

**State Board of Medical Examiners
Minutes
April 8, 2009**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, April 8, 2009 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey. The meeting was called to order by President Paul C. Mendelowitz, M.D.

PRESENT

Board Members Cheema, Ciechanowski, Criscito, Criss, DeGregorio, Haddad, Lambert, Jordan, Lomazow, Mendelowitz, Nussbaum, Paul, Reichman, Scott, Stanley, and Weiss.

EXCUSED

Board Member Walsh.

ALSO PRESENT

Deputy Attorneys General Dick, Flanzman, Krier, Levine and Warhaftig; Executive Director Roeder and Mary Lou Mottola, Executive Director of the Medical Practitioner Review Panel.

**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 September 10, 2008 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 October 2008.

ANNOUNCEMENTS

Dr. Mendelowitz reported that the search committee has finalized the interviews for the Medical Director position and it had made recommendations to the Attorney General for possible hires. He hoped that approval would be obtained shortly.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE MARCH 11, 2009 OPEN BOARD MINUTES.

MINUTES THE BOARD, TABLED DECISION ON THE JANUARY 15, 2009 OPEN ELECTROLOGY COMMITTEE MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JANUARY 16, 2009 PHYSICIANS' ASSISTANT ADVISORY COMMITTEE OPEN PUBLIC MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JANUARY 26, 2009 OPEN PUBLIC MINUTES FOR THE ATHLETICS TRAINING ADVISORY COMMITTEE.

NEW BUSINESS

1. SENATE BILL 2693

Seeks to clarify the definition of "primary care" in Primary Care Physicians and Dentist Loan Redemption Program to include the practice of geriatrics.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE BILL AND SUGGESTED THAT THE PROPONENT VERIFY THAT THERE ARE NOT OTHER FIELDS WHICH SHOULD BE ADDED.

2. SENATE BILL 2683

Attached was Senate Bill 2683, introduced by Senator Loretta Weinberg. It seeks to specify public members on the Board of Medical Examiners and require the Board to take certain actions to investigate licensees.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE PROPOSED LEGISLATION. AS THE BOARD HAS MAINTAINED IN THE PAST, IT WOULD BE BAD PUBLIC POLICY TO LEGISLATE SPECIFIC ADVOCACY GROUPS TO A BOARD THAT IS NOT POLITICAL, BUT RATHER CHARGED WITH THE PROTECTION OF THE PUBLIC. IN MANY WAYS, THE PROPOSED LIST WAS SHORT SIGHTED AND IN FACT, THERE COULD BE AS MANY AS FIFTY OR MORE OTHER GROUPS WITH LEGITIMATE INTERESTS THAT SHOULD BE REPRESENTED. CURRENTLY, THE THREE PUBLIC MEMBERS AS A GENERAL MEMBER OF THE POPULATION DO NOT HAVE ANY AFFILIATION WITH ANY PUBLIC GROUP AND BRING WITH THEM WHATEVER BACKGROUND DEEMED APPROPRIATE BY THE GOVERNOR AT THE TIME OF APPOINTMENT. THE BOARD ALSO NOTED THAT THE BOARD DOES NOT SERVE AS AN ADVOCATE FOR ANY PARTICULAR GROUP, BUT STRIVES TO WORK FOR THE PROTECTION OF THE PUBLIC. IT ALSO OPPOSED THE MANDATORY TERM LIMITS AS THERE IS MUCH TO BE GAINED WITH AN INSTITUTIONAL MEMORY. IT DOES NOT MAKE SENSE TO HAVE TO REMOVE VALUABLE, HARD-WORKING BOARD MEMBERS SOLELY BASED ON TERM LIMITS.

ADDITIONALLY, THE REQUIREMENTS TO TAKE ACTION WITHIN THIRTY DAYS WOULD NOT AFFORD THE BOARD THE OPPORTUNITY TO INVESTIGATE AND GATHER THE MATERIALS NECESSARY TO MAKE A DETERMINATION ON THE STANDARD OF CARE. THE SAME BEING TRUE ABOUT CRIMINAL MATTERS WHICH DO NOT RESOLVE WITHIN THE PROPOSED THIRTY DAY TIME FRAME.

THE REQUIREMENT OF SUBMISSION OF THE AFFIDAVIT OF MERIT DOES NOT ASSIST THE BOARD. GENERALLY, THE AFFIDAVIT OF MERIT CONTAINS BARE BONE ALLEGATIONS AND WOULD NOT PROVIDE SUFFICIENT INFORMATION FOR THE BOARD TO DETERMINE WHETHER OR NOT FURTHER INVESTIGATION IS WARRANTED. A NUMBER OF CASES, AFTER SOME DISCOVER, EVEN WITH AN AFFIDAVIT OF MERIT, ARE DISMISSED.

OLD BUSINESS

Nothing Scheduled.

INFORMATIONAL

PUBLIC COMMENT

None.

Respectfully submitted,

Paul C. Mendelowitz, M.D., President