MISTER Speaker and the Members of the House of Delegates:

Your Reference Committee recommends the following Consent Calendar for acceptance:

FILE FOR INFORMATION:

(1) Board of Trustees Report 1-HOD-2014 – Financial Statements for the Year Ended December 31, 2013
   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 2 – HOD-2014

(3) Treasurer’s Report 3 – HOD-2014

(4) Secretary’s Report 4 – HOD-2014

(5) Executive Vice-President’s Report 5 – HOD-2014

RECOMMENDED FOR ADOPTION:

(6) Sunset Review Report of The Medical Society of the State of New York’s Committee on Reports of Officers & Administrative Matters

RECOMMENDED FOR ADOPTION AS AMENDED OR SUBSTITUTE:

(7) RESOLUTION 200 MEETING MANAGEMENT EDUCATION FOR PHYSICIAN LEADERS
(8) RESOLUTION 201 MSSNY COMMITTEE STRUCTURE
(9) RESOLUTION 202 INCREASING MEDICAL STUDENT AND PHYSICIAN INTERACTIONS
(10) RESOLUTION 203 SUPPORT OF THE MSSNY/ DR. DUANE AND JOYCE CADY HONOR FUND
(11) RESOLUTION 204 NOMINATION PROCESS
(12) RESOLUTION 205 MSSNY TO PARTNER WITH THE “CHOOSING WISELY” PROGRAM
(13) RESOLUTION 206 INTERNET REVIEW OF PHYSICIANS
(14) RESOLUTION 210 TASKFORCE ON HOSPITAL Mergers
RECOMMENDED FOR REFERRAL TO COUNCIL:

(15) RESOLUTION 208  PRESERVING INDEPENDENT PRACTICE — PHYSICIAN COOPERATIVES
(16) RESOLUTION 209  MAINTAINING TAX EXEMPT STATUS FOR YOUTH SERVICE ORGANIZATIONS

RECOMMENDED FOR NOT ADOPTION:

(17) RESOLUTION 207  MEDICAL LICENSING
(18) RESOLUTION 212  MSSNY INTERNAL REPORTING SYSTEM

DISCUSSION AND ANALYSIS OF CONSENT CALENDAR:

RECOMMENDED FOR FILING:

(1) Board of Trustees Report 1-HOD-2014 – Financial Statements for the Year Ended December 31, 2013
   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 2 – HOD-2014
(3) Treasurer’s Report 3 – HOD-2014
(4) Secretary’s Report 4 – HOD-2014
(5) Executive Vice-President’s Report 5 – HOD-2014

RECOMMENDATION:

Mister Speaker, your Reference Committee recommends that the reports in items (1) through (5) be FILED FOR INFORMATION.

RECOMMENDED FOR ADOPTION:

(6) SUNSET REVIEW REPORT OF THE MEDICAL SOCIETY OF THE STATE OF NEW YORK’S COMMITTEE ON REPORTS OF OFFICERS & ADMINISTRATIVE MATTERS

RECOMMENDATION:

Mister Speaker, your Reference Committee recommends that the Sunset Review Report of the MSSNY Committee on Reports of Officers & Administrative Matters BE ADOPTED.
RECOMMENDED FOR ADOPTION AS AMENDED OR SUBSTITUTED:

(7) RESOLUTION 200  MEETING MANAGEMENT EDUCATION FOR PHYSICIAN LEADERS

RECOMMENDATION A:

Mister Speaker, your Reference Committee recommends that the first resolved of Resolution 200 BE AMENDED BY ADDITION AND DELETION:

RESOLVED, That the Medical Society of the State of New York develop continue to seek funding to provide a meeting management program education for leaders at all levels, including committee chairs and officers; and be it further

RECOMMENDATION B:

Mister Speaker, your Reference Committee recommends that the second resolved of Resolution 200 BE AMENDED BY ADDITION AND DELETION:

RESOLVED, That all new-MSSNY leaders, appointed or elected, be encouraged to participate in meeting management training. Or to demonstrate that they have had such training previously, and be it further

RECOMMENDATION C:

Mister Speaker, your Reference Committee recommends that the third resolved of Resolution 200 BE AMENDED BY DELETION:

RESOLVED, That meeting management training be made available to all MSSNY members.

RECOMMENDATION D:

Mister Speaker, your Reference Committee recommends that Resolution 200 BE ADOPTED AS AMENDED.

Resolution 200 asks (1) that MSSNY develop a meeting management program for leaders at all levels, including committee chairs and officers (2) that all new MSSNY leaders, appointed or elected, be encouraged to participate in meeting management training or to demonstrate that they have had such training previously, and (3) that meeting management training be made available to all MSSNY members.

