

**STATE BOARD OF OPHTHALMIC DISPENSERS AND
OPHTHALMIC TECHNICIANS
PUBLIC SESSION MINUTES
MARCH 8, 2006**

The March meeting of the State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians was convened in accordance with its notice to the Secretary of State the Bergen Record, the Trenton Times, the Courier Post and the Star Ledger and was conducted in accordance with the provisions of the Open Public Meeting Act.

PRESENT: Theodore Bucon Michael Higgins Linda Cohen Gary Iavarone June Kenny Joseph Grodman J. Jerry McMullin

ABSENT: John Valerie.

Also in attendance: Dorcas K. O'Neal, Executive Director, Tobey Palan, Deputy Attorney General and Monica Carrington, Staff.

I. APPROVAL OF MINUTES

a. The Board reviewed the Public Session Minutes for February 8, 2006. On a motion made by Michael Higgins, seconded by Gary Iavarone, the Board unanimously approved the minutes as submitted.

II. OLD BUSINESS - STATUTES/ REGULATIONS

a. The Board reviewed comments from Walmart and 1-800-CONTACTS on the FTC's proposed Contacts Lens Rule which appeared in the Federal Register, February 4, 2004 and passed July 2, 2004. The Board determined that it would notify the public by way of advertisement that a license is required by law, to dispense eyewear in the State of New Jersey.

b. The Board reviewed the FTC Issues Study of Competition in Contact Lens Market, as informational.

III. APPRENTICE MATTERS

There were no items of apprentice matters.

IV. NEW BUSINESS

a. The Board reviewed a letter from James McLaughlin, inquiring as to whether patient/client may obtain original prescription. The Board determined that a client may obtain the original prescription so long as the ophthalmic dispenser keeps a photocopy of the prescription. Additionally, the Board is currently promulgating regulations pertaining to this matter. Mr. McLaughlin will be advised.

b. The Board reviewed the memo from Darlene Kane, Budget Officer, Division of Law Billing for the second quarter of Fiscal Year, 2006, as informational.

V. OTHER BUSINESS

a. **NCSORB CONVENTION** - Michael Higgins, Board member addressed the Board on the meeting he attended in Savannah, Georgia. Highlights of the National Examination are as follow:

1. that this exam is being developed;
2. that its up to the States to approve and accept the examination;
3. that its an entry/level examination and

4. that 13 States represented at this convention, discussed the pros and cons of the examination..

Some of the States present in addition to New Jersey, were Massachusetts, New York, Arkansas, Kentucky, Florida, Georgia and Ohio. Mr. Higgins will give a full report at the next meeting.

VI. LEGISLATION

a. N.J.A.C. 13:33-7.1 - Advertising - Proposed regulation were amended as follow: at letter (e) delete ophthalmic technician in items 1, 2 and 3; at line g N.J.A.C. 13:33-7.1 "all advertisements shall include at least one ophthalmic dispenser's name, address and license number".

On a motion by Joseph Grodman, seconded by Michael Higgins, the proposed regulations were approved as amended.

There being no other business to come before the Board in Public Session, on a motion by Jerry McMullin, seconded by Gary Iavarone the Public Session was adjourned and the Board convened in Executive Session for the purpose of receiving counsel, to review four (4) items of old business, two (2) consumer complaints and one (1) matter involving advertising.

The Board reconvened in Public Session . The following Disciplinary matter is being reported out in the Public Session.

I/M/O JACOB KLEIN - Mr. Klein appeared before the Board March 10, 2004 in connection with falsely representing his home address as his employer's address in violation of N.J.S.A. 45:1.21(b) in that; he engaged in the use of or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense on four application submissions to the Board. Mr. Klein was assessed a penalty of \$500.00.

The next scheduled meeting is May 24, 2006. There being no other business to come before the Board, on a motion made by Gary Iavarone, seconded by Theodore Bucon, the meeting was adjourned at 1:00 P.M.

Respectfully Submitted

State Board of Ophthalmic Dispensers and Ophthalmic Dispensers

Dorcas K. O'Neal
Executive Director