

NEW JERSEY BOARD OF MEDICAL EXAMINERS
PHYSICIAN ASSISTANT ADVISORY COMMITTEE
HUDSON CONFERENCE ROOM, 6TH FLOOR
PUBLIC SESSION MINUTES
SEPTEMBER 19, 2008

FINAL

The September meeting of the Physician Assistant Advisory Committee 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.

The meeting was called to order at 9:00 A.M., by President Argast. The following attendance was recorded for these Minutes.

PRESENT: George Argast ABSENT: Dr. Jeffrey Berman Todd Newman 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 reviewed the Public Session Minutes for June 20, 2008. On a motion by Jeffrey Maas, seconded by Claire O'Connell, the minutes were unanimously approved as submitted.

II. OLD BUSINESS

a. Claire O'Connell, Committee member inquired as to when the new Controlled Dangerous Substances (CDS) regulations and the application for physician assistants will be placed on the website. DAG Levine apprised the Committee that the regulation was adopted and published in the June 2, 2008 New Jersey Register and will be placed on the website. As to the the application, Executive Director Dorcas K. O'Neal advised that this has been submitted to be placed on the website.

Ms. O'Connell also inquired as to the status of N.J.A.C. 13:35-2B.10(5) (i) and (ii) which was approved by the Committee at its March 16, 2007 meeting to read as follow: "The supervisory relationship shall be no more than four (4) physician assistants to one physician at any one time". DAG Levine apprised the Committee that this rule was approved by the Board of Medical Examiners June 2007 and will be published in the New Jersey Register.

III. NEW BUSINESS

a. The Committee reviewed the fax from Ronald W. Norman, PAC, inquiring as to the interpretation of N.J.S.A. 45 :9.27-18.b3, Direct Supervision.

The Committee determined that pursuant to N.J.S.A. 45 :9.27-18. b(3), which states that in an inpatient setting, direct supervision of a physician assistant shall include, but not be limited to personal review by a physician of all charts and records of patients and countersignature by a physician of all medical orders, including prescribing and administering medication, within 24 hours of their entry by the physician assistant. Mr. Norman will be so advised and provided a copy of the regulations.

b. The Committee reviewed the fax from Cathryn C. Pocoroba, PA-C, inquiring as to whether a physician assistant who has been practicing in the inpatient hospital setting, and has elected not to get CDS/DEA authorization, can initiate (memorialize) a CDS order on the chart (with prior discussion with the physician, verbal or telephone order and whether the law requires that a newly-graduated or hired physician assistant in an inpatient hospital should obtain CDS/DEA registrations.

The Committee determined that in a hospital setting there is no requirement to obtain a CDS or DEA number. However, it is protective to have CDS and DEA numbers. A physician assistant may accept a telephone and verbal order must be countersigned by a physician within 24 hours. A physician assistant cannot initiate an order without prior consultation with the physician. Ms. Pocoroba will be so advised.

c. The Committee reviewed a fax from Linda C. Dietrich, CPCS, requesting clarification of the scope of practice for physician assistant and inquiring as to whether physician assistants can write prescription orders for outpatient physical therapy. No invasive procedures or medication involved.

The Committee determined that based on the limited facts presented, a physician assistants may write prescription orders for outpatient physical therapy. Ms. Dietrich will be so advised.

d. The Committee reviewed a fax from L. Larnar Blount, inquiring as to whether a physician assistant can perform outpatient parenteral antimicrobial therapy (OPAT) and whether a physician assistant can compound and/or dispense drugs for in office infusion therapy or for self administered home infusion.

The Committee determined that physician assistants may perform Outpatient Parenteral Antimicrobial Therapy (OPAT), pursuant to N.J.A.C. 13:35-2B.4 (b) Scope of Practice, A licensee who has complied with the provisions of N.J.A.C. 13:35-2B.3 Practice Requirements, may perform the 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 physician assistant cannot compound, as it is pharmaceutical. Querist will be advised to seek counsel. This question will be referred to the Board of Pharmacy. Ms. Blount will be so advised.

e. The Committee reviewed a letter from Jeffrey M. Whitworth, M.D., Atlantic Dermatology Associates, LLC, inquiring as to whether a physician assistant can apply aminolevulinic acid to a patient's face as part of photodynamic therapy and whether a physician assistant can administer blue light therapy, a non-laser light, to a patient's skin after aminolevulinic acid has been applied.

