

April 6, 2016

Advocacy

New York's \$147 Billion State Budget Passed on April 1, 2016

General Highlights:

- The minimum wage will be raised over a phased in period to **\$15 an hour in every region of the state** and a paid family leave policy funded through employee contributions was enacted (*see detail below*)
- Growth in state spending was held to **2% for the sixth consecutive year**
- Personal income tax cuts were enacted, saving middle class New Yorkers nearly **\$6.6 billion** in the first four years, with annual savings reaching **\$4.2 billion** by 2025 (*see detail below*)
- **\$24.8 billion was appropriated in school aid** - the highest in state history - and ending the Gap Elimination Adjustment. The school aid budget reflected a 6.5% increase in spending over last year
- **\$55 billion will be invested in New York's roads, bridges, airports and transportation enhancements**, the largest state transportation plan ever approved, including \$27 billion for the Department of Transportation and NYS Thruway Authority and \$27 billion for the MTA

The budget agreement includes spending in the following categories:

- Total State Operating Funds: **\$96.2 billion; 2.0 percent growth**
- School Aid: **\$24.8 billion; 6.5 percent growth**
- Medicaid: **\$18.5 billion; 3.4 percent growth under the cap**
- Higher Education: **\$7.2 billion; 2.0 percent growth**



Health Highlights:

- **Excess Liability coverage was maintained.** The proposed cut to the “2nd layer of coverage,” also known as excess medical liability coverage provided through hospitals, was not adopted and funding was maintained at its current level
- **An additional \$1 million was added to Doctors Across New York (DANY),** and the funds were streamlined to combine loan forgiveness and practice start up opportunities. Funding was adjusted to \$40,000 per year with a maximum of \$120,000 for either program for a 3 year commitment to practice in New York State
- **E-prescribing** - a new process for physicians who prescribe under 25 scripts per year (including oral and written) to apply for an exemption each year was approved. This action supplemented the [Commissioner of Health's additional exception blanket waiver of one year for clearly defined situations](#)
- **Changes proposed by the Governor to existing “Prescriber Prevails” rules in Medicaid Fee for Service and Medicaid Managed Care were rejected**
- **Support for expanding the Chapter's Take A Look Tours, in partnership with Iroquois Hospital Association, was included under an individual member line item.** These tours are designed for residents to be introduced to the value and benefit of practice in Upstate New York
- **Prior authorization of Opioids in the Medicaid program was modified and approved in the final budget,** and will include exceptions for persons in hospice care, sickle cell patients, cancer patients and other diagnoses approved by the Commissioner of Health

Details on the Minimum Wage Hike - This Will Affect *ALL* Employers *Including* Physician Practices:

- For workers in New York City employed by large businesses (those with at least 11 employees), the minimum wage would rise to \$11 at the end of 2016, then another \$2 each year after, reaching \$15 on 12/31/2018.
- For workers in New York City employed by small businesses (those with 10 employees or fewer), the minimum wage would rise to \$10.50 at the end of 2016, then another \$1.50 each year after, reaching \$15 on 12/31/2019.
- For workers in Nassau, Suffolk and Westchester Counties, the minimum wage would increase to \$10 at the end of 2016, then \$1 each year after, reaching \$15 on 12/31/2021.
- For workers in the rest of the state, the minimum wage would increase to \$9.70 at the end of 2016, then another .70 each year after until reaching \$12.50 on 12/31/2020 - after which will continue to increase potentially to \$15 on an indexed schedule to be set by the Director of the Division of Budget in consultation with the Department of Labor.

The final budget bill provides a safety net to the increases. Beginning in 2019, the State Budget Director will conduct an analysis of the economy in each region and the effect of the minimum wage increases statewide on a yearly basis to determine whether a temporary suspension of the scheduled increases is necessary. It is estimated that more than 2.3 million people will be affected by the increases in the minimum wage if fully implemented.

Details on Paid Family Leave - This It Will Affect *ALL* Employers *Including* Physician Practices:

The budget agreement includes the longest and most comprehensive paid family leave program in the nation. **When fully phased-in, employees will be eligible for 12 weeks of paid family leave** when caring for an infant, a family member with a serious health condition or to relieve family pressures when someone is called to active military service. **Benefits will be phased-in beginning in 2018 at 50 percent of an employee's average weekly wage, capped to 50 percent of the statewide average weekly wage, and fully implemented in 2021 at 67 percent of their average weekly wage, capped to 67 percent of the statewide average weekly wage.** This program will be funded entirely through a nominal payroll deduction on all employees so it costs businesses - both big and small - nothing. Employees are eligible to participate after having worked for their employer for six months.

