



MSSNY Council

MINUTES OF THE COUNCIL MEETING Thursday Morning, November 2, 2023 9:00 am

MSSNY Officers in Attendance

Paul A. Pipia, MD, President	Jerome Cohen, MD, President-Elect
David Jakubowicz, MD, Vice-President	Howard Huang, MD, Secretary
Parag Mehta, MD, Immediate Past-President	Mark Adams, MD, Treasurer
Bernadette Riley, DO, Assistant Secretary	Frank Dowling, MD, Assistant Treasurer
William Latreille, MD, Speaker	L. Carlos Zapata, MD, Vice-Speaker

Councilors in Attendance

Niraj Acharya, MD	Scot Glasberg, MD
Jose David, MD	Gregory Pinto, MD
Hemant Kalia, MD	Robert Kimball, MD
Celeste Johns, MD	Elana Sitnik
Mark R. Jajkowski, MD	David Podwall, MD
Daniel Gold, MD	Penny Stern, MD
Daniel Choi, MD	Charles Lopresto, DO
Suresh Sharma, MD	Realba Rodriguez, MD
Jocelyn Young, DO	Anna Heffron, MD

Board Members in Attendance

Robert Frankel, MD, Chair	Bonnie Litvack, MD
Arthur Fougner, MD	Thomas Madejski, MD
Charles Rothberg, MD	

Executive Vice President

Troy Oechsner

MSSNY Staff in Attendance

Moe Auster	John Vecchio
Pat Clancy	Miriam Hardin
Terrance Bedient	Melissa Hoffman
Heather Lopez	Michael Bartlett
Julie Vecchione	Zina Carey
Valerie Cammiso	Robyn Cangemi
Michael Reyes	

Guests in Attendance

Thomas Lee, MD
Roy Korn, Schoharie County

General Counsel

Jay Silverman, Esq.

County Federation Representative

Stavroula Savelidis

MLMIC

John Lombardo, MD

Empire State Foundation

Leah McCormack, MD

A. CALL TO ORDER AND ROLL CALL

Dr. Pipia called the meeting to order.

B. MINUTES

A motion was made to accept the minutes of the Council meeting on September 28, 2023.
The motion was **approved**.

C. NEW BUSINESS

1. President’s Report – Paul A. Pipia, MD

a. Wrongful Death Update. Dr. Pipia said that MSSNY’s fight to veto this bill is like trying to “push a large boulder up a hill”. Although the lookback went from 3.5 years to only three years, it really does not help. For MSSNY, it is still not an acceptable bill. Out of all the senators and assembly people, only around 20 in both groups voted “no”. MSSNY needs to try to get the Governor to veto the bill again and perhaps get chapter amendments. Dr. Pipia suggested that, when calling the Governor’s office, all should be registered as offering condolences for her father’s passing.

Moe shared the condolence letter that he wrote to the Governor on Dr. Pipia’s behalf. Moe presented the PowerPoint on Wrongful Death. First, he thanked everyone for what they have been doing in efforts to veto the bill. MSSNY has been working closely with the County Medical Societies and Specialty Societies. Outside of MSSNY, the Lawsuit Reform Alliance, municipalities, hospitals, business groups, and MLMIC have partnered with MSSNY on these efforts as well. They have taken this issue outside of the healthcare realm and made it a much broader societal issue. This has led to more public awareness.

Mo asked that everyone urge other physicians they know to take action from MSSNY’s Grassroots Action Center. MSSNY has sent out about 2,000 letters since July. Working with County Medical Societies across the state has led to at least a half dozen op-eds. Moe noted press releases that were done, exposure on social media, newspaper articles, stories from NY physicians relating to the impact and harm of this legislation, and the Keep Your Doctor

in New York campaign. Moe concluded the presentation by asked everyone to ask other physicians in their circles if they have yet called the Governor.

