

ROLL CALL

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, July 13, 2011 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 T. Paul Jordan, M.D.

ATTENDING

Board Members Berkowitz, Cheema, Ciechanowski, Criss, DeGregorio, Jordan, Krauss, Lambert, Lomazow, Rajput, Scott, Stanley, Tedeschi and Walsh.

EXCUSED

Board Members Baker, Howard, Iannuzzi, Mendelowitz, Paul and Weiss.

ABSENT

ALSO PRESENT

Assistant Attorney General Joyce, Senior Deputy Attorneys General Dick, Flanzman, Deputy Attorneys General Ehrenkrantz, Hafner, and Puteska, 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 20th day of October 2010.

ANNOUNCEMENTS

None.

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MINUTES

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE JUNE 8, 2011 OPEN BOARD MINUTES.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OPEN FEBRUARY 28, 2011 OPEN MINUTES FOR THE MIDWIFERY LIAISON COMMITTEE.

NEW BUSINESS

1. **ELECTIONS**

The Nominating Committee, consisting of Mr. Dan Weiss (Chair), Board Members Weiss, Cheema, Ciechanowski, and Walsh, reported out the following slate of officers for 2011-2012.

Mr. Kevin Walsh acting at the direction of the Chair of the Nominating Committee announced the following:

President - Paul T. Jordan, M.D.
VicePresident - Kathryn Lambert, D.O.
Secretary - George J. Scott, D.P.M., D.O.
Treasurer - Stewart A. Berkowitz, M.D.

Nominations were then opened to the Floor. Upon hearing none made, the Executive Director closed the nominations and entertained a motion to close the nominations.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO CLOSE THE NOMINATIONS.

The election took place.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO ELECT THE SLATE OF OFFICERS PROPOSED BY THE NOMINATING

COMMITTEE.

It was approved unanimously upon the Motion made by Dr. Lomazow and seconded by Dr. Cheema.

Dr. Jordan, along with the other Board members, extended their gratitude for the hard work and tireless commitment of Kevin Walsh for his service as Vice President.

2. **PODIATRY ISSUE**

At its two prior meetings, the Executive Committee received a request for a clarification as to the Board's position of whether a podiatrist may supervise his/her own patient in a hyperbaric oxygen treatment center. At its April meeting, the Committee determined that it was not a permissible practice and informed the inquirers of its response. Upon receipt of that response, the Administrative Office received requests that the Committee re-review its position. During its July meeting, the Committee reaffirmed its position as detailed in the letter dated May 27, 2011 to Dr. Ricketti. Additionally, the Committee determined that it needed additional information for a continued review of the issues. The Committee requested authorization to reissue the letter as the Board's position and to request information from interested parties, such as hospitals, the New Jersey Podiatric Society and the Hyperbaric Society, in gathering information as to the qualifications, training and experience which would make such a practice permissible, for additional study.

A Motion made by Ms. Criss and seconded by Dr. Berkowitz to go into closed session for advice of counsel was made by the Board, and all parties, except administrative and counseling staff, left the room. Returning to open session, the Board announced the following.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO REISSUE THE MAY 27, 2011 LETTER TO DR. RICKETTI AS ITS CURRENT POSITION THAT PODIATRISTS ARE NOT PERMITTED TO SUPERVISE HIS/HER OWN PATIENTS IN A HYPERBARIC OXYGEN TREATMENT CENTER AND TO SEEK ADDITIONAL INFORMATION FROM INTERESTED PARTIES AS TO THE QUALIFICATIONS, TRAINING AND EXPERIENCE WHICH WOULD MAKE SUCH A PRACTICE PERMISSIBLE, FOR ADDITIONAL STUDY.

The Motion was made by Dr. Rajput and seconded by Mr. Walsh. It carried, except Dr. Cheema voted in opposition.

Subject to the Public Comments received and as discussed below, the Board made the following amendment to this motion.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MODIFY IN PART AND AFFIRM IN PART THE ABOVE MOTION. IT AFFIRMED ITS STATEMENTS IN THE MAY 27TH LETTER INASMUCH AS IT PROHIBITS PODIATRISTS TO SUPERVISE HIS/HER OWN PATIENTS IN THE HYPERBARIC CHAMBERS AS IT CANNOT FIND ANY BOARD APPROVAL OR, FOR THAT MATTER, ANY POSITION FOR SUCH A PRACTICE. IT FURTHER REAFFIRMED ITS AUTHORIZATION TO SOLICIT FROM INTERESTED PARTIES ADDITIONAL INFORMATION ON THE ISSUE.

THE BOARD, HOWEVER, MODIFIED THE STATEMENTS MADE IN THE MAY 27TH LETTER AS THEY RELATED TO RESTRICTING HISTORY AND PHYSICALS TO ONLY CLASS IA PATIENTS.

This Motion made by Criss and seconded by Rajput carried unanimously

3. **P.L. 2011, C.53**

Attached was a new law which requires that the “physician consulted” or the hospital administration be obligated to report certain wounds that are treated at the hospital to both local and State police.

The Board accepted this as informational.

4. **BILL COMMENT A4185**

The Bill seeks to require certain disclosures by health care professionals.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED NOT TO TAKE A POSITION ON THE BILL; HOWEVER, IT NOTED THAT OTHER ORGANIZATIONS, SUCH AS OSTEOPATHIC AND PODIATRIC,

BE INCLUDED IN THE LEGISLATION.

The Motion, made by Dr. Lomazow and seconded by Dr. Rajput, carried.

OLD BUSINESS

Nothing Scheduled.

INFORMATIONAL

PUBLIC COMMENT

A representative from the Hospital Association spoke and asked that the Board permit the podiatric community to continue in the practice of supervising the hyperbaric treatment at such time as appropriate rule making is completed. The podiatrists have engaged in this practice throughout the country and there have not been any untoward results. It was noted that there is a plenary physician on site who is readily available. There have not been any problems reported or issues raised on these services. The wisdom of prohibiting the podiatrists' involvement and limitation in the performance of history and physicals, as well as the hyperbaric chambers without further dialogue from interested parties was questioned. It was requested that the *status quo* be maintained until after the additional information is gathered and the issues are fully vetted. The Board's decision was requested to be reconsidered.

Dr. Ricketti, an immediate past President of the New Jersey Podiatric Society and former Board member, appreciated the Board's request to gather additional information on the supervision issue. He did, however, request a stay on the issue of podiatrists only being permitted to perform history and physicals on Class IA patients as articulated in the May 2011 letter. As he recalled it, and as he believed the Board Minutes would verify, the Board in 2003 did not impose such a restriction and, indeed, permitted history and physicals to be performed on all Class patients. He respectfully requested the Board reconsider, at a minimum, this restriction even during the study of the

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hyperbaric issue. To do otherwise, he argued, would have a negative impact on the health, safety and welfare of the citizens of the State.

At this time, upon Motion made and seconded, the Board convened in Closed Session for advice of counsel and deliberations on the request for reconsideration. This motion carried unanimously and was made by Mr. Walsh and seconded by Dr. Scott.

Returning to open session, it announced its decision as recorded above under the Podiatry Issue section of these minutes.

Respectfully submitted

Paul T. Jordan, M.D., President

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