NYSPA EXECUTIVE COMMITTEE MEETING
Conference Call
February 25, 2020
8:00 P.M.

1. January 28, 2020 Minutes
2. Dues Comparison Statement
3. Albany Report
4. MSSNY HOD Delegate
5. April 4, 2020 NYSPA/Area Council Meeting
MINUTES OF THE MEETING OF THE
EXECUTIVE COMMITTEE
January 28, 2020
Meeting by Conference Call

PRESENT:

JEFFREY A. BORENSTEIN, M.D., President
EDWARD HERMAN, M.D., Vice President
MARVIN KOSS, M.D., Treasurer
VIVIAN PENDER, M.D., Area II Trustee
SEETH VIVEK, M.D., Past-President
JEFFREY FREEDMAN, M.D., Chair, Public Affairs
RICHARD GALLO, Legislative Consultant
JAMIE PAPAPETROS, Legislative Staff
SETH P. STEIN, ESQ., Executive Director
RACHEL FERNBACH, ESQ., Deputy Director
DONNA GAJDA, Coordinator

Dr. Borenstein called the meeting to order. The following issues were discussed:

1. Minutes. The minutes for the December 17, 2019 Executive Committee meeting were reviewed and accepted.

2. Financial Statement. The Committee reviewed a financial statement for the period January through December, 2019. Mr. Stein reported that, although the Rule of 95 continues to impact our dues revenue, a 2020 dues increase and reductions to both legislative and central office expenses should help us achieve a balanced budget this year.

3. Dues Comparison Statement. Mr. Stein reported that, although the dues comparison statement shows an increase from 2019 at this time, it also makes clear the effects of dues erosion over the last few years.

4. PAC Financial Statement. The Committee reviewed the PAC financial report for the period January through December, 2019. Mr. Stein reported that both contributions and contributors have increased from last year.

5. Albany Report. In addition to the written report that was distributed to the Executive Committee, Mr. Gallo reported on the following:

Mr. Gallo stated that he attended the Westchester Legislative Brunch. The brunch was well-attended by both members and legislators.

A preliminary report summarizing the New York State Executive Budget was included with the written Albany report. Mr. Gallo highlighted a number of the items that were proposed in the
Budget including the legalization of marijuana, regulation of pharmacy benefits managers, the establishment of the Behavioral Health Parity Compliance Fund, a reduction in malpractice rates, and a reduction in small business tax. The Physician Excess Medical Malpractice Program has been extended for another year as has the Committee on Physicians’ Health. The Governor is proposing that the Medicaid Redesign Team be reconvened. Copayments on insured payments for patients who need a monthly supply of insulin will be capped at $100. Increased funding for housing for the mentally ill was included in the budget as well as a proposal to extend CPEP emergency observation from 72 to 96 hours. The budget includes a $150,000 re-appropriation for the Veterans Grant.

Mr. Gallo reported that a bill prohibiting insurers and health plans from requiring prior authorization for the initial or renewal prescription for all buprenorphine products, methadone or long-acting injectable naltrexone for detoxification or maintenance treatment of substance use disorder was signed by the Governor. A similar bill prohibiting prior authorization under Medicaid was vetoed by the Governor, citing Medicaid’s budget deficit.

A bill that would significantly curtail the ability of insurers and health plans from making mid-year formulary changes was vetoed by the Governor.

As an alternative approach to an Albany-based Advocacy Day, Mr. Gallo reported that Dr. Martin will be sending out a letter to the district branches offering to arrange for interested members to meet with legislators in their local district offices.

MSSNY will be holding a Physician Advocacy Day in Albany on March 4, 2020. MSSNY is interested in having presidents of the specialty societies be part of a panel to discuss their interests legislatively and in terms of the Executive Budget.

Mr. Gallo reported that the Mental Health Association has asked if NYSPA would sign on to a letter to support the Three for Five Campaign. This is a campaign to provide a 3% increase for the not-for-profit service sector for the next five years. Mr. Gallo will circulate the statement and, barring any objections from the Executive Committee, NYSPA will sign on to the letter.

6. MSSNY Sign-On Letter. Mr. Gallo distributed a copy of a letter from MSSNY, for the Committee’s review, opposing an Executive Budget proposal that would allow the NYS Health Department to make public information about physicians under disciplinary investigation. MSSNY is asking specialty societies to sign on to their letter and to consider submitting their own letters as well as asking members to write, through MSSNY’s website, opposing this proposal as well.

