

Physician Assistant Advisory Committee

Hudson Conference Room 6th Floor

Public Session Agenda

July 18, 2003

Final

The July meeting of the Physician Assistant Advisory Committee was convened in accordance with its notice to the Secretary of State, Bergen Record, Trenton Times, Star Ledger and the Courier Post and was conducted in accordance with the provisions of the Open Public Meeting Act.

President Walsh 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:

Kevin Walsh

Mary Kral

LaNelle McKay

ABSENT: Dr. Mary Ibrahim

Also in attendance:

Debra Levine, Deputy Attorney General, Eugene Brenycz, Regulatory Analyst, Kathleen Griffith and Nermin Ibrahim, Staff.

I. APPROVAL OF MINUTES

a. The Committee reviewed the minutes of July 18, 2003. Redactions were made as follow: Page 2, Item 3 (c), line 4, add"s" to the word "protocol". Page 3, Item III (d), questions 1, 3 and 4 delete the sentence "the Committee made no pronouncement". Add "As to questions 1, 3 and 4, the Committee deemed that these questions do not fall under its jurisdiction". Page 5, Item 7 (a), delete "the Committee unanimously endorsed the bill. It provides protection to volunteer health care *providers* without the burden of malpractice coverage and claims while at the same time, provides protection to safeguard the patient through State funds. Add "The Committee supports the position of the Board of Medical Examiners as previously taken before".

On a motion by LaNelle McKay, seconded by Mary Kral the Public Session Minutes were approved as redacted.

II. OLD BUSINESS

There were no items of old business.

III. NEW BUSINESS

a. The Committee reviewed a fax from **Robert Hager, PA-C, Neuro Group, P.A., Flemington, New Jersey**, advising that he finds **N.J.S.A. 45:9-27.19 "no controlled dangerous substances may be ordered"** is not specific to any type of drug class/es and inquiring as to whether (the statute) includes classes I thru V.

It was the consensus of the Committee that a physician assistant in the State of New Jersey cannot prescribe "controlled dangerous substances" which includes schedules 1 thru 5. Further, all other legend drugs may be

prescribed. Mr. Hager will be so advised and will be provided a copy of the Verbal Order Policy Statement of the Board of Medical Examiners regarding controlled dangerous substances.

b. The Committee reviewed a fax from **Samuel Thompson, Ph.D., Assemblyman, 13th Legislative District**, inquiring as to whether a licensed physician assistant can be a shareholder/officer/director of a Professional Service Corporation - along with a licensed doctor - under The Professional Corporation Act (**N. J. S. A. 14A:17-1**).

The Committee determined that a physician assistant may form a partnership or be a joint shareholder in a professional service corporation in accordance with all applicable laws pursuant to N. J. A. C. 13:35-6.16. Further, the Board of Medical Examiners statutes and regulations state that the physician's professional discretion should never be impacted by the individual with the lesser scope of practice. A letter will be sent to Assemblyman Thompson so advising along with a copy of the statutes and regulations.

c. The Committee reviewed a fax from **Frank Campione, PA-C**, inquiring as to whether physician assistants in New Jersey can sign D.N.R.'s and as to whether physician assistants can perform and authorize medical clearance for surgical patients in New Jersey.

The Committee determined that physician assistants in New Jersey may sign D.N.R.'s provided that there is documentation by a physician in the medical record **pursuant to N.J.A.C. 13:35-2B.10**.

As to question 2, **pursuant to N.J.A.C. 13:35-2B.4** physician assistants may perform history and physical examinations for medical clearance for patients awaiting surgery providing it falls under the scope of practice of the supervising physician. **Mr. Campione will be so advised.**

d. **The Committee reviewed a fax from Michael Knox, PA-C, inquiring as to whether physician assistants in New Jersey can conduct a bone density test on a patient including actual push of the button and whether physician assistants can perform EMG.** It was the consensus of the Committee that the question be referred to Anthony J. McMahon, Chief, Bureau of Radiological Health inquiring as to whether Dexascans and bone density equipments are restricted to licensed radiologic technologists. **This matter will be reagendaized upon receipt of a response from chief McMahon.**

e. The Committee reviewed a fax from **Amy Matorin, PA-C**, inquiring as to whether a physician assistant can legally operate a laser if trained and supervised by a physician who is an expert on lasers. **The Committee** determined that consistent with the determination made by the Board of Medical Examiners, physician assistants may not perform laser treatments as these are deemed the practice of medicine and may not be delegated to a nurse or any other licensed health care professional other than a "physician". Ms. Matorin will be so advised.

f. The Committee reviewed a fax from **Brenda Krein, PA-C**, stating that Dr. Weinstock is her supervising physician in a practice of ten (10) physicians and inquiring as to whether supervision forms should be submitted for the ten (10) physicians in the practice.