Your Reference Committee heard testimony supportive of the goals of the resolution and the value of meeting management education for medical society leaders and for physicians in all aspects of their professional lives. It was reported that a program offered through the Medical Educational, and Scientific Foundation of New York in the fall was extremely valuable and
could serve as a model for future sessions. The committee agrees that with the goal of providing such training to all members, but recognizes that funding to support this goal is the first objective. Therefore your Reference Committee recommends adoption of this resolution as amended.

(8) RESOLUTION 201    MSSNY COMMITTEE STRUCTURE

RECOMMENDATION A:

Mister Speaker, your Reference Committee recommends that the first resolved of Resolution 201 BE AMENDED BY ADDITION:

RESOLVED, That the President-Elect of the Medical Society of the State of New York continue to analyze on an annual basis its committee structure with an intention to eliminate any committee not felt to be contributing directly to MSSNY’s mission; and be it further

RECOMMENDATION B:

Mister Speaker, your Reference Committee recommends that the second resolved of Resolution 201 BE ADOPTED:

RECOMMENDATION C:

Mister Speaker, your Reference Committee recommends that Resolution 201 BE ADOPTED AS AMENDED.

Resolution 201 asks (1) that MSSNY analyze its committee structure with an intention to eliminate any committee not felt to be contributing directly to MSSNY’s mission and (2) that an effort be made to combine committees wherever possible to reduce duplication, confusion and cost.

Your Reference Committee heard testimony supporting the importance of committee review but noting that this is an activity undertaken each year by the incoming president. Therefore your Reference Committee recommends that Resolution 201 be adopted as amended.

(9) RESOLUTION 202    INCREASING MEDICAL STUDENT AND PHYSICIAN INTERACTIONS

RECOMMENDATION A:

Mister Speaker, your Reference Committee recommends that the first resolved of Resolution 202 BE AMENDED BY ADDITION:
RESOLVED, That MSSNY encourage all county medical societies with medical students and resident members to include representatives of those membership segments on their leadership bodies, and be it further

RECOMMENDATION B:

Mister Speaker, your Reference Committee recommends that the second resolved of Resolution 202 BE ADOPTED.

RECOMMENDATION C:

Mister Speaker, your Reference Committee recommends that Resolution 202 BE ADOPTED AS AMENDED.

Resolution 202 asks (1) that MSSNY encourage all county medical societies with medical students training in that county to have a medical student representative on its board of directors and (2) that county medical societies work with their medical student members to create outreach or mentorship programs for medical students.

Your Reference Committee heard only positive testimony about the value of including medical students in deliberations of county society governing bodies, and also agreed with testimony recommending that county societies also be encouraged to involve residents and fellows in leadership. Therefore your Reference Committee recommends that Resolution 202 be adopted as amended.

(10) RESOLUTION 203 SUPPORT OF THE MSSNY/DR. DUANE AND JOYCE CADY HONOR FUND

RECOMMENDATION A:

Mister Speaker, your Reference Committee recommends that the first resolved of Resolution 203 BE AMENDED BY DELETION:

RESOLVED, That a voluntary donation of ten dollars to the MSSNY/Dr. Duane and Joyce Cady Honor Fund be added to the 2015 and future MSSNY dues bills;

RECOMMENDATION B:

Mister Speaker, your Reference Committee recommends that the second resolved of Resolution 203 BE AMENDED BY ADDITION:

RESOLVED, That a flier explaining the MSSNY/Dr. Duane and Joyce Cady Honor Fund and its mission be enclosed with the MSSNY dues bill and that the fund be explained in other MSSNY communications to the membership;

RECOMMENDATION C:
Mister Speaker, your Reference Committee recommends that the third resolved of Resolution 203 BE AMENDED BY SUBSTITUTION:

RESOLVED, That MSSNY publish a list of donors to the Fund and feature articles on the scholarship recipients.

RECOMMENDATION D:

Mister Speaker, your Reference Committee recommends that Resolution 203 BE ADOPTED AS AMENDED

Resolution 203 asks (1) that a voluntary donation of $10 for the MSSNY/Dr. Duane and Joyce Cady Honor Fund be added to the 2015 and future MSSNY dues bills; and (2) that a flier explaining this fund and its mission be enclosed with the MSSNY dues bill; and (3) that a list of all donors to this Fund be published in News of New York, along with feature articles on the scholarship recipients.

Your Reference Committee heard only positive testimony about encouraging support of the MSSNY/Dr. Duane and Joyce Cady Honor Fund by a wider segment of the MSSNY membership. Concerns were raised by some delegates about the wisdom of setting a precedent for adding new voluntary items to the dues notice at a time when membership renewals are increasingly difficult to secure. Therefore your Reference Committee recommends that Resolution 202 be adopted as amended.