There being no further business, the meeting was adjourned.
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<th>Dues Income</th>
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<th>November</th>
<th>December</th>
<th>End of Year Total</th>
<th>January</th>
<th>February</th>
<th>Total through February</th>
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New York State Psychiatric Association, Inc.
Area II Council of the American Psychiatric Association
400 Garden City Plaza, Garden City, N.Y. 11530 • (516) 542-0077

Government Relations Office
123 State Street, Albany, N.Y. 12207 • (518) 465-3545

ALBANY REPORT FOR EXECUTIVE COMMITTEE MEETING
TUESDAY, FEBRUARY 25, 2020

GLENN MARTIN, M.D., CHAIR OF COMMITTEE ON LEGISLATION

Prepared by:
Richard J. Gallo
Jamie Papapetros

I. UPDATE ON GOVERNOR’S EXECUTIVE BUDGET PROPOSAL FY 2020-21

The preeminent focus of the Governor and Legislature continues to be the adoption of a state budget for FY 2020-21. We previously circulated a summary of the major elements of interest in the Governor’s Executive budget proposal. At this stage in the process, the Senate and Assembly concluded thirteen joint hearings examining aspects of the budget related to environmental conservation, transportation, health, human services, mental hygiene, higher education, work force, housing, local government, elementary education, public protection, economic development and taxes. The next step in the process is the revenue consensus forecast where the Executive, Senate and Assembly must reach an agreement on the expected revenue for the coming year. The Senate and Assembly will release their one-house budget proposals in mid-March staking out areas where they agree or disagree with the Executive budget proposal setting forth budget negotiations in earnest ahead of the April 1 deadline. The other added layer of complexity is the Legislature will also have to contend with the report and recommendations of the Medicaid Redesign Team (MRT) II for finding $2.5 billion in recurring savings to the Medicaid Program. The MRT II report and recommendations are due back to the Legislature by mid-March. For those interested, additional information on the MRT II process is enclosed.

On Friday, February 22, 2020, the Governor released his 30-day budget amendments. Here is a summary of the 30-day amendments that are of interest for psychiatry:

- The allocation for the Excess Medical Malpractice program is limited to June 30, 2020 with the expectation the program will be part of the discussion by the MRT II.
- Establish the “Curing Alzheimer’s Health Consortium” within SUNY – The purpose of the consortium is to identify genes that predict an increased risk for developing the disease as well as collaborating with research institutions within SUNY and Department of Health on opportunities to develop new therapeutic treatment and cures. The proposal requires SUNY to issue a request for proposals to partner with hospitals within SUNY and other not-for-profit hospitals licensed under Article 28 and non-profit higher education research institutions for the purpose of mapping the genomes of individuals suffering from or at risk of Alzheimer’s.
- Collaborative Drug Therapy Management – Executive budget proposes making permanent a demonstration program that authorizes pharmacists to perform collaborative drug therapy management with a physician and proposes expanding it to include nurse practitioners and physician assistants. The 30-day amendments remove physician assistants.
- Expansion of Medication Assisted Treatment under Medicaid Managed Care and Medicaid Fee for Service –
  - Department of Health to publish a statewide formulary of opioid dependence agents and opioid antagonists.
  - Prior authorization will not be required when a health care provider prescribes a medication that is on the statewide formulary of opioid dependence agents and opioid antagonists unless otherwise required by DOH’s Drug Utilization Review Board.
o When a health care provider prescribes a medication that is not on the statewide formulary of opioid dependence agents and opioid antagonists, the managed care plan is required to have a process for the individual or the prescriber to request a review for the medication not on the formulary.

o Prohibit prior authorization for methadone when used for opioid use disorder and administered or dispensed in an opioid treatment program.

o For commercial insurance plans, prohibit prior authorization for immediate coverage of methadone when used for opioid use disorder and administered or dispensed in an opioid treatment program.

Once the Senate and Assembly put forth their one-house budget, joint budget conference committees will be established to work to resolve the remaining areas of difference.

Regarding the Executive budget proposal with respect to physician oversight at the Office of Professional Medical Conduct (OPMC), MSSNY has revised and updated the letter signed by medical specialty societies, physician assistants and others to incorporate NYSPA’s particular concern about the publication of administrative warnings.

II. UPDATE ON GOVERNOR’S EXECUTIVE BUDGET PROPOSAL FY 2020-21: MEDICAID REDESIGN TEAM II

Governor Cuomo established the Medicaid Redesign Team (MRT II) to develop a plan for achieving $2.5 billion in recurring savings, which is to be adopted as part of the 2020-21 budget. MRT II is chaired by Michael Dowling, president and chief executive officer of Northwell Health, and Dennis Rivera, former president of SEIU 1199 and consists of 21 members with Donna Frescatore, New York’s Medicaid Director serving as the Executive Director of MRT II. The composition of the other members: MRT II is consists of representatives from 3 hospitals, 2 health plans, 2 provider organizations, 2 labor unions, 1 Performing Provider System, Suffolk County government, 1 disability advocate who has been associated with the Consumer Directed Personal Assistance Program, senior vice chancellor of SUNY, one top finance staff member from Senate and Assembly, and the commissioners of OMH, OASAS, OPWDD and DOH. The director of the budget, Robert Mujica, serves ex officio.