*A motion was made to suspend the Council meeting and go into the Meeting of the Member with the Empire Foundation. The motion was **approved**.*

b. Empire State Medical, Educational and Scientific Foundation Member Annual Meeting. Dr. Pipia spoke of the three people who are recommended for the Empire Foundation's Board. He shared the name of the incumbent, Kira Geraci-Ciardullo, MD, MPH whose nomination he supported. He also shared the names of the two individuals he recommended to replace the two coming off the Board. These recommendations were for Liana Leung, MD, MPH, FACP and Corlis Adam Varnum, MD. Dr. Litvack asked about CVs for the above named Board nominees and statements about why they want to be on the Board. Dr. Pipia said that they are out there, and he has reviewed them. Dr. Litvack would like that in the future, CVs such as these be included in the materials for the Council meeting so people can see them before voting.

*A motion was made to approve the three people named above for the Empire Board. The motion was **approved**.*

*Dr. Pipa made the motion to adjourn the meeting of the Member. The motion was **approved**.*

*Dr. Pipia made the motion to re-open the Council meeting back up. The motion was **approved**.*

c. Non-Dues Revenue Update. Dr. Lee presented a summary report from a series of meetings founded in MSSNY's Strategic Plan to expand non-dues revenue. He thanked the Non-Dues Revenue Committee members and staff. He also thanked the numerous vendors, contractors, and business partners he has spoken to over the past three months. He gave special acknowledgement to Dr. Glasberg who has been working on the physician payment practice consult monetization process. He said that these projects will require "all hands on board". He stated that to achieve success, we must grow, and that it does take spending some money to make money. MSSNY may even need to employ a Chief Development Officer at some point in time. According to Dr. Lee, some ideas were tabled at this time but the ideas they are focusing on now are divided into short- term and long-term projects.

According to Dr. Lee, one short-term project is the monetization of the physician payment practice consult program. We will be charging a fee of 5% for members and 20% for non-members, obviously making it favorable to be a member. If the volume reaches their target of 5 million dollars, they may employ a new coding staff member. This project will be co-marketed with County Medical Society partners. Another short-term project is HOD Sponsorships. Historically, they were in the \$50,000 range (Dr. Mehta exceeded that drastically by getting above \$100,000). However, Dr. Lee said this needs a concerted effort. There is an urgent need to start ahead of time. They are in the process of interviewing outside vendors to help MSSNY run the programs. He is awaiting the evaluation of the preferred vendor (documentation of the return on investment and new business generated). Other short-term projects were mentioned, including CME expansion and benefits for vendors at the HOD. One long-term project was deferred and there are two that will be

implemented. The first one is planned giving and the next one is involved projects requiring public and private fundings for MSSNY's public education.

Scott Glasberg stated that the future of MSSNY depends on non-dues revenue. He deeply feels that MSSNY needs a Development Officer. He also thinks an RFP needs to be done.

Dr. Jakubowicz pointed out that Life Membership is a source of Membership loss.

Many commended the Non-Dues Revenue Committee for their hard work.

Dr. Glasberg made a motion that MSSNY investigate hiring a Development Officer. He said that doing so will "pay for itself". He believes MSSNY could fail if they do not do so. Dr. Glasberg's motion was seconded.

Then, *Dr. Acharya moved to table Dr. Glasberg's motion* (does not think this is something that could be done on the fly). The motion to table this **was approved**

Dr. Pipia told Dr. Glasberg that people are in line with what he wants but they are not sure how MSSNY will pay for it since finances are tight right now.

Dr. Pipia made the motion to approve monetizing Heather Lopez's work pending all legal items and everything that needs to go to the board of Trustees. The motion was **approved**.

Dr. Dowling mentioned that he was at a meeting where vendors showed 30 second videos at their tables, where they talked about their companies and products. He said it did not feel intrusive. Every time there was a changeover of vendors, video was played. Dr. Dowling suggested MSSNY do this in the meeting room at the HOD. Members would be happy that even if half of the room gets up, they know many others are seeing their videos. He suggested doing something like this with the vendors at the HOD. Dr. Pipia said this can be done in between the Refcon A and B meetings. It will be Dr. Latreille's call. Dr. Latreille said it sounds good to him and Dr. Pipia said that going forward, it is an action item that MSSNY will want to be approved.

Last, Dr. Lee stated that additional items will eventually need Council approval but they are not yet starting them at this time. Dr. Pipia thanked him for all his work.

c. Naloxone Resolution and EpiPen legislation in Nassau (Newsday article)

Dr. Pipia said that though Epi Pens will not be discussed at this meeting, he included the Epi Pen Newsday's article in the agenda. Naloxone and Epi-Pens are two totally different topics but he wanted people to see how municipalities are concerned about giving medications out to people who are not there.

