

**MEDICAL SOCIETY**  
of the  
**STATE OF NEW YORK**

Elizabeth Dears, Esq.

Senior Vice President /  
Chief Legislative Counsel

*Division of Governmental Affairs*  
**MEMORANDUM IN OPPOSITION**

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**S.1940 (FUSCHILLO)**

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**A.5956 (O'DONNELL)**

**AN ACT to amend the limited liability company law, the business corporation law, the partnership law and the public health 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.**

There is no reason for a multidisciplinary partnership including physician and non-physician licensees and it 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.

Combining physicians and chiropractors in one partnership would allow the chiropractors to bill at the same higher rate as a physician. At a time when the focus is on containment of health care costs, it would not make sense to raise the reimbursement for chiropractors.

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,

**ELIZABETH DEARS, ESQ.**

6/5/13 – Oppose  
BKE