

twenty-five (2.5) credits in courses or programs classified as therapeutic pharmaceutical agents ("TPA").

3. Respondent failed to submit proof of having completed fifty (50) credit hours of continuing education, which is insufficient to satisfy the continuing education requirement because it falls short of the requisite fifty (50) approved credit hours pursuant to N.J.S.A.: 12-9.3 and N.J.A.C. 13:38-7.3.

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 as she is short all of the credits that she was required to obtain.

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.

DISCUSSION

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 October 15, 2003 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. On October 23, 2003 the respondent submitted correspondence to the Board expressing her embarrassment and shame to be involved once again in a disciplinary action. She alleged that it was "her stupidity and fear" that put her in this predicament because she set aside the audit form upon receipt to complete it without interruption, but she never completed the task. When she ultimately began to fill out the audit form respondent realized that she could not locate the proof of attendance at the courses. Although she had proof of 40 credits obtained, respondent alleged that she was short proof of attendance for twelve (12) credits that she obtained from her review of optometry articles. She then panicked and decided to avoid responding to the audit form. Respondent claims that she is attempting to secure proof of the twelve (12) credits and will forward proof of all fifty (50) continuing education credits to the Board within thirty days of her receipt of the final order. Respondent also informed the Board that she is not financially capable to remit payment in full and seeks installment payments over five years.

Respondent's submitted additional documentation that was reviewed by the Board, and the Board determined that further proceedings were not necessary and that no material discrepancies had been raised. The Board accepted the proofs indicating that the Respondent obtained 40 credits on November 10, 2002 and March 20-23, 2003. Additional proofs demonstrated that the Respondent obtained the remaining balance of ten (10) continuing education credits on November 6 and 9, 2003 which was after the license renewal period had expired. Thus, the Board determined that Respondent has completed the fifty (50) continuing education credits. 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 fifty (50) credits by April 30, 2003. 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 November, 2003. Upon further consideration of the respondent's financial status the Board has determined to issue a penalty of twenty-five thousand (\$25,000) dollars but will stay fifteen thousand dollars (\$15,000) on the condition that the respondent submits proof that she obtained the entire 50 continuing education credits within the renewal period, that is before April 30, 2003. The remaining balance of ten thousand (\$10,000) dollars is due and owing in installments over a 24 month period.

ACCORDINGLY, IT IS on this 18th day of February, 2004

ORDERED that:

1. Respondent's submissions are accepted by the Board as proofs of satisfaction of the fifty (50) credits required in continuing education for the 2003-2005 biennial registration by November 9, 2003. All credits submitted as a result of the Provisional Order are **NOT** to be used to renew respondent's license for the 2005-2007 renewal period. Thus, the Board will not suspend the license of the respondent.

2. Respondent shall pay a civil penalty of twenty five thousand dollars (\$25,000), fifteen thousand (15,000) dollars is to be stayed and the remaining balance of ten thousand (\$10,000) dollars shall be paid in installment payments over a 24 month period 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. The first installment payment of \$416.00 is due and owing no later than 30 days from the receipt of this order and is to be sent to the Board at 124 Halsey Street, Sixth Floor, Newark, New Jersey 07102.

NEW JERSEY STATE BOARD OF OPTOMETRISTS

By 
Leonard Steiner, O.D.
Board President