



New York State Society of Pathologists Newsletter
Fall 2017

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Message from the NYSSPATH President
Mary Fowkes, MD, PhD, FCAP President NYSSPATH

Dear Colleagues,

On June 8th, following almost 4 years of discussions and considerable effort by many people, the NYS DOH will consider before the NYS Public Health Planning Council Meeting, the proposed negotiated rule change regarding NYS pathologists talking to patients. No debate or controversy is expected. It will be promulgated after notice and comment in the public register this summer.

I would like to thank members of CAP (Barry Ziman in particular), state pathology and non-pathology physicians, patient advocacy groups, and the many others that assisted with this effort, including members of NYSSPATH, MSSNY, and the DOH. This was truly a joint effort. Thank you!

PATHOLOGISTS TALKING WITH PATIENTS

The new language is as follows.

(2) nothing in this section shall prohibit a licensed physician from communicating with a patient:

i) when requested by the referring health services purveyor;

ii) when requested by the patient; or

iii) when the referring health services purveyor, or other individual responsible for using the test results, cannot be reached and a critical value needs to be communicated to the patient

Public posting pdf file (<https://regs.health.ny.gov/regulations/proposed-rule-making>); Communication between clinical laboratory physicians and patients:

https://urldefense.proofpoint.com/v2/url?u=https-3A_regs.health.ny.gov_sites_default_files_proposed-2Dregulations_Communication-2520Between-2520Clinical-2520Laboratory-2520Physicians-2520and-2520Patients.pdf&d=DwIGaQ&c=odzYs1kPF7h99M0Vn1uLzq&r=9KLNiuQG034_yTUODPhWq_iSgPMPZxNksJmNfrIQN4uU&m=yzirGXhe5v3yfy9-IbWxCxohxixCED5IKELDe-RE7Mc&s=5NN3aLkSUUgH2rYoGXL-ctp1hp0zTIRY5C5E9Hu_J0&e=

UPDATE- PATHOLOGIST ASSISTANT LICENSURE:

The draft rule on pathologist assistants is scheduled to be released by the DOH. The requirement for pathologist supervision that we argued for, and secured in the first quarter, is still intact and a basic element of the proposed rule. The Department will make sure that the rule is in place before the expiration of the sunset on the limited license category.

Best regards,

Mary Fowkes, MD, PhD, FCAP • President NYSSPATH

Director of Neuropathology and Autopsy Service • Icahn School of Medicine at Mount Sinai

A. STATE OF THE NYS-CAP-HOD:

Dear fellow NYS pathologists,

It has been a pleasure and a privilege to serve as your chair for the past 2 terms. During this time the NYS-CAP delegation worked hand in hand with NYSSPATH to achieve many legislative successes, including:

- a. We successfully restricted certain types of abusive joint contractual ventures sought by gastro-enterologists and urologists. We were successful despite resistance from the NYS Bar Association and despite the NYSDOH supporting the change in legislation.
- b. We successfully restricted the provision, free-of-charge, of practice management software and EHRs by large laboratory services to clinicians as an inducement to redirect lab casework to distant providers. We were successful despite resistance from MSSNY.
- c. NYSSPath & CAP have also collaborated in a multi-year effort to require out-of-state lab service providers to abide by the same rules and restrictions that in-state laboratories must. This competitive advantage enlarges the share of NYS lab work that gets sent to out-of-state operations. Twice, now, we have come within one Senate vote of reducing this unfair advantage.
- d. We expect success in removing language prohibiting pathologists from discussing lab results with patients in NYS (as discussed by Dr. Fowkes in the 'Message from the NYSSPATH President' at the beginning of this newsletter.

New York State's strength in the CAP-HOD has also increased during this time from 13 delegates and no alternates in 2012 to the current year where we have filled all 25 delegate and alternate positions, and for the first time have a waiting list of pathologists eager to serve in these roles!

Every pathologist in NYS who is a member of either NYSSPATH or the CAP contributed to these achievements, either actively or passively. The active participants helped by calling, emailing, writing letters to or personally meeting with members of the NYS legislature and Governor, or their staff, testifying in person before the NYS-DOH, or participating in meetings to brainstorm strategies to ensure that NYS rules and regulations promoted patient centered ethical practice of Pathology. The passive participants helped by adding to our numbers, so our voice as an organization had greater credibility.

I look forward to continuing to work together with all of you to support our new Chair, Dr. Humayun Islam.

Please accept my gratitude for your support, your passion and commitment to our profession and our patients, friendships forged and the wonderful memories generated over these past years,

Warm regards,

Rana

Rana Samuel, MD, FCAP

Outgoing Chair, NYS-CAP-HOD

B. HOD SPRING 2017 MEETING REPORT:

The House of Delegates (HOD) met on Friday, March 4th, 2017 in San Antonio, Texas. Some of the highlights from the Fall HOD meeting:

1. Speaker, Dr. James Richards, delivered the “State of the House” address emphasizing the voice of the College is reflected by the voice of the Committees and the constituents. Everyone was working together as a unit to advance the College. An update on the HOD recalculation was provided where the 2014 census formula mistakenly included Emeritus Fellows. For 2017, only active Fellows will be included. The recalculation would affect 10 out of the 69 state delegations.

NY State was not impacted

2. Dr Elizabeth Marie Rinehart provided the State of the Resident’s forum (RF): The emphasis to engage junior members and enhance the voice of the RF. Various workshops and panels will be provided to increase discussion to promote continued membership, preparations for job interviews and new practice, leadership, and engagement in the community.

