

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, November 14, 2012 at the Richard J. Hughes Justice Complex, 25 Market Street, 4<sup>th</sup> Floor Conference Center, Trenton, New Jersey. The meeting was called to order by President George J. Scott, D.P.M., D.O., FACOFF

ATTENDING

Board Members Berkowitz, Cheema, Criss, Howard, Krauss, Lomazow, Maffei, Rock, Scott, Stanley, Tedeschi and Walsh.

EXCUSED

Board Members Ciechanowski, DeGregorio, Jordan, Mendelowitz, Paul, Rajput, and Weiss.

ALSO PRESENT

Senior Deputy Attorney General Gelber; Deputy Attorneys General Ehrenkrantz, Levine, Puteska, and Warhaftig; William V. Roeder, Executive Director, and Harry Lessig, M.D., Medical Consultant.

## **STATEMENT CONCERNING THE ANNUAL NOTICE OF PUBLIC MEETINGS**

The requirements of the "Open Public Meetings Act" were satisfied by notice of this meeting given in the annual notice adopted by the New Jersey State Board of Medical Examiners on October 12, 2011 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 20<sup>th</sup> day of October 2011.

## **ANNOUNCEMENTS**

Dr. Scott reminded that the Board that it received a Petition for Rulemaking filed on behalf of the New Jersey Hospital Association. The Petition, among other things, seeks to have the Board amend a portion of its professional practice structure rule to permit employment of physicians (and licensed health care professionals in closely allied fields) by a corporation under certain conditions. At the October meeting, the Board reviewed the Petition and approved for publication the Notice of Receipt of the Petition in the *New Jersey Register*. Additionally, it recommended that a Committee of the Board be formed to review the issues. Members of the Committee have met on two occasions and planned on meeting following these proceedings. Pursuant to N.J.A.C. 1:30-4.2, the Committee recommended that the Committee continue to study the issue for an additional ninety days to determine what rule making, if any, may be appropriate, warranted, and in the best interests of the citizens of New Jersey. The additional time is needed because of the complex nature of the Petition and its far reaching implications.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO  
STUDY THE ISSUE FOR AN ADDITIONAL 90 DAYS.

The Motion was made by Dr. Berkowitz and seconded by Dr. Maffei. It carried unanimously.

Board Member Heather Howard provided an update on the Affordable Care Act, and specifically the provision to increase Medicaid primary care rates to Medicare rates for 2013 and 2014.

**MINUTES** THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OCTOBER 10, 2012 OPEN BOARD MINUTES.

The Motion, made by Dr. Cheema and seconded by Ms. Criss, carried unanimously.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE APRIL 23, 2012 ATHLETIC TRAINERS' ADVISORY COMMITTEE OPEN MINUTES.

The Motion was made by Dr. Cheema and seconded by Dr. Tedeschi. It carried unanimously.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE MAY 21, 2012 ATHLETIC TRAINERS' ADVISORY COMMITTEE OPEN MINUTES.

Dr. Tedeschi made the motion and it was seconded by Dr. Cheema. It carried unanimously.

## **NEW BUSINESS**

### **Assembly Bill 3251**

Seeks to permit pharmacists to administer vaccines to children 14 year of age or older.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED NOT TO SUPPORT THE BILL. WHILE THE BOARD RECOGNIZED THAT IMMUNIZATION STATUS IN NEW JERSEY IS LOW AND THIS MAY

PROVIDE INCREASED ACCESS, HOWEVER, SUCH A LAUDABLE GOAL DID NOT OUT WEIGHT THE CONCERNS OF THE BOARD. THE BOARD BELIEVED THAT THE ATTENDING PHYSICIAN SHOULD BE PROVIDING THIS BASIC AND PRIMARY CARE. THE PHYSICIAN HAS THE MOST CURRENT KNOWLEDGE ABOUT WHICH VACCINES SHOULD BE RECEIVED WHEN AND IN WHAT ORDER, INCLUDING A NUMBER OF VARIANTS THAT MAY BE AT ISSUE. THE BOARD WAS ALSO CONCERNED THAT RECEIVING VACCINES IN POTENTIALLY A NUMBER OF DIFFERENT LOCALES WOULD NOT PROVIDE THE PRIMARY CARE PHYSICIAN WITH COMPLETE MEDICAL RECORDS. WHILE IT ACKNOWLEDGED THAT THE VACCINES WOULD ONLY ISSUE PURSUANT TO A PHYSICIAN ORDER, THIS MAY NOT BE SUFFICIENT TO ASSURE APPROPRIATE COMPLIANCE OR SHARING OF CRITICAL PATIENT RECORD INFORMATION.

The Motion was made by Mr. Walsh and seconded by Dr. Lomazow. It carried unanimously

## **OLD BUSINESS**

### **ATHLETIC TRAINER ADVISORY COMMITTEE PROPOSED AMENDMENTS**

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The comment period for the Athletic Trainers proposed regulatory amendments has closed. Attached for the Board's consideration were draft responses to the comments received. Approval was sought to publish as a final adoption in the *New Jersey Register*.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO PUBLISH IN *THE NEW JERSEY REGISTER* ITS RESPONSES TO THE COMMENTS AND THE AMENDMENTS AS A FINAL ADOPTION.

## **INFORMATIONAL**

Nothing Provided.

## **PUBLIC COMMENT**

None.

Respectfully submitted,

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George J. Scott, D.P.M., D.O., FACOFP  
Board President

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