



**New Jersey State Board of Ophthalmic Dispensers
and Ophthalmic Technicians Minutes
Public Session Minutes
September 18, 2002**

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 Robert Troast 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
Linda Cohen
Michael Higgins
Jane Kenny
Norman Schleiffer
John Valeri, Esq.
Robert Troast, President

ABSENT:

Robert Kubick

Public Attendees:

NONE

Also in Attendance:

Dorcas O'Neal, Executive Director; Rhonda Pope Stephens, Deputy Attorney General; Linda Goba and Monica Perkins, Staff.

I. APPROVAL OF MINUTES

The Board reviewed the Public Session Minutes of September 18, 2002. **On a motion by Norman Schleiffer seconded by Linda Cohen the minutes were approved as submitted.**

II. OLD BUSINESS

a. The Board reviewed Senate, No. 1033 which Permits the Incorporation of Ophthalmic Dispensers and Technicians.

Chuck Manning responded in favor of the bill on behalf of the Board on August 15, 2002. to Legislative Counsel, Frank Dominques.

b. The Board reviewed the memo from Susan Gartland, Executive Director to the Board of Optometry regarding the Nebraska mail order contact lens statute **Specifically, section 69-304 requires all ophthalmic providers located outside of the state including the providing services via Internet, that dispense contact lens to Nebraska residents, to hold an ophthalmic provider registration which would be granted by the State of Nebraska upon disclosure and certification of certain information. The Board is interested in promulgating such a regulation.**

c. UPDATE: 1-800-CONTACTS disposition of advice from the Attorney General. DAG Pope Stephens advised that there is no update. **In Executive Session the Board reviewed several complaints regarding 1-800-CONTACTS. The Board feels that it is unable to act on these complaints pending advice from the Attorney General. Boardmember John Valeri suggested that a letter be sent to the Attorney General along with copies of complaints requesting that the matter sent on November 13, 2001 by Kathy Rohr on behalf of the Division of Consumer Affairs be reviewed.**

On a motion by Jane Kenny seconded by John Valeri the Board unanimously voted to send a letter to the Attorney General advising that the Board feels it cannot adjudicate complaints without the benefit of Attorney General's advice. The Board is requesting that DAG Pope Stephens check the status of this matter. Reagendized for the next meeting.

d. PUBLIC COMMENT - Roger Hope addressed the Board regarding his apprentice permit. Roger Hope appeared before the Board for an investigative inquiry in November 2001 because of an affirmative response to the crime question on his apprentice application. The Board requested that Mr. Hope provide specific information regarding his rehabilitation. Mr. Hope did not provide that information. Mr. Hope stated his parole will be complete in 7 weeks. He requested to sit for the State Board examination in March 2003. He stated that he has a problem retrieving the information from his substance abuse counselor, since all the records were moved to Albany. **On a motion by Linda Cohen seconded by Norman Schleiffer, the Board granted Mr. Hope another opportunity to provide the Board with the information as follow: a current letter from his employer, a final letter from his parole officer, and a current letter from his out patient program counselor.**

On a motion by Linda Cohen seconded by Norman Schleiffer a penalty of \$125.00 was recommended for failure to comply with Board directions. The Board voted as follow: In favor Linda Cohen and Norman Schleiffer. Opposed: Michael Higgins, Jane Kenny, Ted Bucon, and John Valeri. The motion to assess a penalty of \$125.00 was defeated.

III. APPRENTICE MATTERS

a. Christopher Suchocki is requesting to be excused from the September 2002 examination to complete his degree in Biochemistry. **On a motion by Ted Bucon seconded by Linda Cohen, the extension was denied. Mr. Suchocki will receive an automatic failure.**

b. Stacy Schweigart is requesting an excused absence from the March 2002 examination because she was in Texas during the week of the exam. **On a motion by Norman Schleiffer seconded by Ted Bucon, the extension was denied. Ms. Schweigart will receive an automatic failure.**

c. Joseph Susitzky requested that the written portion of his examination be hand scored. **This request was forwarded to Mr. Hess, Consultant to the Board. His scored was unchanged.**

IV. STATUTES AND LEGISLATION

a. The Board reviewed N.J.A.C. 11:22-1.9 - Prompt payment of claims reporting requirements **as informational.**

V. NEW BUSINESS

a. The Board reviewed the Division of Law billing **as informational.**

b. The Board reviewed the OAA National Opticians Conference Annual Report material provided by Dorcas K. O'Neal, Executive Director **as informational.**

There being no other business to come before the Board in Public Session, on a motion by John Valeri, seconded by Linda Cohen, the meeting was adjourned. The Board convened into Executive Session for the purpose of receiving counsel to conduct five (5) fact finding hearings, to review one consumer complaint, one advertisement, to review four (4) matters of inspection/investigations, three (3) matter involving new business and three matters involving old business.

The Board reconvened in Public Session: The next scheduled meeting is October 9, 2002.

There being no other business to come before the Board on a motion by Norman Schleiffer, seconded by Ted Bucon, the meeting was adjourned at 5:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director

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