

**NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS
OPEN BOARD MINUTES
October 19, 2005**

The meeting of the New Jersey State Board of Medical Examiners was held on October 19, 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 Ciechanowski, Criss, Farrell, Lomazow, Mendelowitz, Patel, Paul, Perry, Ricketti, Robins, and Walsh.

EXCUSED

Board Member Criscito, Haddad, Harrer, Huston, Rokosz, and Weiss

Board Members Desmond and Wallace resigned since the September 2005 Board meeting.

ALSO PRESENT

Assistant Attorney General Sharon Joyce, Deputy Attorneys General Dick, Ehrenkrantz, Flanzman, Gelber, 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. Perry was not present for this section of the meeting.

Dr. Robins informed the Board members that since the last Board meeting, he received a telephone call from Dr. Wallace who informed him that due to his professional responsibilities, he is no longer able to participate in the Board activities. Dr. Wallace regretted having to make this decision, but believed ultimately it was in the best interest of the Board. Dr. Robins thanked Dr. Wallace for his service to the Board and the citizens of New Jersey. He noted that during his tenure, Dr. Wallace worked tirelessly in his responsibilities and commitments and that on behalf of the Board, Dr. Robins wished Dr. Wallace well both in his professional and personal life.

Dr. Robins also welcomed Dr. Mary Blanks, the new Medical Education Director, to the Administrative Office. He noted that she brings to the job a vast array of experience and expertise. After working as a R.N., he informed the Board, Dr. Blanks entered medical school and spent a number of years in private practice as an OB/GYN. In 2000, she joined the Attorney General's office in Illinois to assist in the investigation of health care fraud. Eventually, she became the medical coordinator/director at the Illinois Medical Board. He wished Dr. Blanks well and assured her the support of the Board members in her new position.

Finally, Dr. Robins informed the Board that Dr. Harrer was not able to attend the Board meeting because he was undergoing some testing. He wished him well and would convey to Dr. Harrer the Board's well wishes later in the day.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE SEPTEMBER 14, 2005 OPEN BOARD MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE SEPTEMBER 19, 2005 OPEN CREDENTIALS MINUTES EXCEPT IN THE MATTER OF KRISHNAIAH, WHICH WAS MOVED INTO CLOSED SESSION.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE SEPTEMBER 26, 2005 ATHLETIC TRAINING ADVISORY COMMITTEE MINUTES, EXCEPT FOR THE "SEXUAL MISCONDUCT PROPOSED REGULATION" UNDER OLD BUSINESS WHICH WAS STILL UNDER DISCUSSION WITH THE BOARD.

Dr. Perry was not present for the discussion or vote in the approval of the above noted minutes.

NEW BUSINESS

1. APPROVAL OF 2006 BOARD MEETING DATES

The following dates were submitted for Board approval for the 2006 Board meeting dates:

January 11 July 12
February 8 August 9
March 8 September 13
April 12** October 11
May 10 November 8
June 14 December 13

** It was noted that Passover will begin at Sundown on April 12th.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO HOLD THE OPEN BOARD MEETING ON THE ABOVE NOTED DATES EXCEPT IT CHANGED THE APRIL BOARD MEETING TO APRIL 19TH, THE THIRD WEDNESDAY OF THE MONTH BECAUSE OF THE PASSOVER HOLIDAY.

During a later section of the meeting, Dr. Huston requested that Ash Wednesday be included on all holiday calendars for the future.

2. DUTY TO COOPERATE REGULATION

Attached was a copy of a memo from Attorney General Peter C. Harvey regarding the re- adoption of N.J.A.C. 13:45C: Duty to Cooperate Regulation with some technical amendments.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE PROPOSAL WITHOUT COMMENT.

3. SURGICAL AND ANESTHESIA STANDARDS ALTERNATIVE PRIVILEGING – IMPLEMENTATION ISSUES

Attached for the Board's consideration was a memorandum from Assistant Attorney General Joyce and Judith I. Gleason addressing a number of issues, some of which are administrative in nature, concerning the implementation of the surgical and anesthesia standards regulations, generally, and the alternative privileges program in specific.

Dr. Robins noted for the record that Alma Saravia, Esquire, General Counsel for NJCRNA, wrote a letter to Dr. Robins. In her letter she noted that after reviewing the information on the application for alternate privileges for conscious sedation, five drugs were listed and if a physician wished to use propofol, (s)he would need to apply

under the “other” category. She further noted that while the stay in this matter was in place, the applications included propofol as a specifically listed drug. In reviewing the regulations, NJCRNA has taken the position that in order to configure the application as currently offered, the Board should have promulgated regulations to effectuate this result.

