

Policy Manual

September 2009

New York Chapter, American College of Physicians Inc

The policy manual is a compendium of current policies that are sustaining should be maintained, and action policies should only be maintained until they are accomplished. The Health and Public Policy Committee will annually review the policy manual in conjunction with the annual proposed legislative agenda.



<i>Acquired Immunodeficiency Syndrome (AIDS)</i>	3	<i>Medical Education: Graduate</i>	8
<i>Autopsies</i>	3	<i>Medical Necessity</i>	9
<i>Coding and Nomenclature</i>	3	<i>Medical Records</i>	9
<i>Drugs: Advertising</i>	4	<i>Medical School Faculty</i>	9
<i>Drugs: Coverage</i>	4	<i>Medicare</i>	9
<i>Drugs: Labeling and Packaging</i>	4	<i>Medicare: Carrier Review</i>	10
<i>Drugs: Substitution</i>	4	<i>Peer Review</i>	10
<i>End of Life Care</i>	4	<i>Physician Payment</i>	10
<i>Firearms</i>	5	<i>Physician Payment: Medicaid</i>	11
<i>Health Insurance</i>	5	<i>Physician Payment: Medicare</i>	11
<i>Health Insurance: Access to Care</i>	6	<i>Physicians</i>	11
<i>Health Insurance: Claim Forms & Claims Processing</i>	6	<i>Practice Parameters</i>	11
<i>Health Insurance: Single Payer</i>	6	<i>Professional Liability</i>	11-12
<i>Home Health Services</i>	6	<i>Public Health</i>	12
<i>Health Manpower</i>	6	<i>Resolutions</i>	13
<i>Hospitals</i>	7	<i>Scope Of Care</i>	13
<i>Legislation and Regulation</i>	7	<i>Sports and Physical Fitness</i>	13
<i>Licensure and Regulation</i>	7	<i>Tobacco</i>	13
<i>Managed Care/Health Maintenance Organizations</i>	8	<i>Tobacco: Marketing and Promotion</i>	14
<i>Medicaid</i>	8	<i>What NYACP Should Do - MISC</i>	14

Acquired Immunodeficiency Syndrome (AIDS)

Definition of Disability of HIV Positive Physicians

Resolved, it is the policy of NYACP that the definition of disability should include HIV positive physicians, medical students and physicians in training, who although still physically and mentally capable to practice medicine, cease performing invasive procedures either voluntarily or as a result of regulation or statute.

AIDS as a Communicable Disease

Resolved, it is the policy of NYACP that AIDS be treated as a communicable disease to be diagnosed and treated as other similar illnesses.

HIV Testing

Resolved, it is the policy of NYACP that HIV testing should be performed without explicit consent where a health care worker has been placed at risk by exposure to body fluids, provided that the privacy of the patient is maintained.

HIV Reporting Mechanism

Resolved, it is the policy of NYACP that Health Care Providers involved in the care of a patient should have open and free access to the HIV serology of that given patient. ■■■

Autopsies

Results of Autopsies Performed by Medical Examiner

Resolved, it is the policy of NYACP that a medical examiner to release a copy of autopsy findings to the decedent's attending physician unless the family requests otherwise. ■■■

Coding and Nomenclature

Psychiatric and Psychological Diagnoses to be Reimbursed at Appropriate CPT Code Level

Resolved, that NYACP through MSSNY, and the AMA obtain the appropriate legislative relief so that all psychiatric and psychological diagnoses should be reimbursed at the appropriate CPT code level and neither reimbursement withheld nor reduced based on diagnosis.

Code to Identify the Admitting Physician

Resolved, it is the policy of NYACP that Medicare and all other insurers should provide a code identifying a physician as the admitting physician whose reasonable charges for evaluation and management services will not arbitrarily be denied on the basis of the presence of other physicians' charges. ■■■

Drugs: Advertising

Is Consumer Pharmaceutical Advertising Ethical?

Resolved, that it is the policy of NYACP that it considers targeted lay press advertising of prescription medications to be unethical.

