

**NYSPA EXECUTIVE COMMITTEE MEETING
Conference Call
September 22, 2020**

8:00 P.M.

- 1. June 16, 2020 Minutes**
- 2. Financial Report**
- 3. Dues Comparison**
- 4. 2021 NYSPA Budget**
- 4. PAC Financial Report**
- 5. Albany Report**
- 6. CPT Coding Webinar**
- 7. Draft Agenda – October 24, 2020 Council Meeting**



New York State Psychiatric Association, Inc.

Area II Council of the American Psychiatric Association
400 Garden City Plaza, Garden City, New York 11530 • (516) 542-0077

MINUTES OF THE MEETING OF THE EXECUTIVE COMMITTEE

June 16, 2020

Meeting by Conference Call

PRESENT:

JEFFREY A. BORENSTEIN, M.D., President
EDWARD HERMAN, M.D., Vice President
MARVIN KOSS, M.D., Secretary
JOSE VITO, M.D., Treasurer
JEFFREY FREEDMAN, M.D., Chair, Public Affairs
GLENN MARTIN, M.D., Chair, Legislation
JAMES NININGER, M.D., Chair, Membership
RICHARD GALLO, M.D., Legislative Consultant
JAMIE PAPAPETROS, Legislative Staff
SETH P. STEIN, ESQ., Executive Director
RACHEL FERNBACH, ESQ., Deputy Director
DONNA GAJDA, Coordinator

Dr. Borenstein called the meeting to order. The following issues were discussed:

1. Minutes. The minutes for the May 19, 2020 Executive Committee meeting were reviewed and accepted.
2. Financial Report. The Committee reviewed a financial statement for the period January through May, 2020.
3. Dues Comparison Statement. The Committee reviewed a dues comparison statement for the months October through June for the years 2010 through 2020. Mr. Stein reported that the 2020 dues increase has not had a significant impact. By September we may have a better indication of whether it is a timing issue or a fundamental problem.
4. Albany Report. In addition to the written Albany Report that was included in the meeting packet, Mr. Gallo reported on the following:

Two virtual legislative sessions have been held since the last Albany Report. One session focused on COVID-related bills and the other was focused on Justice related bills. A summary of the bills is included in the written report.

Mr. Gallo reported on the status of the enacted State budget. A 20% cut in aid to schools, hospitals and local government will be likely if New York does not received additional federal aid.

Medicaid will implement a cut of 1.5% to both fee-for-service and Medicaid Managed Care plan payments. Mr. Gallo noted that Articles 32, 31 and 16 facilities will not be subject to the reductions.

Tax revenue was down 19.7% for the month of May.

NYSPA, NASW-NYC, NYS Clinical Society for Social Work and the NYS Psychological Association drafted a joint letter urging Governor Cuomo to extend the expansion of authority for mental health providers to continue telehealth services for patients with Medicaid and commercial insurance for at least 12 months after all regions of the state have again become fully operational.

Ms. Fernbach reported that she participated on a conference call with DFS where it was stated that current waivers are likely to be extended through summer and into fall.

Governor Cuomo signed a bill into law requiring law enforcement representatives to provide attention to the medical and mental health needs of persons under arrest.

A bill decriminalizing the use of psilocybin for use as "break-through therapy" for treatment-resistant depression has been referred to the Assembly Health Committee.

A bill that would establish the Frontline Workers Trauma Informed Care Advisory Council within the OMH that would assure the trauma-related behavioral health needs of essential workers during COVID-19 are addressed has been referred to the Assembly Health Committee.

DFS has posted draft regulation that would require insurers and health plans subject to NYS Insurance Laws to establish mental health and substance use disorder parity compliance programs. Mr. Gallo reported that NYSPA submitted comments in support with additional recommendations.

Mr. Gallo updated the Committee on NYSPA's Veterans Mental Health-Primary Care Training Initiative. Mr. Gallo stated that the webinar recordings of the PTSD and Suicide presentations have been finalized and uploaded to the NYSPA website. In addition, VMH-PCTI presentations covering women's issues and military culture have been completed and details are being finalized for train-the-trainer sessions for these new tracks.

5. Possible NYSPA Position Statement on Policing and Mental Health. The Committee discussed drafting a Position Statement on policing and mental health that would suggest mental health providers accompany police dealing with people who have mental health issues. Dr. Borenstein suggested that we look to see whether any legislators are looking at this and whether we might be useful in helping them draft legislation. Dr. Martin reported that NYC has already initiated pilot programs.

