

**NEW JERSEY BOARD OF MEDICAL EXAMINERS
PHYSICIAN ASSISTANT ADVISORY COMMITTEE
HUDSON CONFERENCE ROOM, 6TH FLOOR
PUBLIC SESSION MINUTES
JULY 20, 2007**

FINAL

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

PRESENT: George Argast Todd Newman

ABSENT: Dr. Jeffrey Berman Claire O'Connell Jeffrey Maas

Also in attendance: Dorcas K. O'Neal, Executive Director, Debra Levine, Deputy Attorney General and Kathleen Griffith, Staff.

I. APPROVAL OF MINUTES

a. The Committee deferred approval of the minutes of May 20, 2007, due to lack of a quorum. Therefore, all actions taken by the sub-committee are subject to ratification by the full Committee.

II. NEW BUSINESS

a. The Committee reviewed an e-mail from David Furhman inquiring as to whether a physician assistant in a dermatologist office is permitted to administer lidocaine injections and remove skin tags, moles, etc; and inquiring as to what constitutes "under the supervision of an MD" and whether the MD must directly observe the treatment or procedure.

The Committee determined as to question 1), a physician assistant in a dermatologist office may administer lidocaine injections and remove skin tags, moles etc; as to question 2) a physician assistant must be under the supervision of a plenary supervising physician, pursuant to N.J.A.C. 13:35-2B.10 (a) and (b) 1 and 2 Supervision

(a) A physician assistant shall engage in practice only under the direct supervision of a physician. (b) 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 communication for consultation or recall; Dr. Furhman will be so advised.

b. The Committee reviewed a fax from Dr. Kenneth Herman, ED Medical Director, Muhlenberg Regional Medical Center, inquiring as to whether a hospital's Professional Board or Administration limits or prohibits physician assistants from writing orders and/or prescriptions for narcotics as long as the physician assistant has appropriate licensure and certifications (DEA, CDS etc.) pertaining to such, that are filed with the licensing Board as well as the hospital's medical staff office. The Committee determined that pursuant to N.J.S.A. 45:9-27.19 physician assistants may prescribe controlled dangerous substances (CDS), schedule II thru V and that hospitals may choose to limit such prescribing in a blanket or individual fashion. Finally, Dr. Herman will be advised that the Department of Health has jurisdiction over hospitals and he should contact that office.

c. The Committee reviewed a fax from Adele Abbadessa, PA-C, inquiring as to what CME requirements physician assistants must maintain, if they are licensed to prescribe controlled dangerous substances (CDS). The

Committee determined that there are no specific requirements for maintaining the license to prescribe controlled dangerous substances (CDS).

However, pursuant to N.J.A.C. 13:35-2B.8, Credit-hour requirements, (a) each applicant for a biennial license renewal shall be required to complete, during the preceding biennial period, a minimum of 50 continuing education credit hours in category I courses approved by the American Medical Association, the American Academy of Physician Assistants, the American Academy of Family Physicians, the American Osteopathic Association or the Accreditation Council on Continuing Medical Education ... Ms. Abbadessa will be so advised and a copy of the regulations which govern the practice of physician assistants in the State of New Jersey will be provided.

d. The Committee reviewed a letter from Daniela Annitto, PA-C, inquiring as to the definition of "institutionally affiliated" in the context of the number of physician assistants per supervising physician in a private, office based practice.

The Committee determined that "institutionally affiliated", is clear. Private practice must be associated with nursing homes or academic medical institutions which are licensed by the Department of Health (DOH) for oversight and regulation. As to the number of physician assistants per supervising physician in a private practice, office based practice, the law to change the ratio is pending legal justification. Ms. Annitto will be so advised.

e. The Committee reviewed a survey from Triple I, a MediMedia USA Company, regarding physician assistant prescribing authority. The Committee determined that this survey be forwarded to Robert Elker of the Enforcement Bureau (NJPB Unit) for response.

f. The Committee reviewed a fax from Yaakov N. Applbaum, Chairman and Medical Director, Department of Radiology, inquiring as to whether physician assistants can perform a variety of procedures, particularly PICC's which are done under ultrasound guidance, but require minimal fluoroscopy for confirmation of wire and catheter placement and whether physician assistants are permitted to use fluoroscopy in this context, and if not, are radiologic technologists allowed to "step on the pedal" for them.

The Committee determined that this matter be referred to the Department of Environmental Protection, Division of Environmental Safety, Health and Analytical Programs, Radiation Protection Programs. Also, letter will be sent to querist advising that, this matter has been forwarded to that agency.

g. The Committee reviewed a fax from Eric P. Zeller, PA-C, Easton Warren Urology, P.A., inquiring as to whether a physician needs to countersign any Labs, , x-rays and additions studies results that were ordered from the office; whether labs can be solely signed by the physician assistant and whether every office chart needs to be countersigned by the physician or only a percentage.

