

**President**

Judith A. Mysliborski,  
MD  
Albany, NY

**President-Elect**

David E. Bank, MD  
Mount Kisco, NY

**Vice President**

Mary Ruth Buchness,  
MD  
New York, NY

**Secretary**

Janet A. Moy, MD  
New York, NY

**Treasurer**

Lynn Silverstein, MD  
Port Washington, NY

**Immediate Past  
President**

Peter C. Lombardo,  
MD  
New York, NY

**Executive Director**

Liz Dears Kent, Esq.  
Voorheesville, NY

## President's Message

The day after a truly historic election, I find myself in uncharted territory. Regardless of which candidates you supported, we now have a government on both the State and Federal level, which is dominated by only one party. Structurally, government operates through a system of checks and balances. Can such a system actually work to assure that all interests are adequately represented when only one party controls the White House, both Houses of Congress, both Houses of the State Legislature and the Office of the State's Chief Executive? We are going to learn the answer to this question in the very near future. I

am an optimist. I believe in our system of govern-



**Judith Ann Mysliborski, MD**  
Society President

ment. I believe that our system is responsive to the needs of the people regardless of which party dominates. We need strong leadership in these times of financial uncertainty. We need our leaders to address questions related to the structure, operation and

financial stability of our health care system. We need our leaders to lessen the burdens on small businesses like the typical physician practice. We need our leaders to resist the ill-conceived temptation to impose increased fees, and taxes on our businesses and the services we provide. I am hopeful that the quest for change that has so dominated this campaign season will bear fruit to enhance our health care delivery system and establish a reliable foundation which will protect the interests of dermatologists, of all physicians and, of course, of all of our patients well into the future.

**Judith Ann  
Mysliborski**

## Report From Albany

With a \$12.5B budget deficit looming on the horizon, Governor David Paterson called for a second Extraordinary Session of the Legislature which was scheduled to be held on November 18<sup>th</sup>. Governor Paterson had proposed that the Legislature consider and enact a package of cuts to further trim the State Budget for 2008-09 by approximately \$2B. These budget cuts would have involved significant cuts to the state health care system, primarily through cuts to the Medicaid program and cuts to the Health Care Reform Act (HCRA), the primary mechanism through which funding flows to the hospitals, nursing homes and the rest of the health care delivery system. Ultimately, the budget cuts proposed by the Governor were not embraced by the Legislature leaving many to question how the looming deficit will be addressed. Governor Paterson has stated publicly that he will announce his State of the Budget one month earlier than is constitutionally mandated on December 16<sup>th</sup>. It is anticipated that he will recommend proposals which will raise revenues and dramatically reduce expenditures. We must be ever-vigilant to protect against proposals that would interpose taxes on physician services. Also of concern is the concept of doubling the re-registration fee paid by physicians. This fee underwrites the costs of the Office of Professional Medical Conduct. Currently, \$570 of the \$600 paid by physicians biennially goes toward operations of the OPMC.

## NYSSDDS Membership Drive

Throughout the months of December, January and February, your leadership and Board of Directors will implement a member-to-member membership drive with the goal of enhancing membership in the NYS Society of Dermatology and Dermatologic Surgery. We will contact each and every non-member practicing dermatologist in New York State to provide a greater understanding of the value of Society membership. They will be informed of the significant value -- much of which you already appreciate -- that we provide to dermatologists across the state through: representation on the Medicare CAC; representation on any number of workgroups created by the state, such as the workgroup on Office-Based Surgery; working with the Medical Society of the State of New York on issues such as Medical Liability Reform or Managed Care Reform; working with other Specialty Medical Societies on legislation such as legislation to restrict the use of Class IIIb or IV lasers; the sponsoring of an annual career fair to provide dermatology practices and residents searching for partnering possibilities the opportunity to meet and get to know each other; and educational programs offered on the regional basis. Your assistance in inquiring of your colleagues and friends as to whether they have joined will be greatly appreciated. For more information, please contact Liz Dears Kent at [nyskindocs@nycap.rr.com](mailto:nyskindocs@nycap.rr.com).

## **Matters of Interest from the American Academy of Dermatology: Dermatologists Face Upcoming Transition to ICD-10 Codes**

The Department of Health and Human Services (HHS) has issued a proposed rulemaking that would require dermatologists to transition from using the ICD-9 diagnosis code set to using the ICD-10 code set by October 2011. While there are some benefits to utilization of the ICD-10 code set, including an increased capacity for new codes and improved research capabilities, many organizations are concerned about achieving compliance by 2011.

The American Academy of Dermatology (AAD) is an active member of the ICD-10 Coalition, an organization composed of other provider groups, coders, and health plans that is working to communicate concerns regarding the proposed timeline to HHS. These organizations are concerned that the aggressive timeline places an unnecessary burden on the health care system and that CMS vastly underestimated the costs the transition will incur for providers and other stakeholders.

The Academy partnered with other organizations to retain the Nachimson Advisors to study the potential financial impact of transitioning to the new ICD-10 code set. The newly-released study shows profound costs associated with compliance for both small and large practices alike. Costs range from more than \$80,000 for a small, three-physician practice to over \$285,000 for a medium, 10-physician practice.

In addition to working with the ICD-10 Coalition, the AAD has submitted comments to HHS and will continue to play an active role in advocating for an extended timeline for transition to the new code set.

If you would like more information about the transition to the ICD-10 code set, please contact Kelly Haenlein, Director of Federal Regulatory Policy, in the Academy's Washington Office at [khaenlein@aad.org](mailto:khaenlein@aad.org) or (202) 842-3555.

**NYS Society of Dermatology &  
Dermatologic Surgery**

69 Springfield Drive  
Voorheesville, NY 12186

Phone: 518-765-2696

Fax: 581-765-2417

E-mail: [nyskindocs@nycap.rr.com](mailto:nyskindocs@nycap.rr.com)

Website: [www.nysderms.org](http://www.nysderms.org)

PRSR STD  
U.S. Postage  
**PAID**  
Permit No. 220  
Albany, NY

Please email us at [nyskindocs@nycap.rr.com](mailto:nyskindocs@nycap.rr.com) your current email address so that we may provide you with timely reports and updates.

## **Board of Directors Meets To Examine Details of Laser Legislation**

As indicated in the Summer Newsletter, the Board of Directors met on September 22<sup>nd</sup> to discuss legislation (A.8142, Canestrari/S.4173, Skelos) which would make the use of IIIb and IV lasers on human beings the practice of medicine. Since the bill would also specify to whom and under what circumstances physicians could delegate the use of these devices, a special meeting of the Board was held to discuss the implications of the bill. The first question addressed by the Board related to whether the use of lasers including their use for hair removal should be considered the practice of medicine. The Board agreed that it should. Of particular interest was concern as to whom a physician can delegate such procedures. The bill as currently written would allow delegation to a person qualified by training, experience or licensure. It has been recommended that the measure allow delegation to only nurse practitioners, registered professional nurses and physician assistants. The Board was supportive of permitting delegation to these licensees only. Lastly, the question of whether supervision of the non-physician by the physician should be 'on-site' supervision or whether the supervising physician could be 'immediately available' was also addressed by the Board. The Board voted to support 'on-site' supervision of registered professional nurses only.

It is the intention of the Society to move forward with the re-introduction of a revised measure which reflects the actions taken by the Board. Anyone with additional concerns should convey their thoughts to our elected leaders and/or Board members directly or through the NYSSDDS website at [www.nysderms.org](http://www.nysderms.org).