

1 MEDICAL SOCIETY OF THE STATE OF NEW YORK 2014 HOUSE OF DELEGATES

2
3 Report of: Reference Committee on Reports of Officers & Administrative Matters

4
5 Presented by: Maria Basile, MD, Chair
6

7
8 MISTER Speaker and the Members of the House of Delegates:

9
10 Your Reference Committee recommends the following Consent Calendar for acceptance:

11
12 **FILE FOR INFORMATION:**

- 13
14 (1) Board of Trustees Report 1-HOD-2014 – Financial Statements for the Year Ended December
15 31, 2013
- 16 a. The Report of the Certified Public Accountants for the year ended December 31,
17 2013
 - 18 b. Medical Society of the State of New York Political Action Committee
 - 19 c. The Empire State Medical, Scientific and Educational Foundation, Inc.
 - 20 d. The Medical, Educational and Scientific Foundation of New York, Inc.
- 21 (2) President’s Report 2 – HOD-2014
22 (3) Treasurer’s Report 3 – HOD-2014
23 (4) Secretary’s Report 4 – HOD-2014
24 (5) Executive Vice-President’s Report 5 – HOD-2014

25
26 **RECOMMENDED FOR ADOPTION:**

- 27
28 (6) Sunset Review Report of The Medical Society of the State of New York’s Committee on
29 Reports of Officers & Administrative Matters

30
31
32 **RECOMMENDED FOR ADOPTION AS AMENDED OR SUBSTITUTED:**

- 33
34 (7) RESOLUTION 200 MEETING MANAGEMENT EDUCATION FOR
35 PHYSICIAN LEADERS
- 36 (8) RESOLUTION 201 MSSNY COMMITTEE STRUCTURE
- 37 (9) RESOLUTION 202 INCREASING MEDICAL STUDENT AND PHYSICIAN
38 INTERACTIONS
- 39 (10) RESOLUTION 203 SUPPORT OF THE MSSNY/ DR. DUANE AND JOYCE
40 CADY HONOR FUND
- 41 (11) RESOLUTION 204 NOMINATION PROCESS
- 42 (12) RESOLUTION 205 MSSNY TO PARTNER WITH THE “CHOOSING
43 WISELY” PROGRAM
- 44 (13) RESOLUTION 206 INTERNET REVIEW OF PHYSICIANS
- 45 (14) RESOLUTION 210 TASKFORCE ON HOSPITAL MERGERS
46

1 **RECOMMENDED FOR REFERRAL TO COUNCIL:**

- 2
3 (15) RESOLUTION 208 PRESERVING INDEPENDENT PRACTICE —
4 PHYSICIAN COOPERATIVES
5 (16) RESOLUTION 209 MAINTAINING TAX EXEMPT STATUS FOR YOUTH
6 SERVICE ORGANIZATIONS
7

8 **RECOMMENDED FOR NOT ADOPTION:**

- 9
10 (17) RESOLUTION 207 MEDICAL LICENSING
11 (18) RESOLUTION 212 MSSNY INTERNAL REPORTING SYSTEM
12
13

14 **DISCUSSION AND ANALYSIS OF CONSENT CALENDAR:**

15
16 **RECOMMENDED FOR FILING:**

- 17
18 (1) Board of Trustees Report 1-HOD-2014 – Financial Statements for the Year Ended
19 December 31, 2013
20 a. The Report of the Certified Public Accountants for the year ended
21 December 31, 2013
22 b. Medical Society of the State of New York Political Action Committee
23 c. The Empire State Medical, Scientific and Educational Foundation, Inc.
24 d. The Medical, Educational and Scientific Foundation of New York, Inc.
25 (2) President’s Report 2 – HOD-2014
26 (3) Treasurer’s Report 3 – HOD-2014
27 (4) Secretary’s Report 4 – HOD-2014
28 (5) Executive Vice-President’s Report 5 – HOD-2014
29

30 **RECOMMENDATION:**

31
32 Mister Speaker, your Reference Committee recommends that the reports in items (1) through
33 (5) be FILED FOR INFORMATION.
34
35

