

New Jersey Academy of Otolaryngology-Head & Neck Surgery
New Jersey Academy of Facial Plastic Surgeons

April 2014

Save the Date!

2014 Annual Meeting
Friday, June 13, 2014

Please note new location!

Seaview Hotel & Golf Club
Galloway, NJ



From the Statehouse

Advocacy and Management Group

DCA TESTIFIES ON OPIOID & HEROINE ABUSE

This month, the Division of Consumer Affairs testified before the Assembly Health and Senior Services Committee in a special hearing focused on prescription drug diversion and potential reforms to the Prescription Monitoring Program (PMP).

DCA Director, Eric Kanefsky, provided the committee with information on the use of the PMP and new developments with the program. Prescribers are now able to register with the PMP online when they renew their registration. As of March 1, pharmacies will be required to update their reporting on the PMP weekly, compared to the previously permitted 14 days.

The DCA is working to expand the PMP's data keeping beyond state borders. While there are

numerous obstacles with accessing information from New York and Pennsylvania, the DCA continues to explore this avenue in hopes of providing prescribers with more information on patients who pill-shop across state lines.

The state has hired additional investigators with medical experience and have initiated 30 legal actions against physicians who may be indiscriminately prescribing opioids. Thus far, 14 licenses have been revoked. The use of the PMP as a method to criminally investigate physicians remains a top concern for the medical community.

Discussion over the mandatory usage of the Prescription Monitoring Program continues in Trenton, as the DCA and State Commission of Investigations appeals for required participation. Assemblyman Herb Conaway, Chair of the Assembly Health Committee and fellow physician, opposes mandatory usage. Conaway is particularly concerned that patients in need will not be able to access these drugs when necessary due to the added pressure placed on the physician by the state.

The New Jersey legislature remains concerned on the growing abuse of prescription opioids and heroine, as approximately one person dies of opioid/heroin abuse every day in the Garden State.

DCA DIRECTOR DEPARTS

In a related story, immediately following the opioid hearing, Eric Kanefsky, Director of the NJ Division of Consumer Affairs, announced that he will be leaving the Division after serving in the position for almost two years. Kanefsky will form a law firm with former Acting Director of Consumer Affairs, Tom Calgagni, who will be leaving his post in the Attorney General's Office. Director Kanefsky is expected to leave office the second week of April. There is no announcement yet on a replacement for an incoming Director.

LEGISLATIVE HEARINGS ON FY2015 BUDGET

The New Jersey State Senate and General Assembly are gearing up for the anticipated April budget discussions. Throughout the month of April, Governor Christie's budget proposal from his February 2014 address will be considered by the legislature as the Commissioner of each state department is called before the Budget Committees. The state's pension obligations are of prime concern for many on the committee. The budget must be signed by June 30, 2014. For a full schedule of the budget hearings, visit: <http://www.njleg.state.nj.us/>.

FEDS VISIT NJ FOR ACA ENROLLMENT

This month, U.S. Secretary of Health and Human Services, Kathleen Sebelius, visited New Jersey to bring greater attention to the Affordable Care Act and the close of open enrollment. New Jersey has the tenth largest uninsured population in the country. Essex County is estimated to have the largest number of new enrollees, with approximately 38,000 newly covered individuals. During a press conference at Montclair University, Sebelius emphasized the cost-savings available to many New Jerseyans due to the subsidized insurance through the federal exchange.

The open enrollment period ends on March 31. Those who are not insured by March 31 will be penalized on their 2014 tax return with a fee equal to one-percent of the individual's income.

The minimum penalty will be \$95. Those who have not enrolled will be able to purchase insurance through the federal exchange beginning on November 15, 2014.

GOVERNOR MAKES NEW APPOINTMENTS TO BOARD OF MEDICAL EXAMINERS

Governor Chris Christie has recently announced the appointment of 11 new members to the New Jersey State Board of Medical Examiners, including NJAO-NJAFPS member Chetan Shah, M.D.

