

**NEW JERSEY BOARD OF MEDICAL EXAMINERS  
PHYSICIAN ASSISTANT ADVISORY COMMITTEE  
HUDSON CONFERENCE ROOM, 6TH FLOOR**

PUBLIC SESSION MINUTES  
APRIL 15, 2005

FINAL

The April meeting of the Physician Assistant Advisory Committee meeting was convened in accordance with its notice to the Secretary of State, Bergen Record, Trenton Times, Star Ledger and the Courier Post and was conducted in accordance with the provisions of the Open Public Meeting Act.

Dr. Mary Ibrahim, Acting President, called the meeting to order at 9:00 A.M. A roll was taken and the following attendance was recorded for these minutes.

PRESENT: Dr. Mary Ibrahim Claire O'Connell Todd Newman Jeffrey Maas George Argast

Also in attendance: Jodie Krugman, Deputy Attorney General, Dorcas K. O'Neal, Executive Director, Kathleen Griffith and Nermin Messiah, Staff.

Dorcas K. O'Neal Executive Director, introduced and welcomed the new members to the Committee.

## **I. APPROVAL OF MINUTES**

a. At the February 18, 2005 meeting, Dr. Mary Ibrahim was absent and new members were appointed. Therefore, Dorcas K. O'Neal, Executive Director certified that the Public Session Minutes for February 18, 2005 accurately reflect what happened at the Public Session and certified that the minutes are correct. On a motion made by Jeffrey Maas, seconded by George Argast, the Public Session Minutes were approved as submitted.

## **II. OLD BUSINESS**

There were no items of old business.

## **III. NEW BUSINESS**

a. The Committee reviewed a fax from Kenneth Szwak, PA-C, inquiring as to whether physician assistants in New Jersey can perform blood pressure screening and answer basic medical questions for their patrons of a non-corporate business without having a supervising physician.

The Committee determined that based upon the limited facts presented that pursuant to N.J.A.C. 13:35-2B.10 (a), (b), 1 and 2, a physician assistant shall engage in practice only under the direct supervision of a physician. A physician assistant shall not render care unless the following conditions are met. In an inpatient setting, the supervising physician or physician-designee is continuously or intermittently present on-site with constant availability through electronic communications for consultation or recall; In an outpatient setting, the supervising physician or physician-designee is constantly available through electronic communications for consultation or recall. A letter will be sent to Mr. Szwak so advising.

b. The Committee reviewed an -e-mail from Jaime Lenchak, PA-C, inquiring as to the list of medications a physician assistant can write for and whether these medications need to be co-signed; whether all notes have to be co-signed for new patients vs. follow-up visits; and whether a physician assistant can write for physical therapy, MRI's etc.

The Committee determined that based upon the limited facts presented that a copy or the regulations which

govern the practice of physician assistant specifically N.J.A.C. 13:35-2B.4 Scope of Practice and N.J.A.C. 13:35-2B.12 Requirements for issuing prescriptions for medications be sent to Ms. Lenchak for her perusal.

c. The Committee reviewed an e-mail from a consumer inquiring as to whether a physician assistant can perform physical therapy modalities and the location of regulations regarding the scope of practice for physician assistants, physician billing and management.

The Committee determined that pursuant to N.J.A.C. 13:35-6.14 1 (c) A physician may direct a licensed health care provider with training and experience to administer to the physician's patients physical modalities including ultraviolet (B and C bands) and electromagnetic rays including, but not limited to, deep heating agents, microwave diathermy, shotwave diathermy, ultrasound, and those modalities listed in (d) below. The physician shall retain responsibility for examining the patient, determining the appropriate modalities, assessing training and experience, as well as providing the appropriate level of supervision consistent with practice standards, applicable to the specific licensed health care provider.

d. A physician may direct an unlicensed aide to administer the following modalities: hot packs, cold packs, paraffin baths, contrast baths and whirlpool baths. The aide shall not be permitted to perform any rehabilitative exercise programs. An e-mail will be sent to the consumer so advising.

