

# The Westchester Psychiatrist

A quarterly publication of the Psychiatric Society of Westchester County

Winter 2017

## Message From Our President - C. Deborah Cross, M.D.

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New York State is home to approximately 4,500 psychiatrists and the Westchester County District Branch of NYSPA has approximately 400 of those psychiatrists as members. Westchester is reported to be one



of the wealthiest counties in the United States. However, as most of us who live here know, we also have significant poverty and plenty of people on Medicaid and Medicare - and, of course, a large number of residents with serious and disabling mental illness. New York State also trains approximately 25% of the county's medical residents, many of whom, after graduation, move to other states to practice.

New York State has an incredibly diverse population and, I believe, we also have perhaps one of the very best health care systems in the country. (And our country has perhaps the best health care system in the world - if one of the most expensive!) Unfortunately, it appears that there will be significant changes to all of what I have just written. As we all know this year will present an incredible array of challenges to our health care system: not only who will be able to afford to receive the health care, but also who will be available to give that health care.

Over the last 8 years we have seen the spread of health care insurance coverage to more people than ever before through the Affordable Care Act, which, though clearly not a perfect plan, has enabled people who have not been covered by insurance to actually see

a physician, sometimes even for preventive care. I wonder how many of you reading this are old enough to remember when mental illness was NOT covered by insurance! And how many of you remember when the community mental health clinics were set up in the 1960s? And how many of you remember the start of Medicare and Medicaid? I remember my grandmother not knowing how she was going to pay for her hospitalization when she got very sick - what about any of you? Do each of you have memories of people in your family, or friends of your family, who couldn't afford to see a doctor when they got sick? There have been MAJOR changes in our lifetimes to the practice of medicine and the kind of care that is available. The majority of people in our country now believe that they have a RIGHT to health care, even if they cannot afford it. And through Medicaid, and Medicare, and now the Affordable Care Act, MOST people can afford their health care.

The Governor and Legislature of New York State are saying that they will NOT let the people of New York go back to the way health care was delivered - or NOT delivered - to the people of New York before Medicaid, Medicare and the Affordable Care Act. I certainly hope that they will keep the promise. HOWEVER, it is going to depend on all of us to make sure that people continue to get the health care they (and all of us!) need. The AMA, the Medical Society of the State of New York, and the APA have all taken a stand on this issue, namely that health insurance coverage for all Americans is a necessary requirement.

Unfortunately, there is another issue that is at

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## Message From Our President - C. Deborah Cross, M.D.

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least as unsettling, and that is the doctors who will provide that medical care. Our APA President, Dr. Maria Oquendo, and CEO, Dr. Saul Levin, just sent a message to all APA members earlier this month regarding the temporary Executive Order banning immigrants. Just a few facts regarding our profession and “immigrants”: The latest figure is that 260 people have applied for medical residency from the seven countries impacted by the Executive Order. In psychiatry, more than 25% of our members are International Medical Graduates (who often practice in rural and underserved areas where care is desperately needed). Right now the U.S. ranks 23rd in the world for the number of psychiatrists per 100,000 population. NIH figures state that more than 68 million Americans experienced a psychiatric or

substance use disorder in the past year!

Do we really want to return to live in a country in which people cannot find a doctor and, if they do find a doctor, can't pay for the care that they need! Our medical profession is a sacred trust and we need to be aware of the very real possibility that our profession (us) and our patients will be returned to such a world. If you feel, as I do, that our voices need to be heard, then I urge each of you to consider learning more about where our organization(s) stand on these issues (APA, AMA, NYSPA, your DB, etc.) And if you really want to be active, the political segment of our country needs to be heard from our organizations and you (through your emails and communications to legislators), and money (through contributions to the various PACs). This is not the time to stand by and sit on the sidelines. Our patients depend on us. I welcome your responses. ■

## PSW's 30th Legislative Brunch - December 3, 2016

Reported by: Jerry Liebowitz, M.D. and Karl Kessler, M.D.

