

**STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS
PUBLIC SESSION MINUTES
MARCH 14, 2007**

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

President Cohen convened the meeting at 9:15 a.m. A roll call was taken and the following attendance was recorded for these minutes:

PRESENT: Linda Cohen, Joseph Grodman, Michael Higgins, Gary Iavarone, Jerry McMullin and John Valeri, Esq.

EXCUSED OR ABSENT: Jane Kenny and Dorcas K. O'Neal, Executive Director

PUBLIC ATTENDEES: NONE

Also in attendance: Tobey Palan, Deputy Attorney General, Monica Carrington, staff and Tokeato Carter, staff.

I. APPROVAL OF PUBLIC MINUTES

The Board reviewed the Public Session Minutes for January 10, 2007. On a motion by Gary Iavarone, seconded by Jay McMullin, the minutes were unanimously approved as submitted.

II. OLD BUSINESS

NONE

III. APPRENTICE MATTERS

a. The Board reviewed a letter from apprentice Kendra Nelson-Carter requesting to be excused from the March 2007 examination due to her expected delivery date of March 28, 2007. On a motion by Joseph Grodman seconded by Jay McMullin, the Board unanimously determined to grant Mrs. Carter an extension until the September 2007 examination.

b. The Board reviewed a letter from apprentice Renaldo Pereira requesting to be excused from the March 2007 examination due family emergency. On a motion by Michael Higgins seconded by Jay McMullin, the Board unanimously granted an extension until the September 2007 examination. Ms. Fobell will also be advised that no further extension shall be granted. c. The Board reviewed a letter from apprentice Vicki Fobell requesting to be excused from the March 2007 examination because she feels unprepared. On a motion by Michael Higgins seconded by Jay McMullin, the Board unanimously granted an extension until the September 2007 examination. Ms. Fobell will also be advised that no further extension shall be granted.

d. The Board reviewed a letter from apprentice Desiree Flores requesting to be excused from the March 2007 examination due to personal family reasons. On a motion by Michael Higgins seconded by Joseph Grodman, the Board unanimously granted an extension until the September 2007 examination. Ms. Flores will also be advised that no further extension shall be granted.

e. The Board reviewed a letter from apprentice Jennifer Leifken requesting to be excused from the March 2007 examination because she did not pass the required educational courses. It was the consensus of the Board to grant an extension to the September 2007 examination upon proof of transcripts. The Board also advised the office staff that if a candidate for the examination can provide proof that they do not have the required educational

requirements, to automatically excuse the candidate until the next exam.

f. The Board reviewed a letter from apprentice Simone Raymore requesting to be excused from the March 2007 examination because she feels unprepared.

On a motion by John Valeri seconded by Joseph Grodman, the Board unanimously granted an extension until the September 2007 examination. Ms. Fobell will also be advised that no further extension shall be granted. If she does not sit for the September 2007 exam she will be required to return her permit.

g. The Board reviewed a letter from apprentice Melissa Niebrzydowski requesting to be excused from the March 2007 examination because she did not pass the required educational courses. On a motion by Michael Higgins seconded by Jay McMullin, the Board unanimously granted an extension until the September 2007 examination.

h. The Board reviewed a letter from apprentice Jonathan Baran requesting to be excused from the March 2007 examination because he did not pass the required educational requirements. This matter has been reagendaized pending additional information of how many previous extension he has been granted.

i. The Board reviewed a letter from apprentice Floyd Patterson requesting to be excused from the March 2007 examination because he did not complete the required educational requirements. It was the consensus of the Board to request a copy of Mr. Patterson's current transcript and upon review, grant an extension.

j. The Board reviewed a letter from apprentice Richard Getchell, Jr. Requesting to be excused from the March 2007 examination because he has not completed the required education. It was the consensus of the Board to review a copy of the transcript before an extension is granted.

k. The Board reviewed a letter from apprentice Eduardo Genao requesting to be excused from the March 2007 examination because he has not completed the required education. It was the consensus of the Board to review a copy of the transcript before an extension is granted.

IV. LEGISLATION/REGULATIONS

a. The Board reviewed Senate Bill 2473 - Authorizes court to waive license revocation process for certain child support obligators. On a motion by Jay McMullin seconded by Gary Iavarone the Board unanimously determined to support this bill.

b. The Board reviewed Assembly Bill 3899 - Clarifies time by which public bodies are required to make minutes of meeting available to the public. It was the consensus of the Board to take no position.

c. The Board reviewed Senate Bill 2534 - Requires licensed health care professionals and facilities to bill Medicare beneficiaries within six months of providing health care services. On a motion by Michael Higgins and Jay McMullin, the Board is in support of this bill.

d. The Board reviewed Assembly Bill 4044 - New Jersey Health Information Technology Promotion Act. It was the consensus of the Board to take no position.

V. NEW BUSINESS

a. The Board reviewed a letter from Enrique De Los Reyes requesting that the Board accept his 2 year apprenticeship program and his experience so that he may apply for a Temporary Ophthalmic Dispenser Permit. It was the consensus of the Board to request a copy of his current NY license and his diploma from the Phillippines. Upon receipt of this information the Board has authorized President Cohen to review the requested information and approve his temporary license.

b. The Board reviewed the Division of Law Billing as informational.

Boardmember Michael Higgins recused himself and left the room.

c. The Board reviewed a letter from Justin Elmini requesting that the 5-year lapse law be waived because he missed the expiration by two months. On a motion by Jay McMullin seconded by John Valeri, the Board unanimously determined that it has no discretion by statute to grant his request for waiver. Mr. Elmini must sit for the next Ophthalmic Dispensers Examination. Mr. Elimini will be so advised.

d. The Board reviewed a letter from Ephraim Sternthal requesting an additional extension from April 30, 2007 on his continuing educational credits because he paid for 23 hours the maximum amount of hours at Vision Expo. There are no additional credits being offered at this time. It was the consensus of the Board to grant an additional extension until June 30, 2007. Mr. Sternthal will be so advised.

e. The Board reviewed a letter from Raymond DiDonato and Patrick Goughary advising that they do not work as dispensing opticians but as educators at Camden County College. Due to the change in expiration date (4/30/06) and the increased renewal fee and for budgetary changes at the school, payment was delayed. Both are challenging the Board's decision to revoke the dispensing licenses, due to the circumstances involved in the late renewal for 2006-2007 and budgetary deadlines at the school.

On a motion by Michael Higgins seconded by Jay McMullin, the Board unanimously voted not to request copies of Mr. DiDonato and Mr. Goughary's continuing educational credits at this time and to waive any pending late fees. The Board will advise Mr. DiDonato and Mr. Goughary that it is required by law that each complete the reinstatement process which includes the reinstatement application, child support questionnaire, American Disabilities Act, and Certification and Authorization Form for criminal background check.

f. The Board reviewed a letter from Lalita Persaud requesting to sit for the Ophthalmic Dispensers Exam on March 28, 2007. On a motion by Michael Higgins seconded by Gary Iavarone, it was the consensus of the Board to advise Ms. Persaud that she must apply for an apprenticeship and complete a new four month apprenticeship be eligible to sit for the September 2007, as she already completed the degree program.

VI. OTHER BUSINESS

There being no other business to come before the Board in Public Session, on a motion made and seconded, the Board convened in Executive Session to receive counsel, to review five items of apprentice matters(CBC), four inspections, three consumer complaints, and one matter of new business.

The Board reconvened in Public Session. The next scheduled meeting will be held on April 11, 2007. There being no other business to come before the Board the meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director