggests referral of this issue to Council with the intent to improve communications with the membership, to make all these activities more apparent, and to initiate a procedure to consistently update the membership.
We also heard testimony expressing concern related to the size of the fiscal note, asking whether it was reasonable or could be reduced as well as pointing out that it could go much higher if a consultant were to be hired.

**12. Resolution 200 - MSSNY Liability Carrier Endorsement**

Original Resolution 200 reads as follows:

RESOLVED, That MSSNY immediately set up an RFP (request for proposal) process for its liability carrier endorsement; and be it further

RESOLVED, That MSSNY include the Doctors Company in that RFP process.

**THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 200 NOT BE ADOPTED.**

Your Reference Committee heard some testimony in support of this resolution, but the majority of testimony was in opposition. There were concerns expressed that what has been asked for here could potentially be in violation of our existing contract with MLMIC and that even the process of initiating such a procedure could be interpreted as a breach of contract. It was noted that when our contract is over, there is an open and transparent process, and that any company can make an offer at any time they'd like. As the overwhelming testimony was in opposition, your Reference Committee recommends not adopting.

**13. Resolution 201 - Commission to Reform Membership Dues Rate by 2024**

Original resolution 201 reads as follows:

RESOLVED, that MSSNY HOD establish a COMMISSION whose members are appointed by the Speaker whose sole purpose will be to establish a plan for securing one set membership dues rate for all physicians 5 years past residency or fellowship regardless of their status as an institutional member or a solo physician.

Fiscal Note: $6,900. Covers one year of twelve 1.5 hour meetings, with ten hours of follow-up after each. Staff = one middle management.

**THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 201 NOT BE ADOPTED.**

Your Reference Committee heard overwhelming testimony in opposition to this resolution. We heard testimony that this issue is already being addressed by our Membership Committee and that they are uniquely qualified to handle it. Others testified that the Membership Committee has made progress in addressing our complicated dues structure, and would continue to do so, and that the Membership Committee should be given the support they need to execute what this resolution requests.

**14. Resolution 203 - MSSNY Presidency Candidacy Reform**

Original Resolution 203 reads as follows:

RESOLVED, that MSSNY policy be amended to prohibit any county from running a candidate for the office of President in MSSNY any more frequently than every 9 years.
THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 203 NOT BE ADOPTED.

Your Reference Committee heard overwhelming testimony against this resolution. While some testimony spoke to a problem in operating procedures, others suggested that this resolution does not present a solution and would not result in what is being requested. It was suggested that the Nominating Committee consider this issue when making their recommendations. They could take into account geographic as well as other forms of diversity such as gender identity, race and ethnic background.

15. Resolution 204 - Vote trading / Horse-trading Votes at the MSSNY HOD, Council, AMA Delegation and Committees

Original Resolution 204 reads as follows:

RESOLVED, that the Medical Society of the State of New York prohibit the practice of vote trading / horse trading including instructions to delegates to vote for or against particular candidates, solicitation of votes in return for favors of any type including in-kind support for other candidates up for election or who could become future candidates; and be it further

RESOLVED, that any Delegate of the MSSNY HOD or member of the Society who engages in these activities or fails to report knowledge of such activities to the Chair of the Judicial Council shall forfeit their leadership role in the Society and be banned from membership in the HOD for a minimum period of three years; and be it further

RESOLVED, that the prohibition of vote trading be enacted immediately regardless of any bylaws regulations and waiting periods for required bylaws changes which may affect sanctions against the members of the Society who engage in this prohibited activity.

THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 204 NOT BE ADOPTED.

Your Reference Committee heard overwhelming testimony against this resolution. Suggestions for other actions that could be taken included holding open elections, including holding contested elections for all positions, and adopting a modified version of AMA Policy G-610.021, Guiding Principles for House Elections. Others emphasized that a resolution cannot or should not be allowed to be passed which would bypass existing MSSNY Bylaws. Some suggested that this could also be an issue for the Nominating Committee to look at.

