

ADOPTIONS  
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PUBLIC NOTICES  
LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF MEDICAL EXAMINERS

**N.J.A.C. 13:35-2B.10, 6.10 and 6.16**

**Notice of Receipt of Petition for Rulemaking**

**Supervision of Physician Assistants; Advertising and Solicitation Practices; Professional Practice Structure**

Petitioner: Alexander Doctoroff, D.O., on behalf of the Dermatological Society of New Jersey.

**Take notice** that on March 23, 2010, Alexander Doctoroff, D.O., on behalf of the Dermatological Society of New Jersey, requested that the State Board of Medical Examiners (the Board) amend its regulations set forth at N.J.A.C. 13:35-2B.10, 6.10 and 6.16.

The petitioner requested that the Board amend N.J.A.C. 13:35-2B.10, which sets forth requirements for physician supervision of physician assistants, to provide additional supervision requirements for physician assistants who provide dermatological services. The petitioner observed that Board-certified and Board-eligible dermatologists undergo extensive training in the evaluation and management of patients with skin disorders and cancers of the skin, and are experienced in the recognition of the skin manifestations of systemic and infectious skin disorders. The petitioner believes that permitting non-dermatologists to practice dermatology and to supervise physician assistants engaged in the provision of dermatological services results in lower quality dermatologic care, and increases the risk of misdiagnosis and harm to patients. The petitioner also noted that current Board regulations concerning certified registered nurse anesthetists require these physician extenders to be supervised by physicians with specific qualifications. Therefore, the petitioner [page=860] recommends that the Board amend N.J.A.C. 13:35-2B.10 to provide that only Board-certified or Board-eligible dermatologists may supervise physician assistants providing dermatological services.

The petitioner also requested that the Board amend N.J.A.C. 13:35-6.10, which sets forth requirements for advertising and solicitation practices, to prohibit physicians from inappropriately referring to themselves as specialists. Specifically, the petitioner recommends that the Board amend the rule to prohibit physicians from holding themselves out as specializing in dermatology when such physicians lack Board-certification and specialty training as dermatologists. The petitioner believes that a physician's failure to disclose his or her true training and credentials constitutes gross misrepresentation, which can easily mislead patients.

The petitioner also requested that the Board amend its professional practice structure rule, N.J.A.C. 13:35-6.16, to limit the number of offices at which a dermatologist may supervise physician-extenders, including physician assistants, to three offices other than the dermatologist's primary place of practice. The petitioner believes the recommended amendment is necessary to ensure that a dermatologist is able to devote an appropriate amount of time to each office and to the patients seen at each office.

For the foregoing reasons, the petitioner recommended that the Board make the following amendments to the rules in N.J.A.C. 13:35 (additions to the rules indicated in boldface **thus**; deletions to the rule indicated in brackets [thus]):

13:35-2B.10 Supervision

(a)-(d) (No change.)

**(e) Notwithstanding the foregoing, a physician assistant shall engage in the practice of dermatology only under the supervision of a dermatologist who is Board Certified or Board Eligible in dermatology. For purposes of**

**this subsection: the "practice of dermatology" shall mean the specialty practice of medicine that deals with the skin, its structure, functions, and diseases; and "Board Eligible" or "Board Certified" in dermatology shall refer only to (i) a physician, who, after their first year of internship, completed a 3 year formal dermatology residency, accredited by the American Board of Medical Specialties ("ARMS") or the American Osteopathic Association ("AOA"), or (ii) possesses current specialty certification from the ARMS or AOA, or at the time of approval of this amendment (i.e., \_\_\_\_\_, 20\_\_) has formal recognition as a Board certified dermatologist from the American Board of Certification in Dermatology or is a Board-certified specialist from the Royal College of Physicians and Surgeons of Canada.**

13:35-6.10 Advertising and solicitation practices

(a)-(l) (No change.)

(m) Any licensee advertising board certification in a specialty shall possess current certification by a specialty board or certifying entity. Specialty boards recognized by the American Board of Medical Specialties (ABMS), the American Osteopathic Association (AOA), and/or the American Podiatric Medicine Association (APMA) shall be approved by the Board and included in a list maintained by the Board. A licensee advertising board certification shall conspicuously specify in the advertisement the specific specialty board or certifying entity granting the certification (for example, the American Board of Psychiatry and Neurology, the American Board of Radiology, etc.), the national organization recognizing such specialty board or certifying entity (for example, ABMS, AOA, APMA, etc.), if any, and, if not included in the name of the specialty board or certifying entity itself, the field of medical or surgical specialty in which the certification was conferred. **Licensees may not hold themselves out as a Board-certified specialist in a particular specialty unless the physician has received formal recognition as a specialist in that specialty from one of the specialty boards listed herein or otherwise approved by the Board. A licensee may not hold himself or herself out as a dermatologist unless he or she is a residency trained dermatologist, having completed a 3-year formal dermatology residency after his or her first year of internship, accredited by the American Board of Medical Specialties ("ABMS") or the American Osteopathic Association ("AOA"), and possesses current specialty certification from the ARMS or AOA. Notwithstanding the foregoing, licensees having formal recognition as a Board-certified dermatologist from the American Board of Certification in Dermatology, or a Board-certified specialist from the Royal College of Physicians and Surgeons of Canada, at the time of approval of this amendment (i.e., \_\_\_\_\_, 20\_\_) shall be permitted to hold themselves out as a Board certified specialist in their recognized specialty.**

(n)-(o) (No change.)

13:35-6.16 Professional practice structure

(a)-(m) (No change.)

**(n) The following pertain to dermatology:**

- 1. Only Board Certified and Board eligible dermatologists may supervise physician-extenders. Such dermatologists may supervise physician-extenders, including physician assistants as set forth in N.J.A.C. 13:35-2B.10(e), in only three offices other than the dermatologist's primary place of practice.**
- 2. This subsection shall not apply to dermatology services rendered in health care facilities licensed pursuant to N.J.S.A. 26:2H- 1 et seq.**

A copy of this notice has been mailed to the petitioner consistent with the requirements of N.J.A.C. 1:30-4.2.