Resolved, it is the policy of NYACP that each pharmaceutical manufacturer should voluntarily provide disease-oriented information to the public rather than product-oriented information. ■■■

Drugs: Coverage

Tiers of Co Payments for Medication Coverage

Resolved, it is the policy of NYACP to support adjustment of medication co-payments or no co-payments for low income individuals, including establishing maximum co-payments per month, in order to preserve the ability of such individuals to receive necessary medications.

Achieving Physician Reimbursement for Anticoagulation Monitoring

Resolved, to support adequate physician reimbursement for anticoagulant monitoring including telephonic monitoring among both governmental and private insurers should be approved. ■■■

Drugs: Labeling and Packaging

Herbal Supplements

Resolved, it is the policy of NYACP that the FDA require warning labels for herbal supplements known in the medical literature to have potential harmful side effects. ■■■

Drugs: Substitution

Standards of Generic Drugs

Resolved, it is the policy of NYACP that the FDA should require that generic drugs be held to the same standards for purity, bioavailability, stability and consistency as the brand name drugs of the same chemical composition. ■■■

End of Life Care

End of Life Care

Resolved, that NYACP strongly supports surrogate decision making at life's end, and therefore strongly supports passage of the Family Health Care Decisions Act. ■■■

Firearms

Gun Associated Violence as a Public Health Issue

Resolved, that NYACP will take an active part in educating the public in the health hazards of firearms.

Assault Weapons

Resolved, it is the policy of NYACP to support the passage and enforcement of laws to ban assault weapons as well as distribution of ammunition and to control the ownership and use of all firearms. ■■■

Health Insurance

Uniform Healthcare Bills Written in Average Health Literacy

Resolved, that it is NYACP policy to advocate for legislation or regulation to require bills for healthcare provider services and products, as well as insurance explanation of benefits, be uniform and written so that patients with average health literacy can understand them.

Durable Medical Equipment Companies Provide Cost Information

Resolved, that it is the policy of NYACP to advocate for legislation requiring Durable Medical Equipment (DME) companies to provide patients, for whom DME has been prescribed, information on cost as well as purchase and rental options; and be it further

Resolved, that it is the policy of NYACP to advocate for legislation requiring DME companies to supply patients with equipment prescribed by their physician and to obtain approval from the prescribing physician if a substitution is required.

Not for Profit Health Insurance Companies

Resolved, that it is the policy of NYACP to advocate for legislation that specifies that only not-for-profit health insurance companies will be licensed and authorized to sell health insurance in New York State.

Immunizations

Resolved, that it is the position of the NYACP that all insurers should cover immunizations as recommended by the Advisory Committee on Immunization Practices.

Misuse of “Maximal Medical Improvement”

Resolved, that the NYACP supports the development of clinical guidelines and best practices for maintaining therapies for chronic conditions using an evidence-based model. ■■■

Health Insurance: Access to Care

Medical Care for the Homeless

Resolved, it is the policy of NYACP to support care for underserved populations, including the homeless, by supporting volunteerism and legislation that provides “Good Samaritan” protections for physicians who volunteer for such service. ■■■

Health Insurance: Claim Forms and Claims Processing

Single Electronic Billing System

Resolved, that it is NYACP policy to support the development of an interoperable electronic claims methodology.

Health Promotion Visits

Resolved, that NYACP supports policy for reimbursement of at least one adult health promotion visit per year for the purpose of implementing appropriate screening, prevention and counseling.

Health Insurance: Single Payer

Support for a Single Payer Universal Healthcare Insurance Program

Resolved, that the Board of Governors of the American College of Physicians continue efforts to achieve universal access to comprehensive, affordable, high-quality health care by developing and supporting a model to achieve universal access through a single-payer financing mechanism. ■■■

Home Health Services

Home Infusion Services

Resolved, The NYACP strongly supports the use of and payment for home infusion services. ■■■

Health Manpower

Nursing Shortage

Resolved, that NYACP will support initiatives to increase the attractiveness of nursing as a profession. ■■■

Hospitals

Opposition to For-Profit Hospital Chains

Resolved, it is the policy of NYACP to oppose the development of for-profit hospital chains New York.

