

**MEDCHI HOUSE OF DELEGATES MEETING  
SEPTEMBER 22, 2018  
MINUTES**

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**DELEGATES PRESENT**

A list of delegates present is on file in the Executive Office of MedChi.

**CALL TO ORDER**

The 429<sup>th</sup> meeting of the MedChi House of Delegates was held at the Hotel at Arundel Preserve in Hanover, Maryland. The meeting was called to order at 11:12 a.m.

**MEMORIAL RESOLUTIONS**

A memorial resolution was presented to the family of Lawrence S. Linder, M.D.

**REPORT OF THE CREDENTIALS COMMITTEE**

Douglas Mitchell, M.D., Chair of the Credentials Committee, reported that there was a quorum with greater than fifty delegates present.

**APPROVAL OF MINUTES**

The minutes of the April 29, 2018 House of Delegates meeting were approved as submitted.

**MEMBERSHIP REPORT**

Emeritus requests were approved as submitted.

**REPORT OF THE SPEAKER OF THE HOUSE**

Loralie Ma, M.D., Speaker of the House, shared information regarding parliamentary procedures and outlined expectations for the conduct of the House.

**REPORT OF THE CENTER FOR A HEALTHY MARYLAND**

Dr. Ma shared a report on the activities of the Center for a Healthy Maryland. Bylaws changes were submitted for House of Delegates ratification. There was a motion to ratify the Center's bylaws changes. The motion was passed. Nominations to the Center's Board of Trustees were submitted for ratification. There was a motion to ratify the Center's board nominees. The motion was passed. Dr. Ma encouraged delegates to make donations to the Center in support of its charitable activities.

**REPORT OF THE POLITICAL ACTIONS COMMITTEES**

Harbhajan Ajrawat, M.D., and Brooke Buckley, M.D., gave reports of the Maryland Medical Political Action Committee and the American Medical Political Action Committee, respectively. They encouraged delegates to donate to each committee.

## **REPORT OF THE ALLIANCE**

Patricia Troy gave a report on the American Medical Association Alliance.

## **NOMINATIONS AND ELECTIONS**

Michele Manahan, M.D., was nominated for the office of President-elect. Loralia Ma, M.D., was nominated for the office of Speaker of the House. James York, M.D., was nominated for the office of Vice Speaker of the House. Jagdeep Singh, M.D., was nominated for the office of Prince George's County Trustee. Padmini Ranasinghe, M.D., was nominated for the office of Trustee at Large. Michael Niehoff, M.D., and Robert Thomsen, M.D., were nominated for the office of Specialty Society Trustee. Harbhajan Ajrawat, M.D., and Stephen Rockower, M.D., were nominated for the two offices of AMA Delegate. Gary Pushkin, M.D., and Padmini Ranasinghe, M.D., were nominated for the two offices of AMA Alternate Delegate. Renee Bovellet, M.D., was nominated for the special election for AMA Alternate Delegate. There was motion to approve all candidates in uncontested elections. The motion was adopted and the candidates were elected. A vote was held for the contested election for Specialty Society Trustee, and Michael Niehoff, M.D., was elected to that position.

## **REPORT OF THE PRESIDENT**

Gary Pushkin, M.D., reported on the activities and initiatives undertaken by MedChi during his tenure as President. He acknowledged the efforts of MedChi's lobbyists on defeating Senate Bill 30 on expert witnesses; the hard work of Yelena Shapiro and the Opioid Task Force; and the high level of engagement from the Medical Student Section.

## **OATH OF OFFICE**

Benjamin Z. Stallings, M.D., was installed as MedChi's 171<sup>st</sup> President. Dr. Stallings gave his inaugural address.

## **RECESS**

The House recessed for lunch and voting. Guest speaker Clay Stamp provided an update on the efforts of Maryland's Opioid Operational Command Center. The House reconvened after his discussion.

