

**NEW JERSEY REGISTER
VOLUME 40, ISSUE 8
ISSUE DATE: APRIL 21, 2008
RULE ADOPTION
LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS**

Adopted Amendments: N.J.A.C. 13:35-1.5 and 3.11

Adopted New Rule: N.J.A.C. 13:35-3.11A

Adopted Recodification with Amendments: N.J.A.C. 13:35-1.3 as 3.15

Postgraduate Training; Registration and Permit Requirements for Graduate Medical Education Programs in Medicine or Podiatry; Standards for Licensure of Physicians Graduated from Medical Schools Not Approved by American National Accrediting Agencies; Standards for Licensure of Physicians Graduated from Medical Schools Approved by American National Accrediting Agencies

Proposed: September 17, 2007 at 39 N.J.R. 3876(a).

Adopted: January 9, 2008 by the Board of Medical Examiners, Mario Criscito, M.D., President.

Filed: March 27, 2008 as R.2008 d.100, with a technical change not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:9-8 and 45:9-19.12.

Effective Date: April 21, 2008.

Expiration Date: March 17, 2010.

Federal Standards Statement

A Federal standards analysis is not required because the adopted amendments and new rule are adopted pursuant to State statute and are not subject to any Federal requirements or standards.

Full text of the adoption follows (addition to proposal indicated in boldface with asterisks *thus*; deletion from proposal indicated in brackets with asterisks *[thus]*):

SUBCHAPTER 1. MEDICAL SCHOOLS, COLLEGES, EXTERNSHIPS AND CLERKSHIPS

13:35-1.3 (Reserved)

13:35-1.5 Registration and permit requirements for graduate medical education programs in medicine or podiatry

(a)-(q) (No change.)

(r) A permit holder may engage in the practice of medicine or podiatry provided that such practice shall be within the context of an accredited graduate medical education program conducted at a hospital licensed by the Department of Health and Senior Services (DHSS). A permit holder may engage in practice outside the context of a graduate medical education program for additional remuneration only if that practice is approved, in writing, by the residency program director of the graduate medical education program in which the permit holder is participating and the practice is supervised by a plenary licensee who shall:

1. Either remain on the premises of the health care facility or be available through electronic communication if that

practice is at or through a health care facility licensed by the DHSS; or

2. Remain on the premises if that practice is outside of a health care facility licensed by the DHSS.

(s) The residency program director shall:

1. Require each permit holder to complete and submit a verification of supervision/employment form prior to approving practice outside of the approved graduate medical education program. A verification of supervision/employment form is required for each place of employment a permit holder practices outside the context of a graduate residency training program. The form shall include, but not be limited to, the following information:

i. Name of the permit holder;

ii. Field of practice;

iii. New Jersey physician license number of the supervising physician;

iv. Type of facility;

v. Telephone number; and

vi. Street address of the facility; and

2. Retain the verification of supervision/employment forms for seven years, which may be subject to review by the Board.

(t) The supervising physician shall:

1. Complete an affidavit accepting responsibility for reading and implementing the Board's statutes, N.J.S.A. 45:9-1 et seq., and rules, N.J.A.C. 13:35, that pertain to employment of permit holders outside the context of their approved graduate medical education programs; and

2. Provide evidence to the program director that arrangements have been made for professional liability coverage of the permit holder that is consistent with the rules of the Board, specifically N.J.A.C. 13:35-6.18.

(u) Prescriptions and orders may be issued by permit holders in the inpatient setting without countersignature. All prescriptions issued by permit holders in the outpatient setting, which are to be filled in a pharmacy outside a licensed health care facility shall be signed by a licensed physician or licensed podiatric physician, as appropriate.

Recodify existing (s) and (t) as (v) and (w) (No change in text.)

Recodify existing (v)-(x) as (x)-(z) (No change in text.)

SUBCHAPTER 3. LICENSING EXAMINATIONS AND ENDORSEMENTS, LIMITED EXEMPTIONS FROM LICENSURE REQUIREMENTS; POST-GRADUATE TRAINING

13:35-3.11 Standards for licensure of physicians graduated from medical schools not approved by American national accrediting agencies

(a) An applicant for a license to practice medicine and surgery in this State, who is a graduate of a medical school not eligible for and not accredited by the Liaison Committee on Medical Education (LCME) or the American Osteopathic Association (AOA), shall satisfy the conditions in this section to be deemed eligible for New Jersey licensure by examination or to be licensed by endorsement of a sister-state license.