The MRT II held its first meeting in Albany on Tuesday, February 11, 2020, which was largely informational with the Division of the Budget and Department of Health outlining the areas of fiscal concern for Medicaid and the timeline within MRT II has to work. The MRT II has since held three public comment forums around the State to gather additional input and feedback. MRT II established a separate long-term care advisory group, which will present its recommendations at the 2nd meeting. Long-term care is the fastest growing expense for Medicaid.

The areas where course correction may need to be addressed by the MRT includes: long term care; distressed hospitals and other supplemental payments; prescription drugs; transportation; care management including health homes; and, program integrity. The MRT II is also empowered to address recommendations in the components and growth rate of the Global Cap; however, changes in the local contribution (of counties) are outside the scope of the MRT II. The Executive Budget proposal further contains a stipulation that if a plan is not adopted to achieve $2.5 billion in savings the DOH can implement across the board reduction to Medicaid payments to achieve such savings.

The timeline for MRT II:

o First meeting of the MRT II was held on Tuesday, February 11, 2020.

o Proposals/recommendations for MRT II to consider are due by February 21 at 12 p.m. (NOON)

o 2nd Meeting – March 4th:
  • Review public feedback and proposals
  • Review condensed list of proposals
  • Discuss proposal evaluation framework

o 3rd Meeting – Mid-March (date TBD):
  • Review draft reform proposals
  • Discuss modifications
  • Finalize recommendations
III. LEGISLATION

- **S.7758 (Harckham)/A.6132 (McDonald)** – Senator Harckham has introduced companion legislation to Assembly A.6132, which would authorize psychologists to prescribe. **STATUS:** The bills are in the Senate and Assembly Higher Education Committees.

- **S.6831 (Hoylman)/A.8820 (Dinowitz)** – The bill would amend New York’s Civil Practice Law and Rules to prohibit the application for admission (New York State Bar Application) to practice law in New York State from including questions that require the disclosure of mental health and substance use disorder diagnosis and treatment. **NYSPA has submitted a memo in support of the bill. STATUS:** The Senate bill (S.6831) has advanced from the Senate Judiciary Committee to the Senate calendar. The Assembly bill is in the Assembly Judiciary Committee.

- **A.1033 (Gottfried)/S.5441 (Sepulveda)** – Use of psychotropic medications in nursing homes – Under this bill, a health care professional cannot order or increase an order for a psychotropic medication for a patient unless the health care professional has obtained the written informed consent of the patient or the patient’s lawful representative. The bill outlines disclosures that must be given as part of the consent. The bill does contain a section where consent would not be required “where it is reasonably necessary in an emergency to protect the life, health or safety of the patient or another person.” The bill authorizes the DOH Commissioner to promulgate regulations. NYSPA has opposed the bill in the past and will continue to do so. **STATUS:** Assembly bill passed on February 24, 2020. Senate bill is pending in committee.

- **A.8890 (Simon)/S.7709 (Kaplan)** – The legislation requires all private group and individual health plans to cover medically necessary services including habilitative and reconstructive services as a result of a congenital anomaly. The legislation is the centerpiece of the 1 in 38 campaign led by New York Society of Plastic Surgeons and more than one dozen medical specialty societies have signed onto a memo in support of the legislation including NYSPA. **STATUS:** The bills are in the Senate and Assembly Insurance Committees.

IV. ORGANIZING MEETINGS TO THE DISTRICT OFFICES OF SENATORS & ASSEMBLYMEMBERS FOR NYSPA DISTRICT BRANCHES

A letter was sent last week to district branch presidents and LRs with a copy to executive staff for help in building relationships at the local level between District Branch leadership and representatives in the New York State Legislature. The plan as envisioned would be for each district branch to convene a small group of psychiatrists, who live or work in a legislator’s district to schedule a visit with such legislator(s) on topics of concern to our profession. NYSPA’s Government Relations office will assist in this endeavor by identifying district office scheduling personnel; working on discussion topics with district branch members or staff via conference calls; preparing biographical and key interest information about legislators to be visited; and helping to coordinate meeting dates and times.

We have already received affirmative responses from Dr. Schwartz, Dr. Viswanathan (Brooklyn DB), Dr. Antar (West Hudson DB), Dr. Tandon (Queens District Branch) and Dr. Olympia (Western NY DB).

