



**New Jersey State Board of Ophthalmic Dispensers
and Ophthalmic Technicians Minutes
Public Session Minutes
November 13, 2002**

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 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:

Linda Cohen
Theodore Bucon
Michael Higgins
Jane Kenny
Norman Schleiffer
Robert Troast, President

ABSENT:

Robert Kubick and John Valeri, Esq.

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 October 9, 2002. The following redactions were made: *Item II, letter (a) line 2, the word Internet was replaced with "out-of-state" and in line 3 "license" is added. On a motion by Linda Cohen seconded by Jane Kenny the Board unanimously approved the minutes as redacted.*

II. OLD BUSINESS

Attorney General's Advice

a. The Board of Ophthalmic Dispensers and Ophthalmic Technicians is awaiting the advice from the Attorney general's Office regarding 1-800-CONTACTS an out-of-state company selling contact lens in New jersey to consumers without an license. To date no opinion has been issued from the Attorney General. It was the consensus of the Board to forward copies of all complaints and other inquiries regarding 1-800-CONTACTS to the Attorney General's Office requesting that the opinion written by the former DAG Kathy Rohr, requested on November 15, 2001, be reviewed. On November 4, 2002, Dorcas O'Neal submitted a memo to Sandra Dick requesting a copy of the opinion prepared by Kathy Rohr relative to 1-800-CONTACTS. The Board is awaiting that response.

b. The Board reviewed the copy of the contact lens advisory **as informational.**

c. The Board reviewed the information provided by U.S. Safety regarding a work order, presented by Boardmember Michael Higgins with a notation "*MATCH BASE CURVE (B.C.) Best you can do is okay*" **On a motion by Linda Cohen seconded by Michael Higgins the Board will schedule an Investigative Inquiry for William Pytel and Robert Shirvanian to discuss their process in dispensing safety eyewear.**

III. APPRENTICE MATTERS

a. Gerald York, Jr. requested an excused absence from the September 2002 examination because he did not receive his paperwork from the State Board. **It was the consensus of the Board that Mr. York receive an automatic failure, as it is the candidate's responsibility to keep the Board updated with a current address.**

b. Sandra Sanchez requested an excused absence from the September 2002 examination due to child birth. **On a motion by Michael Higgins seconded by Linda Cohen an extension was granted.**

III. STATUTES AND LEGISLATION

a. The Board reviewed the Proposed readoption: N.J.A.C. 13:44B, Per Diem Compensation for Members of Professional and Occupational Licensing Boards **as informational.**

IV. NEW BUSINESS

a. The Board reviewed the newspaper article, *FDA cracks down on sales of cosmetic lenses* **as informational.**

b. Esperanza Quintanilla TD-3075 submitted a letter stating she is becoming a missionary in Africa and can she maintain her credits on the Internet. **It was the consensus of the Board to forward a letter to Ms. Quintanilla advising her that Internet courses are not approved by the Board and she has the option of placing her license on inactive status and updating all paperwork when she returns to the United States.**

c. Alan Fridkis TD-1299 submitted a letter requesting to reinstate his license. **On a motion by Linda Cohen seconded by Ted Bucon an extension on his continuing education for 18 credits was granted until March 31, 2003. Mr. Fridkis must pay the fee of \$690.00 before December 31, 2002 in order to reinstate his license.**

d. The Board reviewed the article: *Academy Calls for Positive Verification of contact Lens Prescriptions* **as informational.**

e. Richard Roth TD-1102 is requesting to reinstate his license after 20 years. **On a motion by Michael Higgins seconded by Jane Kenny, Mr. Roth must obtain current educational requirements and sit for the State Board examination. He will be so advised.**

There being no other business to come before the Board in Public Session on a motion by Norman Schleiffer seconded by Ted Bucon, the meeting was adjourned. The Board convened into Executive Session for the purpose of receiving counsel, to hold six hearings, to review three consumer complaints, one advertisement, three matters involving new business and five matters involving old business.

The Board reconvened in Public Session.

V. DISCIPLINARY ACTION

The following matters involving action taken in Executive Session are being reported.

- a. **I/M/O Robert Hall** (Consent Order) - Mr. Hall failed to conform to standard practice of ophthalmic dispensing in the state of New Jersey by aiding and abetting the unlicensed practice of four employees; by failing to display licenses of 2 employees. Penalties were assessed at \$2,500.00 for each of six counts totaling \$15,000.00 plus costs of \$3,756.65.
- b. **I/M/O Joseph Setton** t/a Kreations, Wildwood, New Jersey - Unlicensed practice dispensing contact lens. Paid penalty of \$1,000.00.
- c. **I/M/O David Maimon** t/a Gold Spot, Inc., Wildwood, New Jersey - Unlicensed Practice, dispensing contact lens. Paid penalty of \$1,000.00.
- d. **I/M/O Solomon Mizrahi** t/a Golden Gate, Wildwood, New Jersey - Unlicensed practice dispensing contact lens. Paid penalty \$1,000.00.

The next scheduled meeting is December 11, 2002. There being no other business to come before the Board on a motion by Ted Bucon seconded by Linda Cohen, the meeting was adjourned at 4:00 p.m.

Respectfully Submitted,

Dorcas K. O'Neal
Executive Director

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