Details on the Middle Class Tax Cut

The budget lowers Personal Income Tax rates for middle class New Yorkers. With the middle class tax cuts of 2012, rates were lowered from **6.85 percent to 6.45 percent for taxpayers in the \$40,000-\$150,000 income bracket, and to 6.65 percent in the \$150,000-\$300,000 income bracket.** Under these new reforms, the rate will drop even further beginning in 2018 and will continue to drop all the way to 5.5 percent when the cuts are fully phased in.

These new lower tax rates will save middle class New Yorkers nearly **\$6.6 billion** in the first four years, with annual savings reaching **\$4.2 billion** by 2025. As the new rates phase in, they will be the state's lowest middle class tax rates in more than 70 years.

Practice Management

Open Payments (Sunshine Act): Physician and Teaching Hospital Review and Dispute Period Began April 1

Opportunities to review and dispute data for the June 30, 2016 Open Payments publication date began on Friday, April 1, 2016, and will last for 45 days. CMS **will publish** the 2015 payment data and updates to the 2013 and 2014 data **on June 30, 2016.**

In order for any disputes to be addressed before the June 30th publication, physicians and teaching hospitals must initiate their disputes during the 45-day review period, and industry must resolve the dispute before the publication deadline. Review and dispute is voluntary, but strongly encouraged.

If You Have Never Registered In Open Payments Before:

Before you begin, make sure you have your **National Provider Identifier (NPI) number, Drug Enforcement Agency (DEA) number, and State license number (SLN)**. Initial registration is a two-step process and should only take 30 minutes:

1. Register in the CMS [Enterprise Identity Management System \(EIDM\)](#);
2. Register in the Open Payments system. [You can read more about Open Payments here.](#)

For Users That Registered Last Year and Have Used Their Accounts in the Last 60 Days:

Physicians and teaching hospitals who registered last year do not need to reregister in the EIDM or the Open Payments system. If the account has been accessed within the last 60 days, go to the [CMS Enterprise Portal](#), log in using your user ID and password, and navigate to the Open Payments system home page.

For Users That Registered Last Year but Have Been Inactive for More than 60 Days:

The EIDM locks accounts if there is no activity for 60 days or more. To unlock an account, go to the [CMS Enterprise Portal](#), enter your user ID and correctly answer all challenge questions; you'll then be prompted to enter a new password. For Users That Registered Last Year but Have Been Inactive for More than 180 Days: The EIDM deactivates accounts if there is no activity for 180 days or more. To reinstate an account that has been deactivated, [contact the Open Payments Help Desk](#).

ACP Develops Safe Opioid Use Resources for Patients

In response to public health concerns over the adverse impact of opioid misuse nationwide, two new patient education resources have been developed by ACP. Please feel free to use the following links and print out the documents for distribution to your patients.



[The "Patient FACT" sheet on Safe Opioid Use answers the following questions:](#)

1. What Are Opioids?
2. Will Opioids Help My Pain?
3. What Are the Side Effects of Opioids?
4. What Are the Risks of Opioids?
5. Using Your Opioid Medicine Safely and
6. Questions for My Doctor.

[The "Patient FACT" sheet on Chronic Pain provides responses to:](#)

1. What is Chronic Pain?
 2. What Are the Symptoms of Chronic Pain?
 3. How is Chronic Pain Diagnosed?
 4. How is Chronic Pain Treated?
 5. How Can I Manage My Chronic Pain and
 6. Questions For My Doctor.
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Member Benefits

The New York Chapter ACP is excited to offer these exclusive benefits for our members!

DOT Medical Examiners Training Course

The Federal Motor Carrier Safety Administration (FMCSA) now requires all medical examiners who conduct physical examinations for interstate commercial motor vehicle drivers to complete a training course and pass a certification examination. To assist physicians in completing the necessary training course, NYACP continues to collaborate with the California Academy of Family Physicians to offer a convenient online course option. The cost is \$350 for ACP members and \$500 for Non-ACP Members. Additional information and registration details [can be found here](#).

Auto Insurance Reduction Course

The NYACP continues to offer a 6-hour Insurance and Point Reduction Course that is approved by the NYS Department of Motor Vehicles and available to NYACP members, their families, office staff and friends. This convenient online member benefit allows registered "students" the ability to start and finish the course within 30 days for only \$42.00. The benefit includes a 10% reduction on your automobile insurance (liability, no-fault and collision) and up to 4 points off of your driving record (if applicable). More information can be found [by clicking here](#).

