



Medical Society of the State of New York Council

Dr. Parag Mehta, President

MINUTES OF THE COUNCIL MEETING Thursday, November 3, 2022, 9:00 a.m. Via zoom

A meeting of the Council of the Medical Society of the State of New York (MSSNY) was held on Thursday, November 3, 2022 at 9:00 a.m.

Dr. Parag H. Mehta, MSSNY President, presided:

OFFICERS

Parag Mehta, MD
Paul Pipia, MD
Jerome Cohen, MD
Joseph Sellers, MD
Frank Dowling, MD
Howard Huang, MD
Joshua Cohen, MD
Mark Adams, MD
William Latreille, MD
Maria Basile, MD

COUNCILORS

David Jakubowicz, MD
Adolph Meyer, MD
Barry Rabin, MD
Janine Fogarty, MD
David Podwall, MD
Gregory Pinto, MD
Celeste Johns, MD
Mark Jajkowski, MD
Penny Stern, MD
L. Carlos Zapata, MD
Daniel Choi, MD
Jose David, MD
Daniel Gold, MD

TRUSTEES

Malcolm Reid, MD Chair
Daniel Koretz, MD
Charles Rothberg, MD
Thomas Madejski, MD

Arthur Fougner, MD
Robert Frankel, MD
Bonnie Litvack, MD

Executive Vice President

Troy Oechsner

MSSNY Legal Counsel

David Voza, Esq

Alliance

Helena Mirza, President

Excused

Leanna Knight
Jocelyn Young, DO

Commissioners

Inderpal Chhabra, MD

County Federation Representative

Stavroula Savelidis

Invited Guests

Humayan Chaudhry, DO
President, CEO Federation of State Medical
Boards
John Lombardo MD, MLMIC
Lori Hertz

Staff

Zina Cary
Sandra Bennett
Rosanne Raia
Pat Clancy
Moe Auster
Miriam Hardin
Michelle Nuzzi

Michael Bartlett
Maureen Ramirez
Kathy Rohrer
Julie Vecchione
John Vecchio

Jennifer Wilkes
Janine Miller
Heather Lopez
Brenda Van Nest
Amelia Soto

Call to Order and Roll Call

A. MINUTES. Council APPROVED the September 15, 2022 meeting minutes.

B. NEW BUSINESS

1. President's Report

a. *Interstate Medical Licensure Compact* – Dr. Humayun Chaudhry

Dr. Chaudhry gave a power point presentation on the FSMB which oversees the Interstate Medical Licensure Program. At the completion of the presentation, Dr. Chaudhry opened the floor for questions. Dr. Mehta thanked Dr. Chaudhry for his presentation. Dr. Mehta indicated that there should be further discussion on this and certainly the point that Dr. Rothberg made regarding vertical monopolies in health care and telehealth. Dr. Mehta received a question whether MSSNY has policy from the House of Delegates. He responded, not that we know of. It had been debated within MSSNY in the past and had been decided not to support it. The AMA does support it. Dr. Mehta further noted that we need to be part of the discussion on how this will be enacted in the state of New York. He noted that it might be reasonable for someone to submit a resolution to the House of Delegates to initiate this discussion.

Dr. Lombardo from MLMIC noted that in New York a physician is required to adhere to the regulations of the area in which he/she practices regardless of where the patient is located. Dr. Mehta thanked everyone for their input and moved on in the agenda.

b. *Nominating Committee Announcement* – Dr. Mehta thanked all the Districts for submitting their nominations in a timely manner. Dr. Mehta then submitted to record his appointments for the next nominating committee. Since there were no comments, Dr. Mehta moved on to the next agenda item. Dr. Zapata made a motion to accept the nomination letter into the record. Dr. Mehta pointed out that it is the prerogative of the President to form the nominating committee and moved on to the next agenda item.

