

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 :  
:  
CAROLYN POWELL-RIVERS :  
License No 04839 :  
:  
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 35 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 January 5, 2000.

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 January 21, 2000 explaining that she was unable to submit all of the certificates and documentation of attended lectures with her original submission. Respondent also informed the Board that she had abdominal surgery and was post abdominal surgery from August 12 through September 14, 1999, thus, she was not able to obtain the additional documentation before this time frame.

7. Respondent's submissions were reviewed by the Board, and the Board determined that credit would be accepted for all of courses in her submission which are attached hereto as Exhibit B. It is noted that the courses presented were held and attended by the licensee in April, 1999, August, 1999, September and October 1999.

8. Additional submissions received on March 1, 2000 and attached hereto as Exhibit C, were reviewed by the Board, and the Board determined that credits would be accepted for all of these submissions. The course submissions were completed on January 11, 2000 and February 13, 2000.

## CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:12-9.3 with regard to completion of the appropriate number of approved continuing education credit hours within the statutory time frame.

2. Respondent is subject to sanctions pursuant to N.J.S.A. 45:1-21(h), failure to comply with the provision 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 November 22, 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.

Based upon the reviewed submissions, the Board determined that the respondent satisfied the 33 credits which were short as explained in the Findings of Fact or Conclusions of Law set forth in the Provisional Order by November 22, 1999. Thus the Board determined that the respondent's license would not be suspended or revoked. However, the Board recognized that respondent failed to comply with the statutory provision obligating the holder of an active license to complete the required continuing education credits during the period preceding the established renewal date pursuant to N.J.S.A. 45:12-9.3, which in this case was May 30, 1999. Although the respondent

was able to produce documentation, the documentation demonstrated that she completed an additional 33 credits. The proofs presented indicated that the majority of the courses were taken after the May 30, 1999 renewal date. Respondent's compliance with the total required credits occurred nine months after the statutory deadline.

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 persuaded that the submitted materials satisfied the outstanding credits as received in the Findings of Fact or Conclusions of Law. The Board recognized that respondent's medical condition occurred after the time period for submission of the credits. Thus, the medical condition did not prevent her from obtaining the required credits in time to meet the renewal period. Although respondent was able to satisfy the remaining outstanding credits, she did so nine months after the allotted time period. 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, the respondent must have completed her 60 credits by May 30, 1999. The Board determined that the respondent failed to submit proof of additional credits on a timely basis as the proofs presented indicated that respondent did not satisfy the total amount of continuing education credits until February 13, 2000. Accordingly, respondent's satisfaction of the credits was untimely as it transpired long after the May 30, 1999 registration date.

ACCORDINGLY, IT IS on this 11<sup>th</sup> day of September 2000,

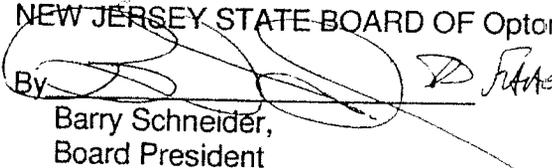
ORDERED that:

1. Respondent's proofs of additional credits are accepted by the Board as proof of satisfaction of the 60 credits required in continuing education for the 1997-1999 biennial registration. The credits submitted as a result of the Provisional Order are **NOT** to be used to renew respondent's license for the 1999-2001 renewal period. However, the credits submitted were obtained after the May 30, 1999 date and are considered a late submission. Thus, the Board will not suspend or revoke the license of the respondent.

2. 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.

NEW JERSEY STATE BOARD OF Optometry

By

  
Barry Schneider,  
Board President

Dated: