

**STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC
TECHNICIANS**

PUBLIC SESSION MINUTES

April 14, 2004

The April 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 Meetings Act.

President Robert Troast convened the meeting at 9:00 a.m. A roll call was taken and the following attendance was recorded for these minutes.

PRESENT:

Linda Cohen
Michael Higgins
Jane Kenny
Norman Schleiffer
John Valeri, Esq.
Robert Troast, President
Robert Kubick
Theodore Bucon

ABSENT: NONE

Public Attendees: NONE

Also in Attendance: Dorcas K. O'Neal, Executive Director; Rhonda Pope Stephens, Deputy Attorney General; Linda Goba and Monica Perkins, Staff.

I. APPROVAL OF MINUTES

The Board reviewed the Public Session Minutes of March 10, 2004. On a motion by Linda Cohen seconded by Mike Higgins, the Board unanimously approved the minutes as submitted.

II. OLD BUSINESS

NONE

III. APPRENTICE MATTERS

a. Kelly Wilson submitted a letter requesting an extension for the March 2004 examination due to death in the family. On a motion by Linda Cohen seconded by John Valeri, the Board unanimously determined that an extension will be granted until the September examination.

b. Erika Colon AD-6091 - wants to renew her permit. The Board reviewed all relevant documents and determined that Ms. Colon obtained her permit in August 2000 and never took an examination. On a motion by Michael Higgins seconded by Linda Cohen, the Board unanimously determined that she must cease and desist from serving the public and return her permit. She will receive an automatic failure. An investigative inquiry will be scheduled for the June 14, 2004 meeting.

IV. STATUTES AND LEGISLATION

- a. The Board reviewed the Fairness to Contact Lens Consumers Act (P.L. No 108-164 which requires a contact lens prescriber to provide a patient with a copy of their prescription and for other purposes as informational.
- b. The Board reviewed the Protecting the Privacy of Patients' Health standards, which ensure a national floor of privacy protection by limiting the ways health plans, pharmacies, hospitals and other covered entities can use patient's personal medical information as informational.

V. NEW BUSINESS

- a. The Board reviewed the Board of Optometrists Regular Session Agenda for March 17, 2004 as informational.
- b. The Board reviewed the Board of Optometrists Regular Session Minutes of December 17, 2003 as informational.
- c. The Board reviewed the Fiscal Budget Report as informational.

There being no other business to come before the Board in Public Session, on a motion by John Valeri, seconded by Mike Higgins the meeting was adjourned. The Board convened into Executive Session for the purpose of receiving counsel, to hold three investigative inquiries, to review four consumer complaints, to review four inspections reports, to review four matters in new business and to review 16 matters involving old business.

The Board reconvened in Public Session. The following disciplinary actions were taken in Executive Session.

DISCIPLINARY ACTIONS

- a. I/M/O Peter Pantoliano** - In accordance with the terms of the Consent Order, Mr. Pantoliano's was assessed a penalty of \$15,500.00. An initial payment of \$5,000.00 was received upon filing the signed Consent Order.
- b. I/M/O Sergio Ferrera** - In accordance with the terms of the Consent Order, Mr. Ferrera signed a Consent Order assessing a penalty of \$3,250.00.

The next scheduled meeting will be held on May 12, 2004. There being no other business to come before the Board in Public Session, the meeting was adjourned at 4:45 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director
