



March Begins Budget "Crunch Time"- Please Urge Legislature to Reject Proposals Jeopardizing Patient Access to Community-Based Physician Care

With the Assembly and Senate close to advancing their respective "one-House" Budget proposals, the time is now for physicians to urge their legislators to reject the numerous adverse items contained in the FY 2024-25 Executive Budget that will make it even more difficult for patients to maintain access to community-based physician care. Physicians can use the tools available on MSSNY's Grassroots Action Center ([p2a.co](https://www.p2a.co)) to aid physicians in speaking out on these proposals. Please also plan to come to Albany for MSSNY's Physician Advocacy Day ([Flyer](#)) on March 12 ([Registration](#)) to meet with your Senators and Assemblymembers in person.

MSSNY has noted to legislators some positive items in the Governor's Executive Budget, including investments in the Patient-centered Medical Home program, further medical student loan repayment programs, telehealth payment parity; and expanded health insurance subsidies for those purchasing coverage through New York's Health Insurance Exchange. However, these beneficial provisions are significantly outweighed by numerous other problematic initiatives that would harm patient access to care by limiting available physicians to deliver care. These include:

- **Opposing CPH Elimination.** Opposing a proposal in Part L of the HMM Art. 7 Budget bill to repeal authorization for the MSSNY's Committee for Physicians Health (CPH) program. [CPH-Repeal-Oppose\(mssny.org\)](https://www.cph-repeal-oppose.org). CPH has for over 40 years provided needed treatment services for thousands of physicians facing behavioral health or addiction issues. Last year, the State Legislature and the Governor agreed to continue this essential program for an additional 5 years. CPH is not funded out of the General Fund but through a \$30 set-aside through the physicians' biennial registration fee that results in an annual appropriation to CPH of \$990,000.

Please send a letter to your legislators here to preserve the essential services provided by the CPH program: [Restore Funding for CPH Program \(p2a.co\)](https://www.restorefunding.org)

- **Opposing Huge Cost Imposition for Excess Medical Malpractice Insurance Coverage.** Opposing a proposal in Part K of the Art. 7 HMM Budget bill that would impose thousands to tens of thousands of dollars in new costs on the nearly 16,000 physicians enrolled in the Excess Medical Malpractice Insurance program, by requiring physicians to

pay 50% of the coverage cost [Excess Change Oppose \(mssny.org\)](https://mssny.org). This is a nearly \$40 million hit to community-based physicians across the state who already pay among the highest medical liability insurance costs in the nation. For many downstate surgeons, this cost will be in tens of thousands of dollars!! Many physicians will face no choice but to decline the coverage because of lack of affordability.

Please send a letter to your legislators here to oppose this unfair cost imposition: [Reject Cost-Share for Excess Insurance Program \(p2a.co\)](https://p2a.co)

- **Opposing Repeal of Physicians' Right to Appeal Claim Underpayments.** Opposing a proposal in Part H of the Art. 7 HMH Budget bill that would repeal the ability of physicians to bring claim disputes with Medicaid Managed Care plans to the Independent Dispute resolution (IDR) process [IDR-Repeal-Oppose \(mssny.org\)](https://mssny.org). This change, which would overturn a recent action by DFS to permit the right to appeal these claims through IDR, will lead to steep health insurer payment cuts and network reductions, and discourage many physician specialists from providing essential on-call emergency department care.

Please urge that these changes be rejected: [Retain Right to IDR \(p2a.co\)](https://p2a.co)

- **Protect Physician-Led Team Care.** Opposing a series of scope expansion proposals in Part Q of the Art. 7 HMH Budget bill to permit Physicians Assistants (PAs) to practice without any physician supervision or collaboration after 8,000 clinical hours if they practice in primary care or are employed by a hospital; Permitting dentists to perform screening tests for HIV, Hepatitis and Diabetes; and authorizing pharmacists dispensing PrEP on a non-patient specific prescription basis. [Protect Physician-Led Team Care \(mssny.org\)](https://mssny.org)

Please send a letter to your legislators urging them to [Preserve Physician-led, Team-based Healthcare \(p2a.co\)](https://p2a.co)

- **Protecting Patient Access to Needed Medications and Treatments.** Opposing proposals in Part I of the Art. 7 HMH Budget bill that would increase prior authorization hassles for Medicaid prescriptions by repealing "prescriber prevails" protections and give power to Medicaid to reimburse physicians for injectable medications at amounts even less than what the physician office paid to acquire the injectable medication.

MSSNY has been working with specialty societies and other physician groups to send joint communications to the entire State Legislature raising our collective concerns with each of these proposals, and the urging the Legislature to instead advance proposals that will incentivize physicians to remain in practice in New York.