Ms. Saravia addressed the Board and informed it that the CRNA is adequately trained in the use of propofol and in particular is trained in how to deal with an untoward effect during its use. She further argued that she appreciated the distinction between its use about a RN and CRNA, but did not understand the prohibition under the circumstances where the physician was supervising the CRNA in the administration of propofol. Furthermore, she noted that often propofol is the drug of choice and that greater harm would result to the patient if one had to return to using outdated and older drugs that have been proven to be less effective. She further recognized that often it is used with other drugs at lower dosages and that it was short acting. She maintained that permitting the CRNA to use propofol was consistent with the FDA’s position which mandates that the individual be trained in the administration of general anesthesia, which CRNAs are. Additionally, she noted that CRNAs have to be ACLS trained and therefore, can handle the untoward event.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO GO INTO EXECUTIVE SESSION FOR ADVICE OF COUNSEL

All parties, except for counseling staff, left the room. The Board returned to open session and announced the following.

CONCERNING THE ISSUE RELATING TO THE USE OF PROPOFOL FOR PURPOSES OF ACHIEVING CONSCIOUS SEDATION IN THE OFFICE SETTING, THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ESTABLISH AN AD HOC COMMITTEE TO GATHER AND EVALUATE RELEVANT INFORMATION, INCLUDING SCIENTIFIC LITERATURE, PERTAINING TO THE DRUG. IN THE MEANTIME, THOSE PHYSICIANS WHO WANT TO USE PROPOFOL IN THE OFFICE FOR CONSCIOUS SEDATION, WITH THE ADMINISTRATION AND MONITORING DONE BY A CRNA, SHOULD APPLY FOR ALTERNATIVE PRIVILEGES FOR CONSCIOUS SEDATION, INDICATING ON THE DELINEATION OF PRIVILEGE FORM (NEXT TO "OTHER") A DESIRE TO OBTAIN PRIVILEGES IN PROPOFOL.

It was noted that the application should be supported by the requisite documentation relating to training and experience specific to this medication. Additional information concerning the performance of procedures with propofol and the personnel involved may be sought when the application is being reviewed. It was further noted that while the application is pending before the Board, the physician may continue to use propofol as conscious sedation and may supervise CRNA administration and monitoring of the drug, while concurrently performing surgery or special procedures.

The Board also noted as a general reminder that physicians who wish to use propofol for conscious sedation, and believe that they do not need to seek conscious sedation alternative privileges because they are privileged in a hospital to supervise the administration of conscious sedation are asked to confirm that their hospital privileges include the supervision of the use of propofol for conscious sedation. Physicians in the office setting who perform procedures that require regional or general anesthesia and are not seeking alternative privileges because they are privileged in a hospital are asked to confirm that the regional or general anesthesia used in their office setting is administered or supervised by a physician with the privileges to use those anesthetic agents.

4. LEGISLATION

S 2753 Seeks to clarify the law concerning the emergency administration of epinephrine to students for anaphylaxis; seeks to increase the number of delegates trained to administer epinephrine, and to require a plan to reduce student exposure to allergens.

The bill was introduced by Senators Thomas K. Kean, Jr. and Shirley K. Turner; Co-Sponsored by Senators Martin and Sweeney.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE PROPOSAL AS IT IS IN THE BEST INTEREST OF PATIENT CARE.

S 2762 Seeks to establish limits for certain damages in medical malpractice actions.

The bill was introduced by Senator Joseph M. Kyrillos, Jr.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE BILL BECAUSE IT MAY BE THE FIRST STEP IN MOVING FORWARD IN SOME TYPE OF TORT REFORM AS IT WILL ENGENDER DISCUSSION ON THE RELEVANT ISSUES. THE BOARD BELIEVED THAT AS LONG AS THE ISSUE IS DORMANT, POTENTIAL HARM EXISTS TO BOTH THE PHYSICIANS AND MORE IMPORTANT, THE PATIENTS OF NEW JERSEY. THE CONTINUED DIALOGUE BY ALL INTERESTED PARTIES OF THESE CRUCIAL ISSUES IS IMPORTANT. THE BOARD RECOGNIZED THAT AS IN THE PAST IT WOULD PREFER THAT POTENTIAL TORT REFORM BE ACCOMPLISHED AS AN OVERALL INITIATIVE RATHER THAN IN A PIECE MEAL FASHION, HOWEVER, IT DOES NOT APPEAR THAT THOSE ATTEMPTS HAVE BEEN SUCCESSFUL. THE BOARD THEREFORE SUPPORTED THIS MEASURE AS A MEANS TO KEEP THE DISCUSSION ALIVE.

It was noted for the record that Board member Glenn Farrell, Esquire abstained from vote in this matter.

OLD BUSINESS

None.

INFORMATIONAL

- CME Announcements for 2006 - American Medical Seminars
- Physician Entrepreneur Does a Little of Everything
- Study Disputes Claims for 'ultra rapid' Heroin Detox

PUBLIC COMMENT

Respectfully submitted,

Bernard Robins, M.D., F.A.C.P.
President

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