



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

IN THE MATTER OF THE	:
SUSPENSION OR REVOCATION OF	:
THE LICENSE OF	:
	:
	Administrative Action
MOSHE STRAUSS, O.D.	:
LICENSE NO. 27OA0524300	:
	FINAL ORDER
	OF DISCIPLINE
TO PRACTICE OPTOMETRY	:
IN THE STATE OF NEW JERSEY	:

This matter came before the New Jersey State Board of Optometrists upon information that the respondent has failed to complete a total of fifty (50) credits of continuing education in approved optometry courses during the period of May 1, 2005 to April 30, 2007, as required for the 2007-2009 biennial license renewal pursuant to N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3. 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 or about April 12, 2005 the respondent returned his completed 2007-2009 renewal application for licensure as an optometrist in the State of New Jersey and answered "no" to the

question asking for affirmation as to whether or not he completed the required continuing education credits by April 30, 2007.

3. On the 15th day of June, 2007, the Board of Optometrists initiated a random audit of renewal applications for the 2007-2009 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”).

4. Respondent submitted proof of having completed 34 credits of continuing education, which is insufficient to satisfy the continuing education requirement because it falls short by 16 credits of the requisite fifty (50) approved credit hours pursuant to N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3.

5. Respondent submitted correspondence on or about July 9, 2007 stating that he was short the requisite hours of continuing education credits because he misplaced the credentialing letters for his remaining internet courses. He further informed the Board that he had contacted the continuing education websites and was waiting a record of his attained credits and he requested additional time to submit the proofs for the outstanding credits.

CONCLUSIONS OF LAW

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.

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 September 19, 2007 and a copy was served on the 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 State's Findings of Facts 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 September 29, 2007 the respondent submitted correspondence enclosing a payment in the amount of One thousand dollars (\$1000.00) for the penalty imposed by the Board's previous Provisional Order of Discipline. Respondent also submitted proofs that on October 19, 2007 he completed the outstanding continuing education credits.

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. Thus, the Board acknowledged the receipt of the full amount of penalties imposed against the respondent and receipt of the written submission supporting satisfaction (albeit untimely) of the sixteen (16)

outstanding continuing education credits.

THEREFORE, IT IS ON THIS 20th **DAY OF** February, 2008,

ORDERED:

1. The Board acknowledges that the Respondent paid in full the civil penalty of one thousand dollars (\$1,000.00) pursuant to N.J.S.A. 45:1-25. This penalty is imposed for violation of N.J.S.A. 45:12-9.3, N.J.A.C. 13:38-7.3 and N.J.S.A. 45:1-21(h) as evidenced by your failure to satisfy the continuing education requirements.

2. Respondent submitted written proofs of having completed the requisite fifty (50) hours of continuing education credits within sixty (30) days of the date of the receipt of the Final Order. Thus, on or about October 19, 2007 the Respondent submitted additional proofs to support obtaining the sixteen (16) continuing education credits that he was deficient. **These continuing education credits are NOT to be used to renew respondent's license for the 2007-2009 renewal period.**

3. Thus, the respondent's license to practice optometry shall remain in active status.

NEW JERSEY STATE BOARD
OF OPTOMETRISTS

By:



Leonard Steiner, O.D.

President