

NYS SOCIETY OF
DERMATOLOGY &
DERMATOLOGIC
SURGERY

New York Dermatologist

SPRING 2017

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From the President

My term as your President is soon to end. How quickly the time passes. Soon, I will be succeeded by President-Elect Jacob Levitt, MD. Two years ago, we were just getting our feet wet on legislative matters on the state and national level. I spent much of my time working with your leadership on legislation that empowers dermatologists and other health care providers to override health insurer step therapy protocols and sets up procedures for health plans to determine utilization review (including step therapy) using peer-reviewed processes. The new law became effective at the first of the year and applies as insured's contracts renew beginning January 1, 2017. NYSSDDS received a grant last year that will enable it to provide educational forums and other resources for dermatologist

to assure that they can invoke these new protections to benefit their patient's access to medications you prescribe. We will be holding one of those educational sessions at our Annual Meeting on June 5th. If you are in the area, please stop by the Academy of Medicine to hear up-to-date details regarding the implementation of the new law. I worked on other pieces of legislation but this particular enactment, the result of efforts of a vast coalition of physician and patient advocacy organization, was personally rewarding to me and I will remember it always.

As I reflect on these past two years, I am more optimistic than in recent years. The thorny issues that we confront on behalf of our patients continue to be discussed but in the daylight hours not behind

closed doors while the rest of us sleep. I am hopeful that fresh dialogue will produce different results, results that will enable us to practice without governmental interference in a manner that best meets the needs of our patients. The only way for this to continue is for our fellow colleagues across New York will stand with us, join the Society and advocate for their future and the future health care of their patients. Please do whatever you can to invite your colleagues to join the Society.

It has been my honor to serve you and the members of the Society. I know that in Jake Levitt, MD, I have left the Society in strong and extremely capable hands.

Respectfully,

Francis Iacobellis, MD
New York, NY

WHAT ARE THE 7 QUESTIONS YOU
SHOULD BE ASKING ABOUT YOUR
MEDICAL LIABILITY INSURANCE?

www.mlmic.com/7questions



Medical Liability Mutual Insurance Company

Report From Albany

The first quarter of the year in Albany is always devoted to the enactment of the state Budget for the next fiscal year. This year, the \$153B State Budget was enacted 9 days after its due date of April 1st. Several issues were resolved in our favor including:

- The elimination of language that would have required every physician, as a pre-condition to accessing the one million dollars of free medical liability coverage through the Excess program, to receive a “tax clearance” from the State Department of Tax and Finance;
- The elimination of a proposal that would have permitted pharmacists to enter into “comprehensive medication management protocols” with a physician or a nurse practitioner to manage, adjust, and change medications of patients with a chronic disease;
- The elimination of a proposal to empower state agencies to override existing scope of practice laws through the creation of a 25 member “Healthcare Regulation Modernization Team” to look at developing health care delivery change proposals. In addition to exploring issues like the modernization Certificate of Need laws; and “increasing flexibility of state agency regulations governing the delivery of and reimbursement for telehealth programs, the team would have been authorized to “create more flexible rules on licensing and scope of practice for clinicians and caregivers”. Of significant concern, the language would permit state agencies to implement demonstration programs including those that would allow non-physician practitioners to exceed their scope of practice without the need for legislative approval.

Now that the budget has been passed and the Easter/Passover break has concluded, the Legislature’s focus over the remaining eight weeks will turn to more substantive issues. We remain opposed to the following bills:

1. Podiatry Scope of Practice Bill (S.4734, Valesky, A. 1880, Pretlow) which would inappropriately expand the scope of practice of podiatrists to include the diagnosis and non-surgical treatment of the ankle, and the anatomical structures of the ankle, cutaneous conditions, and wounds of the ankle other than melanoma, the performance of Mohs surgery muscle flaps or microvascular anastomoses.

2. Dental Scope of Practice Bill. The NYSSDDS continues to oppose legislation (A.4543, Morrelle) which would expand the scope of practice of dentists to include the performance of cosmetic medical procedures on the head and face.

We remain supportive of legislative efforts (S. 250, Kaminsky) to extend the protections afforded by the current tanning ban applicable only to children sixteen years of age or lower to seventeen-year-old children and to legislation that would enact truth in advertising protections that would assure that patients are accurately apprised of the credentials of their health care providers.

NYSSDDS Leadership Team Participates At MSSNY’s Lobby Day

Several prominent leaders of the New York State Society of Dermatology and Dermatologic Surgery participated at the Lobby Day held in Albany on March 8th by the Medical Society of the State of New York. Current President, Francis Iacobellis, MD, President-Elect, Jacob Levitt, MD, joined Past Presidents Mary Ruth Buchness, MD and Peter Lombardo, MD and physicians from the New York County Medical Society for a day hearing from key Legislators and engaging in dialogue with legislators from Manhattan. For any Dermatologists who may be interested in attending this event next year, the event will be held on Wednesday, March 7, 2018.

The NYSSDDS Board of Directors and Annual meeting will be held on June 5th. Please contact us to confirm your participation.

