

# New Jersey State Board of Optometrists

## Regular Session Minutes

January 16, 2002

A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6th floor on Wednesday, January 16, 2002. **Leonard Strulowitz, O.D., President of the Board**, announced that pursuant to the Open Public Meetings Act, Chapter 321, P.L., notice of this meeting was prepared in the office of the Board and mailed out to the Secretary of State, the Attorney General, the Star Ledger, the Record, the Press of Atlantic City, the Asbury Park Press, and the Trenton Times. The meeting was called to order at 9:10 A.M. A roll call was taken and the following attendance was recorded:

<b>GORDON COMPTON</b>	<b>Present</b>
<b>SYDNEY M. KRAMER, O.D.</b>	<b>Present</b>
<b>THERESA C. FLEMING, O.D.</b>	<b>Present</b>
<b>BARRY SCHNEIDER, O.D.</b>	<b>Present</b>
<b>LEONARD STEINER, O.D.</b>	<b>Present</b>
<b>LEONARD STRULOWITZ, O.D.</b>	<b>Present</b>
<b>RALPH WHITE</b>	<b>Present</b>

Also present were: **SUSAN H. GARTLAND, Executive Director; CARMEN RODRIGUEZ, Deputy Attorney General; LISA PETROWSKI, Assistant to the Executive Director**

### **I. Public Comment**

### **II. Election of Officers for 2002**

Executive Director, Susan H. Gartland, took the chair to conduct the election of the Board of Officers for 2002.

Mrs. Gartland called for nominations for President and a motion was made by Dr. Schneider and seconded by Dr. Fleming to nominate Dr. Steiner for President of the Board for 2002. Mrs. Gartland called for further nominations and there were none. Dr. Kramer then made a motion, seconded by Dr. Strulowitz to close the nominations and elect Dr. Steiner President of the Board by acclamation. The vote of the Board was unanimous.

Mrs. Gartland called for nominations for Vice President and a motion was made by Dr. Kramer and seconded by Dr. Fleming to nominate Mr. White for Vice President of the Board for 2002. Mrs. Gartland called for further nominations and there were none. Mr. Compton then made a motion, seconded by Dr. Schneider to close the nominations and elect Mr. White Vice President of the Board by acclamation. The vote of the Board was unanimous.

Mrs. Gartland called for nominations for Secretary and a motion was made by Dr. Strulowitz and seconded by Dr. Kramer to nominate Mr. Compton for Secretary of the Board for 2002. Mrs. Gartland called for further nominations and there were none. Dr. Kramer then made a motion, seconded by Dr. Schneider to close the nominations and elect Mr. Compton Secretary of the Board by acclamation. The vote of the Board was unanimous.

### **III. Approval of Regular Session Minutes**

A. December 19, 2001

A motion was made by Dr. Schneider and seconded by Mr. Compton to accept the December 19, 2001 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

#### **IV. New Business**

##### A. COPE Guidelines for Continuing Education

The Board reviewed the Council on Optometric Practitioner Education (COPE) guidelines for continuing education submitted by Dr. Fleming. The Board did not find any conflict with the COPE guidelines and the current regulations. The Board is awaiting the publication of its continuing education regulation.

##### B. Letter from Robert Dietz RE: Prescriptions

Mr. Dietz advised the Board that he was researching whether it was permissible within New Jersey statutes and regulations to develop a business that stored and utilized eyeglass and contact lens prescriptions as a third party warehouse for use by licensed eyecare professionals, consumers, and suppliers of eyewear. A motion was made by Dr. Schneider and seconded by Dr. Kramer to supply Mr. Dietz with a copy of the Optometry statutes and regulations and advise him that he should seek counsel from his attorney regarding the development of this type of business. A vote was taken and the motion carried by a unanimous vote.

#### **V. Old Business**

##### A. 9:30 A.M. Board Review of Comments of New Jersey State Board of Optometrists Sexual Misconduct Proposed New Rule: N.J.A.C. 13:38-2.14 with Jake Gertsman, Regulatory Analyst

The Board reviewed the comment submitted regarding Proposed New Rule: N.J.A.C. 13:38-2.14 with Regulatory Analyst, Jake Gertsman. A motion was made by Dr. Schneider and seconded by Mr. Compton to adopt the regulation as proposed. A vote was taken and the motion carried by a unanimous vote.

