

OPEN BOARD MINUTES
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS
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A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, March 10, 2010 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 Paul C. Mendelowitz, M.D.

Board Members Baker, Berkowitz, Ciechanowski, Criss, DeGregorio, Howard, Jordan, Lambert, Lomazow, Mendelowitz, Paul, Scott, Stanley, Tedeschi and Walsh were present.

EXCUSED

Board Members Cheema, Iannuzzi, Rajput and Weiss.

ALSO PRESENT

Acting Attorney General Joyce, Senior Deputy Attorneys General Dick, Flanzman, and Gelber, Deputy Attorneys General Ehrenkrantz, Hafner, Krier, Levine, Puteska, Ringler, Silva, Warhaftig, and Executive Director Roeder.

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 9, 2009 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 1st day of October 2009.

ANNOUNCEMENTS

Dr. Mendelowitz announced that the Nominating Committee proposed that Mr. Walsh fill the position of Treasurer which was vacated by Dr. Nussbaum. No further nominations were made from the floor.

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO
SELECT MR. WALSH TO FILL THE REMAINDER OF THE TERM OF
TREASURER.**

The three new members were introduced and each provided a brief synopsis of their background. Ms. Heather Howard, former Commission of Department of Health and Senior Services, looked forward to continuing to contribute to the New Jersey Healthcare. Dr.

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Baker introduced himself and informed the Board that his practice is in Bergen/Hudson County and is a pediatrician. Dr. Tedeschi, a pediatrician from Cherry Hill, introduced himself as well. He has been in practice for about fifteen years and felt honored to serve as a member of the Board.

The Oath of Office was administered to the new members.

MINUTES **THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JANUARY 13, 2010 OPEN BOARD MINUTES.**

MINUTES **THE BOARD, UPON MOTION MADE AND SECONDED VOTED TO APPROVE THE MAY 14, 2009 AND JUNE 18, 2009 PERFUSIONIST ADVISORY COMMITTEE MINUTES.**

MINUTES **THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE NOVEMBER 5, 2009 ELECTROLOGY OPEN PUBLIC MINUTES.**

MINUTES **THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE 2007, 2008 AND 2009 ATHLETIC TRAINERS ADVISORY COMMITTEE MINUTES.**

Dr. Paul recused from vote on the April 27, 2009 Minutes.

NEW BUSINESS

SENATE BILL 695

It seeks to provide the certification of fitness professionals and the registration of certain employers.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE LEGISLATION. WHILE THE BOARD NOTED THAT FITNESS TRAINERS ARE AN UNREGULATED INDUSTRY AND PERHAPS FOR THE SAFETY OF THE CONSUMER, IT MAY BE NECESSARY TO HAVE SOME OVERSIGHT. THE AMBIT OF THOSE REGULATED UNDER THE PROPOSED BILL IS SO LARGE -- FROM A

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FACILITY (CHAIN GYM) TO THE PERSON THAT PROVIDES ASSISTANCE AT THE HOME – THAT THE BOARD DOUBTED THAT IT PROVIDED ADEQUATE PROTECTION TO THE CONSUMER. THE BOARD ALSO QUESTIONED THE TRAINING AND EXPERIENCE THAT WERE REQUIRED AND IT APPEARED THAT AS WRITTEN THE REQUIREMENTS WERE WHOLLY INSUFFICIENT. THE BOARD SUGGESTED THAT AT A MINIMUM THE LEGISLATION SHOULD INCLUDE A REQUIREMENT THAT INDIVIDUALS BE CERTIFIED THROUGH NATIONAL CERTIFICATION, EXAMINATION, AND REQUIRE ADDITIONAL TRAINING.

Dr. Mendelowitz voted in opposition.

