

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

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ROLL CALL

A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, July 14, 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 Mendelowitz, M.D.

Board Members Berkowitz, Cheema, Ciechanowski, Criss, Howard, Lambert, Mendelowitz, Paul, Rajput, Scott, Stanley, Tedeschi, and Walsh, were present.

EXCUSED

Board Members Baker, DeGregorio, Jordan, Iannuzzi, Lomazow and Weiss

ALSO PRESENT

Assistant Attorney General Joyce, Senior Deputy Attorneys General Dick, Flanzman, and Gelber; Deputy Attorneys General Ehrenkrantz and Warhaftig; Executive Director William V. Roeder and Mary Lou Mottola, Executive Director, 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

The Board was informed that former Board member Dr. Haddad suffered a heart attack and required surgery. He is recovering and the Board wished him well in his recovery.

Additionally, the Board expressed its best wishes to Board Member DeGregorio, who was home recovering from some minor surgery.

MINUTES

**THE BOARD, UPON MOTION MADE AND SECONDED,
VOTED TO APPROVE THE JUNE 9, 2010 OPEN BOARD**

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MINUTES.

**THE BOARD, UPON MOTION MADE AND SECONDED,
VOTED TO APPROVE THE APRIL 2009 OPEN
MIDWIFERY LIAISON COMMITTEE MINUTES.**

**THE BOARD, UPON MOTION MADE AND SECONDED,
VOTED TO APPROVE THE OPEN JUNE 2009
MIDWIFERY LIAISON COMMITTEE MINUTES.**

**THE BOARD, UPON MOTION MADE AND SECONDED,
VOTED TO APPROVE THE OPEN AUGUST 2009
MIDWIFERY LIAISON COMMITTEE MINUTES.**

**THE BOARD, UPON MOTION MADE AND SECONDED,
VOTED TO APPROVE THE OPEN OCTOBER 2009
MIDWIFERY LIAISON COMMITTEE MINUTES.**

**THE BOARD, UPON MOTION MADE AND SECONDED,
VOTED TO APPROVE THE OPEN DECEMBER 2009
MIDWIFERY LIAISON COMMITTEE MINUTES.**

NEW BUSINESS

1. ELECTIONS

Prior to conducting the elections, Dr. Mendelowitz thanked the Board members to the support they have given him during his presidency. He appreciated the confidence they expressed in him in electing him two years ago. He assured the Board that he would continue to work with the members as he steps down. He noted that while he always thought of himself as a "physician advocate," the time he spent as President made the mission of the Board to protect the public increasingly clear to him. He recognized that by and large the vast majority of physicians in the State of New Jersey provide high quality of healthcare services to their patients. He has experienced tremendous pride in being able to experience the professional treatment rendered to patients across the state by his colleagues. He complimented the Board on the job that it does in protecting the public and working so tirelessly for the licensees under the Board of Medical Examiners.

Dr. Mendelowitz thanked everyone that worked so hard to assist him during his tenure. He appreciated the efforts of all the Deputy Attorneys General, both prosecution and counseling staff, as well as the staff in the administrative office. In particular, he expressed that it was his delight to have worked with the Executive Director and

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thanked him for his “witty repartee.”

The Board members expressed their thanks to Dr. Mendelowitz for his leadership and ability to balance the Board’s mandate to protect the public against an advocacy role, which included his efforts toward all healthcare professionals in the State.

Elections for the term 2010-2011 were conducted. The members were reminded that at the June Board meeting, the Nominating Committee reported the following slate of officers:

President	Paul Jordan, M.D.
Vice - President	Kevin Walsh, P.A.
Secretary	Kathryn Lambert, D.O.
Treasurer	George J. Scott, D.P.M., D.O.

Additional nominations were open to the floor. Hearing none,

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

Motion made by Dr. Rajput and seconded by Dr. Cheema. The Motion carried unanimously.

**THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO
ELECT THE SLATE OF OFFICERS AS REPORTED BY THE
NOMINATING COMMITTEE.**

Motion made by Dr. Tedeschi and seconded by Dr. Paul. It carried unanimously.

In place of Dr. Jordan who was away on vacation in Italy, Mr. Walsh thanked the Board members for the vote of confidence expressed in each of the officers elected. In his absence, Mr. Walsh conducted the remaining portions of the meeting.

2. EXECUTIVE ORDER NUMBER TWO

Pursuant to Executive Order #2, all State agencies were required to: “. . . identify those regulations and processes that impede responsible economic development as a result of: i) providing insufficient or contradictory guidance (inter and intra-agency) to applicants for permits, thus leading to delay or denial of the permit applications; or ii) exceed legislative intent or federal standards without well-documented cause, thus placing the state at a competitive disadvantage in attracting investment and jobs.”

The Board was asked to consider a number of items which had been identified by the Executive Committee as possibly falling into the Executive Order # 2 criteria.

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THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE SUGGESTED CHANGES AND REFERRED THE MATTER BACK TO THE EXECUTIVE COMMITTEE TO WORK ON THE DRAFT LANGUAGE OF THE CHANGES IN CONSULTATION WITH THE REGULATORY ANALYST.

OFF AGENDA ITEM

The Administrative Office made a presentation of the anticipated computer based Orientation Course for newly licensed physicians and podiatrists.

OLD BUSINESS

Nothing Scheduled.

INFORMATIONAL

Nothing Scheduled.

