

**GOVERNMENTAL AFFAIRS AND LEGAL MATTERS (A)**

- 50 Medical Liability Insurance Education for Employed Physicians  
*Introduced by the Fifth and Sixth Districts*  
**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, That the Medical Society of the State of New York work with MLMIC to facilitate the development of voluntary learning materials to help to educate physicians regarding medical liability coverage needs associated with practicing medicine in New York State.**

- 51 Affordable Care Act and NYS Medical Tort Reform  
*Introduced by Ninth District Branch Medical Societies(Dutchess, Orange, Putnam, Rockland and Westchester)*  
**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, that as part of its advocacy efforts to achieve comprehensive medical liability tort reform, the Medical Society of the State of New York should educate the public that patient access to necessary care is being threatened due to the confluence of decreased payment from health insurers resulting from implementation of the Affordable Care Act and the exorbitant cost of medical liability insurance.**

- 52 Physician Liability and Patient Protection under the False Claims Act  
*Introduced by the Suffolk County Medical Society*  
**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, that the Medical Society of the State of New York together with the AMA advocate for changes to the False Claims Act to assure that physician liability under the False Claims Act is limited to those instances where the practitioner had actual knowledge that a claim presented is false; and be it further**

**RESOLVED, that this resolution be forwarded to the American Medical Association for consideration at its next Annual meeting.**

- 53 Protection for Licensed Physicians not Participating in Government Healthcare Plans  
*Introduced by Ninth District Branch Medical Societies(Dutchess, Orange, Putnam, Rockland and Westchester)*  
**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, That the Medical Society of the State of New York re-affirm MSSNY Policies 2012-60, 2013-53 and 2013-54.**

**MSSNY Policy 2012-60 - that the Medical Society of the State of New York adopt as policy that medical licensure in New York State shall not require participation in Medicare, Medicaid, or any other governmentally sponsored health insurance program.**

**MSSNY Policy 2013-53:**

**That the Medical Society of the State of New York re-affirm MSSNY Policy 2012-60;**

**That the Medical Society of the State of New York adopt as policy that the ability to practice to the full extent of NYS medical licensure shall not be infringed based on enrollment and/or participation in any publicly funded or private health-insurance program;**

**That the Medical Society of the State of New York adopt as policy that physician participation in the Excess Medical Liability Insurance Program should not be based upon participating in Medicare/Medicaid, State Insurance Exchange, and/or any governmentally subsidized health insurance program**

**MSSNY Policy 2013-54:**

**That the Medical Society of the State of New York support federal legislation to repeal provisions in PPACA that require physicians to enroll in Medicare, Medicaid and other governmentally sponsored health insurance programs as a condition of referring, ordering or prescribing for patients enrolled in these programs;**

**That the Medical Society of the State of New York forward this resolution to the AMA for consideration at its next Annual meeting**

- 54            Restricting Prescriptions to Medicare Beneficiaries  
*Introduced by   Saratoga County Medical Society  
                          Bronx County Medical Society  
                          Third and Fourth District Branches  
                          Leah McCormack, MD, Queens County  
                          As an Individual*

**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, that the Medical Society of the State of New York advocate, including if necessary seeking legislation, to assure that health insurers and hospitals do not limit network participation, staff privileges, employment, or payments solely as a result of not having specialty board certification; and be it further**

**RESOLVED, that the Medical Society of the State of New York oppose any measure that would require specialty board certification as a condition of licensure.**

- 55            American Board of Medical Specialties (ABMS) Should Adhere to its Mission  
*Introduced by the Suffolk County Medical Society*

**SUBSTITUTE RESOLUTION ADOPTED IN LIEU OF 55 AND 64**

**RESOLVED, that the Medical Society of New York oppose the establishment of scope of practice limitations through the use of board certifications by the American Board of Medical Specialties and its member organizations; and be it further**

**RESOLVED, that this resolution be forwarded for consideration at the next American Medical Association Annual meeting.**

- 56            Maintenance of Licensure (MOL)  
*Introduced by the Suffolk County Medical Society*  
**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, That the Medical Society State of New York (MSSNY) shall oppose any Maintenance of Licensure (MOL) initiative that creates barriers to practice, is administratively unfeasible, is inflexible with regard to how physicians practice (clinically or not), that does not protect physician privacy, and that is used to promote policy initiatives (rather than competence) such as participation in health plans, subscription to data exchanges, and specialty board certification, etc., and be it further**

**RESOLVED, That MSSNY shall submit to the American Medical Association (AMA), at its annual meeting, a resolution seeking its opposition to any MOL initiative that creates barriers to practice, is administratively unfeasible, is inflexible with regard to how physicians practice (clinically or not), that does not protect physician privacy, and that is used to promote policy initiatives (rather than competence) such as participation in health plans, subscription to data exchanges, and specialty board certification; and be it further**

**RESOLVED, that the Medical Society of the State of New York re-affirm MSSNY Policy 2013-166; and be it further**

**RESOLVED, that the Medical Society of the State of New York submit a resolution for consideration at the next Annual Meeting of the American Medical Association urging that the AMA oppose the FSMB MOL program as a condition of licensure.**

**2013-166 - That MSSNY oppose any efforts by the New York State Education Department, Office of the Professions, to require the Federation of State Medical Boards (FSMB) maintenance of licensure (MOL) program as a condition of medical licensure.**

