

**New Jersey State Board of Medical Examiners**  
**August 13, 2008**  
**Minutes**

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, August 13, 2008 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey. The meeting was called to order by President Paul C. Mendelowitz, M.D.

**PRESENT**

Board Members Cheema, Ciechanowski, Criss, Haddad, Lambert, Lomazow, Mendelowitz, Nussbaum, Paul, Reichman, Stanley, Walsh and Weiss.

**EXCUSED**

Board Members Criscito, DeGregorio, Jordan, Salas-Lopez, Scott, Strand, and Wheeler.

**ALSO PRESENT**

Deputy Attorneys General Dick, Gelber, Jespersen, Levine, Palan, Puteska and Warhaftig, Executive Director William V. Roeder and Mary Lou Mottola, Executive Director of the Medical Practitioner Review Panel.

**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 September 26, 2007 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 October 2007.

**ANNOUNCEMENTS**

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JULY 9, 2008 OPEN BOARD MINUTES.

**NEW BUSINESS**

**1. ELECTROLOGY ADVISORY COMMITTEE**

Attached was a copy of proposed changes to the regulations concerning electrologists. Sections in brackets were suggested deletions and language in bold were changes. The Electrology Advisory Committee sought Board approval for publication as a proposal for notice and comment in the New Jersey Register.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE PROPOSED CHANGES AND PUBLISH FOR NOTICE AND COMMENT AS A PROPOSAL IN THE NEW JERSEY REGISTER.

**2. LEGISLATION**

**SENATE BILL 2040**

Seeks to require practitioners to disclose business relationship with out-of-State facilities when making patient referrals to those facilities.

THE BOARD, UPON MOTION AND SECONDED, VOTED TO NOT TAKE A POSITION ON THE

PROPOSED LEGISLATION. IT DID NOTE, HOWEVER, THAT IT HAD CONCERNS ABOUT THE PROPOSAL INsofar AS IT CONFLICTED WITH CURRENT CODEY REQUIREMENTS. IT SEEMED PATENTLY UNFAIR TO PERMIT PHYSICIANS WITH AN OUT-OF-STATE FACILITY TO AVOID THE PROHIBITIONS OF SELF REFERRALS FOR IN STATE OWNED FACILITIES. ADDITIONALLY, THERE APPEARED TO BE SOME ONEROUS REQUIREMENTS SUCH AS THE PROVISION OF A LIST OF HEALTH CARE PROVIDERS IN THE SAME COUNTY OR CONTIGUOUS COUNTIES AND MANY INSURANCE COVERAGE QUESTIONS.

### 3. OFF AGENDA ITEM

Dr. Meeta Patel, M.D.

St. Francis Medical Center, Trenton

#### RESIDENCY TRAINING PERMIT

Dr. Mendelowitz reminded the Board that it had been provided copies of St. Francis Medical Center's application for a PGY2 Residency Training Permit for Dr. Meeta Patel. As indicated in the materials, St. Francis Medical Center submitted an application for a residency training permit in mid-March 2008 for Dr. Meeta Patel to participate in its General Surgery residency program at the PGY2 level, effective July 1, 2008. Upon review of her application, it was discovered that Dr. Patel listed her attendance at two(2) medical schools, including Kigezi International School of Medicine -- Uganda (September 2002 through December 2004) and Ross University -- Portsmouth, Dominica (January 2005 through May 2007). Additionally, her application noted that she was currently participating in the St. Francis General Surgery Residency Program at the PGY1 level from July 1, 2007 to the present. A review of her PGY1 registration materials did not note that she had attended Kigezi, but only listed Ross University. A copy of Dr. Patel's Kigezi transcript confirmed that the location at which she attended classes for her didactic did not comport with Board regulations that her didactic training was not where the now defunct school was authorized to confer a degree. Therefore, the Board initiated a series of telephone conversations with St. Francis' program director(s) as early as June 27, 2008 concerning this issue. Finally, by letter from the Board office dated July 15, 2008, the program was formally notified in writing that Dr. Patel would not be eligible for a permit.