d. The Committee reviewed a fax from Debra C. Lienhardt, Wolf Block Brach Eichler, 101 Eisenhower Parkway, Roseland, NJ 07068, inquiring as to whether a physician assistant is permitted to perform percutaneous electrical nerve stimulation (also known as "electrical acupuncture") in an outpatient setting under the direct supervision of an osteopathic physician, where the physician would be constantly available for consultation or recall via cell phone and/or pager. The Committee determined that pursuant to N.J.A.C. 13:35-2B. 4(b) A licensee who has complied with the provision of N.J.A.C. 13:35-2B.3, Practice Requirements, may perform the following procedures, provided the procedures are within the training and experience of both the supervising physician and the physician assistant, only when the supervising physician directs the licensee to perform the procedures or orders or prescribes the procedures or the procedures are specified in a written protocol approved by the Board. A letter will be sent to Ms. Lienhardt so advising.

e. A fax from Debra C. Lienhardt, Wolf Block Brach Eichler, 101 Eisenhower Parkway, Roseland, NJ 07068, inquiring as to whether a physician assistant may perform patient consults in an outpatient setting under the direct supervision of a physician in accordance with N.J.A.C. 13:35-2B.4(a)1, where the physician would not be physically present but would be constantly available for consultation or recall via cell phone and/or pager.

The Committee determined that based on the limited facts presented, pursuant to N.J.A.C. 13:35-2B.10 (a) and (b), Supervision, a physician assistant shall engage in practice only under the direct supervision of a physician. The physician assistant shall not render care unless the following conditions are met: 1. In an inpatient setting,. The supervising physician or physician-designee is continuously or intermittently present on-site with constant availability through electronic communications for consultation or recall; 2. In an outpatient setting, the supervising physician or physician-designee is constantly available through electronic communications for consultation or recall. A letter will be sent to Ms. Lienhardt so advising.

f. The Committee reviewed a fax from Debra C. Lienhardt, Wolf Block Brach Eichler, 101 Eisenhower Parkway, Roseland, NJ 07068, inquiring as to whether a physician is permitted to pre-sign his or her own prescription blanks, where a physician assistant renders care to the patient in an outpatient setting under the physician's direct supervision and fill out the required information on the prescription blank and the physician countersigns the order within forty-eight (48) hours.

The Committee determined that this does not fall under the jurisdiction of the Physician Assistant Advisory Committee and will be forwarded to the Board of Medical Examiners (B.M.E.). A letter will be sent to Ms. Lionhardt so advising.

g. The Committee reviewed an e-mail from Daniel Goodman, DAM, inquiring as to whether with higher privileges as podiatrist he can be licensed as a physician assistant in New Jersey.

The Committee determined that based upon the limited facts presented, pursuant to N.J.S.A. 45:9-27.13 (a) The Board shall issue a license as a physician assistant to an applicant who has fulfilled the following requirements: 1) Is at least 18 years of age; 2) Is of good moral character; 3) Has successfully completed an approved program; and 4) Has passed the national certifying examination administered by the National Commission on Certification of Physician Assistants, or its successor. A letter will be sent to Dr. Goodman so advising along with a copy of the statutes and regulations.

h. The Committee reviewed a letter from Alex Braylovsky, Physician Practice Billing and Management, Inc., inquiring as to whether a physician assistant can perform a physical therapy modalities and whether there are regulations governing the scope of practice.

The Committee determined that pursuant to N.J.A.C. 13:35-6.14 1 (c) A physician may direct a licensed health care provider with training and experience to administer to the physician's patients physical modalities including ultraviolet (B and C bands) and electromagnetic rays including, but not limited to, deep heating agents, microwave diathermy, shotwave diathermy, ultrasound, and those modalities listed in (d) below. The physician shall retain responsibility for examining the patient, determining the appropriate modalities, assessing training and experience, as well as providing the appropriate level of supervision consistent with practice standards, applicable to the specific licensed health care provider.

d. A physician may direct an unlicensed aide to administer the following modalities: hot packs, cold packs, paraffin baths, contrast baths and whirlpool baths. The aide shall not be permitted to perform any rehabilitative exercise programs. A letter will be sent to Mr. Braylovsky so advising.

