



STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF OPTOMETRISTS

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :
:
:
COREEN MURPHY :
License No 05327 :
:
TO PRACTICE OPTOMETRY :
IN THE STATE OF NEW JERSEY :

Administrative Action
:
:
FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Optometrists upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made.

FINDINGS OF FACT

1. Respondent is an optometrist in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On the 30th day of June, 1999, the Board of Optometrists initiated a random audit of renewal applications for the 1998-1999 period, asking licensee to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e. sixty (60) credit approval hours, for licensees certified to employ therapeutic pharmaceutical agents.
3. Respondent submitted proof of having completed 38 credit-hours of continuing education, which is insufficient to satisfy the continuing education requirement because it falls short of the

requisite 60 (sixty) approved credit hours pursuant to N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-4.5. Respondent's original submission was attached as Exhibit A.

4. A Provisional Order of Discipline was entered by this Board on December 15, 1999 and served upon respondent on December 17, 1999.

5. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

6. Respondent submitted correspondence dated December 31, 1999 explaining that she was unable to attend lectures for continuing education credits during the first quarter of 1998 as she was placed on complete bed rest from the end of December 1997 until the beginning of April 1998 by her physician and she included a letter from her medical doctor confirming this fact. Additionally, respondent stated that she took credits on ophthalmic materials and dispensing and pharmacy which were not accepted by the Board. Thus, she was requesting an explanation for the denial. However, respondent's submission failed to include any additional credits for Board consideration.

7. Respondent's submissions were reviewed by the Board, and the Board determined that no material discrepancies had been raised and that further proceedings are therefore not necessary. The Board was not persuaded that the submitted materials merited further consideration, as respondent did not materially dispute the Findings of Fact or Conclusions of Law set forth in the Provisional Order. The pharmacy and ophthalmic material and dispensing courses submitted by the respondent were denied as these courses did not cover a course of study relating

to the profession of optometry but were courses which better enhanced the business management aspects of the practice.

CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-4.5 with regard to completion of the appropriate number of approved continuing education credit hours.

2. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1.21(h), failure to comply with the provisions of an act or regulation administered by the Board, which constitutes grounds for suspension or revocation of any certificate, registration or license, and grounds for sanction pursuant to N.J.S.A. 45:1-25.

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending respondent's license to practice optometry in the State of New Jersey was entered on December 15, 1999 and a copy served on respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor. The respondent submitted a written response for Board consideration.

Respondent's submissions were reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board was not persuaded that the submitted materials merited further consideration, as respondent did not dispute the Findings of Fact or Conclusions of Law. The credits for continuing education must be obtained biennially by each holder of an active license during the period preceding the

established license renewal date as required by N.J.S.A. 45:12-9.3. Thus, respondent must have obtained her 60 credits by May 30, 1999. While the Board recognized that respondent's medical condition shortened the statutory period for accumulating credits by approximately four and a half months, the length of her medical condition did not prevent her from obtaining the required credits in time to meet the renewal period. The respondent failed to submit proof of additional credits for the Board's consideration.

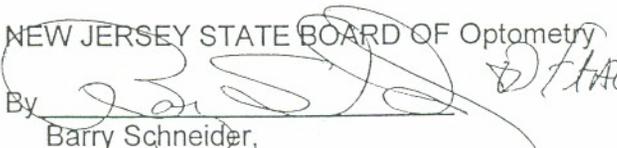
ACCORDINGLY, IT IS on this 15th day of March ~~February~~ 2000,
ORDERED that:

1. Respondent must submit proof of completion of the requisite 60 hours of continuing education credits within 120 days of the receipt of the Final Order. Thus, respondent must produce proof of 22 continuing education credits to be in compliance. These continuing education credits are **NOT** to be used to renew respondent's license for the 1999-2001 renewal period.

2. In the event that the respondent fails to present the proofs as required by paragraph #1, by the date provided, the license of the respondent shall be suspended, by operation of this order, and shall remain suspended until respondent submits proof that she has fully complied with all continuing education requirements.

3. Respondent shall pay a civil penalty of five hundred dollars (\$500.00) pursuant to N.J.S.A. 45:1-25, for violation of N.J.S.A. 45:12-9.3, N.J.A.C. 13:38-4.5 and N.J.S.A. 45:1-21(h), by means of a check or money order, payable to the New Jersey Board of Optometrists. Such payment is to be sent to the Board at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102, no later than 30 days from the date of receipt of this order.

4. Prior to resuming active practice in New Jersey respondent may be required to appear before the Board (or a committee thereof) to demonstrate her fitness to do so. Any practice in this State prior to formal reinstatement of licensee by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on respondent's practice should her license be reinstated.

NEW JERSEY STATE BOARD OF Optometry
By  D/TAO
Barry Schneider,
Board President

Dated:

3/15/00