16. Resolution 205 - Revision of MSSNY Amicus Approval Process & Reporting of Participation in Amicus to MSSNY Membership

Original Resolution 205 reads as follows:

RESOLVED, that MSSNY POLICY 207.966 be amended to read:

Any proposed MSSNY amicus, or proposed participation in any amicus brief by MSSNY, will require the approval of the MSSNY Council. If participation in the Amicus needs to be approved prior to the next MSSNY Council meeting, the Executive Committee shall provide a decision with a report provided to Council at the next Council Meeting. In either a decision by the Council or the Executive Committee, all approvals for participation will require that Council Members receive a copy of the Final amicus prior to MSSNY approval and prior to submission to the Court. Any President who fails to follow this process will be censured on first offense by Council and may be relieved of role of President on a second offense. Approval of the MSSNY Board of
Trustees will be required when funds are requested in relation to the amicus brief or where any
Trustee deems participation to be financially imperiling to the Society; and be it further
RESOLVED, that MSSNY post to the MSSNY website NOTICE OF PARTICIPATION in
AMICUS with a copy of the Amicus as soon as MSSNY has approved participation and the
AMICUS has been filed with the relevant court.

THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 205 NOT BE
ADOPTED.

The majority of testimony presented was opposed to this resolution. Your Reference Committee
heard that some aspects stated in the resolution are not accurate. It was acknowledged that
notification of the item in question was not made immediately, due to a turnover in staff. There
was also testimony that this process would now be corrected in the future.

17. Resolution 206 - Timely Report to Council of Executive Committee Meeting Decisions

Original Resolution 206 reads as follows:
RESOLVED, that failure to report to Council decisions made by the Executive Committee in the
manner prescribed by the MSSNY Bylaws will be censured on first offense by Council and
referral to Judicial Council in the instance of a second offense.

THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 206 NOT BE
ADOPTED.

Your Reference Committee heard overwhelming testimony in opposition to this resolution. The
incident in question was basically a communications problem. Testimony was provided that this
was an error, not malfeasance, that it would be corrected in the future, and therefore there is no
need for this resolution. There was also testimony stating that there are already disciplinary
procedures which could be utilized for member conduct found to be contrary to current Bylaws.

18. Resolution 209 - Keeping Patient Care at the Forefront of Medicine

Original Resolution 209 reads as follows:
RESOLVED, The Medical Society of The State of New York (MSSNY) works with the
appropriate agencies and institutions to aspire to, moving forward, academic department chairs
in the State of New York be board certified, or have completed residency training, in the
specialty of the practicing physicians they oversee (i.e. the Chair of the Department of
Emergency Medicine be an emergency medicine physician, the Chair of the Department of
Psychiatry be a psychiatrist by training, the Chair of the Department of Gynecology has
completed residency training in gynecology, so on and so forth).

Fiscal Note: $15,000 per annum. To cover staff time researching all academic chairs, surveying
chairs to determine who is board certified, continuous monitoring of chairs and institutions,
meetings.

THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 209 NOT BE
ADOPTED.

Your Reference Committee heard testimony for and against this resolution. While some
testimony was in support of everybody in a department chair position being board certified,
other testimony pointed out the differences between different specialties and differences in the need for board certification in each specialty.

Others stated that an institution or hospital has the right and privilege to appoint anyone it deems appropriate for such positions, and that MSSNY would have no jurisdiction over such a process. MSSNY has no control over whom a hospital should or should not hire. There was testimony supportive of the idea that MSSNY could formulate a statement of preference outlining which qualifications MSSNY feels would provide a minimum standard for selection as a Department Chair. There was no substantial additional testimony supportive of this idea, however, and the Committee thus recommends non-adoptive.

Your chair is grateful to the Reference Committee members, namely, Sana Bloch, MD; Jose David, MD; Alan Klitzke, MD; and Myrna Sanchez, MD.

Your Reference Committee wishes to express its appreciation to Sandra Bennett, Valerie Cammiso, Brenda Van Nest and Moe Auster for their help in the preparation of this report.

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Reference Committee on Reports of Officers and Administrative Matters