

MINUTES OF THE FALL 2014 MEETING OF
NEW YORK STATE PSYCHIATRIC ASSOCIATION, INC.
AREA II COUNCIL OF THE
AMERICAN PSYCHIATRIC ASSOCIATION

Saturday, March 22, 2014

Marriott New York - LaGuardia Airport
East Elmhurst, New York

In Attendance:

Glenn Martin, M.D., President
Seeth Vivek, M.D., Vice President
Richard Altesman, M.D., Secretary
Jeffrey Borenstein, M.D., Treasurer
C. Deborah Cross, M.D., Past President
James Nininger, M.D., Area II Trustee
Seth Stein, Esq., Executive Director

Members: Amyot, Ashley, Balkoski, Borenstein, Brody, Engel, Feld, Gordon, Guschwan, Haldipur, Janardhanan, Kelleher, Kellner, Koss, Kroplick, Licciardi, Mattson, Miller, Neal, Panahon, Pender, Peyser, Popiel, Roberto, Russakoff, Sahu, Satloff, Schulman, Selzer, Sharma-Cooper, Thomas, Torres, Varon, Virmani, Viswanathan, Vito, Weinstein, Wilson

Staff: Rachel Fernbach, Esq., Donna Gajda, Richard Gallo, Linda Majowka, Meagan O'Toole, Jamie Papapetros, Megan Rogers

Guests: Ellen Jaffe, APA Office of Healthcare Systems & Financing

1. Call to Order

Dr. Martin called the meeting to order and asked everyone present to introduce themselves and note any potential conflicts of interest. No conflicts were noted. Dr. Martin thanked Melanie Smith from PRMS for sponsoring today's meeting as well as for its sponsorship of the NYSPA website.

2. Candidates for Assembly Recorder

Stephen Brown, M.D. and Daniel Anzia, M.D., Candidates for Assembly Recorder, addressed the Council and answered questions.

3. Candidates for Assembly Speaker-Elect

Bob Patterson, M.D. and Glenn Martin, M.D., Candidates for Assembly Speaker-Elect, addressed the Council and answered questions.

4. Secretary's Report – Richard Altesman, M.D.

Dr. Altesman presented minutes from the October 26, 2013 meeting of the NYSPA Council. A Motion to Accept the minutes was Approved.

5. Treasurer's Report – Jeff Borenstein, M.D.

Dr. Borenstein presented the financial statements for January-December 2013, along with a comparison to 2012 and 2011. He noted that income and expenses remain relatively stable. The Council discussed possible additional sources of revenue, such as webinar and training fees and due increases. A Motion to Accept the financial statements was Approved.

6. Budget Committee – Aaron Satloff, M.D.

Dr. Satloff presented the 2014 NYSPA budget. Following discussion, a Motion to Accept the 2014 Budget was Approved.

7. NYSP-PAC Report – Edward Gordon, M.D.

Dr. Gordon presented the NYSP-PAC financial statement for January-March 2014, 2013 and 2012 and the list of contributors so far this year. He encouraged all Council members and guests to contribute to the PAC if they hadn't already done so. Dr. Martin discussed some initiatives to increase PAC contributions, including reaching out to Resident-Fellow Members and to members who have donated in the past but have not done so in the current year.

8. Nominating Committee – C. Deborah Cross, M.D.

a) Dr. Cross congratulated Lois Kroplick, D.O., who was recently named 2014 Physician of the Year by the New York State Osteopathic Medicine Society in recognition of her efforts in founding the Mental Health Coalition of Rockland County. Dr. Kroplick is the only psychiatrist ever to have received this award.

b) Dr. Cross congratulated Vivian Pender, M.D. on her recent election as Area II Trustee of the APA Board of Trustees.

c) Dr. Cross presented the Slate of Candidates for the upcoming NYSPA election and noted that all candidate statements provided to NYSPA were made available on the NYSPA website prior to the election:

President	Seeth Vivek, M.D.
Vice President	Richard Altesman, M.D. Jeff Borenstein, M.D.
Secretary	Edmond Amyot, M.D. Ramaswamy Viswanathan, M.D.
Treasurer	Russell Denea, M.D. Edward Herman, M.D.

Dr. Cross thanked the members of the Nominating Committee, Drs. Koss, Matson, Kovasznay and Peyser, for their work. Paper ballots were distributed to all voting members of the Council.

9. President's Report – Glenn Martin, M.D.

a) Dr. Martin noted that this is the last Council meeting he will preside over as President since his second term will be ending in May. He thanked the Council for its hard work on behalf of our members, patients and profession. Dr. Martin noted that he is very proud of NYSPA and all that it accomplishes in Albany and throughout the State.

b) Dr. Martin reported that NYSPA continues to work on the following issues affecting psychiatry: association finances, psychology prescribing, failure to fully implement prescriber prevails, increasingly narrow restrictions on the use of psychiatric medications, and legislative items of concern.