If Hospital Considers Reporting an Incident of Possible Professional Medical Misconduct, Hospital Should First Notify the Physician

Resolved, that it is the policy of NYACP to encourage its members to advocate at their hospitals to ensure that medical staff Bylaws protect the rights of physicians to due process, and that actions which may result in reporting to the National Practitioner Databank, such as reduction in privileges or removal from the staff only occur after all such due process rights are fully exercised.

Resolved, that it is the policy of NYACP to encourage its members to advocate policies in their hospitals that that all reports made by a hospital to the National Practitioner Databank regarding actions taken against a physician are reviewed by the physician, and his/her comments taken into account prior to the language being finalized. ■■■

Legislation and Regulation

Defeat of Wrongful Death Legislation

Resolved, it is the policy of NYACP to oppose legislation that would make wrongful death a cause of action in a malpractice case in New York.

Medical Marijuana: Medical Use and Research

Resolved, that it is NYACP policy to support the implementation of scientifically rigorous research into the potential therapeutic role of marijuana. ■■■

Licensure and Regulation

Mandatory CME

Resolved, it is the policy of NYACP that continuing medical education requirements should be kept within the professional community and to oppose legislation and/or regulation requiring any specific mandated form or amount of continuing medical education as a prerequisite for medical license re-registration.

Use of Professional Credentials

Resolved, it is the policy of NYACP to support regulation and/or legislation to ensure that the public be made aware of the specific academic credentials of individuals using the title “doctor” when they are reporting or commenting on any health-related matter or when presenting themselves as caregivers. ■■■

Managed Care/Health Maintenance Organizations

HMO Fee for Case Management and Coordination

Resolved, it is the policy of NYACP that all forms of health insurance should include a case management fee for primary care providers in recognition of the important time consuming and otherwise uncompensated role of coordination of care played by these physicians and their office staffs.

Education About HMOs as For Profit Corporations

Resolved, it is the policy of NYACP that the lay public and executive and legislative branches of the government be educated about how the for-profit status of most health maintenance organizations in the United States limits the amount of premiums available for health care.

Managed Care

Resolved, it is the policy of NYACP that any evaluation of physician performance, whether for credentialing or reimbursement be based on clinical criteria and not financial criteria such as low utilization

Opposition to Gatekeeper Referral Restrictions

Resolved, that NYACP oppose third party payer policies that require 'gatekeeper' physicians to make referrals for tests, imaging procedures and services requested by consulting physicians or primary treating physicians of other specialties, particularly when such services are outside the expertise of the designated 'gatekeeper' physician. ■■■

Medicaid

Medicaid Utilization Threshold

Resolved, that it is the policy of NYACP that the number of visits by patients for necessary clinical services not be limited *a priori* by any health insurer, including Medicaid.

Medicaid Prior Authorization for Classes of Drugs

Resolved, that it is the policy of NYACP to continue to monitor prior authorization requirements for medications under the Medicaid program.

Medical Education: Graduate

Proportional Representation on State Council for Graduate Medical Education

Resolved, that seats on the New York Council on Graduate Medical Education (COGME) should be apportioned in accordance with the number of trainees within each specialty training program within New York State. ■■■

Medical Necessity

Orders for Procedures

Resolved, that it is the policy of NYACP to support legislation and/or regulation that requires insurers to respect attending physician's determination of the appropriate sequence for tests and procedures.

Payment for Medically Necessary Tests

Resolved, that it is the policy of NYACP to support legislation and/or regulation that ensures that payers cover all studies ordered by a physician based on an appropriate pre-test clinical indication, and that a negative outcome not be used as a criterion for denying coverage. ■■■

Medical Records

Payment for Medical Records

Resolved, that it is the policy of NYACP the fee of 75 cents per page for copying medical records is not adequate, and that physicians receive proper compensation for inspecting, retrieving, copying and delivering a patient's medical records. ■■■

Medical School Faculty

NYACP to Develop a Preceptor Relationship Between Its Members and Local Medical Schools

Resolved, that NYACP endorses preceptor relationships between its districts and its medical schools. ■■■

Medicare

Medicare Telephone Appeals

Resolved, that it is the policy of NYACP to support regulation and/or legislation that would prohibit insurers, including Medicare and Medicaid, from downcoding based on statistical analyses of claims.

