

**OPEN BOARD MINUTES  
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS**

**May 12, 2010**

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A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, May 12, 2010 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 Paul Mendelowitz, M.D.

Board Members Baker, Berkowitz, Cheema, Ciechanowski, Criss, DeGregorio, Iannuzzi, Jordan, Lomazow, Mendelowitz, Paul, Scott, Stanley, Tedeschi, Rajput, and Walsh.

**EXCUSED**

Board Members Howard, Lambert and Weiss.

**ALSO PRESENT**

Assistant Attorney General Joyce, Senior Deputy Attorneys General Dick, Flanzman, and Gelber, Deputy Attorneys General Levine and Warhaftig; Executive Director William V. Roeder and Mary Lou Mottola, Executive Director of the Medical Practitioner Review Panel.

**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 he is appointing Mr. Weiss (Chair) and Drs. Cheema and Ciechanowski to the Nominating Committee. The committee will announce the slate of officers at the June meeting. During the July meeting, nominations will also be accepted from the floor and the elections will take place.

**MINUTES**

**THE BOARD, UPON MOTION MADE AND SECONDED,  
VOTED TO APPROVE THE APRIL 14, 2010 OPEN BOARD**

**MINUTES.**

**NEW BUSINESS**

**1. DERMATOLOGIC SOCIETY OF NEW JERSEY  
PETITION FOR RULEMAKING**

The Dermatologic Society of New Jersey requested that the Board amend its regulation, N.J.A.C. 13:35-2B.10, 6.10, and 6.16. Attached was a copy of the Notice of Receipt which was published in the *New Jersey Register* May 3, 2010 at 42 N.J.R. 859(b).

The Board noted that the Petitioner is seeking three amendments to the Board's existing regulations. First, it seeks to amend N.J.A.C. 13:35-2B.10 by requiring only Board-certified or Board-eligible dermatologists to supervise physician assistants providing dermatological services. The petitioner also requested that the Board amend N.J.A.C. 13:35-6.10, which sets forth requirements for advertising and solicitation practices, to prohibit physicians from inappropriately referring to themselves as specialists. Specifically, the petitioner recommends that the Board amend the rule to prohibit physicians from holding themselves out as specializing in dermatology when such physicians lack Board-certification and specialty training as dermatologists. Finally, the petitioner requested that the Board amend its professional practice structure rule, N.J.A.C. 13:35-6.16, to limit the number of offices at which a dermatologist may supervise physician-extenders, including physician assistants, to three offices other than the dermatologist's primary place of practice.

**THE BOARD, UPON MOTION MADE AND SECONDED, DETERMINED THAT FURTHER REVIEW AND ANALYSIS OF THE ISSUES RAISED BY THE PETITIONER WERE WARRANTED IN ORDER TO DETERMINE WHETHER THE REQUESTED AMENDMENTS TO N.J.A.C. 13:35-2B.10, 6.10 AND 6.16 WERE NECESSARY AND REASONABLE. CONSISTENT WITH THE REQUIREMENTS OF N.J.A.C. 1:30-4.2, THE BOARD REFERRED THIS MATTER TO ITS EXECUTIVE COMMITTEE AND TO ITS PHYSICIAN ASSISTANT ADVISORY COMMITTEE, FOR FURTHER DELIBERATION AND FOR THE DEVELOPMENT OF INFORMATION FOR SUBSEQUENT PRESENTATION TO THE BOARD. SUCH INFORMATION SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO,**

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**OTHER STATES' LAWS AND REGULATIONS ON THIS TOPIC, AS WELL AS RELEVANT INFORMATION FROM THE VARIOUS PROFESSIONAL MEDICAL SPECIALTY SOCIETIES IN THE STATE ON THIS TOPIC.**

**OLD BUSINESS**

Nothing Scheduled.

**INFORMATIONAL**

**PUBLIC COMMENT**

Dr. Rami Geffner, a physician who said he has dedicated his professional career to the dermatologic care of the residents of New Jersey, addressed the Board on the issue of the Petition for Rule Making. He said there was a dire need within the state for quality dermatologic care and believed that patients were not receiving sufficient services. Most dermatologists, according to Dr. Geffner, worked limited hours with an average work week not exceeding thirty-four hours and limited to Monday through Friday. Additionally, most offices take only a few selective insurance plans and rarely will they accept Medicaid patients. In anticipation of "Obama care," he posited that it will only get worse. He believed that it can take up to two or three, and often, up to six months to get an appointment with a dermatologist. He said his offices ("Accredited Dermatology") accept all insurance plans, including Medicaid, and are open until 8:00 P.M. every night to serve patients. As the Board is aware, he continued, a number of people die of melanoma, largely because it remains an unnecessary, undiagnosed condition. If it isn't treated within a reasonable time, the prognosis is not good. He said delay in patients getting an appointment is not in the best interest of the State's. He also said the personnel who work with him are competent, and patients do not see any ancillary healthcare providers until the patient has been cleared by a physician. He contended that the petition, if granted, will only hinder and provide further obstacles to patient care, and should be denied. He said services are needed and that he saw this need about ten years ago when he started his practice. He said he has attempted to secure Board certified dermatologists for his practice, but no one applies. He asked the Board to consider his comments when it is considering the petition. The Board thanked him for his comments.

Christopher J. Hanifin, faculty member of the Seton Hall University Physician Assistant Program, addressed the Board on the issue of the Dermatology Petition. He noted that

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PAs in the State of New Jersey are heavily, if not the most heavily regulated health care profession in this State. He did not believe additional regulations were either appropriate or necessary. Mr. Hanifin pointed out that there are already supervision requirements in place and there has not been any valid empirical evidence which would support an increase in the existing requirements. He also posited that it was patently unfair to require something of the PA community that is not required for any other ancillary health care providers. He said the petitioner thinks that he is acting in the best interest of PAs, but, the National PA Society, as well as the New Jersey PA Society, do not agree with the advocated position. He said the petitioner began about a year ago to try to obtain evidence about the harm that PAs have caused, and did not develop any statistics that demonstrated that the care provided by any PA is less adequate than that provided by any other healthcare provider, including physicians who are Board certified. Finally, he addressed the access to patient care issue and stressed many of the issues raised by Dr. Geffner.

Matthew McQuillan, past president of the NJ PA Society also commented in opposition to the petition for rulemaking. In addition to the access to care issues already raised, he was concerned about how this might further limit care to those patients who could get an appointment. He also questioned whether this was the beginning of a slippery slope as to what other specialists might also be impacted. For example, how these suggested requirements might limit the primary care physician, especially in relation to the skin. He expressed a willingness on behalf of the PA Society to work with the Board and the Physician Advisory Committee on the issues raised by the petition.

Jerald Schlitzer, the practice manager for "Accredited Dermatology", reiterated the points made by the other speakers in opposition to the petition. He noted that he has reached out to the insurance carriers in particular, as well as other interested parties. He suggested that The Board reach out to them as well, to determine what complaints might exist, as he doesn't believe that the Board will find any. Plainly, according to Mr. Schlitzer, the petition should be rejected. The complaints of which he is aware revolve around the patients' inability to get dermatologic care. He asked the Board to deny the petition.

Respectfully submitted,

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Paul C. Mendelowitz, M.D., President

WVR/br