

State Board of Medical Examiners

Minutes

December 8, 2006

The meeting of the New Jersey State Board of Medical Examiners was held on December 8, 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 Criss, Haddad, Harrer, Lucas, Moussa, Paul, Perry, Ricketti, Robins, Rokosz, Trayner, Walsh and Weiss.

EXCUSED

Board Members Chen, Farrell, Huston, and Patel.

ABSENT

Board Members Desmond and Wallace.

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 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 announced that he has requested that the Division of Consumer Affairs run various budget scenarios removing some proposed costs. Upon receipt, a conference call among the budget committee will occur.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE NOVEMBER 10, 2004 OPEN BOARD MINUTES.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE NOVEMBER 18, 2004 OPEN CREDENTIALS COMMITTEE MINUTES. Dr. Rokosz recused from discussion and vote in the matter of St. Georges?.

MINUTES THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE NOVEMBER 29, 2004 ATHLETIC TRAINERS COMMITTEE MINUTES.

NEW BUSINESS

1. DEPARTMENT OF BANKING AND INSURANCE PROPOSED AMENDMENT

Attached wa a copy of the Department of Banking and Insurance proposed amendment: Division of Insurance, Medical Malpractice Insurance - Renewal and Nonrenewal Notices. Comments were due by December 31, 2004.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED NOT TO MAKE ANY COMMENTS TO THE PROPOSED AMENDMENT.

2. POSSIBLE AMENDMENT TO N.J.A.C. 13:35-6a.1, ET SEQ.

Attached was a letter from Christina Woodward Strong, Esquire, submitted on behalf of the New Jersey Trauma Center, the American College of Surgeons Committee on Trauma, and the Atlantic NeuroSurgical Specialists. They were requesting consideration of changes to N.J.A.C. 13:35:6A.1, the Board's regulations relating to the clinical standards for the declaration of brain death.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REFER THE MATTER TO A COMMITTEE OF THE BOARD FOR FURTHER REVIEW AND STUDY. Dr. Robins appointed Dr. Harrer (Chairperson), Drs. Haddad and Rokosz and Mr. Farrell as members of the committee.

3. LEGISLATION

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. At the last Board meeting, this matter was referred back to the Executive Committee for further review. In particular, questions arose as to whether there were other provisions of the current law that should also be amended.

The Executive Committee was generally in support of the bill. It proposed, however, to also repeal Section 4(f) because under this provision, CAT scan and MRI facilities in physicians' offices, which have previously not been subject to the jurisdiction of the Department of Health and Senior Services, will need to be licensed by the Department. This will entail a substantial licensure fee and could at some time expand to the one room operating room or physician office because the Commissioner of Health is permitted to add to the list of potential licensed facilities.

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

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

A 3461 Seeks to establish the "Hospital Infection Reporting Act."

The Executive Committee recommended support.

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

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

OLD BUSINESS

4. PROPOSED AMENDMENT - N.J.A.C. 13:35-6.16 LIMITED LIABILITY COMPANY

Attached were the comments received and the draft responses regarding the Board's proposed amendment to N.J.A.C. 13:35-6.16, Limited Liability Companies, as an appropriate business structure. Board approval was sought for publication in the New Jersey Register as a final adoption.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE FOR PUBLICATION IN THE NEW JERSEY REGISTER AS A FINAL ADOPTION THE AMENDMENT TO N.J.A.C. 13:35-6.16.

INFORMATIONAL

PUBLIC COMMENT

The President of the New Jersey Society of Plastic Surgeons addressed the Board. He acknowledged the proposed new

rule on new and novel procedures and he agreed with the intent of the rule. He further mentioned that patient safety is paramount to any new regulations that the Board proposes, but believed that in balance, the proposed new rule may have some unintended consequences that may actually reduce the availability of some novel procedures and thereby, impede appropriate patient care. For example, he cited the amount of proof that may be required under the new rule prior to performing a procedure. Additionally, he pointed out that the off patent use is not always well documented and although it may be safe and effective, without the documented proof, the procedure may not be permitted under the proposed rule. Members of the Medical Society and the New Jersey Dermatology Society echoed similar concerns.

Respectfully submitted,

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