The next meeting of the NYSSDDS Board of Directors and Annual membership meeting has been scheduled for June 5th. The Board of Directors will meet from 4:00-5:00PM at the New York Academy of Medicine located at 1216 Fifth Avenue, New York City. The Annual membership meeting will be held just before the Academy's Annual Residents Night and will begin at 5:00. In addition to a Society update, attendees will hear a presentation on the enactment and implementation of New York's Step Therapy law. Please contact Ms. Liz Dears at lizdk@nycap.rr.com to register your participation at the meeting. Members may participate in person or by phone. Please indicate whether you will be attending in person or by phone.

NYS Mandate on Prescribers to Complete CME Course on Pain Management Effective July 1, 2017

Prescribers licensed under Title Eight of the Education Law in New York to treat humans and who have a DEA registration number to prescribe controlled substances, as well as medical residents who prescribe controlled substances under a facility DEA registration number, must complete at least three (3) hours of course work or training in pain management, palliative care, and addiction. The course work or training must be completed by July 1, 2017, and once every three years thereafter, pursuant to Public Health Law (PHL) §3309-a(3). The course work or training may be live or online. To qualify, the course work or training must include the following eight (8) topics:

- New York State and federal requirements for prescribing controlled substances;
- Pain management;
- Appropriate prescribing;
- Managing acute pain;
- Palliative medicine;
- Prevention, screening and signs of addiction;
- Responses to abuse and addiction; and
- End of life care.

Prescribers must complete course work or training in all eight topics. The topics may be covered by a single, comprehensive presentation or by multiple individual presentations for a total of at least three hours. Depending on the presentations, it may take longer than three hours to complete all eight required topic areas.

Prescribers must attest to their own completion of the course work or training. For medical residents who prescribe under a facility's DEA registration number, however, the facility must make such attestation. For the initial attestation deadline of July 1, 2017, applicable course work or training completed from July 1, 2015, to July 1, 2017, is allowed. For each and every subsequent attestation period, course work or training must be completed during the applicable attestation period.

Prescribers licensed on or after July 1, 2017, who have a DEA registration, as well as medical residents prescribing controlled substances under a facility DEA registration, shall complete the course work or training within one year of registration, and once within each three-year period thereafter.

Documentation of the completion of the course work or training must be maintained by the prescriber for a minimum of six (6) years from the date of the applicable attestation deadline for audit purposes. Documentation must include the course work or training provider name, course work or training name, location it occurred, date it occurred, and number of hours completed for each.

In certain limited circumstances, the Department may grant an exemption to the required course work or training to an individual prescriber who clearly demonstrates to the Department that there is no need to complete such training.

For more information on the mandatory prescriber education requirement of PHL § 3309-a(3), the attestation form, and Frequently Asked Questions, please visit the Department's Bureau of Narcotic Enforcement website at: <http://www.health.ny.gov/professionals/narcotic/>, or call 1-866-811-7957.

DOH Announces Attestation Process for Mandatory Prescribers

The New York State Department of Health has announced the attestation process for prescribers. Prescribers must attest to the completion of the pain management, palliative care and addiction course work or training by July 1, 2017, and again every three years thereafter. The prescriber should only attest after completion of at least three hours of course work or training covering all eight topics.

A prescriber with a Health Commerce System (HCS) account will attest online using the Narcotic Education Attestation Tracker (NEAT) application. **Complete the steps to access the NEAT (Narcotic Education Attestation Tracker) application in the NYS Health Commerce System (HCS):**

1. Log into the HCS [here](#).
2. Under "My Content" click on "All Applications"
3. Click on "N"
4. Scroll down to NEAT (Narcotic Education Attestation Tracker) and double click to open the application. You may also click on the "+" sign to add this application under "My Applications" on the left side of the Home screen.

Complete the steps to ATTEST to the completion of the education requirement. A full set of instructions can be found [HERE](#).

Prescribers that do not have access to a computer can request a paper attestation form by calling the Bureau of Narcotic Enforcement (BNE) toll-free at 1-866-811-7957. They may then complete the form and return it by mail to the address provided in the form.

CMS to Offer Small Practices Assistance To Participation in the Quality Payment Program Enacted by MACRA

The Centers for Medicare & Medicaid Services (CMS) recently awarded approximately \$20 million to 11 organizations for the first year of a five-year program to provide on-the-ground training and education about the Quality Payment Program for clinicians in individual or small group practices of 15 clinicians or fewer. CMS intends to invest up to an additional \$80 million over the remaining four years. These local, experienced, community-based organizations will provide hands-on training to help thousands of small practices, especially those that practice in historically under-resourced areas including rural areas, health professional shortage areas, and medically underserved areas. The training and education resources will be available immediately, nationwide, and will be provided at no cost to eligible clinicians and practices. The selected organizations will provide customized technical assistance to clinicians and practices to help them be successful in the Quality Payment Program. For example, clinicians will receive help choosing and reporting on quality measures, as well as guidance with all aspects of the program, including supporting change management and strategic planning and assessing and optimizing health information technology. IPRO was one of the 11 organizations funded for this effort. For more information, interested dermatologists should contact 866-288-8292 or gpp@cms.hhs.quality.