c. *Website Update* – Julie Vecchione shared the results of the survey with the members. There were about 130 participants. The majority only visited once or twice a year. The goal is to improve that with the new website and make it a site that is important to all NY physicians. Most accessed by desktop. Most important was paying dues, legislative priorities, House of Delegates. Asking how many physicians engage in social media and that result was less than half. An example of the home page of the new website was posted. Because Impexium will not launch until January or February, certain information is being pulled off iMIS. Julie hopes this will be up and running soon. Dr. Gold noted that MSSNY may want to look into the way we do surveys, so they are not slanted in certain directions.

d. Empire Foundation Bylaws - Dr. Mehta then requested to enter executive session. He asked The Councilors; Dr. Reid, Chair of the Board of Trustees, Troy Oechsner, Executive VP and Mr. Vozza, MSSNY Counsel to stay, everyone else was advised to sign off. When asked how they would return to the meeting after executive session, Michael Reyes explained they would be in a breakout room until completion of executive session.

Dr Madejski pointed out that the Trustees are considered members of the Council with a voice, but without a vote. Dr. Mehta asked Dr. Madejski to leave the meeting. Dr. Madejski indicated he would not and that he would have to be removed. Dr. Madejski asked that the record reflect that he was leaving under protest. So noted.

Executive Session – Proposed changes to the Empire Foundation bylaws were discussed at length in Executive Session. Among the items discussed and matters decided:

Dr. Jakubowicz noted that the current composition of the Executive Session appears appropriate. David Vozza opined that it is appropriate to include the members currently attending the Executive Session.

Council passed by majority a motion reaffirming that it is the Council’s view that, under MSSNY Bylaws, it is the MSSNY Council and not the Board of Trustees who have the authority to act as the Member for purposes of approving the Empire State Foundation proposed bylaw changes.

Council also passed by majority a motion to authorize Dr. Mehta to ask Drs. John Astuni and John Kennedy to look into how relations between the MSSNY Board and Council can be improved on this matter.

Dr. Reid presented the MSSNY Board of Trustees Report. After substantial discussion, Council approved the first four bullets in the Report. After further substantial discussion, Council then voted by simple majority not to approve the 5th bullet in the Report which stated that the Board recommended engaging an independent consultant to review the proposed Empire Foundation bylaw changes and that the bylaws changes should not be considered until the independent consultant completed their work.

Mr. Vozza opined that the proposed Empire Foundation bylaw changes are lawful insofar as they maintain the autonomy of the two organizations (MSSNY and the Foundation). He also noted that it was ultimately up to Council whether the changes were in the best interests of MSSNY and acceptable.

After further discussion, Dr. Joshua Cohen moved for Council to retain an independent consultant to review the proposed Empire Foundation bylaw changes. Council voted and did not pass the motion.

Drs. Zappata and Pipia moved to postpone any discussion on the Empire Foundation bylaws until at least the next Council meeting. The vote was approved by a majority.

General Session resumed

2. Board of Trustees Report Dr. Malcolm Reid. Report presented and approved as modified per above.

3. Secretary's Report - Dr. Howard Huang recommended that the Council approve the following physicians as Lifetime members of MSSNY. These members have been proposed by their county medical societies:

Bronx	Patel, Rasik, Highstown, NJ 08520
New York	Kleinman, Ruth, Brooklyn, NY 11235
Onondaga	Ehrick, Dennis, New York, NY 10019
	Griffin, John, Syracuse, NY 111235
	Johnson, Brian, Syracuse, NY 13224
	Reagan, Joseph, Jamesville, NY 13078
	Rozanski, Richard, Manlius, NY 13104
	Teitelbaum, Charles, Fayetteville, NY 13066
Queens	Doughlin, Kenneth, Jamaica, NY 11418
Westchester	Jamal, Habib, Rye Brook, NY 10573

A motion was made to approve – seconded – and all voted in favor. Motion approved.

4. MLMIC Update – Dr. John Lombardo reported that MSSNY and MLMIC have come together to create programs and resources to drive patient safety, practice transformation and risk management and will be presented throughout New York State. These programs will provide CME credits and will be provided via webinar. There will be a dedicated risk management hotline for MSSNY members and MLMIC policy holders. MLMIC and MSSNY will be working together to create an on line database dealing with online presence and risks and potential exposures. MLMIC, MSSNY and many other organizations have been working tirelessly together to get the governor to veto the wrongful death bill.