The Psychiatric Society of Westchester sponsored the 30th Annual Legislative Brunch at the Crowne Plaza Hotel in White Plains on Sunday December 3, 2016. **Dr. Deborah Cross**, our President, welcoming everyone to the Brunch. Then **Dr. Susan Stabinsky**, our Legislative Representative, introduced our Executive Council and Officers and our NYSPA representatives: Richard Gallo, our Lobbyist for 43 years; Rachel Fernbach, Deputy Director and Assistant General Counsel; Ed Herman, MD, Treasurer; Vivian Pender, MD, Area II Trustee; and Barry Perlman, MD, Chair of the Legislative Committee.

**Dr. Barry Perlman**, NYSPA Legislative Chair, gave an overview of the most important issues and NYSPA's regulatory priorities for 2017. One key issue, Perlman said, is that “legislators take seriously meeting with their constituents.” He commented on “perennial issues,” such as **safety** and **scope of practice**, and went on to focus on specific “newer issues.” These included: **parity of mental health services** covered by insurance companies; opposition to and **prohibition of conversion therapy**; **raising the age of criminal responsibility** to 18 years of age; and **psychologist prescribing**. Another concern was the possible changes to the Affordable Care Act that will occur under the incoming Trump administration.

Perlman reported that Atty. Gen. Schneiderman has brought six actions against insurance companies for **parity compliance and enforcement**, putting them on notice that NYSPA is working for a State-based law assuring all New Yorkers will have appropriate access to mental health services. NYSPA has been asking the state legislature to have NY State produce an annual report about the state of insurance parity. He noted

that in Westchester County two of the three insurance plans for county employees have mental health parity but POMCO does not, because federal law allows counties to opt out of parity requirement. He said it was a shame that a county so committed to good mental health care and access for all its citizens should opt out of parity.

Regarding **conversion therapy**, Perlman noted that five states have laws banning such treatment. “It is time for New York to get it done!” The Assembly is on board, he said, but the problem is the State Senate, where it has stalled. NYSPA has joined with psychologists and social workers to lobby key legislators to enact such a law making it malpractice. In the meantime, New York does have an executive order that forbids insurers from paying for conversion therapy and that prohibits licensed providers from providing it. [Editor's note: Dr. Perlman wrote a NYSPA report on conversation therapy in the Winter 2016 issue of Behavioral Health News.]

Perlman also pointed out that it would be “good public policy” to **raise the age of criminal responsibility** in New York from 16 to 18 years of age. Currently about 50,000 adolescents between 16-18 are being brought into adult courts each year for mostly minor misdemeanors. Their brains, he noted, are still immature, leaving them prone to impulsivity, vulnerable to peer pressure, etc. Forty-eight states already have such a law. Only New York and North Carolina do not! “Instead of tough on crime, be smart on crime!” he exhorted. He added that Connecticut has seen financial savings and lower rates of recidivism

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## When Your Patient Makes The News....

Written by: PRMS

Imagine this: You are drinking your morning coffee and watching the news. You are shocked to hear one of the following reports:

- Your patient has been arrested, accused of murder
- Your patient has committed suicide
- Your patient has been the victim of a horrible crime

What should you do, and what should you not do?

**YOU SHOULD** call us right away to report an “event.” This is required under your policy, but it will also allow us to get involved right away to ensure that your interests are protected. With the examples listed above, it is very likely you will be contacted by some form of law enforcement, as well as possibly by the media.

**IF YOU ARE CONTACTED BY THE PRESS:** Do not speak to the media, regardless of whether information is sought by television or print. If you were treating the person, do not confirm that the person was even a patient. Even if you were not treating, but you happened to have done a curbside consult on this patient with the treating physician, do not reveal anything about the colleague’s patient or even the fact that you discussed this person with your colleague. You have a duty to maintain confidential information shared with you by another provider for treatment purposes.

