

**STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS
PUBLIC SESSION MINUTES
May 11, 2005**

The May 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.

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

PRESENT: Theodore Bucon
Michael Higgins
Gary Iavarone
Joseph Grodman
Jerry McMullin
John Valeri, Esq.
Jane Kenny

ABSENT: Linda Cohen, President

Public Attendees: NONE

Also in Attendance: Dorcas K. O'Neal, Executive Director; Tobey Palan, Deputy Attorney General; Bernadette Ambercrombie, Linda Goba and Monica Carrington, staff.

I. APPROVAL OF MINUTES

The Board reviewed the Public Session Minutes of April 21, 2005. Amendments were made as follow: In roll call Dwayne Williams, Government Representative was present. On a motion by Ted Bucon seconded by John Valeri, the Board unanimously approved the minutes as amended.

II. OLD BUSINESS

a. Fiscal Year 2005 Budget - Darlene Kane attended the Public Session meeting to discuss fee increase. These fee increases amended in N.J.A.C 13:33-8.8 Fee Schedule. Increases were proposed for examinations, initial licensure, biennial renewals, and all other catagory of fees. On a motion by Gary Iavarone, seconded by Jane Kenny the Board approved the promulgated amendments to the fee schedule, to be published in the New Jersey Register.

b. Recodifications of Regulations: N.J.A.C. 13:33, commencing on page 15 at N.J.A.C. 13:33-1.4 - Chuck Manning was reagentized.

III. APPRENTICE MATTERS

a. I/M/O Robert Neiderman - Mr. Neiderman submitted a letter requesting permission to sit for the dispensing examination in September 2005. On a motion by Joseph Grodman seconded by Jay McMullin, Mr. Neiderman will be advised that he may sit for the next exam contingent upon proof of successful completion of courses.

IV. LEGISLATION/REGULATION

a. The Board reviewed Assembly, No. 3945. It was the consensus of the Board to support the bill which more

than adequately protects the consumer.

V. NEW BUSINESS

- a. The Board reviewed the Board of Optometrists Regular Session Minutes for February 16, 2005 as informational.
- b. The Board reviewed the Board of Optometrists Regular Session Agenda for April 13, 2005 as informational.
- c. National Academy of Opticianry - The Board reviewed the course curriculum for home study. On a motion by Jay McMillin seconded by Joseph Grodman, the Board unanimously voted to send Ms. Warner a letter advising that the Board does not accept mail order courses.

VI. OTHER BUSINESS

- a. The Board reviewed correspondence to the Georgia State Board addressing the repeal of education requirements, as informational.
- b. I/M/O Mario Oliviera - The Division of Criminal Justice announced that Oliviera had pleaded guilty to falsifying his optician's licenses in an attempt to bilk the Medicaid Program out more than \$19,000. This Board filed a certificate of debt for \$12,535.07 on August 21, 2002. The announcement was accepted as informational.

There being no other business to come before the Board in Public Session, on a motion by John Valeri, seconded by Ted Bucon the meeting was adjourned. The Board convened into Executive Session for the purpose of receiving counsel, to conduct one investigative inquiry, to review three consumer complaints, to review 2 inspection reports, to review two advertisements, to review one matter in new business and to review two matters in old business.

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

DISCIPLINARY ACTIONS

- a. I/M/O Elizabeth Pearson-Regional Manager-w/National Vision Associates - Consent Order for Unlicensed Practice. Ms. Pearson was assessed a penalty of \$10,000.00 for failing to cause to be secured for Sarah Passero and Damien Infuso, authorizations to work from the Board thereby permitting Sarah Passero and Damien Infuso to perform ophthalmic dispensing without a license. Upon filing the signed Consent Order the penalty was paid in full.

The next scheduled meeting will be held on June 8, 2005. There being no other business to come before the Board in Public Session, the meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director