

New Jersey State Board of Medical Examiners

August 8, 2001

Open Board Minutes

The meeting of the New Jersey State Board of Medical Examiners was held on August 8, 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 William V. Harrer, M.D., B.L.D., President

ROLL CALL

PRESENT

Board Members Chen, Criss, DiFerdinando, Farrell, Haddad, Harrer, Lucas, Moussa, Patel, Perry, Robins, Rokosz, Trayner, Wallace, Walsh, and Weiss

EXCUSED

Board Members Desmond, Huston, Reid and Ricketti

ALSO PRESENT

Deputy Attorneys General Albertson, Flanzman, Gelber, Kenny, Levine and Warhaftig, 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

Dr. Harrer has made the following appointments:

Executive Committee - Dr. Robins

Dr. Chen (August to December 2001)

Dr. Ricketti (January to June 2002)

Credentials Committee - Dr. Lucas (August 20, 2001)

Dr. Harrer will be a representative of the Medical Board at the African American-Latino Summit regarding problems minorities claim to have had with the credentialing process in New Jersey.

Dr. Harrer has received inquiries regarding new applications for licensure. Board members should stress to an applicant that it is their responsibility to get all the required forms to the Board office. When he receives inquiries from applicants, it is more often than not discovered that several important documents are missing

from the application. Dr. Harrer also mentioned that if licensees do not report their change of address to the Board, they will not receive their renewal application and are in violation of the Board's statute.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JULY 11, 2001 OPEN BOARD MEETING MINUTES AS CORRECTED.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JULY 16, 2001 OPEN CREDENTIALS COMMITTEE MEETING MINUTES REGARDING CLINICAL CLERKSHIPS AS SUBMITTED.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE PHYSICIAN ASSISTANT ADVISORY COMMITTEE'S LIST OF APPLICANTS FOR LICENSURE AS SUBMITTED.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JULY 23, 2000 OPEN CREDENTIALS COMMITTEE MEETING MINUTES AS SUBMITTED.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JUNE 18, 2001 OPEN CERTIFIED MIDWIFE COMMITTEE MEETING MINUTES AS SUBMITTED.

MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JULY 30, 2001 OPEN CERTIFIED MIDWIFE COMMITTEE MEETING MINUTES AS SUBMITTED.

OLD BUSINESS

1. APPROPRIATE RESPONSE BY BOARD LICENSEE TO *SUBPOENA* FOR, OR DEMAND FOR INSPECTION OF, PATIENT RECORDS/INFORMATION POLICY STATEMENT

The Board considered a draft policy statement which is intended to provide guidance to the Board's licensees in responding to a *subpoena* for, or Demand for Inspection of, Patient Records or other patient information.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO TABLE THIS MATTER AND REFER IT TO THE EXECUTIVE COMMITTEE FOR FURTHER CONSIDERATION.

NEW BUSINESS

2. REQUEST FOR INTERPRETATION OF *N.J.A.C. 13:35-6.18*

The Board reviewed a copy of a request for interpretation from an attorney, Paige Berry, Esq. as to law regarding malpractice insurance being provided to doctors through self-insured hospitals which employ them. The Attorney General's office offered Ms. Berry an informal read on the question, but she sought a more formal response from the Board. The Executive Committee reviewed this matter at last month's meeting and requested additional information. The Board reviewed a copy of the original request and the information requested by the Executive Committee.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GO ON RECORD AS FINDING THAT A SELF-INSURANCE PROGRAM, AS OUTLINED IN THE MATERIALS SUBMITTED, APPEARED CONSISTENT WITH STATUTORY REQUIREMENTS.

3. OCCUPATIONAL THERAPY ADVISORY COUNCIL RULE PROPOSAL - *N.J.A.C. 13: 44k-1, 5, 6, 7, AND 8*

The Board considered for possible comment a copy of a rule proposal by the Occupational Therapy Advisory Council. The new rule proposes to describe the scope of occupational therapy practice. Comments are due before August 15, 2001. The Board received this material as informational, with no comment given.

