

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

PUBLIC SESSION MINUTES  
SEPTEMBER 8, 2004

(Final)

The September meeting of the State Board of Ophthalmic Dispensers and Ophthalmic Technicians was convened in accordance with the 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.

Due to inclement weather, there was a delay in convening the meeting. A roll call was taken and the following attendance was recorded for this meeting.

**PRESENT:**

Theodore Bucon  
Norman Schleiffer  
Linda Cohen  
Robert Troast  
Jane Kenny  
John Valeri  
Robert Kubick  
Michael Higgins

**ABSENT;**

NONE

Also in attendance: Dorcas K. O'Neal, Executive Director, Tobey Palan Deputy Attorney General, Linda Goba and David Wagreich, Staff.

**I. APPROVAL OF PUBLIC SESSION MINUTES**

The Board reviewed the Public Session Minutes of July 14, 2004. On a motion made and seconded, the Board unanimously approved the Minutes as submitted.

**II. OLD BUSINESS**

There were no items of old business.

**III. APPRENTICE MATTERS/CONTINUING EDUCATION**

Items "a -g" and i, j, and "o "were moved to Executive Session for the purpose of receiving counsel.

h. Kathryn M. Viti, AD 6510 submitted a letter requesting to be excused from the qualifying technical examination. She advised that she must retake Materials II lecture and that due to curriculum availability, she is allowed to take one course per semester. On a motion made and seconded the Board determined that Ms. Viti is not eligible to sit for the qualifying technical examination at this time; that she must successfully complete Materials II lecture; that she will be eligible to sit for examination September, 2005 and that should she fail to do so, she must return her permit. Ms. Viti will be so advised.

k. James Brooks, an ABO certified licensee in the State of Nevada submitted a letter and documentation relative to his Nevada license for Board review and a determination as to whether he may be licensed in New Jersey. Upon review by the Board, it was determined that college credits are required in New Jersey. Mr. Brook will be

requested to submit any college courses he may have taken within 30 days of notification. Upon receipt of requested information .he may be eligible to sit for the March, 2005 examination. College Credits will be requested from Mr. Brooks.

l. Oscar Albuquerque sent a letter requesting to be excused from the September, 2004, examination due to the death of his mother. The Board granted the excused absence, however, Mr Albuquerque must return permit and apply for and pay the fee for a technician permit. Further, he may not serve the public. On a motion made and seconded, the Board unanimously granted the extension to the March, 2005 examination, provided that Mr. Albuquerque returns his permit; apply for a technician permit and pay the appropriate fee. Mr. Albuquerque will be so advised.

m. Lan Jia, AD 6629 requested an excused absence from the September, 2004 examination, advising that she would be in Japan. She submitted a copy of a one-way ticket from New York Kennedy Airport to Tokyo-Narita Airport. No return ticket was provided nor was a reason for the trip provided. DAG Palan called Vision Effects, Ms. Jia's place of employ, to determine her date of return. She was advised that Ms. Jia had returned on September 5, 2004 and had returned to work this date (9/8/04). DAG Palan spoke with Ms. Jia and advised that the Board determined that she must sit for the September exam and that a late application would be accepted. . She further advised that an examination application would be mailed to her and that she must submit the application as soon as possible. On a motion made and seconded, the Board unanimously approved the acceptance of the late application for the September, 2004 examination. Should Ms. Jia not apply or sit for the examination, she will receive an automatic failure.

n. Jennifer Nelson submitted official transcripts from Raritan Valley Community College showing that she has now passed Materials II lecture and Lab. It was the consensus of the Board that she is eligible to sit for the September, 2004 qualifying Technician examination.

p. Lauri Kane wrote a letter inquiring as to which self-assessment continuing education tests are accepted from Vision Magazine. It was the consensus of the Board that no correspondence courses, including self-assessment courses are acceptable as continuing education credits. Ms. Kane will be provided a copy of the statutes and regulations and referred to N.J.A.C. 13;33-1.43, Continuing education requirements.

q. Leah M. Herron submitted a letter advising that she is currently enrolled for the fall semester (2004) at Camden County College to take Materials Lecture I, which is required before she can sit for the Qualifying Technical examination. Additionally, she stated that because she moved, she did not receive her application to sit for the September 2004 examination until August 2, 2004. The Board reviewed the fall schedule and determined that Ms. Herron is not eligible to sit for the examination; that she must appear before the Board to determine the status of her apprenticeship; that she must bring copies of her transcript of courses and that she must be accompanied by her preceptor, Glen Paterno. On a motion made and seconded, a hearing will be scheduled for Leah Herron and Glen Paterno and specified documents requested.

