2023 Congress of Delegates NYSAFP May 13 (virtual) May 20 & 21 (in-person)

Saturday May 13, 2023

Secretary, Dr. Bodoutchian declared the presence of a quorum.

Speaker, Dr. Christine Doucet, presented announcements and introduced New York State Academy of Family Physicians (NYSAFP) president, Dr. Andrew Symons, to open the Assembly portion of the Annual Meeting.

Dr. Symons convened the Assembly at 9:10 AM. He invited anyone who had a late resolution to introduce the resolution. He explained that the COD Planning Committee would decide whether to accept any late resolution. No late resolutions were submitted. He reported that the 2024 COD will be May 18-19.

Dr. Symons adjourned the Annual Meeting.

Dr. Doucet convened the Congress at 8:10 AM. Resolutions have been assigned to reference committees and were posted on the Academy website. Members may view and comment on resolutions from 5/13 until 5/19. The resolutions have been posted in a Google Documents folder on the Academy website. Reference committees will meet at 8:00 AM on 5/20/23 to compose their reports. Those reports will be published online as soon as they are ready and will be presented to the COD on Sunday morning on 5/21.

Dr. Doucet called upon the secretary, Dr. Ani Bodoutchian, to determine whether a quorum was present. Dr. Bodoutchian confirmed the presence of a quorum of 1/3 of registered delegates. The speaker declared the Congress in session.

Dr. Doucet announced that Dr. Barbara Keber would serve as parliamentarian and Dr. Raymond Ebarb will serve as sergeant-at-arms. The COD will operate on The Standard Code of Parliamentary Procedure.

IN MEMORIAM

Dr. Doucet requested a moment of silence for colleagues and friends who have passed away since the last meeting.

David James Anderson MD

April 6, 1958 – April 24, 2022

Michael J. Bloom, MD May 7, 1953 – January 2, 2023

Allan H Bruckheim MD November 11, 1928 – November 20, 2022

Henry Francis, MD

February 1, 1940 – January 2, 2023

Elise H Korman MD August 3rd, 1936 - August 17th, 2021

Ken Levites, MD June 21, 1950 – December 25, 2022

Donna Lewis McCabe

Sae-joun Park MD July 19, 1939 – January 26, 2022

Anthony G. Purpura MD, FAAFP

April 28, 1939 - September 18, 2021

Clifford Ross Waldman MD

April 24, 1952 – May 8, 2021

Dr. Doucet announced receipt of the reports of officers and commissions which appear in a consent agenda and will be filed for information unless a member wishes to withdraw an item. An item so removed will be assigned to a reference committee for further study.

REFERENCE COMMITTEES

Dr. Doucet announced the members of the reference committees:

REFERENCE COMMITTEE SESSION ONE

Chair:	Fran Faustino, MD
Vice Chair:	Dan Young, MD
Advisor:	Jason Matuszak, MD
Member:	Kristine Mack, MD
Member:	Lilly Eisenberg, MD
Resident:	Hasan Nagy, MD
Student:	Cameron Clarje
Staff:	Kelly Madden
Staff:	Penny Ruhm

REFERENCE COMMITTEE SESSION TWO

Chair:	Wayne Strouse, MD
Vice Chair:	Ani Bodoutchian, MD
Advisor:	Mark Josefski, MD
Member:	Jiana Menendez, MD
Member:	Naz Kahn, MD
Resident:	Moses Syldorf, MD
Student:	Carolyn Corcoran
Staff:	Vito Grasso, MPA, CAE
Staff:	Jill Walls

The speaker announced the slate of candidates nominated by the Nominations Committee:

President-Elect Vice President	Rachelle Brilliant, DO, FAAFP Christine Doucet, MD
Secretary	Kristin Mack, DO
Treasurer	Dan Young, MD
Delegate to AAFP (upstate)	Marc Price, DO
Alt. Delegate to AAFP (upstate)	Jason Matuszak, MD
	Mark Josefski, MD
Speaker – COD	Thomas Molnar, MD, FAAFP
Vice Speaker – COD	Ani Bodoutchian, MD
-	Fran Faustino, MD
Three Directors (3)	Lovedhi Aggarwal, MD
	Naz Kahn, MD
	Marten Petersen, MD
	Jiana Menendez, MD
New Physician (2-year term)	Suganya Mahinthan, MD
MSSNY Delegate (3-year term)	James Mumford, MD
MSSNY Alt. Delegate (3-year term)	Margarita De Federicis, MD
	Lilly Eisenberg, MD

President-elect, Dr. Heather Paladine, automatically becomes president at this COD.

Dr. Doucet announced that no late resolutions had been submitted during the Assembly portion of today's Annual Meeting or via the chat feature of the Zoom platform. Dr. Salzberg inquired about late resolutions which had been previously submitted. Dr. Doucet replied that two late resolutions had been submitted prior to today and both were accepted by the speaker.

Dr. Doucet recessed the Congress at 9:30 AM. The next session will convene on May 21 at 2:00 PM.

Assemblymember Amy Paulin presented greeting and a proclamation by the NYS Assembly commemorating the 2023 Congress of Delegates.

Saturday, May 20, 2023

Dr. Doucet opened the Congress. She yielded the podium to vice speaker Dr. Thomas Molnar who made announcements.

Dr. Bodoutchian confirmed the presence of a quorum.

Reference committees met beginning at 8:00 AM, reviewed testimony on resolutions and prepared reports with recommendations for review by the Congress on May 21st. The reports were reviewed by the speakers and were then posted in Google Docs. Links were sent to delegates and alternates so they could read the reports.

Dr. Molnar explained how voting would occur. He introduced Dr. Wesley Ho, vice chair of the Leadership Commission, who announced the slate nominated by the Commission.

