

**New Jersey State Board of Optometrists
Regular Session Minutes
January 25, 2006**

A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 7th floor on Wednesday, January 25, 2006. Mitchell Fink, 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:

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

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 2006

Executive Director, Susan H. Gartland, took the chair to conduct the election of Board Officers for 2006.

Mrs. Gartland called for nominations for President and a motion was made by Dr. Steiner and seconded by Dr. Collazo to nominate Dr. Fink for President of the Board for 2006. Mrs. Gartland called for further nominations and there were none. Dr. Steiner then made a motion, seconded by Dr. Collazo to close the nominations and elect Dr. Fink 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. Fink and seconded by Dr. Collazo to nominate Dr. Steiner for Vice President of the Board for 2006. Mrs. Gartland called for further nominations and there were none. Dr. Fink then made a motion, seconded by Dr. Collazo to close the nominations and elect Dr. Steiner 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. Steiner and seconded by Dr. Fink to nominate Dr. Collazo for Secretary of the Board for 2006. Mrs. Gartland called for further nominations and there were none. Dr. Steiner then made a motion, seconded by Dr. Fink to close the nominations and elect Dr. Collazo Secretary of the Board by acclamation. The vote of the Board was unanimous.

III. Approval of Regular Session Minutes

A. December 21, 2005

A motion was made by Dr. Collazo and seconded by Dr. Florio to approve the December 21, 2005 Regular Session Minutes as presented. A vote was taken and the motion carried by a unanimous vote.

IV. New Business

A. Assembly No. 2016

(Synopsis - Permits health care professionals to refuse to perform or assist in health care services that violate their religious, moral, or ethical convictions.)

A motion was made by Dr. Steiner and seconded by Dr. Collazo to advise its legislative liaison that the Board does not support A-2016 as it is not in the best interest of the consumers of New Jersey. The personal religious, moral, or ethical beliefs of the health care provider should be kept separate from the services rendered by the licensed health care professional as it may impact the safety and welfare of a patient who does not receive proper care in a timely manner. A vote was taken and the motion carried by a unanimous vote.

B. Memorandum from the National Board of Examiners in Optometry
RE: List of Potential Examiners for April 2006 Clinical Skills Examination

The National Board of Examiners in Optometry supplied the Board with a list of potential examiners for the April 2006 Clinical Skills Examination and asked that they identify the optometrists licensed in the State of New Jersey who the Board would object to as an examiner. After the Board reviewed the list of potential examiners for the April 2006 Clinical Skills Examiner, a motion was made by Dr. Steiner and seconded by Dr. Collazo to approve all the optometrists on the list whose licenses are active and in good standing in the State of New Jersey. The Board reserves any judgment on the optometrists who have a license in New Jersey on inactive status and practice in another State. A vote was taken and the motion carried by a unanimous vote.

IV. Old Business

A. New Jersey State Board of Optometrists
Proposed Readoption with Amendments: N.J.A.C. 13:38

A motion was made by Dr. Steiner and seconded by Dr. Collazo to approve the responses to the comments and adopt the regulation as proposed. A vote was taken and the motion carried by a unanimous vote.

B. Recommendation from a Committee of the Board
RE: N.J.A.C. 13:38-2.11

A Committee of the Board thoroughly reviewed issues raised by the Division of Consumer Affairs concerning possible amendments to N.J.A.C. 13:38-2.11. The Committee recommended that the Board not amend N.J.A.C. 13:38-2.11 as the regulation clearly identifies the exact procedures that a New Jersey licensed optometrist can and cannot delegate to ancillary personnel. The regulation also clearly states that the procedures that can be delegated to ancillary personnel must be performed under the direct supervision of the optometrist and the optometrist is fully responsible and accountable for the delegated tasks performed.

V. For Your Information

A. Notification from Leonardo Miro, O.D.
RE: Closing of optometric office

In accordance with N.J.A.C. 13:38-6.1(f), Dr. Miro published a notice of cessation and the established procedure for the retrieval of records in a newspaper and provided the Board with a copy of the newspaper notice as well as the notice he sent to his patients. The Board will keep this information in Dr. Miro's licensee file.

B. Signed Assurance of Voluntary Compliance letter

1. Mark Pollack, O.D.

The Board is in receipt of a signed Assurance of Voluntary Compliance letter from Mark Pollack, O.D. for violation of N.J.A.C. 13:38-1.2(l) General advertising practices. An Assurance of Voluntary Compliance letter is a letter of warning with no disciplinary action taken against Dr. Pollack. The Board considers this matter to be

concluded.

C. Signed Settlement letter - Walter Donach, O.D.

The Board is in receipt of a signed Settlement letter from Dr. Donach for violation of N.J.S.A. 45:12-9.3 Credits necessary; N.J.A.C. 13:38-4.5 Biennial TPA certification renewal; and N.J.S.A. 45:1-21(b) Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions. The Board considers this matter to be concluded.

D. Signed Settlement letter - Robert Meade, O.D.

The Board is in receipt of a signed Settlement letter from Dr. Meade together with a check in the amount of \$250.00 for violation of N.J.S.A. 45:12-9.3 Credits necessary; N.J.A.C. 13:38-4.5 Biennial TPA certification renewal; and N.J.S.A. 45:1-21(b) Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions. The Board considers this matter to be concluded.

E. Final Order of Discipline filed December 21, 2005 in the matter of Nancy Laifer, O.D.

The Board is in receipt of a Final Order of Discipline filed December 21, 2005 from Dr. Laifer together with a check in the amount of \$3,500.00 for violation of N.J.S.A. 45:12-9.3 Credits necessary; N.J.A.C. 13:38-4.5 Biennial TPA certification renewal; and N.J.S.A. 45:1-21(b) Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions. The Board considers this matter to be concluded.

F. Final Order of Discipline filed December 21, 2005 in the matter of Robert Tricarico, O.D.

The Board is in receipt of a Final Order of Discipline filed December 21, 2005 from Dr. Tricarico together with a check in the amount of \$2,000.00 for violation of N.J.S.A. 45:12-9.3 Credits necessary; N.J.A.C. 13:38-4.5 Biennial TPA certification renewal; and N.J.S.A. 45:1-21(b) Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions. The Board considers this matter to be concluded.

G. Final Order of Discipline filed December 21, 2005 in the matter of Beth Rosenblatt, O.D.

The Board is in receipt of a Final Order of Discipline filed December 21, 2005 from Dr. Rosenblatt together with a check in the amount of \$3,500.00 for violation of N.J.S.A. 45:12-9.3 Credits necessary; N.J.A.C. 13:38-4.5 Biennial TPA certification renewal; and N.J.S.A. 45:1-21(b) Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions. The Board considers this matter to be concluded.

H. Signed Settlement letter - Harry Kirsch, O.D.

The Board is in receipt of a signed Settlement letter from Dr. Kirsch together with a check in the amount of \$2000.00 for violation of N.J.S.A. 45:12-9.3 Credits necessary; N.J.A.C. 13:38-4.5 Biennial TPA certification renewal; and N.J.S.A. 45:1-21(b) Grounds for refusal to admit to examination or denial, suspension or revocation of any certificate, registration or license; definitions. The Board considers this matter to be concluded.

VI. Adjournment

A motion was made by Dr. Collazo and seconded by Dr. Steiner to adjourn the Regular Session Meeting at 3:00 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Susan H. Gartland

Executive Director