

**NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS**  
**OPEN BOARD MINUTES**  
**August 10, 2005**

The meeting of the New Jersey State Board of Medical Examiners was held on August 10, 2005 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 Bernard Robins, M.D. F.A.C.P., President.

**PRESENT**

Board Members Criss, Haddad, Lomazow, Mendelowitz, Patel, Paul, Robins and Walsh.

**EXCUSED**

Board Member Ciechanowski, Criscito, Farrell, Harrer, Huston, Perry, Ricketti, Rokosz, and Weiss.

**ABSENT**

Board Members Desmond and Wallace.

**ALSO PRESENT**

Deputy Attorneys General Dick, Ehrenkrantz, Kenny, Levine and Warhaftig; Executive Director Roeder and Medical Director Gluck.

**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 13, 2004 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 2004.

**ANNOUNCEMENTS**

Dr. Robins noted that there was not a quorum at the meeting and therefore, the work and issues discussed were performed as a Committee of the Board, which made recommendations to the Board for ratification at its September meeting. Dr. Robins was also pleased to report that the newly formed Physicians Assistance Program of New Jersey is fully operational and all procedural items have been completed and the contract and memorandum of understanding had been signed. He informed the board members that the next meeting was scheduled for Monday, August 15, 2005.

Dr. Robins also thanked Dr. Paul for her excellent report which summarized her recent attendance at the 93rd Federation of State Medical Board's Annual Meeting, which was contained under the Informational section of the Board agenda.

MINUTES Approval of the July 13, 2005 Open Board Minutes The Committee recommended approval.

MINUTES Approval of July 18, 2005 Open Credentials Committee Minutes The Committee recommended approval.

**NEW BUSINESS**

1. LEGISLATION

A 4325 Seeks to revise the standards for expert witnesses in medical malpractice actions. Introduced by Assemblyperson Herb Conaway on June 30, 2005 and referred to the Assembly Health and Human Services Committee.

The Committee recommended support because it recognized the value in not permitting the "professional" expert from offering an opinion that does not find support within the medical literature. The Committee also noted that it was not sure that the requirement of having to be credentialed by a hospital was necessary and this requirement may be over reaching. The Committee further noted that the proposed legislation would automatically exclude individuals who might otherwise be qualified, for example, those individuals that are over 65 who pay a reduced licensure fee, do not hold any hospital privileges or affiliations with any HMO, but still maintain an active license. The Committee also believed that limiting it to the listed organizations may be too limited and it was suggested that the proponent include broader language and permit one to qualify as an expert with qualifications of "equal scope or rigor." The Committee also noted that this would be the beginning of intruding into the power of the Court to determine those that might qualify and serve as an expert witness.

A 4182 Seeks to establish that certain utilization management decisions on behalf of certain insurers to be considered the practice of medicine. Introduced by Assemblyperson Conaway and referred to the Assembly Financial Institutions and Insurance Committee.

The Committee recommended support and further recognized that this will thwart attempts to circumvent ERISA and hold the practitioner liable. The Committee also believed that the legislation would ultimately be in the best interest of Patient care.

## **OLD BUSINESS**

### **2. PROPOSED FEE INCREASE PODIATRY AND BIOANALYTICAL DIRECTOR**

Attached was a copy of the Proposed Amendment to N.J.A.C. 13:35-6.13, which sought to increase the registration and biennial registration renewal fees for podiatrists and bioanalytical laboratory directors. The comment period ended on August 5, 2005. It was noted that no comments had been received. The Board was requested to approve for publication in the New Jersey Register the fee increase as a final adoption.

Board members Farrell and Weiss participated in the discussion and vote in this matter telephonically.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ADOPT THE AMENDMENT AS A FINAL ADOPTION BASED ON THE REASONS ARTICULATED IN THE PREFATORY LANGUAGE OF THE PROPOSAL.

## **INFORMATIONAL**

## **PUBLIC COMMENT**

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