57

Exclusion of Physicians from the New York State Health Benefit Exchanges  
*Introduced by New York County Medical Society*

**SUBSTITUTE RESOLUTION ADOPTED IN LIEU OF 57 AND 59**

**RESOLVED, that the Medical Society of the State of New York re-affirm MSSNY Policy 2013-61; and be it further**

**RESOLVED, that the Medical Society of the State of New York continue to advocate to the Governor's office, New York State Health Insurance Exchange officials, the New York State Legislature and New York's Congressional delegation that all plans sold inside and outside of New York's Health Insurance Exchange have robust physician networks that enable patients to have sufficient choice of treating physicians and enable patients to continue to be covered for care provided by physicians with whom there are long-standing treatment relationships; and be it further**

**RESOLVED, that the Medical Society of the State of New York take efforts to prevent hospitals from directing their physician employees to not refer patients to private-practice physicians; and be it further**

**RESOLVED, that the Medical Society of the State of New York continue its ongoing public relations efforts to assure the public and policymakers are aware of the problems of narrow insurer networks.**

**2013-61 - That the Medical Society of the State of New York continue to advocate for legislation that requires health insurers to include within the network of any product offered by the insurer any physician who is able to meet the terms of participation in that network.**

58

Changes in Pre-certification for Medications to Reduce Delays

*Introduced by Nassau County Medical Society*

**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, that the Medical Society of the State of New York re-affirm MSSNY Policy 120.961; and be it further**

**RESOLVED, that the Medical Society of the State of New York continue to advocate to reduce the circumstances when pre-authorization for needed patient medications are required, including eliminating the requirement for annual re-authorization once a prior authorization for a prescription medication has been approved; and be it further**

**RESOLVED, that the Medical Society of the State of New York advocate to assure that health plan pre-authorizations for prescriptions be completed within 24 hours.**

**120.961      Impediments to Obtaining Pre-authorizations for Medically Indicated Diagnostic Tests: MSSNY to take appropriate steps including, if necessary, seeking the enactment of legislation and regulation, to eliminate unnecessary impediments imposed by health insurance companies to obtaining pre-authorization, including reducing the need and time for obtaining pre-authorization. (Council 3/3/08)**

59

Protection of Private Practice

*Introduced by New York County Medical Society*

**SEE RESOLUTION 57**

60

Access to Timely Care

*Introduced by New York County Medical Society*

**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, that the Medical Society of the State of New York advocate for legislation or regulation to assure the right of a patient to have insurance coverage to be treated by an out of network physician of the patient's choice if the plan network is inadequate to enable a patient to be treated by a needed specialist within 14 days of the patient's request, with payment based upon usual and customary rates.**

61

Development of a Transparent and Fair Payment Process for ERISA Plans

*Introduced by Medical Society of the County of Kings*

**ADOPTED**

**RESOLVED, That MSSNY introduce a resolution at the AMA House of Delegates to seek legislation through the Congress or through regulation by the Department of Labor which would require ERISA Plans to develop and administer a transparent and fair process for the payment of claims to providers, similar to States prompt payment laws and CMS regulation.**

62

Driving While Intoxicated, Impaired or Distracted by All Substances

*Introduced by New York Chapter, American College of Physicians*

**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, that the Medical Society of the State of New York advocate to assure that persons whose ability to drive is impaired by recreational intake of drugs not listed as**

**controlled substances under New York's Public Health Law are still subject to penalties under New York law prohibiting driving while intoxicated or driving while ability impaired by drugs; and be it further**

**RESOLVED, that the Medical Society of the State of New York continue to support programs that educate the public on the dangers of driving while intoxicated, or impaired.**

**63** Application of Debt Collection Improvement Act of 1996

*Introduced by the Suffolk County Medical Society*

**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, that the Medical Society of New York urge the American Medical Association to advocate for changes to the Debt Collection Improvement Act of 1996 so as to exempt CMS from having to report an outstanding debt to the Department of Treasury arising from a Medicare/Medicaid overpayment when such original overpayment is \$25 or less.**

**64** Protecting Rights of Residency Trained Physicians to Practice Medicine Within Their Scope of Practice and Maintain Board Certification While Doing So

*Introduced by the Resident and Fellow Section*

**SEE RESOLUTION 55**

**65** Requirement for Pharmacist to Label Expiration Date on Dispensed Medication

*Introduced by Monica Sweeney, MD, Kings County, as an Individual*

**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, that the Medical Society of the State of New York reaffirm MSSNY Policy 70.972.**

**70.972 Require Pharmacies to Print the Expiration Dates of Medications On All Prescription Labels:** MSSNY will support legislation to require that expiration dates of prescribed drugs be listed on the package for consumers, and to provide for enforcement of such provisions by the New York State Attorney General, and MSSNY will ask its delegation to propose a similar resolution to the American Medical Association. (HOD 00-162)

**66** Alternative Maintenance of Certificate

*Introduced by Thomas Madejski, MD*

*Charles Rothberg, MD*

*7th District Branch, MSSNY*

*8th District Branch, MSSNY*

**SUBSTITUTE RESOLUTION ADOPTED**

**RESOLVED, that the Medical Society of the State of New York introduce a resolution at the next American Medical Association meeting asking the AMA to explore the feasibility of developing an alternative Maintenance of Certification (MOC) program as a member benefit.**