It was the consensus of the Committee that Dr. Weinstock name must be printed on the prescription blank as the supervising physician. All other delegated supervising physicians, must be identified in the delegated section of the prescription blank. Further, all other physicians license numbers must be available for identification purposes. **A letter will be sent to Ms. Krein so advising.**

g. The Committee reviewed a fax from **Marcelle S. Zebuhr, PA-C**, inquiring as to whether physician assistants can be hired as an independent contractor. The Committee determined that physician assistants may work as independent contractors, pursuant to N.J.A.C. 13:35-2B.3(b) The licensee shall file with the Board a notice of employment for each place of employment, on forms provided by the Committee, within 10 days after the date on which employment commences. Furthermore, the licensee shall report to the Board any change in employment or supervisor within 10 days of the change.

Further, as an independent contractor in a hospital a physician assistant must identify a supervising physician.

Likewise if a physician assistant is contracting with a group of physicians, each supervising physician will have to sign the verification of supervision/employment form which must be submitted to the Physician Assistant Advisory Committee. Finally, all other applicable laws must be adhered to specifically as it relates to the requirements that any tasks performed by a physician assistant must fall within the training and expertise of the supervising physician. **Ms. Zebuhr will be so advised.**

IV. REVIEW OF THE BOARD OF MEDICAL EXAMINERS MINUTES AND AGENDA

- a. The Committee reviewed the **(Ratified) Open Board Minutes-Disciplinary Matters of the Board of Medical Examiners for April 9, 2003 as informational.**
- b. The Committee reviewed the **(Ratified) Open Board Minutes of the Board of Medical Examiners for May 14, 2003 as informational.**
- c. The Committee reviewed the **(Ratified) Open Board Minutes-Disciplinary Matters of the Board of Medical Examiners for May 14, 2003 as informational.**
- d. The Committee reviewed the **Open Board Agenda of the Board of Medical Examiners for July 9, 2003 as informational.**
- e. The Committee reviewed the **Open Board Agenda Disciplinary-Matters of the Board of Medical Examiners for July 9, 2003 as informational.**

V. LICENSURE ACTION

- a. The Committee reviewed the **Summary Report of Licensure Action taken from June 13, 2003 to July 10, 2003 as informational.**

VI. SUNSET OF REGULATIONS

- a. Eugene Brenycz, regulatory Analyst attended the meeting. The Committee continued reviewing the regulations at SUBCHAPTER 2B.11. N.J.A.C. 13:35-2B.11, Recordkeeping and concluded at the end of the section regarding Reinstatement of lapsed license.

Changes were made as follow:

N.J.A.C. 13:35-2B.11 (a) No change.

N.J.A.C. 13:35-2B.11 (a) 1 Recordkeeping No change.

N.J.A.C. 13:35-2B.11 (a) 2 Recordkeeping No change.

N.J.A.C. 13:35-2B.11 (a) 3 Recordkeeping No change.

N.J.A.C. 13:35-2B.11 (a) 4 Recordkeeping No change.

N.J.A.C. 13:35-2B.11 (a) 5 Recordkeeping Delete "Progress notes;"

N.J.A.C. 13:35-2B.11 (a) 6 Recordkeeping No change.

N.J.A.C. 13:35-2B.11 (a) 7 Recordkeeping No change.

N.J.A.C. 13:35-2B.11 8. Recordkeeping No change.

N.J.A.C. 13:35-2B.11 8. i Recordkeeping No change.

N.J.A.C. 13:35-2B.11 8. ii RecordkeepingNo change.

