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Dr. Moldonado,

I am writing as you requested to review the events at the House of Delegates this weekend. I will begin with the substantive issue. According to substitute resolution 213, passed by the House of Delegates, it is now MSSNY policy to “advocate for a moratorium on the Maintenance of Certification requirements of all medical and surgical specialties.” It is also now policy that MSSNY direct the New York AMA delegation to “advocate for a moratorium on the Maintenance of Certification requirements of all medical and surgical specialties.” I must insist that until I hear otherwise from our Board of Directors or Congress of Delegates MSSNY **refrain** from advocating for such a moratorium for the specialty of Family Practice.

I now want to discuss the procedural issues at the House. Although this was my only participation at the House of Delegates, I have been involved in many deliberative proceedings both as participant and Chair over the past 29 years. This conflict between our two organizations could have been completely avoided, I am confident, if the principles of open debate and allowing the minority a fair hearing had been followed. The fact that it was not raises bigger questions about our relationship than just the issue of Maintenance of Certification.

I will recap the events briefly. Because of the issue raised above, I extracted this resolution from the consent calendar. Before there was any debate on the main motion, I offered an amendment, supported by the Seventh and Eighth District Branches, to replace the reference committee’s resolution with the original resolution 213, which had been appropriately submitted in a timely fashion to the House. I was ruled out of order, I still believe incorrectly. At that point another individual offered an amendment. This was then followed by a second level amendment. At no time was the main motion debated. After brief discussion of the second order amendment, which simply involved adding a prefix to word and was of no other substance, a motion was made to “call the question and all pending matters.” According to The Rules of Order, when fairness and form are in conflict, fairness should prevail. Furthermore, since there had been no speakers both pro and con to the main motion, a motion to call the question which involved closing debate on the main motion should have been ruled out of order. Unfortunately, Speaker Cohen rapidly took three voice votes on the secondary amendment, primary amendment, and main motion before any of this could be addressed. He made no effort to hide his annoyance when, in a last-ditch effort to salvage the situation, I made a motion to divide the question. Because the main motion was never discussed, the opportunity was lost to fine-tune the scope of the moratorium, which was my goal in extracting the resolution from the consent calendar in the first place.

Lastly, I must express my disappointment with how the second half of the House’s debate was managed. An entire reference committee report was rushed through with very few items extracted, because none of the caucuses had had a chance to review it. A motion to reconsider that was deemed summarily out of order without explanation. Also, the Speaker again made no effort to hide his irritation when appropriate and in order nominations from the floor were made for various offices. That demeanor influences debate and votes, and is not appropriate from the Speaker. The democratic process cannot be scripted. Based on how well the first half of the session was run and on what I am told by my colleagues about previous HODs, my assumption has to be that this was the exception, not the rule. I wonder if frustration about the multiple problems with producing the Reference Committee reports played a role.

As you requested, I will hold off on reviewing this in detail with our Executive Committee and Board until you and I have made an effort to work through some of this together. However, I do need to hear back from you fairly soon on how Council plans to proceed. Our Congress of Delegates is coming up shortly, and I need to prepare my report not only for the Executive Committee and Board, but also for the Congress of Delegates. Furthermore, depending on MSSNY’s response, I may need to prepare a resolution so our Congress can direct the Academy’s response to MSSNY.

Obviously, I am quite perturbed by all this, but I do appreciate the opportunity to attempt to find a solution personally and reasonably.

Feel free to share this with your Executive Committee, Council, former Speaker Cohen, and Speaker Geraci-Ciardullo.

Very truly yours,

Robert J. Ostrander, M.D.

Vice-President, New York State Academy of Family Physicians