6. Telehealth Survey Results. Mr. Stein reported that NYSPA sent out a member survey to get a read on the impact of COVID-19 on psychiatrists. A summary of the results was included in the meeting packet and Mr. Stein stated that results will be compiled and put on the NYSPA website.

5. PRMS Sponsorship Proposal. The committee reviewed the PRMS sponsorship proposal.

6. Fall NYSPA/Area II Council Meeting. The committee agreed that the Fall NYSPA/Area II Council Meeting will be held virtually.

7. New Business. Mr. Stein reported that approximately 340 participants registered for the Telehealth webinar that was held on Thursday, June 18, 2020.

There being no further business, the meeting was adjourned.

**New York State Psychiatric Association
Financial Statement**

	Restricted Jan-Aug, 2020	Unrestricted Jan-Aug, 2020	Restricted Jan-Aug, 2019	Unrestricted Jan-Aug, 2019	Restricted Jan-Aug, 2018	Unrestricted Jan-Aug, 2018
Opening Fund Balance	233,536.05	166,005.56	208,075.24	218,664.58	231,282.24	228,729.84
Income						
Dues						
Prior Years		0.00		510.02		
Immediate Prior Year		4,031.31		6,641.50		6,867.50
Current Year		252,323.95		255,231.32		295,803.96
Following Year		210.00		405.00		
Total Dues		256,565.26		262,787.84		302,671.46
Veterans Grant Income	150,000.00		151,734.24			
APA Meeting Block Grant		30,650.00		30,650.00		30,650.00
APA Expedited Grant				2,777.78		2,830.18
APA, Inc. Meeting Grant						3,525.00
DrFirst Income		10,000.00				10,000.00
PRMS Sponsorship				25,000.00		25,000.00
Webinar Income		100.00				500.00
Administrative Fees from Grant		2,277.38		12,056.54		2,456.93
Miscellaneous Income		300.00		425.00		875.33
Interest		29.66		99.48		81.31
Total	150,000.00	299,922.30	151,734.24	333,796.64	0.00	378,590.21
Grant Expenses						
Accounting/Audit						
Gallo	17,400.40		20,472.22		13,819.00	
Program Expenses	21,266.00		59,904.74		2,560.54	
Administrative Fees	2,277.38		12,056.54		2,456.93	
Expenses						
Advocacy Day Expenses				250.00		
APA Innovative Grant Expenses						3,707.52
Committees		300.00				
Officers/Delegates		189.95		343.61		602.48
Email Expenses		1,384.92		1,343.53		
Exec Dir/Legal/Central Office		200,000.00		206,666.64		203,333.28
Insurance		2,683.86		2,603.13		2,656.11
Journal Ads				1,725.00		
Legislative		96,666.64		99,194.63		96,454.27
Meeting Expenses		8,678.31		16,118.99		15,731.75
RFM Poster Contest		450.00		523.36		488.19
Website		1,765.05		3,669.92		2,125.67
NY State Corporation Tax		250.00		250.00		
NYAM Joint Program Expense				1,000.00		
Miscellaneous		433.10		314.29		249.60
Total Expenses	40,943.78	312,801.83	92,433.50	334,003.10	18,836.47	325,348.87
Surplus	109,056.23	-12,879.53	59,300.74	-206.46	-18,836.47	53,241.34
Fund Balance	342,592.28	153,126.03	267,375.98	218,458.12	212,445.77	281,971.18

