

State Board of Medical Examiners

Open Board Minutes February 19, 2003

The meeting of the New Jersey State Board of Medical Examiners was held on February 19, 2003 at the Richard J. Hughes 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 Criss, Farrell, Harrer, Moussa, Patel, Paul, Perry, Ricketti, Robins, Rokosz, Trayner and Walsh

EXCUSED

Board Members Chen, Desmond, Haddad, Huston, Lucas, Wallace and Weiss

ALSO PRESENT

Assistant Attorney General Joyce, Deputy Attorneys General Dick, Gelber, Kenny and Warhaftig, and Executive Director Roeder

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 9, 2002 which was transmitted to the STAR LEDGER, CAMDEN COURIER POST, ASBURY PARK PRESS, BERGEN RECORD and the TRENTON TIMES, all on the 29th day of October 2002.

ANNOUNCEMENTS

The Board orientation course for newly licensed physicians was discussed at the Executive Committee meeting. The Committee will continue to work on topics and make necessary arrangements for hosting the courses throughout the State.

Dr. Harrer gave a presentation to the Hospital Association on issues relating to the status of various regulations such as CME and relicensure. The Association also had a series of questions relating to the pressures on the Board concerning disciplinary matters and the delays in initial licensing.

The physician response to the current insurance problems brought a lot of response from the Legislature and physician groups. The Board will continue to monitor all these efforts.

Credential Committee Meeting Assignments:

Monday, February 24, 2003 Karen Criss, C.N.M.

Monday, March 17, 2003 Glenn A. Farrell, Esq.

IRC

April 2, 2003 8:30 A.M. Kevin Walsh, P.A.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OPEN BOARD MINUTES OF JANUARY 8, 2003 AS SUBMITTED. Drs. Trayner and Moussa were not present for discussion and vote in this matter.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OPEN CREDENTIALS COMMITTEE MEETING MINUTES OF JANUARY 27, 2003 AS SUBMITTED. Drs. Trayner and Moussa were not present for discussion and vote in this matter.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE DECEMBER 20, 2002 PHYSICIANS ASSISTANT ADVISORY COMMITTEE PUBLIC SESSION MINUTES AS SUBMITTED. Drs. Trayner and Moussa were not present for discussion and vote in this matter.

OLD BUSINESS

1. PROPOSED REGULATIONS - N.J.A.C. 13:35-7.1a, 7.4 AND 7.4A FACSIMILE TRANSMITTED PRESCRIPTIONS; ELECTRONICALLY TRANSMITTED PRESCRIPTIONS

The Board will recall that on September 3, 2002 proposed new regulations concerning the examination of patient's condition required prior to dispensing drugs or issuing a prescription; exceptions; facsimile transmitted prescriptions; electronically transmitted prescriptions were published in the New Jersey Register. The comment period ended on November 2, 2002. A copy of the proposal was reviewed along with a summary of the written comments received and responses thereto. The Executive Committee recommended that the Board adopt the regulations (as amended) and publish it for adoption in the New Jersey Register.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE REGULATIONS AS AMENDED FOR ADOPTION TO BE PUBLISHED IN THE NEW JERSEY REGISTER. Drs. Trayner and Moussa were not present for discussion and vote in this matter.

2. PROPOSED AMENDMENT - N.J.A.C. 13:35-7.6 SPECIAL EXCEPTION FOR MANAGEMENT OF PAIN IMPLANTABLE INFUSION PUMPS

On October 7, 2002, a rule proposal was published in the New Jersey Register seeking to amend N.J.A.C. 13:35-7.6, Limitations of Prescribing, Administering or Dispensing of Controlled Substances; Special Exceptions for the Management of Pain Implantable Infusion Pumps. The comment period ended December 6, 2002. No comments were received. It was recommended that the Board adopt the amendment and publish it for adoption in the New Jersey Register.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ADOPT THE AMENDMENT FOR PUBLICATION IN THE NEW JERSEY REGISTER. Drs. Trayner and Moussa were not present for discussion and vote in this matter.

NEW BUSINESS

3. LEGISLATION1

S 2174 "New Jersey Health Care and Patient Protection Act"

A 50 "Patients First Act of 2002"

A 3030 "Medical Malpractice Liability Insurance Premium Assistance Act"

A 3055 "Seeks to limit minor's filing of medical malpractice liability action to minor's 15th birthday"

A 3056 "Concerns certain procedures in medical malpractice actions"

A 3122 "Concerns pre-suit procedures and liability in medical malpractice actions"

A 3170 "New Jersey Medical Care Availability and Patient Protection Act of 2003"

A 3211 "New Jersey Health Care Access and Patient Protection Act"

S 2226 "Seeks to revise laws concerning medical malpractice claims, procedures and liability insurance"

S 2298 "Concerns medical malpractice procedures and liability"

A 3157 "Seeks to establish voluntary statewide physician joint purchasing alliance"

A.A.G. Joyce believes that Senate Bill 2174 is moving forward with pieces of other bills being incorporated into S.2174. This includes the statute of limitations of two years, written notice of 180 days of an attempt to file a suit, expert witness qualifications, annuities with settlement, good Samaritan regulations, Board activities, safety issues and improved delivery of care.

BY MOTION MADE AND SECONDED, THE BOARD VOTED TO REFER THESE BILLS TO THE EXECUTIVE COMMITTEE FOR FURTHER REVIEW AND TO PREPARE A COMPREHENSIVE LETTER COMMENTING ON THE VARIOUS COMPONENTS OF THE BILLS. Dr. Moussa was not present for discussion and vote in this matter.

A 3170 "New Jersey Medical Care Availability and Patient Protection Act of 2003" Introduced by Assemblypersons Munoz and Doherty on January 23, 2003 and referred to the Assembly of Banking and Insurance Committee. This bill concerns medical professional liability reform, patient protection and revising various parts of the statutory law.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THIS BILL AS WRITTEN BECAUSE IT DOES NOT ALLOW BOARD DISCRETION (CONSIDERATION SHOULD BE GIVEN TO AMEND THE "SHALL SUSPEND" TO "MAY SUSPEND"). THE BOARD ALSO EXPRESSED CONCERN WHETHER THERE IS SUFFICIENT DUE PROCESS AND THAT IT MAY BE DIFFICULT TO GATHER THE NECESSARY INFORMATION WITHIN THE THIRTY DAY PERIOD TO CONDUCT A HEARING.

INFORMATIONAL

Report of the Committee on the regulations for First Assistants. The Committee recommends no amendments to the rule at this time. The Board asked that this matter be referred to the Executive Committee for further clarification regarding the definition of "major surgery."

PUBLIC COMMENT

None

Respectfully submitted,

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