

**STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS  
AND OPHTHALMIC TECHNICIANS  
PUBLIC SESSION MINUTES  
MAY 16, 2007**

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, 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

**PUBLIC ATTENDEES:** Phil Lehr, Opticians Association of New Jersey

Also in attendance: Dorcas K. O'Neal, Executive Director, Susan Berger, Deputy Attorney General, Monica Carrington, staff.

### **I. APPROVAL OF PUBLIC MINUTES**

The Board reviewed the Public Session Minutes for April 11, 2007. On a motion by John Valeri, seconded by Joseph Grodman, the minutes were unanimously approved as submitted.

### **II. OLD BUSINESS**

a. The Board reviewed a letter from Jonathan Baran requesting an excused absence from the March 28, 2007 Qualifying Technical examination as he did not complete the requisite credits. A review of Board records show that he applied for and received an excused absence for the September 2006 examination. Mr. Baran's apprentice permit expired on September 11, 2006. He was notified to provide the Board with a copy of your transcript. To date, the transcript has not been received.

On a motion by John Valeri seconded by Jay McMullin, the Board denied his request for an excused absence and Mr. Baran will be directed to cease and desist practice as an apprentice ophthalmic dispenser in the State.

### **III. APPRENTICE MATTERS**

a. The Board reviewed a letter from Susan Cooley, M.D. preceptor to Apprentice Dispenser Mike Laverty AD-6802 inquiring as to whether Dr. William B. Neusidl, MD may also serve as preceptor to Mike Laverty inasmuch as she practices at two locations and is not always available to supervise Mr. Laverty directly.

It was the consensus of the Board to approve Dr. Neusidl as preceptor and has directed the Board office to advise Ms. Cooley that pursuant to N.J.A.C. 13:33-3.5(a) there must be minimum optical equipment in establishments where fabricating is done on the premises. All establishments where apprentices are registered and/or where fabricating is done on the premises. . . shall be equipped with the following optical equipment:

1. One set of hand tools consisting of files, screwdrivers, pliers, hammers/anvils or hand press, reamers, taps, calipers and millimeter ruler;
2. One automatic lens analyzer, such as a lensometer, vertometer, or any other automatic electronic equipment to measure the power of a lens and lens clock;
3. Hand or automatic protractor for marking up lenses;
4. One colmascope;

5. One frame heater;
6. One automatic edger and hand finishing stone;
7. A minimum of 250 assorted frames and mountings; and
8. If the establishment fabricates glass lenses on the premises, lens hardening equipment and a drop ball tester.

The Board would also like Ms. Cooley to be further advised that pursuant to N.J.A.C. 13:33-8.6, a working week for an apprentice shall consist of a minimum of 32 hours per week.

#### **IV. STATUTES/REGULATIONS**

a. The Board reviewed proposed Amendments: N.J.A.C. 13:33-5.1 and 7.1 Record of prescription filled; Advertising. President Cohen would like to draft a regulation stating that the PD could not be issued or state that the professional is not responsible for the duplicate eyeglasses made by some one else's measurements. The Board would also like to reauthorize the Registration of out-of-state contact lens sellers.

#### **V. NEW BUSINESS**

a. The Board reviewed an invoice of National Committee of State Opticianry Regulatory Boards Annual membership dues which were increased to \$700.00 from \$350.00. It was the consensus of the Board to request a copy of NCSORB's minutes and budget. This matter was reauthorized.

b. Jasmine Gregory emailed the Board inquiring as to the rules of vision screening in the State of New Jersey. It was the consensus of the Board to refer Ms. Gregory to the Scope of Practice N.J.S.A. 13:33-5.5 and N.J.S.A. 13:21-8.10 Visual Screening.

c. Amram Feingold submitted a letter to the Board inquiring as to the requirements for opening a retail store selling eyeglasses. It was the consensus of the Board to refer Mr. Feingold to the current statutes and legislation on the State website at [www.njconsumeraffairs.com](http://www.njconsumeraffairs.com).

d. S. Cohen submitted a letter to the Board inquiring as the requirements for opening a contact lens establishment. It was the consensus of the Board to refer S. Cohen to the current statutes and legislation on the State website at [www.njconsumeraffairs.com](http://www.njconsumeraffairs.com).

e. Steven Martino submitted a letter to the Board inquiring as to whether he is entitled to his PD Measurement. On a motion by John Valeri, seconded by Gary Iaravone, the Board unanimously determined to advise Mr. Martino that while there is no prohibition on the release of PD measurements, the measurements should not be relied upon by any other dispenser of lenses.

There being no other business to come before the Board on a motion by Michael Higgins and seconded by John Valeri the Public Session was adjourned and the Board convened in Executive Session for the purpose of receiving counsel to review five items of old business, three consumer complaints and four items of new business.

The Board reconvened in Public Session to report the following disciplinary actions are being reported out to the Public.

#### **DISCIPLINARY ACTIONS**

a. Sears Optical in Toms River, NJ - File #11-634-06-1826 Consent Order accepted by Mindy Clark for violation of N.J.S.A. 52:17B-41.18, unlicensed practice. b. Chic Optique in Red Bank, NJ - File #11-630-06-1825 Consent Order accepted by Dorothy Niamkey for violation of N.J.S.A. 52:17B-41.18, unlicensed practice. Penalties were assessed pursuant to N.J.S.A. 45:1-22 and 45:1-25 in the amount of \$2,500.00 for practicing as an ophthalmic dispenser without a license and \$500.00 for improperly advertising that her business employed an "optician". Total penalty of \$3,000.00. Awaiting penalty in the amount of \$3,000.00.

c. Coventry Optical, Phillipsburg, NJ - Consent Order for Mike Lavery cited for in violation of N.J.S.A. 52:17B-41.18 unlicensed practice. A penalty of \$2,500.00 was assessed pursuant to N.J.S.A. 45:1-22 and 45:1-25.  
Penalty Paid.

The next scheduled meeting in June 13, 2007. There being no other business to come before the Board on a motion by Gary Iavarone seconded by Joseph Grodman the meeting was adjourned at 2:25 p.m.

Respectfully yours,  
Dorcas K. O'Neal  
Executive Director