

SENATE HEALTH, HUMAN SERVICES AND SENIOR
CITIZENS COMMITTEE

STATEMENT TO

SENATE, No. 377

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 18, 2010

The Senate Health, Human Services and Senior Citizens Committee reports favorably and with amendments Senate Bill No. 377.

As amended by the committee, this bill makes various changes to the membership and duties of the State Board of Medical Examiners (BME).

Specifically, the bill:

- Provides that the three public members of the BME include one person who represents a senior citizen advocacy group, one who represents a child advocacy group, and one who represents a Statewide consumer advocacy group. The provisions of the bill are effective immediately; however, the public members serving on the effective date of the bill shall continue to serve until the expiration of their respective terms. Each public member appointment shall be made upon the expiration of a public member's term of office, and the vacancies shall be filled in the order in which they appear in the bill.
- Specifies that at least one of the 12 physician members of the BME shall be a pediatrician.
- Specifies that a member of the BME is eligible for reappointment for one additional term of office, but no member shall serve more than two consecutive terms of office. This limitation shall apply to any member newly appointed after the effective date of the bill, and any member serving on the effective date of the bill shall be limited to two additional consecutive terms.
- To ensure that the BME takes timely disciplinary action to protect the public, when appropriate, the bill provides that:
 - the Medical Practitioner Review Panel of the BME is required to investigate notices or complaints it receives from health care facilities and health maintenance organizations regarding a licensee in order to make a recommendation to the BME, and to make its recommendation within 90 days after receipt of the complaint, rather than to investigate "promptly," as the law currently provides. If the

review panel requires additional time due to extenuating circumstances, it shall so notify the board, indicating the reason and the amount of additional time required to make its recommendation, and transmit a copy of the notice to the Attorney General and the complainant. The bill also provides that nothing respecting this time-frame is to be construed to limit or otherwise impair the BME's authority to take any action against a licensee or applicant for a license, or the review panel's authority to make a recommendation; and

-- within 60 days upon receipt of notification from a physician of any action taken against the physician's medical license by any other state licensing board or any action affecting the physician's privileges to practice medicine by any out-of-State hospital, health care facility, health maintenance organization or other employer, the BME shall investigate the information received and obtain any additional information that may be necessary in order to make a determination whether to initiate disciplinary action against the physician. The bill also provides that nothing respecting this time-frame is to be construed to limit or otherwise impair the BME's authority to take any action against a licensee.

The committee amendments:

- (section 2) Specify that the limitation that members of the BME shall serve no more than two consecutive terms of office applies to any members newly appointed after the effective date of the bill, and any that member serving on the effective date of the bill shall be limited to two additional consecutive terms.
- (section 3) require that the Medical Practitioner Review Panel of the BME investigate notices or complaints and make its recommendation to the BME within 90 days after receipt of the complaint, rather than to investigate "promptly," as the law now provides;
- (section 3) provide that if the panel requires additional time due to extenuating circumstances, it shall so notify the BME, indicate the reason and the amount of additional time required to make its recommendation, and transmit a copy of the notice to the Attorney General and the complainant, and further provide that nothing regarding this time-frame is to be construed to limit or otherwise impair the board's authority to take any action against a licensee or applicant for a license or the review panel's authority to make a recommendation;
- (section 4) change from 30 days to 60 days after receiving notification from a physician of any action taken against the physician's medical license that the BME must investigate the information received and obtain any additional information needed to make a determination whether to initiate disciplinary action, and further provide that nothing regarding this time-

frame is to be construed to limit or otherwise impair the board's authority to take any action against a licensee or applicant for a license; and

- delete section 5, which would have required plaintiffs alleging medical malpractice in which a licensee of the BME is a defendant to transmit a copy of the affidavit of merit to the BME within 30 days of its completion.

This bill was pre-filed for introduction in the 2010-2011 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.