**New York State Psychiatric Association
Financial Statement**

	Restricted Jan-Dec, 2019	Unrestricted Jan-Dec, 2019	Restricted Jan-Dec, 2018	Unrestricted Jan-Dec, 2018	Restricted Jan-Dec, 2017	Unrestricted Jan-Dec, 2017
Opening Fund Balance	208,075.24	218,664.58	231,282.24	228,729.84	121,839.97	299,573.51
Income						
Dues						
Prior Years		510.02				199.00
Immediate Prior Year		7,656.57		6,897.50		5,126.81
Current Year		287,425.39		316,514.35		280,440.80
Following Year		80,220.00		87,248.61		79,135.49
Total Dues		375,811.98		410,660.46		364,902.10
Veterans Grant Income	150,000.00				150,000.00	
APA Meeting Block Grant		30,650.00		30,650.00		30,650.00
APA Expedited Grant		2,777.78		2,830.18		2,586.00
APA, Inc. Meeting Grant		3,995.00		7,191.00		
RxNT Endorsement Income						5,667.52
Dr. First Endorsement Income				10,000.00		
PRMS Sponsorship		25,000.00		25,000.00		25,000.00
Webinar Income				1,250.00		
Administrative Fees from Grant		16,244.24		3,027.00		4,062.42
Miscellaneous Income		425.00		1,875.33		1,200.00
Interest		2,670.38		957.91		714.99
Total	150,000.00	457,574.38	0.00	493,441.88	150,000.00	434,783.03
Grant Expenses						
Accounting/Audit	9,500.00				9,337.50	
Program Expenses	98,794.95		20,180.00		27,157.81	
Administrative Fees	16,244.24		3,027.00		4,062.42	
Expenses						
Advocacy Day Expenses		250.00				
APA Innovative Grant Expense				3,707.52		1,140.66
Awards				967.99		
Committees		378.63				61.43
Officers/Delegates		445.25		1,718.95		901.62
Email Expenses		1,343.53				2,382.12
Exec Dir/Legal/Central Office		309,999.96		304,999.92		300,000.00
Insurance		2,603.13		2,656.11		2,676.26
Journal Ads		3,450.00				3,300.00
Legislative Ad						2,000.00
Legislative		148,594.63		146,719.81		145,412.29
Meeting Expenses		32,452.59		34,745.42		36,059.77
ECP Dinner Meeting						2,398.95
RFM Scientific Paper Contest		1,016.61		929.31		1,281.81
RFM Poster Contest		523.36		488.19		504.79
Webinar Expenses		1,880.70		1,836.16		1,836.16
Website		5,391.92		3,765.67		4,650.60
Internal Revenue Service (for 990T)				26.00		
NY State Corporation Tax		250.00				250.00
NYAM Joint Program Expense		1,000.00				
Miscellaneous		653.09		946.09		770.24
Total Expenses	124,539.19	510,233.40	23,207.00	503,507.14	40,557.73	505,626.70
Surplus	25,460.81	-52,659.02	-23,207.00	-10,065.26	109,442.27	-70,843.67
Fund Balance	233,536.05	166,005.56	208,075.24	218,664.58	231,282.24	228,729.84

Dues Income	October	November	December	End of Year Total	January	February	March	April	May	June	July	August	September	Total through June
2012-2013	14,636	74,259	38,841	127,736	72,562	53,114	23,731	19,667	15,814	17,535	30,291	10,799	6,997	378,247
2013-2014	11,924	75,397	41,955	129,275	85,030	37,253	25,768	20,778	28,660	16,736	21,045	12,854	7,497	384,896
2014-2015	21,960	67,357	41,233	130,550	69,710	43,560	24,278	21,128	19,226	14,999	28,567	10,871	6,238	369,129
2015-2016	21,045	73,868	41,805	136,718	104,297	61,695	37,427	29,820	14,948	10,787	8,854	8,418	6,829	419,791
2016-2017	16,326	72,458	39,113	127,896	102,690	49,052	35,665	30,305	16,072	13,405	6,760	9,064	6,062	396,971
2017-2018	6,625	26,321	62,881	95,828	133,834	47,679	39,420	36,657	20,330	12,651	5,259	6,841	4,339	402,837
2018-2019	11,452	39,282	52,916	103,650	103,593	56,409	49,093	28,055	16,732	7,778	6,518	8,386	5,132	385,345
2019-2020	6,294	55,190	46,407	107,891	114,895	49,093	25,940	17,032	9,325	20,394	13,424	6,462	5,510	369,966

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400 Garden City Plaza, Garden City, N.Y. 11530 • (516) 542-0077**

**Government Relations Office
123 State Street, Albany, N.Y. 12207 • (518) 465-3545**

**SUMMER/FALL 2020 ALBANY REPORT
(PREPARED AUGUST 7, 2020, UPDATED FOR SEPTEMBER 22ND EXECUTIVE COMMITTEE CALL)**

GLENN MARTIN, M.D., CHAIR OF COMMITTEE ON LEGISLATION

Prepared by:
Richard J. Gallo
Jamie Papapetros

**Legislature Returns For Rare July Summer Session:
220 Bills Passed Over the Course of Four Days**

The Legislature returned for a rare summer session lasting four days (July 20 – July 24), in which the Senate passed 363 bills, the Assembly passed 198 bills and **220 bills ultimately passed both houses**. Many of the bills advanced were so-called local bills requested by towns, villages and counties that ordinarily are taken up in the final days of the regular Legislative Session in June, however, COVID-19 upended those plans. The Legislature also acted on additional bills addressing COVID-19, health care and election law. Below is a brief summary.