36 **RECOMMENDED FOR ADOPTION:**

- 37
38 (6) SUNSET REVIEW REPORT OF THE MEDICAL SOCIETY OF THE STATE OF NEW
39 YORK’S COMMITTEE ON REPORTS OF OFFICERS & ADMINISTRATIVE MATTERS
40

41 **RECOMMENDATION:**

42
43 Mister Speaker, your Reference Committee recommends that the Sunset Review Report of
44 the MSSNY Committee on Reports of Officers & Administrative Matters *BE ADOPTED*.
45
46

1 **RECOMMENDED FOR ADOPTION AS AMENDED OR SUBSTITUTED:**

2
3 (7) RESOLUTION 200 MEETING MANAGEMENT EDUCATION FOR
4 PHYSICIAN LEADERS

5
6 RECOMMENDATION A:

7
8 Mister Speaker, your Reference Committee recommends that the first resolved of
9 Resolution 200 *BE AMENDED BY ADDITION AND DELETION*:

10
11 **RESOLVED, That the Medical Society of the State of New York ~~develop~~ continue to**
12 **seek funding to provide a meeting management program education for leaders at all**
13 **levels, including committee chairs and officers; and be it further**

14
15 RECOMMENDATION B:

16
17 Mister Speaker, your Reference Committee recommends that the second resolved of
18 Resolution 200 *BE AMENDED BY ADDITION AND DELETION*:

19
20 **RESOLVED, That all ~~new~~ MSSNY leaders, appointed or elected, be encouraged to**
21 **participate in meeting management training. ~~Or to demonstrate that they have had~~**
22 **such training previously, and be it further**

23
24 RECOMMENDATION C:

25
26 Mister Speaker, your Reference Committee recommends that the third resolved of
27 Resolution 200 *BE AMENDED BY DELETION*:

28
29 **RESOLVED, That meeting management training be made available to all MSSNY**
30 **members.**

31
32 RECOMMENDATION D:

33
34 Mister Speaker, your Reference Committee recommends that Resolution 200 *BE*
35 *ADOPTED AS AMENDED.*

36
37 Resolution 200 asks (1) that MSSNY develop a meeting management program for leaders at all
38 levels, including committee chairs and officers (2) that all new MSSNY leaders, appointed or
39 elected, be encouraged to participate in meeting management training or to demonstrate that they
40 have had such training previously, and (3) that meeting management training be made available
41 to all MSSNY members.

42
43 Your Reference Committee heard testimony supportive of the goals of the resolution and the
44 value of meeting management education for medical society leaders and for physicians in all
45 aspects of their professional lives. It was reported that a program offered through the Medical
46 Educational, and Scientific Foundation of New York in the fall was extremely valuable and

1 could serve as a model for future sessions. The committee agrees that with the goal of providing
 2 such training to all members, but recognizes that funding to support this goal is the first
 3 objective. Therefore your Reference Committee recommends adoption of this resolution as
 4 amended.

5
 6 (8) RESOLUTION 201 MSSNY COMMITTEE STRUCTURE

7
 8 RECOMMENDATION A:

9
 10 Mister Speaker, your Reference Committee recommends that the first resolved of
 11 Resolution 201 *BE AMENDED BY ADDITION*:

12
 13 **RESOLVED, That the President-Elect of the Medical Society of the State of New
 14 York continue to analyze on an annual basis its committee structure with an
 15 intention to eliminate any committee not felt to be contributing directly to MSSNY's
 16 mission; and be it further**

17
 18 RECOMMENDATION B:

19
 20 Mister Speaker, your Reference Committee recommends that the second resolved of
 21 Resolution 201 *BE ADOPTED*:

22
 23 RECOMMENDATION C:

24
 25 Mister Speaker, your Reference Committee recommends that Resolution 201 *BE*
 26 *ADOPTED AS AMENDED*.

