MINUTES OF THE COUNCIL MEETING
Held via webinar
January 15, 2015, 9:00 am
Designated locations:
Albany, Broome County, Erie County, Monroe County and Westbury

A meeting of the Council of the Medical Society of the State of New York was convened at 9:00 am via webinar at the designated locations: Albany, Broome County, Erie County, Monroe County and Westbury.

The President of the Society presided:

PRESENT

OFFICERS
Jerome C. Cohen, MD
Kira Geraci Ciardullo, MD, MPH
Arthur C. Fougner, MD
Andrew Y. Kleinman, MD
Thomas J. Madejski, MD
Joseph R. Maldonado, Jr., MD
MSc, MBA, DipEBHC
Malcolm D. Reid, MD, MPP
Charles Rothberg, MD
Sam L. Unterricht, MD

TRUSTEES
Michael H. Rosenberg, MD, Chair
Robert J. Hughes, MD
Daniel M. Young, MD

COUNCILORS
Mark J. Adams, MD
Edward Kelly Bartels, MD
Joshua M. Cohen, MD
Frank G. Dowling, MD
Martin Greenfield, MD
Robert A. Hesson, MD
Howard H. Huang, MD
John J. Kennedy, MD
Mr. Charles A. Kenworthy
Bonnie L. Litvack, MD
Kristina Maletz Novick, MD
Parag H. Mehta, MD
David Podwall, MD
Saulius J. Skeivys, MD
Harold M. Sokol, MD

MSSNY STAFF
Morris Auster, Esq.
Patricia Clancy
Elizabeth Dears Kent, Esq.
Barbara Ellman
Laurel Mayer
Regina McNally
Michele Nuzzi Khoury
Suzanne Reilly
Michael Reyes
Joseph Rosicki
Eunice Skelly
Steven Sachs
Christina Southard
Brenda Van Nest
Julie Vecchione DeSimone
Joanne Wise

EXCUSED
Mark L. Fox, MD
Robert B. Goldberg, DO
Paul A. Hamlin, MD
William R. Latreille, Jr., MD,
FACP AME
Leah S. McCormack, MD
Joseph R. Sellers, MD, FAAP, FACP

COUNTY EXECS
Nancy Adams
Cindy Burger
Stuart Friedman, MPS
Liz Harrison, CMP
Christine Nadolny
Vangie Rosado-Tripp

GUESTS
George Autz, MD
Thomas Donoghue
Donald Fager
David B.L. Meza, III, MD
(via phone)
L. Carlos Zapata, MD

EXECUTIVE STAFF
Philip A. Schuh, CPA
Donald R. Moy, Esq.
A. Call to Order and Roll Call

B. APPROVED, the Council Minutes of November 20, 2014

C. New Business (All New Action & Informational Items)

1. **President’s Report**
   a. Univera/Excellus - Clinical Editing Evaluation & Management Program Update
      The letters from Univera & Excellus informed MSSNY that effective January 1, 2015, the clinical editing program would include an adjustment of the level of Evaluation & Management (E&M) codes. While the policy for E&M correct coding is still applicable, Univera & Excellus will be re-evaluating the program to develop an alternative method for addressing those practitioners whose practice patterns differ significantly from their peers. Therefore, the automatic adjustment of E&M codes will not occur at this time.

   b. FAIR Health Letter of Support for “Consumer Focus Groups on Price Transparency Project” This letter supported FAIR Health and NORCâ€™s participation in the New York State Department of Healthâ€™s “Consumer Focus Groups and Price Transparency Project.” FAIR Health has played a role in providing the basis for discussions between physicians and patients regarding the cost of care. FAIR Health shares the NYSDOH’s concerns about the lack of transparency and dialogue among healthcare stakeholders. FAIR Health has gathered feedback from consumers and then applied it to refine its tools that serve to facilitate the doctor/patient dialogue.

2. **Secretary’s Report** APPROVED, unanimously, the Secretary’s Report requesting election to Life Membership for forty (40) physicians and dues remissions for eleven (11) physicians.

3. **Board of Trustees Report** Upon motion made and seconded, ACCEPTED the Board of Trustees Report which reflects the following:

   **Approved:** The Minutes from the Board of Trustees Meeting held on Wednesday, November 19, 2014.

   **Approved:** The 2014 Audit Engagement Letter for Mr. John Vecchio, MSSNY’s outside accountant to perform the 2014 year end audit.

   **Agreed:** To continue discussions with Piermont Properties with regard to our lease agreement for our Westbury location.

   **Approved:** The Proposed 2015 Operating Budget as presented.

4. **MSSNYPAC Report** - The report reflects the financial status of MSSNYPAC during the period of January 1, 2014 through December 31, 2014. MSSNYPAC Executive Committee requests that MSSNY Officers, Councilors and Trustees to personally recruit a minimum of five new members or upgrade to the Chairman’s Club. The Chairman’s Club has 75 individual members and 4 corporate members. MSSNYPAC is looking at recruiting physicians and large groups based on certain issues that arise during legislative sessions.
5. **MLMIC Update** - The number of claims reported in 2013 was 2,506 and in 2014 were 2,169. This was due to a loss in the number of policyholders. Payments in 2013 was $476,000 and at the end of 2014 was $504,000. On February 1, all MLMIC policyholders will receive a 7.5% special dividend.

