

**State Board of Medical Examiners  
Open Board Minutes  
February 8, 2006**

The meeting of the New Jersey State Board of Medical Examiners was held on February 8, 2006 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 Sindy Paul, M.D., M.P.H., President.

**Present**

Board members Cheema, Ciechanowski, Criscito, Criss, DeGregorio, Jordan, Lambert, Lomzaow, Mendelowitz, Nussbaum, Paul, Reichman, Scott, Stanley, Strand, Walsh, Wheeler.

**Excused**

Board members Clemency Kohler, Haddad, and Salas Lopez

**Also Present**

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

**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 19, 2005 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 2005.

**ANNOUNCEMENTS**

None

APPEARANCE - 9:00 A.M.

IMAGE API, INC.

Representatives from Image API, Inc. were present at the Board meeting to initiate the Agenda Builder and Viewer Application. The Agenda Builder/Viewer Application is a computer-assisted program that permits the Board to prepare and publish Board meeting agendas, with the accompanying underlying materials, on CD ROM Discs. The ultimate goal is to create a paperless agenda and meeting. Representatives from Image API, Inc. at the meeting handed out the lap top computers and trained the Board members on the use of the Agenda Viewer Application.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JANUARY 11, 2006 OPEN BOARD MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JANUARY 23, 2006 OPEN CREDENTIALS COMMITTEE MINUTES.

**NEW BUSINESS**

1. ASSEMBLY BILL NO 2016

Introduced by Assemblyperson Sean T. Kean (District 11 Monmouth) on January 10, 2006 and referred to the Assembly health and Senior Services Committee.

The proposed legislation seeks to expand current protections by providing that health care professionals would not be required to counsel, advise, provide or assist in providing health care services that violate the individual's religious, moral or ethical convictions.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE PROPOSED BILL BECAUSE THERE ARE PROTECTIVE MEASURES ALREADY IN PLACE WHICH PROVIDE A GREAT DEAL OF PROTECTION. AS CURRENTLY PROPOSED, THE BILL IS TOO BROADLY WRITTEN. FOR EXAMPLE, IT WOULD INCLUDE COUNSELING ABOUT CONTRACEPTIVES. IT WAS THE CONSENSUS OF THE BOARD THAT AS HEALTHCARE PROVIDERS THEY HAVE AN OBLIGATION TO INFORM THEIR PATIENTS OF ALL HEALTH CARE OPTIONS IN AN OBJECTIVE MANNER REGARDLESS OF PERSONAL BELIEFS.

Mr. Walsh and Dr. Lambert voted in opposition

## 2. HORIZON HEALTHCARE

Attached for the Board's consideration was a letter from the Medical Society of New Jersey requesting the Board's opinion on a "Provider Questionnaire" being submitted by Horizon Healthcare as part of its renewal process.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED THAT WHILE IT APPRECIATED THE CONCERNS RAISED BY THE LETTER, IT RECOGNIZED THAT THIS PARTICULAR ISSUE WAS OUTSIDE OF THE BOARD'S JURISDICTION AND IT DID NOT HAVE THE AUTHORITY TO REGULATE OR CONTROL HORIZON'S CONDUCT.

## 3. NEW JERSEY PSYCHIATRIC ASSOCIATION

Attached for the Board's review and consideration was a letter from the New Jersey Psychiatric Association in which it raises an issue concerning what it believes is an "unsound pharmacy program – Dispensing Limit Program." According to Horizon BlueCross/BlueShield of NJ, the purpose of the program is to monitor the utilization of certain drugs to help ensure that they are prescribed within safety parameters for dosage and/or duration. To the contrary, the association believes that the program creates and assumes responsibility for the clinical management of the patient from a remote location and without the necessary, individual patient medical information.

THE BOARD, UPON MOTION MADE AND SECONDED, APPRECIATED THE ISSUES RAISED IN THE LETTER, HOWEVER, IT VOTED TO DECLINE TO INTERVENE AS THE ISSUE WAS OUTSIDE OF THE BOARD'S JURISDICTION. THE BOARD DID NOTE THAT SOME RELIEF MAY BE OBTAIN UNDER THE ABILITY TO REQUEST AN EXCEPTION TO THE GENERAL RULE.

## OLD BUSINESS

### 4. N.J.A.C. 13:35-6.16(f) PETITION FOR RULEMAKING

By way of background, the Board was reminded that on or about November 28, 2005, the Board received a petition for rulemaking from Children's Health Associates in which it was requested that the Board amend its regulation concerning acceptable professional practice forms. Specifically, it requested that the rule be amended to permit physicians who are not licensed in New Jersey to become members of a New Jersey medical practice in the format of a Limited Liability Company ("LLC") together with New Jersey physicians. The petition for rulemaking has been acknowledged to the requestor and at its January 11, 2006 Board meeting, the Board referred the matter to the Executive Committee for further review and study.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO DENY THE PETITION. IT WAS NOTED THAT THE BOARD CONSIDERED THE VERY ISSUE RAISED IN THE PETITION AT THE TIME THAT IT WAS AMENDING ITS REGULATION.

## INFORMATIONAL

### PUBLIC COMMENT

In response to Ms. Saravia's question concerning the study of the proprofal issue, Executive Director Roeder informed her that a committee has been formed and as recently as the morning of the Board meeting, he spoke to its members to arrange a date for a meeting. He also confirmed that he had received a copy of the materials previously forwarded by Ms. Saravia and would make sure that the Committee received a copy of the materials prior to its meeting date.

Respectfully submitted,

---

Sindy M. Paul, M.D., M.P.H., President

[◀ back](#)

---

division: [dca home](#) | [complaint forms](#) | [licensing boards](#) | [adoptions](#) | [proposals](#) | [minutes](#) | [consumer protection](#)

departmental: [lps home](#) | [contact us](#) | [news](#) | [about us](#) | [FAQs](#) | [library](#) | [employment](#) | [programs and units](#) | [services a-z](#)

statewide: [nj home](#) | [my new jersey](#) | [people](#) | [business](#) | [government](#) | [departments](#) | [search](#)

Page last modified: *undefined, undefined NaN, NaN*