

OPEN BOARD MINUTES
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS
June 11, 2003

The meeting of the New Jersey State Board of Medical Examiners was held on June 11, 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, Haddad, Harrer, Huston, Moussa, Patel, Perry, Ricketti, Robins, Rokosz, Trayner, Wallace and Walsh.

EXCUSED

Board Members Chen, Desmond, Lucas, Paul, and Weiss.

ALSO PRESENT

Assistant Attorney General Joyce, Deputy Attorneys General Dick, Flanzman, 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 ATLANTIC CITY PRESS, STAR LEDGER, CAMDEN COURIER POST, ASBURY PARK PRESS, BERGEN RECORD and the TRENTON TIMES, all on the 29th day of October 2002.

ANNOUNCEMENTS

Credential Committee Assignments

Monday, May 19, 2003 - Arganey L. Lucas, Jr., M.D.

Monday, June 23, 2003 - Ghias Moussa, M.D.

Monday, July 21, 2003 - Manmohan A. Patel, M.D.

NOMINATING COMMITTEE

The Nominating Committee announced the following nominations of Board officer candidates.

President - Dr. Wallace

Vice-President - Mr. Farrell

Secretary - Dr. Haddad

Treasurer - Ms. Criss

Elections will take place at the July meeting. Drs. Rokosz and Houston were not present for this announcement.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE MAY 14, 2003 OPEN BOARD MINUTES AS SUBMITTED. Drs. Rokosz and Houston were not present for discussion and vote in this matter.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE MAY 19, 2003 OPEN CREDENTIAL COMMITTEE MINUTES AS SUBMITTED. Drs. Rokosz and Houston were not present for discussion and vote in this matter.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE MAY 19, 2003 MIDWIFE LIAISON COMMITTEE MINUTES AS SUBMITTED. Drs. Rokosz and Houston were not present for discussion and vote in this matter.

NEW BUSINESS

1. INTERPRETATION OF N.J.A.C. 13:35-6.20 PHYSICIAN DELEGATION OF TASKS TO RADIOLOGIC TECHNOLOGISTS AND NUCLEAR MEDICINE TECHNOLOGISTS

The Commission on Radiation Protection, at its May 21, 2003 meeting, voted its intent to recommend to the DEP approval of Atlantic Health System's request that would allow nurses to inject radiopharmaceutical for a nuclear medicine procedure that requires the administration of radiopharmaceutical within two minutes after a seizure event. Interpretation of N.J.A.C. 13:35-6.20 was requested concerning whether a physician can delegate to a nurse the responsibility to inject the radioactive material.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE REQUEST UNDER THE SPECIFIC AND LIMITED CIRCUMSTANCES AS DELINEATED BY THE DEP. Dr. Houston was not present for discussion and vote in this matter.

2. PETITION OF MEDICAL SOCIETY OF NEW JERSEY

Attached for the Board's consideration is a petition from the Medical Society of New Jersey which requested the Board amend its medical malpractice coverage regulation, N.J.A.C. 13:35-6.18. The petition was received in the Board office by facsimile on June 3, 2003.

The Medical Society of New Jersey (the "MSNJ") addressed the Board in support of its petition. The MSNJ explained that its petition was brought due to the current malpractice crisis and because of the number of physicians that are leaving the state and/or refusing to provide crucial medical treatment because of the inaccessibility and unaffordability of malpractice insurance. By way of example, MSNJ pointed out that some physicians have experienced a forty four to fifty percent increase, and in some cases where there are open claims, the premiums have almost doubled. MSNJ believed that by granting its petition immediate relief would be provided to the physicians of New Jersey, provide adequate health care coverage to the citizens of New Jersey, as well as adequate compensation in the event that malpractice was deemed to have occurred. In response to the presentation, the Board requested that MSNJ submit to the Board any additional, background information that would support its petition to lower or eliminate the Board's regulation concerning the minimum requirements for medical liability insurance.

Executive Director Roeder informed the Board that the Hospital Association of New Jersey, on behalf of its 106 members, has written to the Board opposing MSNJ's petition.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REFER THE PETITION TO THE EXECUTIVE COMMITTEE FOR FURTHER REVIEW AND ANALYSIS. Dr. Perry voted in opposition. Dr. Houston was not present for discussion and vote in this matter.

3. LEGISLATION

A 3536 Seeks to require all direct patient care staff in general hospitals to wear identification badges.

Introduced by Assemblypersons Vandervalk (District 39 - Bergen) and Pou (District 35 - Bergen and Passaic) on May 8, 2003 and introduced and referred to the Assembly Health and Human Services Committee.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THIS BILL BECAUSE IT IS AN ATTEMPT TO MICRO-MANAGE HOSPITALS. PROTOCOLS ALREADY EXIST IN THE HOSPITALS BASED ON THE JOIN COMMISSION REQUIREMENTS AS WELL AS HOSPITAL SECURITY POLICIES. Drs. Harrer, Perry, and Trayner voted in opposition. Dr. Houston was not present for discussion and vote in this matter.

