

**STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS
PUBLIC SESSION MINUTES
November 9, 2005**

The November 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:

Michael Higgins Theodore Bucon
Gary Iavarone Joseph Grodman
Jerry McMullin John Valeri, Esq.
Jane Kenny Linda Cohen, President

ABSENT: None

Public Attendees: Michael Della Pesca, from Quantum Learning Group

Also in Attendance: Dorcas K. O'Neal, Executive Director; Susan Gartland, Managing 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 September 14, 2005. On a motion by John Valeri seconded by Jay McMullin, the Board unanimously approved the minutes as submitted.

II. APPRENTICE MATTERS

- a. Linda Thompson submitted a letter requesting to be excused from the September 2005 Ophthalmic Dispensers Examination due to medical reasons. The Board also reviewed the medical certificate completed by the treating physician. On a motion by Jay McMullin seconded by Joseph Grodman, the Board unanimously granted an excused absence from the September 2005 examination. Ms. Thompson will be so advised.
- b. Lida Camacho submitted a letter requesting to sit for the September 2005 Dispensers Examination and she received her degree in June, 2005. The Board determined that Ms. Camacho must advise the Board office of her present place of employment, reapply for an apprentice permit, and work for a minimum of 32 hours per week for 4 months before she becomes eligible to sit for the March 2006 examination. On a motion by Jay McMullin, seconded by Ted Bucon, the Board unanimously approved the determination. Ms. Camacho will be so advised.

IV. NEW BUSINESS

- a. Robert Campanelli, Ethics Liaison Officer, spoke to the Board members regarding duties as Board members, event attendance, gifts, favors, confidentiality and conduct.
- b. Paul Chandler submitted a letter requesting an extension to obtain six additional credits 2004-2005 continuing educational credits, due to medical reasons. On a motion by Joseph Grodman seconded by John Valeri, the Board unanimously determined that Mr. Chandler must first provide proof of the six credits already taken subject to Board approval. An extension to the end of the first quarter, 2006 will be granted contingent upon receipt of proof

of six credits obtained to date. Reagendized

c. Linda Bosco submitted a letter inquiring as to whether it is legal to sell non-prescriptive colored contacts in her establishment. On a motion by Jay McMullin, seconded by Joseph Grodman, the Board determined that pursuant to N.J.S.A. 52:17B-41.27, Authorized Dispensers - Any Ophthalmic Dispenser licensed in New Jersey may engage in the practice of contact lens dispensing.

Pursuant to N.J.S.A.52:17B-41.1 Purpose of Act "Ophthalmic appliances and lenses"; defined; exemptions; Prohibited Acts". This act is enacted in the exercise of the police powers of the State and its purposes generally are to protect the public health, welfare and safety by providing for the regulation of the sale, dispensing and supplying of all ophthalmic appliances, eyeglasses, or ophthalmic lenses to the ultimate wearer or consumer in this State.

For the purpose of this act, ophthalmic appliances and lenses are defined as those employed for the aid or protection of human vision or for the correction of defects of human vision.

Physicians and optometrists, duly licensed to practice medicine and optometry in this State, are specifically exempt from the provision of this act.

A person registered under the provisions of this act is specifically prohibited from engaging in the practice of ocular refraction, orthoptics, visual training, or fitting contact lenses; or the prescribing of subnormal vision aids or telescopic spectacles, in his own behalf or as an employee or student of another, whether under the personal supervision of his employer or preceptor or not.

No person not licensed to practice medicine or optometry in this State shall directly or indirectly, for himself or others, do or engage in any act or practices specifically prohibited to duly registered ophthalmic dispensers and ophthalmic technicians by the provision of this act.

d. The Board reviewed the Board meeting dates for Calendar year 2006 On a motion by Jay McMullin seconded by Ted Bucon, the Board unanimously approved the meeting dates.

e. The Board reviewed the Board of Optometrists Regular Session Agendas of September 21, 2005 and October 19, 2005 as informational. The Board is requesting a copy of the Letter from the Association of Regulatory Boards of Optometry re: Update study of complications associated with invalid contact lens prescriptions, and a copy of the article from the Philadelphia Inquirer regarding "Colored Contacts".

f. The Board reviewed Board of Optometrists Regular Session Minutes of June 15, 2005 and July 20, 2005 as informational.

V. STATUTES AND LEGISLATION

a. The Board reviewed its Proposed Amendments: N.J.A.C. 13:33-8.8, Fee Schedule. This matter will be reagendized for adoption after the comment period ending November 18, 2005.

b. The Board reviewed its Readoption with Recodification and Amendments N.J.A.C. 13:33 and adopted repealed 13:33-1.19 and 1.35 which appeared in the September 6, 2005 issue of the New Jersey Register.

VI. PUBLIC COMMENTS

Michael Della Pesca from Quantum Learning Group and a professor from Essex County College spoke about Internet continuing educational credits. He offered to set up an account for trial, by the Board or its subcommittee.

There being no other business to come before the Board in Public Session, on a motion by Joseph Grodman seconded by Michael Higgins, the meeting was adjourned. The Board convened into Executive Session for the

purpose of receiving counsel, to hold one investigative inquiry, to review two criminal background checks, to review two complaints, to review one new business and five matters in old business.

The Board reconvened in Public Session. The following disciplinary actions were taken in Executive Session.

VII. DISCIPLINARY ACTIONS

a. AARP Advertisement - Consent Order signed for Cole Vision - Pearle Vision/Target Optical/JC Penny Optical/Sears Optical for violation of N.J.A.C 13:33-1.35(j)2 and (i) in that there was no base price included in the advertisement. A \$7,500.00 penalty was assessed for all locations.

The next scheduled meeting will be held on December 14, 2005. There being no other business to come before the Board the meeting has adjourned at 2:00 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director