Session Statistics: For those who keep track of such things: Since January 1, 2019, the start of the 2-year term of the Legislature through Tuesday, September 22, 2020, 19,434 bills were introduced. Since January 1, 2020 through September 22, 2020, the Senate passed 796 bills, while the Assembly passed 581 bills. Of the 413 bills that passed both houses this year (to date): 198 have been signed into law, 4 have been vetoed, 1 is on on Governor’s desk for consideration, and 213 have not yet been delivered to the Governor. As a comparison, taking into account the same time period, 935 bills passed both houses in 2019 compared to 641 in 2018, 606 in 2017, 618 in 2016, 718 bills in 2015, 658 in 2014, and 650 in 2013. The number of bills that passed both houses to date currently in 2020 is a historic low owing to the disruption of the Legislative Session by COVID-19.

I. BILLS THAT PASSED BOTH HOUSES – HEALTH & MENTAL HEALTH-RELATED

(NOTE – UNLESS OTHERWISE INDICATED, THE BILLS HAVE NOT YET BEEN ACTED UPON BY GOVERNOR CUOMO)

- A10840 (Kim)/S8835 (Sepulveda) – Limits the immunity from liability provisions for healthcare facilities and professionals enacted as part of the budget to the diagnosis and treatment of COVID-19. *Governor Cuomo signed the bill into law, on August 3, 2020, as Chapter 134 of the Laws of 2020.* (NYSPA opposed along with MSSNY & medical specialty societies)
- A5952-A (Rosenthal, L)/S3159-A (Harckham) -- Prohibits insurers from denying life insurance and adjusting premiums or rates for such policies to individuals who have been prescribed medication used to block the effects of opioids including, but not limited to, Naloxone and Narcan.
- A7991-A (Simotas)/S6678-A (Salazar) – Amends the Public Health Law to require the Office of Professional Medical Conduct (OPMC) to post on its website information on patients’ rights and options to report instances of misconduct involving sexual harassment and sexual assault; and, requires all physicians’ practice setting to “conspicuously” post a

sign outlining patients' rights, options to report, and website for OPMC. *STATUS: MSSNY is opposing this legislation and is urging Governor Cuomo to veto the bill.*

- A7812-A (Rosenthal L)/S8259 (Harckham) – Amends to the Public Health Law to expands the list of entities permitted to possess, distribute and administer an opioid antagonist to include a school district, public library, board of cooperative educational services, county vocational education and extension board, charter school, non-public elementary or secondary school, restaurant, bar, retail store, shopping mall, barber shop, beauty parlor, theater, sporting or event center, inn, hotel or motel. The legislation also extends the Good Samaritan Law protections to these entities. *Governor Cuomo signed the bill into law on August 24, 2020, as Chapter 148 of the Laws of 2020.*
- A8337-B (Walker)/S6437-A (Sepulveda) – Amends the Mental Hygiene Law and Public Health Law to authorize the NYC Board of Correction to access medical and psychiatric records of deceased inmates, which is similar to the authorization provided to the New York State Commission of Correction.
- A9097 (Gottfried)/S7524 (Rivera) – Requires the commissioner of health to appoint a work group to conduct a thorough review of the accessibility and fairness of the New York State Grant Gateway for individual applicants for funds under the physician loan repayment and physician practice support programs. The work would consist of individuals recommended by associations representing physicians, general hospitals and other health care facilities, with the review to be completed by March 31, 2021.
- A10500-C (Gottfried)/S8450-C (Rivera) – Requires all contact tracing information be kept confidential and may not be disclosed except as necessary to carry out contact tracing.
- A10567-A (Jean-Pierre)/S8829 (Martinez) – Requires the New York State Department of Health, a county department of health, and any entity that hires persons to perform COVID-19 contact tracing shall hire contact tracers who are representative of the cultural and linguistic diversity of the communities in which they serve, to the greatest extent possible.
- A10629-A (Gunther)/S8608-A (Carlucci) – The will would establish the Frontline Workers Trauma Informed Care Advisory Council within the OMH, consisting of certain commissioners or designees and twenty-one members, to assure the trauma-related behavioral health needs of essential workers during COVID-19 are addressed. This is an effort championed by the Mental Health Association in NYS. The advisory committee would be tasked with preparing and issuing a report with recommendations to the Legislature by December 1, 2020.