ELECTIONS

The slate of candidates recommended by the Commission on Leadership & Nominations are:

President-Elect*	Rachelle Brilliant, DO, FAAFP
Vice President	Christine Doucet, MD
Secretary	Kristin Mack, DO
Treasurer	Dan Young, MD
Delegate to AAFP (upstate)	Marc Price, DO
Alt. Delegate to AAFP (upstate)	Jason Matuszak, MD
	Mark Josefski, MD
Speaker – COD	Thomas Molnar, MD, FAAFP
Vice Speaker – COD	Ani Bodoutchian, MD
	Fran Faustino, MD
Three Directors (3)	Lovedhi Aggarwal, MD
	Naz Kahn, MD
	Marten Petersen, MD
	Jiana Menendez, MD
New Physician (2-year term)	Suganya Mahinthan, MD
MSSNY Delegate (3-year term)	James Mumford, MD
MSSNY Alt. Delegate (3-year term)	Margarita De Federicis, MD
	Lilly Eisenberg, MD

*The president-elect automatically becomes president. President-elect, Dr. Heather Paladine, will be installed tonight as president for 2023-24.

A candidate who loses an election may be nominated for office in a subsequent election.

The newly elected board would meet immediately after adjournment of the COD today to elect a board chair and an at-large member of the executive committee.

There were no nominations for the office of president-elect. **Dr. Brilliant was declared the winner.**

There were no nominations for the office of vice president. **Dr. Doucet was declared the winner.**

There were no nominations for the office of secretary. Dr. Mack was declared the winner.

There were no nominations for the office of treasurer. **Dr. Young was declared the winner**.

Dr. Simpson nominated Dr. Ani Bodoutchian. Drs. Molnar and Bodoutchian gave brief remarks. A vote occurred and **Dr. Molnar was declared the winner**.

An election was held for the office of vice speaker. Dr. Faustino was declared the winner.

There were no nominations for the office of delegate. **Dr. Price was declared the winner**.

An election was held for the office of alternate delegate **Dr. Josefski was declared the winner.**

An election was held for the office of director. Drs. Kahn, Menendez and Petersen were declared the winners.

There were no nominations for the office of MSSNY delegate. **Dr. Mumford was declared the winner.**

An election was held for the office of alternate delegate to MSSNY. **Dr. Eisenberg was declared the winner.**

Dr. Molnar introduced Dr. Symons for remarks. Dr. Symons reviewed accomplishments and activities of the NYSAFP over the past year during his presidency. He acknowledged particular leadership in vaccine policy by Dr. Phil Kaplan and presented Dr. Kaplan with a presidential award. He also thanked the committee which reviewed the policies manual and created a process for maintenance and updating policy statements. He presented a presidential award to Drs. Wayne Strouse and Jocelyn Young for their work on this committee.

He recognized Donna Denley and Jill Walls for organizing and promoting a series of resident meet & greet events. He presented them with a presidential award.

He thanked members who also helped organize and promote resident meet & greet events in their areas: Drs. Ebarb, Faustino, Bodoutchian and Keber on Long Island. Drs. Brilliant and Corwin in Albany; and Drs. Jocelyn Young, Dr. Dan Young and Dr. Simpson in the Southern Tier; and Dr. Matuszak in Erie County. He presented them all with presidential awards.

The 2nd session adjourned at 5:00 PM. Residents and Students met after adjournment to elect their officers and representatives to the Congress and the board. The Congress will resume at 8:00 AM tomorrow. The newly elected board will meet immediately after the conclusion of this session to elect a board chair.

Sunday, May 21, 2023

8:00 AM: Speaker Dr. Doucet, MD opened the final session of the Congress. She acknowledged and thanked sponsors. She introduced Dr. Paladine who made remarks as incoming president.

AAFP president Dr. Iroku-Malize addressed the COD and updated delegates regarding AAFP developments.

Dr. Bodoutchian announced the presence of a quorum.

REPORTS OF THE REFERENCE COMMITTEES

Dr. Doucet reported that all officer and commission reports have been placed on a Consent Calendar. She asked if anyone wanted to extract any item from that Consent Calendar. No one extracted any reports from officers or commissions from the Consent Calendar. The Consent Calendar of officer and commission reports was approved by acclimation.

Dr. Doucet introduced Dr. Faustino for the report of reference committee one.

Session One Reference Committee Report Template May 20, 2023

<u>Reference Committee Chair:</u> Madame Speaker, Reference Committee One has considered each of the items referred to it and desires to present the following report. The Committee's recommendations on each item will be submitted on our consent calendar.

<u>Speaker:</u> Should the Congress approve the consent calendar, all items on the consent calendar will be disposed of in that single action. There will not be any opportunity for discussion on any item that is included on the consent calendar after the consent calendar is adopted. It is important, therefore, to extract an item from the consent calendar at this time if you wish to discuss that item. A motion to extract something from the consent calendar does not require a second. Any delegate may extract an item from the consent calendar by so moving that the item be extracted and the item will be extracted without objection. The items on the consent calendar are listed in the report of the reference committee and are being projected on the screen. Does anyone have anything they would like to have extracted?

A: CONSENT CALENDAR

Madame Speaker, the Committee wishes to place on the Consent Calendar the following items

- **1.** Resolution 23-02 "Race Based Medicine" ADOPT AS AMENDED
- 2. Resolution 23-03 "Memorializing Henrietta Lacks" ADOPT SUBSTITUTE RESOLUTION
- **3.** Resolution 23-04 "Rosewood" ADOPT AS AMENDED
- 4. Resolution 23-08 "Bylaws Regarding AAFP COD Delegation" REFERRED TO THE BOARD
- **5.** Resolution 23-12 "Develop Physician Education Materials on Self-Managed Abortion" be ADOPTED
- 6. Resolution 23-14 "Balanced NYSAFP Policy on Law Enforcement" NOT be ADOPTED
- 7. Resolution 23-16 "<u>In Memoriam, Henry E Francis, MD</u>" be ADOPTED
- 8. Resolution 23-18 "Compensation for Non-Visit Care (Remote or Care Coordination)" be ADOPTED

- **9.** Resolution 23-19 "New York State Academy of Family Physicians Supports the Immediate Termination of Accountable Care Organization Realizing Equity, Access, and Community Health (ACO-REACH) Program" ADOPT AS AMENDED
- **10.** Resolution 23-20 "Eliminating "Primary Care for All" as an Option for a National Health Plan to be Supported by the American Academy of Family Physicians (AAFP)" be ADOPTED
- **11.** Resolution 23-23L "Resolutions by the National Conference of Constituency Leaders"

ADOPT AS AMENDED

Item 6 was extracted.