Dr. Dowling stated that the former Surgeon General Jerome Adams tweeted a comment that there should be Naloxone wherever there are AEDs. He disagrees with the writer as this would not be worthwhile. One modeling study estimated that in Alleghany County 16% of Naloxone administrations were occurring within 200 yards of an AED location, which would suggest that 1/7 opioid overdoses could be reversed and potential lives saved. Dr. Dowling said that he hoped to bring this as a late resolution.

Dr. Pipia asked who was in favor of pushing this through today. He made it clear that this is not a mandate. It is MSSNY "suggesting". It was **not approved** to push through today.

d. OMSS Resolution on Healthcare Workers + Masking. Dr. Lopresto presented this resolution previously to Council. It was referred to the Infectious Disease Committee. They cleaned up some of the language. It says that if hospital employees opt out of updated Covid vaccinations, they should be encouraged to wear masks during periods of high community spread of Covid 19. This masking policy would align with the Influenza masking policy during periods of high spread and prevalence for unvaccinated healthcare workers. They are not asking for any legislation or mandates. It would basically be an encouragement or a recommendation. It has the full unanimous support of the Infectious Disease Committee and Dr. Lopresto would like this to be adopted by MSSNY.

After brief discussion, *a motion to approve the resolution at this time was **not approved**.*

e. Huntington Hospital Dues Proposal. Dr. Pipia noted that it was decided in yesterday's Board of Trustees meeting that this proposal will go back to Drs. Jakubowicz and Podwall and the Membership Committee to be fully vetted. An answer has to be given within the next month.

f. Conflict of Interest (Dr. Pipia + Jay)

Dr. Pipia said that MSSNY had a Conflict of Interest Policy but he has not been asked to sign it in years. Dr. Silverman spoke of his draft Policy. He said that a Conflict of Interest Policy is required by law for a non-profit. It has to meet certain requirements of the law and there needs to be an approval process with regard to certain related party transactions. This pertains to certain individuals of the organization where their financial or personal interests could reasonably be viewed as affecting the objectivity of those that are in a position at the organization. This can include Directors, Board Members, Council, and certain other key employees. It has an annual disclosure requirement and questionnaire.

He gave the example of his wife was a director of a not for profit and a legal issue came up. If she recommended to the Board that they use his law firm, as they are qualified to handle this, she would have to disclose that he is her husband. She would also not be able to vote on the action to hire his firm.

Dr. Pipia said that MSSNY definitely wants this type of policy. Jay Silverman's draft is not yet ready to be voted on Dr. Pipia stated that he wanted to "move the needle along".

g. Non-Compete Clause Bill: Letter to the Editor + Times Union Article

Dr. Pipia summarized that overall, MSSNY is against Non-Compete Clauses from large hospital groups. However, some have issues with these clauses from private practices that hire a number of different doctors. The ones signing do not want any from anywhere. Mo said that there is a bill before the Governor that would prohibit Non-Compete Agreements on a going forward basis if it is signed into law. This would apply to non-profits. He shared the letter to the editor to the Times Union Article that he and Julie wrote. Since MSSNY supports the prohibition of Non-Compete Clauses imposed by hospitals and private medical practices, he felt that MSSNY had to say something. MSSNY has written to the Governor to support the bill and carve out private practices in non-shortage areas. According to Moe, the article almost implied that MSSNY was opposing the bill, which it was not. He is concerned that if it does get vetoed, people may think that MSSNY played a role in that happening. Dr. Pipia agreed that MSSNY should say something. He asked the Council if he should sign the letter or not and said that everyone should feel free to email him to discuss.

h. AMA Delegation Report. Dr. Rothberg thanked Dr. Pipia for taking him out of order as he requested. Dr. Pipia asked Dr. Rothberg if he is ok with letting Dr. Lopresto have one of MSSNY's alternate seats at the upcoming meeting at no additional cost to MSSNY (Dr. Lopresto is going anyway). Dr. Rothberg agreed and said that the HOD opens up a week from tomorrow, on November 10, 2023. They will be reviving their "infamous" Dutch Treat dinner on Sunday night. Handbook groups have already met. They are working hard on resolutions. Some handbook groups have met with colleagues from the Great Lakes.