II. OTHER BILLS THAT PASSED BOTH HOUSES

(NOTE – UNLESS OTHERWISE INDICATED, THE BILLS HAVE NOT YET BEEN ACTED UPON BY GOVERNOR CUOMO)

- A1436-C (Epstein)/S222-C (Benjamin) – Requires the Commissioner of Social Services to prepare and submit report on December 31, 2020 and quarterly thereafter, which contains the following: (1) the total number of youth placed into foster care, (2) reason why youth were placed into foster care; (3) what specialized services youth required to address mental health and educational needs; and, (4) total number of certified foster families and steps taken to increase number of foster families.
- A2176-A (Solages)/S425-A (Hoylman) – Known as the Protect Our Courts Act, the legislation will prohibit ICE from arresting individuals going to or leaving court. Specifically, the bill amends the Civil Rights Law to protect certain persons from civil arrest when going to, remaining at, or returning from a court appearance or proceeding unless a specific judicial warrant or judicial order authorizing such arrest has been issued.
- A5240-A (O'Donnell)/S6479-A (Salazar) – Designates all single occupancy bathroom facilities in public places and in all public and private schools as gender neutral.
- A6710-A (Rozic)/S724-A (Montgomery) – Requires Department of Corrections and Community Supervision (DOCCS), to place persons, whenever practicable, in facility closest proximity to the primary place of residence of such person's minor child or children so long as it is determined to be appropriate and in the best interest of the child. In order to make such determination DOCCS, in consultation with the Office of Probation and Correctional Alternatives and the Office of Children and Family Services, will develop procedures and criteria for assessing placements. Finally, DOCCS will prepare annual report for Legislative Leaders and pertinent committee chairs including data on number of placements and inmates with minor children.

- A7970 (Frontus)/S6533 (Montgomery) – Amends the Family Court Act requiring any interrogation of a child at facility designated by the Chief Administrator of the Court to be video recorded such that the persons are clearly identifiable and the speech can be understood.
- A8280-C (Walker)/S8806 (Gianaris)– Known as the New York Automatic Voter Registration Act of 2020, this establishes an automatic voter registration process when an individual interacts with certain state agencies and offices including the Department of Motor Vehicles (DMV) Department of Health (DOH), the Office of Temporary and Disability Assistance (OTDA); Department of Labor (DOL); Office of Vocational and Educational Services for Individuals with Disabilities; County and City Departments of Social Services, and the New York City Housing Authority (NYCHA), and any other state agency designated by the Governor.
- A10581-B (Wright)/S8834 (Montgomery) – Authorizes a former foster care youth who has been discharged from the foster care system the ability to re-enter without submitting a motion to the family court during the COVID-19 public health emergency.
- A10628 (Hyndman)/S8598 (Parker) – Designates June nineteenth, known as Juneteenth, as a public holiday.
- A10831 (Pretlow)/S6658-B (Bailey) – Amends NYS law to establish public holiday to be known as Abolition Commemoration Day in New York State, which will be observed annually on the second Monday of the month of July. Abolition Commemoration Day recognizes the abolishment of slavery in New York State on July 4, 1827.

III. BILLS THAT PASSED ASSEMBLY ONLY

- A10349 (Frontus)/S8774 (Comrie) -- Amends NYS Labor Law to require employers to inform employees and contract workers of known hazardous environmental and health risks; requiring employers to mitigate those risks, including providing appropriate protective equipment; and prohibiting retaliation against employees and contract workers who refuse to work in or around those known health and environmental hazards if an employer has failed to mitigate those conditions or provide protective equipment.
- A10353-A (Aubry)/S8239-A (Ramos) – Require employers with more than ten employees to notify any employee in writing within 24 hours of direct contact with a coworker that has been diagnosed in relation to a disease outbreak causing a public health emergency.

