

**OPEN BOARD MINUTES  
NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS**

**April 13, 2011**

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A meeting of the New Jersey State Board of Medical Examiners was held on Wednesday, April 13, 2011 at the Richard J. Hughes Justice Complex, 25 Market Street, 4<sup>th</sup> Floor, Conference Center, Trenton, New Jersey. The meeting was called to order by President T. Paul Jordan, M.D.

**PRESENT**

Board Members Berkowitz, Cheema, Criss, DeGregorio, Howard, Jordan, Lomazow, Mendelowitz, Paul, Rajput, Scott, Stanley, Tedeschi, and Walsh.

**EXCUSED**

Board Members Baker, Ciechanowski, Iannuzzi, Lambert, and Weiss.

**ABSENT**

**ALSO PRESENT**

Senior Deputy Attorneys General Dick, Flanzman and Gelber, Deputy Attorneys General Ehrenkrantz, Hafner, Levine, Puteska and Warhaftig and Executive Director Roeder.

**STATEMENT CONCERNING THE  
ANNUAL NOTICE OF PUBLIC MEETINGS**

The requirements of the "Open Public Meetings Act" were satisfied by notice of this meeting given in the annual notice adopted by the New Jersey State Board of Medical Examiners on September 9, 2009 which was transmitted to the ATLANTIC CITY PRESS, STAR LEDGER, CAMDEN COURIER POST, ASBURY PARK PRESS, BERGEN RECORD and the TRENTON TIMES, all on the 20th day of October 2010.

**ANNOUNCEMENTS**

**MINUTES**

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE MARCH 9, 2011 OPEN BOARD MINUTES.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OPEN DECEMBER 17, 2010 PHYSICIAN

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ASSISTANT ADVISORY COMMITTEE MINUTES.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OPEN FEBRUARY 18, 2011 PHYSICIAN ASSISTANT ADVISORY COMMITTEE MINUTES.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE OCTOBER 28, 2010 OPEN ELECTROLOGISTS COMMITTEE MINUTES.

## **NEW BUSINESS**

### **1. LASERS TEXT**

In the past couple of years, the issues of lasers and the delegation to other professionals (*i.e.*, a licensed nurse) have been considered by the Board. A Committee of the Board was formed to draft proposed changes to the regulations on this healthcare service, as well as intense pulsed light, infrared, radiofrequency, fillers, neuromuscular blockers, microdermabrasion, and epidermal peels. Authority was sought from the Board to publish a proposal in the *New Jersey Register* for Notice and Comment.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO MOVE INTO EXECUTIVE SESSION FOR ADVICE OF COUNSEL.

This motion was made by Ms. Criss and Seconded by Dr. Paul. It carried unanimously.

All parties, except for administrative and counseling staff, left the room. Returning to open session, the Board announced the following Motion.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE DRAFT AS A PROPOSAL TO BE PUBLISHED IN THE *NEW JERSEY REGISTER* FOR NOTICE AND COMMENT.

The Board also noted that a review of the current policy statement on many of the procedures to be addressed by the proposed regulations may be needed. It referred that matter to the Executive Committee for further study and potential revision.

The Motion was made by Ms. Criss and Seconded by Dr. Paul. All voted in favor except

for an abstention by Mr. Walsh.

2. **COLLABORATIVE PRACTICE PROPOSAL**

The Board of Medical Examiners and the Board of Pharmacy jointly proposed new rules that sought to establish the standards of practicing for physicians and pharmacists who wish to enter into collaborative practice agreements for the management of patients' drug related therapies. Attached was a copy of the Board's response to the comments received. The Board was requested to authorize publishing the regulation as a final adoption.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO PUBLISH FOR NOTICE AND COMMENT THE PROPOSAL IN THE *NEW JERSEY REGISTER*.

Motion made by Mr. Walsh and seconded by Dr. Paul. It carried unanimously.

3. **GUIDELINES AND PROCESS FOR THE TRANSFER OF CASES TO THE OFFICE OF ADMINISTRATION LAW ("OAL")**

Recently, the Executive Committee reviewed the criteria utilized in transferring cases for a hearing before an Administrative Law Judge at the OAL. Attached for the Board's consideration and ratification, rejection, or modification was a list of the criteria approved by that Committee.

THE BOARD, UPON MOTION MADE AND SECONDED, VOTED TO APPROVE THE CRITERIA.

Motion made by Dr. Cheema and seconded by Ms. Criss. It carried unanimously.

**OLD BUSINESS**

Nothing Scheduled.

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**INFORMATIONAL**

Public Law 2010, Chapter 95 - The new law requires health care professionals and facilities to bill Medicare beneficiaries within 90 days from the date the payment from Medicare or other third party payer is finalized for any amounts due and owing for the services that are not reimbursed by the Medicare program or other third party payer. It was introduced as Assembly Bill 3203/Senate Bill 89.

**PUBLIC COMMENT**

None.

Respectfully submitted

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Paul T. Jordan, M.D. - President

WVR/br