## **REPORTS AND RESOLUTIONS**

H. Russell Wright, Jr., M.D., Chair, presented the Report of the Reference Committee.

The following reports and resolutions were adopted by the House:

BOT Report 2-18 – 2019 Budget

BOT Report 3-18 – MedChi Strategic Planning

CL Report 1-18 – Review of 2018 Legislative Agenda

TF Report 1-18 – Report of the Global Budgeting Task Force

TF Report 2-18 – Report of the Gun Violence Prevention Task Force

Resolution 22-18 – Medicaid Prescription Drug Coverage – Non-Participating Practitioner  
Resolution 23-18 – Patient Privacy Invasion by the Submission of Fully Identified Quality Measure Data to CMS  
Resolution 24-18 – Physician Office-Based Dispensing  
Resolution 25-18 – Legislative Prohibiting Non-Medical Switching of Prescription Drugs  
Resolution 26-18 – Transparency by Physician Reviewers for Insurance Formularies  
Resolution 27-18 – Transparency of Pharmacy Benefit Managers  
Resolution 30-18 – Support for a Single-Payer System and AMA Task Force  
Resolution 34-18 – Supporting Pilot Programs of Overdose Prevention Sites in Maryland  
Resolution 36-18 – Coverage of Non-Opioid Therapies on Health Insurance Formularies  
Resolution 37-18 – Adverse Actions by Institutions and Insurance Carriers  
Resolution 38-18 – Expungement of the Public Reprimands and Probation on a Physician’s Public Record  
Resolution 39-18 – Peer Review Findings in a Board of Physicians Investigation  
Resolution 42-18 – Opposing Arming Non-Security School Personnel at Schools for Students in Pre-K to 12<sup>th</sup> Grade  
Resolution 43-18 – Clarifying the Relation Between Mental Health and Gun Violence  
Resolution 44-18 – Opposing Child Separation from Caregivers  
Resolution 45-18 – Lead Levels in Rental Properties  
Resolution 47-18 – Preemption and Public Health

The following resolutions were referred to the Board of Trustees:

Resolution 28-18 – EMR Access Fees After Practice Closure or Physician Retirement or Death  
Resolution 29-18 – Study of Findings of MedChi Physician Compensation Study & Development of Action Plan  
Resolution 31-18 – Waiver of Buprenorphine Training for Physicians  
Resolution 32-18 – Expanding Opioid Use Disorder Treatments  
Resolution 33-18 – Medication-Assisted Treatment in Prisons  
Resolution 35-18 – Ongoing Medical Support for Mothers and Babies Impacted by Opioid Exposure  
Resolution 40-18 – Medical Cannabis Recommenders  
Resolution 41-18 – Scope of Practice for Cannabis-Certifying Practitioners  
Resolution 46-18 – Delaying Fall House of Delegates Meeting  
Resolution 48-18 – Listing Methadone on the Prescription Drug Monitoring Program

**BOT Report 2-18 – 2019 Budget** was adopted as follows:

Recommendations:

1. That the House of Delegates approve the 2019 Budget; and
2. That the remainder of the report be filed.

**BOT Report 3-18 – MedChi Strategic Planning** was adopted as follows:

Based upon the needs that were identified in the strategic planning process, the Board has developed the following recommendations:

1. Engage an outside consultant to review the MedChi-component relationship in order to

maximize the potential of our unified structure.

2. Engage an outside consultant to analyze the MedChi building in order to determine its sustainability and potential.
3. Direct staff to implement the remainder of the strategic plan

**CL Report 1-18 – Review of 2018 Legislative Agenda** was adopted as follows:

1. Defend the Scope of Medical Practice so Patients are Seen by a Physician - Legislative Council Recommendation: CONTINUE
2. Protect Medicaid and the Uninsured - Legislative Council Recommendation: CONTINUE
3. Defend Physician Rights - Legislative Council Recommendation: CONTINUE advocacy on what has not been accomplished.
4. Strengthen Medical Liability Reform - Legislative Council Recommendation: With this success of this session, we will CONTINUE to push for stronger Medical Liability Reform and will oppose efforts to weaken existing medical malpractice laws.
5. Enhance Physician Payment and Insurance Reform - Legislative Council Recommendation: CONTINUE
6. Protecting Maryland’s Children - Legislative Council Recommendation: CONTINUE
7. Ending Health Disparities - Legislative Council Recommendation: CONTINUE
8. Making Maryland a Tobacco Free State - Legislative Council Recommendation: CONTINUE
9. Drug Transparency - Legislative Council Recommendation: CONTINUE advocacy on what has not been accomplished
10. HIV Prevention - Legislative Council Recommendation: CONTINUE
11. Opioid Crisis - Legislative Council Recommendation: CONTINUE advocacy on what has not been accomplished.