IV. BILLS THAT PASSED SENATE ONLY

- A8602 (Gunther)/S6712 (Metzger) – Designate September 22 as “Veteran Suicide Awareness and Remembrance Day.”
- S8786-A (Parker) – Establishes the New York State Advisory Council on Mental Health Emergency and Crisis Response. The council would be tasked with preparing recommendations to the commissioner on topics including but not limited to: (i) identifying best practices for response to mental health crises; (ii) initiatives to increase training opportunities and participation of mental health professionals, and other qualified individuals as members of mobile crisis outreach teams; (iii) identify training needs and methods to improve diversion from hospitalization after response from a mobile crisis outreach team; (iv) identify the need for establishing mobile crisis outreach teams in each region of the state and accessing alternatives to hospitalization; (v) public education and outreach on the benefit of mobile crisis outreach teams and how to access their services; and (vi) any other recommendation deemed appropriate by the council. Council would be required to submit report to Governor and Legislative Leaders by December 31, 2020 and annually thereafter. Note the Assembly passed a similar but not identical bill (A10667-A).

V. UPDATE ON ENACTED FY2020-21 BUDGET

Earlier this summer, Governor Cuomo announced the deficit for the enacted budget is \$14 billion and next year’s deficit is projected to reach \$16 billion. Governor Cuomo wrote to Senator Schumer, Senator Gillibrand and the New York Congressional Delegation to urge the federal stimulus legislation currently being discussed and negotiated to include \$500 billion in unrestricted aid for state and local governments. NY needs \$30 billion in federal aid over the next two years or it will have to make cuts to education, hospitals and local governments. Governor Cuomo noted this next relief legislation “is the most important piece of federal legislation...” noting it will have “unprecedented impact on State of New York.” In an

interview last week, Division of Budget Director Robert Mujica stated any decision about reductions/cuts would be after the November election.

Last week NYS Comptroller Tom DiNapoli released the August cash report, which indicates tax receipts are \$3.2 billion lower compared to last year. In the month of August, sales tax receipts were down 20%. The enacted budget gives the Governor and Division of Budget authority to make adjustments to the budget. Press reports indicate it is unlikely the Legislature will return before Election Day to address the fiscal challenges.

VI. GOVERNOR CUOMO'S POLICE REFORM & REINVENTION COLLABORATIVE EXECUTIVE ORDER 203

Earlier this summer, Governor Cuomo issued Executive Order 203, which requires local governments and police agencies (about 500 in NYS) to develop a plan that reinvents and modernizes police strategies and program in their community. The plan, which must be developed in consultation with community, is required to address among others the use of force by police officers, crowd management, community policing, implicit bias awareness training, de-escalation training and practices, restorative justice practices, community-based outreach, a transparent citizen complaint disposition procedure, and other issues raised by the community. The plans must be enacted into local law by April 1, 2021 in order for police agencies to be eligible for State funding. Governor Cuomo listed the questions to answer in order to actually reform police:

- What functions do you want?
- What is the staffing?
- Defund? What is the budget?
- What is your use-of-force policy?
- What does “demilitarize” mean?
- What is your transparent disciplinary process?
- What is your citizen complaint process?
- What data is driving your deployment processes?
- How do you address bias within the police system?
- How do you link police with essential services (e.g. mental health, substance use)?

The text of Executive Order can be accessed at: <https://www.governor.ny.gov/news/no-203-new-york-state-police-reform-and-reinvention-collaborative>.

Meanwhile, the APA and National Medical Association issued a joint [statement](#) in the aftermath of the murder of George Floyd to address systemic racism and calling for:

- More effective dialogue to address actions to end institutionalized racism, police brutality, and the social, economic and health disparities.
- Focusing police education on de-escalation techniques rather than maneuvers that promote excessive violence.
- Adoption of programs at the local level to create harmony between the police and the community.
- Mandating access to and use of mental health crisis intervention teams (CIT) for all police departments.
- Requiring effective racial sensitivity and implicit bias training for all police departments.
- Recognizing the trauma caused by racism and abuses of power.
- Expanding access to mental health care for victims of race-based trauma.
- A health care system where access to medical care is not dependent upon skin color, wealth, religion, sex, sexual orientation, gender identity, or the neighborhood where one lives.

VII. RECENT MEETINGS

The Parity @ 10 Campaign, including representatives of NYSPA and mental health and substance (MH/SUD) use disorder consumer representatives and advocates, recently met (virtually) with the Governor’s Office and officials from Office of Mental Health, Office of Addiction Services and Supports and Department of Financial Services to receive an update on their efforts to enhance compliance with federal and state MH/SUD parity laws. The presentations from the agencies indicated work is ongoing and includes implementation of the behavioral health insurance parity reforms enacted as part of the 2019-20 state budget as well as newly proposed regulations from the Department of Financial Services and Department of Health (if

adopted) to require insurers and managed care programs to have robust internal processes for measuring, identifying and correcting any issues of non-compliance along with public notification. The data required the MH & SUD Parity Report Act, an effort championed by NYSPA, has been received by DFS and is under review.