2. Board of Trustees Report – Robert Frankel, MD. *A meeting of the MSSNY Board of Trustees was held on Wednesday evening, November 1, 2023 at 7:00 PM. The actions taken by the Board at that meeting include:*

- 1. The Board approved the Board of Trustees minutes of the Meeting on September 27, 2023.*
- 2. The Board approved the 2024 MSSNY Budget as a proposed working document with certain adjustments that include increased funding for the Medical Student Section.*
- 3. The Board approved the three-year extension of the MLMIC Agreement.*
- 4. The Board referred the Huntington Hospital dues membership proposal from Suffolk County Medical Society back to the Membership Committee for review in order for the Committee to obtain answers to certain questions, including identifying the net financial and member gain for MSSNY and the County Medical Society.*
- 5. The Board discussed a possible contract with Event Performance Group for sales and management services for the 2024 MSSNY House of Delegates, with direction to have certain questions answered and a review by Jay Silverman, our General Counsel, subject to a final review and approval by the Board of Trustees as soon as possible, preferably within the next 30 days.*

3. Secretary's Report – Howard Huang, MD

Dr. Huang presented the names of the nominations for MSSNY's Life Membership. There were no dues remission requests. *A motion was made to approve this report.*

Motion approved.

4. MLMIC Update – John Lombardo, MD. Dr. Lombardo stated that Mo's summary of the Grieving Families Act was excellent. He said that this bill will affect non-physicians as well as physicians. It is not only doctors that can write the Governor. He suggested that all encourage their spouses and older children to write as well. He stated that it looks like the Governor will request this bill at the end of December 2023. Dr. Lombardo also spoke of a meeting of the Westchester County Medical Society on Thursday, November 30, 2023 that MLMIC is sponsoring with MSSNY. Heather Lopez will speak about physician payment and practice. MLMIC is sponsoring a talk on fraud and abuse investigations. He thanked MSSNY for having MLMIC as their guest at the Council meetings.

Nominations. Dr. Pipia spoke of Resolution 212 that was passed at the 2023 HOD. This resolution requires MSSNY to make a task force. He said that nominations have been somewhat difficult because quarantine protection against the cyber attack has led to lots of emails getting tied up. Their nominations are pretty much set and can be posted on the site

soon. However, Dr. Pipia would like to wait until all nominations are in because he has a committee selected for the Task Force. If someone is up for election, that person will be removed from the Task Force. An email will be sent out soon. They just need enough time to deliberate and produce a report.

6. MSSNYPAC. Dr. Lee said that the MSSNYPAC Executive Committee met prior to this meeting. Financials are slightly ahead of last year. He thanked those in the President's Circle and Councilor's Club for their continued support. Dr. Lee shared that the MSSNYPAC reviewed multiple issues facing the Society. They discussed the changing landscape on liability, as well as the collaboration with various Ethnic Societies. Their next meeting will be in January, 2024. He said to expect a collaboration with MSSNY in getting sponsorships for the PAC.

7. County Federation Report – Stavroula Savelidis

Stav said that her report is as submitted. The Federation is predominantly working on Wrongful Death. For the last few months, they have been collaborating very well together and supporting each other with events. Stav wishes there was more participation from some counties, but they make do with who is there. Dr. Pipia brought up the issue of Impexium having some difficulty with collection of dues. He said that there was concern that some counties may not get money in time. If a county is having trouble making ends meet, he said that MSSNY can assist with an advance. Troy agreed with Dr. Pipia that advances to counties are available. He also emphasized that everyone, especially leaders, needs to update their Impexium Profiles. Troy apologized for the problems with the initial billing. Although MSSNY has indeed collected some amount of dues, the MSSNY staff team is still calculating the exact amounts collected in October. Aimana ElBahtity from Erie County expressed her disappointment with the billing situation and how it is affecting Erie County. Sahe said that she has resorted to issuing electronic invoices herself to members.