6. **AMA Delegation Update** - Dr. Jerome Cohen has been successfully elected to Council on Constitution & Bylaws. Dr. Kira Geraci has been successfully elected to Council on Science and Public Health. This year the challenge is to get Dr. Tom Madejski elected to Council on Medical Services.

7. **Commissioners (Action Item)**
   Commissioner of Continuing Medical Education, Mark J. Adams, MD
   ACCEPTED, the revised 2014 ACCME Standards for Commercial Support.

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**ADJOURNMENT OF COUNCIL**

The Council APPROVED The Empire State and Educational Foundation slate of candidates for election to its Board of Directors to become Class III.

*(Term expired December 31, 2014)*

John Fulco, MD
Leah McCormack, MD
David B.L. Meza, MD
Robert Sarreck, MD

**RECONVENE OF COUNCIL**
8. **Councilors (Action Item)**
   Kristina Novick, MD, Resident & Fellow Student Councilor

   **APPROVED**, the following Proposed Resident & Fellow Student Bylaws Amendments:

   The offices of Councilor, Delegates and Alternate Delegates to the MSSNY HOD shall be elected at the fall business meeting. The candidate for election to the office of MSSNY RFS Councilor shall be nominated at the RFS meeting held immediately prior to the MSSNY HOD. The RFS Councilor will begin service that year at the conclusion of the HOD. At least two thirds of the delegates and one third of the alternate delegates to the MSSNY HOD shall be elected at the RFS meeting held a year prior to the meeting of the HOD, and the remaining delegates and alternate delegates shall be elected at the MSSNY-RFS meeting immediately prior to the HOD.

   One candidate for election to the office of Resident or Fellow Member of the MSSNY AMA Delegation at the upcoming MSSNY House of Delegates shall be endorsed by the section at the fall RFS business meeting a year in advance of their term on the MSSNY AMA delegation. The offices of Chair, Vice Chair, Secretary, and Delegates to the AMA-RFS shall be elected at the RFS business meeting. The organization of this Governing Council shall be at the discretion of the leadership of the Council, allowing for shared positions if the candidates consent.

   Article II Section 1 of the MSSNY Bylaws provides that the Resident and Fellow Section is permitted to adopt bylaws to govern its internal affairs provided that such bylaws shall not be in conflict with the Bylaws of MSSNY. The proposed amendments to the MSSNY Resident and Fellow Section Bylaws were presented to the General Counsel for review. The bylaws of the Resident and Fellow Section must be approved by the Council to become effective.

D. **Reports of Officers (Informational)**

   1. **Office of the President**
      Attended the State Leg Strategy Conference in New Orleans.
      Dr. Kleinman was invited to participate on a panel to discuss the Out-of-Network Bill which is moving forward and getting much national attention. MSSNY is in the process of reviewing the rules pertaining to the Out-of-Network Bill.

      A discussion regarding the two HHS grant opportunities, Transforming Clinical Practice Initiative (TCPI) and Practice Transformation Networks (PTNs) that will provide training and technical support to help private practices that want to stay independent to transition to EHR technology. MSSNY has decided to refrain from taking the lead role and has decided to join with other groups.

      **A MOTION was PROPOSED and PASSED that will allow MSSNY’s general participation without a lead role, but OPPOSED a MOTION to move forward as a transformation agent.**
2. Office of the President-Elect - Dr. Maldonado stated that he attended the State Legislative Meeting in New Orleans along with Dr. Kleinman and Dr. Madejski. He also attended the Suffolk County Medical Society meeting. Suffolk County is looking to advance the MBA Program that they have entered into with Adelphi University. Dr. Maldonado stated that he feels that it is a brilliant idea and the program will provide physicians with a great deal of knowledge. It is a three year program and Suffolk County members are given a 25% tuition discount. The program will run one day week for three years at the Suffolk County Medical Society.

There was a lengthy discussion regarding the newly created Integrated Care Workgroup, one of several work groups being convened to develop recommendations in support of the New York State Health Innovative Plan (SHIP). The workgroup is charged with the establishment of eligibility criteria, metrics and milestones for the Advanced Primary Care (APC) model as described in the SHIP. The APC is integral to both the SHIP and the NYS Medicaid Delivery System Reform Incentive Payment Program (DSRIP) and builds off of multiple ongoing initiatives in regions throughout the state. The workgroup will be charged with developing an Advanced Primary Care model that will:

In December 2014, the New York State Department of Health was awarded a $99.9 million Round Two Model Test Award State Innovation Models (SIM) grant by the Centers for Medicare and Medicaid Innovation (CMMI) to implement the State Health Innovation Plan (hereafter "the Plan"). New York developed the Plan and the SIM grant application with the support of numerous stakeholders. The state's official project period of the grant begins February 1, 2015 and will continue for four years. New York was one of eleven states to receive a Round Two Model Test Award.