N.J.A.C. 13:35-2B.11 8. iii Recordkeeping No change.

N.J.A.C. 13:35-2B.11 8. iv Recordkeeping No change.

N.J.A.C. 13:35-2B.11 (b) Recordkeeping No change.

N.J.A.C. 13:35-2B.11 (c) Recordkeeping No change.

N.J.A.C 13:35-2B.11 (d) Recordkeeping No change.

N.J.A.C. 13:35-2B.12 (a) Requirements for issuing prescriptions for medications add colon(:) verbal orders for controlled dangerous substances.

N.J.A.C. 13:35-2B.12 (a) 1. Requirements for issuing prescriptions for medications No change.

N.J.A.C. 13:35-2B.12 (a) 2. Requirements for issuing prescriptions for medications No change.

N.J.A.C 13:35-2B.12 (a) 2. i Requirements for issuing prescriptions for medications No change.

N.J.A.C. 13:35-2B.12 (a) 2. ii Requirements for issuing prescriptions for medications No change.

N.J.A.C. 13:35-2B12 (a) 2. iii Requirements for issuing prescriptions for medications No change.

N.J.A.C. 13:35-2B.12 (a) 2. iv Requirements for issuing prescriptions for medications No change.

N.J.A.C. 13:35-2B.12 (a) 2. v Requirements for issuing prescriptions for medications No change.

N.J.AC. 13:35-2B.12 (a) 2. vi Requirements for issuing prescriptions for medications No change.

N.J.A.C. 13:35-2B.12 (a) 2. vii Requirements for issuing prescriptions for medications No change.

N.J.A.C. 13:35-2B.12 (a) 2. viii requirements for issuing prescriptions for medications No change.

N.J.A.C. 13:35-2B.12 (a) 2. ix Requirements for issuing prescriptions for medications No change.

N.J.A.C. 13:35-2B.12 (a) 2. x Requirements for issuing prescriptions for medications No change.

Add #3 under **(N.J.A.C. 13:35-2B.12) (3) NOTE:** The Verbal Order Policy was converted to regulatory language and enumerated. Changes were made to the draft language to the Verbal Order Policy as follow:

N.J.A.C. 13:35-2B.12 (3) a. No change.

N.J.A.C. 13:35-2B.12 (3) 1. No change

N.J.A.C. 13:35-2B.12 (3) 2. No change.

N.J.A.C. 13:35-2B.12 3. line 1, **delete** "issue prescriptions" **and add** "initiate an order" **and at 3.** iv, "twenty-four hours" was expanded to "forty-eight hours".

On a motion by Mary Kral, seconded by LaNelle McKay the changes were unanimously accepted and that the Verbal Order Statement be written under the guidelines of N.J.A.C. 13:35-2B.12 Requirements for issuing prescriptions for medications.

The Regulatory Analyst will dialogue with Anthony Miragliotta, Deputy Director of Consumer Affairs. Upon approval the Verbal Order Statement will be written into the guidelines before the sunset of the regulations

N.J.A.C. 13:35-2B.13 (a) Eligibility for temporary licensure No change.

N.J.A.C. 13:35-2B.13 (b) Eligibility for temporary licensure No Change.

N.J.A.C. 13:35-2B.14 (a) Temporary licensure; scope of practice after "prescriptions" add *Orders for medication, testing and treating may be written by a temporary licensee holder pursuant to the provisions of N.J.A.C. 13:35-2B.15.

N.J.A.C. 13:35-2B.14 (b) Temporary licensure; scope of practice No change.

N.J.A.C. 13:35-2B.15 (a) Supervision of temporary license holder No change.

N.J.A.C 13:35-2B.15 (a) 1. Supervision of temporary license holder after physician, delete "or"; after "a" add "designated" and delete "with privileges in the same discipline".

N.J.A.C. 13:35-2b.15 (a) 1. i. Supervision of temporary license holder No change

N.J.A.C. 13:35-2B.15 (a) 1. ii Supervision of temporary license holder after "medication" add "testing and treatment".

N.J.A.C. 13:35-2B.15 (a) 2. Supervision of temporary license holder No change.

N.J.A.C. 13:35-2B.15 (a) 2. i Supervision of temporary license holder No change.

