

# **New Jersey State Board of Medical Examiners**

**June 13, 2001**

## **Open Board Minutes**

The meeting of the New Jersey State Board of Medical Examiners was held on March 14, 2001 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey. The meeting was called to order at 9:00 a.m. by Gregory J. Rokosz, D.O., J.D., F.A.C.O.E.P., President.

### **PRESENT**

Board Members Bradley, Danser, DiFerdinando, Haddad, Harrer, Patel, Reid, Ricketti, Robins, Rokosz, Trayner, Wallace and Walsh

### **EXCUSED**

Board Members Chen, Desmond, Farrell, Fernandez, Huston, Lucas, Perry and Weiss

### **ALSO PRESENT**

Deputy Attorneys General Flanzman Gelber Joyce, Kenny and Levine, Executive Director Roeder and Medical Director Gluck

## **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 11, 2000 which was transmitted to the STAR LEDGER, CAMDEN COURIER POST, ASBURY PARK PRESS, BERGEN RECORD and the TRENTON TIMES, all on the 1st day of November 2000 and the Atlantic City Press on the 17th day of January 2001.

## **ANNOUNCEMENTS**

**Credential Committee Meeting - March 19, 2001 - Kelly M. Reid, M.D.**

**April 23, 2001 - Edwin M. Trayner, M.D.**

**Impairment Review Committee Meeting - April 3, 2001 - James C. Ricketti, D.P.M. and Arthur Perry, M.D.**

Dr. Rokosz cannot attend the Federation meeting and Dr. Wallace will go in his place.

The April Board meeting will be held in Atlantic City on April 20, 2001 in conjunction with the Medical Society Conference 2001.

**MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE FEBRUARY 14, 2001 OPEN BOARD MINUTES AS CORRECTED.**

**MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OPEN CREDENTIALS COMMITTEE MINUTES OF FEBRUARY 26, 2001 AS SUBMITTED.**

**MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE**

FEBRUARY 15, 2001 OPEN CERTIFIED NURSE MIDWIFE COMMITTEE MINUTES AS SUBMITTED.

**MINUTES** - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE LIST OF APPLICANTS FOR LICENSE AS PHYSICIAN ASSISTANTS AND THE FEBRUARY 16, 2001 PHYSICIAN ASSISTANTS COMMITTEE MEETING AND THE PUBLIC SESSION FOR JANUARY 19, 2000.

## **OLD BUSINESS**

### **1. SURGICAL AND ANESTHESIA STANDARDS IN PHYSICIANS' OFFICES - ALTERNATIVE PRIVILEGING INITIATIVE**

On June 15, 1998, *N.J.A.C. 13:35-4A* was published in the New Jersey Register, establishing standards for the performance of surgery and the administration of anesthesia in the office setting. One key provision - relating to the qualifications that Board licensees should possess to provide such services - however, was reserved and enforcement of certain sections relating has been deferred. The regulations, as adopted, envisioned that licensees credentialed by a hospital would be authorized to provide those services in an office. For those who do not possess hospital privileges, the Board has recognized a need to develop an alternative path to credentialing. The specifics of such a process were first advanced in a Pre-Proposal appearing in the *New Jersey Register* in October of 1998 and were the topic of comment at an informal conference held in November of 1998. Subsequently, input from board members and a broad cross section of the regulated community was sought. The draft regulation and implementing delineation of privilege forms have continued to be refined to reflect this input.

The Board considered the draft regulation and privilege forms that have been completed by the Board subcommittee consisting of Dr. Rokosz, Dr. Robins, Judith I. Gleason, and D.A.G. Sharon M. Joyce. Dr. Rokosz thanked the Committee for its work. D.A.G. Joyce discussed the proposed regulation with the Board.

Alma Saravia, Esq., representing the Association of Nurse Anesthetists, commented that if this regulation is adopted, New Jersey would be the first state in the nation to regulate that a CRNA may only work with a physician who has anesthesia training. They are concerned that there would be no role in an office for a CRNA and for conscious sedation, the physician who wanted to get training to work with the CRNA would have to do that, but if he didn't want to get training or was unable to get training, the physician would have to hire an anesthesiologist setting up a very different marketplace than exists now. Ms. Saravia would like to meet again with Dr. Rokosz and the Executive Committee to see if there is any way to accomplish all of the Board's goals and the privileging of physicians without setting up the standard that doctors need to get anesthesia training if they want to employ a CRNA in their office. Dr. Rokosz mentioned that all correspondence from Ms. Saravia was reviewed by the Committee.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GO FORWARD WITH THE PUBLICATION IN THE *New Jersey Register* FOR PUBLIC COMMENT WITH THE DELETION OF 13:35-4A.11 (c) FROM THE PROPOSED REGULATION.