Madame Speaker, the Committee moves adoption of the Consent Calendar as listed. The Consent Calendar was adopted.

Madame Speaker, the Committee considered Item 1 on the Consent Calendar, Resolution 23-02:

SUBJECT: Race Based Medicine

RESOLVED that the New York State delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring a resolution to the AAFP to advise the American Heart Association of its concern that its 'Get With the Guidelines Heart Failure Risk Score' inappropriately diverts African American patients from services, and be it further

RESOLVED that the New York State delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring a resolution to the AAFP to endeavor to identify other guidelines and generally accepted practices in medicine which have been influenced by racist assumptions and will take appropriate steps to resolve issues caused by such guidelines and generally accepted practices which have adversely affected access to care for African American patients.

-Testimony was universally in support of this resolution and it was confirmed that AAFP has enacted a policy on race-based medicine. (AAFP policy). Some minor changes to the language were discussed and made in the first resolve. Since this is already consistent with existing policy, Mr. Grasso can contact AAFP for them to take the appropriate action without needing a resolution. It is apparent to the Reference Committee that even though there is existing AAFP policy to not use race as a proxy for biology in medical writing, there may not be an effective mechanism for members or constituencies to make AAFP aware of instances that need to be addressed through action.

RESOLVED that the New York State delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring a resolution Academy of Family Physicians Executive Vice President to contact the AAFP to advise them the American Heart Association's of its concern that its-'Get With the Guidelines Heart Failure Risk Score' inappropriately diverts African American patients from services diverts resources and services away from African American patients and is inconsistent with the policy on Race Based Medicine be it further

RESOLVED that the New York State delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring a resolution to the AAFP to endeavor to identify and to have a mechanism for members to report identify other guidelines and generally accepted practices in medicine which that have been influencedby racist assumptions medicine- influenced by using race as a biological marker and will take appropriate steps to resolve issues caused by such guidelines and generally accepted practices which have adversely affected access to care for patients from historically marginalized racial and ethnic groups. for African American patients.

Madame Speaker, the Committee recommends **ADOPTING RESOLUTION 23-02 as AMENDED**

Madame Speaker, the Committee considered Item 2 on the Consent Calendar, Resolution 23-03:

SUBJECT: Memorializing Henrietta Lacks

RESOLVED that the New York State delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring a resolution to the AAFP to ask the Secretary of Health and Human Services (HHS) to identify researchers who received funding from the federal government for research that included use of cells extracted from the immortal cell line of Henrietta Lacks or who used data from a database of Ms. Lacks' genome and make this information available to the estate of Henrietta Lacks and be it further

RESOLVED that the New York State delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring a resolution to the AAFP to seek legislation in Congress to require companies which have made products from the research which included use of cells or data from the Henrietta Lacks cell line provide reasonable compensation to the estate of Henrietta Lacks.

Testimony was generally in support of the first resolve, with some opposition to the second resolve. Discussion centered around the appropriateness of our seeking additional reparations on this initiative. Conflicts around supporting this initiative in general terms as an organization versus the challenge of developing a resolution that is within the realm of our ability to impact/ accomplish. The committee believed that this is an area where AAFP should develop policy, as we don't have an existing policy in this area.

RESOLVED that the New York State delegates to the American Academy of Family-Physicians (AAFP) Congress of Delegates will bring a resolution to the AAFP to ask the Secretary of Health and Human Services (HHS) to identify researchers who receivedfunding from the federal government for research that included use of cells extracted from the immortal cell line of Henrietta Lacks or who used data from a database of Ms. Lacks' genome and make this information available to the estate of Henrietta Lacks and be it further

RESOLVED that the New York State delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring a resolution to the AAFP to seek legislation in Congress to require companies which have made products from the research which included use of cells or data from the Henrietta Lacks cell line provide reasonable compensation to the estate of Henrietta Lacks.

RESOLVED that the New York State Academy of Family Physicians will bring a resolution to the American Academy of Family Physicians to develop a policy to support individuals who have their biological materials used without their consent and support mechanisms that improve health equity and address historical harms, such as reparations.

Madame Speaker, the Committee recommends **ADOPTING SUBSTITUTE RESOLUTION** 23-03.

Madame Speaker, the Committee considered Item 3 on the Consent Calendar, Resolution 23-04:

SUBJECT: Rosewood

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) will introduce a resolution at the 2023 AAFP COD calling upon the United States Congress to form a commission to investigate incidents of violence by White people against Black people in the United States and to identify survivors and descendants of victims of violence by White people against Black people and to create a formulary for determining compensation for such victims and their descendants.

Testimony was in support of this resolution. Opposing testimony suggested not sending similar resolutions simultaneously - might be more effective doing this over a number of years. Should direct our advocacy efforts towards developing a mechanism to do something about this where we can potentially have an impact. Discovery revealed a bill has repeatedly been submitted in support of this initiative. While we cannot compel Congress to create a commission to study the issue, we can support legislation that has already been introduced that would affect the same outcome.

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates

(COD) will direct the AAFP to pursue advocacy efforts towards supporting legislation that aims to -introduce a resolution at the 2023 AAFP COD calling upon the United-States Congress to form a commission investigate incidents of racist violence by Whitepeople against Black people in the United States and to identify survivors and descendants of victims of racist violence by White people against Black people and to create a formulary for determining compensation reparations for such victims and their descendants.

Madame Speaker, the Committee recommends **ADOPTING RESOLUTION 23-04 AS AMENDED**

Madame Speaker, the Committee considered Item 4 on the Consent Calendar, Resolution 23-08:

SUBJECT: Bylaws Regarding AAFP COD Delegation

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) Bylaws are hereby amended pursuant to the following:

Amendment to the Bylaws of the New York State Academy of Family Physicians

Material in italics represents new language. Material crossed out is existing language which would be deleted.

