

MEDICAL SOCIETY
of the
STATE OF NEW YORK

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Division of Governmental Affairs
MEMORANDUM IN SUPPORT

ON SENATE CALENDAR

S.1801 (RIVERA)

IN ASSEMBLY CODES COMMITTEE

A.1164 (GOTTFRIED)

**AN ACT to amend the public health law, in relation to
qualified group practices**

This legislation would provide that a medical, dental or podiatric group practice that operates a malpractice prevention program that meets the standards of a hospital malpractice prevention program will have the same confidentiality and immunity protections. **The Medical Society of the State of New York supports this legislation.**

Currently, every hospital in New York is required to maintain a malpractice prevention program meeting specific, stringent requirements. Public Health Law (2805-m) and Education Law (6527.3) both protect the confidentiality of information, materials, documentation, actions and statements relating to such program, including peer review committee information (with exceptions), and protects participants from liability. In 2011, these protections were extended to Accountable Care Organizations (ACOs), but not to other medical groups.

Confidentiality allows for enhanced objectivity of the review process and helps to ensure objective analysis of the quality of health services rendered. This bill would encourage group practices to meet the rigorous standards required of a malpractice prevention program and would improve patient care.

Further, affording these confidentiality protections would help to ease some of the crushing liability burden that physicians face in New York. A recent analysis from the website WalletHub has listed again New York as the worst state in the country in which to be a doctor, in large part due to its overwhelming liability exposure as compared to other states in the country. Nearly half of states protect the confidentiality of peer review activities by medical group practices. It is time for New York to join that list.

Based on the foregoing, the Medical Society of the State of New York supports this legislation and urges its enactment.

Respectfully submitted,

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS

5/15/19
Support MAA