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STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS AND OPHTHALMIC TECHNICIANS

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PUBLIC SESSION MINUTES September 8, 2010

The September 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 9:00 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, and Jerry McMullin

EXCUSED OR ABSENT: Mary Helen Cervantes and Thomas Vincz

PUBLIC ATTENDEES: NONE

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

I. APPROVAL OF PUBLIC MINUTES

The Board reviewed the Public Session Minutes for July 14, 2010. **On a motion by Joseph Grodman, seconded by Michael Higgins, the minutes were unanimously approved as submitted.**

II. OLD BUSINESS

NONE

III. APPRENTICE MATTERS

NONE

IV. NEW BUSINESS

- a. Division of Law billing - 4th Quarter fiscal year. **This matter was moved to Executive Session.**
- b. The Board reviewed a letter from Abraham Susitzky TD-3461 inquiring as to the time allotted for break during continuing education seminars. **It was the consensus of the Board that pursuant to N.J.A.C. -13:33-6.1 Continuing Education requirements, one credit equals one hour of attendance and that one instructional hour equals 50 minutes. The Board allows sponsor discretion for any breaks. A copy of the continuing education guidelines will be forwarded to Mr. Susitzky.**
- c. The Board reviewed an email from Mark Bina inquiring as to the licensing requirements for replacement soft contact lens dispensing companies which ship across the nation. **On a motion by Michael Higgins seconded by Gary Iavarone, the Board directed that Mr. Bina be advised that this Board has no jurisdiction over out-of-state contact lens sellers and he should refer to the (Federal Trade Commission) - the Fairness to Contact Lens Consumer Act.**
- d. The Board reviewed an email from Mary Gailis inquiring as to whether opticians are allowed to give the patients their base curve and PD measurements to purchase glasses elsewhere. **It was the consensus of the Board to inform Ms. Gailis that there are no new regulations regarding measurements for prescriptions. However, under the HIPA ACT, a patient is entitled to a copy of his or her records upon a written request.**

V. STATUTES AND REGULATIONS

- a. The Board reviewed the **Record of prescription filed N.J.A.C. 13:33-5.1. On a motion by Gary Iavarone seconded by Joseph Grodman, the Board unanimously voted to repropose the rule as written.**
- b. The Board reviewed the Legislative Affairs Report - Second Quarter April 1, 2010 - June 30, 2010 **as informational.**
- c. The Board reviewed the Adoption of amendments to N.J.A.C. 13:33-7.1 (g) advertisement **as informational.**

VI. OTHER BUSINESS/INFORMATIONAL

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 conduct one investigative inquiry, to review one consumer complaint, and to review one criminal history background check.

The Board reconvened in Public Session. The next scheduled meeting is October 13, 2010. There being no other business to come before the Board, on a motion by Michael Higgins and seconded by Joseph Grodman, the meeting was adjourned at 3:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director