Chapter 7, Section 11 is hereby amended to read:

Section 11. The term of office of delegates and alternate delegates to the American Academy of Family Physicians Congress of Delegates is for two (2) years, to be staggered in such a way that one (1) delegate and one (1) alternate delegate are elected each year. Furthermore, each election of a delegate and alternate shall reflect the geographic balance required by Chapter 6, Section 5 of these Bylaws. *Furthermore*, election of delegates and alternates shall also reflect racial, ethnic, gender and sexual orientation and identity diversity of the membership of the NYSAFP. In the event that a delegate is unable to act or is prevented from acting, the alternate delegate from the same geographic region as the delegate who vacates the office shall become the new delegate and shall complete the term of the delegate who has vacated the office. In the event that a delegate resigns, is elected to the American Academy of Family Physicians Board, or otherwise leaves office, such alternate will succeed the delegate and a vacancy will exist in the office of alternate delegate. Such vacancy shall be filled pursuant to Chapter 6, Section 4 of these bylaws. The delegates elected to represent this Academy at the Congress of Delegates of the American Academy of Family Physicians and shall be required to present such resolutions as have been passed by the Congress of Delegates or Board of Directors of this Academy of Family Physicians. They shall furthermore speak for the adoption of the resolutions they present. The delegates shall be depended upon to use their judgment considering the good and welfare of the New York State Academy of

Family Physicians in acting upon any motions and resolutions about which they have not been instructed.

The delegates shall submit a report to the Board of Directors. Such report is to be submitted within thirty (30) days after the meeting of the American Academy of Family Physicians to the secretary who will present it to the Board of Directors. The report will be published in the succeeding issue of the periodic publication of the NYSAFP. The delegates and alternate delegates to AAFP shall be members of the Board of Directors.

Alternate delegates should attend the meeting of the Congress of Delegates of the American Academy of Family Physicians and be prepared to assume duties, obligations, and rights of said delegates.

Testimony was split on this resolution, although the preponderance was against adopting for various reasons. The committee discussed the importance of the leadership of the Academy being diverse vs. the conflict of voting members selecting our leadership and being reflective of our membership (i.e. these positions are elected not appointed). Discussion focused on the importance of continuing to develop the leadership pipeline with members who bring diversity. However, the effectiveness of putting this in the bylaws and addressing one specific leadership position and without a mechanism of action is unclear. Given the preponderance of written testimony, and the $\frac{2}{3}$ majority requirement for passing a bylaws change, we believe this resolution would be unlikely to pass on the floor of the COD, however given the importance, we believe this issue should be studied further by the NYSAFP Board and recommend referral thereto.

Madame Speaker, the Committee recommends Resolution 23-08 be REFERRED TO THE BOARD

Madame Speaker, the Committee considered Item 5 on the Consent Calendar, Resolution 23-12:

SUBJECT: Develop Physician Education Materials on Self-Managed Abortion

RESOLVED that the New York State delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring a resolution to the AAFP Congress of Delegates (COD) to publish a clinical recommendation reviewing the safety and efficacy of self-sourced medication abortion available on the AAFP's "Reproductive Health: Clinical Guidance and Practice Resources" care resource webpage, and be it further

RESOLVED that the New York State delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring a resolution to the AAFP Congress of Delegates (COD) to create continuing medical education material accessible for physicians to educate themselves about self-managed medication abortion and management of physician-directed aftercare, including an updated educational article about self-sourced medication abortion available on the AAFP's "Reproductive Health: Clinical Guidance and Practice Resources" care resource webpage. Testimony was overwhelming in support of this resolution as written.

Madame Speaker, the Committee recommends Resolution 23-12 be ADOPTED

Madame Speaker, the Committee considered Item 6 on the Consent Calendar, Resolution 23-14:

SUBJECT: Balanced NYSAFP Policy on Law Enforcement

RESOLVED that the New York State Academy of Family Physicians recognizes that understaffed law enforcement is a serious ongoing public health issue that disproportionately affects marginalized communities, and be it further

RESOLVED that the New York State Academy of Family Physicians will examine the details of our policies and proposals and any proposed laws and regulations to assess possible direct and indirect, as well as intended and unintended consequences when we formulate advocacy on law enforcement matters, and be it further

RESOLVED that the New York State Academy of Family Physicians recognizes the generosity and courage, as well as the importance of the work of law enforcement professionals and will issue a press release to that effect during National Police Week in May of each year, beginning in 2024.

Testimony was split on this resolution. Discussion focused on what the intent of the resolution was versus personal interpretations of this resolution. Confusion and conflicting views throughout the testimony about what defines specific tenets of this resolution. The first resolve is the only one that is relevant to public health. Recommend referring to the <u>AAFP stance</u> on policing standards. The AAFP has an existing policy/ white paper on policing standards. As a general rule, the NYSAFP has not recognized national days of recognition for other professions.

Madame Speaker, the Committee recommends Resolution 23-14 not be ADOPTED

The resolution was referred to the board.

Madame Speaker, the Committee considered Item 8 on the Consent Calendar, Resolution 23-16:

SUBJECT: In Memoriam, Henry E. Francis, MD

RESOLVED that Dr. Francis was a major figure in medicine and within the New York State Academy of Family Physicians (NYSAFP) whose career and achievements have brought credit and distinction to Family Medicine and the NYSAFP, and be it further RESOLVED that Dr. Francis was a friend and respected colleague to many members of the New York State Academy of Family Physicians and was a mentor and role model to many students, residents and young physicians and be it further

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) is deeply indebted to Dr. Francis for his significant contributions to Family Medicine and the NYSAFP and be it finally

RESOLVED that the New York State Academy of Family Physicians expresses sorrow at Dr. Francis' passing, appreciation for his life and distinguished career, and offers condolences to his family.

All testimony was overwhelmingly in favor of adopting this resolution in memory of Dr. Francis.

