

**STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS
PUBLIC SESSION MINUTES
MAY 13, 2009**

The May meeting of the Board was convened in accordance with its notice to the Secretary of State, the Bergen Record, the Record of Hackensack, 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 Cohen convened the meeting at 10:00 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 McMullian, and John Valeri, Esq.

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

PUBLIC ATTENDEES: Joe DeZenko, LUXOTTICA, Lloyd King, President of the OANJ and Todd Rupell, employee of LUXOTTICA

Also in attendance: Susan Berger, Deputy Attorney General, Kathleen Griffith and Monica Carrington, staff.

I. APPROVAL OF PUBLIC MINUTES

The Board reviewed the Public Session Minutes for March 11, 2009. On a motion by Gary Iavarone, seconded by Joseph Grodman, the Minutes were unanimously approved as submitted.

II. OLD BUSINESS

NONE

III. APPRENTICE MATTERS

a. The Board reviewed a letter from Roberto Gutierrez requesting to be excused from the March 2009 examination because he was unable to get an official transcript from Camden County College, due to an outstanding financial obligation. On a motion by Michael Higgins seconded by Jay McMullin, the Board unanimously determined to grant an excused absence to the September 2009 Examination. b. The Board reviewed a letter from Tracy King regarding the March 25, 2009 written portion of the exam and inquiring as to whether a space left blank or an unanswered question, counts as a wrong answer. On a motion by Joseph Grodman, seconded by Gary Iavarone, the Board unanimously determined that any unanswered question on the examination will count as an incorrect answer.

IV. STATUTES AND REGULATIONS

a. The Board reviewed Rule Proposal New Rule N.J.A.C. 13:33-5.9 - Record of prescriptions filled; Measurements which was published in the April 6, 2009 New Jersey Register with comment period ending June 5, 2009. b. The Board reviewed Rule Proposal New Rule N.J.A.C. 13:33-9 - Fee Schedule; registration of out-of-state replacement contact lenses sellers which was published in the April 20, 2009 New Jersey Register with comment period ending June 19, 2009. c. The Board reviewed a copy of the appeal from the National Association of Optometrists and Opticians who challenged an amendment to N.J.A.C. 13:33 7.1(g) advertisement as informational.

V. NEW BUSINESS

a. The Board reviewed a letter of resignation from Public Member Jane Kenny as informational. It was the consensus of the Board to send a letter of gratitude for serving as a member of this Board.

b. The Board reviewed a letter from John DeSantis TD-941 inquiring as to whether he can administer drops in a patients eyes and perform pre-exam screening tests. On a motion by Michael Higgins seconded by Jay McMullin, the Board unanimously determined to advise Mr. DeSantis that administering drops to the eyes of a patient and performing pre-examination screening tests do not fall within the scope of practice of an ophthalmic dispenser. The Board will also advise him that he can check with the Board of Optometry or the Medical Board to find out if the doctor can delegate those duties under a medical license.

c. The Board reviewed a proposed revision by Brian Thomas to N.J.A.C. 13:33-1.5 Supervision of apprentice ophthalmic dispenser and technicians, N.J.A.C. 13:33-1.8 Ophthalmic Dispenser apprentice; licensing examination, N.J.A.C. 13:33-2.2 Out of State Ophthalmic dispenser application, and N.J.A.C. 13:33-2.3 Out-of State ophthalmic technician application. President Cohen appointed Jay McMullin, Gary Iavarone, and Joseph Grodman to serve as a committee, to review the educational requirements of the Board.

d. The Board reviewed an email from Jon Bright regarding NCSORB meeting. It was the consensus of the Board to refer this matter to the education committee for review.

e. The Board reviewed an email from Jon Bright regarding Stats for distance learning. It was the consensus of the Board to refer this matter to the education committee for review.

f. The Board reviewed an email from Uchechukwu Osuagwu from King Saud University in Saudi Arabia inquiring as to how to get licensed in New Jersey. On a motion by Gary Iavarone, seconded by Joseph Grodman, the Board will forward an information packet along with the website where he can review the current rules and regulations.

g. The Board reviewed an email from Ellen Stoner regarding the accreditation for the Commission of Opticianry Accreditation. It was the consensus of the Board to refer this matter to the education committee for review.

h. The Board reviewed an email from Thomas Blair regarding the Opticians Association of America Legislative Update for April 2009, as informational.

VII. PUBLIC COMMENTS

Joe DeZenzo attended the Public Meeting and advised that since his last visit in January 2008 six employees of LUXOTTICA had registered for online classes at J Sargent Reynolds. Five of the employees registered for classes because of the ease of participating in an online program. He stated that he appreciated speaking with Dorcas K. O'Neal, Executive Director of the Board who reached out to Christine Green of J. Sargent Reynolds. He stated that he received phone calls alleging that J. Sargent Reynolds was not an approved program. Mr. DeZenzo also stated that prior to contacting J Sargent Reynolds he contacted Essex County College, Camden County College and Raritan Valley College requesting that online courses be added to the curriculum. He ended by saying that if the Board had questions or concerns, he would be happy to answer.

Todd Rupell, an optician introduced himself and stated that he works for a private doctor.

Lloyd King, President of the OANJ stated that he attended the meeting and offered to assist the Board in anyway it deems necessary.

VI. OTHER BUSINESS

There being is no other business to come before the Board in Public Session, on a motion by Gary Iavarone

seconded by Michael Higgins the Public Session was adjourned and the Board convened in Executive Session for the purpose of receiving counsel, to review one consumer complaint, one advertisement, one matter of new business and one criminal background review.

The Board reconvened in Public Session. The next scheduled meeting is June 10, 2009. There being no other business to come before the Board, on a motion made and seconded the meeting was adjourned at 12:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director