27
 28 Resolution 201 asks (1) that MSSNY analyze its committee structure with an intention to
 29 eliminate any committee not felt to be contributing directly to MSSNY's mission and (2) that an
 30 effort be made to combine committees wherever possible to reduce duplication, confusion and
 31 cost.

32
 33 Your Reference Committee heard testimony supporting the importance of committee review but
 34 noting that this is an activity undertaken each year by the incoming president. Therefore your
 35 Reference Committee recommends that Resolution 201 be adopted as amended.

36
 37
 38 (9) RESOLUTION 202 INCREASING MEDICAL STUDENT AND PHYSICIAN
 39 INTERACTIONS

40
 41 RECOMMENDATION A:

42
 43 Mister Speaker, your Reference Committee recommends that the first resolved of
 44 Resolution 202 *BE AMENDED BY ADDITION*:

1 **RESOLVED, That MSSNY encourage all county medical societies with medical**
2 **students and resident members to include representatives of those membership**
3 **segments on their leadership bodies, and be it further**
4

5 RECOMMENDATION B:

6
7 Mister Speaker, your Reference Committee recommends that the second resolved of
8 Resolution 202 *BE ADOPTED*.

9
10 RECOMMENDATION C:

11
12 Mister Speaker, your Reference Committee recommends that Resolution 202 *BE*
13 *ADOPTED AS AMENDED*.

14
15 Resolution 202 asks(1) that MSSNY encourage all county medical societies with medical students
16 training in that county to have a medical student representative on its board of directors and (2) that
17 county medical societies work with their medical student members to create outreach or
18 mentorship programs for medical students.

19
20 Your Reference Committee heard only positive testimony about the value of including medical
21 students in deliberations of county society governing bodies, and also agreed with testimony
22 recommending that county societies also be encouraged to involve residents and fellows in
23 leadership. Therefore your Reference Committee recommends that Resolution 202 be adopted
24 as amended.

25
26 (10) RESOLUTION 203 SUPPORT OF THE MSSNY/ DR. DUANE AND JOYCE CADY
27 HONOR FUND
28

29 RECOMMENDATION A:

30
31 Mister Speaker, your Reference Committee recommends that the first resolved of
32 Resolution 203 *BE AMENDED BY DELETION*:

33
34 ~~RESOLVED, That a voluntary donation of ten dollars to the MSSNY/Dr. Duane and~~
35 ~~Joyce Cady Honor Fund be added to the 2015 and future MSSNY dues bills;~~
36

37 RECOMMENDATION B:

38
39 Mister Speaker, your Reference Committee recommends that the second resolved of
40 Resolution 203 *BE AMENDED BY ADDITION*:

41
42 **RESOLVED, That a flier explaining the MSSNY/Dr. Duane and Joyce Cady Honor**
43 **Fund and its mission be enclosed with the MSSNY dues bill and that the fund be**
44 **explained in other MSSNY communications to the membership;**
45

46 RECOMMENDATION C:

1 Mister Speaker, your Reference Committee recommends that the third resolved of
 2 Resolution 203 *BE AMENDED BY SUBSTITUTION*:

3
 4 **RESOLVED, That MSSNY publish a list of donors to the Fund and feature articles**
 5 **on the scholarship recipients.**

6
 7 RECOMMENDATION D:

8
 9 Mister Speaker, your Reference Committee recommends that Resolution 203 *BE*
 10 *ADOPTED AS AMENDED*

11
 12 Resolution 203 asks (1) that a voluntary donation of \$10 for the MSSNY/Dr. Duane and Joyce
 13 Cady Honor Fund be added to the 2015 and future MSSNY dues bills; and (2) that a flier
 14 explaining this fund and its mission be enclosed with the MSSNY dues bill; and (3) that a list of
 15 all donors to this Fund be published in News of New York, along with feature articles on the
 16 scholarship recipients.