N.J.A.C. 13:35-2B.15 (a) 2. ii. Supervision of temporary license holder after medication add "treatment and testing" place a period (.) after licensee and delete "and countersigned by a licensed physician assistant".

N.J.A.C. 13:35-2B.16 (a) Expiration of temporary license; renewal after "examination" add pursuant to N.J.A.C. 13:35-2B.13.

N.J.A.C. 13:35-2B.16 (b) Expiration of temporary license; renewal No change.

N.J.A.C. 13:35-2B.16 (c) Expiration of temporary license; renewal No change.

N.J.A.C. 13:35-2B.17 Reinstatement of lapsed license Uniform Enforcement Act language will be added at the sunset of the regulations.

N.J.A.C. 13:35-2B.17 (a) Reinstatement of lapsed license No change.

N.J.A.C. 13:35-2B.17 (a) 1. Reinstatement of lapsed license No change.

N.J.A.C. 13:35-2B.17 (a) 2. Reinstatement of lapsed license No change.

N.J.A.C. 13:35-2B.17 (a) 3. Reinstatement of lapsed license No change.

N.J.A.C. 13:35-2B.17 (a) 4. Reinstatement of lapsed license No change.

N.J.A.C. 13:35-2B.17 (b) reinstatement of lapsed license No change.

N.J.A.C. 13:35-2B.17 (c) Reinstatement of lapsed license change the "40" to "50"

N.J.A.C. 13:35-2B.17 (d) Reinstatement of lapsed license No change.

N.J.A.C. 13:35-2B.17 (d) 1. Reinstatement of lapsed license line 2, change "40 hours of Board approved continuing education credit hours" to "50 Board approved continuing education credit hours".

N.J.A.C. 13:35-2B.17 (d) 2. Reinstatement of lapsed license line 2, change "four years" to "five years".

N.J.A.C.13:35-2B.17 (d) 2. Reinstatement of lapsed license line 3, change "60 hours of Board approved continuing education" to "100 hours of Board-approved continuing education".

N.J.A.C. 13:35-2B.17 (d) 3. Reinstatement of lapsed license Delete entire statement and replace with "More than four but less than five years requires 125 hours of Board approved continuing education".

N.J.A.C. 13:35-2B.17 (e) Reinstatement of lapsed license No change.

N.J.A.C. 13:35-2B.17 (f) Reinstatement of lapsed license No change.

N.J.A.C. 13:35-2B.17 (g) Reinstatement of lapsed license No change.

There being no other business to come before the Committee in Public Session, on a motion by Mary Kral, seconded by LaNelle McKay, the Public Session was adjourned, and the Committee convened in Executive Session for the purpose of receiving counsel, and to review one statistical report and to review 19 applications.

The Committee re-convened in Public Session. The following licensure action was taken in Executive Session.

The Committee certifies that the following persons have applied for licensure; that each application has been reviewed in detail; that all statutory requirements have been met; and that the applicants have been approved by the Committee for licensure.

APPROVED (PERMANENT)

Guadagno, Lynn
Milici, Jacqueline
Sese, Raymund

The Committee certifies that the following applications have been reviewed and were provisionally approved pending receipt of certain information. Upon receipt of the requested information the Committee has authorized the Executive Director to review the documents for compliance with statutory requirements and approve for licensure.

PROVISIONALLY APPROVED (PERMANENT)

Lyons, Glenn
Styliadis, Noreen

PROVISIONALLY APPROVED (TEMPORARY)

Geary, Thomas
Internicola, Elissa
Patel, Pinal

The Committee reviewed the following applications which were deferred due to lack of specific documents required by law. All deferred permanent and temporary applications must return to the Committee for review.

DEFERRED (PERMANENT)

Cirone, Linda
Franco, Lauren

(DEFERRED PERMANENT) Continued

Khashab, Janet
Klinoff, Natalie
Stinelli, Joseph
Varghese, Daji
Zhang, Zhen

DEFERRED (TEMPORARY)

Blumenthal, Susan
Clancy, Anne
Norris, Joseph
Parekh, Kunal

The next scheduled meeting is September 19, 2003. There being no other business to come before the Committee the meeting was adjourned at 1:30 P.M.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director
