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NEW YORK PUBLIC INTEREST RESEARCH GROUP (NYPIRG)
NEW YORK STATEWIDE SENIOR ACTION COUNCIL
NEW YORKERS FOR ACCESSIBLE HEALTH COVERAGE
NEW YORKERS FOR PATIENT & FAMILY EMPOWERMENT
PEGGY LILLIS FOUNDATION
PULSE OF NEW YORK**

December 3, 2015

Keith W. Servis
Deputy Director
Office of Primary Care and Health Systems Management
Empire State Plaza
Corning Tower, 14th Fl
Albany, NY 12237

Dear Mr. Servis:

Thank you for inviting public input on your plans for strengthening the New York State Physician Profile Program (the “Profile Program”). The unbiased information in this public website is an important resource to assist individuals seeking healthcare, and their families, in finding quality care.

A fundamental concern is that so few doctors are complying voluntarily, without follow-up reminders and personal cajoling, to comply in a timely way with the reporting requirements of the Profile Program. In a recent meeting with representatives of NYPIRG and New Yorkers for Patient & Family Empowerment, you estimated that roughly 85% of doctors do not comply with the first letter notifying them of the need to do so, and thus must be sent a reminder after 30 days. You also estimated that roughly half of those noncompliant doctors still do not comply within 45 days of receiving the second reminder – thus necessitating emails or telephone calls by Department staff. Since much of the information is already “pre-filled in” for them and they only have to check it for accuracy, this is really inexcusable.

Clearly, medical associations, hospitals and medical schools can and should be doing much more to ensure that doctors take this responsibility seriously. We look forward to further communication about how to increase doctor compliance with the law.

With regard to improving the website presentation/content, we appreciate that you are considering how to make the information more easily searchable and also adaptable to mobile devices. We also note that you are considering ideas for additional content, most of which are based on *The New York State Healthcare Provider Database: A Framework for Action* (a project funded by the New York State Health Foundation). While the recommendations from that report were primarily made with research and policy purposes in mind, it also contains some suggestions that would assist healthcare consumers (such as information on office hours and whether or not the physician currently accepts new patients). From a patient/consumer perspective, we offer some additional recommendations:

1. Make sure the website is not so cluttered that people cannot easily and directly find key information on the doctor's safety record.
2. Make sure that information on the doctor's record of disciplinary actions or malpractice payouts is clearly identified in a way that a consumer will understand (using terms such as "penalties" instead of "legal actions," for example, where relevant).
3. With regard to the description of facility accessibility, please consider two critical points:
 - (a) The designation of "accessible" must not be limited to wheelchair accessibility in the entrance area. Diagnostic, consulting and treatment areas must also be wheelchair accessible.
 - (b) The designation of "accessible" must not be limited to navigational accessibility within the healthcare space, but also must include accessibility of examination tables, weight and height measurement equipment, and other diagnostic and treatment equipment. In addition, it needs to include cognitive and sensory disabilities.
 - (c) For further considerations, please consult the United States Access Board's proposal to add part 1195 to title 36 of the Code of Federal Regulations, covering standards for accessible diagnostic equipment.¹

¹ See <http://www.access-board.gov/guidelines-and-standards/health-care/about-this-rulemaking/proposed-standards/text-of-the-proposed-standards>

4. Please maintain the information on the website disclosing the physician's current compliance with the training requirement for infection control. We understand that you were considering proposing to make that a non-public information item.

5. We understand you are viewing other states' physician profile websites for ideas of how to improve the user-friendliness of the New York State Physician Profile website. In addition to this effort, we encourage you to:
 - (a) View nonprofit consumer-oriented safety-comparison websites as well as the public information resources on the websites of the signatories to this letter and other organizations.
 - (b) Consider providing useful consumer tips/factsheets and links to other useful government resources such as the Centers for Medicare and Medicaid Services' "Hospital Compare" and "Nursing Home Compare" websites.
6. Functionality should be added to compare at least three different providers at a time. The CMS sites provide this functionality and could be used as a model.
7. Please note that maintaining telephone access to Physician Profile Program information is particularly important for some areas of the state where internet access is inadequate.
8. For further input, we encourage you to reach out to our organizations and other health, consumer, social justice and community organizations, to obtain more input and suggestions from diverse constituencies with regard to age, race/ethnicity, income, disabilities and regions of the state.

Equally important, we urge DOH to launch a program to educate the public about the existence of the Physician Profile Program. DOH could take such action through many avenues. For example, DOH could integrate or link Physician Profile educational efforts with ongoing community health education and outreach initiatives of the Department on other topics, such as childhood lead poisoning, AIDS, and immunizations. In addition, information on the Physician Profile program should be posted at every healthcare facility and provided in patient information packets.

We look forward to the opportunity to further discussions on strengthening the Physician Profile Program.

Please contact Blair Horner, 212-349-6460 or Suzanne Mattei, 646-465-3635 if you have questions.

With best regards,

Fifteen Nonprofit Organizations to Mr. Servis, Department of Health
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