**TF Report 1-18 – Report of the Global Budgeting Task Force** was accepted as an informational report.

**TF Report 2-18 – Report of the Gun Violence Prevention Task Force** was accepted as an informational report.

**Resolution 22-18 – Medicaid Prescription Drug Coverage – Non-Participating Practitioner** was amended and adopted as follows:

Resolved, that MedChi will urge our AMA to petition the Center for Medicare and Medicaid Services to rescind the policy of denying Medicaid patients coverage of medications that are prescribed by a non-participating practitioner.

**Resolution 23-18 – Patient Privacy Invasion by the Submission of Fully Identified Quality Measure Data to CMS** was adopted as follows:

Resolved, that to protect patient privacy, MedChi submit a resolution to the American Medical Association to establish regulation and/or legislation that all quality measure data should only be collected in summary format with no personally identified information included.

**Resolution 24-18 – Physician Office-Based Dispensing** was adopted as follows:

Resolved, that MedChi support Maryland legislation that would: (1) provide that certain provisions of the law do not prohibit a physician from personally dispensing a prepackaged topical; (2) establish an exception to the requirement to receive a written permit to dispense prepackaged topicals; and (3) define the term “prepackaged topical.”

**Resolution 25-18 – Legislation Prohibiting Non-Medical Switching of Prescription Drugs** was amended and adopted as follows:

Resolved, that MedChi propose legislation prohibiting health insurance plans from providing insurance coverage for prescription drugs that removes a covered prescription drug from its list of covered drugs mid-year, unless the United States Food and Drug Administration (FDA) has issued a statement about the drug that questions the clinical safety of the drug, or the manufacturer of the drug has notified the FDA of a manufacturing discontinuance or potential discontinuance of the drug; and be it further

Resolved, that MedChi propose legislation that would prohibit a health plan from reclassifying a drug mid-year to a more restrictive drug tier or move a drug to a higher cost-sharing tier or a tier with a larger deductible, copayment or coinsurance, unless a generic equivalent becomes available.

**Resolution 26-18 – Transparency by Physicians Reviews for Insurance Formularies** was adopted as follows:

Resolved, that MedChi ask our AMA to encourage states to require physicians who serve on formulary review boards to disclose conflicts of interest; and be it further

Resolved, that MedChi ask our AMA to encourage insurance companies to require physicians who serve on formulary review boards to disclose conflicts of interest.

**Resolution 27-18 – Transparency of Pharmacy Benefit Managers** was amended and adopted as follows:

Resolved, that MedChi initiate legislation requiring transparency in the structure in which PBMs operate in order to prevent conflict of interest when developing formularies and/or tiers; and be it further

Resolved, that MedChi initiate legislation directing a study to investigate the extent to which PBM negotiations and arranged rebates affect formularies, tiers, and drug prices.

**Resolution 28-18 – EMR Access Fees After Practice Closure or Physician Retirement or Death** was referred to the Board of Trustees as follows:

Resolved, that MedChi initiate development of legislation and/or regulation which would limit the fees that EMR companies can charge to a physician who has ceased to use the EMR for his/her practice due to closure, retirement or his/her estate to the current fees that are charged under Maryland law as if the physician was still using the EMR and provided those records to a provider or a person other than the patient or the patient's personal representative.

**Resolution 29-18 – Study of Findings of MedChi Physician Compensation Study & Development of Action Plan** was referred to the Board of Trustees as follows:

Resolved, that MedChi, after an in-depth review of the findings of the 2018 Survey of Maryland Physician Compensation conducted by Merritt Hawkins, develop recommendations to address the compensation disparities found in the survey, to include, but not be limited to, regulatory and legislative actions.

**Resolution 30-18 – Support for a Single-Payer System and AMA Task Force** was amended and adopted as follows:

Resolved, that MedChi establish a task force to study the implications of implementing new payment systems in Maryland, including, but not limited to, a single payer health care system and a Maryland public option. The payment systems task force shall report to the Fall 2019 MedChi House of Delegates meeting its findings and recommendations.