Madame Speaker, the Committee recommends Resolution 23-16 be ADOPTED

Madame Speaker, the Committee considered Item 9 on the Consent Calendar, Resolution 23-18:

SUBJECT: Compensation for Non-Visit Care (Remote or Care Coordination)

RESOLVED that the New York State Academy of Family Physicians will create a policy stating that payors should compensate physicians for asynchronous (outside the day of a patient visit) non-visit or remote care, such as phone calls, electronic messaging and review of laboratory data, and be it further

RESOLVED that the New York State Academy of Family Physicians will bring a resolution to the American Academy of Family Physicians stating that payors should compensate physicians for asynchronous (outside the day of a patient visit) non-visit or remote care, such as phone calls, electronic messaging and review of laboratory data.

Testimony was in full support of this resolution. Discussion of the reference committee focused briefly on the issue with these types of resolution without receptivity and/or action on the end of the payors. Consistent with our existing policy.

Madame Speaker, the Committee recommends Resolution 23-18 be ADOPTED

Madame Speaker, the Committee considered Item 10 on the Consent Calendar, Resolution 23-19:

SUBJECT: New York State Academy of Family Physicians Supports the Immediate Termination of Accountable Care Organization Realizing Equity, Access, and Community Health (ACO-REACH) Program

RESOLVED that the New York State Academy of Family Physicians vehemently oppose any further privatization of Medicare, and be it further RESOLVED that the New York State Academy of Family Physicians Delegation to the American Academy of Family Physicians (AAFP) Congress of Delegates bring a resolution requiring the AAFP to oppose any further privatization of Medicare, and be it further

RESOLVED that the New York State Academy of Family Physicians to the American Academy of Family Physicians (AAFP) Congress of Delegates bring a resolution that the AAFP should lobby for the immediate termination of the Accountable Care Organization Realizing Equity, Access, and Community Health program.

Testimony was fully in support of this resolution. Discussion focused on the specificity of this resolution as a possible way to move this forward. some minor language changes recommended.

RESOLVED that the New York State Academy of Family Physicians vehemently oppose any further privatization of Medicare, and be it further

RESOLVED that the New York State Academy of Family Physicians Delegation to the American Academy of Family Physicians (AAFP) Congress of Delegates bring a resolution requiring directing the AAFP to oppose any further privatization of Medicare, and be it further

RESOLVED that the New York State Academy of Family Physicians to the American Academy of Family Physicians (AAFP) Congress of Delegates bring a resolution that the AAFP should lobby advocate for the immediate termination of the Accountable Care Organization Realizing Equity, Access, and Community Health program.

Madame Speaker, the Committee recommends **ADOPTING AS AMENDED Resolution 23-19.**

Madame Speaker, the Committee considered Item 11 on the Consent Calendar, Resolution 23-20:

SUBJECT: Eliminating "Primary Care for All" as an Option for a National Health Plan to be Supported by the American Academy of Family Physicians (AAFP)

RESOLVED that the New York State delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring a resolution to the AAFP to remove Primary Care for All as a preferred option for a Healthcare for All system.

Testimony was generally in support of this resolution. This is consistent with our state position and is reflective of NYSAFP's representation of single payer with the AAFP. Discussion focused on the timing of this when AAFP and whether this was even in the queue with AAFP. The reference committee received clarification from the author and is in support of this resolution.

Madame Speaker, the Committee recommends Resolution 23-20 be ADOPTED

Madame Speaker, the Committee considered Item 12 on the Consent Calendar, Resolution 23-23L:

SUBJECT: Resolutions by the National Conference of Constituency Leaders

RESOLVED that the New York State Academy of Family Physicians delegation to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) introduce a resolution to stipulate that the AAFP COD determines that resolutions adopted by National Conference of Constituency Leaders (NCCL) must be accepted for consideration by the COD when submitted to the speaker by any delegate seated from the constituency groups which comprise the NCCL pursuant to Article VII, Section 2, subparagraph D of the AAFP bylaws.

Testimony was generally in support of this resolution. The mechanism already exists for NCCL to send resolutions directly to the commissions for action. Potential issue if there are conflicting policies between NCCL priorities and AAFP COD mandates. NCCL already has an existing path to implementation of their priorities and passing this could potentially diminish the voices of NCCL representatives. This resolution as it currently stands might potentially remove some of the strategy for accomplishing NCCL priorities. A possible compromise for consideration could be that resolutions adopted by NCCL are given the option of being sent directly to the AAFP COD.

RESOLVED that the New York State Academy of Family Physicians delegation to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) introduce a resolution to stipulate that the AAFP COD determines that when, resolutions adopted by National Conference of Constituency Leaders (NCCL) are duly submitted to the COD, they shall must be accepted for consideration by the COD when submitted to the speaker by any delegate seated from the constituency groups which comprise the NCCL pursuant to Article VII, Section 2, subparagraph D of the AAFP bylaws.

Madame Speaker, the Committee recommends Resolution 23-23L ADOPT AS AMENDED._

Madame Speaker, We move the adoption of the Committee's report.

Madame Speaker, We would like to thank the members of my Reference Committee. We would also like to thank the members of the Academy who testified at the Reference Committee for their insight and their cooperation. We would like to thank Penny Rhum and Kelly Madden for assisting the Committee in preparing this report.

REFERENCE COMMITTEE SESSION ONE

Chair:	Fran Faustino, MD
Vice Chair:	Dan Young, MD
Advisor:	Jason Matuszak, MD
Member:	Kristin Mack, DO
Member:	Lily Eisenberg, MD
Resident:	Hassan Nagy, MD
Student:	Cameron Clarke

Staff:	Kelly Madden, MS
Staff:	Penny Ruhm, MS

Dr. Doucet introduced Dr. Strouse for the report of reference committee two.

Session Two Reference Committee Report May 21, 2023

<u>Reference Committee Chair:</u> Madame Speaker, Reference Committee Two has considered each of the items referred to it and desires to present the following report. The Committee's recommendations on each item will be submitted on our consent calendar.