8. Office of the Speaker – William Latreille, Jr., MD

Dr. Latreille had to be somewhere so Dr. Pipia took his report out of order. Dr. Latreille said that the HOD is scheduled for April 12-14, 2024. Requests for volunteers to serve on reference committees have been sent out to the County Executives. The "soft deadline" to receive names for consideration will be January 8, 2024. Reference Committee appointments will be completed by February 9th. Deadlines to receive 2024 HOD Resolutions will be March 1, 2024. Preparatory deadline for nominations for Officers, Councilors, or AMA Delegates will be March 25, 2023 and virtual Reference Committees will meet between March 25th and March 31st of 2024. All voting will be at the House for AMA Delegates, Officers, Councilors, etc. Dr. Latreille mentioned the potential for vendors to make major contributions to the House. He also stated that the Lake Placid Retreat will be held at the Mirror Lake in Lake Placid on January 27, 2024.

9. Legislative & Physician Advocacy Committee – Mark J. Adams, MD

Legislative Program for Council Approval. Dr. Adams thanked Moe and staff, the committee that participated in working on this program, as well as Drs. Murray and Pinto. He spoke about the survey they conducted and its 5 major categories. One major item to the survey revealed the items most important to physicians, including reducing liability costs, addressing hassles with health insurance companies, preventing physician burnout, and preventing government mandates. Dr. Adams concluded that the issues that are most important to physicians are those issues that help them do their job better and get them reimbursed. He said that these need to be stressed when marketing MSSNY's value. He

then addressed the Covid 19 vaccination controversy. Because of the changing view about Covid 19, there was a question about the Covid vaccines for children, as well as the wording that they are a significant protection for New Yorkers. He asked if it should be changed to those over 65, instead of all New Yorkers. The Committee vote was 10 to 10 (50/50). Dr. Pipia suggested to change it to families discussing with their physicians what is best in line for them. He said that COVID 19 is much different now than it was when this policy was first made (to support vaccines for all, including children). He suggested either taking the section out or saying that people should discuss it with their individual physicians. He would like to hold off on approving this. They may need to have a special meeting just for this item in the future. Dr. Pipia said that this is too important, and they have to get this right for MSSNY. *Dr. Pipia asked how many people wanted to vote on it today.*

It was recommended to use the reaction feature on the toolbar – a green check for yes and a red x for no. It was **approved** to vote on this another day. There will be another meeting later.

Moe asked if this is the only item that there is controversy with. Otherwise, he would like to print the rest. Dr. Pipia said if someone wants to bring up other items, he will allow it. He did say that there has to be a meeting soon (can even be at night). He would like it to take place before Thanksgiving. He also added that the Health Commission of Florida does not think anyone under 65 should do vaccinations for Covid anymore and those over 65 should discuss it with their doctors.

D. REPORTS OF OFFICERS

1. **Office of the President – Paul A. Pipia, MD.** Dr. Pipia said that there are lots of contentious things going on. They are trying to get Impexium together. They need to fix email problems, voting, and billing. He would like Gather Voices to be more scripted. He is happy with Dr. Lee’s accomplishments. He said some of the action items can be sent off to MSSNY’s attorney and MSSNY can “make some money”.
2. **Office of the President-Elect – Jerome C. Cohen, MD.** As submitted.
3. **Office of the Vice-President – David M. Jakubowicz MD, FACS.** As some people have already left the meeting, he will move his items to the next meeting. Quickly said that there is a decline in membership. MSSNY needs to stop the “bleeding”. There needs to be a younger audience. There is a huge budget issue with dues revenue. This affects MSSNY’s bottom line. MSSNY needs a plan to attract younger physicians and not alienate them. Membership is key!
4. **Office of the Immediate Past President – Parag H Mehta, MD.** Said that he will yield to others. Emphasized that the Grieving Families Act must be vetoed.
5. **Office of the Treasurer – Mark J. Adams, MD.** Will yield to Troy to discuss the budget. Troy said that in a nutshell, MSSNY is looking at big holes. It is the end of funding from the Employee Redemption Tax Credit. He said that the extra day at the HOS will increase that expense (about \$60,000). MSSNY will try to make up for these holes with non-dues revenue pieces, including monetizing Heather’s work and HOD sponsorships and a raffle. MSSNY is looking at using a reasonable amount of investment amounts (no more than 4%). Because MSSNY will still be a little short at the end of the day, there will need to be conversations on how to make this last piece up. Troy did say that the budget is closer to balanced than originally thought.

