

State Board of Medical Examiners
August 9, 2006
Minutes

The meeting of the New Jersey State Board of Medical Examiners was held on August 9, 2006 at the Richard J. Hughes Complex, 25 Market Street, 4 th Floor Conference Center, Trenton, New Jersey. The meeting was called to order at 9:00 a.m. by Dr. Paul, President.

PRESENT

Board Members Cheema, Ciechanowski, Clemency Kohler, Criscito, Criss, DeGregorio, Jordan, Lambert, Lomazow, Mendelowitz, Nussbaum, Paul, Reichman, Scott, Stanley, Strand Walsh, and Weiss.

EXCUSED

Board Member Haddad, Salas-Lopez, and Wheeler.

ALSO PRESENT

Deputy Attorneys General Dick, Ehrenkrantz, Flanzman, Kenny Levine, Gelber; Medical Education Director Blanks, Medical Director Gluck, 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 October 19, 2005 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 November 2005.

ANNOUNCEMENTS

Dr. Paul announced that former Board member Dr. Trayner, after a brief illness, passed away peacefully on August 4th. He was at home and surrounded by his family when he died. An expression of sympathy will be mailed to the family.

ELECTION OF OFFICERS

At the June 2006 Board meeting, the nominating committee recommended the following slate of officers.

President Sindy M. Paul, M.D.
Vice-president Karen Criss, R.N., C.N.M.
Secretary Mario A. Criscito, M.D.
Treasurer Paul C. Mendelowitz, M. D.

Executive Director conducted the elections and opened the floor to additional nominations. Hearing none, nominations were closed, upon motion made and seconded, by the Board.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ELECT THE FOLLOWING:

PRESIDENT SINDY M. PAUL, M.D.
VICE-PRESIDENT KAREN CRISS, R.N., C.N.M.
SECRETARY MARIO A. CRISCITO, M.D.
TREASURER PAUL C. MENDELOWITZ, M. D.

Dr. Paul thanked Dr. Lomazow for his year of service as Treasurer. She acknowledged her appreciation both personally and professionally for all of his efforts. In particular, she complimented him on his availability for all the various meetings that he attended. She praised him for his dedication, hard work and support.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JUNE 14, 2006 OPEN BOARD MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JUNE 19, 2006 MIDWIFERY LIAISON COMMITTEE OPEN MINUTES.

NEW BUSINESS

1. LEGISLATION

SENATE BILL 2008

Seeks to authorize air ambulance services to operate in New Jersey and directs DHSS to establish guidelines.

The bill was introduced by Senator Diane B. Allen (District 7 Burlington/Camden) on or about June 12, 2006. It was referred to the Senate Health, Human Services and Senior Citizens Committee.

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

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

S.D.A.G. Dick and D.A.G. Levine entered the meeting.

ASSEMBLY BILL 3259

Seeks to amend the Athletic Training Licensing Act.

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

OLD BUSINESS

2. PROPOSED CO MANAGEMENT REGULATION

Attached was a short memo outlining the history and a copy of the most recent proposal. The Executive Committee recommended that the Board approve the proposed draft for notice and comment in the New Jersey Register.

Dr. Nussbaum recused from discussion and vote in this matter because he is a member of the Academy of Ophthalmologists and has served as past president and a member of the executive committee.

During the discussion of the bill, some questions arose as to whether or not section (b) would preclude other health care providers from performing the pre-operative history and physical. The Executive Director for the Nurses Association also noted that the draft may conflict with current hospital acute care regulations which expand the practitioners that can perform the H&P.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REFER THIS PROPOSAL TO THE EXECUTIVE COMMITTEE FOR FURTHER REVIEW.

INFORMATIONAL

PUBLIC COMMENT

Chuck Whedon, current member and former president of the Athletic Trainers? Society of New Jersey, expressed his thanks to the Board for its support of A-3259. He also shared with the Board copies of written comments which explain why it is important that the legislation be implemented in New Jersey.

Dr. Marcus Barth, speaking on his own behalf, commented that he was concerned about the proposed co management regulation particularly in light of the federal guidelines that exist and the burden that physicians are already under. He also noted the number of malpractice cases in which the surgeons have been sued and it appeared that physicians are not able to make these decisions. He suggested that there are enough regulations already in place for the medical practitioners. He questioned the purpose of the proposed regulation and the need to over regulate physicians that are appropriately and highly trained;

Chris Quinn, optometrist, also commented that there was a long history back to 1988 on this regulation and that on its face it appeared to be an initiative to preclude optometrists to co manage patients with ophthalmologists. He pointed out that the Board denied the first petition, but the Board seems to believe that further regulation is necessary even though there is not any evidence that there is a need for it. He believes the public is better served by permitting the patient the ability to make their own decision as to whom the patient believes is best qualified to care for them, rather than to have it mandated by the Board.

Respectfully submitted,

Sindy M. Paul, M.D., M.P.H., President

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