Infection Control Course

This NYS Health Department approved training course is easy to use and offers a maximum of 4.0 AMA PRA Category I Credits™. For only \$50, physicians and all licensed health care professionals can successfully complete an approved infection control course that is required every four years as part of their license renewal mandate. This convenient online course offering is provided by NYACP in collaboration with MSSNY. [More information can be found here](#).

Education

2016 New York Chapter ACP
Annual Scientific Meeting
Saturday • June 4, 2016

6 Breakout Sessions!
3 MOC Modules!
2 Plenary Sessions!
1 Poster Competition!

Magnify Your Potential
See Us At
30 ABIM MOC Self-Study Points
7.5 Category I AMA PRA CME Credits

Westchester Hilton Hotel • 699 Westchester Avenue • Rye Brook, New York



Register • call (914) 325-1234 • 212
Contact Rates • (914) 325-1234 • 212
Phone • (914) 325-1234

2016 Annual Scientific Meeting is Only Two Months Away!

Registration 7:00 am • Meeting 8:00 am - 5:00 pm

7.5 AMA PRA Category I CME Credits™
3 SEP Sessions
30 ABIM MOC Points

Saturday, June 4, 2016
Westchester Hilton Hotel
699 Westchester Avenue • Rye Brook, NY 10573

[Online Agenda](#) • [Registration](#)

To reserve a room at the Westchester Hilton, [click here](#) (cutoff date for our room block is May 3).

FINAL REMINDER on the Chapter's Series on End of Life Care Decisions Using eMOLST!

Honoring the preferences of patients and their families is a critical element in providing quality end-of-life care. To help physicians and other health care providers discuss and convey a patient's wishes regarding life-sustaining treatment, **Medical Orders for Life-Sustaining Treatment (MOLST)** was created with approval from the New York State Department of Health. Under New York State law, the MOLST form is the only authorized form in New York State for documenting both non-hospital DNR (do not resuscitate) and DNI (do not intubate) orders.

To assist with understanding eMOLST and its implementation, NYACP is conducting a two-part educational webinar series:

Part I: eMOLST : Digital Transformation of NY MOLST

Thursday, April 7, 2016 (8:00 am - 9:00 am): [Register Here](#)

New York has had an operational web-based eMOLST application and electronic registry since 2011. New York's eMOLST allows providers to electronically complete the goals for care discussion, follow the ethical framework and all legal requirements to complete a MOLST form, including physician signature, online from NYSeMOLSTregistry.com. This web-based application also serves as the registry of MOLST forms for New York State so providers can retrieve a patient's eMOLST and pick up where their colleagues may have left off in the discussion or review/renew the eMOLST form at a care transition.

Part II: Implementation of eMOLST

Tuesday, April 12, 2016 (8:00 am - 9:00 am): [Register Here](#)

This webinar will follow-up the introductory eMOLST webinar, focus on technical questions, and implementation. This session is designed to help attendees get started on eMOLST implementation. There will ample time for discussion.

Speakers:

- Pat Bomba, MD, FACP, *Chair, MOLST Statewide Implementation Team & eMOLST Program Director*
- Karen Orem, MPH, *eMOLST Administrator*

2016 Dates to Remember

District Meetings

- **SAVE THE DATE!**
Rochester District Meeting: Wednesday, April 27, 2016
Pomodoro Grill
3400 Monroe Avenue • Rochester, NY
Meeting and Registration Details coming soon!
- **SAVE THE DATE!**
Buffalo District Meeting: Tuesday, May 10, 2016
A PRIMARY CARE APPROACH TO CKD MANAGEMENT
The Protocol Restaurant
6766 Transit Road • Williamsville, NY 14221
Registration 6:00 • Dinner and Educational Program: 6:30
Registration Details and Flyer coming soon
- **DIETARY STRATEGIES FOR CARDIOVASCULAR RISK REDUCTION**
Thursday, May 19, 2016 • 12:30pm - 5:30pm
Jointly provided by the NYU Post-Graduate Medical School and the New York Chapter of the American College of Physicians
NYU Langone Medical Center - Alumni Hall, Farkas Auditorium

550 First Avenue, New York NY 10016

[Event Flyer](#) • [Online Registration](#)

- **ADVANCES IN CARDIOVASCULAR RISK REDUCTION**
Friday, May 20, 2016 • 7:45am - 3:45pm
*Jointly provided by the NYU Post-Graduate Medical School and the
New York Chapter of the American College of Physicians*
NYU Langone Medical Center - Alumni Hall, Farkas Auditorium
550 First Avenue, New York NY 10016
[Event Flyer](#) • [Online Registration](#)
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