(11) RESOLUTION 204 NOMINATION PROCESS

RECOMMENDATION A:

Mister Speaker, your Reference Committee recommends that the first resolved of Resolution 204 BE ADOPTED.

RECOMMENDATION B:

Mister Speaker, your Reference Committee recommends that the second resolved of Resolution 204 BE AMENDED BY SUBSTITUTION:

RESOLVED, That MSSNY seek new ways of disseminating information on the nomination process to the membership.

RECOMMENDATION C:

Mister Speaker, your Reference Committee recommends that Resolution 204 BE ADOPTED AS AMENDED.
Resolution 204 asks (1) that the nomination process be posted on that MSSNY post its nomination process on the MSSNY website and (2) review the nomination process in an effort to streamline and simplify it.

Your Reference Committee heard testimony indicating that details of the nominating process are included in the MSSNY Bylaws and available to all members through the MSSNY website, yet other comments made it clear that members are not aware that the information is available or how to obtain it. Therefore your Reference Committee recommends that Resolution 204 be adopted as amended.

(12) RESOLUTION 205  MSSNY TO PARTNER WITH THE “CHOOSING WISELY” PROGRAM

RECOMMENDATION A:

Mister Speaker, your Reference Committee recommends that the first resolved of Resolution 205 BE AMENDED BY ADDITION AND DELETION:

RESOLVED, That the Medical Society of the State of New York endorse sign on as a partner with the American Board of Internal Medicine’s Choosing Wisely program.

RECOMMENDATION B:

Mister Speaker, your Reference Committee recommends that the second resolved of Resolution 205 BE AMENDED BY ADDITION AND DELETION:

RESOLVED, That the New York delegation to the American Medical Association encourage the AMA to also sign on as a partner with the Aim’s Choosing Wisely program.

RECOMMENDATION C:

Mister Speaker, your Reference Committee recommends that Resolution 205 BE ADOPTED AS AMENDED.

RECOMMENDATION D:

Mr. Speaker, your Reference Committee recommends that the title of Resolution 205 BE CHANGED TO READ AS FOLLOWS:

MSSNY TO ENDORSE THE “CHOOSING WISELY” PROGRAM
Resolution 205 asks that MSSNY sign on as a partner with the American Board of Internal Medicine’s Choosing Wisely program, and that the New York delegation to the AMA encourage the AMA to also sign on as a partner with this program.

Your Reference Committee heard testimony indicating that the choosing wisely program has wide professional support, is not prescriptive, and helps physicians in mitigating the pressures to practice defensive medicine.

(12) RESOLUTION 206  INTERNET REVIEW OF PHYSICIANS

RECOMMENDATION A:

Mister Speaker, your Reference Committee recommends that Resolution 206 BE AMENDED BY ADDITION AND DELETION:

RESOLVED, That the Medical Society of the State of New York (MSSNY) ask the American Medical Association (AMA) to seek federal legislation and/or regulation that would amend internet privacy laws and require that websites hosting reviews of physicians obtain the name of the person posting the review, that this information will be kept on file, and that the website inform the poster that a physician requesting this information from the website in regard to a review must be provided with the name of the person writing the review.

RECOMMENDATION B:

Mister Speaker, your Reference Committee recommends the addition of a second resolved for Resolution 206:

RESOLVED, That websites hosting reviews of physicians be required to post a warning against libelous and other legally inappropriate statements.

RECOMMENDATION C:

Mister Speaker, your Reference Committee recommends that Resolution 206 BE ADOPTED AS AMENDED.

Resolution 206 asks that MSSNY ask the AMA to seek legislation and/or regulation that would require that websites hosting reviews of physicians obtain the name of the person posting the review, that this information will be kept on file, and that the website inform the poster that a physician requesting this information from the website in regard to a review must be provided with the name of the person writing the review.

Your reference committee heard a great deal of testimony regarding the harm that can come to a physician through anonymous website reviews, and some testimony indicating that internet privacy laws would have to be changed in order to provide any means of legal recourse for
physicians against individuals posting malicious or untrue comments. Therefore your Reference Committee recommends that Resolution 206 be adopted as amended.

(13) RESOLUTION 210  TASKFORCE ON HOSPITAL MERGERS

RECOMMENDATION A:

Mister Speaker, your Reference Committee recommends that Resolution 210 BE AMENDED BY ADDITION AND DELETION:

RESOLVED, That the Medical Society of the State of New York create a taskforce of physicians that will seek to evaluate each potential hospital merger and submit testimony to the New York State Department of Health and Federal Trade Commission on the following characteristics, including but not limited to solicit relevant agencies to routinely engage MSSNY as a significant stakeholder in the evaluation of hospital mergers or closures regarding characteristics including, but not limited to:

1) Maintenance of patient choice and market competition
2) Cultural sensitivity and minority and community representation among key personnel
3) Compliance with MSSNY Position Statement 235.996
4) Provision of charity care consistent with the designation as a non-profit
5) Assurance of adequate access to primary and subspecialty care
6) Ability to achieve and maintain high scores on measures of patient satisfaction, patient safety and quality metrics
7) Preservation of the continuity sanctity of the physician-patient relationship
8) Effect on graduate and undergraduate medical education.