(DIVISION OF GOVERNMENTAL AFFAIRS)

NYS DFS Announces Proposed Regulation Requiring Insurers to Provide Increased Access for Mental Health & Substance Use Disorder Services:

DFS announced this week [DFS Proposed Regulation \(ny.gov\)](https://ny.gov) proposed regulations to create network adequacy standards for behavioral health services, including establishing wait time limits for behavioral health care for commercial insurance coverage. Furthermore, when an in-network provider is not available within those wait times standards, the regulation will require insurers to allow access to an out-of-network provider who can meet those standards, at no additional cost.

The announcement comes on the heels of Governor Hochul's recent efforts to increase access to mental health services by making provider directories easier to navigate, establishing provider network adequacy requirements related to appointment wait times and initiating other important consumer protections. The DFS regulation will also specific information to be included in provider directories, including provider affiliations with facilities and restrictions on a provider's scope of services, such as age of patients or mental health conditions treated; as well as requiring

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insurers to submit to DFS an annual certification regarding an insurer's access plan that must include collection of data and monitoring of its behavioral health network.

The New York State Department of Health (DOH) recently proposed an identical regulation for health maintenance organizations (HMOs), including Medicaid managed care plans, child health plus, and the Essential Plan.

MSSNY will continue to track this issue and update members on new policies.

(CARY)

Senator Gillibrand Joins Numerous Senators in Calling for Cancellation of Cuts to Physician Medicare Payments

MSSNY thanks U.S. Senator Kirsten Gillibrand for adding her name to a letter [medicare-cuts.pdf \(senate.gov\)](#) sponsored by her Senate colleagues, Senator John Boozman (R-AR) and Senator Peter Welch (D-VT) along with 30 bipartisan cosigners, which was sent to Senate leaders this week calling for a legislative solution to protect access to Medicare services by canceling the 3.37% cut to physician Medicare payments that went into effect on January 1.

Congress is expected to consider the 2024 appropriation funding bills in the coming days and MSSNY will continue to work together with the AMA and numerous other physician advocacy groups for including repeal of the devastating 3.37% Medicare cut in this package. Please continue to contact your Representatives and Senators here [Take Action | Fix Medicare Now](#) to urge that Congress take action to restore this cut.

(CARY)

Women Physicians Leadership Academy Starts This Weekend!

The MSSNY Women Physicians Leadership Academy programming starts again this weekend, Saturday March 2nd, with our first session "The Importance of Networking". The session will start promptly at 7:45 am and go on until 11:15 am. There is still time to register, click [here!](#) To register for the March 9th and March 16th sessions, please click the links below:

[March 9, 2024: Enhancing Physician Wellness and Belonging](#)

[March 16, 2024: Designing Your Medical Career](#)

If you are unable to attend one of the sessions, they will be placed on-line at the [MSSNY CME website](#) as enduring material approximately one month after the live activity.

(RENTO)

Registration Now Open Medical Matters CME Webinar A Primer on Natural & Technological Disasters

It sometimes seems that there is a constant barrage of disasters occurring, both small and large scale. Physicians and other healthcare professionals play an integral role in mitigating these disasters. Learn more about disaster preparedness by registering for the next Medical Matters webinar, A Primer on Natural & Technological Disasters on March 20th at 7:30am. Arthur Cooper, MD, past chair of MSSNY's Committee on Emergency Preparedness and Disaster/Terrorism Response will serve as faculty for this webinar. Register now:

Educational objectives are:

- Outline various types of natural and technological disasters including causes, frequency and impact.
- Describe the medical impact natural and technological disasters can have on the population as a whole.
- Recognize the role and responsibility of physicians in disaster preparation and response.

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Additional information or assistance with registration may be obtained by contacting Melissa Hoffman at mhoffman@mssny.org

The Medical Society of the State of New York is accredited by the Accreditation Council for Continuing Medical Education (ACCME) to provide continuing medical education for physicians. The Medical Society of the State of New York designates this live activity for a maximum of 1.0 AMA PRA Category 1 credits™. Physicians should claim only the credit commensurate with the extent of their participation in the activity.

(HOFFMAN)

MSSNY Announces New Podcast on Respiratory Viruses



The 2022-2023 respiratory virus season inspired the term “Tripledemic”. Has the 2023-2024 respiratory virus season been comparable? Ways to prevent and treat Flu, RSV and COVID will be examined as well as what to expect in future respiratory virus seasons. Dr. Bill Valenti, chair of MSSNY’s Infectious Diseases Committee speaks about this timely and important topic in the latest MSSNY Podcast: [Respiratory Viruses 2023-2024: A Discussion with Dr. Bill Valenti on RSV, Flu & COVID.](#)

(HOFFMAN)