



MEMORANDUM

MEDICAL SOCIETY OF THE STATE OF NEW YORK

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February 15, 2024

TO: MSSNY Council

**FROM: Jocelyn Young, DO
MSSNY Public Health and Education Commissioner**

**SUBJ: 2023 Resolution 252 Initial Assessment and Treatment
Recommendation by Specialists**

MSSNY House of Delegates determined that the 2023 Resolution 252 – Initial Assessment and Treatment Recommendation by Specialists should be referred to the MSSNY Council and council in turn referred the resolution to the MSSNY Bioethics Committee. At the February 2, 2024, meeting of the Bioethics Committee, the sponsor was unable to appear at the committee meeting due to work commitments, but they did submit written testimony on the following resolution:

RESOLVED, that it shall be MSSNY Policy that the ethical and best practice of patient care dictates it is the responsibility of the physician to develop the diagnosis and treatment in the new evaluation of a patient.

In the testimony submitted, Tingyin Tina Chee, MD, indicated that “the principles of autonomy, beneficence, non-maleficence, and justice are all infringed on by the growing ways non-physician practitioners are being allowed to function essentially independently in NYS and across the US.” They also indicated that the patient should know the level of training, expertise, and experience of the healthcare professional taking care of them and when there is a referral to another physician specialist that the patient should expect that the “specialist” evaluating them should have greater education and experience than the referring physician. Dr. Chee indicated that this was not the case and that non-physicians are being allowed to function independently in not only Yet, there is no guarantee that when a board-certified physician makes a referral “general” field of primary care and in the emergency department, but also in subspecialty fields.

The Committee discussed this resolution and review Dr. Chee testimony and indicated that the resolution appeared to be too broad and that should be narrower. Members were also unclear if the resolve pertained to primary care or specialty care. Committee members suggested that the resolution should refer to either primary care or specialty care. And that it be worded so that a new problem or a new diagnosis, new evaluation is, still under the supervision of a physician. Committee members agreed that this resolution had merit and thought it best to go back to the author to rework and then resubmit the resolution to the 2024 House of Delegates. Therefore, the Committee made the following recommendation:

The MSSNY's Bioethics Committee recommends that this resolution not be adopted, and that the resolution be further clarified by the sponsor with the intent of this resolution being brought to the 2024 House of Delegates.

(FOR MSSNY COUNCIL ACTION)