In regards to the proposed regulations from the Department of Financial Services and Department of Health requiring insurers and health plans to establish parity compliance programs, NYSPA submitted a letter with recommendations as well as request for clarification as to how these new regulations would interact with data submission requirements of the MH/SUD Parity Report Act of 2019.

VIII. NYSPA VMH-PCTI

NYSPA's VMH-PCTI continues to be hard at work. The no-cost extensions for NYSPA's three contracts were approved on August 7, 2020 and the required documentation has been submitted.

Tomorrow evening (Wednesday, September 23, 2020), NYSPA will record its military culture presentation (The Clinical Importance of Understanding Military Culture) developed by Joe Geraci, PhD, LMHC, Retired US Army Lieutenant Colonel. Once recorded and edited, the presentation will be available on NYSPA's website along with the other VMH-PCTI presentations allowing primary care physicians, psychiatrists and residents to view the content and complete the pre and post surveys for CME credit. In addition, NYSPA is in the process of scheduling the recording of its VMH-PCTI presentation on women veteran issues, which will also be housed on the NYSPA website.

Meanwhile, NYSPA is coordinating with its VMHTI partners, MSSNY and NASW-NYS, on the development of virtual event consisting of a key note speaker and panel discussions with experts and veterans. The event is tentatively scheduled for Saturday, December 5, 2020, from 8:30 a.m. to 11:30 a.m. and is entitled "The Veteran Experience in the Era of the COVID-19 Pandemic: Challenges & Successes – Virtual Conversation with Veterans & Esteemed Experts." We continue to plan the event with MSSNY and NASW-NYS and will report back with further updates.

IX. REGULATORY ACTIVITY

- The Department of Financial Services has issued a revised proposed regulation regarding the content that would have to appear on health insurance ID cards. In addition, the insurer and/or health plan would have to post "conspicuously on its website the name of the issuer's health care provider network or networks for the plan and the name of the plan's formulary, as applicable. The names posted on the issuer's website shall match the names listed on the health insurance identification card." The proposed regulation is subject to a 45-day public comment period and will take effect 120 days after a notice of adoption appears in NYS Register. Note – this would not apply to ID cards for Medicaid, Child Health Plus or the Essential Plan.
- On Thursday, August 13, 2020, the NYS Department of Financial Services announced the approved 2021 health insurance premium rates for the individual and small group markets. DFS reduced 2021 requested rates in the individual market by "85% overall" with premiums increasing by 1.8%. In the small group market, DFS reduced requested rates by 63% with premium rising by 4.2%. For additional information:
https://www.dfs.ny.gov/reports_and_publications/press_releases/pr202008132.

X. COVID-19 RELATED UPDATES/ACTIVITY

Top Line Numbers (as of 9/21)

10,064,762 tested as of 9/21/20 (83,997 tested on 9/21/20)
451,227 COVID-19 positive cases (754 new positives on 9/21 – 351 in NYC, 403 in counties excluding NYC)

- NYC – 240,807
- Rest of State – 210,420

470 Hospitalized (+2)
133 in ICU (-1)

67 intubated (+1)
28 discharged (Discharged to date: 76,246)
25,432 deaths (+3 on 9/21)

- **SENATE & ASSEMBLY COVID-19 RELATED HEARINGS** – In August and early September, the Legislature held a dozen joint hearings on the impact of COVID-19 on a variety of subject matters and topics including nursing homes, hospitals, veterans, and those with mental health and substance use disorders.
- On Wednesday, September 9, 2020, DFS published a notice it will extend the emergency regulations waiving cost sharing for telehealth and COVID-19 testing for an additional 60 days through November 9, 2020. Notification of the extension will appear in the September 30th edition of the NYS Register. Details from DFS website: https://www.dfs.ny.gov/industry_guidance/regulations/emergency_insurance

XI. MSSNY LEGISLATIVE & PHYSICIAN ADVOCACY COMMITTEE VIRTUAL ZOOM MEETING: DEVELOPMENT OF 2021 LEGISLATIVE PROGRAM

MSSNY will hold the first of two virtual meetings of its Legislative & Physician Advocacy Committee to develop its 2021 Legislative Program. The first meeting will be held on **Thursday, September 24th from 5:30 PM – 7:30 PM**. The goal of the meeting is to have an initial discussion of issues that should be prioritized as MSSNY staff develops its 2021 Legislative Program. As has been done in the past, specialty society leaders and representatives are invited to the meeting to share their priority issues for the upcoming year. MSSNY's Legislative Program will be considered at a subsequent meeting of the Committee at a date in mid-October with the goal to have the program approved by the MSSNY Council at its November 5 meeting.