#### **IV. REVIEW OF THE BOARD OF MEDICAL EXAMINERS MINUTES AND AGENDA**

a. The Committee reviewed the (Ratified) Open Board Minutes Disciplinary- Matters of the Board of Medical Examiners for December 8, 2004, as informational.

b. The Committee reviewed the (Ratified) Open Board Minutes of the Board of Medical Examiners for January 12, 2005, as informational.

c. The Committee reviewed the (Ratified) Open Board Minutes Disciplinary- Matters of the Board of Medical Examiners for January 12, 2005, as informational.

d. The Committee reviewed the Open Board Agenda of the Board of Medical Examiners for March 9, 2005, as informational.

e. The Committee reviewed the Open Board Agenda Disciplinary-Matters of the Board of Medical Examiners for March 9, 2005, as informational.

f. The Committee reviewed the (Ratified) Open Board Minutes of the Board of Medical Examiners for February 9, 2005 as informational.

g. The Committee reviewed the (Ratified) Open Board Minutes Disciplinary- Matters of the Board of Medical Examiners for February 9, 2005, as informational.

h. The Committee reviewed the Open Board Agenda of the Board of Medical Examiners for April 13, 2005, as informational.

i. The Committee reviewed the Open Board Agenda Disciplinary-Matters of the Board of Medical Examiners for April 13, 2005, as informational.

#### **V. LICENSURE ACTION**

a. The Committee reviewed the Summary Report for Licensure Action taken from February 10, 2005 to April 7, 2005, as informational.

## **VI. LEGISLATION/REGULATION**

a. The Committee reviewed Senate Bill: 1314, which requires managed care carriers to provide certain health care providers with fee schedules. The Committee concurs with the position of the Board of Medical Examiners.

b. The Committee reviewed the State Board of Medical Examiners Fees, Proposed Amendments, N.J.A.C. 13:35-6.13, 8.19, 9.6 and 10.6., as informational.

c. The Committee reviewed Assembly Bill No: 1985, which permits physician assistants to prescribe controlled dangerous substances. The Committee determined that a preliminary notice should be sent to all licensed physician assistants, physicians, hospitals and pharmacies indicating that in the interim while awaiting the details which must be worked out in order to obtain controlled dangerous substances (CDS) and DEA licenses, licensees should adhere to N.J.S.A. 45:9-27.19. Physician assistants cannot write for controlled dangerous substances, at this time, until the regulations are amended and in place.

Dorcas K. O'Neal, Executive Director, apprized the Committee that before a mass mailing is done, she would have to communicate with the Director of Division of Consumer Affairs since the Division has levels of approval.

On a motion made by Todd Newman and seconded by Dr. Ibrahim the Committee unanimously approved that the Executive Director modify the exemplar to state that physician assistants cannot presently write for controlled dangerous substances and to prepare for mailings.

Mr. Robert Elker, Chief, Enforcement Bureau of the New Jersey Prescription Blank Unit, advised the Committee that physician assistants have recently been bestowed prescriptive authority for controlled dangerous substances (CDS) and that this will impact upon the prescription blank format which physician assistant have been using since the advent of the prescription blank program in 1999. He indicated that presently the dialog box specifically states (not allowed for controlled dangerous substances (CDS) ). Therefore, there are some steps which must be taken to put this process into motion to revise the artwork of the prescription blank.

Mr. Elker advised that there are two things which would transpire. 1) Although the bill was signed into law, physician assistants cannot immediately begin to prescribe controlled dangerous substance (CDS) even after September 2005. Physician assistants will have to apply to the New Jersey Department of Drug Control to receive a special controlled dangerous substances (CDS) mid level practitioner registration. 2) After receiving the controlled dangerous substances (CDS) license, physician assistants have to apply to Federal Government's Drug Enforcement Agency, to obtain a DEA registration which must appear on every prescription issued by a physician assistant for the purpose of dispensing a controlled dangerous (CDS).

Mr. Elker will provide sample letters and New Jersey Prescription Blanks (NJPB) and other documents which were used in notifying certified nurse midwives (CNM) when they obtained prescriptive authority for controlled dangerous substances (CDS). This matter will be reagendaized for the May 20, 2005 meeting.

