



New York State Society of Dermatology and Dermatological Surgery

69 Springfield Drive | Voorheesville, NY 12186 | Phone (518) 765-2696 |
Fax (518) 756-3865 | E-mail lizdk@nycap.rr.com

ALBANY UPDATE January 2018

The 2018 Legislative Session began earlier this month with the presentation by Governor Andrew Cuomo of his State of the State address in which he put heightened emphasis on additional steps that must be taken to address the opioid crisis. His proposal included further limitations on the prescribing of and refills for opioids, establishment of a requirement for emergency department prescribers to consult the Prescription Monitoring Program (PMP) Registry prior to prescribing opioids, and additional limits for prior authorization and co-payments for outpatient and recovery services. The Governor also proposed to hold pharmaceutical companies accountable for perpetuating the opioid epidemic. The Governor's \$168 Billion budget for the 2018-19 Fiscal Year called for the imposition of an opioid surcharge on pharmaceutical manufacturers of 2 cents per milligram of active opioid ingredient on prescription drugs.

The Governor's state budget proposal seeks to close a \$4.4B budget gap and would impose more than \$1B in taxes and additional surcharges to help close the gap. Significantly, the budget calls for fully funding the Excess Medical Liability program for an additional year at a cost of \$127.4M. This program provides all physicians with an additional layer of \$1M/\$3M coverage over primary limits. In prior years there have been proposals that would have measurably reduced availability of additional Excess coverage eliminating Dermatologist access to that layer of coverage. That is not the case this year. A proposal that could cause concern among all physicians is a proposal advanced as part of the Budget which would allow corporate-owned clinics in pharmacies and grocery stores, provided they have a collaboration with a hospital, physician practice, ACO or PPS. Organized medicine has opposed similar efforts in the past. As in past years, it is anticipated that the state budget will be finalized by the end of March.

In addition to discussions now ensuing on the state budget, several bills remain under consideration which could impact the practice of dermatology including the following:

1. **Podiatry Scope of Practice (S.4734, Valesky, A.1880, Pretlow):** would inappropriately expand the scope of practice of podiatrists to include the non-surgical treatment of cutaneous conditions and wounds of the ankle other than the treatment of melanoma, performance of Mohs surgery, muscle flaps or microvascular anastomoses. Each bill has been referred to the Higher Education Committee of the respective Houses.



New York State Society of Dermatology and Dermatological Surgery

69 Springfield Drive | Voorheesville, NY 12186 | Phone (518) 765-2696 |
Fax (518) 756-3865 | E-mail lizdk@nycap.rr.com

2. **Dental Scope of Practice (A.4543, Morelle, S. 3551, Golden):** would expand the scope of practice of dentists to include the performance of cosmetic medical procedures on the head and face. Each bill has been referred to the Higher Education Committee of the respective Houses.
3. **Esthetics Scope of Practice (A.7977, Paulin, S.6088, Savino):** would inappropriately expand the scope of practice of esthetics to include laser hair removal or intense pulses of light hair removal performed on any part of the human body. The bill would require the Secretary of State to establish standards for the practice of laser hair removal technicians and requires that “every facility that is not a medical practice to have a certified laser safety officer and a consulting physician who is trained in the use of lasers for hair removal”. The bill further would require that the “consulting physician shall conduct an annual audit of policies and procedures and shall be available throughout the year to see a laser hair removal client in cases of injury.” This bill moved to the Senate Rules Committee last year but has been referred back to the Senate Consumer Protection and Assembly Economic Development Committee this year.
4. **Tanning Ban for 17-year-old children (A.7218, Jaffee/S. 5585, Boyle):** would expand the tanning facility ban to children under the age of seventeen. Currently, the ban applies to children under the age of sixteen. This measure would extend the ban to seventeen- year- old children. The bill was recently reported by the Senate Health Committee to the Senate floor and remains on the floor of the Assembly. The NYSSDDS and the AAD support enactment of this measure.