

New Jersey State Board of Medical Examiners

January 9, 2002

Open Board Minutes

The meeting of the New Jersey State Board of Medical Examiners was held on January 9, 2002 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey. The meeting was called to order at 9:00 a.m. by William V. Harrer, M.D., B.L.D., President

PRESENT

Board Members Chen, Criss, Farrell, Haddad, Harrer, Lucas, Moussa, Patel, Paul, Perry, Reid, Ricketti, Robins, Rokosz, Trayner and Walsh

EXCUSED

Board Members Desmond, Huston, Wallace and Weiss

ALSO PRESENT

Deputy Attorneys General Gelber, Joyce and Kenny, Executive Director Roeder and Medical Director Gluck

STATEMENT CONCERNING ANNUAL NOTICE OF PUBLIC MEETINGS

The requirements of the "Open Public Meetings Act" have been satisfied by notice of this meeting given in the annual notice adopted by the New Jersey State Board of Medical Examiners on October 10, 2001 which was transmitted to the STAR LEDGER, CAMDEN COURIER POST, ASBURY PARK PRESS, BERGEN RECORD, THE ATLANTIC CITY PRESS and the TRENTON TIMES, all on the 1st day of November.

ANNOUNCEMENTS

Credential Committee Meeting Assignments:

Monday, February 25, 2002 Veronica Desmond

Monday, March 18, 2002 Glenn A. Farrell, Esq.

Executive Committee Meeting Assignment - January to June, 2002

James C. Ricketti, D.P.M.

(4th Tuesday of the Month)

IRC February 6, 2002 8:00 AM Kelly Reid, M.D. Edwin M. Trayner, M.D.

April 3, 2002 8:00 AM Kelly Reid, M.D. Kevin Walsh, P.A.

Dr. Robins reported that A.2567/S.1408 was signed by the Governor and expressed his appreciation of all who helped with the legislation which will be beneficial to patients and to the Board. This new law created the position of a Director of Medical Education as a salaried person in the Board office. The Division will establish criteria for this job and seek candidates. Someone with great experience in medical education will be needed to fill this position. Standards will be changed for requirements for licensure for American graduates; instead of one postgraduate year, two postgraduate years will be required in addition to a signed contract for a third year. Mandatory CME will go into effect and an Advisory Committee will be appointed to advise the Board in this area. Focused evaluation and re-education program will be outsourced to New Jersey organizations with the expertise to perform this function. It is hoped that licensees in need will have a wide source of entities to go to in New Jersey. The issue of CME for foreign medical graduates will be discussed at the Executive Committee meeting. D.A.G. Joyce will prepare information to be disseminated to licensees which will also be discussed at the Executive Committee meeting.

Dr. Harrer reported that written comments for the proposed Anesthesia Standards Regulation are due January 27, 2002.

Dr. Harrer spoke yesterday to the Association of County Medical Examiners on Board regulations concerning pronouncement of death and death certificates. The Association raised significant issues which will be discussed at the next Executive Committee meeting.

Dr. Harrer summarized the list of accomplishments for the Board last year such as publication in the New Jersey Register of the proposed midwifery regulations, proposed draft of athletic trainer regulations by referring issues referable to treatment modalities to the Executive Committee, proposed draft of protocol of new procedures, proposed draft for the licensure of electrologists, the lifting of the moratorium of clinical training programs in New Jersey hospitals which training programs had been sponsored by international medical schools, referred establishment of commission to look at the impact of these programs in medicine to the Governor and legislation, appointed a sub-committee of the Board to look at the current regulations, approved a health manpower survey which was developed in cooperation with Rutgers and which survey is currently being field tested, and had presentations given by Dr. Bresnitz on bioterrorism and by Dr. Perry on smallpox. Dr. Harrer thanked the Attorney General's office and Board staff for all the help they have given the Board on these many issues. Other items Dr. Harrer would like to see the Board deal with are telenet medicine, surgical assistant issues, constituent interactions (presentations) and dissemination of information in the Newsletter and alternative health care. Dr. Harrer will be attending the Federation of State Medical Boards conference in April and representatives will be coming to the Board in March.

Dr. Patel was added as a member of the Medical Practitioner Review Panel.

Dr. Perry informed the Board that Clifford Lacey, M.D. has been appointed as the new Commissioner of Health designate. Dr. Lacey is the Chief of Cardiology at RWJ, Chief of Staff and Vice-President for Medical Affairs and head of the Bioterrorism Task Force.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SEND A WELCOMING LETTER TO DR. LACEY.

The item of a Board member liaison to the Bioterrorism Task Force will be discussed at the Executive Committee meeting. Dr. Robins mentioned that during the time Len Fishman was Commissioner, the Board had established a liaison between the President, Executive Director and the Commissioner.

Mr. Farrell and Dr. Lucas commented that they felt it would be a good idea for the Board to have press releases regarding certain aspects of Board business. They would like the Executive Committee to discuss this.

Dr. Rokosz commented that in the Federation of State Medical Boards' Journal of Medical License and Discipline there were a couple of good articles on pain management, commenting that the Board should be concentrating on physicians undertreating pain.

D.A.G. Joyce reported that the special volunteer physician bill was also signed by the Governor this week.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE DECEMBER 12, 2001 OPEN BOARD MINUTES AS SUBMITTED.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE DECEMBER 17, 2001 OPEN CREDENTIALS COMMITTEE MINUTES AS AMENDED.

