

State Board of Medical Examiners  
Open Public Session Minutes  
November 10, 2004

The meeting of the New Jersey State Board of Medical Examiners was held on November 10, 2004 at the Richard J. Hughes Complex, 25 Market Street, 4th 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 Chen, Criss, Farrell, Haddad, Harrer, Huston, Moussa, Paul, Perry, Ricketti, Robins, Rokosz, Trayner, Walsh and Weiss.

**EXCUSED**

Board Members Lucas, and Patel.

**ABSENT**

Board Members Desmond and Wallace.

**ALSO PRESENT**

Assistant Attorney General Sharon Joyce, Deputy Attorneys General Dick, Ehrenkrantz, Kenny, Levine, Matthews, 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 8, 2003 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 11th day of November 2003.

**ANNOUNCEMENTS**

Mr. Weiss, Chairperson of the Budget and Finance Committee, reported to the Board that the Committee convened a conference call in order to review the proposed biennial fee increase. He also reported that the Committee was advised that the statute specifically prohibits the charging to the consumer for use of the "Physician Profile" web site. The Committee is continuing to explore whether other sources of funding might be available, as well as performing a line by line review to determine whether there are expenditures that can be cut. He also noted that the Medical Society has requested some information concerning the Board and the Division of Consumer Affairs' budgets. This matter has been referred to the Executive Committee for further review and proposed response. The Committee has requested additional information as to past fee increases and the charges imposed by other states.

**MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OCTOBER 13, 2004 OPEN BOARD MINUTES.**

**MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OCTOBER 18, 2004 OPEN CREDENTIALS COMMITTEE MINUTES.**

**MINUTES - THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OCTOBER 25, 2004 OPEN ATHLETIC TRAINER MINUTES**

**NEW BUSINESS**

## **1. AMENDMENT TO N.J.A.C. 13:44k-7.1, 7.2**

Attached was a Notice of Proposal for proposed amendments to N.J.A.C. 13:44K-7.1, 7.2 "Supervision Requirement: Temporary Licensed Occupational Therapist and Temporary Licensed Occupational Therapy Assistant; Responsibilities of Designated Supervisor." Comments, if any, are due by December 3, 2004.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED THAT IT DID NOT DESIRE TO MAKE ANY COMMENTS TO THE PROPOSED AMENDMENTS.

## **2. LEGISLATION**

A 3307 Seeks to establish demonstration needle exchange program in DHSS. The bill was introduced on September 30, 2004 and referred to the Assembly for Health and Human Services Committee.

It was noted that the Governor had signed an Executive Order establishing a syringe exchange program and that draft regulations are in the process of being drafted.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE PROPOSED LEGISLATION BECAUSE IT HAS BEEN DEMONSTRATED THROUGH SCIENTIFIC INVESTIGATIONS AND EPIDEMIOLOGICAL STUDIES THAT THESE PROGRAMS HELP TO REDUCE THE RISK OF HIV INFECTIONS AND DOES NOT INCREASE ILLEGAL DRUG USE.

Dr. Paul recused and abstained from vote in this matter.

A 3257 Seeks to permit limited pharmacy sales of syringes and needles without a prescription. The bill was introduced on September 23, 2004 and was passed by the Assembly (43-28-6) on October 7, 2004. It was received in the Senate on October 14, 2004 and referred to the Senate Health, Human Services and Senior Citizens' Committee.

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

Dr. Paul recused and abstained from vote in this matter.

S 1908 Seeks to establish the "New Jersey Health Care Access Study Committee". The bill was introduced on October 4, 2004 and was referred to the Senate Health, Human Services and Senior Citizens' Committee.

Also attached was a copy of A 1986, which seeks to establish the "New Jersey Health Care Access Study Committee". This bill was introduced on January 26, 2004 and passed by the Assembly (74-5-0) on March 11, 2004. It was referred to the Senate on March 22, 2004.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE BILL AND REQUESTED THAT A DESIGNEE REPRESENTATIVE SELECTED BY THE BOARD OF MEDICAL EXAMINERS BE INCLUDED ON THE COMMITTEE.

Dr. Paul recused and abstained from vote in this matter.

S 1930 Seeks to revise the procedures for the suspension or revocation of licenses for overdue child support. The bill was introduced on October 14, 2004 and referred to the Senate Health, Human Services and Senior Citizens' Committee.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THIS BILL, ALTHOUGH IT HAD QUESTIONS AS TO HOW THE PROCESS WOULD BE IMPLEMENTED, IT RECOGNIZED THAT THIS WOULD BE AN IMPROVEMENT TO THE EXISTING LAW. EVEN THOUGH THE BOARD RECOGNIZED THAT THIS WILL PLACE AN ADDITIONAL BURDEN ON THE BOARD OFFICE

WITHOUT ANY FUNDING SOURCE, THE BOARD BELIEVED THAT IT IS MORE APPROPRIATELY A BOARD FUNCTION RATHER THAN BEING HANDLED WITHIN THE COURT SYSTEM.

S 1939 Seeks to repeal assessment on gross receipts of certain ambulatory care facilities. It was introduced on October 14, 2004 and referred to the Senate Health, Human Services and Senior Citizens' Committee.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REFER THIS TO THE EXECUTIVE COMMITTEE TO REVIEW IT IN THE CONTEXT OF THE ENTIRE BILL.

A 3436 Seeks to authorize the Commissioner of DHSS to permit out of State emergency health care providers to practice in this State during a public health emergency.

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

Dr. Paul recused and abstained from vote in this matter.

## OLD BUSINESS

### ALTERNATIVE PRIVILEGES

Assistant Attorney General Joyce summarized the recent events relating to alternative privileges in the in Office setting for the Board. In light of the Court's recent decision whereby implementation of the regulations can begin, the Board extended the deadlines for application as follows:

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO:  
permit those that still have to pay to be extended to December 1, 2004;

extend the deadline to complete applications which have been started, but remain incomplete to January 1, 2005;  
and

permit those that still need to make an application to have until February 1, 2005.

## INFORMATIONAL

### PUBLIC COMMENT

Dr. Scott, Medical Society of New Jersey, raised an issue to the Board concerning QuestTest and handed some materials to the Board. Executive Director Roeder informed the members that he has already been in touch with a representative from the Department of Health and Senior Services on this issue. He is awaiting some additional materials and upon receipt, he will place the issue before the Executive Committee, which he anticipates will occur before the end of this year.

Respectfully submitted,

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

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