The Committee determined that a letter be sent to Dr. Whitworth along with the Board of Medical Examiners Policy Statement. He will also be advised the the Board of Medical Examiners is reviewing this matter.

f. The Committee reviewed the letter from David A. Swankin., Esq., President and CEO of the Citizen Advocacy Center (CAC) which is offering membership to state health professional licensing boards and other oversight agencies, as informational.

g. The Committee reviewed the letter from Rev. Msgr. Ronald J. Rozniak, Chairman and CEO, Cathedral Healthcare System, advising that Cathedral Healthcare System has completed the transfer of ownership of Saint Michael's Medical Center to a subsidiary of Catholic Health East, as informational.

h. The Committee approved the meeting dates for 2009,

i. ELECTION OF OFFICERS

Dorcas K. O'Neal, Executive Director, opened the floor for nomination of President. George Argast was nominated by Claire O'Connell. Executive Director O'Neal, asked if there were other nominations. Hearing none, the nominations were closed. On a motion by Claire O'Connell, seconded by Jeffrey Maas, George Argast was unanimously elected President.

Executive Director O'Neal, opened the floor for nomination of Vice President. Todd Newman was nominated by Claire O'Connell. Executive Director O'Neal, asked if there were other nominations. Hearing

none, the nominations were closed. On a motion by Claire O'Connell, seconded by Jeffrey Maas, Todd Newman was unanimously elected Vice President.

j. The Committee reviewed an e-mail from Claire Pfeifer, Medical Staff Coordinator, Kindred Hospital, New Jersey Morris County/Wayne, inquiring as to whether in an inpatient hospital setting, the New Jersey Law requires APN's and Physician Assistants to have their clinical entries countersigned by their collaborating physician and if so, how long does the collaborator have after the AHP has signed before he/she has to countersign.

The Committee determined that a letter be sent to Ms. Pfeifer advising that, a physician assistant may only work under the direct supervision of a plenary physician and may not work unless that condition is met. The Committee cannot answer for APN's. A copy of the regulations which govern the practice of physician assistants in the State of New Jersey will be sent.

k. The Committee reviewed an e-mail from Vadim Guindine, inquiring as to whether physician assistants in the State of New Jersey can form Professional Limited Liability Company Corporation L.L.C.).

The Committee determined that a Professional Limited Liability Company (P.L.L.C.) must have a supervising physician for the physician assistant in the company. If there is no supervising physician, a physician assistant cannot practice. Ms. Guindine will be so advised.

l. The Committee reviewed an e-mail from Michael Caromano, M.S., PA-C, inquiring as to whether a licensed physician assistant with proper training can administer or inject botox under the supervision of a plenary licensed physician (M.D. or D.O.) and requesting a clear definition of "should not" as referenced in the Board of Medical Examiners policy statement and whether "should not" is an absolute.

A copy of the policy of the Board of Medical Examiners will be sent to querist with a recommendation that he seek legal Counsel.

m. The Committee reviewed the letter from Brian Policastro, MS, PA-C - inquiring as to how many physician assistants may be supervised by the same physician.

The Committee determined that currently, pursuant to N.J.A.C. 13:35-2B.10 (b) 5 i and ii, Supervision, the following supervisory ratios must be met: i. In a private practice which is not hospital based or institutionally affiliated, no more that two physician assistants to one physician at any one time; ii. In all other settings, no more than four physician assistants to one physician at any one time. Upon application to the Board, the Board may alter the supervisory ratios as set forth.

Further, the Committee is proposing new rules relative to the ratios. Mr. Policastro will be so advised.

n. The Committee reviewed a letter from Amamda DiBruno, Credentialing Coordinator, Kennedy Health System, requesting clarification of the supervision requirements for physician assistants (N.J.A.C. 13:35-2B.10) and requesting supervisory ratios.

The Committee determined that currently pursuant to N.J.A.C. 13:35-2B.10 (b) 5 i and ii, Supervision, the following supervisory ratios must be met: In a private practice which is not hospital based or institutionally affiliated, no more that two physician assistants to one physician at any one time; ii. In all other settings, no more than four physician assistants to one physician at any one time. Upon application to the Board, the Board may alter the supervisory ratios as set forth. Finally, the Committee is proposing new rules relative to the ratios which must be published for comment. Ms. DiBruno will be so advised.

o. The Committee reviewed a fax from Kathleen Clark, Practice Manager, Pain Specialists, P.A., inquiring as to whether it is within the physician assistant's scope of practice to do interventional pain management procedures independently, provided they have been properly educated and proctored.