5. AMA Delegation Report - Dr. Charles Rothberg presented the report, noting the many federal issues including restoring proposed cuts to Medicare physician payments. Dr. Rothberg also noted the preparations for the upcoming AMA Interim Meeting in Hawaii.

6. MSSNY PAC Report – Dr. Thomas Lee noted that the Executive MSSNYPAC board met this morning. This is all in the DGA report provided to you. Our goal is to expand our member base as our current members have been carrying the financial burden. We discussed the IT platform that MSSNY is trying to put into place.

7. County Federation Report – Ms. Stavroula Savelidis stated she would rely upon the Report as submitted.

8. Legislative & Physician Advocacy Committee – Dr. Gregory Pinto reported:

- The Draft 2023 MSSNY Legislative Program was submitted for approval. Dr. Pipia entertained a motion to pass the 2023 MSSNY Legislative Program. Motion by Dr. Zapata, 2nd by Dr. Dowling to adopt the 2023 Legislative Program. Motion passed.
- Priorities Survey. Discussion on sending a survey to members regarding legislative priorities.

C. REPORTS OF OFFICERS

1. Office of the President – Parag H. Mehta, MD. No report

2. Office of the President-elect – Paul Pipia, MD, noted that there was a lot of work done in executive session this morning. He hoped we will be able to work towards a more unified MSSNY going forward.

3. Office of the Vice-President – Jerome C. Cohen, MD. No report.

4. Office of the immediate Past President – Joseph Sellers, MD. No report.

5. Office of the Treasurer – Mark Adams, MD, reported that income for 2022 looks good. Looks like it will come in a bit over budget. Dues were about what was estimated. Our investment earnings are a bit above what we had estimated. Expenses – information technology is in the red. That was offset by unused funds that had been allocated for meetings. Dr. Adams observed that we expect to be in the black for 2022. Looking ahead to 2023, he added, the \$713,000 for PPP will not be recurring. We are in the process of working on other resources to offset that.

6. Office of the Speaker – Bill Latreille, MD, reported that the speakers letter went out about a week ago. Our most valuable staff person with regard to the House of Delegates has chosen to retire. That is Laurie Mayer. A round of applause for this woman who has done so much for this organization. Troy has put together a team – led by Michael Reyes. Under the tutelage of Laurie who has agreed to stay on as a consultant, we hope to move forward towards the 2023 House of Delegates.

D. Report of Councilors

1. Kings & Richmond Report – Adolph Meyer, MD, stated that they had a legislative agenda meeting at Borough Hall. State Senator Rivera was in attendance. There was also a dinner for the 3 previous presidents, Dr. Melniker, Dr. Volurous and Dr. Boudavalli and it was well attended. We continue to look for resolutions. Thank you to Heather Lopez for assistance with collecting unpaid bills.

2. Manhattan & Bronx Report – David Jakubowicz, MD, reported the following action item:

- **Action Item - 2023 MSSNY Nominating Committee presented by NY County** – Dr. Jakubowicz indicated that New York County did not speak to him about this and he has a direct conflict since he is the endorsed candidate from the 1st district. If there is anyone from the 1st district here that wishes to speak to the issue, please do. The action item is to change the current structure of the nominating committee so that each member would nominate 2 candidates and that we have an election at the House of Delegates. MSSNY has not done this before. Anyone has the ability to nominate off the floor at the House of Delegates. Nominating more than one candidate would then require an election campaign.

Dr. Joshua Cohen noted that he has been nominated for a position and thinks anyone here that has been needs to let the Council know.

Dr. Jakubowitz remarked that he was in attendance at the last meeting. This proposal came from an executive session. He further stated that he was not advised of it and did not attend the executive session of New York County. It is important to note that this proposal came from New York County and NOT the 1st District.

