

**NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS
OPEN BOARD MINUTES
July 9, 2003**

The meeting of the New Jersey State Board of Medical Examiners was held on July 9, 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 Chen, Criss, Farrell, Haddad, Harrer, Huston, Lucas, Moussa, Patel, Paul, Perry, Ricketti, Robins, Rokosz, Trayner, Wallace and Walsh.

EXCUSED

Board Members Desmond, and Weiss.

ALSO PRESENT

Assistant Attorney General Joyce, Deputy Attorneys General Dick, Erhentrantz, Flanzman, Levine, Kenny, and Warhaftig, Medical Director Gluck, 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

Credentials Meeting

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

Monday, August 18, 2003 - Sindy M. Paul, M.D., MPH

Dr. Moussa was not present for the announcements' portion of the meeting.

Dr. Harrer reported that the Executive Committee recently was presented with information from the PRO of New Jersey. The presentation was informative and he believed that in the future more meetings with the PRO would occur. Dr. Harrer also noted that information had been received from the Medical Society concerning underlying documents in support of the petition to revise the medical malpractice regulation. Dr. Harrer also announced that he has been appointed to the Federation's Special Committee on the Scope of Practice Issues. He will report back as the Committee meets over the next year.

Executive Director Roeder gave a status report on the biennial renewal process. As of the date of the meeting, approximately 29,000 licenses had been renewed, leaving approximately 2,500 licenses yet to be renewed. Mr. Roeder explained that those individuals still needing to be renewed would have to come to Centralized Licensing at 140 East Front Street, Third Floor, to fill out the paperwork. Individuals need to bring two forms of identification, one of which must be a photo id, with a check or money order in the

amount of \$440.00. Board members raised the issue of a potential extension of the expiration date. Executive Director Roeder informed the members that there was not any discussion at the Division level on a potential extension because the renewal process was progressing with little problems associated by the Division's process. The Board recognized that while statutorily a license expired on June 30, 2003, the Board, in its discretion, would not pursue an unlicensed practice case for thirty days beyond the expiration date.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ESTABLISH A TASK FORCE TO STUDY THE RENEWAL PROCESS TO DETERMINE WHETHER THERE WERE IMPROVEMENTS THAT MIGHT BE MADE PRIOR TO THE RENEWAL PERIOD BEGINNING IN 2005.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REQUEST THAT THE DIVISION OF CONSUMER AFFAIRS CONSIDERING GRANTING A THIRTY DAY EXTENSION TO THE RENEWAL PERIOD THEREBY EXTENDING THE EXPIRATION DATE UNTIL AUGUST 29, 2003.

ELECTION OF OFFICERS

Prior to the election of officers, Dr. Harrer addressed the Board informing it that the last two years sped by quickly and that it was both his honor and privilege to serve the members as President. He expressed appreciation for the cooperation and collegial spirit of the Board members. In particular, he thanked the members of the Executive Committee, the Deputy Attorneys General and the Board staff, especially, Dr. Gluck. The two years, according to Dr. Harrer, were a learning experience that he would never forget. As a pathologist, Dr. Harrer pointed out that he is always interested in numbers so over the two years he has documented some of his activities. He informed the members that over the last two years he has attended well over 126 meetings, participated in close to 60 conference calls, logged in more than six hundred telephone calls, which included being reached in Cabo San Lucas and Key West, signed over six hundred letters and/or Orders, and traveled over 15,000 miles. In looking back over his tenure, he expressed pride for the many Board accomplishments, offering by way of example, the efforts concerning medical malpractice, the in office-based standards, continuing medical education, and the multitude of comments made to suggested legislation. He was positive that the Board would continue in its efforts with new ventures down the road to continue in its mission of protection of the citizens of New Jersey. Dr. Harrer concluded by pledging his continued support of the new officers as they begin to face the upcoming challenges of the Board.

At the June Board meeting, the nominating committee recommended the following slate of officers.

President David M. Wallace, M.D.
Vice-president Glenn A. Farrell, Esquire
Secretary Bassam Haddad, M.D.
Treasurer Karen Criss, R.N., C.N.M.

Executive Director Roeder conducted the elections, opening the floor for additional nominations.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO CLOSE THE NOMINATIONS HEARING NONE FROM THE FLOOR.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE SLATE OF OFFICERS AS SUBMITTED.

Dr. Wallace acknowledged that following Dr. Harrer's presidency he would have some large shoes to fill and he thanked the Board members for their vote of confidence. Dr. Wallace planned on addressing his goals and objectives at the next Board meeting. He expressed appreciation both on a professional and

personal level for all the support given to him during his tenure as Vice-President. He specifically thanked Mr. Walsh and Dr. Perry for their assistance while they were in office. Dr. Wallace welcomed the new officers and looked forward to working with them.