3. CAP President, Dr. Richard Friedberg’s message highlighted uncertainty during change, and how others view Pathologists “from 40,000 feet,” and challenges among pathologists in working with other disciplines. He encourages that we can all change that perception and step up to the challenge. He encourages everyone to communicate with Administrators and staff and to explain lab results to patients.

4. Steve Meyers, interim CEO, discussed the 2016 achievements and the 2017 projections. Most of the revenue (92%) was obtained from laboratory improvement programs. The goal is to grow the LIP, improve PT reporting, and information services. There will also be improvements with the website dashboard. The annual report will be distributed later to members. Additional resources include publications and videos for the general public and patients, i.e. www.yourpathologist.org

5. Since this is an election year, the HOD was reminded of the timeline for HOD delegate appointments. The HOD had the opportunity to hear from the candidates for Governor and President.

Candidates for Board of Governor include: Timothy Craig Allen MD JD, Rajesh C. Hunt MD, Med, Jennifer L Hunt MD Med, and Jonathan L. Myles

Candidates for President include: Pick E. Godbey MD and Gail Habegger Vance MD

5. Karim Sirgi, CAP Foundation President provided updates on the See, Test, & Treat Program

6. Action group reports:

Council on Accreditation: Ensure labs met requirements

Council on Education: Work on CAP educational outcomes and their effectiveness

Council on Communication (New): Solicit members to create a bidirectional communication between the HOD and constituents

Council on Membership: Help ascertain and address members' needs. Dr Mary Fowkes emphasized the power of Pathologists in CAP in advancing practices; to support self advocacy

Council on Government and Professional Affairs: Develop policies and strategies to benefit pathologists and patients and conduct advocacy on important issues

Council on Scientific Affairs: Programs and projects are underway

The next HOD meeting will take place on Oct 5th in National Harbor, Washington, DC. Delegates and Alternates, as well as any CAP member are welcome to attend, and we hope to see you there.

Best regards,

Tipsuda

Tipsuda Bahri, MD, FCAP, for Rana Samuel, MD, FCAP, Chair, New York State Delegation to the CAP-HOD

Editor NYSSPATH

Chair, Basic Biomedical Sciences, Touro College of Osteopathic Medicine, NYC

Got \$1 or 1 Minute? The Case for Engaging Every (New-in-Practice) Pathologist

By Roseann I. Wu, MD, MPH

Every dollar or minute spent on advocacy is an investment. Although the benefit isn't as immediate as that cup of coffee, it's every bit as real and considerably more important. Yes, there are countless other ways to spend one's time and money. And there are plenty of excuses for not spending anything. New-in-practice pathologists are busy establishing themselves at their jobs, raising young families, paying off hefty medical school loans, paying down mortgages, keeping up with Maintenance of Certification, juggling personal crises, and trying to enjoy some hard-earned leisure time. With all these competing interests, paying dues to your state pathology society, College of American Pathologists (CAP) advocacy, and the American Medical Association (AMA) feels onerous. But declining reimbursement, state and national laws and regulations, and ever-changing threats to our profession are very real, and they aren't going away.

New-in-practice pathologists' engagement in state pathology societies and national organizations is critically important not only for succession planning, but also to continue the important work of securing our futures. Without engagement from new-in-practice members, we risk losing out to competing interests, slipping into apathy and becoming glass pushers hiding in the basement rather than invested and engaged physicians who can better serve patients and communities. Of course, not everyone has what it takes to develop long-term, personal relationships with your Senator or State Representative. But even the smallest peep is better than no voice at all. Advocacy is strength in numbers. And it's about building a powerful collective voice. It only takes a minute to plug in your zip code and shoot off an automated email to your Congressmen during those "Call to Action" campaigns.

On behalf of new-in-practice pathologists who are engaged, I urge those who are not to take a few small steps toward ensuring our collective survival and continued prosperity. Engagement in state pathology societies and national organizations has many benefits, particularly networking for jobs, a chance to make new and lifelong friends, opportunities for professional development and advancement, education, and stepping out of your day-to-day bubble into a broader pathology community. As new-in-practice pathologists, we bring unique perspectives and experiences, a demand for diversity, energy, optimism, a collaborative spirit, fresh ideas and solutions...all are needed. So start where you can, even if it's only \$1 or 1 minute. Pretty soon, you could find yourself meeting legislators in Washington D.C., working on committees, organizing meetings, and serving as a leader and role model in our profession...and enjoying it!

Dr. Roseann I. Wu is a staff pathologist at the Hospital of the University of Pennsylvania and a member of the College of American Pathologists (CAP) New-in-Practice Committee. Be sure to check out "Career Resources for New in Practice Pathologists" available on the CAP website.

WELCOME!

New Members NYSSPATH:

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|---|---|
| Samuel Barasch, MD Mid-Hudson Regional Hospital Laboratory Poughkeepsie, NY | Rashna Meunier, MD Glens Falls Hospital Glens Falls, NY |
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Our current policy is to publish their names in this newsletter, soliciting over the three months following publication any information as to why such applicants should not be approved for membership. Please contact our administrative assistant, Barbara Birkeland, at blkbirk@att.net if there are errors in this listing, including errors of omission.

Editor's column

Hello Everyone,

This is our 2nd newsletter for 2017, which has been a busy year, as reflected in the newsletter items. A 3rd newsletter will be released in the winter to keep members informed.

If you have any suggestions for future newsletters, please let me know.

Tipsuda Junsanto-Bahri, MD, FCAP Editor NYSSPATH
Chair, Basic Biomedical Sciences, Touro College of Osteopathic Medicine, NYC



www.nysspath.org

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