A 3593 Seeks to revise the dispensing of weight loss drugs by physicians. .

Introduced by Assemblyperson Conway (District 7 - Burlington and Camden) on May 15, 2003.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE LEGISLATION. THE BOARD NOTED THAT IT ALREADY HAS A REGULATION IN PLACE TO ADDRESS THE BARIATRIC PRACTICE, N.J.A.C. 13:35-7.5A. A COMPONENT OF THE REGULATION IS THE CONTINUAL MONITORING OF THE PATIENT, NUTRITIONAL COUNSELING, RECOMMENDATIONS FOR BEHAVIOR MODIFICATION AND APPROPRIATE EXERCISE FOR WEIGHT LOSS. ALLOWING A PHYSICIAN TO SUPPLY THE MEDICATIONS DIRECTLY COULD BE A WAY TO AVOID THE NEED FOR THE CONTINUED MONITORING. OBESITY IS A CHRONIC CONDITION AND THERE IS NO EVIDENCE THAT SUPPORTS IT BEING TREATED ANY DIFFERENTLY THAN OTHER CHRONIC CONDITIONS. THE MEDICATIONS ARE READILY AVAILABLE AT THE PHARMACY AND THERE DOES NOT APPEAR TO BE ANY RATIONALE BASIS FOR TREATING WEIGHT LOSS MEDICATIONS DIFFERENTLY THAN OTHER PRESCRIPTIONS. THERE DOES NOT APPEAR TO BE ANY REASON WHY A PATIENT CANNOT GO TO THE PHARMACY IN THE TRADITIONAL SENSE TO OBTAIN A THIRTY-DAY SUPPLY. ALSO, THE BOARD WAS CONCERNED THAT WITH THE EXEMPTION, IT ALSO CREATES A FURTHER EXEMPTION TO THE MARK UP LIMITATION OF 10%. ULTIMATELY, THE FREEDOM TO MARK UP THE MEDICATIONS SUPPLIED DIRECTLY OUT OF THE PHYSICIAN'S OFFICE WITHOUT ANY MARK UP BOUNDARIES COULD PROVE UNFAIR TO THE CONSUMER. Dr. Houston was not present for discussion and vote in this matter.

A 3641 Seeks to prohibit the sale of dietary supplements containing ephedrine alkaloids.

Introduced by Assemblypersons Holzappel (District 10 - Monmouth/Ocean) and Wolfe (District 10 - Monmouth/Ocean) on May 19, 2003 and referred to the Assembly Health and Human Services Committee. D.A.G. Kenny informed the Board that Attorney General Harvey has written a letter to the FDA requesting that it ban the sale of products containing ephedrine. He also informed the Board that Ohio has recently banned it in dietary supplements. FDA has received over 18,000 Adverse Drug Event reports.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE LEGISLATION. Dr. Houston was not present for discussion and vote in this matter.

A 3662 Seeks to provide that only physicians perform needle electromyography or interpret nerve conduction studies and evoked potentials.

Introduced by Assemblypersons Impreveduto (District 32 - Bergen/Hudson) and Doria (District 31 - Hudson) on May 19, 2003 and referred to the Assembly Health and Human Services Committee.

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

Houston was not present for discussion and vote in this matter.

S 2494 Seeks to revise the "Respiratory Care Practitioner Licensing Act" to expand the scope of practice to include the insertion and maintenance of arterial and venous catheters

Introduced by Assemblypersons Furnari (District 36 - Bergen/Essex/Passaic) and Singer (District 30 - Burlington/Mercer/Monmouth/Ocean) on May 8, 2003 and referred to the Senate Commerce Committee.

THE BOARD, UPON MOTION MADE AND SECONDED, THAT THE BILL SHOULD BE AMENDED TO EXCLUDE THE PLACEMENT OF CENTRAL VENOUS LINES. It should be noted that this was a consensous position and a good number of the Board members wanted to oppose the legislation in its entirety.

OLD BUSINESS

4. PHYSICAL THERAPY GUIDELINES

The Board of Physical Therapy is required to establish standards in collaboration with the BME, setting forth the conditions under which a Physical Therapist is required to refer an individual being treated by a physical therapist to a practitioner licensed to practice dentistry, podiatry or medicine and surgery in this State. Attached for the Committee's consideration was a copy of the proposed guidelines.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE

INFORMATIONAL

PUBLIC COMMENT

The Medical Society of New Jersey informed the Board that it wished to submit comments on the proposed Physical Therapy Guidelines.

Respectfully submitted,

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

S U P P L E M E N T A L A G E N D A

MINUTES

1. May 19, 2003 - Open Midwife Liaison Committee Minutes - Attached

2. May 19, 2003 - Open Credentials Committee Meeting Minutes - Attached