Dr. Moussa was not present for the election of officers.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JUNE 11, 2003 OPEN BOARD MINUTES AS SUBMITTED.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JUNE 16, 2003 OPEN MIDWIFE LIAISON COMMITTEE MINUTES AS SUBMITTED.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JUNE 23, 2003 OPEN CREDENTIALS COMMITTEE MINUTES WITH TYPOGRAPHICAL CORRECTIONS MADE.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE LIST OF APPLICANTS FOR LICENSURE AS PHYSICIAN ASSISTANTS AS RECOMMENDED BY THE PHYSICIAN ASSISTANTS' ADVISORY COMMITTEE AT ITS MAY 16, 2003 PUBLIC MEETING.

NEW BUSINESS

1. LEGISLATION

ASSEMBLY BILL NO. 3593 DISPENSING OF WEIGHT LOSS DRUGS BY PHYSICIANS

Attached was a copy of Assembly Bill No. 3593 as originally introduced which seeks to revise the dispensing of weight loss drugs by physicians. When the Board reviewed this matter in June, it voted to oppose the legislation. The Board noted that it already has a regulation in place to address the Bariatric practice, 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 would also include an exemption to the mark up limitation of 10%. Ultimately, the freedom to mark up the medications supplied out of the physician's office without any boundaries could prove unfair to the consumer.

The bill was reported out of the Assembly Committee and attached was the substitute bill.

The Executive Committee recommended opposing the bill as it creates an anomaly with existing law. Additionally, concern about the economic impact to consumers being overcharged for these non prescription weight loss drugs is not addressed. This bill also seeks to create a different category of drugs and there does not appear to be any rationale basis for making these available in a doctor's office.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE LEGISLATION FOR THE REASONS LISTED IN THE DESCRIPTION OF THIS MATTER.

Assembly Bill No. 3782

"New Jersey Medial Service Corps. Act"

Introduced by Assemblywoman Weinberg (District 37 - Bergen)

The Executive Committee recommended opposing the bill on the basis that it creates a two tiered system which is not in the best interest of patient care. At a minimum, there should be a malpractice requirement as it is not in the interest of the citizens of New Jersey to limit their ability to collect damages when deemed appropriate. Additionally, a remedy has already been created in the passing of legislation which created a volunteer license in the State of New Jersey.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THIS LEGISLATION FOR THE REASONS STATED.

Dr. Paul abstained from discussion and vote on this legislation.

Assembly Bill No. 3687

Seeks to require the Commission on Higher Education to develop an accelerated bachelor of science in nursing degree program for foreign medical school graduates.

Introduced by Assemblypersons Chivukula and Egan (Middlesex and Somerset Counties) and referred to the Assembly Education Committee on or about June 5, 2003. It was reported out of Committee on June 19, 2003 with a reprint.

The Board referred this bill back to the Executive Committee for further review taking into account the balancing act between the nursing crisis and the need to have appropriately trained nurses to provide patient care.

OLD BUSINESS

2. CHELATION THERAPY

From time to time, the issue of Chelation Therapy has been before the Priority Review Committee. The matter was referred to the Executive Committee for further evaluation. Based on its review of earlier material, the Executive Committee previously recommended that the Board consider prohibiting the use except for the treatment of proven heavy metal poisoning. The Board referred the matter back to the Executive Committee for further study in light of a recently commissioned study of the Institutes of Health for a five-year trial to assess Chelation Therapy, particularly as it relates to the treatment of coronary artery disease. Additionally, the Executive Committee reviewed material submitted by consumers, presentations by both the public and representatives of the medical community at Board meetings, reviewed an extensive submission of materials submitted by the Foundation for the Advancement for Innovative Medicine, material obtained from the Federation of State Board of Medical Examiners, articles published on the subject and performed a survey of other states to determine the status of regulations across the country. The Executive Committee recommended that the Board reconsider its prior position of prohibition and instead adopt a proposed regulation which permits its use with some additional record keeping requirements. At the May Board meeting, the Board approved the proposed language, however, prior to publish for notice and comment in the New Jersey Register, the Board requested that the Executive Committee review the proposal to determine whether revisions needed to be made concerning a limitation of a ten percent mark up that applies to other dispensing of medications and medical services/devices. The Executive Committee had an opportunity to review the issue and recommended adopting the position that the limitation does not apply.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REAFFIRM ITS PRIOR APPROVAL FOR PUBLICATION FOR NOTICE AND COMMENT IN THE NEW JERSEY REGISTER.

**3. NEW JERSEY HEALTH CARE
CONSUMER INFORMATION ACT
"Physician Profile"**

Attached for the Board's information was a copy of the "Physician Profile Bill" which was signed into law on June 23, 2003 as P.L. 2003, c96.

The Board accepted this as informational.

INFORMATIONAL

PUBLIC COMMENT

Respectfully submitted,

David M. Wallace, M.D.
President