

**New Jersey State Board of Optometrists
Regular Session Minutes
January 16, 2008**

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, 2008. Leonard Steiner, 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 9:00 A.M. A roll call was taken and the following attendance was recorded:

PAUL BENT Present
GIGETTE COLLAZO HARFST, O.D. Present
GORDON COMPTON Absent
RICHARD FAVREAU, O.D. Present
MITCHELL FINK, O.D. Absent
JOHN FLORIO, O.D. Present
LEONARD STEINER, O.D. Present

Also present were: CARMEN RODRIGUEZ, Deputy Attorney General; LISA PETROWSKI, Assistant to the Executive Director; SUSAN GARTLAND, Representative of the Division of Consumer Affairs.

I. Public Comment

II. Approval of Regular Session Minutes

A. November 21, 2007

A motion was made by Dr. Harfst and seconded by Dr. Favreau to approve the November 21, 2007 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. Letter from Sonya Patel, O.D.
RE: TPA Certification

According to N.J.S.A. 45:12-9.9, "educational standards shall be no less than that required of currently enrolled students as part of their requirements for graduation from that school. This credentialing process shall be required of all persons seeking to utilize pharmaceutical agents for treatment purposes in the practice of optometry ..." and N.J.A.C. 13:38-4.3 "Educational requirements for TPA Certification", new applicants need to meet all requirements to use and prescribe oral and topical medications which is the current level of TPA certification in New Jersey.

Dr. Patel applied to reactivate her New Jersey optometric license. Dr. Patel inquired with her application whether the Board would permit her to apply for the topical medication level of certification and grant her a TPA certification to prescribe topical medications only. Dr. Patel wrote the Board again and advised them that she no longer wishes to activate her New Jersey optometric license. Dr. Patel asked the Board whether she could be refunded the \$150.00 reactivation fee since she will no longer be transferring her license from inactive to active.

A motion was made by Dr. Favreau and seconded by Dr. Harfst to refund Dr. Patel the \$150.00 reactivation fee. The Board will advise Dr. Patel that it is statutorily mandated that each new applicant applying for a TPA certification meet all requirements to use and prescribe oral and topical medications as that is the educational standard required of currently enrolled students. The Board will advise Dr. Patel that upon activation of her New

Jersey optometric license, and in order to qualify to apply for a TPA certification to use and prescribe oral and topical medications she must take and pass the thirty (30) hour credentialing course in accordance with N.J.A.C. 13:38-4.3 and 4.4. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Steven Weisfeld, O.D.
RE: Generic Equivalent Contact Lenses

Dr. Weisfeld asked the Board for its opinion regarding the sale and prescription writing of generic equivalent contact lenses. Dr. Weisfeld also inquired whether the applicability of generic equivalent substitutions is a required element of the contact lens prescription.

A motion was made by Dr. Favreau and seconded by Dr. Harfst to advise Dr. Weisfeld that the applicability of generic equivalent substitutions are not a required element of the contact lens prescription. The Board will also advise Dr. Weisfeld that it is not aware of the FDA generic equivalent substitutions and will request that Dr. Weisfeld provide the Board with a copy of the FDA guidelines that govern the generic contact lens substitutions. A vote was taken and the motion carried by a unanimous vote.

IV. For Your Information

A. Association of Regulatory Boards of Optometry
December, 2007 Newsletter - The Green Sheet

The Board reviewed the Association of Regulatory Boards of Optometry's December, 2007 Newsletter and considered it informational.

B. Notification from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians RE: Cancellation of its December 12, 2007 Board meeting

The Board reviewed a notification from the New Jersey State Board of Ophthalmic Dispensers and Ophthalmic Technicians regarding the cancellation of its December 12, 2007 Board meeting and considered it informational.

C. New Jersey State Board of Medical Examiners
January 9, 2008 Open Agenda of Disciplinary Matters Pending Conclusion The Board reviewed the New Jersey State Board of Medical Examiners' January 9, 2008 Open Agenda of Disciplinary Matters Pending Conclusion and considered it informational.

D. New Jersey State Board of Medical Examiners
November 14, 2007 Open Board Minutes

The Board reviewed the New Jersey State Board of Medical Examiners' November 14, 2007 Open Board Minutes and considered them informational.

E. New Jersey State Board of Medical Examiners
November 14, 2007 Open Minutes of Disciplinary Matters
Pending Conclusion

The Board reviewed the New Jersey State Board of Medical Examiners' November 14, 2007 Open Minutes of Disciplinary Matters Pending Conclusion and considered them informational.

Upon a motion by Dr. Harfst and seconded by Dr. Favreau, the Board voted to go into Executive Session to discuss the following matters involving investigations or violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Three matters filed with the board which requires review and additional recommendations with regard to investigations and/or actions.

2. Eleven matters where additional information has been submitted to the Board concerning pending investigations.

V. Adjournment

A motion was made by Dr. Harfst and seconded by Dr. Favreau 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,

Leonard Steiner, O.D.
Board President