r. Brian C. Harris submitted a letter requesting a waiver of the four month apprenticeship after completing his degree at Raritan Valley Community College as he has passed the qualifying technical examination as well as the technician examination. The board reviewed all documents submitted by Mr. Harris. It was the consensus of the Board that Mr. Harris must complete a four month apprenticeship subsequent to receiving his degree and will be eligible to sit for examination March, 2005.. Mr. Harris will be so advised..

s. Fredric M. Gross sent an e-mail inquiring as to whether a licensed ophthalmic dispenser may perform the motor vehicle driver's acuity test. It was the consensus of the Board that pursuant to P.L. 39:3-10c, the vision screening may be certified by the division or by any licensed optometrist or ophthalmologist, licensed ophthalmic dispenser or by any person licensed to practice medicine and surgery... Mr. Gross will be so advised.

t. Jeffrey Abramowitz submitted a letter requesting an ophthalmic technician license as he is licensed in New York and holds an Associate degree Ophthalmic Dispensing. He has taken the dispenser examination three times and has failed dispensing and neutralization. Mr. Abramowitz must return his apprentice dispenser permit. It was the consensus of the Board that Mr. Abramowitz is eligible for a technician permit. He will be provided an

application and advised of the decision of the Board. This matter will be reagendaized for further discussion.

#### **IV. CONTINUING EDUCATION**

In June, 2004 seventy-one (71) persons who renewed their licenses which expired 12/31/03 and checked off that they had not completed or obtained the requisite 12 continuing education credits were flagged by the licensure system and sent notification to provide proof via certificates of completion and/or a letter of explanation within thirty days of receipt of the notification. Fifty-nine licensees responded.

Twenty -nine (29) of the 59 who responded, submitted the requisite 12 hours of continuing education credits. Two were exempt from obtaining credits because it is the first year of the renewal and one is a technician and is not required to take continuing education. Twelve (12) licensees did not respond to the letter sent in June.

a. Miguel A. Rodriguez is a technician and is not required to obtain continuing education courses. (CE's).

b. Damon S. Quigley is a new licensee who is exempt from taking continuing education in the first year of licensure.

c. Melissa Valencia is a new licensee who is exempt from taking continuing education in the first year of licensure.

Note: On a motion made and seconded, the remaining 27 cases of the respondents were moved to the Executive Session in order to receive counselling.

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

a. The Board reviewed the Board of Optometrists Regular Session Agenda of July 21, 2004, as informational.

b. The Board reviewed the Board of Optometrists Regular Session Minutes of May 21, 2004, as informational.

c. The Board reviewed a letter from Jon Bright, Chairman of the National Committee Of State Regulatory Boards (NCSRB) advising of its meeting on October 23, 2004 in Lexington, Kentucky.

On a motion made and seconded the Board unanimously approved the attendance of Michael Higgins and the Executive Director at this meeting.

d. The Board reviewed a letter from Jody Warner, Ophthalmic Career Progression Program Director, announcing the Ophthalmic Progression Program as the first contemporary home study program. It was the consensus of the Board, that home study programs are not acceptable as continuing education credits. A letter of thanks will be sent to Ms. Warner advising of the determination of the Board.

#### **VI. LEGISLATION/REGULATIONS**

a. "Online Purchases" - Chuck Manning, Regulatory Analyst, advised the Board that the Executive Director had spoken to him regarding a new regulation for "online purchases". However, the results of possible Federal preemptions must first be determined. Therefore, such regulation will be postponed until the results are received.

b. The Board reviewed the Report from the Office of the Director of Legislative Affairs on Assembly Bill No: A321, A458, A661 and A888, as informational.

#### **VII. OTHER BUSINESS**

There were no items of other business.

#### **VIII. PUBLIC COMMENTS**

None.

On a motion made and seconded, the Public Session was adjourned and the Board convened in Executive Session for the purpose of receiving counsel and to review thirteen (13) items of old business, seven (7) consumer complaints, four (4) items of new business and two (2) items of other business. Additionally, the 27 cases involving continued education which were moved from Public Session into Executive Session will also be reviewed.

The Board reconvened in Public Session. The next scheduled meeting is October 13, 2004. There being no other business to come before the Board, on a motion made and seconded, the meeting was adjourned at 4:00 P.M.

Respectfully submitted,

Dorcas K. O'Neal  
Executive Director

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