After extensive discussion, Dr. Pipia put it up to a vote. Dr. Pipia asked for clarification from Dr. Latreille as to who is allowed to vote. Dr. Latreille replied: The officers, the counselors, the chair of the Board of Trustees, the Speaker and the Vice-Speaker are allowed to vote.

The motion by the New York County regarding the nominating committee was disapproved by a majority.

3. Nassau County – David Podwall, MD, report as submitted.

4. Queens County – Penny Stern, MD, report as submitted.

5. Suffolk County – Daniel Choi, MD, noted that they had a successful social networking event. Engaging with Stonybrook students about having a column in our newsletter.

6. 3rd District Branch - Jose David, MD, report as submitted

7. 4th District Branch – Geogry Pinto, MD, asked everyone to mark your calendars January 28, 2023 Lake Placid. There will be information coming out for all the leadership and anyone else that is interested in coming.

8. 5th District Branch – Barry Rabin, MD, report as submitted

9. 6th District Branch -Celeste Johns, MD, report as submitted.

10. 7th District Branch – Janine Fogarty, MD, report as submitted.

11. 8th District Branch – Mark Jajkowski, MD, report as submitted.

12. 9th District Branch – Daniel Gold, MD, report as submitted.

13. Medical Student Section Report – Leanna Knight, report as submitted

14. Organized Medical Staff Section Report - Luis Carlos Zapata, MD. No report submitted.

15. Resident & Fellow Section Report – Randall Porter, MD. No report submitted

16. Young Physician Section Report – Jocelyn Young, MD. No report submitted

E. Commissioners

- 1. Commissioner of Communications** – Maria Basile, MD, report as submitted.
- 2. Commissioner of Continuing Medical Education** Daniel Choi, MD, report as submitted.
- 3. Division of Governmental Affairs** – Gregory Pinto, MD, approved the Legislative Program for 2023.
- 4. Commissioner of Membership** – David Jakubowicz, MD, reported that Suffolk County has two group memberships – St. Charles and Mathers. Each group has merged with someone else. There are 129 physicians that overlap between St. Charles and Mather, but there are 440 physicians that are solely St. Charles from whom Suffolk is no longer getting dues from. Dr. Jakubowicz presented the following action item: Suffolk is asking Council for permission to bill them individually.

Dr. Maria Basile observed that this is a very complex issue. It involves two hospitals that had operated as one medical staff under one set of bylaws separating into two separate medical staffs where there is a significant overlap of members.

After extensive discussion, Dr. Rothberg asked that workgroup be considered to look into the matter.

Dr. Pipia said that he would ask Dr. Mehta to form a group. Dr. Pipia also asked that the record reflect that the January Council meeting is the drop-dead date for the decision and vote on this matter.

- 5. Commissioner of Science and Public Health** – Joshua Cohen, MD, presented the Emergency Preparedness Disaster/Terrorism Minutes. He further noted that the Public Health Education Report is as submitted.
- 6. Commissioner of Physician Payment & Practice** – Inderpal Chhabra, MD, Report as submitted. He noted that Heather Lopez handled 99 inquiries. Need to get word out to the members of this excellent benefit.

F. Office of the Executive Vice-President Troy Oechsner

1. Goals and Measures update. Troy provided a PowerPoint that updated the Council on MSSNY goals and measures of success in achieving those goals. He reported the many areas where MSSNY has achieved goals around building membership, increasing non-dues revenue, reducing unnecessary expenses, and improving advocacy. Troy further noted that there are many more goals, particularly around building membership, that need further improvement.

2. Membership Dues Revenue Schedule and Group Institutional Dues Report. Troy also updated the Council on the latest reports on dues revenue, noting that MSSNY is generally on target to meet projected dues revenue for the first time

in many years. Troy also noted that there is much more work to be done, which is part of the MSSNY Membership Plan developed by Valerie Cammiso and

G. Report of the General Counsel – Mr. David Vozza. No report submitted

H. Alliance – Helena Mirza, Alliance Co-President. No report submitted.

I. Other Information/Announcements

J. Adjournment. Dr. Mehta requested a motion to adjourn the meeting. All approved.