The Committee determined that a copy of the regulations which govern the practice of physician assistants in the State of New Jersey be sent to Ms. Clark.

IV. REVIEW OF BOARD OF MEDICAL EXAMINERS MINUTES AND AGENDA

- a. The Committee reviewed the Ratified Open Board Minutes for May 21, 2008, of the Board of Medical Examiners, as informational.
- b. The Committee reviewed the Ratified Open Board Minutes for May 21, 2008, of the Board of ;Medical Examiners, as informational.
- c. The Committee reviewed the Ratified Open Board Minutes for June 11, 2008, of the Board of Medical Examiners, as informational.
- d. The Committee reviewed the Ratified Open Board Minutes Disciplinary- Matters for June 11, 2008, of the Board of Medical Examiners, as informational.
- e. The Committee reviewed the Open Board Agenda for July 9, 2008, of the Board of Medical Examiners, as informational.
- f. The Committee reviewed the Open Board Agenda Disciplinary-Matters for July 9, 2008, as informational.
- g. The Committee reviewed the Ratified Open Board Minutes for July 9, 2008, of the Board of Medical Examiners, as informational.
- h. The Committee reviewed the Ratified Open Board Minutes Disciplinary- Matters, for July 9, 2008, of the Medical Examiners, as informational.
- i. The Committee reviewed the Open Board Agenda for August 13, 2008, of the Board of Medical Examiners, as informational.
- j. The Committee reviewed the Open Board Agenda Disciplinary-Matters , for August 13, 2008, of the Medical Examiners, as informational.
- k. The Committee reviewed the Open Board Agenda for September 10, 2008, of the Board of Medical Examiners, as informational.
- l. The Committee reviewed the Open Board Agenda Disciplinary-Matters for September 10, 2008, of the Board of Medical Examiners, as informational.
- m. The Committee reviewed the Ratified Committee Minutes for July 9, 2008, of the Board of Medical Examiners, as informational.

V. REVENUE REPORT

- a. The Committee reviewed the Revenue Report for June, 2008, as informational.
- b. The Committee reviewed the Revenue Report for July, 2008, as informational.
- c. The Committee reviewed the Revenue Report for August, 2008, as informational.

VI. LEGISLATION/REGULATION (FYI)

- a. The Committee reviewed the Adopted Division of Environmental Safety and Health, Radiation Protection and Release Prevention Element Commission on Radiation Protection, Radiation Protection

Programs, Radiologic Technology Adopted Repeal and New Rules: N.J.A.C. 7:28-19, as informational.

b. The Committee reviewed the Summary of Assembly and Senate Bills, as informational.

c. The Committee reviewed the ASSEMBLY BILL NO: 789 (Third Reprint) - An act concerning the expiration date of certain professional and occupational licenses and registrations for certain members of the Armed Forces of the United States, amending P. L. 1968, c:362 and supplementing P.L. 1978, c.73 (C:45:1-14 et seq.), as informational.

There being no other business to come before the Committee in Public Session, on a motion by Todd Newman, seconded by Jeffrey Maas, 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 seven (7) matters of old business, six (6) items of new business and five (5) applications.

The Board reconvened in Public Session. The following disciplinary action is being reported in Public Session.

DISCIPLINARY ACTION

a. I/M/O ALISON KINLAW, PA-C - Filed Interim Consent Order Of Temporary Suspension of License March 5, 2008. Respondent has executed a number of Tussionex (A Controlled Dangerous Substance) prescription forgeries without her employer's knowledge or authorization utilizing New Jersey Prescription Blanks taken from her former IVF NJ Fertility and Gynecology Center.

Additionally, she was convicted by way of a guilty plea of Filing Fictitious Reports with Law Enforcement in violation of 2C:28-4B(1) by the Bordentown Police Department for reporting a false charge of identity theft in connection with the forged prescriptions.

The Committee Ordered that:

1. The license issued to respondent, Alison Kinlaw, PA be temporarily suspended effective immediately and pending further Order of this Committee.

b. I/M/O DOROTHY O. CARLOS, PA-C - Filed Consent Order Of Voluntary Surrender of Licensure August 14, 2008. Respondent charged with gross negligence in connection with her care and treatment of a patient.

The next scheduled meeting is November 21, 2008. 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