

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, February 13, 2013 at the Richard J. Hughes Justice Complex, 25 Market Street, 4th Floor Conference Center, Trenton, New Jersey. The meeting was called to order by President George J. Scott, D.P.M., D.O., FACOFP

ATTENDING

Board Members Berkowitz, Cheema, Criss, DeGregorio, Krauss, Maffei, Paul, Rajput, Rock, Scott, Stanley, and Walsh.

EXCUSED

Board Members Ciechanowski, Howard, Jordan, Lomazow, Mendelowitz, Tedeschi and Weiss.

ALSO PRESENT

Senior Deputy Attorneys General Dick and Flanzman; Deputy Attorneys General Hafner, Levine, Puteska, and Ringler; 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 September 12, 2012 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 October 2012.

ANNOUNCEMENTS - None.

MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED,
VOTED TO APPROVE THE JANUARY 9, 2013 OPEN
BOARD MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED,
VOTED TO APPROVE THE APRIL 26, 2013 OPEN
ELECTROLOGIST ADVISORY COMMITTEE MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED,
VOTED TO APPROVE THE JUNE 21, 2012 OPEN
ELECTROLOGIST ADVISORY COMMITTEE MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED,
VOTED TO APPROVE THE JANUARY 29, 2010
PERFUSIONIST ADVISORY COMMITTEE MINUTES

NEW BUSINESS

PROPOSED DEBT COLLECTION PROTOCOLS

Attached was a memo from Eric T. Kanefsky, Acting Director for the Division of Consumer Affairs which outlined a proposal for Outstanding Debt Collection Protocols.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO

APPROVE THE PROTOCOL.

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

ASSEMBLY BILL 3095

The Board reviewed the proposed “The Opioid Antidote and Overdose Prevention Act.”

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE PROPOSAL. THE BOARD NOTED THAT THE DEFINITION OF PATIENT WAS TOO BROADLY DEFINED AND WHILE THE LIKELY INTENT WAS TO INCLUDE THOSE PATIENTS AT RISK AND THE CURRENT DEFINITION MAY NOT COVER THIS CLASS OF PATIENTS AS IT APPEARS TO BE SOMEWHAT AMBIGUOUS. THE BOARD ALSO EXPRESSED CONCERNS ABOUT THE SAFETY ISSUES THAT WOULD NATURALLY FOLLOW IF THIS WERE TO BECOME LAW. WHILE THE INTENT WAS LAUDABLE, IT APPEARED THAT AS CURRENTLY DRAFTED ISSUES AS TO WHOM MIGHT BE ADMINISTERING THE MEDICATIONS APPEAR TO BE OPEN AND AS WRITTEN, THERE APPEARS TO BE SOME CONFUSION AND RISK THAT THE PRESCRIPTION MIGHT BE WRITTEN IN THE NAME OF ONE WHO IS NOT A PATIENT OF THE PRESCRIBER.

The Motion was made by Mr. Walsh and seconded by Ms. Criss. It carried with eleven votes in the affirmative and one abstention.

ASSEMBLY BILL 3328

Introduced as the “New Jersey Death with Dignity Act,” the bill seeks to permit qualified patients to administer medications to end a life in a humane and dignified manner.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE LEGISLATION. IT APPEARED TO THE BOARD THAT THIS MAY BE TANTAMOUNT TO LEGALIZED SUICIDE. THE PROPOSAL RAISED ISSUES OF MORALITY, ETHICS, AND LEGALITY. THE BOARD FURTHER RECOGNIZED THAT A DIAGNOSIS OF LESS THAN SIX MONTHS IS VERY DIFFICULT. THE BOARD RECOGNIZED THAT WHILE THERE ARE SOME SAFEGUARDS IN THE BILL, E.G., THE NEED FOR A PSYCHIATRIST TO OFFER A SECOND OPINION, THE PROPOSAL IN ESSENCE ASKS THE PHYSICIAN AS DECIDING WHEN IT MIGHT BE APPROPRIATE FOR THE PATIENT TO END HIS/HER LIFE.