17
 18 Your Reference Committee heard only positive testimony about encouraging support of the
 19 MSSNY/Dr. Duane and Joyce Cady Honor Fund by a wider segment of the MSSNY
 20 membership. Concerns were raised by some delegates about the wisdom of setting a precedent
 21 for adding new voluntary items to the dues notice at a time when membership renewals are
 22 increasingly difficult to secure. Therefore your Reference Committee recommends that
 23 Resolution 202 be adopted as amended.

24
 25
 26 (11) RESOLUTION 204 NOMINATION PROCESS

27 RECOMMENDATION A:

28
 29 Mister Speaker, your Reference Committee recommends that the first resolved of
 30 Resolution 204 *BE ADOPTED*.

31
 32 RECOMMENDATION B:

33
 34 Mister Speaker, your Reference Committee recommends that the second resolved of
 35 Resolution 204 *BE AMENDED BY SUBSTITUTION*:

36
 37 **RESOLVED, That MSSNY seek new ways of disseminating information on the**
 38 **nomination process to the membership.**

39
 40 RECOMMENDATION C:

41
 42 Mister Speaker, your Reference Committee recommends that Resolution 204 *BE*
 43 *ADOPTED AS AMENDED*.

44

1 Resolution 204 asks (1) that the nomination process be posted on that MSSNY post its
2 nomination process on the MSSNY website and (2) review the nomination process in an effort to
3 streamline and simplify it. .

4
5 Your Reference Committee heard testimony indicating that details of the nominating process are
6 included in the MSSNY Bylaws and available to all members through the MSSNY website, yet
7 other comments made it clear that members are not aware that the information is available or
8 how to obtain it. Therefore your Reference Committee recommends that Resolution 204 be
9 adopted as amended.

10
11
12 (12) RESOLUTION 205 MSSNY TO PARTNER WITH THE “CHOOSING WISELY”
13 PROGRAM

14
15 RECOMMENDATION A:

16
17 Mister Speaker, your Reference Committee recommends that the first resolved of
18 Resolution 205 *BE AMENDED BY ADDITION AND DELETION*:

19
20 **RESOLVED, That the Medical Society of the State of New York endorse sign-on-as**
21 **~~a-partner-with-the~~ American Board of Internal Medicine’s *Choosing Wisely***
22 **program.**

23
24 RECOMMENDATION B:

25
26 Mister Speaker, your Reference Committee recommends that the second resolved of
27 Resolution 205 *BE AMENDED BY ADDITION AND DELETION*:

28
29 **RESOLVED, That the New York delegation to the American Medical Association**
30 **encourage the AMA to consider endorsing ~~also sign-on-as-a-partner-with-the~~ Aim’s**
31 ***Choosing Wisely* program.**

32
33 RECOMMENDATION C:

34
35 Mister Speaker, your Reference Committee recommends that Resolution 205 *BE*
36 *ADOPTED AS AMENDED*.

37
38 RECOMMENDATION D:

39
40 Mr. Speaker, your Reference Committee recommends that the title of Resolution 205 *BE*
41 *CHANGED TO READ AS FOLLOWS*:

42
43 MSSNY TO ENDORSE THE “CHOOSING WISELY” PROGRAM
44
45
46

1 Resolution 205 asks that MSSNY sign on as a partner with the American Board of Internal
 2 Medicine's *Choosing Wisely* program, and that the New York delegation to the AMA encourage
 3 the AMA to also sign on as a partner with this program.

4
 5 Your Reference Committee heard testimony indicating that the choosing wisely program has
 6 wide professional support, is not proscriptive, and helps physicians in mitigating the pressures to
 7 practice defensive medicine.