**Resolution 31-18 – Waiver for Buprenorphine Training for Physicians** was referred to the Board of Trustees as follows:

Resolved, that MedChi explore gaining the appropriate waivers to provide shortened trainings for physicians interested in becoming licensed to prescribe buprenorphine.

**Resolution 32-18 – Expanding Opioid Use Disorder Treatments** was referred to the Board of Trustees as follows:

Resolved, that MedChi encourage physicians to complete certification training to prescribe buprenorphine; and be it further

Resolved, that MedChi support initiatives that educate, engage, and provide infrastructure for physicians to treat patients with opioid use disorder with Medication Assisted Treatment (MAT), such as state-implemented hub-and-spoke models and early training on prescribing MATs like buprenorphine in medical education.

**Resolution 33-18 – Medication-Assisted Treatment in Prisons** was referred to the Board of Trustees as follows:

Resolved, that MedChi support the expansion of Medication-Assisted Treatment offered in Maryland jails, prisons, and central booking.

**Resolution 34-18 – Supporting Pilot Programs of Overdose Prevention Sites in Maryland** was adopted as follows:

Resolved, that MedChi support legislation for the development of pilot overdose prevention sites, also known as supervised injection facilities, in Maryland that are designed to address the opioid crisis while gathering data that can be used by lawmakers to assess the efficacy of supervised injection facilities.

**Resolution 35-18 – Ongoing Medical Support for Mothers and Babies Impacted by Opioid Exposure** was referred to the Board of Trustees as follows:

Resolved, that MedChi support the establishment of programs that provide ongoing medical treatment and social support for mothers who are current or recovering substance users to reduce risk of separation from their children; and be it further

Resolved, that MedChi ask our AMA to oppose legislation that leads to separation of babies from mothers that are actively undergoing opioid abuse rehabilitative treatment unless there is a serious threat to the child’s wellbeing.

**Resolution 36-18 – Coverage of Non-Opioid Therapies on Health Insurance Formularies** was amended and adopted as followed:

Resolved, that MedChi work with our AMA to explore coverage of non-opioid therapies for pain on health insurance formularies.

**Resolution 37-18 - Adverse Actions by Institutions and Insurance Carriers** was amended and adopted as follows:

Resolved, that MedChi support legislation that states a hospital or related institution may not take adverse action against a physicians based solely on the fact that the physician was placed on probation for a violation of a ground for discipline under §14-404(A) of the Health Occupations Article, if the probation has ended; and be it further

Resolved, that MedChi support legislation that states a carrier may not take any adverse action, including denying an application for participation or terminating participation in a provider panel, against a provider based solely on the fact that the provider was placed on probation under §14-404(A) of the Health Occupations Article, if the probation has ended; and be it further

Resolved, that MedChi support legislation that states an insurer may not deny liability insurance coverage to a physician based solely on the fact that the physician was placed on probation, if the probation has ended.

**Resolution 38-18 - Expungement of the Public Reprimands and Probation on a Physician’s Public Record** was adopted as follows:

Resolved, that MedChi support legislation that states the Maryland Board of Physicians shall expunge all records of a public reprimand or probation three (3) years after the final disposition of the case.

**Resolution 39-18 - Peer Review Findings in a Board of Physicians Investigation** was adopted as follows:

Resolved, that MedChi support legislation that requires a Board of Physicians disciplinary panel to dismiss a complaint if one of two peer reviewers finds that the licensed physician did not violate the standard of care, unless two-thirds of the disciplinary panel votes to assign a third peer reviewer to the case.

**Resolution 40-18 – Medical Cannabis Recommenders** was referred to the Board of Trustees as follows:

Resolved, that MedChi shall introduce legislation that a certifying Medical Cannabis practitioner must have the capabilities to treat and be responsible for treating the certifying diagnosis.

**Resolution 41-18 - Scope of Practice for Cannabis-Certifying Practitioners** was referred to the Board of Trustees as follows:

Resolved, that MedChi support legislation that prohibits a certifying practitioner from recommending medical cannabis for treatments of qualifying medical conditions outside the certifying practitioner's scope of practice, unless the certifying practitioner has a bona fide relationship with the practitioner responsible for treating the qualifying medical condition.

