

**New Jersey State Board of Optometrists
Regular Session Minutes
February 19, 2003**

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 19, 2003. 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 9:55 A.M. A roll call was taken and the following attendance was recorded:

GORDON COMPTON	Present
MITCHELL FINK, O.D.	Present
JOSEPH SCHKOLNICK, O.D.	Present
LEONARD STEINER, O.D.	Present
LEONARD STRULOWITZ, O.D.	Present
RALPH WHITE	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. Approval of Regular Session Minutes

A. January 15, 2003

A motion was made by Dr. Fink and seconded by Mr. Compton to accept the January 15, 2003 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. New Business

A. Letter from the New Jersey Society of Optometric Physicians RE: Low Vision Care

The New Jersey Society of Optometric Physicians advised the Board that the "Healthsouth Rehabilitation Center" has promotional literature that includes low vision care. The Board will write the "Healthsouth Rehabilitation Center" and inquire whether there are optometrists or ophthalmologists on premises or if they solely refer patients to an optometrist or ophthalmologist for low vision. The Board will further ask that they provide an explanation of the organizational structure of the rehabilitation team and its function. The Board will advise the "Healthsouth Rehabilitation Center" that if an optometrist practices at its facility, the name and license number of the optometrist must be disclosed in the promotional literature in accordance with N.J.A.C. 13:38-1.4(d), "In all advertisements for optometric materials and services at a particular location or group of locations, the name and license number of at least one licensee responsible for optometric practice at the individual location or group of locations shall be disclosed".

B. Letter from the New Jersey Society of Optometric Physicians
RE: Determination of COPE TPA/Regular Credit

The New Jersey Society of Optometric Physicians asked the Board to advise them whether they would identify whether they would accept the three Council of Optometric Practitioner Education (COPE) approved courses mentioned in their letter as TPA or regular credit. The Board will advise the New Jersey Society of Optometric Physicians that they should use the guideline for COPE courses that they submitted to the Board in September of 2002 to determine between TPA and regular credit for the three courses.

C. Letter from Paul Naftali, O.D.
RE: N.J.A.C. 13:38-1.2(l)

Dr. Naftali inquired whether his license and certification number had to be included on stationary, invoices, statements, business cards, newsletter for marketing, or on his front door. The Board will advise Dr. Naftali that he must include his license and certification number on business cards, newsletter for marketing, and on his front door. The Board will advise Dr. Naftali that he does not have to include his license and certification number on his stationery, invoices, or statements if he does not list or mention any optometric services. If he does list or mention optometric services on his stationary, invoices, or statements, it is considered advertising and he must include his license and certification number on them.

IV. Old Business

A. Draft Advertising Policy submitted by Joseph Schkolnick, O.D.
RE: N.J.A.C. 13:38-1.2(l) "An optometrist shall include his or her license and certification number in all advertisements."

A motion was made by Dr. Schkolnick and seconded by Dr. Strulowitz to accept the advertising policy as presented. The advertising policy states, "The New Jersey State Board of Optometrists does not consider the need to include an optometrist's license and T.P.A. certification number in the following forms of communication: a) professional letterhead or stationery that do not list or mention any optometric services; b) phone directory listings that do not mention any (specific) optometric services (i.e., listings that only include the licensee's name, address, and phone number); c) bills and receipts that do not list or mention any optometric services; d) print or electronic news pieces that are NOT paid for by the licensee or anyone acting on his or her behalf; e) articles written by a licensee appearing in a professional journal or professional publication; and f) correspondence with other healthcare professionals". A vote was taken and the motion carried by a unanimous vote.

V. For Your Information

A. Notification from the Association of Regulatory Boards of Optometry
RE: Development and publication of a new form for reporting complications due to contact lenses dispensed without a valid prescription

The Board reviewed the notification from the Association of Regulatory Boards of Optometry concerning the development and publication of a new form for reporting complications due to contact lenses dispensed without a valid prescription and considered it informational.

B. Final Decision and Order After UPL Explanation
In the matter of Nilesh Patel, O.D.

The Board is in receipt of a Final Decision and Order After UPL Explanation filed December 18, 2002 from Dr. Patel and a check in the amount of two hundred and fifty dollars (\$250.00) for violation of N.J.A.C. 13:38-1.2(c)6 General advertising practices and N.J.A.C. 13:38-1.4(d) Optometric practice under assumed names and disclosure of practitioner names. The Board now considers this matter to be concluded.

C. Notification from the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians

RE: Cancellation of its February 12, 2003 Meeting

The Board reviewed the notification from the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians regarding the cancellation of its February 12, 2003 Meeting and considered it informational.

D. The New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians April, 2002 through December, 2002 Regular Session Minutes

The Board reviewed the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians April, 2002 through December, 2002 Regular Session Minutes and considered it informational.

E. Memorandum from Lawrence O'Reilly, Assistant Attorney General

RE: Approval of the New Jersey State Board of Optometrists elected officers for 2003-2004

The Board reviewed the memorandum from Lawrence O'Reilly, Assistant Attorney General, regarding approval of the New Jersey State Board of Optometrists elected officers for 2003-2004 and considered it informational.

VI. Adjournment

A motion was made by Dr. Strulowitz and seconded by Mr. Compton to go into Regular Session to adjourn the Meeting at 2:20 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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