

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

**PUBLIC SESSION MINUTES**

**MAY 21, 2010**

**FINAL**

The May 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, the Star Ledger and the Courier Post and was conducted in accordance with the provisions of the Public Meeting Act.

Chairman Argast called the meeting to order at 9:00 A.M. A roll call was taken and 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 March 19, 2010. **On a motion by Jeffrey Maas, seconded by Todd Newman, the Minutes were unanimously approved as amended.**

**II. OLD BUSINESS**

**a.** **N.J.A.C. 13:35-2B.10 5(I) and (ii) Ratios.** **The rule was approved by the Board of Medical Examiners June 2007. Awaiting final approval.** The Committee also noted that its current ratio rule already limits the number of physician assistants who can work under the supervision of a single physician. The current rules adequately protect patient safety without unduly burdening physicians and physician assistants.

### III. NEW BUSINESS

a. The Committee reviewed a fax from **Kailash Chand**, inquiring as to whether physician assistants can operate a YAG laser for permanent hair reduction, a fraction laser for skin resurfacing (for acne scar and uneven skin and wrinkles) and Genesis for skin rejuvenation all without the supervision of a physician in a free standing health spa.

The Committee determined that a letter be sent to Mr. Chand advising that pursuant to **N.J.A.C. 13:35-2B.10 Supervision (a) and (b) 1 and 2** 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 communications for consultation or recall.

As to physician assistants operating YAG laser for permanent hair reduction, a fraction laser for skin resurfacing (for acne scar and uneven skin and wrinkles) and Genesis for skin rejuvenation, the policy statement of the Board of Medical Examiners as it relates to Botox, Laser and Microdermabrasion/Glycolic Acid Peels will be sent to Kailash Chand.

b. The Committee reviewed a fax from **David Smith, MHA, President, Medical Investigation Group, Inc.**, inquiring as to whether physician assistants in the State of New Jersey can perform osteopathic manipulation when the supervising physician is an osteopath.

The Committee determined that a letter be sent to Mr. Smith advising that this matter will be referred to the Board of Medical Examiners regarding the question of first impression.

c. The Committee reviewed a fax from **Michael Rofsky, regional Pharmacy Supervisor, Costco Wholesale**, inquiring as to whether a prescription written for CDS medication on a Jersey City Medical Center prescription blank by a physician assistant with no collaborative (supervising) physician's name on the prescription blank, is valid.

The Committee determined that a letter be sent to Mr. Rofsky advising that physician assistants must have the name of the a supervising physician, printed or stamped on the prescription pad including but not limited to whether the prescription is written pursuant to protocol "**prt**" or specific physician direction "**spd**", pursuant to **N.J.A.C. 13:35-2B.12**. A copy of the regulations which govern the practice of physician assistants in the State of New Jersey will be provided to querist.

**d.** The Committee reviewed a fax from **Timothy S. Lopresti**, physician assistant, requesting a list of surgical privileges given to physician assistants.

The Committee determined that a letter be sent to Mr. Lopresti advising that the Committee does not have a list and that such privileges are determined by hospitals.

**e.** The Committee reviewed a fax from **Darcy L. Malin, Advanced Orthopaedic**, inquiring as to whether a physician whose name does not appear on the physician assistant prescription pad can supervise a physician assistant; whether the (“delegated physician supervisor”) who is within the same group and whose name is not printed on the prescription pad may check the box and write doctor’s name along with the Doctor’s license number on the prescription pad; whether this is considered a collaborative agreement and whether this arrangement has to be documented/approved or recorded with your agency or the State.

The Committee determined that a physician whose name does not appear on the physician assistant prescription blank may supervise the physician assistant; the physician assistant may be supervised by the physician designee or the delegated physician supervisor who is within the same group. The name of the physician designee or delegated physician supervisor must be printed on the prescription pad and the box checked with the name written along with the Doctor’s license number. Finally, the physician designee and/or the delegated physician supervisor do not have to be reported to this office.

**f.** The Committee reviewed an e-mail from **Robert Alderman, physician assistant**, advising that he plans to work as a subcontractor for the Federal government in New Jersey and inquiring as to whether he must obtain a New Jersey license and have a supervising physician who has a New Jersey medical license.

The Committee determined that a letter be sent to Mr. Alderman advising that the Committee is unclear as to the terms and conditions of his governmental contract and recommends the he seek legal advice as to whether he needs a license. A copy of the regulations which govern the practice of physician assistants in the State of New Jersey will be provided.

**g.** The Committee reviewed the **Executive Order #2 Rule Review**, which requires that all Board rules be reviewed to ensure that they comply with the “Common Sense Principles” established in the EO, the most important of which is that rules should be drafted so as to impose the least burden and costs to businesses.

A review conducted by DAG Levine, Regulatory Analyst, Maryann Sheehan and Kathleen Griffith found that no rules needed to be amended or repealed. However, Maryann Sheehan,

apprised the Committee that she will highlight **N.J.A.C. 13:35-2B.10 5(I) and (ii) Ratios**, in her report.