<u>Speaker</u>: Should the Congress approve the consent calendar, all items on the consent calendar will be disposed of in that single action. There will not be any opportunity for discussion on any item that is included on the consent calendar after the consent calendar is adopted. It is important, therefore, to extract an item from the consent calendar at this time if you wish to discuss that item. A motion to extract something from the consent calendar does not require a second. Any delegate may extract an item from the consent calendar by so moving that the item be extracted, and the item will be extracted without objection. The items on the consent calendar are listed in the report of the reference committee and are being projected on the screen. Does anyone have anything they would like to have extracted?

A: CONSENT CALENDAR

Madame Speaker, the Committee wishes to place on the Consent Calendar the following items:

- **1.** Resolution 23-01 "In Memoriam, Kenneth Levites, MD" adopt
- 2. Resolution 23-05 "(More) Equal/Equitable Representation at AAFP COD" adopt amended resolution
- **3.** Resolution 23-06 "Physician Dispensing of Prescription Medication" adopt amended resolution
- 4. Resolution 23-07 "Ensuring Access to NYSAFP Congress of Delegates for all County Chapters" adopt amended resolution
- **5.** Resolution 23-09 "Bullet Deposit" not adopt
- **6.** Resolution 23-10 "Support Fertility Care Education in Family Medicine" adopt amended resolution
- 7. Resolution 23-11 "Support of Over-The-Counter Application for Ulipristal Acetate (Ella)" adopt
- 8. Resolution 23-13 "Support NY Joining the Interstate Licensure Compact" adopt
- 9. Resolution 23-15 "Expanding New York Limited Permit" not adopt
- **10.** Resolution 23-17 "In Memoriam, Donna McCabe" adopt
- **11.** Resolution 23-21L "Adult NYSIIS Reporting Education" adopt amended resolution
- **12.** Resolution 23-22L "Ensuring Access to Reproductive Health Services Medication" adopt amended resolution

Items 2 and 9 were extracted.

Madame Speaker, the Committee moves adoption of the Consent Calendar as listed. The Consent Calendar was adopted.

Madame Speaker, the Committee considered Item 1 on the Consent Calendar, Resolution 23-01:

SUBJECT: In Memoriam, Kenneth Levites, MD

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) is Deeply indebted to Dr. Levites for his many contributions to Family Medicine, to the NYSAFP and to his community by his embodiment of the highest ideals of medicine, and be it further

RESOLVED that the New York State Academy of Family Physicians expresses sorrow at his passing, appreciation for his life and distinguished career, and offers condolences to his family.

There was no testimony in opposition.

Madame Speaker, the Committee recommends Resolution 23-01 be adopted.

Madame Speaker, the Committee considered Item 2 on the Consent Calendar, Resolution 23-05:

SUBJECT: (More) Equal/Equitable Representation at AAFP COD

RESOLVED the New York State Academy of Family Physicians delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring forth a resolution directing the directing the AAFP to adopt a model for its Congress of Delegates that grants chapters with over 3,000 members one additional delegate and those with over 6,000 members two additional delegates, but no additional alternate delegates in either case.

Testimony was universally in support.

There was discussion regarding which categories of members to include in the count to determine the number of delegates. The committee determined that students and residents already have their own delegates in the COD and that, therefore, only active and life members should be counted in determining which chapters qualify for additional delegates.

The committee also discussed how many chapters would be affected and determined that lowering the threshold for adding delegates would make the resolution more palatable to more chapters. At 3,000 and 6,000 members the resolution as submitted would affect 13 chapters.

The committee consulted the roster of chapters which includes the number of members in each classification. Using only active and life members the committee determined that reducing the threshold to 1,500 and 3,000 members (Active and Life members only) would increase the number of affected chapters to 22 which would make it more likely to be approved.

The committee amended the resolution to read:

RESOLVED the New York State Academy of Family Physicians delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates will bring forth a resolution directing the directing the AAFP to adopt a model for its Congress of Delegates that grants chapters with over $3,000 \ 1,500 \ active \ and \ life$ members one additional delegate and those with over $6,000 \ 3,000 \ active \ and \ life$ members two additional delegates, but no additional alternate delegates in either case.

Madame Speaker, the Committee recommends that amended Resolution 23-05 be adopted.

A motion was made to refer to the board. The motion was approved by majority vote (31 -28).

Madame Speaker, the Committee considered Item 3 on the Consent Calendar, Resolution 23-06:

SUBJECT: Physician Dispensing of Prescription Medication

RESOLVED the New York State Academy of Family Physicians will advocate for primary care physicians to be permitted to dispense medications from their offices in the same manner as New York State Pharmacies, and be it further

RESOLVED the New York State Academy of Family Physicians delegates to the American Academy of Family Physicians (AAFP) will bring forth a resolution directing the AAFP to advocate for national rule-making consistent with the provision that physicians in all states, territories, and other jurisdictions, be permitted to dispense medication from their offices in the same manner as pharmacies in their respective jurisdictions.

Testimony was mixed. Opponents suggested that this would lead to more regulation of practices; that pharmacists have more training in drug interactions; dosing and pharmacokinetics; and that dispensing would add additional stress to already overburdened clinic staffs which would likely result in errors.

Discussion of the committee focused on the greater training and resources pharmacists have to identify potential drug interactions and determine the safest level of dosage and potential interaction with other medications the patient may be taking. The committee also was concerned that dispensing would expose physicians to additional liability.

The committee felt the 2nd RESOLVED clause was unnecessary because states have sole authority to regulate pharmacies and dispensing.

The committee felt compliance with regulations for pharmacies was important and a valuable safeguard to protect patients and back up prescribers. The committee amended the resolution to read as follows:

RESOLVED the New York State Academy of Family Physicians will advocate for primary care physicians to be permitted to dispense medications from their offices in the same manner as New York State Pharmacies *and in full compliances with state regulations governing dispensing by pharmacists*, and be it further

RESOLVED the New York State Academy of Family Physicians delegates to the American Academy of Family Physicians (AAFP) will bring forth a resolution directing the AAFP to advocate for national rule-making consistent with the provision that physicians in all states, territories, and other jurisdictions, be permitted to dispensemedication from their offices in the same manner as pharmacies in their respective jurisdictions.