## **VII. OTHER BUSINESS**

a. Dorcas K. O'Neal, Executive Director, apprized the Committee that their primary responsibility is to protect the consumers of the State of New Jersey. Additionally, it is the responsibility of the Committee to ensure that persons who have applied for licensure meet all the statutory requirements and that all types of issues may arise for the Committee's consideration.

Executive Director O'Neal also advised the Committee that Sharon Joyce Deputy Attorney General will be giving some basic training to the Committee members at a future date. The Executive Director further stated that she believes professional members add a breadth of experience in the profession and that the public member also

bring the perspective of the consuming public.

Jodie Krugman, also advised the Committee that it may enforce discipline and that there will be times when members of the Committee may have to recuse, when a matter involves a person know, a friend or acquaintance.

## **VIII. PUBLIC COMMENTS**

### **PUBLIC COMMENTS**

Kevin Walsh, past President, of the Physician Assistant Advisory Committee welcomed the new members and stated that a lot of hard work was put into the Committee from its inception and that the hard work will continue. He stated that issues may change, some issues may come back to the Committee from time to time. Mr. Walsh stated that the Physician Assistant Advisory Committee's input into drafting the new regulations as it relates to physician assistants prescribing controlled dangerous substances will be heard at the Board of Medical Examiners and that Board of Medical Examiners may add or delete from the proposals. He also, stated that if at any time, he could be of assistance to the Committee on any matter, he will be happy to assist.

Mr. Walsh thanked the Committee, Deputy Attorney General Krugman, Executive Director O'Neal and Staff for their support while he served on the Committee.

In response, Dr. Ibrahim and Dorcas K. O'Neal, Executive Director thanked Mr. Walsh for his hard work and dedication to the Physician Assistant Advisory Committee.

There being no other business to come before the Committee in Public Session. On a motion made and seconded, the Public Session was adjourned, and the Committee convened in Executive Session for the purpose of receiving counsel, to review two matters of old business, three matters involving new business, three statistical reports and to review 45 applications.

The Committee re-convened in Public Session. The following licensure action was taken in Executive Session.

The Committee certifies that the following persons have applied for licensure; that the applications have been reviewed in detail; that all statutory requirements have been met; and that the applicants have been approved by the Committee for licensure.

### **APPROVED (PERMANENT)**

Brightman, Helen  
Elzomor, Walid  
Feliciano, Pier-Joanne  
Pane, Diane

The Committee certifies that the following applications have been reviewed and were provisionally approved pending receipt of certain information. Upon receipt of the requested information, the Committee has authorized the Executive Director to review the documents for compliance with statutory requirements and approve for licensure.

### **PROVISIONALLY APPROVED (PERMANENT)**

Bargad, Prina  
Castro, Cecilia  
Charrow, Elliott  
Dominski, Jamie  
Dunn, Lisa  
Followill, Christine  
Hargrove, Holly

Lane, Jenean  
Navarra, April  
Thomas, Julie

PROVISIONALLY APPROVED (TEMPORARY)

Geffen, Rachel  
Gonzoph, Christian  
Grossman, Rebecca

The Committee reviewed the following applications which were deferred due to lack of specific documents required by law. All deferred permanent and temporary applications must return to the Committee for review.

DEFERRED (PERMANENT)

Berkowsky, Keri  
Box, Adam  
Cesay, Kitabu  
Dorsey, Ralph  
Durand, Carol  
Guerrera, Stacey  
Holencik, Lori  
Kane, Richard  
Kaplan, Rachel  
Kunath-Tiburzi, Gail  
O'Brien, Jessica  
Palermo, John  
Patel, Vishal  
Petriella, Nicholas  
Pritsky, Jeff  
Porta, Kelly  
Roach, Jennifer  
Shah, Jeff  
Sweet, Kimberly  
Wiener, Tamar  
Wong, Janet

DEFERRED (TEMPORARY)

Bridges, Clayton  
Javier, Aaron  
Ostrowski, Iwona  
Patel, Minesh  
Polito, Kimberly  
Saums, Patricia  
Stock, Briarly

The next scheduled meeting is May 20, 2005. There being no other business to come before the Committee, the meeting was adjourned at 3:00 P.M.

Respectfully submitted,  
Physician Assistant Advisory Committee

Dorcas K. O'Neal  
Executive Director

