



Physicians Urge Legislature to Reject Litany of Budget Proposals that Jeopardize Patient Access to Physician-Delivered Care

Physicians must continue to advocate to 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. There are several tools available on MSSNY's Grassroots Action Center ([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 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, MSSNY physician leaders and lobbyists have been highlighting the following problematic initiatives that we are urging to be removed from the State Budget. These include:

- ***Opposing CPH Elimination.*** Opposing the proposal in Part L of the HMH Art. 7 Budget bill to repeal authorization for the MSSNY's Committee for Physicians Health (CPH) program. 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 \(p2a.co\)](#)

- ***Opposing Huge Cost Imposition for Excess Medical Malpractice Insurance Coverage.*** Opposing the proposal in Part K of the Art. 7 HMH 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. 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 \(p2a.co\)](#)

- **Opposing Repeal of Physicians' Right to Appeal Claim Underpayments.** Opposing the 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. 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 \(p2a.co\)](#)

- **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.

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

- **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)

Please Urge Your Legislators to Reduce Exorbitant Medical Liability Risk and Costs

With legislation again being introduced to greatly increase the damages awardable in wrongful death actions (A.9232/S.8485), physicians are urged to contact their legislators [Reduce Medical Liability Costs \(p2a.co\)](#) to request that any legislation to expand liability costs also take corresponding steps to help reduce our already staggering medical liability costs, far above any other state in the country. Increasing these exorbitant costs by any amount, let alone the potential 40% increase that actuaries have predicted when analyzing this legislation, will almost certainly exacerbate existing patient access to care challenges in our healthcare system.

Governor Hochul recently vetoed – for the second time – legislation that would have expanded the types of damages awardable in wrongful death actions. Her veto message appropriately highlighted the "significant unintended consequences" of this proposal, including the impact to our community healthcare infrastructure because of the likely huge increase in liability costs it would face through these expanded liability awards. Despite this veto, legislators have now re-introduced the exact same bill without making any revisions to contain its impact on the healthcare system that had been suggested by the Governor.

New York's exorbitant liability costs are a major reason why New York is regularly ranked as one of the worst states to be a physician [Best & Worst States for Doctors \(wallethub.com\)](https://www.wallethub.com/insight/best-worst-states-for-doctors), and certainly a factor for the various shortages we face. Please urge your legislators to work for comprehensive legislation that will bring down these already untenable costs instead of making the problem even worse, and further harming patient access to needed care.

(AUSTER)

Women Physicians Leadership Academy March Registration Now Open!

Join MSSNY and MESF for the March 2024 Women Physicians Leadership Academy, a series of virtual leadership webinars for physicians, residents, and med students. This academy will be held over a series of Saturdays in March (March 2, 9, 16) from 7:45-11:15 am. The Fall sessions (October 21, 28, November 4) are now available on the [MSSNY CME website](#). Topics for the March series will include the importance of networking, enhancing physician wellness and belonging, and designing your medical career. Participants can earn a maximum of 18 continuing medical education credits for the completion of the entire series. March registration links are below:

[March 2, 2024: The Importance of Networking](#)

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

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

(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.

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)