Madame Speaker, the Committee recommends that amended Resolution 23-06 be adopted.

Madame Speaker, the Committee considered Item 4 on the Consent Calendar, Resolution 23-07:

SUBJECT: Ensuring Access to NYSAFP Congress of Delegates for all County Chapters

RESOLVED the New York State Academy of Family Physicians adopt a policy to directly reimburse the reasonable travel and related expenses for up to one delegate from each county chapter to attend the NYSAFP Congress of Delegates (COD), with the remainder of the delegates and alternate delegates attending the COD assigned to the expense of the county chapters they represent.

The maker confirmed that his intent is that every chapter should be allowed reimbursement for one delegate to attend the COD, including chapters which have their own funds. The resolution addresses all costs associated with travel and participation in the COD. The committee estimates the cost of implementing this at \$1,000/delegate. There are 53 chapters so the potential cost would be \$53,000. There was discussion regarding whether all chapters would take advantage of this subsidy. The committee felt it was impossible to determine how many chapters would use the subsidy.

The committee felt chapters which have resources should be excluded. If passed as originally submitted and if all chapters sent a delegate, this resolution would cost \$53,000. If passed as amended by the committee the maximum cost would be reduced to \$42,000. The consensus was in support but there was concern about the cost. The committee amended the resolution to read:

RESOLVED the New York State Academy of Family Physicians adopt a policy to Directly reimburse the reasonable travel and related expenses for up to one delegate from each *non-dues collecting* county *local* chapter to attend the NYSAFP Congress of Delegates (COD), with the remainder of the delegates and alternate delegates attending the COD assigned to the expense of the local chapters they represent.

Madame Speaker, the Committee recommends amended Resolution 23-07 be adopted.

Madame Speaker, the Committee considered Item 5 on the Consent Calendar, Resolution 23-09:

SUBJECT: Bullet Deposit

RESOLVED the New York State Academy of Family Physicians lobby the New York State Legislature to propose legislation requiring a \$1 per bullet deposit on bullet shell casings, with the money for the deposit provided to the state prospectively by the bullet manufacturers for every bullet sold with the bullet manufacturers reimbursed from the deposit paid by the purchaser at the time of purchase and with the purchaser's deposit reimbursed by the state at the time the spent shell casings are returned. (Public Health Law Section 2164)

Opponents noted that ammunition can be purchased our-of-state to circumvent the \$1 deposit which would erode the value of this as a deterrent.

A witness said it is impractical to expect gun owners to collect shell casings to receive their deposit back and that supporting this type of law would erode NYSAFP's credibility.

The committee felt this was unrealistic and would erode the credibility of NYSAFP at the AAFP COD if we submitted it and that there are better alternatives to improve gun safety.

The committee also determined that this would disproportionately affect poorer people and would be difficult to enforce.

Madame Speaker, the Committee recommends that Resolution 23-09 not be adopted.

Madame Speaker, the Committee considered Item 6 on the Consent Calendar, Resolution 23-10:

SUBJECT: Support Fertility Care Education in Family Medicine

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) will affirm fertility care services within the scope of practice within family medicine and promote this care by expanding education and resources for physicians, and let it be further

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) will advocate for insurance coverage of fertility care services for sexual and gender minorities and single individuals who do not meet definitions of clinical infertility or iatrogenic infertility, and let it be further

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) will bring a resolution to affirm that fertility care services are within the scope of practice of family medicine and promote this care by expanding education and resources for physicians, and let it be further

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) will bring a resolution to update its "Reproductive Health: Clinical Guidance and Practice Resources" to include protocols and education materials on infertility care.

The only comment in opposition was in regard to clarification of the intent of the 2nd RESOLVED clause. The witness asked what it means to not meet the definition of clinical or iatrogenic infertility. This is intended to apply to individuals and couples regardless of sexual orientation.

There was discussion regarding whether NYSAFP could create educational materials and what that would cost. The committee decided to delete "and promote this care by expanding education and resources for physicians" in the 1st and 3rd RESOLVED clauses. The amended resolution reads as follows:

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) will Affirm fertility care services within the scope of practice within family medicine *and promote this care by expanding education and resources for physicians*, and let it be further

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) will Advocate for insurance coverage of fertility care services for sexual and gender minorities and single individuals who do not meet definitions of clinical infertility or iatrogenic infertility, and let it be further

RESOLVED that the New York State Academy of Family Physicians (NYSAFP)

delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) will bring a resolution to affirm that fertility care services are within the scope of practice of family medicine *and promote this care by expanding education and resources for physicians*, and let it be further

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) will bring a resolution to update its "Reproductive Health: Clinical Guidance and Practice Resources" to include protocols and education materials on infertility care.

Madame Speaker, the Committee recommends amended Resolution 23-10 be adopted.

Madame Speaker, the Committee considered Item 7 on the Consent Calendar, Resolution 23-11:

SUBJECT: Support of Over-The-Counter Application for Ulipristal Acetate (Ella)

RESOLVED the New York State Academy of Family Physicians (NYSAFP) actively Support any legislation that promotes the OTC status of Ulipristal, and be it further

RESOLVED that New York State Academy of Family Physicians (NYSAFP) delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) will bring a resolution to the AAFP COD to amend current policy and add support for both over-the-counter oral contraceptives and oral emergency contraceptives, and be it further

RESOLVED that New York State Academy of Family Physicians (NYSAFP) delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) will bring a resolution to the AAFP COD will for the AAFP to advocate to HRA Pharma, the Ulipristal manufacturer, to submit an Rx-to-OTC switch application.

There was no opposition to this resolution.

There was a typo in the final RESOLVED clause which the committee corrected with the author's consent. The corrected clause reads as follows:

RESOLVED that New York State Academy of Family Physicians (NYSAFP) delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) will bring a resolution to the AAFP COD *will* for the AAFP to advocate to HRA Pharma, the Ulipristal manufacturer, to submit an Rx-to-OTC switch application.

