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June 17, 2011

Devon L. Graf, Director  
Office of Legal & Regulatory Compliance  
Office of the Commissioner  
New Jersey Department of Health & Senior Services  
P.O. Box 360  
Trenton, NJ 08625-0360

*Hand Delivered*

**Re: PRN 2011-105; Proposed Regulations on Registration of Surgical Practices; 43 N.J.R. 940 (April 18, 2011)**

Dear Director Graf:

The Medical Society of New Jersey (MSNJ) appreciates the opportunity to comment on the Department of Health & Senior Services's (DHHS) proposed regulations which establish registration and reporting requirements for surgical practices. MSNJ is a non-profit membership organization which represents approximately 8,000 physicians in the state of New Jersey. It is the largest physician organization in the state.

MSNJ supports the Department's proposal on registration and reporting requirements for surgical practices. We believe that the Department has been true to the Legislature's intent embodied in the underlying ambulatory surgical facility law [P.L. 2009, c. 24, section 6] which amended the "Codey Law." MSNJ supported the underlying legislation, in part, because it clarified that surgery performed in certain surgical settings, separate from the physician's primary medical office, should not be subject to self-referral prohibitions and, instead, should be recognized as being performed as if in the physician's medical practice. This affirmed a long approved business model for physicians while continuing to protect patients and the healthcare delivery system from improper self-referrals.

MSNJ believes that the Department's proposed definition of a "surgical practice" is sufficiently specific to distinguish it from a room within a medical office dedicated to the

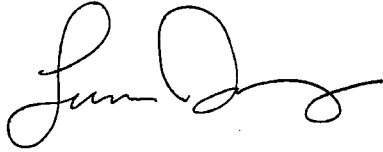
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MSNJ Comments RE: PRN 2011-105

performance of diagnostic services or minor procedures that are not subject to registration. That concern being satisfied, we are able to fully support the proposal.

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