

BRIEFING : Issues of Concern At-A-Glance

Removal of the Written Practice Agreement or Written Protocols for Nurse Practitioners

The budget allows for the elimination of the written practice agreement and/or written practice protocols for Nurse Practitioners who provide only primary-care services. The Nurse Practitioner must demonstrate that it is not reasonable to require the written practice agreement or written practice protocols as determined by the State Commissioner of Health.

Establishment of Retail Clinics ("Limited Service Clinics")

The budget would allow a new, limited definition of Diagnostic and Treatment Centers (D&TCs), owned by for-profit companies, to provide health care services (such as in a pharmacy, a store open to the general public, or a shopping mall). The Health Commissioner will promulgate regulations on operational and physical-plant standards. The Health Commissioner may consult with a work group of representatives from professional societies and others on how to strengthen and promote primary care, how to integrate care of limited-service clinics with other health care providers, and how to appropriately transmit patient information.

Changes to the Excess Medical Liability Program (2nd Layer of Coverage)

Included in the budget is a proposal that would limit eligibility for Excess coverage to a physician who:

- Has professional privileges in the general hospital that is certifying the physician's or dentist's eligibility;
- Provides emergency medical services at the general hospital that is certifying his or her eligibility; (new this year)
- Accepts Medicaid; and (new this year)
- Has in force coverage under an individual policy or group policy written in accordance with the provisions of the insurance law from an insurer licensed in this state to write personal injury liability insurance, of primary malpractice insurance coverage in amounts of no less than \$1.3M/\$3.9M or, (2) is endorsed as an additional insured under a voluntary attending physician ("channeling") program previously permitted by the superintendent of insurance and covering the same time period as the equivalent excess coverage.

This proposal reduces the overall funding allocation from \$127.4M to \$114.6M and permits coverage of the highest risk specialties before other physicians (new this year).

Workforce Development

All of the current workforce development initiatives no longer appear as individual line items, but will be grouped into one budget allocation with a 10% reduction, "to provide for flexibility in appropriations" according to Department officials. Funds to continue the Doctors Across New York Program are within this new "pool" of funding and could be in jeopardy.

What We Plan to Do: NYACP will

- Work with other physician organizations, through joint letters and meetings, to oppose legislation that puts the quality of patient care and efforts to improve care coordination at risk. The removal of the written practice agreement with Nurse Practitioners may undermine efforts toward interprofessional team based care and increase costs through necessary referrals and consultations. The establishment and proliferation of Retail Health Clinics who will treat cases on an episodic basis may undermine the nature of longitudinal and continuous physician-patient relationships. The proposal to change the medical liability excess coverage may result in elimination of this coverage for Internal Medicine physicians.
- Meet with Executive and key Legislative leaders including NYS Health Commissioner Shah to share our concerns and better understand the vision for these actions.
- Continue to report on current budget proposals, their impact on practice and the environment in which they may be acted upon quickly.
- Provide members with guidance on how to contact local legislators.

The Chapter believes it is our responsibility to highlight these proposals and their potential impact on your practice; identify the Chapter's action plan and provide you with opportunities to advocate on behalf of your patients and your practice.

Please visit <http://www.nyacp.org/gac> for details.

Follow us:

