

# 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

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### **Mister Speaker and Members of the House of Delegates:**

Your Reference Committee recommends the following consent calendar for acceptance:

#### **RECOMMENDED FOR FILING FOR INFORMATION**

1. Board of Trustees Report 1-HOD-2022 – Financial Statements for the Year Ended December 31, 2021
  - 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

- 1 1. Board of Trustees Report 1-HOD-2022 – Financial Statements for the Year Ended  
2 December 31, 2021  
3 a. Report of the Certified Public Accountants for the year ended December 31, 2021  
4 b. Medical Society of the State of New York Political Action Committee  
5 c. The Empire State Medical, Scientific and Educational Foundation, Inc.  
6 d. The Medical, Educational and Scientific Foundation of New York, Inc.  
7 2. President’s Report – HOD-2022  
8 3. Treasurer’s Report – HOD-2022  
9 4. Secretary’s Report – HOD-2022  
10 5. Executive Vice President’s Report – HOD-2022

11  
12 **THE REFERENCE COMMITTEE RECOMMENDS THAT ITEMS 1-5 BE ACCEPTED AND**  
13 **FILED FOR INFORMATION.**

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16 **6. POLICY SUNSET REPORT**

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

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21  
22 **7. Resolution 207 – DEI Weight Bias**

23  
24 Original Resolution 207 reads as follows:  
25 RESOLVED, that the Medical Society of the State of New York recognize and include weight  
26 discrimination in its policies against discrimination; and be it further

27  
28 RESOLVED, that the Medical Society of the State of New York support legislation and  
29 regulations that combat weight discrimination, at the local and federal levels.

30  
31 **THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 207 BE ADOPTED.**

32  
33 Your Reference Committee heard testimony in support of this resolution, including that obesity  
34 is a clinical disease. This is a patient protection issue.

35  
36  
37 **8. Resolution 211 - MSSNY and AMA Recognize the 2022 Bicentennial Celebration of the**  
38 **Medical Society of the County of Kings**

39  
40 Original Resolution 211 reads as follows:  
41 RESOLVED, The Medical Society of the State of New York recognize the 2022 Bicentennial  
42 Celebration of the Medical Society of the County of Kings; and be it further

43  
44 RESOLVED, that a resolution is introduced at the AMA HOD seeking recognition of the 2022  
45 Bicentennial Celebration of the Medical Society of the County of Kings.

46  
47 **THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 211 BE ADOPTED.**

48  
49 Your Reference Committee heard only positive testimony regarding this auspicious milestone.

50

51 **9. Resolution 208 - A Health Misinformation Pandemic**

52  
53 Original Resolution 208 reads as follows:

54 RESOLVED, that MSSNY will advocate for the AMA to study the impact of health  
55 misinformation in mainstream media and consider issuing a position paper on what can be done  
56 to mitigate the harmful effects of media misinformation, and be it further

57  
58 RESOLVED, in addition, MSSNY will advocate for the AMA to lead or join with other health  
59 organizations in coordinating a national and/or global approach to the mitigation of the harmful  
60 impact of health misinformation.

61  
62 **RECOMMENDATION A:**

63  
64 **THE REFERENCE COMMITTEE RECOMMENDS THAT THE FOLLOWING SUBSTITUTE**  
65 **AMENDMENTS BE ACCEPTED INSTEAD OF ORIGINAL RESOLUTION 208:**

66  
67 **RESOLVED, that MSSNY will advocate that the AMA lead or join with other health**  
68 **organizations in coordinating a national and/or global approach for the mitigation of the**  
69 **harmful impact of promoting information contrary to evidence-based medicine; and be it**  
70 **further**

71  
72 **RESOLVED, that MSSNY support AMA Policy D440.914, Addressing Public Health**  
73 **Disinformation Disseminated by Health Professionals:**

74  
75 **AMA Policy D440.914, Addressing Public Health Disinformation Disseminated by Health**  
76 **Professionals** Our AMA will (1) collaborate with relevant health professional societies and other  
77 stakeholders: (a) on efforts to combat public health disinformation disseminated by health  
78 professionals in all forms of media and (b) to address disinformation that undermines public  
79 health initiatives; and (2) study disinformation disseminated by health professionals and its impact  
80 on public health and present a comprehensive strategy to address this issue with a report back at  
81 the next meeting of the House of Delegates.

82  
83 **RECOMMENDATION B:**

84  
85 **THE REFERENCE COMMITTEE RECOMMENDS THAT SUBSTITUTE RESOLUTION 208 BE**  
86 **ADOPTED.**

87  
88 Your Reference Committee heard varied testimony on this resolution. There was testimony that  
89 at least some of this resolution is similar to existing AMA policy D440.914. Other testimony  
90 supportive of the concepts advocated for additional action beyond current AMA policy. Much of  
91 the testimony in opposition to this resolution centered around the objection to the term  
92 “misinformation,” or the difficulty or danger related to its definition or implication.

93  
94 Thus, your Reference Committee chose to instead use the common AMA policy phrase of  
95 “contrary to evidence-based medicine.” The substitute resolve clause above is suggested to  
96 achieve the intent of those who testified in support of measures in addition to those already part  
97 of AMA policy.

98  
99  
100 **10. Resolution 210 - Enhancing Services Provided to Physicians from Licensure Onward**

101  
102 Original Resolution 210 reads as follows:

103 RESOLVED, that MSSNY will advocate to receive the personal information of physicians  
104 applying for licensure in New York State and disperse such information to the appropriate

105 county medical societies to ensure physicians receive support at every stage of their career in  
106 order to improve physician mental health and overall wellbeing and augment healthcare  
107 throughout all of New York State.