SENATE BILL 848

It seeks to require certain health service corporations to encrypt concerning the security of certain personal information.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE BILL AS IT NOTED THAT THE BILL WAS PREMATURE AS THERE ARE NATIONAL STANDARDS IN THE PROCESS OF BEING FORMULATED AND SHOULD BE IMPLEMENTED SHORTLY. THE BOARD ALSO QUESTIONED WHETHER THE BILL WAS SUFFICIENTLY CLEAR AS TO THE METHOD THAT WOULD BE USED TO ACCESS THE INFORMATION AS SIMPLY REQUIRING A PASSWORD DID NOT APPEAR TO AFFORD SUFFICIENT CONFIDENTIALITY.

Dr. Lomazow entered the meeting.

SENATE BILL 89

It seeks to require licensed health care professionals and facilities to bill Medicare beneficiaries within six months of providing health care services.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO TAKE NOT POSITION ON THE PROPOSED LEGISLATION, BUT DID NOTE THAT THE THIRTY DAY REQUIREMENT MAY BE TOO SHORT AND SUGGESTED THE DRAFTERS CONSIDER A SIXTY DAY PERIOD. ADDITIONALLY, THE BOARD QUESTIONED WHETHER OR NOT THIS PROPOSED BILL CONFLICTED WITH CURRENT REGULATIONS.

SENATE BILL 812

It seeks concerns dispensation by an optometrist or ophthalmologist to a patient of drugs delivered to the eye through a contact lens.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE LEGISLATION AS THIS MEDICATION SHOULD NOT BE EXEMPTED. IT FEARED THAT THIS MAY BE THE BEGINNING OF A SLIPPERY SLOPE OF EXEMPTING INDIVIDUAL PRESCRIPTIONS AND THEREBY CONTRAVENE THE PURPOSE OF THE LAW.

SENATE BILL 1936

It seeks to require DHSS to make a list of drugs with “black box” warnings accessible through its website.

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

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO OPPOSE THE PROPOSED LEGISLATION NOTING THAT IT WAS AN UNFUNDED MANDATE AND IN THIS CLIMATE OF FISCAL DIFFICULTIES, IT MAY NOT BE NECESSARY. THE BOARD BELIEVED THAT IT WAS THE RESPONSIBILITY OF THE PRACTITIONER TO EDUCATE HIS/HER PATIENTS AND THAT THIS RESPONSIBILITY SHOULD NOT BE LEGISLATED. IT ALSO NOTED THAT MOST, IF NOT ALL THIS INFORMATION, WOULD BE AVAILABLE FROM OTHER SOURCES, IN PARTICULAR, THE INTERNET.

SENATE BILL 2268

It seeks to require physician supervision of nurse anesthetists.

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

THE BOARD, UPON MOTION MADE AND SECONDED, NOTED THAT THE REQUIREMENTS OF THE BILL WERE CONSISTENT WITH THE REQUIREMENTS WHICH ARE EMBODIED IN THE BOARD'S

REGULATION AT N.J.A.C. 13:35-4A ET SEQ. THE BOARD QUESTIONED THE NEED TO CODIFY THE REQUIREMENTS IN STATUTORY FORM BECAUSE THIS WOULD NOT PERMIT THE SAME FLEXIBILITY AS DOES THE REGULATORY PROCESS. THE BOARD'S REGULATIONS ARE VERY DETAILED AND ALREADY ADDRESS ISSUES OR CONCERNS WHICH THIS PIECE OF LEGISLATION WOULD SEEK TO ADDRESS. CODIFICATION MAY NOT BE IN THE BEST INTEREST OF PATIENTS AS THE FLEXIBILITY OF THE REGULATORY PROCESS PERMITS THE BOARD TO ADJUST ITS REGULATORY SCHEME AS THE PRACTICE OF MEDICINE EVOLVES IN A MORE TIMELY MANNER.

OLD BUSINESS

Nothing.

INFORMATIONAL

Nothing.

PUBLIC COMMENT

None.

Respectfully submitted,

Paul C. Mendelowitz, M.D., President

WVR/br