



MSSNY'S END OF SESSION REPORT

Final Budget Agreement: Governor Hochul and the New York State Legislature enacted a \$229 billion state budget for fiscal year 2023-24. This budget package produced several significant victories for organized medicine following months of extensive advocacy by MSSNY, together with county and specialty medical societies. These victories include:

✓ **Funding MSSNY's Committee for Physicians' Health.**

Extends MSSNY's Committee for Physicians' Health program until 2028 with its full \$990,000 appropriation.

✓ **Prior Authorization Reform.**

Prohibits a health insurer from denying an appealed claim or prior-authorization request for lack of medical necessity unless the claim is reviewed by a physician in the same or similar specialty as the patient's treating physician.

✓ **Excess Medical Malpractice Insurance Program.**

Continues the Excess Medical Malpractice Insurance Program for nearly 16,000 physicians without new conditions or cost impositions.

✓ **Medical Student Loan Relief.**

Maintains the expanded level of funding (\$15.8 Million) for the Doctors Across New York medical student loan repayment program.

✓ **Health Insurance Guaranty Fund.**

Creates a Health Insurance Guaranty Fund to cover patient and health provider claims if an insurer becomes insolvent.

✓ **Increasing Medicaid Payments.**

Increases payment for Medicaid E&M codes to 80% Medicare.

✓ **Supporting Veterans.**

Continues funding the Veterans Mental Health Training Initiative, an educational partnership between MSSNY, the NYS Psychiatric Association, and the National Association of Social Workers.

✓ **Tobacco Prevention.**

Raises cigarette taxes by \$1/pack and increases funding for education and cessation efforts.

Public Health Wins: Throughout the 2023 legislative session, MSSNY was able to ensure passage of significant legislation that will benefit the lives of physicians and their patients. We are urging physicians to [contact Governor Hochul](#) to ask that she sign these bills into law. Here are some examples of legislation important to physicians that passed both houses:

✓ **A.6017/S.3449 - Immunity for Physician Committees.**

Protects organizations that set up physician committees (such as MSSNY's Committee for Physicians' Health) from being sued.

✓ **A.463-A/S.2677-A - Limits Step Therapy.**

Requires health insurers to provide more detailed information and appeal rights to patients and their physicians when a request to override step therapy protocol has been denied.

✓ **A1673-A/S.1196-A - Expands Access to Biomarker Testing.**

Requires health insurers to cover biomarker testing for diagnosis, treatment, or management of a patient's disease when the test is supported by medical and scientific evidence.

✓ **A.6046-B/S.2475-B - Protects Access to Gender Affirming Care.**

Protects parents and guardians who come to New York so their children can receive gender-affirming care, as well as the physicians and healthcare practitioners who provide this care, from being subjected to legal action from other states.

Scope Expansion Bills Rejected Through MSSNY Efforts: MSSNY has been hard at work in the halls of the Capitol advocating on behalf of physicians and their patients. Working collaboratively with advocacy groups such as hospital associations and specialty societies, we were successful in convincing the legislature to reject a litany of scope expansion bills, such as:

👉 **A.1262-A/S.66-A - Expands Scope of Psychologists.**

Would have allowed psychologists to prescribe psychotropic medications.

👉 **A.5012/S.5520 - Expands Scope of PAs.**

Would have allowed PAs to practice independently.

👉 **A.2217-A/S.2254 - Expands Scope of Podiatrists.**

Would have allowed podiatrists to treat up to the knee.

👉 **A.6445/S.6800 - Expands Scope of NPs.**

Would have made permanent currently temporary provisions for NPs to practice without physician collaboration.

👉 **S.769-A/A.6958-A - Expands Scope of CRNAs.**

Would have allowed CRNAs to administer anesthesia without physician oversight.

Stop Wrongful Death Liability Expansion! MSSNY is urging all physicians to [contact Governor Hochul](#) and request that she veto legislation (A.6698/S.6636) that could significantly increase physician medical liability premiums by expanding the types of damages awardable in a wrongful death action. This legislation is very similar to a bill vetoed earlier this year by Governor Hochul after significant advocacy by healthcare, business, and municipal groups.

This bill will intensify patient access to care issues by increasing already exorbitant liability costs for physicians and hospitals. If enacted...

- 👉 Physicians in private practice will see their medical malpractice insurance rates increase by 39%, according to a Milliman study done by MSSNY and hospital associations.
- 👉 Employed physicians will see their employers' costs increase by as much as 45% (for self-insured hospitals and large groups), reducing their ability to pay you.
- 👉 Meanwhile, New York already has the highest liability awards and costs in the US.

Again, please [contact Governor Hochul](#) to make sure that we [#DontChasePhysiciansOutOfNY](#)

