

**NEW JERSEY BOARD OF MEDICAL EXAMINERS
PHYSICIAN ASSISTANT ADVISORY COMMITTEE
HUDSON CONFERENCE ROOM
PUBLIC SESSION MINUTES
SEPTEMBER 21, 2007**

FINAL

The September 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.

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 Jeffrey Maas Todd Newman Dr. Jeffrey Berman Claire O'Connell

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 May 18, 2007. On a motion by Todd Newman, seconded by Clair O'Connell, the minutes were unanimously approved as submitted.
- b. The Committee reviewed the Public Session Minutes for July 20, 2007. On a motion by Todd Newman, seconded by Dr. Jeffrey Berman, the minutes were approved as follow: In Favor - Jeffrey Maas, Dr. Jeffrey Berman, George Argast, Todd Newman. Abstained: Claire O'Connell.

II. NEW BUSINESS

- a. ETHICS - Robert Campanelli, Ethics Liasison Officer of the Director's Office, Division of Consumer Affairs, spoke with the Committee Members regarding duties as Committee Members, Event Attendance, Gifts and Favors, Confidentiality and Conduct. Each member completed an ethics forms and signed as proof of receipt of the ethics document.
- b. The Committee reviewed the letter from Federation of State Medical Boards, allowing physician assistants to apply in this state to utilize the federation credentials Verification Service (FCVS).

The Committee determined that a letter be sent to Bill Roeder, Executive Director, Board of Medical Examiners advising that this matter was reviewed. The Committee determined that inasmuch as its current application require more than the verification cited in the letter, that it may accept the verification which would pose a fee on physician assistants, in addition to the application fee, licensure fee and criminal background fee.

- c. The Committee reviewed a letter from Edward Schabes, Registrar, Touro College, advising that there are changes in the coloring of transcripts as of August 20, 2007, as informational.
- d. The Committee reviewed an email from Audrey Eschbacher, Regulatory Assistant, Porzio Pharmaceutical Services, Inc., inquiring as to 1) the prescriptive authority of physician assistants with respect to legend drugs and whether the prescriptive authority is restricted by a formulary of drugs; whether a physician assistant is able to write prescriptions for legend drugs under their initial license or under an agreement with a physician and whether a physician assistant must file an additional application in order to obtain prescriptive authority for legend drugs. 2) Whether a physician assistant has prescriptive authority for controlled substances and under what schedules and is the physician assistant's prescriptive authority restricted by a formulary of drugs; whether a

physician assistant must register with the Board of Medical Examiners or other State agency and the DEA, to obtain prescriptive authority for (CDS). 3) whether a physician assistant may request, receive and distribute samples of legend drugs and 4) whether a physician assistant may request, receive and distribute samples of controlled substances and under what schedules.

The Committee determined that a letter be sent to Ms. Eschabacher, advising that questions regarding practice and prescribing have been reviewed and as to question one (1) and two (2), Ms. Eschabacher should refer to the regulations which are clear. As to questions three (3) and four (4), there are no prohibitions in the physician assistant regulations relative to signing and receiving legend drugs. The regulations of the Drug Control Unit and DEA regulations will govern, as to controlled substances/Schedules.

e. The Committee reviewed the fax from Margarite Ramsey, PA-C, advising that the hospital is updating its documentation system and converting to a computerized system and inquiring as to whether physician assistants are required to enter their license numbers onto patient documentation records.

The Committee determined that the physician assistant regulations do not require the license number on patient documentation records. However, if a medication is included in the order the license number must be written on the patient documentation record. A copy of the regulations which govern the practice of physician assistants in the State of New Jersey will be provided to Ms. Ramsey.

f. The Committee reviewed a fax from Annie Pena, RN, MS, MBA, New Jersey Pure, inquiring as to whether physician assistants can administer botulium toxin injections.

The Committee determined that, consistent with the policy of the Board of Medical Examiners, physician assistants may not perform laser treatments, administer or inject botulium toxin injections or botox injections, as these procedures are deemed the practice of medicine and should not be delegated to a non-plenary "physician ". However, the Board of Medical Examiners is investigating this latter issue and obtaining opinions from appropriate expert professionals. If the Board promulgates a regulation in this regard, it will be published in the New Jersey Register. Ms. Pena will be so advised.

g. The Committee reviewed a fax from Ginger Spronk, PA-C, inquiring as to whether physician assistants in the State of New Jersey may perform botox injections.

The Committee determined that, consistent with the determination made by the Board of Medical Examiners, physician assistants may not perform laser treatments, administer or inject botox injections or botulium toxin injections, as these procedures are deemed the practice of medicine and should not be delegated to a non-plenary "physician ". However, the Board of Medical Examiners is investigating this latter issue and obtaining opinions from appropriate expert professionals. If the Board promulgates a regulation in this regard, it will be published in the New Jersey Register. Ms. Spronk will be so advised.

h. The Committee reviewed a fax from Virginia Romero, PA-C, UMDNJ, inquiring as to whether physician assistants in the State of New Jersey can prescribe visiting nurse services/home care orders for patients being discharged from the hospital.