**h.** The Committee reviewed an e-mail from **Brett, Liquori**, inquiring as to whether physician assistants are authorized to perform EMG needle portion of the ncv/emg.

The Committee determined that a letter be sent to Mr. Liquori, advising that physician assistants can perform EMG needle portion, however, the matter is being appealed in the Superior Court of New Jersey.

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

**a.** The Committee reviewed the **Ratified Open Board Minutes for January 13, 2010 of the Board of Medical Examiners, as informational.**

**b.** The Committee reviewed the **Ratified Open Board Minutes Disciplinary-Matters for January 13, 2010 of the Board of Medical Examiners, as informational.**

**c.** The Committee reviewed the **Open Board Agenda for April 14, 2010 of the Board of Medical Examiners, as informational.**

**d.** The Committee reviewed the **Open Board Agenda Disciplinary-Matters for April 14, 2010 of the Board of Medical Examiners, as informational.**

**e.** The Committee reviewed the **Open Board Agenda for May 12, 2010 of the Board of Medical Examiners, as informational.**

**f.** The Committee reviewed the **Open Board Agenda Disciplinary-Matters for May 12, 2010 of the Board of Medical Examiners, as informational.**

**g.** The Committee reviewed the **Open Board Minutes for March 10, 2010 of the Board of Medical Examiners, as informational.**

**h.** The Committee reviewed the **Open Board Minutes Disciplinary-Matters for March 10, 2010 of the Board of Medical Examiners, as informational.**

**i.** The Committee reviewed the **Ratified Committee Minutes for April 14, 2010 of the Board of Medical Examiners, as informational.**

## V. REVENUE REPORT

- a. The Committee reviewed the **Revenue Report for March, 2010, as informational.**
- b. The Committee reviewed the **Revenue Report for April, 2010, as informational.**

## VI. LEGISLATION/REGULATION

a. The Committee reviewed **ASSEMBLY BILL NO: 2400** - which requires applications for certain professional and occupational licenses and certain registrations for controlled dangerous substance distribution to include information on applicant's membership in Armed Forces. There is a military service question presently on the application. The Comment on this bill was due April 30, 2010. The bill was forwarded to George Argast, President for comment on May 6, 2010. **The Physician Assistant Committee concurs with the position taken by the Board of Medical Examiners.**

b. The Physician Assistant Advisory Committee reviewed the **SENATE BILL NO: 936** which requires consumer complaints to licensing boards of regulated professions to be resolved within 120 days. **The Physician Assistant Committee concurs with the position taken by the Board of Medical Examiners.**

## VII. OTHER BUSINESS

a. **Petitioner Alexander Doctoroff, D.O., on behalf of the Dermatological Society of New Jersey, requested that the State Board of Medical Examiners (the Board) amend its regulations set forth at N.J.A.C. 13:35-2B.10, 6.10 and 6.16.**

The petitioner requested that the Board amend **N.J.A.C. 13:35-2B.10**, which sets forth requirements for physician supervision of physician assistants, to provide additional supervision requirements for physician assistants who provide dermatological services. The petitioner observed that Board-certified and Board-eligible dermatologists undergo extensive training in the evaluation and management of patients with skin disorders and cancers of the skin, and are experienced in the recognition of the skin manifestations of systemic and infectious skin disorders. The petitioner believes that permitting non-dermatologists to practice dermatology and to supervise physician assistants engaged in the provision of dermatological services results in lower quality dermatologic care, and increases the risk of misdiagnosis and harm to patients. Therefore, the petitioner recommends that the Board amend **N.J.A.C. 13:35-2B.10** to provide that only Board certified or Board-eligible dermatologists may supervise physician assistants providing dermatological services.

The Committee opposes the changes suggested by the petitioner and noted that physician assistants may perform only those services that are within the scope of practice of their supervising physician. New Jersey physicians are granted plenary licenses; therefore, any licensed physician may provide dermatological services. The Committee noted that the suggested changes would significantly decrease patient access to care in New Jersey, as physician assistants often manage dermatological complaints or issues in primary care, emergency care, pediatric and internal medicine practices. The suggested changes would make New Jersey a very inhospitable place for physician assistants to work, and would also negatively impact physician practices.

c. The Committee reviewed the Legislative Affairs Report, **as informational.**

There being no other business to come before the Committee in Public Session, on a motion by Claire O'Connell, seconded by Jeffrey Maas, the Public Session was adjourned and the Committee convened in Executive Session for the purpose of receiving counsel, to conduct three (3) investigative inquiries, to review seven (7) items of old business, three (3) items of new business and eight (8) applications.

The Committee reconvened in Public Session. The next scheduled meeting is July 16, 2010. There being no other business to come before the Committee in Public Session the meeting was adjourned 2:00 P.M.

Respectfully submitted,  
*Physician Assistant Advisory Committee*

Dorcas K. O'Neal  
Executive Director

**PUBLIC SESSION MINUTES RATIFIED BY THE BOARD OF MEDICAL EXAMINERS**