RECOMMENDATION B:

Mister Speaker, your Reference Committee recommends that Resolution 210 BE ADOPTED AS AMENDED.

Resolution 210 asks that MSSNY create a physician taskforce of physicians that will seek to evaluate each potential hospital merger and to submit testimony to the NYS DOH and to the FTC on eight areas of potential concern.

Your Reference Committee heard strong testimony regarding the impact of hospital mergers and closures on physicians and patients, and about the failure of government policymaking bodies to solicit physician input on these essential matters. Your committee has suggested several changes in language to recognize the appropriateness of engaging the physician community in these important decisions.
RECOMMENDED FOR REFERRAL TO COUNCIL:

(14) RESOLUTION 208  PRESERVING INDEPENDENT PRACTICE — PHYSICIAN COOPERATIVES

RECOMMENDATION:

Mister Speaker, your Reference Committee recommends that Resolution 208 BE REFERRED TO COUNCIL.

Resolution 208 asks that MSSNY use its resources to help create, on a pilot project basis, a physician provider cooperative with a centralized infrastructure and a wide range of physician members.

Your Reference Committee heard testimony about the concept of cooperatives as a possible solution to problems physician practices are experiencing in the current environment, but believes that it raises complex legal and antitrust issues. Because the proposal needs to be evaluated against the backdrop of existing initiatives and legal precedents in the context of the Affordable Care Act and existing MSSNY resources, your Reference Committee recommends that this matter be referred to the MSSNY Council.

(15) RESOLUTION 209  MAINTAINING TAX EXEMPT STATUS FOR YOUTH SERVICE ORGANIZATIONS

RECOMMENDATION:

Mister Speaker, your Reference Committee recommends that Resolution 209 BE REFERRED TO COUNCIL.

Resolution 209 asks that MSSNY oppose any attempt to remove the tax exempt status of non-profit youth service organizations that are so important to the health of our youth and the health of our environment.

Your Reference Committee sympathizes with the goals of the resolution, but believes that we cannot recommend policy without full exploration of many complex political issues informing the matter. Therefore your Reference Committee recommends that this matter be referred to the MSSNY Council.

RECOMMENDED FOR NOT ADOPTION:

(16) RESOLUTION 207  MEDICAL LICENSING

RECOMMENDATION:
Mister Speaker, your Reference Committee recommends that Resolution 207 *NOT BE ADOPTED*.

Resolution 207 asks that MSSNY make every endeavor to resume the function of physician licensing/registration and discipline in New York State.

Your Reference Committee heard testimony about the history of medical licensing and is in sympathy with the desire of the sponsors to have the medical societies return to their original purpose of credentialing and disciplining physicians, but believes that the goal of the resolution is beyond the resources of the Medical Society to administer. Therefore your Reference Committee recommends that Resolution 207 not be adopted.

(17) RESOLUTION 212  MSSNY INTERNAL REPORTING SYSTEM

RECOMMENDATION:

Mister Speaker, your Reference Committee recommends that Resolution 212 *NOT BE ADOPTED*.

Resolution 212 asks (1) that MSSNY develop an internal independent unbiased mechanism for addressing the issues of individuals with substantiated grievances regarding the leadership at the county level; and (2) that disputed issues regarding a fair and proper election process at the county level be eligible to receive an independent hearing and due process at the MSSNY level; and (3) that MSSNY develop a policy on how to address these issues and the membership be educated on the process of receiving justice.

Your Reference Committee heard testimony indicating that the mechanism requested by the resolution already exists. MSSNY Bylaws provide for a Judicial Council to hear grievances by members involving their county societies. Although the committee members believe that it would be worthwhile for MSSNY to consider highlighting the existence of the bylaws on the website and perhaps creating a directory to help members find relevant sections, your Reference Committee recommends that Resolution 212 not be adopted.
Your Chair is grateful to the Reference Committee members, namely: Richard J. Buckley, MD, Alan Diaz, MD, Daniel J. Koretz, MD, Adolph B. Meyer, MD, and Peter Wyer, MD.

Your Reference Committee wishes to express its appreciation to Philip Schuh, Donald R. Moy., Esq. and Eunice Skelly for their help in the preparation of this report.

Maria Basile, MD, Chair

Richard J. Buckley, MD

Alan Diaz, MD

Daniel J. Koretz, MD

Adolph B. Meyer, MD

Peter Wyer, MD