4. MEDICAID NEWSLETTER

A Medicaid Newsletter and memo were received by D.A.G. Sandra Y. Dick which had been distributed to all pharmacies, as well as other interested parties, which interprets a recently adopted BME regulation. The writer interprets the Board's regulation, *N.J.A.C. 13:35-7.2(h)*, to require that every prescription for a CDS must be on a separate prescription blank that does not include other non-CDS medications. The Chief of Pharmaceutical Services for Medicaid (Mr. Carl Tepper) requested a response as to whether the Medicaid newsletter is correct. Additionally, Garden State Pharmacy Owners, Inc. brought this matter to the Board office's attention and requested a similar clarification of Medicaid's interpretation. The Executive Committee reviewed this material and believed the intent of the Board was to require that one CDS per prescription blank without any other medications would be written.

It was noted that the Medicaid letter was correct. The Board explained that there are several reasons for the Board's rule. For example, multiple drugs written on the same prescription could lead to errors at the pharmacy level. Another reason is to reduce the risk that another drug order will be fraudulently inserted on the prescription without the knowledge of the physician. D.A.G. Gelber mentioned that pharmacists have filing requirements for controlled drugs. D.A.G. Levine will draft proposed language for the Executive Committee's review regarding a statement outlining the Board's intent for only allowing one C.D.S. prescription per prescription blank. Preliminarily, the Board also concluded that if a CDS and non-CDS were written on the same prescription, the prescription was invalid, but referred this matter to the Executive Committee for further review as well. Once an opinion is prepared, the Board hopes to publish it to the medical and specialty societies, hospital association and in its newsletter.

5. LEGISLATION

Senate No. 1810, introduced on June 21, 2001 by Senator Anthony R. Bucco (District 25 - Morris) which would allow certain individuals licensed out-of-state to serve at events sponsored by certain organizations for a limited period. The Executive Committee recommended opposing this bill because there are other mechanisms in place to accomplish the same goal.

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

INFORMATIONAL

- * *Disclosure and Prevention of Medical Errors* article.
- * Proposed letter to be sent out to acute care hospitals by the First Assistant in Major Surgery Committee
- * American Medical Seminars, Temple University School of Medicine, CME Seminar Calendar, Sarasota, FL
- * American Medical Seminars, Temple University School of Medicine, Self Study CME Courses
- * The Physician's Guide to Practice Management, presented by the Department of Health Information Management, Augusta, Georgia
- * New PIP Fee Schedules now in effect
- * Executive Commission on Ethical Standards

PUBLIC COMMENT

Representatives of the New Jersey Hospital Association and the New Jersey Academy of Physicians indicated they would be happy to help with information regarding the issuance of prescriptions with one C.D.S. drug listed per prescription.

Dr. Abidi of the Medical Society of New Jersey commented on a recent Department of Health requirement requiring a physician to handwrite "Do not Substitute" on a prescription blank. He believed that such a requirement was onerous. It was mentioned that Medicaid has interests such as reimbursement control and perhaps the Board should discuss this matter with Medicaid. Dr. DiFerdinando suggested speaking to Deborah Bradley. The matter was referred to the Executive Committee for further consideration. Dr. Robins offered to follow up with information from the Societies and members of the Board as well as contacting the Acting Director of Medicaid.

Dr. Rokosz mentioned that the Meadowlands Hospital law suit should be discussed at the Executive Committee meeting. Dr. Harrer assigned Dr. Wallace to make a presentation at the next Executive Committee meeting regarding the chilling effect that would result in allowing attorneys to ask for discovery of certain documents.

Respectfully submitted,

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

[New Jersey State Board of Medical Examiners](#)

[Medical and Mental Health Related Professional Boards](#)

[Feedback Survey](#)

[Consumer Affairs Home Page](#)

[NJ Dept. of Law and Public Safety Home Page](#)

[State of NJ Home Page](#)

Posted March 2002