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New Jersey State Board of Optometrists
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New Jersey State Board of Optometrists

Regular Session Minutes

February 16, 2011

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A regular meeting of the New Jersey State Board of Optometrists was held at 124 Halsey Street, Newark on the 6th floor on Wednesday, February 16, 2011. **Mitchell Fink, O.D., President of the Board**, announced that pursuant to the Open Public Meetings Act 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 9:30 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

CLARIBEL AZCONA-BARBER	Present
DANIEL DESRIVIERES, O.D.	Present
GIGETTE COLLAZO HARFST, O.D.	Present
MITCHELL FINK, O.D.	Present
JOHN FLORIO, O.D.	Present

Also present were: **OLGA BRADFORD, Deputy Attorney General; LISA AFFINITO, Executive Director**

Members of the public: Howard Cooper, Executive Director of the New Jersey Society of Optometric Physicians

- I. Public Comment**
- II. Approval of Regular Session Minutes**
 - A. December 15, 2010

A motion was made by Dr. Harfst and seconded by Dr. Florio to approve the December 15, 2010 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. Election of Officers for 2011

Lisa Affinito, Executive Director, took the chair to conduct the election of Board Officers for 2011.

Ms. Affinito called for nominations for President and a motion was made by Dr. Harfst and seconded by Dr. Desrivieres to nominate Dr. Fink for President of the Board for 2011. Ms. Affinito called for further nominations and there were none. Mrs. Barber then made a motion, seconded by Dr. Desrivieres to close the nominations and elect Dr. Fink President of the Board by acclamation. The vote of the Board was unanimous.

Ms. Affinito called for nominations for Vice President and a motion was made by Dr. Florio and seconded by Dr. Fink to nominate Dr. Harfst for Vice President of the Board for 2011. Ms. Affinito called for further nominations and there were none. Dr. Fink then made a motion, seconded by Dr. Desrivieres to close the nominations and elect Dr. Harfst Vice President of the Board by acclamation. The vote of the Board was unanimous.

Ms. Affinito called for nominations for Secretary and a motion was made by Dr. Fink and seconded by Dr. Harfst to nominate Dr. Florio for Secretary of the Board for 2011. Ms. Affinito called for further nominations and there were none. Dr. Harfst then made a motion, seconded by Dr. Fink to close the nominations and elect Dr. Florio Secretary of the Board by acclamation. The vote of the Board was unanimous.

IV. New Business

- A. Letter from Phyllis Bright
RE: Patient Records

Ms. Bright inquired about the time frame in which an optometrist has to release a copy of a patient record, eyeglass prescription and contact lens prescription to a patient after the patient makes their request for a copy of their record or prescription.

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to advise Ms. Bright that upon the patient's written request, a copy of a patient's record must be released to the patient as soon as reasonably possible. The Board will also advise Ms. Bright that the patient's eyeglass prescription must be released to the patient after the completion of the patient's comprehensive eye examination in accordance with N.J.A.C. 13:38-6.1(d). The Board will further advise Ms. Bright that a copy of the patient's contact lens prescription must be released to the patient upon completion of the contact lens fitting in accordance with N.J.A.C. 13:38-6.1(c). A vote was taken and the motion carried by a unanimous vote.

- B. Letter from Frederick Bell, O.D.
RE: Licensure Status

Dr. Bell wrote the Board and informed them that he is closing his office and is retiring from practice but would like to keep his license on active status.

A motion was made by Dr. Harfst and seconded by Mrs. Barber to advise Dr. Bell that he must place his license on inactive status if he is not practicing. The Board will remind Dr. Bell that he must comply with the regulation N.J.A.C. 13:38-6.1(e) which requires a licensee who ceases to engage in practice to establish a procedure by which patients may obtain their records and publish a notice of cessation and the established procedure for the retrieval of the records in a newspaper of general circulation in the geographic location of the licensee's practice. A vote was taken and the motion carried by a unanimous vote.

- C. Letter from Gillian Hayes, O.D.
RE: Credentialing Course

Dr. Hayes graduated from a college of optometry in June of 2005. Dr. Hayes inquired whether she would be eligible to apply for an oral certification.

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres that based upon the information she supplied, she would be eligible to apply for an oral certification. A vote was taken and the motion carried by a unanimous vote.

- D. The Association of Regulatory Boards of Optometry
2011 Annual Meeting (June 12-14, 2011)

A motion was made by Dr. Desrivieres and seconded by Dr. Florio to inform the Division of Consumer Affairs that the Board is interested in sending the Vice President, Gigette Collazo Harfst, O.D. to the Association of Regulatory Boards of Optometry's 2011 Annual Meeting. A vote was taken and the motion carried by a unanimous vote.

- E. Memorandum from the National Board of Examiners in Optometry
RE: List of Potential Examiners for April 2011 Clinical Skills Examination

The National Board of Examiners in Optometry supplied the Board with a list of potential examiners for the April 2011 Clinical Skills Examination and asked that the Board identify an optometrist licensed in the State of New Jersey who the Board would object to as an examiner. After the Board reviewed the list, a motion was made by Dr. Harfst and seconded by Mrs. Barber to approve all the optometrists on the list whose licenses are active 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.

- F. March 16, 2011 New Jersey State Board of Optometrists meeting

A motion was made by Dr. Harfst and seconded by Dr. Desrivieres to adjourn the Board's March 16, 2011 meeting due to lack of a quorum. A vote was taken and the motion carried by a unanimous vote.

IV. Informational

- A. Division of Consumer Affairs
Office of the Director Legislative Affairs
Fourth Quarter Legislation Report to the Board of Optometry

The Board reviewed the fourth quarter legislation report and considered it informational.

Upon a motion made by Dr. Harfst and seconded by Dr. Desrivieres, 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. A vote was taken and the motion carried by a unanimous vote.

1. One matters filed with the board which require review and additional recommendations with regard to investigation and/or actions.
2. Six 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. Florio to adjourn the Regular Session Meeting at 12:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Affinito
Executive Director