PUBLIC COMMENT

Dr. Doctoroff, D.O., President of the Dermatologic Society of New Jersey, addressed the Board. He reminded the Board that he recently submitted a request that certain amendments to the Board's regulations be made on behalf of his members. He explained that he submitted the petition in response to years and years of complaints from his members. Over the years, members of the Society have complained about the number of individuals that are not qualified practicing and advertising as dermatologists. As with other specialties, Dr. Doctoroff recognized and outlined the rigorous training and education required in order to be certified as a dermatologist. He posited that it was in the best interest of the people of New Jersey that they be examined and/or treated by qualified practitioners. He has surveyed the other states and noted that in Florida, for example, rules have been adopted that all offices be located within 28 miles of the main office of practice. He suggested that New Jersey may consider a similar rule for dermatology practices. He further argued that the goal of the petition was to assure that the citizens of New Jersey would receive the optimum of dermatologic care from those that are appropriately qualified to provide that care. Dr. Doctoroff questioned the validity of the argument that patients have to wait an inordinate amount of time prior to being seen. He assured the Board that dermatologists prioritize patients and has never known that a patient presenting with a serious condition had to wait months before being seen.

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Dr. Doctoroff also addressed the point that the Physician Assistant profession in New Jersey was over regulated. He noted that the purpose of the requested amendments was not to regulate any other health care professional. However, he continued, if patient safety was at issue then he believed that this mandated a stricter regulatory scheme on the part of the Board.

Finally, he argued that it was difficult to quantify any harm being created by any improper supervision of the health care professional physician extenders. He further posited that this data may be difficult to obtain because it may be years and for a varied number of reasons that a mis diagnosis of melanoma might occur.

He closed by requesting that the Board approve the petition and seek to adopt amendments to existing regulations. He offered any assistance or expertise the Board may need in working on this initiative.

Dr. Galferrin spoke in support of the Petition and again stressed that it was not the Dermatologic Society's intent to limit those who can treat skin conditions. He, as well as his colleagues, is most concerned about physicians that might be in a supervisory role who does not possess the requisite training to supervise the provision of dermatologic services. He assured the Board that the sought after amendments only related to dermatology and did not even suggest that it should be applied to any other speciality.

Dr. Dermin addressed the Board and offered his background, which includes the teaching of dermatology residents. He also stressed that the amendments were not intended to apply to any other specialty or areas of practice. He recognized that there are many qualified family practice physicians that appropriately treat skin disorders. He also noted that these patients are aware that they are seeing a family practitioner. He is more concerned with those that believe they are going to receive care from some dermatologists because of advertising or the particular name of the practice group and do not. The care provided by a dermatologist, he continued, is markedly different because of the rigorous training, education and experience. Because of this training, the dermatologist is able to recognize and treat the nuances of skin disorder. He was not aware of any other field where the supervising physician of the physician extenders isn't qualified in the field in which he/she is supervising the health care professional. He believed the petition is simply looking to codify this within the regulatory scheme.

David Rohn also supported the Petition and echoed the concepts and ideas already expressed in support. He stressed that the wait times presented in opposition of the amendments was exaggerated and assured the Board that serious calls from patients are given appointments for the same day or the next day.

Barbara Lopez, incoming President of the Physician Assistant Society of New Jersey,

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commented on the proposal. She asked that the Board take into consideration that the Society also takes seriously patient safety and access issues. Her membership is committed to providing quality health care that is readily accessible to the citizens in the State of New Jersey. She noted that the PAs embrace the scope of the physician practice and that it is the physician who has delegated the practice/health care provided to the patient. She continued by arguing that existing regulations allow the Board to discipline any of its licensees whenever he/she has misrepresented his/her credentials or acted outside the appropriate scope of practice. Ms. Lopez did not believe that targeting one practice area or specialty against another was appropriate or necessary. In essence, granting the amendments sought would create two tiers of physician assistants. Additionally, she questioned whether a bright line existed between the various specialties because as is the case with most of medicine, different disciplines overlap, noting that there is a wide variety of ailments that affect the whole patient. She again questioned where one would draw the line and it may be the case that granting the requested amendments may only blur the line even further.

Lawrence Downs, Esq., General Counsel, Medical Society of New Jersey, complimented the Board on the Orientation Course presented earlier in the meeting. He is looking forward to its debut and viewed it as a resource not only for the newly licensed, but also for the already licensed community. He requested that the Medical Society be notified prior to it being posted on line as he believed the Medical Society would be referring its members to it when it receives questions about the BME.

He also noted that the content of the requested amendments in the Petition was under review at the Medical Society which would present comments, if any, in writing.

Ed Waters asked the Board to consider that if it were to grant the Petition, then the barn door would be open, and questioned if it was just the beginning of a slippery slope.

Christopher Hanifer, P.A., spoke in opposition to the Petition. He explained on how he performed some internet searches and posited that the snapshot picture provided on the internet about a particular doctor was similar to the requests being made in the requested amendments. He questioned why the petitioner has not been able to supply the Board with any statistics about the harm that has occurred as a result of the current

practices. He suggested that statistics have not been offered because they do not exist. He also noted that the remedy to address even the perceived concerns was through the complaint process. PA Hanifer did not believe that regulatory changes were necessary to address the root problem, if one really existed. In essence, he continued, the amendments were seeking to create a monopoly for the dermatology community. He outlined the overly regulated aspects of the Physician Assistant role in New Jersey and

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urged the Board to not add to that burden. The Board could be assured that appropriate and adequate health care is being provided by the Physician Assistants in New Jersey because the community is filled with competent, professional health care providers.

Respectfully submitted,

Kevin Walsh, PA, Vice-President

WVR/br