

New York Dermatologist

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From the President

January 24, 2018

As I write to you for the first time as President of the NYSSDDS, I want to inform you of the significant efforts underway to enhance the NYSSDDS. In recent months a sub-committee of NYSSDDS leaders developed a plan to reach out to all practicing dermatologists in New York State to invite their participation in the NYSSDDS. With greater numbers, our voice becomes stronger and our advocacy more effective. In addition, we will soon be putting on our website information that will help you and your colleagues advance the interests of your patients against the misguided step therapy policies of major health plans. As you know, legislation was recently enacted which requires insurers

to grant a step therapy override when a provider has documented that a drug:

- *is contraindicated,*
- *would be ineffective,*
- *has been tried and proven ineffective or a patient is stable on a different drug,*
- *or is not in the best interest of the patient.*

We have developed a power point for the NYSSDDS website to guide you in making override requests on behalf of your patient(s). We will also include a grievance log for you to fill out grievances for the NYSSDDS to take to the Department of Financial Services (DFS) which oversees implementation of this new law .

Also, we are very much focused on the Anthem modifier 25 proposal, which under current terms will

reduce reimbursement by 25% for many of you filing these claims. We are working closely with the AADA and AMA/MSSNY to secure revision of even this modified proposal. There are other efforts on the state level to advance non-physician scope of practice bills that, in my opinion, could adversely impact upon the quality of care patients receive. To this end, I invite you to participate in our Lobby Day, held as part of the MSSNY Lobby Day on March 7th this year. The voices of dermatologists need to be heard on both the state and federal level. I ask you to work with me as we seek to advance the work of your Society. With your help we can strive to assure that the interests of our patients are best protected.

Respectfully,

Jacob Levitt, MD President,

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

Legislative Corner:

Liz Dears, Executive Director, NYSSDDS

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.
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

Dermatologists urged to call the Governor to request rejection of one-sided medical malpractice legislation in favor of comprehensive reform.

All Dermatologists are urged to contact the Governor concerning legislation (S.6800/A.8516), passed last year which would significantly expand the medical malpractice statute of limitations. Action by the Governor on this legislation is required by the end of January. All physicians across New York are being urged to contact the Governor to request that he reject this bill and pursue a more comprehensive piece of legislation that would moderate the impact of this bill by also addressing deficiencies within the process currently used to adjudicate medical malpractice cases. You may call the Governor's office at **518-474-8390** to urge rejection of the bill in favor of comprehensive medical liability reform.

National Anthem Policy to Cut Reimbursement for Certain Procedures by 25%

While Anthem has delayed and reduced the negative impact of its proposed CPT Modifier 25 policy, the AAD and NYSSDDS continue to fight this proposed policy change. As announced by the AADA in December, Anthem, Inc. intends to continue its proposed reduction in reimbursement for E&M services billed with a modifier 25 when billing to indicate that the physician performed a significant, separately identifiable service performed on the same day as another procedure or service. Pursuant to the revised proposal, reimbursement will be reduced by 25 percent rather than by 50 percent, as was originally announced. Anthem also announced that the policy will go into effect March 1, 2018 in California, Colorado, Connecticut, Indiana, Kentucky, Maine, Missouri, New Hampshire, Nevada, New York, Ohio, and Wisconsin. In NYS, this new policy is only applicable at this time to Empire Blue Cross Blue Shield.

Significant advocacy on the part of the AADA, AMA, NYSSDDS and other state and national specialty societies has been advanced to secure the changes to this proposal to date and such advocacy efforts will continue to challenge this policy revision.

MARK YOUR CALENDARS FOR THESE NEXT MEETINGS:

Next Meeting of the Board of Directors: February 16 4-5PM (PST) 7-8PM (EST)

The next meeting of the NYSSDDS Board of Directors will be held in conjunction with the AAD Annual meeting in San Diego. The meeting will be held from 4-5PM (PST) in the Torrey Pines 3 at the Marriott Marquis San Diego Marina hotel at 333 West Harbor Drive, San Diego California.

A call-in number will be provided to those unable to attend the meeting in person. Please advise Liz Dears at lizdk@nycap.rr.com as to whether you will be calling into the meeting.

NYSSDDS Lobby Day will be held in conjunction with MSSNY's Lobby Day on March 7th; Dermatologists interested in participating should Register Today!

The NYSSDDS, as it has in the past, encourages its members to participate in the Physician Advocacy Day sponsored by MSSNY on March 7th this year. Click on the following link to Register: https://docs.google.com/forms/d/1sahwidksf3LkvxA8QDaCPYZIqYdDFGINF3zRuSUDZJw/viewform?edit_requested=true

The Lobby Day event is an opportunity for physicians to listen to and speak with their legislators and policy-makers on issues affecting their practice and the health of their patients. Dermatologists who plan to attend this event should reach out to Liz Dears at lizdk@nycap.rr.com to assure that they will receive a special briefing packet for the day.

American Academy of Dermatology Summer 2018 Meeting:

NYS SOCIETY OF DERMATOLOGY MEMBERSHIP APPLICATION

69 Springfield Drive, Voorheesville, NY 12186
Phone: 518-926-0207 Fax: 518-765-3865
Email: NYSkinDocs@nycap.rr.com

APPLICATION FOR MEMBERSHIP

NYSSDDSS Membership 2017-2018

Name _____

Office Address: _____ City _____ State _____ ZIP _____

Phone _____ - _____ - _____ Email _____

Board Certified in Dermatology: () YES () NO

DUES: \$200 () Check to NYSSDDSS: mail to NYSSDDSS , 69 Springfield Dr, Voorheesville, N.Y., 12186

() Credit Card: _____

fax to: 518-765-3865 or email to: lizdk@nycap.rr.com