TO AMEND:

KAMINI KOHLI, M.D. - Dr. Patel was recused from discussion and vote in this matter.

ROSS UNIVERSITY - Dr. Rokosz was recused from discussion and vote in this matter.

GUADALAJARA UNIVERSITY, SCHOOL OF MEDICINE - Dr. Rokosz was recused from discussion and vote in this matter.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE DECEMBER 17, 2001 CERTIFIED NURSE MIDWIFE OPEN COMMITTEE MINUTES AS SUBMITTED.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE DECEMBER 20, 2001 ATHLETIC TRAINER MINUTES AS SUBMITTED.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE NOVEMBER 1, 2001 PERFUSIONIST ADVISORY COMMITTEE MINUTES AS SUBMITTED.

OLD BUSINESS

1. REGULATION PERTAINING TO FACSIMILE AND E-MAIL PRESCRIPTIONS

The Board reviewed and discussed a November 21, 2001 memo to the Executive Committee from D.A.G. Dick and the regulation pertaining to facsimile and E-mail prescriptions which was approved by the Board for publication as a proposal. As noted in D.A.G. Dick's memo, during the course of the legal review process, the Division of Law learned of problems with regard to the enforcement of the regulation. This regulation would authorize the issuance of prescriptions for CDS via facsimile and e-mail. Present regulations of the DEA do not authorize the issuance of CDS prescriptions via e-mail. DEA is currently working on regulations which will permit such prescriptions, but will be far more detailed than the version of the regulation that the Division of Consumer Affairs had intended to pursue. Their draft regulation will not be released until the regulations are promulgated. There was concern about moving forward on the version of the regulation which was approved by the Board, but D.A.G. Dick brought this matter to the Board since there might be portions of the regulation that the Board may still wish to move forward.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE PROPOSED REGULATION FOR PUBLICATION IN THE NEW JERSEY REGISTER TO ELICIT COMMENTS.

NEW BUSINESS

2. ASSEMBLY BILL 526

The Attorney General's office requested the Board's comments on Assembly Bill 526, which is sponsored by Assemblypersons Lefevre (District 2 Atlantic) and Blee (District 2 Atlantic). The proposed bill requires the refund of a permit fee for a State agency's failure to issue a permit pursuant to a review schedule.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REFER THIS TO THE EXECUTIVE COMMITTEE FOR REVIEW.

3. MALPRACTICE INSURANCE FOR PHYSICIANS

Dr. Robins brought up the issue of a growing malpractice crisis in New Jersey. He reported that there are two malpractice carriers whose premiums have skyrocketed and some companies may no longer insure some subspecialties. Physicians cannot practice in New Jersey without malpractice insurance. Dr. Harrer asked Mr. Weisfeld, representative of the Medical Society, to address this issue. Mr. Weisfeld stated that this crisis is relative to the underwriters cycle which happens with excessively high jury awards. National data suggests a significant increase in the severity of awards (not in the number of awards) which drives an increase in premiums. Mr. Weisfeld reported that the focus of AMA this year was on malpractice. The Department of Banking and Insurance is helping physicians find a new malpractice carrier. Protections through tort reforms are already in place. Insurance reform would also be beneficial along with jury reform and juror education. A task force is being established and Mr. Weisfeld expects to have a report for the Board next month. Mr. Weisfeld also reported that Robert Wood Johnson Foundation has awarded a grant to the Medical Society to develop a process to improve quality of care in this State, promoting quality of care insurance

and continuing medical education. The Medical Society plans to pursue this matter further with the Executive Committee in the future. Regarding the issue of physicians finding bridge coverage, Dr. Harrer asked Mr. Weisfeld to report back to the Board in the next three or four months.

INFORMATIONAL

- * Letter from Joel C. Cantor - update of the NJ State Physician Census project
- * Public Health Bulletin from NJ Department of Health & Senior Services - *Revised Physician Guidelines for Evaluating and Reporting Possible Anthrax and Anthrax Exposures*
- * Article - *Few licensing Boards Conduct Criminal Background Checks*
- * Information concerning the PRIM-E
- * Information concerning the Physician Prescribed Education Program
- * Schedule of CME Seminar Calendar, Sarasota, FL, Temple University School of Medicine/American Medical Seminars.

PUBLIC COMMENT

Dr. Perry introduced Richard D'Amico, M.D., Past President of the State Plastic Surgery Society, an officer of the American Society of Plastic Surgeons and a practicing plastic surgeon in New Jersey. He came before the Board as a member of the Plastic Surgery Society's National Task Force on Safety in Office Based Surgery. Dr. D'Amico spoke on disturbing trends concerning physicians performing plastic surgery in an office setting without being properly credentialed as a plastic surgeon. The Society of Plastic Surgeons has recently mandated that every member who wishes to perform surgery in an office based facility, must have that facility accredited by one of the three nationally accreditation bodies. He mentioned that there are three nationally recognized office based surgery accrediting bodies. Dr. D'Amico stated that serious complications can be avoided if the physician and the facility are properly credentialed and accredited. He would like the Board to set the bar high regarding alternate credentialing. Dr. Harrer asked that Dr. D'Amico submit his written comments for the Surgical Anesthesia in an Office Setting Proposed Regulation which are due by January 27, 2002. Dr. Paul related that the Department of Health and Senior Services' Joint Commission is the entity which licenses facilities.

Respectfully submitted,

William V. Harrer, M.D., B.L.D.
President

If you have any comments or questions, our e-mail address is:

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Posted March 2002