XII. OTHER NEWS

“NYC Health + Hospitals/Bellevue to renovate its inpatient psychiatric emergency program” *PoliticoPro*, August 18, 2020

NYC Health + Hospitals/Bellevue have requested approval from the State to decertify 14 of its 339 inpatient psychiatric beds and temporarily relocate its adult comprehensive psychiatric emergency program. Under the plan, the comprehensive psychiatric emergency program would temporarily be moved to an unoccupied unit on the 18th floor and renovated, which is expected to take two month and cost \$246,200. The application submitted is subject to limited review by the Department of Health. The application states in part, “[Bellevue], as with most hospitals in New York City, has experienced a decline in inpatient utilization on its inpatient psychiatry units over the past several years due to the increased availability of crisis and transitional services, enhanced outpatient services, and new care management and residential services in New York State for people with behavioral health disorders. There is no impact on the operating budget, including staffing, and the revenue budget of the inpatient psychiatric program at [Bellevue].”

<https://subscriber.politicopro.com/article/2020/08/18/nyc-health-hospitals-bellevue-to-renovate-its-inpatient-psychiatric-emergency-program-9423922>

“Is Inpatient Behavioral Health Care Gone for Good in Ulster County?,” *The River*, September 12, 2020

The lengthy article reports on the status of the inpatient behavioral health unit at WMCHHealth’s HealthAlliance Hospital: Mary’s Avenue Campus, in Kingston, which was shut down in April to allow for a potential overflow of COVID-19 patients. The 60-bed unit in Kingston provided the only psychiatric, detox, and rehab inpatient hospital services in Ulster County; and, also regularly treats patients from neighboring Delaware County. WMCHHealth’s HealthAlliance Hospital transferred the services from the Kingston facility to MidHudson Regional in Poughkeepsie (more than 20 miles away). The Ulster County Legislature, unions and other stakeholders have called for the reopening of the unit in Kingston. The article reports the Kingston unit is one of at least six psych or detox inpatient units have been closed because of COVID surge plan.

<https://therivernewsroom.com/mental-health-detox-inpatient-treatment-ulster-county/>



New York State Psychiatric Association, Inc.

Area II Council of the American Psychiatric Association
400 Garden City Plaza, Garden City, New York 11530 • (516) 542-0077

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Fall 2020 AREA II COUNCIL MEETING SCHEDULE AND AGENDA Saturday, October 24, 2020 Virtual Meeting

- 8:30 A.M. Executive Committee Meeting**

- 9:00 A.M. Committee Meetings**

- 10:00 A.M. Council Session**
 - 10:00 A.M. Call to Order and Introductions**
 - 10:00 A.M. Approval of Minutes – Dr. Koss**
 - 10:05 A.M. Approval of Treasurer’s Report – Dr. Vito**
 - 10:10 A.M. Proposed 2021 NYSPA Budget – Dr. Satloff**
 - 10:15 A.M. NYSP-PAC – Dr. Gordon**
 - 10:20 A.M. Chair's Report – Dr. Borenstein**
 - 10:30 A.M. Remarks from APA CEO and Medical Director – Dr. Levin**
 - 10:40 A.M. Remarks from APA President – Dr. Geller**
 - 10:50 A.M. Remarks from APA President-Elect – Dr. Pender**
 - 11:00 A.M. Legislative Report – Mr. Gallo and Dr. Martin**
 - 11:10 A.M. Committee Reports**
 - 11:15 A.M. Executive Director's Report – Mr. Stein**
 - 11:25 A.M. NYSPA Scientific Paper Contest – Dr. Vivek**
 - 11:40 A.M. Vice President's Report – Dr. Herman**
 - 11:50 A.M. Area II Trustee Report – Dr. Martin**
 - 12:00 P.M. Assembly/APA Update**
 - 12:10 P.M. Action Papers**
 - 12:15 P.M. Old Business/New Business**
 - 12:20 P.M. Adjournment**