108

109 **RECOMMENDATION A:**

110

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

113

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

116

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

119

120 **RECOMMENDATION B:**

121

122 **THE REFERENCE COMMITTEE RECOMMENDS THAT SUBSTITUTE RESOLUTION 210 BE**  
123 **ADOPTED.**

124

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

129

130

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

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133 Original Resolution 202 reads as follows:

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

139

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

142

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

145

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

149

150 Your Reference Committee heard testimony that there is a strategic planning process in place,  
151 a business plan, an organizational chart, a plan for a members only newsletter, etc. Your  
152 Reference Committee thus suggests referral of this issue to Council with the intent to improve  
153 communications with the membership, to make all these activities more apparent, and to initiate  
154 a procedure to consistently update the membership.

155

156 We also heard testimony expressing concern related to the size of the fiscal note, asking  
157 whether it was reasonable or could be reduced as well as pointing out that it could go much  
158 higher if a consultant were to be hired.

159  
160

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

162

163 Original Resolution 200 reads as follows:

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

166

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

168

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

171

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

179

180

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

182

183 Original resolution 201 reads as follows:

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

188

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

191

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

194

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

201

202

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

204

205 Original Resolution 203 reads as follows:

206 RESOLVED, that MSSNY policy be amended to prohibit any county from running a candidate  
207 for the office of President in MSSNY any more frequently than every 9 years.

208

209 **THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 203 NOT BE**  
210 **ADOPTED.**

211  
212 Your Reference Committee heard overwhelming testimony against this resolution. While some  
213 testimony spoke to a problem in operating procedures, others suggested that this resolution  
214 does not present a solution and would not result in what is being requested. It was suggested  
215 that the Nominating Committee consider this issue when making their recommendations. They  
216 could take into account geographic as well as other forms of diversity such as gender identity,  
217 race and ethnic background.

218  
219

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

222  
223

Original Resolution 204 reads as follows:

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

228

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

233

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

237

238 **THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 204 NOT BE**  
239 **ADOPTED.**

240

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

247

248

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

251

Original Resolution 205 reads as follows:

252 RESOLVED, that MSSNY POLICY 207.966 be amended to read:

253 Any proposed MSSNY amicus, or proposed participation in any amicus brief by MSSNY, will  
254 require the approval of the MSSNY Council. If participation in the Amicus needs to be approved  
255 prior to the next MSSNY Council meeting, the Executive Committee shall provide a decision  
256 with a report provided to Council at the next Council Meeting. In either a decision by the Council  
257 or the Executive Committee, all approvals for participation will require that Council Members  
258 receive a copy of the Final amicus prior to MSSNY approval and prior to submission to the  
259 Court. Any President who fails to follow this process will be censured on first offense by Council  
260 and may be relieved of role of President on a second offense. Approval of the MSSNY Board of  
261

262 Trustees will be required when funds are requested in relation to the amicus brief or where any  
263 Trustee deems participation to be financially imperiling to the Society; and be it further  
264

265 RESOLVED, that MSSNY post to the MSSNY website NOTICE OF PARTICIPATION in  
266 AMICUS with a copy of the Amicus as soon as MSSNY has approved participation and the  
267 AMICUS has been filed with the relevant court.  
268

269 **THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 205 NOT BE**  
270 **ADOPTED.**  
271

272 The majority of testimony presented was opposed to this resolution. Your Reference Committee  
273 heard that some aspects stated in the resolution are not accurate. It was acknowledged that  
274 notification of the item in question was not made immediately, due to a turnover in staff. There  
275 was also testimony that this process would now be corrected in the future.  
276

277

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

279

280 Original Resolution 206 reads as follows:

281 RESOLVED, that failure to report to Council decisions made by the Executive Committee in the  
282 manner prescribed by the MSSNY Bylaws will be censured on first offense by Council and  
283 referral to Judicial Council in the instance of a second offense.  
284

285 **THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 206 NOT BE**  
286 **ADOPTED.**  
287

288 Your Reference Committee heard overwhelming testimony in opposition to this resolution. The  
289 incident in question was basically a communications problem. Testimony was provided that this  
290 was an error, not malfeasance, that it would be corrected in the future, and therefore there is no  
291 need for this resolution. There was also testimony stating that there are already disciplinary  
292 procedures which could be utilized for member conduct found to be contrary to current Bylaws.  
293

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295

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

297

298 Original Resolution 209 reads as follows:

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

306 **Fiscal Note:** \$15,000 per annum. To cover staff time researching all academic chairs, surveying  
307 chairs to determine who is board certified, continuous monitoring of chairs and institutions,  
308 meetings.  
309

310 **THE REFERENCE COMMITTEE RECOMMENDS THAT RESOLUTION 209 NOT BE**  
311 **ADOPTED**  
312

313 Your Reference Committee heard testimony for and against this resolution. While some  
314 testimony was in support of everybody in a department chair position being board certified,

315 other testimony pointed out the differences between different specialties and differences in the  
316 need for board certification in each specialty.  
317 Others stated that an institution or hospital has the right and privilege to appoint anyone it  
318 deems appropriate for such positions, and that MSSNY would have no jurisdiction over such a  
319 process. MSSNY has no control over whom a hospital should or should not hire. There was  
320 testimony supportive of the idea that MSSNY could formulate a statement of preference  
321 outlining which qualifications MSSNY feels would provide a minimum standard for selection as a  
322 Department Chair. There was no substantial additional testimony supportive of this idea,  
323 however, and the Committee thus recommends non-adoption.

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.

*Sana Bloch, MD*

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Sana Bloch, MD

*Jose David, MD*

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Jose David, MD

*Alan Klitzke, MD*

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Alan Klitzke, MD

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Stanley Pietrak, MD

*Myrna Sanchez, MD*

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Myrna Sanchez, MD

*Joseph Mannino, MD*

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Joseph Mannino, MD, Chair