The Committee determined that, 1) all orders must be countersigned by the supervising physician; 2) labs require no counter signature; 3) Lab results are not orders generated from the physician/physician assistant practice and 4) there are no regulatory provisions dealing with percentages of charts to be countersigned. Regulations refer to orders which include continued present care in the order section of the chart.

Further, pursuant to N.J.A.C. 13:35-2B.10 4 (i) and (ii) Supervision, the supervising physician personally reviews all charts and patient records and countersigns all medical orders as follows: (I) In an patient setting, within 24 hours of the physician assistant's entry of the order in the patient record; and (ii) In an outpatient setting, within a maximum of seven days of the physician assistant's entry of the order in the patient record, except that in the case of any medical order prescribing or administering medication, a physician shall review and countersign the order with 48 hours of its entry by the physician assistant. Mr. Zeller will be so advised.

III. OLD BUSINESS

a. I/M/O VICTORIA SCHWARTZ - The Committee reviewed the response to its letter requesting additional information regarding Ms. Schwartz request to alter supervisory ratios. The Committee determined that a letter be

sent to Ms. Schwartz requesting that:

1) The request be placed on letterhead with name of practice, address and telephone of the practice; 2) That the names of the supervising physician/s and the names and the number of physician assistants currently at the practice; 3) Number of physician assistants per supervising physician. Finally, the request for a waiver must also be on the letterhead of the practice.

Should a waiver be granted, it would be subject to ratification by the Board of Medical Examiners (BME). Ms. Schwartz will be so advised.

IV. REVIEW OF BOARD OF MEDICAL EXAMINERS MINUTES AND AGENDA

- a. The Committee reviewed the Ratified Open Board Minutes for April 11, 2007, from the Board of Medical Examiners, as informational.
- b. The Committee reviewed the Ratified Open Board Minutes for April 11, 2007, from the Board of Medical Examiners, as informational.
- c. The Committee reviewed the Open Board Agenda Disciplinary-Matters for May 9, 2007, from the Board of Medical Examiners, as informational.
- d. The Committee reviewed the Ratified Open Board Minutes Disciplinary-Matters for May 9, 2007, from the Board of Medical Examiners, as informational.
- e. The Committee reviewed the Open Board Agenda for June 13, 2007, from the Board of Medical Examiners, as informational.
- f. The Committee reviewed the Ratification of Board of Medical Examiners Committee Minutes, as informational.
- g. The Committee reviewed the Open Board Agenda for July 11, 2007, as informational.
- h. The Committee reviewed the Open Board Agenda Disciplinary-Matters for July 11, 2007, as informational.

V. LEGISLATION REGULATION

a. The Committee reviewed the Proposed Amendments: N.J.A.C. 13:35-2B.12 Requirements for Issuing Prescriptions for Medications; Special Requirements for Issuance of controlled dangerous substances (CDS) - The State Board of Medical Examiners (the Board), in consultation with the Physician Assistant Advisory Committee (the Committee), is proposing to amend N.J.A.C. 13:35-2B.12 to establish the requirements for issuing prescriptions for medications and the special requirements for issuing prescriptions for controlled dangerous substances. These requirements are in accordance with P.L. 2005, c. 48, approved on March 21, 2005, which authorizes physician assistants to order or prescribe controlled dangerous substances in certain situations, as informational.

VI. REVENUE REPORT

- a. The Committee reviewed the Revenue Report for May 2007, as informational.
- b. The Committee reviewed the Revenue Report for June 2007, as informational.
- c. The Committee reviewed the Division of Law Billing, from Darlene Kane, Budget Officer of Division of Consumer Affairs, as informational.

PUBLIC COMMENT

Christopher Hanifin, PA-C, President, New Jersey State Society of Physician Assistants, stated that he would like the physician assistant application placed on the website. He stated that permanent applications should be mailed to all applicants, because the results from the National Commission on Certification of Physician Assistants are normally received quickly. Mr. Hanifin inquired as to the recording of one or more supervising physician on the renewal application. He requested that the ratified Public Session Minutes for January 19, 2007 and March 16, 2007, be mailed to him.

He stated that dermatology is done in every other State and he sees no reason why it cannot be done in the State of New Jersey. Mr. Hanifin requested the expiration dates of the Committee members. He stated that physician assistants cannot interpret the present regulations, that he receives tons of calls and that layman terms in the language is needed. Finally, he thanked the Committee for the Controlled Dangerous Substances (CDS) law.

Mr. Argast thanked Mr. Hanifin for his comments.

There being no other business to come before the Committee in Public Session, on a motion by Todd Newman, seconded by George Argast, the Public Session was adjourned and the Committee convened in Executive Session for the purpose of receiving counsel, to conduct one (1) investigative inquiry, to review two (2) items of new business, two (2) items of old business and six (6) applications.

The Committee reconvened in Public Session. The next scheduled meeting is September 21, 2007. There being no other business to come before the Committee in Public Session, the meeting was adjourned at 12:00 Noon.

Respectfully submitted,
Physician Assistant Advisory Committee

Dorcas K. O'Neal
Executive Director