The intent and goal of the Plan is to identify and stimulate the spread of promising innovations in health care delivery and finance that result in optimal health outcomes for all New Yorkers. Multi-payer support of these initiatives is a key to long-term success, as is the input and recommendations of key stakeholders throughout the state.

The Plan will pave the way for the state to support innovations in health care delivery, to implement strategies to spread those innovations more broadly throughout New York. The Plan was the basis for an application for funding from CMMI that provided approximately $99.9 million in support of proposed initiatives through SIM. A summary of New York's application can be found here.

New York State applied for a Model Testing Grant through the Center for Medicare and Medicaid Innovation (CMMI). The application included the creation of a State Health Innovation Plan that included six models of care that would be tested in New York State. New York was initially awarded a Model Pre-Testing Assistance Award to refine and further develop New York's Plan. New York conducted significant outreach and convened stakeholders to further refine its approach to transforming health care in the state in preparation for implementing the goals of the SHIP.
In July 2014, the state successfully applied for funding to implement the Plan through the CMMI State Innovations Model Initiative: Round Two. The performance period under the Round Two Testing awards runs from February 1, 2015 through January 31, 2019.

The Innovation Center created the State Innovation Models (SIM) initiative for states that are prepared for or committed to planning, designing, testing, and supporting evaluation of new payment and service delivery models in the context of larger health system transformation. The Innovation Center is interested in testing innovative payment and service delivery models that have the potential to lower costs for Medicare, Medicaid, and the Children's Health Insurance Program (CHIP), while maintaining or improving quality of care for program beneficiaries. The goal is to create multi-payer models with a broad mission to raise community health status and reduce long term health risks for beneficiaries of Medicare, Medicaid, and the Children's Health Insurance Program (CHIP).

3. Office of the Vice President ï The E-prescribing requirement goes into effect for non-controlled and controlled substances on March 27, 2015. This requirement was part of the I-Stop law that was approved by the Legislature. Numerous discussions with state officials and key legislative leaders to make them fully aware of the significant obstacles many physicians of all practices will face in complying with this law.

4. Office of the Treasurer ï ACCEPTED, the Financial Statement for the period 1/1/14 to 11/30/14
5. Office of the Secretary - No verbal report
6. Office of the Speaker ï The MSSNY HOD will be held the first weekend in May

E. Reports of Councilors (Informational)

The following reports were submitted for Council information:

1. Kings & Richmond Report - Parag Mehta, MD
2. Manhattan/Bronx Report ï Joshua Cohen, MD
3. Nassau County Report ï Martin Greenfield, MD
4. Queens County Report ï Saulius Skeivys, MD
5. Suffolk County Report ï Frank Dowling, MD
6. Third District Branch Report ï Harold Sokol, MD
7. Fourth District Branch Report ï John Kennedy, MD
8. Fifth District Branch Report ï Howard Huang, MD
9. Sixth District Branch Report ï Robert Hesson, MD
10. Seventh District Branch Report - Mark Adams, MD
11. Eighth District Branch Report ï Edward Kelly Bartels, MD
12. Ninth District Branch Report ï Bonnie Litvack, MD
13. Medical Student Section Report ï Mr. Charles Kenworthy
14. Resident & Fellow Section Report ï Kristina Maletz Novick, MD
15. Young Physician Section Report ï David Podwall, MD
F. Commissioners (All Committee & Sub-Committee Informational Reports/Minutes)

1. Commissioner of Public Health & Education, Frank G. Dowling, MD
   The following flyers submitted for information:
   a. HCV: Diagnosis, Treatment & Prevention Seminar
      Thursday, February 19, 2015
   b. HIV Diagnosis. Treatment & Prevention Webinars
   c. Medical Matters, 2015 sponsored by the MSSNY

2. Commissioner of Continuing Medical Education, Mark J. Adams, MD
   No written report submitted

3. Commissioner of Governmental Affairs, Charles Rothberg, MD
   No written report submitted

4. Commissioner of Membership, Bonnie Litvack, MD
   No written report submitted

5. Commissioner of Socio Medical Economics, Harold Sokol, MD
   The following Committee Minutes submitted for information:
   Interspecialty Committee Minutes, October 23, 2014

6. Commissioner of Communications, L. Carlos Zapata, MD
   The following report submitted for information:
   2014 Report of the Division of Communications

G. Report of the Executive Vice President
   The following report submitted for information:
   Membership Dues Revenue Update

H. Report of the General Counsel
   No written report submitted

I. Report of the Alliance
   The following report submitted for information:
   Alliance Report

J. Other Information/Announcements
   The following letters were submitted for information:
   a. Letters to submit amicus curiae brief re Edwin Davis & Dianna Davis v.
      South Nassau Communities Hospital;
   b. AMA Í Open Payments Policy Update
   c. Massachusetts Medical Society Overview of Final EHR/Meaningful
      Use Regulations
K. Adjournment: There being no further business, a motion to adjourn was made, seconded and approved. The meeting adjourned at 12:00 p.m.

L. The Nominating Committee met briefly after the conclusion of the Council.