

**State Board of Medical Examiners
Minutes
March 8, 2006**

The meeting of the New Jersey State Board of Medical Examiners was held on March 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 9:00 A.M. by Dr. Cindy M. Paul, M.D., M.P.H., President.

PRESENT

Board members Criscito, Criss, DeGregorio, Haddad, Jordan, Lambert, Lomzaow, Mendelowitz, Paul, Reichman, Salas Lopez, Scott, Strand, Walsh, Weiss, and Wheeler.

EXCUSED

Board members Cheema, Ciechanowski, Clemency Kohler, Nussbaum, and Stanley

ALSO PRESENT

Assistant Attorney General Sharon Joyce, Deputy Attorneys General Dick, Ehrenkrantz, Flanzman, Kenny, Levine, and Warhaftig; Medical Director Gluck, Medical Education Director Blanks, 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

Dr. Paul reminded the Board members that the meeting to gather additional information on the Application of Touro to open a medical school in New Jersey would be held on April 5, 2006 beginning at 9:00 AM in the Morris Room, 6th Floor, 124 Halsey Street, Newark

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE FEBRUARY 8, 2006 OPEN BOARD MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE FEBRUARY 14, 2006 THE OPEN CREDENTIALS COMMITTEE MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JANUARY 9, 2006 ELECTROLOGIST ADVISORY COMMITTEE OPEN PUBLIC MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OCTOBER 17, 2005 MIDWIFERY LIAISON COMMITTEE OPEN PUBLIC MINUTES.

NEW BUSINESS

1. PHYSICIAN ASSISTANTS PROPOSED REGULATIONS

Attached is a draft of proposed regulations relating to the requirements of issuance of CDS by physician assistants.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE PROPOSAL FOR PUBLICATION IN THE NEW JERSEY REGISTER FOR NOTICE AND PUBLIC COMMENT.

2. LEGISLATION

The Division of Consumer Affairs had requested comments on the following proposed legislation.

A 2379 Introduced as "Access to Medical Research Act" which seeks to authorize certain persons to give informed consent for medical research if the subject of research is unable to give consent.

THE BOARD, UPON MOTION MADE AND SECONDED, RECOGNIZED THE VALUE OF THE PROPOSED LEGISLATION AND GENERALLY SUPPORTED THE GOAL OF THE LEGISLATION, HOWEVER, IT VOTED ITS SUPPORT WITH AN EXPRESSED CONCERN THAT THE LIST MAY BE TOO BROAD AND THAT THE POTENTIAL POOL OF CANDIDATES THAT COULD GIVE CONSENT WAS OVERREACHING. THE BOARD ALSO QUESTIONED WHETHER UNDER THIS PROPOSAL, THE "GUARDIAN" WOULD ALWAYS HAVE THE BEST INTEREST OF THE PATIENT IN MIND, ESPECIALLY WHEN THERE MAY BE FINANCIAL ISSUES INVOLVED BETWEEN THE SUBJECT OF THE RESEARCH AND THE ONE AUTHORIZED TO GIVE THE CONSENT.

A 2478 Seeks to clarify the law concerning the administration of epinephrine to students with dual orders.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THIS PROPOSAL AS IT IS IN THE BEST INTEREST OF PATIENTS AND IS PROTECTIVE OF THE WELFARE OF THE STUDENTS.

S 967 Seeks to clarify neuro-imaging criteria for primary stroke centers.

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

OLD BUSINESS

None.

INFORMATIONAL

PUBLIC COMMENT

Maria Fiola addressed the Board concerning the matter of Dr. Zahl. She informed the Board that she has been a patient of Dr. Zahl for six years and believed that if it was not for him, she would be in a wheelchair. According to the witness, she has been diagnosed with the condition RSD, which had been undiagnosed for years and after five back surgeries. She further let the Board know that only Dr. Zahl was able to help her with her pain. When she learned that Dr. Zahl may not be practicing from her primary physician, he sent her to another doctor who gave her the injection in the wrong side and damaged her nerve. She asked the Board to believe her that she was only able to lead a normal life because of Dr. Zahl and his medical treatments. She expressed her fear that if Dr. Zahl were not permitted to continue to practice, she did not know what she would do. She also believed that if the Board were to question all of his patients, they would feel the same way.

Pat Shea, another patient of Dr. Zahl for the past five years, recounted that approximately, nine years ago she underwent surgery following a violent fall. She had been seeing her doctor who attempted to treat her for two years and then learned that he was being disciplined by the Board. She then began to see a chiropractor, as well as a number of doctors, none of whom could help. Finally she was referred to Dr. Zahl and almost immediately, she began to get relief. She also pointed out that she was not working and did not have any insurance, but Dr. Zahl continued to treat her. Ms. Shea also expressed her appreciation to Dr. Zahl for the amount of time and the manner in which he explains the medical care to his patients. She stated that with the pain she felt prior to her treatments

with Dr. Zahl, she had no desire to live. She too expressed her fear of what might happen if Dr. Zahl were not permitted to practice. She has attempted to contact other pain management specialists in the area, and because she does not have any insurance, no one will take her on as a patient. Finally, she asked the Board to seriously consider the impact that its decision will have on patients if Dr. Zahl were not permitted to practice.

Respectfully submitted,

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

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