(b)-(d) (No change.)

(e) An applicant who has successfully completed the full basic science studies (or the equivalent of the first two years of an American medical school) in the foreign medical school located in the country of domicile authorized to confer the degree or certificate and has been given academic credit for successful completion of clinical training programs in United States hospitals, with residency programs approved by the American Council on Graduate Medical Education (ACGME) and the AOA in that field, shall demonstrate that the medical school was approved by the New Jersey State Board of Medical Examiners (Board) to conduct such a program in this State, or that the program was performed in a sister-state and recognized as acceptable by the Board.

(f)-(g) (No change.)

(h) The applicant shall demonstrate attainment of a passing grade on an examination approved by the Board for purposes of medical licensure in this State.

(i) (No change.)

(j) An applicant, who has graduated from a medical school on or after July 1, 1916 and before July 1, 1985 and has received a medical degree from a medical school which is not eligible for and not accredited by the LCME or the AOA, shall demonstrate to the Board, through submission of documentation, that after receiving a medical degree the applicant has successfully completed at least one year of post-graduate training in a program accredited by the ACGME, the AOA, or any other equivalent group or agency which the Board, upon review, has determined has comparable standards.

(k) An applicant, who has graduated from a medical school on or after July 1, 1985 and before July 1, 2003 and has received a medical degree from a medical school which is not eligible for and not accredited by the LCME or the AOA, shall demonstrate to the Board, through the submission of documentation, that after receiving a medical degree the applicant has successfully completed a three-year post-graduate training program accredited by the ACGME, the AOA, or any other equivalent group or agency which the Board, upon review, has determined has comparable standards.

(l) An applicant, who has graduated from a medical school on or after July 1, 2003 and has received a medical degree from a medical school which is not eligible for and not accredited by the LCME or the AOA shall demonstrate to the Board, through the submission of documentation, that after receiving a medical degree the applicant has completed and received academic credit for at least two years for post-graduate training in a program accredited by the ACGME, the AOA, or any other equivalent group or agency which the Board, upon review, has determined has comparable standards, and has a signed contract for a third year of post-graduate training in a program accredited by the ACGME, the AOA or any other equivalent group or agency which the Board, upon review has determined has comparable standards. At least two of the three years of post-graduate training shall be:

1. In the same field; or

2. In different fields, if when considered together, the post-graduate training fields would be credited toward the criteria for certification by a single specialty board recognized by the American Board of Medical Specialties (ABMS), the AOA or any other equivalent group or agency which the Board, upon review, has determined has comparable standards.

13:35-3.11A Standards for licensure of physicians graduated from medical schools approved by recognized national accrediting agencies

(a) An applicant, who has graduated from a medical school on or after July 1, 1916 and before July 1, 2003 and has received a medical degree from a medical school approved by the Liaison Committee on Graduate Medical Education (LCGME) or American Osteopathic Association (AOA) or other recognized national accrediting agency, shall demonstrate to the Board, through submission of documentation, that after receiving a medical degree the applicant has successfully completed at least one year of post-graduate training in a program accredited by the American Council on Graduate Medical Education (ACGME), the AOA, or any other equivalent group or agency which the Board, upon review, has determined has comparable standards.

(b) An applicant, who has graduated from a medical school on or after July 1, 2003 and has received a medical degree from a medical school approved by the LCGME or AOA or other recognized national accrediting agency, shall demonstrate to the Board, through the submission of documentation, that after receiving a medical degree the applicant has completed and received academic credit for at least two years for post-graduate training in a program accredited by the ACGME, the AOA, or any other equivalent group or agency, which the Board, upon review, has determined has comparable standards, and has a signed contract for a third year of post-graduate training in a program accredited by the ACGME, the AOA, or any other equivalent group or agency, which the Board, upon review, has determined has comparable standards. At least two of the three years of post-graduate training shall be:

1. In the same field; or

2. In different fields, if when considered together, the post-graduate training fields would be credited toward the criteria for certification by a single specialty board recognized by the American Board of Medical Specialties (ABMS), the AOA or another certification entity which the Board, upon review, has determined has comparable standards.

13:35-~~[3.14]~~ *3.15* Postgraduate training

Postgraduate training shall be taken under the auspices of a hospital or hospitals accredited for such training by the Accreditation Council for Graduate Medical Education (ACGME) or by the American Osteopathic Association (AOA) or by the American Podiatric Medical Association (APMA), as applicable to the profession.