

**State Board of Medical Examiners
Minutes
January 12, 2005**

The meeting of the New Jersey State Board of Medical Examiners was held on January 12, 2005 at the Richard J. Hughes Complex, 25 Market Street, 4 th Floor Conference Center, Trenton, New Jersey. The meeting was called to order at 10:30 a.m. by Bernard Robins, M.D. F.A.C.P., President.

PRESENT

Board Members Criss, Farrell, Haddad, Harrer, Huston, Lucas, Moussa, Paul, Patel, Perry, Ricketti, Robins, Rokosz, Trayner, Walsh and Weiss.

EXCUSED

Board Members Chen.

ABSENT

Board Members Desmond and Wallace.

ALSO PRESENT

Assistant Attorney General Sharon Joyce, Deputy Attorneys General Dick, Ehrenkrantz, Flanzman, Gelber, Kenny, and Warhaftig; Executive Director Roeder and Medical Director Gluck.

STATEMENT CONCERNING THE 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 13, 2004 which was transmitted to the ATLANTIC CITY PRESS, STAR LEDGER, CAMDEN COURIER POST, ASBURY PARK PRESS, BERGEN RECORD and the TRENTON TIMES, all on the 1st day of November 2004.

ANNOUNCEMENTS

Dr. Robins, on behalf of Mr. Weiss, reported that the Budget Committee was continuing to work on review of the proposed budget specifically reviewing each item line by line.

Dr. Robins also acknowledged the impact that this proposal would have and recognized that a number of comments have already been received by the Board office on the issue. Due to the large interest this will invoke, he announced that a public hearing would be scheduled to solicit comments from the public and to assist the Board in grappling with this issue. He anticipated that the public hearing would be scheduled during the first week in March.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE DECEMBER 8, 2004 OPEN BOARD MINUTES AS SUBMITTED.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE DECEMBER 13, 2004 OPEN CREDENTIALS COMMITTEE MINUTES. Dr. Rokosz recused from discussion and vote in the matter of St. George.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE DECEMBER 20, 2004 ATHLETIC TRAINING ADVISORY COMMITTEE MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE CREDENTIALS COMMITTEE MINUTES REFLECTING ITS REVIEW AND APPROVAL OF THE ALTERNATIVE PRIVILEGES MATTERS.

NEW BUSINESS

1. LEGISLATION

A 3546 Seeks to require written prescriptions to be legibly printed or typed.

The Executive Committee recommended support and requested that prescriptions also be permitted to be written in script in addition to being printed or typed.

The Board recognized that legislation of this nature reflects the dynamic interplay between the Board's role of protecting the public and maintaining oversight of its licensees. While the Board acknowledged the laudable intent of this bill, it questioned the practicality of requiring that all prescriptions be typed or printed. It further recognized that legible prescriptions will lessen medical errors, but it also recognized that this can be accomplished through other means, such as permitting the prescription to be written in script so long as it is legible. It also was pointed out that in some cases, a doctor's "print" may be even more illegible than his/her script and therefore, in these cases, this requirement will not advance the overall goal of the legislation. The Board also noted that pharmacists have special skills to be able to read the prescriptions and in many cases, when necessary, clarify what the doctor is writing. The Board was also concerned that this may have a negative impact on the consumer-patient. As it currently works, when there is a question, the pharmacist, on behalf of the patient, will telephone the physician's office for clarification. This legislation, as proposed, would permit the pharmacist to refuse to fill the "questionable" prescription. Also, the Board questioned why the quantity needed to be numerically and textually written was limited to only CDS prescriptions.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE LEGISLATION WITH THE COMMENTS AS NOTED ABOVE. ADDITIONALLY, THE BOARD EMPHASIZED THAT THE FOCUS OF THE BILL SHOULD BE ON THE LEGIBILITY OF PRESCRIPTIONS AND THAT ULTIMATELY, ANY DISCIPLINARY ACTION THAT NEEDED TO BE TAKEN SHOULD REMAIN WITH THE BOARD OF MEDICAL EXAMINERS.

Dr. Moussa and Mr. Walsh voted in opposition.

A 3501 Seeks to establish the "Emergency Health Powers Act."

The Executive Committee recommended support.

Dr. Paul recused from discussion and vote in this matter.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE LEGISLATION.

2. PROPOSED NEW RULES

Certified Psychoanalysts Advisory Committee, N.J.A.C. 13:42A - Comments were due by February 4, 2005.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO NOT MAKE ANY COMMENTS.

Department of Health and Senior Services, N.J.A.C. 8:51A - Comments are due by January 14, 2005.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO NOT MAKE ANY COMMENTS. Dr. Paul recused from discussion and vote in this matter.

Division of Family Health Services, N.J.A.C. 8:19-1 - Comments are due by January 14, 2005.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO NOT MAKE ANY COMMENTS. Dr. Paul recused from discussion and vote in this matter.

OLD BUSINESS

INFORMATIONAL

PUBLIC COMMENT

Respectfully submitted,

Bernard Robins, M.D., F.A.C.P.
President

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