The Committee determined that the response from the Board of Nursing be sent to Ms. Romero which states that licensed nurses may implement patient care orders initiated by all practitioners with statutory authority to write orders. These practitioners are New Jersey licensed certified physicians, dentists, nurse practitioners, clinical nurse specialists, nurse midwives, physician assistants and chiropractors.

I. The Committee reviewed the fax from Joseph F. Pandolfi, Attorney at Law, inquiring as to whether a physician assistant is permitted to incorporate and thus render services in that capacity and if permitted, would the corporation have to be a professional corporation, as defined in the New Jersey statutes.

The Committee determined that physician assistants cannot function without supervision by a licensed plenary physician by the Board of Medical Examiners. Pursuant to N.J.A.C. 13:35-2B.10 (a) and (b) 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.

Further, Mr. Pandolfi will be advised to check the website under the Board of Medical Examiners regulations, specifically N.J.A.C. 13:35-6.16 and 17, Professional Practice Structure and Professional Fees and investments; prohibition of kickbacks, respectively.

j. The Committee reviewed a fax from Michael P. McCurry, PA-C inquiring as to 1) whether physician assistants can perform Otolaryngology consultations(e.g. admitted and/or ER patients). 2) what type of physician supervision is required, physically present or via telecommunications. 3) whether it is required that his supervising physician physically see the patient, within what time period is he required to see the patient and 4) whether under current regulations physician assistants are authorized to perform daily rounds on patients that are admitted to the hospital and what type of physician supervision is required in this instance.

The Committee determined that as to question 1) physician assistants can do consultations. As to question 2) and 3) Pursuant to N.J.A.C. 13:35-2B.10 (a) and (b) 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.

As to question 4) physician assistants can make rounds and 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. McCurry will be so advised.

III. OLD BUSINESS

a. The Committee reviewed the response from Victoria Schwartz, Office Manager, Endocrinology Consultants, P.C., regarding a request to alter the supervisory ratio of physician assistants for the practice of Dr. Joseph Schwartz.

The Committee determined that Dr. Joseph Schwatz be allowed to hire one (1) other physician assistant, upon ratification by the Board of Medical Examiners. Dr. Schwartz will be so advised.

IV. REVIEW OF BOARD OF MEDICAL EXAMINERS MINUTES AND AGENDA

a. The Committee reviewed the Ratified Open Board Minutes of May 9, 2007, from the Board of Medical Examiners, as informational.

b. The Committee reviewed the Ratified Open Board Minutes of June 13, 2007, from the Board of Medical Examiners, as informational.

- c. The Committee reviewed the Ratified Open Board Minutes Disciplinary- Matters for June 13, 2007 from the Board of Medical Examiners, as informational.
- d. The Committee reviewed the Open Board Agenda of August 8, 2007 from the Board of Medical Examiners, as informational.
- e. The Committee reviewed the Open Board Agenda Disciplinary-Matters of August 8, 2007 from the Board of Medical Examiners, as informational.

V. REVENUE REPORT

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

VI. OTHER BUSINESS - Notes of Recommended Changes to the application package. REAGENDIZED.

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 two (2) investigative inquiries, to review six (6) items of new business, six (6) items of old business, three (3) statistical reports and three (3) applications.

Claire O'Connell advised the Committee that, she will be recusing herself in Executive Session from any discussion I/M/O of KEVIN McGILL and I/M/O JAN JANSEN, applicants.

Committee member Claire O'Connell rejoined the meeting.

The Committee reconvened in Public Session.

The following disciplinary actions is being reported out:

I/M/O KITABU CEESAY - The Committee reviewed the Consent Order of Reprimand filed with the New Jersey Board of Medical Examiners filed on August 8, 2007. The New York State Board for Professional Medical Conduct filed a Consent Order on January 15, 2007, entered into with Kitabu Ceesay, physician assistant. In the Consent Order, the Respondent agreed to not contest the allegations set forth in the Second Specification of Charges, namely, that he was engaged in negligence on more than one occasion in connection with the care and treatment of Patient A in that Respondent failed to perform and/or note complete and appropriate physical examinations of Patient A.

As a result of the foregoing, the Respondent's license to practice as a physician assistant was suspended for a period of three (3) years, with the first ;month to be served as a period of actual suspension and the last thirty-five (35) months to be stayed.

Respondent's license was placed on probation for three (3) years commencing one (1) month after the effective date of the Consent Order. Further, Respondent was required to successfully complete Continuing Medical Education courses of study for physician assistants in the area of assessing and treating trauma cases.

As a result of the foregoing, the Board and Committee have determined that Respondent's acts giving rise to the consent Order entered by the New York Board provides a basis for disciplinary action pursuant to N.J.S.A. 45:1-21 (d) and N.J.S.A. 45:1-21 (g). In that his license to engage in the activity regulated by the Board and Committee was suspended by another State for conduct which constitutes repeated acts of negligence. This matter will be reported out in Public Session.

The next scheduled meeting is October 19, 2007. There being no other business to come before the Committee in Public Session, the meeting was adjourned at 2:00 P.M.

Respectfully submitted,
Physician Assistant Advisory Committee

Dorcas K. O'Neal
Executive Director