8
 9
 10 (12) RESOLUTION 206 INTERNET REVIEW OF PHYSICIANS

11
 12 RECOMMENDATION A:

13
 14 Mister Speaker, your Reference Committee recommends that Resolution 206 *BE*
 15 *AMENDED BY ADDITION AND DELETION*:

16
 17 **RESOLVED, That the Medical Society of the State of New York (MSSNY) ask the**
 18 **American Medical Association (AMA) to seek federal legislation and/or regulation**
 19 **~~that would~~ to amend internet privacy laws and require that websites hosting reviews**
 20 **of physicians obtain the name of the person posting the review, that this information**
 21 **will be kept on file, and that the website inform the poster that a physician**
 22 **requesting this information from the website in regard to a review must be provided**
 23 **with the name of the person writing the review.**

24
 25 RECOMMENDATION B:

26
 27 Mister Speaker, your Reference Committee recommends the addition of a second
 28 resolved for Resolution 206:

29
 30 **RESOLVED, That websites hosting reviews of physicians be required to post a**
 31 **warning against libelous and other legally inappropriate statements.**

32
 33 RECOMMENDATION C:

34
 35 Mister Speaker, your Reference Committee recommends that Resolution 206 *BE*
 36 *ADOPTED AS AMENDED*.

37
 38 Resolution 206 asks that MSSNY ask the AMA to seek legislation and/or regulation that would
 39 require that websites hosting reviews of physicians obtain the name of the person posting the
 40 review, that this information will be kept on file, and that the website inform the poster that a
 41 physician requesting this information from the website in regard to a review must be provided
 42 with the name of the person writing the review.

43
 44 Your reference committee heard a great deal of testimony regarding the harm that can come to a
 45 physician through anonymous website reviews, and some testimony indicating that internet
 46 privacy laws would have to be changed in order to provide any means of legal recourse for

1 physicians against individuals posting malicious or untrue comments. Therefore your Reference
2 Committee recommends that Resolution 206 be adopted as amended.

3
4 (13) RESOLUTION 210 TASKFORCE ON HOSPITAL MERGERS

5
6 RECOMMENDATION A:

7
8 Mister Speaker, your Reference Committee recommends that Resolution 210 *BE*
9 *AMENDED BY ADDITION AND DELETION*:

10
11 **RESOLVED, That the Medical Society of the State of New York ~~create a taskforce~~**
12 **~~of physicians that will seek to evaluate each potential hospital merger and submit~~**
13 **~~testimony to the New York State Department of Health and Federal Trade~~**
14 **~~Commission on the following characteristics, including but not limited to~~ solicit**
15 **relevant agencies to routinely engage MSSNY as a significant stakeholder in the**
16 **evaluation of hospital mergers or closures regarding characteristics including, but**
17 **not limited to:**

- 18
19 1) Maintenance of patient choice and market competition
20 2) Cultural sensitivity and minority and community representation
21 among key personnel
22 3) Compliance with MSSNY Position Statement 235.996
23 4) Provision of charity care consistent with the designation as a non-
24 profit
25 5) Assurance of adequate access to primary and subspecialty care
26 6) Ability to achieve and maintain high scores on measures of patient
27 satisfaction, patient safety and quality metrics
28 7) Preservation of the continuity ~~sanctity~~ of the physician-patient
29 relationship
30 8) Effect on graduate and undergraduate medical education.

31
32 RECOMMENDATION B:

33
34 Mister Speaker, your Reference Committee recommends that Resolution 210 *BE*
35 *ADOPTED AS AMENDED*.

36
37 Resolution 210 asks that MSSNY create a physician taskforce of physicians that will seek to
38 evaluate each potential hospital merger and to submit testimony to the NYS DOH and to the FTC
39 on eight areas of potential concern.

40
41 Your Reference Committee heard strong testimony regarding the impact of hospital mergers and
42 closures on physicians and patients, and about the failure of government policymaking bodies to
43 solicit physician input on these essential matters. Your committee has suggested several changes
44 in language to recognize the appropriateness of engaging the physician community in these
45 important decisions.
46

1 **RECOMMENDED FOR REFERRAL TO COUNCIL:**

2
3 (14) RESOLUTION 208 PRESERVING INDEPENDENT PRACTICE —
4 PHYSICIAN COOPERATIVES

5
6 RECOMMENDATION:

7
8 Mister Speaker, your Reference Committee recommends that Resolution 208 *BE*
9 *REFERRED TO COUNCIL.*

10
11 Resolution 208 asks that MSSNY use its resources to help create, on a pilot project basis, a
12 physician provider cooperative with a centralized infrastructure and a wide range of physician
13 members.

