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January 14, 2011

Thomas R. Calcagni, Acting Director
Division of Consumer Affairs
Director's Office
P.O. Box 45027
Newark, New Jersey 07101

**Re: PRN 2010-287, Disposition of Consumer Complaints, Proposed at 42
N.J.R. 2745 (November 15, 2010)**

Dear Acting Director Calcagni:

The Medical Society of New Jersey (MSNJ) appreciates the opportunity to comment on the Division of Consumer Affairs' (the Division's) proposed regulation concerning the disposition of consumer complaints filed with boards and the Attorney General within 120 days of the complaint. MSNJ represents 8,000 physicians in the state of New Jersey.

MSNJ generally supports the Division's proposed regulation. We agree that it is in the best interest of licensees and the public to resolve consumer complaints as soon as possible. Under most circumstances 120 days should be sufficient to resolve these complaints. Under most circumstances 21 days or the next board hearing date (whichever is later) should be sufficient for licensees to respond. However, there may be situations where the licensee needs more than 21 days or the next board meeting to respond to a consumer complaint. MSNJ suggests that this time frame may also be extended when, in the licensee's view, information or evidence cannot be gathered in that time frame. Such extensions may not consequently require tolling of the 120 day resolution period, but that decision would still rest with the Attorney General.

We applaud the Division for formalizing a "perfection" process during which the board or the Attorney General may seek further information from the consumer who has not provided adequate information to perfect the complaint. However, if the allegation is clearly without merit we would urge that it be dismissed promptly. We also urge the Division to consider whether it should require that the board or Attorney General give notice to the licensee that an unsubstantiated complaint has been filed. If the complaint is

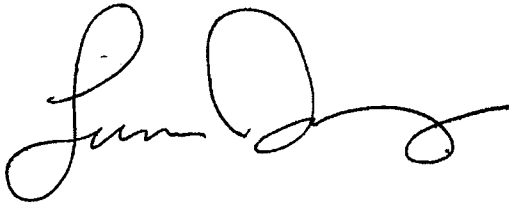
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filed by a patient, especially one currently being treated by the licensee, it may be important for the licensee to know of the complaint. Clearly, the trust required in a physician-patient relationship is not present in such a situation. Withholding information about the complaint may not be in the best interest of the patient or physician and may adversely affect treatment.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lawrence Downs". The signature is fluid and cursive, with a large initial "L" and "D".

Lawrence Downs, Esq.
General Counsel
Medical Society of New Jersey