V. RECENT ACTIVITIES: ATTENDANCE AT DB LEGISLATIVE BREAKFASTS

We attended the Psychiatric Society of Westchester’s annual Legislative Brunch on Sunday, January 26, 2020, which was held at St. Vincent’s Hospital in Harrison, New York. The brunch had a good turnout of members and legislators from the region. In terms of legislators, the following attended: Senator David Carlucci (D-New City), Chair of the Senate Mental Health and Developmental Disabilities, Senator Shelley Mayer (D-Yonkers), Assemblymember David Buchwald (D-White Plains), and Assemblymember Thomas Abinanti (D-Westchester). The Westchester County Commissioner of Mental Health, Michael Orth, also attended.

New York County’s Legislative breakfast was on the same day, which is hosted in conjunction with New York County Medical Society and The New York Council on Child & Adolescent Psychiatry. Dr. Martin attended on behalf of NYSPA. New York County’s Legislative breakfast also had good attendance in terms of members and legislators. The following legislators attended the New York County brunch: Senator Brad Hoylman (D-Manhattan), Sen. Liz Krueger (D-Manhattan), Asm. Deborah Glick (D-Manhattan); Asm. Richard Gottfried (D-Manhattan); and several New York City Council Members.
VI. NYSPA’S VMH-PCTI

NYSPA’s VMH-PCTI is hard at work. Here are the developments since the last report to the Executive Committee:

- 2 additional VMH-PCTI presentations held at South Nassau Community Hospital

- Completed the recording of two webinars of NYSPA’s VMH-PCTI presentation tracks with the Research Foundation for Mental Hygiene: veteran suicide and suicide prevention and PTSD/TBI. Marianne Goodman, M.D., NYSPA’s VMH-PCTI Curriculum Coordinator, was the presenter in both webinars. The webinars include segments of an interview with a veteran. The edits for the veteran suicide and suicide prevention have been finalized and the edits for the PTSD/TBI webinar are under way. Once finalized, both webinars will be housed on NYSPA’s website for all primary care physicians and specialists, psychiatrists and residents to complete. NYSPA will promote the webinars with the primary care specialties.

- NYSPA continues to work with MSSNY and NASW-NYS on the VMHTI joint conference planned for Friday, May 1 and Saturday, May 2 at the HNA Palisades Premier Conference Center, which is located in Palisades, New York. The two-day conference will offer CE and CME accredited presentations for primary care physicians and specialists as well as social workers and community mental health care providers.

- Submitted contract paper work for $150,000 appropriation in FY 2019-20 budget

VII. OTHER NEWS

- **Change at DFS:** On Thursday, February 13, 2020, Manatt, Phelps & Phillips, LLP, announced that Troy Oechsner, Deputy Superintendent for Health Insurance for the Department of Financial Services, has joined as a partner in its Albany office. Source: https://www.manatt.com/insights/press-releases/2020/manatt-adds-to-industry-leading-healthcare-group-w
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Spring 2020 AREA II COUNCIL
MEETING SCHEDULE AND AGENDA
Saturday, April 4, 2020
LaGuardia Airport Marriott Hotel
East Elmhurst, New York

8:30 A.M.  Executive Committee Meeting

9:30 A.M.  Committee Meetings

11:00 A.M.  Presentation

11:00 A.M.  RFM Poster Contest - Posters Displayed through 1:00 P.M.

12:00 P.M.  LUNCHEON

1:00 P.M.  Council Session
  1:00 P.M.  Call to Order and Introductions
  1:00 P.M.  Approval of Minutes - Dr. Borenstein
  1:05 P.M.  Approval of Treasurer's Report - Dr. Koss
  1:10 P.M.  Budget Committee Report – Dr. Satloff
  1:25 P.M.  NYSP-PAC – Dr. Gordon
  1:30 P.M.  Report of Nominating Committee and Election of Officers
  1:35 P.M.  RFM Dep Rep Election Results
  1:55 P.M.  Chair’s Report – Dr. Borenstein
  2:10 P.M.  Remarks from Ann Sullivan, M.D., Commissioner, OMH
  2:30 P.M.  NYSPA Poster Contest – Dr. Viswanathan
  2:40 P.M.  Legislative Report – Mr. Gallo and Dr. Martin
  3:00 P.M.  Committee Reports
  3:15 P.M.  Executive Director's Report
  3:35 P.M.  Vice President's Report – Dr. Herman
  3:45 P.M.  Area II Trustee Report – Dr. Pender
  4:00 P.M.  Assembly/APA Update
  4:20 P.M.  Action Papers
  4:40 P.M.  Old Business/New Business
  5:00 P.M.  Adjournment