



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. 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



CHRISTOPHER S. PORRINO
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Director

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

July 7, 2016

CERTIFIED MAIL
REGULAR MAIL

Bradford Ripps, O.D.
Total Eye Care
681 Route 15
Lake Hopatcong, NJ 07849

Re: Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Dr. Ripps:

This letter is to advise you that the New Jersey State Board of Optometrists (the "Board") has had an opportunity to review information concerning an advertisement that you placed in a local newspaper on or about September 23, 2015 and on several other occasions wherein you advertised an "Eye Refraction Special: including a complete refraction, glaucoma test and eyeglass prescription." Specifically, the information reviewed also included records of ten patients who received eye glass prescriptions after performing the refraction special.

On April 20, 2016 you appeared at an investigative inquiry accompanied by James Schragger, Esquire. You testified that about 25 individuals came into your office seeking the refraction special and that half of these patients were new to your practice. You further informed the Board that you advised all of the patients seeking the refraction special that a refraction does not constitute a comprehensive eye examination and that you had each patient sign a document to that effect. It was your belief that you could conduct a refraction and issue a prescription because there is a separate code for billing a refraction.

Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that your conduct in issuing eyeglass prescriptions to patients based on the performance of a refraction without conducting the procedures required in the minimum examination regulation constituted professional misconduct in violation of N.J.S.A. 45:1-21(e) as this activity was not within the standard of practice of a licensed optometrist. Your failure to comply with the provisions of the Board's minimum examination regulation requiring certain procedures be performed prior to prescribing eyeglasses to patients violated N.J.S.A. 45:1-21(h) and N.J.A.C. 13:38-2.1.

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 in the future from offering and issuing eyeglass prescriptions to patients based solely on a refraction without meeting the requirements of the minimum examination regulation as required by N.J.A.C. 13:38-2.1.
2. Pay a civil penalty in the total amount of \$2500.00 for offering and issuing eyeglass prescriptions without the required procedures set forth in the minimum examination regulation in violation of N.J.S.A. 45:1-21(e) and (h) (to be paid immediately upon your signing of the acknowledgment at the bottom of this letter) by sending a certified check or money order payable to the Board of Optometrists, attention Renee Clark, Executive Director, P.O. Box 45012, Newark, New Jersey 07101.
3. Pay costs in the amount of \$268.50 to be paid immediately upon the signing of the acknowledgement at the bottom of this letter by sending a certified check or money order payable to the Board of Optometrists, attention Renee Clark at the address listed in paragraph two above. Should you require additional time for payment of the full amount of the civil penalty and costs in the amount of \$2768.50 the Board is agreeable to a 12 month payment plan. You may contact the Executive Director and request installment payments over a period of 12 months. The first eleven payments in the amount of \$230.71 shall commence on September 15, 2016 and the final payment shall be due on August 15, 2017. Failure to make any specified payment will result in a filing of a Certificate of Debt for the remaining balance.

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 both 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 costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you have your attorney, Mr. Schragger, contact Deputy Attorney General, Carmen A. Rodriguez who may be reached at (973) 648-3696.

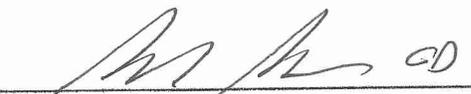
If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement 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: 

Renee Clark
Executive Director

ACKNOWLEDGMENT: I, Bradford Ripps, 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 civil penalty in the amount of \$2500.00 and costs in the amount of \$268.50 for a total of \$2768.50 (to be paid upon signing of this acknowledgment or by installment plan if requested)



Bradford Ripps, O.D.

Dated: 9/29/16

c: Carmen A. Rodriguez, Deputy Attorney General
James A. Schragger, Esquire, attorney for Bradford. Ripps, O.D.