

**State Board of Medical Examiners
Open Board Minutes
June 11, 2008**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, June 11, 2008 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 Mario Criscito, M.D.

PRESENT

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

EXCUSED

Board Members Clemency Kohler, Lambert, Salas-Lopez, Stanley, Strand and Wheeler.

ALSO PRESENT

Deputy Attorneys General Dick, Ehrenkrantz, Flanzman, Jespersen, and Warhaftig, 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 September 26, 2007 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 2007.

ANNOUNCEMENTS

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE MAY 21, 2008 OPEN BOARD MINUTES.

NEW BUSINESS

1. NOMINATING COMMITTEE

The Nominating Committee announced the following slate of officers for the elections to take place at the July Board meeting. The members were reminded that at the July meeting, prior to the elections, nominations would be taken from the floor.

President - Paul Mendelowitz, M.D.

Vice - President - Karen Criss, R.N., C.N.M.

Secretary - Paul Jordan, M.D.

Treasurer - Kathryn Lambert, D.O.

2. ASSEMBLY BILL NO. 2215

Seeks to require that one member of the New Jersey State Board of Medical Examiners be a practicing podiatric physician.

The bill was introduced on February 25, 2008 by Assemblywoman Joan M. Voss.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE LEGISLATION AS WRITTEN. WHILE THE BOARD RECOGNIZED THE IMPORTANCE OF HAVING PRACTICING MEMBERS, IT FURTHER NOTED THAT IT WAS NOT A REQUIREMENT FOR ANY OTHER PROFESSION ON THE BOARD. ADDITIONALLY, IT BELIEVED THAT THIS REQUIREMENT WAS TOO RESTRICTIVE AND MAY EXCLUDE VERY COMPETENT INDIVIDUALS, SUCH AS PROFESSORS, EDUCATORS, INDIVIDUALS IN AN ADMINISTRATIVE PRACTICE OF MEDICINE, OR PROMINENTLY RECOGNIZED INDIVIDUALS WHO HAVE 'RETIRED' FROM THE PROFESSION. THE BOARD'S EXPERIENCE HAS DEMONSTRATED THAT MANY TIMES THE 'RETIRED' INDIVIDUAL HAS MADE INVALUABLE CONTRIBUTIONS TO THE BOARD AND GENERALLY, THE 'RETIRED' INDIVIDUAL HAS THE MORE TIME TO DEDICATE TO BOARD AFFAIRS. THE BOARD WAS ALSO TROUBLED WITH THE NOTION THAT A BOARD MEMBER SHOULD BE APPOINTED TO REPRESENT A SPECIFIC CONSTITUENCY AND BELIEVED THE ABILITY TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE PUBLIC SHOULD BE A GUIDING FACTOR IN DETERMINING APPOINTEES. PERHAPS IT WOULD BE MORE PRUDENT TO OFFER SOME GUIDANCE TO THE APPOINTING AUTHORITY TO NOT APPOINT ONE PERSON TO FILL TWO SLOTS OF THE MANDATED MEMBERSHIP.

Mr. Weiss voted in opposition.

3. ASSEMBLY BILL NO. 2570

Seeks to include midwives within the definition of "licensed persons" for purposes of affidavits of merit in malpractice or negligence actions.

The bill was introduced by Michael Patrick Carroll as the primary sponsor on May 5, 2008. It was introduced and referred to the Assembly Judiciary Committee.

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

4. ASSEMBLY BILL NO. 2625

Seeks to implement a study by an independent entity of the availability of certain health care services provided.

Assemblyperson Neil M. Cohen introduced the bill on May 12, 2008 and it was referred to the Assembly for Health and Senior Services Committee.

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

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE LEGISLATION, HOWEVER, IT SUGGESTED THAT THE DRAFTERS EXPLORE MANDATING A BROADER, MORE COMPREHENSIVE STUDY. IT SUGGESTED THAT IT INCLUDE ALL HEALTH CARE PROVIDERS BECAUSE AS IT IS WRITTEN, THE STUDY WOULD ONLY PROVIDE A SNAPSHOT OF A SELECT GROUP OF HEALTH CARE SERVICES. EXPANDING THE STUDY, IN THE OPINION OF THE BOARD, WOULD BENEFIT ALL CITIZENS OF THE STATE.

5. ASSEMBLY BILL NO. 2735

Seeks to prohibit employment and licensing background checks to go back further than seven years under certain circumstances.

The Primary Sponsors are Assemblypersons L. Harvey Smith, John S. Wisniewski, Elease Evans with co-sponsors Caridad Rodriguez, Peter J. Barnes, III, Cleopatra G. Tucker and L. Grance Spencer. It was introduced into the Assembly on May 19, 2008 was referred to the Assembly Law and Public Safety Committee.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE BILL BECAUSE BY LIMITING IT TO SEVEN YEARS, THE LICENSING AGENCY DOES NOT HAVE THE FULL PICTURE OF THE INDIVIDUAL AND PRECLUDES THE AGENCY FROM DETERMINING WHETHER OR NOT THERE IS A PATTERN OF BEHAVIOR. ULTIMATELY, SUCH A LIMITATION IS NOT IN THE BEST INTEREST OF THE PUBLIC AND THE FREE FLOW OF INFORMATION ALLOWS THE AGENCY TO DEAL WITH THE INFORMATION ON A CASE BY CASE BASIS.

6. SENATE BILL NO. 1805

Seeks to permit the removal of State Board, Commission or Independent Authorities of members for failure to attend three consecutive meetings thereof without good cause.

The bill was introduced by Senator Loretta Weinberg on May 8, 2008 and was referred to the Senate State Government Committee.

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

7. SENATE BILL NO. 1815

Seeks to require legal actions against certain licensed persons to be brought within two years.

Introduced on May 15, 2008 by Senator Raymond J. Lesniak and referred to the Senate Commerce Committee.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE PROPOSAL.

OLD BUSINESS

Nothing Scheduled.

INFORMATIONAL

PUBLIC COMMENT

None.