

State Board of Medical Examiners

consumer *brief*

New Jersey's State Board of Medical Examiners is responsible for protecting the public's health and safety by determining qualifications of applicants for licensure, establishing standards of practices, and disciplining licensees who do not adhere to those requirements.

The State Board of Medical Examiners consists of 21 gubernatorial appointees: 12 physicians, at least two of whom must be osteopathic physicians; three public members; one Commissioner of Health or his/her designee; one executive department designee; one podiatrist; one physician assistant; one bio-analytical laboratory director, who may or may not be an M.D.; and one certified nurse midwife.

WHAT DOES THE BOARD DO?

The Board licenses every doctor of medicine (M.D.), doctor of osteopathic medicine (D.O.), podiatrist (D.P.M.), acupuncturist, bio-analytical lab director (B.L.D.), hearing aid dispenser (H.A.D.), certified nurse midwife (C.N.M), physician assistant (P.A.), athletic trainer (A.T.), electrologist and perfusionist.

The Board promulgates regulations which serve as a basis for the standard of practice and the Board ensures that these regulations and the statutes are followed by all licensees. It also is the responsibility of the Board to evaluate when a licensee's conduct or ability to practice appropriately warrants modification, suspension or revocation of the license to practice. When the Board receives a complaint about a licensee and there is reason to believe that the licensee has violated the law, it has the power to investigate, hold hearings, and/or impose disciplinary sanction. This may include fines, additional education, medical treatment, or a modification of his/her license.

HOW CAN I FIND OUT INFORMATION ABOUT MY DOCTOR?

You can learn more information about a doctor licensed in the State of New Jersey at the New Jersey Healthcare Profile (also known as the Physician Profile) by accessing www.njdoctorlist.com on the Web. At this Web site, you can learn more about a physician's education, Board certifications, where the physician has hospital privileges, the insurance which he/she accepts, whether any disciplinary action has been taken by the Board in the last 10 years, whether any malpractice payments have been paid on the licensee's behalf and whether he/she has been disciplined by a health care facility.

HOW CAN I FILE A COMPLAINT?

Go to www.njconsumeraffairs.gov/Pages/Consumer-Complaints.aspx to fill out a complaint form and submit it online, or to download a complaint form, fill it out and then mail it to: State Board of Medical Examiners
P.O. Box 183
Trenton, New Jersey 08624-0183.

If you prefer, you can call 609-826-7100 to request that a complaint form be mailed to you.

HOW LONG WILL THE INVESTIGATION TAKE?

The Board cannot predict how long an investigation will take because each case has many variables. Each matter received by the Board is investigated thoroughly and on its own merits. Some cases are clear and involve a limited number of circumstances and, upon assignment, can be completed quickly. Others are more complicated and may take longer periods of time. The Board will do its best to process your complaint as quickly as it can, while still maintaining an appropriate investigation.

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DO I HAVE A RIGHT TO MY MEDICAL RECORDS?

In most instances, you do have a right to receive a *copy* of your medical records, not the original. Although most patients assume that the records belong to them, the Board requires that the physician maintain the original to ensure that the patient's medical history is available to any subsequent treating physician or health care provider. Copies may be given to you, another doctor, your attorney, your insurance company or another family member if you expressly authorize it. If you should die, your executor or administrator of your estate may obtain copies also. Medical records cannot be released to a spouse, family member (except in the case of a child), attorney or any other person unless you give your consent to release them to that specific person.

CAN A DOCTOR CHARGE ME FOR MY MEDICAL RECORDS?

The doctor may charge you to copy your records. The cost may not be greater than \$1.00 per page or \$100.00 for the entire record, whichever is less. If your records are no more than 10 pages, the doctor may charge \$10.00. A "service fee" may not be charged in addition to the copying fee. Charges for copies of X-rays and other documents which cannot be reproduced by ordinary photocopying machines are to be charged at the actual costs to reproduce them.

Your doctor has 30 days after he/she receives a written request from you to provide your records. If you have provided a set of records from another physician, you have a right to have these included as part of the entire medical record. Physicians may not refuse to release a copy of your medical record if it is needed for ongoing treatment by another health care provider even if you owe money for the medical services the physician has provided. Absent these circumstances, the physician has the right to hold the record until you pay for the costs to reproduce the record.

There is an exception to the above rule. If you are sent by an insurance company or employer for an examination, the above does not apply. In order to obtain a copy of the records or reports from this examination, you must contact your employer or the insurance company that sent you for the examination to receive a copy.

HOW LONG MUST A DOCTOR KEEP MY MEDICAL RECORDS?

A doctor has to keep a patient's medical records for seven years. After that, the physician may destroy them. There is no requirement in the law that requires the physician to notify a patient prior to destroying the records. It is recommended that you request a copy of your medical records when you are changing physicians.

Go to www.njconsumeraffairs.gov, and click on **Boards & Committees, Medical Examiners** for additional information about the Board, or you can contact the Board as indicated below.

Telephone: (609) 826-7100

Fax: (609) 826-7117 or

E-mail: bme@dca.njoag.gov

New Jersey Office of the Attorney General **DIVISION OF CONSUMER AFFAIRS**

Consumer Service Center

124 Halsey Street
P.O. Box 45025
Newark, NJ 07101

973-504-6200

800-242-5846
(toll free within N.J.)

E-Mail: AskConsumerAffairs@dca.njoag.gov

website:

www.NJConsumerAffairs.gov

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