This matter was before the Board upon the petitioner's submission of an "appeal" (request for reconsideration) of the July 15, 2008 ineligibility letter; petitioner's request that the Board grant a waiver of the regulatory requirement N.J.A.C. 13:35-1.5(c) which requires that the medical student's didactic training occur in the jurisdiction where the medical school is authorized to confer a degree; that the Board engage in fact finding prior to a final determination on the permit application; and on petitioners' request that the Board grant Dr. Patel's a permit.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MOVE INTO EXECUTIVE SESSION FOR DELIBERATIONS, FOR ADVICE OF COUNSEL, AND FOR MATTERS ANTICIPATED TO RESULT IN LITIGATION.

All parties, except counseling and administrative staff, left the room.

Returning to Open Session, the Chair noted that Ms. Perr, counsel for Petitioner had asked to appear and present oral argument on this issue. While ordinarily it is not the custom of the Board to hear oral argument on matters such as this, the Board did permit Ms. Perr to speak as if it were part of the Public Comment period. After hearing Ms. Perr, the Board returned to Executive Session for deliberations and advice of counsel. Her presentation is summarized in the Public Comment section below.

All parties, except counseling and administrative staff left the room.

Returning to Open Session, the Board announced the following Motions.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO RATIFY THE DECISION EMBODIED IN THE JULY 15, 2008 LETTER TO SAINT FRANCIS MEDICAL CENTER DEEMING

DR. PATEL INELIGIBLE FOR A PGY2 RESIDENCY TRAINING PERMIT.

THE BOARD, UPON MOTION AND SECONDED, VOTED TO GRANT DR. PATEL'S REQUEST FOR RECONSIDERATION OF THE DECISION DEEMING HER INELIGIBLE AND TO GRANT HER REQUEST FOR A FACT FINDING HEARING TO DETERMINE WHETHER SHE HAS RECEIVED A SATISFACTORY AND THOROUGH EDUCATION. THIS HEARING WAS SCHEDULED BEFORE THE CREDENTIALS COMMITTEE MEETING ON AUGUST 18, 2008. THE CREDENTIALS COMMITTEE RECOMMENDATION WILL BE PLACED ON THE SEPTEMBER BOARD AGENDA.

## **OLD BUSINESS**

## **INFORMATIONAL**

## **PUBLIC COMMENT**

Ms. Perr, counsel for Dr. Meeta Patel and Saint Francis Medical Center, addressed the Board regarding the PGY2 surgical residency program permit application. She also noted that Dr. Peter Benotti, program director at St. Francis, was present if the Board needed any further clarification from the Program. She reminded the members that the Board has the ability to grant a waiver if an applicant does not meet the specific requirements of the regulations as long as the Board can determine that the education received by Dr. Patel was a thorough and satisfactory education. She urged the Board to perform a fact finding hearing to make that determination. Ms. Perr reminded the Board that Dr. Patel passed the USMLE, Steps 1 and 2 on the first try and received well above average scores on both. Ms. Perr also directed the Board to review the evaluations that have been provided in the moving papers from her performance at St. Francis. She summarized that all of them were average to outstanding. These high test scores and evaluations, she continued, demonstrate that Dr. Patel has a high proficiency in the basic skills of medicine. While she may not meet the four corners of the regulation, Ms. Perr believed that she has more than met the spirit of that same regulation from a practical and on the job stand point. Ms. Perr also represented to the Board that to the extent it would be inclined to allow Dr. Patel to complete, St. Francis was ready to comply with whatever requirement(s) or restriction(s) that the Board wanted to put in place. She urged the Board not to allow the sins of the hospital to follow Dr. Patel. She acknowledged that St. Francis made the mistake, or perhaps better stated, the omission on the PGY1 registration form, however, Dr. Patel should not be harmed for this. If the Board were not to permit her to continue at this late date, her career would be derailed. It would be virtually impossible to get a second year, categorical spot, in particular in general surgery, somewhere else. As the Board was aware, she argued, slots in general surgery are limited and by the first week in July have been long filled. She asked the Board to do the right thing and let Dr. Patel continue in her training at a place that she loved and that loved her.

Respectfully submitted,

Paul C. Mendelowitz, M.D., President