

**State Board of Medical Examiners
Open Session Minutes
March 14, 2007**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, March 14, 2007 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey. The meeting was called to order by Dr. Paul, President.

PRESENT

Board Members Cheema, Ciechanowski, Criscito, Criss, DeGregorio, Haddad, Jordan, Lambert, Lomazow, Mendelowitz, Nussbaum, Paul, Reichman, Strand, Walsh, and Wheeler.

EXCUSED

Board Members Clemency Kohler, Salas Lopez, Scott, Stanley and Weiss.

ALSO PRESENT

Assistant Attorney General Joyce, Senior Deputy Attorney General Dick, Deputy Attorneys General Ehrenkrantz, Flanzman, Jespersen, and Warhaftig; Interim Medical Director Robins; 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 11, 2006 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 2006.

ANNOUNCEMENTS

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE FEBRUARY 14, 2007 OPEN BOARD MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE FEBRUARY 26, 2007 OPEN CREDENTIALS COMMITTEE MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE DECEMBER 18, 2006 OPEN MIDWIFERY COMMITTEE MINUTES.

NEW BUSINESS

1. PROPOSED AMENDMENT N.J.A.C. 11:22-5.2, 5.6

Attached for the Board's consideration was a copy of Proposed Amendment NJAC 11:22-5.2, 5.6, being promulgated by the Department of Banking and Insurance. (DOBI). Comments, if any, are due by April 2, 2007.

In reviewing the proposed amendments, the Executive Committee noted that this would seek to create a lower payment rate for non-network providers and increase the amount of out of network payments that need to be made by the consumers. The Committee expressed concern with these provisions as they will have a negative impact on patient choice. It would restrict the options relating to who could provide the care, as well as where that care might be provided. While the Committee recognized that this follows the Medicaid/Medicare models, it also recognized that one has the choice of opting out of the Medicaid/Medicare plans. The Committee also questioned if this might

have a negative impact at the time of renewals as policies can be denied or limited in order to create more non-network providers. The combination of having to pay a higher premium for the coverage and to the increased costs to the patient for the care appeared to be overreaching and not in the best interest of the patient.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO AUTHORIZE A COMMITTEE OF THE BOARD TO MEET WITH REPRESENTATIVES OF THE DEPARTMENT OF BANKING AND INSURANCE TO EXPRESS ITS CONCERNS ABOUT THIS PROPOSAL.

2. LEGISLATION

A 3878 Requires health care providers to obtain informed consent from patients for use certain reprocessed medical devices.

A 3908 Requires health care providers to obtain informed consent from patients to use reprocessed medical devices.

The Executive Committee noted that the bills were similar, however, A3878 has more stringent requirements. The Committee questioned the necessity of either bill because the FDA already has given the approval of what device and where such use may be appropriate. There was also some question as to whether the impetus of this legislation was due to problems with infections, although, the Committee was not aware of any published materials that would support this claim. The Committee also noted that the legislation would create an onerous burden on providers insofar as a consent form must be handed in every time. In order to be fully compliant with the legislation if passed, one would need to maintain a large inventory in order to meet everyone's requirements. To comply would be cost prohibitive and there is no hard data to justify this burden as a causal connection between the device and any infection has not been established. The Committee recommended opposing the legislation as it appears to be micro managing an industry that is sufficiently regulated already.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO TABLE DECISION ON THIS PROPOSAL AS IT BELIEVED IT NEEDED ADDITIONAL INFORMATION.

A 3848 Permits, rather than requires, participants in death registration process to use New Jersey Electronic Death Registration System.

Dr. Paul recused from discussion and vote in this matter and left the table.

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

A 3899 Clarifies time by which public bodies are required to make minutes of meetings available to the public.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THIS BILL IF IT WERE CLARIFIED THAT THE TIME FOR POSTING BE MADE THIRTY DAYS AFTER THE RATIFICATION OF THE MINUTES AND THAT THE BILL'S REQUIREMENTS BE MADE PROSPECTIVE.

S 2473 Authorizes court to waive license revocation process for certain child support obligors.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED NOT TO TAKE A POSITION ON THIS BILL.

OLD BUSINESS

INFORMATIONAL

PUBLIC COMMENT

Respectfully submitted,

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

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