14
15 Your Reference Committee heard testimony about the concept of cooperatives as a possible
16 solution to problems physician practices are experiencing in the current environment, but
17 believes that it raises complex legal and antitrust issues. Because the proposal needs to be
18 evaluated against the backdrop of existing initiatives and legal precedents in the context of the
19 Affordable Care Act and existing MSSNY resources, your Reference Committee recommends
20 that this matter be referred to the MSSNY Council.

21
22
23 (15) RESOLUTION 209 MAINTAINING TAX EXEMPT STATUS FOR YOUTH
24 SERVICE ORGANIZATIONS

25
26 RECOMMENDATION:

27
28 Mister Speaker, your Reference Committee recommends that Resolution 209 *BE*
29 *REFERRED TO COUNCIL.*

30
31 Resolution 209 asks that MSSNY oppose any attempt to remove the tax exempt status of non-
32 profit youth service organizations that are so important to the health of our youth and the health
33 of our environment.

34
35 Your Reference Committee sympathizes with the goals of the resolution, but believes that we
36 cannot recommend policy without full exploration of many complex political issues informing
37 the matter. Therefore your Reference Committee recommends that this matter be referred to the
38 MSSNY Council.

39
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41 **RECOMMENDED FOR NOT ADOPTION:**

42
43 (16) RESOLUTION 207 MEDICAL LICENSING

44
45 RECOMMENDATION:

46

1 Mister Speaker, your Reference Committee recommends that Resolution 207 *NOT BE*
2 *ADOPTED.*

3
4 Resolution 207 asks that MSSNY make every endeavor to resume the function of physician
5 licensing/registration and discipline in New York State.

6
7 Your Reference Committee heard testimony about the history of medical licensing and is in
8 sympathy with the desire of the sponsors to have the medical societies return to their original
9 purpose of credentialing and disciplining physicians, but believes that the goal of the resolution
10 is beyond the resources of the Medical Society to administer. Therefore your Reference
11 Committee recommends that Resolution 207 not be adopted.

12
13
14 (17) RESOLUTION 212 MSSNY INTERNAL REPORTING SYSTEM

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16 RECOMMENDATION:

17
18 Mister Speaker, your Reference Committee recommends that Resolution 212 *NOT BE*
19 *ADOPTED.*

20
21 Resolution 212 asks (1) that MSSNY develop an internal independent unbiased mechanism for
22 addressing the issues of individuals with substantiated grievances regarding the leadership at the
23 county level; and (2) that disputed issues regarding a fair and proper election process at the
24 county level be eligible to receive an independent hearing and due process at the MSSNY level;
25 and (3) that MSSNY develop a policy on how to address these issues and the membership be
26 educated on the process of receiving justice.

27
28 Your Reference Committee heard testimony indicating that the mechanism requested by the
29 resolution already exists. MSSNY Bylaws provide for a Judicial Council to hear grievances by
30 members involving their county societies. Although the committee members believe that it
31 would be worthwhile for MSSNY to consider highlighting the existence of the bylaws on the
32 website and perhaps creating a directory to help members find relevant sections, your Reference
33 Committee recommends that Resolution 212 not be adopted.

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1 Your Chair is grateful to the Reference Committee members, namely: Richard J. Buckley, MD,
2 Alan Diaz, MD, Daniel J. Koretz, MD, Adolph B. Meyer, MD, and Peter Wyer, MD.

3
4 Your Reference Committee wishes to express its appreciation to Philip Schuh, Donald R. Moy.,
5 Esq. and Eunice Skelly for their help in the preparation of this report.

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9 _____
10 Maria Basile, MD, Chair

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12 _____
13 Richard J. Buckley, MD

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16 _____
17 Alan Diaz, MD

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20 _____
21 Daniel J. Koretz, MD

22
23
24 _____
25 Adolph B. Meyer, MD

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27
28 _____
29 Peter Wyer, MD