*A motion was made to approve the budget. The motion was **approved.***

E. REPORTS OF COUNCILORS (Informational)

1. Kings & Richmond Report – Niraj Acharya, MD. Dr. Acharya said he has nothing new to add.
2. Manhattan & Bronx Report – Dr. Scot Glasberg, MD
3. Nassau County Report – David Podwall, MD. As submitted.
4. Queens County Report – Penny Stern, MD. As submitted. Thanked everyone for all the work they are doing on the Wrongful Death Act.
5. Suffolk County Report – Daniel E. Choi, MD. As submitted.
6. Third District Branch Report – Jose David, MD. As submitted.
7. Fourth District Branch Report – Gregory L. Pinto, MD. Dr. Pinto is on an airplane right now. Dr. Pipia wished him well.
8. Fifth District Branch Report – Robert Kimball, MD. As submitted.
9. Sixth District Branch Report – Celeste A. Johns, MD. As submitted.
10. Seventh District Branch Report – Hemant Kalia, MD. As submitted.
11. Eighth District Branch Report – Mark R. Jajkowski, MD. Erie County has a very successful gala event. Thanked Dr. Pipia and Troy for attending.
12. Ninth District Branch Report – Daniel Gold, MD. As submitted.
13. International Medical Graduates Report – Suresh Sharma, MD. Will have an annual meeting and trying to have a joint caucus with IMG and ethnic groups.
14. Affairs Section Report – Realba Rodriguez, MD. As submitted.
15. OMSS Report – Charles Lopresto, DO. A resolution has been submitted to AMA on behalf of OMS on the passage of the Find Act. They would appreciate MSSNY's support for this item.
16. Resident and Fellow Section Report – Anna Heffron, MD. As submitted.
17. Medical Student Section Report – Elana Sitnik. As submitted.
18. Young Physicians Section – Jocelyn Young, DO. As submitted.

F. REPORT OF THE EXECUTIVE VICE PRESIDENT, Troy J. Oechsner

- *Strategic Plan Update.* Given the late time, Troy deferred his PowerPoint presentation updating the Council on Strategic Planning until the next regularly scheduled meeting of Council.

G. COMMISSIONERS (Informational and Action Items)

1. Commissioner of Governmental Relations, Gregory L. Pinto, MD
Not available – as submitted.
2. Commissioner of Membership, David M. Jakubowicz, MD
3. Dr. Jakubowicz already spoke. Please see above.
4. Commissioner of Public Health, Jocelyn Young, DO
As submitted.
5. Commissioner of Physician Payment & Practice, Inderpal Chhabra, MD
Heather Lopez said that the only change in the report is that the number of consults and recruited members are higher now than when submitted.
6. Commissioner of Continuing Medical Education, Daniel Choi, MD
Dr. Choi had to leave but Miriam Hardin said the committees have not met since the last Council meeting so there is no report.
7. Commissioner of Communications, L. Carlos Zapata, MD

As submitted. Dr. Zapata asked all Councilors to submit a Gather Voices. He also mentioned that they are considering replacing Bolton Healthcare with Smart Brief in order to generate more revenue. He asked everyone to please give feedback to himself or Julie Vecchione. Julie said that she was going to do a Gather Voices demonstration today but will do it at the next meeting because of the time. To make it easier, they came up with a few sentences/simplified it. In addition, she will put a blurb about it in the Pulse.

H. REPORT OF THE GENERAL COUNSEL, Jay Silverman, Esq.

Jay Silverman did not have a report.

I. ALLIANCE, Helena Mirza, Barabara Ellman Alliance Co-Presidents

Barbara Ellman did not have a report, but she wished everyone a great rest of their day.

J. OTHER INFORMATION/ANNOUNCEMENTS

The letter to Governor Hochul in conjunction with 51 medical societies that Moe referenced earlier was shared on the screen as an informational item. Dr. Pipia thanked everyone and said to send Troy's office any requests for meeting dates before Thanksgiving re: the Legislative Program.

K. ADJOURNMENT

Dr. Pipia **adjourned** the meeting.