**IF YOU ARE CONTACTED BY A GOVERNMENTAL AGENT,** such as law enforcement, the Medical Examiner, the prosecutor, etc. for information: Call us prior to responding, even if you have called in the event previously, so we can provide assistance with how to respond. If you are not able to speak with us immediately, the following guidelines may be useful until we can provide you

with specific advice.:

- Do not assume that anyone is entitled to information about your patient, even for investigation purposes, regardless of what the investigator may say
- A patient’s arrest or even death is not an exception to patient confidentiality
- The exceptions to the normal requirement of patient authorization required to release information are very, very limited
- Consider responding as follows: “Any information I may have about this person would be confidential. I want to cooperate, but I need you to put your request in writing and cite your authority for the disclosure. Upon receipt, I will promptly process your request.”

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Contact Jeffery Smith, [jsmd@howtherapyworks.com](mailto:jsmd@howtherapyworks.com) with “office” in subject line.

## PSW's 30th Legislative Brunch - December 3, 2016

Reported by: Jerry Liebowitz, M.D. and Karl Kessler, M.D.

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since enacting such a law. [Editor's note: Dr. Perlman co-authored a NYSPA report on raising the age of jurisdiction in the Summer 2016 issue of Behavioral Health News.]

**Assemblyman David Buchwald**, representing the 93rd District (White Plains and NE Westchester), spoke against conversion therapy and for raising the criminal responsibility and for making e-prescribing easier to use and in favor of allowing physicians to collectively negotiate with insurance companies. He is also against psychologist prescribing. He stated that he wants to support us "to provide the best care." He is very concerned, he said, about possible changes to the Affordable Care Act (ACA), noting that there are "significant changes on the way." He asked us to "please let us [legislators] know what the implications are" for us and our patients, once we know.

**Assemblywoman Shelly Mayer**, representing the 90th District (Yonkers), spoke about underserved communities that have urban problems and are dependent on high-quality mental health services. She is concerned about the "overlay of federal uncertainty," especially with the new Secretary of HHS and the possible effect on federal spending on parity. Echoing Buchwald, she said, "the more we hear from you, the better." She supports our positions, she said, and spoke against conversion therapy and in favor of raising the age of criminal responsibility. She was in favor of an increase in spending on mental health care in urban communities such as Yonkers. She advocated greater flexibility in e-prescribing and in favor of physician to collectively negotiate with insurers. However, she noted that she is ambivalent about psychologist prescribing and scope of practice, because of the need for increased access while maintaining quality. She is also worried that Medicaid's "essential benefits" may be reduced with the new administration.

**Assemblyman J. Gary Pretlow** (89th District), added little of substance and said that he agreed with the previous speakers. He noted that he was the co-sponsor of two, and the main sponsor of one, scope of practice bills.

**Lisa Hofflich**, Staff Member for **Assemblywoman Sandra Galef** (95th District) and **Amy Paulin** (88th District), said that she was at the Brunch to report our concerns to the Assemblywomen, who are very interested in matters concerning mental health. As the parent of a transgender girl, she called conversion therapy for minors "child abuse" - "to get at the heart of the matter and convince the Senate." She said that both

assemblywomen support raising the criminal responsibility. Scope of practice, however, she felt was open for discussion. "There is a healthy middle ground," she observed, "between access of care and quality of care."

**Daniel Pagano**, staff member for **Senator Terrence Murphy**, was supportive of our positions, noting that, as a law guardian, he had personal experience with criminal court and saw the problems with 16-18-year-olds being treated as adults.

**Lisa Urban**, staff member for **Assemblyman Steven Otis**, who was sorry he was unable to attend the Brunch this year, did not speak but said she would report back to the Assemblyman what we discussed.

The final speaker was **Dr. Robert Laitman**, head of advocacy for NAMI-NY, who spoke in support of parity and out-of-network benefits and in support of assertive community treatment (ACT) and an Incorporating Families into Mental Health bill. He also spoke in favor of expansion of mental health courts and more housing for the mentally ill and the decreasing or stopping the use of solitary confinement in jails and prison, which is especially harmful to the mentally ill.

