

**STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS
PUBLIC SESSION MINUTES
September 14, 2005**

The September 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.

President Linda Cohen 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
Linda Cohen, President

ABSENT:

Jane Kenny and Theodore Bucon

Public Attendees: NONE

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

I. APPROVAL OF MINUTES

The Board reviewed the Public Session Minutes of July 13, 2005. On a motion by John Valeri seconded by Jay McMullin, the Board unanimously approved the minutes as submitted.

II. OLD BUSINESS

III. APPRENTICE MATTERS

a. I/M/O Janine Velez - Ms. Velez requested that her apprenticeship be reinstated. The Board advised that she must provide proof that she has completed the required education. Ms. Velez provided proof of enrollment for the two remaining courses. On a motion by Jay McMullin, seconded by John Valeri, the Board unanimously determined to reinstate Ms. Velez apprenticeship as she has provided proof of a student tuition bill for the fall semester of 2005.

b. I/M/O Jessica Amato - Ms. Amato submitted a letter requesting permission to sit for the September 2005 dispensing examination. Apprentice sat for the Qualifying Technical exam in March 2005 and was unsuccessful in two parts. Apprentice was advised on August 4, 2005 she did not qualify for the Dispensing exam but was eligible for the Technician exam. On a motion by John Valeri seconded by Joseph Grodman the Board voted, to grant Ms. Amato the opportunity to sit for the Dispensers exam in September 2005 as follow: In favor: John Valeri, Joseph Grdoman, Jay McMullin, Michael Higgins, and Linda Cohen. Opposed: Gary Iavarone.

c. I/M/O Robert Neiderman - Mr. Neiderman submitted a letter requesting permission to sit for the September 2005 dispensing examination. Apprentice sat for the Qualifying Technical exam and passed. On May 11, 2005, the Board considered the request and Mr. Neiderman was advised that he may sit for the September 2005 examination contingent upon providing proof of successful completion of required courses. A transcript was submitted August 29, 2005. Apprentice does not have an Associate Degree and was deemed ineligible to sit for the Dispensers examination. Apprentice was advised August 31, 2005 that he is eligible to take the Technician exam but stated he preferred not to take the exam. On a motion by John Valeri seconded by Joseph Grodman, the Board voted to grant Ms. Amato the opportunity to sit for the Dispensers exam in September 2005 as follow: In favor: John Valeri, Joseph Grodman, Jay McMullin, Michael Higgins, and Linda Cohen. Opposed: Gary Iavarone.

d. I/M/O Joseph Zampella - Mr. Zampella submitted a letter requesting an excused absence for the September 2005 exam, due to insufficient educational credits. An official transcript submitted. On a motion by Jay McMillin seconded by John Valeri, the Board unanimously granted an extension until the March 2006 examination.

e. I/M/O Angela Hart - Ms. Hart submitted a letter requesting to sit for the September 2004 examination as she never received her paperwork. On a motion by Jay McMullin seconded by John Valeri, the Board unanimously granted Ms. Hart the opportunity to sit for the September 2005 exam.

IV. LEGISLATION/REGULATION

a. The Board reviewed Senate Bill NO. 1804 - Health Care Professional Responsibility and Reporting Enhancement Act as informational.

b. The Board reviewed N.J.A.C. 13:45C - Readoption of 13:45C; Duty to Cooperate Regulation as informational.

V. NEW BUSINESS

a. The Board reviewed the Board of Optometrists Regular Session Minutes for May 18, 2005 as informational.

b. The Board reviewed the Board of Optometrists Regular Session Agenda for July 20, 2005 as informational.

c. I/M/O ANGIE MULDOON - Ms Muldoon, Wal-Mart Optical Division, Professional Services, 702 SW 8th Street, Bentonville, AR 72716-0235, submitted a letter inquiring as to what situations licensed opticians may duplicate a pair of eyeglasses and posed five scenarios referencing N.J.S.A. 52:17B-41.5.

Ms. Muldoon inquired as to when 1) a customer presents multi-focal eyeglasses and requests that the licensed optician make readers from those eyeglasses (with no written prescription), whether a licensed optician may duplicate the eyeglasses without the prescription.

2) when a customer presents ready-made readers and requests that the licensed optician make readers from the ready-made readers (with no written prescription because the ready-made readers) are non-prescription eyewear, whether the licensed optician can duplicate the ready-made readers without the prescription.

3) when a customer requests that the licensed optician make readers verbally, giving the licensed optician his/her reader prescription when the consumer does not have a written prescription, whether the licensed optician can make the eyeglasses without the prescription.

4) Unrelated to the questions above and relevant to the dispensing of optical goods without a licensed optician present, she inquired as to whether an unlicensed optician may dispense optical goods so long as the Independent Doctor of Optometry is present and

5) whether an apprentice optician may dispense optical goods, so long as the Independent Doctor of Optometry is present.

The Board determined that:

As to question 1), a licensed optician may duplicate the prescription from a pair of multi focal eyeglasses and make a pair of reading eyeglasses from those eyeglasses.

As to question 2), a licensed optician may duplicate ready made readers (magnifiers) but cannot make corrective curve lenses from that neutralization.

As to question 3), a licensed optician may not make a pair of eyeglasses from a verbal prescription request by the consumer, without a prescription.

As to question 4), the answer is no. Ophthalmic Dispensers are regulated in the State of New Jersey and a license is required to practice ophthalmic dispensing.

As to question 5), the answer is no. Apprentice opticians may dispense optical goods so long as an Independent Doctor of Optometry, serving as direct preceptor to the apprentice optician is present.

Ms. Muldoon will be so advised.

d. The Board reviewed the Division of Law Billing as informational. e. I/M/O Cindy Tucker, Director, Membership and Marketing for National Academy of Opticianry - Regarding class-room, home study and online venues courses and credits administered and issued by the National Academy of Opticianry. It was the consensus of the Board to advise Ms. Tucker that the board only accepts class room credits. A copy of the New Jersey statutes and regulations governing the practice of ophthalmic dispensers and technicians will be enclosed.

VI. OTHER BUSINESS

a. The Board reviewed the Opticians Association of New Jersey (OANJ) conference course outline and schedule as informational. Executive Director Dorcas K. O'Neal advised the Board that she would not be able to attend the October 23, 2005 seminar and Joseph Grodman will attend on her behalf.

There being no other business to come before the Board in Public Session, on a motion by John Valeri, seconded by Joseph Grodman, the meeting was adjourned. The Board convened into Executive Session for the purpose of receiving counsel, to review three criminal background checks, to review one inspection report, and two matters involving old business.

The Board reconvened in Public Session. The next scheduled meeting will be held on October 12, 2005. There being no other business to come before the Board the meeting has adjourned at 3:00 p.m.

Respectfully submitted

Dorcas K. O'Neal
Executive Director