The Motion was made by Mr. Walsh, seconded by Dr. Rajput. It carried with eleven members voting in favor, with one Board member voting in opposition

ASSEMBLY BILL 3586

Attached was a copy of revisions made to Assembly Bill 3586, which seeks to change the medical standards governing declarations of death upon the basis of neurological criteria.

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

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

ASSEMBLY BILL 3677

The bill seeks to designate ephedrine and psuedoephedrine as Schedule III, Controlled Dangerous Substances.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE IT. THE BOARD RECOGNIZED THAT THIS IS A ALREADY A HIGHLY REGULATED AREA AND IT ALREADY IS DIFFICULT TO OBTAIN THE MEDICATION. THIS BILL, HOWEVER, IS THE OVER LEGISLATING OF THE PRACTICE OF MEDICINE. WITH THE SAFEGUARDS ALREADY IN PLACE, THE BOARD DID NOT BELIEVE THERE WAS ANY REASON TO PUT MORE RESTRICTIONS ON SOMETHING THAT CURRENTLY HAS A NUMBER OF RESTRICTIONS AND PROTECTIONS PRIOR TO PURCHASE.

The Motion, made by Mr. Walsh and seconded by Ms. Criss, carried unanimously.

SENATE BILL 2412

Seeks to prohibit state departments and agencies from charging a fee to an applicant solely for clerical errors on an application form.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO SUPPORT THE BILL. ALTHOUGH THERE WAS SOME CONCERN BETWEEN WHAT IS A CLERICAL ERROR AND WHAT IS AN INTENTIONAL ERROR, THE BOARD SUPPORTED THE BILL.

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

SENATE BILL 2461

Seeks to require an annual physical examination of a child under nineteen years of age to include questions related to cardiac health.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE LEGISLATION AS THIS IS ALREADY PART OF A COMPLETE AND COMPREHENSIVE PHYSICAL EXAMINATION AT ANY PRACTITIONER'S OFFICE AS WELL AS PART OF A SPORTS EXAM. SPECIFIC QUESTIONS RELATING TO CARDIAC CONDITIONS AND ONE'S FAMILY HISTORY IS ALSO PART EVERY NEW PATIENT EXAMINATION AND GENERALLY QUESTIONS OF THIS NATURE ARE ON ALL INTAKE FORMS FILLED OUT BY NEW PATIENTS. THIS BILL ALSO APPEARS TO TAKE AWAY AUTHORITY

FROM THE BOARD CONCERNING THE PRACTICE OF ITS LICENSEES AND DELEGATING IT TO DHSS. THE PROPOSAL IS OVERREACHING AND AN ATTEMPT TO LEGISLATE THE DAY TO DAY MANAGEMENT OF A MEDICAL PRACTICE. THE LAW IS NOT NEEDED AS IT IS ALREADY PART OF A COMPLETE AND COMPREHENSIVE PHYSICAL EXAMINATION AND THE BOARD OPPOSES SUCH MICRO MANAGING OF THE PRACTICE OF MEDICINE.

The Motion, made by Mr. Walsh and seconded by Dr. Rajput, carried with eleven voting in favor with one board member voting in opposition.

OLD BUSINESS

Nothing.

INFORMATIONAL

Nothing Provided.

PUBLIC COMMENT

Dr. Ackerman addressed the Board. Ms. DeGregorio and Dr. Paul, both of whom were recused in this matter, pushed back from the table. Dr. Ackerman reminded the Board that her attorney has submitted an application seeking the reinstatement of her license. According to Dr. Ackerman, she believed that she has complied with all the conditions required by the Board. She also expressed her appreciation for the Board paying for her examinations. She asked that her application be considered by the Board and further requested that her request be

granted. She thanked the Board for the opportunity to speak to them in Public Session and assured the Board that she would provide any additional materials the Board needed to consider her application.

Respectfully submitted,

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

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