A question and answer period followed and concluded the very successful brunch meeting.

### A Comment about the Brunch by: Karl Kessler, MD, PSW's President-Elect

Although the issues discussed at the brunch were interesting and informative, I would like to comment on the change I have noticed over the last 15 years. Fifteen years ago, members of Congress such as Sue Johnson and Nita Lowey attended our brunch. Subsequently, we had representatives of the members of Congress attend our brunch. We no longer see anyone from Congress or even their representatives at the brunches. Now we are at the point where we are having representatives of members of the New York State Assembly attending our brunch, rather than the representatives themselves. This indicates significant decline in influence. NYSPA has a political action committee and a lobbyist, Richard Gallo, who attended the brunch and who has many years of experience working for the interests of psychiatrists in New York State. However, one wonders what our influence actually is when one sees who is attending our brunches in comparison to who used to attend. **Perhaps it is time that psychiatrists in New York State step up their lobbying game. ■**



## A Remembrance of Things Past

Written by: Karl Kessler, M.D.

A “Warehouse Book Sale” of over 25,000 books was advertised for a weekend in October. “Most books are new...These are unique books... Self Help, Instructional and Education Books.” A query revealed further that many of the books were related to psychology and psychiatry.

The warehouse was just that - a large, nondescript building with metal siding, approximately 50 feet by 90 feet, in Madison, Connecticut. A small door stood open and inside were books. Many, many books. Tables with books on display and rows and rows of shelving, 20 feet high, holding cartons and cartons of books. The books on the tables were a mixture of newer and older texts. The opened cartons contained scores of copies of the same brand new book, waiting to be sent to customers. This was the publisher’s warehouse of the International Universities Press. The IUP was the premier publisher of psychoanalytic books in the United States. Founded in 1944, it closed in 2003, mirroring the rise and fall of psychoanalysis in post-war America.

The staff at the desks inside the entrance seemed to know nothing about the subject matter of the books. They said that the business had closed about “10 years ago, and now the owner wanted to do something with the property, so he has to get rid of the books.” I arrived on the third and final day of the sale, and the cost of the books had been reduced to \$10 for a large paper bag, supplied by the sales crew. There were only 5-6 other

browsers in the warehouse beside myself.

What was the most remarkable was how few books of interest or relevance there were among hundreds of titles. Time has not treated psychoanalytic texts well, with their complicated and often arcane arguments and a tendency towards graphomania. The books often had the quality of religious texts. Represented were the orthodox (Charles Brenner) and the revisionists (John Gedo) and the heretics (Heinz Kohut). There were endless copies of journals such as **Modern Psychoanalysis**. There were local authors (Aaron Esman) and **The Selected Papers of Ludwig Jekels**. Jekels had been an associate of Freud, an early member of the Vienna Psychoanalytic Society and on the staff of the Vienna Psychoanalytic Polyclinic.

The same address was also the home of the Sphinx Press, and several of their titles were mixed into the selection, Sphinx Press was the publisher of Soviet titles such as **Leonid I. Brezhnev, His Life and Work**, written under the auspices of the Academy of Sciences of the USSR (1982) and **The Memoirs of Anastas Mikoyan, Vol. 1: The Path of Struggle** (1988). For Stalin’s henchman Mikoyan, there was no volume 2. The Sphinx Press, like the IUP, was also a publisher of books about a lost world. The warehouse gave the sense of a tomb containing the relics of vanished cultures. ■

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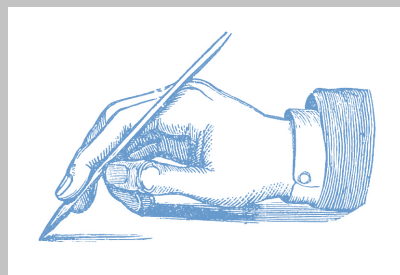
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