### **2. PROPOSED PHYSICIAN SURVEY**

Mr. Joel Cantor, Director for the Rutgers Center for State Health Policy appeared before the Executive Committee to discuss the Board's possible involvement of a New Jersey Physician Survey. It is contemplated that the Survey would gather data to help develop policy and program initiatives to improve the physician supply in the State of New Jersey. The Executive Committee recommended endorsement of the concepts proposed by the survey and further recommended that a Committee of the Board be formed to further explore the Board's potential involvement. At its October Board meeting, Dr. Rokosz appointed Drs. Harrer (Chairman), Robins, Wallace, and Trayner, Mr. Walsh and Ms. Danser to that Committee. The Committee met with Mr. Cantor in January and reviewed some basic concepts concerning the questionnaire. Additionally, the Committee believed that the Board would be able to support the questionnaire and by way of letter, would encourage physicians to respond. The Committee reviewed a draft of questions which may be part of the survey. The Executive Committee reviewed the draft and suggested the following changes:

#15 Changing the word from admitting to clinical

#17 Adding Medical Administration

#23 Perhaps adding a choice of "Would you" use the following

#29(b) Do you perform medical and/or surgical procedures at a hospital inpatient or outpatient facilities that

\_\_\_\_\_ are not performed in the office

\_\_\_\_\_ are performed in the office

There was a general consensus of the Board that this was a good document which it would potentially endorse. The Board will review the physician survey again after further revisions.

### **3. BODY ART PROCEDURES**

The Board reviewed the draft of the proposed regulation by the Department of Health and Senior Services, Division of Epidemiology, Environmental and Occupational Health Services. Dr. Eddie Bresnitz was present to discuss this matter with the Board. In the area of permanent eyeliner, the Board was concerned that this should only be done by a licensed physician because of the inherent danger of damaging the eye during the procedure. Dr. Bresnitz indicated that there is no literature to support that there is danger working around the eye area. The only complication found by the Department of Health and Senior Services has been an allergic reaction to the pigment. There will be an open hearing on April 4, 2001 at the Agriculture Building. The proposed regulation is due to go to the *New Jersey Register* on March 18, 2001 for public comment.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ENDORSE THIS PROPOSED REGULATION WITH THE EXCEPTION OF 8:27-8.1 (A) 4 FOR WHICH THE BOARD WILL TAKE NO POSITION BECAUSE IT COULD NOT REACH CONSENSUS ON THIS PROVISION. The Board may pursue its own regulation that this is the practice of medicine.

### **INFORMATIONAL**

\* A copy of the Medical Standards Governing Screening and Diagnostic Medical Testing in Practitioner Offices which was published in the *New Jersey Register* on February 20, 2001.

\* Memo from Dr. Gluck concerning his role as one of a group of ten judges for the evaluation of the Step 3 Standard Setting Panels of the USMLE.

\* Podiatry Services Readoption with Amendments.

\* Disclosure of Resident Information

\* Article from the *AHRQ Research Activities*, vol. 240, August 2000 entitled "Coordination between primary care physicians and specialists improves the quality of the referral process."

\* The Wisconsin Program for Physician Assessment and Individualized CME.

\* New Jersey HIV/AIDS Cases reported as of December 31, 2000.

\* Article from the *U.S. News and World Report*, February 12, 2001 entitled "The poor man's heroin" " An Ohio Surgeon helps feed a growing addiction to OxyContin.

\* Article from the *U.S. News and World Report*, February 12, 2001 entitled "Natural Hazards " Tonic or toxic? Americans are gobbling up nature's remedies for everything from obesity to depression.

\* Case Western reserve University, Continuing Medical Education, Medical Record Keeping Course.

\* Case Western reserve University, Continuing Medical Education, Controlled Substance Management Course.

## **PUBLIC COMMENT**

Dr. Olsnicky of the Medical Society thanked the Board for giving them the opportunity to observe a Board meeting at their Conference 2001 in Atlantic City.

Respectfully submitted,

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Gregory J. Rokosz, D.O., J.D., F.A.C.O.E.P.  
President

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