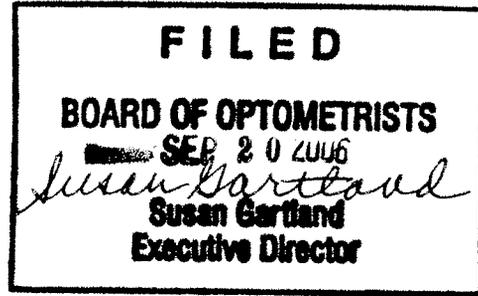


ZULIMA V. FARBER  
ATTORNEY GENERAL OF NEW JERSEY  
Division of Law, 5<sup>th</sup> Floor  
124 Halsey Street  
Newark, New Jersey 07101  
Attorney for the State Board of Optometrists



By: Carmen A. Rodriguez  
Deputy Attorney General  
Tel: (973) 648-3696

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

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IN THE MATTER OF THE  
SUSPENSION OR REVOCATION OF  
THE LICENSE OF

MAIDA GONZALEZ TOOLEN, O.D.  
LICENSE NO. 27OA00532300

TO PRACTICE OPTOMETRY  
IN THE STATE OF NEW JERSEY

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Administrative Action

FINAL ORDER  
OF DISCIPLINE

This matter came before the New Jersey State Board of Optometrists upon information that the respondent has failed to complete fifty (50) credits of continuing education in approved optometry courses during the period of May 1, 2003 to April 30, 2005, as required for the 2005-2007 biennial license renewal pursuant to N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-4.5. Based upon information received and which the Board has reviewed, the following preliminary findings 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 April 30, 2005 the respondent returned her completed application for renewal of license as an optometrist in the State of New Jersey. (Exhibit A, a copy of the renewal application is attached and made a part hereto.) and
3. The respondent affirmed on the renewal application for the 2005- 2007 renewal period that she will have completed the required continuing education by the period preceding the established renewal date of April 30, 2005.
4. On the 30<sup>th</sup> 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) credit approved hours which includes twenty-five (25) credits in general optometric education and twenty-five (25) credits in courses or programs classified as therapeutic pharmaceutical agents (“TPA”).
5. On or about August 25, 2005 Respondent submitted correspondence to the Board indicating that she had submitted incomplete records of the continuing education courses that she had obtained. Respondent stated that she was relying on carry over credits from the previous renewal period but did not maintain the proofs of the carry over credits. A review of the documentation submitted supported that Respondent obtained twenty one (21) continuing education credits within the April 30, 2005 time period. (Exhibit B is a copy of Respondent’s August 25, 2005 letter and attached to and made a part hereof.).

## CONCLUSIONS OF LAW

1. Respondent has not satisfied the requirements of N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3 with regard to the completion of the appropriate number of approved continuing education credit hours and is therefore 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.

2. 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 she failed to obtain twenty nine (29) of the requisite continuing education credits required for renewal of her license to practice optometry. Therefore, respondent is subject to sanctions pursuant to N.J.S.A. 45: 1-21(b) in that she 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 November 16, 2005 and a copy served upon the respondent. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> 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 written evidence respondent's request for consideration and reasons therefor. The Provisional Order required the respondent to submit proof of having completed the requisite fifty (50) credits of continuing education credits within sixty (60) days of the Final Order. The respondent submitted proof of attendance of various courses 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 persuaded that the submitted materials merited further consideration as respondent did not dispute the Findings of Facts or Conclusions of Law.

The materials submitted provided satisfactory proof that the respondent has completed the requisite fifty (50) hours of continuing education credits. The respondent submitted proof of completion of twenty-nine (29) continuing education credits by March 2006.

**THEREFORE, IT IS ON THIS** *20th* **DAY OF** *September*, 2006,

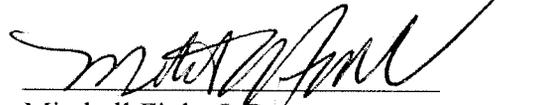
**ORDERED:**

1. Respondent's license to practice optometry in the State of New Jersey be and hereby remains active.
2. The Board acknowledges receipt of payment in full of the civil penalty in the amount of \$3500.00.

3. The twenty-nine credits submitted in satisfaction of the Provisional Order of Discipline are not to be credited towards the renewal of the respondent's license for the 2007-2009 renewal period.

NEW JERSEY STATE BOARD  
OF OPTOMETRISTS

By:



Mitchell Fink, O.D.  
President