

**New Jersey State Board of Optometrists
Regular Session Minutes
February 20, 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, February 20, 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. Absent
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. January 16, 2008

A motion was made by Dr. Harfst and seconded by Dr. Favreau to approve the January 16, 2008 Regular Session Minutes as amended. A vote was taken and the motion carried by a unanimous vote.

III. Election of Officers for 2008

Deputy Attorney General, Carmen Rodriguez, took the chair to conduct the election of Board Officers for 2008.

D.A.G. Rodriguez called for nominations for President and a motion was made by Dr. Harfst and seconded by Mr. Bent to nominate Dr. Steiner for President of the Board for 2008. D.A.G. Rodriguez called for further nominations and there were none. Dr. Harfst then made a motion, seconded by Mr. Bent to close the nominations and elect Dr. Steiner President of the Board by acclamation. The vote of the Board was unanimous.

D.A.G. Rodriguez called for nominations for Vice President and a motion was made by Dr. Steiner, seconded by Dr. Favreau to nominate Dr. Harfst for Vice President of the Board for 2008. D.A.G. Rodriguez called for further nominations and there were none. Dr. Steiner then made a motion, seconded by Dr. Favreau to close the nominations and elect Dr. Harfst Vice President of the Board by acclamation. The vote of the Board was unanimous.

D.A.G. Rodriguez called for nominations for Secretary and a motion was made by Dr. Steiner, seconded by Mr. Bent to nominate Dr. Favreau for Secretary of the Board for 2008. D.A.G. Rodriguez called for further nominations and there were none. Dr. Steiner then made a motion, seconded by Mr. Bent to close the nominations and elect Dr. Favreau Secretary of the Board by acclamation. The vote of the Board was unanimous.

IV. New Business

A. Letter from Melissa Padilla, Director of Continuing Education at the Pennsylvania College of Optometry RE:

Credentialing Course

Ms. Padilla, Director of Continuing Education at the Pennsylvania College of Optometry wrote the Board concerning the oral therapeutic pharmaceutical agent certification and credentialing course, specifically the CPR component.

A motion was made by Mr. Bent and seconded by Dr. Harfst to advise the Pennsylvania College of Optometry that individuals taking the credentialing course can complete the 8-hour CPR component via the American Heart Association or the American Red Cross, as long as the CPR course is taken contemporaneously with the credentialing course or immediately after the credentialing course and provided the Pennsylvania College of Optometry ("PCO") approves the CPR course given by the American Heart Association and/or the American Red Cross as meeting the requirements of the Board as set forth in the NJ Oral drug course outline.

The Board will further advise PCO that written verification of successful completion of the oral therapeutic pharmaceutical agent certification credentialing course for those who have completed the course work as well as those who have successfully passed the test cannot be issued until the individual has completed the CPR component and has provided to PCO the appropriate documentation from the American Heart Association and/or the American Red Cross supporting successful completion of the CPR course. Thus, PCO is required by the Board to verify that the candidate has satisfactorily met the 8 hours of CPR required in the course outline as the CPR course hours are a component of the oral pharmaceutical agent credentialing course. A vote was taken and the motion carried by a unanimous vote.

B. Letter from Robert Duszak, O.D.
RE: Oral Credentialing Course

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.

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. In order to qualify to apply for a TPA certification to use and prescribe oral and topical medications each applicant must take and pass the oral credentialing course in accordance with N.J.A.C. 13:38-4.3 and 4.4.

Dr. Duszak wrote the Board concerning the unavailability of the oral credentialing course. Dr. Duszak advised the Board that he applied for a New Jersey optometric license and found that the oral credentialing course that he needs to take and pass in order to apply for a TPA Certification is not currently available.

A motion was made by Dr. Favreau and seconded by Dr. Harfst to advise Dr. Duszak that he can become licensed to practice optometry in the State of New Jersey but he cannot prescribe topical or oral medications until he takes and passes the oral credentialing course and receives a Certification number from the New Jersey State Board of Optometrists. The oral credentialing course was offered five times throughout the State of New Jersey in 2007 and will be offered again by the Pennsylvania College of Optometry in May of 2008. A vote was taken and the motion carried by a unanimous vote.

V. For Your Information

A. Signed Settlement letter - Richard Frankel, O.D.

The Board is in receipt of a signed Settlement letter from Dr. Frankel together with a check in the amount of \$500.00 for violation of N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3. The Board considers this matter to be concluded.

B. Final Order of Discipline filed December 21, 2007 in the matter of Sidney Albert, O.D.

The Board is in receipt of a Final Order filed December 21, 2007 in the matter of Sidney Albert, O.D. for violation of N.J.S.A. 45:12-9.3 and N.J.A.C. 13:38-7.3. Dr. Albert has agreed to surrender his license to practice optometry with prejudice. The Board considers this matter to be concluded.

Upon a motion by Mr. Bent 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. Four matters filed with the board which requires review and additional recommendations with regard to investigations and/or actions.
2. Six matters where additional information has been submitted to the Board concerning pending investigations.

VI. Adjournment

A motion was made by Dr. Harfst and seconded by Dr. Favreau to adjourn the Regular Session Meeting at 2:05 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Leonard Steiner, O.D.
Board President