10. OMH Report

Acting OMH Commissioner, Ann Sullivan, M.D., addressed the Council and provided updates regarding the pending state hospital re-organization plan and new community-based services that are being considered. Dr. Sullivan also discussed pending changes in Medicaid, particularly the transfer of all individuals with serious and persistent mental illness into Medicaid Managed Care, as well as issues related to the interaction between OMH and the NYS Office for People with Developmental Disabilities. Dr. Sullivan then answered questions from the Council.

11. NYSPA Election Results

Dr. Martin announced the winners of the NYSPA election, as follows:

President	Seeth Vivek, M.D.
Vice-President	Jeff Borenstein, M.D.
Secretary	Ramaswamy Viswanathan, M.D.
Treasurer	Russell Denea, M.D.

A Motion to destroy the ballots was Approved.

12. Legislative Report – Barry Perlman, M.D. and Richard Gallo, NYSPA Government Relations Advocate

a) Dr. Perlman announced that he has accepted the position of Chair of the APA Committee of Government Relations. He provided an overview of national legislative issues affecting the practice of psychiatry.

b) Dr. Perlman requested that the NYSPA Council seek the assistance of the APA in supporting the nomination of Vivek Murthy, M.D., as the next U.S. Surgeon General. A Motion to request the support of the APA was Approved.

c) Dr. Perlman suggested that NYSPA honor New York State Attorney General Eric Schneiderman with the NYSPA Distinguished Service Award in recognition of his office's work in enforcing and implementing state and federal parity laws. In addition, the Council may wish to consider nominating Attorney General Schneiderman for an APA Jacob Javits Award. A Motion to present the NYSPA Distinguished Service Award to Attorney General Schneiderman was Approved.

d) Dr. Perlman reported that the Legislative Committee recommends that NYSPA establish an ad hoc workgroup on issues relating to the corporate practice of medicine to review its implications and related pending legislation.

e) Dr. Perlman reported that the Office of Mental Health has issued proposed regulations on seclusion and restraint. NYSPA will be preparing formal comments and hopes that New York will conform its state regulations to pre-existing federal regulations on the same topic. NYSPA welcomes information or comments on the proposed regulations from Council members.

f) Dr. Perlman reported that NYSPA plans to advocate for improvements to OMH guidelines regarding the use of ECT in children and adolescents as well as changes to recent DUR policy changes regarding prescription of benzodiazepines and other psychiatric medications.

g) Mr. Gallo provided updates on the following issues and items: state budget issues, changes to Medicaid, proposed limited service clinics in retail establishments, the state hospital re-organization, the proposal to reduce the age of criminal responsibility from 16 to 18; psychology prescribing and other scope of practice issues.

13. NYSPA Distinguished Service Award

Aaron Satloff, M.D., Chair of the NYSPA Awards Committee, presented the NYSPA Distinguished Service Award to C. Deborah Cross, M.D., in recognition of her dedication, prodigious effort, intelligence and leadership in the profession of Psychiatric Medicine nationally and in the State of New York. Dr. Cross briefly addressed the Council and thanked everyone for the honor.

14. Vice-President's Report – Seeth Vivek, M.D.

Dr. Vivek thanked the Council for its vote of confidence. He will be contacting all the members of the Council in the coming weeks to solicit suggestions, ideas and priorities for the coming term. Dr. Vivek noted that one of the top priorities for his administration will be recruiting, engaging and retaining members. Please feel free to contact him with any ideas, suggestions or thoughts. Finally, Dr. Vivek thanked Dr. Martin for all his work as NYSPA President over the past four years.

15. Executive Director's Report – Seth P. Stein, Esq.

a) Mr. Stein provided an update on NYSPA's class action law suit against United Healthcare. An appeal has been filed and is currently pending in the Court of Appeals for the Second Circuit. He expects that the American Medical Association and the U.S. Department of Labor will be submitting amicus briefs in support of NYSPA's position regarding issues of associational standing and jurisdiction over plan administrators.

b) Mr. Stein provided an update on CPT coding and documentation of psychotherapy services. NYSPA is working to update its treatment note templates to reflect a recently clarified requirement regarding the documentation of time spent performing psychotherapy alone. NYSPA has been very involved in advocacy with both the APA and Optum on these issues. We plan to schedule a webinar on the topic of documentation as well as post-payment audits.

c) Mr. Stein provided an update on NYSPA's parity implementation efforts. The Attorney General's office has agreed to look into Value Option's new prior authorization requirement for psychotherapy benefits available under the Empire Plan. In addition, NYSPA was very pleased to hear about the Attorney General's recent settlement with MVP to address some open parity violations and focus on parity enforcement going forward. Mr. Stein discussed whether provider reimbursement can be treated as a parity issue and some of the challenges present in making such an argument.

d) Mr. Stein reminded the Council that NYSPA will be hosting a webinar on the 2014 PQRS program on March 31, 2014 at 8:00 pm. Please contact the NYSPA Central Office to register.

16. Resident-Fellow Member Deputy Representative Election

Dr. Martin announced that the winner of the Resident-Fellow Member Deputy Representative election is Subhash Chandra, M.D. A Motion to destroy the ballots was Approved.