**Resolution 42-18 - Oppose Arming Non-Security School Personnel at Schools for Students in Pre-K to 12th Grade** was adopted as follows:

Resolved, that MedChi oppose legislation and initiatives that would allow non-security personnel, such as teachers and school administrators, to bring, store, or discharge firearms at schools for students in Pre-K to 12th grade.

**Resolution 43-18 - Clarifying the Relation between Mental Health and Gun Violence** was amended and adopted as follows:

Resolved, that MedChi encourage physician education and training on discussing limiting access to lethal means of suicide, particularly firearms, with patients including storing firearms locked and unloaded or removing firearms from a home with a family member at risk of suicide; and be it further

Resolved, that MedChi ask our AMA to work with all appropriate specialty societies to develop and disseminate fact sheets for discussing mental illness in the media, including fact sheets for reporting on mental illness and violence; and be it further

Resolved, that MedChi ask our AMA to work with all appropriate specialty societies to enhance the accuracy of media reports concerning mental health and gun violence, and to reduce the stigma associated with mental illness.

**Resolution 44-18 - Opposing Child Separation from Caregivers** was amended and adopted as follows:



Resolved, that MedChi officially oppose the separation of children from their caregivers in the absence threats to the child's well-being; and be it further

Resolved, that MedChi support Maryland's efforts to repeal federal policy requiring the separation of migrating children from their families.

**Resolution 45-18 - Lead Levels in Rental Properties** was amended and adopted as follows:

Resolved, that MedChi support legislation that the Maryland Department of Health intervene in cases where children are exposed to lead levels of at least 5 micrograms per deciliter.

**Resolution 46-18 - Delaying Fall House of Delegates Meeting** was referred to the Board of Trustees as follows:

Resolved, that MedChi delay its Fall House of Delegates Meeting to at least October each year and also consider holding it in November or December.

**Resolution 47-18 - Preemption and Public Health** was adopted as follows:

Resolved, that MedChi monitor and oppose efforts to change Maryland law regarding preemption in a way that is adverse to public health.

**Resolution 48-18 - Listing Methadone on the Prescription Drug Monitoring Program** was referred to the Board of Trustees as follows:

Resolved, that MedChi work legislatively, and in regulation, that the prescribing of Methadone by all medical providers and treatment programs be included in the PDMP database so that physicians who are caring for patients in pain practices and opiate treatment programs can find out if anyone else may be prescribing this medication to their patients to prevent diversion and also to prevent possible adverse medical consequences.

## **REPORT OF THE CHIEF EXECUTIVE OFFICER**

Gene Ransom provided an update on MedChi operations and activities. He gave an update on Maryland's all-payer model and the Maryland Primary Care Program. He provided an overview of MedChi's successful efforts during the 2018 General Assembly session. He noted that MedChi continues to advocate for physicians on payment issues and to advocate for patients on public health concerns. Mr. Ransom shared a summary of actions taken by MedChi following the House of Delegates' directives from the Spring 2018 meeting. He noted that MedChi continues to address budgetary concerns and financial pressures. He shared information about physicians running for seats in Maryland's General Assembly and congratulated Padmini Ranasinghe, MD, for her election to the American Medical Association's Council on Science and Public Health. Mr. Ransom provided an update on Maintenance of Certification issues. He discussed the ongoing opioid crisis and MedChi's efforts to address it.

## **REPORT OF THE TREASURER**

Lawrence Almengor shared the current financial report for the organization. The report is filed in the executive office of MedChi and available upon request.

## **REPORT OF THE AMERICAN MEDICAL ASSOCIATION DELEGATION**

Shannon Pryor, MD, provided an overview of the Maryland Delegation's activities at the American Medical Association's Annual Meeting in June 2018.

### **NEXT MEETING**

The next meeting of the House of Delegates will be held on Sunday, April 28, 2019 at the Hotel at Arundel Preserve in Hanover, Maryland.

### **ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:25 p.m.

Respectfully submitted,  
J. Ramsay Farah, MD  
Secretary

JRF;caj

Date: 11.30.18

Date Approved by Secretary: 11.30.18

Date Approved by HOD: