

OPEN BOARD MINUTES

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

December 9, 2015

PAGE - I

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, December 9, 2015, at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey. The meeting was called to order by the Board Secretary, George J. Scott, DPM, M.D.

PRESENT

Board Members Angrist, Carniol, Criss, DeLuca, Haidri, Kubiel, Lopez, Maffei, Metzger, Miller, Parikh, Rao Rock, Scott and Shah.

EXCUSED

Board Members Steven Berkowitz, Stewart Berkowitz, and McGrath.

ABSENT

ALSO PRESENT

Senior Deputy Attorneys General Flanzman; Deputy Attorneys General Brown-Pietz, and Hafner; William V. Roeder, Executive Director of the Medical Board, Sindy Paul, M.D., Medical Director and Harry Lessig, M.D., Consultant Medical Director.

**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 September 10, 2014 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 24th day of September 2014.

ANNOUNCEMENTS - Dr. Paul J. Carniol was welcomed and sworn in as a newly appointed Board Member.

MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OPEN BOARD MINUTES

NOVEMBER 4, 2015

The Motion was made by Dr. Angrist and seconded by Ms. Miller. It carried unanimously.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE PHYSICIAN ASSISTANT COMMITTEE MINUTES SEPTEMBER 17, 2014

The Motion was made by Dr. Rao and seconded by Dr. Shah. It carried unanimously.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE ELECTROLOGIST ADVISORY COMMITTEE MINUTES SEPTEMBER 11, 2014

The Motion, made by Dr. Rao and seconded by Dr. DeLuca, carried unanimously.

OPEN BOARD MINUTES

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

December 9, 2015

PAGE - 3

**THE BOARD, UPON MOTION MADE
AND SECONDED, VOTED TO
APPROVE THE ATHLETIC TRAINERS
ADVISORY COMMITTEE MINUTES
FEBRUARY 23, 2015**

The Motion was made by Dr. Metzger and seconded by Ms. Lopez. It carried unanimously.

NEW BUSINESS

LEGISLATION

Assembly Bill 4207

Seeks to require public school students with concussion to be evaluated by a physician before return to school and the school district to provide accommodations to the student as needed.

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

The Motion was made by Ms. Lopez and seconded by Dr. Shah. It carried unanimously.

Assembly Bill 4695

Seeks to require health insurance coverage for contraceptives to include prescriptions for twelve months.

THE BOARD VOTED TO NOT TAKE A POSITION ON

OPEN BOARD MINUTES

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

December 9, 2015

PAGE - 4

THIS BILL.

The Motion, made by Dr. Metzger and seconded by Dr. Rao, carried with fourteen voting in favor and Ms. Criss voting in opposition.

Assembly Bill 4702

Seeks to provide that if the minor appears to have been sexually assaulted, health care professionals, in addition to physicians, may authorize forensic sexual assault examinations and urgent medical care, without parental consent.

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

The Motion carried unanimously after being made by Ms. Criss and seconded by Dr. Scott.

Assembly Bill 4722

Seeks to establish a Prescription Drug Review Commission and to require production costs be reported for certain prescription drugs.

**THE BOARD, UPON MOTION MADE AND
SECONDED, VOTED TO OPPOSE THIS
LEGISLATION SINCE IN LIGHT OF THE ALREADY
EXISTING FEDERAL PROVISIONS, THE BOARD
SAW NO NEED TO CREATE THE COMMISSION AS**

OPEN BOARD MINUTES

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

December 9, 2015

PAGE - 5

IT WOULD BE DUPLICATIVE.

The Motion was made by Dr. Metzger and seconded by Dr. Shah. It carried unanimously.

Assembly Bill 4732

Seeks to establish criminal penalties for physicians who fail to provide certain information prior to performing abortion procedures involving donation of cadaveric fetal tissue.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THIS BILL BECAUSE OF THE INCLUSION OF THE PENALTY PROVISION WHICH CRIMINALIZES THE FAILURE TO PROVIDE THE REQUIRED INFORMATION. IT ALSO NOTED THAT PROVIDING INFORMED CONSENT WOULD NECESSARILY INCLUDE PROVIDING INFORMATION ABOUT THE POTENTIAL CONSEQUENCES (I.E., THE NATURE, PERFORMANCE, OR TIMING). THE LAW IS UNNECESSARY.

The Motion was made by Ms. Criss and seconded by Dr. Shah. It carried unanimously.

Assembly Bill 4749

Seeks to prohibit certain steering and marketing practices involving dispensing of prescription drugs and drug samples.

OPEN BOARD MINUTES

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

December 9, 2015

PAGE - 6

THE BOARD, UPON MOTION MADE AND SECONDED, NOTED THAT IT IS GENERALLY SUPPORTIVE OF INITIATIVES WHICH DEAL WITH MEASURES TO PROHIBIT STEERING AND OTHER MARKETING DEVICES IN ANY CONTEXT WHICH CREATES A CONFLICT BETWEEN APPROPRIATE MEDICAL CARE, PATIENT CHOICE, AND ECONOMIC BENEFIT. ADDITIONALLY, THE BOARD HAS ALWAYS RECOGNIZED THE SANCTITY OF THE PATIENT INFORMATION/MEDICAL RECORD AND AUTHORIZES DISCLOSURE ONLY UNDER CERTAIN, LIMITED CIRCUMSTANCES. IT DID HAVE SOME CONCERNS ABOUT THE UNINTENDED CONSEQUENCES THAT THIS BILL MAY HAVE ON LEGITIMATE BUSINESS RELATIONSHIPS AND THE DISPENSING OF SAMPLE MEDICATIONS. IT ALSO NOTED THAT UNDER CERTAIN THIRD-PARTY BENEFIT PLANS, THE PATIENT HAS NO CHOICE ABOUT THE PHARMACY THAT NEEDS TO BE USED AND ALTHOUGH NOT INTENDED, MAY PROHIBIT LEGITIMATE TRANSFER OF PRESCRIPTIONS TO THOSE PHARMACIES.

Dr. Shah made the motion, which was seconded by Dr. Rao. It carried unanimously.

Assembly Bill 4760

Seeks to require health care practitioners to discuss the risk

OPEN BOARD MINUTES

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

December 9, 2015

PAGE - 7

of addiction when prescribing certain drugs to patients who are minors.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE BILL, ALTHOUGH IT QUESTIONED THE NEED AS IT BELIEVED THAT THE REQUIREMENTS SOUGHT TO BE PUT IN PLACE WERE ALREADY PART OF THE CURRENT PROVISION OF HEALTH CARE SERVICES.

The Motion was made by Dr. Parikh and seconded by Dr. DeLuca. It carried unanimously.

Senate Bill 3236

Seeks to permit pharmacists to prescribe self-administered hormonal contraceptives under certain circumstances; also, seeks to clarify certain health insurance coverage requirements for contraceptive prescriptions.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THIS BILL AS IT CREATES A SCOPE OF PRACTICE WHICH IS OUTSIDE THE EDUCATION AND TRAINING OF THE PHARMACIST AND THAT THE DECISION OF WHETHER OR NOT TO PRESCRIBE CONTRACEPTIVES (OR WHAT TYPE) INVOLVES THE CONSIDERATION OF VARIOUS MEDICAL ISSUES IN WHICH ONLY PHYSICIANS ARE

OPEN BOARD MINUTES

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

December 9, 2015

PAGE - 8

APPROPRIATELY TRAINED. THIS IS THE PRACTICE OF MEDICINE, NOT PHARMACY.

The Motion was made by Dr. Scott and seconded by Dr. Rock. It carried unanimously.

Senate Bill 3246

Seeks to exempt intra-operative monitoring services rendered during inpatient surgical procedures from physician self-referral restrictions.

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

The Motion, made by Dr. Shah and seconded by Ms. Lopez, carried unanimously.

Senate Bill 3254

Seeks to authorize the pharmacist to provide opioid antidotes to patients without individual prescriptions, in accordance with standardized protocols to be adopted by the Board of Pharmacy.

THE BOARD, UPON MOTION MADE, VOTED TO SUPPORT THIS BILL INASMUCH AS IT ADDRESSES A CURRENT HEALTH ISSUE AND THE USE OF OPIOID ANTIDOTES HAS PROVEN BENEFICIAL TO PATIENTS AND THEIR FAMILIES.

OPEN BOARD MINUTES

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

December 9, 2015

PAGE - 9

THE BOARD OF PHARMACY IS ENTRUSTED WITH DRAFTING REGULATIONS AND THE BOARD WOULD COMMENT AT THAT TIME ON THE PROPOSED PROTOCOLS.

The Motion was made by Dr. Scott and seconded by Ms. Criss. It carried with thirteen in favor, one in opposition and one abstention.

OLD BUSINESS

Nothing Scheduled

INFORMATIONAL

Nothing scheduled

PUBLIC COMMENT

None.

Respectfully submitted,

George J. Scott, D.P.M. M.D.,

OPEN BOARD MINUTES
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS
December 9, 2015 **PAGE - 10**

Board Secretary

WVR/br