17. Area II Trustee's Report – James Nininger, M.D.

a) Dr. Nininger provided an update on APA activities, including the new APA organizational chart and recent new hires.

b) Dr. Nininger presented a video of a recent Congressional hearing on Medicare Part D, in particular discussions regarding restricted access to psychiatric medications under the Medicare program.

c) Dr. Nininger provided an update on Board workgroups and the Practice Guidelines Committee. New guidelines on Psychiatric Evaluations and Anti-psychotics in the Treatment of Behavioral Symptoms in Dementia will be released soon.

d) Dr. Nininger noted that Renee Binder was elected President-Elect of the APA. Only 19% of APA members voted in the election, but of those votes, 80% were made electronically.

e) Dr. Nininger reported on APA finances, noting that DSM-5 cost \$26 million to create and has generated \$40 million in revenue to date.

f) Dr. Nininger reported on recent activities of the American Psychiatric Foundation, including the Typical or Troubled program, a new judicial leadership initiative and the Healthy Minds television program.

g) Dr. Nininger reported that the contract with the APA-endorsed malpractice insurance carrier will expire soon and a workgroup has been formed to look into available options.

h) Finally, Dr. Nininger reported that the state legislative affairs institute has been reinstated and will meet once again in 2015.

18. Addiction Committee – Jeffrey Selzer, M.D.

Dr. Selzer reported that the committee discussed the following items: (i) a recent bill regarding access to Naloxone, a treatment for opioid addiction, which the committee supports; (ii) current medical marijuana initiatives in New York State; (iii) use of the I-STOP program to focus on increased access to treatment rather than a focus on the criminal justice system; (iv) burdensome pharmacy benefit manager documentation requirements for prescriptions for Suboxone and (v) efforts to eliminate inappropriate questions about current addictions or health problems on medical board applications.

19. Children and Adolescents Committee – Lenore Engel, M.D.

Dr. Engel reported that the committee discussed the following items: (i) proposed re-organization of the state hospital system; (ii) the proposal to increase the age of criminal responsibility from 16 to 18 and suggestions for a child psychiatrist who can serve on a committee addressing this issue; (iii) the rejection

of the provisions in the state budget regarding off-label uses; and (iv) the issue of over-prescribing of anti-psychotic medication in children. Dr. Engel also reported that the committee plan to reach out to local members of the American Academy of Child and Adolescent Psychiatry to encourage sharing of ideas and resources.

20. Economic Affairs – L. Mark Russakoff, M.D.

Dr. Russakoff reported that the Committee discussed (i) National Government Services' determination that Transcranial Magnetic Stimulation will not be covered under the Medicare program; (ii) parity implementation; (iii) the new CMS 1500 claim form; and (iv) concerns regarding over-reaching by pharmacy benefit managers.

21. Early Career Psychiatrists/Resident-Fellow Members Committee – Kandace Licciardi, M.D.

Dr. Licciardi reported that the ECP Committee and RFM Committee recently sponsored a program regarding Maintenance of Certification which was a big success. She noted that the committees are working on reaching out to ECPs and RFMs through social media and are exploring additional methods of reaching out to potential new members.

22. Presidents and Presidents-Elect Committee – Julie Schulman, M.D.

Dr. Schulman reported that the committee discussed the following items: (i) a recommendation to add Past-Presidents as members of the committee to enhance continuity; (ii) a recommendation to arrange for Council members' participation in Executive Committee conference calls in a listen-only mode and (iii) a recommendation that Council minutes and Executive Committee minutes be posted on the NYSPA website. Dr. Martin noted that the prior practice has been for minutes from the last Council and Executive Committee meetings to be included in the meeting packet. Moving forward, Executive Committee minutes and Council meeting minutes will be posted, in draft form, in a member-protected section of the NYSPA website.

23. Public Affairs – C. Deborah Cross, M.D.

Dr. Cross reported that today's New York Times includes a letter to the Editor authored by Jeffrey Borenstein, M.D. regarding funding for research in mental health. The committee would like to recommend that NYSPA add to its website a link to "Members in the News."

24. Public Psychiatry Committee – Edmond Amyot, M.D.

Dr. Amyot reported that the committee discussed the following: (i) its support for Ann Sullivan, M.D.'s appointment as Acting OMH Commissioner and (ii) proposals for state hospital re-organization. The committee continues to look for additional membership and greater representation among district branches.

25. Action Papers

The Council discussed various action papers that will be reviewed by the Assembly in May. The Council endorsed the following action papers: (i) Reinstatement of the Committee on Persons with Mental Illness in the Criminal Justice System and (ii) Creation of a President's Award for the District Branch with the Highest Percentage of Voting.

26. New Business

Dr. Viswanathan distributed the following proposals for review by the Council: (i) request that the NYSPA President appoint a committee to explore the feasibility of establishing a NYSPA annual Run, Walk or Watch Event and (ii) that the NYSPA President appoint a committee to examine the possibility of establishing a Residents' Poster Session. Dr. Martin deferred appointing a committee to make recommendations regarding an Annual Run, Walk or Watch to the incoming President and requested that the currently active Scientific Paper Committee look into the possibility of including a residents' poster session at the Spring Council meetings.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Richard Altesman, M.D., Secretary

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