Madame Speaker, the Committee recommends Resolution 23-11 be adopted.

Madame Speaker, the Committee considered Item 8 on the Consent Calendar, Resolution 23-13:

SUBJECT: Support NY Joining the Interstate Licensure Compact

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) formally support the Interstate Medical Licensure Compact and lobby for the adoption by the New York State legislature.

Testimony was generally in support. The AAFP has a policy in support of the Compact.

Madame Speaker, the Committee recommends that Resolution 23-13 be adopted.

Madame Speaker, the Committee considered Item 9 on the Consent Calendar, Resolution 23-15

SUBJECT: Expanding New York Limited Permit

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) will lobby the New York State Legislature to expand this permit to allow medical school graduates to also work an outpatient setting under the supervision of a physician.

Testimony was predominantly opposed. The committee was concerned that expanding the limited permit could create liability including criminal liability for the supervising physician and that allowing people to practice in outpatient settings on a limited permit would endanger patients. There was support within the committee for referral to the board for further consideration of the merits.

The committee also felt the language was not sufficiently precise. Reference to "this permit" should instead read "New York State limited permit."

Madame Speaker, the Committee recommends that Resolution 23-15 not be adopted.

There was discussion regarding amending the resolution to clarify the meaning of "this permit." An amendment was offered by the author to delete "this" before "permit" and insert "*New York State limited*". The amended resolution reads:

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) will lobby the New York State Legislature to expand this *the New York State limited* permit to allow medical school graduates to also work in an outpatient setting under the supervision of a physician.

A motion was made to refer to the board. The question was called (requires 2/3 vote). The motion to close discussion was adopted. A vote on referral to the board occurred. The motion was approved (30 - 22).

Madame Speaker, the Committee considered Item 10 on the Consent Calendar, Resolution 23-17:

SUBJECT: In Memoriam, Donna McCabe

RESOLVED that the New York State Academy of Family Physicians is deeply indebted to Mrs. McCabe for her significant contributions to Family Medicine and the Academy and be it finally

RESOLVED that the New York State Academy of Family Physicians expresses sorrow at her passing and offers sincere condolences to her family.

Madame Speaker, the Committee recommends Substitute Resolution 23-17 be adopted.

Madame Speaker, the Committee considered Item 11 on the Consent Calendar, Resolution 23-21L:

SUBJECT: Adult NYSIIS Reporting Education

RESOLVED that the New York State Academy of Family Physicians will develop educational materials for distribution to members which will be designed to encourage patients to ask that their adult vaccine doses be reported to NYSIIS.

The committee felt the acronym should be spelled out in both the subject line and RESOLVED clause and that "educational materials" should be "resources". The amended resolution reads:

SUBJECT:Adult NYSHS New York State Immunization Information SystemReporting Education

RESOLVED that the New York State Academy of Family Physicians will develop educational materials *resources* for distribution to members which will be designed to encourage patients to ask that their adult vaccine doses be reported to <u>NYSHS-New York</u> *State Immunization Information System*.

Madame Speaker, the Committee recommends that amended Resolution 23-21L be adopted.

Madame Speaker, the Committee considered Item 12 on the Consent Calendar, Resolution 23-22L:

SUBJECT: Ensuring Access to Reproductive Health Services Medication

RESOLVED that the New York State Academy of Family Physicians advocate and support the continuation of the Food and Drug Administration's authority to determine whether drugs are safe and effective, and be it further

RESOLVED that the New York State Academy of Family Physicians support legal efforts to ensure that mifepristone and misoprostol are available to anyone for whom they are prescribed; and be it further

RESOLVED that the New York Academy of Family Physicians support efforts, including joining in an Amicus brief, to ensure that both these medications continue to be available, and that the FDA retain its regulatory authority; and be it further

RESOLVED that the New York State Academy of Family Physicians (NYSAFP) delegates to the American Academy of Family Physicians (AAFP) Congress of Delegates (COD) will bring this resolution to the AAFP COD for its consideration.

The committee determined that the 3rd and 4th RESOLVED clauses should be amended to stand alone. The amended resolution reads:

SUBJECT: Ensuring Access to Reproductive Health Services Medication

RESOLVED that the New York State Academy of Family Physicians support efforts, including submitting an amicus brief, to ensure that both these medications continue to be available, and that the FDA retain its regulatory authority; in support of the Federal Food and Drug Administration in the Texas case of the Alliance of Hippocratic Medicine, et. al. v. the US Food & Drug Administration et. al, to assure that mifepristone remains available to patients and that the FDA retains its regulatory authority, and be it further

RESOLVED that the New York State Academy of Family Physicians delegates to the American Academy of Family Physicians Congress of Delegates (AAFP) will bring this resolution to the AAFP COD for its consideration submit a resolution to require the AAFP to support efforts, including submitting an amicus brief in support of the Federal Food and Drug Administration in the Texas case of the Alliance of Hippocratic Medicine, et. al. v. the US Food & Drug Administration et. al, to assure that mifepristone remains available to patients and that the FDA retains its regulatory authority.

Madame Speaker, the Committee recommends that amended Resolution 23-22L be adopted.

Madame Speaker, we move the adoption of the Committee's report.

Madame Speaker, we would like to thank the members of my Reference Committee. We would also like to thank the members of the Academy who testified at the Reference Committee for their insight and their cooperation. We would like to thank Vito Grasso and Jill Walls for assisting the Committee in preparing this report.

REFERENCE COMMITTEE SESSION TWOChair:Wayne Strouse, MD

Ani Bodoutchian, MD Vice Chair: Mark Josefski, MD Advisor: Jiana Menendez, MD Member: Member: Naz Kahn, MD Moses Syldort, MD Resident: Student: Carolyn Corcoran Staff: Vito Grasso, MPA, CAE Staff: Jill Walls

There being no further business, the speaker adjourned the Congress at 11:37 AM.

Recorded By, Vito F. Grasso, MPA, CAE Executive Vice President