Medical Doctor/Osteopathic Physicians

Niranjan V. Rao, M.D., F.A.C.S.
Vascular Surgeon
Franklin Park, Somerset County

Steven Berkowitz, M.D., F.A.C.S., F.A.A.O.S., C.I.M.E.
Orthopaedic Surgeon
Ocean Township, Monmouth County

Scott E. Metzger, M.D.
Pain Management
Morganville, Monmouth County

Richard C. Angrist, M.D.
Ophthalmologist
Sea Girt, Monmouth County

H. Stephen Fletcher, M.D.
General Surgeon
Morristown, Morris County

Sudhir M. Parikh, M.D.
Allergist
Watchung, Somerset County

Francis N. DeLuca, M.D.
Orthopaedic Surgeon
Warren Township, Somerset County

Chetan S. Shah, M.D.
Otolaryngologist
Titusville, Mercer County

Physician Assistant

Barbara J. Lopez, PA-C (Mine Hill, Morris)

Public Members

Mildred McGrath, RN, MSN, CCRN, ACP, C (Netcong, Morris)
Theresa J. Kubiak, RN, MSN, NE, BC (Toms River, Ocean)

Legal Report

Kern Augustine Conroy & Schoppmann, PC

Federal Regulators Looking to Improve Testing of Generic Medications: Issues regarding safety concerns over generic medications produced overseas were raised at a recent briefing in Washington. Specifically, some generic heart medications produced by companies based in India do not work in the same way as their brand-name counterpart. Preston Mason, a researcher at Brigham & Women's Hospital, authored a study published last year in the Journal of Clinical Lipidology that looked at 36 generic versions of the cholesterol drug Lipitor produced in 15 other countries and found impurities in many of them. Mason found that the impurity found had the possibility to "compromise" effective management for the treatment of hypercholesterolemia. To combat this, the U.S. Food and Drug Administration launched a \$20 million testing program last September to address these growing concerns, which account for nearly 80% of the country's prescriptions. For more information, go to <http://ow.ly/uFzmQ>.

Physician Owned Distributorships under Justice Department Scrutiny: The Justice Department has filed a False Claims Act enforcement action, the first of its kind, against a California physician alleging, in pertinent part, that the financial incentives received by the physician as a return on investment in a Physician Owned Distributorship were improper. A Physician Owned Distributorship (a "POD") is a medical device company that generally has surgeons or physicians as owners or investors. Typically, a physician investor will purchase shares in the company and, thereafter, receive payments of dividends from the company on a regular basis as a return on investment. The potential conflict of interest, which is now being investigated for the first time, comes into play when the physician investor also uses the products purchased from the POD (either directly by the physician or indirectly by the hospital where the physician performs his or her surgeries) in his or her practice. The physician currently under investigation would regularly use medical devices purchased from the POD in which he was an investor and, it is alleged, his use of these products increased after he made his initial investment.

Proposed Bill Seeks to Amend Malpractice Statute of Limitations for Healthcare Professionals: New Jersey's statute of limitations for a medical malpractice action is two years. Under the discovery rule, however, the statute of limitations begins to run when plaintiff knows, or should have known through the exercise of reasonable due diligence, of the injury. Legislators have proposed a new bill (S614) that would limit the discovery rule by requiring that all medical malpractice actions, regardless of when a plaintiff learns of the alleged injury, are filed within four years of the occurrence of the professional negligence. As per the March 12, 2014 Open Board Agenda of the New Jersey Board of Medical Examiners, the Executive Committee is still reviewing the proposed bill and comments prior to providing the Board's position on S614.

THE MEDICAL SOCIETY OF NEW JERSEY AND THE SAINT BARNABAS MEDICAL CENTER
DEPARTMENT OF MEDICAL EDUCATION AND CLINICAL RESEARCH PRESENTS...

FIRST ANNUAL PHYSICIANS' ADVOCACY CONFERENCE AND MSNJ HOUSE OF DELEGATES MEETING

Friday, May 2
7:30 am – 7:00 pm
East Brunswick Hilton



Educational Presentations:

- "Tackling the Prescription Drug Abuse Epidemic"
- "Medical Liability Reform: What's on the Horizon for New Jersey Physicians?"

Keynote Presentation:

The Honorable Chris Christie

**"The State of the
New Jersey Physicians"**

CME Presentations:

- "Grassroots...Priceless"
- "The Re-designed Practice: A Team Sport"
- "Achieving High Value Healthcare in NJ: Payment Innovations, Collaboration and Transformation" and
- "How Bad Things Happen to Good Physicians (And How to Avoid Them)"

CME presentations concurrent with the MSNJ House of Delegates Meeting

Approved
for AMA PRA
Category 1
Credit™

SAVE THE DATE!

Saturday, May 10, 2014

*Inaugural Gala honoring
Paul J. Carniol, MD, FACS,
222nd President of MSNJ*

Hilton Parsippany



Register Online Now!

For complete details and
to register for all events visit
www.msnj.org/annualmeeting