



JON S. CORZINE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
New Jersey State Board of Optometrists
124 Halsey Street, 6th Floor, Newark, NJ 07102



ZULIMA V. FARBER
Attorney General

KIMBERLY S. RICKETTS
Director

May 5, 2006

By Certified and Regular Mail

Jeffrey Kaufman, O.D.
The Eye Health Group
341 Route #4 West
Paramus, N.J. 07652

Mailing Address:
P.O. Box 45012
Newark, NJ 07101
(973) 504-6440

RE: Offer of Settlement in Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Kaufman:

This letter is to advise you that the New Jersey State Board of Optometrists ("Board") has had an opportunity to review information concerning a complaint filed against you by Medha Ramanath. Specifically, the information reviewed informed the Board that Ms. Ramanath had an eye examination and requested to be fit with eyeglasses and contact lenses. She complained that she was not able to see correctly with either prescription after repeated visits to your office.

On January 25, 2006 an investigative inquiry was held which you attended with your attorney, James Schragger, Esquire. It was your testimony that you conducted an eye examination on Ms. Ramanath on June 8, 2005 and you also provided her with a prescription for eye glasses and fit her with Acuvue disposable trial lenses. On this visit the patient informed you that she had previously worn contact lenses but had lost them. During your testimony, you characterized the patient as being "difficult." You also explained that she was not interested in wearing disposable contact lenses but wanted yearly lenses. You testified that you fit her with the Acuvue trial contact lenses because you did not have any yearly contact lenses in stock on June 8, 2005.

The patient returned on June 15, 2005 and it was your testimony that you observed her vision with the contact lenses and she had no problems wearing them. Based on this evaluation, you determined that it was proper to order the American Hydron lenses for her. Upon questioning from the Board, you admitted that the patient record for June 8, 2005 and for June 15, 2005 is devoid of documentation supporting your statements that you evaluated the fit of the Acuvue trial lenses on the patient. Both the patient record and your testimony confirmed that you ordered American Hydron contact lenses for this patient on June 15, 2005 based on the alleged fit of the Acuvue trial lenses. The American Hydron contact lenses were dispensed to the patient on June 22, 2005. The patient record also supports that at the request of the patient on June 22, 2005 you made the prescription for both contact lenses the same although her prescription was unequal. However, the June 22, 2005 entry in the patient record does not contain any information concerning the fit of the American Hydron contact lenses. On June 29, 2005 the patient returned complaining

of headaches and it was your testimony that Dr. Morenstein, O.D. changed the power from -9.00 to -8.50. Upon further questioning, it was also your testimony that Acuvue lenses and the American Hydron lenses are different types of lenses that can show different characteristics on the eye in terms of the fit and are made of different materials. You also confirmed that an Acuvue trial lens may not necessarily fit the exact same way as an American Hydron Lens may fit.

Upon questioning you confirmed that the patient records did not contain your initials for any of the visits that you saw this patient nor did the record contain the initials of Dr. Morenstein who also saw this patient on June 29, 2005. The record was also missing the initials of the person who dispensed the glasses and the contacts as required by N.J.A.C. 13:38-2.3.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that your conduct demonstrates repeated acts of professional misconduct in violation of N.J.S.A. 45:1-21(e) and a violation of N.J.A.C. 13:38-6.1(c)1 in that the record failed to contain the information concerning the evaluation of the fitting concerning the Acuvue trial lenses that were fit and you failed to perform an evaluation of the fit of the American Hydron and document the findings of fitting of the American Hydron lenses. A review of the patient record demonstrates that neither your initials nor Dr. Morenstein's initials appeared on the patient record for the visits that services were performed to this patient in violation of N.J.A.C. 13:38-2.3(b)10.

At this juncture, the Board has preliminarily concluded that the above violations are sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that decision, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from failing to perform fitting of contact lenses on patients in violation of N.J.A.C. 13:38-6.1(c)1.
2. Cease and desist from failing to document the findings of a contact lens fitting in the patient record in violation of N.J.A.C. 13:38-2.3.
3. You are reminded that in a practice consisting of multiple providers the initials of the optometrist performing the treatment and the name of the person dispensing eyeglasses or contact lenses to the patient must be included in the patient record as required by N.J.A.C. 13:38-2.3(b)10.
4. The issuance of a formal reprimand for failing to evaluate and fit the American Hydron contact lenses on the patient and for failing to document the findings during the fitting in the record in violation of N.J.A.C. 13:38-2.3 and 13:38-6.a(c)1.
5. Pay a penalty in the amount of \$2500.00 (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter) for violation of N.J.S.A. 45:1-21(e) and N.J.A.C. 13:38-6.1(c)1. Payment is to be remitted by money order or certified check, payable to the Board of Optometrists and sent to the attention of Susan Gartland, Executive Director, Board of Optometrists, P.O. Box 45012, Newark, New Jersey 07101.

6. Pay the costs of the investigative inquiry in the amount of \$279.00 as set forth in the certification of Susan Gartland attached hereto.

7. Provide restitution to Ms. Ramanath in the sum of \$ 115.00 for the cost of the eye examination and the fitting fee. Payment should be remitted by certified check or money order made payable to Ms. Ramanath and sent to the attention of Susan Gartland, Executive Director of the Board at the address listed in paragraph #5, who will then forward the reimbursement to the patient.

8. Provide restitution of the costs of the contact lenses to the patient upon return of the contact lenses by Ms. Ramanath.

9. Successfully complete a minimum of a four (4) hour contact lens fitting course to be pre-approved by the Board. The course is to be taken within three (3) months of the date that this settlement is accepted by the respondent.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. Upon your signature, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate enforcement action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order, requiring you to reimburse certain monies and/or requiring you to pay further costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Carmen A. Rodriguez who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of appropriate enforcement proceedings.

NEW JERSEY STATE BOARD OF
OPTOMETRISTS

By: 
Susan H. Gartland
Executive Director

MAY 12 2009

ACKNOWLEDGMENT: I, Jeffrey Kaufman, O.D., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a penalty in the amount of \$2500.00 and costs in the amount of \$279.00 for a total of \$2779.00 (to be paid upon signing of this acknowledgment), and to submit the reimbursement in the sums indicated herein to the patient. Further I acknowledge that I will obtain preapproval from the Board and successfully complete the course specified herein within the specified time period. I further agree to remit the restitution amounts set forth in the offer of settlement.



Jeffrey Kaufman, O.D.

Dated:

cc: James Schragger, Esquire
Carmen A. Rodriguez, Deputy Attorney General