

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 :  
:  
:  
ROBERT TRICARICO, O.D. :  
License No. OA 00377400 :  
:  
:  
TO PRACTICE OPTOMETRY :  
IN THE STATE OF NEW JERSEY :

Administrative Action  
:  
:  
MODIFIED 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, 2005, the Board of Optometrists initiated a random audit of renewal applications for the 2005-2007 period, asking licensees to submit proof with regard to the satisfaction of continuing education requirements for the biennial renewal period, i.e., fifty (50) approved credit hours which included twenty-five (25) credits in general optometric education and twenty-five (25) 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, he submitted proof of completing 37 credits 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 he is short thirteen (13) of the continuing education credits that he 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.

3. Respondent attested to the completion of fifty (50) continuing education credits by April 30, 2005 on the biennial renewal application but has submitted information indicating that he failed to obtain thirteen (13) of the requisite continuing education credits required for renewal of his license to practice optometry. Therefore, respondent is subject to sanctions pursuant to N.J.S.A. 45: 1-21(b) in that he has engaged in the use or employment of dishonesty, deception or misrepresentation, which constitutes grounds for the suspension or revocation of any certificate, registration or license, and grounds for sanctions 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 19, 2005 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 31, 2005 the respondent submitted correspondence to the Board confirming that he obtained 13 additional credits from July 2005 through September 2005 in satisfaction of the entire 50 continuing education credits. In addition to the documentation supplied the respondent enclosed a check for the full amount of the penalties imposed by the Board's Provisional Order.

Respondent's submissions were reviewed by the Board, and the Board accepted the credits submitted in complete satisfaction of the thirteen (13) outstanding credits needed for satisfaction of continuing education credits.

ACCORDINGLY, IT IS on this 15<sup>th</sup> day of February, 2006

ORDERED that:

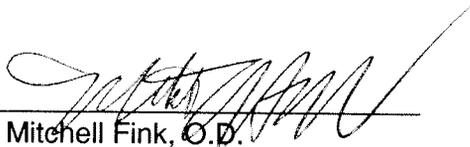
1. The Board accepts the Respondent's submissions in satisfaction of the completion of the thirteen (13) credits required to complete the full amount of continuing education for the 2005-2007 biennial registration. All credits submitted as a result of the Provisional Order are **NOT**

to be used to renew respondent's license for the 2007-2009 renewal period. Thus, the Board will not suspend the license of the respondent.

2. The Board acknowledges receipt of Respondent's certified check in the amount of two thousand dollars (\$2000.00) in complete satisfaction of the penalties imposed in the Provisional Order of the Board.

NEW JERSEY STATE BOARD OF OPTOMETRISTS

By

A handwritten signature in black ink, appearing to read "Mitchell Fink", written over a horizontal line.

Mitchell Fink, O.D.  
Board President