Waiving the Medicare Deductible

Resolved, it is the policy of NYACP to support legislation that would require patients dually covered by Medicare and Medicaid to be considered to have Medicare as their primary coverage, and that deductibles and coinsurance be fully covered by Medicaid. ■■■

Medicare: Carrier Review

Medicare Carriers to Provide Data Which Justify the Statistical Validity of Findings

Resolved, it is the policy of NYACP to support legislation and/or regulation that would require Medicare carriers to provide data which justify the statistical validity of their findings prior to any fair hearing and request for return of monies paid to physicians on the basis of the findings of chart audits. ■■■

Peer Review

Confidentiality of Documents Submitted to a Peer Review Committee

Resolved, that it is the policy of NYACP to support legislation that will require that, in order to maintain the integrity of the QA Committees and Peer Review Committees, all materials submitted to such committees, including verbal testimony of physicians, will be confidential and immune from discovery in a malpractice action.

Positive Peer Review

Resolved, that it is the policy of NYACP to encourage its members to participate in hospital peer review committees, and to strive to make entries in physician profiles when there is evidence of excellent care as well as substandard care. ■■■

Physician Payment

Medical Practice Audits

Resolved, that it is the policy of NYACP to urge the appropriate state and federal regulatory agencies to regulate third party payers' medical practice audits so that such audits are conducted for the purpose of improving quality and providing education to the physician, and not serve as a punitive process.

Resolved, that physicians subject to medical practice audits will be afforded due process.

Equitable Compensation for Workers Compensation Fees

Resolved, that it is the policy of NYACP to advocate to the Workers Compensation Board to mandate that both physicians and attorneys who are asked to provide professional services for injured workers will be paid equitable compensation for those services commensurate with the usual rates for such services.

Fees for Social Security Reports

Resolved, that it is the policy of NYACP fees paid to physicians for Social Security disability reports should be commensurate with the work performed.

Opposition to a Tax on Providers

Resolved, NYACP to oppose the imposition of gross receipts taxes on physicians. ■■■

*Physician Payment: Medicaid*Medicaid Fees for Internists' Services

Resolved, it is the policy of NYACP to advocate that Medicaid reimbursement for physician services be increased to Medicare levels. ■■■

*Physician Payment: Medicare*Carrier Screen and Denial of payment for Hospital Patients

Resolved, that it is the policy of NYACP to advocate for regulation and/or legislation that prohibits Medicare carriers from denying payment for disputed claims until a full review of medical records is performed, with an opportunity for the physician to provide clarifying information, and with the right of appeal and outside arbitration should payment be denied on the basis of medical necessity or quality of care. ■■■

*Physicians*Primary Care Internists to Volunteer Time as preceptors

Resolved, that it is the policy of NYACP to encourage its primary care internist members to volunteer their services as preceptors for medical students and residents in ambulatory care settings and be it further

Resolved, that it is the policy of NYACP to urge deans of medical schools to award academic recognition for serving as preceptors in ambulatory settings. ■■■

*Practice Parameters*Practice Guidelines

Resolved, that it is the policy of NYACP to support the practice of “evidence-based medicine” by its members, through the development, endorsement and/or distribution of clinical practice guidelines. ■■■

*Professional Liability*Guidelines for Expert Witnesses

Resolved, that NYACP will advocate for the establishment of guidelines for expert witnesses.

Certificate of Merit in Medical Malpractice Action Be Attested to by a Physician Board Certified in the Relevant Area

Resolved, that it is the policy of NYACP to support legislation that would require that a Certificate of Merit in a medical malpractice action be attested to by a physician trained and practicing in the relevant specialty, and that such attestation be a part of the legal record.

Countersuits for Damages

Resolved, NYACP advocate for reform of the medical liability system that would include a realistic ability for physicians to seek damages for frivolous lawsuits, or contain other provisions that would dissuade the filing of frivolous suits.

Need for Reform in Professional Liability Laws

Resolved, that it is the policy of NYACP to continue to advocate for meaningful tort reform that will encourage improved quality of medical care and achieve significant reductions in medical liability insurance premiums in New York State.

Defense Fees and Costs Sustained in Malpractice Suit

Resolved, that it is the policy of NYACP to support the inclusion of a provision in any tort reform plan that all defense fees and costs sustained in a malpractice suit resulting in a finding of “no malpractice” may be recovered.

Alternate Pathway for Malpractice Disputes

Resolved, that the NYACP will support proposals for reform of the current professional liability system that include alternative dispute resolution systems, including those that include no-fault provisions. ■■■

Public HealthRestrictions on Tanning Establishments

Resolved, that NYACP policy supports restrictions that no minor should be permitted to use tanning devices; and be it further

Resolved, that NYACP policy supports restrictions that a Surgeon General's warning should be placed publicly in all tanning establishments which states as the very least ultraviolet radiation can cause skin cancer; and be it further

Resolved, that NYACP policy supports restrictions that no facility should advertise the use of any UV or UVB tanning device using wording such as “safe”, “safe tanning”, “no harmful rays”, “no adverse affect” or similar wording concepts.

Improvement in Immunization Administration

Resolved, that it is the policy of NYACP to support efforts to increase public awareness of the benefits of immunization for the prevention of influenza and pneumococcal pneumonia. ■■■

Resolutions

Sunset of Resolutions

Resolved, that bi-annually, the Health and Public Policy Committee will review the policy manual, and will make recommendations to the Council for revision or deletion, including a recommendation for further review by an appropriate standing or ad hoc committee if necessary. The Council shall make a final determination on each recommendation. ■■■

Scope Of Care

Alternative Health Care

Resolved, that NYACP support policy that maintains that all practitioners including those who practice alternative medicine, are held to the same standards of practice.

Prevent Enactment of Regulations that Grant a License to Practice Medicine to Those Who Have Not been Trained

Resolved, that NYACP will only support the expansion of scope of practice where there is appropriate education, training, and continuing education.

Pharmacists “Unsolicited” Suggestion of Drug Substitutions to Patients

Resolved, that it is the policy of NYACP to support regulation and/or legislation that requires that unsolicited alternative drug suggestions by the pharmacist or a pharmacy benefit program be addressed to the physician, not the patient. ■■■

Sports and Physical Fitness

Physically Active Healthier Lifestyles

Resolved, that it is the policy of NYACP to support programs that encourage individuals, schools and communities to achieve more physically active, healthier lifestyles. ■■■

Tobacco

AMA to Assign Diagnostic Code for Tobacco Abuse & Counseling

Resolved, that NYACP petition the AMA to assign a diagnostic code for tobacco abuse and that the third party payers pay appropriately for smoking cessation, counseling and monitoring as they would for any other physician office visit.

Resolved, that it is the policy of NYACP to support legislation ending subsidies for the tobacco industry.

Resolved, that it is the policy of NYACP to advocate for measures that reduce tobacco use and exposure to second-hand smoke. ■■■

Tobacco: Marketing and Promotion

Advertising by Tobacco Manufacturers and Marketers

Resolved, that it is the policy of NYACP to advocate for the elimination of all advertising for tobacco products.

Cigarette Packages to Carry Prominent Addition Warning

Resolved, that it is the policy of NYACP to advocate that warning labels on tobacco products occupy at least 50% of the surface of the package. ■■■

What NYACP Should Do - (MISCELLANEOUS)

Governance Based Upon Membership

Resolved, that it is NYACP policy that the Governors of the Chapter advocate at the National level for proportional governorships based on total chapter membership with a minimum of one and a maximum of eight governor seats. ■■■