

**STATE BOARD OF EXAMINERS OF OPHTHALMIC DISPENSERS
AND OPHTHALMIC TECHNICIANS**

PUBLIC SESSION MINUTES

December 9, 2009

The December 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, Jerry McMullian

EXCUSED OR ABSENT: John Valeri, Esq.

PUBLIC ATTENDEES: Joe Dezenzo, Luxottica Retail, Greg Bevelock, attorney for Luxottica, **Patrick Phelan, Luxottica Retail Kristi Green of J. Sargent Reynolds College in Virginia; Edward DeGennero of J. Sargent Reynolds College in Virginia**

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

The Board adjourned the Public Session in order to hold examination reviews.

The Board held examination reviews for the October 13-14, 2009 examination from 9:00 a.m. -10:00 a.m. The following candidates attended this review:

Enyonam Konou
Jamie Stowe
Ted Cherofsky
Dolores Pompeo
Terry Gazzara
Anita Hasan

Leon Macon, Jr.
Cindy Ortiz
Karina Manukyan
Sheetal Davda
Lynette Rosinski
Kendra Carter

Richard Telusma
Natallia Astapchyk
Lynne Postman
Lauren Hughes
Nawana Ceraso

The Board reconvened in Public Session to complete the Public Agenda.

I. APPROVAL OF PUBLIC MINUTES

The Board reviewed the Public Session Minutes for October 21, 2009. **On a motion by Jay McMullin, seconded by Joseph Grodman, the minutes were unanimously approved as corrected.**

II. OLD BUSINESS

NONE

III. APPRENTICE MATTERS

- a. The Board reviewed a letter from Gina Torres requesting to be excused from the October 2009 examination due to lack of childcare. On a motion by Gary Iavarone seconded by Joseph Grodman, the Board unanimously granted an extension until the March 2010 examination.

IV. NEW BUSINESS

- a. The Board reviewed a letter from Erik Ziegler inquiring as to the obligation of ophthalmic dispensers with regard to providing measurements to patients who are not purchasing eyewear from that establishment. On a motion by Gary Iavarone seconded by Michael Higgins, the Board determined that due to limited facts presented, they will only advise Mr. Ziegler that he has no obligation to provide arbitrary measurements. Mr. Ziegler will be so advised.
- b. The Board reviewed an email from Craig Stanton inquiring as to whether NJ Optometrists are exempt from complying with Ophthalmic Dispenser statutes and regulations. On a motion by Jay McMullin seconded by Joseph Grodman, the Board determined that a letter be sent to Mr. Stanton advising that he review the current statutes and regulations at <http://www.njconsumeraffairs.gov/medical/ophthalmic>.
- c. The Board reviewed an email from Moe Zindaki inquiring as to the law regarding opticians and optometrists going into business together and inquiring as to whether an optician can hire an optometrist. It was the consensus of the Board to refer Mr. Zindaki to NJAC 13:33-3.1 Space rental agreement with other health care practitioners at www.njconsumeraffairs.gov/medical/ophthalmic and to the Professional Corporation Act.

V. STATUTES AND REGULATIONS

- a. The Board reviewed proposed new N.J.A.C. 13:33-9, Registration of Out-of-State Contact Lens Sellers, and one comment on the proposal that requested the Board to delete the term "replacement" from N.J.A.C. 13:33-9. After discussion, the Board determined that it was not required to delete this term. **On a motion by Jay McMullin seconded by Gary Iavarone, the Board voted to alter its original response to the comment and to adopt N.J.A.C. 13:33-9 without amendment.**

VI. INFORMATIONAL

- a. A letter from Kristi Green, Program Director at J. Sargent Reynolds - including an Executive summary, JSRCC Opticianry Program self study, Opticianry Distance Education Research study, Program Criteria for Distance Clinical Preceptors, and Clinical course evaluation tool. **The Board reviewed these documents as informational.**

VI. PUBLIC COMMENTS

Kristi Green and Edward De Gennero of J. Sargent Reynolds attended the Public Meeting to discuss the quality of education at J. Sargent Reynolds provides. She also submitted information packages for the Board to review.

Joe DeZenzo, Patrick Phelan, Gregory Bevelock all from LUXOTTICA attended the Public Meeting and discussed the quality of education J. Sargent Reynolds provides to apprentice dispensers in the State of New Jersey. He wanted to address a concern of Luxottica that the Board drafted a proposal to hinder online education as a approved learning credential.

Todd Rupell, an optician attended the Public Session meeting to see if Board had any questions regarding J. Sargent Reynolds and to support Joe DeZenzo.

Chairman Cohen thanked all public attendees for their comments.

There being is no other business to come before the Board in Public Session, on a motion by Jay McMullin seconded by Joseph Grodman the Public Session was adjourned and the Board convened in Executive Session for the purpose of receiving counsel to review one inspection of premise.

The next scheduled meeting is January 13, 2010. There being no other business to come before the Board, on a motion made and seconded the meeting was adjourned at 1:30 p.m.

Respectfully submitted,

Dorcas K. O'Neal
Executive Director