##### B. Response from Lawrence A. Ragone, O.D., Executive Director of Camden Eye Center RE: Externships in New Jersey

The Committee of the Board, Barry Schneider, O.D. and Gordon Compton, assigned to this matter reviewed the Pennsylvania College of Optometry's new curriculum which includes third year students passing through the Camden Eye Center as part of their regular clinical rounds under direct supervision of New Jersey licensed optometrists. The Committee advised the full Board that the new curriculum did not seem permissible pursuant to N.J.A.C. 13:38-2.12 which allows fourth year students (a preceptee) of an accredited optometry school or college to be supervised by a New Jersey licensed optometrist (a preceptor) during clinical training. A motion was made by Dr. Schneider and seconded by Dr. Strulowitz to advise Dr. Ragone and the Pennsylvania College of Optometry that N.J.A.C. 13:38-2.12 allows only fourth year students to participate in such activity. The Board will address amending N.J.A.C. 13:38-2.12 to include third year students and to consider what specific environment their clinical training could be conducted at a future meeting. A vote was taken and the motion carried by a unanimous vote.

##### C. Committee Report on criteria for the use of fellowships for N.J.A.C. 13:38-1.2(f)

The Board reviewed a draft regulation on the use of titles obtained from post graduate fellowships in advertising in June of 2001 and a sub-committee was assigned to establish the criteria for the use of fellowships for the regulation. After review of the sub-committee's report, a motion was made by Dr. Schneider and seconded by Mr. Compton to

submit the draft amendments to the Regulatory Department for review and proposal. A vote was taken and the motion carried by a unanimous vote.

## VI. For Your Information

A. Memorandum from Douglas J. Harper, Deputy Attorney General  
RE: Global Settlement Resolution in the matter of John Amabile, O.D.

The Board reviewed the memorandum from Douglas J. Harper, D.A.G. regarding the global settlement resolution in the matter of Dr. Amabile and considered it informational.

B. Article, "Mail-Order Giant Boasts of Its Control Over Products and Providers" in the November, 2001 issue of Review of Contact Lenses

The Board reviewed an article, "Mail-Order Giant Boasts of Its Control Over Products and Providers" and considered it informational.

C. Article, "Optometry and Ophthalmology the Internet connection assessing consumer health Web sites" in the November, 2001 issue of Optometry Journal of the American Optometric Association

The Board reviewed an article, "Optometry and Ophthalmology the Internet connection assessing consumer health Web sites" and considered it informational.

D. December 21, 2001 American Optometric Association State Legislative Update

The Board reviewed the December 21, 2001 American Optometric Association State Legislative Update and considered it informational.

E. Division of Consumer Affairs State Board of Medical Examiners  
Certified Nurse Midwives: Prescriptive Authority  
Proposed Amendment: N.J.A.C. 13:35-2A.11

The Board reviewed the Division of Consumer Affairs State Board of Medical Examiners Certified Nurse Midwives: Prescriptive Authority Proposed Amendment: N.J.A.C. 13:35-2A.11 and considered it informational.

F. Article, "NBEO/ARBO exploring possible merger ASCO passes motion to 'strongly oppose'" in the December 3, 2001 issue of the American Optometric Association News

The Board reviewed the article, "NBEO/ARBO exploring possible merger ASCO passes motion to 'strongly oppose'" and considered it informational.

G. Consent Order - Justin Catando, O.D.

The Board is in receipt of a signed Consent Order filed November 14, 2001 from Justin Catando, O.D. together with a check in the amount of two hundred and fifty dollars (\$250.00) for violation of **N.J.S.A. 45:12-26 Titles not authorized; N.J.A.C. 13:38-1.4(d) Optometric practice under assumed names and disclosure of practitioner names; and N.J.A.C. 13:38-1.2(b)&(l) General advertising practices.** The Board considers this matter to be concluded.

H. Consent Order - Christopher Zupsic, O.D.

The Board is in receipt of a signed Consent Order filed November 14, 2001 from Christopher Zupsic, O.D. together with a check in the amount of two hundred and fifty dollars (\$250.00) for violation of **N.J.S.A. 45:12-26 Titles not authorized; N.J.A.C. 13:38-1.4(d) Optometric practice under assumed names and disclosure of practitioner names; and N.J.A.C. 13:38-1.2(b)&(l) General advertising practices.** The Board considers this matter to be

concluded.

I. S-1408

Synopsis - Concerns the ability of professional licensing boards to protect the public.  
The Board reviewed Senate Bill 1408 and considered it informational.

J. Seco International, LLC, Appoints New Executive Director

The Board reviewed Seco International, LLC, Appoints New Executive Director and considered it informational.

K. Seco International 2002 to Feature Innovative and Unique Programs

The Board reviewed Seco International 2002 to Feature Innovative and Unique Programs and considered it informational.

L. Article, "Ex-optometrist gets 7-year term in fraud attempt" in the January 12, 2002 issue of the Asbury Park Press

The Board reviewed the article, "Ex-optometrist gets 7-year term in fraud attempt" and considered it informational.

## **VII. Adjournment**

A motion was made by Dr. Schneider and seconded by Dr. Kramer to adjourn the Regular Session Meeting at 2:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland  
Executive Director

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*Posted June 2002*